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

Tuesday, July 8, 2025
6:30 PM
Oakley City Council Chambers located at 3231 Main Street, Oakley, California 94561. Unless stated otherwise on the agenda, every item on the agenda is exempt from CEQA Guidelines Sections 15060(c), 15061(b)(3), 15273, 15378, 15301, 15323 and/or Public Resources Code Section 21065.

MISSION STATEMENT: The City of Oakley will create a resilient future that fosters and attracts a vibrant and evolving community that welcomes and values all people.

VISION STATEMENT: The City of Oakley celebrates our unique Delta lifestyle and small-town feel where we Live in a safe, dynamic community, ***Work*** together to build the future, and ***Play*** in our own backyard.

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

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Information Regarding Public Comment
Members of the public may address the Council on items of interest that are within the City's jurisdiction. In compliance with State law, the council may not take action or have discussion on any item that is not specifically listed on the agenda. Public comment on items not listed on the agenda will be heard under the Public Comments section of the agenda. Public comments on items listed on the agenda will be heard as the Mayor calls the items. In compliance with State law, the Council may not take action on an item that is not specifically listed on the agenda. If you would like to speak on any agenda item, please fill out a public speaker card available in the lobby and submit it to the City Clerk seated in the Council Chamber **prior to the agenda item being called.** The Mayor will call you by name to the podium to hear your comment. PUBLIC COMMENTS ARE LIMITED TO THREE (3) MINUTES. Online public comments are accepted until 5 p.m. the day of the meeting and can be submitted at https://www.oakleyca.gov/FormCenter/Public-Comment-Forms-7.

1. OPENING MATTERS
   Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority

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

   1.2 Pledge of Allegiance to the flag

   1.3 CalEd Award of Merit for the City of Oakley + Los Medanos College Community Education Oakley Entrepreneurial Workshop Program - Presented by Stephen Baiter with the CALED Board of Directors and Juliette Casey and Natalie Hannum with Los Medanos College

   1.4 Proclamation Recognizing Park & Recreation Month (Jesse Dela Cruz, Public Works Maintenance Manager and Troy Faulk, Recreation Manager)
   Proclamation

   1.5 BART Update (Mark Foley, Board President)

   1.6 Train Platform Update (Nathan Alastra, San Joaquin Regional Rail Commission)

2. PUBLIC COMMENTS
   At this time, the public is permitted to address the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority on non-agendized items.

3. COUNCILMEMBER COMMENTS

4. CONSENT CALENDAR
   Consent Calendar items are typically non-controversial in nature and are considered for approval by the Oakley City Council/ Oakley City Council Acting as the Successor

Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority with one single action. Members of the audience, Staff or the Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority who would like an item removed from the Consent Calendar for purposes of public input may request the Mayor remove the item. The public may request to remove an item(s) to provide input by completing a public speaker card and submitting it to the City Clerk prior to the item(s) being called by the Mayor.

4.1 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency/ Public Financing Authority Meeting held June 10, 2025 (Kim Snodgrass, City Clerk)
Minutes

4.2 Ratify Election: Adopt Ordinance No. 06-25 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 198 within the Oakley Special Police Tax Area for Police Protection Services for the 486 Quail Glen Drive Urban Lot Split (MS 24-980) project located at 486 Quail Glen Drive (APN 041-330-037-7) (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Zone 198 - Signed Ballot
2. Ordinance
2A. Exhibit A
2B. Exhibit B

4.3 Ratify Election: Adopt Ordinance No. 07-25 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 199 within the Oakley Special Police Tax Area for Police Protection Services for the 87 Hill Avenue Urban Lot Split (MS 24-977) project located at 87 Hill Avenue (APN 033-090-019-2) (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Signed Ballot
2. Ordinance
2A. Exhibit A
2B. Exhibit B

4.4 Waive the Second Reading and Adopt Ordinance No. 9-25 Repealing and Reenacting Chapter 2.5 of the Oakley Municipal Code Concerning Emergency Organizations and Functions (Danielle Navarro, Assistant City Manager)
Ordinance

4.5 Adopt a Resolution to Authorize the City Manager to Execute a Construction Agreement with R&R Pacific Construction, Inc. for the Construction of Capital Improvement Project (CIP) 302 - East Cypress Road Widening (Jersey Island Road to Bethel Island Road) Project (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution
2. Bid Summary - REV

4.6 Fiscal Year 2024/2025 Fourth Quarter Report on the Capital Improvement Program (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report

4.7 Annexation No. 46 (486 Quail Glen Drive Urban Lot Split (MS 24-980)) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape, and Stormwater Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Signed Unanimous Approval
2. Resolution
3. Amended Boundary Map
4. Amendment to Notice of Special Tax Lien

4.8 Annexation No. 47 (87 Hill Avenue Urban Lot Split (MS 24-977)) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape, and Stormwater Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Unanimous Approval Form Signed
2. Resolution
3. Amended Boundary Map
4. Amendment to Notice of Special Tax Lien

4.9 Adopt a Resolution Authorizing the City Manager to execute a Consulting Services Agreement with HMH Engineers, Inc. to provide Construction Management Services for the East Cypress Road Widening (Jersey Island Road to Bethel Island Road) Project & East Cypress Road Widening at CCWD Canal Crossing Project – Capital Improvement Project Number 302 & 310 (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution
2. HMH Resident Engineer Services Proposal

4.10 Adopt a Resolution Authorizing the City Manager to Execute a Consulting Services Agreement with Kimley-Horn and Associates, Inc., to Provide Engineering Design Services for Capital Improvement Project Number 268 – Main Street/Delta Road Intersection Improvement and Signalization Project (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution
2. Kimley-Horn Proposal

4.11 Adopt a Resolution Authorizing the City Manager to Execute a Consulting Services Agreement with Kimley-Horn and Associates, Inc., to Provide Engineering Design Services for Capital Improvement Project Number 211 – Main Street/Rose Avenue Intersection Improvement and Signalization Project (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution

2. Proposal CIP 211

4.12 Adopt a Resolution Authorizing the City Manager to execute an Agreement with Lopez Maintenance Services LLC for Porter Service Maintenance at various City Parks and Facilities (Kevin Rohani, P.E., Public Works Director/City Engineer
Staff Report
1. Resolution

4.13 Adopt a Resolution Authorizing the City Manager to Execute a Consulting Services Agreement with Perkins, Williams & Cotterill Architects, Inc., to Provide Architectural Design Services for Capital Improvement Project Number 329 – City Hall Remodeling Project (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution
2. Proposal

4.14 Adopt a Resolution approving the proposal from Sanbell, and authorizing the City Manager to execute Amendment Number 1 to the Consulting Services Agreement with Sanbell for additional design and construction support services related to the East Cypress Road Widening (Jersey Island Road to Bethel Island Road) Project – Capital Improvement Project 302 (Kevin Rohani, P.E. Public Works Director/City Engineer)
Staff Report
1. Resolution
2. Construction Support Services Proposal

4.15 Adopt a Resolution Authorizing the City Manager to Execute a Consulting Services Agreement with BSK Associates to Provide Material Testing and Special Inspections for the East Cypress Road Widening (Jersey Island Road to Bethel Island Road) Project – Capital Improvement Project 302 (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution
2. BSK Proposal

4.16 Adopt a Resolution Authorizing the City Manager to Execute a Consulting Services Agreement with BKF Engineers, Inc. to Provide Engineering Design Services for Capital Improvement Project (CIP) Number 316 – Main Street Widening North of Laurel Road to Heartwood Subdivision Project (Kevin Rohani, P.E. Public Works Director/City Engineer)
Staff Report
1. Resolution
2. Proposal

5. PUBLIC HEARINGS

5.1 Introduce an Ordinance Adopting Zoning Text Amendments related to the Housing Element Action Implementation of Policy Actions 1.1, 3.5, and 3.6

(Jose Cortez, Senior Planner)

California Environmental Quality Act (CEQA) Determination: Find the Project is categorically exempt under CEQA's "Common Sense" exemption, CEQA Guidelines (14 Cal Code Regs.) section 15061(b)(3)

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

Staff Report
1. Notice of Public Hearing
2. Planning Commission Resolution No. 7-25
3. Summary of all Zoning Text Amendments
4. Proposed Ordinance-Policy Action 1.1
5. Proposed Ordinance-Policy Action 3.5
6. Proposed Ordinance-Policy Action 3.6

6. REGULAR CALENDAR

6.1 Consideration to Adopt a Resolution Approving an Amendment to the Personnel Rules Adding the Intern Classification and Approving a Recommended Pay Scale and Budget Amendment (Jeri Tejeda, Administrative Services Director)
Staff Report
1. Resolution
2. Personnel Rules
3. Intern Job Description

7. REPORTS

7.1 CITY MANAGER
(a) City Manager

(b) Business License Update
(b) June New Business Licenses

7.2 OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY (a) Reports from Council Liaisons to Regional Committees, Commissions and Boards AND Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency (b) Requests for Future Agendas

8. WORK SESSIONS

8.1 Work Session on Public Art (Joshua McMurray, City Manager)
Staff Report

9. CLOSED SESSION

10. ADJOURN

Proclamation

Park and Recreation Month

WHEREAS, parks and recreation is an integral part of communities throughout this country, including Oakley; and

WHEREAS, parks and recreation promotes health and wellness, improving the physical and mental health of people who live near parks; and

WHEREAS, parks and recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and

WHEREAS, parks and recreation encourages physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

WHEREAS, parks and recreation is a leading provider of healthy meals, nutrition services and education; and

WHEREAS, park and recreation programming and education activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development; and

WHEREAS, parks and recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation is fundamental to the environmental well-being of our community; and

WHEREAS, parks and recreation is essential and adaptable infrastructure that makes our communities resilient in the face of natural disasters and climate chance; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as parks and Recreation Month; and

WHEREAS, Oakley recognizes the benefits derived from parks and recreation resources.

NOW, THEREFORE, BE IT RESOLVED, that I, Shannon Shaw, Mayor of the City of Oakley along with the members of the Oakley City Council, recognize July as Park and Recreation month in the City of Oakley.

July 8, 2025

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Shannon Shaw, Mayor

MINUTES OF THE REGULAR JOINT MEETING OF THE OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY/OAKLEY PUBLIC FINANCING AUTHORITY HELD JUNE 10, 2025

1. OPENING MATTERS

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

Mayor Shannon Shaw called the meeting to order at 6:30 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California 94561. Vice Mayor Hugh Henderson and Councilmembers George Fuller, Aaron Meadows and Anissa Williams were also present.

1.2 Pledge of Allegiance to the Flag

Councilmember Fuller led the Pledge of Allegiance to the Flag.

1.3 Introduction of new Police Officers - Academy Graduates

Police Chief Paul Beard provided the history of the Oakley Police Department and introduced the two new Police Officers.

1.4 Proclamation honoring Daniel Rasanayagam on Attaining the Rank of Eagle Scout

Mayor Shaw read and presented the proclamation to Daniel Rasanayagam.

1.5 Contra Costa Mosquito & Vector Control District Update (Michael Krieg)

Michael Krieg provided an update.

1.6 Tri-Delta Transit Update (Toan Tran, COO)

Toan Tran provided an update.

1.7 Contra Costa Crisis Center and 211 Services Presentation (Lisa Malul, Executive Director and Blanca Gutierrez, CSN/I&R Supervisor)

Lisa Malul and Blanca Gutierrez provided an overview of the Contra Costa Crisis Center, and the services offered.

Mayor Shaw commented.

2. PUBLIC COMMENTS

Public Comments were provided by Micheline Nicol and Doug Gamble.

3. COUNCILMEMBER COMMENTS

None

4. CONSENT CALENDAR

4.1 Approve Minutes from the Regular Joint Meeting of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency and Special Meeting of the Oakley Public Financing Authority Meeting held May 27, 2025 (Kim Snodgrass, City Clerk)

4.2 Waive the Second Reading and Adopt Ordinance No. 8-25 Amending Chapter 3.6 of the Oakley Municipal Code Concerning Purchasing and Contracting and Chapter 2.2.114 Powers of Duties (Jeri Tejeda, Administrative Services Director)

4.3 Adopt a Resolution to Re-Appoint Kevin Armonio as Commissioner to the Contra Costa County Library Commission (Kim Snodgrass, City Clerk)

4.4 Adopt a Resolution Authorizing the City Manager to Execute a Consulting Services Agreement with NCE Landscape Architects to Provide Design Services for Capital Improvement Project Number 306 - Marsh Creek Glenn Park Renovation Project (Kevin Rohani, P.E., Public Works Director/City Engineer)

4.5 Approve a Reimbursement Agreement with Meritage Homes of California, Inc., for the East Cypress Road Widening Project related to the Machado Subdivision 9615 frontage improvements (Kevin Rohani, P.E., Public Works Director/City Engineer)

4.6 Approve a Reimbursement Agreement with Meritage Homes of California, Inc., for the Sellers Avenue Improvements related to the Sellers Subdivision 9614 offsite improvements (Kevin Rohani, P.E., Public Works Director/City Engineer)

4.7 Approval of a Services Agreement Between the City of Oakley and TRB and Associates, Inc. for Services Associated with California Building Standards Code Compliance for Fiscal Year 2025-2026 (Ken Strelo, Community Development Director)

4.8 Adopt a Resolution Authorizing the City Manager to Execute a Three-Year Professional Services Agreement with Keep IT Simple for Information Technology Services for Fiscal Year 2025/26 through Fiscal Year 2027/28 (Robert Barker, IT Manager)

Councilmember Fuller pulled items 4.1 and 4.2.

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

Item 4.1

Councilmember Fuller mentioned he will vote no.

It was moved by Councilmember Meadows and seconded by Vice Mayor Henderson to approve item 4.1. Ayes: Henderson, Meadows, Shaw, Williams Noes: Fuller (4-1)

Item 4.2

Councilmember Fuller mentioned he will vote no.

It was moved by Councilmember Meadows and seconded by Vice Mayor Henderson to approve item 4.2. Ayes: Henderson, Meadows, Shaw, Williams Noes: Fuller (4-1)

5. PUBLIC HEARINGS

5.1 Adopt a Resolution Adopting the City of Oakley Climate Action Plan 2025 (Jose Cortez, Senior Planner)

Senior Planner Jose Cortez presented the report and introduced Cassidy Wallerstein with Cumming Group and Heidi Rous with Kimley Horn.

Cassidy Wallerstein and Ms. Rous presented an overview of the Climate Action Plan.

Councilmember Williams, Councilmember Meadows, Councilmember Fuller and Mayor Shaw asked questions and commented; Ms. Rous and City Manager Joshua McMurray responded.

Mayor Shaw announced this is the time for questions.

Councilmember Fuller and Mayor Shaw asked questions and Ms. Rous and Mr. McMurray responded.

Mayor Shaw opened the Public Hearing. There were no public comments, so she closed the Public Hearing.

Mayor Shaw, Councilmember Fuller, Councilmember Meadows and Councilmember Williams commented, and Community Development Director Ken Strelo and Mr. McMurray responded.

Mayor Shaw called for a five-minute recess.

Mayor Shaw, Councilmember Meadows, Councilmember Fuller, Councilmember Williams provided additional comments and suggested changes.

Community Development Director Ken Strelo confirmed the three suggested changes which would be incorporated into the table in the Climate Action Plan.

It was moved by Councilmember Williams and seconded by Vice Mayor Henderson to approve item 5.1 with the suggested changes. Ayes: Henderson, Meadows, Shaw, Williams Abstentions: Fuller (4-0-1)

6. REGULAR CALENDAR

6.1 Waive the First Reading and Introduce an Ordinance Repealing and Reenacting Chapter 2.5 of the Oakley Municipal Code Concerning Emergency Organizations and Functions (Danielle Navarro, Assistant City Manager)

Assistant City Manager Danielle Navarro presented the report.

Councilmember Fuller commented.

It was moved by Vice Mayor Henderson and seconded by Councilmember Meadows to approve item 6.1. Motion was unanimous and so ordered. (5-0)

6.2 Adopt a Resolution Approving a Lease Amendment with Guanatos Ice Cream (3330 Main Street) (Harumi Murata, Economic Development Analyst)

Economic Development Analyst Harumi Murata presented the report.

It was moved by Councilmember Meadows and seconded by Councilmember Williams to approve item 6.2. Motion was unanimous and so ordered. (5-0)

7. REPORTS

7.1 CITY MANAGER
(a) City Manager
(b) Business License Update

City Manager Joshua McMurray mentioned the Police Department will be hosting a Fireworks Community Forum Wednesday evening, the Juneteenth Celebration will be held Saturday, June 14th, and Summerfest will be held June 28th; he also mentioned there is only one meeting this month and the next meeting will be held July 8th.

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

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

Councilmember Meadows reported he attended the swearing-in of the two new Police Officers and the Contra Costa Transportation Authority Workshop.

Councilmember Williams reported she attended the celebration of life for Federal Glover, a Tri Delta Transit meeting, and a parade planning meeting.

Vice Mayor Henderson reported he attended a Diablo Water District meeting and the Concert in the Park.

Mayor Shaw reported she attended the celebration of life for Federal Glover, a Tri Delta Transit meeting, an EBRCS meeting, the Rotary Gala, the swearing-in of the Police Academy Graduates, the Contra Costa County Mayor's Conference, Friday Night Bites and concert, Freedom High School's graduation, and Planning Commissioner Len Price's birthday celebration.

(b) Requests for Future Agendas

None

8. WORK SESSIONS

8.1 Work Session to Discuss Potential Housing Element Rezone and Affordable Housing Overlay Sites Related to Regional Housing Needs Allocation Compliance (Ken Strelo, Community Development Director)

Community Development Director Ken Strelo presented the report.

Mayor Shaw called for a short recess.

Mr. Strelo continued his presentation after the break.

Mr. Strelo paused for any questions on what was presented thus far.

Councilmember Williams, Councilmember Fuller, Vice Mayor Henderson, Mayor Shaw and Councilmember Meadows asked questions and Mr. Strelo responded.

Mr. Strelo continued his presentation.

Mayor Shaw mentioned the process for this item will be to hear public comments, look at sites recommended by staff and then open it up to discuss any other potential sites recommended by council.

Mayor Shaw called for a five-minute recess.

A public comment was provided by Robby Obeid.

Written public comments were provided by Mary Swenson, Chrishan Ross and Sean Ross and will be entered into the public record.

Councilmember Williams, Councilmember Fuller, Councilmember Meadows and Mayor Shaw asked questions and provided comments. Mr. McMurray and Mr. Strelo responded to questions.

Mr. Strelo went through each of the sites. Councilmembers asked questions and voted on staff recommendations. Mr. Strelo and Mr. McMurray responded to questions.

Councilmember Meadows, Councilmember Fuller, Councilmember Williams and Mayor Shaw suggested other potential sites for staff to consider.

Councilmembers provided feedback on each of the suggested sites. Mr. Strelo and Mr. McMurray responded to comments and questions by Councilmembers.

Mr. McMurray mentioned if the meeting is going to extend past 11:00 p.m. it would require a vote by Council.

It was moved by Councilmember Williams and seconded by Councilmember Meadows to extend the meeting by 15 minutes. Motion was unanimous and so ordered (5-0).

Councilmembers continued discussion on suggested sites and provided feedback.

Mr. Strelo summarized the recommendations by Council and thanked them for their feedback.

9. CLOSED SESSION

None

10. ADJOURN

There being no further business, the meeting was adjourned at 11:04 p.m.

Respectfully submitted,

Kim Snodgrass

OAKLEY
CALIFORNIA

DATE: July 8, 2025

TO: Joshua McMurray, City Manager

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

Approved and Forwarded to the City Council

SUBJECT: Ratify Election: Adopt Ordinance No. 06-25 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 198 within the Oakley Special Police Tax Area for Police Protection Services for the 486 Quail Glen Drive Urban Lot Split (MS 24-980) project located at 486 Quail Glen Drive (APN 041-330-037-7)

Background and Analysis

On February 19, 2025, the City Zoning Administrator approved a tentative map with certain Conditions of Approval for the proposed 486 Quail Glen Drive Urban Lot Split (MS 24-980) project (the "Project"). The Project is designated as Residential Low in the Oakley 2020 General Plan and zoned R-15 (Single Family Residential) district on the City of Oakley Zoning Map. The Project is currently comprised of APN 041-330-037-7, contains one existing residence, and is anticipated to be comprised of two single family residential lots after the proposed lot split.

The Conditions of Approval for the Project require the Developer to mitigate the financial impact their project has on the City's police services budget. The City of Oakley previously formed the Oakley Special Police Tax Area that authorizes the levy of an annual special tax on parcels to mitigate their financial impact to the City's police services budget. The property owner for the Project has requested the City assist with annexing the Project into the Oakley Special Police Tax Area to satisfy their Conditions of Approval.

On May 13, 2025, the City Council introduced Ordinance No. 06-25 which would authorize a special tax for police services within Zone 198 subject to property owner voter approval. On July 1, 2025, the City Clerk conducted the property owner election. There was one (1) ballot issued to the property owner representing the Project. The City Clerk tabulated the property owner ballot, and the property owner was in favor of annexing into the Oakley Special Police Tax Area as Zone 198.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Park and Open Space and Finance and Fiscal Responsibility section goals.

Fiscal Impact

There will be no financial impact to the City's General Fund. The applicant has funded all costs associated with the annexation of Zone 198 to the Oakley Special Police Tax Area. The Fiscal Year 2024/25 special tax rate for single family parcels is $1,330.64/parcel (Fiscal Year 2024/25 rates). The Project is anticipated to consist of two single family residential lots after the proposed lot split. Therefore, the successful creation of the Zone is expected to provide up to $2,661.28 (in Fiscal Year 2024/25 dollars) in revenue annually at build-out. The taxes can be collected on the property tax rolls commencing in Fiscal Year 2025/26.

Staff Recommendation

Staff recommends that the City Council ratify the election and adopt Ordinance No. 06-25 authorizing the levy of a special tax on parcels of land within Tax Area Zone 198 within the Oakley Special Police Tax Area for Police Protection Services for the 486 Quail Glen Drive Urban Lot Split (MS 24-980) project located at 486 Quail Glen Drive (APN 041-330-037-7)

Attachments

1. One (1) Signed Ballot
2. Ordinance No. 06-25
    1. Exhibit A – Boundary Map for Police Tax Area Zone 198
    2. Exhibit B – Tax Rate Schedule for Fiscal Year 2024/25

SPECIAL POLICE TAX AREA BALLOT
CREATING ZONE 198 FOR THE 486 QUAIL GLEN DRIVE URBAN LOT SPLIT
(MS 24-980) PROJECT LOCATED AT 486 QUAIL GLEN DRIVE

Parcel Description: Assessor Parcel Number 041-330-037-7

Record Owner: Peter Vincent Rokkala Susan

Address: 486 Quail Glen Drive

Shall Ordinance No. 06-25 of the City Council of the City of Oakley be approved so as to authorize a special tax on property located in Zone 198 of the Oakley Special Police Tax Area to maintain the present level of police protection service and provide additional funding for increased police protection service? The initial annual special tax rate for County use code 11 (Single Family Residence) is $1,330.64 per parcel and $665.32 per vacant parcel per the current Fiscal Year 2024-25 rate schedule. I also acknowledge that the tax rate can be adjusted annually as described in Ordinance No. 06-25.

__X__ Yes, Ordinance No. 06-25 shall be approved.

_____ No, Ordinance No. 06-25 shall not be approved.

P. Vincent R. Susan

Signature

VINCENT PETER SUSAN ROKKALA

Printed Name

CITY OF OAKLEY

ORDINANCE NO. 06-25

AN ORDINANCE OF THE CITY OF OAKLEY ESTABLISHING OAKLEY SPECIAL POLICE TAX AREA ZONE 198 WITHIN THE OAKLEY SPECIAL POLICE TAX AREA FOR A SPECIAL TAX FOR POLICE PROTECTION SERVICES FOR THE 486 QUAIL GLEN DRIVE URBAN LOT SPLIT (MS 24-980) PROJECT LOCATED AT 486 QUAIL GLEN DRIVE (APN 041-330-037-7)

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

Section 1. Purpose, Intent and Authority.

It is the purpose and intent of this Ordinance to authorize the levy of a special tax on real property that is within Oakley Special Police Tax Area Zone 198 of the Oakley Special Police Tax Area as shown on the Exhibit A map attached hereto in order to provide funding for police protection to serve the property and persons within said Zone.

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

The revenues raised by this tax are to be used solely for the purposes of obtaining, furnishing, operating, and maintaining police protection equipment or apparatus, for paying the salaries and benefits of police protection personnel, and for such other police protection service expenses as are deemed necessary for the benefit of the residents of Zone 198.

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

Section 2. Definitions.

The following definitions shall apply throughout this Ordinance.

A. "Constant first year dollars" shall mean an actual dollar amount which, in years subsequent to the first fiscal year the tax is levied, shall have the same purchasing price

as the base amount in first fiscal year dollars as measured by the actual cost of services for the City of Oakley's cost of obtaining police services. The base amount shall be the amount of tax per parcel as specified in Section 3.A herein. The adjustments from actual to constant dollars shall be made by use of the actual cost of services, as specified in Section 3.B herein.

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

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

D. Oakley Special Police Tax Area Zone 198 (hereinafter called "Zone") means that portion of the incorporated area of the City of Oakley located within the boundaries as shown on the map Exhibit A hereto.

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

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

Section 3. Amount and Level of Taxes.

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

A. For First Fiscal Year:

The tax per year for the first fiscal year (July 1, 2024 through June 30, 2025) shall be the amount of Tax Per Parcel for a Property Use Code Category as set forth on Exhibit B hereto. If any new development, including new residential units, is completed prior to the tax being effective for the first fiscal year, the owner of the Parcel, as shown on the latest assessment roll, shall pay the tax for the remainder of such fiscal year on a pro-rated basis to the City, no later than receipt of Certificate of Occupancy or final building permit inspection.

B. For Subsequent Fiscal Year:

The tax rates shown in Exhibit B shall be automatically adjusted on July 1 of each year, beginning on July 1, 2025 by the increase in the Consumer Price Index for all Urban Consumers for the San Francisco-Oakland Bay Area and applying that rate to the prior year amounts for each property use code category. However, the City Council reserves the right to itself the opportunity to adjust the rate in the following year if the CPI adjustment is insufficient to reimburse the City for the costs of providing levels of police services as approved by the City Council.

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

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

Section 4. Collection and Administration.

A. Taxes as Liens Against the Property.

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

B. Collection.

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

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

C. Costs of Administration by County.

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

Section 5. Severability Clause.

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

Section 6. Effective Date and Posting.

This Ordinance shall take effect immediately upon its confirmation by two-thirds of the voters voting within the Zone in an election to be held on July 1, 2025 so that taxes shall first be collected hereunder for the tax year beginning July 1, 2025. If not confirmed by two-thirds of the voters participating in the election, this Ordinance and the tax approved herein shall not become effective.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on July 8, 2025, by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

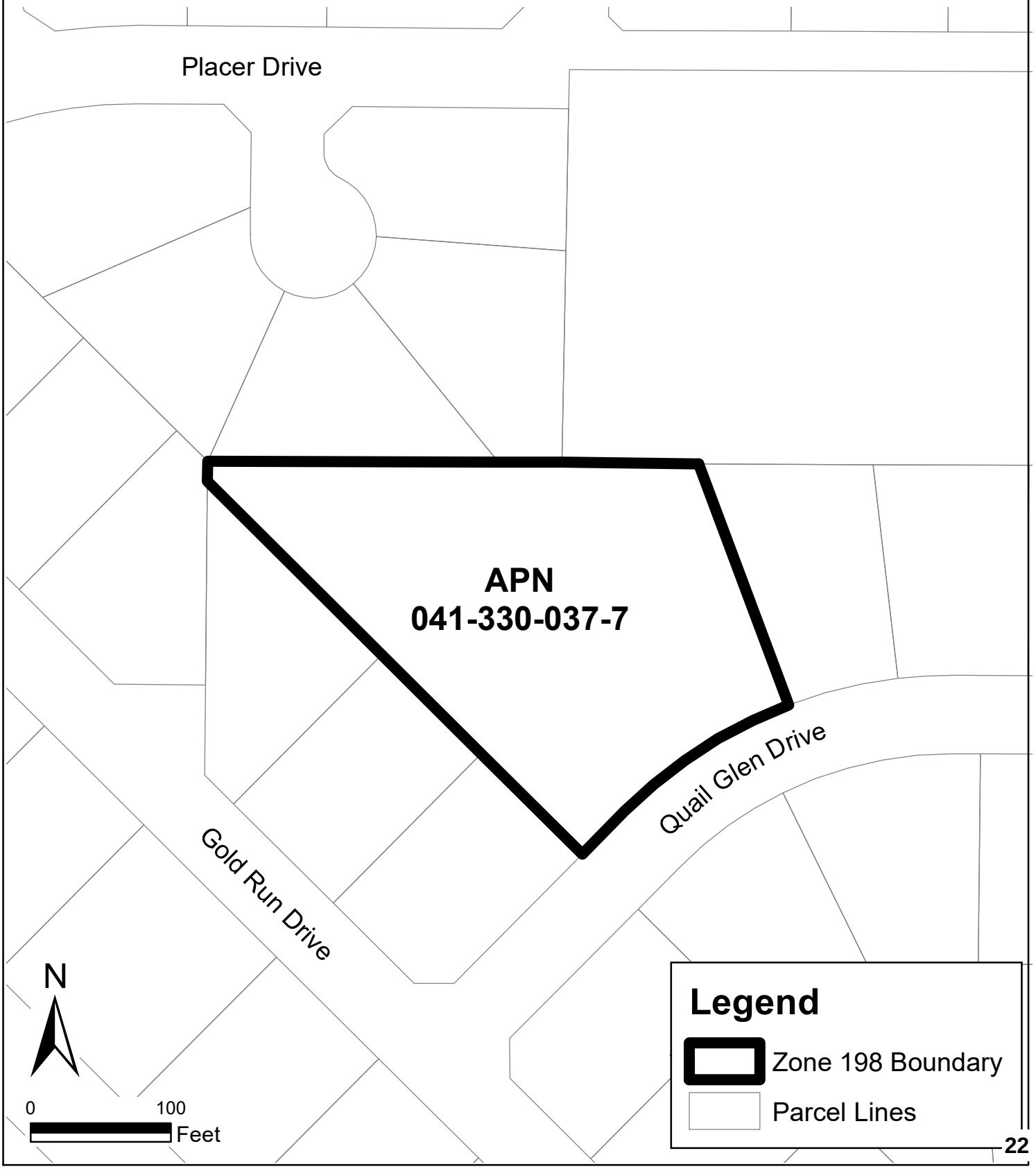
_____
Kim Snodgrass, City Clerk

_____
Date

EXHIBIT A - BOUNDARY MAP

CITY OF OAKLEY SPECIAL POLICE TAX AREA (P-6) ZONE 198

CITY OF OAKLEY
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA
486 QUAIL GLEN DRIVE (MS 24-980)



CITY OF OAKLEY SCHEDULE FOR POLICE SERVICE TAX
FOR FISCAL YEAR 2024/2025

PROPERTY USE CODE CATEGORY	DESCRIPTION	FY23/24 TAX PER PARCEL	FY24/25 TAX PER PARCEL
11	Single Family Residence – 1res., 1 site	$1,282.30	$1,330.64
12	Single Family Residence – 1 res., 2 or more sites	$1,282.30	$1,330.64
13	Single Family Residence – 2 res., on 1 or more sites	$2,051.68	$2,129.02
14	Single Family Residence – other than single fam. Land	$1,282.30	$1,330.64
15	Misc. Improvements – 1 site	$1,282.30	$1,330.64
16	Misc. Improvements – 2 or more sites	$1,282.30	$1,330.64
17	Vacant – 1 site	$641.15	$665.32
18	Vacant – 2 or more sites	$641.15	$665.32
19	Single Family Residence – Det. W/common area	$1,282.30	$1,330.64
20	Vacant – Multiple	$641.15	$665.32
21	Duplex	$2,051.68	$2,129.02
22	Triplex	$3,077.52	$3,193.54
23	Fourplex	$4,103.36	$4,258.05
24	Combinations	$1,282.30	$1,330.64
25	Apartments (5 –12 Units)	$5,129.20	$5,322.56
26	Apartments (13 – 24 Units)	$13,335.92	$13,838.66
27	Apartments (25 – 59 Units)	$25,646.00	$26,612.80
28	Apartments (60+ units)	$61,550.40	$63,870.72
29	Attached PUDs: Cluster Homes, Condos, etc.	$1,282.30	$1,330.64
30	Vacant – Commercial	$641.15	$665.32
31	Commercial Stores – Not Supermarkets	$2,564.60	$2,661.28
32	Small Grocery Stores – (7-11, etc.)	$3,846.90	$3,991.92
33	Office Buildings	$2,564.60	$2,661.28
34	Medical, Dental	$2,564.60	$2,661.28
35	Service Stations, Car Wash	$2,564.60	$2,661.28
36	Garages	$2,564.60	$2,661.28
37	Community Facilities (Recreational, etc.)	$5,129.20	$5,322.56
38	Golf Courses	$2,564.60	$2,661.28
39	Bowling Alleys	$1,282.30	$1,330.64
40	Boat Harbors	$3,205.75	$3,326.60
41	Supermarkets – (not shopping centers)	$3,846.90	$3,991.92
42	Shopping Centers	$5,129.20	$5,322.56
43	Financial Buildings – (Ins., Title, Banks, S&L)	$1,282.30	$1,330.64
44	Motels, Hotels & Mobile Home Parks	$6,411.50	$6,653.20
45	Theaters	$2,885.18	$2,993.94
46	Drive-in Restaurants	$1,923.45	$1,995.96
47	Restaurants	$1,923.45	$1,995.96
48	Multiple & Commercial	$1,923.45	$1,995.96
49	New Car Agencies	$1,923.45	$1,995.96
50	Vacant Land (not part of Ind. Park or P. & D.)	$480.86	$498.99
51	Industrial Park	$3,846.90	$3,991.92
52	Research & Development	$1,923.45	$1,995.96
53	Light Industrial	$1,923.45	$1,995.96
54	Heavy Industrial	$1,923.45	$1,995.96
55	Mini Warehouses (public storage)	$3,846.90	$3,991.92
56	Misc. Improvements	$3,846.90	$3,991.92
61	Rural, Res., Improvement 1A-10A	$961.73	$997.98
62	Rural, w/or w/o structure 1A-10A	$961.73	$997.98
70	Convalescent Hospitals / Rest Homes	$1,923.45	$1,995.96
73	Hospitals	$1,923.45	$1,995.96
74	Cemeteries / Mortuaries	$1,923.45	$1,995.96
75	Fraternal & Service Organizations	$1,923.45	$1,995.96
76	Retirement Housing Complex	$6,411.50	$6,653.20
78	Parks & Playgrounds	$3,846.90	$3,991.92
85	Public & Private Parking	$1,923.45	$1,995.96
87	Common Area	$1,923.45	$1,995.96
88	Mobile Homes	$961.73	$997.98
89	Other (split parcels in different tax code areas)	$961.73	$997.98
99	Homeowner's Association Owned Common Areas	$769.38	$798.38

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

CALCULATION OF COST OF LIVING INCREASE	
Percent increase from FY 2023-24 in the San Francisco-Oakland-Bay Area Consumer Price Index for all Urban Consumers.	3.77%

DATE: July 8, 2025

Approved and Forwarded to the City Council

TO: Joshua McMurray, City Manager

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

SUBJECT: Ratify Election: Adopt Ordinance No. 07-25 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 199 within the Oakley Special Police Tax Area for Police Protection Services for the 87 Hill Avenue Urban Lot Split (MS 24-977) project located at 87 Hill Avenue (APN 033-090-019-2)

Background and Analysis

On November 20, 2024, the City Zoning Administrator approved a tentative map with certain Conditions of Approval for the proposed 87 Hill Avenue Urban Lot Split (MS 24-977) project (the "Project"). The Project is designated as Residential Low/Medium in the Oakley 2020 General Plan and zoned R-6 (Single Family Residential) district on the City of Oakley Zoning Map. The Project is currently comprised of APN 033-090-019-2, contains two existing residences, and is anticipated to be comprised of two single family residential lots after the proposed lot split.

The Conditions of Approval for the Project require the Developer to mitigate the financial impact their project has on the City's police services budget. The City of Oakley previously formed the Oakley Special Police Tax Area that authorizes the levy of an annual special tax on parcels to mitigate their financial impact to the City's police services budget. The property owner for the Project has requested the City assist with annexing the Project into the Oakley Special Police Tax Area to satisfy their Conditions of Approval.

On May 27, 2025, the City Council introduced Ordinance No. 07-25 which would authorize a special tax for police services within Zone 199 subject to property owner voter approval. On July 1, 2025, the City Clerk conducted the property owner election. There was one (1) ballot issued to the property owner representing the Project. The City Clerk tabulated the property owner ballot, and the property owner was in favor of annexing into the Oakley Special Police Tax Area as Zone 199.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Park and Open Space and Finance and Fiscal Responsibility section goals.

Fiscal Impact

There will be no financial impact to the City's General Fund. The applicant has funded all costs associated with the annexation of Zone 199 to the Oakley Special Police Tax Area. The Fiscal Year 2025/26 special tax rate for single family parcels is $1,347.54/parcel. The Project is anticipated to consist of two single family residential lots after the proposed lot split. Therefore, the successful creation of the Zone is expected to provide up to $2,695.08 (in Fiscal Year 2025/26 dollars) in revenue annually at build-out. The taxes can be collected on the property tax rolls commencing in Fiscal Year 2025/26.

Staff Recommendation

Staff recommends that the City Council ratify the election and adopt Ordinance No. 07-25 authorizing the levy of a special tax on parcels of land within Tax Area Zone 199 within the Oakley Special Police Tax Area for Police Protection Services for the 87 Hill Avenue Urban Lot Split (MS 24-977) project located at 87 Hill Avenue (APN 033-090-019-2)

Attachments

1. One (1) Signed Ballot
2. Ordinance No. 07-25
    1. Exhibit A – Boundary Map for Police Tax Area Zone 199
    2. Exhibit B – Tax Rate Schedule for Fiscal Year 2025/26

SPECIAL POLICE TAX AREA BALLOT
CREATING ZONE 199 FOR THE 87 HILL AVENUE URBAN LOT SPLIT
***(MS* 24-977) PROJECT LOCATED AT 87 HILL AVENUE**

Parcel Description: Assessor Parcel Number 033-090-019-2

Record Owner: Cruz Remigio V

Address: 87 Hill Avenue

Shall Ordinance No. 07-25 of the City Council of the City of Oakley be approved so as to authorize a special tax on property located in Zone 199 of the Oakley Special Police Tax Area to maintain the present level of police protection service and provide additional funding for increased police protection service? The initial annual special tax rate for County use code 11 (Single Family Residence) is $1,347.54 per parcel and $673.77 per vacant parcel per the current Fiscal Year 2025-26 rate schedule. I also acknowledge that the tax rate can be adjusted annually as described in Ordinance No. 07-25.

Yes Yes, Ordinance No. 07-25 shall be approved.

_____ No, Ordinance No. 07-25 shall not be approved.

Signature

Remigio Cruz

Printed Name

CITY OF OAKLEY

ORDINANCE NO. 07-25

AN ORDINANCE OF THE CITY OF OAKLEY ESTABLISHING OAKLEY SPECIAL POLICE TAX AREA ZONE 199 WITHIN THE OAKLEY SPECIAL POLICE TAX AREA FOR A SPECIAL TAX FOR POLICE PROTECTION SERVICES FOR THE 87 HILL AVENUE URBAN LOT SPLIT (MS 24-977) PROJECT LOCATED AT 87 HILL AVENUE (APN 033-090-019-2)

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

Section 1. Purpose, Intent and Authority.

It is the purpose and intent of this Ordinance to authorize the levy of a special tax on real property that is within Oakley Special Police Tax Area Zone 199 of the Oakley Special Police Tax Area as shown on the Exhibit A map attached hereto in order to provide funding for police protection to serve the property and persons within said Zone.

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

The revenues raised by this tax are to be used solely for the purposes of obtaining, furnishing, operating, and maintaining police protection equipment or apparatus, for paying the salaries and benefits of police protection personnel, and for such other police protection service expenses as are deemed necessary for the benefit of the residents of Zone 199.

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

Section 2. Definitions.

The following definitions shall apply throughout this Ordinance.

A. "Constant first year dollars" shall mean an actual dollar amount which, in years subsequent to the first fiscal year the tax is levied, shall have the same purchasing price

as the base amount in first fiscal year dollars as measured by the actual cost of services for the City of Oakley's cost of obtaining police services. The base amount shall be the amount of tax per parcel as specified in Section 3.A herein. The adjustments from actual to constant dollars shall be made by use of the actual cost of services, as specified in Section 3.B herein.

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

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

D. Oakley Special Police Tax Area Zone 199 (hereinafter called "Zone") means that portion of the incorporated area of the City of Oakley located within the boundaries as shown on the map Exhibit A hereto.

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

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

Section 3. Amount and Level of Taxes.

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

A. For First Fiscal Year:

The tax per year for the first fiscal year (July 1, 2025 through June 30, 2026) shall be the amount of Tax Per Parcel for a Property Use Code Category as set forth on Exhibit B hereto. If any new development, including new residential units, is completed prior to the tax being effective for the first fiscal year, the owner of the Parcel, as shown on the latest assessment roll, shall pay the tax for the remainder of such fiscal year on a pro-rated basis to the City, no later than receipt of Certificate of Occupancy or final building permit inspection.

B. For Subsequent Fiscal Year:

The tax rates shown in Exhibit B shall be automatically adjusted on July 1 of each year, beginning on July 1, 2026 by the increase in the Consumer Price Index for all Urban Consumers for the San Francisco-Oakland Bay Area and applying that rate to the prior year amounts for each property use code category. However, the City Council reserves the right to itself the opportunity to adjust the rate in the following year if the CPI adjustment is insufficient to reimburse the City for the costs of providing levels of police services as approved by the City Council.

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

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

Section 4. Collection and Administration.

A. Taxes as Liens Against the Property.

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

B. Collection.

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

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

C. Costs of Administration by County.

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

Section 5. Severability Clause.

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

Section 6. Effective Date and Posting.

This Ordinance shall take effect immediately upon its confirmation by two-thirds of the voters voting within the Zone in an election to be held on July 1, 2025 so that taxes shall first be collected hereunder for the tax year beginning July 1, 2025. If not confirmed by two-thirds of the voters participating in the election, this Ordinance and the tax approved herein shall not become effective.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on July 8, 2025, by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

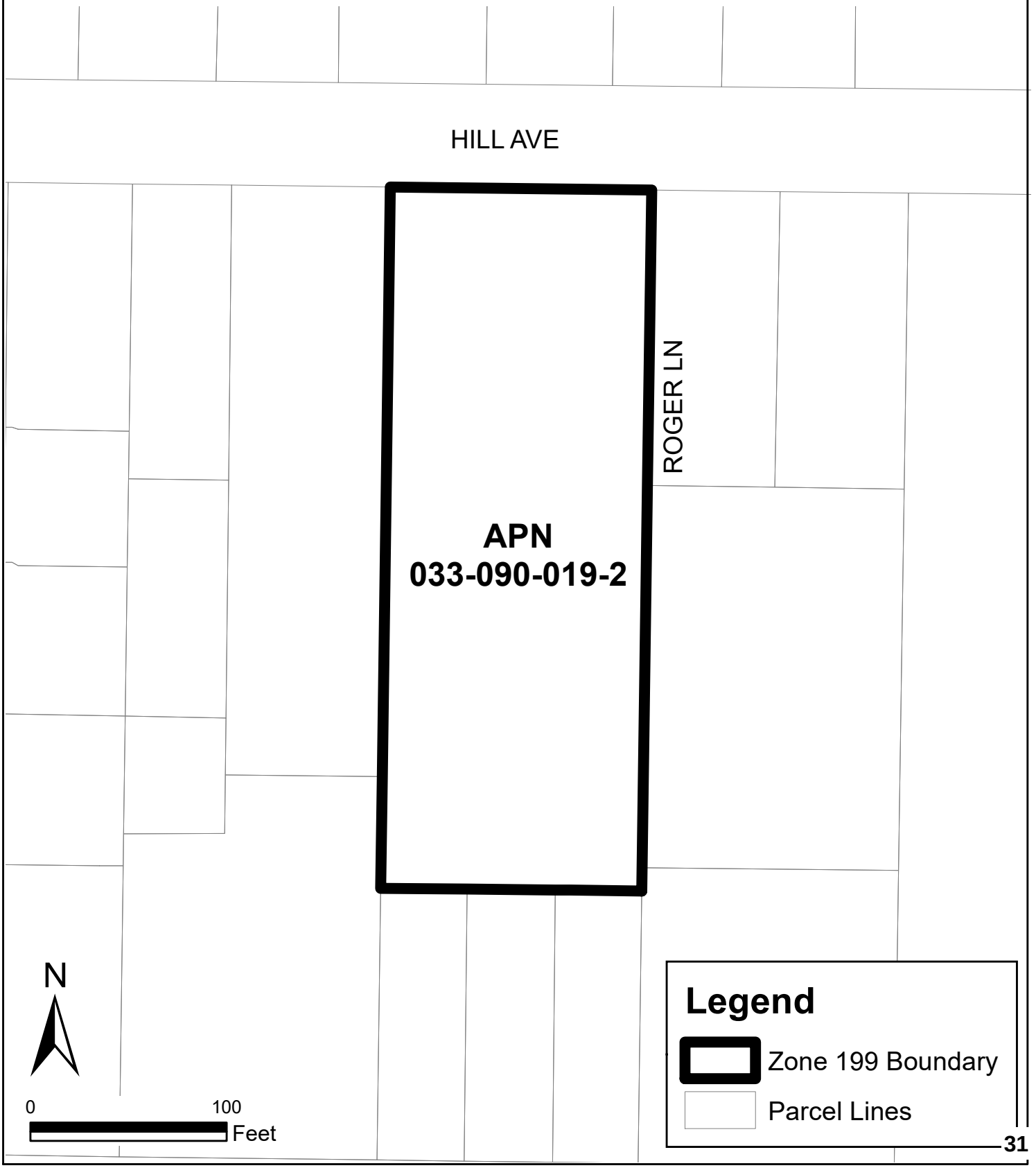
_____
Kim Snodgrass, City Clerk

_____
Date

EXHIBIT A - BOUNDARY MAP

CITY OF OAKLEY SPECIAL POLICE TAX AREA (P-6) ZONE 199

CITY OF OAKLEY
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA
87 HILL AVENUE (MS 24-977)



CITY OF OAKLEY SCHEDULE FOR POLICE SERVICE TAX
FOR FISCAL YEAR 2025/2026

PROPERTY USE CODE CATEGORY	DESCRIPTION	FY24/25 TAX PER PARCEL	FY25/26 TAX PER PARCEL
11	Single Family Residence – 1res., 1 site	$1,330.64	$1,347.54
12	Single Family Residence – 1 res., 2 or more sites	$1,330.64	$1,347.54
13	Single Family Residence – 2 res., on 1 or more sites	$2,129.02	$2,156.06
14	Single Family Residence – other than single fam. Land	$1,330.64	$1,347.54
15	Misc. Improvements – 1 site	$1,330.64	$1,347.54
16	Misc. Improvements – 2 or more sites	$1,330.64	$1,347.54
17	Vacant – 1 site	$665.32	$673.77
18	Vacant – 2 or more sites	$665.32	$673.77
19	Single Family Residence – Det. W/common area	$1,330.64	$1,347.54
20	Vacant – Multiple	$665.32	$673.77
21	Duplex	$2,129.02	$2,156.06
22	Triplex	$3,193.54	$3,234.10
23	Fourplex	$4,258.05	$4,312.13
24	Combinations	$1,330.64	$1,347.54
25	Apartments (5 –12 Units)	$5,322.56	$5,390.16
26	Apartments (13 – 24 Units)	$13,838.66	$14,014.42
27	Apartments (25 – 59 Units)	$26,612.80	$26,950.80
28	Apartments (60+ units)	$63,870.72	$64,681.92
29	Attached PUDs: Cluster Homes, Condos, etc.	$1,330.64	$1,347.54
30	Vacant – Commercial	$665.32	$673.77
31	Commercial Stores – Not Supermarkets	$2,661.28	$2,695.08
32	Small Grocery Stores – (7-11, etc.)	$3,991.92	$4,042.62
33	Office Buildings	$2,661.28	$2,695.08
34	Medical, Dental	$2,661.28	$2,695.08
35	Service Stations, Car Wash	$2,661.28	$2,695.08
36	Garages	$2,661.28	$2,695.08
37	Community Facilities (Recreational, etc.)	$5,322.56	$5,390.16
38	Golf Courses	$2,661.28	$2,695.08
39	Bowling Alleys	$1,330.64	$1,347.54
40	Boat Harbors	$3,326.60	$3,368.85
41	Supermarkets – (not shopping centers)	$3,991.92	$4,042.62
42	Shopping Centers	$5,322.56	$5,390.16
43	Financial Buildings – (Ins., Title, Banks, S&L)	$1,330.64	$1,347.54
44	Motels, Hotels & Mobile Home Parks	$6,653.20	$6,737.70
45	Theaters	$2,993.94	$3,031.97
46	Drive-in Restaurants	$1,995.96	$2,021.31
47	Restaurants	$1,995.96	$2,021.31
48	Multiple & Commercial	$1,995.96	$2,021.31
49	New Car Agencies	$1,995.96	$2,021.31
50	Vacant Land (not part of Ind. Park or P. & D.)	$498.99	$505.33
51	Industrial Park	$3,991.92	$4,042.62
52	Research & Development	$1,995.96	$2,021.31
53	Light Industrial	$1,995.96	$2,021.31
54	Heavy Industrial	$1,995.96	$2,021.31
55	Mini Warehouses (public storage)	$3,991.92	$4,042.62
56	Misc. Improvements	$3,991.92	$4,042.62
61	Rural, Res., Improvement 1A-10A	$997.98	$1,010.66
62	Rural, w/or w/o structure 1A-10A	$997.98	$1,010.66
70	Convalescent Hospitals / Rest Homes	$1,995.96	$2,021.31
73	Hospitals	$1,995.96	$2,021.31
74	Cemeteries / Mortuaries	$1,995.96	$2,021.31
75	Fraternal & Service Organizations	$1,995.96	$2,021.31
76	Retirement Housing Complex	$6,653.20	$6,737.70
78	Parks & Playgrounds	$3,991.92	$4,042.62
85	Public & Private Parking	$1,995.96	$2,021.31
87	Common Area	$1,995.96	$2,021.31
88	Mobile Homes	$997.98	$1,010.66
89	Other (split parcels in different tax code areas)	$997.98	$1,010.66
99	Homeowner's Association Owned Common Areas	$798.38	$808.52

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

CALCULATION OF COST OF LIVING INCREASE	
Percent increase from Fiscal Year 2024-25 in the San Francisco-Oakland-Bay Area Consumer Price Index for All Urban Consumers.	1.27%

ORDINANCE NO. 9-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY REPEALING AND REENACTING CHAPTER 2.5 OF THE OAKLEY MUNICIPAL CODE CONCERNING EMERGENCY ORGANIZATION AND FUNCTIONS

THE CITY COUNCIL OF THE CITY OF OAKLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. Oakley Municipal Code Chapter 2.5 is repealed and reenacted as follows:

CHAPTER 5
EMERGENCY ORGANIZATION AND FUNCTIONS

2.5.002 Purposes.
The declared purposes of this chapter are to comply with the provisions of the California Emergency Services Act, Title Two, Division One, Chapter Seven of the Government Code of the State of California (commencing with Section 8585.5 or successor legislation) and to provide for the preparation and execution of plans for the protection of persons and property within this City in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this City with all other public agencies, corporations, organizations, and affected private persons.

2.5.004 Definitions.
As used in this chapter:

“Assistant Director” shall mean the Assistant Director of Emergency Services.

“Director” shall mean the Director of Emergency Services.

"Emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat.

"Exigent circumstances" shall mean situations in which a disaster or emergency has been proclaimed, and the urgency of the public need for goods and services required to address an immediate threat to life, public health, or safety, or to eliminate/reduce an immediate threat of significant damage to improved public and private property through cost-effective measures will not permit competitive solicitation.

2.5.006 Disaster Council Membership.
The Oakley Disaster Council is hereby created and shall consist of the following:

a. The Mayor, who shall be Chairperson.

b. The Director of Emergency Services, who shall be Vice-Chairperson.

c. The Assistant Director of Emergency Services.

d. Such Directors of Emergency Services as are provided for in a current emergency plan of this City, adopted pursuant to this section.

e. Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, may be appointed by the Director of Emergency Services with the advice and consent of the City Council.

2.5.008 Disaster Council Powers and Duties.
It shall be the duty of the Oakley Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the City Council emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the Chairperson or, in his/her absence from the City or inability to call such meeting, upon call of the Vice-Chairperson.

2.5.010 Director and Assistant Director of Emergency Services.
a. There is hereby created the Office of Director of Emergency Services. The City Manager shall be the Director.

b. There is hereby created the Office of Assistant Director of Emergency Services. The Assistant City Manager shall be the Assistant Director.

2.5.012 Powers and Duties of the Director and Assistant Director of Emergency Services.
a. The Director of Emergency Services is hereby empowered to:

1) Request the City Council to proclaim the existence or threatened existence of a local emergency if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect.

2) Request the Governor to proclaim a State of Emergency when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency.

3) Control and direct the effort of the emergency organization of this City for the accomplishment of the purposes of this section.

4) Direct cooperation between and coordination of services and staff of the emergency organization of this City and resolve questions of authority and responsibility that may arise between them.

5) Represent this City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

6) In the event of the proclamation of a local emergency as herein provided, the proclamation of a state of emergency by the Governor or the Secretary of the California Emergency Management Agency, or the existence of a state of war emergency, the Director is empowered to:

a) Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;

b) Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property, and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use;

c) Require emergency services of any City officer or employee and in the event of the proclamation of a State of Emergency in the County in which this City is located or the existence of a State of War Emergency, to command the aid of as many citizens of this community as he/she deems necessary in the execution of his/her duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered disaster service workers;

d) Requisition necessary personnel or material of any City department or agency; and

e) Execute all of the ordinary powers of City Manager, all of the special powers conferred upon him/her by this section or by resolution or emergency plan pursuant hereto adopted by the City Council, all powers conferred upon him/her by any statute, by any agreement approved by the City Council, and by any other lawful authority, and delegate duties as necessary.

b. In the event the Director is unavailable to attend meetings or otherwise unable to perform his/her duties during an emergency, the office will be assumed by the following individuals in order of succession: Assistant Director, Chief of Police, Public Works Director/City Engineer, then other City employee as designated by the City Council.

c. The Assistant Director shall, under the supervision of the Director and with the assistance of the Disaster Council and Emergency Operations Center Section Chiefs, develop emergency plans and manage the City's emergency operation program and shall have such other powers and duties as may be assigned by the Director.

2.5.014 Emergency Organization.
All officers and employees of the City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by

agreement or operation of law, including persons impressed into service under the provisions of Section 2.5.012(a)(6), be charged with duties incident to the protection of life and property in the City during such emergency, shall constitute the emergency organization of the City of Oakley.

2.5.016 Emergency Plan.
The Oakley Disaster Council shall be responsible for the development of the City of Oakley Emergency Operations Plan, which plan shall provide for the effective mobilization of all of the resources of the City, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City Council.

2.5.018 Standby City Council Members.
Standby members of the City Council are hereby authorized pursuant to the provisions of California Government Code Sections 8635 through 8644.

a. Each Council member shall nominate one standby member. Standby members must have prior experience having served on a public agency board, commission or council. Consideration shall be given to places of residence and work, so that the greatest probability of survivorship or availability shall exist. With City Council consensus, the nominees shall then be appointed as standby Council members. Following the initial appointment of standby Council members, standby members shall be appointed at the first regular Council meeting following the swearing-in of newly elected or appointed members.

b. A standby Council member shall confirm his or her acceptance of the appointment by taking the oath of office set forth in Article XX, Section 3, of the Constitution of the State of California at the time of appointment set forth in subsection (a) of this section.

c. Standby Council members must be informed of the duties of a Council member, be provided a copy of Article 15, Chapter 7, Division 1, Title 2 of the California Government Code, keep informed of the business of the City Council to fill the position competently, immediately report for duty during a state of war emergency, a state of emergency or a declared local emergency, and fill the position when the Council member is unavailable during a state of war emergency, a state of emergency or a declared local emergency.

d. Standby Council members may become activated during a state of war emergency, a state of emergency or a declared local emergency. No standby member shall become a member of the City Council unless there is a declared emergency described above. The mere vacancy of the regular Council member’s office absent a declared emergency shall not activate the standby member. The standby member shall serve during the emergency if his or her regular member is unavailable, meaning that the regular member is killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform duties. Any question as to whether a particular member is unavailable shall be settled by the remaining available members of the Council,

including standby officers who are serving. Standby Council members shall serve at the pleasure of the governing body appointing them, and may be removed and replaced at any time with or without cause.

e. Upon standby Council members becoming activated, the City Council shall, if necessary, determine offices. In the event that both the Mayor and Vice Mayor shall be unavailable, then the remaining regular members of the Council shall determine the Temporary Presiding Officer. No standby Council member shall become Mayor or Temporary Presiding Officer if any of the regular Council members are available to fill such position, although the standby member shall continue to serve as a member of the governing body until the termination of the emergency, until the regular member becomes available, or until the regular member is replaced pursuant to provisions of State law.

f. The functions and duties of standby members shall be as described in California Government Code Section 8641 and successor legislation.

2.5.020 Expenditures.
Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City of Oakley. This section modifies the City's normal purchasing practices to assure that, in both emergency and exigent circumstances caused by a proclaimed disaster or emergency, the City will able to acquire the goods and services required to address an immediate threat to life, public health or safety, or to eliminate/reduce an immediate threat of significant damage to improve public and private property through cost-effective measures while still maintaining an effective purchasing process and complying with applicable local and State purchasing laws. Where the City is included in a major disaster or emergency declared by the President of the United States, this policy also assures that City procurements comply with Federal regulations applicable to FEMA disaster grant reimbursement as defined in Title 2 of the Code of Federal Regulations, Part 200 (2 CFR Part 200).

A proclaimed disaster or emergency exists if the Governor has declared a state of emergency for an area which includes the geographic territory of the City; or the Director of Emergency Services of the City has declared an emergency in the City.

2.5.022 Delegations of Purchasing Authority in Exigent Circumstances.
If the Director determines that goods and services must be procured before the City Council or its designee(s) is able to assemble and approve purchases, the Director has authority, subject to the limitations set forth in subsections (a) and (b) of this section, to approve the immediate rental or purchase of any equipment, supplies, services or other items necessary to respond to an immediate threat to life, public health, or safety, or to eliminate/reduce an immediate threat of significant damage to improved public and private property through cost-effective measures.

a. Limits of Single Purchasing Authority. The Director shall have the authority to make individual purchases up to $250,000 on his or her signature alone. The Director shall

have the authority to make individual purchases in excess of $250,000 up to a maximum of $500,000 when countersigned by the Mayor or in the Mayor's absence, countersigned by another Council member.

b. Limits of Aggregate Purchasing Authority. The Director shall have the authority to make aggregate purchases up to $500,000 on his or her signature alone. The Director shall have the authority to make aggregate purchases in excess of $500,000 up to a maximum of $750,000 when countersigned by the Mayor or in the Mayor's absence countersigned by another Council member.

c. Purchases made during a proclaimed emergency or disaster may be taken from the reserve balance of the General Fund to the extent they exceed previously budgeted items.

d. The Emergency Operations Center Director shall be a designee of the City Manager at any time the City Manager is not available to approve purchases as allowed in this section.

d. If neither the Director or the Assistant Director is available, the Police Chief, and/or Police Department Watch Commander, have authority to rent or purchase from the nearest available source any equipment, supplies, services, or other items necessary for his or her department to respond to an immediate threat to life, public health, or safety, or to eliminate/reduce an immediate threat of significant damage to improved public and private property through cost-effective measures, up to a maximum of $75,000.

f. Administrative Procedures.

1) As soon as possible after purchases are made under this section, the purchaser shall submit to the Finance Manager a requisition and a notation that the commodity has been ordered on an emergency basis from the vendor designated.

2) The Finance Manager will inform the Director and the City Council or its designee(s) of any individual purchase under this section with a contract amount greater than $75,000, and whenever the aggregate of purchases under this section is greater than $150,000.

3) The Finance Manager will obtain the Director's approval prior to any purchase by a department head if the amount is $75,000 or more.

4) If the Director or Assistant Director is unavailable, and the delay in getting his/her signature would imperil life, safety or improved property, the Police Chief, and/or Police Department Watch Commander, or his/her designee may approve the emergency purchase of $75,000 or more.

5) The Finance Manager shall have the authority to approve all disaster-related purchases under $250,000. The Mayor's signature is required for all individual or aggregate purchases over $250,000.

6) The Finance Manager will expedite the verification of funds available and complete the preparation of the purchase order.

2.5.024 Procurement Procedures in Exigent Circumstances.
Upon receipt of requisitions under Section 2.5.022, the Finance Manager shall prepare purchase orders for the emergency equipment, supplies, services or other items in accordance with the requirements of this section.

a. Exempt Purchases. Purchases below $50,000 shall not be required to be formally bid per Section 3.6.010. Purchases greater than $50,000 may be made following the procedures specified in this section. The signature(s) of the Director of Emergency Services, Finance Manager and/or Police Chief and/or Police Department Watch Commander are still required as provided in Section 2.5.022.

b. Justification of Sole Source or No-Bid Contracts. Where exigent circumstances require immediate procurement from the nearest available source:

1) The Finance Manager shall use the "Justification Form for Emergency Sole Source or No-Bid Purchase."

2) Procurement should be limited to that portion of the work that must be performed immediately, allowing subsequent procurement by competitive proposals of the remainder of the work.

3) "Sole source" or "no-bid" acquisitions shall be necessary for one of the following reasons: placement of emergency protective measures, procurement of a scarce commodities, goods, or services or acquisition or rental of emergency equipment, emergency consulting services, emergency road clearance or other emergency requirements.

c. Provision for Alternate Bid Solicitation Procedures. The City's normal requirements for sealed bids shall not apply to acquisitions under Section 2.5.022. However, the Finance Manager shall conduct telephonic or other electronic bid solicitation from potential vendors or suppliers, in lieu of written and/or sealed bids, in an effort to obtain multiple competitive proposals when and if time allows in light of the exigent circumstances.

d. Locations of Postings for Requests for Proposals or Solicitation of Bids. The Finance Manager may waive normal requirements for public posting of requests for proposals or solicitation of bids. Notices soliciting bids or requests for proposals shall be posted at the Emergency Operations Center or Alternate Emergency Operations Center, if the Primary Emergency Operations Center is not being used.

e. Length of Time for Posting Requests for Proposals or Solicitation of Bids. The Finance Manager may shorten the normal bid period from ten (10) days to expedite the award of contracts for emergency equipment, goods, or services. The Finance Manager should seek to assure that the shortened bid period allows multiple suppliers to submit bids.

f. Number of Bids Required. Solicited bids that are nonresponsive shall count towards the minimum numbers of bids required when there is a declared emergency or disaster in the jurisdiction. All such no-bids must be documented as to time, date and person or company contacted, with a reason for the no-bid, if possible.

2.5.026 Notification and Ratification.

a. Posting of Contract Awards. Under this section, all contracts awarded that exceed $150,000 shall be presented to the City Council for ratification and thereafter, shall be publicly posted within sixty (60) days of the award.

b. Authority to Cancel Emergency Procurements. As a provision of this chapter, the City has the absolute authority to rescind a contract for nonperformance within twenty-four (24) hours when a contractor or vendor, once awarded a contract, is unable to perform under the terms of the contract and the resulting delay or nonperformance presents an immediate threat to life, public health, or safety, or to eliminate/reduce an immediate threat of significant damage to improved public and private property through cost-effective measures.

c. Notification Requirement for Emergency Purchases. For any purchase in excess of $150,000, the Director shall report all such purchases to the City Council within thirty (30) days of the onset of the disaster.

d. Requirement for Separate Invoicing. All purchases or rentals made during proclaimed emergency or disaster conditions shall require separate invoicing from routine (non-disaster related) purchases. All invoices shall state the goods, services or equipment provided and shall specify where the goods or services were delivered. All invoices shall specify the locations where the goods or services were used if at all possible.

e. Auditing of Invoices for Debris Clearance Prior to Payment. All invoices for debris clearance and removal shall be audited by the City prior to payment to the vendor. Vendors shall be notified of this requirement prior to the awarding of any contract for debris clearance and/or removal. Audits shall be in accordance with procedures for debris removal monitoring specified in FEMA's Publication 325, Debris Management Guide.

f. Limitations of Disaster Purchasing Policy. For the purposes of this section, an emergency or disaster shall be deemed to exist when a condition exists that presents an immediate threat to life, public health, or safety, or to eliminate/reduce an immediate threat of significant damage to improved public and private property through cost-effective measures and a local emergency or disaster has been proclaimed. Any

purchases that do not meet the standard of being necessary for responding to an immediate threat to life, public health, or safety, or to eliminate/reduce an immediate threat of significant damage to improved public and private property through cost-effective measures shall follow the City's regular purchasing provisions.

Notwithstanding the terms of this policy, nothing contained herein shall conflict with Federal procurement regulations as currently defined in 2 CFR Part 200.

2.5.028 Punishment of Violations.
It shall be a misdemeanor, punishable by a fine of not to exceed $1,000, or by imprisonment for not to exceed six months, or both, for any person, during an emergency, to:

a. Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this section, or in the performance of any duty imposed upon him/her by virtue of this section.

b. Do any act forbidden by any lawful rule or regulation issued pursuant to this section, if such act is of such a nature as to be given or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of the City, or to prevent, hinder, or delay the defense or protection thereof.

c. Wear, carry, or display, without authority, any means of identification specified by the Emergency Agency of the State.

SECTION 2. CEQA FINDING.

The City Council determines that the provisions of this ordinance are exempt from the California Environmental Quality Act ("CEQA") because the instant ordinance involves continuing administrative activities and thus is not a project, as CEQA defines, pursuant to Section 15378(b)(2) of the CEQA Guidelines. To the extent the adoption of this Ordinance constitutes a project, the City Council finds pursuant to CEQA Guideline Section 15061(b)(3) that the project is exempt from environmental review because it can be seen with certainty that the adoption of the ordinance would not have any significant impact on the environment.

SECTION 3. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, the holding shall not affect the validity or enforceability of the remaining provisions, and the City Council declares that it would have adopted each provision of this ordinance irrespective of the validity of any other provision.

SECTION 4. EFFECTIVE DATE AND PUBLICATION.

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

PASSED AND ADOPTED by the City Council of the City of Oakley this 8th day of July 2025 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____ _____
Kim Snodgrass, City Clerk Date

DATE: July 8, 2025

Approved and Forwarded to the City Council

TO: Joshua McMurray, City Manager

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

SUBJECT: Adopt a Resolution to Authorize the City Manager to execute a Construction Agreement with R&R Pacific Construction, Inc. for the Construction of Capital Improvement Project (CIP) 302 - East Cypress Road Widening (Jersey Island Road to Bethel Island Road) Project

Background and Analysis

The City's adopted Fiscal Year (FY) 2025/26 Capital Improvement Program (CIP) Budget which designates funding for various infrastructure repair and replacement projects. This is consistent with the City's goals to improve the quality of the City's public infrastructure and to enhance the quality of life for our residents.

The improvements to East Cypress Road have been a key part of the City's CIP program as established by the City Council, and a priority for the community to accommodate the growing needs of the residents of the East Cypress Road corridor.

CIP 302 is the largest and most expensive project that the City has ever undertaken. This project will construct new divided 4-lane roadway, with curb, gutter, sidewalk, bicycle lane, medians, traffic signal, street lighting, and landscaping. This project complements CIP 247 and 310 that are currently constructing the new East Cypress Road from Knightsen Avenue in an easterly direction. The close coordination of traffic handling sequence between CIP 302, 310, and 247 makes these very unique projects as they are dependent on each other and the respective construction work and traffic handling must be synchronized.

After the completion of the project design, bid documents were prepared and the project publicly advertised for bidding. On June 26, 2025, eight (8) total bids were received for this project. Engineering staff reviewed the bids and determined that R&R Pacific Construction, Inc. was the lowest responsible bidder for the project at a cost of $18,913,465.50. The bid from R&R Pacific Construction, Inc. is the best price considering the inflation and tariffs that have affected the construction industry and a great value for the Oakley community to construct this highly critical roadway infrastructure.

The construction of this project is anticipated to start in August and be completed by the end of 2026.

Consistency with the Oakley Strategic Plan 27+

The approval of this agreement is consistent with the Oakley Strategic Plan under our Community Health and Safety Goal to provide safe streets in our city. East Cypress Road is a critical segment in the Oakley roadway infrastructure network that will serve existing

and future communities in the eastern portion of the city. The new roadway segment will be an essential infrastructure to support emergency vehicle access for this area.

Fiscal Impact

This item was included in the FY 2025/26 budget with a total budget of $25,012,234. To date $336,613.25 has been spent or encumbered leaving a balance of $24,675,621. This project is funded by General Capital Projects and Measure J funds. No additional funding is needed at this time to fund the contract.

Staff Recommendation

Staff recommend that the City Council adopt the resolution approving a construction agreement with R&R Pacific Construction, Inc. for an amount not to exceed $18,913,465.50 and to authorize the City Manager to execute the agreement.

Due to variables associated with construction projects, and to address unforeseen circumstances during the course of construction; staff further recommends that the City Council authorize staff to execute future change orders to the construction contract as necessary in an amount not to exceed $2,000,000 for work beyond what is defined in the base project bid.

Attachments

1) Resolution
2) Bid Summary

RESOLUTION NO. __-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN AGREEMENT WITH R&R PACIFIC CONSTRUCTION, INC. FOR THE CONSTRUCTION OF CAPITAL IMPROVEMENT PROJECT (CIP) NUMBER 302 – EAST CYPRESS ROAD WIDENING (JERSEY ISLAND ROAD TO BETHEL ISLAND ROAD)

WHEREAS, the Public Works design team, prepared the plans, specifications, and estimates for CIP No. 302 – East Cypress Road Widening (Jersey Island Road to Bethel Island Road) Project; and

WHEREAS, the plans, specifications and special provisions were publicly advertised for bidding, with the bid period closing at 2:00 P.M. on June 26th, 2025; and

WHEREAS, eight (8) total responsible bids were received prior to the closing of the bid process; and

WHEREAS, R&R Pacific Construction Inc. submitted the lowest qualified responsible bid for a total cost of $18,913,465.50 for the work, and the bid summary is attached here as Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oakley that the Agreement with R&R Pacific Construction Inc. for the East Cypress Road Widening (Jersey Island Road to Bethel Island Road) Project, CIP No. 302, for an amount not to exceed $18,913,465.50 is approved, and the City Manager is hereby authorized to execute the Agreement and change orders in an amount not to exceed $2,000,000 as necessary.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of July 2025 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____ _____
Kim Snodgrass, City Clerk Date

City of Oakley Public Works Department
East Cypress Road Widening (Jersey Island Road to Bethel Island Road) Project - CIP No. 302
Certified Bid Tabulation Bid opening: June 26, 2025 at 2:00 P.M. at City Hall

				Engineers Estimate		R & R Pacific Construction, Inc. 619 1/2 Main Street Woodland, CA 95776		Goodfellow Bros. Califronia LLA 50 Contractors Street Livermore, CA 94551		McGuire and Hester 9009 Railroad Avenue Oakland, CA 94603		Sukut Construction 4010 West Chandler Avenue Santa Ana, CA 92704		DeSilva Gates Construction 11555 Dublin Boluvard Dublin, CA 94568		O.C Jones & Sons, Inc. 1520 Fourth Street Berkeley, CA 94710		Teichert Construction 265 Val Dervin Parkway Stockton, CA 95206	
Item No.	*Description*	*Quantity*	*Unit*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*
1	Mobilization	1	LS	$600,000	$600,000.00	$475,800.00	$475,800.00	1,000,000.00	1,000,000.00	800,000.00	$800,000.00	1,025,000.00	1,025,000.00	1,125,000.00	1,125,000.00	1,115,000.00	1,115,000.00	1,136,000.00	1,136,000.00
2	Traffic Control System & Construction Area Signs	1	LS	$300,000	$300,000.00	$375,000.00	$375,000.00	700,000.00	700,000.00	825,426.75	$825,426.75	390,000.00	390,000.00	336,435.00	336,435.00	350,000.00	350,000.00	290,000.00	290,000.00
3	Orange Construction Fence	10,640	LF	$2	$21,280.00	$3.50	$37,240.00	5.00	53,200.00	2.70	$28,728.00	6.50	69,160.00	4.00	42,560.00	2.50	26,600.00	4.00	42,560.00
4	Storm Water Pollution Prevention Plan (SWPPP)	1	LS	$7,500	$7,500.00	$7,500.00	$7,500.00	44,200.00	44,200.00	24,700.00	$24,700.00	50,000.00	50,000.00	50,000.00	50,000.00	35,000.00	35,000.00	3,500.00	3,500.00
5	Storm Water Pollution Control Implementation	1	LS	$85,000	$85,000.00	$98,500.00	$98,500.00	219,900.00	219,900.00	83,400.00	$83,400.00	530,000.00	530,000.00	250,000.00	250,000.00	110,000.00	110,000.00	490,000.00	490,000.00
6	Monument Referencing	1	LS	$5,000	$5,000.00	$3,800.00	$3,800.00	2,700.00	2,700.00	3,000.00	$3,000.00	4,800.00	4,800.00	3,000.00	3,000.00	2,400.00	2,400.00	2,500.00	2,500.00
7	Survey Monument	14	EA	$2,500	$35,000.00	$1,800.00	$25,200.00	1,700.00	23,800.00	1,500.00	$21,000.00	3,900.00	54,600.00	2,000.00	28,000.00	2,300.00	32,200.00	1,400.00	19,600.00
8	Remove Fences, Gates, Posts, and Foundations	6,200	LF	$2	$12,400.00	$6.50	$40,300.00	3.15	19,530.00	8.00	$49,600.00	10.00	62,000.00	5.00	31,000.00	4.00	24,800.00	7.00	43,400.00
9	Coordinate with Utility Companies	1	LS	$7,500	$7,500.00	$22,500.00	$22,500.00	24,600.00	24,600.00	55,000.00	$55,000.00	12,500.00	12,500.00	10,000.00	10,000.00	20,000.00	20,000.00	2,500.00	2,500.00
10	Remove Existing Signing, Striping, and Traffic Delineators	1	LS	$4,000	$4,000.00	$38,500.00	$38,500.00	40,400.00	40,400.00	41,000.00	$41,000.00	70,000.00	70,000.00	50,000.00	50,000.00	37,000.00	37,000.00	38,000.00	38,000.00
11	Lead Compliance Plan	1	LS	$1,500	$1,500.00	$3,800.00	$3,800.00	3,300.00	3,300.00	2,500.00	$2,500.00	5,000.00	5,000.00	4,000.00	4,000.00	3,000.00	3,000.00	2,000.00	2,000.00
12	Remove Existing Traffic Signal Pole, Light, and Foundation	1	LS	$40,000	$40,000.00	$9,500.00	$9,500.00	16,600.00	16,600.00	15,800.00	$15,800.00	25,000.00	25,000.00	10,000.00	10,000.00	15,000.00	15,000.00	15,225.00	15,225.00
13	Remove Existing Street Lights, Boxes, and Foundation	1	LS	$20,000	$20,000.00	$7,500.00	$7,500.00	22,100.00	22,100.00	21,000.00	$21,000.00	30,000.00	30,000.00	20,000.00	20,000.00	15,000.00	15,000.00	20,300.00	20,300.00
14	Roadway Existing Traffic Signal Boxes	1	LS	$5,000	$5,000.00	$1,200.00	$1,200.00	5,500.00	5,500.00	5,000.00	$5,000.00	10,000.00	10,000.00	5,000.00	5,000.00	6,000.00	6,000.00	5,075.00	5,075.00
15	Roadway Excavation	3,100	CY	$35	$108,500.00	$38.00	$117,800.00	33.13	102,703.00	29.00	$89,900.00	22.00	68,200.00	200.00	620,000.00	36.00	111,600.00	100.00	310,000.00
16	Common Excavation	15,370	CY	$15	$230,550.00	$16.50	$253,605.00	3.90	59,943.00	7.00	$107,590.00	1.50	23,055.00	20.00	307,400.00	6.00	92,220.00	15.00	230,550.00
17	Strippings	1	LS	$150,000	$150,000.00	$68,500.00	$68,500.00	87,400.00	87,400.00	345,000.00	$345,000.00	125,000.00	125,000.00	460,000.00	460,000.00	800,000.00	800,000.00	500,000.00	500,000.00
18	Common Backfill	116,330	CY	$25	$2,908,250.00	$12.00	$1,395,960.00	16.00	1,861,280.00	20.50	$2,384,765.00	25.00	2,908,250.00	24.00	2,791,920.00	34.00	3,955,220.00	49.00	5,700,170.00
19	Aggregate Base (Class 2)	18,815	CY	$60	$1,128,900.00	$52.00	$978,380.00	58.00	1,091,270.00	41.00	$771,415.00	74.00	1,392,310.00	64.00	1,204,160.00	45.00	846,675.00	48.00	903,120.00
20	HMA (Type A)	21,800	TON	$145	$3,161,000.00	$125.00	$2,725,000.00	116.00	2,528,800.00	113.00	$2,463,400.00	126.75	2,763,150.00	120.00	2,616,000.00	118.00	2,572,400.00	95.00	2,071,000.00
21	Subgrade Enhancement Geotextile	33,650	SY	$8	$269,200.00	$3.25	$109,362.50	3.00	100,950.00	5.20	$174,980.00	3.40	114,410.00	3.00	100,950.00	3.20	107,680.00	4.60	154,790.00
22	2" Mill (Cold Plane Asphalt Concrete)	22,365	SY	$6	$134,190.00	$3.75	$83,868.75	2.00	44,730.00	4.00	$89,460.00	3.00	67,095.00	4.00	89,460.00	3.00	67,095.00	5.00	111,825.00
23	Remove Concrete Sidewalk, Median Island Paving, and Base	9,535	SF	$6	$57,210.00	$2.75	$26,221.25	1.00	9,535.00	2.20	$20,977.00	3.60	34,326.00	3.00	28,605.00	3.00	28,605.00	3.00	28,605.00
24	Paving Mat at Conform	2,640	SF	$8	$21,120.00	$3.50	$9,240.00	2.65	6,996.00	4.25	$11,220.00	1.05	2,772.00	3.00	7,920.00	1.10	2,904.00	2.20	5,808.00
25	Decomposed Granite Paving	4,240	SF	$20	$84,800.00	$9.50	$40,280.00	21.50	91,160.00	8.70	$36,888.00	5.00	21,200.00	6.00	25,440.00	6.00	25,440.00	5.00	21,200.00
26	Metal Header at Decomposed Granite Paving	80	LF	$30	$2,400.00	$16.00	$1,280.00	30.00	2,400.00	22.00	$1,760.00	15.40	1,232.00	20.00	1,600.00	35.00	2,800.00	16.00	1,280.00
27	Pressure Treated Wooden Header Board	100	LF	$20	$2,000.00	$16.00	$1,600.00	33.20	3,320.00	24.00	$2,400.00	15.40	1,540.00	30.00	3,000.00	20.00	2,000.00	40.00	4,000.00
28	City Standard Sidewalk	83,320	SF	$20	$1,666,400.00	$10.50	$874,860.00	10.50	874,860.00	12.00	$999,840.00	10.60	883,192.00	11.00	916,520.00	15.00	1,249,800.00	10.00	833,200.00
29	City Standard Curb and Gutter	7,970	LF	$90	$717,300.00	$43.00	$342,710.00	41.90	333,943.00	43.25	$344,702.50	46.10	367,417.00	40.00	318,800.00	39.00	310,830.00	41.00	326,770.00
30	City Standard Vertical Curb (6"- 8" Tall)	8,760	LF	$75	$657,000.00	$36.00	$315,360.00	37.70	330,252.00	28.00	$245,280.00	44.00	385,440.00	30.00	262,800.00	36.00	315,360.00	35.00	306,600.00
31	Doweled Vertical Curb (8" Tall)	445	LF	$40	$17,800.00	$38.00	$16,910.00	40.00	17,800.00	40.00	$17,800.00	52.00	23,140.00	40.00	17,800.00	35.00	15,575.00	53.00	23,585.00
32	Doweled Vertical Curb (6" Tall)	445	LF	$40	$17,800.00	$38.00	$16,910.00	36.00	16,020.00	42.00	$18,690.00	50.00	22,250.00	40.00	17,800.00	32.50	14,462.50	50.00	22,250.00
33	Bioretention Curb and Gutter	2,705	LF	$150	$405,750.00	$175.00	$473,375.00	201.00	543,705.00	185.00	$500,425.00	200.00	541,000.00	180.00	486,900.00	190.00	513,950.00	200.00	541,000.00
34	Bioretention Vertical Curb	980	LF	$120	$117,600.00	$105.00	$102,900.00	113.00	110,740.00	145.00	$142,100.00	130.00	127,400.00	150.00	147,000.00	103.00	100,940.00	105.00	102,900.00
35	Curb Ramp (Case A)	16	EA	$4,500	$72,000.00	$3,200.00	$51,200.00	2,100.00	33,600.00	5,000.00	$80,000.00	5,500.00	88,000.00	3,500.00	56,000.00	6,400.00	102,400.00	5,100.00	81,600.00
36	Adjust Utility Structures to Grade	3	EA	$850	$2,550.00	$1,200.00	$3,600.00	2,800.00	8,400.00	1,900.00	$5,700.00	1,750.00	5,250.00	5,000.00	15,000.00	3,000.00	9,000.00	2,800.00	8,400.00
37	Adjust DWD Structures to Grade	5	EA	$850	$4,250.00	$1,200.00	$6,000.00	4,900.00	24,500.00	3,250.00	$16,250.00	900.00	4,500.00	4,000.00	20,000.00	6,400.00	32,000.00	2,000.00	10,000.00
38	Adjust ISD Vault Structures to Grade	1	EA	$6,500	$6,500.00	$1,200.00	$1,200.00	2,800.00	2,800.00	5,500.00	$5,500.00	5,600.00	5,600.00	4,000.00	4,000.00	3,200.00	3,200.00	6,000.00	6,000.00
39	20" Butterfly Valve	9	EA	$16,500	$148,500.00	$15,600.00	$140,400.00	8,150.00	73,350.00	14,500.00	$130,500.00	18,000.00	162,000.00	8,000.00	72,000.00	7,700.00	69,300.00	13,000.00	117,000.00
40	24" x 20" Hot Tap Tee + 20" Gate Valve	2	EA	$85,000	$170,000.00	$58,500.00	$117,000.00	80,200.00	160,400.00	54,000.00	$108,000.00	73,000.00	146,000.00	80,000.00	160,000.00	76,000.00	152,000.00	58,000.00	116,000.00
41	6" Gate Valve	4	EA	$3,000	$12,000.00	$2,600.00	$10,400.00	2,750.00	11,000.00	2,300.00	$9,200.00	2,400.00	9,600.00	2,500.00	10,000.00	2,600.00	10,400.00	1,800.00	7,200.00
42	12" Gate Valve	1	EA	$3,800	$3,800.00	$5,200.00	$5,200.00	5,910.00	5,910.00	5,200.00	$5,200.00	5,250.00	5,250.00	6,000.00	6,000.00	5,600.00	5,600.00	4,200.00	4,200.00
43	6" DIP Class 50 Fire Hydrant Lateral	216	LF	$180	$38,880.00	$132.00	$28,512.00	180.00	38,880.00	240.00	$51,840.00	250.00	54,000.00	175.00	37,800.00	170.00	36,720.00	160.00	34,560.00
44	12" DIP Class 50 Pipe	46	LF	$250	$11,500.00	$235.00	$10,810.00	290.00	13,340.00	360.00	$16,560.00	310.00	14,260.00	275.00	12,650.00	275.00	12,650.00	250.00	11,500.00
45	20" DIP Class 50 Pipe	2,780	LF	$325	$903,500.00	$310.00	$861,800.00	360.00	1,000,800.00	350.00	$973,000.00	350.00	973,000.00	350.00	973,000.00	370.00	1,028,600.00	250.00	695,000.00
46	24" DIP Class 50 Pipe	1,283	LF	$375	$481,125.00	$350.00	$449,050.00	370.00	474,710.00	440.00	$564,520.00	430.00	551,690.00	350.00	449,050.00	400.00	513,200.00	300.00	384,900.00
47	20" Steel Pipe	280	LF	$1,500	$420,000.00	$950.00	$266,000.00	1,050.00	294,000.00	720.00	$201,600.00	840.00	235,200.00	1,000.00	280,000.00	1,000.00	280,000.00	690.00	193,200.00
48	Install New Fire Hydrant Assembly	9	EA	$14,500	$130,500.00	$15,200.00	$136,800.00	23,200.00	208,800.00	8,000.00	$72,000.00	12,800.00	115,200.00	25,000.00	225,000.00	22,000.00	198,000.00	9,500.00	85,500.00
49	Remove Existing DWD Air Release Valve	1	EA	$750	$750.00	$850.00	$850.00	1,266.00	1,266.00	500.00	$500.00	1,200.00	1,200.00	1,000.00	1,000.00	3,500.00	3,500.00	6,200.00	6,200.00
50	Combination Air Release Valve (Water Main)	2	EA	$18,000	$36,000.00	$6,500.00	$13,000.00	8,650.00	17,300.00	7,400.00	$14,800.00	9,200.00	18,400.00	8,000.00	16,000.00	8,200.00	16,400.00	6,300.00	12,600.00
51	Remove Existing Water Main	1,280	LF	$20	$25,600.00	$55.00	$70,400.00	32.00	40,960.00	58.00	$74,240.00	30.00	38,400.00	30.00	38,400.00	31.00	39,680.00	21.00	26,880.00
52	Remove Existing Water Blow Off Assembly	1	EA	$500	$500.00	$650.00	$650.00	950.00	950.00	1,040.00	$1,040.00	1,200.00	1,200.00	1,000.00	1,000.00	2,500.00	2,500.00	1,100.00	1,100.00
53	Remove Existing 24" Butterfly Valve	1	EA	$2,000	$2,000.00	$1,200.00	$1,200.00	2,100.00	2,100.00	419.00	$419.00	1,200.00	1,200.00	2,000.00	2,000.00	2,500.00	2,500.00	1,100.00	1,100.00
54	6" Water Main Blow Off Assembly	1	EA	$8,500	$8,500.00	$13,500.00	$13,500.00	10,500.00	10,500.00	16,800.00	$16,800.00	18,000.00	18,000.00	10,000.00	10,000.00	10,000.00	10,000.00	8,300.00	8,300.00
55	4" Water Main Blow Off Assembly	1	EA	$7,000	$7,000.00	$7,800.00	$7,800.00	6,800.00	6,800.00	8,300.00	$8,300.00	9,600.00	9,600.00	7,500.00	7,500.00	6,500.00	6,500.00	5,400.00	5,400.00
56	Connect to Existing Water Main	3	EA	$12,500	$37,500.00	$56,400.00	$169,200.00	11,600.00	34,800.00	28,400.00	$85,200.00	27,000.00	81,000.00	10,000.00	30,000.00	11,000.00	33,000.00	16,000.00	48,000.00
57	Cathodic Protection	1	LS	$120,000	$120,000.00	$95,800.00	$95,800.00	212,000.00	212,000.00	172,000.00	$172,000.00	220,000.00	220,000.00	200,000.00	200,000.00	310,000.00	310,000.00	90,000.00	90,000.00
58	City Standard Inlet - Type I	20	EA	$5,500	$110,000.00	$7,800.00	$156,000.00	7,700.00	154,000.00	7,800.00	$156,000.00	7,500.00	150,000.00	7,000.00	140,000.00	7,000.00	140,000.00	11,000.00	220,000.00
59	City Standard Inlet - Type III	5	EA	$4,500	$22,500.00	$7,800.00	$39,000.00	6,000.00	30,000.00	7,000.00	$35,000.00	7,400.00	37,000.00	6,000.00	30,000.00	5,500.00	27,500.00	6,200.00	31,000.00
60	Bioretention Dome Inlet	25	EA	$4,000	$100,000.00	$3,200.00	$80,000.00	5,100.00	127,500.00	5,900.00	$147,500.00	4,750.00	118,750.00	5,000.00	125,000.00	4,600.00	115,000.00	4,500.00	112,500.00
61	48" Standard Storm Drain Manhole	5	EA	$13,000	$65,000.00	$9,500.00	$47,500.00	8,700.00	43,500.00	10,370.00	$51,850.00	7,500.00	37,500.00	8,000.00	40,000.00	8,000.00	40,000.00	9,000.00	45,000.00
62	36" SD Culverts	72	LF	$800	$57,600.00	$725.00	$52,200.00	1,300.00	93,600.00	493.00	$35,496.00	520.00	37,440.00	1,500.00	108,000.00	1,200.00	86,400.00	400.00	28,800.00
63	15" HP Storm Drainage Pipe	980	LF	$125	$122,500.00	$135.00	$132,300.00	215.00	210,700.00	138.00	$135,240.00	115.00	112,700.00	200.00	196,000.00	194.00	190,120.00	120.00	117,600.00
64	18" HP Storm Drainage Pipe	2,515	LF	$235	$591,025.00	$145.00	$364,675.00	174.00	437,610.00	192.00	$482,880.00	170.00	427,550.00	170.00	427,550.00	160.00	402,400.00	135.00	339,525.00
65	6" Subdrain Perforated Pipe	2,600	LF	$75	$195,000.00	$55.00	$143,000.00	17.40	45,240.00	21.00	$54,600.00	11.00	28,600.00	20.00	52,000.00	12.00	31,200.00	16.00	41,600.00
66	Subdrain Cleanout	29	EA	$750	$21,750.00	$750.00	$21,750.00	598.00	17,342.00	517.00	$14,993.00	230.00	6,670.00	1,000.00	29,000.00	900.00	26,100.00	1,100.00	31,900.00
67	Concrete Flared End Sections (Caltrans Std Plan D94B)	24	EA	$2,000	$48,000.00	$1,800.00	$43,200.00	2,100.00	50,400.00	1,350.00	$32,400.00	5,500.00	132,000.00	2,000.00	48,000.00	1,950.00	46,800.00	2,200.00	52,800.00
68	Concrete Headwall for 3-36" Culverts	1	EA	$75,000	$75,000.00	$85,900.00	$85,900.00	163,600.00	163,600.00	215,000.00	$215,000.00	155,000.00	155,000.00	150,000.00	150,000.00	210,000.00	210,000.00	156,000.00	156,000.00
69	Rock Slope Protection at Headwall	1	EA	$10,000	$10,000.00	$25,116.00	$25,116.00	21,000.00	21,000.00	14,250.00	$14,250.00	10,000.00	10,000.00	20,000.00	20,000.00	15,000.00	15,000.00	8,150.00	8,150.00
70	Rock Slope Protection at Curb Openings at Bioretention Areas	207	EA	$375	$77,625.00	$350.00	$72,450.00	83.00	17,181.00	493.00	$102,051.00	550.00	113,850.00	500.00	103,500.00	400.00	82,800.00	660.00	136,620.00
71	Rock Slope Protection at Flared End Section	17	EA	$1,500	$25,500.00	$650.00	$11,050.00	1,100.00	18,700.00	1,435.00	$24,395.00	900.00	15,300.00	1,000.00	17,000.00	1,000.00	17,000.00	4,250.00	72,250.00
72	8" PVC C900 DR-14 Sewer Force Main Pipe (Phase 2)	2,470	LF	$185	$456,950.00	$120.00	$296,400.00	244.00	602,680.00	206.50	$510,055.00	135.00	333,450.00	230.00	568,100.00	230.00	568,100.00	218.00	538,460.00
73	14" PVC C900 DR-14 Sewer Force Main Pipe	4,850	LF	$250	$1,212,500.00	$195.00	$945,750.00	266.00	1,290,100.00	238.00	$1,154,300.00	247.00	1,197,950.00	250.00	1,212,500.00	255.00	1,236,750.00	228.00	1,105,800.00
74	Install New Sewer Force Main Blow Off Assembly	1	EA	$4,500	$4,500.00	$22,500.00	$22,500.00	24,300.00	24,300.00	30,350.00	$30,350.00	25,000.00	25,000.00	25,000.00	25,000.00	22,000.00	22,000.00	18,000.00	18,000.00
75	Air Release Valve (Sewer Force Main)	1	EA	$48,500	$48,500.00	$38,500.00	$38,500.00	35,400.00	35,400.00	4,970.00	$4,970.00	33,000.00	33,000.00	30,000.00	30,000.00	32,000.00	32,000.00	41,000.00	41,000.00
76	Stub 8" PVC Sanitary Sewer Force Main and Install Shallow Manhole	2	EA	$6,000	$12,000.00	$6,500.00	$13,000.00	13,300.00	26,600.00	13,000.00	$26,000.00	14,000.00	28,000.00	15,000.00	30,000.00	12,000.00	24,000.00	35,000.00	70,000.00
77	Remove Existing Shallow Manhole	1	EA	$1,500	$1,500.00	$850.00	$850.00	885.00	885.00	3,510.00	$3,510.00	3,250.00	3,250.00	800.00	800.00	5,000.00	5,000.00	6,000.00	6,000.00
78	Connect to Existing Sanitary Sewer Force Main	1	EA	$12,500	$12,500.00	$5,800.00	$5,800.00	11,100.00	11,100.00	3,070.00	$3,070.00	5,300.00	5,300.00	10,000.00	10,000.00	10,000.00	10,000.00	15,000.00	15,000.00
79	Signing and Striping	1	LS	$250,000	$250,000.00	$335,800.00	$335,800.00	232,400.00	232,400.00	155,000.00	$155,000.00	320,000.00	320,000.00	300,000.00	300,000.00	220,000.00	220,000.00	213,000.00	213,000.00
80	Install No Pedestrian Crossing Barricades	4	EA	$1,000	$4,000.00	$1,400.00	$5,600.00	1,400.00	5,600.00	1,250.00	$5,000.00	2,240.00	8,960.00	1,000.00	4,000.00	2,000.00	8,000.00	3,600.00	14,400.00
81	Install Vehicular Barricades	150	LF	$350	$52,500.00	$160.00	$24,000.00	180.00	27,000.00	160.00	$24,000.00	205.00	30,750.00	140.00	21,000.00	180.00	27,000.00	160.00	24,000.00
82	Single Roadway Lighting (City Furnished, Contractor Installed)	12	EA	$7,000	$84,000.00	$7,500.00	$90,000.00	5,500.00	66,000.00	5,000.00	$60,000.00	5,500.00	66,000.00	3,500.00	42,000.00	3,800.00	45,600.00	5,075.00	60,900.00
83	Single Roadway Lighting	12	EA	$12,500	$150,000.00	$12,500.00	$150,000.00	11,000.00	132,000.00	8,000.00	$96,000.00	11,100.00	133,200.00	8,000.00	96,000.00	8,000.00	96,000.00	10,150.00	121,800.00
84	Double Median Roadway Lighting	20	EA	$15,000	$300,000.00	$14,800.00	$296,000.00	11,000.00	220,000.00	8,000.00	$160,000.00	11,100.00	222,000.00	9,000.00	180,000.00	9,000.00	180,000.00	10,150.00	203,000.00
85	Existing Single Roadway Lighting Relocation	6	EA	$10,000	$60,000.00	$8,500.00	$51,000.00	5,500.00	33,000.00	5,000.00	$30,000.00	5,500.00	33,000.00	3,500.00	21,000.00	5,100.00	30,600.00	5,075.00	30,450.00
86	Lighting and Electrical Work	1	LS	$215,000	$215,000.00	$195,700.00	$195,700.00	885,000.00	885,000.00	609,800.00	$609,800.00	905,000.00	905,000.00	700,000.00	700,000.00	710,000.00	710,000.00	812,000.00	812,000.00
87	Traffic Signal Systems (Bethel Island Road and East Cypress Road)	1	LS	$290,000	$290,000.00	$625,000.00	$625,000.00	331,700.00	331,700.00	372,000.00	$372,000.00	330,000.00	330,000.00	300,000.00	300,000.00	315,000.00	315,000.00	304,500.00	304,500.00
88	Traffic Signal Systems (A Street and East Cypress Road)	1	LS	$600,000	$600,000.00	$625,000.00	$625,000.00	392,900.00	392,900.00	592,000.00	$592,000.00	330,000.00	330,000.00	450,000.00	450,000.00	500,000.00	500,000.00	304,500.00	304,500.00
89	Landscape Planting	1	LS	$431,200	$431,200.00	$395,000.00	$395,000.00	395,000.00	395,000.00	380,000.00	$380,000.00	361,000.00	361,000.00	400,000.00	400,000.00	260,000.00	260,000.00	404,000.00	404,000.00
90	Landscape Irrigation	1	LS	$831,300	$831,300.00	$631,800.00	$631,800.00	704,000.00	704,000.00	700,000.00	$700,000.00	705,000.00	705,000.00	600,000.00	600,000.00	650,000.00	650,000.00	710,600.00	710,600.00
91	180 Days Landscape and Irrigation Maintenance	1	LS	$127,000	$127,000.00	$98,500.00	$98,500.00	13,300.00	13,300.00	40,000.00	$40,000.00	12,135.00	12,135.00	30,000.00	30,000.00	12,000.00	12,000.00	16,600.00	16,600.00
92	Bioretention Area	19,600	SF	$23	$450,800.00	$16.00	$313,600.00	18.10	354,760.00	25.15	$492,940.00	13.90	272,440.00	15.00	294,000.00	18.00	352,800.00	14.50	284,200.00
93	2" Irrigation Service and Water Meter	2	EA	$12,500	$25,000.00	$15,600.00	$31,200.00	12,200.00	24,400.00	10,960.00	$21,920.00	11,000.00	22,000.00	8,000.00	16,000.00	11,000.00	22,000.00	8,000.00	16,000.00
94	Electrical Service for Irrigation & Traffic Signal	2	EA	$7,500	$15,000.00	$36,500.00	$73,000.00	33,200.00	66,400.00	30,000.00	$60,000.00	33,200.00	66,400.00	30,000.00	60,000.00	25,000.00	50,000.00	3,450.00	6,900.00
95	Permanent Hydroseeding	51,260	SY	$2	$102,520.00	$1.50	$76,890.00	1.15	58,949.00	2.00	$102,520.00	1.05	53,823.00	1.00	51,260.00	1.00	51,260.00	1.00	51,260.00
96	Barbed Wire Fence	5,780	LF	$35	$202,300.00	$22.00	$127,160.00	15.40	89,012.00	19.00	$109,820.00	15.00	86,700.00	15.00	86,700.00	18.50	106,930.00	14.00	80,920.00
97	6" PVC Schedule 80 Conduit	570	LF	$60	$34,200.00	$55.00	$31,350.00	111.00	63,270.00	100.00	$57,000.00	115.00	65,550.00	80.00	45,600.00	120.00	68,400.00	101.50	57,855.00
98	Fiber Optic Pull Box	12	EA	$1,100	$13,200.00	$1,200.00	$14,400.00	1,700.00	20,400.00	1,500.00	$18,000.00	1,600.00	19,200.00	1,500.00	18,000.00	1,900.00	22,800.00	1,522.50	18,270.00
99	Remove Curb and Gutter and Base	2,715	LF	$25	$67,875.00	$14.00	$38,010.00	3.00	8,145.00	8.25	$22,398.75	10.00	27,150.00	10.00	27,150.00	13.00	35,295.00	14.00	38,010.00
100	Remove Median Curb and Base	1,985	LF	$20	$39,700.00	$14.00	$27,790.00	1.00	1,985.00	9.00	$17,865.00	7.00	13,895.00	10.00	19,850.00	6.00	11,910.00	14.00	27,790.00
101	Remove Existing Storm Drain Culvert	350	LF	$28	$9,800.00	$95.00	$33,250.00	49.00	17,150.00	54.50	$19,075.00	17.00	5,950.00	60.00	21,000.00	44.00	15,400.00	30.00	10,500.00
102	Miscellaneous Demolition	1	LS	$125,000	$125,000.00	$58,900.00	$58,900.00	121,400.00	121,400.00	12,700.00	$12,700.00	12,000.00	12,000.00	100,000.00	100,000.00	60,000.00	60,000.00	50,000.00	50,000.00
103	Remove Existing Fire Hydrant Lateral and Gate Valve	2	EA	$1,200	$2,400.00	$7,800.00	$15,600.00	10,350.00	20,700.00	5,790.00	$11,580.00	2,900.00	5,800.00	2,500.00	5,000.00	10,000.00	20,000.00	9,000.00	18,000.00

DATE: July 8, 2025

Approved and Forwarded to the City Council

TO: Joshua McMurray, City Manager

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

SUBJECT: Fiscal Year (FY) 2024/25 Fourth Quarter Report on the Capital Improvement Program

Background and Analysis

This report summarizes the status of the various projects in the City of Oakley Capital Improvement Program (CIP) at the end of the Fourth Quarter for FY 2024/25.

The City's CIP is a multi-year forecast of capital needs that include new construction projects and planned improvements to existing facilities. The CIP establishes structure by identifying, prioritizing, approving, and funding capital improvement projects. Since the demand for capital projects typically exceeds the amount of available funds, projects are prioritized based on the City Council's Strategic Goals.

The following highlights some of the projects and their progress in the Fourth Quarter of FY 2024/25 (April-June 2025):

1. Oakley Regional Community Park Project

Project # 176
Schedule: Project Master Planning is complete
Budget: $0
Funding Source: Future Grants

This project transforms a 55-acre site at the end of Sellers Avenue that was given to the City as part of the development agreements with the Emerson, Gilbert, and Burroughs development projects. This site had several deteriorated structures related to a dairy farm that had been closed for decades. The first phase of this project was to demolish and remove the abandoned structures, which were a safety concern, and to clean up the site. This task was accomplished in the summer of 2019. In March of 2021, the City applied for a State Proposition 68 grant to fund the first phase of this project and did not qualify for the grant. The construction of the Oakley Regional Park will span several years as funding is secured through a combination of Grants and local funds. A new Master Planning study of this site was prepared and approved by the City Council in spring 2024. The study outlined the community and City Council preferences on the features that this park would have and will be used to pursue grant funding for the implementation of this park master plan over the coming years.

2. East Cypress Road Widening (Knightsen Avenue to Jersey Island Road) Project

Project # 247
Schedule: Construction is underway
Budget: $19,287,720
Funding Source: Traffic Impact Fee Fund, Gas Tax, RMRA, Measure J

The growth and development of new subdivision projects along the East Cypress Road corridor has necessitated various infrastructure improvements to accommodate the increased traffic volumes on this road. This project is part of a multi-phase project that was started in 2022 to construct the new East Cypress Road to modern City standards. This project will widen and improve East Cypress Road from Knightsen Avenue to west of Jersey Island Road. The improvements will include a new 6-lane roadway, curb, gutter, sidewalk, bicycle lanes, traffic signal, streetlight, and landscaped median island. The construction of this project is underway, and it is anticipated to be completed by the end of 2025. This project will complement CIP 310 that will construct the new East Cypress Road improvements at CCWD canal crossing and Jersey Island Road.

3. Irrigation Well Installation at City's Freedom Basin Project

Project # 265
Schedule: Construction is complete
Budget: $400,000
Funding Source: Public Facilities and Park Impact Fee Fund

This project installed a new irrigation well adjacent to O'Hara Avenue next to the City owned storm drain basin, more commonly known as Freedom basin. This new well will provide the City with an independent, stable, and continuous source of water to irrigate the large field that is used by an assortment of leagues for sporting activities. The existing well used to irrigate the field is owned and operated by the High School District, and due to its continuous breakdowns, this well is not a reliable source to provide the massive amount of irrigation water needed for this field. The construction of the new well and its operation by the City ensures that Freedom basin irrigation will be performed properly and without disruptions.

4. Laurel Road Extension Project (Teton Road to Sellers Avenue)

Project # 273
Schedule: Preliminary Design is complete
Budget: $360,000
Funding Source: Traffic Impact Fee Fund

This Project will extend Laurel Road from Teton Road to Sellers Avenue, providing an alternate and much needed secondary route for the residents of far east Oakley along East Cypress Road. Currently, the only major access in and out of far east Oakley is via East Cypress Road. This current route along East Cypress Road passes by an elementary and middle school and crosses the Burlington Northern Santa Fe (BNSF) railroad tracks. Traffic volumes have increased over the years and continue to grow with the new housing developments in far east Oakley. Extending Laurel Road from Teton Road to Sellers Avenue will provide much-needed direct access to Highway 4 and job centers in the Bay Area and will reduce traffic congestion from East Cypress Road. This project will construct a new bridge across the BNSF railroad tracks and construct a new 4-lane roadway with curb, gutter, sidewalk, medians, and streetlights. In addition, a new traffic signal will be constructed at the intersection of Laurel Road and Sellers Avenue. The preliminary design of this project is completed. Staff will be working on the Right of Way acquisition process and securing grant funding for the construction of this project, which is estimated to be over $40M.

5. Laurel Road Widening Project (O'Hara Avenue to Cloverbrook Avenue)

Project # 280
Schedule: Construction is underway
Budget: $8,931,317
Funding Source: Traffic Impact Fee Fund, ARPA, Streets Rehab Fund, RMRA

Laurel Road from O'Hara Avenue to Cloverbrook Avenue is the last section of Laurel Road that needs to be widened and improved. Laurel Road is a major Arterial Road and the City's designated truck route with a direct connection to Highway 4. This section of Laurel Road has not been widened or improved due to the lack of Right of Way and is starting to deteriorate due to the large volume of vehicles that use Laurel Road every day. Staff worked for the past few years with the property owners at the intersection of Laurel Road and O'Hara Avenue and secured the necessary right of way for the roadway widening. The construction of this project is currently underway and anticipated to be completed by fall 2025. This project will complement the new Safeway Shopping Center that is also under construction.

6. Enrico Cinquini Park Construction Project

Project # 281
Schedule: Construction contract awarded
Budget: $5,200,000
Funding Source: Park Impact Fee Fund

The developer of the Stonewood Subdivision, a collection of 262 lots, was conditioned to construct a new park (Enrico Cinquini Park) at the intersection of Rose Avenue and Carpenter Road. The obligation of the developer is the total amount of their Park Impact Fee ($2.1M), which would not be sufficient to construct this park and its associated facilities and features. As a result, the City will design and construct this park by utilizing the Park Impact Fee obligation of the developer, as well as supplementing it with additional City Park Impact fees. This beautiful and feature packed park for the community will include a new natural turf field, site grading, landscaping and irrigation, a half basketball court, a bocce ball court, a cornhole court, a splashpad water feature, a playground, restroom, and a covered picnic area. The construction of this project is anticipated to start in summer 2025 and completed in summer 2026.

7. East Cypress Road Widening (Jersey Island Road to Bethel Island Road) Project

Project # 302
Schedule: Design has been completed, and project bidding is underway
Budget: $309,234
Funding Source: East Contra Costa Regional Fee & Finance Authority (ECCRFFA), Federal Grant

The growth and development of new subdivision projects along the East Cypress Road corridor has necessitated various infrastructure improvements to accommodate the increased traffic volumes on this road. This project will widen and improve East Cypress Road from Jersey Island Road to Bethel Island Road. The improvements will include roadway widening, bicycle lanes, curb and gutter, sidewalks, traffic signals, underground utilities, and median landscaping. The widening will complement the similar improvements that are being constructed on East Cypress Road from Knightsen Avenue to west of Jersey Island Road (CIP 247). The construction is anticipated to start in summer 2025 and be completed by the end of 2026.

8. East Cypress Road Widening at CCWD Canal Crossing Project

Project # 310
Schedule: Construction is underway
Budget: $9,500,000
Funding Source: Traffic Impact Fee, General Capital Project Fund, Gas Tax, and Streets Maintenance and Rehab Fund

Contra Costa Water District (CCWD) has undertaken the process of replacing the open canal in Oakley from the canal crossing near Main Street and has extended eastwards

behind the Cypress Grove, Emerson, Delaney, and Burroughs subdivisions, up to east Cypress Road. CCWD has also undergrounded the remainder of this canal from south of East Cypress Road to its connection point at Rock Slough. The existing canal crosses East Cypress Road and will have to be replaced as part of the City's East Cypress Road widening project. The City is collaborating with CCWD in all phases of the canal underground project and at East Cypress Road. The City will take the lead in undergrounding the canal and construction of the new and widened roadway. This project will not only underground approximately 600' of the open canal but also widen East Cypress Road to City standards to complement and connect to the improvements that are being constructed on this roadway as part of CIP 247. The construction of this project is underway and anticipated to be completed by fall 2026.

9. FY 2024/25 Curb, Gutter and Sidewalk Reconstruction Project

Project # 311
Schedule: Construction is complete
Budget: $150,000
Funding Source: RMRA Fund

This project repaired and replaced damaged concrete curb, gutter, and sidewalk in the community as part of the 50-50 cost sharing program between the City and property owners. This project has been successfully implemented for the past few years and has continued into FY 2024/25. This project has helped to provide safe pedestrian facilities and reduce liability and claims for trip and fall accidents. The construction of this project has been completed.

10. Oakley Library & Community Center Project

Project # 318
Schedule: Concept Planning is underway
Budget: $10,500,000
Funding Source: Special Community Projects Fund, General Fund, Public Facilities Impact Fee Fund

The lack of a modern and functional Oakley Library and Community Center has been a topic of many discussions with the City Council and community residents in recent years, as the small section of the High School Library that is provided as a community library is not large enough to provide the wide range of services that the community desires. The City has committed $10.5M to this project, estimates of an additional $2M in residual value from the sale of a nearby property and the Friends of the Oakley Library have raised approximately $980,000 to supplement the City funds that are allocated for this project. This level of funding would allow for an 11,500 to 13,500 sq. ft. facility to be constructed. The design and construction of the new Oakley Library

and Community Center will be part of the sale and development of a City property along O'Hara Avenue and 2nd Street that used to be the site for the former Sherriff Annex Building and Senior Center and the proceeds from the sale of property will pay part of the project construction.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Community Health and Safety goals.

Fiscal Impact

Each project listed in this report has a budgeted source of funds which has been approved by the City Council. These sources include Grants, Gas Tax, Measure J Sales Tax, Traffic Impact Fees, General Fund, Main Street Fund, and other Special Use funds. There is no fiscal impact associated with this CIP Update, this report is solely for informational purposes and no funding allocations are requested.

Staff Recommendation

The Oakley City Council should provide comments and input to staff on the CIP report for the Fourth Quarter of FY 2024/25 and accept the report.

DATE: July 8, 2025

TO: Joshua McMurray, City Manager

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

SUBJECT: Annexation No. 46 (486 Quail Glen Drive Urban Lot Split (MS 24-980)) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)

Background and Analysis

On February 19, 2025, the City Zoning Administrator approved a tentative map with certain Conditions of Approval for the proposed 486 Quail Glen Drive Urban Lot Split (MS 24-980) project (the "Project"). The Project, located at 486 Quail Glen Drive, is currently comprised of APN 041-330-037-7, is currently comprised of one existing residence and anticipated to be comprised of two single family residential lots after the proposed lot split.

The Conditions of Approval for the Project require the property owner to mitigate their project's financial impact on the City's parks, streetlighting, landscape and stormwater service budgets. On January 12, 2016, the Oakley City Council formed City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) ("CFD No. 2015-2"). CFD No. 2015-2 authorizes the annual levy of a special tax on parcels located within CFD No. 2015-2 to mitigate their financial impact to the City's parks, streetlighting, landscape and stormwater service budgets. The property owner for the Project has requested that the City assist them with the annexation of their development into CFD No. 2015-2 to satisfy their conditions of approval.

Prior to tonight's City Council meeting, the property owner of the Project executed the attached Unanimous Approval Form. This form constitutes unanimous approval and a unanimous vote by the property owner in favor of annexing their property to CFD No. 2015-2 including the subsequent annual levy of special taxes to mitigate their project's financial impact on the City's parks, streetlighting, landscape and stormwater service budgets.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Park and Open Space and Finance and Fiscal Responsibility section goals.

Fiscal Impact

There will be no financial impact to the City's General Fund. The applicant has funded all costs associated with the annexation of their project to CFD No. 2015-2. The Fiscal Year 2024/25 special tax rates per single family parcel are as follows:

FY 2024-25 Maximum Special Tax Rates per Single Family Parcel	
Special Tax Component	**Maximum Annual Special Tax Rates**
Regional Park Maintenance Tax	$170.12
Community Parks Maintenance Tax	$375.68
Streetlighting Maintenance Tax	$74.17
Neighborhood Parks & Landscaping Maintenance Tax	$0.00
Stormwater Maintenance Tax	$0.00
Total	**$619.97**

The Project is anticipated to consist of two (2) single family parcels. Therefore, successful annexation of the Project into CFD 2015-2 could provide up to $1,240 (in Fiscal Year 2024/25 dollars) in revenue annually after the proposed lot split. The taxes will be collected on the property tax rolls commencing in Fiscal Year 2025/26.

Staff Recommendation

The conditions of approval for the Project require the property owner to mitigate their project's financial impact on the City's parks, streetlighting, landscape and stormwater service budgets. Staff recommends that the City Council:

1. Adopt a Resolution Approving the Annexation (Annexation No. 46) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)

Attachments

1. Unanimous Approval of Annexation to a Community Facilities District and Related Matters - City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)
    1. Exhibit A – Description of Services
    2. Exhibit B – Cost Estimate
    3. Exhibit C – Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 9
2. Resolution Approving the Annexation (Annexation No. 46) of Property Located at 486 Quail Glen Drive (APN 041-330-037-7) in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)
3. Map – Annexation No. 46 to City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)

4. Amendment No. 46 to Notice of Special Tax Lien – City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)

UNANIMOUS APPROVAL
of Annexation to a Community Facilities District
and Related Matters

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Annexation No. 46 – Tax Zone No. 9

July 8, 2025

To the Honorable City Council,
City of Oakley
3231 Main Street
Oakley, CA 94561

Members of the City Council:

This constitutes the Unanimous Approval (the "Unanimous Approval") of the record owner(s) (the "Property Owner") of the fee title to the real property identified below (the "Property") contemplated by Section 53339.3 et seq. of the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") to annexation of the Property to the "City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)" (the "CFD"), and it states as follows:

1. **Property Owner**. This Unanimous Approval is submitted by the Property Owner as the record owner(s) of fee title to the Property. The Property Owner has supplied to the City current evidence of its ownership of fee title to the Property.

2. **Approval of Annexation**. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD. The CFD was formed to finance the municipal services (the "Services") described in Exhibit A hereto and made a part hereof.

3. **Approval of Special Tax and the Services**. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the levy of special taxes (the "Special Taxes") on the Property to finance the Services. The Special Taxes will be levied according to the "Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 9" attached hereto as Exhibit C and made a part hereof (the "Rate and Method"). The cost estimate for the Services is attached hereto as Exhibit B.

4. **Waivers and Vote**. The Property Owner hereby confirms that this Unanimous Approval constitutes its approval and unanimous vote as described herein and as contemplated by Section 53339.3 et seq. of the Act and Article XIIIA of the California Constitution. The Property Owner hereby waives all other rights with respect to the annexation of the Property, the levy of the Special Taxes on the Property and the other matters covered in this Unanimous Approval.

5. **Recordation of Amendment to Notice of Special Tax Lien.** The Notice of Special Tax Lien for the CFD was recorded in the Office of the County Recorder of the County of Contra Costa, State of California on January 19, 2016, as Document No. 20160009045. The Property Owner hereby authorizes and directs the City Clerk to execute and cause to be recorded in the office of the County Recorder of the County of Contra Costa an amendment to the Notice of Special Tax Lien for the CFD as required by Section 3117.5 of the California Streets and Highways Code. The amendment to the Notice of Special Tax Lien shall include the Rate and Method as an exhibit thereto.

6. **Authority Warranted**. The Property Owner warrants to the City that the presentation of this Unanimous Approval, any votes, consents or waivers contained herein, and other actions mandated by the City for the annexation of the Property to the CFD shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Property Owner for the Property, including any "due-on-encumbrance" clauses under any existing security instruments secured by the Property.

7. **Due Diligence and Disclosures.** The Property Owner agrees to cooperate with the City and its attorneys and consultants and to provide all information and disclosures required by the City about the Special Taxes to purchasers of the Property or any part of it.

8. **Agreements.** The Property Owner further agrees to execute such additional or supplemental agreements as may be required by the City to provide for any of the actions and conditions described in this Unanimous Approval, including any cash deposit required to pay for the City's costs in annexing the Property to the CFD.

9. **The Property.** The Property is identified as follows:

Assessor's Parcel Number: 041-330-037-7

Acres: 1.50

By executing this Unanimous Approval, the Property Owner agrees to all of the above.

Annexation No. 46 - Tax Zone No. 9

Property Owner

By: PETER VINCENT ROKKALA SUSAN

Name: VINCENT PETER, SUSAN ROKKALA

Title: Owners

Notice Address: _____

_____

_____

RESOLUTION NO. _____

RESOLUTION APPROVING THE ANNEXATION (ANNEXATION NO. 46) OF PROPERTY LOCATED AT 486 QUAIL GLEN DRIVE (APN 041-330-037-7) IN THE FUTURE ANNEXATION AREA OF

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

RESOLVED by the City Council (the "Council") of the City of Oakley (the "City"), County of Contra Costa, State of California, that:

WHEREAS, this Council has adopted a resolution entitled "Resolution of Formation of Community Facilities District" (the "Resolution of Formation"), ordering the formation of the (i) the "City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)" (the "CFD") and (ii) the "City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (Future Annexation Area)," authorizing the levy of a special tax on property within the CFD, and preliminarily establishing an appropriations limit for the CFD, all pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act").

WHEREAS, under the Resolution of Formation and a resolution calling special election heretofore adopted by this Council, the propositions of the levy of the special tax and the establishment of the appropriations limit were submitted to the qualified electors of the CFD as required by the Act.

WHEREAS, on January 12, 2016, a special election was held among the landowner voters within the CFD, wherein such propositions were approved by the two-thirds vote required by the Act, as confirmed by resolution of this Council.

WHEREAS, on January 19, 2016, a notice of special tax lien (the "Notice of Special Tax Lien") was recorded with the Contra Costa County Recorder's office, thereby giving notice that the lien to secure payment of the Special Tax was imposed on the land in the CFD.

WHEREAS, the owner (the "Property Owner") of Assessor's Parcel Number 041-330-037-7 located within the Future Annexation Area (the "Property") has agreed to mitigate certain impacts of the proposed development of the Property by paying for certain services financed by the CFD.

WHEREAS, pursuant to the Act, the Property Owner has executed a Unanimous Approval constituting a unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD and the levy of the Special Tax.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, as follows:

1. Recitals. The foregoing recitals are all true and correct.

2. Approval of Annexation. The City Council hereby determines that Assessor's Parcel Number 041-330-037-7 is annexed into Tax Zone No. 9 of the CFD.

3. Amendment to Notice of Special Tax Lien. The City Council hereby directs the Clerk of the City Council to record an Amendment to Notice of Special Tax Lien, evidencing that Assessor's Parcel Number 041-330-037-7 is added to the CFD.

4. Boundaries Described. The revised boundaries of the CFD including Assessor's Parcel Number 041-330-037-7 are described in an amended boundary map, which this City Council hereby directs the City Clerk to record with the Contra Costa County Recorder's office.

5. General Authority; Ratification of Previous Actions. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the transactions described herein or to otherwise effectuate the purposes of this resolution. Any actions previously taken by such officers that are consistent with the purposes of this resolution are hereby ratified and confirmed.

6. Effective Date. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on July 8, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Shannon Shaw, Mayor

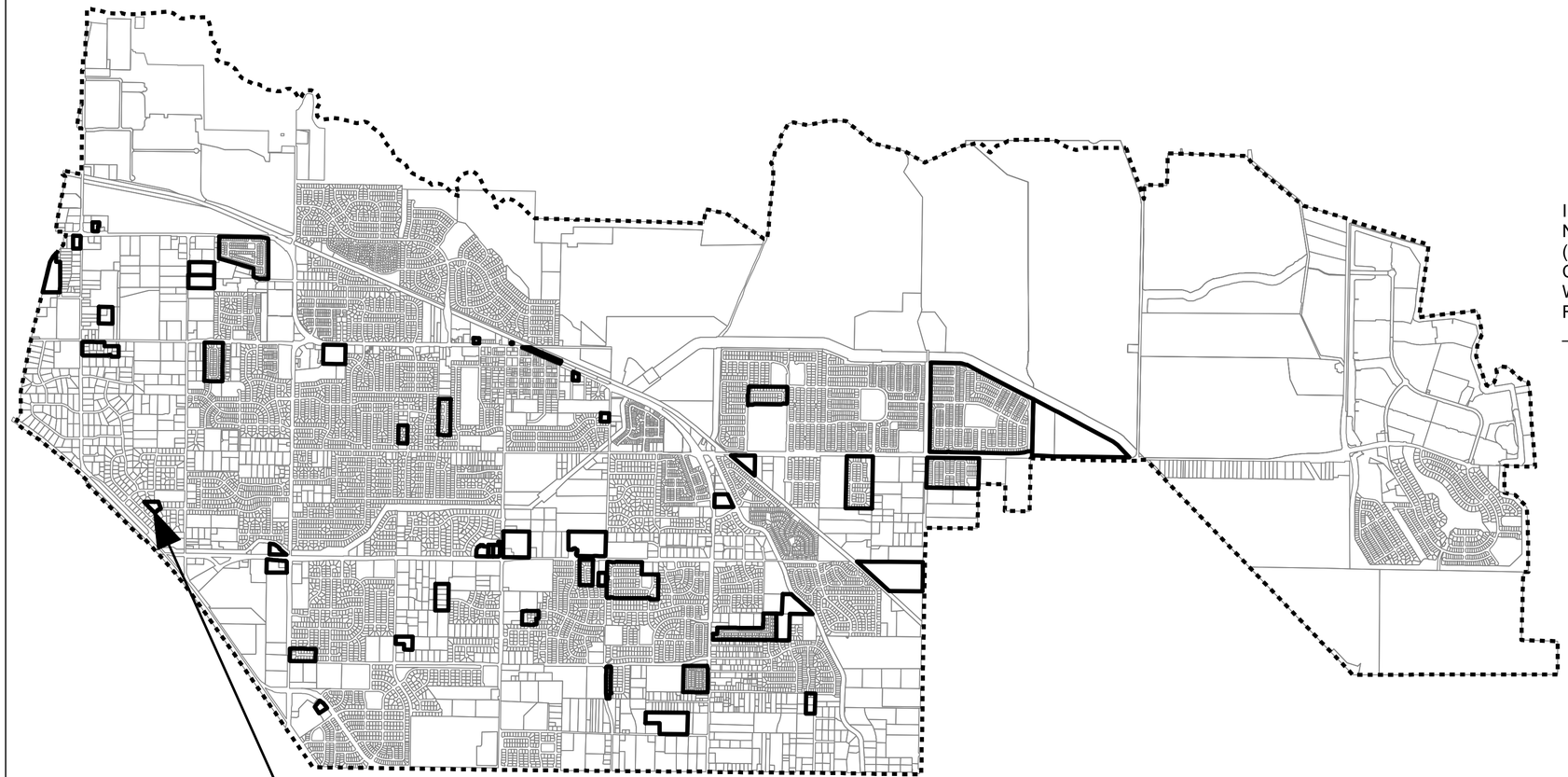
ATTEST:

_____
Kim Snodgrass, City Clerk

_____
Date

ANNEXATION MAP NO. 46 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT NO. 2015-2
(PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA



ANNEXATION NO. 46 - TAX ZONE NO. 9
SEE SHEET 2

Legend

- CFD No. 2015-2 Boundary
- Oakley City Limits/CFD No. 2015-2 Future Annexation Area
- Parcel Lines

N

0 2,500 5,000
Feet

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF OAKLEY THIS _____ DAY OF _____, 2025.

_____
KIM SNODGRASS, CITY CLERK
CITY OF OAKLEY
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING ANNEXATION NO. 46 TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT NO. 2015-2 (PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF OAKLEY, AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2025, BY ITS RESOLUTION NO. _____.

_____
KIM SNODGRASS, CITY CLERK
CITY OF OAKLEY
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

FILED THIS _____ DAY OF _____, 2025, AT THE HOUR OF _____ __.M IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE _____, DOCUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

_____
COUNTY RECORDER
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

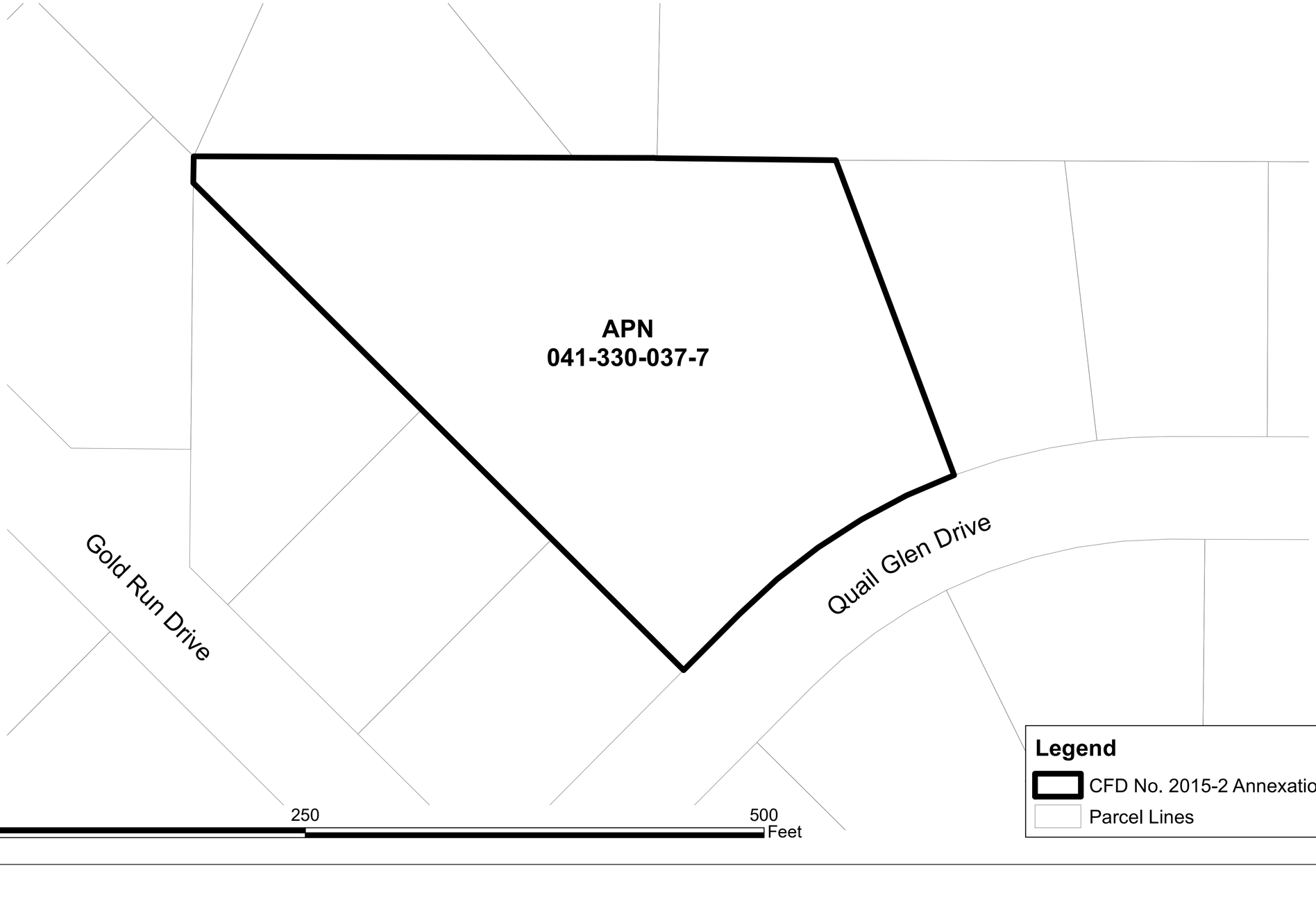
NOTE: THIS ANNEXATION MAP ANNEXES TERRITORY TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT NO. 2015-2 (PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, ON THE 9TH DAY OF NOVEMBER, 2015 IN BOOK 85 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AT PAGE 20.

ASSESSOR PARCELS WITHIN BOUNDARY: FOR PARTICULARS OF LINES AND DIMENSIONS OF PARCELS, REFERENCE IS MADE TO ASSESSOR'S PARCEL NO. 041-330-037-7.

ANNEXATION MAP NO. 46 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT NO. 2015-2
(PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA

Annexation No. 46 - Tax Zone No. 9
(486 Quail Glen Drive Urban Lot Split (MS 24-980))



RECORDING REQUESTED BY AND
AFTER RECORDATION RETURN TO:

City Clerk
City of Oakley
City Hall
3231 Main Street
Oakley, California 94561

AMENDMENT NO. 46 TO
NOTICE OF SPECIAL TAX LIEN

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Annexation No. 46 - Tax Zone No. 9
(486 Quail Glen Drive Urban Lot Split (MS 24-980))

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code of California and the Mello-Roos Community Facilities Act of 1982, as amended, section 53311, et seq., of the California Government Code (the "Act"), the undersigned City Clerk of the City of Oakley (the "City"), County of Contra Costa, State of California, hereby gives notice that a lien to secure payment of a special tax, which the City is authorized to levy, is hereby imposed on the property described herein. The special tax secured by this lien is authorized to be levied for the purpose of paying for certain municipal services set forth in that certain Notice of Special Tax Lien heretofore recorded in the Office of the County Recorder of the County of Contra Costa, State of California on January 19, 2016, as Document No. 20160009045, to which reference is hereby made and the provisions of which are hereby incorporated by this reference.

This Amendment No. 46 to Notice of Special Tax Lien amends the Notice of Special Tax Lien to add to the territory of the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (the "CFD"). The territory included in the existing CFD is set forth in the map of the CFD heretofore recorded as Document No. 15-234174 in the Office of the County Recorder of the County of Contra Costa, State of California on November 9, 2015, in Book 85 at Page 20 of Maps of Assessment and Community Facilities Districts, to which reference is hereby made. The territory to be added is set forth in that certain "Annexation Map No. 46 to Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services), County of Contra Costa, State of California," heretofore recorded at _____ on _____, 2025, in Book _____ at Page _____ of Maps of Assessment and Community Facilities Districts in the office of the County Recorder of the County of Contra Costa, State of California.

The rate, method of apportionment, and manner of collection of the authorized special tax, as supplemented with respect to the annexation of the territory described herein to the CFD, is set forth in Exhibit B hereto and hereby made a part hereof. The lien of the special tax is a continuing lien which shall secure the annual levy of the special tax and which shall continue in force and effect until the special tax obligation is permanently satisfied and canceled in accordance with law or until the special tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Government Code Section 53330.5.

Notice is further given that upon the recording of this notice in the office of the county recorder, the obligation to pay the special tax levy shall become a lien upon all nonexempt real property within the territory to be added to the CFD in accordance with Section 3115.5 of the Streets and Highways Code.

The assessor's tax parcel(s) numbers of all parcels or any portion thereof which are included in this Amendment No. 46 to Notice of Special Tax Lien, together with the name(s) of the owner(s) thereof, as they appear on the latest secured assessment roll as of the date of recording hereof or as are otherwise known to the City are as set forth in Exhibit A hereto and hereby made a part hereof.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the Finance Director of the City of Oakley, City Hall, 3231 Main Street, Oakley, California 94561, telephone number (925) 625-7000.

Dated: As of _____, 2025

By: _____
Kim Snodgrass, City Clerk,
City of Oakley

EXHIBIT A

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Annexation No. 46 – Tax Zone No. 9

PARCEL DESCRIPTION AND OWNER OF LAND WITHIN ANNEXATION NO. 46 – TAX ZONE NO. 9

Assessor's Parcel No.	Name(s) of Property Owner(s)
041-330-037-7	PETER VINCENT ROKKALA SUSAN

EXHIBIT B

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

SUPPLEMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX – TAX ZONE NO. 9

Special Taxes in the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (the "CFD" or "CFD No. 2015-2") shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All the property in CFD No. 2015-2, unless exempted by law or by the provisions of Section E herein, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2015-2, unless a separate Rate and Method of Apportionment of Special Tax is adopted for such annexation area.

Property annexed to City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) pursuant to Annexation No. 46 will be annexed to Tax Zone No. 9 per the Supplement to the Rate and Method of Apportionment of Special Tax shown below.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Unit" means a second residential unit of reduced size (e.g., granny cottage, etc.) that shares a Parcel with a Residential Unit.

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2015-2: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting

the Special Taxes; the costs to the City, CFD No. 2015-2, or any designee thereof of complying with disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries, protests, or appeals regarding the Special Taxes; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2015-2 for any other administrative purposes of CFD No. 2015-2, including attorney's fees, costs associated with annexations to CFD No. 2015-2, and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Administrator" means an official of the City, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Tax.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by CFD No. 2015-2 as set forth in the documents adopted by the Council when CFD No. 2015-2 was formed.

"Building Permit" means a building permit issued by the City and having a building structure improvement valuation over $50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

"**CFD" or "CFD No. 2015-2"** means the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services).

"City" means the City of Oakley.

"City Landscape Maintenance Standards" means the then applicable landscape maintenance standards or then applicable level of service for then applicable landscape maintenance contracts executed by the City that are in effect and relate to similar landscaping improvements.

"City Manager" means the City Manager of the City of Oakley.

"Commercial Unit" means an individual building structure for commercial uses as defined per the County Assessor (e.g., grocery stores, shopping centers, motel, hotel, service stations, and offices).

"Condominium Parcel" means a Parcel designated by the County Assessor as having a condominium, townhome, cluster home and co-op land use.

"Council" means the City Council of the City of Oakley, acting as the legislative body for CFD No. 2015-2.

"County" means the County of Contra Costa.

"County Assessor" means the Contra Costa County Assessor.

"County Land Use Code" means the land use code assigned to an Assessor's Parcel as indicated in the records of the County Assessor.

"Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued by the City for construction of a residential structure or a non-residential structure on or prior to June 30 of the preceding Fiscal Year. In the absence of a Building Permit, any Parcel of Taxable Property shall be classified as "Developed Property" if it has been occupied by a user as determined by the Administrator on or prior to June 30 of the preceding Fiscal Year.

"Final Map" or "Parcel Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a Building Permit can be issued for construction of Residential Units without further subdivision of the lots.

"Fiscal Year" means the period starting on July 1 and ending on the following June 30.

"Industrial" means an individual building structure for industrial uses as defined per the County Assessor (e.g., research and development, mini-warehouse, etc.).

"Institutional" means an individual building structure for institutional uses as defined per the County Assessor (e.g., churches, hospitals, assisted living, schools, etc.).

"Land Use Classification" means the current or intended use of a Taxable Parcel as determined by the Taxable Parcel's County Land Use Code.

"Maximum Special Tax" means, for each Special Tax Component, the maximum Special Tax, determined in accordance with Section C herein, which can be levied in any Fiscal Year.

"Mixed Use Parcel" means a Parcel designated by the County Assessor as having a multiple land uses such as residential land uses and commercial land uses, or multi-family land uses and commercial land uses.

"Multi-Family Parcel" means a Parcel designated by the County Assessor as having a multi-family residential land uses which includes duplexes, triplexes, fourplexes and apartments.

"Non-Residential Parcel" means for each Fiscal Year, all Assessor Parcels designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Non-Residential Parcel – In Compliance" this definition only applies for the purpose of calculating the annual neighborhood landscape maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Commercial, Industrial, or Institutional Parcel has notified the City in writing by the preceding February 1st that it wishes to maintain its parcel's frontage landscaping during the immediate following fiscal year and the City Manager or his/her designee has determined that the Property Owner has maintained its Parcel's frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, in order for any Commercial, Industrial, or Institutional Parcel to be defined as a Non-Residential Parcel – In Compliance, all Non-Residential Parcels within a Tax Zone of CFD No. 2015-2 must also be defined as Non-Residential Parcel – In Compliance.

"Non-Residential Parcel – Out of Compliance" this definition only applies for the purpose of calculating the annual neighborhood landscape maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Non-Residential Parcel has not notified the City in writing by the preceding February 1st that it wishes to maintain its parcel's frontage landscaping during the immediate following fiscal year and the City Manager or his/her designee has determined that the Property Owner has not maintained its Parcel's frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, if any Non-Residential Parcel is defined as a Non-Residential Parcel – Out of Compliance, then all Non-Residential Parcels within a Tax Zone CFD No. 2015-2 will also be defined as Non-Residential Parcel – Out of Compliance.

"Property Owner" means the Property Owner of record per current County Assessor records unless more current information is available such as recorded deed of sale, etc.

"Proportionately" means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Undeveloped Property.

"Public Property" means, for each Fiscal Year: (i) any property within the boundaries of CFD No. 2015-2 that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2015-2 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"Residential Unit" means an individual building structure for residential or multi-family residential uses as defined per the County Assessor. An Accessory Unit that shares a Parcel with a Residential Unit shall not be considered a separate Residential Unit for purposes of this RMA.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"Single-Family Parcel" means a Parcel designated by the County Assessor as having a single-family residential land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Special Tax" means any tax levied within CFD No. 2015-2 to pay the Special Tax Requirement, and includes each Special Tax Component.

"Special Tax Component" means one of the following components of the Special Tax: Community Park Maintenance Tax, Streetlighting Maintenance Tax, Neighborhood Parks and Landscape Maintenance Tax, or Stormwater Maintenance Tax.

"Special Tax Requirement" means, for each Special Tax Component, the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services related to the Special Tax Component; (ii) Administrative Expenses attributable to the Special Tax Component; and (iii) amounts needed to cover any delinquencies in the payment of the Special Tax Component which occurred in the previous Fiscal Year or, based on delinquency rates in prior years, may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

"Taxable Property" or "Taxable Parcels" means all Assessors' Parcels within the boundaries of CFD No. 2015-2 that are not exempt from the Special Tax pursuant to law or Section E herein.

"Tax Zone" means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All the property within CFD No. 2015-2 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2015-2, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2015-2 shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into CFD No. 2015-2 that constitutes the property owner's approval and unanimous vote in favor of annexing into CFD No. 2015-2, the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2015-2 that are not classified as Developed Property.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within CFD No. 2015-2. The Administrator shall also determine: (i) whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, and (ii) the Special Tax Requirement for each Special Tax Component for the then-current Fiscal Year. Each Special Tax Component shall be levied only to pay for the related Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a Final Map or Parcel Map for a portion of property in CFD No. 2015-2 was recorded after the last date upon which the County Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or Parcel Map was recorded, the County Assessor does not yet recognize the new Parcels that will be created by the Final Map

or Parcel Map, and (iii) one or more of the newly-created Parcels would meet the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or Parcel Map by determining the Special Tax that applies separately to each new Parcel that will be created by that Final Map or Parcel Map, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or Parcel Map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property - The Fiscal Year 2017-18 Maximum Special Tax for each Special Tax Component for all Parcels of Developed Property shall be as shown in Table 1 below:

Table 1: Developed Property

Special Tax Component	Land Use Classification	FY 2017-18 Maximum Tax
Regional Park Maintenance Tax	Single-Family Parcel	$131.71 per Parcel
Regional Park Maintenance Tax	Condominium Parcel	$98.78 per Parcel
Regional Park Maintenance Tax	Multi-Family Parcel	$65.85 per Unit
Regional Park Maintenance Tax	Non-Residential Parcel	$395.12 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$290.85 per Parcel
Community Parks Maintenance Tax	Condominium Parcel	$218.13 per Parcel
Community Parks Maintenance Tax	Multi-Family Parcel	$145.43 per Unit
Community Parks Maintenance Tax	Non-Residential Parcel	$872.55 per Acre
Street Lighting Maintenance Tax	Single-Family Parcel	$57.42 per Parcel
Street Lighting Maintenance Tax	Condominium Parcel	$43.07 per Parcel
Street Lighting Maintenance Tax	Multi-Family Parcel	$28.72 per Unit
Street Lighting Maintenance Tax	Non-Residential Parcel	$172.27 per Acre
Neighborhood Parks and Landscaping Maintenance Tax	Single-Family Parcel	$0.00 per Parcel
Neighborhood Parks and Landscaping Maintenance Tax	Condominium Parcel	$0.00 per Parcel
Neighborhood Parks and Landscaping Maintenance Tax	Multi-Family Parcel	$0.00 per Unit
Neighborhood Parks and Landscaping Maintenance Tax	Non-Residential Parcel	$0.00 per Acre
Stormwater Maintenance Tax	Single-Family Parcel	$0.00 per Parcel
Stormwater Maintenance Tax	Condominium Parcel	$0.00 per Parcel
Stormwater Maintenance Tax	Multi-Family Parcel	$0.00 per Unit
Stormwater Maintenance Tax	Non-Residential Parcel	$0.00 per Acre

Mixed Use Parcels will have their Maximum Tax calculated each Fiscal Year based upon their combined uses on the Parcel. For example, if a one-acre parcel has commercial on the ground floor and 50 condominiums on the second floor the property owner will be charged the Non-Residential Parcel rate for one acre and the Condominium Parcel Rate for the 50 condominiums.

2. Undeveloped Property - The Fiscal Year 2017-18 Maximum Special Tax for each Special Tax Component for all Parcels of Undeveloped Property shall be as shown in Table 2 below:

Table 2: Undeveloped Property

Special Tax Component	Land Use Classification	FY 2017-18 Maximum Tax
Regional Park Maintenance Tax	Single-Family Parcel	$395.12 per Acre
Regional Park Maintenance Tax	Condominium Parcel	$296.34 per Acre
Regional Park Maintenance Tax	Multi-Family Parcel	$197.56 per Acre
Regional Park Maintenance Tax	Non-Residential Parcel	$197.56 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$872.55 per Acre
Community Parks Maintenance Tax	Condominium Parcel	$654.41 per Acre
Community Parks Maintenance Tax	Multi-Family Parcel	$436.28 per Acre
Community Parks Maintenance Tax	Non-Residential Parcel	$436.28 per Acre
Street Lighting Maintenance Tax	Single-Family Parcel	$172.27 per Acre
Street Lighting Maintenance Tax	Condominium Parcel	$129.20 per Acre
Street Lighting Maintenance Tax	Multi-Family Parcel	$86.14 per Acre
Street Lighting Maintenance Tax	Non-Residential Parcel	$86.14 per Acre
Neighborhood Parks and Landscaping Maintenance Tax	Single-Family Parcel	$0.00 per Acre
Neighborhood Parks and Landscaping Maintenance Tax	Condominium Parcel	$0.00 per Acre
Neighborhood Parks and Landscaping Maintenance Tax	Multi-Family Parcel	$0.00 per Acre
Neighborhood Parks and Landscaping Maintenance Tax	Non-Residential Parcel	$0.00 per Acre
Stormwater Maintenance Tax	Single-Family Parcel	$0.00 per Acre
Stormwater Maintenance Tax	Condominium Parcel	$0.00 per Acre
Stormwater Maintenance Tax	Multi-Family Parcel	$0.00 per Acre
Stormwater Maintenance Tax	Non-Residential Parcel	$0.00 per Acre

3. Escalation of Maximum Special Tax

On July 1, 2018, and each July 1 thereafter, the Maximum Special Tax for each Special Tax Component for the current Fiscal Year for Developed Property and Undeveloped Property shall be increased from the Maximum Special Tax for the respective Special Tax Component for the previous Fiscal Year by Consumer Price Index – All Urban Consumers (San Francisco-Oakland-San Jose, CA) (from February) with a minimum annual increase of three (3.00%) percent and a maximum annual increase of five (5.00%) percent for any given year.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for each Special Tax Component for that Fiscal Year and levy each Special Tax Component on all Parcels of Taxable Property as follows:

Step 1: Each Special Tax Component shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Special Tax for each Parcel of Developed Property for such Fiscal Year until the amount levied is equal to the Special Tax Requirement for such Special Tax Component;

Step 2: If additional revenue is needed after Step 1, each Special Tax Component shall be levied Proportionately on each Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for each Parcel of Undeveloped Property for such Fiscal Year until the amount levied, when combined with the amount of the Special Tax Component levied pursuant to Step 1, is equal to the Special Tax Requirement for such Special Tax Component.

The Special Tax for CFD No. 2015-2 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2015-2, and the Special Tax shall be subject to foreclosure if delinquent regardless of the manner in which it was collected.

E. EXEMPTIONS

No Special Tax shall be levied on Parcels of Public Property or any privately owned Parcels that are non-developable, such as common areas, wetlands, and open space, parks, etc. except as otherwise provided in this RMA and in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City through a resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

G. TERM OF THE SPECIAL TAX

The Special Tax shall be levied in perpetuity as necessary to pay the Special Tax Requirement.

H. REPEAL OF THE SPECIAL TAX

CFD No. 2015-2 was established to levy the Special Tax to finance the Authorized Services as a condition of the entitlement to develop the Developed Property in CFD No. 2015-2. If the levy of the Special Tax is repealed by initiative or any other action participated in by the owners of Parcels in CFD No. 2015-2, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied.

I. SEVERABILITY

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax shall not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which shall remain in full force and effect.

DATE: July 8, 2025

TO: Joshua McMurray, City Manager

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

SUBJECT: Annexation No. 47 (87 Hill Avenue Urban Lot Split (MS 24-977)) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)

Background and Analysis

On November 20, 2024, the City Zoning Administrator approved a tentative map with certain Conditions of Approval for the proposed 87 Hill Avenue Urban Lot Split (MS 24-977) project (the "Project"). The Project, located at 87 Hill Avenue, is currently comprised of APN 033-090-019-2, is currently comprised of two existing residences and anticipated to be comprised of two single family residential lots after the proposed lot split.

The Conditions of Approval for the Project require the property owner to mitigate their project's financial impact on the City's parks, streetlighting, landscape and stormwater service budgets. On January 12, 2016, the Oakley City Council formed City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) ("CFD No. 2015-2"). CFD No. 2015-2 authorizes the annual levy of a special tax on parcels located within CFD No. 2015-2 to mitigate their financial impact to the City's parks, streetlighting, landscape and stormwater service budgets. The property owner for the Project has requested the City assist them with the annexation of their development into CFD No. 2015-2 to satisfy their conditions of approval.

Prior to tonight's City Council meeting, the property owner for the Project executed the attached Unanimous Approval Form. This form constitutes unanimous approval and a unanimous vote by the property owner in favor of annexing their property to CFD No. 2015-2 including the subsequent annual levy of special taxes to mitigate their project's financial impact on the City's parks, streetlighting, landscape and stormwater service budgets.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Park and Open Space and Finance and Fiscal Responsibility section goals.

Fiscal Impact

There will be no financial impact to the City's General Fund. The applicant has funded all costs associated with the annexation of their project to CFD No. 2015-2. The Fiscal Year 2025/26 special tax rates per single family parcel are as follows:

FY 2025-26 Maximum Special Tax Rates per Single Family Parcel	
Special Tax Component	**Maximum Annual Special Tax Rates**
Regional Park Maintenance Tax	$175.22
Community Parks Maintenance Tax	$386.95
Streetlighting Maintenance Tax	$76.40
Neighborhood Parks & Landscaping Maintenance Tax	$0
Stormwater Maintenance Tax	$0
Total:	**$638.57**

The Project is anticipated to consist of two (2) single family parcels. Therefore, successful annexation of the Project into CFD 2015-2 could provide up to $1,277 (in Fiscal Year 2025-26 dollars) in revenue annually after the proposed lot split. The taxes will be collected on the property tax rolls commencing in Fiscal Year 2025/26.

Staff Recommendation

The conditions of approval for the Project require the property owner to mitigate their project's financial impact on the City's parks, streetlighting, landscape and stormwater service budgets. Staff recommends that the City Council:

1. Adopt a Resolution Approving the Annexation (Annexation No. 47) of Property Located at 87 Hill Avenue (APN 033-090-019-2) in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)

Attachments

1. Unanimous Approval of Annexation to a Community Facilities District and Related Matters - City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)
    1. Exhibit A – Description of Services
    2. Exhibit B – Cost Estimate
    3. Exhibit C – Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 9
2. Resolution Approving the Annexation (Annexation No. 47) of Property Located at 87 Hill Avenue (APN 033-090-019-2) in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)
3. Map – Annexation No. 47 to City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)

4. Amendment No. 47 to Notice of Special Tax Lien – City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)

UNANIMOUS APPROVAL
of Annexation to a Community Facilities District
and Related Matters

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Annexation No. 47 – Tax Zone No. 9

July 8, 2025

To the Honorable City Council,
City of Oakley
3231 Main Street
Oakley, CA 94561

Members of the City Council:

This constitutes the Unanimous Approval (the "Unanimous Approval") of the record owner(s) (the "Property Owner") of the fee title to the real property identified below (the "Property") contemplated by Section 53339.3 et seq. of the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") to annexation of the Property to the "City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)" (the "CFD"), and it states as follows:

1. **Property Owner**. This Unanimous Approval is submitted by the Property Owner as the record owner(s) of fee title to the Property. The Property Owner has supplied to the City current evidence of its ownership of fee title to the Property.

2. **Approval of Annexation**. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD. The CFD was formed to finance the municipal services (the "Services") described in Exhibit A hereto and made a part hereof.

3. **Approval of Special Tax and the Services**. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the levy of special taxes (the "Special Taxes") on the Property to finance the Services. The Special Taxes will be levied according to the "Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 9" attached hereto as Exhibit C and

made a part hereof (the "Rate and Method"). The cost estimate for the Services is attached hereto as Exhibit B.

4. Waivers and Vote. The Property Owner hereby confirms that this Unanimous Approval constitutes its approval and unanimous vote as described herein and as contemplated by Section 53339.3 et seq. of the Act and Article XIIIA of the California Constitution. The Property Owner hereby waives all other rights with respect to the annexation of the Property, the levy of the Special Taxes on the Property and the other matters covered in this Unanimous Approval.

5. Recordation of Amendment to Notice of Special Tax Lien. The Notice of Special Tax Lien for the CFD was recorded in the Office of the County Recorder of the County of Contra Costa, State of California on January 19, 2016, as Document No. 20160009045. The Property Owner hereby authorizes and directs the City Clerk to execute and cause to be recorded in the office of the County Recorder of the County of Contra Costa an amendment to the Notice of Special Tax Lien for the CFD as required by Section 3117.5 of the California Streets and Highways Code. The amendment to the Notice of Special Tax Lien shall include the Rate and Method as an exhibit thereto.

6. Authority Warranted. The Property Owner warrants to the City that the presentation of this Unanimous Approval, any votes, consents or waivers contained herein, and other actions mandated by the City for the annexation of the Property to the CFD shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Property Owner for the Property, including any "due-on-encumbrance" clauses under any existing security instruments secured by the Property.

7. Due Diligence and Disclosures. The Property Owner agrees to cooperate with the City and its attorneys and consultants and to provide all information and disclosures required by the City about the Special Taxes to purchasers of the Property or any part of it.

8. Agreements. The Property Owner further agrees to execute such additional or supplemental agreements as may be required by the City to provide for any of the actions and conditions described in this Unanimous Approval, including any cash deposit required to pay for the City's costs in annexing the Property to the CFD.

9. The Property. The Property is identified as follows:

Assessor's Parcel No: 033-090-019-2

Acres: 1.08

By executing this Unanimous Approval, the Property Owner agrees to all of the above.

Annexation No. 47 - Tax Zone No. 9

Property Owner

By: Remigio J. Cruz

Name: CRUZ REMIGIO V

Title: _____

Notice Address: 87 Hill Ave

Oakley CA 94561

_____

EXHIBIT A

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

DESCRIPTION OF SERVICES

The captioned Community Facilities District will finance, in whole or in part, the following services ("services" shall have the meaning given that term in the Mello-Roos Community Facilities Act of 1982), including all related administrative costs, expenses and related reserves for replacement of vehicles, equipment and facilities:

Regional Parks

Maintenance, including servicing, repair, replacement and removal of regional parks (includes park amenities such as buildings, sports fields, sports courts, playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Community Parks

Maintenance, including servicing, repair, replacement and removal of community parks (includes park amenities such as buildings, sports fields, sports courts, playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Streetlighting

Maintenance, including servicing, repair, replacement and removal of streetlights (includes poles, fixtures, bulbs, conduits, equipment, including guys, anchors, posts, pedestals and metering devices, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric and other utility costs.

Neighborhood Parks & Landscaping

Maintenance, including servicing, repair, replacement and removal of neighborhood parks (includes park amenities such as playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Maintenance, including servicing, repair, replacement and removal of parkways, landscape setbacks, landscaped roadway medians, open space, environmental preserves (including performance and management of environmental mitigation monitoring and annual reporting), publicly-owned masonry walls, fences, monuments and features, trails, bike paths, etc., both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Stormwater

Maintenance, including servicing, repair, replacement and removal of bio-retention facilities and drainage facilities (includes field inspections, record keeping, cost of permits and regulatory fees, environmental mitigation monitoring, annual reporting, vegetation management, removal of silt, sediment, trash and debris from the drainage areas, bio-retention basins and City catch basins, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

In addition, the following costs will also be financed by the special taxes levied within the CFD and be allocated to each improvement described above based upon their pro-rata share of needed administrative costs, operating reserves and capital reserves, and actual or estimated delinquencies.

1. Administrative Expenses including the costs incurred to determine, levy and collect the special taxes, including compensation of City employees for administrative work performed in relation to the CFD, the fees of consultants and legal counsel, the costs of collecting installments of the special taxes upon the general tax rolls, preparation of required reports, and any other costs incurred in the administration of the CFD by the City;

2. Any amounts needed for operating reserves and capital reserves; and

3. Any amounts needed to cure actual or estimated delinquencies in special taxes for the current or previous fiscal years.

EXHIBIT B

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Cost Estimate
(Fiscal Year 2025-26 Dollars)

Special Tax Component	FY 2025-26 Special Tax Requirement
Regional Park Maintenance Tax	$350
Community Parks Maintenance Tax	$774
Streetlighting Maintenance Tax	$153
Neighborhood Parks & Landscaping Maintenance Tax	$0
Stormwater Maintenance Tax	$0
Total:	**$1,277**

EXHIBIT C

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

SUPPLEMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX – TAX ZONE NO. 9

Special Taxes in the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (the "CFD" or "CFD No. 2015-2") shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All the property in CFD No. 2015-2, unless exempted by law or by the provisions of Section E herein, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2015-2, unless a separate Rate and Method of Apportionment of Special Tax is adopted for such annexation area.

Property annexed to City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) pursuant to Annexation No. 47 will be annexed to Tax Zone No. 9 per the Supplement to the Rate and Method of Apportionment of Special Tax shown below.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Unit" means a second residential unit of reduced size (e.g., granny cottage, etc.) that shares a Parcel with a Residential Unit.

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2015-2: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting the Special Taxes; the costs to the City, CFD No. 2015-2, or any designee thereof of complying with

disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries, protests, or appeals regarding the Special Taxes; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2015-2 for any other administrative purposes of CFD No. 2015-2, including attorney's fees, costs associated with annexations to CFD No. 2015-2, and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Administrator" means an official of the City, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Tax.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by CFD No. 2015-2 as set forth in the documents adopted by the Council when CFD No. 2015-2 was formed.

"Building Permit" means a building permit issued by the City and having a building structure improvement valuation over $50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

"CFD" or "CFD No. 2015-2" means the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services).

"City" means the City of Oakley.

"City Landscape Maintenance Standards" means the then applicable landscape maintenance standards or then applicable level of service for then applicable landscape maintenance contracts executed by the City that are in effect and relate to similar landscaping improvements.

"City Manager" means the City Manager of the City of Oakley.

"Commercial Unit" means an individual building structure for commercial uses as defined per the County Assessor (e.g., grocery stores, shopping centers, motel, hotel, service stations, and offices).

"Condominium Parcel" means a Parcel designated by the County Assessor as having a condominium, townhome, cluster home and co-op land use.

"Council" means the City Council of the City of Oakley, acting as the legislative body for CFD No. 2015-2.

"County" means the County of Contra Costa.

"County Assessor" means the Contra Costa County Assessor.

"County Land Use Code" means the land use code assigned to an Assessor's Parcel as indicated in the records of the County Assessor.

"Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued by the City for construction of a residential structure or a non-residential structure on or prior to June 30 of the preceding Fiscal Year. In the absence of a Building Permit, any Parcel of Taxable Property shall be classified as "Developed Property" if it has been occupied by a user as determined by the Administrator on or prior to June 30 of the preceding Fiscal Year.

"Final Map" or "Parcel Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a Building Permit can be issued for construction of Residential Units without further subdivision of the lots.

"Fiscal Year" means the period starting on July 1 and ending on the following June 30.

"Industrial" means an individual building structure for industrial uses as defined per the County Assessor (e.g., research and development, mini-warehouse, etc.).

"Institutional" means an individual building structure for institutional uses as defined per the County Assessor (e.g., churches, hospitals, assisted living, schools, etc.).

"Land Use Classification" means the current or intended use of a Taxable Parcel as determined by the Taxable Parcel's County Land Use Code.

"Maximum Special Tax" means, for each Special Tax Component, the maximum Special Tax, determined in accordance with Section C herein, which can be levied in any Fiscal Year.

"Mixed Use Parcel" means a Parcel designated by the County Assessor as having a multiple land uses such as residential land uses and commercial land uses, or multi-family land uses and commercial land uses.

"Multi-Family Parcel" means a Parcel designated by the County Assessor as having a multi-family residential land uses which includes duplexes, triplexes, fourplexes and apartments.

"Non-Residential Parcel" means for each Fiscal Year, all Assessor Parcels designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Non-Residential Parcel – In Compliance" this definition only applies for the purpose of calculating the annual neighborhood landscape maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Commercial, Industrial, or Institutional Parcel has notified the City in writing by the preceding February 1st that it wishes to maintain its parcel's frontage landscaping during the immediate following fiscal year and the City Manager or his/her designee has determined that the Property Owner has maintained its Parcel's frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, in order for any Commercial, Industrial, or Institutional Parcel to be defined as a Non-Residential Parcel – In Compliance, all Non-Residential Parcels within a Tax Zone of CFD No. 2015-2 must also be defined as Non-Residential Parcel – In Compliance.

"Non-Residential Parcel – Out of Compliance" this definition only applies for the purpose of calculating the annual neighborhood landscape maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Non-Residential Parcel has not notified the City in writing by the preceding February 1st that it wishes to maintain its parcel's frontage landscaping during the immediate following fiscal year and the City Manager or his/her designee has determined that the Property Owner has not maintained its Parcel's frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, if any Non-Residential Parcel is defined as a Non-Residential Parcel – Out of Compliance, then all Non-Residential Parcels within a Tax Zone CFD No. 2015-2 will also be defined as Non-Residential Parcel – Out of Compliance.

"Property Owner" means the Property Owner of record per current County Assessor records unless more current information is available such as recorded deed of sale, etc.

"Proportionately" means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property.

For Undeveloped Property, "Proportionately" means that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Undeveloped Property.

"Public Property" means, for each Fiscal Year: (i) any property within the boundaries of CFD No. 2015-2 that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2015-2 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"Residential Unit" means an individual building structure for residential or multi-family residential uses as defined per the County Assessor. An Accessory Unit that shares a Parcel with a Residential Unit shall not be considered a separate Residential Unit for purposes of this RMA.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"Single-Family Parcel" means a Parcel designated by the County Assessor as having a single-family residential land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Special Tax" means any tax levied within CFD No. 2015-2 to pay the Special Tax Requirement, and includes each Special Tax Component.

"Special Tax Component" means one of the following components of the Special Tax: Community Park Maintenance Tax, Streetlighting Maintenance Tax, Neighborhood Parks and Landscape Maintenance Tax, or Stormwater Maintenance Tax.

"Special Tax Requirement" means, for each Special Tax Component, the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services related to the Special Tax Component; (ii) Administrative Expenses attributable to the Special Tax Component; and (iii) amounts needed to cover any delinquencies in the payment of the Special Tax Component which occurred in the previous Fiscal Year or, based on delinquency rates in prior years, may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

"Taxable Property" or "Taxable Parcels" means all Assessors' Parcels within the boundaries of CFD No. 2015-2 that are not exempt from the Special Tax pursuant to law or Section E herein.

"Tax Zone" means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All the property within CFD No. 2015-2 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2015-2, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2015-2 shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into CFD No. 2015-2 that constitutes the property owner's approval and unanimous vote in favor of annexing into CFD No. 2015-2, the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2015-2 that are not classified as Developed Property.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within CFD No. 2015-2. The Administrator shall also determine: (i) whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, and (ii) the Special Tax Requirement for each Special Tax Component for the then-current Fiscal Year. Each Special Tax Component shall be levied only to pay for the related Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a Final Map or Parcel Map for a portion of property in CFD No. 2015-2 was recorded after the last date upon which the County Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or Parcel Map was recorded, the County Assessor does not yet recognize the new Parcels that will be created by the Final Map or Parcel Map, and (iii) one or more of the newly-created Parcels would meet the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or Parcel Map by determining the Special Tax that applies separately to each new Parcel that will be created by that Final Map or Parcel Map, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or Parcel Map.

C. MAXIMUM SPECIAL TAXES

1. **Developed Property** - The Fiscal Year 2017-18 Maximum Special Tax for each Special Tax Component for all Parcels of Developed Property shall be as shown in Table 1 below:

Table 1: Developed Property

Special Tax Component	Land Use Classification	FY 2017-18 Maximum Tax
Regional Park Maintenance Tax	Single-Family Parcel	$131.71 per Parcel
Regional Park Maintenance Tax	Condominium Parcel	$98.78 per Parcel
Regional Park Maintenance Tax	Multi-Family Parcel	$65.85 per Unit
Regional Park Maintenance Tax	Non-Residential Parcel	$395.12 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$290.85 per Parcel
Community Parks Maintenance Tax	Condominium Parcel	$218.13 per Parcel
Community Parks Maintenance Tax	Multi-Family Parcel	$145.43 per Unit
Community Parks Maintenance Tax	Non-Residential Parcel	$872.55 per Acre
Street Lighting Maintenance Tax	Single-Family Parcel	$57.42 per Parcel
Street Lighting Maintenance Tax	Condominium Parcel	$43.07 per Parcel
Street Lighting Maintenance Tax	Multi-Family Parcel	$28.72 per Unit
Street Lighting Maintenance Tax	Non-Residential Parcel	$172.27 per Acre
Neighborhood Parks and Landscaping Maintenance Tax	Single-Family Parcel	$0.00 per Parcel
Neighborhood Parks and Landscaping Maintenance Tax	Condominium Parcel	$0.00 per Parcel
Neighborhood Parks and Landscaping Maintenance Tax	Multi-Family Parcel	$0.00 per Unit
Neighborhood Parks and Landscaping Maintenance Tax	Non-Residential Parcel	$0.00 per Acre
Stormwater Maintenance Tax	Single-Family Parcel	$0.00 per Parcel
Stormwater Maintenance Tax	Condominium Parcel	$0.00 per Parcel
Stormwater Maintenance Tax	Multi-Family Parcel	$0.00 per Unit
Stormwater Maintenance Tax	Non-Residential Parcel	$0.00 per Acre

Mixed Use Parcels will have their Maximum Tax calculated each Fiscal Year based upon their combined uses on the Parcel. For example, if a one-acre parcel has commercial on the ground floor and 50 condominiums on the second floor the property owner will be charged the Non-Residential Parcel rate for one acre and the Condominium Parcel Rate for the 50 condominiums.

2. Undeveloped Property - The Fiscal Year 2017-18 Maximum Special Tax for each Special Tax Component for all Parcels of Undeveloped Property shall be as shown in Table 2 below:

Table 2: Undeveloped Property

Special Tax Component	Land Use Classification	FY 2017-18 Maximum Tax
Regional Park Maintenance Tax	Single-Family Parcel	$395.12 per Acre
Regional Park Maintenance Tax	Condominium Parcel	$296.34 per Acre
Regional Park Maintenance Tax	Multi-Family Parcel	$197.56 per Acre
Regional Park Maintenance Tax	Non-Residential Parcel	$197.56 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$872.55 per Acre
Community Parks Maintenance Tax	Condominium Parcel	$654.41 per Acre
Community Parks Maintenance Tax	Multi-Family Parcel	$436.28 per Acre
Community Parks Maintenance Tax	Non-Residential Parcel	$436.28 per Acre
Street Lighting Maintenance Tax	Single-Family Parcel	$172.27 per Acre
Street Lighting Maintenance Tax	Condominium Parcel	$129.20 per Acre
Street Lighting Maintenance Tax	Multi-Family Parcel	$86.14 per Acre
Street Lighting Maintenance Tax	Non-Residential Parcel	$86.14 per Acre
Neighborhood Parks and Landscaping Maintenance Tax	Single-Family Parcel	$0.00 per Acre
Neighborhood Parks and Landscaping Maintenance Tax	Condominium Parcel	$0.00 per Acre
Neighborhood Parks and Landscaping Maintenance Tax	Multi-Family Parcel	$0.00 per Acre
Neighborhood Parks and Landscaping Maintenance Tax	Non-Residential Parcel	$0.00 per Acre
Stormwater Maintenance Tax	Single-Family Parcel	$0.00 per Acre
Stormwater Maintenance Tax	Condominium Parcel	$0.00 per Acre
Stormwater Maintenance Tax	Multi-Family Parcel	$0.00 per Acre
Stormwater Maintenance Tax	Non-Residential Parcel	$0.00 per Acre

3. Escalation of Maximum Special Tax

On July 1, 2018, and each July 1 thereafter, the Maximum Special Tax for each Special Tax Component for the current Fiscal Year for Developed Property and Undeveloped Property shall be increased from the Maximum Special Tax for the respective Special Tax Component for the previous Fiscal Year by Consumer Price Index – All Urban Consumers (San Francisco-Oakland-San Jose, CA) (from February) with a minimum annual increase of three (3.00%) percent and a maximum annual increase of five (5.00%) percent for any given year.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for each Special Tax Component for that Fiscal Year and levy each Special Tax Component on all Parcels of Taxable Property as follows:

Step 1: Each Special Tax Component shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Special Tax for each Parcel of Developed Property for such Fiscal Year until the amount levied is equal to the Special Tax Requirement for such Special Tax Component;

Step 2: If additional revenue is needed after Step 1, each Special Tax Component shall be levied Proportionately on each Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for each Parcel of Undeveloped Property for such Fiscal Year until the amount levied, when combined with the amount of the Special Tax Component levied pursuant to Step 1, is equal to the Special Tax Requirement for such Special Tax Component.

The Special Tax for CFD No. 2015-2 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2015-2, and the Special Tax shall be subject to foreclosure if delinquent regardless of the manner in which it was collected.

E. EXEMPTIONS

No Special Tax shall be levied on Parcels of Public Property or any privately owned Parcels that are non-developable, such as common areas, wetlands, and open space, parks, etc. except as otherwise provided in this RMA and in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City through a resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

G. TERM OF THE SPECIAL TAX

The Special Tax shall be levied in perpetuity as necessary to pay the Special Tax Requirement.

H. REPEAL OF THE SPECIAL TAX

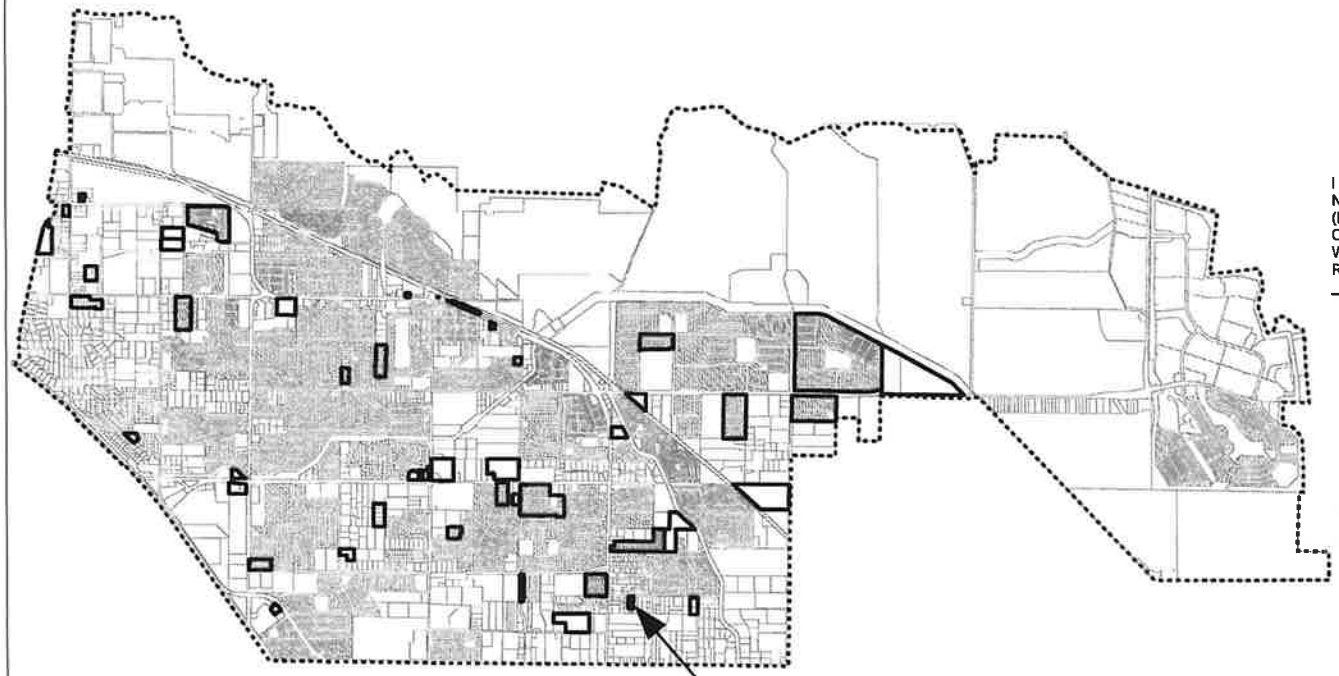
CFD No. 2015-2 was established to levy the Special Tax to finance the Authorized Services as a condition of the entitlement to develop the Developed Property in CFD No. 2015-2. If the levy of the Special Tax is repealed by initiative or any other action participated in by the owners of Parcels in CFD No. 2015-2, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied.

I. SEVERABILITY

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax shall not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which shall remain in full force and effect.

ANNEXATION MAP NO. 47 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT NO. 2015-2
(PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA



ANNEXATION NO. 47 - TAX ZONE NO. 9
SEE SHEET 2

Legend

- CFD No. 2015-2 Boundary
- Oakley City Limits/CFD No. 2015-2 Future Annexation Area
- Parcel Lines

N

0 2,500 5,000 Feet

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF OAKLEY THIS _____ DAY OF _____, 2025.

_____
KIM SNODGRASS, CITY CLERK
CITY OF OAKLEY
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING ANNEXATION NO. 47 TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT NO. 2015-2 (PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF OAKLEY, AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2025, BY ITS RESOLUTION NO. _____.

_____
KIM SNODGRASS, CITY CLERK
CITY OF OAKLEY
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

FILED THIS _____ DAY OF _____, 2025, AT THE HOUR OF _____.M IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE _____, DOCUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

_____
COUNTY RECORDER
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

NOTE: THIS ANNEXATION MAP ANNEXES TERRITORY TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT NO. 2015-2 (PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, ON THE 9TH DAY OF NOVEMBER, 2015 IN BOOK 85 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AT PAGE 20.

ASSESSOR PARCELS WITHIN BOUNDARY: FOR PARTICULARS OF LINES AND DIMENSIONS OF PARCELS, REFERENCE IS MADE TO ASSESSOR'S PARCEL NO. 033-090-019-2.

ANNEXATION MAP NO. 47 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT NO. 2015-2
(PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA

Annexation No. 47 - Tax Zone No. 9
(87 Hill Avenue Urban Lot Split (MS 24-977))

RESOLUTION NO. _____

RESOLUTION APPROVING THE ANNEXATION (ANNEXATION NO. 47) OF PROPERTY LOCATED AT 87 HILL AVENUE (APN 033-090-019-2) IN THE FUTURE ANNEXATION AREA OF

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

RESOLVED by the City Council (the "Council") of the City of Oakley (the "City"), County of Contra Costa, State of California, that:

WHEREAS, this Council has adopted a resolution entitled "Resolution of Formation of Community Facilities District" (the "Resolution of Formation"), ordering the formation of the (i) the "City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)" (the "CFD") and (ii) the "City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (Future Annexation Area)," authorizing the levy of a special tax on property within the CFD, and preliminarily establishing an appropriations limit for the CFD, all pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act").

WHEREAS, under the Resolution of Formation and a resolution calling special election heretofore adopted by this Council, the propositions of the levy of the special tax and the establishment of the appropriations limit were submitted to the qualified electors of the CFD as required by the Act.

WHEREAS, on January 12, 2016, a special election was held among the landowner voters within the CFD, wherein such propositions were approved by the two-thirds vote required by the Act, as confirmed by resolution of this Council.

WHEREAS, on January 19, 2016, a notice of special tax lien (the "Notice of Special Tax Lien") was recorded with the Contra Costa County Recorder's office, thereby giving notice that the lien to secure payment of the Special Tax was imposed on the land in the CFD.

WHEREAS, the owner (the "Property Owner") of Assessor's Parcel Number 033-090-019-2 located within the Future Annexation Area (the "Property") has agreed to mitigate certain impacts of the proposed development of the Property by paying for certain services financed by the CFD.

WHEREAS, pursuant to the Act, the Property Owner has executed a Unanimous Approval constituting a unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD and the levy of the Special Tax.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, as follows:

1. Recitals. The foregoing recitals are all true and correct.

2. Approval of Annexation. The City Council hereby determines that Assessor's Parcel Number 033-090-019-2 is annexed into Tax Zone No. 9 of the CFD.

3. Amendment to Notice of Special Tax Lien. The City Council hereby directs the Clerk of the City Council to record an Amendment to Notice of Special Tax Lien, evidencing that Assessor's Parcel Number 033-090-019-2 is added to the CFD.

4. Boundaries Described. The revised boundaries of the CFD including Assessor's Parcel Number 033-090-019-2 are described in an amended boundary map, which this City Council hereby directs the City Clerk to record with the Contra Costa County Recorder's office.

5. General Authority; Ratification of Previous Actions. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the transactions described herein or to otherwise effectuate the purposes of this resolution. Any actions previously taken by such officers that are consistent with the purposes of this resolution are hereby ratified and confirmed.

6. Effective Date. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on July 8, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

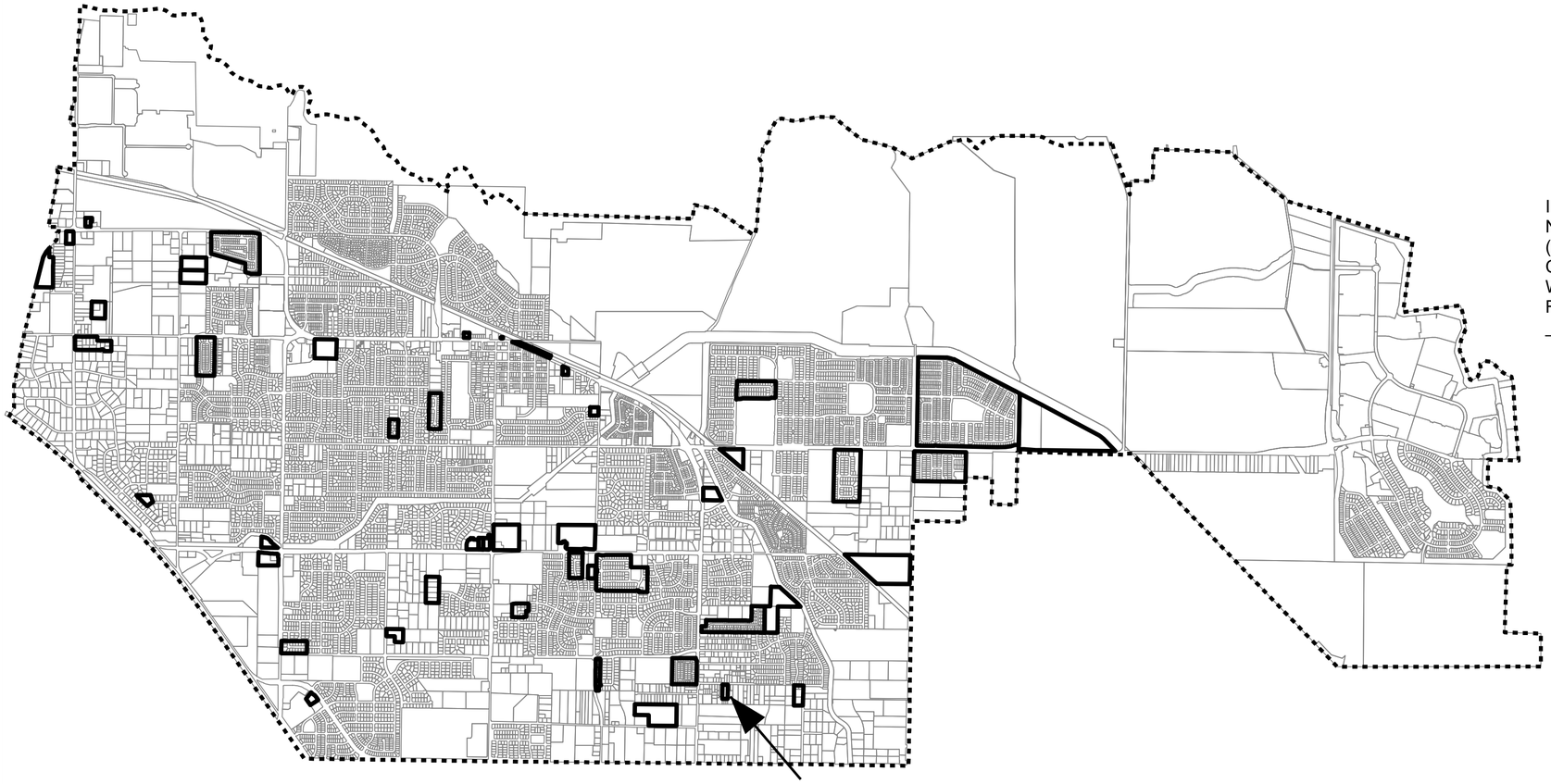
_____
Shannon Shaw, Mayor

ATTEST:

_____ _____
Kim Snodgrass, City Clerk Date

ANNEXATION MAP NO. 47 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT NO. 2015-2
(PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA



ANNEXATION NO. 47 - TAX ZONE NO. 9
SEE SHEET 2

Legend

- CFD No. 2015-2 Boundary
- Oakley City Limits/CFD No. 2015-2 Future Annexation Area
- Parcel Lines

N

0 2,500 5,000 Feet

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF OAKLEY THIS _____ DAY OF _____, 2025.

_____
KIM SNODGRASS, CITY CLERK
CITY OF OAKLEY
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING ANNEXATION NO. 47 TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT NO. 2015-2 (PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF OAKLEY, AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2025, BY ITS RESOLUTION NO. _____.

_____
KIM SNODGRASS, CITY CLERK
CITY OF OAKLEY
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

FILED THIS _____ DAY OF _____, 2025, AT THE HOUR OF _____ __.M IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE _____, DOCUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

_____
COUNTY RECORDER
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

NOTE: THIS ANNEXATION MAP ANNEXES TERRITORY TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT NO. 2015-2 (PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, ON THE 9TH DAY OF NOVEMBER, 2015 IN BOOK 85 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AT PAGE 20.

ASSESSOR PARCELS WITHIN BOUNDARY: FOR PARTICULARS OF LINES AND DIMENSIONS OF PARCELS, REFERENCE IS MADE TO ASSESSOR'S PARCEL NO. 033-090-019-2.

ANNEXATION MAP NO. 47 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT NO. 2015-2
(PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA

Annexation No. 47 - Tax Zone No. 9
(87 Hill Avenue Urban Lot Split (MS 24-977))

RECORDING REQUESTED BY AND
AFTER RECORDATION RETURN TO:

City Clerk
City of Oakley
City Hall
3231 Main Street
Oakley, California 94561

AMENDMENT NO. 47 TO NOTICE OF SPECIAL TAX LIEN

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Annexation No. 47 - Tax Zone No. 9
(87 Hill Avenue Urban Lot Split (MS 24-977))

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code of California and the Mello-Roos Community Facilities Act of 1982, as amended, section 53311, et seq., of the California Government Code (the "Act"), the undersigned City Clerk of the City of Oakley (the "City"), County of Contra Costa, State of California, hereby gives notice that a lien to secure payment of a special tax, which the City is authorized to levy, is hereby imposed on the property described herein. The special tax secured by this lien is authorized to be levied for the purpose of paying for certain municipal services set forth in that certain Notice of Special Tax Lien heretofore recorded in the Office of the County Recorder of the County of Contra Costa, State of California on January 19, 2016, as Document No. 20160009045, to which reference is hereby made and the provisions of which are hereby incorporated by this reference.

This Amendment No. 47 to Notice of Special Tax Lien amends the Notice of Special Tax Lien to add to the territory of the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (the "CFD"). The territory included in the existing CFD is set forth in the map of the CFD heretofore recorded as Document No. 15-234174 in the Office of the County Recorder of the County of Contra Costa, State of California on November 9, 2015, in Book 85 at Page 20 of Maps of Assessment and Community Facilities Districts, to which reference is hereby made. The territory to be added is set forth in that certain "Annexation Map No. 47 to Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services), County of Contra Costa, State of California," heretofore recorded at _____ on _____, 2025, in Book _____ at Page _____ of Maps of Assessment and Community Facilities Districts in the office of the County Recorder of the County of Contra Costa, State of California.

The rate, method of apportionment, and manner of collection of the authorized special tax, as supplemented with respect to the annexation of the territory described herein to the CFD, is set forth in Exhibit B hereto and hereby made a part hereof. The lien of the special tax is a continuing lien which shall secure the annual levy of the special tax and which shall continue in force and effect until the special tax obligation is permanently satisfied and canceled in accordance with law or until the special tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Government Code Section 53330.5.

Notice is further given that upon the recording of this notice in the office of the county recorder, the obligation to pay the special tax levy shall become a lien upon all nonexempt real property within the territory to be added to the CFD in accordance with Section 3115.5 of the Streets and Highways Code.

The assessor's tax parcel(s) numbers of all parcels or any portion thereof which are included in this Amendment No. 47 to Notice of Special Tax Lien, together with the name(s) of the owner(s) thereof, as they appear on the latest secured assessment roll as of the date of recording hereof or as are otherwise known to the City are as set forth in Exhibit A hereto and hereby made a part hereof.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the Finance Director of the City of Oakley, City Hall, 3231 Main Street, Oakley, California 94561, telephone number (925) 625-7000.

Dated: As of _____, 2025

By: _____
Kim Snodgrass, City Clerk
City of Oakley

EXHIBIT A

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Annexation No. 47 – Tax Zone No. 9

PARCEL DESCRIPTION AND OWNER OF LAND WITHIN ANNEXATION NO. 47 – TAX ZONE NO. 9

Assessor's Parcel No.	Name(s) of Property Owner(s)
033-090-019-2	CRUZ REMIGIO V

EXHIBIT B

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

SUPPLEMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX – TAX ZONE NO. 9

Special Taxes in the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (the "CFD" or "CFD No. 2015-2") shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All the property in CFD No. 2015-2, unless exempted by law or by the provisions of Section E herein, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2015-2, unless a separate Rate and Method of Apportionment of Special Tax is adopted for such annexation area.

Property annexed to City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) pursuant to Annexation No. 47 will be annexed to Tax Zone No. 9 per the Supplement to the Rate and Method of Apportionment of Special Tax shown below.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Unit" means a second residential unit of reduced size (e.g., granny cottage, etc.) that shares a Parcel with a Residential Unit.

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2015-2: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting

the Special Taxes; the costs to the City, CFD No. 2015-2, or any designee thereof of complying with disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries, protests, or appeals regarding the Special Taxes; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2015-2 for any other administrative purposes of CFD No. 2015-2, including attorney's fees, costs associated with annexations to CFD No. 2015-2, and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Administrator" means an official of the City, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Tax.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by CFD No. 2015-2 as set forth in the documents adopted by the Council when CFD No. 2015-2 was formed.

"Building Permit" means a building permit issued by the City and having a building structure improvement valuation over $50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

"**CFD" or "CFD No. 2015-2"** means the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services).

"City" means the City of Oakley.

"City Landscape Maintenance Standards" means the then applicable landscape maintenance standards or then applicable level of service for then applicable landscape maintenance contracts executed by the City that are in effect and relate to similar landscaping improvements.

"City Manager" means the City Manager of the City of Oakley.

"Commercial Unit" means an individual building structure for commercial uses as defined per the County Assessor (e.g., grocery stores, shopping centers, motel, hotel, service stations, and offices).

"Condominium Parcel" means a Parcel designated by the County Assessor as having a condominium, townhome, cluster home and co-op land use.

"Council" means the City Council of the City of Oakley, acting as the legislative body for CFD No. 2015-2.

"County" means the County of Contra Costa.

"County Assessor" means the Contra Costa County Assessor.

"County Land Use Code" means the land use code assigned to an Assessor's Parcel as indicated in the records of the County Assessor.

"Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued by the City for construction of a residential structure or a non-residential structure on or prior to June 30 of the preceding Fiscal Year. In the absence of a Building Permit, any Parcel of Taxable Property shall be classified as "Developed Property" if it has been occupied by a user as determined by the Administrator on or prior to June 30 of the preceding Fiscal Year.

"Final Map" or "Parcel Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a Building Permit can be issued for construction of Residential Units without further subdivision of the lots.

"Fiscal Year" means the period starting on July 1 and ending on the following June 30.

"Industrial" means an individual building structure for industrial uses as defined per the County Assessor (e.g., research and development, mini-warehouse, etc.).

"Institutional" means an individual building structure for institutional uses as defined per the County Assessor (e.g., churches, hospitals, assisted living, schools, etc.).

"Land Use Classification" means the current or intended use of a Taxable Parcel as determined by the Taxable Parcel's County Land Use Code.

"Maximum Special Tax" means, for each Special Tax Component, the maximum Special Tax, determined in accordance with Section C herein, which can be levied in any Fiscal Year.

"Mixed Use Parcel" means a Parcel designated by the County Assessor as having multiple land uses such as residential land uses and commercial land uses, or multi-family land uses and commercial land uses.

"Multi-Family Parcel" means a Parcel designated by the County Assessor as having a multi-family residential land uses which includes duplexes, triplexes, fourplexes and apartments.

"Non-Residential Parcel" means for each Fiscal Year, all Assessor Parcels designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Non-Residential Parcel – In Compliance" this definition only applies for the purpose of calculating the annual neighborhood landscape maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Commercial, Industrial, or Institutional Parcel has notified the City in writing by the preceding February 1st that it wishes to maintain its parcel's frontage landscaping during the immediate following fiscal year and the City Manager or his/her designee has determined that the Property Owner has maintained its Parcel's frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, in order for any Commercial, Industrial, or Institutional Parcel to be defined as a Non-Residential Parcel – In Compliance, all Non-Residential Parcels within a Tax Zone of CFD No. 2015-2 must also be defined as Non-Residential Parcel – In Compliance.

"Non-Residential Parcel – Out of Compliance" this definition only applies for the purpose of calculating the annual neighborhood landscape maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Non-Residential Parcel has not notified the City in writing by the preceding February 1st that it wishes to maintain its parcel's frontage landscaping during the immediate following fiscal year and the City Manager or his/her designee has determined that the Property Owner has not maintained its Parcel's frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, if any Non-Residential Parcel is defined as a Non-Residential Parcel – Out of Compliance, then all Non-Residential Parcels within a Tax Zone CFD No. 2015-2 will also be defined as Non-Residential Parcel – Out of Compliance.

"Property Owner" means the Property Owner of record per current County Assessor records unless more current information is available such as recorded deed of sale, etc.

"Proportionately" means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Undeveloped Property.

"Public Property" means, for each Fiscal Year: (i) any property within the boundaries of CFD No. 2015-2 that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2015-2 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"Residential Unit" means an individual building structure for residential or multi-family residential uses as defined per the County Assessor. An Accessory Unit that shares a Parcel with a Residential Unit shall not be considered a separate Residential Unit for purposes of this RMA.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"Single-Family Parcel" means a Parcel designated by the County Assessor as having a single-family residential land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Special Tax" means any tax levied within CFD No. 2015-2 to pay the Special Tax Requirement, and includes each Special Tax Component.

"Special Tax Component" means one of the following components of the Special Tax: Community Park Maintenance Tax, Streetlighting Maintenance Tax, Neighborhood Parks and Landscape Maintenance Tax, or Stormwater Maintenance Tax.

"Special Tax Requirement" means, for each Special Tax Component, the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services related to the Special Tax Component; (ii) Administrative Expenses attributable to the Special Tax Component; and (iii) amounts needed to cover any delinquencies in the payment of the Special Tax Component which occurred in the previous Fiscal Year or, based on delinquency rates in prior years, may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

"Taxable Property" or "Taxable Parcels" means all Assessors' Parcels within the boundaries of CFD No. 2015-2 that are not exempt from the Special Tax pursuant to law or Section E herein.

"Tax Zone" means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All the property within CFD No. 2015-2 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2015-2, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2015-2 shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into CFD No. 2015-2 that constitutes the property owner's approval and unanimous vote in favor of annexing into CFD No. 2015-2, the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2015-2 that are not classified as Developed Property.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within CFD No. 2015-2. The Administrator shall also determine: (i) whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, and (ii) the Special Tax Requirement for each Special Tax Component for the then-current Fiscal Year. Each Special Tax Component shall be levied only to pay for the related Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a Final Map or Parcel Map for a portion of property in CFD No. 2015-2 was recorded after the last date upon which the County Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or Parcel Map was recorded, the County Assessor does not yet recognize the new Parcels that will be created by the Final Map

or Parcel Map, and (iii) one or more of the newly-created Parcels would meet the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or Parcel Map by determining the Special Tax that applies separately to each new Parcel that will be created by that Final Map or Parcel Map, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or Parcel Map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property - The Fiscal Year 2017-18 Maximum Special Tax for each Special Tax Component for all Parcels of Developed Property shall be as shown in Table 1 below:

Table 1: Developed Property

Special Tax Component	Land Use Classification	FY 2017-18 Maximum Tax
Regional Park Maintenance Tax	Single-Family Parcel	$131.71 per Parcel
Regional Park Maintenance Tax	Condominium Parcel	$98.78 per Parcel
Regional Park Maintenance Tax	Multi-Family Parcel	$65.85 per Unit
Regional Park Maintenance Tax	Non-Residential Parcel	$395.12 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$290.85 per Parcel
Community Parks Maintenance Tax	Condominium Parcel	$218.13 per Parcel
Community Parks Maintenance Tax	Multi-Family Parcel	$145.43 per Unit
Community Parks Maintenance Tax	Non-Residential Parcel	$872.55 per Acre
Street Lighting Maintenance Tax	Single-Family Parcel	$57.42 per Parcel
Street Lighting Maintenance Tax	Condominium Parcel	$43.07 per Parcel
Street Lighting Maintenance Tax	Multi-Family Parcel	$28.72 per Unit
Street Lighting Maintenance Tax	Non-Residential Parcel	$172.27 per Acre
Neighborhood Parks and Landscaping Maintenance Tax	Single-Family Parcel	$0.00 per Parcel
Neighborhood Parks and Landscaping Maintenance Tax	Condominium Parcel	$0.00 per Parcel
Neighborhood Parks and Landscaping Maintenance Tax	Multi-Family Parcel	$0.00 per Unit
Neighborhood Parks and Landscaping Maintenance Tax	Non-Residential Parcel	$0.00 per Acre
Stormwater Maintenance Tax	Single-Family Parcel	$0.00 per Parcel
Stormwater Maintenance Tax	Condominium Parcel	$0.00 per Parcel
Stormwater Maintenance Tax	Multi-Family Parcel	$0.00 per Unit
Stormwater Maintenance Tax	Non-Residential Parcel	$0.00 per Acre

Mixed Use Parcels will have their Maximum Tax calculated each Fiscal Year based upon their combined uses on the Parcel. For example, if a one-acre parcel has commercial on the ground floor and 50 condominiums on the second floor the property owner will be charged the Non-Residential Parcel rate for one acre and the Condominium Parcel Rate for the 50 condominiums.

2. Undeveloped Property - The Fiscal Year 2017-18 Maximum Special Tax for each Special Tax Component for all Parcels of Undeveloped Property shall be as shown in Table 2 below:

Table 2: Undeveloped Property

Special Tax Component	Land Use Classification	FY 2017-18 Maximum Tax
Regional Park Maintenance Tax	Single-Family Parcel	$395.12 per Acre
Regional Park Maintenance Tax	Condominium Parcel	$296.34 per Acre
Regional Park Maintenance Tax	Multi-Family Parcel	$197.56 per Acre
Regional Park Maintenance Tax	Non-Residential Parcel	$197.56 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$872.55 per Acre
Community Parks Maintenance Tax	Condominium Parcel	$654.41 per Acre
Community Parks Maintenance Tax	Multi-Family Parcel	$436.28 per Acre
Community Parks Maintenance Tax	Non-Residential Parcel	$436.28 per Acre
Street Lighting Maintenance Tax	Single-Family Parcel	$172.27 per Acre
Street Lighting Maintenance Tax	Condominium Parcel	$129.20 per Acre
Street Lighting Maintenance Tax	Multi-Family Parcel	$86.14 per Acre
Street Lighting Maintenance Tax	Non-Residential Parcel	$86.14 per Acre
Neighborhood Parks and Landscaping Maintenance Tax	Single-Family Parcel	$0.00 per Acre
Neighborhood Parks and Landscaping Maintenance Tax	Condominium Parcel	$0.00 per Acre
Neighborhood Parks and Landscaping Maintenance Tax	Multi-Family Parcel	$0.00 per Acre
Neighborhood Parks and Landscaping Maintenance Tax	Non-Residential Parcel	$0.00 per Acre
Stormwater Maintenance Tax	Single-Family Parcel	$0.00 per Acre
Stormwater Maintenance Tax	Condominium Parcel	$0.00 per Acre
Stormwater Maintenance Tax	Multi-Family Parcel	$0.00 per Acre
Stormwater Maintenance Tax	Non-Residential Parcel	$0.00 per Acre

3. Escalation of Maximum Special Tax

On July 1, 2018, and each July 1 thereafter, the Maximum Special Tax for each Special Tax Component for the current Fiscal Year for Developed Property and Undeveloped Property shall be increased from the Maximum Special Tax for the respective Special Tax Component for the previous Fiscal Year by Consumer Price Index – All Urban Consumers (San Francisco-Oakland-San Jose, CA) (from February) with a minimum annual increase of three (3.00%) percent and a maximum annual increase of five (5.00%) percent for any given year.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for each Special Tax Component for that Fiscal Year and levy each Special Tax Component on all Parcels of Taxable Property as follows:

Step 1: Each Special Tax Component shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Special Tax for each Parcel of Developed Property for such Fiscal Year until the amount levied is equal to the Special Tax Requirement for such Special Tax Component;

Step 2: If additional revenue is needed after Step 1, each Special Tax Component shall be levied Proportionately on each Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for each Parcel of Undeveloped Property for such Fiscal Year until the amount levied, when combined with the amount of the Special Tax Component levied pursuant to Step 1, is equal to the Special Tax Requirement for such Special Tax Component.

The Special Tax for CFD No. 2015-2 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2015-2, and the Special Tax shall be subject to foreclosure if delinquent regardless of the manner in which it was collected.

E. EXEMPTIONS

No Special Tax shall be levied on Parcels of Public Property or any privately owned Parcels that are non-developable, such as common areas, wetlands, and open space, parks, etc. except as otherwise provided in this RMA and in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City through a resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

G. TERM OF THE SPECIAL TAX

The Special Tax shall be levied in perpetuity as necessary to pay the Special Tax Requirement.

H. REPEAL OF THE SPECIAL TAX

CFD No. 2015-2 was established to levy the Special Tax to finance the Authorized Services as a condition of the entitlement to develop the Developed Property in CFD No. 2015-2. If the levy of the Special Tax is repealed by initiative or any other action participated in by the owners of Parcels in CFD No. 2015-2, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied.

I. SEVERABILITY

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax shall not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which shall remain in full force and effect.

OAKLEY
CALIFORNIA

DATE: July 8, 2025

Approved and Forwarded to the City Council

TO: Joshua McMurray, City Manager

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

SUBJECT: Adopt a Resolution Authorizing the City Manager to execute a Consulting Services Agreement with HMH Engineers, Inc. to provide Construction Management Services for the East Cypress Road Widening (Jersey Island Road to Bethel Island Road) Project & East Cypress Road Widening at CCWD Canal Crossing Project – Capital Improvement Project Numbers 302 & 310

Background and Analysis

The City's adopted Fiscal Year (FY) 2025/26 Capital Improvement Program (CIP) Budget which designates funding for various infrastructure repair and replacement projects. This is consistent with the City's goals to improve the quality of the City's public infrastructure and to enhance the quality of life for our residents.

The improvements to East Cypress Road have been a key part of the City's CIP program as established by the City Council, and a top priority for the community to accommodate the growing needs of the residents of the East Cypress Road corridor.

East Cypress Road Widening (Jersey Island Road to Bethel Island Road) Project – CIP 302 is the largest and most expensive project that the City has undertaken that will bring the new East Cypress Road to the intersection with Bethel Island Road. This project will complement the East Cypress Road widening project at Jersey Island Road and Contra Costa Canal crossing – CIP 310 which is under construction.

CIP 302 went through its bidding process and a construction contract is scheduled to be awarded by the City Council on July 8, 2025. The construction of this project is anticipated to start in summer 2025 and will be completed by the end of 2026. To successfully execute the construction of these complex projects, additional resources are added to the project team to assist the staff. These include the services of civil engineering design and geotechnical engineering consultants.

The actual day-to-day construction of this project requires a Resident Engineer who oversees and manages the construction of the project, ensuring the work is completed according to plans and specifications. The Resident Engineer acts as the on-site representative of the City, managing the technical aspects, enforcing contract documents, monitoring expenses, and ensuring the successful execution of the project. Key responsibilities include supervising construction activities, ensuring quality control, managing project documentation, and maintaining communication with contractors and all stakeholders.

Staff worked with HMH engineers, Inc., who will be providing Resident Engineering services for the construction of CIP 302 and 310 and negotiated a proposal that will provide Resident Engineering services for this project for an amount of $373,800 as outlined in the attached proposal and scope of work.

Consistency with the Oakley Strategic Plan 27+

The approval of this agreement is consistent with the Oakley Strategic Plan under our Community Health and Safety Goal to provide safe streets in our city. East Cypress Road is a critical segment in the Oakley roadway infrastructure network that will serve existing and future communities in the eastern portion of Oakley.

Fiscal Impact

This item for CIP 302 budget was included in the FY 2025/26 budget with a total budget of $25,012,234. To date $336,613.25 has been spent or encumbered leaving a balance of $24,675,621.00 in the CIP 302 budget. This project is funded by General Capital Projects and Measure J funds.

This item for CIP 310, $9,500,000, was included in the FY 2023/24 budget from Traffic Impact fees, General Capital, Street Maintenance & Rehab and Gas Tax Funds. An Additional $1,500,000 was budget for FY 2025/26 from Traffic Impact Fees. To date $9,053,070.40 has been spent or encumbered leaving a balance of $1,946,930. No additional funding is needed at this time to fund the contract.

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving Consulting Services Agreement with HMH Engineers, Inc. to provide Resident Engineering services for East Cypress Road Widening (Jersey Island Road to Bethe Island Road) Project – CIP 302, East Cypress Road Widening and Canal Undergrounding Project, CIP 310 and to authorize the City Manager to execute the contract for an amount of $373,800.

Attachments

1) Resolution
2) HMH Engineers, Inc. Resident Engineer Services Proposal

RESOLUTION NO. __-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE PROPOSAL FROM HMH ENGINEERS, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTING SERVICES AGREEMENT WITH HMH ENGINEERS, INC. FOR RESIDENT ENGINEER SUPPORT SERVICES FOR THE CONSTRUCTION OF EAST CYPRESS ROAD WIDENING (JERSEY ISLAND ROAD TO BETHEL ISLAND ROAD) PROJECT – CAPITAL IMPROVEMENT NUMBER 302 AND EAST CYPRESS ROAD WIDENING AT CCWD CANAL CROSSING PROJECT -- CAPITAL IMPROVEMENT NUMBER 310

WHEREAS, the improvements and widening of East Cypress Road have been a priority of the City Council and a focus on the City's Capital Improvement Program; and,

WHEREAS, the construction contract for the East Cypress Road Widening (Jersey Island Road to Bethel Island Road) Project – CIP 302 will be awarded by City Council on July 8, 2025; and,

WHEREAS, a key part of the successful construction of this project is the services of the Resident Engineer who will manage the day-to-day construction of the project; and,

WHEREAS, staff have worked with HMH Engineers, Inc. and secured a proposal for Resident Engineering services for the construction of this project in the amount of $373,800; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley approving a consulting services agreement for $373,800 with HMH Engineers, Inc. associated with CIP Number 302 – East Cypress Road Widening Project (Jersey Island Road to Bethel Island Road) and CIP Number 310 East Cypress Road Widening and Canal Undergrounding Project and authorize the City Manager to execute the agreement, with the proposal attached hereto as Exhibit A is made part of this resolution.

PASSED, APROVED AND ADOPTED by the City Council of the City of Oakley at a meeting held on this 8th day of July 2025 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____ _____
Kim Snodgrass, City Clerk Date

June 24, 2025

Kevin Rohani, P.E.
Director of Public Works/City Engineer
City of Oakley, Public Works & Engineering Department
3231 Main Street
Oakley, CA 94561

Re: Resident Engineer Services for Construction Phase of CIP 302 & CIP 310 Canal Undergrounding & Roadway Widening Projects

Dear Mr. Rohani:

As part of HMH Engineers' ongoing staff augmentation, plan review, engineering consultation, and land surveying services, we have been asked to act as the Resident Engineer for the City's CIP 302 and 310 Canal Undergrounding & Roadway Widening Projects on E. Cypress Avenue. The knowledge and understanding of these projects we have gained during the plan review and approval phase allows us to transition into the next phase of the project and coordinate ongoing construction activities with the City of Oakley, associated agencies, and contractors.

HMH has key senior staff available that will be assigned to this effort. Staff resumes are included, as well as our current charge rate schedule.

HMH Engineers proposed to specifically provide the following services related to the Project:

Resident Engineer Services:

- Serve as the on-site representative for the City of Oakley
- Observe the construction activities. It is anticipated that HMH will be on-stie on Monday and Thursday of each week to review conditions and meet with the Contractor. Additional on-site meetings will be provided on an as needed basis.
- Based on observations, make recommendations to the City of Oakley regarding quality and completeness of construction, and adherence to project plans & specifications
- Construction Consultation.
- Monitor Schedule & Budget
- Coordinate weekly project construction meetings.

Project Management Services:

- Review and manage RFI and Material Submittals using the Procore platform.
- Coordination with stakeholders

The anticipated level of effort for these services is as follows:

Resident Engineer Services:

Stephan Kuehn, Principal, P.E.
- 20 hours per week
- $290/hour (Discounted to $170/hour)

Project Management Services:

Alyson Goulden, Engineer, Design Specialist
- 8 hours per week
- $198/hour

The anticipated duration of these services will be from July 2025 to December 2026.

This anticipated level of effort and duration results in the following proposed budgets:

CIP 302: **$249,200**

CIP 310: **$124,600**

Should you have any questions, please contact me directly at your convenience.

Sincerely,

HMH

Stephan Kuehn, P.E.
Vice President, Civil Engineering Manager

RESUME

Stephan has extensive experience as the principal engineer for multiple large master planned residential communities, retail centers, industrial and institutional developments throughout the bay area. His detail oriented approach provides practical solutions for project design and management from concept to construction. Much of Stephan's design and project management experience is in high density and urban infill developments. Keenly aware of the inherent competition for space among the project elements, Stephan emphasizes collaboration among consultants during design and coordination with agency staff to gain approvals. His interface and participation with local building officials and public works staff enable effective negotiation and timely processing. Stephan currently manages HMH's land development engineering department working on both public and private projects and is responsible for design oversight, quality control, scheduling and budgeting.

EXPERIENCE 25 years

EDUCATION B.S. Civil Engineering - California Polytechnic State University San Luis Obispo

Stephan Kuehn, PE
Principal

Civil Engineer California #57808

Building Industry Association

American Council of Engineering Companies

United States Green Building Council

Bay Area Certified Green Business

American Society of Civil Engineers

Homeland Security, FEMA Inspector

HMHCA.COM
408.487.2200
1570 oakland road
san jose ca 95131

CIVIL ENGINEERING
land use entitlements
land planning
land development
public works
landscape architecture
land surveying
stormwater compliance

RELEVANT PROJECT INVOLVEMENT

237 Industrial Center, *North San Jose, CA*
50 MW Data Center and Light Industrial Project on 65 acres in North San Jose/Alviso. This new facility, to be built in phases, is adjacent to Coyote Creek, Highway 237, and the San Jose Regional Wastewater Facility.

Communications Hill Residential Project Specific Plan, *San Jose, CA*
400 acre, mixed-use, pedestrian oriented project on Communications Hill, a well known promontory in Central San Jose.

Tesla, *Palo Alto, CA*
Facility upgrades including parking lots, outbound logistics facility, and Free Trade Zone improvements in support of upcoming Tesla Model 3 production and delivery.

Oakland Unified School District - Downtown Educational Complex, *Oakland, CA*
Stephan managed the civil engineering design of this new facility which replaced an existing preschool, elementary school, high school, and child development center. The Complex includes a multi-purpose great room, a small TV studio and a health clinic. This project was designed according to the State's high performance school standards (CHPS).

ACE Charter School, *San Jose, CA*
As the managing civil engineer for this middle school campus project (1.94 acre site), Stephan led the site design's engineering services for the construction and operation of a 22,000 square foot campus including 18 classrooms, an administration building, and associated parking.

August Boeger Middle School, *San Jose, CA*
Stephan managed the site expansion and site improvement project, which provided design features that addressed on-site ADA Compliance characteristics to accommodate children with physical disabilities and incorporated appropriate materials & construction specifications for safety and aethetics.

Alyson Goulden

Design Specialist, Public Works

Alyson Goulden is a design specialist with over a decade of experience in the architecture, engineering, and construction industry. Alyson has worked on public works and real estate development as both an engineer and a project manager, focusing primarily on projects in the Bay Area and Central Valley which positively impact the community. She specializes in the design and implementation of horizontal infrastructure, such as roads, bridges, utilities, and green infrastructure. Alyson has the ability to build and maintain strong relationships with clients, stakeholders, and community to ensure project success.

YEARS' EXPERIENCE: 14

WITH HMH: 2

EDUCATION

BS, Civil Engineering
Columbia University,

LICENSE/CERTIFICATIONS

Envision Sustainability Professional (ENV SP) #67951

OFFICE LOCATION

Headquarters
1570 Oakland Road
San Jose, CA 95131

PROFESSIONAL EXPERIENCE

Vasco Road Widening and Safe Streets, City of Livermore (under an On-Call Contract), Livermore, CA

Alyson serves as the design specialist on the Vasco Road Widening project which aims to improve local traffic congestion and increase safety for both motorists and bicyclists by adding a traffic lane and creating a separated bike lane. It also includes replacing a wide center median, relocating utilities, and improving drainage with stormwater management. Alyson's work covers the entire project scope, from managing subconsultants and design to interfacing with the City, and providing project management.

Arroyo Road Trail, City of Livermore (under an On-Call Contract), Livermore, CA

Alyson serves as the design specialist on the Arroyo Road Trail project which expands the existing Livermore Area Recreation & Park District trail network with a multi-use paved trail to close the gap between existing City trails and the Arroyo Del Valle Regional trail. The project includes constructing a new bridge over a seasonal creek and requires significant stakeholder engagement with neighboring properties and environmental agencies. Alyson's responsibilities span the entire project, from managing subconsultants and design approvals to City interface, facilitating environmental permitting and project management support.

BART Silicon Valley Phase II Extension, Valley Transportation Authority (VTA), San Jose, CA

Alyson is the civil lead for the 28th Street Station, one of four new stations in HMH's scope for the BART Silicon Valley Phase II Extension Project. Her responsibilities include managing the civil engineering design for all aspects of the at-grade station facilities. This encompasses accessible site grading, utilities, parking lot design, stormwater management, and close coordination with preceding contractors to determine handover conditions from underground works.

State Route 84 Bike and Pedestrian Overcrossing, City of Livermore (under an On-Call contract), Livermore, CA

Alyson led the State Route 84 Bike & Pedestrian Overcrossing project which studied the feasibility of a new overcrossing to connect multiple multi-use trails within the City's trail network. This required close analysis of various constraints including low-hanging electrical transmission lines, Caltrans clearance requirements, grading challenges, underground utility constraints, and construction staging. Alyson authored both the feasibility memo and the cost estimate, with support from the structural engineer for the bridge components.

RESUME

Tracy has broad experience in civil engineering and land surveying with HMH for twenty-one years. She is a Civil Engineering graduate who gained surveying experience early in her professional career and earned professional licenses in both disciplines to develop a unique and highly valued set of skills. As Senior Land Surveyor, her current responsibilities include the oversight of all survey mapping including preparation of tract maps, ALTA/ASCM surveys, corner records, record of surveys, condominium plans and plat maps and legal descriptions.

EXPERIENCE 21 years

EDUCATION B.S. Civil Engineering - Santa Clara University

Tracy Giorgetti, LS/PE

Senior Land Surveyor

Land Surveyor
California #8720

Civil Engineer
California #63214

California Land Surveyors Association

RELEVANT PROJECT INVOLVEMENT

Montague Expressway Roadway Widening, *Milpitas, CA*
As the Project Land Surveyor, Tracy reviewed title reports, provided easement plotting for 24 parcels; prepared a record boundary survey and prepared 70 plat maps and legal descriptions for right-of-way and public/private easement acquisitions.

Valley Transportation Authority (VTA) - Santa Clara County, California Santa Clara-Alum Rock and El Camino Bus Rapid Transit (BRT) Projects, *San Jose, Santa Clara, and Mountain View, CA*
Tracy prepared plat maps and legal descriptions, in VTA format, for the Santa Clara Alum Rock BRT project and prepared record right-of-way mapping for the El Camino BRT project that extended from Santa Clara to Palo Alto.

Bay Area Rapid Transit (BART), *San Jose, CA*
Tracy supervised topographic field surveys and coordinated pothole and as-built utility surveys for the Bay Area Rapid Transit (BART) Silicon Valley Berryessa Extension (SVBX). This project was administrated by VTA.

Caltrans Projects, *Bay Area, CA*
Tracy's experience also included: record mapping of Caltrans right-of-way, processing field topographic and 3D laser scanning data to produce a pavement survey exhibit for the I-880 Southbound High Occupancy Vehicle (HOV) project; Caltrans appraisal mapping with related legal descriptions for the I-880/Marina Boulevard Interchange; record of survey for US 101/ Bailey Avenue Interchange Improvements; and provided title report review and easement plotting, Caltrans appraisal/right-of-way/hard copy mapping, and prepared associated plat maps and legal descriptions for the I-880/Dixon Landing Interchange.

Various Survey Projects, *Bay Area, CA*

Alberta Ave, Sunnyvale
"Trellis" tract map

615 Tasman Drive, Sunnyvale
Tract map

1313 S. Wolfe Road, Sunnyvale
Parcel map

Washington Ave, Sunnyvale
Topographic survey for HydroScience for a water main replacement

Sunnyvale Downtown Streetscape Improvements, Sunnyvale
Topographic survey for the City of Sunnyvale

1190 Borregas Drive and 215 Moffett Park Drive, Sunnyvale
ALTA survey

HMHLASTUDIO.COM
408.487.2200
1570 oakland road
san jose ca 95131

LAND SURVEYING
land use entitlements
land planning
land development
public works
civil engineering
landscape architecture
stormwater compliance

CHARGE RATE SCHEDULE

Professional & Office	Per Hour
Principal	$290
Senior Land Development Manager - Planning	$282
Senior Land Development Manager	$272
Senior Civil Engineering or Land Surveying or Landscape Architect Manager	$264
Land Development Manager	$234
Civil Engineering, Land Surveying or Landscape Architect Manager	$230
Senior Planner	$240
Senior Civil Engineer, Land Surveyor, or Landscape Architect	$218
Engineering Design Specialist	$208
Design Specialist	$198
Project Planner	$218
Project Civil Engineer, Land Surveyor, or Landscape Architect	$198
Project Arborist	$200
Senior Engineer, Surveyor, or Landscape Designer	$200
Engineer, Planner, Surveyor, or Landscape Designer	$200
Assistant Engineer, Surveyor, Planner, or Landscape Designer	$166
Junior Engineer, Surveyor, Planner, or Landscape Designer	$156
Senior Technician	$168
Project Technician	$154
Technician	$144
Assistant Technician	$134
Junior Technician	$110
Intern	$102
Project Support Staff	$102

Field Services	Per Hour
2-Person Field Crew	$314
3-Person Field Crew	$410
1-Person Field Crew	$218
Field Survey Manager	$234
Senior Field Engineer	$208
Field Engineer	$180

Printing, Reproductions & Materials at Cost, Plus 20%
Transportation at Cost, including mileage based upon IRS rates
Other Outside Services at Cost, Plus 20%
Rates are subject to Adjustment July 1, 2026

DATE: July 8, 2025

TO: Joshua McMurray, City Manager

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

Approved and Forwarded to the City Council

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute a Consulting Services Agreement with Kimley-Horn to Provide Engineering Design Services for Capital Improvement Project (CIP) Number 268 – Main Street / Delta Road Intersection Signalization Project

Background and Analysis

The City's adopted Fiscal Year (FY) 2025/26 CIP designates funding for various infrastructure repair and replacement projects. This is consistent with the City's Strategic Goals to improve the quality of the City's public infrastructure and to enhance the quality of life for our residents.

The intersection of Main Street and Delta Road currently does not have a traffic signal. This intersection is identified as having a new traffic signal per the City's Traffic Impact Fee program. With the growth of the far east Oakley region and additional traffic that uses Delta Road for access to Main Street, a new traffic signal will improve safety and traffic circulation at this intersection.

City staff have selected Kimley-Horn as the best suited firm to design this important infrastructure improvement project. This firm has internal resources to not only perform the traffic signal design but also the other roadway and utility improvements that are needed for this project.

Staff negotiated the final scope of the design work and cost proposal for $145,229, which is a very competitive price for such a project in the current consulting market.

The design of this project will be performed during FY 2025/26 and the construction is anticipated to take place during FY 2026/27.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Community Health and Safety section goal to provide safe streets.

Fiscal Impact

This item was included in the FY 2025/26 budget with a total budget of $200,000. This project is funded by the Gas Tax (141) RMRA Fund. No additional funding is needed at this time to fund the contract.

Staff Recommendation

Staff recommend that the City Council adopt the resolution approving the proposal with Kimley-Horn for the design services associated with CIP No. 268 – Main Street / Delta Road Intersection Signalization Project to authorize the City Manager to enter into an agreement for a not to exceed amount of $145,229.

Attachments

1. Resolution
2. Kimley-Horn Proposal

RESOLUTION NO.___-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN AGREEMENT WITH KIMLEY-HORN FOR ENGINEERING DESIGN SERVICES ASSOCIATED WITH CAPITAL IMPROVEMENT PROJECT NUMBER 268 - MAIN STREET / DELTA ROAD INTERSECTION SIGNALIZATION PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT

WHEREAS, as part of the Fiscal Year (FY) 2025/26 Budget the City of Oakley approved a 5-Year Capital improvement Program (CIP); and

WHEREAS, Project Number 268 is to design the improvements for the Main Street/Delta Road Intersection Signalization Project; and

WHEREAS, staff solicited a proposal from Kimley-Horn, for the design of this project; and

WHEREAS, Kimley-Horn has submitted a proposal to prepare engineering design services for CIP Project Number 268 for an amount not to exceed $145,229; and

WHEREAS, This item was included in the FY 2025/26 budget with a total budget of $200,000. This project is funded by the Gas Tax (141) RMRA Fund. No additional funding is needed at this time to fund the contract.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the City Council of the City of Oakley hereby approves the proposal from Kimley-Horn, for engineering design services for CIP Project Number 268 for an amount not to exceed $145,229, in the form attached hereto as Exhibit A, and authorizing the City Manager to execute an Agreement.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of July 2025 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____ _____
Kim Snodgrass, City Clerk Date

Kimley»Horn

June 11, 2025

Mr. Kevin Rohani
City of Oakley
3231 Main St
Oakley, CA 94561
Re: Letter Agreement for Professional Services for
CIP #268 Main Street / Delta Road Intersection Signalization Project
3231 Main St, Oakley, CA 94561

Dear Mr. Rohani:

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "Consultant") is pleased to submit this Letter Agreement ("Agreement") to the City of Oakley ("Client") for providing final design services for the Main Street / Delta Road Intersection Signalization Project ("Project").

Project Understanding

Kimley-Horn understands that the client is seeking to signalize the existing intersection of Main Street and Delta Road and to provide Americans with Disabilities Act (ADA) compliant curb ramps at each corner. The Client is requesting Kimley-Horn's support in providing final design services and construction phase services for the Project.

Assumptions

Kimley-Horn's scope and fee are based on the following assumptions:

- The Client will provide any traffic counts, analysis, or signal warrants complaint with MUTCD to justify signal implementation.
- The Client will provide relevant as-built information.

If any of these assumptions are not correct, then the scope and fee will change.

Scope of Services

Kimley-Horn will provide the services specifically set forth below.

Task 1: Project Management
Kimley-Horn will supervise, coordinate, and monitor project design activities. We will work with the Client at the start of the project to establish the standards and policies which will guide the project development. We will submit monthly invoices and status updates. Kimley-Horn will perform QA/QC prior to each deliverable.

Kimley-Horn will attend up to five (5) coordination virtual meetings with the Client. This includes approximately three (3) coordination meetings with the Client and up to two (2) comment resolution meetings with the Client, up to the five (5) assumed meetings. We assume the project management task to run for 8 months to coincide with the submission of the Final PS&E (Plans, Specifications, and Estimate) Package to the Client.

Deliverables Task 1:

- *Invoices and Progress Reports*

Task 2: Utility Coordination

Kimley-Horn will coordinate with utility owners to obtain mapping and as-builts of facilities within the vicinity of the intersection. Kimley-horn will prepare mapping in AutoCAD of the existing utilities based on the information provided by the utility owners.

Tarrar Utility Consultants, as part of the Kimley-Horn team, will coordinate with PG&E and develop overhead utility plans for the project. They will prepare a joint pole relocation and a traffic signal service plan through the PG&E Work Requested by Others (WRO) and New Business Services process, respectively.

Task 3: Preliminary Design Package

Kimley-Horn will prepare a preliminary design package to confirm project features within the public right-of-way. This will include:

- Public roadway improvements, including sidewalks, curb ramps, and crosswalks.
- Placement of traffic signal equipment.
- Delineation of hardscape, landscape, and specialty paving.
- Signing and Striping Improvements
- Composite mapping of existing and proposed utility infrastructure.

The preliminary design effort identified in this task will be limited to work within the public right-of-way at the intersection. Plans will be prepared using a topographic survey and aerial imagery. The schematic design will be prepared to a 35% design level. Plans will be prepared at 1'=20' scale, and will include the following:

Cover Sheet to include project title, vicinity map, general notes, benchmark with basis of coordinates, dig alert information and legend of symbols on City's Title Block.

Civil Layout Plans to show the construction of project-specific elements. Plans will show horizontal layout of facilities, material types, and will label, dimension, and tabulate improvements.

Signing and Marking Plans to show proposed pavement delineation, striping reconstruction, crosswalk delineation, centerline stationing, location and depth of the identified spot reconstruction, if any, and pavement legends/arrows where the existing striping will be affected.

Electrical Plans to show proposed traffic signal improvements at the intersection of Main Street and Delta Road. For the preliminary design package, the plans will show only above ground equipment locations and pull boxes. When the plans are progressed in a future design submittal, Kimley-Horn will add conduit routing, conductor/conduit schedules, and pole/equipment schedules.

Conceptual Grading and Drainage Plans with proposed storm drainage improvements and limits of grading established on the plan.

Composite Utility Plans with impacts to storm, sewer, water, electric, telecommunication and fiber lines shown on the plan. This task does not include Joint Trench Designs, to be provided by others.

Civil Details to show the applicable city standard plans and design elements.

Preliminary **Opinion of Probable Construction Cost (OPCC)** will be prepared to confirm construction costs for the intersection improvements.

Deliverables Task 3:

- *Preliminary Plans (submitted in PDF Format)*
- *Preliminary OPCC (submitted in PDF Format)*

Task 4: 65% PS&E Package

Upon receipt of one (1) non-conflicting set of comments on the Preliminary Design, Kimley-Horn will schedule and attend a meeting to discuss the preliminary design comments and 65% construction documents package. Upon completion of the preliminary design review meeting, Kimley-Horn will begin the preparation of the 65% design level plans, specifications, and opinions of probable construction cost (PS&E) for the project improvements. The plans will be prepared in AutoCAD format and submitted to the City in PDF at half scale. We will utilize the City standard plan sheet borders with title block and general construction notes and CAD standards.

At this stage of the project, Kimley-Horn will initiate coordination with PG&E for service. It is assumed that preliminary application and design fees from PG&E will be handled by the City.

The anticipated breakdown of sheets for the 65% plans is as follows:
Cover Sheet, General Notes, Civil Layout Plans, Signing and Marking Plans, Electrical Plans, Grading and Drainage Plans, Composite Utility Plans, and Traffic Handling plans.

For the 65% technical specifications submittal, we will prepare the specifications based on the City boilerplate PART I and PART II specifications. The specifications will be prepared in Microsoft Word and will reference the latest City and Caltrans Standard Specifications.

For the 65% PS&E submittal, Kimley-Horn will prepare a Draft Stormwater Memorandum documenting the Project's status as a non-regulated Project based on requirements from the Municipal Regional Permit (MRP).

Deliverables Task 4:

- *Response to Preliminary Design Comments*
- *65% Plans (submitted in PDF Format)*
- *65% OPCC (submitted in PDF Format)*
- *65% Specifications (submitted in PDF and Microsoft word Format)*
- *Draft Stormwater Memorandum (submitted in PDF Format)*

Task 5: 95% PS&E Package

Upon receipt of one non-conflicting set of comments on the Preliminary Design, Kimley-Horn will schedule and attend a meeting to discuss the preliminary design comments and 95% construction documents package. Upon completion of the preliminary design review meeting, Kimley-Horn will begin the preparation of the 95% design level plans, specifications, and opinions of probable construction cost (PS&E) for the project improvements.

For the 95% PS&E submittal, Kimley-Horn will prepare the Final Stormwater Memorandum documenting the Project's status as a non-regulated Project based on requirements from the Municipal Regional Permit (MRP).

Deliverables Task 5:

- *Response to 65% PSE Comments*
- *95% Plans (submitted in PDF Format)*
- *95% OPCC (submitted in PDF Format)*
- *95% Specifications (submitted in PDF and Microsoft word Format)*
- *Final Stormwater Memorandum (submitted in PDF Format)*

Task 6: Issue For Bid (IFB) PS&E Package

It is anticipated that any comments resulting from the 95% design plan check will be editorial in nature and will be communicated via e-mail or discussed on a conference call. Any major design changes at this stage in the project will be considered additional services and will be completed for an additional fee upon receipt of written authorization from the City.

Deliverables Task 6:

- *Response to 95% PSE Comments*
- *Stamped, Signed, and Dated IFB Plans for City Signature (submitted in PDF Format)*
- *IFB OPCC (submitted in PDF Format)*
- *IFB Specifications (submitted in PDF and Microsoft word Format)*

Task 7: Construction Phase Services

Prior to construction, during the bidding phase, Kimley-Horn will prepare any necessary clarifications or addenda to the project plans.

In the event any addenda are issued, a conformed set of construction documents will be prepared.

Kimley-Horn will attend a pre-construction meeting to respond to contractor questions. During construction, Kimley-Horn will review contractor submittals, requests for information, and change orders. Kimley-Horn will conduct up to three (3) site visits and attend up to three (3) meetings during construction. A total of 50 hours has been included for this task. Any additional effort will be considered as additional services to be completed for an additional fee upon receipt of written authorization from the City.

Deliverables Task 7:

- *Written Clarifications and Responses to Prospective Bidders (submitted in PDF Format)*
- *Addenda to Bid Documents (submitted in PDF format)*
- *Written Recommendation for Award of Contract (submitted in PDF format)*
- *Conformed Construction Documents (submitted in PDF format)*
- *Submittal Reviews (submitted in PDF Format)*
- *RFI Responses (submitted in PDF format)*
- *Change Order Review (submitted in PDF format)*
- *Supplemental Construction Documents Correcting for Design Related Change Orders (submitted in PDF format)*

Services Not Included

Any other services, including but not limited to the following, are not included in this Agreement:

- Potholing
- Traffic Analysis and associated data collection
- Hydrology or Hydraulic analysis

Information Provided By Client

Kimley-Horn shall be entitled to rely on the completeness and accuracy of all information provided by the Client or the Client's consultants or representatives.

Schedule

Kimley-Horn will perform the services as expeditiously as practicable with the goal of meeting a mutually agreed upon schedule.

Activity	Timeline from NTP (NTP at 0 weeks)
Develop Preliminary Plan	+8 weeks
Develop 65% PSE*	+10 weeks
Develop 95% PSE*	+8 weeks
Develop IFB PSE**	+4 weeks
Issue Conformed Set	+2 weeks
Total (up to construction start)	32 Weeks

*Assumes 4-week city review period.
**Assumes 2-week city review period.

Fee and Expenses

Kimley-Horn will perform the services in Tasks 1 - 7 on a labor fee plus expense basis with the maximum labor fee shown below.

Task Number & Name		Fee	Type
1	Project Management	$11,270	Hourly, Not-to-Exceed
2	Utility Coordination	$12,540	Hourly, Not-to-Exceed
3	Preliminary Design Package	$17,505	Hourly, Not-to-Exceed
4	65% PS&E Package	$24,970	Hourly, Not-to-Exceed
5	95% PS&E Package	$18,805	Hourly, Not-to-Exceed
6	Issue For Bid PS&E Package	$5,785	Hourly, Not-to-Exceed
7	Construction Phase Services	$12,200	Hourly, Not-to-Exceed
	Direct Costs (Printing and Mileage/Travel)	$1,000	Expense
	Other Costs (Tarrar)	$23,100	Expense
	Other Costs (Unico)	$18,054	Expense
	Total	**$145,229**	

Kimley-Horn will not exceed the total maximum labor fee shown without authorization from the Client. However, Kimley-Horn reserves the right to reallocate amounts among tasks as necessary.

Labor fee will be billed on an hourly basis according to our then-current rates. Direct reimbursable expenses such as express delivery services, air travel, and other direct expenses will be billed at 1.15 times cost. A percentage of labor fee will be added to each invoice to cover certain other expenses as to these tasks such as telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Administrative time related to the project may be billed hourly. All permitting, application, and similar project fees will be paid directly by the Client. Should the Client request Kimley-Horn to advance any such project fees on the Client's behalf, an invoice for such fees, with a fifteen percent (15%) markup, will be immediately issued to and paid by the Client.

Payment will be due within 30 days of your receipt of the invoice and should include the invoice number and Kimley-Horn project number.

Closure

If you concur in all the foregoing and wish to direct us to proceed with the services, please provide Kimley-Horn with a Work Authorization for review and signature.

We appreciate the opportunity to provide these services. Please contact me if you have any questions.

KIMLEY-HORN AND ASSOCIATES, INC.

Blake Silkwood, P.E.
Associate
CA #C78272

DATE: July 8, 2025

TO: Joshua McMurray, City Manager

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

Approved and Forwarded to the City Council

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute a Consulting Services Agreement with Kimley-Horn to Provide Engineering Design Services for Capital Improvement Project (CIP) Number 211 – Main Street / Rose Avenue Intersection Signalization Project

Background and Analysis

The City's adopted Fiscal Year (FY) 2025/26 CIP designates funding for various infrastructure repair and replacement projects. This is consistent with the City's Strategic Goals to improve the quality of the City's public infrastructure and to enhance the quality of life for our residents.

The intersection of Main Street and Rose Avenue currently does not have a traffic signal. This intersection is identified as having a new traffic signal per the City's Traffic Impact Fee program. This intersection not only serves the traffic on Main Street and Rose Avenue, but also the maintenance facilities of Ironhouse Sanitary District and Diablo Water District that are located on the north side of Main Street.

The increased traffic flows at this intersection necessitate construction of a new traffic signal that will improve safety and traffic circulation at this intersection. As part of the recent collaborations between the City and Ironhouse Sanitary District, it was agreed that both agencies contribute funds towards the design of this project which has been budgeted as part of the FY 2025/26 City Capital Improvement budget.

City staff have selected Kimley-Horn as the best suited firm to design this important infrastructure improvement project. This firm has internal resources to not only perform the traffic signal design but also the other roadway improvements that are needed for this project.

Staff negotiated the final scope of the design work and cost proposal for $115,369, which is a very competitive price for such a project in the current consulting market.

The design of this project will be performed during FY 2025/26 and the construction is anticipated to take place during FY 2026/27.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Community Health and Safety section goal to provide safe streets.

Fiscal Impact

This item was included in the FY 2025/26 budget with a total budget of $200,000. This project is funded by the Main Street Fund. No additional funding is needed at this time to fund the contract.

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving the proposal with Kimley-Horn for the design services associated with CIP No. 211 – Main Street / Rose Avenue Intersection Signalization Project and to authorize the City Manager to enter into an agreement for a not to exceed amount of $115,369.

Attachments

1. Resolution
2. Kimley-Horn Proposal

RESOLUTION NO.___-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN AGREEMENT WITH KIMLEY-HORN FOR ENGINEERING DESIGN SERVICES ASSOCIATED WITH THE CAPITAL IMPROVEMENT PROJECT NUMBER 211 - MAIN STREET / ROSE AVENUE INTERSECTION SIGNALIZATION PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT

WHEREAS, as part of the Fiscal Year (FY) 2025/26 Budget the City of Oakley approved a 5-Year Capital improvement Program (CIP); and

WHEREAS, Project Number 211 is to design the improvements for the Main Street/Rose Avenue Intersection Signalization Project; and

WHEREAS, staff solicited a proposal from Kimley-Horn, for the design of this project; and

WHEREAS, Kimley-Horn has submitted a proposal to prepare engineering design services for CIP Project Number 211 for an amount not to exceed $115,369; and

WHEREAS, This item was included in the FY 2025/26 budget with a total budget of $200,000. This project is funded by the Main Street Fund. No additional funding is needed at this time to fund the contract.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the City Council of the City of Oakley hereby approves the proposal from Kimley-Horn, for engineering design services for CIP Project Number 211 for an amount not to exceed $115,369, in the form attached hereto as Exhibit A, and authorizing the City Manager to execute an Agreement.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of July 2025 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____ _____
Kim Snodgrass, City Clerk Date

Kimley»Horn

June 11, 2025

Mr. Kevin Rohani
City of Oakley
3231 Main St
Oakley, CA 94561
Re: Letter Agreement for Professional Services for
CIP #211 Main Street / Rose Avenue Intersection Improvement Project
3231 Main St, Oakley, CA 94561

Dear Mr. Rohani:

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "Consultant") is pleased to submit this Letter Agreement ("Agreement") to the City of Oakley ("Client") for providing final design services for the Main Street / Rose Avenue Intersection Improvement Project ("Project").

Project Understanding

Kimley-Horn understands that the client is seeking to signalize the existing intersection of Main Street and Rose Avenue and to provide Americans with Disabilities Act (ADA) compliant curb ramps at each corner. The Client is requesting Kimley-Horn's support in providing final design and construction phase services for the Project.

Assumptions

Kimley-Horn's scope and fee are based on the following assumptions:

- The Client will provide any traffic counts, analysis, or signal warrants complaint with MUTCD to justify signal implementation.
- The Client will provide relevant as-built information.

If any of these assumptions are not correct, then the scope and fee will change.

Scope of Services

Kimley-Horn will provide the services specifically set forth below.

Task 1: Project Management
Kimley-Horn will supervise, coordinate, and monitor project design activities. We will work with the Client at the start of the project to establish the standards and policies which will guide the project development. We will submit monthly invoices and status updates. Kimley-Horn will perform QA/QC prior to each deliverable.

Kimley-Horn will attend up to five (5) coordination virtual meetings with the Client. This includes approximately three (3) coordination meetings with the Client and up to two (2) comment resolution meetings with the Client, up to the five (5) assumed meetings. We assume the project management task to run for eight (8) months to coincide with the submission of the Final PS&E (Plans, Specifications, and Estimate) Package to the Client.

Deliverables Task 1:

- *Invoices and Progress Reports*

Task 2: Utility Coordination

Kimley-Horn will coordinate with utility owners to obtain mapping and as-builts of facilities within the vicinity of the intersection. Kimley-horn will prepare mapping in AutoCAD of the existing utilities based on the information provided by the utility owners.

Task 3: Preliminary Design Package

Kimley-Horn will prepare a preliminary design package to confirm project features within the public right-of-way. This will include:

- Public roadway improvements, including sidewalks, curb ramps, and crosswalks.
- Placement of traffic signal equipment.
- Delineation of hardscape, landscape, and specialty paving.
- Signing and Striping Improvements
- Composite mapping of existing and proposed utility infrastructure.

The preliminary design effort identified in this task will be limited to work within the public right-of-way at the intersection. Plans will be prepared using a topographic survey and aerial imagery. The schematic design will be prepared to a 35% design level. Plans will be prepared at 1'=20' scale, and will include the following:

Cover Sheet to include project title, vicinity map, general notes, benchmark with basis of coordinates, dig alert information and legend of symbols on City's Title Block.

Civil Layout Plans to show the construction of project-specific elements. Plans will show horizontal layout of facilities, material types, and will label, dimension, and tabulate improvements.

Signing and Marking Plans to show proposed pavement delineation, striping reconstruction, crosswalk delineation, centerline stationing, location and depth of the identified spot reconstruction, if any, and pavement legends/arrows where the existing striping will be affected.

Electrical Plans to show proposed traffic signal improvements at the intersection of Main Street and Rose Avenue. For the preliminary design package, the plans will show only above ground equipment locations and pull boxes. When the plans are progressed in a future design submittal, Kimley-Horn will add conduit routing, conductor/conduit schedules, and pole/equipment schedules.

Conceptual Grading and Drainage Plans with proposed storm drainage improvements and limits of grading established on the plan.

Composite Utility Plans with impacts to storm, sewer, water, electric, telecommunication and fiber lines shown on the plan.

Civil Details to show the applicable city standard plans and design elements.

Preliminary **Opinion of Probable Construction Cost (OPCC)** will be prepared to confirm construction costs for the intersection improvements.

Deliverables Task 3:

- *Preliminary Plans (submitted in PDF Format)*
- *Preliminary OPCC (submitted in PDF Format)*

Task 4: 65% PS&E Package

Upon receipt of one (1) non-conflicting set of comments on the Preliminary Design, Kimley-Horn will schedule and attend a meeting to discuss the preliminary design comments and 65% construction documents package. Upon completion of the preliminary design review meeting, Kimley-Horn will begin the preparation of the 65% design level plans, specifications, and opinions of probable construction cost (PS&E) for the project improvements. The plans will be prepared in AutoCAD format and submitted to the City in PDF at half scale. We will utilize the City standard plan sheet borders with title block and general construction notes and CAD standards.

The anticipated breakdown of sheets for the 65% plans is as follows:
Cover Sheet, General Notes, Civil Layout Plans, Signing and Marking Plans, Electrical Plans, Grading and Drainage Plans, Composite Utility Plans, and Traffic Handling plans.

For the 65% technical specifications submittal, we will prepare the specifications based on the City boilerplate PART I and PART II specifications. The specifications will be prepared in Microsoft Word and will reference the latest City and Caltrans Standard Specifications.

For the 65% PS&E submittal, Kimley-Horn will prepare a Draft Stormwater Memorandum documenting the Project's status as a non-regulated Project based on requirements from the Municipal Regional Permit (MRP).

Deliverables Task 4:

- *Response to Preliminary Design Comments*
- *65% Plans (submitted in PDF Format)*
- *65% OPCC (submitted in PDF Format)*
- *65% Specifications (submitted in PDF and Microsoft word Format)*
- *Draft Stormwater Memorandum (submitted in PDF Format)*

Task 5: 95% PS&E Package

Upon receipt of one non-conflicting set of comments on the Preliminary Design, Kimley-Horn will schedule and attend a meeting to discuss the preliminary design comments and 95% construction documents package. Upon completion of the preliminary design review meeting, Kimley-Horn will begin the preparation of the 95% design level plans, specifications, and opinions of probable construction cost (PS&E) for the project improvements.

For the 95% PS&E submittal, Kimley-Horn will prepare the Final Stormwater Memorandum documenting the Project's status as a non-regulated Project based on requirements from the Municipal Regional Permit (MRP).

Deliverables Task 5:

- *Response to 65% PSE Comments*
- *95% Plans (submitted in PDF Format)*
- *95% OPCC (submitted in PDF Format)*
- *95% Specifications (submitted in PDF and Microsoft word Format)*
- *Final Stormwater Memorandum (submitted in PDF Format)*

Task 6: Issue For Bid (IFB) PS&E Package

It is anticipated that any comments resulting from the 95% design plan check will be editorial in nature and will be communicated via e-mail or discussed on a conference call. Any major design changes at this stage in the project will be considered additional services and will be completed for an additional fee upon receipt of written authorization from the City.

Deliverables Task 6:

- *Response to 95% PSE Comments*
- *Stamped, Signed, and Dated IFB Plans for City Signature (submitted in PDF Format)*
- *IFB OPCC (submitted in PDF Format)*
- *IFB Specifications (submitted in PDF and Microsoft word Format)*

Task 7: Construction Phase Services

Prior to construction, during the bidding phase, Kimley-Horn will prepare any necessary clarifications or addenda to the project plans.

In the event any addenda are issued, a conformed set of construction documents will be prepared.

Kimley-Horn will attend a pre-construction meeting to respond to contractor questions. During construction, Kimley-Horn will review contractor submittals, requests for information, and change orders. Kimley-Horn will conduct up to three (3) site visits and attend up to three (3) meetings during construction. A total of 50 hours has been included for this task. Any additional effort will be considered as additional services to be completed for an additional fee upon receipt of written authorization from the City.

Deliverables Task 7:

- *Written Clarifications and Responses to Prospective Bidders (submitted in PDF Format)*
- *Addenda to Bid Documents (submitted in PDF format)*
- *Written Recommendation for Award of Contract (submitted in PDF format)*
- *Conformed Construction Documents (submitted in PDF format)*
- *Submittal Reviews (submitted in PDF Format)*
- *RFI Responses (submitted in PDF format)*
- *Change Order Review (submitted in PDF format)*
- *Supplemental Construction Documents Correcting for Design Related Change Orders (submitted in PDF format)*

Services Not Included

Any other services, including but not limited to the following, are not included in this Agreement:

- Potholing
- Traffic Analysis and associated data collection
- Hydrology or Hydraulic analysis

Information Provided By Client

Kimley-Horn shall be entitled to rely on the completeness and accuracy of all information provided by the Client or the Client's consultants or representatives.

Schedule

Kimley-Horn will perform the services as expeditiously as practicable with the goal of meeting a mutually agreed upon schedule.

Activity	Timeline from NTP (NTP at 0 weeks)
Develop Preliminary Plan	+8 weeks
Develop 65% PSE*	+10 weeks
Develop 95% PSE*	+8 weeks
Develop IFB PSE**	+4 weeks
Issue Conformed Set	+2 weeks
Total (up to construction start)	32 Weeks

*Assumes 4-week city review period.
**Assumes 2-week city review period.

Fee and Expenses

Kimley-Horn will perform the services in Tasks 1 - 7 on a labor fee plus expense basis with the maximum labor fee shown below.

Task Number & Name		Fee	Type
1	Project Management	$11,270	Hourly, Not-to-Exceed
2	Utility Coordination	$5,780	Hourly, Not-to-Exceed
3	Preliminary Design Package	$17,505	Hourly, Not-to-Exceed
4	65% PS&E Package	$24,970	Hourly, Not-to-Exceed
5	95% PS&E Package	$18,805	Hourly, Not-to-Exceed
6	Issue For Bid PS&E Package	$5,785	Hourly, Not-to-Exceed
7	Construction Phase Services	$12,200	Hourly, Not-to-Exceed
	Direct Costs (Printing and Mileage/Travel)	$1,000	Expense
	Other Costs (Unico)	$18,054	Expense
	Total	**$115,369**	

Kimley-Horn will not exceed the total maximum labor fee shown without authorization from the Client. However, Kimley-Horn reserves the right to reallocate amounts among tasks as necessary.

Labor fee will be billed on an hourly basis according to our then-current rates. Direct reimbursable expenses such as express delivery services, air travel, and other direct expenses will be billed at 1.15

times cost. A percentage of labor fee will be added to each invoice to cover certain other expenses as to these tasks such as telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Administrative time related to the project may be billed hourly. All permitting, application, and similar project fees will be paid directly by the Client. Should the Client request Kimley-Horn to advance any such project fees on the Client's behalf, an invoice for such fees, with a fifteen percent (15%) markup, will be immediately issued to and paid by the Client.

Payment will be due within 30 days of your receipt of the invoice and should include the invoice number and Kimley-Horn project number.

Closure

If you concur in all the foregoing and wish to direct us to proceed with the services, please provide Kimley-Horn with a Work Authorization for review and signature.

We appreciate the opportunity to provide these services. Please contact me if you have any questions.

KIMLEY-HORN AND ASSOCIATES, INC.

Blake Silkwood, P.E.
Associate
CA #C78272

DATE: July 8, 2025

Approved and Forwarded to the City Council

TO: Joshua McMurray, City Manager

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

SUBJECT: Adopt a Resolution Authorizing the City Manager to execute an Agreement with Lopez Maintenance Services LLC for Porter Service Maintenance at various City Parks and Facilities

Background and Analysis

This report recommends awarding the Porter Service Maintenance contract to Lopez Maintenance Services LLC for high-quality ongoing litter, trash removal, and restroom cleaning at City parks and facilities.

The City of Oakley is responsible for the maintenance and operations of nearly 40 public parks, an assortment of street medians and planter landscaping, multiple facilities, and parking lots, including the Civic Center Campus, Oakley Plaza, and other City-owned sites. It is of critical importance that the parks and facilities are maintained to high standards, which shows a positive image for the community and enhances the quality of life for the residents.

To efficiently and professionally maintain the City's parks, landscaping, and facility assets, the City utilizes the services of various maintenance contractors. The existing Porter Service Maintenance contract is expiring. To better align maintenance services with appropriate resources and ensure quality service for the community's parks and facilities; staff prepared a Request for Proposal (RFP) to clearly outline the City's expectations and invite qualified contractors to participate in the selection process for litter and trash removal and restroom cleaning services. The proposed contract covers a two-year term (FY 2025/26 and 2026/27) for these services at all City parks, medians, facilities, and parking lots.

On June 24, 2025, the City received four (4) proposals responding to the RFP. Staff conducted a detailed review of the proposals and qualifications, followed up on references, and completed a competitive and transparent procurement process to select the best maintenance contractor. After completion of this process, Lopez Maintenance Services LLC was selected as the best company to perform Porter Services for the City of Oakley.

Additional Context on Lopez Maintenance Services

Lopez Maintenance Services LLC has a strong track record with the City of Oakley, having successfully completed a variety of maintenance projects over the years. Our

Staff's experience with Lopez Maintenance Services LLC has been consistently positive, characterized by professional communication, responsiveness, and high-quality results. This company has demonstrated the capacity and experience to manage the scale of maintenance required by Oakley's diverse parks and facilities. Furthermore, they are a local Oakley business, which supports the City's commitment to fostering community investment and economic growth. Awarding this contract to a local firm aligns with Oakley's goal of promoting and sustaining local enterprises.

Consistency with the Oakley Strategic Plan 27+

This agreement supports several goals outlined in the Oakley Strategic Plan 27+, including the promotion of community health and safety through clean and well-maintained public spaces. It reflects the City's commitment to exceptional municipal services by using a structured, competitive selection process to ensure high-quality contractor performance. It also contributes to environmental stewardship by supporting regular litter removal and waste management practices that protect natural and built environments. In addition, the agreement demonstrates organizational excellence through strategic procurement and supports local economic vitality by awarding the contract to an Oakley-based business, reinforcing the City's commitment to community investment and local business growth.

Fiscal Impact

Approval of this resolution will accept the proposal and authorize the City Manager to execute an agreement with Lopez Maintenance Services LLC for an annual cost of $245,916. The funding to pay for the Porter Services will be provided from the City's Lighting and Landscape Districts (LLD) and Community Facilities Districts (CFD).

Staff Recommendation

Staff recommend that the City Council adopt the resolution approving the agreement with Lopez Maintenance Services LLC for Porter Services for the City's parks, landscaping, and facilities maintenance and authorize the City Manager to execute the agreement for $245,916 annually for Fiscal Years 2025/26 and 2026/27. If at the end of the term the services have been performed satisfactorily, the City Manager has the discretion to approve an extension of the agreement to June 30, 2029, under the same terms as the original agreement. Staff will monitor contractor performance regularly to ensure compliance with contract requirements and to maintain high service standards.

Attachments

1) Resolution

RESOLUTION NO. ___-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN AWARD OF CONTRACT WITH LOPEZ MAINTENANCE SERVICES LLC FOR PORTER MAINTENANCE SERVICES FOR CITY PARKS AND FACILITIES FOR FISCAL YEAR 2025/26 AND 2026/27 AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT

WHEREAS, the City of Oakley Public Works Department is responsible for the overall maintenance and operation of all City's Parks and Facilities; and

WHEREAS, this maintenance service has been provided by contractors, and the contract has come to its expiration and staff have issued a Request for Proposal (RFP) to get proposals from maintenance contractors for this service; and

WHEREAS, in response to the RFP and after Staff's review and analysis, it was determined that Lopez Maintenance Services LLC to be best suited for providing the Porter Services for City Parks and Facilities; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that the Maintenance Services agreement with Lopez Maintenance Services LLC for Porter Service Maintenance for City Parks and Facilities for an amount not to exceed $245,916 annually for Fiscal Year (FY) 2025/26 and 20226/27 is hereby approved, and the City Manager is authorized to execute said agreement. If at the end of the term the services have been performed satisfactorily, the City Manager has the discretion to approve an extension of the agreement to June 30, 2029, under the same terms as the original agreement.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of July 2025 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____ _____
Kim Snodgrass, City Clerk Date

DATE: July 8, 2025

Approved and Forwarded to the City Council

TO: Joshua McMurray, City Manager

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

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute a Consulting Services Agreement with Perkins, Williams & Cotterill Architects, Inc. for Architectural Design Services for Capital Improvement Project (CIP) Number 329 – City Hall Remodeling Project

Background and Analysis

The City's adopted Fiscal Year (FY) 2025/26 CIP designates funding for various infrastructure repair and replacement projects. This is consistent with the City's Strategic Goals to improve the quality of the City's public infrastructure and to enhance the quality of life for our residents.

This project will construct the facility improvements at City Hall that were deemed necessary in the Facility Assessment study performed in spring 2025. The improvements will include the remodeling of the Police Department reception area, expansion of the Police Department Evidence and Records office spaces and creating additional Police report writing office spaces, constructing a new Police conference and meeting room at the City Hall Courtyard; which will have a new roof and fully enclosed, the construction of a new Police Armory, and constructing new office space for the Economic Development Analyst. This project will also replace the carpets, paint the walls and install new cubicles in the Community Development and Public Works departments.

City staff have selected Perkins, Williams & Cotterill Architects, Inc. as the best suited firm to design this project. This firm was the original architect of City Hall and has been involved in the design of previous remodeling projects at City Hall.

Staff negotiated the final scope of the design work and cost proposal for $139,400, which is a very competitive price for such a project in the current consulting market.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Community Health and Safety goal section.

Fiscal Impact

This item was included in the FY 2025/26 budget with a total budget of $1,500,000. This project is funded by the General Capital Projects Fund. No additional funding is needed at this time to fund the contract.

Staff Recommendation

Staff recommend that the City Council adopt the resolution approving the proposal with Perkins, Williams & Cotterill Architects, Inc. for the design services associated with CIP No. 329 – City Hall Remodeling Project to authorize the City Manager to enter into an agreement for a not to exceed amount of $139,400.

Attachments

1. Resolution
2. Proposal

RESOLUTION NO.___-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN AGREEMENT WITH PERKINS, WILLIAMS & COTTERILL ARCHITECTS, INC. FOR ARCHITECTURAL DESIGN SERVICES ASSOCIATED WITH CAPITAL IMPROVEMENT PROJECT NUMBER 329 – CITY HALL REMODELING PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT

WHEREAS, as part of the Fiscal Year (FY) 2025/26 Budget the City of Oakley approved a 5-Year Capital improvement Program (CIP); and

WHEREAS, Project Number 329 is to design improvements for the remodeling of the Police Department and City Hall; and

WHEREAS, staff solicited a proposal from Perkins, Williams & Cotterill Architects, Inc., for the design of this project; and

WHEREAS, Perkins, Williams & Cotterill Architects, Inc. has submitted a proposal to prepare architectural design services for CIP Project Number 329 for an amount not to exceed $139,400; and

WHEREAS, this item was included in the FY 2025/26 budget with a total budget of $1,500,000. This project is funded by the General Capital Projects fund. No additional funding is needed at this time to fund the contract.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the City Council of the City of Oakley hereby approves the proposal from Perkins, Williams & Cotterill Architects, Inc., for architectural design services for CIP Project Number 329 for an amount not to exceed $139,400, in the form attached hereto as Exhibit A, and authorizing the City Manager to execute an Agreement.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of July 2025 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____ _____
Kim Snodgrass, City Clerk Date

PERKINS, WILLIAMS & COTTERILL, INC.
ARCHITECTS

July 1, 2025

Kevin Rohani, P.E.
City of Oakley
3231 Main Street
Oakley, CA 94561

Project: City of Oakley
City Hall Remodeling Project – CIP# 329
(Police Department Expansion)

Dear Kevin:

We are pleased to submit this proposal for architectural and engineering design services required for the above referenced project. This proposal is based on our discussions and Space Plan – SP1 dated 6/23/25.

PROJECT DESCRIPTION

The project consist of providing design services for a new addition and tenant improvement at 3231 Main Street in Oakley, CA. The new +/- 1,375 s.f. addition is located in the existing courtyard between the police department and the building department and city hall building. The new addition is anticipated to be seismically separated from the existing buildings with conventional wood frame construction and be designed as a Risk Category IV for an essential service building (PD). The existing mansard roof profiles adjacent to the courtyard are anticipated to be modified with new overbuild framing to allow water shed away from the new addition. We anticipate the existing roof structures have sufficient capacity to support the new overbuild framing. The tenant improvement scope includes changes to police department, city hall admin. area and within the new addition per the SP1 space plan prepared by PWC. Civil, Structural, Mechanical, Plumbing, and Electrical engineering is included with this design scope.

An add alternate fee is provided for a topo and boundary survey for the courtyard and the property that runs behind the police department and building department on the south side.

Fire sprinkler and fire alarm engineering will be developed design-build under direct contract with selected General Contractor.

Anticipate receiving an updated Geotech report for the site from the City. The new addition is anticipated to be supported on conventional pad and strip footings with non-structural slab on grade.

SCOPE OF WORK

Task I: Schematic Design

Task II: Construction Documents

Task III: Bidding Assistance

Task IV: Construction Support

FEE

Task I:	Schematic Design	
	Architectural	$ 11,500.00
	Structural	$ 6,400.00
	Mech./Plumbing	$ 4,800.00
	Electrical	$ 4,000.00
	Civil	$ 2,950.00
	Utility Locating	$ 4,700.00
	Subtotal Task I:	$ 34,350.00
Task II:	Construction Documents	
	Architectural	$ 28,500.00
	Structural	$ 22,300.00
	Mech./Plumbing	$ 9,100.00
	Electrical	$ 7,400.00
	Civil	$ 13,000.00
	Subtotal Task II:	$ 80,300.00
Task III:	Bidding Assistance	$ 5,000.00
Task IV:	Construction Support	
	Architectural	$ 7,000.00
	Structural	$ 5,800.00
	Mech./Plumbing	$ 2,200.00
	Electrical	$ 1,800.00
	Civil	$ 2,950.00
	Subtotal Task IV:	$ 19,750.00
TOTAL FEE:		**$139,400.00**
Task I-IV Reimbursable Budget		$ 2,000.00

Add Alternates:

Topo and Boundary Survey	$6,900.00
Additional Site Visits	$1,000.00

REIMBURSABLE EXPENSES

Reimbursable expenses including mileage, delivery services, reproduction, prints and plots, will be billed per fee schedule, Exhibit B. Additional site visits not included in this proposal shall be billed $1,000.00 per trip.

PAYMENTS

Invoices shall be issued on a monthly basis according to the percentage of work complete. Payments are due (30) thirty days net. Failure of client to submit full payment of an invoice beyond (60) days after the date thereof subjects the amount overdue to a delinquent account interest rate of one percent (1%) per month, compounded monthly. Fees unpaid beyond (120) one hundred twenty days shall be forwarded to a collection agency and all reasonable collection costs added to the invoice.

TERMINATION OF SERVICES

This agreement may be terminated by either party for cause or convenience upon (7) seven days written notice provided fee accrued is paid in full. At client's request, reproductions and all representations or instruments of service shall be delivered to client as a reimbursable expense.

ADDITIONAL SERVICES

All service beyond the scope of this proposal will be billed at hourly rates. Please refer to Exhibit B for current billing rates.

SUMMARY

We look forward to working with you on this project and hope this proposal meets your approval. If this proposal is acceptable, please sign and return to our office.

The proposed fees are valid for 60 days from the date of this proposal, after which PWC reserves the right to review and/or negotiate fees with the Client.

Sincerely,

Brian Williams, AIA
Architect – C26572

Approved:

☐ Task I
☐ Task II
☐ Task III
☐ Task IV

Accepted by:

_____
Name

_____
Title

_____
Date

Exhibit A

Architectural Scope of Services

Perkins, Williams & Cotterill, Inc. has expertise in the analysis and design of all elements associated with this project. We are available to provide architectural design services on any or all of the many elements, which comprise a finished building. Shown below is our understanding of the scope required for this project. If this scope is to be modified, we will be glad to revise our fee proposal to reflect any such change.

Task I Services To Include	Included	Not Included	Remarks
Schematic Design Phase:			
1. Prepare SD CAD floor plans, reflected ceiling plan and power/data location plan for client approval.	•		Based on approved space plan
2. Prepare SD CAD of site for client review.	•		
3. Prepare up to (3) SD interior finish palettes for client's review.	•		
4. Prepare SD finish plan based on selected finishes.	•		
5. Prepare SD exterior building elevations.	•		
6. Provide CAD base plans to design team for schematic design drawings.	•		
7. Prepare Structural SD roof framing and foundation plans.	•		
8. Prepare Civil SD for grading, drainage, utility and accessibility.	•		
9. Prepare Mechanical, Plumbing and Electrical SD plans.	•		
10. Prepare final schematic design drawings to client for review, comment and approval.	•		
11. Attend up to (2) conference call meetings with client this phase.	•		
12. Attend (1) site visit this phase.	•		For Arch and M/P/E
13. Site visit by Civil's subconsultant to mark detected utilities in the field project work.	•		For Utility locating

Task II Services To Include	Included	Not Included	Remarks
Construction Drawings Phase:			
1. Prepare construction drawings necessary to secure building permit.	●		Based on approved SD plans
2. Receive furniture vendor's furniture plan and incorporate into base floor plan.	●		New work stations are being provided by City
3. Prepare CAD base plans for design-team engineers use for construction documents.	●		
4. Prepare specifications on drawings.	●		
5. Prepare written book specifications.	●		
6. Prepare compliance checklist for CA Green Building Code.	●		G.C. assistance required for construction related activities
7. Finalize interior finish selections and prepare finish plan.	●		
8. Attend (1) meeting with client on site to review 50% construction drawings.	●		
9. Provide Structural engineering plans and calculations.	●		
10. Provide Civil engineering plans and specs.	●		
11. Provide Mechanical engineering and CA Title 24 documentation.	●		New RTU at addition
12. Provide Plumbing engineering for new roof drains.	●		
13. Provide Electrical engineering for lighting, power, telephone and computer conduit only.	●		
14. Provide Fire Alarm and Fire Sprinkler design.		●	Design-build approach
15. Submit remodel plans to building and fire department.	●		
16. Respond to plan check comments.	●		Up to (2) plan check reviews

Task II Services To Include	Included	Not Included	Remarks
Project Consultants:			
1. Structural Engineering	●		
2. Mechanical Engineering	●		
3. Electrical Engineering	●		
4. Plumbing Engineering	●		For roof drains
5. Civil Engineer	●		
6. Fire Sprinkler		●	Design-build under GC
7. Fire Alarm		●	Design-build under GC
8. Data/Phone/Security		●	By Client
9. Acoustical Engineering		●	
10. LEED consultant		●	

Task III Services To Include	Included	Not Included	Remarks
Bidding Assistance:			
1. The Architect agrees to assist the client in reviewing bids from construction firms for services on the project.	●		
2. Prepare general conditions and instructions to bidders.		●	By Client (City)
3. Attend (1) pre-bid conference with the client during this phase.		●	Available as additional service
4. Answer Request for Information questions during bid process.	●		
5. Attend contractor interviews to evaluate construction firms suitability for the project.		●	Available as additional service

Task IV Services To Include	Included	Not Included	Remarks
Construction Support Phase:			
1. Attend up to (2) construction site meetings by Architect.	•		
2. Attend up to (3) conference calls during construction with client/contractor team.	•		
3. Review and process submittals.	•		
4. Respond contractor's R.F.I.'s.	•		
5. Final job walk and punch list.	•		
6. As-built drawings.		•	Available as additional service
7. Attend up to (3) site visits to observe construction by Structural.	•		

Exclusions:

1. Signs, other than required by code including monument signs, building signs, interior signs, and directories.
2. Off-site improvements of any kind.
3. Furniture design and specifications.
4. Value engineering after plans are submitted for permit.
5. Agency fees of any kind.
6. Surveys, soils reports, title reports.
7. Life cycle cost analysis.
8. A/V design/coordination.
9. Cal Green commissioning.
10. Cost estimates.
11. Plan check/permit fees.
12. LEED services of any kind.
13. Joint trench design for utility company services design.
14. Coordination of utility service applications with utility service providers.
15. Solar sizing and layout design.
16. Preparing planning submittal drawings and submitting for planning design review and entitlements.
17. Lateral and additional strengthening analysis of existing building.

Exhibit B

Fee Schedule

(Effective January 2025)

Hourly Rates

Partner-in-charge	$ 205.00
Architect	$ 170.00
Project Manager	$ 145.00
Job Captain	$ 130.00
C.A.D. Drafter	$ 95.00
Clerical	$ 85.00

Outside Services

Hiring of Design/Engineering Consultants	Cost: 15% applied

Reimbursable Expenses

Outside Reproduction	Cost: 15% applied
Consultants Reproduction/Printing	Cost: 15% applied
Mileage	$ 0.70 per mile

In House Reproduction

15% applied

C.A.D.D. Plots:	
24 x 36 Color (ea.)	$ 40.00
30 x 42 Color (ea.)	$ 60.00
In house OCE prints	
24 x 36 (ea.)	$ 3.00
30 x 42 (ea.)	$ 4.25
In house prints	
8 ½ x 11 color (ea.)	$ 0.50
11 x 17 color (ea.)	$ 1.00
8 ½ x 11 b/w(ea.)	$ 0.25
11 x 17 b/w (ea.)	$ 0.75

Presentation Graphics

Display/Marketing Board (up to 30” x 40”)	$ 25.00 per board + cost of print
Materials Board - Exterior	$ 75.00 per board
Interior	$150.00 per board

DATE: July 8, 2025

Approved and Forwarded to the City Council

TO: Joshua McMurray, City Manager

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

SUBJECT: Adopt a Resolution approving the proposal from Sanbell, and authorizing the City Manager to execute Amendment Number 1 to the Consulting Services Agreement with Sanbell for additional design and construction support services related to the East Cypress Road Widening (Jersey Island Road to Bethe Island Road) Project – Capital Improvement Project 302

Background and Analysis

The City's adopted Fiscal Year (FY) 2025/26 Capital Improvement Program (CIP) Budget which designates funding for various infrastructure repair and replacement projects. This is consistent with the City's goals to improve the quality of the City's public infrastructure and to enhance the quality of life for our residents.

The improvements to East Cypress Road have been a key part of the City's CIP program as established by the City Council, and a priority for the community to accommodate the growing needs of the residents of the East Cypress Road corridor. This project is the largest and most expensive project that the City has ever undertaken.

On May 28, 2024, the City Council awarded an engineering design agreement with Sanbell, for the engineering design for the widening and improvements of East Cypress Road (Jersey Island Road to Bethel Island Road in the amount of $309,543.

During the past year, the design team of the Public Works engineering staff along with Sanbell engineers has been working expeditiously on the engineering design for the widening and improvements of East Cypress Road. The design for the widening of the East Cypress Road project, across all of its phases, has been on the fast track to meet the timeliness and commitments that have been made to the delivery of the improvements.

This project went through its bidding process and a construction contract is scheduled to be awarded by the City Council on July 8, 2025. The construction of this project is anticipated to start in summer 2025 and will be completed by the end of 2026.

Construction Support Services are an important element in this high-profile project because of the complexity of the design and coordination work involved. The following summary has been prepared to better understand the distribution of the work efforts for the construction of this project.

The key components of the construction for this project are:

- Day-to-day construction inspections: The City Engineering Inspector will monitor and inspect the contractor's daily work; measure and document quantities of material used on the project and ensure compliance with the plans and specifications.

- Coordination with the design team during construction: City Engineering staff will work closely with the contractor, businesses, and the design team to provide responses to inquiries and questions that may arise during the course of the project's construction.

- Construction Support Services: This work requires the project consultant to review all shop drawings and various product submittals for the construction, provide design clarifications and information, and attend various meetings.

In order to ensure consistency and quality control as the project moves forward into the construction phase, staff now propose amending the Sanbell contract to include support for the construction phase of the project from this firm.

Sanbell will be assigned the task of providing additional Design and Construction Support Services for this project along with their sub-consultants for an additional amount of $430,808 for a not to exceed contract total of $740,351, as outlined in the attached proposal and scope of work.

Consistency with the Oakley Strategic Plan 27+

The approval of this agreement is consistent with the Oakley Strategic Plan under our Community Health and Safety Goal to provide safe streets in our City. East Cypress Road is a critical segment in the Oakley roadway infrastructure network that will serve existing and future communities in the eastern portion of the City.

Fiscal Impact

This item was included in the FY 2025/26 budget with a total budget of $25,012,234. To date $336,613.25 has been spent or encumbered leaving a balance of $24,675,621. The project is funded by General Capital Projects and Measure J funds. No additional funding is needed at this time to fund the contract.

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving Amendment Number 1 to the Consulting Services Agreement with Sanbell, to provide additional design and construction support services for East Cypress Road Widening (Jersey Island Road to Bethe Island Road) Project – CIP 302 and to authorize the City Manager to execute the contract amendment for an additional amount of $430,808 for a not to exceed total contract amount of $740,351.

Attachments

1) Resolution
2) Sanbell Construction Support Services Proposal

RESOLUTION NO. __-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE PROPOSAL FROM SANBELL AND AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NUMBER 1 TO THE CONSULTING SERVICES AGREEMENT WITH SANBELL FOR ADDITIONAL DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR THE EAST CYPRESS ROAD WIDENING (JERSEY ISLAND ROAD TO BETHEL ISLAND ROAD) PROJECT – CAPITAL IMPROVEMENT NUMBER 302

WHEREAS, On May 28, 2024, the City Council approved the design contract with Sanbell, for Capital Improvement Project (CIP) Number 302 East Cypress Road Widening (Jersey Island Road to Bethel Island Road) Project; and,

WHEREAS, the Public Works engineering staff have been working with the Sanbell engineers on the design and bidding of this project with anticipation that the construction will start in summer 2025; and,

WHEREAS, the construction of CIP 302 is a multifaceted process, and in order to ensure consistency and quality control as the project moves forward into the construction phase with its many components, Construction Support Services are needed from Sanbell; and,

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley approving Amendment 1 of the design agreement for $430,808 for additional design and construction support services with Sanbell associated with CIP Number 302 – East Cypress Road Widening Project (Jersey Island Road to Bethel Island Road) and to authorize the City Manager to execute the agreement, with the proposal attached hereto as Exhibit A is made part of this resolution.

PASSED, APROVED AND ADOPTED by the City Council of the City of Oakley at a meeting held on this 8th day of July 2025 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____
Kim Snodgrass, City Clerk

_____
Date

June 20, 2025

VIA EMAIL
Kevin Rohani
City Engineer - City of Oakley
3231 Main Street
Oakley, CA 94561
Email: Saengchalern@ci.oakley.ca.us

Subject: **CIP 302 – East Cypress Road Improvements Project**
Additional Services Request - Engineering and Construction Support Services

Dear Ms. Saengchalern,

We are writing to you regarding the East Cypress Road (ECR) CIP 302 project to request your consideration for additional services budget. Our team proposes to provide the following services to support the bidding process and construction phase of the project:

1. **Bid Support including Addendums and Coordination with Developer.**
   a. Assist during the bidding phase by preparing Addendums to clarify design intent and address bidder inquiries.
   b. Issue updated Bid Set Revisions as necessary throughout the bidding process.
   c. Updated cost estimates.
   d. Coordination on Drainage Release easement from ACD-TI.
   e. Pre-bid services:
      i. Design changes for ISD on tie-in at the Sewer Force Main Lower vault.
      ii. Additional design details for extending the vault.
      iii. Revised grading along Bethel Island Road
      iv. Revised grading on the northside of East Cypress west of Bethel Island Road to change sidewalk.

2. **Conformed Set**
   a. Prepare a final Conformed Set incorporating all Addenda for use during construction.
   b. Finalize Conformed Specs

3. **RFIs**
   a. Provide timely and thorough responses to Contractor Requests for Information (RFIs) to maintain construction progress and ensure consistency with the project design.

4. **Submittals**
   a. Review Contractor Submittals for conformance with design documents and specifications, including shop drawings, material certifications, and product data. Submittals include Storm Drainage Submittals, Water Submittals, Sewer Force Main Submittals, Import Soil submittals, Class 2 Aggregate Base, HMA Mix, Concrete Mix Designs for sidewalk, foundations, retaining walls, headwalls etc.

5. **Coordination Meetings & Project Management**
   a. Attend coordination meetings with the City, Diablo Water District, Ironhouse Sanitary District, PG&E Gas Distribution, PG&E Electric, PG&E-Gas Transmission, ACD-TI and other stakeholders throughout the construction period (August 2026 through October 2027).
   b. Manage project documentation, action items, and communications to ensure project objectives are met.

6. **Drainage Report and Calculations:**
   Balance will compile and review project plans and pertinent CAD files from Sanbell and compile the modeling work map. This includes compilation of the required model parameters, which will then be used as input for a consolidated hydrologic and hydraulic model of the drainage system. The modeling will be completed using the XPSWMM software so as to be consistent with the drainage modeling previously completed for Phase 1 of the adjacent Grand Cypress Preserve Project. Model runs will be completed for both 10- and 100-year design events using the methodology of the Contra Costa County Flood Control and Water Conservation District. A draft and final version of the drainage report will be prepared and submit for project approvals.

7. **Landscape and Planting Construction Support + Bid support**
   Gates will provide bid and construction support services:

   a. Review of submittals and respond to RFI's. Preparation of clarification drawings, coordination with City, Contractor and project team.
   b. A representative from GATES will make two (2) site visits to the site (4 hours each) during and at the completion (punch walk closeout) to ascertain if the landscape work is generally proceeding in conformance with the drawings and specifications. On the basis of such on-site observations, as landscape architect, GATES will keep the City informed of the progress and quality of the work.
   c. Gates will prepare and submit record drawings after project completion.

8. **JDH Corrosivity Evaluation, Technical Assistance, and System Checkout**
   a. On-site Inspection: JDH will perform on-site inspection to measure in-situ soil resistivities at selected locations throughout the project site using the Wenner 4-pin technique. In-situ soil resistivities will be measured to a depth of 15 feet

and Barnes Layer calculations will be utilized to determine the variation of resistivity versus soil depth.

b. Corrosivity Evaluation: JDH will evaluate the results of the in-situ soil resistivities and determine the corrosivity of the soils at the site to the proposed underground utilities and associated appurtenances.
c. Engineering Report: An engineering report will be prepared which will provide a summary of the field data collected and an analysis of this data. The potential for corrosion on the underground utilities will be determined based on the analysis and recommendations for the long-term prevention of corrosion will be included. All fieldwork and recommendations will be in compliance with NACE (National Association of Corrosion Engineers) and Local Water District Corrosion Control Standards.
d. Technical Assistance during construction & System checkout and Certification: JDH will provide on-site installation assistance during construction to ensure that the specified systems are installed correctly. JDH will provide assistance with material procurement if needed with exothermic welding procedures as well. Perform a system checkout following installation and prepare checkout report that contains the base line potentials for the subject buried water mains and fittings (i.e. “On” and “Off” potential measurements). The checkout report and Letter of Certifications following the final system checkout certifying that the subject corrosion control systems have been designed and installed in accordance with NACE and Local Water District Corrosion Control Standards. This letter will be signed and stamped by a Licensed Corrosion Engineer.
e. JDH will prepare and submit record drawings after project completion.

9. Structural Engineering Support

MP Structural Engineers will provide technical support for construction of the retaining wall and the culvert headwalls. MP Structural will perform one (1) site visit during construction. MP Structural will review and respond to submittals relating to structural. MP Structural will prepare and submit record drawings after project completion.

10. Traffic Signal Engineer Support Services

MPB Engineers will review and respond to submittals for Signal, Lighting, Pull boxes, conduits and conductors. MPB will attend two (2) MS teams meetings. MPB will prepare and submit record drawings after project completion.

11. Additional Design During Construction

a. Provide design modifications and supplemental drawings as needed to accommodate field conditions, unforeseen circumstances, or Owner-directed changes encountered during construction.

12. Change Order Review

a. Review Contractor Change Order Requests for accuracy, necessity, and cost reasonableness to safeguard the project budget and schedule.

13. Coordination with CIP 310 Project by CIP 302 Project

Attend coordination meetings between CIP 310 and CIP 302 project contractors to review staging.

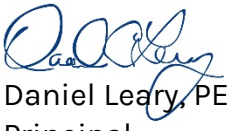
14. Punch walk and Closeout & Record Drawings

Attend final punch walk meeting with Contractor, City Inspector, and Team. Provide punch list items to the City. City to backcheck the final closeout items. Sanbell will prepare record drawings and coordinate with subconsultants to issue final record drawings.

Please see attached for your review of our proposed budget spreadsheet. Our team will work to efficiently deliver the construction support services and track labor associated with each task. The level of construction support needed by the City may vary on each task based on factors such as the Contractor's project engineer and field supervisor experience and capabilities. The estimated hours shown in the attached labor spreadsheet may be distributed differently as work progresses. We will inform the City of our T&M budget status on a monthly basis.

Thank you for offering Sanbell the opportunity to continue services on the CIP 302 project. We appreciate your time in evaluating our fee proposal. If you have any questions or comments, please feel free to contact me or Anoop Reddy Admal, PE at 925.685.4569

Sincerely,



Daniel Leary, PE PTOE QSD
Principal

EXHIBIT A

City of Oakley, CA

East Cypress Road - CIP 302

Additional Services Request - Engineering and Construction Support Services

06/20/2025

#	TASKS	LABOR														SUBCONSULTANTS					ODCs	Mark Ups	Total
	Task Description	Prin Eng II	Prin Eng I	Prof. Eng III	Prof. Eng II	Prof. Eng I	Eng III	Eng I	Assist Eng II	Survey Tech III	Survey Tech II	Prof Land Surv	Survey Crew	Total Hours	Sanbell Labor	JDH (Corrosion)	Gates (Landscape)	MPB Design (Elect + Traffic)	Balance (Hydrology)	MP Structural (Structural)	Other Direct Costs	10% Sub Mark Up	Total Budget
		$280	$248	$240	$228	$218	$202	$166	$162	$179	$150	$247	$398			LS Fee	LS Fee	LS Fee	LS Fee	LS Fee			
1	Additional Bid Support Services & Addendums	4	40		84									128	$30,192		$17,863					$1,786	$49,842
2	Conformed Set		24		40									64	$15,072							$0	$15,072
3	RFI's	12	72		84			120						288	$60,288						$500	$50	$60,838
4	Submittals	8	84		124				140					356	$74,024							$0	$74,024
5	Coordination Meetings & Project Management	16	48			84								148	$34,696						$500	$50	$35,246
6	Drainage Report and Calculations														$0				$14,500			$1,450	$15,950
7	Landscape and Planting Construction Support + Design Labor during bid support														$0		$18,500				$500	$1,900	$20,900
8	JDH Corrosivity Evaluation, Technical Assistance and System Checkout														$0	$12,755					$500	$1,326	$14,581
9	Structural Engineering Support														$0					$8,500		$850	$9,350
10	Traffic Signal Engineer Support Services														$0			$9,500			$200	$970	$10,670
11	Additional Plan Changes during construction	4	40		60	96	54				8	16	8	286	$64,892							$0	$64,892
12	Change Order Review	2	12	4		44								62	$14,088							$0	$14,088
13	Coordination with CIP 310 Project by CIP 302 Project	2	8		40									50	$11,664							$0	$11,664
14	Punchwalk and Closeout & Record Drawings		16			64			96					176	$33,472						$200	$20	$33,692
		48	**344**	**4**	**432**	**288**	**54**	**120**	**236**	**0**	**8**	**16**	**8**	**1558**	**$338,388**	**$12,755**	**$36,363**	**$9,500**	**$14,500**	**$8,500**	**$2,400**	**$8,402**	**$430,808**

Notes:

Distribution of Hours may vary during the performance of the services

Billing rates will have 3.5% escalation at each calendar year

DATE: July 8, 2025

Approved and Forwarded to the City Council

TO: Joshua McMurray, City Manager

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

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute a Consulting Services Agreement with BSK Associates to Provide Material Testing and Special Inspections for the East Cypress Road Widening (Jersey Island Road to Bethel Island Road) Project – Capital Improvement Project Number 302

Background and Analysis

The City's adopted Fiscal Year (FY) 2025/26 Capital Improvement Program Budget designates funding for various infrastructure repair and replacement projects. This is consistent with the City of Oakley's Strategic Plan to improve the quality of the City's public infrastructure and to enhance the quality of life for our residents.

The improvements to East Cypress Road have been a key part of the City's CIP program as established by the City Council, and a priority for the community to accommodate the growing needs of the residents of the East Cypress Road corridor. This project is the largest and most expensive project that the City has ever undertaken.

During the past year, the Public Works design team has been working expeditiously on the engineering design for the widening and improvement of East Cypress Road (Jersey Island Road to Bethel Island Road). The design for this project has been on the fast track to meet the timeliness and commitments that have been made to the delivery of the improvements. With the completion of the project design and bidding of the project, the award of the construction contract is scheduled for the City Council meeting on July 8th.

During the construction of this project, one of the key elements to ensure the successful execution of the project is the materials testing and special inspections. This task is to test the construction materials, such as asphalt, aggregate base, and concrete at both the production plant and at the job site. This is to ensure the materials that are brought to the project site and used are in accordance with the project specifications and required certifications. In addition, this project requires importing of over 100,000 CY of soil to the site that will need to pass project specifications and testing as needed.

Staff have solicited a proposal from BSK Associates who specialize in providing testing of materials and special inspection services to municipalities in the Bay Area, including the City of Oakley. This firm has worked on previous Oakley projects and has performed very well and provided excellent service. BSK Associates submitted a proposal for a comprehensive scope of services to cover the materials testing and special inspection needs of this project.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Community Health and Safety goals.

Fiscal Impact

This item was included in the FY 2025/26 budget with a total budget of $25,012,234. To date $336,613.25 has been spent or encumbered leaving a balance of $24,675,621. The project is funded by General Capital Projects and Measure J funds. No additional funding is needed at this time to fund the contract.

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving a consulting services agreement with BSK Associates for an amount not to exceed $274,167.00 and authorizing the City Manager to execute the agreement.

Attachments

Attachment 1 - Resolution
Attachment 2 – BSK Associates Proposal

RESOLUTION NO. __-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING A CONSULTING SERVICES AGREEMENT WITH BSK ASSOCIATES FOR MATERIALS TESTING AND SPECIAL INSPECTIONS FOR THE EAST CYPRESS ROAD (JERSEY ISLAND ROAD TO BETHEL ISLAND ROAD) PROJECT – CAPITAL IMPROVEMENT PROJECT (CIP) NUMBER 302

WHEREAS, the improvements and widening of East Cypress Road have been a priority of the City Council and a focus on the City's Capital Improvement Program; and

WHEREAS, the construction contract for the East Cypress Road Widening (Jersey Island Road to Bethel Island Road) Project – CIP 302 will be awarded by City Council on July 8, 2025; and

WHEREAS, a key part of the project construction is Materials Testing and Special Inspections to ensure the project is constructed in accordance with City standards and specifications; and

WHEREAS, staff have worked with BSK Associates and secured a proposal for Materials Testing and Special Inspections for this project in the amount of $274,167; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oakley that the Consulting Services Agreement with BSK Associates for the Materials Testing and Special Inspections for the CIP 302 Project for an amount not to exceed $274,167 is approved, and the City Manager is hereby authorized to execute an Agreement.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of July 2025 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____ _____
Kim Snodgrass, City Clerk Date

399 Lindbergh Ave.
Livermore CA 94551
P 925.315.3151
www.bskassociates.com

MEMORANDUM

TO: Kevin Rohani, PE, City of Oakley
FROM: Cristiano Melo, PE, GE
CC: Billilee Saengchalern, City of Oakley
Michael Kibbey, BSK Associates
Omar Khan, BSK Associates
DATE: June 20, 2025
SUBJECT: Combined Proposals
East Cypress Road Widening, Jersey Island Road to Bethel Island Road (CIP 302)
Oakley, CA

Dear Mr. Rohani,

Attached find the following proposals:

- Proposal dated June 20, 2025, entitled *Special Inspection and Materials Testing Services, East Cypress Road Widening (CIP 302), East Cypress Road from Jersey Island Road to Bethel Island Road, Oakley, CA 94561* (BSK Proposal No. C25000825).
- Proposal dated June 20, 2025, entitled *Proposal for Limited Geotechnical Engineering Design Services East Cypress Road Widening – Jersey Island Road to Bethel Island Road (CIP 302) Oakley, California,* (BSK Proposal No. P25000830).

The estimated fees for these proposals are $231,567* and $42,600** (combined estimated fee of $274,167). If these proposals meet with your approval, please issue a PO for BSK's current on-call contract with the City covering the services discussed in the attached proposals in the amount of **$274,167** to be charged on a time and materials basis not to be exceeded without prior authorization in accordance with our contract rates with the City.

Should you have any questions, please contact me at 925-315-3151.

Respectfully submitted,
BSK Associates

Cristiano Melo, PE, GE
Branch Manager

Notes:
* This amount includes our suggested 20% competency.
** This amount includes optional tasks presented in the proposal.

399 Lindbergh Avenue
Livermore, CA 94551
925.315.3151
www.bskassociates.com

June 20, 2025

BSK Proposal C25000825

Ms. Billilee Saengchalern
City of Oakley
3231 Main Street
Oakley, CA 94561

SUBJECT: Special Inspection and Materials Testing Services
East Cypress Road Widening (CIP 302)
East Cypress Road from Jersey Island Road to Bethel Island Road
Oakley, CA 94561

Dear Ms. Saengchalern:

BSK Associates is pleased to submit this proposal for Special Inspection and Materials Testing Services required for the *East Cypress Road Widening (CIP 302)* in *Oakley, CA*. We have developed this proposal package specifically with your needs in mind and based on our review of the provided project plans and specifications (Dated 5/12/2025), correspondence with you regarding the project, and our prior experience with projects of this size and nature. Based on conversations with you, BSK has assumed that we will be taking over the role of Geotechnical Engineer-of Record (GEOR) for this project and have included that as part of our scope of services.

For your approval, we have included our scope of services and fee estimate, our basis for invoicing, and an authorization and acceptance form for our agreement. Should a detailed project schedule become available, BSK would appreciate the opportunity to confirm our estimate fits the final requirements of the project. Rates not specifically quoted will be charged per our Schedule of Fees with the City of Oakley, which is attached. The hourly rates/charges quoted are for the project duration. It is our understanding that there is no Project Labor Agreement in-place on this project, and that the project is subject to State of California prevailing wage requirements as determined by the Department of Industrial Relations.

In order for BSK to assist you in reducing exclusions from our Final Report, a copy of the project Testing and Inspection Sheet (prepared by the Structural Engineer, Architect and/or Building Official) should be submitted to our office prior to our first site visit. Further, our technicians are required to note they are referring to Approved Plans during their site inspections; a copy should be made available at the project site or fabrication location.

We appreciate the opportunity to submit this proposal. If you should have further questions or comments, please give us a call. We appreciate the opportunity to work with you. We will schedule the work upon your return of a task order referencing our MSA with the City.

Respectfully submitted,
BSK Associates

Michael Kibbey
Construction Services Group Manager

Cristiano Melo, PE, GE
Branch Manager

Enclosure
Scope of Services and Fee Estimate
Basis for Invoicing
City of Oakley Schedule of Fees

SCOPE OF SERVICES AND FEE ESTIMATE
East Cypress Road Widening (CIP 302)
East Cypress Road from Jersey Island Road to Bethel Island Road, Oakley, CA

PRE-FIELD SERVICES	DAYS	HRS/DAY	HOURS	RATE	EXTENSION
Review Geotechnical Report, Plans, and Spefifications					
Principal (Geotechnical Engineer)	1	8	8	$294.00	$2,352.00
Issue Letter Taking Over the Role of Geotechnical Engineer-of-Record					
Principal (Geotechnical Engineer)	1	2	2	$294.00	$588.00
				PRE-FIELD SERVICES ESTIMATE	$2,940.00
FIELD SERVICES	**DAYS**	**HRS/DAY**	**HOURS**	**RATE**	**EXTENSION**
Pre-Construction Meeting					
Project Manager	1	4	4	$258.00	$1,032.00
Trip Charge (Mileage, Bridge Toll, Parking Fees)	1			$70.00	$70.00
Earthwork Construction					
Compaction Testing - Trench Backfill	70	6	420	$150.00	$63,000.00
Compaction Testing - Subgrade	20	6	120	$150.00	$18,000.00
Compaction Testing - Aggregate Base	10	6	60	$150.00	$9,000.00
Sampling	2	4	8	$150.00	$1,200.00
Nuclear Gauge Equipment Fee	100			$72.00	$7,200.00
Trip Charge (Mileage, Bridge Toll, Parking Fees)	102			$70.00	$7,140.00
Hot Mix Asphalt (HMA) Construction					
Compaction Testing - HMA	20	8	160	$150.00	$24,000.00
Nuclear Gauge Equipment Fee	20			$72.00	$1,440.00
Trip Charge (Mileage, Bridge Toll, Parking Fees)	20			$70.00	$1,400.00
Concrete Construction					
Concrete Placement Observation & Sampling (structural) - Group 2	5	6	30	$170.00	$5,100.00
Concrete Placement Observation & Sampling (periodic) - Group 4	10	6	60	$134.00	$8,040.00
Sample Pickup / Delivery	10	2	20	$124.00	$2,480.00
Trip Charge (Mileage, Bridge Toll, Parking Fees)	25			$70.00	$1,750.00
				FIELD SERVICES ESTIMATE	$150,852.00
LABORATORY TESTING	**FREQUENCY**		**SETS/UNITS**	**RATE**	**EXTENSION**
Soils / Aggregate Base					
Compaction Curves - Base Rock (6" Mold)	1 per material		4	$330.00	$1,320.00
Compaction Curves - Site Soils (4" Mold)	1 per material		10	$330.00	$3,300.00
Sieve Analysis w/Wash (ASTM C136)	1 per sample		4	$221.00	$884.00
Sand Equivalent (ASTM D2419)	1 per sample		4	$164.00	$656.00
Plasticity Index of Soils (ASTM D4318)	1 per sample		4	$284.00	$1,136.00
Hot Mix Asphalt (HMA) - Type A & G					
Sieve Analysis w/Wash (ASTM C136)	1 per sample		1	$221.00	$221.00
Sand Equivalent (CTM 217)	1 per mix		1	$164.00	$164.00
Durability Index (CTM 229)	1 per mix		1	$324.00	$324.00
Bitumen Content - Ignition (CTM 382)	1 per mix		1	$160.00	$160.00
Oil Content Correction Factor (CTM 382)	1 per mix		1	$676.00	$676.00
Moisture Content of Asphalt (CTM 370)	1 per day		20	$85.00	$1,700.00
HMA Theo. Max Density Rice Method (CTM 309)	1 per day		20	$160.00	$3,200.00
HMA Core Unit Weight/ Bulk Specific Gravity (CTM 308)	1 per 250 Tons / Core Correlations		82	$46.00	$3,772.00
Concrete					
Compression Test of Concrete - 4 (ASTM C39)	1 set per visit		15	$176.00	$2,640.00
				LABORATORY TESTING ESTIMATE	$20,153.00

BSK SERVICES ADMINISTRATION		HOURS	RATE	EXTENSION
Principal (Geotechnical Engineer)		10	$294.00	$2,940.00
Registered Engineer (Review, support and reporting)		15	$258.00	$3,870.00
Project Manager (Field Oversight, Daily Report Review)		25	$258.00	$6,450.00
Administration (Data Processing, Report Prep., Field Coordination)		20	$103.00	$2,060.00
Certified Payroll / DIR Upload	Monthly	12	$309.00	$3,708.00
Non-Performance Certified Payroll / DIR Upload	Monthly	12	$103.00	$1,236.00
			ADMINISTRATION ESTIMATE	$19,028.00
			TOTAL BUDGET ESTIMATE	$192,973.00

20% CONTINGENCY - $38,594.60
TOTAL INSPECTION AND TESTING ESTIMATE - $231,567.60

BASIS FOR INVOICING

East Cypress Road Widening (CIP 302)

East Cypress Road from Jersey Island Road to Bethel Island Road, Oakley, CA

BASIS OF CHARGES:

The charge schedule listed below will be our basis for invoicing.

Show-up (No site work performed)	Bill R/T Travel Time + 1 Hour
Work up to 4 Hrs.	Bill 4 Hours
Work from 4 to 6 Hrs.	Bill 6 Hours
Work from 6 to 8 Hrs.	Bill 8 Hours
Work from 8 to 12 Hrs. and Saturdays	Time and One Half
Work Over 12 Hrs., Sundays and Holidays	Double Time
Travel (Portal-to-Portal)	Hourly
Parking and Toll Charges (if applicable)	Daily Rate

FEES:

Our services will be performed on a time and material basis at unit rates herein listed. Portal-to-portal charge is based from our Livermore office. Rates/charges not specifically quoted will be charged per our published Schedule of Fees. We estimate our fees for this project at $192,973.00. This estimate is based upon our years of experience in this profession, but it is an estimate only. We endeavor to limit our charges to this estimate; however, events beyond our control may affect total cost. For example; if the work progresses quicker than anticipated, fees could be considerably less; or, if the work progresses slower than anticipated, our fees may exceed this estimate. To account for such uncertainties, we suggest that a contingency budget of at least 20 percent of the above estimated fee for construction be set aside for our services for a total budget of $231,567.60 as shown on page 2.

It is our practice to notify you if it appears our fees will exceed our estimate, but due to the timing and nature of our services and to ensure that your project is not delayed, this may not always be possible. Our invoices however will serve as an update of our progress as well as fees charged versus our estimate. Invoices are payable upon receipt and deemed delinquent if not paid within 30 days. Delinquent invoices may be subject to interest/service charges, and collection expenses including attorney's fees, at our election. As necessary to accommodate the construction schedule, BSK may use contract special inspectors to augment our staff. Inspections performed by contract providers will be billed as specified for BSK employees, herein, and at the rates included in the Fee Estimate.

LIMITATIONS:

BSK Associates provides special inspection services to assist you in verifying that the work is in substantial conformance to the project documents and as required by the California Building Code. These services shall not be construed as acceptance of the work or relieve the contractor in any way from his/her obligations and responsibilities as outlined in the applicable construction documents. BSK assumes no responsibility for the safety of others on the jobsite or the methods and means of construction. BSK will make every effort to respond to the emergent needs of your project, to assure better service we ask that you schedule inspection/testing activities at least 24 hours in advance. To avoid show-up charges, cancel such requests at least four hours in advance of our arrival time. Section 1701 of the CBC requires the special inspection agency to file a final report for the project. The report will be issued upon complete reconciliation of your account. This proposal for construction services shall be valid for not more than sixty (60) days from the date of presentation.

INVOICE AND REPORT DISTRIBUTION

BSK Associates will issue our invoice to the following firm/contact. Please provide a separate accounts payable (AP) contact as appropriate:

Company: City of Oakley
Address: 3231 Main Street
City, State, Zip: Oakley, CA 94561
Contact Name: Ms. Billilee Saengchalern
Contact Phone: 925.625.7154
E-Mail: Saengchalern@ci.oakley.ca.us

AP Contact: _____
AP Phone: _____
AP E-Mail: _____

BSK will issue special inspection and materials testing reports by electronic delivery to the following recipients. If additional recipients are desired, please complete and return this form accordingly:

Client:
Company: City of Oakley
Address: 3231 Main Street
City, State, Zip: Oakley, CA, 94561
Contact Name: Ms. Billilee Saengchalern
Contact Phone: 925.625.7154
E-Mail: Saengchalern@ci.oakley.ca.us

Other:
Company: _____
Address: _____
City, State, Zip: _____
Contact Name: _____
Contact Phone: _____
Contact E-Mail: _____

Building Department:
Agency Name: _____
Address: _____
City, State, Zip: _____
Contact Name: _____
Contact Phone: _____
Contact E-Mail: _____

Other:
Company: _____
Address: _____
City, State, Zip: _____
Contact Name: _____
Contact Phone: _____
Contact E-Mail: _____

BSK Associates - Schedule of Fees - 07/01/2025 to 06/30/2026 (City of Oakley)

PERSONNEL RATES

Escalation: The rates noted below are subject to an annual increase of 3% or the Consumer Price Index for the San Francisco Bay Area, whichver is greater, effective July 1 of each year following the initiation of a services agreement.

PROFESSIONAL STAFF

Principal	$	294.00	Administrative Assistant / Clerical	$	103.00
Senior Professional	$	258.00	Seismic GIS	$	227.00
Project Professional II	$	242.00	GIS Specialist	$	196.00
Project Professional I	$	206.00	Information Specialist II	$	185.00
Staff Professional II	$	180.00	Information Specialist I	$	165.00
Staff Professional I	$	160.00	CAD	$	124.00
Project Administrator	$	113.00	Litigation support	1.5x standard rate	

TECHNICAL STAFF - FIELD AND LABORATORY (NON-PREVAILING WAGE)

Non-Destructive Inspection/Testing	$	170.00	***BASIS OF CHARGES FOR FIELD TECHNICIAN SERVICES***	
Special Inspector	$	144.00	Field Work from 0 to 4 hours	Bill 4 hours
Engineering Technician	$	139.00	Field Work from 4 to 8 hours	Bill 8 hours
Technician	$	134.00	Field Work over 8 hours / Saturdays	Bill time and a half
Ground Penetrating Radar Scanning Technician	$	324.00	Sundays, holidays and over 12 hours	Bill double time
Core Drilling Technician	$	252.00	Night Shift (Shift commencing after 2pm / before 4am)	Base Rate x 12.5%
Floor Flatness Testing Technician	$	216.00	Show-up time (no work performed)	Bill 2 hours
Sample Pickup / Transportation / Delivery	$	124.00	Sampling or cylinder pickup, minimum charge	Bill 2 hours
Laboratory Technician	$	134.00		

NORTHERN CA PREVAILING WAGE LABOR RATES

Group 1 - Special inspector	$	175.00	***BASIS OF CHARGES FOR FIELD TECHNICIAN SERVICES***	
Group 2 - Special Inspector	$	170.00	Field Work from 0 to 4 hours	Bill 4 hours
Group 3 - Engineering Technician	$	150.00	Field Work from 4 to 8 hours	Bill 8 hours
Group 3 - Geotechnical Professional	$	191.00	Field Work over 8 hours / Saturdays	Bill time and a half
Group 3 - Environmental Professional	$	191.00	Sundays, holidays and over 12 hours	Bill double time
Group 4 - Technician	$	134.00	Night Shift (Shift commencing after 2pm / before 4am)	Base Rate x 12.5%
			Show-up time (no work performed)	Bill 2 hours
			Sampling or cylinder pickup, minimum charge	Bill 2 hours

SOUTHERN CA PREVAILING WAGE LABOR RATES

Group 1 - Geotechnical Professional	$	191.00	***BASIS OF CHARGES FOR FIELD TECHNICIAN SERVICES***	
Group 1 - Environmental Professional	$	191.00	Field Work from 0 to 4 hours	Bill 4 hours
Group 1 - Technician	$	170.00	Field Work from 4 to 8 hours	Bill 8 hours
Group 2 - Special Inspector	$	175.00	Field Work over 8 hours / Saturdays	Bill time and a half
Group 3 - Non-Destuctive Testing (NDT)	$	185.00	Sundays, holidays and over 12 hours	Bill double time
			Premium Shift (Weekday work before 6am / after 5pm)	Bill time and a half
			Show-up time (no work performed)	Bill 2 hours
			Sampling or cylinder pickup, minimum charge	Bill 2 hours

REIMBURSABLES

Mileage (Portal to Portal)	$	1.00	Certified Payroll / DIR Upload (Monthly)	$	309.00
Bridge Toll	Cost + 15%		Non-Performance Certified Payroll / DIR Upload (Monthly)	$	103.00
Parking Fees	Cost + 15%		Subcontractor Management / Compliance Forms (Monthly	$	103.00
Per Diem (as required)	Quote / $250 min.		Additional LCP Tracker or Other Compliance Software (Monthly)	$	206.00
Subconsultants/Subcontractors/Vendors/Expenses	Cost + 15%		Additional Special Forms, as required (Monthly)	$	155.00
Project Administration Fees	7% of Invoice		Project Setup (Project)	$	541.00
DIR Administration Fees	3% of Invoice				

BSK Associates - Schedule of Fees - 07/01/2025 to 06/30/2026 (City of Oakley)

SOFTWARE AND EQUIPMENT

Escalation: The rates noted below are subject to an annual increase of 3% or the Consumer Price Index for the San Francisco Bay Area, whichever is greater, effective July 1 of each year following the initiation of a services agreement.

ANALYSIS SOFTWARE USAGE FEES

gINT (software)	$ 67.00	LiqIT (software)	$ 67.00
LPile (software)	$ 67.00	Slide (software)	$ 131.00
APile (software)	$ 67.00	Settle3D (software)	$ 131.00
SHAFT (software)	$ 67.00	Cpet-IT (software)	$ 67.00
GROUP (software)	$ 131.00	LiqSVs (software)	$ 67.00
Cliq (software)	$ 67.00	ArcGIS (software)	$ 67.00
LiquefyPro (software)	$ 67.00	Surfer (software)	$ 67.00

EQUIPMENT

Nuclear Gauge (Day)	$ 72.00	10' PVC Blank - 2"(Each)	$ 28.00
Skidmore Wilhelm Calibrator (Day)	$ 72.00	10' PVC Blank - 4: (Each)	$ 64.00
NDT Weld Testing Equipment - UT/MT/PT (Day)	$ 72.00	10' PVC Screen - 2" (Each)	$ 43.00
Proof Load Testing Equipment (Day)	$ 72.00	10' PVC Screen - 4" (Each)	$ 87.00
Torque Wrench (Day)	$ 72.00	5' PVC Blank - 2" (Each)	$ 19.00
GPR Scanning Equipment (Day)	$ 335.00	5' PVC Blank - 4" (Each)	$ 55.00
Rebar Locator/Pachometer (Day)	$ 132.00	5' PVC Screen - 2" (Each)	$ 28.00
Coring Equipment (day)	$ 247.00	5' PVC Screen - 4" (Each)	$ 71.00
Relative Humidity Meter (Day)	$ 72.00	55 Gallon Drum (Each)	$ 129.00
Moisture Emission Test Kit (Each)	$ 49.00	6 "x 5' Steel Monument Cover (Each)	$ 304.00
Wood Moisture Meter (Day)	$ 72.00	Air Indicators (Each)	$ 55.00
Air Meter (Concrete)	$ 72.00	Combustible Gas Indicator (Day)	$ 81.00
Laptop (Day)	$ 77.00	Disposable Bailer (Each)	$ 14.00
Document Scanner (Day)	$ 33.00	Hydro Punch Tip (Each)	$ 26.00
Vehicle/Truck Charge (Day)	$ 141.00	Lantec GEM 500 (Day)	$ 266.00
Hand Auger (Day)	$ 155.00	Locking Cap - 2" (Each)	$ 26.00
Seismograph (Day)	$ 327.00	Locking Cap - 4" (Each)	$ 52.00
Hand-held GPS (Day)	$ 100.00	Silicone Tubing (Foot)	$ 9.00
Slope Inclinometer Probe (Each)	$ 515.00	Tedlar Vapor Bags (Each)	$ 31.00
Double Ring Infiltrometer (Day)	$ 657.00	Bottom Cap (Each)	$ 10.00
Drilling Kit - Paint/Stakes/Lath (Each)	$ 35.00	Disposable Purge Pump Tubing (Foot)	$ 2.00
Sample Sleeve w/ Caps/Teflon 6" (Each)	$ 13.00	Bison Resistivity Meter (Day)	$ 209.00
Manometer (Day)	$ 254.00	Chem Grout Pump (Day)	$ 136.00
Generator	$ 108.00	DC Purge Pump (Day)	$ 69.00
Power Auger	$ 108.00	Development Pump and Controller (Day)	$ 95.00
AC Cold Patch (Each)	$ 13.00	Dissolved Oxygen Meter (Day)	$ 82.00
Bentonite Grout (Bag)	$ 28.00	Grundfos Converterm (Day)	$ 92.00
Bentonite Medium Chips (Bag)	$ 26.00	Hydropunch II (Each)	$ 327.00
Bentonite Pellets (Bucket / Bag)	$ 195.00	Interface Meter (Each)	$ 123.00
Bentonite Powder (Bag)	$ 15.00	Kemmer Sampler (Day)	$ 47.00
Filter Sand (Bag)	$ 14.00	ORP Meter (Each)	$ 88.00
Portland Cement (Bag)	$ 20.00	Sample Pump (Day)	$ 131.00
Ready Mix (Bag)	$ 19.00	Scanning Equipment (Day)	$ 132.00
Padlocks (Each)	$ 28.00	Water Level Data Logger (Day)	$ 101.00
pH/EC/Temperature Meter (Day)	$ 77.00	Telescopic Wastewater Sampler (Day)	$ 69.00
PID/OVA (Day)	$ 155.00	SVE System (Month)	$ 1,442.00
Steam Cleaner (Day)	$ 143.00	Combustible Gas Meter (Day)	$ 247.00
Turbidity Kit (Day)	$ 88.00	Water Meter (Day)	$ 67.00
Water Sample Filters (Each)	$ 29.00	Flow Monitoring Equipment (Day)	$ 401.00
Well Sounder (Day)	$ 62.00	Liquid Proportional Sampling Equipment (Day)	$ 406.00
Well Vault Traffic Rated Box (Each)	$ 143.00	Gas Detector Pump (Each)	$ 47.00
Bollards (Each)	$ 123.00	Landfill Gas Chromatograph (Day)	$ 268.00
Air Compressor (Day)	$ 72.00	Support Truck (Day)	$ 268.00
Continuous Core Sampler (Day)	$ 335.00	Sound Level Meter (Each)	$ 42.00
4" Disposable Bailers (Each)	$ 26.00	Water Level Transducers (Each)	$ 15.00

BSK Associates - Schedule of Fees - 07/01/2025 to 06/30/2026 (City of Oakley)

MATERIALS LABORATORY TESTS

Escalation: The rates noted below are subject to an annual increase of 3% or the Consumer Price Index for the San Francisco Bay Area, whichver is greater, effective July 1 of each year following the initiation of a services agreement.

Standard Rate Applys to Normal Testing Schedule. Rush Order Turnaround Time Charged at 1.5 x Standard Unit Rates.

SOILS & AGGREGATES

Modified or Standard Proctor - 4" or 6" Mold (ASTM / AAS	$ 330.00	% Crushed Particles / Fractured Particles (CT 205/AASHTO T335)	$ 214.00
Proctor with Oversize Material (ASTM / AASHTO)	$ 412.00	'% Flat & Elongated (ASTM D4791)	$ 164.00
Proctor Check Point (All Methods)	$ 176.00	Minus 200 Wash/Aggregate (ASTM C117)	$ 108.00
Caltrans Maximum Wet Density (CT 216)	$ 278.00	Sieve Analysis w/ Wash (ASTM C136 / CT 202 / AASHTO T27)	$ 221.00
Minus 200 Wash Soil (ASTM D1140)	$ 108.00	Sieve Analysis - Coarse Only (ASTM C136 / CT 202 / AASHTO T27)	$ 108.00
Moisture Content of Soils (ASTM D2216)	$ 56.00	Coarse Specific Gravity / Absorption (ASTM C127/CT 206/AASHTO T85)	$ 206.00
Plasticity Index (ASTM D4318)	$ 284.00	Fine Specific Gravity / Absorption (ASTM C128/CT 207/AASHTO T84)	$ 206.00
Expansion Index of Soils (UBC No. 29)	$ 305.00	Sand Equivalent (ASTM D2419 / CT 217 / AASHTO T176)	$ 164.00
Collapse Potential of Soils (ASTM D2435)	$ 265.00	Durability Index (CT 229)	$ 324.00
Organic Impurities (ASTM C40 / CT 213)	$ 108.00	Abrasion by LA Rattler, Large Size (ASTM C131/CT 211/AASHTO T96)	$ 371.00
Tube Density & Moisture Content of Soil	$ 65.00	Abrasion by LA Rattler, Small Size (ASTM C131/CT 211/AASHTO T96)	$ 305.00
Visual Classification (ASTM D2488)	$ 56.00	Cleanness Value of Aggregate (CT 227)	$ 234.00
Hydrometer (ASTM D422 / CT 203)	$ 309.00	Aggregate Wt pcf Compacted (ASTM C 29)	$ 114.00
Double Hydrometer (ASTM D4221)	$ 406.00	Gradation-Rip Rap - Per Sieve (D5519-Method A)	$ 293.00
Uncompacted Void Content (CT 234 / AASHTO T304)	$ 144.00	Sodium Sulfate Soundness-Min. Charge (ASTM C88/CT 214/AASHTO T1	$ 453.00
Sand Density Calibration (ASTM D1566)	$ 227.00	Sodium Sulfate Soundness-Per Sieve (ASTM C88/CT 214/AASHTO T104	$ 144.00
Minimum Resistivity of Soils (CT 643)	$ 182.00	R-Value of Soils (CT 301)	$ 515.00
Consolidation (ASTM D2435)	$ 543.00	Soil Cement Compression - Set (ASTM D1633)	$ 309.00
Remolded Consolidation (ASTM D2435)	$ 459.00	CIR / FDR Compressive Strength Testing - Set	$ 309.00
Minimum Index Density Soils (ASTM D4254)	$ 90.00	CIR / FDR Sample Preparation / Compaction	$ 283.00
Direct Shear Remolded (ASTM D3080)	$ 340.00	CBR (ASTM D1883/AASHTO T-180)	$ 1,288.00
% Lumps/Friable Particles (ASTM C142)	$ 105.00	Preparation of Soil-Cement Samples	$ 975.00
'% Organics in Soil (ASTM D2974)	$ 177.00	Soluble Sulfate Chloride & Sulfide	$ 169.00
Direct Shear (ASTM D3080)	$ 284.00	pH Sulphate & Chloride	$ 85.00
Remolded Direct Shear (ASTM D3080)	$ 340.00	Corrosivity - Sulfate Chloride Sulfide	$ 169.00
Remolded Flexwall Perm (ASTM D5084)	$ 725.00	Corrosivity - Soil pH Test	$ 85.00

HOT MIX ASPHALT

JMF Mix Design, Superpave / Caltrans	$ 11,612.00	Bitumen Content - Ignition (ASTM D6307 / CT382 / AASHTO T308)	$ 160.00
JMF Verification - HMA - Superpave / Caltrans	$ 6,729.00	Oil Content Correction Factor (ASTM D6307 / CT 382 / AASHTO T308)	$ 676.00
JMF Production Startup - Superpave / Caltrans	$ 6,260.00	Gradation from Extraction (ASTM D5444 / AASHTO T30)	$ 127.00
RAP Material Testing - Additional Fee	$ 814.00	Bulk Specific Gravity (CT308 / AASHTO T275 / ASTM D2726)	$ 46.00
Rubberized RHMA Material - Additional Fee	$ 1,879.00	HMA Theo. Max Density Rice Method (ASTM D2041 / CT 309 / AASHTC	$ 160.00
JMF Mix Design, HVEEM	$ 4,017.00	Volumetric Calculations (VMA, VFA, DP, AV, Eff. Calcs)	$ 69.00
JMF Mix Design, Marshall	$ 4,766.00	Moisture Content of Asphalt (CT 370 / AASHTO T329)	$ 85.00
Open Graded Asphalt Optimum Bitumen Content (CT 368)	$ 2,869.00	Film Stripping	$ 114.00
Gyratory Compaction - Set of 3 (AASHTO T312)	$ 434.00	Compaction/Preparation of HMA Briquette (CT 304)	$ 284.00
Hamburg Wheel Track (AASHTO T324)	$ 2,575.00	Stabilometer Value - Set of 3 (CT366)	$ 361.00
Tensile Strength Ratio (CT 371 / AASHTO T283)	$ 1,421.00	Lab Mixed TSR - Moisture Induced Damage (AASHTO T283 / CT 371)	$ 1,906.00
Marshall Maximum Density (ASTM D6926)	$ 379.00	Calculated AC Maximum Density (CT 367)	$ 129.00
Marshall Stability & Flow (ASTM D6927)	$ 324.00	Thickness Determination of AC Cores	$ 28.00

CONCRETE & MASONRY

Compression Test Concrete - Per Cylinder (ASTM C39)	$ 36.00	Flexural Test per Beam (ASTM C78 / CT 523)	$ 115.00
Compression Test Concrete - Set of 4/5 (ASTM C39)	$ 176.00	Linear Shrinkage - Set of 3 (ASTM C157)	$ 515.00
Compression Test of Core (ASTM C42)	$ 78.00	Unit Weight Lt Wt Concrete (ASTM C567)	$ 72.00
Compressive Strength of Shotcrete Panel	$ 412.00	Splitting Tensile Strength of Concrete (ASTM C496)	$ 155.00
Compression Test Composite CMU Prism (1)	$ 214.00	Compressive Strength CMU Block (ASTM C140)	$ 247.00
Compression Test Grout (Set of 4)	$ 156.00	Comp. Strength, SG, & Abs. of CMU - Per Block (ASTM C140)	$ 284.00
Compression Test Mortar (Set of 3)	$ 142.00	Masonry Linear Shrinkage (ASTM C426)	$ 522.00

METALS & FIREPROOFING

Tensile & Bend of Rebar #3-11	$ 192.00	Brinell Hardness of Steel (ASTM E10)	$ 129.00
Slip and Tensile Rebar Couplers (CT 670)	$ 278.00	Rockwell Hardness of Steel (ASTM E18)	$ 129.00
Bolt Proof & Ultimate Load	$ 183.00	Face Bend of Steel Coupon	$ 78.00
Bolt Hardness - Set of 3	$ 129.00	Root Bend of Weld Coupon	$ 78.00
Nut Proof Load - Set of 3	$ 183.00	Side Bend of Weld Coupon	$ 78.00
Nut Hardness - Set of 3	$ 129.00	Tensile Test of Steel Coupon	$ 108.00
Washer Hardness - Set of 3	$ 129.00	Bend Test of Steel Coupon	$ 93.00
Dry Density Fireproofing (ASTM E605)	$ 123.00	Adhesion / Cohesion Fireproofing Materials	$ 164.00

399 Lindbergh Avenue
Livermore, CA 94551
P 925.315.3151
www.bskassociates.com

Sent via email: saengchalern@ci.oakley.ca.us

June 20, 2025 BSK Proposal No. P25000830

Billilee Saengchalern, PE, TE
Engineering Manager
City of Oakley
3231 Main Street
Oakley, California 94561

SUBJECT: Proposal for Limited Geotechnical Engineering Design Services
East Cypress Road Widening – Jersey Island Road to Bethel Island Road (CIP 302)
Oakley, California

Dear Ms. Saengchalern:

BSK Associates (BSK) is pleased to present this proposal to provide limited geotechnical engineering design services for the planned widening of East Cypress Road from Jersey Island Road to Bethel Island Road in Oakley, California (Site) for CIP 302. This proposal is developed in accordance with our communications with you and Sanbell (the civil engineer for the project), and our experience in the area and with similar projects.

The following sections present discussions regarding our understanding of the proposed project. In addition, our proposed scope of services, fee quotation, project schedule, and project limitations are presented for your consideration.

BSK is committed to providing quality service to its clients, commensurate with their wants, needs and desired level of risk. If a portion of this proposal does not meet the project's needs or if those needs have changed, BSK will consider appropriate modifications, subject to the standards of care to which we adhere as professionals.

PROJECT DESCRIPTION

The project will consist of widening East Cypress Road from a 2-lane to a 4-lane road from Jersey Island Road to Bethel Island Road in Oakley, California. The project alignment is approximately 5,100 feet long. Grading is expected to consist of fills up to 15 feet high and new underground utility lines are expected to be up to about 15 feet deep below the existing ground surface (BGS). Sanbell and the City of Oakley (City) would also like BSK to advance borings within the project alignment to characterize existing subsurface conditions at the project site (Site).

If the actual project description differs significantly from that anticipated above, we should be notified so that we may review our proposed scope of services presented herein for applicability.

ANTICIPATED SUBSURFACE CONDITIONS

According to the California Geological Survey (CGS), the Site is underlain by Holocene alluvial fan deposits consisting primarily of clay and silt interbedded with sand and occasional gravel. Historical high groundwater mapping indicates groundwater is shallower than 10 feet BGS at the Site. According to the CGS, the Site is not located within an Alquist-Priolo Earthquake Fault Zone. However, the Site is located within a Seismic Hazard Zone for liquefaction. **Due to the nature of the project, we will not evaluate the Site's liquefaction potential with deeper explorations.**

PROPOSED SCOPE OF SERVICES

Our proposed scope of services will consist of pre-field activities, field investigation, laboratory testing, engineering analysis and report preparation as described below. **We also included optional tasks for post-report consultation and geotechnical review of plans and specifications for this project.** Our findings will be summarized in a report prepared under the supervision of a California registered Geotechnical Engineer (GE).

Task 1 – Pre-Field Activities and Administration of BSK's Services

This task will include project setup, field coordination, permitting, and administration of BSK's services. We will visit the Site and mark our exploratory boring locations with white paint. We will submit "dig" ticket(s) to Underground Service Alert (USA North 811) a minimum of 72 to 96 hours prior to our field exploration for utility clearance. It should be noted that USA North 811 will only check for utilities on the public right-of-way and does not include private property.

As required by local ordinance, a drilling permit will be obtained from Contra Costa County Environmental Health (County) prior to drilling. The County can take 10+ business days to process drilling permit applications. We assume an encroachment permit will be required by the City of Oakley (City) and that the City will waive the encroachment permit fee. As part of the encroachment permit application, we will generate site-specific traffic control plans by a State registered traffic control firm. The traffic control plans may take up to 10 business days to turnaround.

Task 2 –Field Investigation

We will explore the subsurface conditions at the Site by advancing four (4) soil borings at the proposed locations shown in Exhibit 1 below to a depth of about 20 feet BGS each or practical refusal, whichever occurs first, using a truck-mounted drill rig equipped with hollow-stem augers. Samples will be collected at approximately 2 feet BGS, 5 feet BGS, and approximately every 5 feet thereafter. Traffic control will be provided during our field investigation by a State registered traffic control firm.

A representative from BSK will maintain a log of the soils encountered and obtain samples for visual examination, classification, and laboratory testing. The number of blows necessary to drive Standard Penetration Test (SPT) or 2.5-inch inside diameter split spoon samplers will be recorded in the logs. Free groundwater, if observed, will also be noted in the logs. The in-situ strength characteristics of cohesive soils will be evaluated in the field using a hand-held pocket penetrometer.

Exhibit 1 - Proposed Exploration Plan

Upon completion, the borings will be backfilled with cement grout under the supervision of a County inspector. We will also patch the upper approximately 6-inches of the borehole with rapid set concrete. Excess soil cuttings generated during our investigation will be collected and disposed along the roadway shoulder.

We will coordinate our field activities with the City and others during our investigation. We have planned our subsurface investigation for limited working hours (9:00 am to 3:00 pm), Monday through Friday. **We anticipate our subsurface investigation will last two (2) days.**

Although this is rare, if obviously hazardous materials are encountered visually or by odor in the borings, the borings will be immediately terminated, and arrangements will be made to backfill the boring with cement grout. BSK will notify you as soon as possible of such an occurrence, and we will both mutually decide whether to continue, modify, or cease the remainder of the investigation program and whether an environmental assessment should be conducted.

Task 3 – Sample Review and Laboratory Testing

This task will include review, by a project geologist or geotechnical engineer, of the samples obtained from our borings in BSK's soils laboratory. Our geotechnical engineer will then assign the geotechnically-relevant laboratory testing program on selected soil samples to evaluate pertinent engineering properties for design. Laboratory tests that we anticipate performing may include determination of moisture content and dry density, Atterberg limits, sieve analyses, shear strength, and corrosivity testing. Should additional laboratory testing be necessary, we will contact you to obtain authorization before proceeding.

We will temporarily store the samples collected during our investigation (but not tested in the lab) for a period of 90 days from the date of drilling. After this period, we will dispose of the samples unless otherwise requested by the Client.

Task 4 – Engineering Analysis and Preparation of Report

We will evaluate the field and laboratory data and generate a geotechnical data report with results of our field exploration and laboratory tests will be summarized in a written report prepared under the supervision of a GE. At this time, we anticipate that the report will include the following items:

- A description of the project, including a vicinity map and site plan showing approximate locations of our borings;
- A description of the field investigation, boring logs, and laboratory test results,
- Description of the surface and subsurface site conditions;
- Discussion of geologic setting and seismicity;
- Conclusions and recommendations related to the geotechnical aspects of;
    - Confirmation of roadway embankment fill criteria based the March 30, 2022 geotechnical report[1] by Cal Engineering & Geology, and
    - Presentation of corrosivity testing.

We will provide an electronic copy of our report in PDF format via email to the City for distribution to the design team.

Task 5 – Geotechnical Review of Plans and Specifications (OPTIONAL/RECOMMENDED)

This optional task would cover review of the geotechnical aspects of the bid set (i.e., 100 percent complete) plans and specifications for the roadway widening that have been prepared by Sanbell. The purpose of this review would be to confirm that our geotechnical recommendations have been properly incorporated into the plans and specifications, thus reducing the risk of misinterpretations by the design team. Our fee for this task assumes a single review iteration of the plans and specifications and preparation of a letter presenting our review comments. After our review comments are properly addressed, we would then issue a final review letter. If additional review iterations and letters are required, we may need to request that the budget for this task be revised accordingly.

Task 6 – Post-Report Consultation (OPTIONAL)

If necessary, after issuance of our report, we could provide consultation regarding foundation design and other aspects of the project on an as-needed basis, such as attendance of conference calls and meetings, revisions to the geotechnical and geologic and seismic assessment report, and issuance of supplemental recommendations. We suggested an initial budget for this task in our fee breakdown below. However, depending on the level of effort needed, our fee for this task may need to be adjusted accordingly. Therefore, this task would be charged on a time and materials basis.

[1] Report entitled *Geotechnical Design Report, East Cypress Road Widening Project*, dated March 30, 2022 prepared by Cal Engineering & Geology (CE&G), CE&G Project No. 211010.001.

SCHEDULE

The table below summarizes our anticipated schedule to complete the services described above.

Task	Description	Anticipated Number of Weeks to Complete
1	Pre-Field Activities and Administration of BSK's Services	We will mobilize within 1 to 2 weeks*
2	Field Investigation	Within 5 to 6 weeks* after receipt of formal notice to proceed and pending drilling permit approval and drilling subcontractor availability
3	Sample Review and Laboratory Testing	Within 2 to 3 weeks after Task 2 is completed
4	Engineering Analysis and Preparation of Report	Within 2 to 3 weeks after Task 3 is completed
5	Geotechnical Review of Plans and Specifications (OPTIONAL/RECOMMENDED)	Within 2 weeks of receipt of plans (initial review and letter) Within 1 weeks of receipt of revised plans (final letter)
6	Post-Report Consultation (OPTIONAL)	TBD
Notes: ***From receipt of formal notice to proceed.**		

FEE ARRANGEMENTS

Fees for our services will be charged on **a lump sum basis** except for optional Task 6, which would be provided on a **time and materials basis** in accordance with BSK's current schedule of fees at the time the services are provided. For the scope of services outlined in this proposal, our fee breakdown by task is presented below.

Task	Description	Fee Estimate
1	Pre-Field Activities and Administration of BSK's Services	$ 7,300
2	Field Investigation	$19,900
3	Sample Review and Laboratory Testing	$ 4,400
4	Engineering Analysis and Preparation of Report	$ 5,500
	Total Fee Estimate	**$37,100**
	OPTIONAL TASKS	
5	**Geotechnical Review of Plans and Specifications (OPTIONAL/RECOMMENDED)**	**$ 3,500**
6	**Post-Report Consultation (OPTIONAL)**	**$ 2,000**

Our fee does not include any site access charges and assume that BSK will not be charged for access to the site(s). Also, our fee applies to work commenced within 90 days of this proposal. After that time, we should review our proposal for applicability.

ASSUMPTIONS

Below is a list of the main assumptions we made for our proposed scope of services and fee quotation:

- This proposed investigation specifically excludes the assessment of environmental characteristics particularly those involving hazardous substances. If needed, we can outline a scope of services for an environmental assessment in a separate proposal.
- We assume a City encroachment permit will be required, and that the City will waive the encroachment permit fee.
- We assume the City will assist BSK with obtaining an encroachment permit from the Contra Costa County Water District (CCWD), if one is required. However, we will locate our soil borings outside the CCWD right-of-way.
- The City encroachment permit will not require us to saw cut, oversize, and patch the upper portion of our boreholes with hot mix asphalt. We assume our proposed patch of 6 inches of rapid set concrete will be acceptable by City. If this is not the case, additional fees will apply above and beyond the fee quotation presented herein.
- Due to the nature of the project, liquefaction susceptibility will not be evaluated as part of our investigation.
- The Site will be accessible to standard truck-mounted drill rig. We assume the City encroachment permit will allow us to work between the hours of 9:00 AM and 3:00 PM on weekdays. If holiday, weekend, or nighttime work is required, our fee quotation would need to be adjusted accordingly.
- **We assume this is considered a Prevailing Wage project and the City will generate a DIR number for our services, so that we may submit certified payroll to the Department of Industrial Relations.**
- We assume there is no Project Labor Agreement in place for this project.
- It is the responsibility of the Client and the City to provide BSK available information on locations for all utilities and utility easements situated within the Site at least four (4) working days before the start of our subsurface investigation. Penetrating the Site's surface is inherently risky. It is impossible to determine with certainty the precise location of all structures, which may be buried below the ground surface at the Site. We will mark our boring(s) in the field and then submit “dig” ticket(s) to USA North 811 a minimum of 72 to 96 hours prior to our field exploration for utility clearance. **Our proposed fee is not adequate to compensate for both the performance of the services described here and the assumption of the risk associated with damaging such underground structures.** Disruption of utilities or damage to underground structures will be the responsibility of the Client or the City. Services rendered by BSK to repair them will be billed at cost above and beyond the fee quotation presented herein.
- Our proposed scope of services presented herein excludes construction observation and testing services.

AUTHORIZATION AND LIMITATIONS

If you would like us to proceed with the services proposed herein, please send us a purchase order/task order under our currently on-call agreement with the City for review and indicate which optional tasks, if any, are included in our approved scope of services.

This proposal was developed based on our discussion with Bellecci and our experience with similar projects and near the project site area and is a preliminary understanding of the project's desires. If a portion of this proposal does not meet your needs, or if those needs have changed, BSK is prepared to consider appropriate modifications, subject to the standards of care to which we adhere as professionals. Modifications such as changes in scope, methodology, and scheduling may result in changes to the risks assumed by the Client as well as adjustments to our fees.

BSK will perform its services consistent with that level of care and skill ordinarily exercised by other consultants practicing in the same discipline and locale at the time the services are performed. No other warranties, either express or implied, are provided.

CLOSURE

BSK appreciates the opportunity to submit this proposal for your consideration and we look forward to working with you on this project. If you have questions concerning this proposal or require additional information or services, please contact the undersigned at (925) 315-3151.

Respectfully submitted,
BSK Associates

Omar K. Khan, PGIT
Project Professional II

Cristiano Melo, PE, GE
Branch Manager

OAKLEY
CALIFORNIA

DATE: July 8, 2025

TO: Joshua McMurray, City Manager

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

Approved and Forwarded to the City Council

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute a Consulting Services Agreement with BKF Engineers, Inc. to Provide Engineering Design Services for Capital Improvement Project (CIP) Number 316 – Main Street Widening North of Laurel Road to the Heartwood Subdivision Project

Background and Analysis

The City's adopted Fiscal Year (FY) 2025/26 Capital Improvement Program (CIP) designates funding for various infrastructure repair and replacement projects. This is consistent with the City's Strategic Goals to improve the quality of the City's public infrastructure and to enhance the quality of life for our residents.

Main Street is a major arterial street in Oakley and a key component of the City's transportation network, in addition to being a north/south connection to the City of Brentwood and direct connection to Laurel Road. The improvements and widening of Main Street have been a priority for the City of Oakley.

The section of Main Street north of Laurel Road is still one lane and cannot accommodate the increased traffic demands on this roadway. This project will perform the design for the widening of Main Street from the existing widened section at the Heartwood Subdivision to Laurel Road. This design will identify the Right of Way needs for this roadway widening and perform the design of new roadway. The design of this project will be performed during FY 2025/26 and the construction is anticipated to take place during FY 2026/27.

Staff have selected BKF Engineers Inc. as the best suited firm to design this important infrastructure improvement project. This firm has designed similar roadway widening projects successfully in Oakley and has great familiarity with the City's standards and processes. Staff negotiated the final scope of the design work at a cost of $186,932, which is very competitive pricing for such a project in the current market, and shows that BKF Engineers Inc. is committed to the Oakley community and its capital projects.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Community Health and Safety section goal to provide safe streets.

Fiscal Impact

This item was included in the fiscal year 2025/26 budget with a total budget of $200,000. This project is funded by the Traffic Impact Fee Fund. No additional funding is needed at this time to fund the contract.

Staff Recommendation

Staff recommend that the City Council adopt the resolution approving the proposal with BKF Engineers Inc., for the design services associated with CIP No. 316 – Main Street Widening North of Laurel Road to the Heartwood Subdivision Project and to authorize the City Manager to enter into an agreement not to exceed an amount of $186,932.

Attachments

Attachment 1 - Resolution
Attachment 2 – BKF Engineers, Inc. Proposal

RESOLUTION NO.___-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN AGREEMENT WITH BKF ENGINEERS, INC. FOR ENGINEERING DESIGN SERVICES ASSOCIATED WITH CAPITAL IMPROVEMENT PROJECT NUMBER 316 – MAIN STREET WIDENING NORTH OF LAUREL ROAD TO THE HEARTWOOD SUBDIVISION PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT

WHEREAS, as part of the Fiscal Year 2025/26 Budget the City of Oakley approved a 5-Year Capital improvement Program (CIP); and

WHEREAS, Project Number 316 is to design the improvements for the Main Street Widening North of Laurel Road to the Heartwood Subdivision Project; and

WHEREAS, staff solicited a proposal from BKF Engineers, Inc., for the design of this project; and

WHEREAS, BKF Engineers, Inc. has submitted a proposal to prepare engineering design services for CIP Project Number 316 for an amount not to exceed $186,932; and

WHEREAS, this item was included in the fiscal year 2025/26 budget with a total budget of $200,000. This project is funded by the Traffic Impact Fee Fund. No additional funding is needed at this time to fund the contract.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the City Council of the City of Oakley hereby approves the proposal from BKF Engineers, Inc., for engineering design services for CIP Project Number 316 for an amount not to exceed $186,932, in the form attached hereto as Exhibit A, and authorizing the City Manager to execute this into an Agreement.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of July 2025 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____ _____
Kim Snodgrass, City Clerk Date

May 28, 2025
BKF No. 20251099

Kevin Rohani, PE
Public Works Director/City Engineer
City of Oakley
3231 Main Street
Oakley, CA 94561
Transmitted Via Email to Rohani@ci.oakley.ca.us

Subject: CIP #316 – Main Street Widening Project (North of Laurel Road to Heartwood Subdivision)

Dear Mr. Rohani:
BKF Engineers welcomes the opportunity to submit this proposal and letter for design services for CIP #316, Main Street Widening Project (North of Laurel Road to Heartwood Subdivision). To arrive at the estimated effort, we have outlined a proposed scope of services, identified assumptions, and determined a level of effort fee based on our understanding of the Project.

I. PROJECT UNDERSTANDING

Based on our meeting from 4/29/2025 and information obtained from the City, we understand the Project as:

The Project proposes to widen Main Street from just north of Laurel Road to the Heartwood Subdivision which is approximately 400' south of Bernard Rd. *The roadway work will also include sidewalk gap closure, drainage improvements, minor utility relocation, signing and striping, preparation of up to four (4) legal description and plats for right of way acquisition. No landscaping or irrigation services are anticipated.*

At the north end on the project, Main Street has been widened and fully constructed to the ultimate roadway section, approximately 400' south of Bernard Road. The CIP #316 Project will extend along Main Street to the south end of project, connecting to the completed CIP #208, Laurel Road Widening Project (from Mellowood Drive to Main Street). There is limited right of way within this segment of the project with only room for the curb, gutter, and standard sidewalk at back of curb - no meandering sidewalk is anticipated for this project.

The scope of the CIP #316 project will include performing the ROW research to mark the right of way line on the plans and in the field. The scope will also include staking the ROW in the field. Additionally, the scope of work includes coordination with the property owners for identification of the new right of way line.

Design for this project will start this summer and end early next year (2026) with construction commencing in fall 2026.

II. BASIS OF DESIGN

Our proposal is based on the following:

1. CIP #208 Contract - Laurel Road Widening (*from Mellowood Drive to Main Street*)

III. SCOPE OF SERVICES

TASK 1: PROJECT MANAGEMENT

1. **Project Management:** BKF's Project Manager, Marcelo Cosentino, will be responsible for managing the project team, providing the resources to complete the job, monitoring and updating the Project budget and schedule, implementing a quality assurance/quality control program and communicating regularly with the City staff.

2. **Project Kick-off and Coordination Meetings:** BKF has budgeted up to a maximum of twenty (20) combined staff hours to attend meetings, participate in conference calls and coordinate response to comments. Anticipated meetings include internal coordination, City coordination, and design review meetings.

TASK 2: DESIGN DEVELOPMENT

1. **Obtain/Review Existing Data, As-builts:** BKF will contact the City for storm sewer and other as-built information, and utility owners (water-Diablo Water District, sewer - Ironhouse Sanitary District, gas-PF&E, Electrical-PG&E, and communications-AT&T) that serve have utilities within the Project limits. We will gather the available record drawings, including the Heartwood Subdivision development plans, and block maps to depict the record completed improvements and location of existing utilities. This information will be superimposed onto the existing topographic survey. BKF will compile available street as-builts and right of way record maps to supplement the topographic base drawing.

2. **Site Investigations:** BKF will visit the site to review the existing site constraints and conditions. We will note any potential challenges for the project improvements and confirm our scope of survey services to support the design process. BKF will document each site visit with notes and photo logs.

3. **Establish Boundary/Project Control:** BKF will prepare a resolved boundary for the Project. This work will include monument found in the field, research into record maps and county records. Boundary mapping will be shown on the Project control drawing.

4. **Topographic Field Survey:** BKF will provide the field work to prepare a Topographic Map for the Project. The topographic survey will be comprised of identified visible site features such as roadways, pavements, evidence of significant traveled ways, walls, fences, trees 9-inches and larger in diameter and visual utility infrastructure. The Project will utilize City benchmarks for the horizontal and vertical datums.

    a. Utilities - Utility infrastructure within the mapping limits, including sewer, water valves, hydrants, meter boxes, storm drain and marked utilities, if encountered during the course of our field survey, will also be identified. The basic routing, inverts and orientation of the on-site gravity utilities will be identified based on field evidence and any available plans provided if to BKF prior to commencement of the survey. If as-built drawings are not provided or are inconclusive when compared to the field evidence, only data at the dipped structures will be provided.

5. **Aerial Survey/Control:** BKF will obtain aerial topographic mapping of the site. The aerial topographic map will be in in digital AutoCAD format and will be used as the background for all project plans and exhibits.

    a. The mapping is anticipated to be compiled at 1" = 20', and will also indicate individual spot elevations at various locations throughout the site. BKF will take a series of photographs for future reference and documentation of current field conditions encountered during the time of our survey.

6. **Preparation of Plat and Legal Description (Total 4):** BKF will prepare a plat and legal description for up to four (4) parcels each for roadway dedication or acquisition. No easements are anticipated for utilities. Additionally, BKF will stake out the new right of way boundary of the four parcels in the field to assist in the coordination between the City and property owners.

7. **Utility Investigations and Coordination:** BKF will provide coordination with utility owners for relocation of facilities in conflict with the proposed improvements. We will coordinate with the City and verify that the proposed plan conforms to existing conditions, boundary, and site constraints. We will also work with the City, PG&E and AT&T for relocation of overhead utilities with pole(s) on the west side of Main Street.

   BKF will prepare a potholing plan for concurrence by the City and work with a potholing contractor to perform utility investigation. This level of effort will minimize construction costs and ensure the correct placement of the proposed improvements. BKF will update the utility base mapping with the pothole information. BKF's current proposal assumes an allowance of up to 3 potholes.

8. **Design Concept Exhibit:** BKF will prepare a concept exhibit to be used as the basis of design for the 60% submittal. The concept exhibit will show the proposed Project geometry, including lane configuration, medians, crosswalks, curb ramps, sidewalks, driveways and landscape areas. The existing and proposed right of way will also be defined on the exhibit.

TASK 3: CONSTRUCTION DOCUMENTS

Based on comments received on the concept exhibit, BKF will develop Plans, Specifications and Estimate (PS&E) documents for the project. BKF will further progress the design with each submittal to ensure that backgrounds, utility points of connection, accessible paths of travel, and stormwater treatment areas are designed and detailed to the level required by the contractor to bid and construct.

BKF will provide design (PS&E) submittals at the 60% and 100% level of completion.

1. **Prepare 60%PS&E Submittal:** The 60% PS&E submittal will represent and define all elements of the design and will become the backbone of the Project**.**

2. **Prepare 100% Final PS&E Submittal:** The 100% PS&E submittal will finalize the project design and resolve all comments and coordination from the 60% submittal, design development and utility relocations**.**

3. **Quality Control:** Based on BKF's in-house Quality Management Plan (QMP), we will perform an in-house QA/QC review of all submittal documents prior to delivery to the City. BKF's quality control review will include both a discipline and interdisciplinary review of the design package for coordination among the various design elements.

   For each design submittal, BKF will prepare the following plans sheets in progressive levels of detail:
   - Title Sheet: This plan will include the Project title, vicinity map, location map, drawing index, abbreviations and signature block.
   - General Notes: This plan will include the City standard notes, project notes and applicable utility notes.
   - Project Control: This plan will define the project horizontal and vertical control, control point information and roadway alignment.
   - Key Map: To provide overall limit of work, the key map will identify the limits of work for each plan sheet.

- Typical Cross Sections: Typical cross sections will be develop for the proposed improvements along the Laurel Road and O'Hara Avenue alignments. These sections will show the limits of existing roadway conditions, and the width, dimensions and configuration of the proposed improvements including right of way, curb and gutter, pavement structural sections and pedestrian areas.
- Demolition Plan: BKF will evaluate the existing facilities impacted by the proposed improvements. The evaluation shall include existing conditions, unusual/special conditions and conform edge conditions for the proposed work. The demolition plan will show existing sidewalk, curb and gutter to be removed, roadway excavation, common excavation and conform grind areas. Additionally, facilities to be protected in place will be identified. Existing utility information will be shown as background information.
- Site Plan: The site plan will be prepared showing the limits and scope of the proposed improvements. Plan sheets will include horizontal layout information and identify all major construction features including areas of reconstruction and limits of conform. The plan will include references to details for the proposed work. Site plan will also show location of new lighting. Spacing for roadway lighting will be based on the existing spacing for lights along Main Street.
  The Site Plan will also include grading elements, showing the proposed elevations and drainage facilities for the proposed site improvements along Main Street. Grading information will include pavement, curb, gutter and sidewalk elevations at key points and even intervals along the Project alignment. Drainage information will include location, facility type, surface and invert elevations, and slopes for the proposed drainage facilities. Drainage profiles will be provided in the construction details for new segments of pipes if necessary.
- Construction Details: Details will be provided as necessary to guide the Contractor on special conditions related to the project improvements. This plan will include City and utility owner standard details, and custom details for the Project. Each driveway will have a breakout detail for the layout, grading and other pertinent information.
- Pavement Delineation and Sign Plan: BKF will prepare pavement delineation and sign plan based on the approved concept design for the project.
- Utility Rearrangement Plan: This plan will summarize existing utilities and proposed utility relocations for the project. Existing utilities will be protected, adjusted, removed or relocated. Utility relocations will be coordinated with the utility owners and appropriate details/notes will be included.

BKF will prepare Parts 1, 2 and 3 of the Specifications using City standard format for all work items necessary for the construction of the project. BKF will assemble the Technical Specifications and appropriate City Special Provisions for locally funded Projects. The specifications will be included with each design submittal.

BKF will prepare a Construction Cost Estimate to ensure that the magnitude of cost corresponds to the Project budget. The estimate will be prepared using present-day dollars; escalation costs will not be applied. The Construction Cost Estimate will be updated for each design submittal.

TASK 4: BID SUPPORT

1. **Bid Support Services:** BKF will perform the following tasks in support of the Project during the bid period:
   a. Attend pre-bid meeting with the City and potential bidders to discuss bidding procedures
   b. Respond to bidders' questions on the construction documents
   c. Provide technical assistance during the bid process, including the preparation of up to one addendum.
   d. Provide a conform set of drawings incorporating all addendum revisions.

IV. SCHEDULE

We understand that the design for this project will start this summer and end early next year (2026) with construction commencing in fall 2026.

COMPENSATION

1. **BASE SCOPE OF WORK:**
   BKF proposes to provide the services described above and will invoice our services on a time and materials basis not to exceed the cost per task summarized as follows:

ITEM	DESCRIPTION	FEE
1	**PROJECT MANAGEMENT**	**$ 10,860.00**
1.1	Project Management	$ 5,496.00
1.2	Project Kick-off and Coordination Meetings	$ 5,364.00
2	**DESIGN DEVELOPMENT**	**$71,093.00**
2.1	Obtain/Review Existing Data, As-Builts	$4,838.00
2.2	Site Investigations	$5,346.00
2.3	Establish Boundary/Project Control	$8,192.50
2.4	Topographic Field Survey	$5,113.50
2.5	Aerial Survey/Control	$3,758.00
2.6	Preparation of Plat and Legal Description (Total 4)	$19,418.00
2.7	Utility Investigations and Coordination	$8,063.00
2.8	Design Concept Exhibit	$16,364.00
3	**CONSTRUCTION DOCUMENTS**	**$79,821.00**
3.1	Prepare 60% PS&E Submittal	$44,023.00
3.2	Prepare 100% Final PS&E Submittal	$33,544.00
3.3	Quality Control	$2,254.00
4	**BID SUPPORT**	**$4,758.00**
4.1	Bid Support Services	$4,758.00
RE	**REIMBURSABLE EXPENSES**	**$20,400.00**
	Printing, Deliver, Mileage, Postage, Parking	$1,200.00
	Aerial Topo	$4,200.00
	Potholing (Allowance)	$15,000.00
	TOTAL FEE PER SCOPE	**$186,932.00**

   Reimbursable expenses are anticipated for reproduction, mileage, express and messenger deliveries, and computer deliverable plots. Reimbursable expenses will be billed on a cost plus 10-percent markup basis.

For tasks requested by the City not defined in this scope of services, BKF will identify them as potential extra work. We can provide a scope and fee for these items or they may be tracked separately as extra work and billed on a time and materials per our attached rate schedule.

May 28, 2025

Thank you for the opportunity to present this proposal. We look forward to assisting in developing this project. Please contact me at 408-706-4036 if you have any questions regarding our scope of services.

Respectfully,
BKF Engineers

Marcelo Cosentino, PE
Associate

Attachments:
1. BKF Engineers Professional Services Rate Schedule
2. Cost Breakdown

BKF ENGINEERS PROFESSIONAL SERVICES RATE SCHEDULE

EFFECTIVE JANUARY 1, 2025

CLASSIFICATION	HOURLY RATE
PROJECT MANAGEMENT	
Principal in Charge	$317.00
Senior Project Executive	$294.00
Project Executive	$287.00
Senior Project Manager | Senior Technical Manager	$278.00
Project Manager | Technical Manager	$273.00
Engineering Manager | Surveying Manager | Planning Manager	$251.00
TECHNICAL STAFF	
Senior Project Engineer | Senior Project Surveyor | Senior Project Planner	$233.00
Project Engineer | Project Surveyor | Project Planner	$205.00
Design Engineer | Staff Surveyor | Staff Planner	$179.00
BIM Specialist I, II, III	$179.00 - $205.00 - $233.00
Technician I, II, III, IV, V	$170.00 - $181.00 - $198.00 - $213.00 - $230.00
Drafter I, II, III, IV	$133.00 - $146.00 - $158.00 - $175.00
Engineering Assistant | Surveying Assistant | Planning Assistant	$111.00
FIELD SURVEYING	
Survey Party Chief	$233.00
Instrument Person	$200.00
Survey Chainperson	$150.00
Utility Locator I, II, III, IV	$122.00 - $172.00 - $207.00 - $235.00
Apprentice I, II, III, IV	$92.00 - $124.00 - $137.00 - $145.00
CONSTRUCTION ADMINISTRATION	
Senior Consultant	$305.00
Senior Construction Administrator	$266.00
Resident Engineer	$197.00
Field Engineer I, II, III, IV	$179.00 - $205.00 - $233.00 - $250.00
FUNDING & GRANT MANAGEMENT	
Director of Funding Strategies	$218.00
Funding Strategies Manager	$200.00
Funding/Research Analyst I, II, III, IV	$137.00 - $158.00 - $168.00 - $185.00
PROJECT ADMINISTRATION	
Project Coordinator	$149.00
Senior Project Assistant	$128.00
Project Assistant	$113.00
Clerical | Administrative Assistant	$95.00

Expert witness rates are available upon request.

Subject to the terms of a services agreement:

- Charges for outside services, equipment, materials, and facilities not furnished directly by BKF Engineers will be billed as reimbursable expenses at cost plus 10%. Such charges may include, but shall not be limited to: printing and reproduction services; shipping, delivery, and courier charges; subconsultant fees and expenses; agency fees; insurance; transportation on public carriers; meals and lodging; and consumable materials.
- Allowable mileage will be charged at the prevailing IRS rate per mile.
- Monthly invoices are due within 30 days from invoice date. Interest will be charged at 1.5% per month on past due accounts.
- The rates shown are subject to periodic increases, including January 1st of each year.

City of Oakley
CIP # 316 Main Street Widening Project
(North of Laurel Road to Heartwood Subdivision)

5/29/2025

TASK	SCOPE DESCRIPTION	STAFF CATEGORY													Total Hrs	EST FEE
		PIC (Dan Schaefer)	Sr. Project Executive (Marcelo Cosentino	Principal (Davis Thresh)	QA/QC (Carmelo Cecilio)	Utility Coordiantion (Andrew Michel, PE)	Cheung Wong, PE	Engineering /Survey Manager	Sr Project Eng/Sur	Project Eng/Sur	Design Eng/Sur	Tech IV	2-Man Survey	Administrative Assistant		
		$317.00	$294.00	$317.00	$273.00	$287.00	$273.00	$251.00	$233.00	$205.00	$179.00	$213.00	$383.00	$95.00		
Task 1	**PROJECT MANAGEMENT**															
1.1	Project Management	2	8					10							20	$ 5,496.00
1.2	Project Kick-off and Coordination Meetings		8					12							20	$ 5,364.00
	Subtotals	**2**	**16**	**-**	**-**	**-**		**22**	**-**	**-**	**-**	**-**	**-**	**-**	**40**	**$ 10,860.00**
Task 2	**DESIGN DEVELOPMENT**															
2.1	Obtain/Review Existing Data, As-builts		2			2	2	2	6	6					20	$ 4,838.00
2.2	Site Investigations							6		10	10				26	$ 5,346.00
2.3	Establish Boundary/Project Control			0.5				10		12			8		30.5	$ 8,192.50
2.4	Topographic Field Survey			0.5				1		8			8		17.5	$ 5,113.50
2.5	Aerial Survey/Control			0.5				0.5		2			8		11	$ 3,758.00
2.6	Preparation of Plat and Legal Description (Total 4)			4				16		54			8		82	$ 19,418.00
2.7	Utility Investigation and Coordination		2			2		8		3	12	10			37	$ 8,063.00
2.8	Design Concept Exhibit		2			2	2	8	24		18	18			74	$ 16,364.00
	Subtotals	**-**	**6**	**6**	**-**	**6**		**52**	**30**	**95**	**40**	**28**	**32**	**-**	**298**	**$ 71,093.00**
Task 3	**CONSTRUCTION DOCUMENTS**															
3.1	Prepare 60% PS&E Submittal		6			6	23		22	36	48	60		4	205	$ 44,023.00
3.2	Prepare 100% Final PS&E Submittal	2	6			4	22		16	24	36	40		4	154	$ 33,544.00
3.3	Quality Control		2		2	2	2								8	$ 2,254.00
	Subtotals	**2**	**14**	**-**	**2**	**12**		**-**	**38**	**60**	**84**	**100**	**-**	**8**	**367**	**$ 79,821.00**
Task 4	**BID SUPPORT**															
4.1	Bid Support Services	2	4				2	4	6						18	$ 4,758.00
	Subtotals	**2**	**4**	**-**	**-**	**-**		**4**	**6**	**-**	**-**	**-**	**-**	**-**	**18**	**$ 4,758.00**

	PIC (Dan Schaefer)	Sr. Project Executive (Marcelo Cosentino	Principal (Davis Thresh)	QA/QC (Carmelo Cecilio)	Utility Coordiantion (Andrew Michel, PE)	Cheung Wong, PE	Engineering /Survey Manager	Sr Project Eng/Sur	Project Eng/Sur	Design Eng/Sur	Tech IV	2-Man Survey	Administrative Assistant	Total	Total Labor
Totals By Classifications	6	40	6	2	18	-	78	74	155	124	128	32	8	723	**$ 166,532.00**
Total Direct Labor	$ 1,902.00	$ 11,760.00	$ 1,743.50	$ 546.00	$ 5,166.00	$ -	$ 19,452.50	$ 17,242.00	$ 31,775.00	$ 22,196.00	$ 27,264.00	$ 12,256.00	$ 760.00	$ 152,063.00	

Reimbursable	
Printing, Deliver, Mileage, Postage, Parking	$ 1,200.00
Aerial Topo	$ 4,200.00
Potholing (Allowance)	$ 15,000.00
Reimbursable	**$ 20,400.00**

PROJECT TOTAL	**$ 186,932.00**

STAFF REPORT

OAKLEY
CALIFORNIA

DATE: July 8, 2025

Approved and Forwarded to the City Council

TO: Joshua McMurray, City Manager

FROM: Jose Cortez, Senior Planner

SUBJECT: Zoning Text Amendments – Housing Element Implementation of Policy Actions 1.1, 3.5, and 3.6

Summary

This is a City-initiated application requesting approval of a Rezoning (RZ 2025-02) consisting of zoning text amendments that are proposed to amend 1) Various Sections within the Oakley Municipal Code ("OMC") pertaining to Housing Element action implementation including compliance with Policy Actions 1.1, 3.5, and 3.6; and 2) Introduce a formal procedure for Reasonable Accommodation requests ("Project").

Background

The Housing Element is one of the seven mandatory elements of each city's General Plan. It functions as a locally adopted blueprint of goals, policies, and programs to address existing and projected housing needs. State law requires jurisdictions to update their Housing Element every eight years and obtain certification from the Department of Housing and Community Development (HCD). The City of Oakley 6th Cycle Housing Element 2023-2031 was adopted by the City Council on May 9, 2023 and was subsequently certified by HCD on May 24, 2023. Since adoption of the Housing Element the City has worked towards implementation of the Goals and Policy Actions of the Housing Element identified in Chapter 8 titled, "Housing Plan". The Housing Plan identifies specific goals and actions to address housing needs and meet statutory requirements. In developing this Housing Plan, the City assessed its existing and future housing needs and evaluated the performance of existing programs. The Housing Element identifies three (3) overarching goal topics:

1. Production of New Housing
2. Preservation and Conservation of the Existing Housing Stock
3. Increase Access to Housing Opportunities

For each goal, the City developed a set of policy actions to carry out the goal. The policy actions specify objectives, primary responsibility, and an estimated timeframe for accomplishment. Compliance with Policy Actions 1.1, 3.5, and 3.6 requires various Zoning Text Amendments (ZTA) to the OMC. The ZTAs will bring the applicable

sections of the OMC into compliance with state law and in conformance with the Housing Element Actions.

Zoning Text Amendments Descriptions

POLICY ACTION 1.1: REZONE ADEQUATE SITES TO MEET REMAINING RHNA NEED

Policy Action 1.1 is written as follows:

"To ensure the availability of adequate sites to accommodate the City's projected future construction needs by income category, the City shall rezone adequate sites to accommodate the remaining RHNA of 434 lower-income units for the 2022-2030 RHNA projection period. The Affordable Housing Overlay (AHO) District will be applied to at least 21.7 acres and will establish a minimum density of 20 units per acre and maximum density of 30 units per acre consistent with the "default density" standards of Government Code Section 65583.2(3)(B) and shall expand the base zones to which the AHO may be applied. The City will emphasize distributing the AHO sites more evenly across the city and in more developed and well-established areas, ensuring new sites are identified in higher income areas to affirmatively further fair housing. The City will establish a minimum affordability requirement of 20 percent and ensure that the AHO permits owner-occupied and rental multifamily uses by right pursuant to Government Code Section 65583.2(i) for developments in which 20 percent or more units are affordable to lower income households. In accordance with Government Code Section 65583.2(h), at least 50 percent of the City's remaining lower income RHNA need (217 units) will be accommodated on parcels designated exclusively for residential uses. The City will identify new AHO sites through a public process that includes education and addressing community concerns about the benefits and impacts of affordable housing. The City will make an effort to involve all segments of the community in the selection of AHO sites and modifications to the AHO ordinance, including lower-income residents and organizations that represent them. If HCD determines that the AHO is not a satisfactory tool to meet the lower-income RHNA rezone obligation, the City will pursue an alternative approach to rezone sites where the base zoning would be amended to a minimum of 20 units per acre and maximum of 30 units per acre to satisfy the lower-income RHNA obligation. The City will consider the candidate AHO sites, along with additional sites, in implementing this alternative approach."

Affordable Housing Overlay District (AHO)

Policy Action 1.1 is titled "Rezone Adequate Sites to Meet Remaining RHNA Need." Language within this action also includes changes to the existing Affordable Housing Overlay ("AHO") District (OMC Section 9.1.410) required to bring the AHO into compliance with state law. These Zoning Text Amendments will only address portions of this action related to modifying language in the existing AHO. The rezoning of sites is

being handled as a separate item and will be presented to the City Council in upcoming meetings.

The primary proposed modifications reflect the decision from the *Martinez vs. Clovis, 2023* court case where the State's Fifth Appellate District found that Affordable Housing Overlay Districts (AHO) in the City of Clovis did not satisfy its rezone program obligation to meet the lower-income Regional Housing Needs Allocation (RHNA) for affordable housing. Based on guidance received from HCD since certification of the Housing Element, the AHO can be applied to areas with Commercial base zoning to allow for housing where it would not otherwise be allowed by the base zoning. Application of the AHO may only be used to accommodate less than half of the total required Regional Housing Needs Allocation ("RHNA") affordable units.

Modifications to the AHO also include establishing a minimum and maximum density of 20 to 30 dwelling units per acre, whereas the previous ordinance had an established base density of 24 dwelling units per acre. This modification in base zoning helps satisfy the lower-income RHNA obligation and meet state law. The code section has been further modified to simplify and clarify previous language, removing language that no longer applies, and clarifying affordability requirements.

Proposed language for these amendments is included as Attachment 4.

POLICY ACTION 3.5: REASONABLE ACCOMMODATION PROCEDURES

Policy Action 3.5 is written as follows:

"To accommodate the housing needs of persons with disabilities and provide a streamlined permit review process, the City shall prepare and adopt a reasonable accommodation ordinance. The City shall update the City's website to specify the City's procedures for accommodating requests and to include a dedicated contact or application form specific to reasonable accommodation requests."

Reasonable Accommodations

Policy Action 3.5 of the Housing Element requires the OMC establish a process for Reasonable Accommodations. The program aims to accommodate the housing needs of persons with disabilities by providing a streamlined permit review process, and identifying the procedures for accommodating requests. The OMC has been amended by adding a new section (OMC Section 9.1.1614 Reasonable Accommodations for Residential Uses).

This new section will establish a process through which individuals with disabilities can request reasonable accommodations to zoning and land use regulations, as well as other City policies, practices, and procedures, ensuring equal access to housing. This

ordinance aligns with the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act, aiming to eliminate barriers to housing for disabled individuals. While the ordinance provides flexibility in zoning regulations, it does not exempt structures approved under reasonable accommodation provisions from complying with standard building codes, permits, inspections, and fees.

The ordinance outlines a formal procedure for requesting reasonable accommodations, which applies to all zoning districts, building codes, and housing regulations. Requests must be submitted in writing by an individual with a disability or their representative, and the Director will make a decision within 45 days, either granting, modifying, or denying the request. The Director will consider factors such as the necessity of the accommodation to provide equal housing opportunity, the impact on the City's resources, and whether the request would require a fundamental change to zoning or building policies. Appeals on a decision can be made by the applicant or adjacent property owners, and no fees will be charged for filing a request. The City will also provide assistance to individuals who need help with the appeal process.

Proposed language for these amendments is included as Attachment 5.

POLICY ACTION 3.6: ZONING AMENDMENTS FOR SPECIAL NEEDS HOUSING

Policy Action 3.6 is written as follows:

"The City shall amend the Zoning Code to ensure compliance with state law and encourage special needs housing as follows:

- *Allow transitional and supportive housing in the Agricultural Limited zone.*
- *Allow Low Barrier Navigation Center developments by right in mixed-use zones and nonresidential zones permitting multi-unit uses (Government Code Sections 65660-65668).*
- *Ensure parking for emergency shelters is based on the number of employees consistent with Government Code Section 65583(a)(4)).*
- *Allow for the approval of 100 percent affordable developments that include a percentage of supportive housing units, either 25 percent or 12 units, whichever is greater, without a conditional use permit or other discretionary review in all zoning districts where multifamily and mixed-use development is permitted (Government Code Section 65651(a)).*
- *Reduce constraints for residential care facilities for more than six persons by ensuring inclusion in all residential zones and providing approval certainty and objectivity for housing for persons with disabilities.*

- *Add provisions ensuring that manufactured homes on permanent foundations are allowed in the same manner and in the same zones as other single family dwellings, consistent with Government Code Section 65852.3.*
- *Add a broad and inclusive definition of "family" that complies with fair housing laws."*

Transitional and Supportive Housing

The Limited Agricultural (AL) District will require an amendment pursuant to Policy Action 3.6 of the Housing Element, which requires the City to amend the OMC to ensure compliance with state law and encourage special needs housing. One such amendment requires Transitional Housing and Supportive Housing to be allowed in the AL Zoning District. Transitional and Supportive housing are already allowed in the base residential zoning districts. This modification will add both uses to the permitted use list for the AL District.

The OMC Section 9.1.202 (Definitions Generally) defines Transitional and Supportive Housing as follows:

- "Transitional Housing" means (per Health and Safety Code Section 50675.2(h)) buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

- "Supportive Housing" means (per Health and Safety Code Section 50675.14(b)) housing with no limit on the length of stay, that is occupied by a target population as defined in subdivision (d) of Section 53260, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Proposed language for these amendments is included as Attachment 6.

Low Barrier Navigation Center

In an effort to further encourage special needs housing, Policy Action 3.6 of the Housing Element requires allowing for Low Barrier Navigation Center developments by right in mixed-use zones and non-residential zones permitting multi-unit uses. The OMC currently does not have a procedure for the development of Low Barrier Navigation Centers. OMC Section 9.1.1242 (Low Barrier Navigation Center) is added to the OMC to outline the procedures for a Low Barrier Navigation Center in compliance with California Government Code Section 65660 Article 12 of Chapter 3 of Division 1 of Planning and Zoning Law commencing with California Government Code Section

65660. In order for the OMC to comply with the action, multiple code sections have to be amended.

Three (3) definitions are added to the OMC to aid in the implementation of the Low Barrier Navigation Center use. Definitions to be added to the OMC include Low Barrier Navigation Center, Low Barrier, and Use by Right.

In addition to the definitions above, a new OMC section (OMC Section 9.1.1242 Low Barrier Navigation Centers) is proposed to be added. This section is broken down into five (5) main subsections including, Purpose, Applicability, Allowed Zones, Requirements, and Application Procedure and Review. The five (5) subsections provide detailed information to aid in any potential development of a Low Barrier Navigation Center. A low-barrier navigation center development is a use by-right in areas zoned for mixed-use and non-residential zones permitting multifamily uses. In the City, this would apply to two different zoning districts, the Retail Business (RB) District, and General Commercial (C) District.

Proposed language for these amendments is included as Attachment 6.

Emergency Shelter Parking

Policy Action 3.6 requires the City of Oakley ensure parking for emergency shelters is based on the number of employees consistent with Government Code Section 65583(a)(4)). Subsequently the OMC has been amended to include parking in compliance Government Code Section 65583(a)(4) which will require one space employee on the largest shift or as described in Government Code Section 65583.

Proposed language for these amendments is included as Attachment 6.

Supportive Housing Developments

Policy Action 3.6 requires that the OMC allow for the approval of 100 percent affordable developments that include a percentage of supportive housing units, either 25 percent or 12 units, whichever is greater, without a conditional use permit or other discretionary review in all zoning districts where multifamily and mixed-use development be permitted (Government Code Section 65651(a)). The OMC has been amended to include a new section (OMC Section 9.1.1244 Streamlined Approval for 100% Affordable Housing Developments with Supportive Housing Units).

The addition of OMC Section 9.1.1244 will establish a streamlined approval process for 100% affordable housing developments that include supportive housing units, in compliance with California Government Code Section 65651(a). These projects are exempt from the Conditional Use Permit (CUP) process and discretionary reviews, provided they meet certain criteria, including dedicating at least 25% of the units, or a minimum of 12 units, to supportive housing. The developments must also comply with

all applicable zoning and building standards, such as density, parking, height, and design regulations. The City will grant ministerial approval for qualifying projects, bypassing the need for public hearings unless required by law for other technical compliance.

In addition, the amendments designate these developments as permitted uses in the Multiple Family Residential Districts (M-9, M-12, M-17), Retail Business (RB), and General Commercial (C) Zoning Districts. The projects must meet the supportive housing criteria outlined in California Health and Safety Code Section 50675.14, with the developer responsible for providing appropriate services to residents. While the CUP process is waived, applicants are required to notify nearby property owners and residents within 500 feet, and decisions can be appealed pursuant to Chapter 1.8 of the OMC.

To support this new section, definitions for “100% Affordable Housing Development” and “Supportive Housing Unit” have been added to Section 9.1.202 (Definitions Generally). These definitions will clarify the new uses required by Policy Action 3.6. Additionally, the OMC currently has a definition for “Supportive Housing” however for the purposes of the new use, a new definition for the individual unit type “Supportive Housing Unit” was added.

Proposed language for these amendments is included as Attachment 6.

Residential Care Facilities

Policy Action 3.6 further aims to encourage special needs by reducing constraints for residential care facilities for more than six persons by ensuring inclusion in all residential zones and providing approval certainty and objectivity for housing for persons with disabilities. To accomplish this, residential care facilities for more than six person has been added as a permitted use and removed as a conditionally permitted use in the Single-Family Residential Districts and Multiple Family Residential Districts.

The OMC currently has a section for Residential Care Facilities (OMC Section 9.1.1228), which establishes objective standards for residential care facilities with more than six persons. Two additional standards are proposed to be added to this section. One new standard establishes a requirement to meet appropriate use and occupancy classification as identified by the California Building Code (CBC). Additionally, a new standard to meet all current and local Fire Department requirements if applicable was added to the OMC.

Proposed language for these amendments is included as Attachment 6.

Manufactured Homes

Policy Action 3.6 requires the OMC have provisions that manufactured homes on permanent foundations be allowed in the same manner and in the same zones as other single family dwellings, consistent with Government Code Section 65852.3.

The OMC currently has a definition for "Manufactured Home Park; Site. Mobile Home; Mobile Home Park," which then breaks down the different categories even further. As part of that breakdown, a new subcategory for Manufactured Homes or Mobile Homes outside of the of the Mobile Home Residential District (MH) are now required to be affixed to a permanent foundation, and are subject to the City of Oakley's Residential Design Guidelines.

In addition to the new requirement, language has been added to the definition of a "Single Family Dwelling" to include the requirement for a single family dwelling to be affixed to a permanent foundation. The language also identifies construction types that would also be permitted including stick built, modular, manufactured, and prefabricated homes.

Proposed language for these amendments is included as Attachment 6.

Family Definition

The last item of Policy Action 3.6 suggests the City of Oakley add a broader definition of "Family" to the OMC. As the code currently exists, it does not include a definition of "Family". Subsequently the OMC has been amended to include a definition of family, which will broaden the definition to help ensure it complies with fair housing laws.

Proposed language for these amendments is included as Attachment 6.

PLANNING COMMISSION PUBLIC HEARING

On June 3, 2025, a public hearing on the Zoning Text Amendments related to Housing Element Implementation of Policy Actions 1.1, 3.5, and 3.6 was held by the Planning Commission at their regularly scheduled meeting. City Staff presented the staff report after which the Planning Commission asked clarifying questions related to compliance with state law, potential transitional and supportive housing projects, and residential care facility standards. No public comments were received on the item. After deliberations, the Planning Commission adopted Resolution No. 7-25 recommending the City Council adopt the ordinances amending the Oakley Municipal Code pursuant to Policy Actions 1.1, 3.5, and 3.6, and finding the action exempt from CEQA.

California Environmental Quality Act ("CEQA")

The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption in that the proposed ordinances would only establish and clarify administrative processes and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. None of the circumstances described in CEQA Guidelines Section 15300.2 applies.

Consistency with the Oakley Strategic Plan 27+

Approval of this project would be consistent with the Oakley Strategic Plan 27+ Community and Economic Development Goal to inspire and encourage Community and Economic Development through Strategic and thoughtful growth, a business friendly environment, and local employment opportunities.

Fiscal Impact

No fiscal impact is associated with the preparation of this staff report and accompanying attachments. Costs associated with amending the Zoning Code on City-initiated projects, including staff time associated with this zoning text amendment, are funded through the City's General Fund.

Staff Recommendation

Staff recommends the City Council waive the first reading and introduce the proposed ordinances amending the Oakley Municipal Code pursuant to Policy Actions 1.1 (Rezone Adequate Sites to Meet RHNA Need), 3.5 (Reasonable Accommodation Procedures), and 3.6 (Special Needs Housing), and finding the action exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Attachments

1. Notice of Public Hearing
2. Planning Commission Resolution No. 7-25
3. Summary of all Zoning Text Amendments
4. Proposed Ordinance – Policy Action 1.1
5. Proposed Ordinance – Policy Action 3.5
6. Proposed Ordinance – Policy Action 3.6

OAKLEY
CALIFORNIA

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **July 8, 2025 at 6:30 p.m.**, or as soon thereafter as the matter may be heard, the City Council of the City of Oakley will hold a Public Hearing at the Council Chambers located at 3231 Main Street, Oakley, CA 94561 for the purposes of considering an application as described below:

Project Name: Zoning Text Amendments (RZ 2025-02) - Housing Element Implementation

Project Location: Citywide

Applicant: City of Oakley, 3231 Main Street, Oakley, CA 94561

Request: The City of Oakley is initiating a Rezoning application (RZ 2025-02) proposing modifications to the Oakley Municipal Code (OMC) as follows:

1. Amendments to various sections of the OMC to implement specified Housing Element programs, including but not limited to Policy Actions 1.1, 3.5, 3.6, and 3.7, to ensure compliance with state-mandated housing policies and facilitate the development of housing across all income levels; and
2. Establishment of a formal administrative procedure for the review and processing of Reasonable Accommodation requests in accordance with federal and state fair housing laws.

These zoning text amendments collectively are intended to further the City's compliance with its adopted Housing Element and applicable fair housing regulations ("Project").

How to Review: The Staff Report and its attachments will be available for public review, on or before **July 1, 2025** at City Hall, 3231 Main Street, Oakley, CA 94561 or online at https://www.oakleyca.gov/129/Agendas-Minutes by navigating to the **July 8, 2025 City Council** agenda and clicking the project title link. (Note: City Hall is closed on the 1st and 3rd Fridays of each month). Interested persons are invited to submit written comments prior to and may testify at the public hearing. Written comments may be submitted to Jose Cortez, Senior Planner at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to **JCortez@ci.Oakley.ca.us**.

NOTICE IS ALSO GIVEN pursuant to Government Code Section 65009(b) that, if this matter is subsequently challenged in Court by you or others, you may be limited to raising only those issues you or someone else has raised at a Public Hearing described in this notice or in written correspondence delivered to the City of Oakley City Clerk at, or prior to, the Public Hearing.

PLANNING COMMISSION
RESOLUTION NO. 7-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OAKLEY RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF OAKLEY ADOPT THE ORDINANCES AMENDING THE OAKLEY MUNICIPAL CODE PURSUANT TO POLICY ACTIONS 1.1 (REZONE ADEQUATE SITES TO MEET REMAINING RHNA NEED), 3.5 (REASONABLE ACCOMMODATION PROCEDURES), AND 3.6 (SPECIAL NEEDS HOUSING) OF THE 6TH CYCLE HOUSING ELEMENT 2023-2031 AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, this is a City-initiated application requesting approval of a Rezoning (RZ 2025-02) consisting of zoning text amendments to the Oakley Municipal Code ("OMC") pursuant to Policy Actions 1.1 (Rezone Adequate Sites to Meet RHNA Need), 3.5 (Reasonable Accommodation Procedures), and 3.6 (Special Needs Housing) of the 6th Cycle Housing Element 2023-2031 ("Project"); and

WHEREAS, on or before May 24, 2025, the Notice of Public Hearing for the Project was duly noticed in the East Bay Times, a newspaper of general distribution, was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and was mailed out to outside agencies and to parties requesting such notice; and

WHEREAS, on June 3, 2025, the Planning Commission held a duly noticed public hearing to consider the proposed Rezone (RZ 2025-02), received the staff report and staff presentation, received comments from the public and interested parties, and discussed the matter; and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

BE IT RESOLVED on the basis of the above findings of fact and the entire Record, the Planning Commission makes the following additional findings in support of the approvals:

A. On May 9, 2023 the City Council adopted the 6th Cycle Housing Element of the General Plan for the period of 2023-2031 in compliance with State Housing Element law.

B. On May 24, 2023 HCD certified the City of Oakley's 6th Cycle Housing Element for the period of 2023-2031 in compliance with State Housing Element law.

C. The Objective of Policy Action 1.1 of the Housing Element aims to provide modifications to the AHO Ordinance to facilitate the development of more housing choices for lower-income households.

Adopting THE PROPOSED Zoning text Amendments related to the Affordable Housing Overlay District (AHO) would implement Policy Action 1.1 of the City of Oakley Housing Element.

D. The Objective of Policy Action 3.5 of the Housing Element is to develop policies and written procedures for Reasonable Accommodation requests with respect to zoning, permit processing and building law. The action aims to accommodate the housing needs of persons with disabilities and provide a streamlined permit review process.

Adopting the proposed Zoning Text Amendments related to Reasonable Accommodations for Residential Uses would implement Policy Action 3.5 of the City of Oakley Housing Element.

E. The Objective of Policy Action 3.6 of the Housing Element aims to amend the Zoning Code to ensure compliance with state law and encourage special needs housing.

Adopting the proposed Zoning Text Amendments related to Zoning Amendments for Special Needs Housing would implement Policy Action 3.6 of the City of Oakley Housing Element.

F. The Planning Commission recommends that the City Council finds the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption in that the proposed ordinance would only establish and clarify administrative processes and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. None of the circumstances described in CEQA Guidelines Section 15300.2 applies.

BE IT FURTHER RESOLVED on the basis of the above Findings and the Record, The Planning Commission hereby recommends that the City Council adopt the ordinances amending the Oakley Municipal Code as shown in the Exhibit "A", Exhibit "B", and Exhibit "C" to this Resolution and finding the action exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

PASSED AND ADOPTED by the Planning Commission of the City of Oakley this 3rd day of June 2025 by the following vote:

AYES: Chuiko, Harvey, Oliveros, Price, Verduzo
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

Diego Verduzco, Chair

ATTEST:

Kim Snodgrass, City Clerk

4/9/25
Date

EXHIBIT "A"

DRAFT ORDINANCE NO. -25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING OAKLEY MUNICIPAL CODE SECTION 9.1.410 (AFFORDABLE HOUSING OVERLAY DISTRICT) AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, this is a City-initiated application requesting approval of a Rezoning (RZ 2025-02) consisting of a zoning text amendment to Oakley Municipal Code ("OMC") section 9.1.410 Affordable Housing Overlay ("AHO") District required to bring the AHO into compliance with state law ("Project"); and

WHEREAS, on June 3, 2025, the Planning Commission held a duly noticed public hearing to consider the proposed Rezone (RZ 2025-02), received the staff report and staff presentation, received comments from the public and interested parties, and discussed the matter. Following the public hearing, the Planning Commission adopted Planning Commission Resolution No. ____ recommending the City Council adopt the proposed Ordinance; and

WHEREAS, on or before _____, the Notice of Public Hearing for the Project was duly noticed in the East Bay Times, a newspaper of general distribution, was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and was mailed out to outside agencies and to parties requesting such notice; and

WHEREAS, on _____ the City Council held a duly noticed public hearing to consider the proposed Ordinance related to the Affordable Housing Overlay District (AHO), received the staff report and staff presentation, received comments from the public and interested parties, considered the recommendation of the Planning Commission and discussed the matter; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

SECTION 2. Additional Findings.

A. On May 9, 2023 the City Council adopted the 6th Cycle Housing Element of the General Plan for the period of 2023-2031 in compliance with State Housing Element law.

B. On May 24, 2023 HCD certified the City of Oakley's 6th Cycle Housing Element for the period of 2023-2031 in compliance with State Housing Element law.

C. The Objective of Policy Action 1.1 of the Housing Element aims to provide modifications to the AHO Ordinance to facilitate the development of more housing choices for lower-income households.

Adopting the proposed Zoning Text Amendments related to the Affordable Housing Overlay District (AHO) would implement the applicable portion of Policy Action 1.1 of the City of Oakley Housing Element.

D. The City Council finds the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption in that the proposed ordinance would only establish and clarify administrative processes and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. None of the circumstances described in CEQA Guidelines Section 15300.2 applies.

SECTION 3. Section 9.1.410 of the Oakley Municipal Code Section 9.1.410 titled, "Affordable Housing Overlay District (AHO)" is hereby amended and adopted in its entirety, as follows:

"9.1.410 Affordable Housing Overlay District (AHO).

a. Purpose and Intent. The Affordable Housing Overlay (AHO) District serves to implement the housing element goal of providing new housing and addressing affordable housing needs within the City of Oakley. The AHO can be applied to areas with Commercial base zoning to allow for housing where it would not otherwise be allowed by the base zoning.

b. Application.-This section only applies to projects within the AHO District that elect to use the AHO District.

c. Affordability Requirements.

1) Developments electing to use the AHO shall include at least 20 percent affordable housing units, in some combination of the following income categories:

a) Low income household: any household with an income level between fifty percent (50%) and eighty percent (80%) of the Contra Costa County median income as determined by the California Department of Housing and Community Development (HCD) and/or the Federal Department of Housing and Urban Development (HUD);

b) Very low income household: any household with an income level between thirty percent (30%) and fifty percent (50%) of the Contra Costa County median income as determined by HCD or HUD; and/or

c) Extremely low income household: any household within an income of thirty percent (30%) or less of the Contra Costa County median income as determined by HCD or HUD.

2) Prior to the approval of the first building permit for any dwelling unit, the applicant shall execute an agreement with the City of Oakley and any other documents necessary to ensure the continued affordability of the affordable units for a fifty-five (55) year minimum time frame in a form acceptable to the City Council.

3) If a development has both affordable and market rate units, then the affordable units shall be constructed at a rate consistent with the construction of market rate units and shall be mixed throughout the development. Project phasing must be done in a manner that is proportionate to the overall mix of affordability levels.

d. Permitted Uses. The AHO allows for the development of owner-occupied and rental multifamily housing, which for the purposes of this section is defined as any residential development with three or more units on a single lot, within the AHO District. Residential developments that include at least 20 percent affordable housing shall be a use permitted by-right, as defined in Government Code Section 65583.2(i).

e. Development Standards. Where an applicant or developer elects to apply to utilize the AHO District over the underlying zoning, the development standards listed in Table 1 of this section, where applicable, shall apply.

Table 1: Development Standards for Multifamily Construction within the Affordable Housing Overlay (AHO) District	
Subject	Standard
Minimum Density	20 dwelling units per acre
Maximum Density	30 dwelling units per acre[1]
Building Site Coverage (combined maximum)	50%
Front Setback (minimum)	15 feet for two stories, 20 feet for three or more stories
Rear Setback (minimum)[2]	15 feet for two stories, 20 feet for three or more stories
Side Setback[2]	8 feet for two stories, 12 feet for three or more stories
Distance Between Buildings (minimum)	20 feet for two stories, 25 feet for three or more stories
Height Limit (maximum)	42 feet
Parking Requirements	Parking shall be provided per Section 9.1.1402 of the Zoning Ordinance.[3]
[1]Per state law, developments that qualify for a State Density Bonus in accordance with Government Code Section 65915 et seq. shall be allowed to exceed the maximum density through the use of a density bonus. [2] 10 feet for any structure (not a dwelling unit) up to 15 feet in height. [3] Per state law, developments that qualify for a State Density Bonus are eligible for reduced parking in accordance with Government Code Section 65915 et seq.	

f. Development Incentives.

1) The City shall provide a density bonus and additional incentive(s) for qualified housing developments in accordance with State Density Bonus (Government Code Section 65915 and Section 9.1.412 of the Zoning Ordinance).

2) The City will provide other funding or incentives to qualifying affordable housing projects, to meet the City Regional Housing Needs Allocation (RHNA) allocation, such as providing financial assistance or land write-downs when feasible, providing expedited processing, identifying grant, funding opportunities, and providing support to developers in seeking funding.

g. Design Criteria. All proposed projects shall be consistent with the City of Oakley Multifamily Objective Design Standards (pending). The design standards will be enforced through review and approval by the Community Development Director (CDD), or his/her designee, in case of an administrative-level approval, or by the City Council in the event a conditional use permit is required."

SECTION 4. California Environmental Quality Act (CEQA).

This project is exempt from environmental analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that the proposed amendments will not have a significant effect on the environment.

SECTION 5. Effective Date and Posting.

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

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2025 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor Date

ATTEST:

_____
Kim Snodgrass, City Clerk Date

EXHIBIT "B"

DRAFT ORDINANCE NO. -25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADOPTING OAKLEY MUNICIPAL CODE SECTION 9.1.1614 (REASONABLE ACCOMODATIONS FOR RESIDENTIAL USES) AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, this is a City-initiated application requesting approval of a Rezoning (RZ 2025-02) consisting of a zoning text amendment to adopt Oakley Municipal Code ("OMC") section 9.1.1614 Reasonable Accommodations for Residential Uses so that the City can establish written procedures for Reasonable Accommodations with the goal of accommodating the housing needs of persons with disabilities and provide a streamlined permit review process ("Project"); and

WHEREAS, on June 3, 2025, the Planning Commission held a duly noticed public hearing to consider the proposed Rezone (RZ 2025-02), received the staff report and staff presentation, received comments from the public and interested parties, and discussed the matter. Following the public hearing, the Planning Commission adopted Planning Commission Resolution No. ____ recommending the City Council adopt the proposed Ordinance; and

WHEREAS, on or before _____, the Notice of Public Hearing for the Project was duly noticed in the East Bay Times, a newspaper of general distribution, was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and was mailed out to outside agencies and to parties requesting such notice; and

WHEREAS, on _____ the City Council held a duly noticed public hearing to consider the proposed Ordinance related to reasonable accommodation procedures, received the staff report and staff presentation, received comments from the public and interested parties, considered the recommendation of the Planning Commission and discussed the matter; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

SECTION 2. Additional Findings.

A. On May 9, 2023 the City Council adopted the 6th Cycle Housing Element of the General Plan for the period of 2023-2031 in compliance with State Housing Element law.

B. On May 24, 2023 HCD certified the City of Oakley's 6th Cycle Housing Element for the period of 2023-2031 in compliance with State Housing Element law.

C. The Object of Policy Action 3.5 of the Housing Element is to develop policies and written procedures for Reasonable Accommodation requests with respect to zoning, permit processing and building law. The action aims to accommodate the housing needs of persons with disabilities and provide a streamlined permit review process.

Adopting the proposed Zoning Text Amendments related to Reasonable Accommodations for Residential Uses would implement Policy Action 3.5 of the City of Oakley Housing Element.

D. The federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing;

E. The Housing Element of the jurisdiction must identify and develop a plan for removing governmental constraints to housing for individuals with disabilities including local land use and zoning constraints or providing reasonable accommodation;

F. The Attorney General of the State of California has recommended that cities and counties implement fair housing reasonable accommodation procedures for making land use and zoning determinations concerning individuals with disabilities to further the development of housing for individuals with disabilities;

G. A fair housing reasonable accommodation procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief in the application of land use, zoning and building regulations, policies, practices and procedures will further the jurisdiction's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.

H. The City Council finds the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption in that the proposed ordinance would only establish and clarify administrative processes and would not facilitate new

construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. None of the circumstances described in CEQA Guidelines Section 15300.2 applies.

SECTION 3. Section 9.1.1614 of the Oakley Municipal Code Section 9.1.1614 titled, "Reasonable Accommodations for Residential Uses" is hereby adopted in its entirety, as follows:

"9.1.1614 Reasonable Accommodations for Residential Uses

a. Purpose and Intent

1. This section establishes a process for individuals with disabilities to request reasonable accommodation in zoning and other land use regulations, as well as in city rules, policies, practices, and procedures. In accordance with the Federal Fair Housing Act of 1988 and the California Fair Employment and Housing Act, the City intends to provide reasonable accommodations to ensure equal access to housing for individuals with disabilities.

2. This article does not exempt structures approved under reasonable accommodation provisions from complying with building code requirements, including necessary permits, inspections, and fees.

b. Applicability

1. This section establishes a formal procedure for an individual with a disability seeking equal access to housing to request a Reasonable Accommodation as provided by the Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act, and to establish criteria to be used when considering these requests.

2. These accommodations apply to all zoning districts, overlay districts, local area and specific plans, and OMC Title 7, Building and Housing regulations.

c. Definitions

1. Act: The Fair Housing Amendments Act of 1988.

2. Applicant: An individual requesting reasonable accommodation under this chapter.

3. Director: The Community Development Director, or a designee of the Community Development Director or City Manager.

4. Disabled Person/Disability: An individual with a medical, physical, or mental condition limiting major life activities, as defined in California Government Code Section 12926. The term "disabled person" does not include a person who is currently using illegal substances, unless he or she has a separate disability.

5. Fair Housing Laws: The Federal Fair Housing Act (42 U.S.C. Section 3601 et seq.) and the California Fair Employment and Housing Act (Govt. Code Section 12955 et seq.) including amendments to them.

6. Reasonable Accommodation: Flexibility or waiver of land use and zoning regulations to eliminate barriers to housing for individuals with disabilities. This may include modifications like ramps, parking adjustments, or building additions. It does not include accommodations that impose undue financial or administrative burdens on the city or fundamentally alter land use policies.

d. Requesting Reasonable Accommodation

1. A written request for Reasonable Accommodation from a land use or zoning regulation or policy shall be made on a form provided by the Planning Division by any individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability. If an individual(s) needs assistance in filing a request for Reasonable Accommodation, the city will provide assistance to ensure that the submission of the request is accessible.

2. A request for Reasonable Accommodation shall state the basis of the request including but not limited to a modification or exception to the regulations, standards and practices for the siting, development and use of housing or housing related facilities that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of his or her choice.

3. The Director may request additional information necessary for making a determination on the request for Reasonable Accommodation that complies with the fair housing law protections and the privacy rights of the individual with a disability to use the specified housing. If additional information is requested, the 45-day time period for making a determination on the request stops running until the additional information is provided.

e. Approval Authority – Notice – Decision

1. The Director shall issue a written determination to either grant, grant with modifications, or deny a request for Reasonable Accommodation within 45

days of the date the application is deemed complete, or within an extended period as mutually agreed upon in writing by the applicant and the Director.

2. The Director shall transmit a copy of the written findings and decision to the applicant and to all owners of properties abutting the subject property. All written decisions shall give notice of the right to appeal.

3. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

f. Findings. In making a determination regarding the Reasonable Accommodation, the Director shall make the following findings:

1. The housing which is the subject of the request for reasonable accommodation, will be used for an individual(s) with a disability protected under the Act.

2. The request for reasonable accommodation is necessary to make specific housing available to an individual(s) with a disability protected under the Act.

3. The requested reasonable accommodation does not impose an undue financial or administrative burden on the city.

4. The requested accommodation will not require a fundamental alteration of the zoning and building laws, policies and/or procedures of the city

g. Appeal

1. Only the aggrieved applicant and abutting owners who received notice of the Reasonable Accommodation determination have a right to appeal the decision following the procedures outlined in OMC Chapter 1.8.

2. If the individual fails to request a hearing within the required time frame or does not fully provide all factual and legal reasons for the appeal as specified in Chapter 1.8, will forfeit their right to a hearing and will be unable to seek any further relief or raise any claims related to the Director's decision.

3. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth in Chapter 1.8 OMC.

4. If an individual(s) needs assistance in filing an appeal on an adverse decision, the city will provide assistance to ensure that the appeals process is accessible.

5. The written decision of the community development director or their designee shall be final unless appealed.

h. Fee. There shall be no fee imposed in connection with a request for reasonable accommodation under the provisions of this section."

SECTION 4. California Environmental Quality Act (CEQA).

This project is exempt from environmental analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that the proposed amendments will not have a significant effect on the environment.

SECTION 5. Effective Date and Posting.

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

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2025 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor Date

ATTEST:

_____
Kim Snodgrass, City Clerk Date

EXHIBIT "C"

DRAFT ORDINANCE NO. -25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING VARIOUS OAKLEY MUNICIPAL CODE SECTIONS PURSUANT TO POLICY ACTION 3.6 (SPECIAL NEEDS HOUSING) OF THE 6TH CYCLE HOUSING ELEMENT 2023-2031 AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, this is a City-initiated application requesting approval of a Rezoning (RZ 2025-02) consisting of zoning text amendments to various Oakley Municipal Code ("OMC") sections so that the City may bring the applicable sections of the OMC into compliance with state law and in conformance with the Housing Element Actions ("Project"); and

WHEREAS, on June 3, 2025, the Planning Commission held a duly noticed public hearing to consider the proposed Rezone (RZ 2025-02), received the staff report and staff presentation, received comments from the public and interested parties, and discussed the matter. Following the public hearing, the Planning Commission adopted Planning Commission Resolution No. ____ recommending the City Council adopt the proposed Ordinance; and

WHEREAS, on or before _____, the Notice of Public Hearing for the Project was duly noticed in the East Bay Times, a newspaper of general distribution, was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and was mailed out to outside agencies and to parties requesting such notice; and

WHEREAS, on _____ the City Council held a duly noticed public hearing to consider the proposed Ordinance, received the staff report and staff presentation, received comments from the public and interested parties, considered the recommendation of the Planning Commission and discussed the matter; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

SECTION 2. Additional Findings.

A. On May 9, 2023 the City Council adopted the 6th Cycle Housing Element of the General Plan for the period of 2023-2031 in compliance with State Housing Element law.

B. On May 24, 2023 HCD certified the City of Oakley's 6th Cycle Housing Element for the period of 2023-2031 in compliance with State Housing Element law.

C. The Objective of Policy Action 3.6 of the Housing Element aims to amend the Zoning Code to ensure compliance with state law and encourage special needs housing.

Adopting the proposed Zoning Text Amendments related to Zoning Amendments for Special Needs Housing would implement Policy Action 3.6 of the City of Oakley Housing Element.

D. The City Council finds the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption in that the proposed ordinance would only establish and clarify administrative processes and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. None of the circumstances described in CEQA Guidelines Section 15300.2 applies.

SECTION 3. Additions and amendments to the OMC related to Policy Action 3.6 (Zoning Amendments for Special Needs Housing) of the City of Oakley Housing Element.

SUBSECTION 3.1. Transitional and Supportive Housing

a) Part (b) of Section 9.1.402 of the Oakley Municipal Code titled, "Limited Agricultural District (AL)" is hereby amended through the addition of parts "9" and "10", as follows:

b. Permitted Uses.

"9. Transitional Housing
10. Supportive Housing"

SUBSECTION 3.2. Low Barrier Navigation Center

a) Part (b) of Section 9.1.202 of the Oakley Municipal Code titled, "Definitions Generally" is hereby amended through the addition of parts "105" through "107", as follows:

b. Words and Phrases Defined.

"105. "Low Barrier Navigation Center" As defined by Government Code Section 65660, which may be updated from time to time: a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

106. "Low barrier" As defined by Government Code Section 65660, which may be updated from time to time: means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

a. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.

b. Pets.

c. The storage of possessions.

d. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

107. "Use by Right" Use by right has the meaning defined in subdivision (i) of Section 65583.2. Division 13 (commencing with Section 21000) of the California Public Resources Code shall not apply to actions taken by a public agency to lease, convey, or encumber land owned by a public agency, or to facilitate the lease, conveyance, or encumbrance of land owned by a public agency, or to provide financial assistance to, or otherwise approve, a Low-Barrier Navigation Center constructed or allowed by this section."

b) Part (b) of Section 9.1.504 of the Oakley Municipal Code titled, "Retail Business District (RB)" is hereby amended through the addition of part "60", as follows:

b. Permitted Uses.

"60. Low Barrier Navigation Center."

c) Part (b) of Section 9.1.506 of the Oakley Municipal Code titled, "General Commercial District (C)is hereby amended through the addition of part "18", as follows:

b. Permitted Uses.

"18. Low Barrier Navigation Center."

d) Section 9.1.1242 of the Oakley Municipal Code titled, "Low Barrier Navigation Centers" is hereby adopted in its entirety, as follows:

"a. Purpose. The purpose of this chapter is to establish development standards for low-barrier navigation centers and to ensure this use is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Article 12 of Chapter 3 of Division 1 of Planning and Zoning Law commencing with California Government Code Section 65660.

b. Applicability. The provisions of this section shall apply to all low-barrier navigation center projects.

c. Allowed Zones. A low-barrier navigation center development is a use by-right in areas zoned for mixed-use and non-residential zones permitting multifamily uses.

d. Requirements. A Low-Barrier Navigation Center shall meet the following requirements:

i. Connected Services. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

ii. Coordinated Entry System. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

iii. Code Compliant. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

iv. Homeless Management Information System. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

e. Application Procedure and Review.

i. Submit a Design Review Application and submit payment of appropriate fees.

ii. The City shall notify an applicant whether their application for a Low Barrier Navigation Center development is complete, pursuant to Government Code Section 65943, within 30 days of receipt of an application.

iii. Within 60 days of receipt of a completed application for a low barrier navigation center development, the City shall act upon its review of the application. The city's failure to provide written notice within the timeframes in this subsection will not result in a deemed approval of the application."

SUBSECTION 3.3. Emergency Shelter Parking

Part (i) of Subsection 9.1.1402 of the Oakley Municipal Code titled, "Off-Street Parking" is hereby amended through the addition of part "6", as follows:

i. Number of Required Spaces.

"6. Emergency Shelter: 1 space per employee on the largest shift or as described in Government Code Section 65583."

a) SUBSECTION 3.4. Supportive Housing Developments
Part (b) of Section 9.1.202 of the Oakley Municipal Code titled, "Definitions Generally" is hereby amended through the addition of parts "108" and "109", as follows:

b. Words and Phrases Defined.

"108. 100% Affordable Housing Development: A residential development project in which all dwelling units are reserved for occupancy by low-income households, as defined by the California Health and Safety Code, Section 50079.5.

109. Supportive Housing Unit: A unit within a 100% affordable housing development that is specifically designated for individuals with special needs, including but not limited to, people experiencing homelessness, individuals with disabilities, or those needing assistance with daily living."

b) Part (b) of Section 9.1.406 of the Oakley Municipal Code titled, "Multiple Family Residential Districts (M-9; M-12; M-17)" is hereby amended through the addition of part "10", as follows:

b. Permitted Uses.

"10. 100% Affordable Housing Developments with Supportive Housing Units"

c) Part (b) of Section 9.1.504 of the Oakley Municipal Code titled, "Retail Business District (RB)" is hereby amended through the addition of part "61", as follows:

b. Permitted Uses.

"61. 100% Affordable Housing Developments with Supportive Housing Units"

d) Part (b) of Section 9.1.506 of the Oakley Municipal Code titled, "General Commercial District (C)is hereby amended with the addition of part "19", as follows:

b. Permitted Uses.

"19. 100% Affordable Housing Developments with Supportive Housing Units"

e) Section 9.1.1244 of the Oakley Municipal Code titled, "Streamlined Approval for 100% Affordable Housing Developments with Supportive Housing Units" is hereby adopted in its entirety, as follows:

"a. Applicability:

i. This Section applies to all zoning districts within the City of Oakley where multifamily or mixed-use development is permitted.

ii. It applies to all 100% affordable housing developments that meet the requirements of Government Code Section 65651(a), which includes the provision of supportive housing units.

b. Approval Process for 100% Affordable Housing Developments with Supportive Housing Units:

i. A 100% affordable housing development that includes supportive housing units, as defined by this Section, shall be exempt from the requirement for a Conditional Use Permit (CUP) or any other discretionary review.

ii. To qualify for this exemption, the development must include a minimum of 25% of the total number of units as supportive housing units, or 12 units, whichever is greater.

iii. The project must comply with all applicable zoning and building code standards, including, but not limited to, density, parking, height, and design standards.

iv. The City shall process the application for a 100% affordable housing development as a ministerial approval, meaning it will be automatically approved upon the submission of all required documentation and compliance with applicable standards.

c. Ministerial Approval:

i. Upon submission of a complete application for a 100% affordable housing development with supportive housing units, and verification that the project complies with all applicable zoning standards, the City shall grant ministerial approval without requiring public hearings, Planning Commission review, or City Council approval, except where required by law for other technical compliance.

ii. The ministerial approval process will be limited to checking for compliance with objective standards such as density, parking, setbacks, height, and other criteria specified in the zoning code. The City will not be permitted to deny the project based on subjective criteria.

d. Affordable Housing and Supportive Housing Requirements:

i. The development shall include supportive housing units as part of the total project, with at least 25% of the units designated as supportive housing, or at least 12 units, whichever is greater.

ii. The supportive housing units must meet the definition of supportive housing under California Health and Safety Code Section 50675.14, and the developer must ensure that appropriate services are provided to the tenants in these units.

iii. If the project includes more than 20 units, at least 3% of the nonresidential floor area must be dedicated to onsite supportive services (including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens). If the project has 20 units or fewer, at least 90 square feet must be provided for onsite services.

iv. The supportive housing units must include at least one bathroom and cooking facilities (stovetop, sink, and refrigerator) in each unit.

e. Exemption from Conditional Use Permit (CUP) Requirement:

i. Any project that meets the criteria set forth in this Section shall be exempt from the Conditional Use Permit process. The project will be approved through the ministerial review process as described herein.

f. Notification and Appeals:

i. Although no CUP is required, the applicant must provide notice of the development to property owners and residents within 500 of the project site, in accordance with the City's standard notification procedures.

ii. Any administrative decision or action regarding the ministerial approval of the development may be appealed following the procedures outlined in OMC Chapter 1.8 following the final decision."

SUBSECTION 3.5. Residential Care Facilities

a) Part (b) of Section 9.1.404 of the Oakley Municipal Code titled, "Single-Family Residential Districts (R-6; R-7; R-10; R-12; R-15; R-20; R-40)" is hereby amended through the addition of part "15", as follows:

b. Permitted Uses.

"15. Residential Care Facilities for more than six persons pursuant to 9.1.1228."

b) Part (c)(8) of Section 9.1.404.c of the Oakley Municipal Code titled, "Single-Family Residential Districts (R-6; R-7; R-10; R-12; R-15; R-20; R-40)" is hereby amended to read as "Repealed", as follows:

c. Uses Requiring a Conditional Use Permit.

"8. *Repealed"*

c) Part (b) of Section 9.1.406 of the Oakley Municipal Code titled, "Multiple Family Residential Districts (M-9; M-12; M-17)" is hereby amended with the addition of part "11", as follows:

b. Permitted Uses.

"11. Residential Care Facilities for more than six persons pursuant to 9.1.1228."

d) Part (c)(8) of Section 9.1.406 of the Oakley Municipal Code titled, "Multiple Family Residential Districts (M-9; M-12; M-17)" is hereby amended to read as "Repealed", as follows:

c. Uses Requiring a Conditional Use Permit.

"8. Repealed"

e) Part (a) of Section 9.1.1228 of the Oakley Municipal Code titled, "Residential Care Facilities." is hereby amended through the addition of parts "5" and "6", as follows:

a. The following requirements apply to residential care facilities for more than six persons as defined by this code. Residential facilities for six or fewer residents shall be treated as a residential use and subject only to the same requirements as any other permitted residential use of the same housing type that are in the same district.

"5. The residential care facility shall meet the appropriate use classification and occupancy requirement as required by the California Building Code (CBC).

6. The residential care facility shall meet all current and local Fire Department requirements if applicable."

SUBSECTION 3.6. Manufactured Homes

a) Part (b) of Section 9.1.202 of the Oakley Municipal Code titled, "Definitions Generally" is hereby amended through the addition of parts "50.e" and "63", as follows:

b. Words and Phrases Defined.

50. Manufactured Home; Manufactured Home Park; Site. Mobile Home; Mobile Home Park; Site.

"e. "Manufactured Home" or "Mobile Home" outside of the Mobile Home Residential District (MH) shall be affixed to a permanent foundation and subject to the City of Oakley's Residential Design Guidelines.

63. Single Family Dwelling. "Single Family Dwelling" shall mean a detached building or part of it, designed for occupation as the residence of one (1) family. A single family dwelling must be affixed to a permanent foundation. A single family dwelling may include the following construction types:

a. Stick built

b. Pre-fabricated

c. Manufactured

d. Modular"

SUBSECTION 3.7. Family Definition

a) Part (b) of Section 9.1.202 of the Oakley Municipal Code titled, "Definitions Generally" is hereby amended through the addition of part "104", as follows:

c. Words and Phrases Defined.

"104. "Family" includes any household in which one or more individuals reside, regardless of the legal or biological relationship among them, including but not limited to: traditional nuclear families, extended families, single parents with children, unmarried couples (with or without children), same-sex couples, foster families, individuals in the process of adoption, and any group of persons who live together as a single housekeeping unit."

SECTION 4. California Environmental Quality Act (CEQA).

This project is exempt from environmental analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that the proposed amendments will not have a significant effect on the environment.

SECTION 5. Effective Date and Posting.

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

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2025 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____

Shannon Shaw, Mayor Date

ATTEST:

_____

Kim Snodgrass, City Clerk Date

Summary of all Zoning Text Amendments Related to Housing Element Policy Actions 1.1, 3.5, and 3.6 (Clean) & Affordable Housing Overlay (AHO) Ordinance (Tracked Changes)

9.1.202 Definitions Generally.

50. Manufactured Home; Manufactured Home Park; Site. Mobile Home; Mobile Home Park; Site.

e. "Manufactured Home" or "Mobile Home" outside of the Mobile Home Residential District (MH) shall be affixed to a permanent foundation and subject to the City of Oakley's Residential Design Guidelines.

63. Single Family Dwelling. "Single Family Dwelling" shall mean a detached building or part of it, designed for occupation as the residence of one (1) family. A single family dwelling must be affixed to a permanent foundation. A single family dwelling may include the following construction types:

a. Stick built

b. Pre-fabricated

c. Manufactured

d. Modular

104. "Family". Includes any household in which one or more individuals reside, regardless of the legal or biological relationship among them, including but not limited to: traditional nuclear families, extended families, single parents with children, unmarried couples (with or without children), same-sex couples, foster families, individuals in the process of adoption, and any group of persons who live together as a single housekeeping unit.

105. "Low Barrier Navigation Center". As defined by Government Code Section 65660, which may be updated from time to time: a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

106. "Low barrier". As defined by Government Code Section 65660, which may be updated from time to time: means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

a. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.

b. Pets.

c. The storage of possessions.

d. Privacy, such as partitions around beds in a dormitory setting or in larger rooms

containing more than two beds, or private rooms.

107. “Use by Right”. Use by right has the meaning defined in subdivision (i) of Section 65583.2. Division 13 (commencing with Section 21000) of the California Public Resources Code shall not apply to actions taken by a public agency to lease, convey, or encumber land owned by a public agency, or to facilitate the lease, conveyance, or encumbrance of land owned by a public agency, or to provide financial assistance to, or otherwise approve, a Low-Barrier Navigation Center constructed or allowed by this section.

108. “100% Affordable Housing Development”. A residential development project in which all dwelling units are reserved for occupancy by low-income households, as defined by the California Health and Safety Code, Section 50079.5.

109. “Supportive Housing Unit”. A unit within a 100% affordable housing development that is specifically designated for individuals with special needs, including but not limited to, people experiencing homelessness, individuals with disabilities, or those needing assistance with daily living**.**

9.1.402 Limited Agricultural District (AL).

b. Permitted Uses. The following uses are permitted in a single family residential district:

9. Transitional Housing

10. Supportive Housing

9.1.404 Single-Family Residential Districts (R-6; R-7; R-10; R-12; R-15; R-20; R-40).

b. Permitted Uses. The following uses are permitted in a single-family residential district:

15. Residential Care Facilities for more than six persons pursuant to 9.1.1228.

9.1.404 Single-Family Residential Districts (R-6; R-7; R-10; R-12; R-15; R-20; R-40).

c. Uses Requiring a Conditional Use Permit. The following uses are permitted upon the issuance of a conditional use permit.

8. Repealed

9.1.406 Multiple Family Residential Districts (M-9; M-12; M-17).

b. Permitted Uses. Uses permitted in the M-9, M-12, and M-17 districts shall be as follows:

10. 100% Affordable Housing Developments with Supportive Housing Units

11. Residential Care Facilities for more than six persons pursuant to 9.1.1228.

9.1.406 Multiple Family Residential Districts (M-9; M-12; M-17).

c. Uses Requiring a Conditional Use Permit. In the M-9, M-12, and M-17 districts, the following uses are permitted on the issuance of a conditional use permit.

8. Repealed

9.1.410 Affordable Housing Overlay District (AHO).

a. Purpose and Intent. The Affordable Housing Overlay (AHO) District serves to implement the housing element goal of providing new housing and addressing affordable housing needs within the City of Oakley. The AHO can be applied to areas with Commercial base zoning to allow for housing where it would not otherwise be allowed by the base zoning.

b. Application. This section only applies to projects within the AHO District that elect to use the AHO District.

c. Affordability Requirements.

1. Developments electing to use the AHO shall include at least 20 percent affordable housing units, in some combination of the following income categories:

a) Low income household: any household with an income level between fifty percent (50%) and eighty percent (80%) of the Contra Costa County median income as determined by the California Department of Housing and Community Development (HCD) and/or the Federal Department of Housing and Urban Development (HUD);

b) Very low income household: any household with an income level between thirty percent (30%) and fifty percent (50%) of the Contra Costa County median income as determined by HCD or HUD; and/or

c) Extremely low income household: any household within an income of thirty percent (30%) or less of the Contra Costa County median income as determined by HCD or HUD.

2. Prior to the approval of the first building permit for any dwelling unit, the applicant shall execute an agreement with the City of Oakley and any other documents necessary to ensure the continued affordability of the affordable units for a fifty-five (55) year minimum time frame in a form acceptable to the City Council.

3. If a development has both affordable and market rate units, then the affordable units shall be constructed at a rate consistent with the construction of market rate units and shall be mixed throughout the development. Project phasing must be done in a manner that is proportionate to the overall mix of affordability levels.

d. Permitted Uses. The AHO allows for the development of owner-occupied and rental multifamily housing, which for the purposes of this section is defined as any residential development with three or more units on a single lot, within the AHO District. Residential developments that include at least 20 percent

affordable housing shall be a use permitted by-right, as defined in Government Code Section 65583.2(i).

e. Development Standards. Where an applicant or developer elects to apply to utilize the AHO District over the underlying zoning, the development standards listed in Table 1 of this section, where applicable, shall apply.

Table 1: Development Standards for Multifamily Construction within the Affordable Housing Overlay (AHO) District

Subject	Standard
Minimum Density	20 dwelling units per acre
Maximum Density	30 dwelling units per acre[1]
Building Site Coverage (combined maximum)	50%
Front Setback (minimum)	15 feet for two stories, 20 feet for three or more stories
Rear Setback (minimum)[2]	15 feet for two stories, 20 feet for three or more stories
Side Setback[2]	8 feet for two stories, 12 feet for three or more stories
Distance Between Buildings (minimum)	20 feet for two stories, 25 feet for three or more stories
Height Limit (maximum)	42 feet
Parking Requirements	Parking shall be provided per Section 9.1.1402 of the Zoning Ordinance.[3]

[1]Per state law, developments that qualify for a State Density Bonus in accordance with Government Code Section 65915 et seq. shall be allowed to exceed the maximum density through the use of a density bonus.

[2] 10 feet for any structure (not a dwelling unit) up to 15 feet in height.

[3] Per state law, developments that qualify for a State Density Bonus are eligible for reduced parking in accordance with Government Code Section 65915 et seq.

f. Development Incentives.

1. The City shall provide a density bonus and additional incentive(s) for qualified housing developments in accordance with State Density Bonus (Government Code Section 65915 and Section 9.1.412 of the Zoning Ordinance).

2. The City will provide other funding or incentives to qualifying affordable housing projects, to meet the City Regional Housing Needs Allocation (RHNA) allocation, such as providing financial assistance or land write-downs when feasible, providing expedited processing, identifying grant, funding opportunities, and providing support to developers in seeking funding.

g. Design Criteria. All proposed projects shall be consistent with the City of Oakley Multifamily Objective Design Standards (pending). The design standards will be enforced through review and approval by the Community Development Director (CDD), or his/her designee, in case of an administrative-level approval, or by the City Council in the event a conditional use permit is required.

9.1.504 Retail Business District (RB).

b. Permitted Uses. The following uses, or uses determined to be similar by the Community Development Director, are permitted in the RB district:

60. Low Barrier Navigation Center

61. 100% Affordable Housing Developments with Supportive Housing Units

9.1.506 General Commercial District (C).

b. Permitted Uses. The following uses, or uses determined to be similar by the Community Development Director, are allowed in the C District:

18. Low Barrier Navigation Center

19. 100% Affordable Housing Developments with Supportive Housing Units

9.1.1228 Residential Care Facilities.

a. The following requirements apply to residential care facilities for more than six persons as defined by this code. Residential facilities for six or fewer residents shall be treated as a residential use and subject only to the same requirements as any other permitted residential use of the same housing type that are in the same district.

5. The residential care facility shall meet the appropriate use classification and occupancy requirement as required by the California Building Code (CBC).

6. The residential care facility shall meet all current and local Fire Department requirements if applicable.

9.1.1242 Low Barrier Navigation Centers

a. Purpose. The purpose of this chapter is to establish development standards for low-barrier navigation centers and to ensure this use is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Article 12 of Chapter 3 of Division 1 of Planning and Zoning Law commencing with California Government Code Section 65660.

b. Applicability. The provisions of this section shall apply to all low-barrier navigation center projects.

c. Allowed Zones. A low-barrier navigation center development is a use by-right in areas zoned for mixed-use and non-residential zones permitting multifamily uses.

d. Requirements. A Low-Barrier Navigation Center shall meet the following requirements:

   i. Connected Services. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

   ii. Coordinated Entry System. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

   iii. Code Compliant. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

   iv. Homeless Management Information System. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

e. Application Procedure and Review.

   i. Submit a Design Review Application and submit payment of appropriate fees.

   ii. The City shall notify an applicant whether their application for a Low Barrier Navigation Center development is complete, pursuant to Government Code Section 65943, within 30 days of receipt of an application.

   iii. Within 60 days of receipt of a completed application for a low barrier navigation center development, the City shall act upon its review of the application. The city’s failure to provide written notice within the timeframes in this subsection will not result in a deemed approval of the application.

9.1.1244 Streamlined Approval for 100% Affordable Housing Developments with Supportive Housing Units

a. Applicability:

   i. This Section applies to all zoning districts within the City of Oakley where multifamily or mixed-use development is permitted.

   ii. It applies to all 100% affordable housing developments that meet the requirements of Government Code Section 65651(a), which includes the provision of supportive housing units.

b. Approval Process for 100% Affordable Housing Developments with Supportive Housing Units:

   i. A 100% affordable housing development that includes supportive housing units, as defined by this Section, shall be exempt from the requirement for a Conditional Use Permit (CUP) or any other discretionary review.

   ii. To qualify for this exemption, the development must include a minimum of 25% of the total number of units as supportive housing units, or 12 units, whichever is greater.

   iii. The project must comply with all applicable zoning and building code standards, including, but not limited to, density, parking, height, and design standards.

   iv. The City shall process the application for a 100% affordable housing development as a ministerial approval, meaning it will be automatically approved upon the submission of all required documentation and compliance with applicable standards.

c. Ministerial Approval:

   i. Upon submission of a complete application for a 100% affordable housing development with supportive housing units, and verification that the project complies with all applicable zoning standards, the City shall grant ministerial approval without requiring public hearings, Planning Commission review, or City Council approval, except where required by law for other technical compliance.

   ii. The ministerial approval process will be limited to checking for compliance with objective standards such as density, parking, setbacks, height, and other criteria specified in the zoning code. The City will not be permitted to deny the project based on subjective criteria.

d. Affordable Housing and Supportive Housing Requirements:

i. The development shall include supportive housing units as part of the total project, with at least 25% of the units designated as supportive housing, or at least 12 units, whichever is greater.

ii. The supportive housing units must meet the definition of supportive housing under California Health and Safety Code Section 50675.14, and the developer must ensure that appropriate services are provided to the tenants in these units.

iii. If the project includes more than 20 units, at least 3% of the nonresidential floor area must be dedicated to onsite supportive services (including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens). If the project has 20 units or fewer, at least 90 square feet must be provided for onsite services.

iv. The supportive housing units must include at least one bathroom and cooking facilities (stovetop, sink, and refrigerator) in each unit.

e. Exemption from Conditional Use Permit (CUP) Requirement:

i. Any project that meets the criteria set forth in this Section shall be exempt from the Conditional Use Permit process. The project will be approved through the ministerial review process as described herein.

f. Notification and Appeals:

i. Although no CUP is required, the applicant must provide notice of the development to property owners and residents within 500 of the project site, in accordance with the City's standard notification procedures.

ii. Any administrative decision or action regarding the ministerial approval of the development may be appealed following the procedures outlined in OMC Chapter 1.8 following the final decision

9.1.1402 Off-Street Parking.

Number of Required Spaces		
Residential		
6.	**Emergency Shelter**	**1 space per employee on the largest shift or as described in Government Code Section 65583.**

9.1.1614 Reasonable Accommodations for Residential Uses.

a. Purpose and Intent

1. This section establishes a process for individuals with disabilities to request reasonable accommodation in zoning and other land use regulations, as well as in city rules, policies, practices, and procedures. In accordance with the

Federal Fair Housing Act of 1988 and the California Fair Employment and Housing Act, the City intends to provide reasonable accommodations to ensure equal access to housing for individuals with disabilities.

2. This article does not exempt structures approved under reasonable accommodation provisions from complying with building code requirements, including necessary permits, inspections, and fees.

b. Applicability

1. This section establishes a formal procedure for an individual with a disability seeking equal access to housing to request a Reasonable Accommodation as provided by the Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act, and to establish criteria to be used when considering these requests.

2. These accommodations apply to all zoning districts, overlay districts, local area and specific plans, and OMC Title 7, Building and Housing regulations.

c. Definitions

1. Act: The Fair Housing Amendments Act of 1988.

2. Applicant: An individual requesting reasonable accommodation under this chapter.

3. Director: The Community Development Director, or a designee of the Community Development Director or City Manager.

4. Disabled Person/Disability: An individual with a medical, physical, or mental condition limiting major life activities, as defined in California Government Code Section 12926. The term "disabled person" does not include a person who is currently using illegal substances, unless he or she has a separate disability.

5. Fair Housing Laws: The Federal Fair Housing Act (42 U.S.C. Section 3601 et seq.) and the California Fair Employment and Housing Act (Govt. Code Section 12955 et seq.) including amendments to them.

6. Reasonable Accommodation: Flexibility or waiver of land use and zoning regulations to eliminate barriers to housing for individuals with disabilities. This may include modifications like ramps, parking adjustments, or building additions. It does not include accommodations that impose undue financial or administrative burdens on the city or fundamentally alter land use policies.

d. Requesting Reasonable Accommodation

1. A written request for Reasonable Accommodation from a land use or zoning regulation or policy shall be made on a form provided by the Planning Division by any individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability.

2. A request for Reasonable Accommodation shall state the basis of the request including but not limited to a modification or exception to the regulations, standards and practices for the siting, development and use of housing or housing related facilities that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of his or her choice.

3. The Director may request additional information necessary for making a determination on the request for Reasonable Accommodation that complies with the fair housing law protections and the privacy rights of the individual with a disability to use the specified housing. If additional information is requested, the 45-day time period for making a determination on the request stops running until the additional information is provided.

e. Approval Authority – Notice – Decision

1. The Director shall issue a written determination to either grant, grant with modifications, or deny a request for Reasonable Accommodation within 45 days of the date the application is deemed complete, or within an extended period as mutually agreed upon in writing by the applicant and the Director.

2. The Director shall transmit a copy of the written findings and decision to the applicant and to all owners of properties abutting the subject property. All written decisions shall give notice of the right to appeal.

3. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

f. Findings. In making a determination regarding the Reasonable Accommodation, the Director shall make the following findings:

1. The housing which is the subject of the request for reasonable accommodation, will be used for an individual(s) with a disability protected under the Act.

2. The request for reasonable accommodation is necessary to make specific housing available to an individual(s) with a disability protected under the Act.

3. The requested reasonable accommodation does not impose an undue financial or administrative burden on the city.

4. The requested accommodation will not require a fundamental alteration of the zoning and building laws, policies and/or procedures of the city

g. Appeal

1. Only the aggrieved applicant and abutting owners who received notice of the Reasonable Accommodation determination have a right to appeal the decision following the procedures outlined in OMC Chapter 1.8.

2. If the individual fails to request a hearing within the required time frame or does not fully provide all factual and legal reasons for the appeal as specified in

Chapter 1.8, will forfeit their right to a hearing and will be unable to seek any further relief or raise any claims related to the Director's decision.

3. All written decisions shall give notice of the applicant’s right to appeal and to request reasonable accommodation in the appeals process as set forth in Chapter 1.8 OMC.

4. If an individual(s) needs assistance in filing an appeal on an adverse decision, the city will provide assistance to ensure that the appeals process is accessible.

5. The written decision of the community development director or their designee shall be final unless appealed.

h. Fee. There shall be no fee imposed in connection with a request for reasonable accommodation under the provisions of this section.”

Affordable Housing Overlay District (AHO) Ordinance

Tracked Changes

9.1.410 Affordable Housing Overlay District (AHO).

a. Purpose and Intent. The Affordable Housing Overlay (AHO) District serves to implement the housing element goal of providing new housing and addressing affordable housing needs within the City of Oakley. The AHO ~~applies only~~ can be applied to areas with Commercial base zoning to allow for housing where it would not otherwise be allowed by the base zoning. ~~zoned Multiple Family Residential (M-9, M-12, M-17) and where an applicant has applied for and the City Council has approved a density bonus in accordance with Section 9.1.412 to meet the City Regional Housing Needs Assessment. It allows housing densities that exceed the maximum units per acre otherwise allowed in a zoning district, if a development meets the State density bonus criteria, as implemented, located in Section 9.1.412. Specifically the base density used to calculate the density bonus is twenty-four (24) dwelling units per acre. The AHO also modifies the Multiple Family Residential development standards to complement higher density housing projects. All developments within the AHO shall be consistent with the City of Oakley Residential Design Guidelines and Multifamily Residential Design Guidelines (pending).~~

b. Affordability Requirements.

1) Developments ~~within~~ electing to use the AHO ~~District~~ shall include at least 20 percent affordable housing units, ~~the following categories and shall remain at those affordability levels for a minimum of thirty (30) years~~ in some combination of the following income categories:

~~b~~a) Low income household: any household with an income level between fifty percent (50%) and eighty percent (80%) of the Contra Costa County median income as determined by the California Department of Housing and Community Development (HCD) and/or the Federal Department of Housing and Urban Development (HUD);

~~a~~b) Very low income household: any household with an income level between thirty percent (30%) and ~~less than equal to~~ fifty percent (50%) of the Contra Costa County median income as determined by ~~the California Department of Housing and Community Development (~~HCD~~)~~ and/or ~~the Federal Department of Housing and Urban Development (~~HUD~~)~~; and/or

c) Extremely low income household: any household within an income of thirty percent (30%) or less of the Contra Costa County median income as determined by HCD or HUD.

2) ~~3~~ Prior to the approval of the rezoning or the issuance of a building permit, whichever is earlier, the applicant shall execute an agreement with the City of Oakley and any other documents necessary to ensure the continued affordability of the affordable units for ~~the thirty (30)~~ a fifty-five (55) year minimum time frame in a form acceptable to the City Council.

3) ~~2~~ If a development has both affordable and market rate units, then the affordable units shall be constructed at a rate consistent with the construction of market rate units and shall be mixed throughout the development. Project phasing must be done in a manner that is proportionate to the overall mix of affordability levels.

c. Permitted Uses. The AHO allows for the development of owner-occupied and rental multifamily housing, which for the purposes of this section is defined as any residential development with three or more units on a single lot, within the AHO District. Residential developments that include at least 20 percent affordable housing shall be a use permitted by-right, as defined in Government Code Section 65583.2(i).

d.~~c.~~ Development Standards. ~~1)~~ Where an applicant or developer elects to apply to utilize the AHO District over the underlying zoning, the development standards listed in Table 1 of this section, where applicable, shall apply. ~~These development standards shall apply to projects requiring administrative approval and for those requiring a conditional use permit approval. Where conditional use permit approval is required, Section 9.1.1602 shall apply in addition to this section. Where conditional use permit approval is required, the development standards may be modified if deemed appropriate by the City Council. In addition, the proposed development shall comply with the remaining provisions of this chapter, including, but not limited to, the site density requirements set forth in subsection (d) of this section and design criteria set forth in subsection (e) of this section.~~

~~2) Table 1 sets forth development standards for multifamily development, which for the purposes of this section is defined as any residential development with three or more units on a single lot, within the Affordable Housing Overlay District.~~

Table 1: Development Standards for Multifamily Construction within the Affordable Housing Overlay (AHO) District

Subject	Standard
Minimum Density	20 dwelling units per acre
Maximum Density	30 dwelling units per acre[1]
~~Base Density~~	~~24 dwelling units per acre~~
~~Density Bonus~~	~~Per State Law up to 35%, or 32.4 dwelling units per acre~~

Table 1: Development Standards for Multifamily Construction within the Affordable Housing Overlay (AHO) District	
Subject	**Standard**
Building Site Coverage (combined maximum)	~~40%~~50%
Front Setback (minimum)	15 feet for two stories, 20 feet for three or more stories
Rear Setback (minimum)[2]	15 feet for two stories, 20 feet for three or more stories
Side Setback[2]	8 feet for two stories, 12 feet for three or more stories
Distance Between Buildings (minimum)	20 feet for two stories, 25 feet for three or more stories
Height Limit (maximum)	42 feet
~~Wall~~	~~A minimum six-foot-high solid masonry/block wall shall be required around the perimeter of all housing developments~~
~~Parking Requirements (minimum)[3]~~	~~One Bedroom: one on-site parking space[1]~~
	~~Two – Three Bedrooms: one and one-half on-site parking spaces[1]~~
	~~Four or More Bedrooms: two and one-half on-site spaces (Government Code Section 65915(p))[1]~~
Parking Requirements	Parking shall be provided per Section 9.1.1402 of the Zoning Ordinance.[3]
[1]Per state law, developments that qualify for a State Density Bonus in accordance with Government Code Section 65915 et seq. shall be allowed to exceed the maximum density through the use of a density bonus.	

Table 1: Development Standards for Multifamily Construction within the Affordable Housing Overlay (AHO) District	
Subject	**Standard**
[2] 10 feet for any structure (not a dwelling unit) up to 15 feet in height. [3~~1~~] ~~If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a subdivision may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.~~ Per state law, developments that qualify for a State Density Bonus are eligible for reduced parking in accordance with Government Code Section 65915 et seq.	

e.~~d.~~ Development Incentives.

1) The City shall provide a density bonus and additional incentive(s) for qualified housing developments ~~upon the written request of a developer, unless the City makes the written findings set forth in~~ in accordance with State Density Bonus (Government Code Section 65915~~(d)(1)~~ and Section 9.1.412 of the Zoning Ordinance).

~~1) For qualifying projects, the City will allow exceptions in the development standards set forth in subsection (c) of this section for projects within the AHO District to allow more flexibility in design and development by right with no further discretionary review, and to expedite project approval.~~

2) The City will provide other funding or incentives to qualifying affordable housing projects, to meet the City Regional Housing Needs Allocation (RHNA) allocation, such as providing financial assistance or land write-downs when feasible, providing expedited processing, identifying grant and funding opportunities and providing support to developers in seeking funding.

~~3) The need for incentives will vary for different housing developments. Therefore, the allocation of additional incentives shall be determined on a case-by-case basis. The additional incentives may include, but are not limited to, any of the following:~~

~~a) A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum applicable building standards;~~

~~b) Allow mixed use development (commercial and residential) so long as it does not conflict with the land use designations in the General Plan land uses;~~

c) Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions or avoidance;

d) Waived, reduced, or deferred planning, plan check or construction permit fees;

e) The City may offer an equivalent financial incentive in lieu of granting a density bonus and an additional incentive(s). The value of the equivalent financial incentive shall equal at least the land cost per dwelling unit savings that would result from a density bonus and must contribute significantly to the economic feasibility of providing the target units pursuant to this chapter.

f. e. Design Criteria. The following design guidelines shall be applicable to all parcels within the AHO District. All proposed projects should shall be consistent with the City of Oakley Residential Design Guidelines and Multifamily Residential Design Guidelines Multifamily Objective Design Standards (pending). The design guidelines standards will be enforced through review and approval by the Community Development Director (CDD), or his/her designee, in case of an administrative-level approval, or by the City Council in the event a conditional use permit is required.

1) Buildings shall be designed to frame views of the hills, vineyards and other landscape features;

2) Natural landscape features such as creeks, wetlands and heritage trees shall be incorporated into the site design. All development shall be subject to Chapter 4.31, and Sections 9.1.1108, 9.1.1110 and 9.1.1112;

3) Development shall be clustered on each site so as to minimize development footprints, preserve undeveloped land, and avoid areas with natural and visual resources;

4) Building materials and colors should promote harmony, as well as interest in the neighborhood. Architectural style should utilize a limited palette of compatible colors, avoiding excessive different materials and colors that detract more than enhance the overall appearance;

5) Compatible color schemes should be used on adjacent buildings and structures;

6) Roof forms, materials, doors, windows and other architectural features or historic or traditional houses near the project shall be referenced in the design of the new development;

7) A detailed landscaping plan, including planting details, shall be submitted for review and approval prior to the issuance of building permits. The plan shall indicate the names and locations of all plant materials to be used, along with the method of maintenance. Plant materials shall be purchased locally when practical. Drought-tolerant plants are encouraged, when feasible. The project

shall comply with the City of Oakley Water Efficient Landscape Ordinance and all Stormwater C-3 requirements;

8) The design of fences and screening shall be consistent with Sections 9.1.1108, 9.1.1110 and 9.1.1112;

9) All exterior lighting, including landscape lighting, shall be shielded and directed downward and shall be located as low to the ground as possible. Low-level lighting shall be utilized in parking areas at multifamily sites rather than high-intensity light standards;

10) All new housing units shall be designed so as to minimize their visual impacts. Visual impacts shall be minimized through landscaping, grading, berms, appropriately designed fences and other screening devices;

11) The use of shared driveways and alleyways with detached garages may be utilized;

12) Play spaces for children shall be secure and visible;

13) Multifamily projects shall follow the guidelines as described herein and where appropriate the guidelines in the Residential Design Guidelines and Multifamily Residential Design Guidelines (pending);

14) Architectural design concepts shall provide for a transition in scale between multifamily and any neighboring single-family residential development. Where adjacent to existing detached single-family development, the outermost portions of the multifamily buildings shall be limited to two stories within fifty (50) feet of the common boundary and to three stories from fifty (50) feet to seventy-five (75) feet of the common boundary. Beyond the seventy-five (75) foot distance, structures up to forty-two (42) feet high (and portions thereof) are permitted. The setbacks in Table 1 above require a staggered setback for third story and above to reduce the overall bulk and scale of larger projects adjacent to single-family residential developments;

15) Multifamily and mixed use projects shall be designed to reduce the perceived mass, scale, and form of the overall development through use of varying roof heights, setbacks, and wall planes. This shall include the use of:

    a) Recessed facades and articulations in the building mass;

    b) Varied roof heights, forms, masses, shapes, and/or materials to create variations between individual buildings;

    c) Staggered and jogged placement of individual units (e.g., the units should not be aligned along a single plane that results in a large "wall" on any single side of the building); and

d) A variety of building orientations;

16) The perceived architectural scale of multifamily buildings of three or more stories shall be reduced through the proper use of window patterns, roof overhangs, awnings, moldings, fixtures, the use of darker or subdued colors contrasting with lighter colors, upper story setbacks, building and roof articulation, and other details that vary the exterior of the building and result in a staggered or scaled appearance;

17) Trash enclosures (solid waste and recycling), storage, and other accessory elements shall be designed as integral parts of the architecture;

18) Parking lots shall be screened by shade trees, landscaping or buildings. Parking shall be unobtrusive and not disrupt the quality of open spaces and pedestrian environments. Access to the property and circulation systems shall be safe and convenient for pedestrians, cyclists and vehicles;

19) Multifamily developments shall provide both common and private open spaces;

20) Multifamily projects shall provide common spaces that are physically defined and socially integrated into the site plan as a gathering place;

21) New projects will be required to provide, as part of the common space, the installation of a play structure and necessary safety equipment.

f. Approval Process. Administrative-level approval shall be given to projects meeting the appropriate affordability requirements identified in subsection (b) of this section, development standards set forth in subsection (c) of this section, and all other applicable sections of this chapter. For projects that require a subdivision map or a conditional use permit, the developer shall submit an application and all required fees to the Planning Department.

g. Utilities. Except as otherwise provided, no permits to develop housing in the AHO District shall be issued without evidence of adequate sewer and water service to serve the proposed development, as evidenced by a letter from the sewer and water service providers.

ORDINANCE NO. -25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING OAKLEY MUNICIPAL CODE SECTION 9.1.410 (AFFORDABLE HOUSING OVERLAY DISTRICT) AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, this is a City-initiated application requesting approval of a Rezoning (RZ 2025-02) consisting of a zoning text amendment to Oakley Municipal Code ("OMC") section 9.1.410 Affordable Housing Overlay ("AHO") District required to bring the AHO into compliance with state law ("Project"); and

WHEREAS, on June 3, 2025, the Planning Commission held a duly noticed public hearing to consider the proposed Rezone (RZ 2025-02), received the staff report and staff presentation, received comments from the public and interested parties, and discussed the matter. Following the public hearing, the Planning Commission adopted Planning Commission Resolution No. 7-25 recommending the City Council adopt the proposed Ordinance; and

WHEREAS, on or before June 27, 2025, the Notice of Public Hearing for the Project was duly noticed in the East Bay Times, a newspaper of general distribution, was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and was mailed out to outside agencies and to parties requesting such notice; and

WHEREAS, on July 8, 2025, the City Council held a duly noticed public hearing to consider the proposed Ordinance related to the Affordable Housing Overlay District (AHO), received the staff report and staff presentation, received comments from the public and interested parties, considered the recommendation of the Planning Commission and discussed the matter; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

SECTION 2. Additional Findings.

A. On May 9, 2023 the City Council adopted the 6th Cycle Housing Element of the General Plan for the period of 2023-2031 in compliance with State Housing Element law.

B. On May 24, 2023 HCD certified the City of Oakley's 6th Cycle Housing Element for the period of 2023-2031 in compliance with State Housing Element law.

C. The Objective of Policy Action 1.1 of the Housing Element aims to provide modifications to the AHO Ordinance to facilitate the development of more housing choices for lower-income households.

Adopting the proposed Zoning Text Amendments related to the Affordable Housing Overlay District (AHO) would implement the applicable portion of Policy Action 1.1 of the City of Oakley Housing Element.

D. The City Council finds the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption in that the proposed ordinance would only establish and clarify administrative processes and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. None of the circumstances described in CEQA Guidelines Section 15300.2 applies.

SECTION 3. Section 9.1.410 of the Oakley Municipal Code Section 9.1.410 titled, "Affordable Housing Overlay District (AHO)" is hereby amended and adopted in its entirety, as follows:

"9.1.410 Affordable Housing Overlay District (AHO).

a. Purpose and Intent. The Affordable Housing Overlay (AHO) District serves to implement the housing element goal of providing new housing and addressing affordable housing needs within the City of Oakley. The AHO can be applied to areas with Commercial base zoning to allow for housing where it would not otherwise be allowed by the base zoning.

b. Application. This section only applies to projects within the AHO District that elect to use the AHO District.

c. Affordability Requirements.

1) Developments electing to use the AHO shall include at least 20 percent affordable housing units, in some combination of the following income categories:

a) Low income household: any household with an income level between fifty percent (50%) and eighty percent (80%) of the Contra Costa County median income as determined by the California Department of Housing and Community Development (HCD) and/or the Federal Department of Housing and Urban Development (HUD);

b) Very low income household: any household with an income level between thirty percent (30%) and fifty percent (50%) of the Contra Costa County median income as determined by HCD or HUD; and/or

c) Extremely low income household: any household within an income of thirty percent (30%) or less of the Contra Costa County median income as determined by HCD or HUD.

2) Prior to the approval of the first building permit for any dwelling unit, the applicant shall execute an agreement with the City of Oakley and any other documents necessary to ensure the continued affordability of the affordable units for a fifty-five (55) year minimum time frame in a form acceptable to the City Council.

3) If a development has both affordable and market rate units, then the affordable units shall be constructed at a rate consistent with the construction of market rate units and shall be mixed throughout the development. Project phasing must be done in a manner that is proportionate to the overall mix of affordability levels.

d. Permitted Uses. The AHO allows for the development of owner-occupied and rental multifamily housing, which for the purposes of this section is defined as any residential development with three or more units on a single lot, within the AHO District. Residential developments that include at least 20 percent affordable housing shall be a use permitted by-right, as defined in Government Code Section 65583.2(i).

e. Development Standards. Where an applicant or developer elects to apply to utilize the AHO District over the underlying zoning, the development standards listed in Table 1 of this section, where applicable, shall apply.

Table 1: Development Standards for Multifamily Construction within the Affordable Housing Overlay (AHO) District	
Subject	Standard
Minimum Density	20 dwelling units per acre
Maximum Density	30 dwelling units per acre[1]
Building Site Coverage (combined maximum)	50%
Front Setback (minimum)	15 feet for two stories, 20 feet for three or more stories
Rear Setback (minimum)[2]	15 feet for two stories, 20 feet for three or more stories
Side Setback[2]	8 feet for two stories, 12 feet for three or more stories
Distance Between Buildings (minimum)	20 feet for two stories, 25 feet for three or more stories
Height Limit (maximum)	42 feet
Parking Requirements	Parking shall be provided per Section 9.1.1402 of the Zoning Ordinance.[3]
[1]Per state law, developments that qualify for a State Density Bonus in accordance with Government Code Section 65915 et seq. shall be allowed to exceed the maximum density through the use of a density bonus. [2] 10 feet for any structure (not a dwelling unit) up to 15 feet in height. [3] Per state law, developments that qualify for a State Density Bonus are eligible for reduced parking in accordance with Government Code Section 65915 et seq.	

f. Development Incentives.

1) The City shall provide a density bonus and additional incentive(s) for qualified housing developments in accordance with State Density Bonus (Government Code Section 65915 and Section 9.1.412 of the Zoning Ordinance).

2) The City will provide other funding or incentives to qualifying affordable housing projects, to meet the City Regional Housing Needs Allocation (RHNA) allocation, such as providing financial assistance or land write-downs when feasible, providing expedited processing, identifying grant, funding opportunities, and providing support to developers in seeking funding.

g. Design Criteria. All proposed projects shall be consistent with the City of Oakley Multifamily Objective Design Standards (pending). The design standards will be enforced through review and approval by the Community Development Director (CDD), or his/her designee, in case of an administrative-level approval, or by the City Council in the event a conditional use permit is required."

SECTION 4. California Environmental Quality Act (CEQA).

This project is exempt from environmental analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that the proposed amendments will not have a significant effect on the environment.

SECTION 5. Effective Date and Posting.

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

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on July 8, 2025 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor Date

ATTEST:

_____
Kim Snodgrass, City Clerk Date

ORDINANCE NO. -25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADOPTING OAKLEY MUNICIPAL CODE SECTION 9.1.1614 (REASONABLE ACCOMODATIONS FOR RESIDENTIAL USES) AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, this is a City-initiated application requesting approval of a Rezoning (RZ 2025-02) consisting of a zoning text amendment to adopt Oakley Municipal Code ("OMC") section 9.1.1614 Reasonable Accommodations for Residential Uses so that the City can establish written procedures for Reasonable Accommodations with the goal of accommodating the housing needs of persons with disabilities and provide a streamlined permit review process ("Project"); and

WHEREAS, on June 3, 2025, the Planning Commission held a duly noticed public hearing to consider the proposed Rezone (RZ 2025-02), received the staff report and staff presentation, received comments from the public and interested parties, and discussed the matter. Following the public hearing, the Planning Commission adopted Planning Commission Resolution No. 7-25 recommending the City Council adopt the proposed Ordinance; and

WHEREAS, on or before June 27, 2025, the Notice of Public Hearing for the Project was duly noticed in the East Bay Times, a newspaper of general distribution, was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and was mailed out to outside agencies and to parties requesting such notice; and

WHEREAS, on July 8, 2025, the City Council held a duly noticed public hearing to consider the proposed Ordinance related to reasonable accommodation procedures, received the staff report and staff presentation, received comments from the public and interested parties, considered the recommendation of the Planning Commission and discussed the matter; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

SECTION 2. Additional Findings.

A. On May 9, 2023 the City Council adopted the 6th Cycle Housing Element of the General Plan for the period of 2023-2031 in compliance with State Housing Element law.

B. On May 24, 2023 HCD certified the City of Oakley's 6th Cycle Housing Element for the period of 2023-2031 in compliance with State Housing Element law.

C. The Object of Policy Action 3.5 of the Housing Element is to develop policies and written procedures for Reasonable Accommodation requests with respect to zoning, permit processing and building law. The action aims to accommodate the housing needs of persons with disabilities and provide a streamlined permit review process.

Adopting the proposed Zoning Text Amendments related to Reasonable Accommodations for Residential Uses would implement Policy Action 3.5 of the City of Oakley Housing Element.

D. The federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing;

E. The Housing Element of the jurisdiction must identify and develop a plan for removing governmental constraints to housing for individuals with disabilities including local land use and zoning constraints or providing reasonable accommodation;

F. The Attorney General of the State of California has recommended that cities and counties implement fair housing reasonable accommodation procedures for making land use and zoning determinations concerning individuals with disabilities to further the development of housing for individuals with disabilities;

G. A fair housing reasonable accommodation procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief in the application of land use, zoning and building regulations, policies, practices and procedures will further the jurisdiction's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.

H. The City Council finds the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption in that the proposed ordinance would only establish and clarify administrative processes and would not facilitate new

construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. None of the circumstances described in CEQA Guidelines Section 15300.2 applies.

SECTION 3. Section 9.1.1614 of the Oakley Municipal Code Section 9.1.1614 titled, "Reasonable Accommodations for Residential Uses" is hereby adopted in its entirety, as follows:

"9.1.1614 Reasonable Accommodations for Residential Uses

a. Purpose and Intent

1. This section establishes a process for individuals with disabilities to request reasonable accommodation in zoning and other land use regulations, as well as in city rules, policies, practices, and procedures. In accordance with the Federal Fair Housing Act of 1988 and the California Fair Employment and Housing Act, the City intends to provide reasonable accommodations to ensure equal access to housing for individuals with disabilities.

2. This article does not exempt structures approved under reasonable accommodation provisions from complying with building code requirements, including necessary permits, inspections, and fees.

b. Applicability

1. This section establishes a formal procedure for an individual with a disability seeking equal access to housing to request a Reasonable Accommodation as provided by the Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act, and to establish criteria to be used when considering these requests.

2. These accommodations apply to all zoning districts, overlay districts, local area and specific plans, and OMC Title 7, Building and Housing regulations.

c. Definitions

1. Act: The Fair Housing Amendments Act of 1988.

2. Applicant: An individual requesting reasonable accommodation under this chapter.

3. Director: The Community Development Director, or a designee of the Community Development Director or City Manager.

4. Disabled Person/Disability: An individual with a medical, physical, or mental condition limiting major life activities, as defined in California Government Code Section 12926. The term "disabled person" does not include a person who is currently using illegal substances, unless he or she has a separate disability.

5. Fair Housing Laws: The Federal Fair Housing Act (42 U.S.C. Section 3601 et seq.) and the California Fair Employment and Housing Act (Govt. Code Section 12955 et seq.) including amendments to them.

6. Reasonable Accommodation: Flexibility or waiver of land use and zoning regulations to eliminate barriers to housing for individuals with disabilities. This may include modifications like ramps, parking adjustments, or building additions. It does not include accommodations that impose undue financial or administrative burdens on the city or fundamentally alter land use policies.

d. Requesting Reasonable Accommodation

1. A written request for Reasonable Accommodation from a land use or zoning regulation or policy shall be made on a form provided by the Planning Division by any individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability. If an individual(s) needs assistance in filing a request for Reasonable Accommodation, the city will provide assistance to ensure that the submission of the request is accessible.

2. A request for Reasonable Accommodation shall state the basis of the request including but not limited to a modification or exception to the regulations, standards and practices for the siting, development and use of housing or housing related facilities that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of his or her choice.

3. The Director may request additional information necessary for making a determination on the request for Reasonable Accommodation that complies with the fair housing law protections and the privacy rights of the individual with a disability to use the specified housing. If additional information is requested, the 45-day time period for making a determination on the request stops running until the additional information is provided.

e. Approval Authority – Notice – Decision

1. The Director shall issue a written determination to either grant, grant with modifications, or deny a request for Reasonable Accommodation within 45

days of the date the application is deemed complete, or within an extended period as mutually agreed upon in writing by the applicant and the Director.

2. The Director shall transmit a copy of the written findings and decision to the applicant and to all owners of properties abutting the subject property. All written decisions shall give notice of the right to appeal.

3. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

f. Findings. In making a determination regarding the Reasonable Accommodation, the Director shall make the following findings:

1. The housing which is the subject of the request for reasonable accommodation, will be used for an individual(s) with a disability protected under the Act.

2. The request for reasonable accommodation is necessary to make specific housing available to an individual(s) with a disability protected under the Act.

3. The requested reasonable accommodation does not impose an undue financial or administrative burden on the city.

4. The requested accommodation will not require a fundamental alteration of the zoning and building laws, policies and/or procedures of the city

g. Appeal

1. Only the aggrieved applicant and abutting owners who received notice of the Reasonable Accommodation determination have a right to appeal the decision following the procedures outlined in OMC Chapter 1.8.

2. If the individual fails to request a hearing within the required time frame or does not fully provide all factual and legal reasons for the appeal as specified in Chapter 1.8, will forfeit their right to a hearing and will be unable to seek any further relief or raise any claims related to the Director's decision.

3. All written decisions shall give notice of the applicant’s right to appeal and to request reasonable accommodation in the appeals process as set forth in Chapter 1.8 OMC.

4. If an individual(s) needs assistance in filing an appeal on an adverse decision, the city will provide assistance to ensure that the appeals process is accessible.

5. The written decision of the community development director or their designee shall be final unless appealed.

h. Fee. There shall be no fee imposed in connection with a request for reasonable accommodation under the provisions of this section."

SECTION 4. California Environmental Quality Act (CEQA).

This project is exempt from environmental analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that the proposed amendments will not have a significant effect on the environment.

SECTION 5. Effective Date and Posting.

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

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on July 8, 2025 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor Date

ATTEST:

_____
Kim Snodgrass, City Clerk Date

ORDINANCE NO. -25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING VARIOUS OAKLEY MUNICIPAL CODE SECTIONS PURSUANT TO POLICY ACTION 3.6 (SPECIAL NEEDS HOUSING) OF THE 6TH CYCLE HOUSING ELEMENT 2023-2031 AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, this is a City-initiated application requesting approval of a Rezoning (RZ 2025-02) consisting of zoning text amendments to various Oakley Municipal Code ("OMC") sections so that the City may bring the applicable sections of the OMC into compliance with state law and in conformance with the Housing Element Actions ("Project"); and

WHEREAS, on June 3, 2025, the Planning Commission held a duly noticed public hearing to consider the proposed Rezone (RZ 2025-02), received the staff report and staff presentation, received comments from the public and interested parties, and discussed the matter. Following the public hearing, the Planning Commission adopted Planning Commission Resolution No. 7-25 recommending the City Council adopt the proposed Ordinance; and

WHEREAS, on or before June 27, 2025, the Notice of Public Hearing for the Project was duly noticed in the East Bay Times, a newspaper of general distribution, was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and was mailed out to outside agencies and to parties requesting such notice; and

WHEREAS, on July 8, 2025 the City Council held a duly noticed public hearing to consider the proposed Ordinance, received the staff report and staff presentation, received comments from the public and interested parties, considered the recommendation of the Planning Commission and discussed the matter; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

SECTION 2. Additional Findings.

A. On May 9, 2023 the City Council adopted the 6th Cycle Housing Element of the General Plan for the period of 2023-2031 in compliance with State Housing Element law.

B. On May 24, 2023 HCD certified the City of Oakley's 6th Cycle Housing Element for the period of 2023-2031 in compliance with State Housing Element law.

C. The Objective of Policy Action 3.6 of the Housing Element aims to amend the Zoning Code to ensure compliance with state law and encourage special needs housing.

Adopting the proposed Zoning Text Amendments related to Zoning Amendments for Special Needs Housing would implement Policy Action 3.6 of the City of Oakley Housing Element.

D. The City Council finds the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption in that the proposed ordinance would only establish and clarify administrative processes and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. None of the circumstances described in CEQA Guidelines Section 15300.2 applies.

SECTION 3. Additions and amendments to the OMC related to Policy Action 3.6 (Zoning Amendments for Special Needs Housing) of the City of Oakley Housing Element.

SUBSECTION 3.1. Transitional and Supportive Housing

a) Part (b) of Section 9.1.402 of the Oakley Municipal Code titled, "Limited Agricultural District (AL)" is hereby amended through the addition of parts "9" and "10", as follows:

b. Permitted Uses.

"9. Transitional Housing
10. Supportive Housing"

SUBSECTION 3.2. Low Barrier Navigation Center

a) Part (b) of Section 9.1.202 of the Oakley Municipal Code titled, "Definitions Generally" is hereby amended through the addition of parts "105" through "107", as follows:

b. Words and Phrases Defined.

"105. "Low Barrier Navigation Center" As defined by Government Code Section 65660, which may be updated from time to time: a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

106. "Low barrier" As defined by Government Code Section 65660, which may be updated from time to time: means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

a. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.

b. Pets.

c. The storage of possessions.

d. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

107. "Use by Right" Use by right has the meaning defined in subdivision (i) of Section 65583.2. Division 13 (commencing with Section 21000) of the California Public Resources Code shall not apply to actions taken by a public agency to lease, convey, or encumber land owned by a public agency, or to facilitate the lease, conveyance, or encumbrance of land owned by a public agency, or to provide financial assistance to, or otherwise approve, a Low-Barrier Navigation Center constructed or allowed by this section."

b) Part (b) of Section 9.1.504 of the Oakley Municipal Code titled, "Retail Business District (RB)" is hereby amended through the addition of part "60", as follows:

b. Permitted Uses.

"60. Low Barrier Navigation Center."

c) Part (b) of Section 9.1.506 of the Oakley Municipal Code titled, "General Commercial District (C)is hereby amended through the addition of part "18", as follows:

b. Permitted Uses.

"18. Low Barrier Navigation Center."

d) Section 9.1.1242 of the Oakley Municipal Code titled, "Low Barrier Navigation Centers" is hereby adopted in its entirety, as follows:

"a. Purpose. The purpose of this chapter is to establish development standards for low-barrier navigation centers and to ensure this use is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Article 12 of Chapter 3 of Division 1 of Planning and Zoning Law commencing with California Government Code Section 65660.

b. Applicability. The provisions of this section shall apply to all low-barrier navigation center projects.

c. Allowed Zones. A low-barrier navigation center development is a use by-right in areas zoned for mixed-use and non-residential zones permitting multifamily uses.

d. Requirements. A Low-Barrier Navigation Center shall meet the following requirements:

i. Connected Services. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

ii. Coordinated Entry System. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

iii. Code Compliant. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

iv. Homeless Management Information System. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

e. Application Procedure and Review.

i. Submit a Design Review Application and submit payment of appropriate fees.

ii. The City shall notify an applicant whether their application for a Low Barrier Navigation Center development is complete, pursuant to Government Code Section 65943, within 30 days of receipt of an application.

iii. Within 60 days of receipt of a completed application for a low barrier navigation center development, the City shall act upon its review of the application. The city's failure to provide written notice within the timeframes in this subsection will not result in a deemed approval of the application."

SUBSECTION 3.3. Emergency Shelter Parking

Part (i) of Subsection 9.1.1402 of the Oakley Municipal Code titled, "Off-Street Parking" is hereby amended through the addition of part "6", as follows:

i. Number of Required Spaces.

"6. Emergency Shelter: 1 space per employee on the largest shift or as described in Government Code Section 65583."

a) SUBSECTION 3.4. Supportive Housing Developments
Part (b) of Section 9.1.202 of the Oakley Municipal Code titled, "Definitions Generally" is hereby amended through the addition of parts "108" and "109", as follows:

b. Words and Phrases Defined.

"108. 100% Affordable Housing Development: A residential development project in which all dwelling units are reserved for occupancy by low-income households, as defined by the California Health and Safety Code, Section 50079.5.

109. Supportive Housing Unit: A unit within a 100% affordable housing development that is specifically designated for individuals with special needs, including but not limited to, people experiencing homelessness, individuals with disabilities, or those needing assistance with daily living."

b) Part (b) of Section 9.1.406 of the Oakley Municipal Code titled, “Multiple Family Residential Districts (M-9; M-12; M-17)” is hereby amended through the addition of part “10”, as follows:

b. Permitted Uses.

“10. 100% Affordable Housing Developments with Supportive Housing Units”

c) Part (b) of Section 9.1.504 of the Oakley Municipal Code titled, “Retail Business District (RB)” is hereby amended through the addition of part “61”, as follows:

b. Permitted Uses.

“61. 100% Affordable Housing Developments with Supportive Housing Units”

d) Part (b) of Section 9.1.506 of the Oakley Municipal Code titled, “General Commercial District (C)is hereby amended with the addition of part “19”, as follows:

b. Permitted Uses.

“19. 100% Affordable Housing Developments with Supportive Housing Units”

e) Section 9.1.1244 of the Oakley Municipal Code titled, “Streamlined Approval for 100% Affordable Housing Developments with Supportive Housing Units” is hereby adopted in its entirety, as follows:

“a. Applicability:

i. This Section applies to all zoning districts within the City of Oakley where multifamily or mixed-use development is permitted.

ii. It applies to all 100% affordable housing developments that meet the requirements of Government Code Section 65651(a), which includes the provision of supportive housing units.

b. Approval Process for 100% Affordable Housing Developments with Supportive Housing Units:

i. A 100% affordable housing development that includes supportive housing units, as defined by this Section, shall be exempt from the requirement for a Conditional Use Permit (CUP) or any other discretionary review.

ii. To qualify for this exemption, the development must include a minimum of 25% of the total number of units as supportive housing units, or 12 units, whichever is greater.

iii. The project must comply with all applicable zoning and building code standards, including, but not limited to, density, parking, height, and design standards.

iv. The City shall process the application for a 100% affordable housing development as a ministerial approval, meaning it will be automatically approved upon the submission of all required documentation and compliance with applicable standards.

c. Ministerial Approval:

i. Upon submission of a complete application for a 100% affordable housing development with supportive housing units, and verification that the project complies with all applicable zoning standards, the City shall grant ministerial approval without requiring public hearings, Planning Commission review, or City Council approval, except where required by law for other technical compliance.

ii. The ministerial approval process will be limited to checking for compliance with objective standards such as density, parking, setbacks, height, and other criteria specified in the zoning code. The City will not be permitted to deny the project based on subjective criteria.

d. Affordable Housing and Supportive Housing Requirements:

i. The development shall include supportive housing units as part of the total project, with at least 25% of the units designated as supportive housing, or at least 12 units, whichever is greater.

ii. The supportive housing units must meet the definition of supportive housing under California Health and Safety Code Section 50675.14, and the developer must ensure that appropriate services are provided to the tenants in these units.

iii. If the project includes more than 20 units, at least 3% of the nonresidential floor area must be dedicated to onsite supportive services (including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens). If the project has 20 units or fewer, at least 90 square feet must be provided for onsite services.

iv. The supportive housing units must include at least one bathroom and cooking facilities (stovetop, sink, and refrigerator) in each unit.

e. Exemption from Conditional Use Permit (CUP) Requirement:

i. Any project that meets the criteria set forth in this Section shall be exempt from the Conditional Use Permit process. The project will be approved through the ministerial review process as described herein.

f. Notification and Appeals:

i. Although no CUP is required, the applicant must provide notice of the development to property owners and residents within 500 of the project site, in accordance with the City's standard notification procedures.

ii. Any administrative decision or action regarding the ministerial approval of the development may be appealed following the procedures outlined in OMC Chapter 1.8 following the final decision."

SUBSECTION 3.5. Residential Care Facilities

a) Part (b) of Section 9.1.404 of the Oakley Municipal Code titled, "Single-Family Residential Districts (R-6; R-7; R-10; R-12; R-15; R-20; R-40)" is hereby amended through the addition of part "15", as follows:

b. Permitted Uses.

"15. Residential Care Facilities for more than six persons pursuant to 9.1.1228."

b) Part (c)(8) of Section 9.1.404.c of the Oakley Municipal Code titled, "Single-Family Residential Districts (R-6; R-7; R-10; R-12; R-15; R-20; R-40)" is hereby amended to read as "Repealed", as follows:

c. Uses Requiring a Conditional Use Permit.

"8. *Repealed"*

c) Part (b) of Section 9.1.406 of the Oakley Municipal Code titled, "Multiple Family Residential Districts (M-9; M-12; M-17)" is hereby amended with the addition of part "11", as follows:

b. Permitted Uses.

"11. Residential Care Facilities for more than six persons pursuant to 9.1.1228."

d) Part (c)(8) of Section 9.1.406 of the Oakley Municipal Code titled, “Multiple Family Residential Districts (M-9; M-12; M-17)” is hereby amended to read as “Repealed”, as follows:

c. Uses Requiring a Conditional Use Permit.

“8. Repealed”

e) Part (a) of Section 9.1.1228 of the Oakley Municipal Code titled, “Residential Care Facilities.” is hereby amended through the addition of parts “5” and “6”, as follows:

a. The following requirements apply to residential care facilities for more than six persons as defined by this code. Residential facilities for six or fewer residents shall be treated as a residential use and subject only to the same requirements as any other permitted residential use of the same housing type that are in the same district.

“5. The residential care facility shall meet the appropriate use classification and occupancy requirement as required by the California Building Code (CBC).

6. The residential care facility shall meet all current and local Fire Department requirements if applicable.”

SUBSECTION 3.6. Manufactured Homes

a) Part (b) of Section 9.1.202 of the Oakley Municipal Code titled, “Definitions Generally” is hereby amended through the addition of parts “50.e” and “63”, as follows:

b. Words and Phrases Defined.

50. Manufactured Home; Manufactured Home Park; Site. Mobile Home; Mobile Home Park; Site.

“e. “Manufactured Home" or "Mobile Home" outside of the Mobile Home Residential District (MH) shall be affixed to a permanent foundation and subject to the City of Oakley’s Residential Design Guidelines.

63. Single Family Dwelling. "Single Family Dwelling" shall mean a detached building or part of it, designed for occupation as the residence of one (1) family. A single family dwelling must be affixed to a permanent foundation. A single family dwelling may include the following construction types:

a. Stick built

b. Pre-fabricated

c. Manufactured

d. Modular”

SUBSECTION 3.7. Family Definition

a) Part (b) of Section 9.1.202 of the Oakley Municipal Code titled, “Definitions Generally” is hereby amended through the addition of part “104”, as follows:

c. Words and Phrases Defined.

“104. "Family" includes any household in which one or more individuals reside, regardless of the legal or biological relationship among them, including but not limited to: traditional nuclear families, extended families, single parents with children, unmarried couples (with or without children), same-sex couples, foster families, individuals in the process of adoption, and any group of persons who live together as a single housekeeping unit.”

SECTION 4. California Environmental Quality Act (CEQA).

This project is exempt from environmental analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that the proposed amendments will not have a significant effect on the environment.

SECTION 5. Effective Date and Posting.

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

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on July 8, 2025 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor Date

ATTEST:

_____
Kim Snodgrass, City Clerk Date

OAKLEY
CALIFORNIA

DATE: July 8, 2025

TO: Joshua McMurray, City Manager

FROM: Jeri Tejeda, Administrative Services Director

Approved and Forwarded to the City Council

SUBJECT: Consideration to Adopt a Resolution approving an amendment to the personnel rules adding the intern classification and approving the recommended pay scale and budget amendment.

Background and Analysis

In fiscal year 2024/25 the City of Oakley partnered with Working Wonders, a nonprofit organization whose focus is to provide work-related training and opportunities for adults with disabilities. The current partnership has proven to be very successful. Each week we have provided work opportunities from filing and scanning to parking lot cleanups. As part of the program, each adult worker is accompanied by a Working Wonders staff member in order to assist them with the duties assigned.

In fiscal year 2025/26 we would like to grow the partnership and provide an internship opportunity. This would be a temporary part time internship. The plan would be for the internship to last no more than 6 months, and we would schedule the intern for no more than 10 hours per week. The goal of the internship would be to allow the intern to gain job knowledge and experience in hopes of finding a more permanent position within the community.

The FY 2025/26 budget has $3,000 planned to continue the program as it was done in the prior year. This would continue to provide working opportunities under the traditional Working Wonders program.

In order to continue growing the program into an internship as described above, an additional one-time allocation of $5,000 would be needed for the FY 2025/26 budget.

Staff has found that many of the workers that have been provided by Working Wonders have added a tremendous benefit to our team. As we continue to make things more electronic and automated, it is difficult to get back logs of old scanning or filing completed. The partnership between us and Working Wonders and proven beneficial

for both parties. We have been able to get some assistance with work that was needed while providing training opportunities and job knowledge for the individuals participating in the program allowing them to continue find work and apply that knowledge.

The modifications made to the personnel rules are slight modifications to add “intern” to our policy. An intern will be similar to a seasonal part time position and benefits will not be provided other than those required by law, such as sick leave accruals.

The job description provided gives a brief overview of job duties but could vary depending on department. During this initial period, the intern will be assigned to Administrative Services and Community Development and will be assigned duties such as scanning, data entry and filing. The recommended pay scale for these duties is similar to our seasonal position of $16.50-18.50 per hour.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with our strategic plan, community and collaborative partnerships and sustainable organization goals. This allows us to engage with our community, provide opportunities as well as remain fiscally responsible.

Fiscal Impact

The fiscal impact would be a one-time allocation of $5,000. It is recommended that we use funding previously allocated to recruitment in Fund 220 Special Community Projects. It is anticipated at June 30, 2025 there will be a balance of approximately $70,000 and currently we only have two open positions for recruitment.

Staff Recommendation

Staff recommends the City Council adopt a resolution approving an amendment to the personnel rules, adding the intern classification and approving the recommended pay scale and budget amendment**.**

Attachments

1. Resolution
2. Personnel Rules
3. Intern Job Description

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN AMENDMENT TO THE PERSONNEL RULES ADDING THE INTERN CLASSIFICATION AND APPROVING THE RECOMMENDED PAY SCALE AND BUDGET AMENDMENT

WHEREAS, in 2000 the City Council adopted a personnel ordinance #17-00 and created a personnel handbook in 2001, and

WHEREAS, in 2004 the handbook was updated and in 2008 a personnel manual was created and adopted, and

WHEREAS, the personnel manual was modified with slight changes in 2012, 2016 and 2017, and

WHEREAS, the current personnel rules were adopted in February of 2023, and

WHEREAS, updates made to the law in 2024 requiring slight changes to our current rules; and

WHEREAS, update the personnel rules to add "intern" in order to partner with Working Wonders, and provide internship opportunities for adults with disabilities to provide job knowledge and experience, and

WHEREAS, a one-time allocation of $5,000 will fund the internship opportunity,

BE IT RESOLVED that the City Council of the City of Oakley hereby approves the following:

1. The Personnel Rules for the City of Oakley, attached as Exhibit A, effective July 8, 2025;

2. The intern job classification with a pay scale of $16.50-$18.50 per hour;

3. The one-time use of funds of $5,000 from the recruitment line item from Fund 220 Special Community Projects; and

4. A budget transfer of $5,000 from Fund 220 Special Community Projects recruitment to Fund 100 General Fund Human Resources Temporary Salaries.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Oakley held on the 8th day of July 2025 by the following vote:

AYES:
NOES:
ABSTENTIONS:

ABSENT:

APPROVED:

Shannon Shaw, Mayor

ATTEST:

Kim Snodgrass, City Clerk Date

City of Oakley
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1 PURPOSE

To establish a uniform procedure for dealing with personnel matters, the personnel system set forth in these Rules and Regulations (hereinafter “Rules”) is hereby adopted. These Rules supersede any prior rules and regulations and may be changed only upon approval of the City Council.

Where an applicable memorandum of understanding between the City and a recognized employee organization contains provisions that are inconsistent with any of these Rules, the language contained in the Memorandum of Understanding shall govern.

The City Council authorizes the City Manager to implement administrative policies in accordance with the Administrative Regulation Policy, adopted by resolution, which shall be supplemental to these Rules.

These Rules may be amended from time to time. However, to be effective, the amendment must be in writing and approved by resolution of the City Council. Whenever such amendments affect the wages, hours or other terms or conditions of employment, they shall be subject to the meet and confer process as required by law.

In the event of an emergency, any part or all of these Rules may be suspended by order of the City Manager and such suspension shall remain in effect until the City Manager’s order is withdrawn.

1.1 Mission, Vision, and Values

Mission
The City of Oakey will create a resilient future that fosters and attracts a vibrant and evolving community that welcomes and values all people.

Vision
The City of Oakley celebrates our unique Delta lifestyle and small-town feel where we Live in a safe dynamic community, Work together to build the future, and Play in our own backyard.

Core Values
Our values guide us on a PATH to where we want to Live, Work, and Play in the heart of the Delta.

Promote fair and equitable stewardship for the welfare of our diverse individuals that comprise our inclusive community.

Advocate a professional and family-friendly environment where Council, Staff, and the Public can envision and realize the City's future together with a recognition of our shared commitments and opportunities.

Transparency is how we will create accountable partnerships to cultivate communication and collaboration to engage our thriving community.

Honesty and integrity are the foundation for building trust and fostering teamwork to live our mission and vision.

1.2 Personnel Policy

In accepting employment with the City each employee agrees to be governed by and to comply with ordinances, these Rules, the Administrative Policies, the rules, regulations, and directives of the department in which employed, and the memorandum of understanding in effect between the City and the appropriate employee organization, should one exist. Each employee is required to sign a statement of receipt acknowledging that they have received a copy or has been provided access to these Rules and understands that they are responsible for reading and becoming familiar with the contents and any revision of these Rules.

1.3 Equal Employment Opportunity

It is the policy of the City of Oakley to provide equal opportunity in employment for all persons to prohibit discrimination. This policy of equal employment opportunity applies to and must be an integral part of every aspect of personnel policy and practice in the employment, development, advancement, and treatment of employees to the extent permitted by law.

- This Equal Employment Opportunity policy applies to all applicants, officers, volunteers, and employees without exception.
- The City shall not discriminate against qualified employees or applicants for employment on the basis of actual or perceived race (including traits historically associated with race, e.g. hair texture and protective hairstyles), color, religion, gender, gender identity, gender expression, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, sexual orientation, reproductive health decisions, or any other basis protected by law, or on the basis of a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics.
- The City shall afford equal employment opportunity to all qualified applicants or employees with respect to compensation and all

terms and conditions of employment, including hiring, training, promotion, transfer, discipline, and termination.

- Employees who believe they have experienced denial of equal employment opportunity or discrimination are encouraged to report this experience immediately to their supervisor or the Administrative Services Director. The City shall promptly investigate the report in accordance with Section 28 Harassment and Discrimination Prevention.

1.4 Powers of the City Manager

The City Manager is the chief administrative officer and the head of the administrative branch of the City Government. Whenever the term "City Manager" is used in these Rules, it shall include the City Manager, or any person designated by the City Manager to carry out any function required by these Rules. When any officer or employee other than the City Manager is assigned a duty or responsibility under these Rules, such assignment is subject to the direction and control of the City Manager, and the City Manager shall have the right to perform such duty or responsibility or to assign it to any other officer or employee.

Subject to Section 2.2.114 of the Oakley Municipal Code, the City Manager has the power and authority to:

- Establish, when not in conflict with these Rules, such other policies, procedures, rules, and regulations necessary for the control and supervision of the affairs of the City.
- Appoint and remove all Department Directors, officers, and employees of the City, except those officers appointed by the Council.
- Transfer, promote, demote, reemploy, reinstate, discipline, layoff, reduce in salary, suspend, or dismiss City employees, except for those officers appointed by the City Council.

The City Manager shall interpret, apply, administer, and enforce the provisions of these Rules, any ordinances or resolutions relating to personnel matters, the employer-employee relations resolution, the memoranda of understanding, and any other pertinent regulations, directives and policies which relate to the City's personnel system.

The City Manager may delegate to the Administrative Services Director any of the powers and duties conferred under these or other City rules, regulations, resolutions, or ordinances. The Administrative Services Director, or designee, shall be responsible for the administration of these Personnel Rules.

1.5 Management Rights

The City of Oakley retains the exclusive right, except as expressly stated herein, to operate and direct the affairs of the departments of City government and all the various aspects including, but not limited to:

- The right to direct the work force.
- To plan, direct and control all operations and services of the City.
- To determine the methods, means, organization and schedule by which such operations and services are to be conducted.
- To assign and transfer employees within the various departments.
- To hire, promote, suspend, demote, discharge, reprimand and evaluate employees.
- To relieve employees from duty due to lack of work or other legitimate reasons set forth in the Rules.
- To change or eliminate existing methods, equipment, or facilities to maintain or increase the efficiency of governmental operations.
- To exercise complete control and discretion over its organization and the technology of performing its work.

These Management Rights also included but are not limited to the following:

- To determine the mission of its departments, commissions, and boards and to determine issues of policy.
- To set standards of service to be offered to the public.
- To exercise control and discretion over its own organization and operations.
- To determine methods of financing.
- To determine the methods, means, number and kind of personnel by which its operations are to be conducted, including the right to contract or subcontract work or City functions and to determine workloads and staffing patterns.
- To prescribe qualifications for employment, selection procedures and standards, job classifications, and to reclassify employees in accordance with applicable resolutions, rules, and ordinances of the City.
- To administer the City's personnel system; to reclassify positions; to amend the compensation plan and to add or delete positions or classes.
- To issue reasonable employee performance standards and to require compliance therewith.
- To maintain order, efficiency and safety in its facilities and operations.

Nothing herein shall be deemed a waiver or surrender of any management prerogative.

1.6 Department Rules and Regulations

Department Directors may develop, implement, and revise as necessary any departmental policies, procedures, rules, and regulations pertaining to unique operational requirements and their effect upon departmental personnel as needed for the full performance of duties and responsibilities and which are not contrary to these Rules.

All departmental policies, procedures, rules, or regulations must be approved by the City Manager.

1.7 Application of Personnel Rules

The provisions of these Rules shall apply to all officers, positions, and employees within the City, except the following positions and except as otherwise indicated within a specific provision of these Rules:

- Elected officials.
- Members of appointed boards, commissions, and committees.
- Persons engaged under contract to render professional, scientific, technical, or expert services for a definite period.
- Volunteer personnel who receive no regular compensation from the City.
- Where a particular rule or article expressly states it does not apply to certain employees and/or positions or applies only to certain employees and/or positions.

1.8 Adoption of Personnel Rules

The Personnel Rules shall be established by resolution adopted by the City Council.

1.9 Amendment and Revision of Personnel Rules

Proposed amendments to, or revisions of the Personnel Rules shall be submitted to the City Council in writing by the Administrative Services Director after approval of the City Manager.

1.10 Conflict of Personnel Rules

If one or more provisions of these Rules contradict provisions included in a memorandum of understanding currently in effect between the City and a formally recognized employee organization, the terms of the memorandum

of understanding shall prevail. If there is a conflict between these Rules and a federal or state law, that law prevails. If there is a conflict between these Rules and an administrative regulation, these Rules prevail.

1.11 Rights of Management

The adoption of these Rules shall not be deemed a waiver or surrender of any management prerogative in relation to the organization or the necessity of any department or position.

1.12 Violation of Personnel Rules

Each employee is responsible for knowledge of and compliance with these Rules and any amendments hereto. Violation of the provisions of these Rules shall be grounds for disciplinary action, up to and including dismissal.

2 DEFINITION OF TERMS

All words and terms used in these Rules and in any other resolution, ordinance, or administrative procedures dealing with personnel policies or procedures shall be defined as they are normally and generally defined in the field of personnel administration. For convenience, however, the words and terms most commonly used are defined as follows:

2.1 Actual hours worked
All hours in which the employee actually performed work and does not include any paid or unpaid leave time, such as, but not limited to vacation and sick leave.

2.2 Advancement
A pay increase of one or more steps within the limits of the pay range established for a class.

2.3 Allocation
The official assignment of an individual position to its appropriate class in accordance with the duties performed and the authority and responsibilities exercised.

2.4 Applicant
Any person who has completed an application for a position.

2.5 Appointing Authority
The City Manager is designated as having the power to make appointments to any position to be filled.

2.6 Appointment
Employment of a person in a position.

2.7 At-will
The employee serves at the pleasure of the City Manager, who retains the authority to terminate any such employee at any time with or without cause. An “at-will” employee has no right of appeal of discipline or termination.

2.8 Base Pay
The pay range and step established in the Compensation Plan, exclusive of any overtime, shift-differential, incentive or other excludable pay an employee may receive.

2.9 Candidate
Any person who has been accepted for participation in an examination.

2.10 Certification
The submittal to an appointing authority of a list consisting of candidates that have received and passed an initial interview for an appropriate recruitment effort.

2.11 City
The City of Oakley, California. Also includes the Successor Agency to the Oakley Redevelopment Agency, the Oakley Public Financing Authority, and any other governing body in which the City Council of the City of Oakley serves as the majority membership of the governing board.

2.12 Class or Classification
A group of positions sufficiently and substantially similar in duties, authority, responsibilities, and minimum qualifications for employment to permit combining them under a single title and the application of common standards of selection and compensation.

2.13 Classification Plan
The designation by resolution of the City Council of a title for each classification together with the specifications for each classification as prepared and maintained by the Administrative Services Director.

2.14 Compensation
The salary or wage allowances, and all other forms of valuable consideration earned by or paid to any employee by reason of said service in any position excluding any allowances authorized and incurred as incidents to employment.

2.15 Compensatory time off
Paid time off from work in lieu of overtime pay.

2.16 Competitive Examination
One or more selection procedures used to assess the relative qualifications of a group of applicants or candidates.

2.17 Continuous Service
Employment without interruption, including approved leaves of absence to serve in the armed forces of the United States, as provided by Section 395 of the Military and Veterans Code, as amended.

2.18 Days
Calendar days unless otherwise noted.

2.19 Demotion
The voluntary or involuntary movement of an employee from one class to another class having a lower maximum rate of pay, for disciplinary or other reasons.

2.20 Department
An organizational unit with responsibility for carrying out a function under the supervision of a Department Director.

2.21 Department Director
The director of an established office or department having supervision of such department and office. Department Directors or other management employees that report directly to the City Manager serve “at-will.”

2.22 Dismissal
The involuntary separation of an employee from City service.

2.23 Domestic Partner
“Domestic partner” as defined in the California Family Code.

2.24 Elected Official
A person who is elected by the citizens to collectively decide on policy issues for the agency. This includes anyone appointed to fill a vacancy in a City elected office.

2.25 Eligible Candidate
A person who has earned a place on an employment list established by competitive examination.

2.26 Employment Date
For retirement, sick leave and other benefit purposes, the effective date of an employee’s initial appointment to a full-time or part-time position.

2.27 Employment List
A list of names of persons who may be considered for employment with the City under specific conditions. Such lists may be designated as either a re-employment, reinstatement, promotion, or open employment list.

2.28 Employment Status
The type of an employee’s appointment, such as regular, probationary, or limited service.

2.29 Examination
The selection procedures used to measure the knowledge, skills and abilities of the persons applying for a position.

2.30 Executive Management
The group of employees comprised of the City Manager, City Attorney, Assistant City Manager, and all Department Directors.

2.31 FLSA
The Fair Labor Standards Act.

2.32 FLSA Exempt
All employees who meet one or more of the duties test exemptions from overtime under the FLSA (e.g., executive, administrative, professional) and who are paid on a salary basis. FLSA exempt employees are not eligible for overtime compensation.

2.33 FLSA Non-Exempt
Employees who are eligible for FLSA overtime compensation.

2.34 Full-Time Employees
Generally, a full-time employee works a 40-hour workweek (1.0 FTE). Should a full-time employee work an extended schedule of less than 40 hours per week, the employees leave accruals and City contributions towards benefits are pro-rated so as to be proportional with the percentage of full-time hours that they perform.

2.35 Layoff
The termination of an employee from City service for reasons of economy, efficiency, reorganization, or other non-disciplinary reason.

2.36 Leave
Absence, with or without pay, by an employee from work.

2.37 Limited Service
Those types of positions which do not provide full-time employment throughout a fiscal year. The kinds of positions assigned to the Limited Service include temporary, part-time, student, intern, and seasonal positions. Appointment to such positions is noncompetitive and incumbents do not acquire status in the class to which assigned by virtue of such employment. Limited-service positions are "at-will" and may be terminated with or without cause and without right of appeal.

2.38 Overtime Work
All actual hours worked by a non-exempt employee in excess of forty (40) hours in the employee's designated workweek, except as otherwise designated by an applicable memorandum of understanding, as otherwise designated for employees on an approved flexible work schedule, or as designated under the FLSA.

2.39 Part-Time Employee
Employees that work an average of 20 hours per week or less. Part-time employees accrue sick leave consistent with statutory requirements but are otherwise ineligible for City benefits, unless otherwise specified in these Rules. Part-time employees may include those employees working more or less than 1,000 hours per year as well as seasonal, ~~or~~internships, or limited-service appointments. Part-time employees are considered at-will and may be terminated at any time with or without cause and without right of appeal.

2.40 Pay Range
A series of base salary steps to which a class may be assigned.

2.41 Permanent Appointment or Permanent Status
The type of status granted an employee who has successfully completed an official probationary period for a particular class and in a regular position.

2.42 Position
A combination of duties and responsibilities assigned to a single employee and performed on either a full-time or part-time basis. A position may be occupied or vacant.

2.43 Probationary Appointment
The initial appointment of an employee into a position that begins a probationary period.

2.44 Probationary Period
The final stage of the recruitment, examination, and selection process where a new or promoted employee is required to demonstrate a meets standards or better performance of the position's duties. During this period, the employee is at-will and may be dismissed from the probationary appointment at any time without cause and without right of appeal or hearing.

2.45 Promotional Appointment
The advancement of an employee from a position in one classification to a position in another classification having a higher maximum salary range.

2.46 Reclassification
The permanent reassignment of a position to another classification due to the material change of the job duties of a position.

2.47 Re-employment
The reappointment of a former employee (from a layoff re-employment list) who had a permanent appointment with the City at the time of layoff.

2.48 Regular Day Off (RDO)
The scheduled day off (the first and third Fridays) following eight nine-hour days and one eight-hour day in a two-week period, stemming from the modified 9/80 work schedule.

2.49 Rehire
The reappointment of a former employee who does not have re-employment or reinstatement rights at the time of returning to the payroll.

2.50 Reinstatement
The probationary appointment of an employee after the employee who resigned in good standing from a permanent regular position or the return of an employee from a non-disciplinary demotion to a position which the employee held not more than one year previously. In either case reinstatement must occur not more than one (1) year from the date of separation. Such reinstatement may be done without further competitive examination.

2.51 Resignation
The voluntary separation of an employee from City employment. Notice of resignation shall be final and may only be rescinded with approval of the City Manager.

2.52 Retirement
The voluntary separation and concurrent retirement of a full-time employee after becoming eligible for retirement benefits.

2.53 Seasonal Employees
Employees that work less than nine months in a given year whose job is temporary and only necessary for a short-term period. Seasonal employees accrue sick leave consistent with statutory requirements but are otherwise ineligible for City benefits. Seasonal employees are at-will and may be terminated at any time with or without cause and without right of appeal.

2.54 Selection Procedure
The process by which employment decisions are made, including but not limited to application screening, written tests, oral interviews, performance tests, background investigations, assessments of physical or mental condition, and probation periods.

2.55 Separation
The voluntary or involuntary termination of employment from City service. Separation may include death, dismissal, layoff, resignation, retirement, or work completion.

2.56 Step Advancement
The merit-based increase of an employee's salary to a higher salary level within the established salary step range for the employee's classification.

2.57 Suspension
The temporary separation without pay imposed for disciplinary purposes.

2.58 Termination
Involuntary separation of an employee from City service.

2.59 Transfer
The reassignment of an employee from one position to another position in the same classification or another classification having the same maximum salary range, involving the performance of essentially similar duties, and requiring substantially the same minimum qualifications.

2.60 Vacancy
A duly created position for which budget has been allocated, but which is not occupied.

2.61 Y-Rated
Employee's current salary exceeds the top step of the salary range for their position and is frozen without increases until the Y-rated salary falls within the salary range for the position classification.

2.62 Internships
Employees that work less than six months in a given year whose job is temporary and only necessary for a short-term period. Interns accrue sick leave consistent with statutory requirements but are otherwise ineligible for City benefits. Interns are at-will and may be terminated at any time with or without cause and without right of appeal.

3 POSITION CLASSIFICATION

3.1 Classification Plan

The City Council, upon recommendation of the City Manager, shall create and adjust classes of positions in the City service. These classes shall be known as the “Classification Plan.”

Implementation of the Classification Plan

The Administrative Services Director, in consultation with the City Manager and Department Directors, shall recommend a Classification Plan for all classifications which includes but is not limited to the following for each classification:

- The classification titles.
- A description of typical duties and responsibilities.
- A statement of the desirable training, experience, and other qualifications of applicants for the classification.
- Whether the classification or any of its duties are safety sensitive.
- Whether the classification is FLSA exempt.

The Administrative Services Director shall ensure that all positions within the same classification are substantially similar with respect to duties, authority, decision-making, character of work, and schedules of compensation.

Interpretation of Class Specifications

The class specifications are descriptive and explanatory and not restrictive. They are intended to indicate the kinds of positions allocated to the various classes and should not be construed as limiting the assignment of duties and responsibilities to any position. The use of a particular expression or an illustration as to duties should not be interpreted to exclude others not mentioned that are of similar kind of level of responsibility. The specification for each class should be considered in its entirety and in relation to other classes in the Classification Plan. Consideration should be given to the general duties, specific tasks, responsibilities, qualifications desired, and relation to other positions, as affording together a picture of the kind of employment the class is designed to embrace.

Periodic Updates

From time to time the Administrative Services Director shall review the Classification Plan to ensure that it is accurate and make

amendments to reclassify, add positions or classifications, or make other changes as necessary or appropriate.

Adoption by City Council

The Classification Plan shall become effective only upon adoption by resolution of the City Council. Upon adoption, the Classification Plan shall take immediate effect unless otherwise specified.

Amendments

The classification or position descriptions may be removed or amended from time to time by City Council action when deemed in the best interest of City services. In addition, new classification or position descriptions may be added to the City's Classification Plan. If new positions are added to City services, such positions shall be allocated to an appropriate class by the Administrative Services Director.

3.2 Positions

In accordance with these Rules, any position may be assigned, reallocated, or transferred to a different class by the City Manager and affected Department Director, whenever there is a need of such action because of change in duties or responsibilities of the position. All positions shall be included in the same class if:

- They are sufficiently similar in respect to duties and responsibilities so that the same descriptive title may be used.
- Substantially the same requirements as to education, experience, knowledge, and ability are required of incumbents.
- Substantially the same tests of capacities and fitness may be used in choosing qualified appointees.
- The same pay range or salary rate applies.

3.3 Emergency or Temporary Positions

Whenever, in the judgment of the Administrative Services Director in consultation with the City Manager, it is necessary for a department to employ a person or persons on an emergency or temporary basis in a type of position for which there is no classification provided in the Classification Plan, then the Administrative Services Director, in consultation with the Department Director and City Manager, may authorize such positions and shall fix the amount of compensation, and may determine the minimum qualifications for such additional employees.

If budget is not allocated for the emergency or temporary position, the position must be taken to City Council for the allocation of funds.

3.4 Classification Review

Review of the classification of a position may occur in the following circumstances:

- One or more new positions are under consideration for possible establishment.
- Due to a change in organization or methods, a major change of the duties or responsibilities of an existing position is made which may require the reallocation of such position.
- A new class is created to which a position may more appropriately be allocated.
- Due to the removal of a position or combination of an existing position or class, an amendment to the Classification Plan is required.

Whenever a position is reclassified or reallocated, the existing position is to be deleted and a new position created in the class to which the position is to be assigned.

4 COMPENSATION PLAN

4.1 Compensation Plan Establishment

The City of Oakley is committed to maintaining fiscal integrity and high standards of accountability to the public in the expenditure of funds provided by taxpayers. The City establishes its compensation system in accordance with the principles of public accountability.

The Administrative Services Director shall prepare a Compensation Plan that includes the following:

- The salary ranges for all, showing each steps' rate of pay.
- A designation of the position as full-time, part time, intern or seasonal.
- A designation of the position as paid on an hourly or salary basis.

These rules do not preclude the creation of separate management pay plans that, if adopted by the City Council, must be administered in accordance with the procedures adopted for such plan(s) by the City Council.

On a periodic basis, the Administrative Services Director may survey benchmark classifications. Survey results shall be considered as one of the pieces of information used as a guideline in establishing or modifying compensation for a particular position or classification.

The Administrative Services Director shall also determine whether any modifications are necessary due to recruitment and retention issues, changes to positions or classifications, including changes to exempt or non-exempt status, resulting from a periodic review of the Classification Plan.

The Administrative Services Director shall submit any modifications of the Compensation Plan to the City Manager for recommendation to City Council for adoption.

The City has established the following comparative cities for the purpose of establishing a market median:

Antioch, Brentwood, Martinez, Pittsburg, Pleasant Hill, San Ramon and Tracy

4.2 Compensation Plan Administration

The authorized pay ranges for the respective classes of positions with such amendments as may be adopted by the City Council from time to time by resolution shall be applied as follows:

Increases Within the Pay Range

Normally, and as a general rule, upon progress and productivity, employees shall be considered for a step advancement according to the following general plan:

- ***Steps*:** The letters A, B, C, D, E, etc. respectively, denote the various salary steps in the pay range.

- ***Step A*:** Step “A” shall typically be paid upon initial employment into a five (5) step pay range. Appointments at any step greater than A requires an explanation and support as to why the higher step is recommended and requires authorization from the City Manager.

- ***Step Advances**:* At the completion of the applicable probationary period of employment, employees appointed at Step A are eligible for a step increase. All step advances will be effective on the first pay period following the first twelve (12) months of employment, unless probation is extended for any reason. Additional step

advances will be on an annual basis thereafter until the attainment of the final Step.

- All step advances shall be based on a meets standards performance as shown from the evaluation by the employee's Supervisor. Denial of step increases shall be based on documented performance evaluations.

- In rare circumstances, increases of more than one step for superior performance may be provided upon recommendation by the Department Director and approval of the City Manager.

- ***Step at Promotion*:** When employees are promoted, they shall normally receive the first step in the salary range for their new position. However, if such step results in a salary increase of less than five percent (5%), they shall receive a minimum five percent (5%) increase, provided that in no event shall the new salary exceed the final step in the promoted class. The City Manager may authorize an appointment to a position at any higher salary step in the pay range should the circumstance of the promotion warrant it.

***Special Salary Adjustments*:** Notwithstanding anything in these Rules to the contrary, in order to correct gross inequities or to reward outstanding achievement and performance, the City Manager may, upon recommendation of the Department Director and the Administrative Services Director, adjust the salary step of an incumbent of a particular position to any step within the pay range for the class to which the position is allocated.

- At the discretion of the City Manager, employees who exhibit innovation and exceptional performance, going above and beyond normal job expectations, may be awarded a one-time lump sum merit award at any time. This award is not to exceed 10% of the employee's annual base pay. Award requests will be submitted with written qualifications as to the significance of the award along with details of how this award meets the requirements. Any award recommended that exceeds 10% must be approved by the City Council.

Step Advancement Dates: Step advancement dates shall be established as of the effective date of the most recent step advancement, promotion or reinstatement into City service, or the effective date of a special salary adjustment as provided in Section 4.2 of these Rules. All step advances shall be effective the first day of the pay period following the step advancement date.

Applicable Salary Rates Following Pay Range Increases and Decreases

- ***Same Relative Step*:** Where a pay range for a given class is revised upward, the incumbents of positions in classes affected shall have their existing salary adjusted to the same relative step in the new pay range (Step B to Step B, Step C to Step C, etc.) and their next step advancement date shall not be changed.

- ***Retention of Salary and "Y" Rates*:** When a pay range is adjusted downward, incumbents may, on approval of the City Manager, be assigned a Y-rate designation to hold the employee at the current salary rate, without increases, until such time as the salary range for the new classification is the same or exceeds the amount of the Y-rating. Any such Y-rate shall be indicated by a "Y" following the salary each time it appears on personnel records or transactions. Said Y-rate shall be canceled on vacancy of the position.

- ***Pay Range Change on Step Advancement Date*:** In the event that a pay range change becomes effective on an employee's step advancement date, the employee shall first receive any within-range adjustment to which entitled and then receive the corresponding step adjustment.

- ***Pay Range Change on Date of Promotion***: In the event that a pay range change becomes effective on the date an employee is promoted to a higher class, the employee shall first receive any corresponding step adjustment to which entitled in the lower class, and then the next higher step promotional adjustment as provided in Section 10.6 of these Rules.

4.3 Paycheck

Paychecks will be distributed on a bi-weekly basis on the normally scheduled pay date unless otherwise notified. Direct Deposit is preferred and pay stubs will be made available electronically utilizing the payroll software. For anyone not utilizing direct deposit, paychecks will be available for pick up in the Finance department on payday. If payday falls on a day that Finance is closed, it will be the employee's responsibility to arrange pickup on the following business day.

4.4 Errors in Compensation

Each employee shall review each paycheck to ensure the employee was paid correctly. If the employee believes an error or irregularity has occurred, the employee must immediately call it to the attention of the employee's supervisor who shall in turn notify the Finance Manager. The City shall document all errors in compensation and the affected employees shall sign an acknowledgement for any corrections made.

In the event of any underpayment of which the City becomes aware, the employee shall receive any amount due as soon as possible, but no later than the next regular paycheck.

In the event an employee receives an overpayment by the City, the employee shall reimburse the City for the total overpayment and the City may obtain reimbursement by payroll deduction(s). Typically, such repayment shall occur over a schedule equal to the amount of time over which the overpayment occurred but may be extended with approval of the City Manager. All repayments must be discussed and agreed upon by the employee and the Administrative Services Director.

5 BENEFITS

All benefits are paid in accordance with the most current compensation and benefits resolution.

6 RECRUITMENT, APPLICATIONS AND APPLICANTS

It is the policy of the City of Oakley to recruit and select the most qualified individuals for positions within the City. Recruitment and selection shall be conducted in a manner that will ensure open competition, provide equal employment opportunity, and prohibit discrimination or favoritism because of race (including traits historically associated with race, e.g. hair texture and protective hairstyles), color, religion, gender, gender identity, gender expression, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, sexual orientation, reproductive health decisions, or any other basis protected by law, or on the basis of a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics.

In the process of recruitment, selection, and retention, the City may consider various employment incentives. At the discretion of the City Manager, up to two (2) weeks of vacation and sick leave may be provided upon appointment to new employees who enter the City with prior local government experience. In no case, however, shall the city offer or authorize loans for real property to potential or existing City employees.

6.1 Recruitment

Positions to be filled shall be publicized by distributing announcements to those City divisions, surrounding government entities or other publications or advertising sources as deemed advisable and appropriate within the discretion of the Administrative Services Director and in consultation with the affected Department Director(s). The Human Resources Department shall prepare an official bulletin announcing any proposed examination. The notice shall be posted on the City's webpage for job opportunities. The notice shall be posted for at least ten (10) days prior to the closing date for receipt of applications. The notice may be posted for less time for a promotional only recruitment. The examination announcement shall contain all information of importance for consideration by potential applicants, including whether the examination is to be promotional only, open, both promotional and open, or continuously open.

When the City seeks only promotional candidates, distributions will be limited to internal sources. Additionally, when distribution of a job announcement would detrimentally delay the filling of a position the City, in its sole discretion, may opt to fill the position temporarily from immediately available sources. At the City Manager's discretion, an employment list may be maintained and may be utilized to fill vacant positions. Eligible persons would be those who meet minimum qualifications and originally applied through a competitive process and were deemed suitable candidates during the competitive process. The eligibility list will expire after twelve (12) months.

6.2 Applications

Official application forms shall be available on the City's Human Resources webpage for job opportunities. Applications shall be made using the City's online platform. All applications must be submitted on or before the filing deadline stated in the job announcement.

When necessary to meet continued requirements for filling positions due to nonavailability of applicants for a classification or position or due to an increased vacancy rate or due to increased City needs, the closing date for any selection process may be indefinite and applicants may be tested continuously in such manner and at such times and places as may be provided by the City.

6.3 Disqualification of Applicants

The Administrative Services Director may disqualify any applicant either before or after examination for any of the following causes:

- The applicant did not properly complete the application.

- The application indicates on its face that the applicant does not possess the minimum qualifications for the position.
- The applicant is unable to perform the essential functions of the position sought, with or without reasonable accommodations.
- The applicant is currently using illegal drugs.
- The applicant has been convicted of a crime that may have an adverse impact on the applicant's ability to perform the job for which the applicant is applying.
- The applicant is not legally permitted to work within the United States.
- The applicant has made false statement of any material fact or practiced or attempted to practice deception or fraud in making application for employment.
- For any material cause which in the judgment of the Administrative Services Director would render the applicant unsuitable for the position, including a prior resignation from City service, termination from City service, or significant disciplinary action.

6.4 Notice of Rejection

The Human Resources Department shall email a notice of any rejection to the email address provided by the applicant on the application.

6.5 Incomplete or Late Applications

Applications received after the announced final date for filing may be accepted by the Administrative Services Director. Acceptance in this case will be based on a reasonable explanation being given by the applicant which is satisfactory to the Administrative Services Director. Such acceptance is expected to be rare and must take place prior to any scheduled examination for the class in question.

7 EXAMINATIONS

7.1 Responsibility

The Administrative Services Director, in consultation with the Department Director, will determine the manner and methods, and by whom examinations shall be given. All examinations and background checks will be job-related and consistent with a business necessity.

Examinations shall be competitive and may consist of written tests, oral tests, performance tests, evaluations of prior training and performance, experience and education, interviews, style assessments, file review, or any combination thereof. The Administrative Services Director shall be

responsible for the selection of material and types of exams to be provided.

7.2 Need for Examinations

The Administrative Services Director shall schedule examinations as necessary. If there is a vacancy or one is anticipated, or if a provisional appointment is made, an examination will be conducted as soon as practicable to establish or supplement an employment list.

The content of any test or examinations will be kept confidential prior to the administration of the exam.

7.3 Rating

In all examinations, the minimum grade or standing for which eligibility may be earned shall be based upon all factors in the examination, including educational requirements, experience, and other qualifying elements as shown in the application of the candidate or other verified information. At the discretion of the Administrative Services Director, failure in one part of the examination may be grounds for declaring the applicant as failing in the entire examination, or as disqualified for subsequent parts of an examination.

7.4 Notification of Examination Results

Every applicant taking part in the examination process shall be given written notice of the results via the email provided on the application. Any claim of error in rating or grading, must be submitted to the Administrative Services Director no later than ten (10) days after the effective date of the eligibility list, to be considered for correction. Applicants shall be provided timely access to all information reasonably necessary to determine if an error in rating or grading has occurred.

However, applicants may be prohibited from inspecting examination papers if review of such materials is prohibited by the consulting agency that prepared the examination. Applicants cannot have access to the rating sheets of the individual raters, but upon request may have access to a composite description of the rating sheets. Corrections of errors in grading shall be made within the discretion of the Administrative Services Director. Applicants have no further right of appeal of examination results.

8 ESTABLISHMENT AND THE USE OF EMPLOYMENT LISTS

8.1 Types of Lists

The following types of employment lists shall be established by examinations with the type of employment list to be established determined by the Administrative Services Director.

Promotional Employment List

If there are less than three (3) applicants on a promotional eligibility list, the Administrative Services Director, in consultation with the Department Director, may declare the list invalid and announce a new recruitment and examination period. In the alternative, the Administrative Services Director may make a temporary appointment until eligible candidates can be certified after appropriate examination.

Open Employment List

If less than five (5) names of qualified applicants are available for a new appointment, the Administrative Services Director may declare the list invalid and announce a new recruitment and examination period.

8.2 Use of Employment Lists

Employment lists shall be valid and in effect for a period of one (1) year. An eligibility list may be extended upon the recommendation of the Administrative Services Director and by action of the City Manager for additional six-month periods, but in no event shall a list remain in effect for more than two (2) years.

8.3 Eligibility for Promotional Examinations

All candidates for promotion must currently be employed in a full-time or part-time position with the City and must possess the minimum qualifications as set forth in the specifications of the class to which the promotion is sought.

8.4 Availability of Candidates

It shall be the responsibility of candidates to notify the Human Resources Department of any change of address or other change affecting availability for appointment. The Human Resources Department may circulate employment lists or use other methods to determine the availability of candidates and may indicate the conditions under which appointment may be offered. Candidates who decline to be considered or indicate unwillingness to accept employment under the offered conditions will be deemed to not be further considered for that position.

8.5 Removal of Names from Employment, Reinstatement or Re-employment Lists

The Administrative Services Director may remove the name of any eligible candidate from an employment list for any of the following reasons:

- The candidate requests the removal in writing.
- The candidate fails to respond to a written offer of employment within five (5) business days of electronic notification.
- A subsequent report of a character investigation is unsatisfactory.
- Removal from a promotional list is automatic upon separation from the City. If the separated employee is on an open list, approval from the City Manager must be sought to remain on the open list.

8.6 Flexible Staffing

The City reserves the right to conduct an open or internal recruitment to fill a vacancy or to fill a vacancy by promotion or transfer of an employee with the approval of the City Manager.

9 APPOINTMENTS

The City Manager or designee shall make an appointment by extending a conditional offer of appointment to an applicant. If the applicant accepts the offer of appointment, the appointment shall be deemed completed, subject to successful completion of any required pre-employment medical examination(s) or assessments. If the applicant does not accept the offer of appointment within the time period designated by the City Manager or designee, the offer shall expire and the offer of appointment shall be deemed declined by the applicant. However, an offer of an appointment to a City position and acceptance of that appointment does not create a contract of employment between the City and appointee. City employment is not held by contract, but rather is governed by these Rules and Council resolutions.

9.1 General Requirements for Appointment

Pre-Employment Screenings

As part of the pre-employment procedure, applicants may be required to supply references and submit to a thorough background investigation, including LiveScan fingerprinting. Safety employees shall be subject to investigation in accordance with Department of Justice and Police Officer Standards and Training requirements. In the case of employees handling

money or other valuables in the course of their duties, a credit check may be done in accordance with applicable law.

All offers of employment shall be contingent upon the appointee passing appropriate medical and psychological examination and testing to determine whether the candidate can perform the essential functions of the job, with or without reasonable accommodation. Such pre-employment screenings may also include screening for illegal drug use. If the examination reveals that the candidate cannot perform the essential functions of the job, with or without reasonable accommodation, or that the person uses illegal drugs, the person may be disqualified from consideration for employment.

If a candidate is disqualified from appointment to a position for failing to meet the medical and psychological standards for the job class, the candidate may file a written request to review the disqualification. Such request must be submitted to the Administrative Services Director no later than five (5) working days after the date of the notification or disqualification. The candidate may submit medical evidence supporting a claim that they should not have been disqualified. Submittals shall be accepted for a period of fifteen (15) days, commencing with the date of notification of disqualification. In case of a genuine dispute, the City may require the candidate to be examined by a physician or medical evaluator of the City's choice. Any such examination shall be paid for by the City. The City shall make the final determination based on this examination. If the disqualification is upheld, the candidate has no further right of appeal of the City's determination.

9.2 Applicable Pay Upon Employment

Those appointed to a position shall be paid the designated rate of pay or salary for that class as provided on the approved salary schedule.

10 TYPES OF APPOINTMENTS

10.1 Management Employees

Management employees, including Department Directors and other designated positions with significant responsibilities and that report to the City Manager are "at-will" and can be terminated with or without cause and without the right of appeal. Management Employees are paid on a salary basis and are exempt from overtime provisions pursuant to FLSA guidelines.

10.2 Probationary Employees

Probationary employees are those persons who, through the examination or promotional process, have been appointed to an authorized position but who have not completed their required probationary period. Except as noted below, probationary employees are considered “at-will” and can be released from employment during the probationary period with or without cause and without the right of appeal.

An employee who is in a probationary period solely because of a promotion, is subject to the provisions relating to “Status of Employee Following Promotion” in Section 10.6 below.

10.3 Regular Employees

Regular employees are those persons who have been appointed to an authorized full-time position and who have successfully completed their probationary period. An employee appointed to a regular full-time position shall earn regular status in a classification only if the employee successfully completes the applicable probationary period. Regular employees include those working forty (40) hours per week on a consistent basis. In rare instances, regular employees may also include an employee working a reduced or modified scheduled for a set period of time and only when approved by the City Manager.

10.4 Part-Time Employees

Part-time employees are those persons who have been appointed to a position working less than forty (40) hours per week. Part-time employees are considered “at-will” employees and may be terminated with or without cause and without the right of appeal. Part-time employees are not subject to receive benefits unless otherwise stated within these Rules.

Part-Time employees will not be eligible for a salary adjustment except as provided in a Council approved compensation resolution.

However, Department Directors may make recommendation to the City Manager for salary adjustments at an earlier date if circumstances warrant such adjustment.

10.5 Limited Service, Seasonal Appointments

Limited-Service and Seasonal employees are those persons who have been appointed to a limited-service position as defined in these Rules. Limited-Service positions include but are not limited to temporary, limited term part-time, intermittent, student, intern, emergency and seasonal.

Limited-service, intern. and seasonal are considered “at-will” employees and may be terminated with or without cause and without the right of appeal and have no property interest in their employment with the City.

Limited-service employees will not be eligible for a salary adjustment except as provided in a Council approved compensation resolution.

However, Department Directors may make recommendation to the City Manager for salary adjustments at an earlier date if circumstances warrant such adjustment.

10.6 Promotion

The appointment of any employee to a position in a class which has a higher maximum salary than the employee’s present position constitutes a promotion. Such an appointment will be made at the recommendation of the Department Director and the approval of the City Manager. If this promotion will create an expenditure, not allocated for in the department budget, the request along with the budget adjustment will be brought before the City Council.

Promotions will typically be made after an internal or external recruitment process or filled off an established recruitment listing. With approval of the City Manager, in some cases, a promotion of an employee may be done without the recruitment process if it is deemed the City has a highly qualified candidate on staff and filling the position immediately is in the best interest of the City.

Applicable Pay Following Promotion

In the case of the promotion of any employee, such employee shall be entitled to receive the rate of compensation in the entrance step of the pay range for the class to which the employee has been promoted. In cases of promotion where the pay range overlaps, the employee shall be placed at such step in the pay range of the higher class as to provide at least five percent (5%) more basic salary than the employee receives in the lower class. Provided, however, that the application of this provision does not exceed the highest salary step in the authorized pay range for the higher class. The City Manager may authorize an appointment to a position at any higher salary step in the pay range upon the recommendation by the Department Director, as outlined in Section 9.2.

Effective on the date of the promotion, a new salary evaluation date shall be established for purposes of eligibility for consideration for future salary step advances within the pay range of the higher class. In the event the promotion occurs on the employee’s salary evaluation date, such

employee shall first receive any within-range increase to which the employee is otherwise entitled in the lower class, and then the promotional salary adjustment as provided above.

Status of Employee Following Promotion

When a promoted employee (excluding at-will employees) successfully completes the probationary period for a class the employee gains permanent status in the new class and gives up permanent status in the former class.

Any employee who does not successfully complete the probationary period in the promoted class, may return to the position and status held prior to promotion providing there is a vacancy, unless the reason for rejecting the employee during the probationary period from a position to which promoted would have been sufficient to cause dismissal from the former position as well. If no vacancy exists, the employee will be placed number one on the re-employment list.

10.7 Transfer

A Department Director may, in consultation with the Administrative Services Director and the City Manager, at any time and for any reason, transfer an employee from one position to another position in the same or comparable classification with the same or comparable qualifications and without loss of compensation.

If such transfer involves a change from one department to another, both Department Directors should be consulted before the action shall be considered effective.

Whenever possible, an employee being considered for a transfer shall be notified within a reasonable period in advance of the effective date of such contemplated transfer and the wishes with respect to this action shall be considered to whatever extent practicable, consistent with the interest of efficient operations of the departments concerned.

Applicable Pay Rates Following Transfer

In the case of the transfer of any employee from one position to another in the same class or to another class to which the same pay range is applicable, the employee shall remain at the same salary step and shall retain the salary same evaluation date. If the salary range is slightly different the employee will be placed in the step closest to their current salary without lowering their current salary.

Status of Employee Following Transfer

A transfer of a permanent employee from a position in one class to another class having related duties and responsibilities and the same maximum salary shall be made only upon written approval of the Administrative Services Director that the employee possesses the qualifications for employment in the new class.

In such case, no further competitive examination is required, and the employee shall assume permanent status in the class to which assigned. However, an employee currently serving a probationary period shall not be transferred to a position in another class for which an employment list exists, unless directed by the Administrative Services Director. In such case, the employee shall start a new probationary period effective on the date of the transfer.

10.8 Voluntary Transfers

Employees who desire a transfer may submit a request for voluntary transfer to their Department Director for consideration. Collectively, the Department Director, Administrative Services Director and City Manager may deny the transfer request at their sole discretion. If an employee voluntarily transfers to another position in the same or comparable classification and is not successful, the employee may, at the collective discretion of the Department Director, Administrative Services Director and City Manager, return to a former position if that position is vacant. The employee's salary evaluation date shall remain the same as it was before the transfer and the salary range will go back to the range of the previous position, even if that means lowering the salary.

10.9 Qualified Disabled Employees

The City may initiate a transfer of a qualified disabled employee to another position as a reasonable accommodation for the employee's disability. Such transfers may have priority over any candidates on an existing eligibility list.

10.10 Demotion

An employee may be demoted at their request, as a result of reduction in force, for disciplinary reasons, or for other cause. In all cases, the Department Directors concerned, in consultation with the Administrative Services Director and City Manager, shall approve or deny the demotion and notify the employee in writing.

A demoted employee shall be required to serve a probationary period in the lower classification unless the lower classification is in the same class series, or the employee previously completed probation in the lower classification. In the event the demoted employee does not pass probation, the employee shall be terminated from employment without the right of appeal. The effective date of a demotion shall establish a new salary evaluation date.

An employee may request a voluntary demotion to a lower classification in which the employee meets the minimum qualifications. The request shall be in writing and submitted to the City Manager for consideration. The City Manager may approve or deny the demotion request at their sole discretion. If approved, the employee shall sign an acknowledgement of voluntary demotion and reduction of salary and benefits.

If an employee voluntarily demotes to another position in the same or comparable classification, the employee's salary evaluation date shall remain the same as it was prior to the demotion.

Applicable Pay Following Demotion

An employee who is demoted to a class in the City service with a lower maximum salary shall be assigned to a salary step in the lower pay range according to the following rules:

Disciplinary Demotion
If a disciplinary demotion, any designated step in the lower pay range which is at least one (1) step less than the dollar amount received in the pay range for the class from which demoted. A new salary evaluation date shall be established as of the effective date of demotion.

Non-Disciplinary Demotion
If a non-disciplinary demotion, pay should be the salary step in the pay range for the lower class which the employee would have received had the employee's service in the class from which demoted been continuous in said lower class. The employee's previous salary evaluation date shall be retained.

Status of Employee Following Demotion

If the demotion involves an employee with permanent status, then the demoted employee shall assume permanent status in the class to which demoted and give up permanent status in the class from which demoted only if the findings of the Administrative Services Director are that the employee meets the qualifications of the class to which demoted, and (if

required under the provisions above), upon completion of a new probationary period. If the employee does not have permanent status in the higher class, the employee shall serve a new probationary period in the demoted position.

10.11 Reclassification

An employee may be reclassified without competitive exam if the Administrative Services Director determines the employee has met the minimum qualifications of the new classification and has performed the duties of the reclassified position for a considerable length of time. Reclassification shall not be used for the purpose of avoiding competitive selection processes.

The employee's salary evaluation date shall not change as a result of the reclassification. When a position is reclassified from one existing class to another existing or new class under Section 3.4. of these Rules, the following shall apply to the incumbent:

Applicable Pay Following Reclassification

If a position is reclassified to a class having the same maximum salary, the salary and the salary evaluation date of the incumbent shall not change. If a position is reclassified to a class which has a higher maximum salary, the salary shall be adjusted in accordance with Sections 4.2 and 10.6 of these Rules. If a position is reclassified to a class with a lower pay range, the salary of the incumbent shall not change.

Status of Incumbents in Reclassified Positions

Whenever reclassification occurs, an employee occupying the position may be retained in the position after it has been reclassified without further competitive examination, provided that the Administrative Services Director in consultation with the Department Director, finds that:

- The reclassification results from an official recognition of a change in duties and responsibilities which has already occurred.
- The addition of duties and responsibilities (justifying allocation to a different classification) was not the result of planned management action.
- The performance of the duties and responsibilities of the incumbent has been satisfactory.
- The incumbent possesses the knowledge, skills, and abilities of the qualifications of the different class.
- The incumbent has permanent status in the class to which the position was formerly allocated.

10.12 Acting or Interim Position

Employees directed to work in a vacant higher level regular position may receive a temporary salary increase to the beginning of the salary range of the higher position or at least a five percent (5 %) temporary pay increase, whichever is greater, when it is expected the employee will serve in the higher-level position in excess of twenty (20) workdays. If the interim appointment is initially not expected to exceed twenty (20) workdays but does in fact exceed twenty (20) workdays, the employee will be paid retroactively back to the first day in the higher position. For the purpose of these Rules, a vacant position is defined as an authorized regular position that is unoccupied due to attrition or due to the incumbent being on an extended leave of absence. The City Manager must approve these requests and may only approve such request upon certification that the assigned employee meets the minimum training and experience guidelines for the position. Employees assigned to an acting or interim role, will be expected to perform the full scope of duties as outlined in the job description of the higher-level position.

10.13 Emergency Appointments

To meet the immediate requirements of an emergency condition, such as major fire, flood, earthquake, or other public calamity that threatens public life or property, the City Manager may employ such persons as may be needed for the duration of the emergency without regard to the personnel ordinance, these Rules, or other rules and regulations affecting appointments. Such employees serve at the will of the City Manager and may be dismissed with or without cause and without any right of appeal.

11 PROBATIONARY PERIOD

11.1 Probationary Status

Any full-time employee shall be placed on probation for a period of twelve (12) months unless otherwise specified in a Memoranda of Understanding or other Council approved resolution. This section excludes at-will employees which includes those who report directly to the City Manager, part-time employees interns, and seasonal employees.

The probationary period for all promoted employees shall be six (6) months.

The probationary period shall be considered a part of the recruitment, examination and selection process and shall not include the time served

under any limited service or provisional appointment but shall date from the time of appointment to a regular position after certification. This continuation of the testing process is intended to allow the City to determine if the employee can successfully perform the job duties and is a good fit for the organization.

Leaves of absence or assignment out of the class totaling more than thirty (30) calendar days, for any reason, shall not be counted toward completion of the probationary period.

An employee will remain on probation until the City takes formal, written action to remove the probationary employee from the probationary status. This will include a completed performance evaluation as well as a written memo informing the employee of the successful completion of probation.

11.2 Extension of Probation

With the approval of the City Manager and upon written notice to the probationer, the probationary period may be extended up to six (6) months for any new appointment or promotion should it be deemed necessary to further evaluate performance before making a regular appointment to the position.

11.3 Rejection from Probation

During the probation period, the employee may be rejected by the Department Director in consultation with the Administrative Services Director and City Manager, at any time with or without cause and without right of appeal, hearing, or grievance procedure. No justification or cause need be provided to a probationary employee rejected from probation.

Any promoted full time employee, who is rejected during the probationary period, may be reinstated to a position in the classification from which promoted if a vacancy in such classification exists, unless there is just cause for the release from probation.

12 OUTSIDE EMPLOYMENT AND USE OF CITY PROPERTY

12.1 Prohibited Activity

Full-time employees are expected to devote full time to assigned duties as a City employee. An employee shall not engage in any employment, activity or enterprise which is inconsistent, incompatible or in conflict with City job duties, functions, or responsibilities, nor shall an employee engage in any outside activity which will directly or indirectly contribute to

the lessening of the effectiveness as a City employee. No employee shall engage in any type of activity relating to an employee organization during such time an employee is on duty, except as expressly provided in these Rules, Memorandum of Understanding, or by law.

12.2 Outside Employment

Employees may not engage in any employment or activities that create a conflict of interest, is unethical, or otherwise interferes with their City employment.

A City employee shall not perform any work, service, or consultation for compensation outside of City employment where any part of the efforts will be subject to approval by any officer, employee, board, or commission of the City of Oakley, unless approved in the manner prescribed by these Rules.

All employees occupying positions, who hold or wish to hold jobs outside their normal City employment must make a request to engage in outside employment and submit the request to the City Manager or designee. Outside employment shall not be permitted if it conflicts in any manner with the employee's duties and responsibilities with the City or is prohibited by law.

In deciding as to whether an activity creates a conflict or ethical question, the City Manager or designee shall consider, among other pertinent factors, whether the activity involves:

- Receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act that the employee would be required or expected to render in the regular course of City employment.
- The performance of an act or work which may later be directly or indirectly subject to the control, inspection, review, audit or enforcement by such employee or other City employees.
- Conditions or factors which might, directly or indirectly, lessen the efficiency of the employee in regular City employment or conditions in which there is a substantial danger of injury or illness to the employee.
- The use for private gain or advantage of City time, facilities, equipment and supplies, prestige, influence, or information obtained through one's City office or employment. No City-owned facilities, equipment, or supplies, including autos, trucks, instruments, tools, supplies, machines, badges, identification cards, or other items which are the property of the City shall be used by an employee for personal or non-City business reasons.

- The solicitation of future employment with a business or individual doing business with the City over which the employee has some control or influence in the course of performing official duties.

12.3 Authorization of Outside Employment

Notice of authorization of outside employment shall be in writing, utilizing the Request for Outside Employment Form (see Human Resources), with a copy placed in the employee's personnel file. Denial of authorization of outside employment determination may be subject to the Grievance Procedure as set forth in Section 17 of these Rules.

12.4 Violations and Penalties

Any violation of these provisions regarding outside employment shall constitute grounds for disciplinary action up to and including termination.

12.5 Annual Approval Required

An employee must submit the Request for Outside Employment form annually to the City Manager for approval.

12.6 Changes in Outside Employment Status

The employee must promptly report in writing to the City Manager any of the following changes that may occur during the year of authorized outside employment.

- Outside employment ends.
- Any changes to work hours, locations, or types of duties.

12.7 Revocation or Suspension of Outside Employment Authorization

Any outside employment authorization may be revoked or suspended during the year under the following circumstances:

- The employee's work performance declines.
- An employee's conduct or outside employment conflicts with the conditions of the outside work authorization or is incompatible with the employee's work for the City.

13 PERFORMANCE EVALUATIONS

Performance evaluations are communication tools used to provide constructive feedback on work performance, professional relationships, goals, and expectations. Evaluation periods are also times for employees to notify their supervisors of any problems, concerns or suggestion that would help improve the City, the work environment, or the employee's job performance. Any immediate concerns should be addressed as they arise and not wait for the annual evaluation.

Evaluations should be completed for all full time and part-time employees regardless of the number of hours worked. Interns and ~~S~~seasonal employees are excluded from performance evaluations.

13.1 Frequency

Department Directors or their designees shall make a report of performance of each employee after completion of a probationary period and annually thereafter.

Unless changed in accordance with these Rules, these evaluation dates shall constitute the employee's salary evaluation date for purposes of eligibility for a salary step increase.

Salary step increases will occur in the pay period following the employee's hire or promotion date. The employee shall continue to receive performance evaluations on said date even after the employee has reached the top of the applicable salary range. In addition, a performance evaluation may be prepared at any other time at the discretion of the employee's supervisor.

Employees hired before July 1, 2021, will receive their annual evaluation in June of each year and will be eligible for a salary step increase the first pay period in July of each year.

The employee shall receive a copy of the performance evaluation and shall have an opportunity to discuss said evaluation with the employee's supervisor. The employee may also submit written comments or rebuttal to the evaluation which shall be part of the complete document to be placed in the employee's personnel file.

14 EMPLOYEE CONDUCT

In order to accomplish the City's mission, vision and core values as defined in Section 1.1 of these Rules, employees must take pride in their work, personally ensure all members of the public are being served efficiently and courteously and present themselves in such a way to make the City proud. Accordingly, the highest standards of professional conduct are considered essential for all

employees of the City. City employees must be committed to the core values of the City at all times.

14.1 Appearance Standards

These dress code appearance standards are designed to promote the City's legitimate and non-discriminatory goals to promote workplace safety and serve the community with a professional image.

Personal Appearance

The City expects employees to dress appropriately for the jobs they are performing and level of public contact they may have. The following dress code regulations shall apply to all City employees. If an employee has questions about how these standards apply to them, the matter should be immediately raised with their supervisor for consideration and determination:

- All clothing and footwear must be neat, clean, in good repair, and appropriate for the work environment and functions performed.
- Typical dress is business like professional attire (e.g., no jeans or sweats, no sweatshirts, shorts or tank tops, no flip flops, etc.).
- Prescribed uniforms and safety equipment must be worn.
- Good personal hygiene is required.
- Dress must be professionally appropriate to the work setting, particularly if the employee has contact with the public at work (e.g., appropriate length, not too loose, too tight, etc.).
- Clothing should have minimal or incidental graphics, branding, or logos. Any graphics, branding, or logos displayed prominently on the pants, chest, sleeves, face covering or back is prohibited, unless it is a City-provided garment with a City logo.

For positions that work most of their day outside in the elements, the dress code may be modified during extreme weather conditions with the approval of the City Manager (e.g., short may be allowed during summer months, etc.).

Casual Days

- In recognition of the desire to have a weekly casual day, the City has established a casual dress day on Fridays and the Thursday prior to the RDO. Employees must adhere to all of the personal appearance policies and should exercise good judgement and common sense when dressing casually and take into consideration any meetings that might require a professional dress. Casual attire

should not include sweats or shorts. Jeans, t-shirts, or sweatshirts with City logo are considered casual attire. At the City Manager's sole discretion, Casual Days can be eliminated or modified at any time.

- From time to time the City Manager may allow for themed days that will allow for employees to dress in a specific theme. It is expected dress remains appropriate and safe for the work performed but may allow for things other than the City logo to appear on articles of clothing.

Tattoos

Employees are expected to project a professional appearance while at work and must abide by the standards below. If an employee has questions about how these standards apply to them, the matter should be immediately raised with their supervisor for consideration and determination.

- No tattoos are allowed anywhere on the head, face, or neck.

- Any visible tattoos shall not be obscene, sexually explicit, discriminatory to sex, race, religion, or national origin, extremist, and/or gang related.

Piercings

Employees are expected to project a professional appearance while at work and not endanger themselves or others with excessive body piercings. If an employee has questions about how these standards apply to them, the matter should be immediately raised with their supervisor for consideration and determination.

- No objects, articles, jewelry, or ornamentation of any kind shall be attached to or through the skin if visible on any body part including the tongue or any part of the mouth, except that of reasonably sized pierced earrings may be worn in the nose or ear lobe.

- Any non-conforming piercing shall be removed, covered with a bandage, or replaced with a clear, plastic spacer.

14.2 Off-Duty Social and Recreation Activities

The City may sponsor social or recreational activities for its employees. Employee attendance at the social activities is voluntary and is not considered work-related. Neither the City nor its insurer will be liable for the payment of worker's compensation benefits for any injury that arises

out of an employee's voluntary participation in any off-duty recreation, social or athletic activity that is not part of the employee's work-related duties.

14.3 Smoking

The City is a smoke free environment including vaping and any other form of tobacco products. In accordance with California State Labor Code 6404.5, tobacco products of any kind will not be used while operating a City vehicle.

15 DISCIPLINARY ACTION

15.1 Authority to Discipline

Employees who hold non-probationary appointments, and are not at-will, shall not be disciplined without good cause. At-will and probationary employees are subject to dismissal without cause and without the right of appeal. For purposes of this section, disciplinary action shall be defined to include one or more of the following: oral reprimands, written reprimands, suspensions, demotions, reductions in pay, and dismissal. Oral and written reprimands may be initiated at the supervisor level. Disciplinary action more serious than a written reprimand must be initiated at the Department Director level in consultation with the Administrative Services Director and the City Manager. The Administrative Services Director shall be notified of any contemplated disciplinary action prior to the time it is taken, provided that in emergency situations or other instances when prior notification is not practicable, the Administrative Services Director may be notified as soon as possible subsequent to the time the action is taken.

15.2 Grounds for Disciplinary Action

Good cause for disciplinary action exists not only when there has been an improper act or omission by an employee in the employee's official capacity, but when any conduct by an employee brings discredit to the City, affects the employee's ability to perform their duties, causes other employees not to be able to perform their duties, or involves any improper use of the employee's position for personal advantage or the advantage of others. The type of disciplinary action shall depend on the seriousness of the offense and the relevant employment history of the employee. Causes for disciplinary action against an employee may include, but shall not be limited to, the following:

- Any action that brings discredit to the City or is a direct hindrance to the effective performance of City functions.

- Being under the influence of an intoxicating beverage or non-prescriptions narcotic or drug while on duty or the failure to notify a supervisor, in writing, when the employee is taking prescription medication that can impair judgment or performance.
- Conduct unbecoming of an employee of the City.
- Conviction of any felony or misdemeanor in State or Federal court which is reasonably related to the individual's position with the City.
- Discourteous or non-cooperative treatment of the public, City elected officials, employees or volunteers.
- Dishonesty or immorality on the job, including making any false representation or statement or making any omission of a material fact.
- Improper political activity as defined by California law, Government Code Sections 3201-3209 that governs improper conduct related to elections and political activity.
- Willful violation of safety, endangering self or others, or failure to follow adopted safety practices or failure to properly used required personal protective gear and equipment.
- Engaging in outside employment without authorization.
- Engaging in unlawful discrimination or unlawful sexual harassment in violation of the City's policy and State and Federal law.
- Excessive tardiness or absenteeism.
- Failure to obtain and maintain a current license or certificate as a condition of employment.
- Failure to report to work, remain on duty or return to duty after a requested leave of absence has been disapproved, revoked, or cancelled.
- Fraud of any kind; falsification of any City application, medical history record, invoice, paperwork, timesheet, investigative questionnaire, or any other City document.
- Improper or unauthorized use or misuse of City equipment or supplies, or damage to or negligence in the care and handling of City property.
- Inattention, inefficiency, incompetence, carelessness, or inexcusable negligence in the performance of duties.
- Insubordination or failure or refusal to comply with a lawful order or to accept a reasonable and proper assignment from an authorized supervisor.
- Misuse or misappropriation of City property or funds; carelessness or negligence with the monies or other property of the City; appropriating to the employee's own use any property of the city, or loaning, selling, or giving away such property without legal authorization.
- Neglect of job duties.

- Offensive or obscene language in public, or towards the public, City elected official, City employee or volunteer.
- Reporting for duty or being on duty under the influence of any intoxicant or absenting oneself from duty or rendering oneself unfit to perform fully one's duties for reasons attributable to or produced by intoxicants.
- Taking for personal use, from any person, a fee, gift, or other valuable thing is given in the expectation of receiving favored treatment.
- Violation of the City's or departments confidentiality policies, or disclosure of confidential City information to any unauthorized person or entity.
- Violation of any provisions of these Rules, official City policies and workplace conduct rules, and departmental policies, rules, procedures, and regulations.

This list is not to be considered all-inclusive as there may be other circumstances which employees may be disciplined for, up to and including termination.

15.3 Types of Discipline

Any authorized supervisory employee may propose disciplinary action for cause against an employee under their supervision in accordance with the procedures outlined in these Rules. In general, the City shall adhere to the principles of progressive discipline, but the City has the right to initiate disciplinary proceedings at any level up to and including termination where the circumstances warrant doing so.

Oral Reprimand - Verbally notifies the employee that their performance or behavior must be improved. Oral warnings are generally given by supervisors when counseling has failed to produce the desired changes. The warning defines the areas in which improvement is required, sets up goals leading to this improvement, and informs the employee that failure to improve will result in more serious action. Although the supervisor makes a note of the content of the warning and sends a confirming memo to the employee, no record is placed in the employee's permanent personnel file unless subsequent action is necessary. Supervisors will keep the oral reprimand in their file and utilize during the evaluation period as deemed necessary by the supervisor. Oral reprimands are not subject to the disciplinary appeal procedure set forth in these Rules.

Written Reprimand - Official notification to the employee that there is cause for dissatisfaction with the employee's services and that further disciplinary measures may be taken if said cause is not corrected. Written reprimands should be given in consultation with the Administrative

Services Director. The supervisor shall provide a copy of the written reprimand to the employee as well as review the violation and the reasons for the reprimand. An acknowledgement of receipt will be requested, and the employee has the right to respond in writing within seven (7) days of the notification. Written reprimands shall be made a part of the employee's official personnel record along with any response received by the employee and may be considered as pertinent evidence or information in any hearing. Written reprimands are not subject to the disciplinary appeal procedure set forth in these Rules.

Suspension without pay – The City Manager may suspend an employee for cause without pay, for up to thirty (30) calendar days per disciplinary occurrence. Suspension is considered unpaid leave; therefore, an employee will not accrue sick, vacation, wellness, insurance, retirement, etc. Documents related to the suspension shall become part of the employee's personnel file when the suspension is final and documented in the performance evaluation. Suspension is subject to the disciplinary appeals procedure set forth in the Rules.

Reduction in Step within range as a disciplinary measure - Is the withdrawal of step advancements granted for merit, efficiency, and length of service. Reduction in pay shall become effective on the effective date of the disciplinary action. Reduction may be made on a permanent or temporary basis. Reductions of pay are subject to the disciplinary appeal procedure set forth in these Rules.

Disciplinary Demotion - Shall be a reduction in classification to a classification having a lower maximum salary with reduction in salary as provided in Section 10.10 of these Rules. Demotion without consent may be made to the classification having the lowest maximum salary in the classification series or a classification series comparable to that within which the employee's position is located. Demotion may be made on a permanent or temporary basis. Demotions are subject to the disciplinary appeal procedure set forth in these Rules.

Dismissal – Regular employees shall be terminated for cause after appropriate disciplinary proceedings have been followed. If necessary, an employee may be removed from services immediately and placed on paid leave pending the completion on an investigation and disciplinary determinations. The City Manager may terminate the employment of any at-will employee, at any time, with or without cause and without affording the employee a right to appeal. At-will employees are not subject to the disciplinary procedures as outlined in these Rules. Dismissals are subject to the disciplinary appeal procedure set forth in these Rules.

15.4 Procedures for Disciplinary Action

The courts have established minimum procedural protections (due process) which public employers must provide to public employees who are subject to significant disciplinary action. These procedural protections apply to any public employee, who through the state or local agency laws, has acquired a right to be disciplined or terminated only for "good" or "just" cause. The City of Oakley will follow applicable legal requirements when taking disciplinary action.

These procedures apply to regular employees who are subject to dismissal, suspension, disciplinary demotion, or reduction in pay for disciplinary purposes. They do not apply to management employees, probationary, part-time, temporary, interns, seasonal, or other at-will employees. These employees may be disciplined or separated at-will, with or without cause, and without the disciplinary procedures listed below.

Investigation

If appropriate, the Department Director of the employee, or another impartial third party, shall conduct an investigation into the misconduct and shall prepare a report of the findings and submit the report to the Administrative Services Director. The City Attorney shall be advised of any investigation and shall provide direction to the person who is conducting the investigation.

Notice of Proposed Disciplinary Action

Written notice of the proposed Disciplinary Action to be imposed shall be served on a regular employee personally or sent to their address of record by Certified Mail not less than seven (7) working days prior to the date of the proposed action. If served by Certified Mail, such notice shall be effective and constitute receipt by the employee upon deposit in the United States Post Office.

Such formal notice shall include:

- A statement of the nature of the Disciplinary Action to be taken.
- A statement of the causes, therefore.
- A statement of the act(s) or omission(s) upon which the causes are based.
- A copy of the materials upon which the Disciplinary Action is based.
- A statement informing the employee of their right to respond to the intended discipline within seven (7) days from the date of the notice, either by requesting a Skelly conference, or by providing a written response, or both.

- A statement informing the employee of their right to have a representative of their choice present at all meetings related to the discipline, including the Skelly conference.
- Notice to the employee that failure to respond by the time specified constitutes a waiver of the right to respond prior to final discipline being imposed.

16 DISCIPLINARY APPEALS PROCESS

16.1 Right to Respond - “Skelly” Process

Any regular employee shall have the right to respond, either orally or in writing, to the authority (most likely the Department Director) imposing Disciplinary Action and have the response considered prior to any final decision being made with respect to the proposed discipline.

Such a response must be made within seven (7) working days after receipt of the written notice of the proposed Disciplinary Action. Failure to respond within such period constitutes a waiver of the right to respond. However, failure to respond shall not affect the employee’s right to appeal the Disciplinary Action as provided in these Rules.

After reviewing the employee’s response, if any, the Department Director imposing discipline shall formally notify within seven (7) working days the employee in writing of their decision to dismiss, modify or impose the proposed discipline. If the Department Director determines to impose discipline, a final “Notice of Discipline” shall be served on the employee. The final notice of discipline shall contain the following:

- The level of discipline, if any, to be imposed and the effective date of the discipline.
- The specific charges upon which the discipline is based.
- A summary of the facts that show that the elements of each charge at issue in the intended discipline are met.
- A copy of all materials upon which discipline is based.
- A reference to the employee’s appeal right and deadline to appeal.

The specified discipline, if any, may be imposed when the “Notice of Discipline” is received by the employee. The final notice must be sent by a mail method that verifies delivery to the last known address of the employee, email to the last known email of the employee or delivered to the employee in person. If the notice is not deliverable because the employee has moved without notifying the City or the employee refuses to accept delivery, the effective date of discipline will be the date the post office or delivery service attempted delivery.

16.2 Right of Appeal

Any regular employee shall have the right of appeal for any disciplinary action, except for counseling, oral, and written reprimands. Reclassifications, layoffs, demotions as a substitute for layoffs, changes in status due to employee's loss of a required license or certificate, pay increases or denial of pay increases are "non-disciplinary" actions, and, as such, are not subject to appeal but may be addressed through the City's grievance procedure as outlined in these Rules.

An appeal must be filed in writing with the Administrative Services Director within seven (7) working days of the date of service of the "Notice of Discipline". Failure to file an appeal within such period constitutes a waiver of the right of appeal and notice that the employee has accepted the recommended discipline. Filing a notice of appeal shall not stay the imposition of discipline.

16.3 Appeal Hearing

Due process requires that a permanent, for cause employee receive a post-disciplinary evidentiary appeal hearing before a nonbiased hearing officer or body. The City Manager will designate the hearing officer. The City will follow applicable legal requirements when an appeal hearing is requested.

16.4 Scheduling the Hearing

If the employee files a notice of appeal, an evidentiary hearing shall be arranged for by the Administrative Services Director and in consultation with the City Attorney. Typically, the hearing officer shall be a non-affected Department Director. The hearing shall be scheduled on a mutually agreeable date, taking into account the availability of the parties and witnesses. The hearing will commence as expeditiously as it can be arranged, but no later than sixty (60) working days after receipt of the request for appeal. The parties can mutually agree to waive this timeline.

16.5 Conduct of Hearing

The hearing officer shall, in the hearing officer's good judgment, determine the procedures under which the hearing will be conducted. Such procedures shall provide "due process" and comply with the provisions of these Rules. Both the City and the employee may call witnesses and present evidence that they deem necessary and appropriate. The hearing shall be closed to the public.

16.6 Failure of Employee to Appear at the Hearing

Failure of the employee to appear at the hearing shall be deemed a withdrawal of their appeal and a waiver of the right to appeal.

16.7 Representation

The employee may represent themselves at the hearing or be represented by counsel or another representative of their choice.

16.8 Advisory Findings of the Hearing Officer

The findings of the hearing officer shall be rendered within twenty (20) working days of the hearing, or within a reasonable time thereafter, and shall be advisory only to the City Manager. Nothing in these procedures shall be construed as to bind the City or the City Manager to any findings of the hearing officer.

16.9 Decision by the City Manager

The City Manager may hold an additional meeting with the employee to discuss the advisory findings or may proceed on the record from the hearing. The City Manager shall render a written decision within twenty (20) working days after receiving the advisory findings of the hearing officer. The City Manager's decision shall be final, conclusive, and binding on all parties. A copy of such decision shall be forwarded to the appellant.

16.10 No Retaliation

Retaliation or penalty against an employee requesting and participating in the appeal process will not be allowed nor will it be tolerated.

16.11 Reimbursement

If disciplinary action is subsequently revoked or modified by the City Manager, the employee is entitled to reimbursement for loss of pay, if applicable. Reimbursement is limited to the period between the date of initial action and the date of final decision after appeal. No reimbursement will be made for any period during which the employee was not ready and able to perform the duties of their position.

17 GRIEVANCE PROCEDURE

The City is dedicated to positive employer/employee relations and will strive to maintain good working conditions, competitive wages and benefits, open communication, and employee involvement.

Communication is expected to follow the chain of command and an employee should bring all concerns regarding their job or working environment to their immediate supervisor. If the immediate supervisor is unable to resolve the concern, or is part of the concern, the employee should go to their Department Director. If the Department Director is unable to resolve the concern, the employee should seek assistance from the Administrative Services Director, City Manager or City Attorney.

This procedure is intended to ensure that every reasonable effort will be made to resolve problems as near as possible to the point of origin.

17.1 Definition of "Grievance"

Subject to the exclusions listed in these Rules, a grievance is defined as any dispute involving the interpretation, application, or alleged violation of a specific express term of these Rules.

17.2 Eligibility to File a Grievance

Only full-time employees in regular non-probationary appointments who are adversely affected by an act or omission of the City are eligible to file a grievance.

17.3 Exclusion from the Grievance Procedure

The following matters are excluded from the definition of a "grievance":

- Requests for changes in wages, hours, or working conditions.
- The content of employee evaluations or performance reviews, except those that result in a loss of benefits to the employee.
- Challenges to reclassification, layoff, transfer, denial of reinstatement.
- Challenges to examinations or appointment to positions.
- Challenges to this grievance procedure.
- Disciplinary Actions.

17.4 Procedure

In almost every circumstance an employee should follow the "chain of command" as outlined in Section 17 of these Rules; however, if for good cause an employee feels uncomfortable about reporting a matter of

concern to their immediate supervisor, Department Director, the Administrative Services Director, or City Manager, then the employee should report directly to the City Attorney.

17.5 Reporting Time Limitation

An employee who wishes to initiate the grievance process must bring the grievance to the attention of their Department Director within ten (10) calendar days after the employee knew, or reasonably should have known, of the circumstances which form the basis for the grievance. Failure to do so will waive the employee's right to pursue the grievance.

17.6 Informal Resolution Procedure

To initiate informal discussions of a grievance, the employee shall provide the Department Director with a written description of the circumstances causing the grievance within the time set forth in Section 17.5 and must indicate in the written description that the matter is being pursued as a grievance as outlined in these Rules. Within ten (10) calendar days after the receipt of the grievance, the Department Director and the employee shall discuss the grievance and attempt to identify a resolution of the perceived problem. Within ten (10) calendar days after the meeting, the Department Director shall provide the employee with a written memorandum of the meeting, stating the resolution identified, if any. Employees must complete the informal resolution process prior to submitting a formal grievance.

17.7 Formal Grievance Procedure

If the employee and Department Director are unable to resolve the grievance by the informal resolution procedure, the employee may request a formal resolution of the grievance.

Written Grievance

A written grievance shall be submitted within ten (10) calendar days of the completion of the informal resolution process to the Administrative Services Director, with a copy to the employee's Department Director. The grievance shall contain the following information:

- A description of the specific grounds of the grievance, including names, dates, and places necessary for a complete understanding of the grievance.
- A listing of the provisions of City Rules, ordinances, policies, and procedures which are alleged to have been violated.
- A list of all persons who are witnesses or who are involved.

- A listing of the reasons why the Department Director's proposed resolution of the problem is unacceptable.
- A listing of specific actions requested of the City, which will remedy the grievance.

Grievance Meeting

The Administrative Services Director shall meet within ten (10) calendar days with the employee and the Department Director, separately or together, at their discretion, to resolve the subject of the grievance. The Administrative Services Director shall issue a written decision concerning the grievance within ten (10) calendar days from the date of the last meeting with either the employee, Department Director, or both.

Appeal Process

The employee may submit a written appeal to the City Manager if the Administrative Services Director's decision does not resolve the grievance to the employee's satisfaction. The employee appeal must be presented within ten (10) calendar days after receipt of the formal grievance decision. The appeal shall include the subject of the grievance and all supporting documents. If the City Manager is the supervisor involved in the informal grievance resolution procedure, then the City Attorney shall hear the appeal. If no appeal has been submitted within ten (10) calendar days from the date of receiving the formal decision, the Administrative Services Director's formal decision shall be considered as final.

City Manager Decision

Upon receipt of an appeal of a formal grievance, the City Manager, or designee, shall discuss the grievance with the employee, the supervisor or Department Director, and any other involved parties, if any. The City Manager, or designee, shall render a formal decision in writing to the employee within ten (10) calendar days after receipt of the appeal. Such a decision shall be considered final.

Timelines

Failure of the City to comply with the time limits of the grievance procedures allows the employee to appeal to the next level of review. Failure of the employee to comply with the time limits of the grievance procedure constitutes a settlement and resolution of the grievance on the basis of the last disposition. The parties may extend time limits by mutual written agreement in advance of a deadline.

Representation

The employee shall be entitled to one representative at the grievance meeting. The employee and the employee's representative may be allowed to use a reasonable amount of work time for the actual meetings involved in the grievance process, this does not include preparation time.

No Retaliation

Employees shall not be penalized or retaliated against in any way for using the grievance procedures or testifying as a witness in a grievance proceeding.

18 SEPARATION, RESIGNATION, LAYOFF AND REEMPLOYMENT

The following are recognized as formal types of separation from City Services:

Probationary Release
Release of Part-Time, Temporary, Intern, or Seasonal Employee
Resignation
Retirement
Job Abandonment
Layoff
Non-Disciplinary Separation
Disciplinary Separation

18.1 Separations

All employees who separate from City service must:

- Return all City property to the Administrative Services Director or the immediate supervisor prior to receiving the final paycheck.
- Clear any existing financial obligations with the City.
- If applicable, file a Form 700 leaving office statement with the City Clerk.

In addition, employees who resign or retire shall adhere to the following procedures before they will be deemed to have separated in good standing:

- Submit a written notification stating the intent to resign or retire and the proposed effective date to their immediate supervisor.
- Provide a minimum notice of two weeks. The City encourages employees who become aware of their pending separation from the City to let the Administrative Services Director know as far in advance as possible. Failure to provide reasonable notice shall be

noted in the personnel file and may be cause for denying future employment by the City.

Notice is final and irrevocable when given and may not be rescinded without the approval of the City Manager.

Use of accrued leave may not be used to extend employment beyond the last day worked without advance written approval of the City Manager.

Non-Disciplinary separations due to the inability to accommodate after the reasonable accommodation and interactive process is concluded will be given a written notes of the reasons for separation, the evidence supporting the decision to separate for non-disciplinary reasons and an opportunity to respond before the separation takes effect.

18.2 Retirement

Retirement from City services shall be subject to the terms and conditions of the City's contract with the California Public Employees' Retirement System (CalPERS), and consistent with Federal and State law.

An Employee planning to retire from the City shall provide a written notice to the Department Director and the Administrative Services Director. Such notice should be provided, whenever possible, at least sixty (60) calendar days prior to the effective date of retirement.

Notice is final and irrevocable when given and may not be rescinded without the approval of the City Manager.

18.3 Termination-Disciplinary

An employee may be terminated based on disciplinary action pursuant to these Rules.

18.4 Release from Probation and At-Will Employees

Probationary employees will be released pursuant to the provisions in these Rules.

At-Will employees will be released pursuant to the provisions in these Rules.

18.5 Job Abandonment

Separation of an employee who is absent without notification or authorization for twenty-four (24) consecutive scheduled work hours or more, in accordance with Section 19.2 of these Rules.

18.6 Layoff

Should the City Manager determine that reductions in force are necessary due to lack of work, reorganization, or for financial reasons, layoffs may be directed. In the event of layoffs, the City shall provide affected employees with as much notice as possible.

The decision to lay off an employee is not subject to any right of appeal or grievance.

18.7 Layoff List Preparation Procedure

When a position within a classification is removed, the following general procedure shall be followed:

- Seasonal, interns, or part time employees will be released before an employee in the same classification with probationary or permanent status.

19 WORK WEEK AND ATTENDANCE

Department Directors shall assign daily hours of work (or shifts) for employees within departments, as required to meet operational requirements. The Department Director may recommend changes to an employee's work period, week, or hours to meet the requirements of the City. Changes shall be recommended to the Administrative Services Director and approved by the City Manager.

Any foreseeable absence or deviation from regular working hours desired by an employee shall be cleared in advance through the employee's supervisor, and such absences shall be noted on the employee's time sheet.

19.1 Work Week

The City operates under a 9/80 work schedule. City office hours will be based on the needs of the City in general and will be set by the City Manager. 9/80 schedules (nine hours Monday through Thursday, eight hours alternate Friday, and alternate Fridays closed) shall be Friday halfway through the workday through the following Friday halfway through

the workday. These designated work weeks may be changed only as a result of major changes in operations, payroll procedures or as otherwise necessary in order to deliver services as efficiently and economically as possible. Any deviations from this work schedule must be approved in writing by the City Manager and must be included in the employee's personnel file.

On rare occasions and when it creates efficiencies within the Department, the City Manager may designate an alternative schedule. These schedules may include, 5/8 work schedule or a 4/10 work schedule.

Any alternative schedule other than the 9/80, must be requested in writing to the Department Director. If the Department Director agrees the requested schedule is in the best interest of the department, they will present it to the City Manager for approval. Requests will be on a case-by-case basis and the City Manager reserves the right to rescind approval of the alternative schedule with at least a ten (10) day written notice. Any approved alternative schedule shall be on file in the employee's personnel file.

19.2 Attendance

Employees are expected to report to work as scheduled, on time, and prepared to start work. Employees are also expected to remain at work for their entire work schedule, except when required to leave on authorized City business or some other authorized leave. All departments shall keep daily attendance records of employees, which shall be reported on the employee's timesheet.

Employees who anticipate an absence from all or a portion of their regular work schedule and wish to request a form of accrued leave time or unpaid leave time should follow the procedures provided in these Rules for the particular type of leave that they are requesting.

Employees who are unexpectedly unable to report for work as scheduled on any particular day must call their immediate supervisor no later than their scheduled time to begin work for that day, or as otherwise required by the Department. If the employee's immediate supervisor is not available, then the employee must notify the Department Director or designee. Employees shall inform their supervisor of the expected duration of any late arrival or absence. Employees who call later than their scheduled time to begin work for their assigned shift shall be deemed to have an unauthorized tardy or absence in violation of this attendance policy. Abuse or misrepresentation of any form of accrued or paid or unpaid leave time will be grounds for discipline.

An employee who is absent from work without notification or authorization for twenty-four (24) consecutive work hours or more will be considered to have abandoned their employment with the City, which will be treated as an automatic resignation effective as of the last day an employee worked. In this case the City will provide notice to the employee to their last known telephone number, last known email address or last known address. If, within ten (10) days of said notice, the employee can show good cause for the failure to return to duty, the Administrative Services Director, in their discretion may, with approval of the City Manager, reverse the resignation. In the event that an employee's absence is deemed an "automatic resignation" in accordance with this Rule, the employee shall have the same right to appeal afforded to employees who are terminated for cause under these Rules. However, an employee's absence without notification or authorization for twenty-four (24) hours or more shall be deemed just cause for termination.

19.3 Excessive Tardiness, Absenteeism and Abuse of Leave

Excessive tardiness occurs when an overtime-eligible employee who, without authorization, is late to work or late to return from breaks more than three times during any 30-day period. Excessive absenteeism occurs when the number of unapproved absences for reasons that are not permitted by state or federal law, exceeds three days in any three-month period. Excessive tardiness or absenteeism may be grounds for discipline, up to and including termination. Abuse of, or misrepresentation of any form of accrued or unpaid leave time may be grounds for discipline, up to and including termination.

19.4 Meals and Rest Periods

Meal Periods

Employees shall receive a sixty (60) minute meal period that shall not be compensated, with the exception of safety personnel such as police officers or safety staff such as police service assistants. During the meal period, the employee shall be relieved of duties. If the employee is authorized in advance and performs work during the meal period, the employee shall be compensated for such time. A thirty (30) minute lunch period may be considered by the Department Director but must be requested in writing by the employee and will only be approved if such a schedule will not impair the efficiency and effectiveness of the department. The Department Director may rescind approval of the thirty-minute lunch period with at least ten (10) working days written notice to the employee. Police Department staff may not always be able to be relieved of duty during meal periods. At the discretion of the Chief of Police, meal periods

required by these rules, may be waived should an employee's duties require them to work through the meal period.

Rest Periods

Employees shall have a fifteen (15) minute rest period for each half of their shift, as scheduled by the supervisor. The rest period may be interrupted or cancelled if necessary to complete work and shall be compensated time. The rest periods shall not be combined or used to shorten the workday.

Lactation Breaks

Any employee who wishes to express breast milk for an infant child during scheduled work hours will receive additional unpaid time beyond the compensated rest period provided in these Rules. Those desiring to take a lactation break must schedule breaks with the department supervisor. Approved lactation breaks will not be interrupted, except in emergency circumstances.

The City will make all reasonable efforts to accommodate employees by providing an appropriate, private location to express milk. The City will attempt to find a location in close proximity to the employee's work area and the location will be other than a bathroom. Employees occupying such private areas shall either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed.

Any employee storing expressed milk in any authorized refrigerated area within the City shall clearly label it as such. No expressed milk shall be stored at the City beyond the employee's workday.

19.5 Timekeeping

All employees must sign and accurately record all hours worked and any leave taken on their timesheets. Employees must immediately report any errors on a timesheet that has already been submitted to their supervisor.

All employees are responsible for the accurate and timely submission of timesheets as well as any other supporting documented required to accurately report time. Timesheets should accurately reflect total hours worked and should be completed daily, when possible. Timesheets should only be altered or adjusted by the employee. If there are discrepancies

with the employee's timesheet as submitted, Department Directors or designee shall discuss with the employee and upon agreement of both parties, the employee shall alter the timesheet.

In the event the employee is unable to complete their timecard due to absence, Department Directors should report the employee's hours worked on their behalf and have the employee approve at the earliest date upon return. If discrepancies exist, they will be corrected on the first payroll following the employee's return.

Timesheets are due the Monday following the completion of a pay period no later than 10:00am. Timesheets are required to be electronically approved by the employee as well as the Department Director or designee.

Exempt employees may be required to use accrued leave time for partial day absences of four (4) hours or more. However, exempt employees are generally expected to work their entire schedule each day, and the City Manager may require exempt employees to use accrued leave for partial day absences of less than four (4) hours. With prior approval of the City Manager, exempt employees may make up time off on other days and not need to use accruals.

Intentional inaccuracies or falsifications of any kind of the submitted timesheet will result in disciplinary action, up to and including termination.

19.6 Overtime

Recording hours worked as well as any leave time taken by an employee is necessary to provide an accurate basis for preparing paychecks, monitoring leave accruals, and assuring compliance with all Federal and State laws.

All hours worked in excess of forty (40) hours in the work week will be paid in accordance with FLSA. Overtime must be approved in writing by an employee's supervisor in advance. Overtime worked without prior permission will result in disciplinary action.

Employees in positions designed as overtime eligible will receive additional compensation, either in cash or compensatory time off, in a work week during which they work more than forty (40) hours.
Work weeks will not be altered to avoid paying overtime, but employees may request an alternative schedule in advance with approval from their supervisor.

In accordance with FLSA, only actual hours worked will be used to calculate hours. Time paid, but not worked such as sick leave, vacation, holiday, wellness, or compensatory time off, does not count towards the calculation of hours worked.

Overtime pay for work on employee's scheduled day off will be based on actual hours worked in excess of 40 hours in the work week.

Should a full-time, non-exempt employee work a City event on a weekend that includes Holiday pay in the same work week, the employee will be paid at time and a half for all hours worked at the event. Holiday pay will be the only hours type that is included as hours worked for this purpose and only applies if the employee is required to work the event. These events include things such as Summer Fest and the Heart of Oakley.

Any hours spent traveling to out of town training or for training outside of an employee's normal work schedule should be applied in accordance with the City's Travel Policy.

19.7 Paid Overtime and Compensatory Time Off

Compensation for overtime hours worked will be at a rate of one and a half (1.5) times the employee's regular rate of pay in either cash or compensatory time off.

The form of compensation shall be at the option of the employee, provided however, that no employee shall accrue more than forty (40) hours of unused compensatory time off. Accrual of compensatory time off shall be at the rate of one and a half (1.5) hours of compensatory time off for each overtime hour worked or fraction thereof. An employee who has accrued the maximum allowed balance of compensatory time off shall be paid cash for all overtime hours worked until the balance is below the maximum. All compensatory time off will be cashed out at separation in accordance with the FLSA.

Compensatory time off is intended to be taken as soon as it is mutually convenient following the date on which it is earned. Time off should be requested in advance, similar to vacation, and must be approved prior to taking. Time off should be requested in Time and Attendance to the supervisor with at least five (5) days' notice.

Should an employee receive a promotion or reclassification to an exempt position, all compensatory time off will be paid on the last day of employment in the non-exempt position. Payments will be made at the regular rate of pay for the non-exempt position.

19.8 Police-FLSA Section 207 (k)

The work period for sworn non-exempt employees, consistent with the 7(k) exemption of the Fair Labor Standards Act, is one hundred seventy-one (171) hours per 28-day work period. The workweek is not necessarily the same as the calendar week. The workweek for all sworn, non-exempt police officers begin at 12:00 AM Sunday and ends at 11:59 PM Saturday.

20 Management LEAVE

20.1 Management Leave-Management Employees

In lieu of the payment of overtime, exempt employees are granted ninety-six hours (96) of management leave on January 1st of each calendar year. Management leave will be prorated for management employees who are hired or promoted into a management position during the year. The pro-ration will be 8 hours per month including the month in which the employee is hired or promoted.

All ninety-six (96) hours of management leave should be used during the calendar year in which it was earned. Up to forty (40) hours of unused leave will be allowed to carry over to the next calendar year.

On rare occasions and with the approval of the City Manager, more than forty (40) hours management leave may be carried over to the next calendar year, subject to a maximum accrual limit of one hundred sixty (160) hours. Such a request must be made in writing on or before December 15th of each year. Failure to request a carry over by December 15th will limit an employee to the standard forty (40) hour carryover limit. Any accrued management leave that would exceed the carryover or maximum accrual limits of this provision are lost.

If leave was previously approved to be taken in December and the City cancels that leave for any reason, the amount approved will be carried over to the next year notwithstanding the above limits.

Managment leave can only be cashed out upon separation of employment and will be paid at the employee's base pay.

21 VACATION

Unless otherwise specified in a Memorandum of Understanding or Council approved resolution, each full-time employee shall accrue vacation on a bi-weekly basis at the following rate for continuous service performed in pay status as follows:

0 to 36 months of service:	80 hours per year (3.06 per pay period)
36 to 84 months of service:	120 hours per year (4.62 per pay period)
84 to 168 months of service:	160 hours per year (6.15 per pay period)
168 or more months of service:	200 hours per year (7.69 per pay period)

The increase in rate of vacation accruals is effective on the next pay period following the anniversary of the employee's hire date.

21.1 Maximum Accruals

The City provides vacation leave to encourage employees to take time away from work on a regular basis. For this reason, employees may earn and accumulate vacation leave up to a maximum of two and one-half (2.5) times the amount of the annual accrual of that employee.

0 to 36 months of service:	200 hours maximum
36 to 84 months of service:	300 hours maximum
84 to 168 months of service:	400 hours maximum
168 or more months of service:	500 hours maximum

Maximum Accrual Buy Back

Any hours accrued above the maximum as of the paycheck that includes December 1st of each year will be paid to the employee on the second paycheck in December.

21.2 Part-Time Employee Vacation Accrual

Part-Time employees working more than one thousand five hundred (1,500) hours per year will be eligible for a pro-rated accrual based on their full-time equivalent percentage.

Part-Time employees working under one thousand (1,000) hours per year will be eligible for up to thirty-eight (38) hours of vacation accrual per year. This excludes any seasonal, interns, or temporary positions.

Accruals will occur bi-weekly in the amount of 1.46 hours per pay period.

21.3 Maximum Accruals Part-Time Employees

Regardless of the number of hours worked per year, vacation accrual hours will cap at two (2) times the annual accrual, i.e. seventy-six (76) hours.

There will be no cash out provision, except as required by law at separation, for part time vacation accruals. Any hours that would accrue above the seventy-six (76) hour maximum will be lost. Accruals will not continue until the accrual bank is below the maximum.

21.4 Use of Vacation

There is no waiting period before an employee can request to take accrued vacation. Vacation hours cannot be used in the pay period within which they are earned. Employees may only schedule time off for vacation hours that have already been accrued.

Time and Attendance requests to the employee's immediate supervisor should be submitted for approval of vacation time off. The amount of time taken at any one time shall be determined by the Department Director with regard for the needs of the City.

21.5 Effect of Sick Leave On Vacation Leave

In the event an employee becomes ill during a vacation period, such time shall not be charged as vacation leave if the following conditions are met:

Employee Sick Leave Requirements

The employee complies with the same notice requirements as required when the employee is not on leave, including notice to the employee's supervisor no later than the start of the employee's regular work shift. If the employee becomes ill after the start of the work shift, then the employee must promptly provide notice on the same day the illness begins. In the event an employee is unable due to injury or illness to provide prior notice or same-day notice, the employee must provide notice as soon as possible. Sick leave shall only be granted for those days on which notice is given.

Return to work requirements

The employee, upon return to work, submits a doctor's certificate for each day the employee was absent from work.

21.6 Vacation Pay-Out Upon Termination

A regular or probationary employee whose employment with the City terminates shall be paid for that part of vacation accumulations that remains unused at the time of termination. Payment for unused vacation shall be made at the base rate of pay in effect for such employees at time of termination.

Unless otherwise provided by State Law, when termination is caused by the death of the employee, said pay for unused vacation shall be paid to the beneficiary the employee has designated. Such designation shall be in writing, signed by the employee and filed with the Human Resources Department. In the event an employee has not designated a beneficiary, the payment shall be made to the estate of the employee.

21.7 Eligibility to Earn Vacation

An employee will accrue vacation while in a paid leave status. Vacation accruals will be pro-rated based on the number of hours being reported on the timesheet. Any employee in an unpaid leave status will not accrue vacation unless approved in advance by the City Manager.

21.8 Vacation Buyback

Employees are eligible to exchange up to forty (40) hours of accrued vacation for a lump sum payment at the employee's current base rate twice each fiscal year as follows:

- The lump sum payment will occur on the second pay period in March and October of each year.
- The employee must have three (3) consecutive years of full-time services with the City.
- The employee must have taken at least eighty (80) hours of vacation, compensatory time off or managment leave in the twelve (12) months preceding the buyback request.
- The employee's accrual bank cannot fall below one hundred twenty (120) hours.

21.9 Hardship Request

If an employee eligible for vacation accrual experiences a financial hardship due to unforeseen circumstances, the employee may submit a request to the Administrative Services Director to receive cash payment of accrued vacation. Examples of qualifying events may include unexpected legal expenses, medical expenses not covered by other means, or any unforeseen situation that would necessitate a hardship request.

The Administrative Services Director will ensure that the request meets the requirements and that the requested vacation accrual hours are available prior to seeking City Manager approval. The City will make a determination within five (5) business days of the hardship request.

Hardship payouts will only be considered on leave balances above one hundred twenty (120) hours. At no time should a payout cause a leave balance to fall below one hundred twenty (120) hours.

22 HOLIDAYS

22.1 Authorized Holidays

Every full-time probationary and regular employee shall be entitled to the following paid holidays each calendar year and such other days as may be designated by action of the City Council:

New Year's Day
Martin Luther King Day
President's Day
Memorial Day
Juneteenth Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day After Thanksgiving
Christmas Eve Day
Christmas Day
New Year's Eve Day
Floating Holidays (2)

Generally, if a holiday falls on a Saturday, the City will observe the holiday on the preceding Friday. If the holiday falls on a Sunday, the City will observe the holiday on the following Monday. If the preceding Friday or succeeding Monday is also a holiday, the holiday will be observed on the next preceding or succeeding workday, as determined by the City.

If the holiday falls on the employee's regularly scheduled day off, the employee's day off is moved to the next closest workday within the same work week with supervisor approval.

An employee wishing to observe a holiday particular to the employee's national origin, culture, or religion may do so with prior approval of the

Department Director. The time off shall be charged to vacation, floating holiday, wellness, compensatory time off or management leave.

The City provides regular and probationary full-time employees with pay for the observed holidays listed in Section 22.1. Employees will receive normally scheduled hours for the holidays in Section 22.1 (i.e. if you are scheduled to work a 9/80 schedule you will receive 9 hours of Holiday Pay.). Holiday time does not count as hours worked for the purpose of calculating overtime unless outlined separately in these Rules.

Part-time employees working more than one thousand five hundred (1,500) hours per year will receive holiday pay at a pro-rated number of hours based on FTE percentage.

All regular and probationary full-time employees receive two (2) eight (8) hour floating holidays on January 1st each year. Floating holiday time off requires advanced approval of the employees' supervisor.

Part-time employees working more than one thousand five hundred (1,500) hours per year will receive floating holidays at a pro-rated number of hours based on FTE percentage.

Newly hired or promoted employees will receive floating holidays based on the calendar year quarter in which they are hired.

January-March	16 hours
April-June	12 hours
July-September	8 hours
October-December	4 hours

Floating holidays must be used in the calendar year in which they are earned and will not carry forward. Any unused floating holiday hours at December 31st each year, will be lost.

Any unused floating holidays at the time of separation will be paid to the employee at the employees' base pay at the time of their separation.

22.2 Work Performed on Holidays

Employees are expected to observe all City designated holidays unless job demands require an employee to work. A regular and probationary full-time employee scheduled to work on a holiday shall be paid straight time for actual hours worked and in addition will be paid normal scheduled hours of holiday pay.

Regardless of hours worked per year, part-time employees scheduled to work on a holiday shall be paid straight time for actual hours worked and in addition will be paid holiday pay for the number of actual hours worked, not to exceed normal scheduled hours of holiday pay. If work hours on a holiday exceeds the forty (40) hours in a work week, hours worked will be paid in accordance with FLSA.

22.3 Holidays Falling During Vacation

When a day designated and observed by the City as a holiday occurs on a day on which an employee is taking vacation, such employee shall not be charged as using vacation for that day. The employee's compensation for that day shall be holiday pay and the employee shall not be paid or charged for vacation.

23 SICK LEAVE

Sick leave shall be requested only in cases of actual employee or dependent sickness or disability, medical, dental or vision treatment, or as authorized in Section 23.6 of these Rules. The employee requesting sick leave shall, whenever possible, notify their supervisor or Department Director prior to the start of the employee's regular work shift. Where the need for sick leave is foreseeable, such as for pre-scheduled appointments, leave shall be requested with at least one (1) business day advance notice. Where the need for leave is not foreseeable and the employee is unable due to illness, injury, or other exigent circumstances to provide notice prior to the start of their work shift, the employee must provide notice as soon as practicable.

Sick leave with pay shall not be allowed unless the employee has met and complied with the provisions of these Rules and their Department Director has approved such use. Accrued and unused sick leave shall not be paid out when the employee separates from City employment except as provided in Section 23.9 and Section 23.10 of these Rules. Abuse of the sick leave benefit, as described in these Rules, is grounds for disciplinary action, up to and including termination.

23.1 Certification

The Department Director may request, in their discretion, that the employee produce a certificate issued by a licensed physician or other satisfactory proof of illness before granting sick leave beyond 40 hours or the equivalent of 5 regular workdays, whichever is greater, in a calendar year.. The Department Director may also direct an employee to attend a physical examination by a City-retained licensed physician, at City

expense, to ascertain whether the employee is fit to perform the duties of the position.

23.2 Prohibited Activity

Any employee who is absent from work on a leave as provided in Section 23 of these Rules or who is absent after requesting such leave shall not engage in work or other activities at any time which would conflict with the inability to report for work and to perform the duties assigned.

23.3 Eligibility

Regular and probationary employees shall be eligible to accrue sick leave upon commencement of City employment. There is no waiting period to utilize sick leave accruals, however, sick leave hours cannot be used within the pay period in which they were earned.

Part time employees working more than one thousand five hundred (1,500) in a fiscal year will accrue sick leave at a pro-rated number of hours based on their FTE percentage.

Part time employees working less than one thousand (1,000) hours in a fiscal year interns, or~~or s~~~~S~~easonal employees will accrue sick leave consistent with the Healthy Workplace Families Act. Any leave accrued under the law cannot be used until reaching the 90th day of employment. Sick leave hours cannot be used within the pay period in which they are earned.

For all employees, sick leave may under no circumstance be used before it is actually accrued.

23.4 Accrual

For Full time employees, sick leave shall be accrued at the rate of 3.69 hours per pay period that an employee has worked regularly scheduled hours or has been on an authorized paid leave.

For Part time employees working more than 1,500 hours in a fiscal year, sick leave shall be accrued on a pro-rata basis depending on the average expected hours per week. In no case should the number of hours exceed 3.69 hours in a pay period.

For Part time employees working less than 1,000 in a fiscal year, interns and for seasonal employees, sick leave will accrue at a rate of .034 for every hour worked.

Sick leave will continue to accrue during any paid leave of absence and will be pro-rated based on the number of hours being paid. During all unpaid leaves of absence, including FMLA, sick leave accruals will cease until the employee returns to a paid status, unless otherwise required by law.

23.5 Accumulation

All full-time employees may accrue a maximum of one thousand (1,000) hours of sick leave.

Part-time employees working more than one thousand five hundred (1,500) hours per fiscal year may accrue a pro-rated maximum number of hours proportional to their FTE percentage, but never more than one thousand (1,000) hours.

Part-time employees working less than one thousand (1,000) hours per fiscal year, interns, and seasonal employees may accrue a maximum of eighty (80) hours of sick leave.

Once the accrual maximum is reached, the employee will no longer accrue hours until the accrual balance has fallen below the maximum.

23.6 Use

Sick leave may be requested and used as approved by the Department Director or Administrative Services Director. Pay for approved sick leave shall be authorized until the employee's accumulated sick leave hours have been exhausted and at such time the employee shall receive no further pay for sick leave.

Sick leave can be used for the following purposes:

- Diagnosis, care or treatment of an existing health condition or preventative care for an employee or any of the following of the employee's family members:
    - Child of any age or dependency status
    - Parent or parent in-law
    - Spouse or registered domestic partner
    - Grandparent
    - Grandchildren
    - Sibling
    - Another person designated by the employee prior to or at the time the employee requests paid sick days (provided that an employee may not designate more than one person in this

manner in a twelve (12) month period and only one-half of the sick leave accrued annually may be used for this purpose).

- For an employee who is a victim of domestic violence, sexual assault or stalking to obtain a temporary restraining order or other court assistance to help ensure the health, safety or welfare of the employee or their child or to obtain medical attention or psychological counseling services from a shelter, program or crisis center or participate in safety planning or other actions to increase safety.

23.7 Abuse of Sick Leave

The City of Oakley provides a generous amount of sick leave hours and encourages employees to use these hours wisely and maintain a comfortable number of hours available for unforeseen situations. The City considers the abuse of sick leave as a serious offense and evidence substantiating use of sick leave for willful injury, gross negligence, intemperance, or any instances of misrepresentation will result in disciplinary action, up to and including termination from employment.

Other examples of abuse of sick leave include the following:

- Failure to notify supervisor of medical absence.
- Failure to provide physician's verification when required.
- Fraudulent physician verification.
- Use of sick leave for that which it was not intended or provided.
- Continued pattern of maintaining zero or near zero leave balances or seeking approval of leave without pay because sick leave accrual has been exhausted.
- Pattern of abuse, for example, the routine use before and after holidays before and after weekends or regular days off; after pay days; of any one specific day; following overtime worked; frequent use of half days; and any routine use of any combination of the above.

Proof of Illness or Injury will be required in the following circumstances:

- An absence lasting five (5) or more days.
- Frequent use of sick leave accruals.
- When a pattern of sick leave has been identified.
- When a supervisor has reason to believe that sick leave is being abused.
- When an employee is released to return to work after an extended absence.

The employee may be required to submit a statement or certification for a licensed physician, dentist or optometrist stating the employee is or was incapacitated and unable to perform their normal duties. The statement or certification must include a date of when the employee can return to work with or without restrictions, listed restrictions should there be any and a date of when restrictions will be lifted, if known.

If the employee has a qualifying disability under the Americans with Disabilities Act (ADA) or the Fair Employment and Housing Act ("FEHA"), the City will engage in the interactive process in accordance with the Interactive Process Policy.

The City of Oakley maintains minimum staffing levels, and excessive absenteeism creates a negative impact on the workplace by disrupting work schedules, increasing overtime costs, leaving projects incomplete, decreasing organizational efficiency, moving additional work upon others, and creating an overall negative morale within the organization.

23.8 Use of Sick Leave toward Retirement

An employee may not use sick leave to extend a retirement (either disability or service retirement) or separation date, unless specifically provided for in an applicable Memorandum of Understanding, or as required by law.

23.9 Sick Leave at Separation

- Full Time employees hired on or before June 30,2022

  Sick leave is forfeited and not cashed out upon separation unless an employee has completed ten (10) years or more with the City at the date of separation.

  If ten years of service are met, fifty percent (50%) of the value of accrued sick leave or 360 hours, whichever is less, will be paid to the employee at separation as follows:

  Payment can be taken as a lump sum cash payment or deposited into the employees deferred compensation account (as allowed under the terms and conditions of the plan and Internal Revenue Service regulations).

- Full Time employees hired on or after July 1, 2022

Sick leave is forfeited and not cashed out upon separation

- If an employee separates from employment and subsequently rehired within one year from the date of separation, previously accrued and unused sick leave shall be reinstated subject to the accrual and use limits of this policy. Unused sick leave accruals for which the employee received a cash payment shall not be reinstated.

23.10 Sick Leave at Retirement

Sick leave is forfeited and not cashed out upon retirement unless an employee has completed ten (10) years or more with the City at the date of retirement. This applies to full time employees only.

If years of service are met, one hundred percent (100%) of the value of accrued sick leave will be paid to the employee at retirement as follows:

Payment can be taken as a lump sum cash payment or deposited into the employee's deferred compensation account (as allowed under the terms and conditions of the plan and the Internal Revenue Service regulations) or used as a payment to CalPERS to buy service credits.

Only fifty percent (50%) of the accrued sick leave can be allocated to CalPERS to buy service credits.

23.11 Integration of Benefits

If an employee is on approved illness or injury leave and is receiving State Disability Insurance (SDI) or temporary Disability payments (including Workers' Compensation payments), the employee may choose to supplement these payments utilizing accruals to continue to receive a full paycheck. To exercise this option, the employee shall provide a claims history showing payment amounts as well as dates paid by SDI, Worker's Compensation, or temporary disability so that the City can ensure the supplemented hours are correctly applied.

23.12 Catastrophic Leave

An employee may be eligible to receive donations of up to four hundred and eighty (480) hours of accruals to be used towards sick leave associated with a catastrophic leave. Hours can only be donated if the employee has exhausted all allowable leave banks.

Catastrophic illness or injury is defined as a critical medical condition that is terminal, a long-term major physical impairment or disability to the employee or an immediate family member. The definition of immediate family member and the usage of sick leave shall be defined as self, spouse, child or parent or anyone in the employee's direct care. This program will be administered in accordance with the City's Catastrophic Leave and Accrual Donation Administrative Policy.

24 LEAVES OF ABSENCE WITHOUT PAY

24.1 Authorization for Leave of Absence Without Pay

At the sole discretion of the City Manager, an employee may be granted a leave of absence without pay. Any leave without pay will be based on the operational needs and best interest of the City. Employees' must make a written request using the Leave Without Pay form and must seek approval of the City Manager prior to the leave being taken.

Leave without pay may not be requested until the employee has utilized all applicable leave hours in the employee's accrual leave bank.

Any employee in an unpaid status may no longer receive benefits including accruals, medical, dental, vision, retirement, etc. Any continuation of benefits will be at the City Manager's discretion.

The decision of the City Manager shall be final and is not subject to grievance or appeal.

The City may fill the position with a temporary employee during the term of the leave of absence or undertake any other appropriate measures to address workload needs.

24.2 Return from Authorized Leave of Absence Without Pay

When an employee intends to return from an authorized leave of absence without pay, extending beyond thirty (30) days, the employee shall contact the Administrative Services Director as soon as possible but not less than three (3) working days prior to the planned day of return. Upon an employee's notification that the employee intends to return after a leave of absence without pay, the City shall make reasonable effort to do so. Failure of an employee to abide by this notification procedure or to report for work promptly at the date of leave expiration shall be grounds for discipline up to and including termination.

Employees returning from leave because of illness or disability must first submit to the Administrative Services Director a release to work from a

physician that satisfactorily certifies the employee can perform the essential functions of the position to which they desire to return, with or without accommodation. Further, the employee may be subject to an examination by a City retained licensed physician, at City expense, to ascertain whether the employee is fit to perform the duties of the position.

24.3 Status of Employee on Authorized Leave of Absence Without Pay

Break in Service

Authorized leaves of absence without pay shall not be construed as a break in service, and rights accrued at the time the leave is granted shall be retained by the employee. However, vacation credits, sick leave credits, holidays, health benefits, and retirement benefits, increases in salary, and other similar benefits shall not accrue to a person granted such leave during the period of absence unless otherwise expressly provided for in a Council-approved action. Employees in such status may be required to pay for all fringe benefits, such as health plan premiums, during the period of their leave without pay.

Employee Return to Work

An employee returning after an authorized leave of absence without pay shall retain the same status and shall be placed at the same salary step in the pay range currently in effect for the class as the employee received when the authorized leave of absence without pay commenced. Time spent on such leave without pay shall not count toward service within the pay range and the employee's salary anniversary date shall be set forward a period of time equal to the employee's total absence as adjusted to the beginning of the closest pay period.

24.4 Unauthorized Leave of Absence

Whenever an employee is absent from work during a regular shift without permission or without advanced notification to their supervisor, or without sufficient accrued leave to cover the absence, it shall be reported as an unauthorized leave of absence.

Such unauthorized absence shall be considered as unpaid time off and the amount equal to the time the employee was absent without pay will be deducted from the employee's pay to the extent allowable by law.

Without extenuating circumstances, an unauthorized leave of absence is grounds for termination.

Employees not returning from an authorized leave of absence when agreed upon, will be considered as unauthorized leave.

25 OTHER LEAVES OF ABSENCE

25.1 Administrative Leave

The City, in its discretion, may place an employee on administrative leave with or without pay. Employees on such leave shall be available and are subject to the City's instructions during their normal working hours.

25.2 Bereavement Leave

The City shall grant leaves of absence with pay when a member of the employee's or employee's spouse or domestic partner's immediate family dies. "Immediate family" is defined as a spouse or a child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law as defined in Government Code Section 12945.2. The City, in its discretion, may request documentation of the death of the family member. If requested, the employee shall provide documentation of the death within thirty (30) days of the first day of leave. Examples of such documentation include a death certificate, published obituary, or written verification of death, burial, or memorial services from a religious institution, a governmental agency, or a funeral home or similar entity.

Upon the death of a family member, an employee may take up to five days of bereavement leave. The days need not be consecutive but must be completed within three months of the date of death. Up to three (3) working days of leave shall be with pay if the death occurred within the State of California, and up to five (5) days if the death is outside of the State.

Additional time off in excess of the time stated above, may be taken by an employee with prior approval of their immediate supervisor. Additional time off is not paid and the employee must use accruals to account for the time off. Sick leave may be used to supplement bereavement leave. If the employee does not have accrual hours to utilize, the employee must request a Leave Without Pay in accordance with Section 24.1 of these Rules to extend bereavement leave beyond five (5) days.

25.3 Family and Medical Leave (FMLA/CFRA)

In accordance with federal and state laws and regulations, the City shall provide family and medical leave, which is unpaid leave, to eligible employees. "Family and Medical Leave" under this Rule refers to leave

pursuant to the Family and Medical Leave Act of 1993 (“FMLA”) and the California Family Rights Act (“CFRA”). Employees with any questions or requests for information about family and medical leave should consult the Human Resources Department and the City’s FMLA/CFRA administrative policy.

25.4 Jury Duty

All full-time employees and part-time employees regardless of the number of hours worked, who are required to report for jury duty shall be granted leave for such purpose, upon presentation of the jury notice to the Department Director. Said employees shall receive full pay for their normally scheduled work hours for the time served on a jury, provided the employee remits to the City all fees as soon as received by the employee for such duties.

Compensation for mileage or subsistence allowances shall not be considered as a fee and shall be retained by the employee.

Employees are expected to report to work before and after any jury service if jury service begins after the start of your normal shift or ends before the end of your normal shift. Jury service means physically reporting to the court to serve on a jury and does not include being instructed to call for status updates.

25.5 Military Family Leave

In accordance with the Family and Medical Leave Act (FMLA), eligible employees may use their twelve (12) weeks of FMLA leave for any "qualifying exigency" arising out of a family member's active military duty. Eligible employees are also permitted to take up to twenty-six (26) weeks of leave in a single twelve (12) month period to care for a family member who sustains a serious illness or injury while on active military duty.

25.6 Military Leave

Military Leave With Pay, shall be granted in accordance Federal and State law. An employee entitled to military leave shall give their Department Director an opportunity, within the limits of military regulations, to determine when such leave shall be taken. Prior to taking such leave, an employee shall present a copy of the military orders to the Department Director. The Department Director shall promptly advise the Administrative Services Director of such military orders. The employee’s work schedule may be temporarily changed by the Department Director to accommodate the leave and department workloads, in accordance with applicable law. Benefits shall continue to accrue to the employee to the extent required by

law. Employees on military leave shall be granted promotional opportunities and reinstatement after return from military leave in accordance with applicable law.

25.7 Military Spouse Leave

In accordance with California Military & Veterans Code Section 395.10, eligible spouses and domestic partners of active members of the military are entitled to up to ten (10) days of unpaid leave when their spouse or domestic partner, who is in active military service, is on qualified leave.

25.8 Paid Family Leave (PFL)

Employees who are covered by State Disability Insurance (SDI) are eligible for Paid Family Leave (PFL) benefits while taking care of family member(s). These benefits are paid by the State Employment Development Department.

25.9 Pregnancy Disability Leave (PDL)

Any employee who is disabled because of pregnancy, childbirth, or a related medical condition may be entitled to pregnancy disability leave (PDL). The rules for PDL are contained in the City's Pregnancy Disability Leave Administrative Policy

25.10 School Activity Leave

Employees who are parents, guardians, or grandparents of a child in kindergarten through grade 12 may take up to forty (40) hours per year, not to exceed eight (8) hours per month, to participate in the child's school activities. The employee shall use accrued vacation, management leave, floating holiday, wellness or compensatory time for this leave. Prior notice of the need for this leave shall be given to the supervisor. If accrued time off have been exhausted, the employee must request and receive approval for leave without pay in accordance with Section 24.1 of these Rules.

25.11 Voting Leave

Time off with pay to vote in any general, direct primary or presidential primary election shall be granted as provided by state law. If an employee does not have sufficient time to vote outside of their working hours, they may take time off to vote at the beginning or end of the shift, whichever provides the freest time to vote. Employees shall give their supervisors at least two (2) working days' prior notice of the need to take such time off. Only the first two (2) hours of time taken to vote shall be paid leave.

25.12 Witness Leave

An employee who is subpoenaed to appear in court in a matter regarding an event or transaction which they perceived or investigated in the course of employment with the City, shall be allowed to do so without loss of compensation, unless it is the employee's own lawsuit.

An employee subpoenaed to appear in court in a matter unrelated to their official capacity, or who is appearing in court in a matter initiated by the employee, shall be permitted time off without pay, or if the employee chooses, to use accrued vacation, management leave, floating holiday, or compensatory time for this purpose.

The employee may be required to present the subpoena to their Department Director.

25.13 Leave Rights for Victims of Crime and Abuse

Pursuant to Labor Code Sections 230 and 230.1, the City provides certain leave rights an employee who is a victim of crime or abuse. For purposes of this provision, "a victim of crime or abuse" means an employee who is a victim of stalking, domestic, violence, or sexual assault, who is a victim of a crime that caused physical injury or mental injury and a threat of physical injury, or whose immediate family member is deceased as a direct result of a crime.

Eligible employees may take time off for any of the following purposes:

- To seek relief, such as a temporary restraining order, or other assistance to help safeguard the "health, safety, or welfare" of the employee or their child.
- To seek medical attention for injuries caused by crime or abuse.
- To obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization as a result of crime or abuse.
- To obtain psychological counseling or mental health services related to an experience of crime or abuse.
- To participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation.

An employee must provide reasonable advance notice to the Administrative Services Director, whenever possible, and provide written certification of their status as a victim of crime or abuse. If advance notice is not feasible, the employee must provide certification within a reasonable

time after the absence. The written certification will be kept confidential to the extent allowed by law, and can include any of the following:

- A police report indicating that the employee is a victim of crime or abuse.
- A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other documentation from the court or the prosecuting attorney that the employee has appeared in court.
- Documentation from a medical professional, domestic violence counselor, sexual assault counselor, victim advocate, health care provider, or counselor that the employee is (or was, as applicable) undergoing treatment or receiving service for physical or mental injuries or abuse.
- Any other form of documentation that reasonably verifies that the crime or abuse occurred, including but not limited to, a written signed statement certifying that the absence is (or was) for a purpose authorized under Labor Code Section 230(c) or Section 230.1.

The leave is unpaid unless the employee is eligible for and elects to use sick leave in accordance with Section 23.6 of these Rules.

25.14 Crime Victim or Family Member Victim Rights Proceeding Leave

Any employee who is a victim of a crime listed in Labor Code Section230.5(a)(2)(A), may take leave from work to appear in court to be heard at any proceeding in which the right of the victim is at issue if the employee provides the employer reasonable advance notice. If advance notice is not feasible, the employee must provide the City, within a reasonable time after the leave is taken the following:

- Certification from a police report, a district attorney or court, or from a health care provider or victim advocate, that the employee was a victim of any of the crimes listed in Labor Code Section 230.5(a)(2)(A).

An employee who is a spouse, parent, child, sibling, or guardian of such a crime victim is also a victim who is entitled to this leave if the above notice or certification requirements are met.

The leave is unpaid unless the employee elects to utilize vacation, management leave, floating holiday, wellness, or compensatory time off.

25.15 Reproductive Loss Leave

In accordance with SB 848, Government code 12945.7, the city shall provide Reproductive loss leave, which is unpaid leave, to eligible employees. The City shall grant leaves of absence without pay when an employee experiences a Reproductive Loss event.

A “Reproductive Loss Event” is defined as a day or for a multiple- day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction. “Assisted reproduction does not include any pregnancy achieved through sexual intercourse.”

Upon a reproductive loss event, an employee may take up to five (5) days of unpaid leave. The days may be intermittent but must be completed within three months of the reproductive loss event. Employees may choose to use other types of leave entitlement for which the reproductive loss event qualifies under state or federal law. In such a case, the reproductive loss leave must be completed within three months after the end date of the other type of leave.

In the event more than one reproductive loss event occurs in a 12-month period, the City is only obligated to provide up to 20 unpaid days within a 12-month period pursuant to the terms of the law.

Reproductive loss leave shall be unpaid, but the employee may use wellness, vacation, management leave, accrued and available sick leave, or compensatory time off to receive pay during the leave.

25.16 Wellness Leave

The City provides regular and probationary full-time general staff employees with 24 hours of wellness leave on January 1st of each year. There is no waiting period before an employee can request to take accrued wellness leave. Wellness leave must be used in the year provided and cannot be rolled over or cashed out for any reason, including separation. Wellness leaverequires advanced approval of the employee’s supervisor. Wellness hours can be used for sickness, vacations, mental health, daycare, school activities, or any personal use.

New hires or promoted employees will receive wellness leave based on the calendar year quarter in which they are hired.

January- March	24 hours
April – June	18 hours
July- September	12 hours

October- December 6 hours

26 EMPLOYEE TRAINING AND EDUCATION PROGRAMS

26.1 Training and Development

The City encourages all employees to seek additional training and development of their job skills and knowledge. When possible, the City is committed to providing periodic training to assist employees in developing their professional skills and knowledge.

Any out-of-town travel requirements should be completed in accordance with the City's Travel Policy.

The City encourages participation in professional organizations that will enhance the employee's job-related skills, abilities, and knowledge. Membership or certificates should be approved in advance by the Department Director or the City Manager. Approved memberships or certificates may be paid directly by the City or will be reimbursed upon submittal of satisfactory evidence of payment.

26.2 Education and Tuition Reimbursement

Employees are encouraged to further their education by taking accredited courses which satisfy any of the following criteria:

- Related to the employee's present position with the City.
- Related to the employee's potential development with the City.
- Part of a program leading to a degree related to the employee's present position or potential for development.

An employee who participates in an educational program may be reimbursed for courses taken on the employee's own time and at the employee's expense in accordance with the City's Tuition Reimbursement Policy and Procedure.

The City reserves the right to amend, modify or terminate the program at any time. All employees will be notified in writing if such changes occur, and all commitments made up to the time of the change will be honored by the City.

27 NEPOTISM POLICY

This policy prohibits the hire or promotion of individuals who are related by blood, marriage, or adoption to a member of the City Council, to a member of the Planning Commission, the City Manager, the City Attorney, or any person exercising appointing authority, or would have or are likely to have in the future any supervisory authority over such individuals. This prohibition includes the following relationships: spouse, domestic partner, children, step-children, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, first cousin, parent-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law.

27.1 Marital Status and Immediate Family

It is the City's policy not to discriminate against employees based on marital status. The City retains the right to:

- Refuse to place one spouse or immediate family member under the direct or indirect supervision of the other spouse or immediate family member in that the placement has the potential for creating an adverse impact on supervision, safety, security, morale, or potential conflicts of interest.
- Refuse to place spouses or immediate family members in the same department, division, or facility in that it has the potential for creating an adverse impact on supervision, safety, security, morale, or potential conflicts of interest.

27.2 Marriage of Co-Employees

If employees marry or become domestic partners, or an employment relationship listed above is created by any other means, the City shall make reasonable efforts to assign job duties to minimize problems of supervision, safety, security, morale, or potential conflicts of interest.

Should reasonable efforts to assign job duties to minimize such problems fail, one of the following must occur:

- The City Manager or designee will attempt to arrange a transfer to a similar position in another department, division, or facility for the employee with the later hire date. There can be no guarantee that the new position will be within the same classification or at the same pay level, OR
- One of the employees must be separated from City employment if a transfer or demotion is not available. If one of the employees does not voluntarily resign, the City will separate employment with the employee with the later hire date.

Neither the transfer of an employee nor the separation from service of an employee or any other decision implemented pursuant to this policy shall be subject to any administrative appeal or grievance procedures.

28 HARASSMENT AND DISCRIMINATION PREVENTION

The City of Oakley strives to provide a professional work environment where all employees can work together comfortably and productively, free from harassment, discrimination, and retaliation on the basis of one's membership in a protected class. The City is committed to providing a workplace free of sexual harassment. The City's policy has been and remains more all-encompassing than the law requires. The City's policy rests on the fundamental precept that each individual treats all others with respect, dignity, and professionalism. Deviation from that fundamental precept will not be tolerated. Whether or not the individual means to offend or believed their comments or conduct was welcome is not significant. The City's workplace is not limited to the City's facilities, but may also include client and vendor facilities, as well as anywhere a City business-related function is taking place.

The City is responsible for taking all reasonable steps to prevent harassment, discrimination, and retaliation. It is also the policy of the City to provide a procedure for investigating alleged harassment, discrimination and/or retaliation in violation of this Policy. Any retaliation against a person for filing a complaint or participating in the complaint investigation or resolution process is prohibited.

Individuals found to be retaliating in violation of this Policy will be subject to appropriate disciplinary action. For investigation guidelines for the informal and formal process for resolving sexual harassment and/or discrimination complaints see Section 29 of these Rules.

28.1 Covered Individuals and Scope of Policy

This Policy protects employees regardless of rank or title, elected or appointed officials, applicants, volunteers, and interns (including unpaid interns). Supervisors, coworkers and third parties are prohibited from engaging in harassment, retaliation, or any other behavior which violates this policy. Employees have an obligation to comply with this Harassment and Discrimination policy. Failure to do so may result in disciplinary action up to and including termination.

This Policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including but not limited to selection, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

Definitions

- **Protected Classification**: This Policy prohibits harassment and discrimination based on an individual's protected classification. "Protected classification" includes: race/color, national origin/ancestry, sex (including gender, gender identity, and gender expression), religious creed (including all aspects of religious belief, observance, and practice, including religious dress and grooming), age, mental or physical disability, veteran status, medical condition, marital status or status as a registered domestic partner, sexual orientation, citizenship status (including a driver's license issued to undocumented persons), pregnancy (including, medical conditions related to pregnancy or childbirth, and breastfeeding, or medical conditions related to breastfeeding), reproductive health decisions, and any other consideration made unlawful by federal, state, or local law.

- **Discrimination**: This Policy prohibits treating covered individuals differently because of the individual's protected classification, actual or perceived; because the individual associates with a person who is a member of a protected classification, actual or perceived; or because the individual participates in a protected activity as defined in this Policy.

  Harassment Prohibited harassment includes, but is not limited to, unwelcome conduct undertaken because of a covered individual's actual or perceived protected classification, such as:

  - Verbal harassment – epithets, derogatory comments, or slurs.

  Examples: Speech such as name calling, belittling, epithets, derogatory comments or slurs; sexually explicit or degrading words to describe an individual, race, ethnicity, etc.; sexually oriented jokes and stories; comments about an employee's anatomy and/or dress, including physical features, gender identification, sexually oriented noises or remarks; questions about a person's sexual practices; use of patronizing terms or remarks, verbal abuse, graphic verbal commentaries about the body.

  - Physical harassment – assault, impeding or blocking movement, or any physical interference with normal work or movement.

  Examples: Assault, touching, pinching, patting, grabbing, brushing against, or poking another employee's body; hazing or initiation that involves a sexual component; requiring an employee to wear sexually suggestive clothing; or making explicit or implied job threats or promises in return for submission to physical acts.

  - Visual harassment - derogatory posters, cartoons, or drawings.

Examples: Displaying derogatory pictures, writings, cartoons, emails, drawings, or objects related to a protected classification; obscene letters or invitations; staring at an employee's anatomy, leering, sexually oriented gestures, mooning, or unwanted love letters or notes.

- Sexual favors – unwanted sexual advances which condition an employment benefit (or withhold a detriment) upon an exchange of sexual favors.

While it is impossible to define every action or all words that could be interpreted as harassment, the examples listed above, along with the state definition of harassment, are not meant to be a complete list of objectionable behavior nor do they always constitute harassment. Harassment on the basis of sex need not be motivated by sexual desire in order to constitute unlawful harassment.

28.2 Quid Pro Quo Harassment

Under state and federal law, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's appointment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

28.3 Retaliation

Retaliation occurs when adverse conduct is taken against a covered individual because of the individual's protected activity as defined in this Policy. "Adverse conduct" may include but is not limited to disciplinary action, counseling, taking sides because an individual has reported harassment or discrimination; spreading rumors about a complainant or about someone who supports or assists the complainant; shunning or avoiding an individual who reports harassment or discrimination; or making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

28.4 Guidelines for Identifying Harassment

Harassment includes any conduct which would be unwelcome or unwanted to an individual of the recipient's same protected classification. The following guidelines to determine if conduct is unwelcome or unwanted should be followed:

- It is no defense that the recipient "appears" to have consented to the conduct at issue by failing to protest about the conduct. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized or subjected to retaliation.
- Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one has yet complained does not preclude someone from complaining if the conduct is repeated in the future.
- Even visual, verbal, or physical conduct between two people who appear to welcome the conduct can constitute harassment of a third person who witnesses the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.
- Conduct can constitute harassment even if the individual has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual would find it offensive (e.g., gifts, over-attention, endearing nicknames, hugs).

28.5 Complaint Procedure

Report and Investigation of Complaint

If an individual believes that any City employee, vendor, client, or other business contact has harassed them, then the individual should immediately report the incident to their supervisor or Department Director, orally or in writing. If the immediate supervisor or Department Director is involved in the reported conduct tor, for some other reason, the individual feels uncomfortable about reporting to that supervisor or Department Director, the individual should then report directly to the City Manager. If the individual feels uncomfortable about reporting to the City Manager, then the individual should report directly to the Human Resources Division. If the individual feels uncomfortable about reporting to the Human Resources Department, then the individual should report directly to City Attorney. Employees are not required to follow the chain of command.

Any employee, who sees or learns of conduct that may constitute harassment under this policy, shall immediately advise their Department Director of the incident and actions taken. The Department Director shall immediately report the incident and actions taken to the Administrative Services Director.

Upon receiving notification of a harassment complaint, the Administrative Services Director will complete and/or delegate the following steps.

- Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will usually include interviews with
    - The complainant.
    - The accused.
    - Other persons who have relevant knowledge concerning the allegations in the complaint.
- Review the factual information gathered through the investigation to determine whether the alleged conduct violates the Policy considering all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.
- Report a summary of the determination as to whether this Policy has been violated to appropriate persons. If discipline or sanctions are imposed, the level of discipline or sanctions will not be communicated to the complainant.
- If conduct in violation of this Policy occurred, take, or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.
- Take reasonable steps to protect the complainant from further harassment, discrimination, or retaliation.

28.6 Proactive Approach

The City takes a proactive approach to potential violations of this Policy and will investigate if its supervisory or management employees become aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

28.7 No Retaliation

The City will not retaliate, nor will it tolerate retaliation, against individuals who complain in good faith about harassment in the workplace. The City will investigate any such report and will take whatever corrective action is deemed necessary, including disciplining, and dismissing from

employment any individual who is found to have violated these prohibitions against harassment and/or retaliation. All employees and supervisors have a duty to cooperate in the City's investigation of alleged harassment and/or alleged retaliation. Failure to cooperate or deliberately providing false information during an investigation shall be grounds for disciplinary action, including termination.

28.8 Option to Report to Outside Administrative Agencies

An individual has the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Civil Rights Department (CRD). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed on the Internet, or employees can check posters that are located on City bulletin boards for office locations and telephone numbers.

28.9 Confidentiality

Every effort will be made to assure the confidentiality of complaints made under this Policy to the greatest extent allowed by law. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. An employee who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. An employee may discuss their interview with a designated representative. The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

28.10 Responsibilities

Each non-manager or non-supervisor is responsible for:

- Treating all individuals in the workplace or on worksites with respect and consideration.
- Modeling behavior that conforms to this Policy.
- Participating in periodic training.
- Cooperating with the City's investigations by responding fully and truthfully to all questions posed during the investigation.
- Taking no actions to influence any potential witness while the investigation is ongoing.
- Reporting any act, they believe in good faith constitutes harassment, discrimination, or retaliation as defined in this Policy,

to their immediate supervisor, or department head, or City Manager.

In addition to the responsibilities listed above, each manager and supervisor is responsible for:

- Informing employees of this Policy.
- Taking all steps necessary to prevent harassment, discrimination and, retaliation from occurring, including monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
- Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
- Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
- Informing those who complain of harassment or discrimination of their options to contact the EEOC or CRD regarding alleged Policy violations.
- Assisting, advising, or consulting with employees and the City Manager regarding this Policy.
- Assisting in the investigation of complaints involving employee(s) in their departments and, when appropriate, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with these Policies, up to and including termination.
- Implementing appropriate disciplinary and remedial actions.
- Reporting potential violations of this Policy of which they become aware to the City Manager, regardless of whether a complaint has been submitted.
- Participating in periodic training and scheduling employees for training.

29 Investigation Guidelines for Sexual Harassment and Discrimination Complaints

29.1 Investigation Procedure

Any investigation of sexual harassment or discrimination allegations shall be conducted in accordance with the section 28 of these Rules.

29.2 Treat All Complaints Seriously and Act Promptly

Even if a complaining employee insists that they want nothing done about the complaint, the City has an obligation to investigate any allegation of

sexual harassment or discrimination promptly and thoroughly. All necessary steps must be taken to ensure that if the conduct has occurred, it does not continue.

For example: Separate the employees by changing shifts or assignments; order the accused to have no contact with the complaining party; and/or depending on the seriousness of the allegations, place the accused employee on paid administrative leave pending the outcome of the investigation.

29.3 Neutral Investigator

All investigations need to be objective, fair and thorough. It is important that the individual chosen to do the investigation is unbiased when conducting the investigation.

29.4 Conduct of Investigator

All complaints of sexual harassment and discrimination will be treated seriously and promptly investigated.

29.5 Confidentiality Of Investigation

The City will make every effort to assure the confidentiality of complaints made under this policy to the greatest extent allowed by law. However, complete confidentiality may not be possible because of the City's need to investigate the complaint and provide the subject of the complaint their due process rights, which include providing the subject of the investigation a copy of the complaint after the initial investigatory interview, if requested.

The City expressly prohibits an employee who is interviewed during the course of an investigation from attempting to influence other employees, including employees who may have witnessed the underlying conduct at issue, while the investigation is open and ongoing.

An employee may discuss their interview with a designated representative from the employee's employee organization and/or the employee's legal representative. The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

29.6 Detailed Interview With Complainant

The investigator will interview the complaining employee. The complaining employee may be asked specific questions in order to obtain detailed information about the allegations.

29.7 Interview the Accused Employee and Other Employees

The investigator should interview the accused employee and all witnesses with relevant information. All interviews should be documented in detail and/or recorded.

29.8 Analysis of Investigation

In analyzing the evidence from the investigation, the investigator should keep in mind that the objective is to determine whether there has been a policy violation.

29.9 Documentation Of Sexual Harassment

Since personnel files can be purged, the Personnel Officer shall keep a separate file on all sexual harassment and discrimination complaints that are filed or raised by or against any individual. Such complaints would be available for purposes of corroboration or to find potential patterns of misconduct that would tend to verify the veracity of any future complaints, for notice, and for progressive discipline.

30 MISCELLANEOUS

30.1 Effective and Approval

These rules and regulations shall only become effective when the City Council adopt them. Upon adoption they shall supersede any and all City-wide and/or departmental personnel management policies, rules, regulations, and procedures previously adopted, except those adopted by order of a department director which are not in conflict with these Rules.

Any and all provisions contained in a Memorandum of Understanding (MOU) in effect at the time of adoption of these Rules, and which may be in conflict with the provisions of these Rules, shall remain in effect and supersede these Rules until such time as the conflicting provisions of the MOU may be modified, through the meet and confer process, to conform to these Rules. No existing MOU shall be modified, and no new MOU shall be entered into, which would establish provisions that would be in conflict with these Rules unless expressly identified by the City Manager and recommended to the City Council for review and approval.

30.2 Public Employees as Disaster Service Workers

Government Code Section 3100 et seq. declares public employees as disaster service workers and requires employees to report to work (and if not possible, then to the next closest public employer) following the effects of natural, manmade, or war caused emergencies. The City shall establish and maintain a method, or methods, of informing employees of their disaster service worker status. Employees who fail, without good cause, to honor their obligations as disaster service workers shall be subject to disciplinary action up to and including termination.

30.3 City Records, Contracts and Requests for Information

All official City records and files are considered property of the City. Some records are considered confidential and will not be released. A request for information that is not part of an employee's routine job responsibilities or duties should be referred to the employees' Department Director.

All media requests should be referred to the City Manager or designee, specifically authorized by the City Manager to handle public information.

No employee, except those specifically designated, should accept service on behalf of the City of any legal documents pertaining to work-related cases. Any such documents received should be immediately turned over to the City Clerk.

Employees shall not respond to any subpoenas, requests for deposition or other legal requests for information regarding City business. Any such request shall be reported to the Department Director, City Manager and City Attorney immediately.

30.4 Employee Remote Access

Unless approved in advance by the City Manager, non-exempt employees may not have remote access to City equipment, resources, or emails. To be in compliance with FLSA any remote access for non-exempt employees will be on a case-by-case basis and will be the responsibility of the employee and the Department Director to ensure timecards are completed accurately and include any time spent working remotely.

30.5 Exempt Employee

FLSA exempt personnel are hired with the understanding that they are responsible for accomplishing the duties outlined for their assigned position or job, and not for a certain number of hours each day. The focal point is the job to be done, not the number of hours worked. However:

- Exempt positions are designed with an “at least 40-hour” workweek in mind. The necessity to perform consistent work for a substantial number of hours over 40 per workweek should be examined so that exempt employees are utilizing their time wisely.
- Exempt employees, including Department Directors are generally expected to be available to perform their job duties during normal business hours, however, completing the work assigned for an exempt position will, from time to time, require extra work to be performed outside of normal business hours or on the weekends.
- Recognizing the varying demands placed on an exempt employee’s time, and in recognition of exempt employees spending substantially more than a typical workweek in accomplishing the job, the City allows exempt employees to take limited periods off without using accrued vacation or sick leave, subject to the approval of the City Manager. Typically, an exempt employee will have a deduction from their accruals to equal the amount of time absent from work that reduces the employee’s normal workday, similar to non-exempt employees. Subject to the approval of the City Manager, for an exempt employee, absences of less than four (4) hours, are not to be charged to leave accruals, if at least 80 hours total have been worked otherwise during the timesheet reporting period (this would include a holiday day). See Section 19.5 for absences in excess of four (4) hours.
- Neither flexible work hours nor administrative leaves constitute additional compensation to exempt employees on an hour-for-hour basis for hours worked in excess of 40-hours per week. Accordingly, exempt employees do not accrue a balance of compensatory leave hours.

30.6 Personnel Records

The Human Resources Department maintains personnel records for all employees.

Personnel records are considered property of the City and confidential information in a personnel file will not be revealed to outside sources except as required by law or with the consent of the employee and the City Manager.

Personnel Files

The City shall maintain an official personnel file for each of its employees. Personnel files contain such personnel records as may be deemed necessary for the administration of labor and employment relations in the City. Personnel files shall be made available to employees for inspection

within a reasonable time after an employee's written request and without loss of pay, provided that employees shall make arrangements with their supervisor if the inspection occurs on duty.

The City may preclude inspection of certain information in accordance with the law, such as background and other pre-employment information and materials relating to confidential investigations.

The City shall maintain separate files for injury reports, confidential medical records, grievances, discrimination complaints and other matters in accordance with applicable laws.

Employee Name, Classification Title, Department, Status, Salary Range, Salary, Benefits, Date of Hire and Separation date are all considered public record and will be disclosed if requested.

Outside Inquiries on Employees

All inquiries concerning information about employees from outside sources should be directed to Human Resources. No employee is authorized to provide a job reference for a current or former employee.

When former or current sworn employees are seeking employment in other agencies there may be a background investigation. In these instances, the Police Chief or designee will cooperate with the background investigation and may respond to such request on behalf of the City.

Rules Do Not Create Employment Contract

These Rules do not create a "contract" of employment between the City and any employee. Public employment is statutory, not contractual.

Severability

If any part of these Rules is determined to be unconstitutional or illegal, such part shall be severed from these rules and the remaining Rules shall be given full force and effect. The City shall comply with changes in state and federal law and shall amend these Rules as necessary for consistency. The term "City" as used in these rules refers to the City of Oakley. Responsibilities and rights of the City under these rules are exercised by the City Manager and may be delegated at the City Manager's discretion.

Intern

OAKLEY
CALIFORNIA

Classification: Part-Time, Intern
FLSA Designation: Non-Exempt
Department: Varies
Last Updated: July 2025

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

SUMMARY DESCRIPTION

Under direct supervision, provides staff assistance for a variety of general administrative support of the objectives of the department to which assigned; participates in a structured on-the-job training program to gain experience in a public sector environment; and performs related duties as assigned. Receives direction from assigned supervisory or management personnel. Exercises no supervision.

This classification is in partnership with a non-profit organization working towards development opportunities and on the job training. Duties performed will vary in scope of activity depending on the assigned department but will be used as a learning and growth opportunity to help applicants enter, gain experience, and succeed in the workforce. Interns are at-will, limited service with employment up to six (6) months and no more than 1,000 hours in a fiscal year.

ESSENTIAL DUTIES

Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodation so that qualified employees can perform the essential functions of the job. Duties may include, but are not limited to, the following:

- Participates in a structured on-the-job training program to gain experience in a public sector environment.
- Performs a variety of fundamental duties in various divisions of the employing department.
- Provides assistance on data entry projects, scanning, data collection, and filing.
- Gathers, compiles, tabulates, and reports statistical data.

- Acquires working knowledge of department practices, procedures, equipment, and organizational systems.
- Performs related duties as required.

QUALIFICATIONS

The following generally describes the knowledge and ability required to enter the job and/or be learned within a short period of time in order to successfully perform the assigned duties.

Knowledge of:

- Basic office practices.
- Basic principles and practices of data entry, data collection, and report preparation.
- Basic principles and methods of math and statistics.
- The structure and content of the English language, including the meaning and spelling of words, rules of composition, and grammar.
- Modern equipment and communication tools used for business functions and program, project, and task coordination.
- Computers and software programs (e.g., Microsoft software packages) to conduct, compile, and/or generate documentation.

Ability to:

- Gather and compile information from a variety of sources.
- Understand and carry out oral and written instructions.
- Organize work and follow-up on assignments.
- Communicate clearly and concisely, both orally and in writing, using appropriate English grammar and syntax.
- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.
- Use computer systems, software applications, and modern business equipment to perform a variety of work tasks.
- Conduct oneself in a professional manner.
- Function effectively under direct supervision.

- Implement professional work habits including reliability, dependability, creativity, and demonstration of enthusiasm for the job.
- Sit or stand for long periods of time.

EDUCATION AND EXPERIENCE GUIDELINES

Any combination of education and experience that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain knowledge and abilities would be:

Education and Training: High School diploma is required. Some college coursework is highly desirable.

In partnership with a non-profit organization whose focus is to provide work-related training and opportunities for adults with disabilities.

Licenses and Certificates: Some internships may require prior education or certifications in the field of study.

Must be at least 18 years of age as incumbents must complete and satisfactorily pass Live Scan fingerprint screening or background check.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT

The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. The City will engage in a timely, good faith interactive process to identify reasonable accommodations to enable qualified individuals to perform the essential job functions.

Working conditions vary by internship assignment.

Environment: Work is performed primarily in a standard office environment with frequent interruptions. As this is a temporary assignment there may not be a permanent work space and therefore should be expected to change frequently depending on the assigned work area.

Physical: Primary functions require sufficient physical ability and mobility to work in an office setting; to stand or sit for prolonged periods of time; to occasionally stoop,

bend, kneel, crouch, reach, and twist; to lift, carry, push, and/or pull light to moderate amounts of weight; to operate office equipment requiring repetitive hand movement and fine coordination including use of a computer keyboard; to travel to other locations using various modes of private and commercial transportation; and to verbally communicate to exchange information.

Vision: See in the normal visual range with or without correction.

Hearing: Hear in the normal audio range with or without correction.

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June 2025 New In-Town Business Licenses

Full Name	Primary Contact Email Address	Full Primary Address	Active Licenses
ADVANCED CONNECTIVITY 2 LLC	JASMINE@ADVANCED-CONNECTIVITY.COM	717 WESTMOOR CIR OAKLEY CA 94561	HOME BASED BUSINESS LICENSE
CALTEK PLUMBING & ROOTER INC	CALTEKPLUMBING19@GMAIL.COM	250 W CYPRESS RD OAKLEY CA 94561-3203	HOME BASED BUSINESS LICENSE
COURTYARDS AT CYPRESS GROVE APARTMENTS	INFO@CAMBRIDGERES.COM	2010 RUBENS WAY OAKLEY CA 94561	BUSINESS LICENSE
GLOBAL QUALITY FOODS INC	THI@GLOBALQUALITYFOODS.COM	100 BIG BREAK RD OAKLEY CA 94561	BUSINESS LICENSE
JRAFT DESIGN		402 PINENUT ST OAKLEY CA 94561	HOME BASED BUSINESS LICENSE
LAURA M COOK	LAURA.COOK@ME.COM	203 HARBORAGE CT OAKLEY CA 94561	HOME BASED BUSINESS LICENSE
MAIN STREET OAKLEY LLC	LONETREEANIMALCARE@GMAIL.COM	2170 MAIN ST OAKLEY CA 94561	BUSINESS LICENSE
MEGHAN ZANARINI TC	MEGHANZANARINITC@GMAIL.COM	103 MALICOAT AVE OAKLEY CA 94561-2724	HOME BASED BUSINESS LICENSE
PRO PLUMBING SERVICES	OFFICE@PROPLUMBINGSERVICES.COM	3921 MAIN ST OAKLEY CA 94561-5759	BUSINESS LICENSE
ZACHYS SWEET TREATS	nicolecedano@yahoo.com	4604 BAYSIDE WAY OAKLEY CA 94561-3210	HOME BASED BUSINESS LICENSE
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STAFF REPORT

OAKLEY
CALIFORNIA

Approved and Forwarded to the City Council

DATE: July 8, 2025
TO: City Council
FROM: Joshua McMurray, City Manager
SUBJECT: Work Session on Public Art

Background and Summary

At the May 13, 2025 City Council Meeting, Councilmember Williams (second by Mayor Shaw) asked for a work session to discuss public art and the City developing a program or policy centered around partnerships with non-profits to carry out public art projects, with an emphasis on not impacting City resources.

This work session is intended to facilitate a discussion and ultimately Staff needs direction from the City Council on how to proceed. To help, Staff has provided some possible discussion points as follows:

- **Eligible Participants**: Must be a registered non-profit organization serving Oakley residents; artists should have relevant experience.
- **Community Benefit**: Projects must reflect the City's vision and provide value to the public.
- **Artistic Quality**: Artwork should demonstrate creativity, originality, and site-appropriate design.
- **Location Suitability**: Proposed sites must be appropriate in scale, visibility, and context; is there a preference for City-identified public art locations?
- **Safety & Accessibility**: Installations must be ADA-compliant, safe for public interaction, and not obstruct public access or infrastructure.
- **Durability & Maintenance**: Permanent works must use weather-resistant materials and include a maintenance plan.
- **Content Standards**: Art must be suitable for all audiences and free from offensive or explicit material. (To be defined by Staff or a Public Art Subcommittee)
- **Proposal Requirements**: Must include visuals, budget, timeline, community engagement plan, and proof of insurance (if applicable).
- **City Approvals**: All projects require appropriate permits, and longer-term installations may need a formal agreement (e.g., MOU).
- **Recognition**: Projects must acknowledge City partnership in marketing materials and, for permanent works, through on-site signage.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the following goal and objective:

Community and Collaborative Partnerships Goal

- Collaborative Partnerships Sub-Goal: We will foster and maintain strong relationships with our public-private partnerships to mutually benefit our shared goals.

Fiscal Impact

There is no fiscal impact associated with this works session.

Staff Recommendation

It is recommended that the City Council provide direction to Staff.