



# **AGENDA**

## **REGULAR MEETING**

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## **CLAYTON CITY COUNCIL**

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**TUESDAY, March 6, 2018**

**7:00 P.M.**

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

**Mayor:** Keith Haydon

**Vice Mayor:** David T. Shuey

### **Council Members**

Tuija Catalano

Jim Diaz

Julie K. Pierce

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

**\* CITY COUNCIL \***

**March 6, 2018**

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

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

3. **CONSENT CALENDAR**

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

(a) Approve the minutes of the City Council’s regular meeting of February 20, 2018. ([View Here](#))

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

(c) Adopt a Resolution supporting Proposition 68 on the June 2018 statewide ballot: the “California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018.” ([View Here](#))

(d) Adopt a Resolution supporting the “Reducing Crime and Keeping California Safe Act of 2018” ballot initiative. ([View Here](#))

(e) Adopt a Resolution appointing Ted Sudderth, Doris Ward, and William Wiggins to the Trails and Landscaping Citizens Advisory Committee for the terms of office to expire December 31, 2018. ([View Here](#))

4. **RECOGNITIONS AND PRESENTATIONS**

(a) Recognition of retiring Clayton Police Officer Allen White in appreciation for his local law enforcement services to the Clayton community from August 2000 through February 2018.

(b) Certificates of Recognition to Clayton Valley Charter High School students for exemplifying the “Do the Right Thing” character trait of “Kindness” during the months of November and December 2017. ([View Here](#))

(c) Certificates of Recognition to public school students for exemplifying the “Do the Right Thing” character trait of “Self-Discipline” during the months of January and February 2018. ([View Here](#))

(d) Issuance of a Proclamation declaring March 2018 as “American Red Cross Month” in the City of Clayton. ([View Here](#))

## 5. **REPORTS**

- (a) Planning Commission – Commissioner Peter Cloven.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.
- (e) Other

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

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

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

## 7. **PUBLIC HEARINGS** – None.

## 8. **ACTION ITEMS**

- (a) Consider an independent safety inspection report on the existing North Valley Park playground and surrounding areas, and provide direction to staff regarding the extent of improvements to the park's resilient play surface, new playground apparatus, sheltered picnic canopies, and shade trees. (ref. North Valley Park Rehabilitation Project - CIP No. 10442) ([View Here](#))  
(Maintenance Supervisor)

Staff recommendation: Following staff presentation and opportunity for public comments, that Council provide staff with it direction on the scope of improvements in the proposed public park rehabilitation project.

- (b) Consider a proposal by Clayton Valley Little League (CVLL) for a partnership with the City involving designation of Clayton Community Park as its home fields to include CVLL in-kind maintenance, in-park storage, and a permanent batting cage location. ([View Here](#))  
(Vice Mayor Shuey)

Staff recommendation: Following staff presentation and opportunity for public comments, that City Council provide general policy direction regarding a partnership with Clayton Valley Little League involving Clayton Community Park.

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

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**

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

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

Agenda Date: 3-06-2018

Agenda Item: 3a

TUESDAY, February 20, 2018

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Haydon in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Haydon, Vice Mayor Shuey, and Councilmembers Catalano and Pierce. Councilmembers absent: Councilmember Diaz. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Police Chief Elise Warren, Finance Manager Kevin Mizuno, City Engineer Scott Alman, Community Development Director Mindy Gentry, and City Clerk/HR Manager Janet Brown.

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

3. **CONSENT CALENDAR**

It was moved by Vice Mayor Shuey, seconded by Councilmember Pierce, to approve the Consent Calendar as submitted. (Passed; 4-0 vote).

- (a) Approved the minutes of the City Council's regular meeting of February 6, 2018.
- (b) Approved the Financial Demands and Obligations of the City.
- (c) Adopted Resolution No. 3-2018 declaring a 2008 Ford Crown Victoria vehicle (Unit 1731) as property surplus to the City's needs and authorizing its disposal by the City Manager at public auction.
- (d) Approved the City Engineer's recommended list of local streets for inclusion in the City's 2018 Neighborhood Street Repave Project.
- (e) Adopted Resolution No. 4-2018 opposing statewide efforts to repeal Senate Bill 1, "The Road Repair and Accountability Act of 2017," and supporting Proposition 69 on the June 2018 state ballot to prohibit the State of California from diverting SB 1 monies to ensure the funds are used as intended for transportation improvement projects.

4. **RECOGNITIONS AND PRESENTATIONS**

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

Mayor Haydon presented Joseph Kreins, City of Clayton's former Interim Chief a plaque in appreciation for his valued civic service to the Clayton community. Mr. Kreins remarked he enjoyed his interim time with the City and then presented City Manager, Gary Napper, with a LA Dodger's T-Shirt displaying "Manager 00" on the back.

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

The City Clerk administered the Oath of Office to Clayton's new Chief of Police, Elise Warren. Chief Warren's daughter Jessica then pinned the chief's badge to her mother's police uniform.

Chief Warren stated it is has been a wonderful first week and have never felt so welcomed. She is looking forward to leading a very capable Police Department and the great things its future holds.

Members of the Clayton City Council also welcomed Chief Warren.

7:09 p.m. Social Break

Mayor Haydon called for a short break in the Council proceedings so attendees in the audience and members of the City Council could meet and chat with Clayton's new Chief of Police.

7:21 p.m. Mayor Haydon called the Clayton City Council meeting back to order.

**5. REPORTS**

- (a) Planning Commission – No meeting held.

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

Vice Mayor Shuey provided the report on the Trails and Landscaping Committee meeting of February 12, 2018 due to his attendance as the City Council liaison. He noted a lengthy discussion of weed spraying done by City crews which included adding a dye to the spray to assist the public's awareness of recent weed spraying. The TLC suggested a future Mayor's column encouraging citizens to report items observed throughout the city, such as a tree that has fallen, as City personnel cannot be everywhere and are not always receiving notification of such occurrences. The TLC Committee also reviewed the recent clarifications adopted by the City Council on the roles of the advisory committee.

Mayor Haydon invited Brandon Bratcher forward, from the Field Office of Congressman Mark DeSaulnier, who read a letter of congratulations to incoming Police Chief Elise Warren on behalf of Congressman DeSaulnier. Mayor Haydon indicated staff would make sure Chief Warren receives the letter.

- (c) City Manager/Staff – No Report.

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

Councilmember Catalano attended Council Budget Sub-Committee meeting last week.

Councilmember Pierce attended the Association of Bay Area Government Regional Planning Committee meeting, the TRANSPAC Board meeting, six Metropolitan Transportation Commission's committee and Board meetings, the Clayton Museum's 41<sup>st</sup> Annual Camellia Tea event, and a Bay Area Regional Collaborative meeting.

Mayor Haydon attended the Central Contra Costa Transit Authority's [County Connection] Finance Committee meeting, the Clayton Museum 41<sup>st</sup> Annual Camellia Tea event, the Council Budget Sub-Committee meeting, and the Central Contra Costa Transit Authority's Board of Directors meeting.

- (e) Other – None.

## 6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Ann Stanaway, 1553 Haviland Place, indicted crime in Clayton is on the rise, there is a system of patronize here, and criminals have found the Council asleep at the wheel. She expressed her continued concern for the safety of emergency and first responders in Clayton.

## 7. PUBLIC HEARINGS

- (a) Review of the City's Mid-Year Budget status, report for Fiscal Year 2017-2018 and recommendations of mid-year adjustments.

(Finance Manager; Council Budget/Audit Sub-Committee)

Finance Manager Kevin Mizuno provided the financial summary noting the current budget was adopted by the City Council on June 20, 2017, which included an anticipated budgetary excess of \$10,830 in the General Fund.

The City Council Budget Sub-Committee recently met with the City Manager and the Finance Manager on February 14<sup>th</sup> to review the Mid-Year Budget results. Mr. Mizuno noted mid-year expenditures (55.13%) are currently outpacing revenues (53.09%) yet all the line items are on target with the budget projection and this measurement is not unusual as fixed annual costs are often paid in full at the beginning of the fiscal year. Expenditures are higher at the mid-year point due to some obligations are non-linear in nature, such as insurance premiums, and the City prepaid its CalPERS unfunded liability actuarial expense upfront in July, which action results in some savings to the budget by not paying CalPERS any interest on the balance due.

General Fund revenues at mid-year: Mr. Mizuno explained some positive revenue variances with a higher than projected increase in assessed values (AV) in the Secured Property Taxes; the budget was adopted with a potential AV growth of 2%, however the City received a letter from the County Assessor after the budget was adopted supporting a projected AV growth of 4.05%. The other area where the City experienced a favorable variance was in Sales and Use Tax revenues; prompted by the CA Department of Finance's unwinding of its "Triple Flip" act that took .25% of the Bradley Burns Tax towards the end of last fiscal year, Sales and Use Taxes should now be coming in around \$14,500 higher than projected.

The Redevelopment Property Tax Trust Fund distribution, the Secured Local Property Taxes, and in-lieu of Vehicle License Fees each had positive effects on City revenues. Mr. Mizuno indicated General Fund expenditures at mid-year are consistent with previous years with the exception of Clayton Community Park irrigation expense due to post-drought reactivation; staff is requesting an additional expense appropriation of \$22,000 to cover that expense. The new Professional Engineering services contract, which was unknown at the time of budget preparation and adoption, also requires an appropriation of \$34,735.

He further noted “no action” is recommended on other significant restricted-use funds at mid-year. Mr. Mizuno concluded his staff report advising several Capital Improvements Projects are in progress including the El Molino Sewer Project, the Keller Ridge Collector Street Repave Project, the El Portal Drive Restoration Project, the 2018 Neighborhood Streets Repave Project, and the Pine Hollow Road Restoration Project.

Mayor Haydon thanked Finance Manager Mizuno for his comprehensive report and then opened the Public Hearing item for public comments. No comments were offered and Mayor Haydon closed the Public Hearing.

Councilmember Pierce thanked staff for its diligence and in keeping a healthy reserve enabling the City to continue General Fund operations for a full year should a disaster to occur. Mayor Haydon noted he attended the Mid-Year review of the Budget at the Council Budget Sub-Committee meeting and Mr. Mizuno provides an excellent description of how we arrived at the current mid-year point with overall excess operating funds still available even with the recommended Mid-Year adjustments.

**It was moved by Councilmember Pierce, seconded by Councilmember Catalano, to adopt Resolution No. 5-2018 amending the Annual Operating Budget of the City of Clayton for the 2017-2018 Fiscal Year commencing July 1, 2017. (Passed; 4-0 vote).**

## **8. ACTION ITEMS**

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

Community Development Director Mindy Gentry presented the staff report noting during the process of addressing policy issues associated with adult-use of cannabis, the City Council requested staff examine the City’s existing no smoking regulations to address new state laws on the smoking and ingesting of cannabis. Current state law does contain limitations on the public consumption of cannabis; however, some existing Municipal Code language is vague so direction has been given to prohibit the smoking of cannabis in same locations where smoking tobacco is also prohibited. Ms. Gentry noted the City’s smoking ordinance was last updated in 1993, and since that time there have been significant changes to state law regarding tobacco use and consumption, and societal shifts in acceptable behavior as it pertains to secondhand smoke. For example, state law prohibits the smoking of tobacco, including electronic cigarettes, in many locations; however, many local jurisdictions are enacting more stringent laws to address complaints and health concerns received from their communities.

Ms. Gentry then presented a series of Policy Questions for City Council to provide direction to staff regarding the preferred content of an updated No Smoking ordinance:

- a. Should the City further regulate tobacco and cannabis products that do not create vapor or smoke? Staff does not recommend this action.
- b. Should the City further regulate smoking at places of employment? Staff recommends smoking be prohibited in all places exempted by the state except retail or wholesale tobacco establishments with a private smokers’ lounge, and establish codified operational and location regulations including no minors, no food or drink available and it must be a standalone building.



c. Should the City regulate smoking in multifamily residential uses? Staff recommends smoking prohibited in enclosed and unenclosed common areas or multifamily residences and within the units of all multifamily residences, including balconies and patios and allow designated smoking areas with a threshold established at two or more units.

d. Should the City regulate smoking in unenclosed spaces? Staff recommends establishment of a 25 feet buffer around The Grove park for concerns with the drifting of secondhand smoke; also prohibit smoking at all outdoor public events, including but not limited to the 4<sup>th</sup> of July parade, the Art & Wine festival, and Oktoberfest; prohibit smoking at unenclosed dining areas; and the establishment of a reasonable smoking distance from any doorway, window, opening, etc.

e. Staff seeks Council input on what level of penalty should be applied for the no smoking violations? Staff recommends allow the penalty to be a "wobbler" between an infraction and a misdemeanor, thereby allowing situational law enforcement discretion; and also allow private citizens to obtain an injunction against individuals or businesses for repeat violations.

f. Ms. Gentry advised state law does not allow the smoking or ingesting of cannabis in a public place, but fails to define "public place". Staff recommends adding a definition of "public place" within the local ordinance for clarity and enforcement purposes, and specify cannabis is not allowed on any City real property.

Vice Mayor Shuey asked if a private citizen wanted to obtain an injunction, would this allow private individuals to go through the court system to obtain. Ms. Gentry and City Attorney Subramanian each advised that is the correct process.

Vice Mayor Shuey also inquired on cannabis not being allowed in public places; is that just for the smoking of it or also ingested? Ms. Gentry advised state law includes both the prohibition of cannabis smoking and ingesting in public, following the same prohibition for the consumption of alcohol in public. Vice Mayor Shuey questioned then why is alcohol consumption allowed in public every other weekend at The Concerts in The Grove? City Manager Napper responded that public alcohol consumption is allowed by the City's Special Use Permit for review and approval for its use in a public park.

Vice Mayor Shuey then inquired if the City would allow ingestible cannabis as well by permit? City Manager Napper advised presently, the City does not have an edible cannabis use permit.

Councilmember Catalano commented since Clayton does not have a lot of multifamily residences, would residences in the Oakhurst and Black Diamond areas that share a common wall be prohibited from smoking in their own unit? Ms. Gentry advised that is correct, that proposal is recommended due to the health dangers of secondhand smoke.

Councilmember Catalano advised the current ordinance prohibits smoking in City parks; is The Grove not considered a City park or are we considering creation of a buffer around it of 25 feet? Ms. Gentry advised currently, someone could smoke on the sidewalk adjacent to the tot lot at The Grove Park and that secondhand smoke could drift into the park and impact children and adults playing in the park. City Manager Napper added the tot lot in The Grove Park is adjacent to the public sidewalk, whereas in other City parks the tot lot is further removed from the public sidewalks.

Councilmember Pierce inquired on notification methods to current and future tenants of multifamily establishments? Ms. Gentry advised a legal notice could be placed in local newspapers of the City Council's action, and then subsequent code enforcement would be a reactionary civil complaint. Councilmember Pierce inquired if the City would enforce a civil complaint? Ms. Gentry advise the City Police Department would enforce if there is a report of violation.

City Manager Napper commented we have not moved fully to the implementation phase of the Ordinance yet and staff would reach out to some of the other communities that have gone through this process to determine appropriate outreach. Perhaps, he suggested, should there be an HOA that had units with shared walls the City could inform the HOA; or if there is an associated property manager holding a City business license, the City could send a letter to that property management company along with a notice with the City business license application.

Councilmember Pierce wondered about the proposed buffer around The Grove Park; Clayton was one of the first in the county to add a no-smoking ordinance in the parks. During Concerts in The Grove, a lot of people ignore the fact there is no smoking allowed in local parks and they gather around the sidewalks while some go across the street in front of the U.S. Post Office; the proposed buffer seems to mean smokers must then go across the street which gets them closer to another establishment, or would they just move to the private parking lot of Village Market where it would not be regulated? Ms. Gentry advised the buffer would still apply for public or private property if it is within 25 feet of the downtown park.

Councilmember Pierce inquired on the policy question on a "reasonable smoking distance" from open doors and windows; is that intended for just the downtown or citywide? Ms. Gentry clarified that would be citywide. Councilmember Pierce noted this would effectively prohibit smoking anywhere within the downtown area and it would be difficult for any of our restaurants to have a designated smoking area without placing that area in front of another business. City Manager Napper responded that question is exactly the reason staff brought this subject to the City Council in advance to establish, via the policy checklist, what content and prohibitions are desired in a revised No Smoking Ordinance such that when staff writes the ordinance for Council consideration, these provisions would already be somewhat addressed and be more comfortable in receiving public input.

Mayor Haydon inquired on regulation of smoking at places of employment in private residences and how that is defined. Ms. Gentry responded private residence businesses require a City-issued home occupation permit; if the home-occupied business has no employees working within the residence, then the prohibition would not apply. Should the home occupation have employees in addition to the owner, the no smoking provisions would then be applicable.

Mayor Haydon opened the item for Public Comment; no comments were offered.

Vice Mayor Shuey remarked he is comfortable with staff's recommendations except for the prohibition for a reasonable distance from establishments having doors and windows that could or would be open. He further recommended a 6, 9 or 12 month City review to determine if there were any infractions or misdemeanors issued.

Councilmember Pierce suggested when this local no-smoking law is introduced to the public we need to encourage people to be neighborly and talk to each other about their concerns. City Manager Napper inquired whether there is any merit, once the draft ordinance is prepared by staff, that it be mailed to local business owners and condo/townhome associations in advance of the Public Hearing and invite them to the meeting? The City Council concurred with that idea to be proactive on outreach of the proposed update to the City's No Smoking regulations.

General policy directions as noted were provided to staff on this subject.

## **9. COUNCIL ITEMS**

a. Councilmember Pierce received an email that a representative is needed to serve on the Citizens Advisory Committee of the Contra Costa Transportation Authority and requested this be addressed in a future Mayor's column.

b. Vice Mayor Shuey requested a discussion take place about a potential partnership between the City and Clayton Valley Little League regarding the sports fields located at Clayton Community Park.

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**– on call by Mayor Haydon, the City Council adjourned its meeting at 8:26 p.m.

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

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Respectfully submitted,

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Janet Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

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Keith Haydon, Mayor

# # # # #



Agenda Date: 3/6/18

Agenda Item: 3b

# STAFF REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: Kevin Mizuno, FINANCE MANAGER**

**DATE: 3/6/18**

**SUBJECT: INVOICE SUMMARY**

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

**RECOMMENDATION:**

**Approve the following Invoices:**

Cash Requirements Report dated 3/2/18	\$150,863.28
ADP Payroll, week 09, PPE 2/25/18	\$85,625.35
<b>Total</b>	<b>\$236,488.63</b>

**Attachments:**

Cash Requirements reports, dated 3/2/18 (4 pages)

ADP Payroll reports, week 09 (1 page)



## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<b>ADP, LLC</b>								
ADP, LLC	3/6/2018	3/6/2018	509368005	Payroll fees PPE 2/11/18	\$159.00	\$0.00		\$159.00
ADP, LLC	3/6/2018	3/6/2018	509497576	W-2s, Processing for Q2 FY 18	\$314.55	\$0.00		\$314.55
				<i>Totals for ADP, LLC:</i>	<u>\$473.55</u>	<u>\$0.00</u>		<u>\$473.55</u>
<b>All City Management Services, Inc.</b>								
All City Management Services, Inc.	3/6/2018	3/6/2018	53172	School crossing guard 1/28/18-2/10/18	\$554.10	\$0.00		\$554.10
				<i>Totals for All City Management Services, Inc.:</i>	<u>\$554.10</u>	<u>\$0.00</u>		<u>\$554.10</u>
<b>Apex Civil Engineering &amp; Land Surveying, Inc</b>								
Apex Civil Engineering & Land Survey	3/6/2018	3/6/2018	1858	Mapping, topographic survey, Pine Hollow R	\$10,300.00	\$0.00		\$10,300.00
				<i>Totals for Apex Civil Engineering &amp; Land Surveying, Inc.:</i>	<u>\$10,300.00</u>	<u>\$0.00</u>		<u>\$10,300.00</u>
<b>AT&amp;T (CalNet3)</b>								
AT&T (CalNet3)	3/6/2018	3/6/2018	10966532	Phones 1/22/18-2/21/18	\$1,645.62	\$0.00		\$1,645.62
				<i>Totals for AT&amp;T (CalNet3):</i>	<u>\$1,645.62</u>	<u>\$0.00</u>		<u>\$1,645.62</u>
<b>Best Best &amp; Kreiger LLP</b>								
Best Best & Kreiger LLP	3/6/2018	3/6/2018	815535	Legal services for January	\$8,500.00	\$0.00		\$8,500.00
Best Best & Kreiger LLP	3/6/2018	3/6/2018	815534	Legal services for January	\$134.00	\$0.00		\$134.00
Best Best & Kreiger LLP	3/6/2018	3/6/2018	815533	Legal services for January	\$1,534.00	\$0.00		\$1,534.00
				<i>Totals for Best Best &amp; Kreiger LLP:</i>	<u>\$10,168.00</u>	<u>\$0.00</u>		<u>\$10,168.00</u>
<b>CalPERS Health</b>								
CalPERS Health	3/6/2018	3/6/2018	15206532	Medical for March	\$29,460.07	\$0.00		\$29,460.07
				<i>Totals for CalPERS Health:</i>	<u>\$29,460.07</u>	<u>\$0.00</u>		<u>\$29,460.07</u>
<b>CalPERS Retirement</b>								
CalPERS Retirement	3/7/2018	3/7/2018	022518	Retirement PPE 2/25/18	\$15,412.86	\$0.00		\$15,412.86
				<i>Totals for CalPERS Retirement:</i>	<u>\$15,412.86</u>	<u>\$0.00</u>		<u>\$15,412.86</u>
<b>CERCO Analytical, Inc.</b>								
CERCO Analytical, Inc.	3/6/2018	3/6/2018	1802089	Well bacteria monitoring 02/18	\$595.00	\$0.00		\$595.00
				<i>Totals for CERCO Analytical, Inc.:</i>	<u>\$595.00</u>	<u>\$0.00</u>		<u>\$595.00</u>
<b>City of Concord</b>								
City of Concord	3/6/2018	3/6/2018	64204	Printing-vehicle release forms	\$29.51	\$0.00		\$29.51
				<i>Totals for City of Concord:</i>	<u>\$29.51</u>	<u>\$0.00</u>		<u>\$29.51</u>
<b>Clean Street</b>								
Clean Street	3/6/2018	3/6/2018	89123	Sweep fee for January	\$4,500.00	\$0.00		\$4,500.00
Clean Street	3/6/2018	3/6/2018	89418	Sweep fee for February	\$4,500.00	\$0.00		\$4,500.00
Clean Street	3/6/2018	3/6/2018	88509	Sweep fee for November	\$4,500.00	\$0.00		\$4,500.00
				<i>Totals for Clean Street:</i>	<u>\$13,500.00</u>	<u>\$0.00</u>		<u>\$13,500.00</u>
<b>Concord Garden Equipment</b>								
Concord Garden Equipment	3/6/2018	3/6/2018	557210	Equipment parts	\$11.46	\$0.00		\$11.46

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Concord Garden Equipment:</i>					\$11.46	\$0.00		\$11.46
<b>Concord Uniforms</b>								
Concord Uniforms	3/6/2018	3/6/2018	13480	Chief uniform	\$1,672.52	\$0.00		\$1,672.52
<i>Totals for Concord Uniforms:</i>					\$1,672.52	\$0.00		\$1,672.52
<b>Contra Costa County Office of the Sheriff (Training)</b>								
Contra Costa County Office of the Sheri	3/6/2018	3/6/2018	5590-23320-17-02	Lidar class, PD	\$204.00	\$0.00		\$204.00
<i>Totals for Contra Costa County Office of the Sheriff (Training):</i>					\$204.00	\$0.00		\$204.00
<b>Contra Costa County Public Works Dept</b>								
Contra Costa County Public Works Dept	3/6/2018	3/6/2018	701534	Traffic signal maintenance for January	\$2,014.24	\$0.00		\$2,014.24
<i>Totals for Contra Costa County Public Works Dept:</i>					\$2,014.24	\$0.00		\$2,014.24
<b>Devil Mountain Wholesale Nursery</b>								
Devil Mountain Wholesale Nursery	3/6/2018	3/6/2018	919342	Plants for Library, landscaping, Jeffery Ranch	\$4,055.15	\$0.00		\$4,055.15
Devil Mountain Wholesale Nursery	3/6/2018	3/6/2018	908490	Replacement Christmas tree, downtown	\$1,001.81	\$0.00		\$1,001.81
<i>Totals for Devil Mountain Wholesale Nursery:</i>					\$5,056.96	\$0.00		\$5,056.96
<b>Express Services, Inc</b>								
Express Services, Inc	3/6/2018	3/6/2018	20176688	PD office temp week end 2/11/18	\$633.12	\$0.00		\$633.12
Express Services, Inc	3/6/2018	3/6/2018	20209298	PD office temp week end 2/18/18	\$633.12	\$0.00		\$633.12
<i>Totals for Express Services, Inc:</i>					\$1,266.24	\$0.00		\$1,266.24
<b>Geoconsultants, Inc.</b>								
Geoconsultants, Inc.	3/6/2018	3/6/2018	18924	Well monitoring for February	\$1,546.50	\$0.00		\$1,546.50
<i>Totals for Geoconsultants, Inc.:</i>					\$1,546.50	\$0.00		\$1,546.50
<b>Globalstar LLC</b>								
Globalstar LLC	3/6/2018	3/6/2018	9116341	Sat phone 2/16/18-3/15/18	\$86.88	\$0.00		\$86.88
<i>Totals for Globalstar LLC:</i>					\$86.88	\$0.00		\$86.88
<b>Hammons Supply Company</b>								
Hammons Supply Company	3/6/2018	3/6/2018	101109	Library janitorial supplies	\$397.84	\$0.00		\$397.84
Hammons Supply Company	3/6/2018	3/6/2018	101110	The Grove janitorial supplies	\$197.04	\$0.00		\$197.04
<i>Totals for Hammons Supply Company:</i>					\$594.88	\$0.00		\$594.88
<b>Health Care Dental Trust</b>								
Health Care Dental Trust	3/6/2018	3/6/2018	239770	Dental for March	\$2,286.16	\$0.00		\$2,286.16
<i>Totals for Health Care Dental Trust:</i>					\$2,286.16	\$0.00		\$2,286.16
<b>Daniel or Carol Henry</b>								
Daniel or Carol Henry	3/6/2018	3/6/2018	021818	EH deposit refund for 2/18/18	\$439.50	\$0.00		\$439.50
<i>Totals for Daniel or Carol Henry:</i>					\$439.50	\$0.00		\$439.50
<b>Innovative Impressions</b>								
Innovative Impressions	3/6/2018	3/6/2018	1116	Concert hats x100	\$1,341.68	\$0.00		\$1,341.68

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Innovative Impressions:</i>					<u>\$1,341.68</u>	<u>\$0.00</u>		<u>\$1,341.68</u>
<b>J&amp;R Floor Services</b>								
J&R Floor Services	3/6/2018	3/6/2018	Two 2018	Janitorial services for February	\$4,970.00	\$0.00		\$4,970.00
<i>Totals for J&amp;R Floor Services:</i>					<u>\$4,970.00</u>	<u>\$0.00</u>		<u>\$4,970.00</u>
<b>Ken Joiret</b>								
Ken Joiret	3/6/2018	3/6/2018	1034	Electrical upgrade for Concerts in The Grove	\$1,130.00	\$0.00		\$1,130.00
<i>Totals for Ken Joiret:</i>					<u>\$1,130.00</u>	<u>\$0.00</u>		<u>\$1,130.00</u>
<b>Brittney LaBrie</b>								
Brittney LaBrie	3/6/2018	3/6/2018	020318	EH deposit refund minus extra hour used	\$819.00	\$0.00		\$819.00
<i>Totals for Brittney LaBrie:</i>					<u>\$819.00</u>	<u>\$0.00</u>		<u>\$819.00</u>
<b>LarryLogic Productions</b>								
LarryLogic Productions	3/6/2018	3/6/2018	1713	City council meeting production 2/20/18	\$360.00	\$0.00		\$360.00
<i>Totals for LarryLogic Productions:</i>					<u>\$360.00</u>	<u>\$0.00</u>		<u>\$360.00</u>
<b>Main Fire Protection Inc.</b>								
Main Fire Protection Inc.	3/6/2018	3/6/2018	821915	Hood service for EH	\$195.59	\$0.00		\$195.59
<i>Totals for Main Fire Protection Inc.:</i>					<u>\$195.59</u>	<u>\$0.00</u>		<u>\$195.59</u>
<b>Matrix Association Management</b>								
Matrix Association Management	3/6/2018	3/6/2018	6090	Diablo Estates management for January	\$4,532.50	\$0.00		\$4,532.50
<i>Totals for Matrix Association Management:</i>					<u>\$4,532.50</u>	<u>\$0.00</u>		<u>\$4,532.50</u>
<b>MPA</b>								
MPA	3/6/2018	3/6/2018	March 18	Life/LTD for March	\$2,182.57	\$0.00		\$2,182.57
<i>Totals for MPA:</i>					<u>\$2,182.57</u>	<u>\$0.00</u>		<u>\$2,182.57</u>
<b>NBS Govt. Finance Group</b>								
NBS Govt. Finance Group	3/6/2018	3/6/2018	11800073	Delinquency mgmt for bonds	\$367.99	\$0.00		\$367.99
<i>Totals for NBS Govt. Finance Group:</i>					<u>\$367.99</u>	<u>\$0.00</u>		<u>\$367.99</u>
<b>Performance Trailer Service</b>								
Performance Trailer Service	3/6/2018	3/6/2018	4102	Radar trailer maintenance	\$529.00	\$0.00		\$529.00
<i>Totals for Performance Trailer Service:</i>					<u>\$529.00</u>	<u>\$0.00</u>		<u>\$529.00</u>
<b>PG&amp;E</b>								
PG&E	3/6/2018	3/6/2018	022118	Energy 1/19/18-2/20/18	\$3,437.79	\$0.00		\$3,437.79
PG&E	3/6/2018	3/6/2018	022118	Energy 12/21/17-2/20/18	\$1,161.71	\$0.00		\$1,161.71
<i>Totals for PG&amp;E:</i>					<u>\$4,599.50</u>	<u>\$0.00</u>		<u>\$4,599.50</u>
<b>Raney Planning &amp; Management, Inc.</b>								
Raney Planning & Management, Inc.	3/6/2018	3/6/2018	1752E-3	Project management for January	\$315.00	\$0.00		\$315.00
<i>Totals for Raney Planning &amp; Management, Inc.:</i>					<u>\$315.00</u>	<u>\$0.00</u>		<u>\$315.00</u>

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<b>Reliable Automotive, LLC</b>								
Reliable Automotive, LLC	3/6/2018	3/6/2018	24739	Repair to '05 Chevy	\$916.67	\$0.00		\$916.67
				<i>Totals for Reliable Automotive, LLC:</i>	<u>\$916.67</u>	<u>\$0.00</u>		<u>\$916.67</u>
<b>Riso Products of Sacramento</b>								
Riso Products of Sacramento	3/6/2018	3/6/2018	180195	Copier contract coverage 1/20/18-2/19/18	\$77.44	\$0.00		\$77.44
				<i>Totals for Riso Products of Sacramento:</i>	<u>\$77.44</u>	<u>\$0.00</u>		<u>\$77.44</u>
<b>Site One Landscape Supply, LLC</b>								
Site One Landscape Supply, LLC	3/6/2018	3/6/2018	84299703	Irrigation supplies	\$6.90	\$0.00		\$6.90
Site One Landscape Supply, LLC	3/6/2018	3/6/2018	84385488	Irrigation supplies	\$2,747.53	\$0.00		\$2,747.53
				<i>Totals for Site One Landscape Supply, LLC:</i>	<u>\$2,754.43</u>	<u>\$0.00</u>		<u>\$2,754.43</u>
<b>Spraytec</b>								
Spraytec	3/6/2018	3/6/2018	14782	Waste water maintenance for November	\$225.00	\$0.00		\$225.00
Spraytec	3/6/2018	3/6/2018	14785	Waste water maintenance for December	\$225.00	\$0.00		\$225.00
Spraytec	3/6/2018	3/6/2018	14788	Waste water maintenance for January	\$225.00	\$0.00		\$225.00
				<i>Totals for Spraytec:</i>	<u>\$675.00</u>	<u>\$0.00</u>		<u>\$675.00</u>
<b>Stericycle Inc</b>								
Stericycle Inc	3/6/2018	3/6/2018	3004165430	Medical waste disposal for March	\$106.16	\$0.00		\$106.16
				<i>Totals for Stericycle Inc:</i>	<u>\$106.16</u>	<u>\$0.00</u>		<u>\$106.16</u>
<b>Thomson Reuters-West</b>								
Thomson Reuters-West	3/6/2018	3/6/2018	6120040405	Penal code books	\$166.27	\$0.00		\$166.27
				<i>Totals for Thomson Reuters-West:</i>	<u>\$166.27</u>	<u>\$0.00</u>		<u>\$166.27</u>
<b>Turf Star, Inc.</b>								
Turf Star, Inc.	3/6/2018	3/6/2018	356039-00	Equipment parts	\$1,049.40	\$0.00		\$1,049.40
				<i>Totals for Turf Star, Inc.:</i>	<u>\$1,049.40</u>	<u>\$0.00</u>		<u>\$1,049.40</u>
<b>Warner Brothers Tree Service</b>								
Warner Brothers Tree Service	3/6/2018	3/6/2018	14143	Tree work, Clayton Rd Median	\$3,780.00	\$0.00		\$3,780.00
Warner Brothers Tree Service	3/6/2018	3/6/2018	14142	Tree work, Diablo Creek Trail	\$14,475.00	\$0.00		\$14,475.00
				<i>Totals for Warner Brothers Tree Service:</i>	<u>\$18,255.00</u>	<u>\$0.00</u>		<u>\$18,255.00</u>
<b>Workers.com</b>								
Workers.com	3/6/2018	3/6/2018	121446	Seasonal workers week end 2/18/18	\$4,152.28	\$0.00		\$4,152.28
Workers.com	3/6/2018	3/6/2018	121387	Seasonal workers week end 2/11/18	\$4,049.75	\$0.00		\$4,049.75
				<i>Totals for Workers.com:</i>	<u>\$8,202.03</u>	<u>\$0.00</u>		<u>\$8,202.03</u>
<b>GRAND TOTALS:</b>					<b>\$150,863.28</b>	<b>\$0.00</b>		<b>\$150,863.28</b>








Agenda Date: 3-06-2018

Agenda Item: 3c

Approved:

  
Gary A. Napper  
City Manager

# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: CITY MANAGER**

**DATE: 06 MARCH 2018**

**SUBJECT: RESOLUTION SUPPORTING PROPOSITION 68 ON THE JUNE 2018 STATE BALLOT – THE “CALIFORNIA DROUGHT, WATER, PARKS, CLIMATE, COASTAL PROTECTION, AND OUTDOOR ACCESS FOR ALL ACT OF 2018”**

## **RECOMMENDATION**

It is recommended the City Council, by minute motion on its Consent Calendar, adopt a Resolution supporting Proposition 68 on the June 2018 statewide ballot, the “California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018,” which Resolution further authorizes the Clayton City Council name to be listed as a member of the Clean Water and Safe Park Coalition supportive of Proposition 68.

## **BACKGROUND**

Senate Bill 5 (de Leon) was passed by the California Legislature and signed by the Governor in September 2017. The legislation called for a \$4 billion General Obligation Bond of the state to be placed before the voters of California on the June 2018 statewide ballot. That ballot measure is now known as “Proposition 68” and is designed to monetarily assist local governments and the state to address local park improvements and to become eligible to compete for competitive grant funds to address water, local parks, coastal, and climate resiliency projects throughout the state.

One of the features of Proposition 68 is a per capita grant provision that would provide a minimum \$200,000 allocation to local governments, including the City of Clayton, for determination of use at the local level. In years past the City of Clayton has successfully used state park grant monies to partially assist in the financing to construct two local public parks known as “The Grove” park and “Westwood Park.”

## **FISCAL IMPACT**

No expense or financial obligation of the City is incurred by the adoption of the proposed Resolution. Should Proposition 68 pass, the City would receive a minimum per capita grant of \$200,000 for local use and might be eligible for other competitive grant allocations.

- Attachments:
1. City Resolution [3 pp.]
  2. Parks Bond per capita grant allocation list [1 pg.]
  3. Literature on the California Clean Water and Safe Parks Act [3 pp.]
  4. Arguments For and Against Prop 68 [7 pp.]
  5. Copy of Senate Bill 5 [26 pp.]

**RESOLUTION NO. – 2018**

**A RESOLUTION SUPPORTING PROPOSITION 68 ON THE JUNE 2018  
STATEWIDE BALLOT – THE “CALIFORNIA DROUGHT, WATER, PARKS,  
CLIMATE, COASTAL PROTECTION, AND OUTDOOR ACCESS FOR  
ALL ACT OF 2018”**

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

**WHEREAS**, the California Legislature adopted and the Governor signed SB 5, a \$4 Billion General Obligation Bond to be placed on the June 2018 ballot entitled the “*California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018;*” and

**WHEREAS**, SB 5 represents the first legislatively authorized debt instrument for parks, resources and environmental improvements since 2002 and will be known as “Proposition 68” on the June 2018 statewide ballot; and

**WHEREAS**, investments in California’s urban, suburban and rural park and resources-related landscapes promote the notion of community and provide health, environmental and aesthetic benefits; and

**WHEREAS**, Californian cities are eligible for at least \$1.69 billion in funding for parks, water, and climate and environmental programs; and

**WHEREAS**, SB 5 contains \$200 million in per capita funding to assist all of California’s communities in underwriting priority park-related improvements, and should Proposition 68 be approved by state voters the City of Clayton is scheduled to receive a minimum per capita grant of \$200,000 for local purposes use; and

**WHEREAS**, SB 5 includes an additional \$15 million for grants to cities and districts in urbanized counties providing park and recreation services within jurisdictions of 200,000 or less in population; and

**WHEREAS**, SB 5 contains an additional \$40 million that shall be available in block grant awards for communities that self-tax for park related improvements; and

**WHEREAS**, SB 5 invests \$725 million in grants for the creation and expansion of safe neighborhood parks in park-poor neighborhoods under the Statewide Park Development and Community Revitalization Act of 2008; and

**WHEREAS**, SB 5 invests no less than \$1 billion in California’s most economically challenged communities, eradicating blight and promoting greater access to the outdoors and health-related pursuits; and



**WHEREAS**, SB 5 expends \$200 million on California’s State Park system, helping address a greater than \$1 billion backlog in deferred maintenance which will translate into greater tourism and visitorship opportunities in adjacent communities; and

**WHEREAS**, SB 5 invests \$30 million in trail network improvements promoting non-motorized recreational and commuter opportunities throughout the state; and

**WHEREAS**, SB 5 expends hundreds of millions of dollars on other important investments in resource-related infrastructure including California’s rivers, coast, and other waterways; and

**WHEREAS**, SB 5 also invests hundreds of millions of dollars toward combatting global warming through investments in urban greening projects, promoting healthy forests and carbon farming applications; and

**WHEREAS**, SB 5 underwrites \$250 million in investments in improving local water systems, and providing safe and reliable drinking water to all Californians; and

**WHEREAS**, SB 5 spends \$80 million in competitive grants for treatment and remediation to promote access to safe drinking water in some of California’s most economically challenged communities; and

**WHEREAS**, SB 5 underwrites improvements in the state’s flood management systems, thereby armoring communities against calamities that beset the state, including Oroville and elsewhere;

**NOW, THEREFORE, BE IT RESOLVED** the City Council of Clayton, California does hereby support SB 5, known as Proposition 68 on the June 2018 statewide ballot - the “*California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018;*” and

**BE IT FURTHER RESOLVED** the Clayton City Council does herewith authorize its name as a local public agency supportive of Proposition 68 which authorization includes listing itself as a member of the Californians for Clean Water and Safe Park Coalition, and does herein instruct its City Clerk to email a copy of this adopted and signed Resolution to the League of California Cities at [cityletters@cacities.org](mailto:cityletters@cacities.org).

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held on the 6<sup>th</sup> day of March 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

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Keith Haydon, Mayor

ATTEST:

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Janet Brown, City Clerk

# # # # #

## Parks Bond- Local Agency Per Capita Allocations

	<i>estimated</i>	Cities, Local Park Districts
	<u>Population</u>	\$120,000,000
	<u>1-Jan-17</u>	<u>\$200,000 minimum</u>
<b>CONTRA COSTA County</b>	1,139,513	
ANTIOCH	114,241	\$200,000
BRENTWOOD	61,055	\$200,000
CLAYTON	11,284	\$200,000
CONCORD	128,370	\$200,000
DANVILLE	43,355	\$200,000
EL CERRITO	24,600	\$200,000
HERCULES	25,675	\$200,000
LAFAYETTE	25,199	\$200,000
MARTINEZ	37,658	\$200,000
MORAGA	16,676	\$200,000
OAKLEY	41,199	\$200,000
ORINDA	18,935	\$200,000
PINOLE	18,975	\$200,000
PITTSBURG	69,818	\$200,000
PLEASANT HILL (by rpd)		
RICHMOND	111,785	\$200,000
SAN PABLO	31,053	\$200,000
SAN RAMON	80,550	\$200,000
WALNUT CREEK	70,974	\$200,000
AMBROSE R.P.D.	19,011	\$200,000
PLEASANT HILL R.P.D.	39,825	\$200,000
KENSINGTON C.S.D.	5,940	\$200,000
<b>DEL NORTE County</b>	27,124	
CRESCENT CITY	6,389	\$200,000
<b>EL DORADO County</b>	185,062	
PLACERVILLE	10,743	\$200,000
SOUTH LAKE TAHOE	21,024	\$200,000
CAMERON PARK C.S.D.	16,331	\$200,000
EL DORADO HILLS C.S.D.	36,910	\$200,000
GEORGETOWN DIVIDE R.D.	13,400	\$200,000
TAHOE PARADISE R.I.D.	2,500	\$200,000
<b>FRESNO County</b>	995,975	
CLOVIS	110,762	\$200,000
COALINGA (by rpd)		
FIREBAUGH	8,202	\$200,000
FOWLER	6,091	\$200,000
FRESNO	525,832	\$344,086
HURON (by rpd)		
KERMAN	14,614	\$200,000
KINGSBURG	12,338	\$200,000
MENDOTA	11,828	\$200,000
ORANGE COVE	9,369	\$200,000
PARLIER	15,500	\$200,000
REEDLEY	26,152	\$200,000
SANGER	26,412	\$200,000

Note: In some instances, some or all city residents are served by a local parks district for parks services. In these cases, funding would be directed to those districts rather than the city. 5 Sept 2017

LEAGUE  
CITIES



# THE CALIFORNIA CLEAN WATER & SAFE PARKS ACT

PROTECTING WHAT MATTERS. PREPARING FOR THE FUTURE.



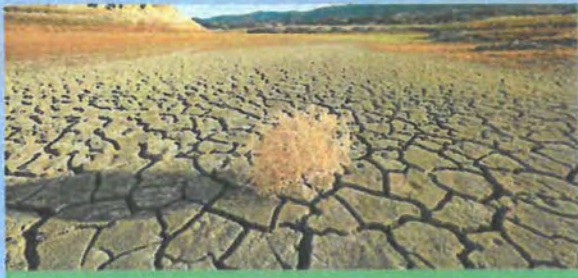
## Ensuring Clean Drinking Water

- + Cleans up and protects our drinking water supplies
- + Protects streams and rivers that provide drinking water from pollution



## Safe Parks for Every Child

- + Improves the safety of neighborhood parks throughout California
- + Helps ensure every California community has access to quality parks



## Preparing for the Next Drought

- + Smart, proven, efficient solutions to secure future water supplies
- + Restores groundwater, which was severely drained in the last drought



## Protecting Our Coastline and Natural Areas

- + Increases access to our coast and beaches
- + Restores and protects our natural areas and implements wildfire protection measures



## Helping Communities That Lack Clean Water

- + Keeps toxic pollution out of our drinking water
- + Provides safe drinking water to communities with contaminated water



## Increasing Local Water Supplies

- + Cleans up groundwater and funds water recycling projects
- + Captures more stormwater and prevents flooding



# THE CALIFORNIA CLEAN WATER & SAFE PARKS ACT

## Investment Priorities

### ENSURING CLEAN DRINKING WATER

- + \$250 million for clean drinking water and drought preparedness
- + \$80 million for groundwater cleanup
- + \$290 million for regional water sustainability, including \$50 million for groundwater sustainability planning
- + \$100 million to enhance water supplies by recycling water and helping farms conserve water

### PROTECTING LOCAL COMMUNITIES FROM FLOOD

- + \$550 million for flood protection and repair, including \$350 million for flood protection, \$100 million for stormwater, mudslide, and other flood-related protections, and \$100 million for urban multibenefit flood projects

### PROTECTING CALIFORNIA'S RIVERS, LAKES AND STREAMS

- + \$162 million for river parkways and urban streams restoration
- + \$30 million to connect habitat areas, including \$10 million for the California Waterfowl Habitat Program
- + \$25 million to restore rivers and streams in support of fisheries and wildlife, including \$5 million for salmon and steelhead projects in Klamath-Trinity watershed
- + \$60 million to improve wildlife and fish passage, including \$30 million for Southern California steelhead habitat
- + \$60 million for upper watersheds protection in the Sierra Nevada and Cascades
- + \$30 million to improve conditions for fish and wildlife in streams

### PROTECTING COAST, BEACHES, BAYS, AND OCEANS

- + \$175 million for coastal and ocean resource protection of beaches, bays, wetlands, lagoons, and coastal watersheds and wildlife areas
- + \$40 million to assist coastal communities in adapting to climate change
- + \$20 million for San Francisco Bay restoration

### SAFE PARKS FOR EVERY CHILD

- + \$725 million for parks in neighborhoods with the greatest need
- + \$285 million to cities, counties, and local park and open space districts to make local parks safer and improve facilities
- + \$218 million to repair and improve state parks

### IMPROVING RESILIENCE TO CLIMATE CHANGE

- + \$30 million for innovative farm practices that improve climate resilience
- + \$50 million for forest restoration, fire protection and management for wildfire and climate change
- + \$40 million to restore natural and community resources, including conversion of fossil fuel power plants to green space
- + \$20 million for green infrastructure projects that benefit disadvantaged communities

### CONSERVING AND PROTECTING NATURAL AREAS

- + \$160 million to state conservancies, including \$87 million for rivers, lakes and streams, and \$73 million for open green space
- + \$200 million to restore the Salton Sea and prevent toxic air pollution
- + \$137 million to the Wildlife Conservation Board, including \$5 million for regional conservation investment strategies, \$52 million for Natural Community Conservation Plan projects, and up to \$10 million to the UC Natural Reserve System
- + \$200 million to implement habitat restoration
- + \$50 million to repair and improve state fish and wildlife areas

### PROMOTING RECREATION AND TOURISM AND SUPPORTING CONSERVATION JOBS

- + \$25 million in grants for rural recreation, tourism and economic enrichment programs
- + \$30 million to improve access to parks, waterways, natural areas, and outdoor recreation areas, including expanding outdoor experiences for disadvantaged youth
- + \$40 million for state and local conservation corps for restoration projects and equipment
- + \$18 million for wildlife and land conservation



Paid for by Californians for Clean Water and Safe Parks, sponsored by Conservation Groups. Committee major funding from The Nature Conservancy  
Conservation Action Fund for clean water and parks, sponsored by environmental organizations  
Committee for Clean Water Natural Resources and Parks

**SB 5 (de Leon) California Drought, Water, Parks, Climate, Coastal Protection, and  
Outdoor Access For All Act of 2018  
Chapter 852, Statutes of 2017 (Urgency)**

SB 5 (De Leon) places a \$4 billion bond on the June 2018 statewide ballot for parks, water, and climate and environmental programs. If the voters approve SB 5, local governments will receive funding for local park improvements and will be eligible for numerous grants to fund water, local parks, coastal and climate resiliency projects. The following is breakdown of funding in bond:

**Parks Funding (Total \$1.283 billion)**

- \$725 million for competitive grants for safe neighborhood parks
- \$200 million for per capita grants to cities, counties, and parks districts for local park improvement and rehabilitation
- \$15 million for competitive grants to urbanized counties
- \$30 million for competitive grants for state park facilities in regional parks districts
- \$40 million for per capita grants to local agencies that obtained voter approval for revenue measures between November 1, 2012 and November 30, 2016
- \$218 million for restoration of existing state park facilities, including \$5 million for urgent needs of local agencies that operate a unit of the state park system
- \$30 million for competitive grants for non-motorized infrastructure development
- \$25 million for competitive grants through the Roberti-Z'berg-Harris (RZH) Urban Open Space and Recreation Program

**Water Funding (Total \$1.19 billion)**

- \$250 million for competitive grants for clean drinking water programs
- \$550 million for flood protection and repair, including \$100 million for stormwater, mudslide and flash-flood-related protections and \$100 million for multibenefit flood management projects and storm water capture in urbanized areas
- \$290 million for competitive grants and loans for drought and groundwater regional sustainability
- \$100 million for grants or loans for water recycling programs

**Climate and Environmental Programs Funding (Total \$1.547 billion)**

- \$443 million for competitive grants for climate adaptation and resiliency programs
- \$162 million for the California River Parkways Program for grants to enhance urban creeks
- \$567 million for state conservancies and the Wildlife Conservation Board
- \$200 million for Salton Sea restoration activities and habitat
- \$175 million for coastal and ocean protection resources, including \$30 million for grants for lower cost coastal accommodations



## ARGUMENT IN FAVOR OF PROPOSITION 68

## YES on 68 – ENSURES SAFE DRINKING WATER &amp; PROTECTS CALIFORNIA'S NATURAL RESOURCES IN UNCERTAIN TIMES

California faces more frequent and severe droughts, wildfires, unhealthy air, unpredictable weather, and reduced federal funding and support for our land, coast, and water.

YES on 68 protects California's unique resources and helps ensure all Californians have access to clean, safe drinking water and parks.

## PROTECTS DRINKING WATER QUALITY

YES on 68 protects and improves California's water quality by keeping toxic pollutants out of our water sources and cleans contaminated waters.

## SAFEGUARDS WATER SUPPLIES. PREPARES US FOR DROUGHTS

Prop 68 is a smart, efficient approach to ensuring future drinking water supplies:

- Restores groundwater supplies, which were severely drained in the last drought
- Recycles more water locally and helps farms conserve water
- Captures more stormwater and prevents flooding

"YES on 68 is a smart investment in California's future by protecting our water supplies from pollution and helping local communities adapt in uncertain times. These investments are critical for today's residents and future generations," Tim Quinn, Association of California Water Agencies.

**SUBJECT TO COURT  
ORDERED CHANGES**

Several California communities have water so contaminated that residents cannot turn on the tap and drink the water in their own homes. In many places, families lack access to safe local parks.

YES on 68 cleans up severely contaminated local water supplies and makes long-overdue investments in local parks where they are needed most.

"All children should have safe places to play and access to clean air and water. YES on 68." Dr. Richard Jackson, M.D., Professor Emeritus, UCLA Fielding School of Public Health.

#### SAFEGUARDS OUR RIVERS, LAKES, AND STREAMS

YES on 68 protects rivers, lakes, streams, and natural areas that are critical sources of our clean drinking water and beautiful places where families hike, camp, swim, and play.

#### PROTECTS OUR COAST, NATURAL RESOURCES AND PARKS

YES on 68 helps protect air quality and preserve California's most treasured resources for future generations:

- Restores natural areas; implements critical wildfire prevention measures
- Prevents toxic air pollution
- Improves access to our coast; protects beaches, bays and coastal waters from pollution
- Restores California's fish and wildlife habitats
- Provides neighborhood parks, especially in communities where children currently lack access

#### STRICT ACCOUNTABILITY & OVERSIGHT

**SUBJECT TO COURT  
ORDERED CHANGES**



YES on 68 ensures funds will be efficiently used for intended purposes by requiring annual independent audits and by establishing a citizen advisory committee to review expenditures.

**BROAD, BIPARTISAN SUPPORT**

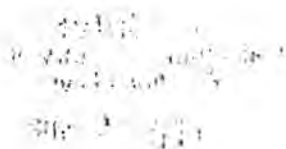
Prop 68 was placed on the ballot with bipartisan support, and is endorsed by groups that understand the importance of a YES vote to improve public health and protect California's clean water for our health, economy, children and families.

**Supporters include:**

- California Chamber of Commerce, California's most prominent business group
- Association of California Water Agencies, representing local agencies that provide California's drinking water
- League of California Cities, representing local governments
- The Nature Conservancy, The Trust for Public Land, California State Parks Foundation, and several conservation groups

**VOTE YES ON PROPOSITION 68**

Learn more at [www.yes68ca.com](http://www.yes68ca.com)



Senator Kevin de Leon

California State Senate President Pro Tem

Dr. Michael Ong, M.D.

American Lung Association in California

**ARGUMENT IN FAVOR OF PROPOSITION 68**

Dan Howells-Schafroth

California State Director

Clean Water Action

**SUBJECT TO COURT  
ORDERED CHANGES**

{00393275.DOCX.}

Don't be fooled by Proposition 68. The proposition promises to protect and improve California's parks. The truth is it doesn't.

First, of the \$4 billion dollar bond, only \$1.3 billion is actually dedicated to improving parks. A lot of the remaining money is given to politicians to spend on their pet projects.

Second, the money is not distributed fairly and equally across the state. Many of our residents in inland and rural California will not see any Prop 68 park bond money spent to fix and improve their local state parks. This is wrong.

Every Californian should have their local park improved, not just the few who live near parks of powerful politicians.

Third, estimates are that state parks require \$1.2 billion dollars for deferred maintenance. Yet, Prop 68 allocates only a small amount of money for this essential task.

Finally, the Department of Parks and Recreation can't be trusted with the money. In 2012, the department threatened to close 70 parks, saying it didn't have the money to keep them open. This was false. An audit discovered the department did have the money, but was hiding it from the public. Until the department is reformed, we can't trust it to spend the money wisely and fairly.

We need to protect and improve our state parks, but Prop 68 is the wrong way to do that. Vote No and make the State Legislature really fix the parks for all Californians.

**SUBJECT TO COURT  
ORDERED CHANGES**

**Andrea Seastrand, President, Central Coast Taxpayers Association**

**Jon Coupal, President, Howard Jarvis Taxpayers Association**

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**SUBJECT TO COURT  
ORDERED CHANGES**

ARGUMENT AGAINST PROPOSITION 08

Isn't it wonderful how many great projects that California can build? I'm not here to tell you that addressing drought, water, parks, climate, coastal protection, and outdoor access is wrong.

What I want to tell you is that borrowing for them is wrong.

California has enough debt. In fact, it has the worst balance sheet of all 50 states. Its unrestricted net deficit is a quarter trillion dollars! The last thing the State of California needs is more debt!

**SUBJECT TO COURT  
ORDERED CHANGES**

Secretary of State Alex Padilla  
February 6, 2018  
Page 2

Bond measures are deceptive. You think you're voting for something good. But, it will take approximately \$8 billion to pay off the \$4 billion of borrowed funds. That means you can expect a tax increase. And your children can expect a tax increase. And your grandchildren can expect a tax increase. Why? The \$225 million a year must be paid. With a tight annual budget, where else is this money supposed to come from?

The state's pension plan contributions are rising. The retiree medical unfunded liability has just gone up \$15 billion to \$91.5 billion. The state's borrowed debt for schools (\$500 million per year) and, possibly, veterans (\$225 million) and affordable housing (\$169 million) are squeezing out other programs. Minimum wage increases alone will add \$4 billion per year to the state's budget.

This will have to be paid for. And you will be asked to raise your taxes. California is not reducing its debt. Don't be a part of this problem. Vote "No" on Proposition 68.

Very truly yours,

Senator John M.W. Moorlach  
37th Senate District

John M.W. Moorlach

Ch. 852  
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**Senate Bill No. 5**

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Passed the Senate September 16, 2017

  
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*Secretary of the Senate*

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Passed the Assembly September 15, 2017

  
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*Chief Clerk of the Assembly*

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This bill was received by the Governor this 21st day  
of September, 2017, at 5:30 o'clock p.m.

  
\_\_\_\_\_  
*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Sections 5096.611 and 75089.5 to, and to add Division 45 (commencing with Section 80000) to, the Public Resources Code, and to add Section 79772.5 to the Water Code, relating to a drought, water, parks, climate, coastal protection, and outdoor access for all program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

SB 5, De León. California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.

Under existing law, programs have been established pursuant to bond acts for, among other things, the development and enhancement of state and local parks and recreational facilities. Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds in the amount of \$7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. Existing law, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative measure approved by the voters as Proposition 84 at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of \$5,388,000,000 for the purposes of financing safe drinking water, water quality and supply, flood control, natural resource protection, and park improvements. Existing law, the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, approved by the voters as Proposition 40 at the March 5, 2002, statewide primary election, authorizes the issuance of bonds in the amount of \$2,600,000,000, for the purpose of financing a program for the acquisition, development, restoration, protection, rehabilitation, stabilization,

reconstruction, preservation, and interpretation of park, coastal, agricultural land, air, and historical resources.

This bill would enact the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an amount of \$4,000,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program. The bill, upon voter approval, would reallocate \$100,000,000 of the unissued bonds authorized for the purposes of Propositions 1, 40, and 84 to finance the purposes of a drought, water, parks, climate, coastal protection, and outdoor access for all program.

The bill would provide for the submission of these provisions to the voters at the June 5, 2018, statewide primary direct election.

This bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 5096.611 is added to the Public Resources Code, to read:

5096.611. Notwithstanding any other law, two million five hundred fifty-seven thousand dollars (\$2,557,000) of the unissued bonds authorized for the purposes of subdivision (b) of Section 5096.610, and eight hundred thousand dollars (\$800,000) of the unissued bonds authorized for the purposes of subdivisions (b) and (c) of Section 5096.652 from the amount allocated pursuant to subdivision (d) of Section 5096.610 are reallocated to finance the purposes of, and shall be authorized, issued, and appropriated in accordance with, Division 45 (commencing with Section 80000).

SEC. 2. Section 75089.5 is added to the Public Resources Code, to read:

75089.5. Notwithstanding any other law, twelve million dollars (\$12,000,000) of the unissued bonds authorized for the purpose of subdivision (a) of Section 75063, three hundred fifteen thousand dollars (\$315,000) of the unissued bonds authorized for the purposes of subdivision (b) of Section 75063, and four million three hundred twenty-eight thousand dollars (\$4,328,000) of the unissued bonds authorized for the purposes of subdivision (b)



Section 75065 are reallocated to finance the purposes of, and shall be authorized, issued, and appropriated in accordance with, Division 45 (commencing with Section 80000).

SEC. 3. Division 45 (commencing with Section 80000) is added to the Public Resources Code, to read:

**DIVISION 45. CALIFORNIA DROUGHT, WATER, PARKS,  
CLIMATE, COASTAL PROTECTION, AND OUTDOOR  
ACCESS FOR ALL ACT OF 2018**

**CHAPTER 1. GENERAL PROVISIONS**

80000. This division shall be known, and may be cited, as the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.

80001. (a) The people of California find and declare all of the following:

(1) From California's beautiful rivers, streams, coastal shorelines, and other waterways, to our federal, state, local, and regional parks and outdoor settings, to our vast network of trails connecting people with natural landscapes, Californians value the rich diversity of outdoor experiences afforded to this state and its citizens.

(2) Demand for local parks has exceeded available funding by a factor of 8 to 1, with particularly high demand in urban, disadvantaged communities.

(3) Many Californians across the state lack access to safe parks, wildlife, trails, and recreation areas, which limits their ability to experience the outdoors, improve their physical and emotional health, exercise, and connect with their communities.

(4) Investments to create and improve parks and recreation areas, and to create trail networks that provide access from neighborhoods to parks, wildlife, and recreational opportunities, will help ensure all Californians have access to safe places to exercise and enjoy recreational activities.

(5) The California Center for Public Health Advocacy estimates that inactivity and obesity cost California over forty billion dollars (\$40,000,000,000) annually, through increased health care costs and lost productivity due to obesity-related illnesses, and that even modest increases in physical activity would result in significant

savings. Investments in infrastructure improvements such as biking and walking trails and pathways, whether in urban or natural areas, are cost-effective ways to promote physical activity.

(6) Continued investments in the state's parks, wildlife and ecological areas, trails, and natural resources, and greening urban areas will help mitigate the effects of climate change, making cities more livable, and will protect California's natural resources for future generations.

(7) California's outdoor recreation economy represents an eighty-seven-billion-dollar (\$87,000,000,000) industry, providing over 700,000 jobs and billions of dollars in local and state revenues.

(8) California's state, local, and regional park system infrastructure and national park system infrastructure are aging, and a significant infusion of capital is required to protect this investment.

(9) There has been a historic underinvestment in parks, trails, and outdoor infrastructure in disadvantaged areas and many communities throughout California.

(10) Tourism is a growing industry in California and remains an economic driver for the more rural parts of the state.

(11) California's highly variable hydrology puts at risk the state's supply of clean and safe water. In recent years, California has experienced both the state's worst drought and also the wettest winter in recorded history.

(12) Extreme weather changes such as prolonged drought, intense heat events, and a changing snowpack are real climate impacts happening right now in California, and these changes increase the need to safeguard water supply for the quality of life for all Californians.

(13) Every Californian should have access to clean, safe, and reliable drinking water.

(14) California's water infrastructure continues to age and deteriorate.

(15) Encouraging water conservation and recycling are commonsense actions to improve California's water future.

(16) Successfully implementing the Sustainable Groundwater Management Act in collaboration with local government and communities is a key state priority.

(17) Flooding can devastate communities and infrastructure.



(18) Protecting and restoring lakes, rivers, streams, and the state's diverse ecosystems is a critical part of the state's water future and ensures the quality of life for all Californians.

(19) This division provides funding to implement the California Water Action Plan.

(20) Periodic investments are needed to protect, restore, and enhance our natural resources and parks to ensure all Californians have safe, clean, and reliable drinking water, prevent pollution and disruption of our water supplies, prepare for future droughts and floods, and protect and restore our natural resources for the benefit and enjoyment of our children and future generations.

(b) It is the intent of the people of California that all of the following shall occur in the implementation of this division:

(1) The investment of public funds pursuant to this division will result in public benefits that address the most critical statewide needs and priorities for public funding.

(2) In the appropriation and expenditure of funding authorized by this division, priority will be given to projects that leverage private, federal, or local funding or produce the greatest public benefit.

(3) To the extent practicable, a project that receives moneys pursuant to this division will include signage informing the public that the project received funds from the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.

(4) To the extent practicable, when developing program guidelines for urban recreation projects and habitat protection or restoration projects, administering entities are encouraged to give favorable consideration to projects that provide urban recreation and protect or restore natural resources. Additionally, the entities may pool funding for these projects.

(5) To the extent practicable, a project that receives moneys pursuant to this division will provide workforce education and training, contractor, and job opportunities for disadvantaged communities.

(6) To the extent practicable, priority for funding pursuant to this division will be given to local parks projects that have obtained all required permits and entitlements and a commitment of matching funds, if required.

(7) To the extent practicable, administering entities should measure or require measurement of greenhouse gas emissions reductions and carbon sequestrations associated with projects that receive moneys pursuant to this division.

(8) 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 public agencies that receive funds pursuant to this division 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 across 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 increase visitation 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 social media 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.

(9) To the extent practicable, priority for grant funding under this division will be given to a project that advances solutions to prevent displacement if a potential unintended consequence associated with park creation pursuant to the project is an increase in the cost of housing.

80002. As used in this division, the following terms have the following meanings:

(a) "Committee" means the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Finance Committee created by Section 80162.

(b) "Community access" means engagement programs, technical assistance, or facilities that maximize safe and equitable physical admittance, especially for low-income communities, to natural or cultural resources, community education, or recreational amenities.

(c) "Conservation actions on private lands" means projects with willing landowners that involve the adaptive flexible management or protection of natural resources in response to changing conditions and threats to habitat and wildlife. The actions may include the acquisition of conservation interests or fee interests in the land. These projects result in habitat conditions on private lands that, when managed dynamically over time, contribute to the long-term health and resiliency of vital ecosystems and enhance wildlife populations.

(d) "Department" means the Department of Parks and Recreation.

(e) "Disadvantaged community" means a community with a median household income less than 80 percent of the statewide average.

(f) "Fund" means the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Fund, created by Section 80032.

(g) "Heavily urbanized city" means a city with a population of 300,000 or more.

(h) "Heavily urbanized county" means a county with a population of 3,000,000 or more.

(i) "Interpretation" includes, but is not limited to, a visitor-serving amenity that enhances the ability to understand and appreciate the significance and value of natural, historical, and cultural resources and that may utilize educational materials in multiple languages, digital information, and the expertise of a naturalist or other skilled specialist.

(j) "Nonprofit organization" means a nonprofit corporation qualified to do business in California and qualified under Section 501(c)(3) of the Internal Revenue Code.

(k) "Preservation" means rehabilitation, stabilization, restoration, conservation, development, and reconstruction, or any combination of those activities.

(l) "Protection" means those actions necessary to prevent harm or damage to persons, property, or natural, cultural, and historic resources, actions to improve access to public open-space areas, or actions to allow the continued use and enjoyment of property or natural, cultural, and historic resources, and includes site monitoring, acquisition, development, restoration, preservation, and interpretation.

(m) "Restoration" means the improvement of physical structures or facilities and, in the case of natural systems and landscape features, includes, but is not limited to, projects for the control of erosion, stormwater capture and storage or to otherwise reduce stormwater pollution, the control and elimination of invasive species, the planting of native species, the removal of waste and debris, prescribed burning, fuel hazard reduction, fencing out threats to existing or restored natural resources, road elimination, improving instream, riparian, or managed wetland habitat conditions, and other plant and wildlife habitat improvement to increase the natural system value of the property or coastal or ocean resource. Restoration also includes activities described in subdivision (b) of Section 79737 of the Water Code. Restoration projects shall include the planning, monitoring, and reporting necessary to ensure successful implementation of the project objectives.

(n) "Severely disadvantaged community" means a community with a median household income less than 60 percent of the statewide average.

80004. An amount that equals not more than 5 percent of the funds allocated for a grant program pursuant to this division may be used to pay the administrative costs of that program.

80006. (a) Except as provided in subdivision (b), up to 10 percent of funds allocated for each program funded by this division may be expended, including, but not limited to, by grants, for planning and monitoring necessary for the successful design, selection, and implementation of the projects authorized under that program. This section shall not otherwise restrict funds ordinarily used by an agency for "preliminary plans," "working drawings," and "construction" as defined in the annual Budget Act for a capital outlay project or grant project. Planning may include feasibility studies for environmental site cleanup that would further the purpose of a project that is eligible for funding under this division.

Monitoring may include measuring greenhouse gas emissions reductions and carbon sequestration associated with program expenditures under this division.

(b) Funds used for planning projects that benefit disadvantaged communities may exceed 10 percent of the funds allocated if the state agency administering the moneys determines that there is a need for the additional funding.

80008. (a) (1) Except as provided in paragraph (2), at least 20 percent of the funds available pursuant to each chapter of this division shall be allocated for projects serving severely disadvantaged communities:

(2) At least 15 percent of the funds available pursuant to Chapter 9 (commencing with Section 80120) and Chapter 10 (commencing with Section 80130) shall be allocated for projects serving severely disadvantaged communities.

(b) (1) Except as provided in subdivision (c), up to 10 percent of the funds available pursuant to each chapter of this division may be allocated for technical assistance to disadvantaged communities. The agency administering the moneys shall operate a multidisciplinary technical assistance program for disadvantaged communities.

(2) Funds used for providing technical assistance to disadvantaged communities may exceed 10 percent of the funds allocated if the state agency administering the moneys determines that there is a need for the additional funding.

(c) (1) Up to 5 percent of funds available pursuant to each chapter of this division shall, to the extent permissible under the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code) and with the concurrence of the Director of Finance, be allocated for community access projects that include, but are not limited to, the following:

- (A) Transportation.
- (B) Physical activity programming.
- (C) Resource interpretation.
- (D) Multilingual translation.
- (E) Natural science.
- (F) Workforce development and career pathways.
- (G) Education.

(H) Communication related to water, parks, climate, coastal protection, and other outdoor pursuits.

(2) This subdivision does not apply to Chapter 11.1 (commencing with Section 80141) and Chapter 12 (commencing with Section 80150).

80010. Before disbursing grants pursuant to this division, each state agency that receives funding to administer a competitive grant program under this division shall do the following:

(a) (1) Develop and adopt project solicitation and evaluation guidelines. The guidelines shall include monitoring and reporting requirements and may include a limitation on the dollar amount of grants to be awarded. If the state agency has previously developed and adopted project solicitation and evaluation guidelines that comply with the requirements of this subdivision, it may use those guidelines.

(2) Guidelines adopted pursuant to this subdivision shall encourage, where feasible, inclusion of the following project components:

- (A) Efficient use and conservation of water supplies.
- (B) Use of recycled water.
- (C) The capture of stormwater to reduce stormwater runoff, reduce water pollution, or recharge groundwater supplies, or a combination thereof.
- (D) Provision of safe and reliable drinking water supplies to park and open-space visitors.

(b) Conduct three public meetings to consider public comments before finalizing the guidelines. The state agency shall publish the draft solicitation and evaluation guidelines on its Internet Web site at least 30 days before the public meetings. One meeting shall be conducted at a location in northern California, one meeting shall be conducted at a location in the central valley of California, and one meeting shall be conducted at a location in southern California.

(c) For statewide competitive grant programs, submit the guidelines to the Secretary of the Natural Resources Agency. The Secretary of the Natural Resources Agency shall verify that the guidelines are consistent with applicable statutes and for all the purposes enumerated in this division. The Secretary of the Natural Resources Agency shall post an electronic form of the guidelines submitted by state agencies and the subsequent verifications on the Natural Resources Agency's Internet Web site.



(d) Upon adoption, transmit copies of the guidelines to the fiscal committees and the appropriate policy committees of the Legislature.

(e) Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to the development and adoption of program guidelines and selection criteria adopted pursuant to this division.

80012. (a) The Department of Finance shall provide for an independent audit of expenditures pursuant to this division. The Secretary of the Natural Resources Agency shall publish a list of all program and project expenditures pursuant to this division not less than annually, in written form, and shall post an electronic form of the list on the agency's Internet Web site in a downloadable spreadsheet format. The spreadsheet shall include information about the location and footprint of each funded project, the project's objectives, the status of the project, anticipated outcomes, any matching moneys provided for the project by the grant recipient, and the applicable chapter of this division pursuant to which the grant recipient received moneys.

(b) If an audit, required by statute, of any entity that receives funding authorized by this division is conducted pursuant to state law and reveals any impropriety, the California State Auditor or the Controller may conduct a full audit of any or all of the activities of that entity.

(c) The state agency issuing any grant with funding authorized by this division shall require adequate reporting of the expenditures of the funding from the grant.

(d) The costs associated with the publications, audits, statewide bond tracking, cash management, and related oversight activities provided for in this section shall be funded from this division. These costs shall be shared proportionally by each program through this division. Actual costs incurred to administer nongrant programs authorized by this division shall be paid from the funds authorized in this division.

80014. If any moneys allocated pursuant to this division are not encumbered or expended by the recipient entity within the time period specified by the administering agency, the unexpended moneys shall revert to the administering agency for allocation consistent with the applicable chapter.

80016. To the extent feasible, a project whose application includes the use of services of the California Conservation Corps or certified community conservation corps, as defined in Section 14507.5, shall be given preference for receipt of a grant under this division.

80018. To the extent feasible, a project that includes water efficiencies, stormwater capture for infiltration or reuse, or carbon sequestration features in the project design may be given priority for grant funding under this division.

80020. Moneys allocated pursuant to this division shall not be used to fulfill any mitigation requirements imposed by law.

80022. (a) To the extent feasible in implementing this division and except as provided in subdivision (b), a state agency receiving funding under this division shall seek to achieve wildlife conservation objectives through projects on public lands or voluntary projects on private lands. Projects on private lands shall be evaluated based on the durability of the benefits created by the investment. Funds may be used for payments for the protection or creation of measurable habitat improvements or other improvements to the condition of endangered or threatened species, including through the development and implementation of habitat credit exchanges.

(b) This section shall not apply to Chapter 2 (commencing with Section 80050), Chapter 3 (commencing with Section 80060), Chapter 5 (commencing with Section 80080), Chapter 6 (commencing with Section 80090), Chapter 11 (commencing with Section 80140), Chapter 11.5 (commencing with Section 80145), or Chapter 12 (commencing with Section 80150).

80024. A state agency that receives funding to administer a grant program under this division shall report to the Legislature by January 1, 2027, on its expenditures pursuant to this division and the public benefits received from those expenditures.

80026. A state conservancy receiving funding pursuant to this division shall endeavor to allocate funds that are complementary, but not duplicative, of authorized expenditures made pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014.

80028. Funds provided pursuant to this division, and any appropriation or transfer of those funds, shall not be deemed to be



a transfer of funds for the purposes of Chapter 9 (commencing with Section 2780) of Division 3 of the Fish and Game Code.

80030. For grants awarded for projects that serve a disadvantaged community, the administering entity may provide advanced payments in the amount of 25 percent of the grant award to the recipient to initiate the project in a timely manner. The administering entity shall adopt additional requirements for the recipient of the grant regarding the use of the advanced payments to ensure that the moneys are used properly.

80032. (a) The proceeds of bonds issued and sold pursuant to this division, exclusive of refunding bonds issued and sold pursuant to Section 80172, shall be deposited in the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Fund, which is hereby created in the State Treasury.

(b) Proceeds of bonds issued and sold pursuant to this division shall be allocated according to the following schedule:

(1) Two billion eight hundred thirty million dollars (\$2,830,000,000) for purposes of Chapter 2 (commencing with Section 80050), Chapter 3 (commencing with Section 80060), Chapter 4 (commencing with Section 80070), Chapter 5 (commencing with Section 80080), Chapter 6 (commencing with Section 80090), Chapter 7 (commencing with Section 80100), Chapter 8 (commencing with Section 80110), Chapter 9 (commencing with Section 80120), and Chapter 10 (commencing with Section 80130).

(2) Two hundred fifty million dollars (\$250,000,000) for Chapter 11 (commencing with Section 80140).

(3) Eighty million dollars (\$80,000,000) for Chapter 11.1 (commencing with Section 80141).

(4) Five hundred fifty million dollars (\$550,000,000) for Chapter 11.5 (commencing with Section 80145).

(5) Three hundred ninety million dollars (\$390,000,000) for Chapter 11.6 (commencing with Section 80146).

80034. The Legislature may enact legislation necessary to implement programs funded by this division.

CHAPTER 2. INVESTMENTS IN ENVIRONMENTAL AND SOCIAL EQUITY, ENHANCING CALIFORNIA'S DISADVANTAGED COMMUNITIES

80050. (a) The sum of seven hundred twenty-five million dollars (\$725,000,000) shall be available to the department, upon appropriation by the Legislature, for the creation and expansion of safe neighborhood parks in park-poor neighborhoods in accordance with the Statewide Park Development and Community Revitalization Act of 2008's competitive grant program described in Chapter 3.3 (commencing with Section 5640) of Division 5.

(b) When developing or revising criteria or guidelines for the grant program, the department may give additional consideration to projects that incorporate stormwater capture and storage or otherwise reduce stormwater pollution.

(c) The department shall perform its due diligence by conducting a rigorous prequalification process to determine the fiscal and operational capacity of a potential grant recipient to manage a project to do both of the following:

(1) Maximize the project's public benefit.

(2) Implement the project in a timely manner.

80051. Of the amount available pursuant to subdivision (a) of Section 80050, not less than 20 percent shall be available for the rehabilitation, repurposing, or substantial improvement of existing park infrastructure in communities of the state that will lead to increased use and enhanced user experiences.

80052. (a) Of the amount available pursuant to subdivision (a) of Section 80050, to correct historic underinvestments in the central valley, Inland Empire, gateway, rural, and desert communities, the sum of forty-eight million dollars (\$48,000,000) shall be available for local park creation and improvement grants to the communities identified by the department as park deficient within those areas for active recreational projects, including aquatic centers, to encourage youth health, fitness, and recreational pursuits. Projects that include the partial or full donation of land, materials, or volunteer services and that demonstrate collaborations of multiple entities and the leveraging of scarce resources may be given consideration. Entities that receive a grant under this section may also be eligible to receive other grants under subdivision (a) of Section 80050.

(b) Of the amount subject to this section, twenty-two million dollars (\$22,000,000) shall be available to the department, upon appropriation by the Legislature, for grants to desert community towns in the County of San Bernardino, incorporated after 1990, with a population estimate of less than 22,000 according to the United States Census Bureau Population Estimates as of July 1, 2016, that have adopted a master plan as of 2008 that includes recommendations for the development of public facilities that will assist in achieving active recreational projects, including aquatic and fitness centers.

CHAPTER 3. INVESTMENTS IN PROTECTING, ENHANCING, AND ACCESSING CALIFORNIA'S LOCAL AND REGIONAL OUTDOOR SPACES

80060. For purposes of this chapter, "district" means any regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5, any recreation and park district formed pursuant to Chapter 4 (commencing with Section 5780) of Division 5, or any authority formed pursuant to Division 26 (commencing with Section 35100). With respect to any community or unincorporated region that is not included within a district, and in which no city or county provides parks or recreational areas or facilities, "district" also means any other entity, including, but not limited to, a district operating multiple-use parklands pursuant to Division 20 (commencing with Section 71000) of the Water Code.

80061. (a) The sum of two hundred million dollars (\$200,000,000) shall be available to the department, upon appropriation by the Legislature, for local park rehabilitation, creation, and improvement grants to local governments on a per capita basis. Grant recipients shall be encouraged to utilize awards to rehabilitate existing infrastructure and to address deficiencies in neighborhoods lacking access to the outdoors.

(b) The sum of fifteen million dollars (\$15,000,000) shall be available to the department, upon appropriation by the Legislature, for grants to cities and districts in urbanized counties providing park and recreation services within jurisdictions of 200,000 or less in population. For purposes of this subdivision, "urbanized county" means a county with a population of 500,000 or more. An entity

eligible to receive funds under this subdivision shall also be eligible to receive funds available under subdivision (a).

(c) Unless the project has been identified as serving a severely disadvantaged community, an entity that receives an award pursuant to this section shall be required to provide a match of 20 percent as a local share.

80062. (a) (1) The department shall allocate 60 percent of the funds available pursuant to subdivision (a) of Section 80061 to cities and districts, other than a regional park district, regional park and open-space district, open-space authority, or regional open-space district. Each city's and district's allocation shall be in the same ratio as the city's or district's population is to the combined total of the state's population that is included in incorporated and unincorporated areas within the county, except that each city or district shall be entitled to a minimum allocation of two hundred thousand dollars (\$200,000). If the boundary of a city overlaps the boundary of a district, the population in the overlapping area shall be attributed to each jurisdiction in proportion to the extent to which each operates and manages parks and recreational areas and facilities for that population. If the boundary of a city overlaps the boundary of a district, and in the area of overlap the city does not operate and manage parks and recreational areas and facilities, all grant funds for that area shall be allocated to the district.

(2) On or before April 1, 2020, a city and a district that are subject to paragraph (1), and whose boundaries overlap, shall collaboratively develop and submit to the department a specific plan for allocating the grant funds in accordance with the formula specified in paragraph (1). If, by that date, the plan has not been developed and submitted to the department, the director shall determine the allocation of the grant funds between the affected jurisdictions.

(b) (1) The department shall allocate 40 percent of the funds available pursuant to subdivision (a) of Section 80061 to counties and regional park districts, regional park and open-space districts, open-space authorities formed pursuant to Division 26 (commencing with Section 35100), and regional open-space districts formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5.

(2) Each county's allocation under paragraph (1) shall be in the same ratio that the county's population is to the total state population, except that each county shall be entitled to a minimum allocation of four hundred thousand dollars (\$400,000).

(3) In any county that embraces all or part of the territory of a regional park district, regional park and open-space district, open-space authority, or regional open-space district, and whose board of directors is not the county board of supervisors, the amount allocated to the county shall be apportioned between that district and the county in proportion to the population of the county that is included within the territory of the district and the population of the county that is outside the territory of the district.

(c) For the purpose of making the calculations required by this section, population shall be determined by the department, in cooperation with the Department of Finance, on the basis of the most recent verifiable census data and other verifiable population data that the department may require to be furnished by the applicant city, county, or district.

(d) The Legislature intends all recipients of funds pursuant to subdivision (a) of Section 80061 to use those funds to supplement local revenues in existence on the effective date of the act adding this division. To receive an allocation pursuant to subdivision (a) of Section 80061, the recipient 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. For purposes of this subdivision, the Controller may request fiscal data from recipients for the preceding three fiscal years. Each recipient shall furnish the data to the Controller no later than 120 days after receiving the request from the Controller.

80063. (a) The director of the department shall prepare and adopt criteria and procedures for evaluating applications for grants allocated pursuant to subdivision (a) of Section 80061. The application shall be accompanied by certification that the project is consistent with the park and recreation element of the applicable city or county general plan or the district park recreation plan, as the case may be.

(b) To utilize available grant funds as effectively as possible, overlapping and adjoining jurisdictions and applicants with similar objectives are encouraged to combine projects and submit a joint application. A recipient may allocate all or a portion of its per capita share for a regional or state project.

80065. (a) The sum of thirty million dollars (\$30,000,000) shall be available to the department, upon appropriation by the Legislature, for grants to regional park districts, counties, and regional open-space districts, open-space authorities formed pursuant to Division 26 (commencing with Section 35100), joint powers authorities, and eligible nonprofit organizations on a competitive grant basis to create, expand, improve, rehabilitate, or restore parks and park facilities, including, but not limited to, trails, regional trail networks, regional sports complexes, low-cost accommodations in park facilities, and visitor, outdoor, and interpretive facilities serving youth and communities of color.

(b) In awarding moneys, the department shall encourage applicants seeking funds for acquisition projects to perform projects in conjunction with new or enhanced public use and public access opportunities.

(c) Preference may be given to multiuse trail projects over single-use trail projects.

(d) Notwithstanding paragraph (a), of the amount subject to this section, the sum of five million dollars (\$5,000,000) shall be available for projects in units of the state parks system that are managed by nonprofit organizations that have entered into operating agreements with the department.

80066. The sum of forty million dollars (\$40,000,000) shall be available to the department, upon appropriation by the Legislature, for grants, awarded proportionally based on populations served, to local agencies that have obtained voter approval between November 1, 2012, through November 30, 2018, inclusive, for revenue enhancement measures aimed at improving and enhancing local or regional park infrastructure. A recipient of a grant under this section shall receive at least two hundred fifty thousand dollars (\$250,000) for the purposes of the revenue enhancement measure.



CHAPTER 4. RESTORING CALIFORNIA'S NATURAL, HISTORIC,  
AND CULTURAL LEGACY

80070. The sum of two hundred eighteen million dollars (\$218,000,000) shall be available to the department, upon appropriation by the Legislature, for restoration, preservation, and protection of existing state park facilities and units. Eligible project types include, but are not limited to, the following:

(a) Protection of natural resources to provide climate resilience, water supply, and water quality benefits.

(b) Enhancement of access to state park facilities and units, including protection and improvement of lands adjacent to state park facilities to improve access or management efficiency.

(c) The provision of low-cost overnight accommodations in ways that enhance access and recreational opportunities for disadvantaged community residents and low-income park visitors.

(d) Implementation of projects that address the department's backlog of deferred maintenance.

80071. The department, in expending the funding available under this chapter, shall endeavor, where practical, to partner with cities, counties, nonprofit organizations, and nongovernmental organizations to maximize leveraging opportunities to enhance tourism, visitation, and visitor experiences.

80072. Of the amount made available pursuant to Section 80070, ten million dollars (\$10,000,000) shall be available for enterprise projects that facilitate new or enhanced park use and user experiences and increase revenue generation to support operations of the department.

80073. (a) Of the amount made available pursuant to Section 80070, five million dollars (\$5,000,000) shall be available for grants to local agencies that operate a unit of the state park system to address urgent need for the restoration of aging infrastructure.

(b) For the purpose of awarding a grant under this section, a local cost share of not less than 25 percent of the total costs of the project shall be required. The cost-sharing requirement may be waived or reduced for a disadvantaged community.

80074. Of the amount made available pursuant to Section 80070, eighteen million dollars (\$18,000,000) shall be available to the Division of Fairs and Expositions of the Department of Food and Agriculture to provide for facility improvements for county

fairs, district agricultural associations, including the Sixth District Agricultural Association, as described in Section 4101 of the Food and Agricultural Code, and the Forty-Fifth District Agricultural Association, citrus fruit fairs, and the California Exposition and State Fair.

80075. Of the amount made available pursuant to Section 80070, thirty million dollars (\$30,000,000) shall be available to the department to provide for lower cost coastal accommodation project development in units of the state park system.

80076. Of the amount made available pursuant to Section 80070, not less than twenty-five million dollars (\$25,000,000) shall be available to the department for the protection, restoration, and enhancement of the natural resource values of the state park system, which may include all of the following:

(a) Protection and improvement of water quality and biological health in streams, aquifers, and estuarine ecosystems.

(b) Protection and restoration of natural resources and ecosystems representative of California's diverse landscapes, including landform, habitat, and biological community restoration.

(c) Acquisition, rehabilitation, restoration, protection, and expansion of wildlife corridors, including projects to improve connectivity and reduce barriers between habitat areas.

(d) Improvements of native ecosystem resilience and adaptation to climate change.

(e) Enhancement of the health of redwood forests in order to accelerate old growth characteristics, maximize carbon sequestration, improve water quality, and build climate resilience.

(f) Protection and enhancement of tribal cultural resources.

80077. (a) In expending funds made available pursuant to Section 80070, and giving first priority to the department's criteria for expenditure of funds for deferred maintenance including infrastructure needs to protect public safety, the department shall use best efforts to expend at least ten million dollars (\$10,000,000) in each of the following regions for state park units and properties deferred maintenance projects and projects that may increase tourism and visitor experiences in those regions:

(1) Central Valley, from the City of Sacramento to the base of the Tehachapi Mountains.

(2) Central Coast.

(3) East Bay.



(4) County of Imperial and the Coachella Valley.

(5) Inland Empire.

(b) To the extent the department is unable to allocate funds for parks deferred maintenance in the regions identified in this section, it shall report to the appropriate policy and fiscal committees of the Legislature on the reasons it is unable to do so.

#### CHAPTER 5. TRAILS AND GREENWAY INVESTMENT

80080. (a) The sum of thirty million dollars (\$30,000,000) shall be available to the Natural Resources Agency, working in cooperation with the department, upon appropriation by the Legislature, for competitive grants to local agencies, state conservancies, federally recognized Native American tribes, nonfederally recognized California Native American tribes listed on the California Tribal Consultation List maintained by the Native American Heritage Commission, joint powers authorities, and nonprofit organizations to provide nonmotorized infrastructure development and enhancements that promote new or alternate access to parks, waterways, outdoor recreational pursuits, and forested or other natural environments to encourage health-related active transportation and opportunities for Californians to reconnect with nature.

(b) Of the amount made available pursuant to this section, up to 25 percent may be made available to communities for innovative transportation projects that provide new and expanded outdoor experiences to disadvantaged youth.

(c) Alignment, development, and improvement of nonmotorized infrastructure and trails that lead to safer interconnectivity among parks, waterways, and natural areas may be encouraged.

(d) The Natural Resources Agency is encouraged, when designing guidelines for grants awarded under this chapter, to utilize existing program guidelines, including, if applicable, guidelines that have been established for the California Recreational Trails Act (Article 6 (commencing with Section 5070) of Chapter 1 of Division 5) and, to the extent possible, to design guidelines that are consistent with the California Recreational Trails Plan, as described in Article 6 (commencing with Section 5070) of Chapter 1 of Division 5.

80081. Unless the project has been identified as serving a disadvantaged community, an entity that receives an award under this chapter shall be required to provide a match of 20 percent.

#### CHAPTER 6. RURAL RECREATION, TOURISM, AND ECONOMIC ENRICHMENT INVESTMENT

80090. (a) The sum of twenty-five million dollars (\$25,000,000) shall be available to the department, upon appropriation by the Legislature, to administer a competitive grant program for cities, counties, and districts in nonurbanized areas, that are eligible for a grant under the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act (Chapter 3.2 (commencing with Section 5620) of Division 5). Notwithstanding subdivisions (c) and (e) of Section 5621 and for the purposes of this section, the definition of "nonurbanized area" shall be updated by the department to reflect current population levels. A nonurbanized area shall include counties with populations of less than 500,000 people and low population densities per square mile, as determined by the department. In awarding the grants, the department may consider the following factors:

(1) Whether the project would provide new recreational opportunities in rural communities that have demonstrated deficiencies and lack of outdoor infrastructure in support of economic and health-related goals.

(2) Whether the project proposes to acquire and develop lands to enhance residential recreation while promoting the quality of tourism experiences and the economic vitality of the community. These enhancements may include accessibility for individuals with disabilities, trails, bikeways, regional or destination-oriented recreational amenities, and visitor centers.

(3) Whether the project includes collaboration between public and nonprofit organizations, including, but not limited to, nonprofit land trusts, to facilitate public access to privately owned lands for regional trail development for wildlife viewing, recreation, or outdoor experiences for youth.

(b) Unless the project has been identified as serving a disadvantaged community, an entity that receives an award under this chapter shall be required to provide a match of 20 percent.

CHAPTER 7. CALIFORNIA RIVER RECREATION, CREEK, AND  
WATERWAY IMPROVEMENTS PROGRAM

80100. (a) The sum of one hundred sixty-two million dollars (\$162,000,000) shall be available, upon appropriation by the Legislature, for grants pursuant to the California River Parkways Act of 2004 (Chapter 3.8 (commencing with Section 5750) of Division 5) and the Urban Streams Restoration Program pursuant to Section 7048 of the Water Code. Eligible projects shall include, but are not limited to, projects that protect and enhance urban creeks.

(1) (A) Of the amount made available pursuant to this subdivision, thirty-seven million five hundred thousand dollars (\$37,500,000) shall be available to the Santa Monica Mountains Conservancy. Notwithstanding subdivision (c) of Section 5753, of that amount, fifteen million dollars (\$15,000,000) shall be available for projects within the San Fernando Valley that protect or enhance the Los Angeles River watershed and its tributaries or headwaters, pursuant to Division 23 (commencing with Section 33000).

(B) Of the amount made available pursuant to this subdivision, thirty-seven million five hundred thousand dollars (\$37,500,000) shall be available to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.

(C) Funds allocated pursuant to this paragraph shall be expended pursuant to Section 79508 of the Water Code and Division 22.8 (commencing with Section 32600) and Division 23 (commencing with Section 33000).

(2) Of the amount made available pursuant to this subdivision, sixteen million dollars (\$16,000,000) shall be available to the Santa Ana River Conservancy Program pursuant to Chapter 4.6 (commencing with Section 31170) of Division 21. To the extent possible, the conservancy shall distribute funds equitably geographically along the Santa Ana River.

(3) Of the amount made available pursuant to this subdivision, ten million dollars (\$10,000,000) shall be available to the Lower American River Conservancy Program pursuant to Chapter 10.5 (commencing with Section 5845) of Division 5.

(4) Of the amount made available pursuant to this subdivision, three million dollars (\$3,000,000) shall be available to the Natural

Resources Agency for projects supporting the preservation of the Los Gatos Creek and Upper Guadalupe River Watersheds and the protection of associated redwoods.

(5) Of the amount made available pursuant to this subdivision, three million dollars (\$3,000,000) shall be available to the Natural Resources Agency for projects supporting a comprehensive regional use management plan for the Russian River to reduce conflict and promote water supply improvements, habitat restoration and protection, cooperative public recreation, and commercial activity.

(6) Of the amount made available pursuant to this subdivision, ten million dollars (\$10,000,000) shall be available to the State Coastal Conservancy for river parkway projects along the Santa Margarita River in San Diego County.

(7) Of the amount made available pursuant to this subdivision, five million dollars (\$5,000,000) shall be available to the Natural Resources Agency for improvements in and around Clear Lake and its watershed that demonstrate a comprehensive local and regional approach to restoration, public recreation, and management of the lake and its surrounding resources and recreation areas.

(8) Of the amount made available pursuant to this subdivision, ten million dollars (\$10,000,000) shall be available for purposes of the California River Parkways Act of 2004 (Chapter 3.8 (commencing with Section 5750)).

(9) Of the amount made available pursuant to this subdivision, ten million dollars (\$10,000,000) shall be made available to the Department of Water Resources, upon appropriation by the Legislature, to implement the Urban Streams Restoration Program, established pursuant to Section 7048 of the Water Code.

(10) Of the amount made available pursuant to this subdivision, twenty million dollars (\$20,000,000) shall be available to the Natural Resources Agency for river parkway projects along the Los Angeles River in the City of Glendale that include connectivity to parks and open space in neighboring communities.

(b) Unless the project has been identified as serving a disadvantaged community, an entity that receives an award under this chapter shall be required to provide a match of 20 percent.

(c) To maximize cooperation and leverage resources, the Natural Resources Agency may give priority to projects that include partnerships among federal, state, and local agencies and to projects

proposed by nonprofit organizations, including, but not limited to, nonprofit land trusts, and grants that may complement a natural community conservation plan.

80101. To the maximum extent feasible, the Natural Resources Agency is encouraged, when developing guidelines for grants awarded under this chapter, to utilize existing programs where communities enter into partnerships with state agencies for multibenefit projects to enhance and restore waterways, including, but not limited to, the Riverine Stewardship Technical Assistance program.

CHAPTER 8. STATE CONSERVANCY, WILDLIFE CONSERVATION BOARD, AND AUTHORITY FUNDING

80110. The sum of seven hundred sixty-seven million dollars (\$767,000,000) shall be available, upon appropriation by the Legislature, as described in this chapter.

(a) Thirty million dollars (\$30,000,000) shall be available to the Salton Sea Authority for capital outlay projects that provide air quality and habitat benefits and that implement the Natural Resources Agency's Salton Sea Management Program. Of this amount, not less than ten million dollars (\$10,000,000) shall be available to the Salton Sea Authority for purposes consistent with the New River Water Quality, Public Health, and River Parkway Development Program, as described in Section 71103.6.

(b) One hundred eighty million dollars (\$180,000,000) shall be available to the following conservancies according to their governing statutes for their specified purposes in accordance with the following schedule:

- (1) Baldwin Hills Conservancy, six million dollars (\$6,000,000).
- (2) California Tahoe Conservancy, twenty-seven million dollars (\$27,000,000).
- (3) Coachella Valley Mountains Conservancy, seven million dollars (\$7,000,000).
- (4) Sacramento-San Joaquin Delta Conservancy, twelve million dollars (\$12,000,000).
- (5) San Diego River Conservancy, twelve million dollars (\$12,000,000).
- (6) San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, thirty million dollars (\$30,000,000).

(7) San Joaquin River Conservancy, six million dollars (\$6,000,000).

(8) Santa Monica Mountains Conservancy, thirty million dollars (\$30,000,000).

(9) Sierra Nevada Conservancy, thirty million dollars (\$30,000,000).

(10) State Coastal Conservancy, twenty million dollars (\$20,000,000) for grants pursuant to Section 66704.5 of the Government Code for the purpose of San Francisco Bay restoration in accordance with the San Francisco Bay Restoration Authority Act (Title 7.25 (commencing with Section 66700) of the Government Code). Notwithstanding subdivision (e) of Section 66704.5 of the Government Code, the State Coastal Conservancy shall establish a matching grant requirement for a grant awarded pursuant to this paragraph.

(c) One hundred thirty-seven million dollars (\$137,000,000) shall be available to the Wildlife Conservation Board.

80111. The amount available to the Wildlife Conservation Board pursuant to subdivision (c) of Section 80110 is allocated as follows:

(a) Five million dollars (\$5,000,000) shall be available for the development of regional conservation investment strategies that are not otherwise funded pursuant to Section 800 of the Streets and Highways Code or any other law.

(b) At least fifty-two million dollars (\$52,000,000) shall be available for the acquisition, development, rehabilitation, restoration, protection, and expansion of habitat that furthers the implementation of natural community conservation plans adopted pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code) to help resolve resource conflicts by balancing communitywide conservation, planning, and economic activities or other large-scale habitat conservation plans that resolve resource conflicts with provisions for conservation, planning, and economic activities. Funding pursuant to this paragraph shall not be used to offset mitigation obligations otherwise required, but may be used as part of a funding partnership to enhance, expand, or augment conservation efforts required by mitigation.

(c) Up to ten million dollars (\$10,000,000) may be granted to the University of California Natural Reserve System for match-



grants for acquisition of land, construction and development of research facilities to improve the management of natural lands, for preservation of California's wildlife resources, and to further research related to climate change. The Wildlife Conservation Board shall establish a matching grant requirement for grants awarded pursuant to this subdivision.

(d) The remainder of the amount available shall be available to the Wildlife Conservation Board to provide funding for the following projects:

(1) Projects to protect and enhance national recreation areas serving heavily urbanized areas or, in coordination with the State Lands Commission, to acquire an interest in federal public lands that may be proposed for sale or disposal.

(2) Projects according to the Wildlife Conservation Board's governing statutes for its specified purposes.

80112. A receiving entity listed in subdivision (b) of Section 80110 shall develop and adopt a strategic master plan that identifies priorities and specific criteria for selecting projects for funding. The strategic plan shall include strategies for providing public access to conserved lands wherever feasible and be consistent with project goals and objectives.

80113. Entities, in expending the funding available under this chapter, shall endeavor, where practical, to partner with cities, counties, nonprofit organizations, joint powers authorities, and nongovernmental organizations to acquire open space and create urban greenway corridors.

80114. (a) Of the amount made available pursuant to Section 80110, two hundred million dollars (\$200,000,000) shall be available to the Natural Resources Agency for implementation of voluntary agreements that provide multibenefit water quality, water supply, and watershed protection and restoration for the watersheds of the state to achieve the objectives of integrating regulatory and voluntary efforts, implementing an updated State Water Resources Control Boards' San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan, and ensuring ecological benefits. Expenditure of funds provided in this section shall be in accordance with the following:

(1) For the purposes of this section, watershed restoration includes activities to fund wetland habitat, salmon, steelhead, and fishery benefits, improve and restore river health, modernize stream

crossings, culverts, and bridges, reconnect historical flood plains, install or improve fish screens, provide fish passages, restore river channels, restore or enhance riparian, aquatic, and terrestrial habitat, improve ecological functions, acquire from willing sellers conservation easements for riparian buffer strips, improve local watershed management, predation management, hatchery management, and remove sediment or trash.

(2) For purposes of this section, funds may be used for projects that measurably enhance streamflows at a time and location necessary to provide fisheries or ecosystem benefits or improvements that improve upon existing flow conditions. Project types that may be eligible include, but are not limited to, water transactions such as lease, purchase, or exchange, change of use petitions to benefit fish and wildlife, surface storage to be used to enhance streamflow, forbearance of water rights, changes in water management, groundwater storage and conjunctive use, habitat restoration projects that reshape the stream hydrograph, water efficiency generally, irrigation efficiency and water infrastructure improvements that save water and enable reshaping of the stream hydrograph, reconnecting flood flows with restored flood plains, and reservoir reoperations both at existing and new storage sites.

(b) The funds authorized by this section shall be available for direct expenditures and local assistance grants by the Natural Resources Agency, in consultation with the Department of Fish and Wildlife, that satisfy all of the following:

(1) Implement voluntary agreements executed by the Department of Fish and Wildlife with federal and state agencies, local government, water districts and agencies, and nongovernmental organizations that improve ecological flows and habitat for species, create water supply and regulatory certainty for water users, and foster a collaborative approach to facilitate implementation of the State Water Resources Control Board's Bay-Delta Water Quality Control Plan.

(2) Implement a voluntary agreement submitted by the Department of Fish and Wildlife to the State Water Resources Control Board on or before June 1, 2018, for consideration.

(3) Implement a voluntary agreement that is of statewide significance, restores natural aquatic or riparian functions or wetlands habitat for birds and aquatic species, protects or promotes the restoration of endangered or threatened species, enhances the



reliability of water supplies on a regional or interregional basis, and provides significant regional or statewide economic benefits.

(c) Funds provided by this section shall not be expended to pay the costs of the design, construction, operation, mitigation, or maintenance of Delta conveyance facilities.

(d) If the Department of Fish and Wildlife submits a voluntary agreement that satisfies paragraph (2) of subdivision (b), unencumbered funds available pursuant to this section to implement that voluntary agreement shall no longer be available 15 years after the date the State Water Resources Control Board approves the submitted agreement, at which point funds remaining available pursuant to this section shall become available to the Natural Resources Agency for the purposes of Sections 79732 and 79736 of the Water Code. If no voluntary agreements are submitted on or before June 1, 2018, any remaining funds shall be available to the Natural Resources Agency for the purposes of Sections 79732 and 79736 of the Water Code. The Secretary of the Natural Resources Agency shall ensure an annual reporting of the funds pursuant to Section 80012.

80115. Of the amount made available pursuant to Section 80110, fifty million dollars (\$50,000,000) shall be available to the Department of Fish and Wildlife for capital improvements that address the Department of Fish and Wildlife's backlog of deferred maintenance. Where practical, the Department of Fish and Wildlife shall partner with nonprofit organizations and nongovernmental organizations to inform the expenditure of these funds, enhance visitor experience, and where feasible, increase engagement with youth and disadvantaged communities.

80116. Of the amount made available pursuant to Section 80110, one hundred seventy million dollars (\$170,000,000) shall be available to the Natural Resources Agency for restoration activities identified in the Salton Sea Management Program Phase I: 10 Year Plan, dated March 2017, the final management plan report, and any subsequent revisions to this plan.

#### CHAPTER 9. OCEAN, BAY, AND COASTAL PROTECTION

80120. The sum of one hundred seventy-five million dollars (\$175,000,000) shall be available, upon appropriation by the

Legislature, to fund projects that enhance and protect coastal and ocean resources, as follows:

(a) The sum of thirty-five million dollars (\$35,000,000) shall be available for deposit into the California Ocean Protection Trust Fund for grants consistent with Section 35650. Priority shall be given to projects that conserve, protect, and restore marine wildlife and healthy ocean and coastal ecosystems with a focus on the state's system of marine protected areas and sustainable fisheries.

(b) The sum of thirty million dollars (\$30,000,000) shall be available to the State Coastal Conservancy to provide for lower cost coastal accommodation grants and project development to public agencies and nonprofit organizations.

(c) The sum of eighty-five million dollars (\$85,000,000) shall be available to the State Coastal Conservancy for the protection of beaches, bays, wetlands, and coastal watershed resources pursuant to Division 21 (commencing with Section 31000). This shall include the acquisition of, or conservation easements on, land in or adjacent to the California coastal zone with open space, recreational, biological, cultural, scenic, or agricultural values, or lands adjacent to marine protected areas, including marine conservation areas, whose preservation will contribute to the ecological quality of those marine protected areas. This shall also include the protection of coastal agricultural resources pursuant to Section 31150 and projects to complete the California Coastal Trail pursuant to Section 31408.

(d) Twenty-five percent of the amount available pursuant to subdivision (c) shall be available to the San Francisco Bay Area Conservancy Program (Chapter 4.5 (commencing with Section 31160) of Division 21).

(e) The sum of twenty million dollars (\$20,000,000) shall be available to the State Coastal Conservancy for grants and expenditures for the protection, restoration, and improvement of coastal forest watersheds, including managed forest lands, forest reserve areas, redwood forests, and other forest types. Eligible project types shall include projects that improve water quality and supply, increase coastal watershed storage capacity, reduce fire risk, provide habitat for fish and wildlife, or improve coastal forest health.

(f) The sum of five million dollars (\$5,000,000) shall be available to the State Coastal Conservancy for acquisition

parcels that will allow for protection and restoration of coastal dune, wetland, upland, and forest habitat associated with estuarine lagoons and designated wildlife areas.

80121. In implementing Section 80120, the administering entity may give special consideration to the acquisition of lands that are in deferred certification areas of local coastal plans or that complement natural community conservation plans.

CHAPTER 10. CLIMATE PREPAREDNESS, HABITAT RESILIENCY,  
RESOURCE ENHANCEMENT, AND INNOVATION

80130. The sum of four hundred forty-three million dollars (\$443,000,000) shall be available, upon appropriation by the Legislature, as competitive grants for projects that plan, develop, and implement climate adaptation and resiliency projects. Eligible projects shall improve a community's ability to adapt to the unavoidable impacts of climate change, improve and protect coastal and rural economies, agricultural viability, wildlife corridors, or habitat, develop future recreational opportunities, or enhance drought tolerance, landscape resilience, and water retention.

80131. In implementing Section 80130, special consideration may be given to the acquisition of lands that are in deferred certification areas of local coastal plans.

80132. (a) Of the amount made available pursuant to Section 80130, eighteen million dollars (\$18,000,000) shall be available to the Wildlife Conservation Board for direct expenditures pursuant to the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code) and for grants for any of the following:

(1) Projects for the acquisition, development, rehabilitation, restoration, protection, and expansion of wildlife corridors and open space, including projects to improve connectivity and reduce barriers between habitat areas. In awarding grants pursuant to this paragraph, the Wildlife Conservation Board shall give priority to projects that protect wildlife corridors, including wildlife corridors threatened by urban development.

(2) Projects for the acquisition, development, rehabilitation, restoration, protection, and expansion of habitat that promote the recovery of threatened and endangered species.

(3) Projects to improve climate adaptation and resilience of natural systems.

(4) Projects to protect and improve existing open-space corridors and trail linkages related to utility, transportation, or water infrastructure that provide habitat connectivity and public access or trails.

(5) Projects for wildlife rehabilitation facilities after consultation with the Department of Fish and Wildlife.

(6) Projects to control invasive plants or insects that degrade wildlife corridors or habitat linkages, inhibit the recovery of threatened or endangered species, or reduce the climate resilience of a natural system.

(7) Projects to enhance wildlife habitat, recognizing the highly variable habitat needs required by fish and wildlife. Eligible projects include acquisition of water or water rights from willing sellers, acquisition of land that includes water rights or contractual rights to water, short- or long-term water transfers and leases, projects that provide water for fish and wildlife, projects that improve aquatic or riparian habitat conditions, or projects to benefit salmon and steelhead.

(8) Implementation of conservation actions and habitat enhancement actions that measurably advance the conservation objectives of regional conservation investment strategies approved pursuant to Chapter 9 (commencing with Section 1850) of Division 2 of the Fish and Game Code.

(9) Provision of hunting and other wildlife-dependent recreational opportunities to the public through voluntary agreement with private landowners, including opportunities pursuant to Section 1572 of the Fish and Game Code.

(b) In implementing this section, the Wildlife Conservation Board may provide matching grants for incentives to landowners for conservation actions on private lands or use of voluntary habitat credit exchange mechanisms. A matching grant shall not exceed 50 percent of the total cost of the incentive program.

(c) Of the amount made available pursuant to Section 80130, thirty million dollars (\$30,000,000) shall be available for the acquisition, development, rehabilitation, restoration, protection, and expansion of wildlife corridors and open space to improve connectivity and reduce barriers between habitat areas and to protect and restore habitat associated with the Pacific Flyway. In

awarding grants pursuant to this subdivision, priority may be given to projects that protect wildlife corridors. Of the amount described in this subdivision, ten million dollars (\$10,000,000) shall be available for the California Waterfowl Habitat Program.

(d) Of the amount made available pursuant to Section 80130, not less than twenty-five million dollars (\$25,000,000) shall be available to the Department of Fish and Wildlife for projects to restore rivers and streams in support of fisheries and wildlife, including, but not limited to, reconnection of rivers with their flood plains, riparian and side-channel habitat restoration activities described in subdivision (b) of Section 79737 of the Water Code, and restoration and protection of upper watershed forests and meadow systems that are important for fish and wildlife resources. Subdivision (f) of Section 79738 of the Water Code applies to this subdivision. Of the amount available pursuant to this subdivision, at least five million dollars (\$5,000,000) shall be available for restoration projects in the Klamath-Trinity watershed for the benefit of salmon and steelhead. Priority shall be given to projects supported by multistakeholder public or private partnerships, or both, using a science-based approach and measurable objectives to guide identification, design, and implementation of regional actions to benefit salmon and steelhead.

(e) (1) Of the amount made available pursuant to Section 80130, not less than sixty million dollars (\$60,000,000) shall be available to the Wildlife Conservation Board for construction, repair, modification, or removal of transportation or water resources infrastructure to improve wildlife or fish passage.

(2) Of the amount subject to paragraph (1), at least thirty million dollars (\$30,000,000) shall be available to the Department of Fish and Wildlife for restoration of Southern California Steelhead habitat consistent with the Department of Fish and Wildlife's Steelhead Restoration and Management Plan and the National Marine Fisheries Service's Southern California Steelhead Recovery Plan. Projects that remove significant barriers to steelhead migration and include other habitat restoration and associated infrastructure improvements shall be the highest priority.

(f) Of the amount made available pursuant to Section 80130, not less than sixty million dollars (\$60,000,000) shall be available to the Wildlife Conservation Board for the protection, restoration, and improvement of upper watershed lands in the Sierra Nevada

and Cascade Mountains, including forest lands, meadows, wetlands, chaparral, and riparian habitat, in order to protect and improve water supply and water quality, improve forest health, reduce wildfire danger, mitigate the effects of wildfires on water quality and supply, increase flood protection, or to protect or restore riparian or aquatic resources.

(g) Of the amount made available pursuant to Section 80130, at least thirty million dollars (\$30,000,000) shall be available to the Department of Fish and Wildlife to improve conditions for fish and wildlife in streams, rivers, wildlife refuges, wetland habitat areas, and estuaries. Eligible projects include acquisition of water from willing sellers, acquisition of land that includes water rights or contractual rights to water, short- or long-term water transfers or leases, provision of water for fish and wildlife, or improvement of aquatic or riparian habitat conditions. In implementing this section, the Department of Fish and Wildlife may provide grants under the Fisheries Restoration Grant Program with priority given to coastal waters.

(h) The Wildlife Conservation Board shall update its strategic master plan that identifies priorities and specific criteria for selecting projects pursuant to subdivision (a).

(i) Activities funded pursuant to this section shall be consistent with the state's climate adaptation strategy, as provided in Section 71153, and the statewide objectives provided in Section 71154.

80133. (a) Of the amount made available pursuant to Section 80130, forty million dollars (\$40,000,000) shall be available for deposit into the California Ocean Protection Trust Fund, established pursuant to Section 35650, for projects that assist coastal communities, including those reliant on commercial fisheries, with adaptation to climate change, including projects that address ocean acidification, sea level rise, or habitat restoration and protection, including, but not limited to, the protection of coastal habitat associated with the Pacific Flyway.

(b) Thirty-five percent of the amount available pursuant to this section shall be available to the San Francisco Bay Area Conservancy Program (Chapter 4.5 (commencing with Section 31160) of Division 21).

(c) Twelve percent of the amount available pursuant to this section shall be available to the State Coastal Conservancy to fund a conservation program at West Coyote Hills.



(d) The remainder of the amount available pursuant to this section shall be available pursuant to Section 31113.

80134. (a) Of the amount made available pursuant to Section 80130, thirty million dollars (\$30,000,000) shall be available to plan, develop, and implement innovative farm and ranch management practices and protections that improve climate adaptation and resiliency by improving the soil health, carbon sequestration, and habitat of California's farm and ranch lands and affiliated habitat, including working lands, open space, or riparian corridors, and that increase water retention and absorption, habitat values, species protection, and economic viability to reduce development pressure.

(b) Of the amount subject to this section, the sum of ten million dollars (\$10,000,000) shall be available to the Department of Food and Agriculture for grants to promote practices on farms and ranches that improve agricultural and open-space soil health, carbon soil sequestration, erosion control, water quality, and water retention.

(c) (1) Of the amount subject to this section, the sum of twenty million dollars (\$20,000,000) shall be available to the Department of Conservation to protect, restore, or enhance working lands and riparian corridors through conservation easements or other conservation actions, including actions pursuant to Section 9084 and the California Farmland Conservancy Program (Division 10.2 (commencing with Section 10200)).

(2) Up to fifty percent of the funds available pursuant to this subdivision may be allocated to the Department of Conservation for watershed restoration and conservation projects on agricultural lands pursuant to Section 9084.

80135. (a) Of the amount made available pursuant to Section 80130, fifty million dollars (\$50,000,000) shall be available to the Department of Forestry and Fire Protection, except as provided in subdivision (c), for projects that provide ecological restoration of forests. Projects may include, but are not limited to, forest restoration activities that include hazardous fuel reduction, postfire watershed rehabilitation, prescribed or managed burns, acquisition of forest conservation easements or fee interests, and forest management practices that promote forest resilience to severe wildfire, climate change, and other disturbances. The Department of Forestry and Fire Protection shall achieve geographic balance

with the moneys allocated pursuant to this section and may, where appropriate, include activities on lands owned by the United States.

(b) Not less than 30 percent of the amount available pursuant to this section shall be allocated for urban forestry projects pursuant to Section 4799.12. The Department of Forestry and Fire Protection shall allocate no less than 50 percent of the moneys allocated pursuant to this subdivision for the expansion of the urban forestry program to previously underserved local entities in order to achieve geographic balance.

(c) Of the amount subject to this section, 50 percent shall be allocated directly to the Sierra Nevada Conservancy to administer projects pursuant to this section for purposes of implementing the Sierra Nevada Watershed Improvement Program. For purposes of this section, the Sierra Nevada Conservancy may allocate funds to the California Tahoe Conservancy for projects within the jurisdiction of the California Tahoe Conservancy.

80136. Of the amount made available pursuant to Section 80130, forty million dollars (\$40,000,000) shall be available to the California Conservation Corps for projects to rehabilitate or improve local and state parks, restore watersheds and riparian zones, regional and community-level fuel load reduction, compost application and food waste management, resources conservation and restoration projects, and for facility or equipment acquisition, development, restoration, and rehabilitation. Not less than 50 percent of the amount available pursuant to this section shall be allocated for grants to certified local community conservation corps, as defined in Section 14507.5.

80137. (a) Of the amount made available pursuant to Section 80130, sixty million dollars (\$60,000,000) shall be made available to the Natural Resources Agency for competitive grants to local agencies, nonprofit organizations, nongovernmental land conservation organizations, federally recognized Native American tribes, or nonfederally recognized California Native American tribes listed on the California Tribal Consultation List maintained by the Native American Heritage Commission, to do any of the following:

(1) Restore, protect, and acquire Native American, natural, cultural, and historic resources within the state.

(2) Convert and repurpose properties or parts of properties that served as the site of a fossil fuel powerplant that had been retired



on the effective date of this division, or were scheduled to be retired prior to January 1, 2021, to create permanently protected open space, tourism, and park opportunities through fee title or conservation easements.

(3) Enhance visitor experiences through development, expansion, and improvement of science centers operated by foundations or other nonprofit organizations in heavily urbanized areas.

(4) Enhance park, water, and natural resource values through improved recreation, tourism, and natural resource investments in those areas of the state not within the jurisdiction of a state conservancy.

(5) Promote, develop, and improve any of the following:

(A) Community, civic, or athletic venues.

(B) Cultural or visitor centers that recognize that contributions of California's ethnic communities or celebrate the unique traditions of these communities, including those of Asian and Hispanic descent.

(C) Visitor centers or nonprofit aquariums that educate the public about natural landscapes, aquatic species, or wildlife migratory patterns.

(b) Of the amount subject to this section, twenty million dollars (\$20,000,000) shall be available for multibenefit green infrastructure investments in or benefiting disadvantaged or severely disadvantaged communities.

#### CHAPTER 11. CLEAN DRINKING WATER AND DROUGHT PREPAREDNESS

80140. (a) The sum of two hundred fifty million dollars (\$250,000,000) shall be available, upon appropriation by the Legislature, for the purposes described in Chapter 5 (commencing with Section 79720) of Division 26.7 of the Water Code.

(b) Of the funds authorized by subdivision (a), thirty million dollars (\$30,000,000) shall be available for grants to regional water supply projects within the San Joaquin River hydrologic unit that diversify local water supplies by providing local surface water to communities that are dependent on contaminated groundwater, reduce municipal groundwater pumping, and benefit agricultural municipal water supplies.

#### CHAPTER 11.1. GROUNDWATER SUSTAINABILITY

80141. (a) The sum of eighty million dollars (\$80,000,000) shall be available, upon appropriation by the Legislature, to the state board for competitive grants for projects for treatment and remediation activities that prevent or reduce the contamination of groundwater that serves as a source of drinking water.

(b) Projects shall be prioritized based upon the following criteria:

(1) The threat posed by groundwater contamination to the affected community's overall drinking water supplies, including an urgent need for treatment of alternative supplies or increased water imports if groundwater is not available due to contamination. For the purposes of this paragraph, treatment includes ongoing operation and maintenance of existing facilities.

(2) The potential for groundwater contamination to spread and impair drinking water supply and water storage for nearby population areas.

(3) The potential of the project, if fully implemented, to enhance local water supply reliability.

(4) The potential of the project to maximize opportunities to recharge vulnerable, high-use groundwater basins and optimize groundwater supplies.

(5) The project addresses contamination at a site for which the courts or the appropriate regulatory authority has not yet identified responsible parties, or where the identified responsible parties are unwilling or unable to pay for the total cost of cleanup, including water supply reliability improvement for critical urban water supplies in designated superfund areas with groundwater contamination listed on the National Priorities List established pursuant to Section 105(a)(8)(B) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9605(a)(8)(B)).

(c) Funding authorized by this chapter shall not be used to pay any share of the costs of remediation recovered from parties responsible for the contamination of a groundwater storage aquifer, but may be used to pay costs that cannot be recovered from responsible parties. Parties that receive funding for remediating groundwater storage aquifers shall exercise reasonable efforts to recover the costs of groundwater cleanup from the parties responsible for the contamination. Funds recovered f

responsible parties may only be used to fund treatment and remediation activities including operations and maintenance.

(d) The contaminants that may be addressed with funding pursuant to this chapter may include, but shall not be limited to, nitrates, perchlorate, MTBE (methyl tertiary butyl ether), arsenic, selenium, hexavalent chromium, mercury, PCE (perchloroethylene), TCE (trichloroethylene), DCE (dichloroethene), DCA (dichloroethane), 1,2,3-TCP (trichloropropane), carbon tetrachloride, 1,4-dioxane, 1,4-dioxacyclohexane, nitrosodimethylamine, bromide, iron, manganese, and uranium.

(e) A project that receives funding pursuant to this chapter shall be selected by a competitive grant process with added consideration for those projects that leverage private, federal, or local funding.

(f) For the purposes of awarding funding under this chapter, a local cost share of not less than 50 percent of the total costs of the project shall be required. The cost-sharing requirement may be waived or reduced for projects that directly benefit a disadvantaged community or an economically distressed area.

(g) The state board may assess the capacity of a community to pay for the operation and maintenance of a facility to be funded by a grant awarded under this chapter.

(h) At least 10 percent of the funds available pursuant to this chapter shall be allocated for projects serving severely disadvantaged communities.

(i) Funding authorized by this chapter may include funding for technical assistance to disadvantaged communities. The agency administering this funding shall operate a multidisciplinary technical assistance program for small and disadvantaged communities.

(j) Subdivisions (a) and (b) of Section 16727 of the Government Code do not apply to this chapter.

#### CHAPTER 11.5. FLOOD PROTECTION AND REPAIR

80145. (a) The sum of five hundred fifty million dollars (\$550,000,000) shall be available, upon appropriation by the Legislature, for flood protection and repair.

(1) (A) Of the funds available pursuant to this subdivision, three hundred fifty million dollars (\$350,000,000) shall be available

to the Department of Water Resources for flood protection facilities, levee improvements, and related investments that protect persons and property from flood damage in the Central Valley. The Department of Water Resources may require that moneys provided under this paragraph be matched by local and regional public agencies.

(B) Of the amount subject to this paragraph, fifty million dollars (\$50,000,000) shall be available for levee repairs and restoration within the Sacramento-San Joaquin Delta.

(C) Of the amount subject to this paragraph, three hundred million dollars (\$300,000,000) shall be available for multibenefit projects that achieve public safety improvements and measurable fish and wildlife enhancement. The Department of Water Resources shall coordinate the expenditure of multibenefit funds with the Central Valley Flood Protection Board and the Department of Fish and Wildlife. Eligible projects include, but are not limited to, levee setbacks, creation or enhancement of flood plains or bypasses, groundwater recharge projects in flood plains, and land acquisition and easements necessary for these projects.

(2) Of the funds available pursuant to this subdivision, one hundred million dollars (\$100,000,000) shall be available for the purposes of stormwater, mudslide, and other flash-flood-related protections.

(3) Of the amount made available pursuant to this subdivision, one hundred million dollars (\$100,000,000) shall be available to the Natural Resources Agency for competitive grants for the purposes of multibenefit projects in urbanized areas to address flooding. Eligible projects shall include, but are not limited to, stormwater capture and reuse, planning and implementation of low-impact development, restoration of urban streams and watersheds, and increasing permeable surfaces to help reduce flooding.

(4) Funding made available pursuant to paragraphs (2) and (3) shall support projects that protect persons and property from flood damage. Unless the project has been identified as serving a disadvantaged community, an entity that receives an award pursuant to paragraphs (2) or (3) shall be required to provide a match of 25 percent as a local share.

(b) Funds provided by this chapter shall not be expended to pay the costs of the design, construction, operation, mitigation, or

maintenance of Delta conveyance facilities. Those costs shall be the responsibility of the water agencies that benefit from the design, construction, operation, mitigation, or maintenance of those facilities.

CHAPTER 11.6. REGIONAL SUSTAINABILITY FOR DROUGHT AND GROUNDWATER, AND WATER RECYCLING

80146. (a) The sum of two hundred ninety million dollars (\$290,000,000) shall be available, upon appropriation by the Legislature, for drought and groundwater investments to achieve regional sustainability. Expenditure of these funds may include planning, design, and implementation projects through competitive grants and loans for investments in groundwater recharge with surface water, stormwater, recycled water, and other conjunctive use projects, and projects to prevent or clean up contamination of groundwater that serves as a source of drinking water.

(b) Of the funds made available pursuant to this section, fifty million dollars (\$50,000,000) shall be available pursuant to Chapter 10 (commencing with Section 79770) of Division 26.7 of the Water Code for the purposes described in Section 79775 of the Water Code.

80147. (a) The sum of one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, pursuant to Chapter 9 (commencing with Section 79765) of Division 26.7 of the Water Code, except that the provisions of Section 79143 of the Water Code shall not apply to a loan or grant awarded under this section.

(b) Of the funds made available pursuant to this section, up to twenty million dollars (\$20,000,000) shall be available for the State Water Efficiency and Enhancement Program administered by the Department of Food and Agriculture.

CHAPTER 12. ADVANCE PAYMENT FOR WATER PROJECTS

80150. (a) Within 90 days of notice that a grant under this division for projects included and implemented in an integrated regional water management plan has been awarded, the regional water management group shall provide the administering agency with a list of projects to be funded with the grant funds where the

project proponent is a nonprofit organization or a disadvantaged community, or the project benefits a disadvantaged community. The list shall specify how the projects are consistent with the adopted integrated regional water management plan and shall include all of the following information:

(1) Descriptive information concerning each project identified.  
 (2) The names of the entities that will receive the funding for each project, including, but not limited to, an identification as to whether the project proponent or proponents are nonprofit organizations or a disadvantaged community.

(3) The budget of each project.  
 (4) The anticipated schedule for each project.  
 (b) Within 60 days of receiving the project information pursuant to subdivision (a), the administering agency may provide advance payment of 50 percent of the grant award for those projects that satisfy both of the following criteria:

(1) The project proponent is a nonprofit organization or a disadvantaged community, or the project benefits a disadvantaged community.

(2) The grant award for the project is less than one million dollars (\$1,000,000).

(c) Funds advanced pursuant to subdivision (b) shall comply with the following requirements:

(1) The recipient shall place the funds in a noninterest-bearing account until expended.

(2) The funds shall be spent within six months of the date of receipt, unless the administering agency waives this requirement.

(3) The recipient shall, on a quarterly basis, provide an accountability report to the administering agency regarding the expenditure and use of any advance grant funds that provides, at a minimum, the following information:

(A) An itemization as to how advance payment funds provided under this section have been expended.

(B) A project itemization as to how any remaining advance payment funds provided under this section will be expended over the period specified in paragraph (2).

(C) A description of whether the funds are placed in a noninterest-bearing account, and if so, the date that occurred and the dates of withdrawals of funds from that account, if applicable.



(4) If funds are not expended, the unused portion of the grant shall be returned to the administering agency within 60 days after project completion or the end of the grant performance period, whichever is earlier.

(5) The administering agency may adopt additional requirements for the recipient regarding the use of the advance payment to ensure that the funds are used properly.

#### CHAPTER 13. FISCAL PROVISIONS

80160. (a) Bonds in the total amount of four billion dollars (\$4,000,000,000), and any additional bonds authorized, issued, and appropriated in accordance with this division pursuant to other provisions of law, not including the amount of any refunding bonds issued in accordance with Section 80172, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this division and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, issued, and delivered, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both the principal of, and interest on, the bonds as the principal and interest become due and payable.

(b) The Treasurer shall sell the bonds authorized by the committee pursuant to this section. The bonds shall be sold upon the terms and conditions specified in a resolution to be adopted by the committee pursuant to Section 16731 of the Government Code.

80161. The bonds authorized by this division shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), as amended from time to time, and all of the provisions of that law apply to the bonds and to this division.

80162. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), of the bonds authorized by this division, the California Drought, Water, Parks, Climate,

Coastal Protection, and Outdoor Access For All Finance Committee is hereby created. For purposes of this division, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Finance Committee is the "committee" as that term is used in the State General Obligation Bond Law.

(b) The committee consists of the Director of Finance, the Treasurer, and the Controller. Notwithstanding any other law, any member may designate a representative to act as that member in his or her place for all purposes, as though the member were personally present.

(c) The Treasurer shall serve as the chairperson of the committee.

(d) A majority of the committee may act for the committee.

80163. The committee shall determine whether or not it is necessary or desirable to issue bonds authorized by this division in order to carry out the actions specified in this division and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

80164. For purposes of the State General Obligation Bond Law, "board," as defined in Section 16722 of the Government Code, means the Secretary of the Natural Resources Agency.

80165. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

80166. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this division, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this division, as the principal and interest become due and payable.

(b) The sum that is necessary to carry out the provisions of Section 80169, appropriated without regard to fiscal years.



80167. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, including other authorized forms of interim financing that include, but are not limited to, commercial paper, in accordance with Section 16312 of the Government Code for the purpose of carrying out this division. The amount of the request shall not exceed the amount of the unsold bonds that the committee has, by resolution, authorized to be sold for the purpose of carrying out this division, excluding refunding bonds authorized pursuant to Section 80172, less any amount loaned and not yet repaid pursuant to this section and withdrawn from the General Fund pursuant to Section 80169 and not yet returned to the General Fund. The board shall execute those documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated in accordance with this division.

80168. Notwithstanding any other provision of this division, or of the State General Obligation Bond Law, if the Treasurer sells bonds that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes under designated conditions or is otherwise entitled to any federal tax advantage, the Treasurer may maintain separate accounts for the bond proceeds invested and for the investment earnings on those proceeds, and may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or take any other action with respect to the investment and use of those bond proceeds, as may be required or desirable under federal law in order to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

80169. For the purposes of carrying out this division, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold for the purpose of carrying out this division, excluding refunding bonds authorized pursuant to Section 80172, less any amount loaned pursuant to Section 80167 and not yet repaid and any amount withdrawn from the General Fund pursuant to this section and not yet returned to the General Fund. Any amounts withdrawn shall be deposited in the fund to be allocated in

accordance with this division. Any moneys made available under this section shall be returned to the General Fund, with interest at the rate earned by the moneys in the Pooled Money Investment Account; from proceeds received from the sale of bonds for the purpose of carrying out this division.

80170. All moneys deposited in the fund that are derived from premium and accrued interest on bonds sold pursuant to this division shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest, except that amounts derived from premiums may be reserved and used to pay the cost of bond issuance prior to any transfer to the General Fund.

80171. Pursuant to Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code, the cost of bond issuance shall be paid or reimbursed out of the bond proceeds, including premiums, if any. To the extent the cost of bond issuance is not paid from premiums received from the sale of bonds, these costs shall be allocated proportionally to each program funded through this division by the applicable bond sale.

80172. The bonds issued and sold pursuant to this division may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state for the issuance of the bonds under this division shall include approval of the issuance of any bonds issued to refund any bonds originally issued under this division or any previously issued refunding bonds. Any bond refunded with the proceeds of a refunding bond as authorized by this section may be legally defeased to the extent permitted by law in the manner and to the extent set forth in the resolution, as amended from time to time, authorizing that refunded bond.

80173. The proceeds from the sale of bonds authorized by this division are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, and the disbursement of these proceeds is not subject to the limitations imposed by that article.

SEC. 4. Section 79772.5 is added to the Water Code, to read:  
79772.5. Notwithstanding any other law, eighty million dollars (\$80,000,000) of the unissued bonds authorized for the purposes

of Section 79772 are reallocated to finance the purposes of, and shall be authorized, issued, and appropriated in accordance with, Division 45 (commencing with Section 80000) of the Public Resources Code.

SEC. 5. Sections 1 to 4, inclusive, of this act shall take effect upon the approval by the voters of the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, as set forth in Section 3 of this act, including changes to the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, as set forth in Section 1 of this act, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, as set forth in Section 2 of this act, and the Water Quality, Supply, and Infrastructure Improvement Act of 2014, as set forth in Section 4 of this act.

SEC. 6. Sections 1 to 4, inclusive, of this act shall be submitted to the voters at the June 5, 2018, statewide primary direct election in accordance with provisions of the Government Code and the Elections Code governing the submission of a statewide measure to the voters.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to fund a California drought, water, parks, climate, coastal protection, and outdoor access for all program at the earliest possible date, it is necessary that this act take effect immediately.

**FILED**

In the office of the Secretary of State  
of the State of California

OCT 15 2017

At 11:45 O'Clock P. M.

By Nikhil Paruchuri  
Deputy Secretary of State

Approved OCT 15, 2017

Edmund G. Brown  
Governor



Agenda Date: 3-06-2018

Agenda Item: 3d

Approved:

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

# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: CHIEF OF POLICE, ELISE WARREN**

**DATE: MARCH 6, 2018**

**SUBJECT: RESOLUTION OF SUPPORT FOR THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT BALLOT INITIATIVE OF 2018**

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## RECOMMENDATION

It is recommended the City Council, by minute motion on its Consent Calendar, adopt a Resolution supporting the Reducing Crime and Keeping California Safe Act ballot initiative of 2018.

## BACKGROUND

The California Police Chiefs Association is requesting city councils' support for the Reducing Crime and Keeping California Safe Act ballot initiative of 2018. The initiative is sponsored by the California Public Safety Partnership (CAPSP), an alliance of law enforcement, public safety leaders, crime victims, child advocates and business leaders. The goal of this initiative is to fix many of the significant consequences of AB 109, Proposition 47 and Proposition 57. The overall intent of those measures has been to increase opportunities for rehabilitation while lowering recidivism and incarceration rates. Goals that all agree are worthy; however, the major policy changes resulted in a series of unintended consequences that have negatively impacted public safety in communities throughout California.

## DISCUSSION

The Reducing Crime and Keeping California Safe Act ballot initiative of 2018 would expand the list of violent crimes for which early release is not an option. Under current law, rape of an unconscious person, trafficking a child for sex, assault of a peace officer, felony domestic violence and other similar crimes are not classified as "violent felonies" making criminals convicted of these crimes eligible for early release.



The proposed "Act" would further reinstate DNA collection for certain crimes that were reduced to misdemeanors as part of Proposition 47; revise the theft threshold by adding a felony for serial theft – when a person is caught for the third time stealing with a value of \$250; and require the Board of Parole Hearings to consider an inmate's entire criminal history when deciding parole, not just his/her most recent commitment offense; and requires a mandatory hearing to determine whether parole should be revoked for any parolee who violates the terms of his/her parole for the third time.

City staff concurs with the California Police Chief's Association. The Clayton Police Department has experienced first-hand the difficulties the commercial sector and business owners in town (e.g., Safeway) have encountered by repeat offenders shoplifting with impunity. The proposed initiative will help crack down on repeat offenders and protect our most vulnerable victims from dangerous individuals who take advantage of our laws, our businesses and our communities.

### **FISCAL IMPACT**

There no impact to the City's budget by supporting the proposed ballot initiative.

- Attachments: 1. City Resolution [3 pp.]  
2. Literature on the Act [7 pp.]  
3. Copy of the initiative [19 pp.]

**RESOLUTION NO. – 2018**

**A RESOLUTION SUPPORTING THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT BALLOT INITIATIVE OF 2018**

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

**WHEREAS**, protecting every person in our state, including our most vulnerable children, from violent crime is of the utmost importance. Murderers, rapists, child molesters and other violent criminals should not be released early from prison; and

**WHEREAS**, since 2014 California experienced a larger increase in violent crime than the rest of the United States. Since 2013, violent crime in Los Angeles has increased 69.5%; violent crime in Sacramento rose faster during the first six months of 2015 than in any of the 25 largest U.S. cities tracked by the FBI; and

**WHEREAS**, the FBI Preliminary Semiannual Uniform Crime Report for 2017, which tracks crimes committed during the first six months of the past year in U. S. cities with populations over 100,000, indicates that last year violent crime increased again in most of California's largest cities; and

**WHEREAS**, recent changes to state parole laws allowed the early release of dangerous criminals by the law's failure to define certain crimes as "violent." These changes allowed individuals convicted of sex trafficking of children, rape of an unconscious person, felony assault with a deadly weapon, battery on a police officer or firefighter, and felony domestic violence to be considered "nonviolent offenders."; and

**WHEREAS**, as a result, these so-called "non-violent" offenders are eligible for early release from prison after serving only a fraction of the sentence ordered by a judge; and

**WHEREAS**, violent offenders are also being allowed to remain free in our communities even when they commit new crimes and violate the terms of their post release community supervision, like the gang member charged with the murder of Whittier Police Officer, Keith Boyer; and

**WHEREAS**, the proposed initiative ballot measure reforms the law so felons who violate the terms of their release can be brought back to court and held accountable for such violations; and

**WHEREAS**, nothing in the proposed Act is intended to create additional "strike" offenses which would increase the state prison population, nor is it intended to affect the ability of the California Department of Corrections and Rehabilitation to award educational and merit credits; and

**WHEREAS**, recent changes to California law allow individuals who steal repeatedly to face few consequences, regardless of their criminal record or how many times they steal; and

**WHEREAS**, as a result, between 2014 and 2016, California had the 2nd highest increase in theft and property crimes in the United States while most states have seen a steady decline. According to the California Department of Justice, the value of property stolen in 2015 was \$2.5 billion with an increase of 13 percent since 2014, the largest single-year increase in at least ten years; and

**WHEREAS**, grocery store operators around the state have seen unprecedented increases in the amount of losses associated with shoplifting in their stores, with some reporting up to 150% increases in these losses from 2012 to present, with the largest jumps occurring since 2014; and

**WHEREAS**, shoplifting incidents have started to escalate in such a manner that have endangered innocent customers and employees; and

**WHEREAS**, individuals who repeatedly steal often do so to support varying drug habits. Recent changes to California law have reduced judges' ability to order individuals convicted of repeated theft crimes into effective drug treatment programs; and

**WHEREAS**, California needs stronger laws for those who are repeatedly convicted of theft related crimes, which will encourage those who repeatedly steal to support their drug problem to enter into existing drug treatment programs. This measure enacts such reforms; and

**WHEREAS**, collecting DNA from criminals is essential to solving violent crimes. Over 450 violent crimes including murder, rape and robbery have gone unsolved because DNA is being collected from fewer criminals; and

**WHEREAS**, DNA collected in 2015 from a convicted child molester solved the rape-murders of two six-year-old boys that occurred three decades ago in Los Angeles County. DNA collected in 2016 from an individual caught driving a stolen car solved the 2012 San Francisco Bay Area rape/murder of an 83-year-old woman; and

**WHEREAS**, recent changes to California law unintentionally eliminated DNA collection for theft and drug crimes. This measure restores DNA collection from persons convicted for such offenses; and

**WHEREAS**, permitting collection of more DNA samples will help identify suspects, clear the innocent and free the wrongly convicted, and

**WHEREAS**, this measure does not affect existing legal safeguards that protect the privacy of individuals by allowing for the removal of their DNA profile if they are not charged with a crime, are acquitted or are found innocent;

**NOW, THEREFORE, BE IT RESOLVED** the City Council of Clayton, California does hereby recognize the multitude of problems and unintended consequences incurred by communities and persons caused by the recent changes in California law (Propositions 47 and 57, and AB 109) pertaining to the public safety concerns and crimes noted in the above Recitals, and therefore does hereby support the objectives and intent of a proposed ballot measure initiative, entitled the "Reducing Crime and Keeping California Safe Act of 2018", as an appropriate measure to countermand the unfortunate public safety consequences associated with said recent changes in California law.

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held on the 6<sup>th</sup> day of March 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

---

Keith Haydon, Mayor

ATTEST:

---

Janet Brown, City Clerk

# # # # #



Legal Defense Fund Insurance & Benefits Trust Retiree Medical Trust 1-800-937-



Peace Officers Research Association of California

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# CAPITOL BEAT – THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT

December 14, 2017

Aaron Read and Randy Perry  
Legislative Advocates  
Aaron Read & Associates, LLC

Two of the 10 most dangerous cities in the nation are in California – yet we continue to see criminal justice reforms being passed that lessen sentences, allow for early release and put public safety at risk.

Props 47, 57 and AB 109, combined, have released tens of thousands of inmates, straining local jails and fueling a new surge in local crime and homelessness. They have also limited DNA collection and redefined criminal theft, costing millions to business owners and consumers. PORAC opposed all three reforms. We can agree that because of these acts, there are more serious flaws in our current criminal justice system than ever before.

Under current law, rape of an unconscious person, trafficking a child for sex, assault of a peace officer, felony domestic violence and other similar crimes are no longer classified as violent felonies, making criminals convicted of these crimes eligible for early release. The release of these criminals without meeting the mental health, drug rehabilitation and reformative needs of the individuals often leads to homelessness and the continuous cycle of criminal behavior.

Advocacy

Legislation Overview

Federal Advocacy

State Advocacy



AARON READ & ASSOCIATES

Smart strategy begins with being well informed. In the complex political environment in which California's laws are written and our state's public policy is debated, it makes sense to have an experienced ally who can place the critical issues of our day in perspective. Aaron Read and Associates (ARA) goes beyond the

On October 30, a statewide ballot measure was filed with the Secretary of State in an attempt to fix the problems brought forth by recent criminal justice reforms. The initiative is sponsored by the California Public Safety Partnership (CAPSP), an alliance of law enforcement, public safety leaders, crime victims, child advocates and business leaders.

Specifically, the initiative takes action against crime on four fronts:

1) **Expands the violent crimes list for early release parole consideration.** Added crimes include:

- Human trafficking of a child
- Abducting a minor for prostitution
- Rape by intoxication
- Rape of an unconscious person
- Felony sexual penetration, sodomy or oral copulation when drugs are used or the victim is unconscious
- Drive-by shooting or shooting on foot at an inhabited dwelling or vehicle
- Felony domestic violence
- Felony assault with a deadly weapon
- Solicitation to commit murder
- Felony assault using force likely to produce great bodily injury
- Assault with a caustic chemical
- False imprisonment/taking a hostage when avoiding arrest or for use as a shield
- Felony resisting a peace officer, causing death or serious injury
- Exploding a bomb to injure people
- Felony hate crime
- Any felony where it is pled and proven that the defendant personally used a deadly weapon
- Any crime with lifetime PC 290
- Felony use of force or threats against a witness or victim of a crime
- Felony elder or dependent adult abuse

"breaking news" in the Legislature to provide an educated perspective of who is sponsoring new laws, who is writing them and what the chances are for success.

**More Info »**

This act also changes the standard of parole review from "Does inmate pose a danger to commit violence?" to "Does the inmate pose an unreasonable risk of creating victims as a result of felonious conduct if released from prison?"

2) **Reinstates DNA collection for certain crimes that were reduced to misdemeanors under Prop 47.** Multiple studies have shown that DNA collected from theft and drug offenders helps solve cases of rape, murder and other violent crimes. But since the passage of Prop 47, cold-case hits have fallen dramatically.

3) **Makes serial theft a felony for offenders convicted of a third theft of property valued at \$250 or more.** Prop 47 reduced to a misdemeanor theft under \$950, and failed to account for thieves who steal repeatedly, which has spawned an epidemic of shoplifting costing California's retailers, small and large, an estimated \$1 billion.

4) **Requires a mandatory hearing to determine whether parole should be revoked for any parolee who violates the terms of their parole for the third time.** Currently, parolees can violate parole repeatedly with little consequence. AB 109 bases parole solely on an offender's commitment offense, resulting in the release of inmates with serious and violent criminal histories. Moreover, parolees who repeatedly violate the terms of their parole currently face few consequences, allowing them to remain on the street. In February 2017, just 10 days after being paroled, Michael Mejia shot and killed veteran Whittier Police Officer Keith Boyer in a gun battle. Mejia had a long criminal history and had been arrested five times in the seven months leading up to Officer Boyer's death. This tragedy could have been avoided.

PORAC assisted in initial research in the Reducing Crime and Keeping California Safe Act of 2018 and has been meeting with stakeholders, but at the time this article was written has not taken an official position on the 2018 initiative.



ASSOCIATION OF  
DEPUTY DISTRICT ATTORNEYS



## Initiative aims to fix unintended consequences generated by public safety "reforms"

*By Michele Hanisee*

The state Legislature has repeatedly beaten down common-sense attempts to fix the most egregious flaws in the social-engineering experiments known as Prop. 47 and Prop. 57.

Fed up, a coalition of public safety proponents has taken the initiative to address some of these flaws. A statewide ballot initiative called the "Reducing Crime and Keeping California Safe Act of 2018" has been submitted to the Attorney General for title and summary. This initiative will enact a broad swath of critical reforms including preventing the early release of violent offenders, holding serial thieves accountable, reinstating DNA collection for a number of misdemeanor crimes and repairing the state parole system.

The California Public Safety Partnership (CAPSP) aims to qualify the initiative for the 2018 November general election.

Prop. 47 was a 2014 initiative which reduced a host of felonies to misdemeanors and has been widely cited as contributing factor to the massive surge in serial theft and an overall rise in statewide crime. Its proponents referred to the initiative as the "Safe Neighborhoods and Schools Act," although it had nothing to do with schools and made neighborhoods less safe. Prop. 47 made all thefts under \$950 misdemeanors, even for repeat offenders who stole every single day. Under Prop. 47, a thief could walk out of a retail store with a flat-screen television every day of the week, and all they would get each time they were caught and convicted is a misdemeanor. The initiative would allow serial theft to be charged as a felony for people who are convicted of a third theft of property worth \$250 or more. It would also allow thefts committed by organized snatch-and-grab theft rings to be charged as felonies.

By reducing some felonies to misdemeanors, Prop. 47 also reduced law enforcement's ability to solve violent crimes by eliminating DNA collection for misdemeanors. Countless studies have shown that DNA collected from "lesser" offenses, such as theft and drug crimes, helps solve more



serious crimes including rape and murder. The initiative will reinstate DNA collection for certain misdemeanor convictions.

Prop. 57 was a 2016 initiative which was billed to the public as allowing early release for non-violent offenders. The tragic truth is that a plethora of heinous crimes qualified as non-violent under Prop. 57. The initiative will still allow early release of non-violent offenders but will add to the list of violent crimes for which early release is not an option. A few examples of violent crimes added by the initiative include: child trafficking for sex, rape of an unconscious person, domestic violence, assault of a peace officer, drive-by shooting, and exploding a bomb with intent to injure.

The initiative also plugs a gaping hole in the state parole system that was created by AB 109, a 2011 law that eliminated a return to prison for parole violators. The horrendous effects of this law were thrust into public view with the February 2017 murder of Whittier Police Officer Keith Boyer. The gang member who allegedly gunned Boyer down had violated his parole five times, but each violation got him nothing more than a few days in county jail, allowing him to continue to roam the streets. The initiative will require a mandatory court hearing for anyone who is charged with a third violation of parole.

There will need to be 366,000 valid signatures to qualify the initiative for the ballot, and we're aiming to gather 600,000 by the end of April 2018. Our most powerful asset in getting this initiative qualified is you.

Please share information about the initiative with your family, friends, neighbors and on social media. [Click here to like the California Public Safety Partnership Facebook Page](#). If you are a Twitter user, please use the CAPSP hashtag @CASafety to help create viral support for our effort.

The state Legislature has turned its back on public safety. We have had enough, and we are taking powerful action to protect California's decent, law-abiding residents.

*Michele Hanisee is President of the Association of Los Angeles Deputy District Attorneys, the collective bargaining agent representing nearly 1,000 Deputy District Attorneys who work for the County of Los Angeles.*

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# An Initiative for Public Safety

## VIOLENT CRIME

**What is a 'violent crime'? For California's new parole law, the definition is murky — and it matters** *(Los Angeles Times)*

- Expands the list of violent crimes for which early release is not an option
- Under current law, rape of an unconscious person, trafficking a child for sex, assault of a peace officer, felony domestic violence and other similar crimes are not classified as “violent felonies” — making criminals convicted of these crimes eligible for early release

## DNA COLLECTION

**California's DNA database gets fewer hits due to Prop. 47** (KCRA)

- Reinstates DNA collection for certain crimes that were reduced to misdemeanors as part of Proposition 47
- Multiple studies have shown that DNA collected from theft and drug crimes has helped solve other violent crimes, including robbery, rape and murder. Since passage of Prop. 47, cold case hits have dropped over 2,000, with more than 450 of those hits connected to violent crimes

## SERIAL THEFT

**An explosion of California property crimes  
— due to Prop. 47** *(San Francisco Chronicle)*

- Revises the theft threshold by adding a felony for serial theft — when a person is caught for the 3rd time stealing with a value of \$250
- Prop. 47 changed the dollar threshold for theft to be considered a felony — from \$450 to \$950. As a result, there has been an explosion of serial theft and an inability of law enforcement to prosecute these crimes effectively. Theft has increased by 12% to 25%, with losses of a billion dollars since the law was passed.

## PAROLE VIOLATIONS

**Suspect in Whittier police officer shooting death  
arrested 5 times in last 7 months** *(Whittier Daily News)*

- Requires the Board of Parole Hearings to consider an inmate's entire criminal history when deciding parole, not just his most recent commitment offense; and requires a mandatory hearing to determine whether parole should be revoked for any parolee who violates the terms of his parole for the third time
- AB 109 bases parole solely on an offender's commitment offense, resulting in the release of inmates with serious and violent criminal histories. Moreover, parolees who repeatedly violate the terms of their parole currently face few consequences, allowing them to remain on the street



For more information, please visit [www.keepcalsafe.org](http://www.keepcalsafe.org).

Date: 11/14/2017

RECEIVED

NOV 28 2017

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICEInitiative Coordinator  
Office of the Attorney General  
State of California  
PO Box 994255  
Sacramento, CA 94244-2550Re: Initiative No. 17-0044 - Amendment # 1

Dear Initiative Coordinator:

Pursuant to subdivision (b) of Section 9002 of the Elections Code, enclosed please find Amendment # 1 to Initiative No. 17-0044. The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed.

I am the proponent of the measure and request that the Attorney General prepare a circulating title and summary of the measure as provided by law, using the amended language.

For purposes of inquiries from the public and the media, please direct them as follows:

Charles H. Bell, Jr.  
455 Capitol Mall, Suite 600  
Sacramento, CA 95814  
[cbell@bmhlaw.com](mailto:cbell@bmhlaw.com)  
(916) 442-7757

Thank you for your time and attention processing my request.

Sincerely,  
11/28/17

Nina Salzano Besselman



## INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO VOTERS

### SEC. 1. TITLE

This act shall be known and may be cited as the Reducing Crime and Keeping California Safe Act of 2018.

### SEC. 2. PURPOSES

This measure will fix three related problems created by recent laws that have threatened the public safety of Californians and their children from violent criminals. This measure will:

- A. Reform the parole system so violent felons are not released early from prison, strengthen oversight of post release community supervision and tighten penalties for violations of terms of post release community supervision;
- B. Reform theft laws to restore accountability for serial thieves and organized theft rings; and
- C. Expand DNA collection from persons convicted of drug, theft and domestic violence related crimes to help solve violent crimes and exonerate the innocent.

### SEC. 3. FINDINGS AND DECLARATIONS

#### A. Prevent Early Release of Violent Felons

1. Protecting every person in our state, including our most vulnerable children, from violent crime is of the utmost importance. Murderers, rapists, child molesters and other violent criminals should not be released early from prison.
2. Since 2014, California has had a larger increase in violent crime than the rest of the United States. Since 2013, violent crime in Los Angeles has increased 69.5%. Violent crime in Sacramento rose faster during the first six months of 2015 than in any of the 25 largest U.S. cities tracked by the FBI.
3. Recent changes to parole laws allowed the early release of dangerous criminals by the law's failure to define certain crimes as "violent." These changes allowed individuals convicted of sex trafficking of children, rape of an unconscious person, felony assault with a deadly weapon, battery on a police officer or firefighter, and felony domestic violence to be considered "non-violent offenders."
4. As a result, these so-called "non-violent" offenders are eligible for early release from prison after serving only a fraction of the sentence ordered by a judge.
5. Violent offenders are also being allowed to remain free in our communities even when they commit new crimes and violate the terms of their post release community supervision, like the gang member charged with the murder of Whittier Police Officer, Keith Boyer.
6. Californians need better protection from such violent criminals.
7. Californians need better protection from felons who repeatedly violate the terms of their post release community supervision.
8. This measure reforms the law so felons who violate the terms of their release can be brought back to court and held accountable for such violations.
9. Californians need better protection from such violent criminals. This measure reforms the law to define such crimes as "violent felonies" for purposes of early release.

10. Nothing in this act is intended to create additional "strike" offenses which would increase the state prison population.

11. Nothing in this act is intended to affect the ability of the California Department of Corrections and Rehabilitation to award educational and merit credits.

**B. Restore Accountability for Serial Theft and Organized Theft Rings**

1. Recent changes to California law allow individuals who steal repeatedly to face few consequences, regardless of their criminal record or how many times they steal.

2. As a result, between 2014 and 2016, California had the 2<sup>nd</sup> highest increase in theft and property crimes in the United States, while most states have seen a steady decline. According to the California Department of Justice, the value of property stolen in 2015 was \$2.5 billion with an increase of 13 percent since 2014, the largest single-year increase in at least ten years.

3. Individuals who repeatedly steal often do so to support their drug habit. Recent changes to California law have reduced judges' ability to order individuals convicted of repeated theft crimes into effective drug treatment programs.

4. California needs stronger laws for those who are repeatedly convicted of theft related crimes, which will encourage those who repeatedly steal to support their drug problem to enter into existing drug treatment programs. This measure enacts such reforms.

**C. Restore DNA Collection to Solve Violent Crime**

1. Collecting DNA from criminals is essential to solving violent crimes. Over 450 violent crimes including murder, rape and robbery have gone unsolved because DNA is being collected from fewer criminals.

2. DNA collected in 2015 from a convicted child molester solved the rape-murders of two six-year-old boys that occurred three decades ago in Los Angeles County. DNA collected in 2016 from an individual caught driving a stolen car solved the 2012 San Francisco Bay Area rape-murder of an 83-year-old woman.

3. Recent changes to California law unintentionally eliminated DNA collection for theft and drug crimes. This measure restores DNA collection from persons convicted for such offenses.

4. Permitting collection of more DNA samples will help identify suspects, clear the innocent and free the wrongly convicted.

5. This measure does not affect existing legal safeguards that protect the privacy of individuals by allowing for the removal of their DNA profile if they are not charged with a crime, are acquitted or are found innocent.

**SEC. 4. PAROLE CONSIDERATION**

**Section 3003 of the Penal Code is amended to read:**

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) Except as otherwise provided in this section, an inmate who is released on parole or postrelease supervision as provided by Title 2.05 (commencing with Section 3450) shall be returned to the county that was the last legal residence of the inmate prior to his or her incarceration. For purposes of this subdivision, "last legal residence" shall not be construed to mean the county wherein the inmate committed an offense while confined in a state prison or local jail facility or while confined for treatment in a state hospital.

(b) Notwithstanding subdivision (a), an inmate may be returned to another county if that would be in the best interests of the public. If the Board of Parole Hearings setting the conditions of

parole for inmates sentenced pursuant to subdivision (b) of Section 1168, as determined by the parole consideration panel, or the Department of Corrections and Rehabilitation setting the conditions of parole for inmates sentenced pursuant to Section 1170, decides on a return to another county, it shall place its reasons in writing in the parolee's permanent record and include these reasons in the notice to the sheriff or chief of police pursuant to Section 3058.6. In making its decision, the paroling authority shall consider, among others, the following factors, giving the greatest weight to the protection of the victim and the safety of the community:

(1) The need to protect the life or safety of a victim, the parolee, a witness, or any other person.  
 (2) Public concern that would reduce the chance that the inmate's parole would be successfully completed.

(3) The verified existence of a work offer, or an educational or vocational training program.

(4) The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate's parole would be successfully completed.

(5) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 2960.

(c) The Department of Corrections and Rehabilitation, in determining an out-of-county commitment, shall give priority to the safety of the community and any witnesses and victims.

(d) In making its decision about an inmate who participated in a joint venture program pursuant to Article 1.5 (commencing with Section 2717.1) of Chapter 5, the paroling authority shall give serious consideration to releasing him or her to the county where the joint venture program employer is located if that employer states to the paroling authority that he or she intends to employ the inmate upon release.

(e)(1) The following information, if available, shall be released by the Department of Corrections and Rehabilitation to local law enforcement agencies regarding a paroled inmate or inmate placed on postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) who is released in their jurisdictions:

(A) Last, first, and middle names.

(B) Birth date.

(C) Sex, race, height, weight, and hair and eye color.

(D) Date of parole or placement on postrelease community supervision and discharge.

(E) Registration status, if the inmate is required to register as a result of a controlled substance, sex, or arson offense.

(F) California Criminal Information Number, FBI number, social security number, and driver's license number.

(G) County of commitment.

(H) A description of scars, marks, and tattoos on the inmate.

(I) Offense or offenses for which the inmate was convicted that resulted in parole or postrelease community supervision in this instance.

(J) Address, including all of the following information:

(i) Street name and number. Post office box numbers are not acceptable for purposes of this subparagraph.

(ii) City and ZIP Code.

(iii) Date that the address provided pursuant to this subparagraph was proposed to be effective.

(K) Contact officer and unit, including all of the following information:

(i) Name and telephone number of each contact officer.

(ii) Contact unit type of each contact officer such as units responsible for parole, registration, or county probation.

(L) A digitized image of the photograph and at least a single digit fingerprint of the parolee.

(M) A geographic coordinate for the inmate's residence location for use with a Geographical Information System (GIS) or comparable computer program.

(N) Copies of the record of supervision during any prior period of parole.

(2) Unless the information is unavailable, the Department of Corrections and Rehabilitation shall electronically transmit to the county agency identified in subdivision (a) of Section 3451 the inmate's tuberculosis status, specific medical, mental health, and outpatient clinic needs, and any medical concerns or disabilities for the county to consider as the offender transitions onto postrelease community supervision pursuant to Section 3450, for the purpose of identifying the medical and mental health needs of the individual. All transmissions to the county agency shall be in compliance with applicable provisions of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Public Law 104-191), the federal Health Information Technology for Clinical Health Act (HITECH) (Public Law 111-005), and the implementing of privacy and security regulations in Parts 160 and 164 of Title 45 of the Code of Federal Regulations. This paragraph shall not take effect until the Secretary of the United States Department of Health and Human Services, or his or her designee, determines that this provision is not preempted by HIPAA.

(3) Except for the information required by paragraph (2), the information required by this subdivision shall come from the statewide parolee database. The information obtained from each source shall be based on the same timeframe.

(4) All of the information required by this subdivision shall be provided utilizing a computer-to-computer transfer in a format usable by a desktop computer system. The transfer of this information shall be continually available to local law enforcement agencies upon request.

(5) The unauthorized release or receipt of the information described in this subdivision is a violation of Section 11143.

~~(f) Notwithstanding any other law, an inmate who is released on parole shall not be returned to a location within 35 miles of the actual residence of a victim of, or a witness to, a violent felony as defined in paragraphs (1) to (7), inclusive, and paragraph (16) of subdivision (c) of Section 667.5 or a felony in which the defendant inflicts great bodily injury on a person other than an accomplice that has been charged and proved as provided for in Section 12022.53, 12022.7, or 12022.9,~~ if the victim or witness has requested additional distance in the placement of the inmate on parole, and if the Board of Parole Hearings or the Department of Corrections and Rehabilitation finds that there is a need to protect the life, safety, or well-being of ~~a victim or witness.~~ the victim or witness, an inmate who is released on parole shall not be returned to a location within 35 miles of the actual residence of a victim of, or a witness to, any of the following crimes:

(1) A violent felony as defined subdivision (c) of Section 667.5 or subdivision (a) of Section 3040.1.

(2) A felony in which the defendant inflicts great bodily injury on a person, other than an accomplice, that has been charged and proved as provided for in Section 12022.53, 12022.7, or 12022.9.

(g) Notwithstanding any other law, an inmate who is released on parole for a violation of Section 288 or 288.5 whom the Department of Corrections and Rehabilitation determines poses a high risk to the public shall not be placed or reside, for the duration of his or her parole, within one-



half mile of a public or private school including any or all of kindergarten and grades 1 to 12, inclusive.

(h) Notwithstanding any other law, an inmate who is released on parole or postrelease community supervision for a stalking offense shall not be returned to a location within 35 miles of the victim's or witness' actual residence or place of employment if the victim or witness has requested additional distance in the placement of the inmate on parole or postrelease community supervision, and if the Board of Parole Hearings or the Department of Corrections and Rehabilitation, or the supervising county agency, as applicable, finds that there is a need to protect the life, safety, or well-being of the victim. If an inmate who is released on postrelease community supervision cannot be placed in his or her county of last legal residence in compliance with this subdivision, the supervising county agency may transfer the inmate to another county upon approval of the receiving county.

(i) The authority shall give consideration to the equitable distribution of parolees and the proportion of out-of-county commitments from a county compared to the number of commitments from that county when making parole decisions.

(j) An inmate may be paroled to another state pursuant to any other law. The Department of Corrections and Rehabilitation shall coordinate with local entities regarding the placement of inmates placed out of state on postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450).

(k)(1) Except as provided in paragraph (2), the Department of Corrections and Rehabilitation shall be the agency primarily responsible for, and shall have control over, the program, resources, and staff implementing the Law Enforcement Automated Data System (LEADS) in conformance with subdivision (e). County agencies supervising inmates released to postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) shall provide any information requested by the department to ensure the availability of accurate information regarding inmates released from state prison. This information may include all records of supervision, the issuance of warrants, revocations, or the termination of postrelease community supervision. On or before August 1, 2011, county agencies designated to supervise inmates released to postrelease community supervision shall notify the department that the county agencies have been designated as the local entity responsible for providing that supervision.

(2) Notwithstanding paragraph (1), the Department of Justice shall be the agency primarily responsible for the proper release of information under LEADS that relates to fingerprint cards.

(l) In addition to the requirements under subdivision (k), the Department of Corrections and Rehabilitation shall submit to the Department of Justice data to be included in the supervised release file of the California Law Enforcement Telecommunications System (CLETS) so that law enforcement can be advised through CLETS of all persons on postrelease community supervision and the county agency designated to provide supervision. The data required by this subdivision shall be provided via electronic transfer.

**Section 3040.1 is added to the Penal Code to read:**

(a) For purposes of early release or parole consideration under the authority of Section 32 of Article I of the Constitution, Sections 12838.4 and 12838.5 of the Government Code, Sections 3000.1, 3041.5, 3041.7, 3052, 5000, 5054, 5055, 5076.2 of this Code and the rulemaking authority granted by Section 5058 of this Code, the following shall be defined as "violent felony offenses":

(1) Murder or voluntary manslaughter;

- (2) Mayhem;
- (3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262;
- (4) Sodomy as defined in subdivision (c) or (d) of Section 286;
- (5) Oral copulation as defined in subdivision (c) or (d) of Section 288a;
- (6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288;
- (7) Any felony punishable by death or imprisonment in the state prison for life;
- (8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55;
- (9) Any robbery;
- (10) Arson, in violation of subdivision (a) or (b) of Section 451;
- (11) Sexual penetration as defined in subdivision (a) or (j) of Section 289;
- (12) Attempted murder;
- (13) A violation of Section 18745, 18750, or 18755;
- (14) Kidnapping;
- (15) Assault with the intent to commit a specified felony, in violation of Section 220;
- (16) Continuous sexual abuse of a child, in violation of Section 288.5;
- (17) Carjacking, as defined in subdivision (a) of Section 215;
- (18) Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1;
- (19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22;
- (20) Threats to victims or witnesses, as defined in subdivision (c) of Section 136.1;
- (21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary;
- (22) Any violation of Section 12022.53;
- (23) A violation of subdivision (b) or (c) of Section 11418;
- (24) Solicitation to commit murder;
- (25) Felony assault with a firearm in violation of subsections (a)(2) and (b) of Section 245;
- (26) Felony assault with a deadly weapon in violation of paragraph (1) of subdivision (a) of Section 245;
- (27) Felony assault with a deadly weapon upon the person of a peace officer or firefighter in violation of subdivisions (c) and (d) of Section 245;
- (28) Felony assault by means of force likely to produce great bodily injury in violation of paragraph (4) of subdivision (a) of Section 245;
- (29) Assault with caustic chemicals in violation of Section 244;
- (30) False imprisonment in violation of Section 210.5;
- (31) Felony discharging a firearm in violation of Section 246;
- (32) Discharge of a firearm from a motor vehicle in violation of subsection (c) of Section 26100;
- (33) Felony domestic violence resulting in a traumatic condition in violation of Section 273.5;
- (34) Felony use of force or threats against a witness or victim of a crime in violation of Section 140;

- (35) Felony resisting a peace officer and causing death or serious injury in violation of Section 148.10;
  - (36) A felony hate crime punishable pursuant to Section 422.7;
  - (37) Felony elder or dependent adult abuse in violation of subdivision (b) of Section 368;
  - (38) Rape in violation of paragraphs (1), (3), or (4) of subdivision (a) of Section 261;
  - (39) Rape in violation of Section 262;
  - (40) Sexual penetration in violation of subdivision (b), (d) or (e) of Section 289;
  - (41) Sodomy in violation of subdivision (f), (g), or (i) of Section 286;
  - (42) Oral copulation in violation of subdivision (f), (g), or (i) of Section 288a;
  - (43) Abduction of a minor for purposes of prostitution in violation of Section 267;
  - (44) Human trafficking in violation of subdivision (a), (b), or (c) of Section 236.1;
  - (45) Child abuse in violation of Section 273ab;
  - (46) Possessing, exploding, or igniting a destructive device in violation of Section 18740;
  - (47) Two or more violations of subsection (c) of Section 451;
  - (48) Any attempt to commit an offense described in this subdivision;
  - (49) Any felony in which it is pled and proven that the Defendant personally used a dangerous or deadly weapon;
  - (50) Any offense resulting in lifetime sex offender registration pursuant to Sections 290 through 290.009.
  - (51) Any conspiracy to commit an offense described in this Section.
- (b) The provisions of this section shall apply to any inmate serving a custodial prison sentence on or after the effective date of this section, regardless of when the sentence was imposed.

**Section 3040.2 is added to the Penal Code to read:**

- (a) Upon conducting a nonviolent offender parole consideration review, the hearing officer for the Board of Parole Hearings shall consider all relevant, reliable information about the inmate.
- (b) The standard of review shall be whether the inmate will pose an unreasonable risk of creating victims as a result of felonious conduct if released from prison.
- (c) In reaching this determination, the hearing officer shall consider the following factors:
  - (1) Circumstances surrounding the current conviction;
  - (2) The inmate's criminal history, including involvement in other criminal conduct, both juvenile and adult, which is reliably documented;
  - (3) The inmate's institutional behavior including both rehabilitative programming and institutional misconduct;
  - (4) Any input from the inmate, any victim, whether registered or not at the time of the referral, and the prosecuting agency or agencies;
  - (5) The inmate's past and present mental condition as documented in records in the possession of the Department of Corrections and Rehabilitation;
  - (6) The inmate's past and present attitude about the crime;
  - (7) Any other information which bears on the inmate's suitability for release.
- (d) The following circumstances shall be considered by the hearing officer in determining whether the inmate is unsuitable for release:
  - (1) Multiple victims involved in the current commitment offense;
  - (2) A victim was particularly vulnerable due to age or physical or mental condition;
  - (3) The inmate took advantage of a position of trust in the commission of the crime;

- (4) The inmate was armed with or used a firearm or other deadly weapon in the commission of the crime;
  - (5) A victim suffered great bodily injury during the commission of the crime;
  - (6) The inmate committed the crime in association with a criminal street gang;
  - (7) The inmate occupied a position of leadership or dominance over other participants in the commission of the crime, or the inmate induced others to participate in the commission of the crime;
  - (8) During the commission of the crime, the inmate had a clear opportunity to cease but instead continued;
  - (9) The inmate has engaged in other reliably documented criminal conduct which was an integral part of the crime for which the inmate is currently committed to prison;
  - (10) The manner in which the crime was committed created a potential for serious injury to persons other than the victim of the crime;
  - (11) The inmate was on probation, parole, post release community supervision, mandatory supervision or was in custody or had escaped from custody at the time of the commitment offense;
  - (12) The inmate was on any form of pre- or post-conviction release at the time of the commitment offense;
  - (13) The inmate's prior history of violence, whether as a juvenile or adult;
  - (14) The inmate has engaged in misconduct in prison or jail;
  - (15) The inmate is incarcerated for multiple cases from the same or different counties or jurisdictions.
- (e) The following circumstances shall be considered by the hearing officer in determining whether the inmate is suitable for release:
- (1) The inmate does not have a juvenile record of assaulting others or committing crimes with a potential of harm to victims;
  - (2) The inmate lacks any history of violent crime;
  - (3) The inmate has demonstrated remorse;
  - (4) The inmate's present age reduces the risk of recidivism;
  - (5) The inmate has made realistic plans if released or has developed marketable skills that can be put to use upon release;
  - (6) The inmate's institutional activities demonstrate an enhanced ability to function within the law upon release;
  - (7) The inmate participated in the crime under partially excusable circumstances which do not amount to a legal defense;
  - (8) The inmate had no apparent predisposition to commit the crime but was induced by others to participate in its commission;
  - (9) The inmate has a minimal or no criminal history;
  - (10) The inmate was a passive participant or played a minor role in the commission of the crime;
  - (11) The crime was committed during or due to an unusual situation unlikely to reoccur.

**Section 3040.3 is added to the Penal Code to read:**

- (a) An inmate whose current commitment includes a concurrent, consecutive or stayed sentence for an offense or allegation defined as violent by subdivision (c) of Section 667.5 or 3040.1 shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution.



- (b) An inmate whose current commitment includes an indeterminate sentence shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution.
- (c) An inmate whose current commitment includes any enhancement which makes the underlying offense violent pursuant to subdivision (c) of Section 667.5 shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution.
- (d) For purposes of Section 32 of Article I of the Constitution, the "full term" of the "primary offense" shall be calculated based only on actual days served on the commitment offense.

**Section 3040.4 is added to the Penal Code to read:**

Pursuant to subsection (b) of Section 28 of Article I of the Constitution, the Department shall give reasonable notice to victims of crime prior to an inmate being reviewed for early parole and release. The Department shall provide victims with the right to be heard regarding early parole consideration and to participate in the review process. The Department shall consider the safety of the victims, the victims' family, and the general public when making a determination on early release.

- (a) Prior to conducting a review for early parole, the Department shall provide notice to the prosecuting agency or agencies and to registered victims, and shall make reasonable efforts to locate and notify victims who are not registered.
- (b) The prosecuting agency shall have the right to review all information available to the hearing officer including, but not limited to the inmate's central file, documented adult and juvenile criminal history, institutional behavior including both rehabilitative programming and institutional misconduct, any input from any person or organization advocating on behalf of the inmate, and any information submitted by the public.
- (c) A victim shall have a right to submit a statement for purposes of early parole consideration, including a confidential statement.
- (d) All prosecuting agencies, any involved law enforcement agency, and all victims, whether or not registered, shall have the right to respond to the board in writing.
- (e) Responses to the Board by prosecuting agencies, law enforcement agencies, and victims must be made within 90 days of the date of notification of the inmate's eligibility for early parole review or consideration.
- (f) The Board shall notify the prosecuting agencies, law enforcement agencies, and the victims of the Nonviolent Offender Parole decision within 10 days of the decision being made.
- (g) Within 30 days of the notice of the final decision concerning Nonviolent Offender Parole Consideration, the inmate and the prosecuting agencies may request review of the decision.
- (h) If an inmate is denied early release under the Nonviolent Offender Parole provisions of Section 32 of Article I of the Constitution, the inmate shall not be eligible for early Nonviolent Offender parole consideration for two (2) calendar years from the date of the final decision of the previous denial.

**Section 3041 of the Penal Code is amended to read:**

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

- (a)(1) In the case of any inmate sentenced pursuant to any law, other than Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, the Board of Parole Hearings shall meet with each inmate during the sixth year before the inmate's minimum eligible parole date for the purposes of reviewing and documenting the inmate's activities and conduct pertinent to parole

eligibility. During this consultation, the board shall provide the inmate information about the parole hearing process, legal factors relevant to his or her suitability or unsuitability for parole, and individualized recommendations for the inmate regarding his or her work assignments, rehabilitative programs, and institutional behavior. Within 30 days following the consultation, the board shall issue its positive and negative findings and recommendations to the inmate in writing.

(2) One year before the inmate's minimum eligible parole date a panel of two or more commissioners or deputy commissioners shall again meet with the inmate and shall normally grant parole as provided in Section 3041.5. No more than one member of the panel shall be a deputy commissioner.

(3) In the event of a tie vote, the matter shall be referred for an en banc review of the record that was before the panel that rendered the tie vote. Upon en banc review, the board shall vote to either grant or deny parole and render a statement of decision. The en banc review shall be conducted pursuant to subdivision (e).

(4) Upon a grant of parole, the inmate shall be released subject to all applicable review periods. However, an inmate shall not be released before reaching his or her minimum eligible parole date as set pursuant to Section 3046 unless the inmate is eligible for earlier release pursuant to his or her youth offender parole eligibility date or elderly parole eligibility date.

(5) At least one commissioner of the panel shall have been present at the last preceding meeting, unless it is not feasible to do so or where the last preceding meeting was the initial meeting. Any person on the hearing panel may request review of any decision regarding parole for an en banc hearing by the board. In case of a review, a majority vote in favor of parole by the board members participating in an en banc review is required to grant parole to any inmate.

(b)(1) The panel or the board, sitting en banc, shall grant parole to an inmate unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual. The panel or the board, sitting en banc, shall consider the entire criminal history of the inmate, including all current or past convicted offenses, in making this determination.

(2) After July 30, 2001, any decision of the parole panel finding an inmate suitable for parole shall become final within 120 days of the date of the hearing. During that period, the board may review the panel's decision. The panel's decision shall become final pursuant to this subdivision unless the board finds that the panel made an error of law, or that the panel's decision was based on an error of fact, or that new information should be presented to the board, any of which when corrected or considered by the board has a substantial likelihood of resulting in a substantially different decision upon a rehearing. In making this determination, the board shall consult with the commissioners who conducted the parole consideration hearing.

(3) A decision of a panel shall not be disapproved and referred for rehearing except by a majority vote of the board, sitting en banc, following a public meeting.

(c) For the purpose of reviewing the suitability for parole of those inmates eligible for parole under prior law at a date earlier than that calculated under Section 1170.2, the board shall appoint panels of at least two persons to meet annually with each inmate until the time the person is released pursuant to proceedings or reaches the expiration of his or her term as calculated under Section 1170.2.

(d) It is the intent of the Legislature that, during times when there is no backlog of inmates awaiting parole hearings, life parole consideration hearings, or life rescission hearings, hearings

will be conducted by a panel of three or more members, the majority of whom shall be commissioners. The board shall report monthly on the number of cases where an inmate has not received a completed initial or subsequent parole consideration hearing within 30 days of the hearing date required by subdivision (a) of Section 3041.5 or paragraph (2) of subdivision (b) of Section 3041.5, unless the inmate has waived the right to those timeframes. That report shall be considered the backlog of cases for purposes of this section, and shall include information on the progress toward eliminating the backlog, and on the number of inmates who have waived their right to the above timeframes. The report shall be made public at a regularly scheduled meeting of the board and a written report shall be made available to the public and transmitted to the Legislature quarterly.

(e) For purposes of this section, an en banc review by the board means a review conducted by a majority of commissioners holding office on the date the matter is heard by the board. An en banc review shall be conducted in compliance with the following:

- (1) The commissioners conducting the review shall consider the entire record of the hearing that resulted in the tie vote.
- (2) The review shall be limited to the record of the hearing. The record shall consist of the transcript or audiotape of the hearing, written or electronically recorded statements actually considered by the panel that produced the tie vote, and any other material actually considered by the panel. New evidence or comments shall not be considered in the en banc proceeding.
- (3) The board shall separately state reasons for its decision to grant or deny parole.
- (4) A commissioner who was involved in the tie vote shall be recused from consideration of the matter in the en banc review.

**Section 3454 of the Penal Code is amended to read:**

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) Each supervising county agency, as established by the county board of supervisors pursuant to subdivision (a) of Section 3451, shall establish a review process for assessing and refining a person's program of postrelease supervision. Any additional postrelease supervision conditions shall be reasonably related to the underlying offense for which the offender spent time in prison, or to the offender's risk of recidivism, and the offender's criminal history, and be otherwise consistent with law.

(b) Each county agency responsible for postrelease supervision, as established by the county board of supervisors pursuant to subdivision (a) of Section 3451, may determine additional appropriate conditions of supervision listed in Section 3453 consistent with public safety, including the use of continuous electronic monitoring as defined in Section 1210.7, order the provision of appropriate rehabilitation and treatment services, determine appropriate incentives, and determine and order appropriate responses to alleged violations, which can include, but shall not be limited to, immediate, structured, and intermediate sanctions up to and including referral to a reentry court pursuant to Section 3015, or flash incarceration in a city or county jail. Periods of flash incarceration are encouraged as one method of punishment for violations of an offender's condition of postrelease supervision.

(c) As used in this title, "flash incarceration" is a period of detention in a city or county jail due to a violation of an offender's conditions of postrelease supervision. The length of the detention period can range between one and 10 consecutive days. Flash incarceration is a tool that may be used by each county agency responsible for postrelease supervision. Shorter, but if necessary



more frequent, periods of detention for violations of an offender's postrelease supervision conditions shall appropriately punish an offender while preventing the disruption in a work or home establishment that typically arises from longer term revocations.

(d) Upon a decision to impose a period of flash incarceration, the probation department shall notify the court, public defender, district attorney, and sheriff of each imposition of flash incarceration.

**Section 3455 of the Penal Code is amended to read:**

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) If the supervising county agency has determined, following application of its assessment processes, that intermediate sanctions as authorized in subdivision (b) of Section 3454 are not appropriate, or if the supervised person has violated the terms of his or her release for a third time, the supervising county agency shall petition the court pursuant to Section 1203.2 to revoke, modify, or terminate postrelease community supervision. At any point during the process initiated pursuant to this section, a person may waive, in writing, his or her right to counsel, admit the violation of his or her postrelease community supervision, waive a court hearing, and accept the proposed modification of his or her postrelease community supervision. The petition shall include a written report that contains additional information regarding the petition, including the relevant terms and conditions of postrelease community supervision, the circumstances of the alleged underlying violation, the history and background of the violator, and any recommendations. The Judicial Council shall adopt forms and rules of court to establish uniform statewide procedures to implement this subdivision, including the minimum contents of supervision agency reports. Upon a finding that the person has violated the conditions of postrelease community supervision, the revocation hearing officer shall have authority to do all of the following:

- (1) Return the person to postrelease community supervision with modifications of conditions, if appropriate, including a period of incarceration in a county jail.
- (2) Revoke and terminate postrelease community supervision and order the person to confinement in a county jail.
- (3) Refer the person to a reentry court pursuant to Section 3015 or other evidence-based program in the court's discretion.

(b) (1) At any time during the period of postrelease community supervision, if a peace officer, including a probation officer, has probable cause to believe a person subject to postrelease community supervision is violating any term or condition of his or her release, or has failed to appear at a hearing pursuant to Section 1203.2 to revoke, modify, or terminate postrelease community supervision, the officer may, without a warrant or other process, arrest the person and bring him or her before the supervising county agency established by the county board of supervisors pursuant to subdivision (a) of Section 3451. Additionally, an officer employed by the supervising county agency may seek a warrant and a court or its designated hearing officer appointed pursuant to Section 71622.5 of the Government Code shall have the authority to issue a warrant for that person's arrest.

(2) The court or its designated hearing officer shall have the authority to issue a warrant for a person who is the subject of a petition filed under this section who has failed to appear for a hearing on the petition or for any reason in the interests of justice, or to remand to custody a person who does appear at a hearing on the petition for any reason in the interests of justice.



(3) Unless a person subject to postrelease community supervision is otherwise serving a period of flash incarceration, whenever a person who is subject to this section is arrested, with or without a warrant or the filing of a petition for revocation, the court may order the release of the person under supervision from custody under any terms and conditions the court deems appropriate.

(c) The revocation hearing shall be held within a reasonable time after the filing of the revocation petition. Except as provided in paragraph (3) of subdivision (b), based upon a showing of a preponderance of the evidence that a person under supervision poses an unreasonable risk to public safety, or that the person may not appear if released from custody, or for any reason in the interests of justice, the supervising county agency shall have the authority to make a determination whether the person should remain in custody pending the first court appearance on a petition to revoke postrelease community supervision, and upon that determination, may order the person confined pending his or her first court appearance.

(d) Confinement pursuant to paragraphs (1) and (2) of subdivision (a) shall not exceed a period of 180 days in a county jail for each custodial sanction.

(e) A person shall not remain under supervision or in custody pursuant to this title on or after three years from the date of the person's initial entry onto postrelease community supervision, except when his or her supervision is tolled pursuant to Section 1203.2 or subdivision (b) of Section 3456.

## SEC. 5. DNA COLLECTION

### Section 296 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) The following persons shall provide buccal swab samples, right thumbprints, and a full palm print impression of each hand, and any blood specimens or other biological samples required pursuant to this chapter for law enforcement identification analysis:

(1) Any person, including any juvenile, who is convicted of or pleads guilty or no contest to any felony offense, or is found not guilty by reason of insanity of any felony offense, or any juvenile who is adjudicated under Section 602 of the Welfare and Institutions Code for committing any felony offense.

(2) Any adult person who is arrested for or charged with any of the following felony offenses:

(A) Any felony offense specified in Section 290 or attempt to commit any felony offense described in Section 290, or any felony offense that imposes upon a person the duty to register in California as a sex offender under Section 290.

(B) Murder or voluntary manslaughter or any attempt to commit murder or voluntary manslaughter.

(C) Commencing on January 1, 2009, any adult person arrested or charged with any felony offense.

(3) Any person, including any juvenile, who is required to register under Section 290 through 290.009 or 457.1 because of the commission of, or the attempt to commit, a felony or misdemeanor offense, or any person, including any juvenile, who is housed in a mental health facility or sex offender treatment program after referral to such facility or program by a court after being charged with any felony offense.

(4) Any person, excluding a juvenile, who is convicted of, or pleads guilty or no contest to, any of the following offenses:

(A) A misdemeanor violation of Section 459.5;

(B) A violation of subdivision (a) of Section 473 that is punishable as a misdemeanor pursuant to subdivision (b) of Section 473;

(C) A violation of subdivision (a) of Section 476a that is punishable as a misdemeanor pursuant to subdivision (b) of Section 476a;

(D) A violation of Section 487 that is punishable as a misdemeanor pursuant to Section 490.2;

(E) A violation of Section 496 that is punishable as a misdemeanor;

(F) A misdemeanor violation of subdivision (a) of Section 11350 of the Health and Safety Code;

(G) A misdemeanor violation of subdivision (a) of Section 11377 of the Health and Safety Code;

(H) A misdemeanor violation of paragraph (1) of subdivision (e) of Section 243;

(I) A misdemeanor violation of Section 273.5;

(J) A misdemeanor violation of paragraph (1) of subdivision (b) of Section 368;

(K) Any misdemeanor violation where the victim is defined as set forth in Section 6211 of the Family Code;

(L) A misdemeanor violation of paragraph (3) of subdivision (b) of Section 647.

~~(4)~~(5) The term "felony" as used in this subdivision includes an attempt to commit the offense.

~~(5)~~(6) Nothing in this chapter shall be construed as prohibiting collection and analysis of specimens, samples, or print impressions as a condition of a plea for a non-qualifying offense.

(b) The provisions of this chapter and its requirements for submission of specimens, samples and print impressions as soon as administratively practicable shall apply to all qualifying persons regardless of sentence imposed, including any sentence of death, life without the possibility of parole, or any life or indeterminate term, or any other disposition rendered in the case of an adult or juvenile tried as an adult, or whether the person is diverted, fined, or referred for evaluation, and regardless of disposition rendered or placement made in the case of juvenile who is found to have committed any felony offense or is adjudicated under Section 602 of the Welfare and Institutions Code.

(c) The provisions of this chapter and its requirements for submission of specimens, samples, and print impressions as soon as administratively practicable by qualified persons as described in subdivision (a) shall apply regardless of placement or confinement in any mental hospital or other public or private treatment facility, and shall include, but not be limited to, the following persons, including juveniles:

(1) Any person committed to a state hospital or other treatment facility as a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(2) Any person who has a severe mental disorder as set forth within the provisions of Article 4 (commencing with Section 2960) of Chapter 7 of Title 1 of Part 3 of the Penal Code.

(3) Any person found to be a sexually violent predator pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(d) The provisions of this chapter are mandatory and apply whether or not the court advises a person, including any juvenile, that he or she must provide the data bank and database specimens, samples, and print impressions as a condition of probation, parole, or any plea of guilty, no contest, or not guilty by reason of insanity, or any admission to any of the offenses described in subdivision (a).

(e) If at any stage of court proceedings the prosecuting attorney determines that specimens, samples, and print impressions required by this chapter have not already been taken from any person, as defined under subdivision (a) of Section 296, the prosecuting attorney shall notify the court orally on the record, or in writing, and request that the court order collection of the specimens, samples, and print impressions required by law. However, a failure by the prosecuting attorney or any other law enforcement agency to notify the court shall not relieve a person of the obligation to provide specimens, samples, and print impressions pursuant to this chapter.

(f) Prior to final disposition or sentencing in the case the court shall inquire and verify that the specimens, samples, and print impressions required by this chapter have been obtained and that this fact is included in the abstract of judgment or dispositional order in the case of a juvenile. The abstract of judgment issued by the court shall indicate that the court has ordered the person to comply with the requirements of this chapter and that the person shall be included in the state's DNA and Forensic Identification Data Base and Data Bank program and be subject to this chapter.

However, failure by the court to verify specimen, sample, and print impression collection or enter these facts in the abstract of judgment or dispositional order in the case of a juvenile shall not invalidate an arrest, plea, conviction, or disposition, or otherwise relieve a person from the requirements of this chapter.

## SEC. 6. SHOPLIFTING

### Section 459.5 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) Notwithstanding Section 459, shoplifting is defined as entering a commercial establishment with intent to ~~commit larceny~~ steal retail property or merchandise while that establishment is open during regular business hours, where the value of the property that is taken or intended to be taken does not exceed nine hundred fifty dollars (\$950). Any other entry into a commercial establishment with intent to commit larceny is burglary. Shoplifting shall be punished as a misdemeanor, except that a person with one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290 may be punished pursuant to subdivision (h) of Section 1170.

(b) Any act of shoplifting as defined in subdivision (a) shall be charged as shoplifting. No person who is charged with shoplifting may also be charged with burglary or theft of the same property.

(c) "Retail property or merchandise" means any article, product, commodity, item or component intended to be sold in retail commerce.

(d) "Value" means the retail value of an item as advertised by the affected retail establishment, including applicable taxes.

(e) This section shall not apply to theft of a firearm, forgery, the unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e, forgery of an access card pursuant to Section 484f, the unlawful use of an access card pursuant to Section 484g, theft from an elder pursuant to subdivision (e) of Section 368, receiving stolen property, embezzlement, or identity theft pursuant to Section 530.5, or the theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

**Section 490.2 of the Penal Code is amended to read:**

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) Notwithstanding Section 487 or any other provision of law defining grand theft, obtaining any property by theft where the value of the money, labor, real or personal property taken does not exceed nine hundred fifty dollars (\$950) shall be considered petty theft and shall be punished as a misdemeanor, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.

(b) This section shall not be applicable to any theft that may be charged as an infraction pursuant to any other provision of law.

(c) This section shall not apply to theft of a firearm, forgery, the unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e, forgery of an access card pursuant to Section 484f, the unlawful use of an access card pursuant to Section 484g, theft from an elder pursuant to subdivision (e) of Section 368, receiving stolen property, embezzlement, or identity theft pursuant to Section 530.5, or the theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

**SEC. 7. SERIAL THEFT****Section 490.3 is added to the Penal Code to read:**

(a) This section applies to the following crimes:

- (1) petty theft;
- (2) shoplifting;
- (3) grand theft;
- (4) burglary;
- (5) carjacking;
- (6) robbery;
- (7) a crime against an elder or dependent adult within the meaning of subdivision (d) or (e) of Section 368;
- (8) any violation of Section 496;
- (9) unlawful taking or driving of a vehicle within the meaning of Section 10851 of the Vehicle Code.
- (10) Forgery.
- (11) The unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e.
- (12) Forgery of an access card pursuant to Section 484f.
- (13) The unlawful use of an access card pursuant to Section 484g.
- (14) Identity theft pursuant to Section 530.5.
- (15) The theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

(b) Notwithstanding subsection (3) of subdivision (h) of Section 1170, subsections (2) and (4) of subdivision (a) of Section 1170.12, subsections (2) and (4) of subdivision (c) of Section 667, any person who, having been previously convicted of two or more of the offenses specified in subdivision (a), which offenses were committed on separate occasions, and who is subsequently convicted of petty theft or shoplifting where the value of the money, labor, or real or personal



property taken exceeds two hundred fifty dollars (\$250) shall be punished by imprisonment in the county jail not exceeding one year, or imprisonment pursuant to subdivision (h) of Section 1170.

(c) This section does not prohibit a person or persons from being charged with any violation of law arising out of the same criminal transaction that violates this section.

## **SEC. 8. ORGANIZED RETAIL THEFT**

**Section 490.4 is added to the Penal Code to read:**

(a) "Retail property or merchandise" means any article, product, commodity, item or component intended to be sold in retail commerce.

(b) "Value" means the retail value of an item as advertised by the affected retail establishment, including applicable taxes.

(c) Any person, who, acting in concert with one or more other persons, commits two (2) or more thefts pursuant to Sections 459.5 or 490.2 of retail property or merchandise having an aggregate value exceeding two hundred fifty dollars (\$250) and unlawfully takes such property during a period of one hundred eighty days (180) is guilty of organized retail theft.

(d) Notwithstanding subsection (3) of subdivision (h) of Section 1170, subsections (2) and (4) of subdivision (a) of Section 1170.12, subsections (2) and (4) of subdivision (c) of Section 667, organized retail theft shall be punished by imprisonment in the county jail not exceeding one year, or imprisonment pursuant to subdivision (h) of Section 1170.

(e) For purposes of this section, the value of retail property stolen by persons acting in concert may be aggregated into a single count or charge, with the sum of the value of all of the retail merchandise being the values considered in determining the degree of theft.

(f) An offense under this section may be prosecuted in any county in which an underlying theft could have been prosecuted as a separate offense.

(g) This section does not prohibit a person or persons from being charged with any violation of law arising out of the same criminal transaction that violates this section.

## **SEC. 9. AMENDMENTS**

This act shall not be amended by the Legislature except by a statute that furthers the purposes, findings and declarations of the Act and is passed in each house by roll call vote entered in the journal, three-fourths of the membership of each house concurring, or by a statute that becomes effective only when approved by the voters.

## **SEC. 10. SEVERABILITY**

If any provision of this Act, or any part of any provision, or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remaining provisions and applications which can be given effect without the invalid or unconstitutional provision or application shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

## **SEC. 11. CONFLICTING INITIATIVES**

(a) In the event that this measure and another measure addressing parole consideration pursuant to Section 32 of Article I of the Constitution, revocation of parole and post release community supervision, DNA collection, or theft offenses shall appear on the same statewide ballot, the

provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.

(b) If this measure is approved by voters but superseded by law by any other conflicting measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.



Agenda Date: 3-06-2018

Agenda Item: 3e

Approved:

Gary A. Napper  
City Manager

# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: Janet Brown, City Clerk**

**DATE: March 6, 2018**

**SUBJECT: Appointment of Three (3) Citizens to the Trails and Landscaping Committee for terms of office commencing March 7, 2018 through December 31, 2019.**

## **BACKGROUND**

On December 31, 2017 the terms of appointed office expired for Trails and Landscape Committee members Carol Herington, Dane Horton, Carin Kaplan, Howard Kaplan, Maryann Carroll-Moser and Nancy Morgan. Staff notified each of the committee members their terms of office were ending. Four incumbents were re-appointed (Howard Kaplan, Carin Kaplan, Nancy Morgan, and Maryann Carroll-Moser) on January 16, 2018. On January 22, 2018 three (3) applications from interested citizens (Ted Sudderth, Doris Ward, and William Wiggins) were received by the City Clerk to serve on the Trails and Landscape Committee.

The Council's Trails and Landscaping interview sub-committee (Vice Mayor Shuey and Councilmember Catalano) interviewed the interested three (3) citizens on Friday, February 23, 2018. This Council sub-committee has recommended each of the three (3) applicants be appointed to the TLC (Ted Sudderth; Doris Ward; William Wiggins).

There are currently four (4) persons serving on the Trails and Landscaping Committee. The appointment of these three (3) citizens will bring the total membership to seven (7) for this advisory committee (11 maximum).

## **RECOMMENDATION**

Upon recommendation of the City Council sub-committee, it is proposed by minute motion, the City Council adopt the attached Resolution naming Ted Sudderth, Doris Ward, and William Wiggins appointed to this advisory Committee. To retain overlapping terms for continuity on the TLC, their terms of office will expire on December 31, 2018. These candidates will be eligible to re-apply for a full two-year term upon the expiration of their initial term.

**FISCAL IMPACT**

None; TLC members serve without compensation or stipend.

Attachments: Resolution- 1 page  
Applications of (3) applicants- 3 pages

TLC ROSTER

	<u>Appointed</u>	<u>Term Expires</u>
Howard Kaplan	1/18	12/19
Carin Kaplan	1/18	12/19
Maryann Carroll-Moser	1/18	12/19
Nancy Morgan	1/18	12/19
Ted Sudderth	3/18	12/18
Doris Ward	3/18	12/18
William Wiggins	3/18	12/18



**RESOLUTION NO. - 2018**

**A RESOLUTION APPOINTING THREE CITIZENS  
TO THE TRAILS AND LANDSCAPING CITIZENS ADVISORY COMMITTEE**

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

**WHEREAS**, in 2006, the City Council of Clayton adopted Resolution No. 8-2006 establishing and appointing a permanent citizens' advisory committee entitled "Trails and Landscaping Committee" for oversight of the 1997 Citywide Landscape Maintenance District (CFD 2007-1); and

**WHEREAS**, in 2007, the City Council of Clayton adopted Resolution No. 38-2007 appointing up to eleven (11) citizen members as the Citizens Oversight Committee for the Citywide Landscape Maintenance District (CFD 2007-1); and

**WHEREAS**, in 2011, the City Council of Clayton adopted Resolution No. 4-2011 revising the ending date to December 31 for the term of office for members of Trails and Landscape Committee (the Citizens' Oversight Committee) to the Citywide Landscape Maintenance District (CFD 2007-1) and extending the current members terms accordingly; and

**WHEREAS**, on January 22, 2018 the City Clerk received applications from three (3) interested citizens expressing willingness to serve on the Trails and Landscaping Committee; and

**WHEREAS**, the City Council's TLC Interview Sub-Committee conducted an interview with each interested citizen and does recommend each be the appointed to the Trails and Landscaping Committee;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Clayton, California, does hereby appoint Ted Sudderth, Doris Ward, and William Wiggins to the Trails and Landscaping Citizens' Advisory Committee of the City of Clayton for the term of appointed office to expire on December 30, 2018.

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held the 6<sup>th</sup> day of March 2018 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**THE CITY COUNCIL OF CLAYTON, CA**

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

**ATTEST:**

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

RECEIVED

JAN 22 2018

City of Clayton



APPLICATION FOR TRAILS AND LANDSCAPING COMMITTEE

Name Ted SUNDERTH Address 1031 Kenston DR

Home Phone 672-4377 Business Phone N/A

E-mail address: UNKTED@aol.com Length of residency in Clayton 40 yrs

Occupation Mfg. Banker Present employer Retired

Why are you interested in serving on this Committee? Because I am very proud to live in Clayton

What is your vision for the trails and public landscaped areas of our City? TRASH CANS @ BEGINNING AND END OF EACH TRAIL. Look for HAZARDS (Like TREE BRANCHES, ETC.) that may CREATE LIABILITY FOR CITY.

Please share your interests and hobbies, special training or education: Worked @ GOLF COURSE FOR 5 YEARS, INVOLVED IN LANDSCAPING. WALK OUR TRAILS EVERY DAY. GRADUATED FROM ARIZONA STATE U.

- List 3 references with phone numbers: 1. KEITH HAYDON 672-8262 2. JULIE & STEVE PIERCE 672-3238 3. TAMARA STIENER 285-8612

Signature: [Handwritten Signature] \*\*\*\*\* Date: 1-22-2018

RECEIVED

JAN 22 2018

City of Clayton

**Application for Trail and Landscaping Committee**

January 21, 2018

Doris Ward  
974 Tiffin Dr.  
Clayton, CA 94517

925-890-0885

Why interest in serving Committee?

To participate and support community and civic efforts to preserve and maintain the valuable resource that is our trail system and landscape. This includes providing thoughtful input regarding use of funds and maintenance issues.

What is vision for the trails and public landscape areas of City?

Consideration of town heritage and providing spaces and opportunity for public pride in Clayton. To maintain an excellent level of cleanliness and safety for all citizens. Regular and scheduled maintenance to preserve longevity and health of landscape.

My hobbies, interests and training:

I am a long term resident and home owner in Clayton (22 years) and worked for several years in town as a mortgage loan officer for ComUnity Lending.

After retiring from the mortgage industry in 2007, I began working full time with horses and became Asst. Manager of a "high end" training and show barn in Walnut Creek (Leap of Faith Farms, now North Peak Equestrian). This job requires property and office management of 7 acres adjacent to Castle Rock Park; 145 horses, 100 clients and 10 full time multi cultural employees.

My ability to speak Spanish fluently was a tremendous asset in that capacity.

I currently board two Icelandic horses in Clayton and enjoy riding on Mt. Diablo and the trail system. My family has kept horses in Clayton for 19 years. We enjoy and appreciate the beauty of the area and are committed to the care and preservation.

References:

Elia Bamberger 925/381-2094

Judi Sudderth 925/672-4377

Steve Barton 925/998-0549

Thank you for your consideration.





RECEIVED

JAN 22 2018

City of Clayton

APPLICATION FOR  
TRAILS AND LANDSCAPING COMMITTEE

Name WILLIAM WIGGINS Address 1043 KENSTON DR.

Home Phone 925 997-1371 Business Phone N/A

E-mail address: BWIGGINS8@GMAIL Length of residency in Clayton 9 YRS

Occupation RETIRED Present employer \_\_\_\_\_

Why are you interested in serving on this Committee? CIVIC DUTY AND AN  
INTEREST IN PRESERVING & MAINTAINING THE  
TRAILS

What is your vision for the trails and public landscaped areas of our City? TO STAY  
ATTENTIVE TO MAINTAINING THE QUALITY  
AND BEAUTY OF THE TRAIL AREAS

Please share your interests and hobbies, special training or education: HIKING AND  
CAMPING, GOLF, GARDENING,

- List 3 references with phone numbers: 1. JOE SUDBRITH 216-9383  
2. JOE RONCO 872-3049  
3. RON BUCCHI 890-7051

Signature: William Wiggins \*\*\*\*\*

Date: 1-21-18



**HENRY SMITH**  
for  
"Doing the Right Thing"  
at  
Clayton Valley Charter High School  
by exemplifying great "Kindness"  
November and December 2017

**Agenda Date:** 3-06-2018

**Agenda Item:** 4b

**ZACK STORN**  
for  
"Doing the Right Thing"  
at  
Clayton Valley Charter High School  
by exemplifying great "Kindness"  
November and December 2017

**DELAINEY BRADY**  
for  
"Doing the Right Thing"  
at  
Mt. Diablo Elementary School  
by exemplifying great "Self-Discipline"  
January and February 2018

Agenda Date: 3-06-2018

Agenda Item: 4c

**ALEXANDER AKL**  
for  
"Doing the Right Thing"  
at  
Diablo View Middle School  
by exemplifying great "Self-Discipline"  
January and February 2018



**LAINÉ MORAES**  
for  
"Doing the Right Thing"  
at  
Diablo View Middle School  
by exemplifying great "Self-Discipline"  
January and February 2018

**MAX KEIL**  
for  
"Doing the Right Thing"  
at  
Clayton Valley Charter High School  
by exemplifying great "Self-Discipline"  
January and February 2018

**MARGRET YORK**  
for  
"Doing the Right Thing"  
at  
Clayton Valley Charter High School  
by exemplifying great "Self-Discipline"  
January and February 2018

Agenda Date: 3-10-2018

Agenda Item: 4d

declaring

March 2018

as

## "American Red Cross Month"

**WHEREAS**, the American Red Cross saw a record-breaking year in 2017 of challenging domestic and international response efforts. Through the support of its volunteers, in just 45 days, the Red Cross responded to six of the largest and most complex disasters of 2017 including back-to-back hurricanes, the deadliest week of wildfires in California history, and the horrific mass shooting in Las Vegas. In addition, the Red Cross responded to nearly 50,000 home fires in 2017, providing casework assistance to help 76,000 families recover; and

**WHEREAS**, in Contra Costa County, the Red Cross has a long history of helping our neighbors in need. The Red Cross in Contra Costa assisted with 113 local disasters affecting 202 families in the past year alone. In our area, the Red Cross handled 124 emergency military calls, assisted 471 military families and collected 15,937 units of blood from our generous blood donors. The Red Cross taught first aid, CPR and AED to 5,141 enrollees. Aquatic and water safety classes were taught to 4,464 enrollees; and

**WHEREAS**, March is American Red Cross Month, a special time to recognize and thank the Red Cross volunteers and donors who give of their time and resources to help members of the community. The Red Cross depends on these local heroes to deliver help and hope during a disaster. We applaud our heroes here in Clayton who give of themselves to assist their neighbors when they need a helping hand; and

**WHEREAS**, across the country and around the world, the American Red Cross responds to disasters big and small. It collects about 40 percent of the nation's blood supply; provide 24-hour support to military members, veterans and their families; teaches millions lifesaving skills such as lifeguarding and CPR; and through its Restoring Family links program, connects family members separated by crisis, conflict or migration; and

**WHEREAS**, We dedicate the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies. Our community depends on the American Red Cross, which relies on donations of time, money and blood to fulfill its humanitarian mission.

**NOW THEREFORE**, I, Keith Haydon, Mayor, on behalf of the Clayton City Council, do hereby proclaim March 2018 as "American Red Cross Month" in Clayton, California and encourage all Americans to support this organization and its noble humanitarian mission.





Agenda Date: 3-6-2018

Agenda Item: 8a

# STAFF REPORT

Approved:   
Gary A. Napper  
City Manager

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: MAINTENANCE SUPERVISOR**

**DATE: March 6, 2018**

**SUBJECT: CONSIDER PLAYGROUND SAFETY INSPECTION REPORT AND ASSOCIATED CONCEPT DESIGN OPTIONS FOR REPLACEMENT AND IMPROVEMENT OF NORTH VALLEY PARK PLAYGROUND**

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## RECOMMENDATION

Based on the attached results from an independent playground inspection report, it is recommend the City Council provide direction to staff on its preference and scope of new and replacement playground equipment at North Valley Park.

## BACKGROUND

Staff submitted a recommended scope for improvements to North Valley Park at the January 16th City Council meeting. During these discussions the City Council raised some questions for further staff research. The following items were given to City Staff for research:

1. Determine through independent inspection if the existing playground equipment still had useful life and if so could replacement equipment still be purchased or repaired as needed.
2. A cost estimate to install shade sails over the playground equipment.
3. If there was a nearby park that could be visited with the playground shown in the third option presented to the City Council at its January 16th meeting.

At this same City Council meeting all members of the City Council seemed to be in agreement to: 1. Install shade structures over the two existing picnic tables using the same style small shade covers now in use at the Clayton Community Park; 2. Replace the rubber play surface; and 3. Plant between twenty to twenty-five shade trees within the park.

## **INSPECTION AND RESEARCH FINDINGS**

Following the City Council meeting staff solicited proposals from independent playground inspectors to evaluate the existing play equipment at North Valley Park and to submit a written report on those findings. After review of the proposals received, staff selected Borrecco/Kilian & Associates of Martinez to perform the inspection. Mr. Brian Kilian, a Certified Playground Safety Inspector, came out to inspect the North Valley Park play equipment and play area.

His written findings are attached to this staff report. Among the findings that were found with the play equipment were entanglement issues on the three slides, cracking found on various parts including the rock climbing wall, protrusions were found in different locations, some corrosion was found, and apparatus steps that were not evenly spaced creating play hazards.

The independent inspector also gave a letter to the City with his overall conclusion of the existing play equipment. His professional opinion is the costs to repair and bring the equipment into compliance would be better applied to new equipment that meets current playground equipment standards.

Another issue observed during the inspection is there could be some ADA concerns with access to and from the playground area [pathways]. Staff will further examine that issue should it be the City Council direction to move forward on the replacement of the play equipment. Some of the discussed ADA improvements may include: 1. installing a sidewalk ramp at the cul-de-sac end of Golden Eagle Place for easier access; 2. grade changes on the walk way approach to the playground; and 3. widening of the walkway approaches to the playground.

Concurrently staff contacted a supplier of Miracle, the maker of the existing play equipment, to determine if there are still replacement parts made for the existing structure at North Valley Park. It was found new equipment could be retrofitted onto the existing steel support poles but as mentioned in the playground inspection report this could become an expensive retrofit with monies better used for a new structure. There is also the possibility that when the rubber play surface is removed for replacement, the metal supports may be found to have corrosion that was not visible until the removal of the old rubber surface. If corrosion is found then the apparatus support poles will also need to be replaced. If this were needed to be done, then we are essentially piecing together some new elements onto a 25-year old public playground and structure.

Staff also requested estimates from a playground contractor for the installation of a shade sails over the playground for summer shading. The total cost estimate is between \$43,000.00 and \$48,000.00. This includes the following items: the shade structure, freight, engineering, and installation costs of the shade structure.

Staff re-contacted the sales representative that supplied the playground rendering shown in Option 3 about a nearby location it was installed at so City Council Members could go observe it. The sales representative informed staff these renderings and drawings are in a

data base which they use when prospective clients (such as the City of Clayton) are looking for playgrounds with set criteria, such as square footage of a playground, age group, or type of usage. The company representative told staff this particular playground was designed at some point for a client but there is no way to know if it was ever built and installed.

### **PERVIOUSLY DISCUSSED INFORMATION**

Staff solicited installers the City previously used on past projects for playground equipment installation requesting preliminary proposals for different types of replacement equipment and for costs estimates for budgeting purposes. The scope of the proposal was to look for play equipment that would fit within the existing footprint, cost to replace the rubber play surface, and the installation of two shade structures at the existing picnic benches. The following are the different suggestions given to the City by these installers;

- Option 1 Play structure from NSP3 was for a three level deck design, three large slides (one being an enclosed tube slide), climbing wall, and numerous other climbing and hanging apparatus attached to the decking for ages 5-12. Estimated cost \$105,664 including new rubber play surface.
- Option 2 Play structure from NSP3 was a close replacement of the existing playstructure with two decks, three slides with two larger slides plus a short slide, rock wall, and a climbing and hanging apparatus attached to the decking for ages 5-12. Estimated cost \$73,196 including new rubber play surface.
- Option 3 play structure is from Miracle Playsystems that used a different concept of incorporating a play deck with slide surrounded by natural looking climbing rocks for ages 5-12. Estimated cost \$114,400 including new rubber play surface.

There were two different proposals for a type of shade structure to use over the existing picnic benches in the park:

- Option 1 shade structure would be for a 12x12x10 foot cantilever umbrella made of fabric; the total estimated cost for two shade structures would be \$24,397 (\$12,198.50 each), engineered and installed.
- Option 2 shade structures would also be for a 12x12x10 foot metal structure like what is located at the Clayton Community Park. The estimated total cost would be \$24,000 (\$12,000.00 each), engineered and installed. (This was the City Councils choice at their January 16<sup>th</sup> meeting)

The third staff-proposed improvement to the park would be the installation of twenty to twenty-five new shade trees throughout the park to replace trees lost over the years from drought and disease. These trees would be spaced around the park to provide additional shade for park users. Some species of trees that can be planted for shade and grow within an irrigated area are Oaks, Ash, and Chinese Pistache. These trees would grow well within a lawn area when there is regular water; when drought conditions reappear they could survive on irregular watering cycle after the trees have been established.



### **FISCAL IMPACTS**

The final cost of the project is unknown until the types of equipment are selected and bids are generated using the State of California purchasing agreement (CMAS) or some other like kind government purchasing agreement.

If the City Council were now to include the installation of a shade structure for the playground with new playground equipment and picnic shade structures the total cost would rise between \$140,196.00 to \$186,400.00 depending which equipment and items are installed. There could also be an add expense for ADA improvements that could add an additional \$8,000.00 to \$15,000.00 to the overall project costs depending on what improvements staff determined may be needed in the final design.

The total amount budgeted in the 2017/18 Fiscal Year City Budget for the replacement and installation of new park equipment is \$165,800.

There is also \$59,000 earmarked for tree plantings within the City that came from developer in-lieu fees. This amount more than covers the purchase and planting costs of the twenty to twenty five shade trees recommend by staff to be planted within North Valley Park, either by using outside contracting or City personnel.

Attachments:

Option 1 - 3pgs

Option 2 - 3pgs

Option 3 - 2pgs

Shade Structure – 4pgs

Playground inspection report – 20pgs

Playground opinion – 1pg

Pictures of existing Park Equip. - 6

Picture Community Park shade - 1



**NORTH VALLEY PARK  
SITE PLAN**

ADA ACCESSIBILITY GUIDELINE - ADAAG CONFORMANCE

ELEVATED	ACCESSIBLE	RAMP ACCESSIBLE	GROUND	TYPES
12	12/6	0	4/4	4/3

**R5** FOR KIDS  
AGES  
5-12

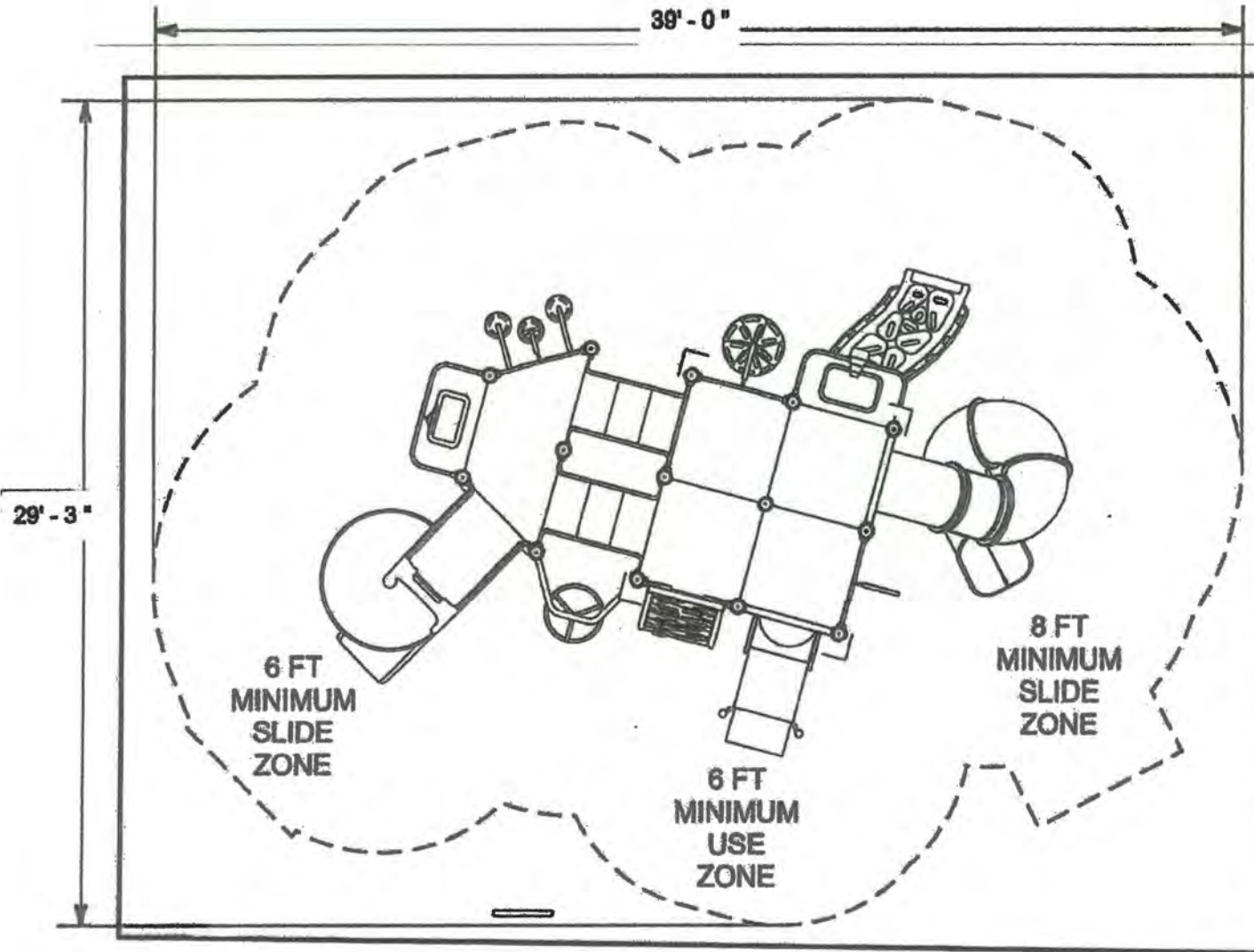
**OPTION 1 - PLAY STRUCTURES**

**GENERAL NOTES:**

This Preliminary Site Plan is based on measurements that were provided in the initial planning phase. All dimensions must be verified prior to the submission of a purchase order. Krauss Craft, Inc. will not be held responsible for any discrepancies between actual dimensions and dimensions submitted in the planning phase.

The Minimum Use Zone for a play structure is based on the product design at the time of proposal. Components and structure designs may be subject to change which may affect dimensions. Therefore, before preparing the site, we strongly recommend obtaining final drawings from the factory (available after the order is placed and included in the Assembly Manual).

**WARNING:** Accessible safety surfacing material is required beneath and around this equipment that has a critical height value (Fall Height) appropriate for the highest accessible part of this equipment. Refer to the CPSC's Handbook For Public Playground Safety, Section 4: Surfacing.



PROJECT#: NSP17693C8A

DATE: 6/16/2017 | DRAWN BY: JDE

MIN. USE ZONE: 40' x 30'

PLAYCRAFT REP:

**NSP3**

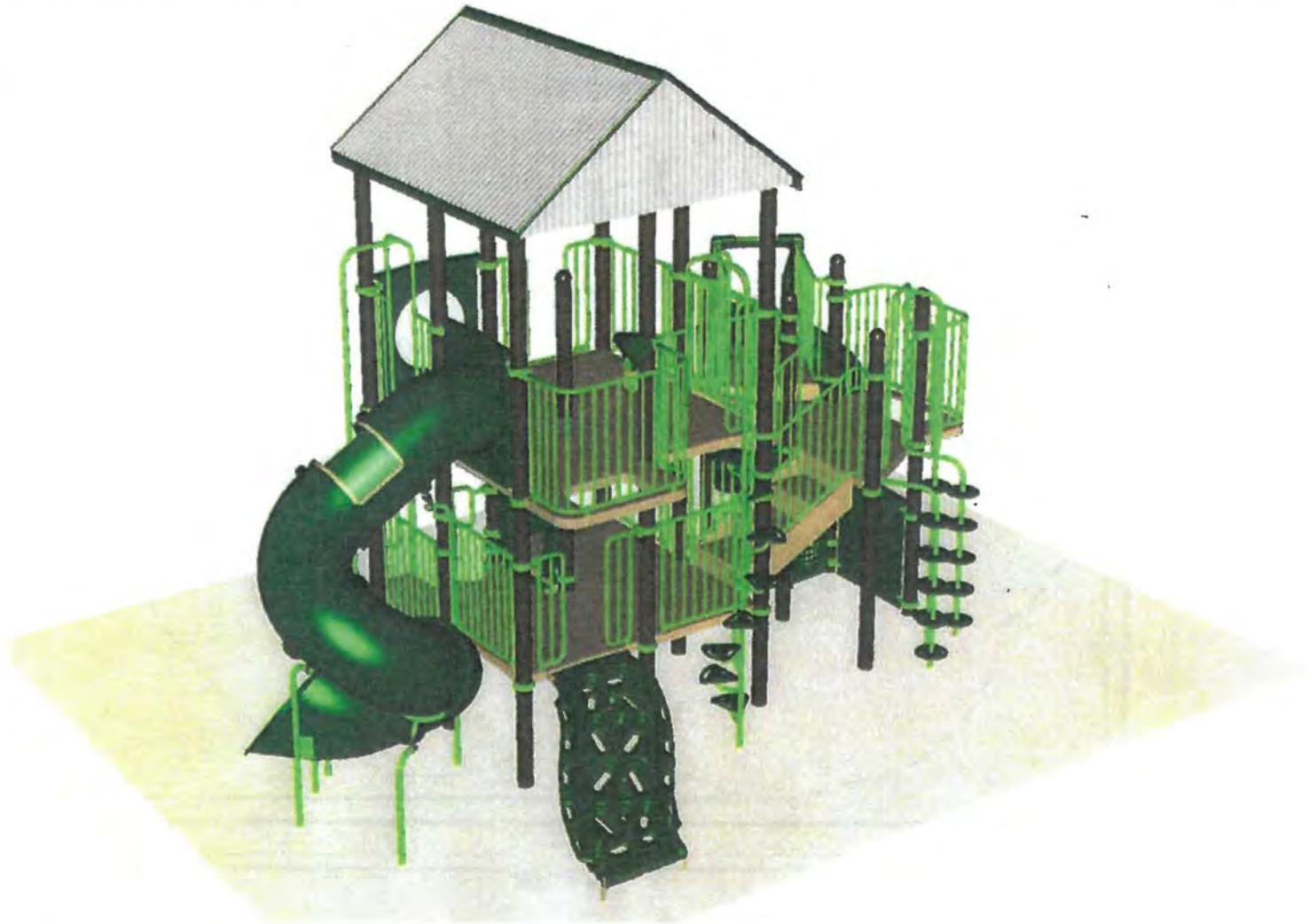


**NORTH VALLEY PARK  
NE VIEW**

**R5**

FOR KIDS  
AGES  
5-12

**OPTION 1 - PLAY STRUCTURES**



STRUCTURE#: R506B6F3A  
PROJECT#: NSP17693C8A  
DATE: 6/16/2017 | DRAWN BY: JDE



**NORTH VALLEY PARK**  
**SW VIEW**

**R5**

FOR KIDS  
AGES  
5-12

**OPTION 1 - PLAY STRUCTURES**



STRUCTURE#: R506B6F3A

PROJECT#: NSP17693C8A

DATE: 6/16/2017 | DRAWN BY: JDE





**NORTH VALLEY PARK  
SITE PLAN**

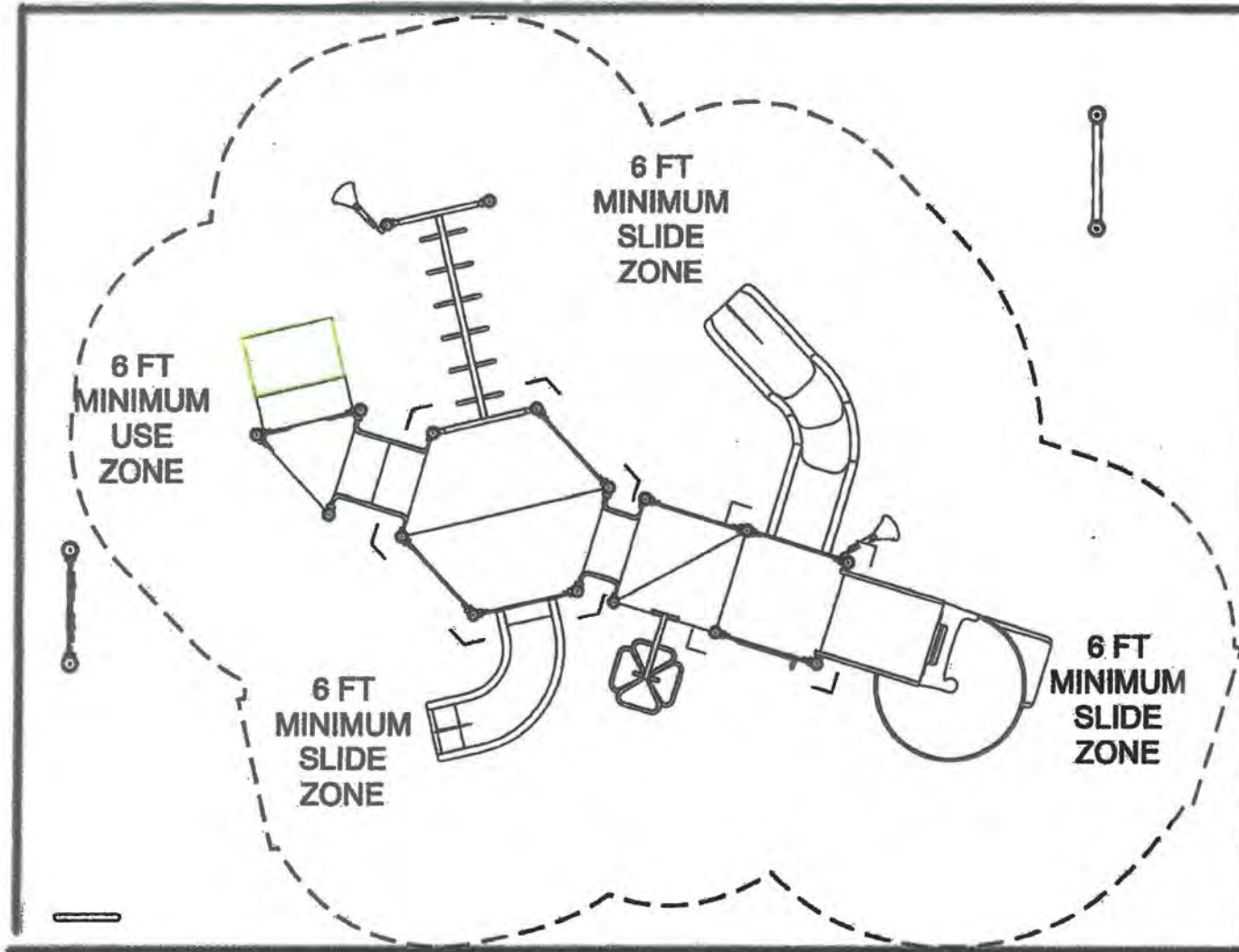
ADA ACCESSIBILITY GUIDELINE - ADAAG CONFORMANCE

ELEVATED	ACCESSIBLE	RAMP ACCESSIBLE	GROUND	TYPES
6	5/3	0	4/2	3/2

Mixed Types

**FOR KIDS AGES 5-12**

**OPTION 2 - PLAY STRUCTURES**



**GENERAL NOTES:**

This Preliminary Site Plan is based on measurements that were provided in the initial planning phase. All dimensions must be verified prior to the submission of a purchase order. Kreuz Craft, Inc. will not be held responsible for any discrepancies between actual dimensions and dimensions submitted in the planning phase.

The Minimum Use Zone for a play structure is based on the product design at the time of proposal. Components and structure designs may be subject to change which may affect dimensions. Therefore, before preparing the site, we strongly recommend obtaining final drawings from the factory (available after the order is placed and included in the Assembly Manual).

**WARNING:** Accessible safety surfacing material is required beneath and around this equipment that has a critical height value (Fall Height) appropriate for the highest accessible part of this equipment. Refer to the CPSC's Handbook For Public Playground Safety, Section 4: Surfacing.

PROJECT#: NSP17693C8A-2  
DATE: 6/16/2017 | DRAWN BY: CSH

MIN. USE ZONE: 39' x 31'

PLAYCRAFT REP:  
**NSP3**





**NORTH VALLEY PARK  
NE VIEW**

**R35**

**FOR KIDS  
AGES  
5-12**

**OPTION 2 - PLAY STRUCTURES**



STRUCTURE#: R3599F7FA

PROJECT#: NSP17693C8A-2

DATE: 6/16/2017 | DRAWN BY: CSH



**NORTH VALLEY PARK  
SW VIEW.**

**R35**

**FOR KIDS  
AGES  
5-12**

**OPTION 2 - PLAY STRUCTURES**

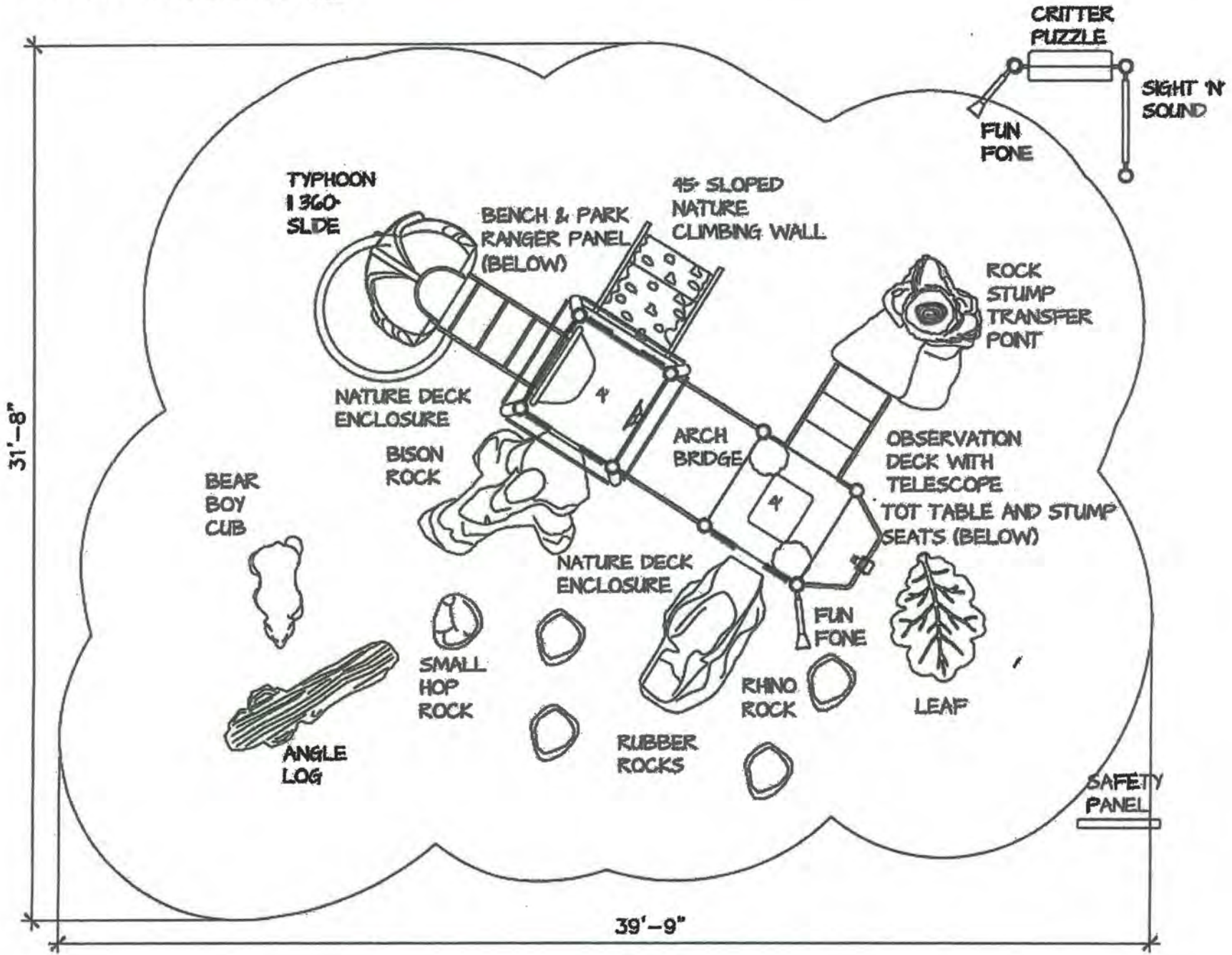


STRUCTURE#: R3599F7FA  
PROJECT#: NSP17693C8A-2  
DATE: 6/16/2017 | DRAWN BY: CSH





**OPTION 3 - PLAY STRUCTURES**





**OPTION 3 - PLAY STRUCTURES**

















**P.A.S.S.**

Play Area Safety System

# **Low Frequency Inspection**

North Valley Park, Clayton

CONFIDENTIAL

**Inspection performed on Thursday, February 8, 2018**

<b>Inspection Performed By:</b>	Brian Kilian
<b>CPSI License:</b>	31684-618
<b>Age of Intended Users:</b>	5 – 12 years
<b>Number of Pages in this Report:</b>	20 pages



North Valley Park Play Area

### **Introduction:**

Injuries to children may occur from many types of playground equipment and environmental conditions. The checklist on the following pages will help the City of Clayton assess and correct concerns that may be present on or near the North Valley Park – Tot Lot. While this report does not cover every potential safety concern in a children's play environment, it is an overview of most known playground safety concerns. (As compiled by the Consumer Product Safety Commission #325-10 (CPSC) and the American Society for Testing and Materials (ASTM) F-1487-17 Standard.

This checklist does not address the many important issues of child development that pertain to play.

This playground low frequency form is not a regulatory standard, but a compilation of suggested guidelines based upon the Handbook for Public Playground Safety, #325-10, ATSM F-1487-17 Standard, and expert opinions from consultants in the field of playground safety.

This inspection report is not a substitution for an audit, nor does it establish priorities for hazards. As required by law, each play area must have an initial audit completed prior to use. This low frequency report is part of the City of Clayton's on-going playground safety program to maintain the standard of care as established by the City.

The **Standard (Abbrev.)** column provides a general note or guide referencing the standard(s) that may apply to a particular condition or play equipment. The note may or may not be the complete definition of that particular standard, and is used only to provide some insight to the Owner. The **Comment** column provides for specific notes relating to a condition or play equipment identified during the inspection, or other comments that might apply. The **Code** section designates if the play equipment is compliant, non-compliant, or what condition the equipment is in. A full list of explanation of each code is provided below.

California has passed a law for playground safety based on the Handbook for Public Playground Safety and ATSM F-1487-17 Standard. Because the Standards were developed as a national guideline, and not specifically intended to be a strict legal document, there are numerous subjective areas open to interpretation. One area of concern is the adaptation of the guidelines to other objects within the play area that are not defined as play equipment. For example, if a bench is within the designated play area, and the bench has Protrusion hazards, does the bench fall within the guidelines as a hazard that should be addressed? Based on the latest training provided by the National Playground Safety Institute, the Institute is silent on this issue as it relates to the California law. AB1144 does not specifically address this issue either, stating: "Playground" means an improved outdoor area...and shall include any playground equipment, fall zones, surface materials, access ramps, and all areas within and including the designated enclosure and barriers." However, common sense and professional judgment would indicate that the bench poses a similar risk and danger to children as other identified playground hazards, and should be addressed by the Owner.

As a general rule, this inspection will address ALL hazards identified within the designated play area, whether specifically part of a play equipment or part of another object not currently defined as a play structure. The intent/assumption here is that the Owner should be aware of all potential hazards that could cause harm to children, and have the opportunity to make an informed decision to address each hazard.

Composite Structure Use Zones- Typically, the boundaries of several play equipment, that when joined together as a composite structure, link together to form one use zone around the structure. However, there are exceptions to this guideline, established by professional judgment and based on recommendations from NPSI. One exception that P.A.S.S. adheres to is the non-overlap of slide clearance zones. Within the composite use zone, each slide clearance zone may not overlap with the use zone of any other play equipment. P.A.S.S. recognizes that this interpretation is not clear in the ASTM guidelines, and there are different opinions. It will be the Owner's decision whether to accept P.A.S.S. interpretation of this guideline or accept the risk of overlapping use zones within the composite structure.

Photographs: Photos have been taken to help document and illustrate the hazards identified in this report. The photos are numbered and referenced under the Comment column for each standard.

Key for Code:

<b>CODE</b>	<b>Explanation</b>
<b>C (Compliant)</b>	A "C" indicates that the play equipment has been checked and the current conditions are compliant.
<b>M (Maintenance)</b>	An "M" indicates that the item needs continuous maintenance. Minor maintenance may have been provided during the inspection, but ongoing routine maintenance is also necessary. Examples would be removing debris, litter, and label replacement.
<b>NR (Needs Repair)</b>	A "NR" indicates that the repairs cannot be readily completed while the inspector is on site and follow up repairs will be necessary by a skilled staff member or outside vendor. If the condition presents a hazard to users, the owner should determine whether equipment should be taken out of service until the hazard can be corrected, or other mitigation measures taken.
<b>NC (Non-Compliant)</b>	A "NC" indicates that a hazard may be present requiring additional action. If the condition could present a serious hazard to users, the equipment should be taken out of service until the situation can be corrected. The term "Non-Compliant" as used in this report means that the existing condition is not acceptable, and does not meet the standards as defined by either the Handbook for Public Playground Safety or ASTM F-1487-11. The term "Non-Compliant" does not differentiate between the priorities that are established in the initial audit.



Maintenance and Upkeep	Comments	Standards (Abbrev.)	CODE
<b>General</b>			
Site amenities	There are benches and a bike rack adjacent to the play area.		
Fencing	There is no fencing around the play area.		
Landscape	There is lawn around the perimeter of the play area.		
Visibility	Visibility is adequate.		
Pests/Insects	There are cobwebs underneath the platforms on the play structure.		M

Playground Component	Comments	Standards (Abbrev.)	CODE
Layout		The playground shall be organized into different areas to prevent injuries caused by conflicting activities and children running between activities. The layout shall be without visual barriers so there are clear sight lines to facilitate supervision.	C
Stability		Footings shall be stable and buried below ground level or covered by protective surfacing.	C
Roofs	There is mold on the underside of the plastic roof.	Roofs 84" above the underlying designated play surface may be any angle. Roofs that are an integral part of the play structure and less than 84" above shall have no designated play surfaces.	M (See photo 1)
Design	The steps at the transfer station are not evenly spaced, measured between 7 and 8".	Steps and rungs to be evenly spaced, closed risers and treads shall not accumulate water and debris.	NC
Corrosion & Wear	There is corrosion and wear on the rubberized coating over the platforms, the paint on the posts for the stand-alone panels are corroding, the plastic panel for the rock climbing wall is cracked, there are cracks on the hood to the spiral slide.	No corrosion, wear or visible rotting on attachments or play equipment.	NR, NC (See photos 2, 3, 4 and 5)

Crush and Shear Points		There shall be no accessible pinch, crush or shearing points on the play equipment.	C
Sharp Points, Corners & Edges	There are sharp edges from the cracks in the plastic panel on the rock climbing wall and the hood over the spiral slide.	There shall be no sharp points, corners or edges. All wood should be smooth and no splinters. All corners should be rounded.	NR, NC (See photos 3 and 5)
Protrusions & Projections	There are protrusions on bolts underneath the slide platform, and the handhold on the rock climbing wall. There is a protrusion on the metal connection piece where an assumed wheel is missing.	No protrusions or projections are allowed that extend beyond the test gauge. Projections greater than 1/8" are not allowed within the 21" slide non-entanglement zone, regardless of the projection orientation.	NR, NC (See photos 6, 7 and 8)
Entanglements	There are entanglements on all three slides, between the platform and slide beds, and between the sections of slide beds.	No crevice or opening is allowed that is capable of entangling children's clothing. Any projection that fits within a projection gauge, extends more than 1/8" from a surface greater than or equal to a horizontal plane, and is perpendicular to the plane, or any bolt with more than 2 threads exposed, or any projection that increases in size from the initial surface to the outer edge is an entanglement.	NR, NC (See photos 9, 10, 11 and 12)
Head Entrapment		Completely bounded openings shall be less than 3 1/2" or greater than 9"	C
Angle Entrapment		All angles to be greater than 55°, unless lower leg of angle is horizontal or projects downward. opening less than 24" above protective surfacing is exempt.	C
Hardware		All fasteners and connections to be tight, and not removable without use of tools.	C

Slope Requirements		Stairway: Slope less than 50	C
Stairs		Protective barriers are required on portions of stairs above 48" above the underlying surface.	C
Rungs & Handgrips		Rungs to be a diameter between 1 and 1.67".	C
Handrails		The distance between top of step and top of handrail should be between 22" and 38". Handrail diameter should be between 1 and 1.67". Any transition from an access to a platform must have a handrail or handholds. Handrails on stairways and ladders to be continuous and extending full length of the access and provided on both sides.	C
Tripping Hazard	There is a tripping hazard at the east end of the play area, where the P.I.P. surfacing has pulled away from the edge and there is a cut-out section of CMU block wall.	All anchoring devices such as footings and horizontal bars at the bottom of flexible climbers shall be installed below playing surface.	NC (See photo 13)
Protective Barriers		Elevated surfaces (5-12 year olds) more than 48" high must have a protective barrier. Top surface of guardrail to be 38" and non-climbable.	C
Guardrails		Elevated surfaces (5-12 year olds) more than 30" high must have a guardrail. Top surface of guardrail to be 38" and bottom surface no more than 28" above platform.	C
Step Platforms		The maximum difference in height between stepped platforms shall be 18" for 5-12 year olds. If space exceeds 9" and height of lower platform exceeds 30", infill is required to reduce space to less than 3 1/2".	C



Playground Component	Comments	Standards (Abbrev.)	CODE
<b>Slides</b>			
Slide Access		Continuous handrails shall be provided with handrail height between 22" and 38". Handrails and Ladder Rung diameter shall be between 1-1.67".	C
Slide Platform	There are gaps between the platform and slide bed on the small curved slide.	Minimum length of platform shall be 14". The width is equal or greater than width of slide. Guardrail or protective barrier to surround platform. There shall be no gaps or spaces between platform and start of slide. Handholds shall be provided at slide entrance, and there is means to channel user into a sitting position.	NC (See photo 9)
Slide Surface	There are gaps between the slide bed sections on the spiral slide and large curved slide. All three slides are exposed to direct sunlight.	The height/length ratio of the sliding surface shall not exceed 0.577, flat open chutes to have a minimum side height of 4" extending full length of slide. Sides to be integral part of chute without gaps. Slides shall be placed in shaded areas to prevent burns caused by direct sun on the chute. The inside width shall be 12" or greater for 2-5 year olds.	NC (See photos 10, 11 and 12)
Exit Region		There must be 11" minimum length exit region, incline less than 4°. The slide exit edges shall be rounded or curved. For slides no greater in height than 48", the exit region shall not be greater than 11". Height of exit region for slides greater than 48" shall be between 7 and 15" above protective surfacing.	C
Slide Clearance Zone	There is a support pole within the 21" clear area for the spiral slide. The use zones for the spiral slide and large curved slide overlap.	A clear area, free of equipment, shall surround the slide chute. The clear area shall extend through the exit region. Spiral slides shall maintain a clear area along the entire outer edge of the slide.	NC (See photos 14 and 15)



Playground Component	Comments	Standards (Abbrev.)	CODE
<b>Climbing Equipment</b>			
Sloped Climbing Rock Wall			C
Horizontal Ladder		Center to center spacing of rungs shall be no more than 15" for 5-12 year olds. The maximum height of upper body equipment measured from the center of the grasping device to the surface below shall be 84" for 5-12 year olds. For 2-5 year olds, the rungs must be parallel and evenly spaced. The take off and landing distance from the platform and first handhold shall be no less than 8" but not greater than 10". The height of the take of platform from handhold of equipment shall not be greater than 18" / 36"	C
Rigid Climber		Horizontal distance between pole and edge of platform shall be between 18" and 20". Pole shall extend a minimum of 60" above the platform. The diameter of the pole shall be no greater than 1.9". The maximum horizontal opening at the platform shall be 15".	C

Playground Component	Comments	Standards (Abbrev.)	CODE
<b>Play Panels</b>			
Police Car Panel	In our professional opinion, the panel is located too close to the concrete wall, and invites unsafe play activity.		NC (See photo 16)
Jump Panel	In our professional opinion, the panel is located too close to the concrete wall, and invites unsafe play activity.		NC (See photo 17)

Fun Fone	Both Fun Fones have been damaged and are worn and corroded.		NR, NC (See photos 4 and 18)
Wheel	There is a missing play equipment on the lower platform of the composite structure – we assume it may have been a wheel. The exposed metal connection is a protrusion hazard.		NR, NC (See photo 7)
Bubble Panel	In our professional opinion, the panel is located too close to the concrete wall, and invites unsafe play activity.		NC

Surfacing	Comments	Standards (Abbrev.)	CODE
Use Zone	While the play panels do not require a use zone around them, it is our professional opinion that the locations are too close to the concrete edge wall and invite unsafe play activity. The spiral slide and large curved slide have overlapping use zones. Measured 5'-9" from the bubble panel to the post at the transfer station.	6 feet in all directions from perimeter of equipment, slides to have minimum distance of the greater of either 6 ft. or height of slide platform from end of slide bed. Swings to have 2 x pivot height of swing above surface material, to extend both front and rear of swing. Multi-Axis swing to have 6 feet + length of swing from pivot point to seat.	NC (See photos 15, 16 And 17)

Surfacing	Comments	Standards (Abbrev.)	CODE
Material – Poured In Place	The P.I.P. surfacing is worn, cracked and peeling away from its base. All of the perimeter edges have pulled away from the concrete wall.	Surfacing material must yield both a peak deceleration of not more than 200 G's and a HIC of no more than 1,000 when tested in accordance with ASTM F1292. Loose fill should not be installed over hard surfaces such as asphalt or concrete.	The adequacy of the surfacing materials need to be verified by certificates provided by the manufacturer of the material. This inspection is not indicating compliance, only establishing what the current condition is.  NR, NC (See photos 19 and 20)
Drainage/Maintenance	It appears that the P.I.P. surfacing slopes water to the center of the play area, directly under the play structure. No drainage is visible. There has been no maintenance for the P.I.P. surfacing.	Must have good drainage, and continuous maintenance. All debris and foreign matter shall be removed.	NR, NC (See photo 21)
Critical Height	Measured 90 ½" from spiral slide platform to surfacing below; measured 75" from horizontal ladder to surfacing below.	The surface material used under and around play equipment shall have a Critical Height value of at least the height of the highest accessible part of the play equipment.	Provide written verification of critical height value from manufacturer showing proper depth of surface material for this specific play structure.

Note: Certificates of Compliance from the safety surfacing supplier stating that the surfacing material complies with the requirements of ASTM F 1292 – Impact Attenuation and ASTM F 1951 – Accessibility, should be maintained on file for man-made loose fill and unitary products use on the playground.

This inspection only measures the critical height and identifies the surfacing product. Depth comparison to available charts from CPSC and from suppliers is only an approximation of surface impact values. The only way to be assured that the surfacing provides the proper impact attenuation value is to conduct Impact Attenuation Field Testing as specified by ASTM F 1292. The California Playground Safety Regulations only require visual inspections, so this inspection does not include field testing for impact attenuation, and no compliance with ASTM F 1292 is certified or implied by this inspection.

Labeling, Signage and Records	Comments	Standards (Abbrev.)	CODE
Signs or Labels, or Both	There is no sign for the play area. The age appropriate label is worn and not readable. There are no appropriate warning signs or label for the play area.	<p>Signs or labels shall be placed on the equipment or be freestanding, shall be readily visible, shall alert the viewer to potential hazards in time to take appropriate action. Minimum requirements for signs or labels: All play equipment shall be required to have attached a warning label to conform to ANSI Z535.1 and ANSI Z535.4. Signal Word – WARNING- shall be on the warning label. Safety Alert Symbol-proceeding the signal word, there shall be a triangle with an exclamation point inside the triangle on the warning label. Word Message on the Warning Label- WARNING: Installation over a hard surface such as concrete, asphalt, or packed earth may result in serious injury or death from falls. Warning message communicating the removal of helmets, drawstrings or accessories around the neck. Information identifying uses, hours of operation, age-appropriate play, name and phone number of owner, and other rules that applies to the playground area. Information indicating "adult supervision is recommended" is required on all playgrounds. Signs shall be located outside of the equipment use zone</p>	NC (See photo 22)
Manufacturer Identification	The play equipment is identified as Miracle.	All play structures shall be required to have the manufacturer's identification. Custom built equipment shall also carry the identification of the designer.	C
Instructions	The City of Clayton shall verify they have a copy of the manufacturer's written instruction for maintenance and repair.	The designer or manufacturer of each play structure shall provide to the Owner/operator clear and concise inspection, maintenance and repair instructions.	Verify



Records	The City Clayton shall verify they have records and documents on file that establish a safety program for each playground area.	The Owner/operator shall establish and maintain detailed installation, inspection, maintenance, and repair records for each playground area.	Verify
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**Accessibility to the Disabled:**

The CPSC and ASTM F 1487-11 do not address Accessibility specifically, other than to state: "Public playgrounds shall comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities: Play Areas." The Dept. of Justice adopted the ADA Guidelines for Playgrounds in September, 2010. Compliance is required after March 15, 2012. The purpose of this checklist, with regard to accessibility, is to allow the City of Clayton to determine compliance of the play area with ADAAG.

While accessibility to the disabled is required, it is not classified the same as a priority hazard. The issue is whether the City of Clayton has provided the proper access to, through, and onto the Park playground equipment for the disabled.

Accessibility for the Disabled	Comments	Standards (Abbrev.)	CODE
Access to Play Area	The concrete sidewalk from the public walk to the play area exceeds 2% grade. Measured 4.3% slope at intersection of sidewalks.	Access must be free from all obstructions and barriers.	NC (See photo 23)
Accessible Route in Play Area		At least one accessible route within the use zone, from the perimeter of the play area, to all accessible play structures or components. Access route must have 80" clearance, 60" width and maximum slope of 1:16. Accessible play opportunities with different access and egress points must be provided at both points. Vertical clearance of ground level access route is a minimum of 80".	C
Surface Material	The P.I.P. is not well maintained and does not appear to have good drainage.	Surfacing material must be well maintained, have good drainage and be accessible.	NR, NC (See photos 19 and 20)

Transfer Station	The rubberize coating on the transfer station is failing and tearing apart.	Must be between 11" and 18" above the accessible route or wheelchair platform, must have 24" clear width and be 14" deep. Must have transfer supports. Transfer station shall have transfer space 48" long and 30" wide. The 48" side is centered on a parallel to the 24" side. There is a 60" turning radius or minimum 36" wide T-shaped turning space. The station has an access step between the transfer station and the surfacing that is less than 8"	NR (See photo 2)
Accessible Route on Structure	The steps between the transfer station and first play platform are uneven and measured between 7 and 8".	50% of elevated components must be on an accessible route reached by a ramp or transfer. Play equipment with less than 50% of play components accessible by ramp must have additional ground level play components. Minimum clear width of access route on equipment is 36", with restricted minimum width of 32" for a maximum distance of 24". Multiple restricted minimum width sections are separated by segments 48" wide and 36" long. Access to elevated components must be by steps 14" deep x 24" wide x 8" or less in height or by ramps.	NR

**Age-Appropriate Play:** It is recommended that for younger children, playgrounds have separate areas with appropriate sized equipment and materials to serve their developmental levels. The intended user group should be obvious from the design and scale of equipment.

**For the purposes of this report, the assumed intended users for the playground at North Valley Park are school age children (5-12 year olds). The play structure at North Valley Park is not recommended for the younger pre-school-age children (2-5 year olds). Signs should be posted near the entrance of the playground indicating age-appropriateness and other information as noted in the Labeling and Signage section.**

In playgrounds intended to serve children of all ages the layout of pathways and the landscaping of the playground should show the distinct areas fro the different age groups. The areas should be separated at least by a buffer zone, which could be an area with shrubs or benches, or a fence. Signs posted in the playground area can be used to give some guidance to adults as to the age-appropriateness of the equipment.

**Summary:** This inspection report is intended for the sole use by the City of Clayton in helping the City develop a safer play program that meets the current standard of acceptance in playground safety. This report is not intended to be used exclusively as a means to achieve a safer play area, or for a final approval, but rather as a tool in conjunction with establishing a recognized comprehensive playground safety program, with on-going playground inspections, documentation and procedures for playground corrective action by the City.

In addition, there may be requirements that the play equipment and/or installation be approved by the Manufacturer to verify that the play equipment was installed per the Manufacturer's Installation instructions. The Owner should be aware that additional inspections may be required that are beyond the scope of this inspection.

This inspection report documents compliant and non-compliant safety issues identified at the time of the site visit to the playground. P.A.S.S. believes that all safety issues have been noted and identified, however, there may be additional hazards inadvertently missed or not reported. Also, this inspection and report may not address all hazards that may be evident at a later date.

The California Playground Safety Regulations require that the City maintains a copy of the report in its files for the project. The City is also required to have an initial audit, develop an inspection and maintenance program for the play area, and maintain detailed records of inspections and repair to assure continued compliance.

**IMPORTANT:** This playground safety inspection and all information contained herein is for the private and internal use only The City of Clayton, and is not to be released or otherwise disseminated to anyone other than an agency official, or designated representative as approved by the City of Clayton.

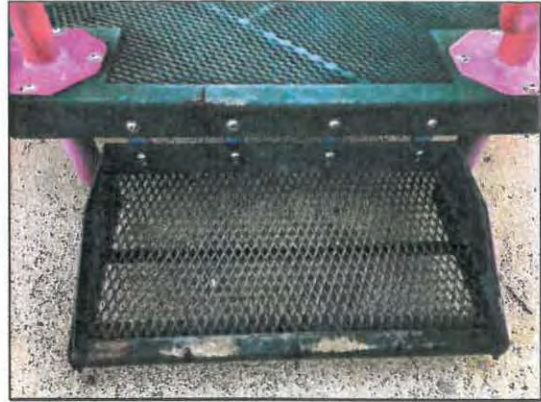
**END OF REPORT**



Pictures



1. Mold underneath roof



2. Rubber coating failing and corroding



3. Cracked rock climbing wall



4. Corroded and damaged fun fone



5. Cracked and sharp edges on slide hood



6. Protrusions on bolts underneath platform





7. Protrusion and missing equipment



8. Protrusion on bolt on climber



9. Entanglement at small curved slide entry



10. Entanglement on large curved slide bed



11. Entanglement on spiral slide



12. Entanglement at spiral slide entry



13. Trip hazard at east end of play area



14. Post within slide clearance zone



15. Slide use zones overlap



16. Play panel too close to concrete wall



17. Play panel too close to concrete wall



18. Damaged fun fone





19. Damaged poured in place surfacing



20. Damaged poured in place surfacing



21. Sloped P.I.P. to drain towards center



22. Worn label



23. Grade exceeds 2% on access walk



24. Playground manufacture identification

# Public Playground Safety Checklist

Here are 10 important tips for parents and community groups to keep in mind to help ensure playground safety.

- 1.** Make sure **surfaces** around playground equipment have at least 12 inches of wood chips, mulch, sand, or pea gravel, or are mats made of safety-tested rubber or rubber-like materials.
- 2.** Check that protective **surfacing extends** at least 6 feet in all directions from play equipment. For swings, be sure surfacing extends, in back and front, twice the height of the suspending bar.
- 3.** Make sure play structures more than 30 inches high are **spaced** at least 9 feet apart.
- 4.** Check for **dangerous hardware**, like open "S" hooks or protruding bolt ends.
- 5.** Make sure **spaces** that could trap children, such as openings in guardrails or between ladder rungs, measure less than 3.5 inches or more than 9 inches.
- 6.** Check for **sharp points or edges** in equipment.
- 7.** Look out for **tripping hazards**, like exposed concrete footings, tree stumps, and rocks.
- 8.** Make sure elevated surfaces, like platforms and ramps, have **guardrails** to prevent falls.
- 9.** Check **playground regularly** to see that equipment and surfacing are in good condition.
- 10.** **Carefully supervise children** on playgrounds to make sure they're safe.

(Copied from the Handbook for Public Playground Safety)





# P.A.S.S.

## Play Area Safety System

February 15, 2018

Mark Janney  
City of Clayton  
6000 Heritage Trail  
Clayton, California 94517

**Re: North Valley Park Play Structure**

Dear Mark:

As requested, P.A.S.S. has performed a low frequency inspection for the play equipment at the North Valley Park in Clayton. The written report has been emailed to you early today.

As part of our work, you requested that I provide my opinion on the current condition of the existing composite play structure at North Valley Park.

In my opinion, after performing the safety inspection, the work required to bring the safety surfacing and play equipment into compliance with the California Playground Safety law exceeds the value of the existing play equipment. The time, energy and money required to repair, replace or up-grade the entire play area may be better applied to a new play area design.

Given that the current play equipment appears to be old and worn out, and poses many safety hazards, there are many new and exciting play structures that can provide more safe **and** reliable play activities for the extended future.

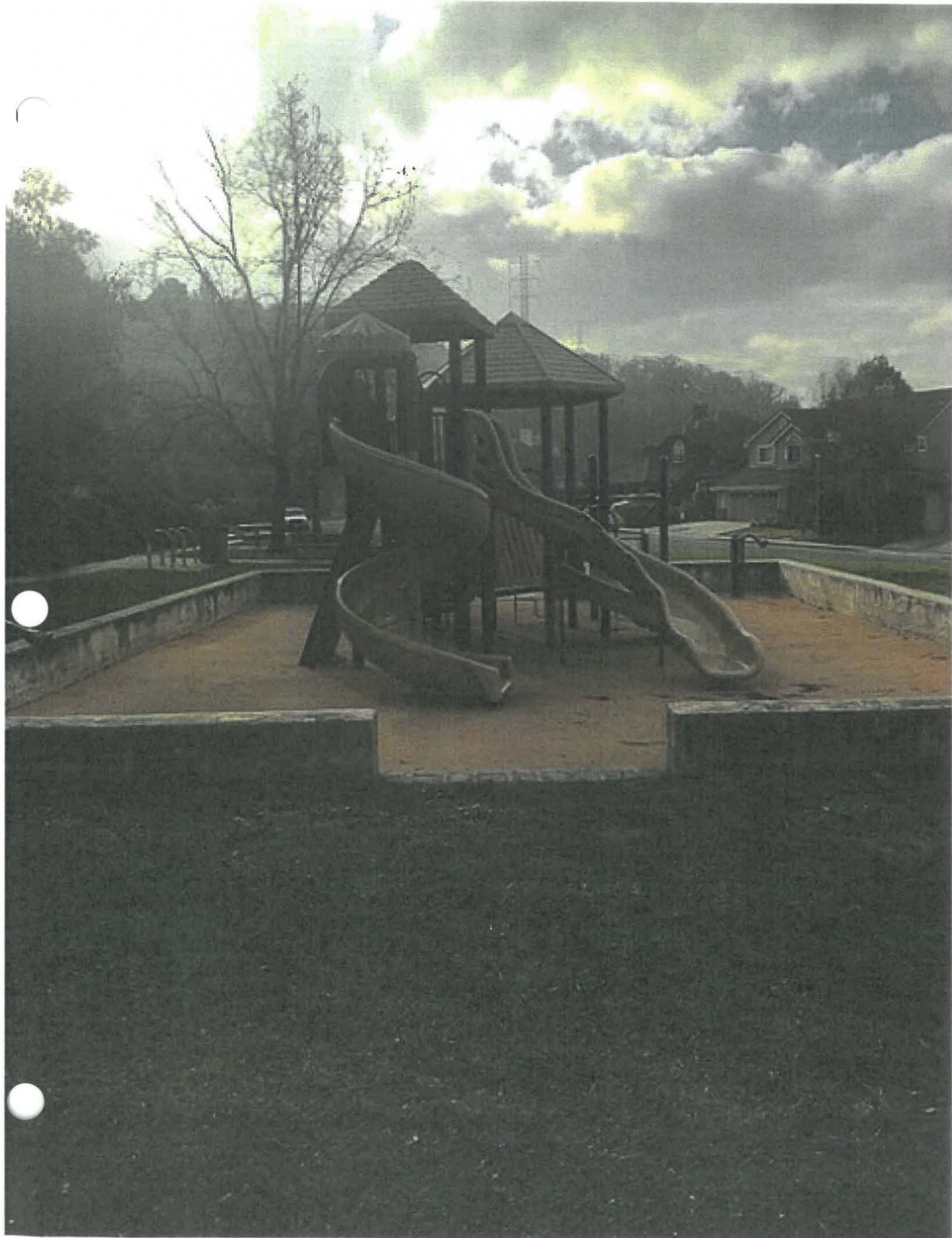
Sincerely

*Brian Kilian*

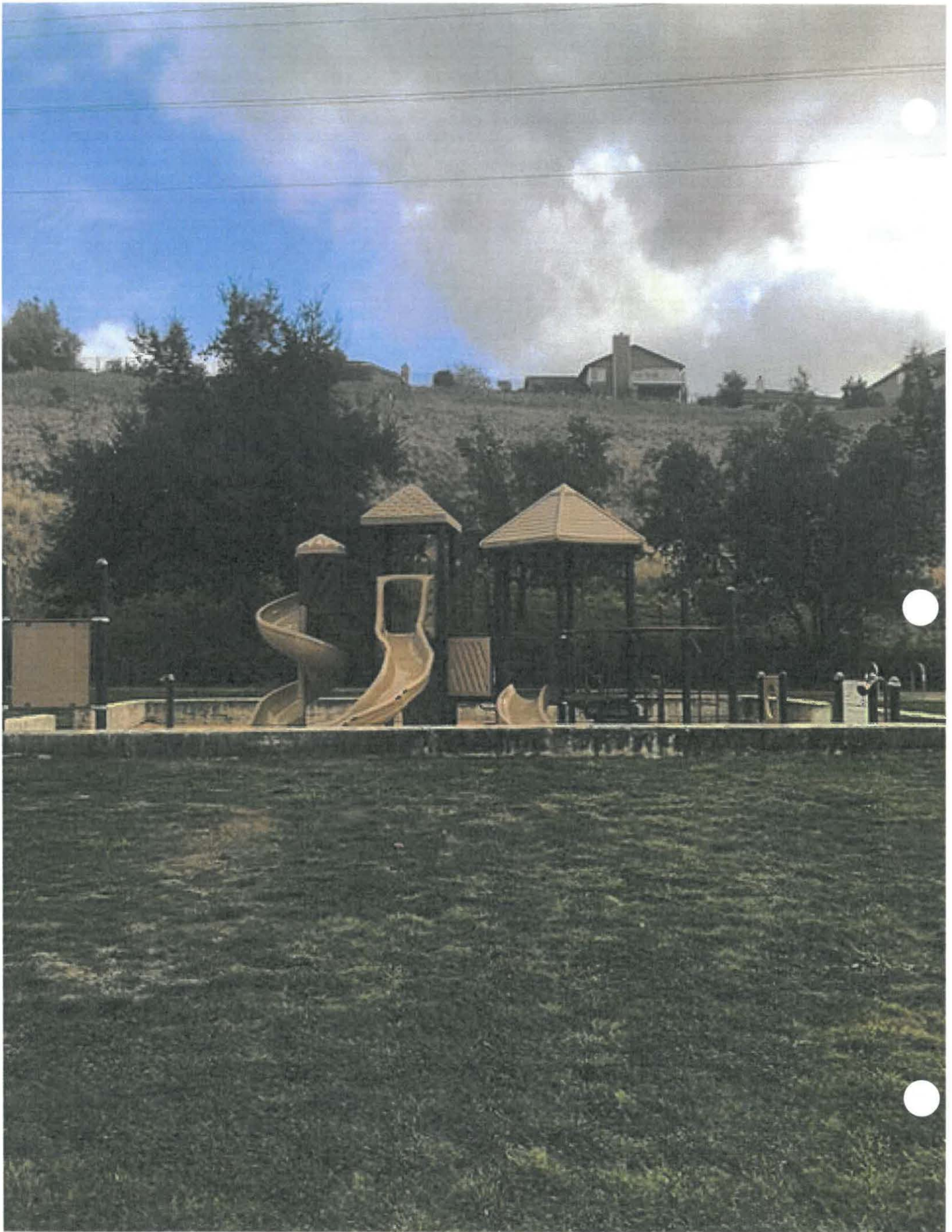
P.A.S.S.  
Certified Playground Safety Inspector

Borrecco/Kilian & Associates, Inc. dba P.A.S.S.  
1241 Pine Street · Martinez · California · 94553  
(925) 372-5306 · CPSI No. 31684-618 · Email: [brian.bka@sbcglobal.net](mailto:brian.bka@sbcglobal.net)

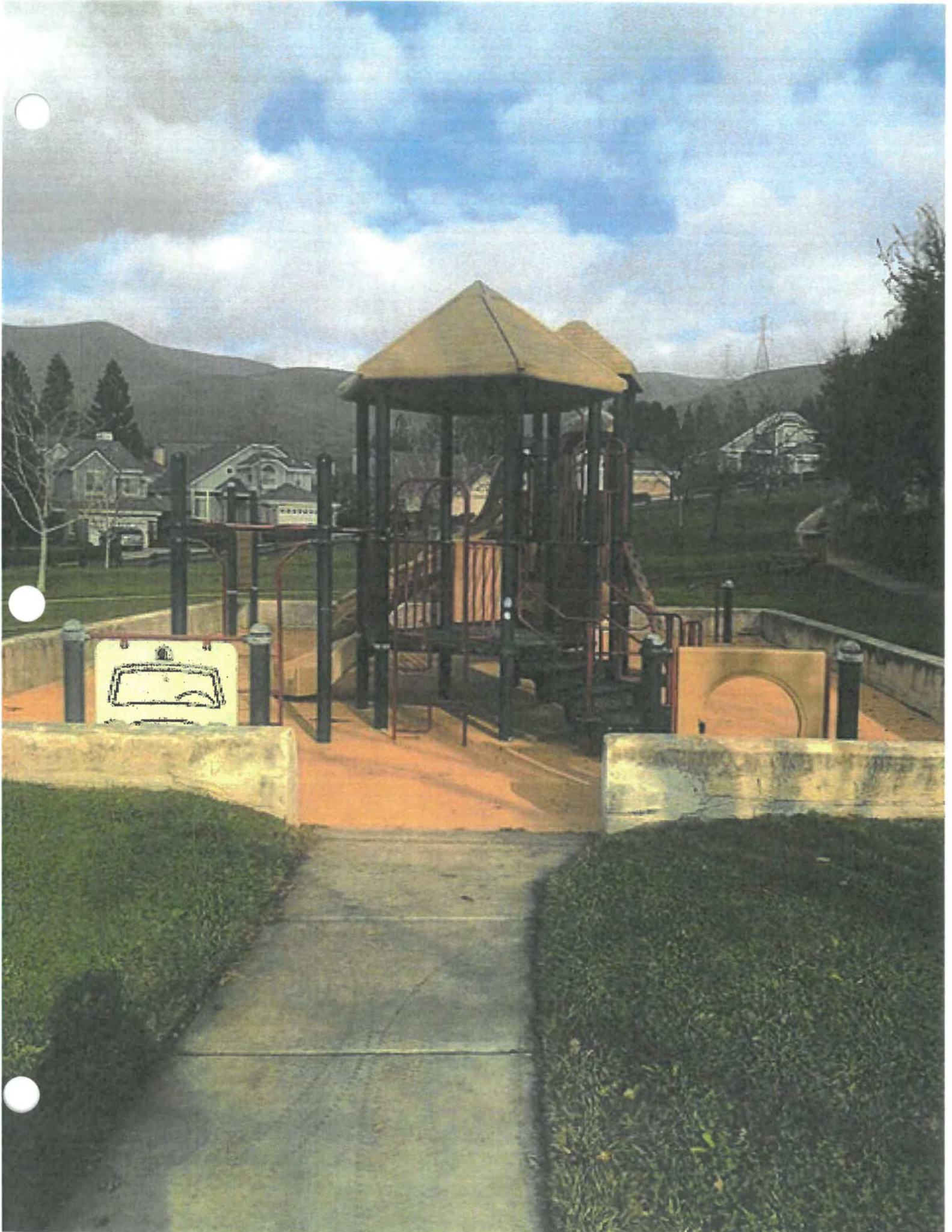




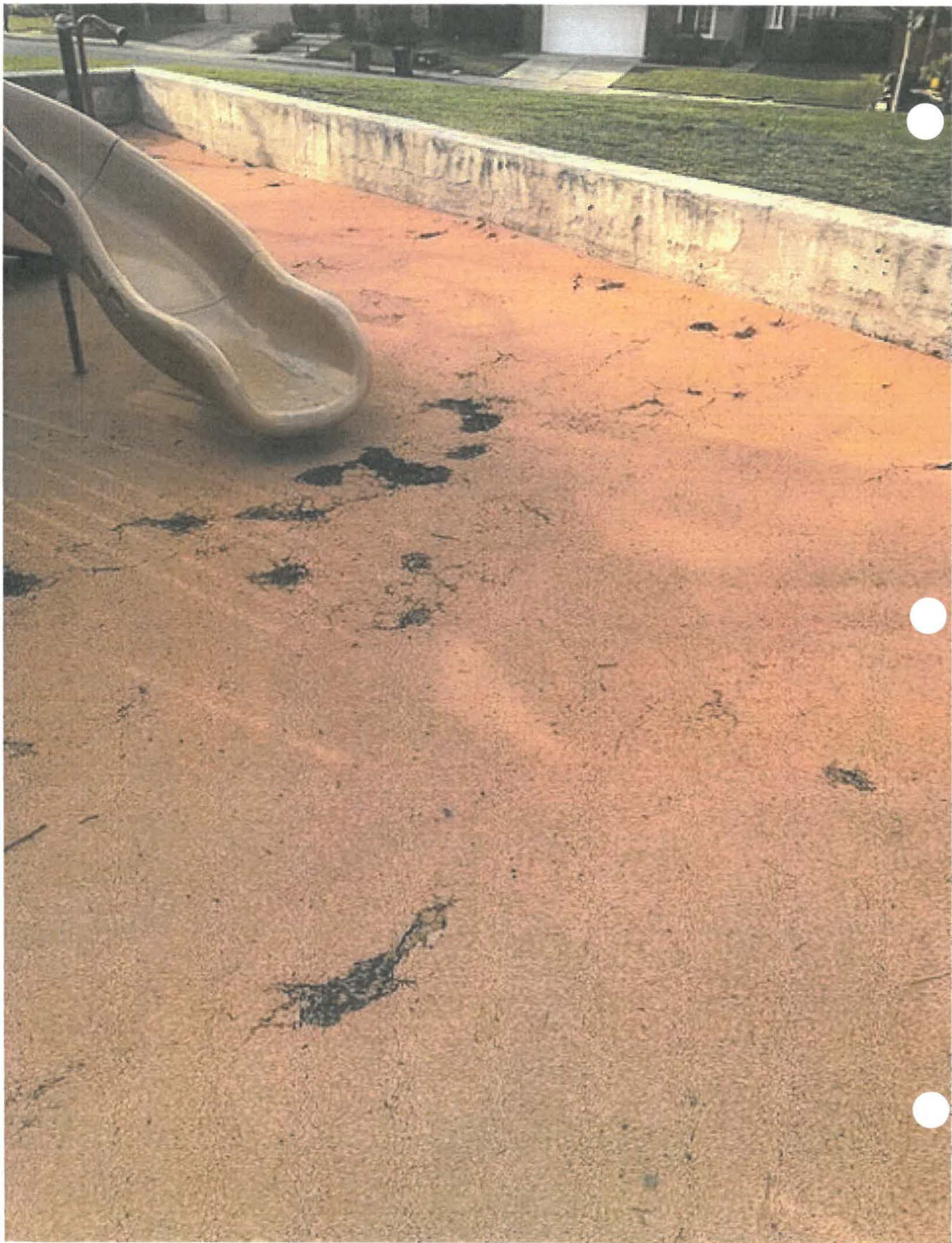












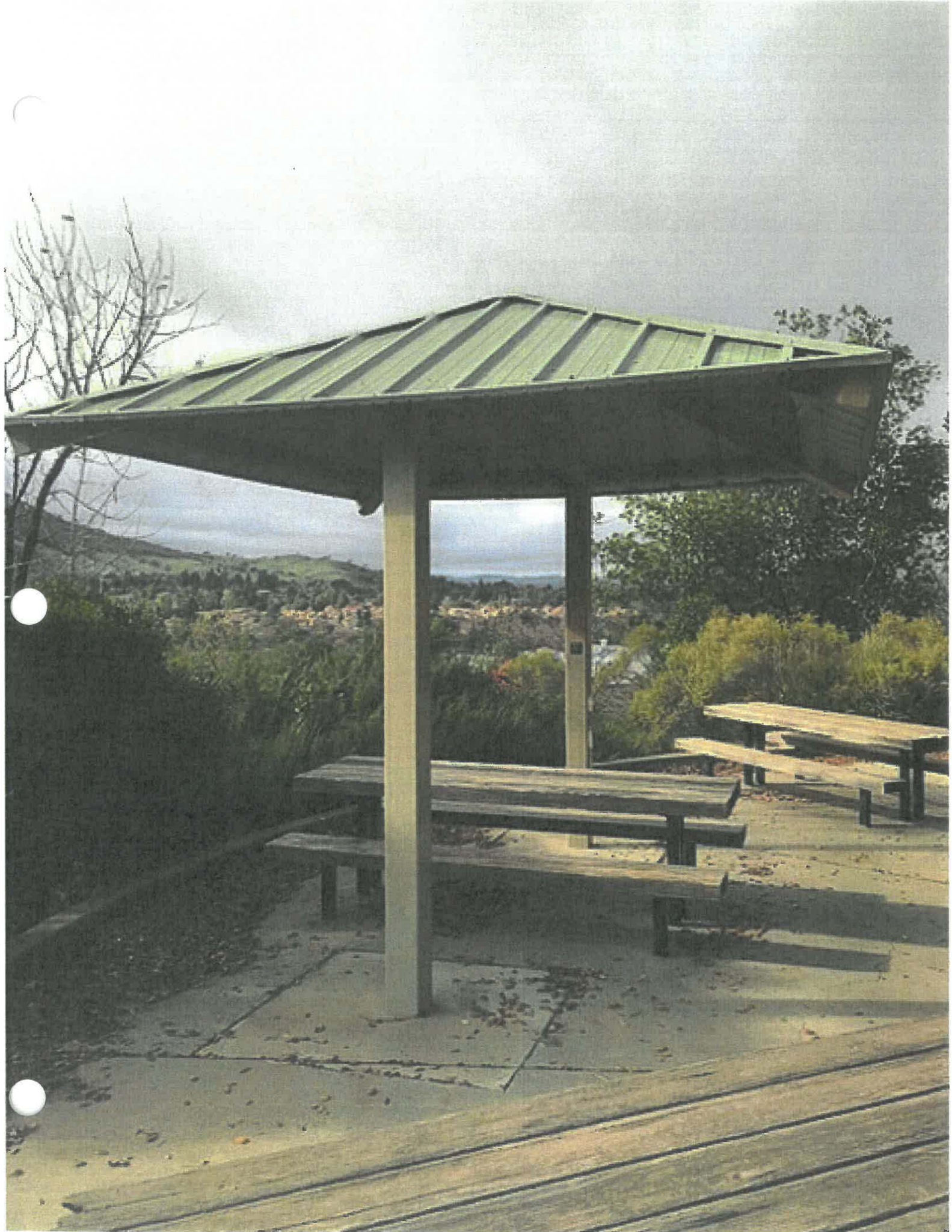
















Regency Drive

Road

Park Drive

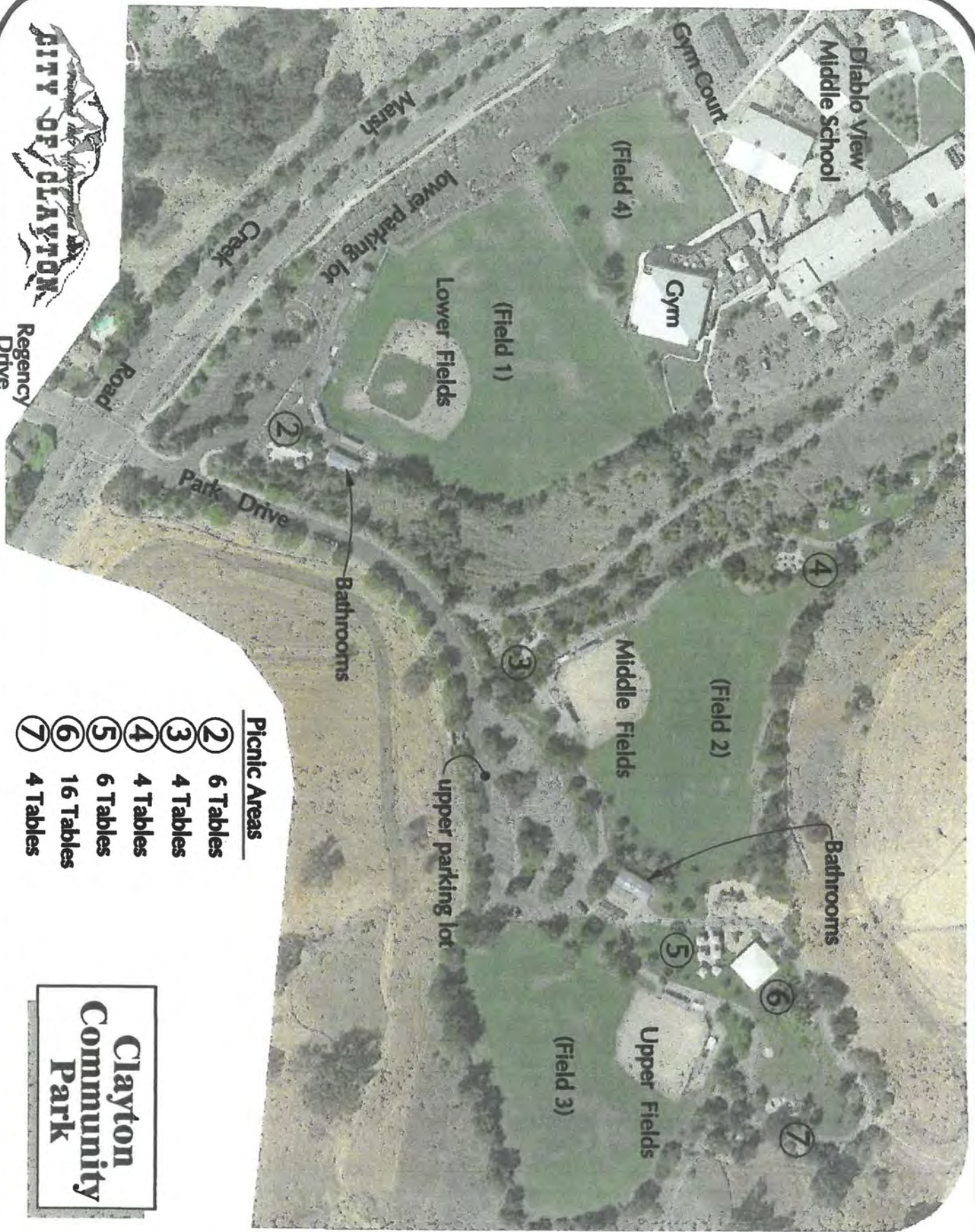
Bathrooms

upper parking lot

Bathrooms

- Picnic Areas**
- ② 6 Tables
  - ③ 4 Tables
  - ④ 4 Tables
  - ⑤ 6 Tables
  - ⑥ 16 Tables
  - ⑦ 4 Tables

**Clayton  
Community  
Park**



No further materials have been submitted for  
this item.