

CALENDAR FOR THE BOARD OF SUPERVISORS
CONTRA COSTA COUNTY
AND FOR SPECIAL DISTRICTS, AGENCIES, AND AUTHORITIES GOVERNED BY THE BOARD
BOARD CHAMBERS ROOM 107, ADMINISTRATION BUILDING, 651 PINE STREET
MARTINEZ, CALIFORNIA 94553-1229

MARY N. PIEPHO, *CHAIR*, 3rd DISTRICT
JOHN GIOIA, 1st DISTRICT
GAYLE B. UILKEMA, 2nd DISTRICT
KAREN MITCHOFF, 4th DISTRICT
FEDERAL D. GLOVER, 5th DISTRICT

DAVID J. TWA, CLERK OF THE BOARD AND COUNTY ADMINISTRATOR, (925) 335-1900

The Board of Supervisors respects your time, and every attempt is made to accurately estimate when an item may be heard by the Board. All times specified for items on the Board of Supervisors agenda are approximate. Items may be heard later than indicated depending on the business of the day. Your patience is appreciated.

AGENDA
January 17, 2012

9:00 A.M. Convene and adjourn to Closed Session in Room 101.

Closed Session Agenda :

A. CONFERENCE WITH LABOR NEGOTIATORS

1. Agency Negotiators: David Twa and Ted Cwiek.

Employee Organizations: Contra Costa County Employees' Assn., Local No. 1; Am. Fed., State, County, & Mun. Empl., Locals 512 and 2700; Calif. Nurses Assn.; Service Empl. Int'l Union, Local 1021; District Attorney's Investigators Assn.; Deputy Sheriffs Assn.; United Prof. Firefighters, Local 1230; Physicians' & Dentists' Org. of Contra Costa; Western Council of Engineers; United Chief Officers Assn.; Service Empl. Int'l Union; United Health Care Workers West; East County Firefighters' Assn.; Contra Costa County Defenders Assn.; Probation Peace Officers Assn. of Contra Costa County; Contra Costa County Deputy District Attorneys' Assn.; and Prof. & Tech. Engineers, Local 21, AFL-CIO.

2. Agency Negotiators: David Twa and Ted Cwiek.

Unrepresented Employees: All unrepresented employees.

B. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Gov. Code, § 54956.9(a))

1. Tindall v. Gregory Hoedt, et al.
Contra Costa County Superior Court Case No C09-01694.

2. Freeman v. Contra Costa County
Contra Costa County Superior Court Case No. C10-01142.

3. Contra Costa County v. Robert A. Valdez, et al.
Contra Costa County Superior Court Case No. C11-01254

4. Duncan Grant v. Contra Costa County, WCAB # ADJ5855200

5. James Johnson v. Contra Costa County, WCAB # ADJ 1999964; ADJ 3679251; ADJ 677311

6. Board of Retirement of the Contra Costa County Employees' Retirement Association v. County of Contra Costa, et al., Alameda Superior Court Case No. RE-11608520

C. LIABILITY CLAIMS

Claimant: Retiree Support Group of Contra Costa County
Agency claimed against: Contra Costa County

9:30 A.M. Call to order and opening ceremonies.

Inspirational Thought - *"The quality, not the longevity, of one's life is what is important."* ~ Dr. Martin Luther King

CONSIDER CONSENT ITEMS (Items listed as C.1 through C.43 on the following agenda)
– Items are subject to removal from Consent Calendar by request of any Supervisor or on request for discussion by a member of the public. Items removed from this section will be considered with the Short Discussion Items.

PRESENTATIONS

PR. 1 ADOPT Resolution No. 2012/23 to proclaim January 2012 as National Blood Donor Month, as recommended by Supervisor Mitchoff.

PR. 2 ADOPT Resolution No. 2012/2 recognizing Earle Ormiston for his work on the Transportation Initiative Task Force, as recommended by the Employment and Human Services Director. (See C.5)

SHORT DISCUSSION ITEMS

SD. 1 PUBLIC COMMENT (3 Minutes/Speaker)

SD. 2 CONSIDER Consent Items previously removed.

SD.3 CONSIDER adopting Resolution No. 2012/6, forming Contra Costa County Flood Control & Water Conservation District Zone 100, and make related findings under the California Environmental Quality Act (CEQA), as recommended by the Chief Engineer, Flood Control and Water Conservation District, Countywide. (Paul Detjens, Public Works Department) (100% Drainage Zone Funds)

SD.4 CONSIDER adopting the FY 2012/13 Recommended Budget development schedule. (David Twa, County Administrator)

- SD.5** SUPPORT Governor Brown's ballot initiative that would protect counties' realignment revenue and temporarily raise sales and some income tax rates, as recommended by Supervisors Federal D. Glover and John Gioia.
- SD.6** CONSIDER adoption of Resolution No. 2012/29 to accept designation as the Successor Agency of the Contra Costa County Redevelopment Agency and related matters. (Steven Goetz, Conservation & Development Department)
- SD.7** Acting as the Governing Board of the Contra Costa County Redevelopment Agency, CONSIDER adoption of Resolution No. 2012/22 approving the FY 2011/12 Redevelopment Agency Annual Budget and related actions. (Steven Goetz, Redevelopment Deputy Director)

DELIBERATION ITEMS

- D.1** CONSIDER accepting year-end reports on the County's 2011 Federal and State legislative programs, adopting the 2012 Federal and State Legislative Platforms, and providing further direction to County staff regarding legislative advocacy efforts.
- D.2** CONSIDER accepting report from the County Administrator on potential local impacts resulting from the Governor's Proposed State Budget. (David Twa, County Administrator)
- D.3** HEARING to consider approving the Sheriff's proposed use of \$167,736 in restricted Supplemental Law Enforcement Services funds for front line law enforcement, to continue funding the Air Support Unit for Fiscal Year 2011/12, pursuant to Government Code section 30061(b)(3). (Undersheriff Mike Casten)
(HEARING CONTINUED TO JANUARY 24, 2012)
- D.4** CONSIDER reports of Board members.

11:00 A.M.

- D.5** 34th Annual Dr. Martin Luther King, Jr. Commemoration and Humanitarian Awards Ceremony

ADJOURN in memory of Hulet Hornbeck, former Chief of Land Acquisition, East Bay Regional Park District and longtime advocate for parks and recreational trails.

Closed Session

CONSENT ITEMS

Engineering Services

- C. 1** ADOPT Resolution No. 2012/25 accepting completion of landscape improvements for Subdivision Agreement (Right-of-Way Landscaping) for road acceptance RA 03-01154 (cross-reference subdivision SD 99-08306), a project developed by Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corp., as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (No Fiscal Impact)

Special Districts & County Airports

- C. 2** APPROVE and AUTHORIZE the Chief Engineer, Contra Costa County Flood Control and Water Conservation District, or designee, to execute a contract with LSA Associates, Inc., in an amount not to exceed \$467,000 to provide vegetation, rangeland, water quality monitoring, data analysis, and report writing services in support of the Streambank Vegetation Management Study, effective January 1, 2012 through December 31, 2014, Concord area. (100% Flood Control District Zone 3B Funds)

Claims, Collections & Litigation

- C. 3** DENY claims filed by John Finch and Tidal Harris, and DENY claim and amended claim of David Brown.

Statutory Actions

- C. 4** ACCEPT Board member meeting reports for December 2011.

Honors & Proclamations

- C. 5** ADOPT Resolution No. 2012/2 recognizing Earle Ormiston for his work on the Transportation Initiative Task Force, as recommended by the Employment and Human Services Director. (See PR.2)
- C. 6** ADOPT Resolution No. 2012/3 recognizing William R. Weidinger on the occasion of his retirement, as recommended by the Employment and Human Services Director.
- C. 7** ADOPT Resolution No. 2012/24 honoring Jay Lifson as the Lafayette 2012 Marquis Business Person of the Year, as recommended by Supervisor Uilkema.

Appointments & Resignations

- C. 8** APPOINT Cordis Jones to the Local Committee Seat, Martinez on the Advisory Council on Aging, as recommended by the Employment and Human Services Director.
- C. 9** ACCEPT resignation of Charles Hester, DECLARE a vacancy in Local Committee Concord Seat on the Advisory Council on Aging, and DIRECT the Clerk of the Board to post the vacancy, as recommended by the Employment and Human Services Director.
- C.10** APPOINT Mr. Brett Morris to the District IV Seat on the Fish and Wildlife Committee, as recommended by Supervisor Mitchoff.
- C.11** APPOINT Rose Chait to the District IV Seat on the Bicycle Advisory Committee, as recommended by Supervisor Karen Mitchoff.
- C.12** REAPPOINT Jeffrey Peckham to Seat 1 on the Contra Costa Centre Municipal Advisory Council, as recommended by Supervisor Mitchoff.
- C.13** APPOINT Dan Jordan to the Storm Water Program Representative seat, Jerry Casey to the ex-officio seat for the General Services Department, Marjorie Leeds to the Public and Environmental Health Advisory Board Representative seat, and Jim Hale to the County Fish and Wildlife Committee Representative seat for terms expiring on December 31, 2013 on the Integrated Pest Management Advisory Committee.
- C.14** APPROVE amendments to the bylaws to add a "Public Member-Alternate" seat; and APPOINT Michael Fray, Michael Baefsky, and Tunyalee Martin to At Large seats, and Myrto Petreas to the Public Member-Alternate seat on the Integrated Pest Management Advisory Committee, as recommended by the Internal Operations Committee.

Personnel Actions

- C.15** ADOPT Position Adjustment Resolution No. 21042 to add one Probation Counselor III (represented) position in the Probation Department. (100% County General Fund, offset by reduction in contract costs)
- C.16** ADOPT Position Adjustment Resolution #21039 to add one Health Plan Director of Provider Relations & Credentialing position (represented) in the Health Services Department. (100% CCHP Member Premiums)
- C.17** ADOPT Position Adjustment Resolution No. 21041 to add permanent part-time (30/40) Therapist Assistant position (represented) in the Contra Costa Regional Medical Center and its Health Centers. (100% Enterprise I Fund)

- C.18** ADOPT Position Adjustment Resolution No. 21040 to add six Mental Health Clinical Specialists, one Mental Health Program Supervisor, one Clerk Specialist, and one Clerk Experienced (represented) in the Health Services Department. (100% Mental Health Services Act)

Grants & Contracts

APPROVE and AUTHORIZE execution of agreements between the County and the following agencies for receipt of fund and/or services:

- C.19** ADOPT Resolution 2012/28 to submit a Transportation Planning grant application to Caltrans for funds up to \$300,000 for the purpose of developing the Bay Point - Willow Pass Road Transportation Enhancement and Streetscape Plan.
- C.20** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with the California Department of Public Health, effective October 1, 2011, to increase the total amount payable to County by \$90,087, to a new total of \$1,566,548, for the Public Health Emergency Preparedness Comprehensive Program, Public Health Emergency Response, with no change in the term from July 1, 2011 through August 9, 2012. (No County match)

APPROVE and AUTHORIZE execution of agreement between the County and the following parties as noted for the purchase of equipment and/or services:

- C.21** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the General Services Department, a change to the purchase order with Precision Paint & Collision to increase the payment limit by \$46,000 to a new payment limit of \$145,000 for vehicle auto body repair and painting, with no change in original term of May 1, 2010 through April 30, 2012. (100% Fleet Maintenance Fund)
- C.22** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the General Services Department, a purchase order with Cummins West in the amount of \$188,842 for diesel engine particulate traps and installation. (100% Road Fund)
- C.23** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the General Services Department, a change to the purchase order with Lehr Auto Electric, to extend the term for one year through December 31, 2012 and increase the payment limit by \$135,000 to a new payment limit of \$600,000 for parts and accessories for County emergency vehicles. (Fleet Internal Services Fund and Sheriff Maintenance Fund).

- C.24** APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a contract with Shelter, Inc. in an amount not to exceed \$73,797 in order to provide Rapid Rehousing services to urban County clients for the period January 24, 2012 to June 30, 2012 and allocate \$11,366 in Emergency Shelter Grant funds to the Department of Conservation and Development for administration costs, as recommended by the Family and Human Services Committee. (100% Federal funds)
- C.25** APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Employment and Human Services Department, to execute a purchase order with CompuCom Systems, Inc., in an amount not to exceed \$556,400 for the fifth installment of the Microsoft Enterprise Agreement Renewal for the period January 1, 2012 to December 31, 2012. (3% County Funding, 97% State Funding)
- C.26** AMEND the Board Action of December 14, 2010 (Item C.67) which authorized the Purchasing Agent to execute a purchase order with CompuCom Systems Inc., to correct the term from January 1, 2011 through December 31, 2012 to January 1, 2011 through December 31, 2011 with no change in the payment limit of \$556,400.
- C.27** APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute, on behalf of the Sheriff-Coroner, a change to a purchase order with Producers Dairy Products Inc., to extend the term through December 31, 2012 and increase the payment limit by \$250,000 to a new payment limit of \$810,000, for the purchase of dairy products as needed for the Martinez and Marsh Creek detention facilities. (100% County General Fund, Budgeted FY 2011/12)
- C.28** APPROVE and AUTHORIZE the District Attorney, or designee, to execute a contract and amendment thereto with Apropos Personnel and TFI Resources in an amount not to exceed \$160,000 to provide emergency temporary personnel services for the period August 26, 2011 through January 17, 2012. (100% County General Fund, Budgeted)
- C.29** APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute, on behalf of the Sheriff-Coroner, a change to a purchase order with Producers Dairy Products, Inc., to extend the term through December 31, 2012 and increase the payment limit by \$200,000 to a new payment limit of \$760,000, for the purchase of dairy products as needed for the West County Detention Facility. (100% County General Fund, Budgeted FY 2011/12)

- C.30** APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute a purchase order amendment with IBM Corporation, on behalf of the Chief Information Officer, to increase the payment limit by \$50,000 to a new payment limit of \$165,000; for the period of July 1, 2011 through June 30, 2012 (100% Department User Fees)
- C.31** APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute a contract with the City of Concord in an amount not to exceed \$1,800 for Level II access to CLETS (the California Law Enforcement Telecommunication System) for the period May 1, 2011 through June 30, 2012. (Revenue; 100% City of Concord, no net County cost)
- C.32** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with We Care Services for Children, in an amount not to exceed \$880,000, to provide mental health services for high risk, delayed or emotionally disturbed children, for the period July 1, 2011 through June 30, 2012, with a six-month automatic extension through December 31, 2012, in an amount not to exceed \$440,000. (50% FFP and 50% State EPSDT)
- C.33** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with La Cheim School, Inc., in an amount not to exceed \$400,000, to provide a residential treatment program and mental health services, for the period July 1, 2011 through June 30, 2012, with a six-month automatic extension through December 31, 2012, in an amount not to exceed \$200,000. (46% Federal Financial Participation, 46% Early and Periodic Screening, Diagnosis and Treatment and 8% West Contra Costa Unified School District)
- C.34** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Catholic Charities CYO of the Archdiocese of San Francisco, in an amount not to exceed \$300,000, to provide day treatment services for seriously emotionally disturbed children at its St. Vincent's School for Boys for the period July 1, 2011 through June 30, 2012, with a six-month automatic extension through December 31, 2012, in an amount not to exceed \$150,000. (50% Federal Medi-Cal and 50% State Early and Periodic Screening, Diagnosis and Treatment)
- C.35** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Fred Finch Youth Center in an amount not to exceed \$324,000, to provide an intensive day treatment program and medication support services for seriously emotionally disturbed children, for the period July 1, 2011 through June 30, 2012, with a six-month automatic extension through December 31, 2012, in an amount not to exceed \$162,000. (50% Federal Financial Participation, 50% State Early and Periodic Screening Diagnosis and Testing)

- C.36** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with IKON Office Solutions, Inc., to increase the payment limit by \$250,000 to a new payment limit of \$1,750,000 for case stored text automated retrieval services, for the period April 1, 2011 through March 31, 2013. (10% County; 45% State; 45% Federal)

Other Actions

- C.37** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to co-sign the 2011-2012 CalWORKS County Joint Application with the Contra Costa County Office of Education for submission to the California Department of Education to fund the Adult Schools and Regional Occupational centers and programs to serve CalWORKS clients.
- C.38** DECLARE as surplus and AUTHORIZE the Purchasing Agent, or designee, to dispose of specified vehicles no longer needed for public use, as recommended by the Deputy General Services Director. (No fiscal impact)
- C.39** APPROVE the revised by-laws for the Contra Costa County Library Commission as recommended by the Contra Costa County Library Commission. (No fiscal impact)
- C.40** APPROVE and ADOPT Candidate Statement Regulations and Estimated Costs, requiring candidates to pay for optional statements for the June 5, 2012 Primary and November 6, 2012 General elections, as recommended by the Clerk-Recorder. (No net fiscal impact)
- C.41** ACCEPT the Library Commission 2011 Annual Report and 2012 Work Plan, as recommended by the County Librarian. (No fiscal impact)
- C.42** APPROVE the bid documents, including the plans and specifications, and design, for the New Crisis Residential Facility at 20 Allen Street, Martinez, for the Health Services Department; AUTHORIZE the Deputy General Services Director, or designee, to solicit bids to be received on or about March 1, 2012 at 2:00 p.m., and to issue bid addenda, as needed, for clarification of the contract bid documents, provided the involved changes do not significantly increase the cost estimate. (100% Mental Health Services Fund)
- C.43** APPROVE the revised by-laws for the Contra Costa County Workforce Development Board as recommended by the Employment and Human Services Director.

GENERAL INFORMATION

The Board meets in all its capacities pursuant to Ordinance Code Section 24-2.402, including as the Housing Authority and the Redevelopment Agency. Persons who wish to address the Board should complete the form provided for that purpose and furnish a copy of any written statement to the Clerk.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Clerk of the Board to a majority of the members of the Board of Supervisors less than 72 hours prior to that meeting are available for public inspection at 651 Pine Street, First Floor, Room 106, Martinez, CA 94553, during normal business hours.

All matters listed under CONSENT ITEMS are considered by the Board to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Board or a member of the public prior to the time the Board votes on the motion to adopt.

Persons who wish to speak on matters set for PUBLIC HEARINGS will be heard when the Chair calls for comments from those persons who are in support thereof or in opposition thereto. After persons have spoken, the hearing is closed and the matter is subject to discussion and action by the Board. Comments on matters listed on the agenda or otherwise within the purview of the Board of Supervisors can be submitted to the office of the Clerk of the Board via mail: Board of Supervisors, 651 Pine Street Room 106, Martinez, CA 94553; by fax: 925-335-1913.

The County will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Clerk of the Board at least 24 hours before the meeting, at (925) 335-1900; TDD (925) 335-1915. An assistive listening device is available from the Clerk, Room 106.

Copies of taped recordings of all or portions of a Board meeting may be purchased from the Clerk of the Board. Please telephone the Office of the Clerk of the Board, (925) 335-1900, to make the necessary arrangements.

Forms are available to anyone desiring to submit an inspirational thought nomination for inclusion on the Board Agenda. Forms may be obtained at the Office of the County Administrator or Office of the Clerk of the Board, 651 Pine Street, Martinez, California.

Applications for personal subscriptions to the weekly Board Agenda may be obtained by calling the Office of the Clerk of the Board, (925) 335-1900. The weekly agenda may also be viewed on the County's Internet Web Page:

www.co.contra-costa.ca.us

STANDING COMMITTEES

The **Airport Committee** (Supervisors Karen Mitchoff and Mary N. Piepho)

The **Family and Human Services Committee** (Supervisors Gayle B. Uilkema and Federal D. Glover)

The **Finance Committee** (Supervisors John Gioia and Federal D. Glover)

The **Internal Operations Committee** (Supervisors Karen Mitchoff and Gayle B. Uilkema)

The **Legislation Committee** (Supervisors Karen Mitchoff and Mary N. Piepho)

The **Public Protection Committee** (Supervisors Federal D. Glover and Gayle B. Uilkema)

The Transportation, Water & Infrastructure Committee (Supervisors Federal Glover and Mary N. Piepho)

Airports Committee	TBD		See above
Family & Human Services Committee	TBD		See above
Finance Committee	TBD		See above
Internal Operations Committee	TBD		See above
Legislation Committee	TBD		See above
Public Protection Committee	TBD		See above
Transportation, Water & Infrastructure Committee	TBD		See above

PERSONS WHO WISH TO ADDRESS THE BOARD MAY BE LIMITED TO THREE (3) MINUTES

AGENDA DEADLINE: Thursday, 12 noon, 12 days before the Tuesday Board meetings.

Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

AB Assembly Bill
ABAG Association of Bay Area Governments
ACA Assembly Constitutional Amendment
ADA Americans with Disabilities Act of 1990
AFSCME American Federation of State County and Municipal Employees
AICP American Institute of Certified Planners
AIDS Acquired Immunodeficiency Syndrome
ALUC Airport Land Use Commission
AOD Alcohol and Other Drugs
ARRA American Recovery & Reinvestment Act of 2009
BAAQMD Bay Area Air Quality Management District
BART Bay Area Rapid Transit District
BayRICS Bay Area Regional Interoperable Communications System
BCDC Bay Conservation & Development Commission
BGO Better Government Ordinance
BOS Board of Supervisors
CALTRANS California Department of Transportation
CaliWIN California Works Information Network
CalWORKS California Work Opportunity and Responsibility to Kids
CAER Community Awareness Emergency Response
CAO County Administrative Officer or Office
CCCPCD (ConFire) Contra Costa County Fire Protection District
CCHP Contra Costa Health Plan
CCTA Contra Costa Transportation Authority
CCRMC Contra Costa Regional Medical Center
CCWD Contra Costa Water District
CDBG Community Development Block Grant
CFDA Catalog of Federal Domestic Assistance
CEQA California Environmental Quality Act
CIO Chief Information Officer
COLA Cost of living adjustment
ConFire (CCCPCD) Contra Costa County Fire Protection District
CPA Certified Public Accountant
CPI Consumer Price Index
CSA County Service Area
CSAC California State Association of Counties
CTC California Transportation Commission
dba doing business as
EBMUD East Bay Municipal Utility District
ECCPCD East Contra Costa Fire Protection District
EIR Environmental Impact Report
EIS Environmental Impact Statement
EMCC Emergency Medical Care Committee
EMS Emergency Medical Services
EPSDT Early State Periodic Screening, Diagnosis and Treatment Program (Mental Health)

et al. et alii (and others)
FAA Federal Aviation Administration
FEMA Federal Emergency Management Agency
F&HS Family and Human Services Committee
First 5 First Five Children and Families Commission (Proposition 10)
FTE Full Time Equivalent
FY Fiscal Year
GHAD Geologic Hazard Abatement District
GIS Geographic Information System
HCD (State Dept of) Housing & Community Development
HHS (State Dept of) Health and Human Services
HIPAA Health Insurance Portability and Accountability Act
HIV Human Immunodeficiency Syndrome
HOV High Occupancy Vehicle
HR Human Resources
HUD United States Department of Housing and Urban Development
IHSS In-Home Supportive Services
Inc. Incorporated
IOC Internal Operations Committee
ISO Industrial Safety Ordinance
JPA Joint (exercise of) Powers Authority or Agreement
Lamorinda Lafayette-Moraga-Orinda Area
LAFCo Local Agency Formation Commission
LLC Limited Liability Company
LLP Limited Liability Partnership
Local 1 Public Employees Union Local 1
LVN Licensed Vocational Nurse
MAC Municipal Advisory Council
MBE Minority Business Enterprise
M.D. Medical Doctor
M.F.T. Marriage and Family Therapist
MIS Management Information System
MOE Maintenance of Effort
MOU Memorandum of Understanding
MTC Metropolitan Transportation Commission
NACo National Association of Counties
NEPA National Environmental Policy Act
OB-GYN Obstetrics and Gynecology
O.D. Doctor of Optometry
OES-EOC Office of Emergency Services-Emergency Operations Center
OPEB Other Post Employment Benefits
OSHA Occupational Safety and Health Administration
PARS Public Agencies Retirement Services
Psy.D. Doctor of Psychology
RDA Redevelopment Agency
RFI Request For Information
RFP Request For Proposal
RFQ Request For Qualifications
RN Registered Nurse
SB Senate Bill
SBE Small Business Enterprise
SEIU Service Employees International Union
SUASI Super Urban Area Security Initiative
SWAT Southwest Area Transportation Committee
TRANSPAC Transportation Partnership & Cooperation (Central)
TRANSPLAN Transportation Planning Committee (East County)
TRE or **TTE** Trustee
TWIC Transportation, Water and Infrastructure Committee
UASI Urban Area Security Initiative
VA Department of Veterans Affairs
vs. versus (against)
WAN Wide Area Network
WBE Women Business Enterprise
WCCCTAC West Contra Costa Transportation Advisory Committee

To: Board of Supervisors

From: Karen Mitchoff, District IV Supervisor

Date: January 17, 2012



Contra
Costa
County

Subject: Proclaiming January 2012 as National Blood Donor Month

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☐ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED:

January 17, 2012

David J. Twa, County
Administrator and Clerk
of the Board of

Contact: Greg Downs, 925-521-7100

Supervisors

By: , Deputy

cc:

*The Board of Supervisors of
Contra Costa County, California*

In the matter of:

Resolution No. 2012/23

PROCLAIMING JANUARY 2012 AS NATIONAL BLOOD DONOR MONTH

Whereas, donating blood is a lifesaving gift that many are capable of giving; and
Whereas, thirty-eight percent of the public is eligible to donate, yet fewer than eight percent of these individuals volunteer to donate; and;
Whereas, additional healthy volunteers are needed on a regular basis to join the ranks of those who already give of themselves so generously; and;
Whereas, the need to ensure an adequate blood supply is great, especially during the winter months when blood inventory runs low because of the contrast between increased illness and decreased donor turnout; and
Whereas, giving blood is like giving the “Gift of Life” as three lives may potentially be saved by one donation; and;
Whereas, the ongoing need for blood is apparent in hospitals and treatment facilities for patients with cancer, diseases, organ transplants and to save the lives of accident victims; and
Whereas, there is a shortage of blood in the Northern California Blood Services Region as 130,000 pints of blood are distributed, while only one 100,000 pints are collected in the region annually.
NOW, THEREFORE, BE IT RESOLVED that the Contra Costa County Board of Supervisors hereby proclaims January 2012 as National Blood Donor Month.

MARY N. PIEPHO

Chair,
District III Supervisor

JOHN GIOIA

District I Supervisor

GAYLE B. UILKEMA

District II Supervisor

KAREN MITCHOFF

District IV Supervisor

FEDERAL D. GLOVER

District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 17, 2012

David J. Twa,

By: _____, Deputy

To: Board of Supervisors

**From: Joe Valentine, Employment & Human Services
Director**

Date: January 17, 2012



**Contra
Costa
County**

Subject: PRESENTATION to honor Earle Ormiston for his work on the Transportation Initiative Work Force

RECOMMENDATION(S):

ADOPT Resolution No. 2012/2 recognizing Earle Ormiston for his work on the Transportation Initiative Task Force, as recommended by the Employment and Human Services Director.

FISCAL IMPACT:

None

BACKGROUND:

Earle Ormiston as a senior himself has advanced knowledge and understanding of the transportation needs of seniors by his volunteer work with Contra Costa for Every Generation (2004-2007). As a Co-chair of the Transportation Initiatives Taskforce he helped develop the Ilene Lubkin Senior Transportation Award Program. He received Contra Costa's Senior Volunteer of the Year Award in (2006) conducting transportation surveys throughout East, Central and West County making related presentations before the Hercules, Lafayette, San Ramon and Pleasant Hill City Councils. He also reported before the Executive Committee of the Contra Costa County Advisory Council on Aging.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Earl Maciel 3-1648

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Mr. Ormiston will not receive recognition from the Board of Supervisors for his outstanding service.

CHILDREN'S IMPACT STATEMENT:

None

To: Flood Control District Board of Supv

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: January 17, 2012



**Contra
Costa
County**

Subject: Hearing to Consider Formation of Flood Control District Zone 100 and related findings under CEQA, Countywide. Project No. 7505-6F8520, CDD-CP# 11-97

RECOMMENDATION(S):

1. OPEN the public hearing, CONSIDER all public comments received regarding the proposed formation of the Contra Costa County Flood Control and Water Conservation District Zone 100, and CLOSE the public hearing.
2. DETERMINE that the formation of Zone 100 is not subject to the California Environmental Quality Act (CEQA), pursuant to Article 5, Section 15061 (b)(3) of the CEQA Guidelines.
3. DIRECT the Conservation and Development Director, or designee, to file a Notice of Exemption with the County Clerk.
4. AUTHORIZE the Chief Engineer of the Contra Costa County Flood Control and Water Conservation District ("District"), or designee, to arrange for payment of a \$25 fee to the Department of Conservation and Development for processing, and a \$50 fee to the County Clerk for filing the Notice of Exemption.
5. ADOPT Resolution 2012/6 approving the formation of Zone 100.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Paul Detjens (925) 313-2394

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 17, 2012

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

cc: L. Strobel, County Administrator's Office, B. Campbell, Auditor-Controller's Office, P. Detjens, Flood Control, C. Roner, Flood Control, C. Sellgren, Flood Control, L. Chavez, Environmental, A. Clark, PW Finance, C. Windham

FISCAL IMPACT:

The cost to form this zone is approximately \$5,000, which will be funded by the District. (100% Drainage Zone Funds)

BACKGROUND:

The Contra Costa County Flood Control and Water Conservation District Act (West's Ann. Cal. Water Code App., § 63) (the "Act") authorizes the Contra Costa County Board of Supervisors, as governing board of the District, to establish zones of the District.

District staff is proposing the establishment of Contra Costa County Flood Control and Water Conservation District Zone 100, which would consist of the entire area of Contra Costa County, encompassing the unincorporated areas and the 19 cities and towns located in the County. A map and description of the proposed Zone 100 are attached as Exhibit A to Resolution No. 2012/6.

Staff is proposing the establishment of Zone 100 in conjunction with a separate proposal to establish a new Countywide parcel fee to fund activities required to comply with National Pollutant Discharge Elimination System permits held jointly by the District, County and the above-referenced 19 cities and towns. The parcel fee measure contains assurances that fee revenues will be spent on projects in the communities from which the revenues were collected. However, under the Act, the proposed fee may be used only for the acquisition, construction, engineering reconstruction, maintenance and operation of the flood control, storm drainage, water or sewerage facilities of a zone. Some areas of the County, including El Cerrito, Orinda, Moraga, Pittsburg and Clayton are not currently located in any zones. Without the formation of the new zone, there may be an impediment to spending fee revenues in those communities.

As a later step in the related process to enact a Countywide parcel fee, the District will enter into a cost sharing agreement that will dictate the terms of sharing this revenue with the County, and the 19 cities and towns. The percentage of funds to be shared with the County and the Cities has not yet been negotiated. Any cost sharing agreement will be brought back to the Contra Costa County Board of Supervisors ("Board") as a separate item for approval.

The establishment of a new zone began on December 6, 2011, when this Board adopted a resolution of intention to create Zone 100. This was followed by a period of public notice of today's hearing. At this hearing, the Board must consider all written and oral objections to the proposed zone. Upon the conclusion of the hearing, the Board may either abandon the proposal or proceed with the formation of the zone, unless (1) a written protest is filed by a majority of property owners (measured by assessed property valuation), in which case proceedings must either be abandoned or suspended for at least six months; or (2) a written petition for an election is filed by 25 percent of the registered voters within the proposed zone, in which case a special election must be called.

CONSEQUENCE OF NEGATIVE ACTION:

If Resolution No. 2012/6 is not approved, Zone 100 will not be created. Without the formation of the new zone, there may be an impediment to spending fee revenues in those communities.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

Adopted this Resolution on 01/17/2012 by the following vote:

NOES:	
ABSENT:	
ABSTAIN:	
RECUSE:	



1. Based on the affidavits of publication on file with this Board, all notices required to be given for such a hearing have been duly and regularly given and all procedures to be followed have been followed, all in accordance with Sections 3 and 11 of the Act.
2. This Board FINDS that any valid written protests filed with the Board prior to the conclusion of the public hearing represent less than one-half of the assessed valuation of real property contained within proposed Zone 100.
3. Prior to the conclusion of the public hearing, this Board had received no written petition for an election signed by at least 25 percent of the registered voters within proposed Zone 100.
4. Prior to taking final action to form Zone 100, this Board had received no resolution or ordinance adopted by a majority of the members of the governing body of any chartered or incorporated city within proposed Zone 100 requesting exclusion of city territory from the zone.
5. This Board FINDS that good cause exists for the establishment of Zone 100, and ORDERS that Zone 100 is hereby established, consisting of the real property described in Exhibit A.
6. The map entitled “Contra Costa County Flood Control & Water Conservation District, Zone 100 Boundary Map,” dated November 2011, on file with the Clerk of the Board of Supervisors, Administration Building, Martinez, is hereby INSTITUTED as the map for Zone 100.

David J. Twa, County Administrator and Clerk of the Board of Supervisors

22

By: June McHuen, Deputy

cc: L. Strobel, County Administrator's Office, B. Campbell, Auditor-Controller's Office, P. Detjens, Flood Control, C. Roner, Flood Control, C. Sellgren, Flood Control, L. Chavez, Environmental, A. Clark, PW Finance, C. Windham

EXHIBIT “A”

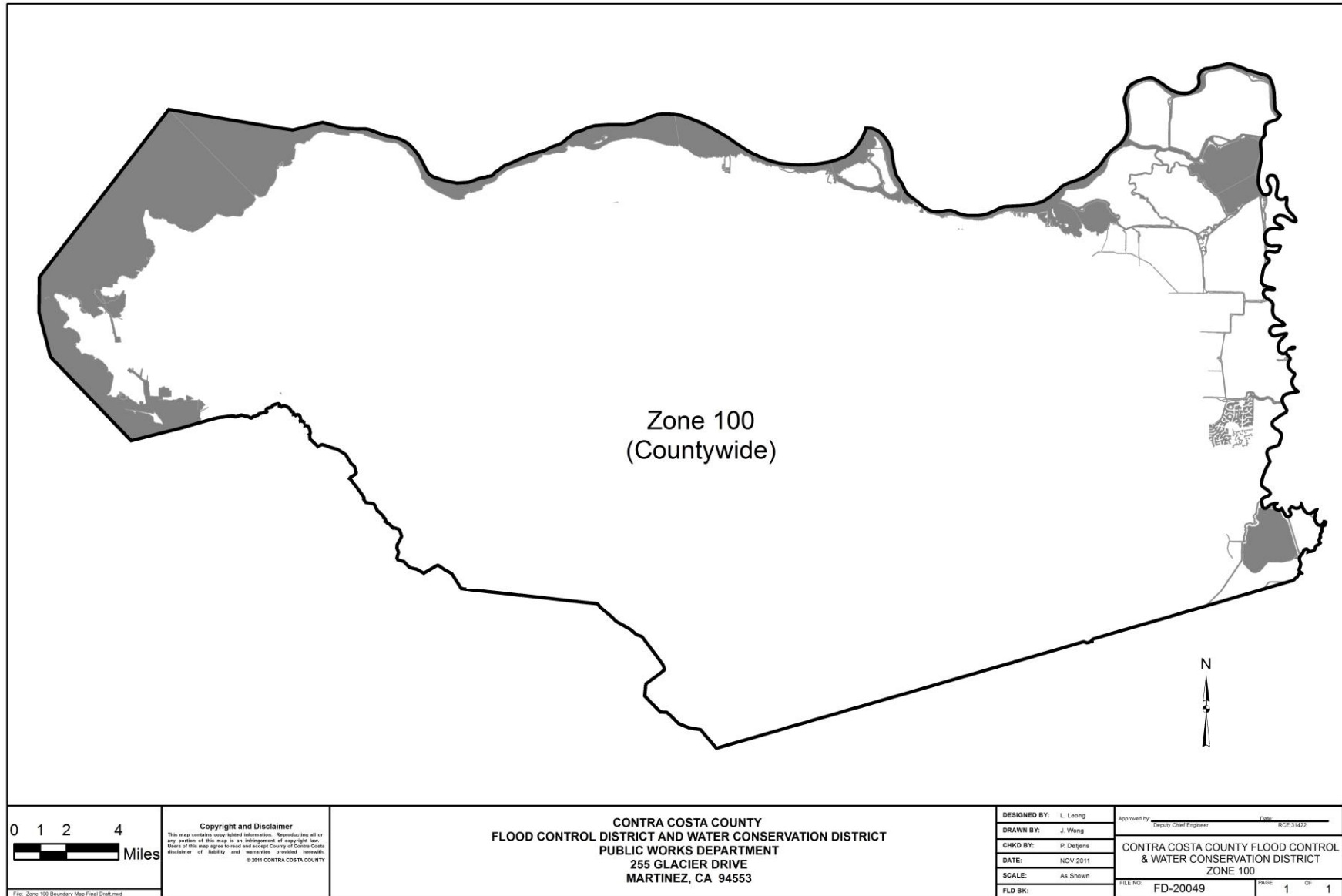
Contra Costa County Flood Control & Water Conservation District

ZONE 100

Legal Description

The boundaries of Zone 100 are the boundaries of Contra Costa County, the legal description of which is set forth in Section 23107 of the Government Code (as may be amended from time to time), incorporated herein by reference.

EXHIBIT "A"



**DETERMINATION THAT AN ACTIVITY
IS EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

FILE NO.: 7505-6F-8520

CP NO.: 11-97

ACTIVITY NAME: County-wide Flood Protection Zone Formation

DATE: November 16, 2011

PREPARED BY: Cece Sellgren

This activity is not subject to the California Environmental Quality Act (CEQA) pursuant to Article 5, Section 15061 (b) (3) of the CEQA Guidelines.

It can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment.

DESCRIPTION OF THE ACTIVITY:

The project consists of the formation of a Flood Control District zone whose boundaries will be co-terminus with the County. This FCD zone will be used to administer FCD activities pursuant to Section 12.1 of the Flood Control Act, including collection and expenditure of fees as needed.

LOCATION:

The activity is located over the entire County. (Figure 1)

REVIEWED BY:

FOR

Leigh Chavez

Environmental Analyst

DATE:

11/16/11

APPROVED BY:

Dept. of Conservation and
Development Representative

DATE:

11/16/11

tt:

G:\engsvc\ENVIRO\Flood Control\County-wide Zone Formation\County-wide Zone Formation (DE).doc
Form Updated: May 28, 2008

CONTRA COSTA COUNTY CALIFORNIA

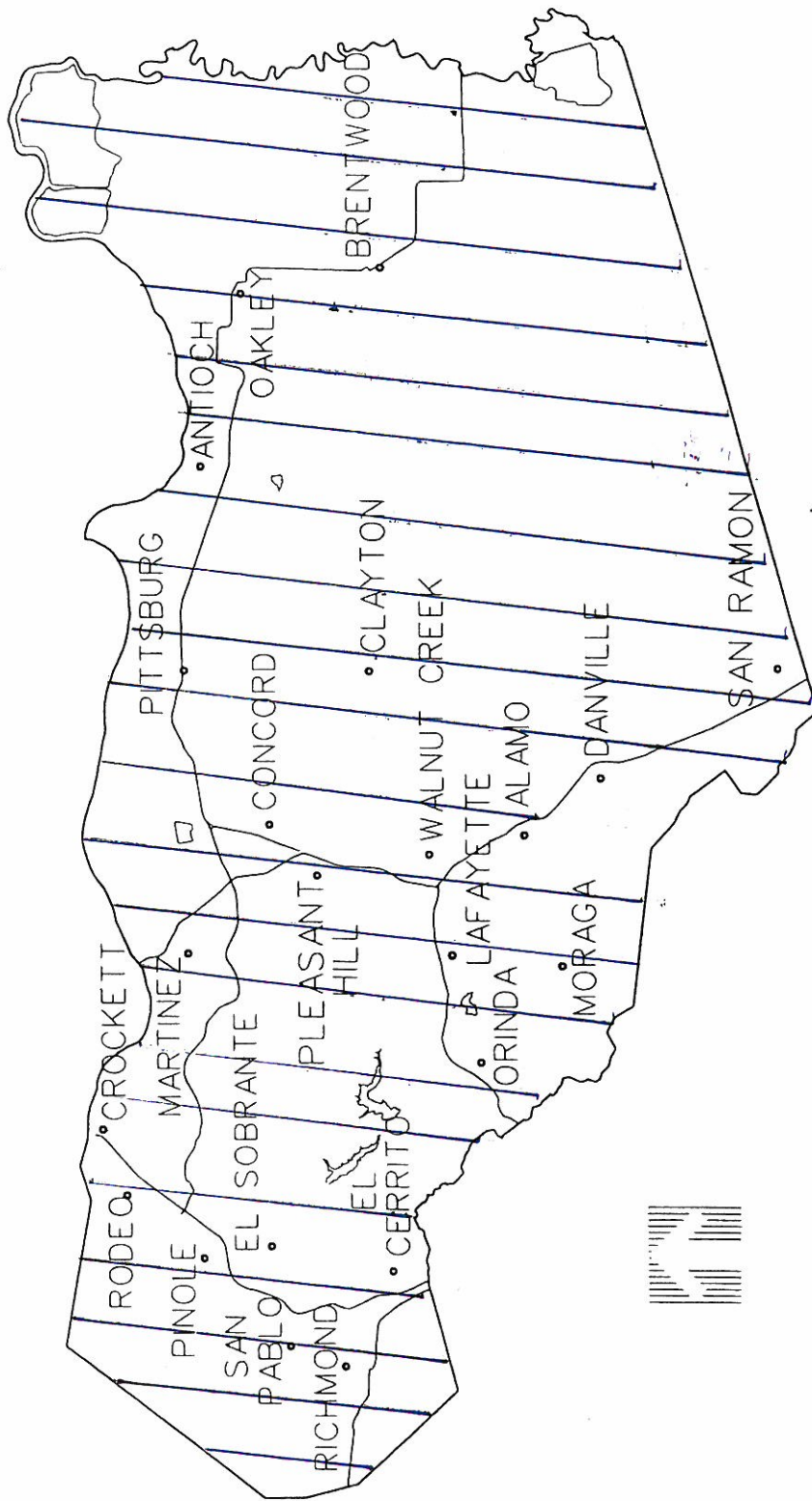


FIGURE 1 - COUNTY-WIDE FLOOD PROTECTION ZONE FORMATION

LOCATION MAP

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Notice of Exemption

CONTRA COSTA COUNTY DEPARTMENT OF CONSERVATION AND DEVELOPMENT
651 PINE STREET 2ND FLOOR NORTH WING MARTINEZ, CALIFORNIA 94553

Telephone: (925) 313-2296

Contact Person: Cece Sellgren - Public Works Dept.

Project Description, Common Name (if any) and Location: County-wide Flood Protection Zone Formation (7505-6F-8520), **County File:** CP# 11-97

Project Description: The project consists of the formation of a Flood Control District zone whose boundaries will be co-terminus with the County. This FCD zone will be used to administer FCD activities pursuant to Section 12.1 of the Flood Control Act, including collection and expenditure of fees as needed.

Project location: The project is located throughout Contra Costa County.

This project is exempt from **CEQA** as a:

- | | |
|---|--|
| <input type="checkbox"/> Ministerial Project (Sec. 15268) | <input type="checkbox"/> Categorical Exemption, <i>Class</i> _____ |
| <input type="checkbox"/> Declared Emergency (Sec. 15269(a)) | <input type="checkbox"/> Other Statutory Exemption, Section _____ |
| <input type="checkbox"/> Emergency Project (Sec. 15269(b) or (c)) | <input checked="" type="checkbox"/> General Rule of Applicability [<i>Section 15061 (b) (3)</i>] |

for the following reason(s): It can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment.

Date: _____ By: _____
Dept. of Conservation and Development Representative

AFFIDAVIT OF FILING AND POSTING

I declare that on _____ I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

Signature

Title

Applicant:	Department of Fish and Game Fees Due	
Public Works Department 255 Glacier Drive Martinez, CA 94553 Attn: _____ (Name) Environmental Section	<input type="checkbox"/> EIR - \$2,792. ²⁵ <input type="checkbox"/> Neg. Dec. - \$2,010. ²⁵ <input type="checkbox"/> Mit. Neg. Dec. - \$2,010. ²⁵ <input checked="" type="checkbox"/> County Clerk - \$50 <input checked="" type="checkbox"/> Department of Conservation and Development -\$25	Total Due: \$ 75.00 Total Paid \$ _____ Receipt #: _____

To: Board of Supervisors

From: David Twa, County Administrator

Date: January 17, 2012



**Contra
Costa
County**

Subject: FY 2011/12 Recommended Budget Development

RECOMMENDATION(S):

1. DECLARE THE Board's intent to adopt a FY 2012/13 General Fund budget that balances annual expenses and revenues;
2. ACKNOWLEDGE that the State of California and residents throughout the State continue to struggle to manage the negative outcomes of the current economy;
3. ACKNOWLEDGE that significant economic issues continue to challenge the Board of Supervisors in its effort to finance services and programs which Contra Costa County residents need, or expect will be provided to them by the County, especially in a time of economic downturn;

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 17, 2012

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Lisa Driscoll, County Finance Director (925) 335-1023

By: June McHuen, Deputy

cc: Robert Campbell, County Auditor-Controller, Ted Cwiek, Human Resources Director

RECOMMENDATION(S): (CONT'D)

4. ACKNOWLEDGE that, in addition to the effects on the provision of services for residents, these State and local economic issues have challenged the maintenance of the Board of Supervisors' reserve policy;
5. ACKNOWLEDGE that restoration of the County's reserve funds and an improved credit rating remain a priority of the Board of Supervisors over the long term;
6. ACKNOWLEDGE that the State's significant deficit projections and structural budget imbalance are expected to mean additional and sizable reductions in State revenues to county government;
7. RE-AFFIRM the Board of Supervisors' policy prohibiting the use of County General Purpose Revenue to backfill State revenue cuts;
8. DIRECT Department Heads to work closely with the County Administrator to develop a Recommended Budget for consideration of the Board of Supervisors that balances expenses with revenues, minimizes net County cost and maintains core service levels;
9. ACKNOWLEDGE that the employees of Contra Costa County have already been negatively affected as a result of the requirement to balance the County's expenses with available revenues;
10. ACKNOWLEDGE that this situation is expected to continue for County employees, as we work to manage and cope with the outcomes of this lengthy economic downturn;
11. DIRECT the County Administrator to continue to meet with the County's union representatives and employees to explain the size, scope and anticipated length of the County's fiscal challenges and to gain their input/suggestions;
12. DIRECT the County Administrator to continue to make this information readily available to the residents of the County;
13. DIRECT Departments, in cooperation with Labor Relations and Union representatives, to begin, if necessary, the meet and confer process with employee representatives about the impact of potential program reductions on the terms and conditions of employment for affected employees;
14. DIRECT the County Administrator to return to the Board of Supervisors on April 24, 2012 with a FY 2012/2013 Recommended Budget that meets the above requirements;
15. DESIGNATE Tuesday, April 24, 2012 for FY 2012/2013 budget hearings (including Bielensoen Hearings, if needed) and Tuesday, May 15, 2012 for the adoption of the FY 2012/13 County and Special District Budgets; and
16. DIRECT the Clerk of the Board to publish notice of the budget hearings and the availability of the Recommended Budget documents.

FISCAL IMPACT:

None at this time. However, the result of the recommendations herein, if implemented, are designed to maintain the County's fiscal stability in FY2012/2013 and improve it in subsequent years.

BACKGROUND:

The actions recommended in this documentation direct the County Administrator to return to the Board on April 24, 2012 with a Recommended Budget that balances expenses with revenues for FY 2012/13. This action aligns with both the Budget and Reserve Policy of the Board of Supervisors. Expiration of labor contracts with many County employees and the subsequent resumption of labor negotiations as well as State actions to manage the reoccurring budget deficit will be taking place in the same time-frame as development of the Recommended Budget. The outcomes of all these events have the potential for significant impacts on the County's financial situation.

Recommended Budget Development

There are many challenges that the County will continue to face to create a balanced budget in the coming fiscal year, including the State's recurring budget deficits. Although the County Administrator continues to believe that there will be little if any further decline in local property tax, other general purpose and program revenues used to fund the baseline cost of services into FY 2012/13 continue to decline. Significant wage concessions were negotiated for the majority of County employees through the 2012/13 fiscal year. However, several large unions have expired MOUs: California Nurses Association; Contra Costa County Defenders Association; Contra Costa County Deputy District Attorneys' Association; District Attorney Investigators Association; Physicians and Dentists Organization of Contra Costa County; Probation Peace Officers of Contra Costa County; and United Chief Officers Association. Although the County has sustained most of the structural reductions that balanced the last seven County budgets, significant one-time solutions were used to balance the last two fiscal years. It is imperative that the County achieve contract settlements similar to those achieved from other unions from its remaining labor unions; otherwise, compensation costs

will continue to create a potential gap for FY 2012/13, which must be filled to achieve a balanced budget.

Additionally, there are factors over which the County has little or no control (such as federal and State budgets shortfalls, economic changes, and demographics) that will affect the size of the baseline budget and ultimately the County's budget challenge. Department Heads will be expected to work closely with the County Administrator to design a balanced budget that restricts the growth in net County cost while minimizing service delivery cuts. Wherever possible, categorical/program revenues will be increased to offset the increased cost of doing business. Restrictions on increases in net County cost needed to balance the budget may result in the loss of federal and State program revenues, and this added loss may cause program reductions.

Meet and Confer

Departmental budget requests are due to the County Administrator's Office on February 15. At that time Department Heads will know which, if any, positions may be affected by reductions necessary to balance the budget. Departments, in cooperation with Labor Relations, will if necessary, begin the meet and confer process with employee representatives regarding the impact of potential program reductions on the terms and conditions of employment for affected employees. Early planning will allow Departments a reasonable period of time to meet and confer, and permit them to implement all budgetary required actions prior to July 1, 2012. As with the last six fiscal years, this progress will allow the County to adopt a budget that is balanced from the first day of the new fiscal year.

Public Notice

The County Budget Act requires that the Board of Supervisors publish a notice in a newspaper of general circulation throughout the county, stating when budget documents will be available and the date of Budget Hearings. The FY 2012/13 Budget document will be available to the public on April 10, 2012.

Conclusion

The County Administrator will return to the Board on April 24 with a FY 2012/13 Recommended Budget that meets the requirements listed above. Tuesday, April 24 will be reserved for FY 2012/13 budget hearings including Bielensohn hearings if needed. Additionally, it is recommended that the County Administrator return to the Board of Supervisors on Tuesday, May 15 for adoption of the FY 2012/13 County and Special District Budgets, including any changes the Board makes on April 24.

CONSEQUENCE OF NEGATIVE ACTION:

Delayed processing of the FY 2012/13 budget and potential impact on the fiscal stability of the County and Special Districts.

CHILDREN'S IMPACT STATEMENT:

None.

To: Board of Supervisors

From: Supervisors Glover and Gioia

Date: January 17, 2012



**Contra
Costa
County**

Subject: Support for Governor Brown's Ballot Initiative that would Protect Counties' Realignment Revenue and Temporarily Raise Sales and Some Income Taxes

RECOMMENDATION(S):

SUPPORT Governor Brown's ballot initiative that would protect counties' realignment revenue and temporarily raise sales and some income tax rates, as recommended by Supervisors Federal D. Glover and John Gioia.

FISCAL IMPACT:

No direct impact to the County from supporting the Governor's initiative. However, a successful initiative will provide constitutional protections for Realignment funding, which will benefit the County.

BACKGROUND:

Counting on Californians to give him what the Legislature did not, on December 5, 2011 Governor Brown filed a ballot initiative that would protect counties' realignment revenue and temporarily raise sales and some income tax rates.

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☐ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES ☐

NOES ☐

ABSENT ☐

ABSTAIN ☐

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED:

January 17, 2012

David J. Twa, County

RECUSE 

Contact: L. DeLaney, 925-335-1097

Administrator and
Clerk of the Board of
Supervisors

By: , Deputy

cc:

BACKGROUND: (CONT'D)

The part of the measure that protects counties' income streams is substantially similar to the initiative CSAC filed in November 2011. The most notable difference between the two is that the Governor's measure allows the Legislature to make additional changes to Realignment during the 2012 legislative session, though those changes may not include the transfer of additional programs (aside from EPSDT and mental health managed care, which CSAC's measure also allowed).

The Governor's original realignment proposal (which the CSAC Board overwhelmingly supported) included the extension of temporary tax rates (including sales tax) for five more years. Of course, they were not extended, and his new proposal changes the mix of taxes somewhat. The Governor's initiative would enact the following tax rate increases for calendar years 2012-2016:

- State sales and use tax increase of 0.5 cents.
- Personal income tax rate increases for single filers of 1 percent for income between \$250,000 and \$300,000, 1.5 percent for income between \$300,000 and \$500,000, and 2 percent for income above \$500,000 (these dollar amounts are higher for joint filers: \$340,000, \$408,000, and \$680,000).

The revenue raised is continuously appropriated for schools up to the community college level, and – unlike the money earmarked for counties – would be considered General Fund revenues for the purposes of calculating the Proposition 98 guarantee.

Constitutional protection was the foundation of CSAC's support for the Governor's realignment plan. With this initiative, he is following through on his promise to counties to seek that protection. Counties must now decide how to gain that protection.

To that point, the CSAC Board of Directors held a special meeting on January 5, 2012 during which they voted to suspend all efforts to qualify the CSAC ballot measure – the “Local Taxpayers, Public Safety And Local Services Protection Act of 2012”. The Board of Directors reaffirmed that it is the top priority of the Association to achieve the constitutional guarantee of funding for realigned programs, as well as protection against encroachment on those programs by the state and federal government.

The only vehicle that remains to achieve those protections is the Governor's measure. The four CSAC officers unanimously recommended a support position at its January Board of Directors meeting. The Board of Directors stopped short of endorsing his initiative (a motion to that effect failed to gain the necessary two-thirds majority by 2 votes). The Board desired more information regarding the Governor's ballot measure before making a decision and will again consider taking a position at its February meeting. The Governor will receive his title and summary by January 28. His measure is further framed by the release of his Proposed Budget for the 2012-13 fiscal year on January 5.

The Governor personally attended the January CSAC Board of Directors meeting on January 5, 2012 and re-iterated his commitment to work with counties on a full range of issues including Realignment and continuing to pursue Constitutional guarantees for Realignment revenues if his measure fails.

In preparation for the Board of Directors' meeting, CSAC had performed a series of steps to bring the Association to the point of making a decision. Subsequent to Board's direction on September 8, 2011 CSAC worked with public safety partners, the State Sheriff's Association and Chief Probation Officers Association, to draft a measure that provided the necessary protections, without rising to the level of attracting significant opposition. The measure very closely paralleled the proposed SCA 1X1 that had failed to get legislative support last summer.

CSAC conducted polling on the concept of their initiative in October and the measure fared very well. Without opposition, CSAC's concept gained 70% of the electorate. CSAC filed the initiative with the Attorney General on November 4 and received title and summary on December 30. The LAO's fiscal impact analysis, however, pointed to an Achilles heel – a decrease in Proposition 98 funding guarantee. CSAC polled the title and summary on January 2 and 3. The results of that poll indicated that there remained general support for the measure but that an opposition campaign from education, invited by the fiscal impact, could significantly impact its success. In essence the poll indicated CSAC could win the election, but would have to mount a significant (read costly) campaign to tell the story to voters and get over the impacts to education.

CSAC also conducted a poll on the Governor's measure between December 15 and 20. His measure polls favorably, but not as strong as the CSAC concept. Probably the key indicator is that his measure initially polls 62% favorably, 69% after pro messages only, 53% after con messages only, and goes back up to 59% after all messages have been read in the poll. This remains a concept poll, though and the title and summary could move those numbers a little. The

Governor's measure is also bolstered by how he has framed his budget proposal, and voters will have a clear choice at the polls in November. Finally, the Governor has the capacity to raise significantly more money for a campaign to push his measure over the finish line.

The single largest concern regarding the Governor's measure, at this time, is whether or not he will be able to clear the field of competing ballot measures, especially those raising taxes. The CSAC Board of Directors gave the Governor his first success in that endeavor on January 5, 2012 by essentially removing a competing measure from the November ballot. The State Sheriffs' Association also voted to follow the lead of the Board of Directors, as well as the Chief Probation Officers.

CONSEQUENCE OF NEGATIVE ACTION:

There would be no record of the County's support for the ballot initiative.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

RECEIVED

DEC 05 2011

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

December 1, 2011

VIA MESSENGER

Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814

Attention: Dawn McFarland

Re: *The Schools and Local Public Safety Protection Act of 2012*

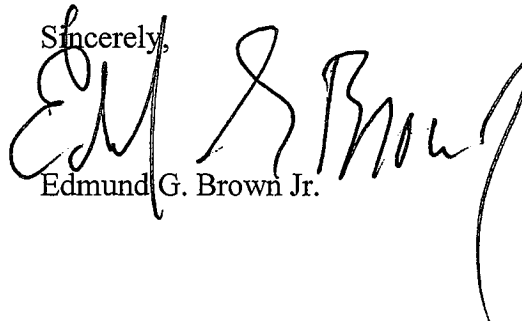
Dear Ms. McFarland:

Pursuant to Elections Code section 9001(a), I request that the Attorney General prepare a title and summary of a measure entitled "The Schools and Local Public Safety Protection Act of 2012." The text of the measure, a check for \$200.00, and the certifications required by Elections Code sections 9001(b) and 9608 are enclosed.

Please direct all correspondence and inquiries regarding this measure to:

Thomas A. Willis
Remcho, Johansen & Purcell, LLP
201 Dolores Avenue
San Leandro, CA 94577
Phone: (510) 346-6200
Fax: (510) 346-6201

Sincerely,


Edmund G. Brown Jr.

Enclosures
(00157089)

THE SCHOOLS AND LOCAL PUBLIC SAFETY PROTECTION ACT OF 2012

Sec. 1. Title.

This measure shall be known and may be cited as "The Schools and Local Public Safety Protection Act of 2012."

Sec. 2. Findings.

(a) Over the past 4 years alone, California has had to cut more than \$56 billion from education, police and fire protection, healthcare and other critical state and local services. These funding cuts have forced teacher layoffs, increased school class sizes, increased college fees, reduced police protection, increased fire response times, exacerbated dangerous overcrowding in prisons, and substantially reduced oversight of parolees.

(b) These cuts in critical services have hurt California's seniors, middle-class, working families, children, college students and small businesses the most. We cannot afford more cuts to education and the other services we need.

(c) After years of cuts and difficult choices it is necessary to turn the state around. Raising new tax revenue is an investment in our future that will put California back on track for growth and success.

(d) The Schools and Local Public Safety Protection Act of 2012 will make California's tax system more fair. With working families struggling while the wealthiest among us enjoy record income growth, it is only right to ask the wealthy to pay their fair share.

(e) The Schools and Local Public Safety Protection Act of 2012 raises the income tax on those at the highest end of the income scale – those who can most afford it. It also temporarily restores some sales taxes in effect last year, while keeping the overall sales tax rate lower than it was in early 2011.

(f) The new taxes in this measure are temporary. Under the Constitution they will end in five years.

(g) The new tax revenue is guaranteed in the Constitution to go directly to local school districts and community colleges. Cities and counties are guaranteed ongoing funding for public safety programs such as local police and child protective services. State money is freed up to help balance the budget and prevent even more devastating cuts to services for seniors, working families, and small businesses. Everyone benefits.

(h) To ensure these funds go where the voters intend, they are put in special accounts that the Legislature cannot touch. None of these new revenues can be spent on state bureaucracy or administrative costs.

(i) These funds will be subject to an independent audit every year to ensure they are spent only for schools and public safety. Elected officials will be subject to prosecution and criminal penalties if they misuse the funds.

Sec. 3. Purpose and Intent.

(a) The chief purpose of this measure is to protect schools and local public safety by asking the wealthy to pay their fair share of taxes. This measure takes funds away from state control and places them in special accounts that are exclusively dedicated to schools and local public safety in the state constitution.

(b) This measure builds on a broader state budget plan that has made billions of dollars in permanent cuts to state spending.

(c) The measure guarantees solid, reliable funding for schools, community colleges, and public safety while helping balance the budget and preventing further devastating cuts to services for seniors, middle-class, working families, children and small businesses.

(d) This measure gives constitutional protection to the shift of local public safety programs from state to local control and the shift of state revenues to local government to pay for those programs. It guarantees that schools are not harmed by providing even more funding than schools would have received without the shift.

(e) This measure guarantees that the new revenues it raises will be sent directly to school districts for classroom expenses, not administrative costs. This school funding cannot be suspended or withheld no matter what happens with the state budget.

(f) All revenues from this measure are subject to local audit every year, and audit by the independent Controller to ensure that they will be used only for schools and local public safety.

Sec. 4. Section 36 is added to Article XIII of the California Constitution, to read:

SEC. 36. (a) For purposes of this section:

(1) "Public Safety Services" includes the following:

(A) Employing and training public safety officials, including law enforcement personnel, attorneys assigned to criminal proceedings, and court security staff.

(B) Managing local jails and providing housing, treatment, and services for, and supervision of, juvenile and adult offenders.

(C) Preventing child abuse, neglect, or exploitation; providing services to children and youth who are abused, neglected, or exploited, or who are at risk of abuse, neglect, or

exploitation, and the families of those children; providing adoption services; and providing adult protective services.

(D) Providing mental health services to children and adults to reduce failure in school, harm to self or others, homelessness, and preventable incarceration or institutionalization.

(E) Preventing, treating, and providing recovery services for substance abuse.

(2) "2011 Realignment Legislation" means legislation enacted on or before September 30, 2012, to implement the state budget plan, that is entitled 2011 Realignment and provides for the assignment of Public Safety Services responsibilities to local agencies, including related reporting responsibilities. The legislation shall provide local agencies with maximum flexibility and control over the design, administration, and delivery of Public Safety Services consistent with federal law and funding requirements, as determined by the Legislature. However, 2011 Realignment Legislation shall include no new programs assigned to local agencies after January 1, 2012 except for the early periodic screening, diagnosis, and treatment (EPSDT) program and mental health managed care.

(b)(1) Except as provided in (d), commencing in fiscal year 2011-2012 and continuing thereafter, the following amounts shall be deposited into the Local Revenue Fund 2011, as established by Section 30025 of the Government Code, as follows:

(A) All revenues, less refunds, derived from the taxes described in Sections 6051.15 and 6201.15 of the Revenue and Taxation Code, as those sections read on July 1, 2011.

(B) All revenues, less refunds, derived from the vehicle license fees described in Section 11005 of the Revenue and Taxation Code, as that section read on July 1, 2011.

(2) On and after July 1, 2011, the revenues deposited pursuant to paragraph (1) shall not be considered General Fund revenues or proceeds of taxes for purposes of Section 8 of Article XVI of the California Constitution.

(c)(1) Funds deposited in the Local Revenue Fund 2011, are continuously appropriated exclusively to fund the provision of Public Safety Services by local agencies. Pending full implementation of the 2011 Realignment Legislation, funds may also be used to reimburse the State for program costs incurred in providing Public Safety Services on behalf of local agencies. The methodology for allocating funds shall be as specified in the 2011 Realignment Legislation.

(2) The county treasurer, city and county treasurer, or other appropriate official shall create a County Local Revenue Fund 2011 within the treasury of each county or city and county. The money in each County Local Revenue Fund 2011 shall be exclusively

used to fund the provision of Public Safety Services by local agencies as specified by the 2011 Realignment Legislation.

(3) Notwithstanding Section 6 of Article XIII B, or any other constitutional provision, a mandate of a new program or higher level of service on a local agency imposed by the 2011 Realignment Legislation, or by any regulation adopted or any executive order or administrative directive issued to implement that legislation, shall not constitute a mandate requiring the State to provide a subvention of funds within the meaning of that section. Any requirement that a local agency comply with Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code, with respect to performing its Public Safety Services responsibilities, or any other matter, shall not be a reimbursable mandate under Section 6 of Article XIII B.

(4)(A) Legislation enacted after September 30, 2012, that has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation shall apply to local agencies only to the extent that the State provides annual funding for the cost increase. Local agencies shall not be obligated to provide programs or levels of service required by legislation, described in this subparagraph, above the level for which funding has been provided.

(B) Regulations, executive orders, or administrative directives, implemented after October 9, 2011, that are not necessary to implement the 2011 Realignment Legislation, and that have an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation, shall apply to local agencies only to the extent that the State provides annual funding for the cost increase. Local agencies shall not be obligated to provide programs or levels of service pursuant to new regulations, executive orders, or administrative directives, described in this subparagraph, above the level for which funding has been provided.

(C) Any new program or higher level of service provided by local agencies, as described in subparagraphs (A) and (B), above the level for which funding has been provided, shall not require a subvention of funds by the State nor otherwise be subject to Section 6 of Article XIII B. This paragraph shall not apply to legislation currently exempt from subvention under paragraph (2) of subdivision (a) of Section 6 of Article XIII B as that paragraph read on January 2, 2011.

(D) The State shall not submit to the federal government any plans or waivers, or amendments to those plans or waivers, that have an overall effect of increasing the cost borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation, except to the extent that the plans, waivers, or amendments are required by federal law, or the State provides annual funding for the cost increase.

(E) The State shall not be required to provide a subvention of funds pursuant to this paragraph for a mandate that is imposed by the State at the request of a local agency or

to comply with federal law. State funds required by this paragraph shall be from a source other than those described in subdivisions (b) and (d), ad valorem property taxes, or the Social Services Subaccount of the Sales Tax Account of the Local Revenue Fund.

(5)(A) For programs described in subparagraphs (C) to (E) inclusive, of paragraph (1) of subdivision (a) and included in the 2011 Realignment Legislation, if there are subsequent changes in federal statutes or regulations that alter the conditions under which federal matching funds as described in the 2011 Realignment Legislation are obtained, and have the overall effect of increasing the costs incurred by a local agency, the State shall annually provide at least 50 percent of the nonfederal share of those costs as determined by the State.

(B) When the State is a party to any complaint brought in a federal judicial or administrative proceeding that involves one or more of the programs described in subparagraphs (C) to (E) inclusive, of paragraph (1) of subdivision (a) and included in the 2011 Realignment Legislation, and there is a settlement or judicial or administrative order that imposes a cost in the form of a monetary penalty or has the overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation, the State shall annually provide at least 50 percent of the nonfederal share of those costs as determined by the State. Payment by the State is not required if the State determines that the settlement or order relates to one or more local agencies failing to perform a ministerial duty, failing to perform a legal obligation in good faith, or acting in a negligent or reckless manner.

(C) The state funds provided in this paragraph shall be from funding sources other than those described in subdivisions (b) and (d), ad valorem property taxes, or the Social Services Subaccount of the Sales Tax Account of the Local Revenue Fund.

(6) If the State or a local agency fails to perform a duty or obligation under this section or under the 2011 Realignment Legislation, an appropriate party may seek judicial relief. These proceedings shall have priority over all other civil matters.

(7) The funds deposited into a County Local Revenue Fund 2011 shall be spent in a manner designed to maintain the State's eligibility for federal matching funds, and to ensure compliance by the State with applicable federal standards governing the State's provision of Public Safety Services.

(8) The funds deposited into a County Local Revenue Fund 2011 shall not be used by local agencies to supplant other funding for Public Safety Services.

(d) If the taxes described in subdivision (b) are reduced or cease to be operative, the State shall annually provide moneys to the Local Revenue Fund 2011 in an amount equal to or greater than the aggregate amount that otherwise would have been provided by the taxes described in subdivision (b). The method for determining that amount shall be described in the 2011 Realignment Legislation, and the State shall be obligated to

provide that amount for so long as the local agencies are required to perform the Public Safety Services responsibilities assigned by the 2011 Realignment Legislation. If the State fails to annually appropriate that amount, the Controller shall transfer that amount from the General Fund in pro rata monthly shares to the Local Revenue Fund 2011. Thereafter, the Controller shall disburse these amounts to local agencies in the manner directed by the 2011 Realignment Legislation. The state obligations under this subdivision shall have a lower priority claim to General Fund money than the first priority for money to be set apart under Section 8 of Article XVI and the second priority to pay voter-approved debts and liabilities described in Section 1 of Article XVI.

(e)(1) To ensure that public education is not harmed in the process of providing critical protection to local Public Safety Services, the Education Protection Account is hereby created in the General Fund to receive and disburse the revenues derived from the incremental increases in taxes imposed by this section as specified in subdivision (f).

(2)(A) Before June 30, 2013, and before June 30th of each year thereafter through 2016, the Director of Finance shall estimate the total amount of additional revenues, less refunds, that will be derived from the incremental increases in tax rates made in subdivision (f) that will be available for transfer into the Education Protection Account during the next fiscal year. The Director of Finance shall make the same estimate by January 10, 2013, for additional revenues, less refunds, that will be received by the end of the 2012-13 fiscal year.

(B) During the last ten days of the quarter of each of the first three quarters of each fiscal year from 2013-14 through 2016-17, the Controller shall transfer into the Education Protection Account one fourth of the total amount estimated pursuant to subparagraph (A) for that fiscal year, except as this amount may be adjusted pursuant to subparagraph (D).

(C) In each of the fiscal years 2012-13 through 2018-19, the Director of Finance shall calculate an adjustment to the Education Protection Account, as specified by subparagraph (D), by adding together the following amounts, as applicable:

(i) In the last quarter of each fiscal year from 2012-13 through 2016-17, the Director of Finance shall recalculate the estimate made for the fiscal year pursuant to subparagraph (A), and shall subtract from this updated estimate the amounts previously transferred to the Education Protection Account for that fiscal year.

(ii) In June 2015 and in every June through 2019, the Director of Finance shall make a final determination of the amount of additional revenues, less refunds, derived from the incremental increases in tax rates made in subdivision (f) for the fiscal year ending two years prior. The amount of the updated estimate calculated in clause (i) for the fiscal year ending two years prior shall be subtracted from the amount of this final determination.

(D) If the sum determined pursuant to subparagraph (C) is positive, the Controller shall transfer an amount equal to that sum into the Education Protection Account within 10 days preceding the end of the fiscal year. If that amount is negative, the Controller shall suspend or reduce subsequent quarterly transfers, if any, to the Education Protection Account until the total reduction equals the negative amount herein described. For purposes of any calculation made pursuant to clause (i) of subparagraph (C), the amount of a quarterly transfer shall not be modified to reflect any suspension or reduction made pursuant to this subparagraph.

(3) All moneys in the Education Protection Account are hereby continuously appropriated for the support of school districts, county offices of education, charter schools, and community college districts as set forth in this paragraph.

(A) Eleven percent of the moneys appropriated pursuant to this paragraph shall be allocated quarterly by the Board of Governors of the California Community Colleges to community college districts to provide general purpose funding to community college districts in proportion to the amounts determined pursuant to Section 84750.5 of the Education Code, as that code section read upon the enactment of this section. The allocations calculated pursuant to this subparagraph shall be offset by the amounts specified in subdivisions (a), (c) and (d) of Section 84751 of the Education Code, as that section read upon enactment of this section, that are in excess of the amounts calculated pursuant to Section 84750.5 of the Education Code, as that section read upon enactment of this section, provided that no community college district shall receive less than one hundred dollars (\$100) per full time equivalent student.

(B) Eighty nine percent of the moneys appropriated pursuant to this paragraph shall be allocated quarterly by the Superintendent of Public Instruction to provide general purpose funding to school districts, county offices of education, and state general-purpose funding to charter schools in proportion to the revenue limits calculated pursuant to Sections 2558 and 42238 and the amounts calculated pursuant to Section 47633 of the Education Code for county offices of education, school districts, and charter schools, respectively, as those sections read upon enactment of this section. The amounts so calculated shall be offset by the amounts specified in subdivision (c) of Section 2558, paragraphs (1) through (7) of subdivision (h) of Section 42238, and Section 47635 of the Education Code for county offices of education, school districts, and charter schools, respectively, as those sections read upon enactment of this section, which are in excess of the amounts calculated pursuant to Sections 2558, 42238, and 47633 of the Education Code for county offices of education, school districts, and charter schools, respectively, as those sections read upon enactment of this section, provided that no school district, county office of education, or charter school shall receive less than two hundred dollars (\$200) per unit of average daily attendance.

(4) This subdivision is self-executing and requires no legislative action to take effect. Distribution of the moneys in the Education Protection Account by the Board of Governors of the California Community Colleges and the Superintendent of Public

Instruction shall not be delayed or otherwise affected by failure of the Legislature and Governor to enact an annual budget bill pursuant to Section 12 of Article IV, by invocation of paragraph (h) of Section 8 of Article XVI, or by any other action or failure to act by the Legislature or Governor.

(5) Notwithstanding any other provision of law, the moneys deposited in the Education Protection Account shall not be used to pay any costs incurred by the Legislature, Governor or any agency of state government.

(6) A community college district, county office of education, school district, and charter school shall have sole authority to determine how the moneys received from the Education Protection Account are spent in the school or schools within its jurisdiction, provided, however, that the appropriate governing board or body shall make these spending determinations in open session of a public meeting of the governing board or body and shall not use any of the funds from the Education Protection Account for salaries or benefits of administrators or any other administrative costs. Each community college district, county office of education, school district, and charter school shall annually publish on its Internet Web site an accounting of how much money was received from the Education Protection Account and how that money was spent.

(7) The annual independent financial and compliance audit required of community college districts, county offices of education, school districts, and charter schools shall, in addition to all other requirements of law, ascertain and verify whether the funds provided from the Education Protection Account have been properly disbursed and expended as required by this section. Expenses incurred by those entities to comply with the additional audit requirement of this section may be paid with funding from the Education Protection Account and shall not be considered administrative costs for purposes of this section.

(8) Revenues, less refunds, derived pursuant to subdivision (f) for deposit in the Education Protection Account pursuant to this section shall be deemed "General Fund revenues," "General Fund proceeds of taxes" and "moneys to be applied by the State for the support of school districts and community college districts" for purposes of Section 8 of Article XVI.

(f)(1)(A) In addition to the taxes imposed by Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code, for the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers at the rate of 1/2 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this state on and after January 1, 2013, and before January 1, 2017.

(B) In addition to the taxes imposed by Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code, an excise tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property purchased from any retailer on and after January 1, 2013, and before January 1, 2017, for storage,

use, or other consumption in this state at the rate of 1/2 percent of the sales price of the property.

(C) The Sales and Use Tax Law, including any amendments enacted on or after the effective date of this section, shall apply to the taxes imposed pursuant to this paragraph.

(D) This paragraph shall cease to be operative on January 1, 2017.

(2) For any taxable year beginning on or after January 1, 2012, and before January 1, 2017, with respect to the tax imposed pursuant to Section 17041 of the Revenue and Taxation Code, the income tax bracket and the rate of 9.3 percent set forth in paragraph (1) of subdivision (a) of Section 17041 of the Revenue and Taxation Code shall be modified by each of the following:

(A)(i) For that portion of taxable income that is over two hundred and fifty thousand dollars (\$250,000) but not over three hundred thousand dollars (\$300,000) the tax rate is 10.3 percent of the excess over two hundred and fifty thousand dollars (\$250,000).

(ii) For that portion of taxable income that is over three hundred thousand dollars (\$300,000) but not over five hundred thousand dollars (\$500,000) the tax rate is 10.8 percent of the excess over three hundred thousand dollars (\$300,000).

(iii) For that portion of taxable income that is over five hundred thousand dollars (\$500,000), the tax rate is 11.3 percent of the excess over five hundred thousand dollars (\$500,000).

(B) The income tax brackets specified in clauses (i), (ii), and (iii) of subparagraph (A) shall be recomputed, as otherwise provided in subdivision (h) of Section 17041 of the Revenue and Taxation Code, only for taxable years beginning on and after January 1, 2013.

(C)(i) For purposes of subdivision (g) of Section 19136 of the Revenue and Taxation Code, this provision shall be considered to be chaptered on the date it becomes effective.

(ii) For purposes of Part 10 (commencing with Section 17001) and Part 10.2 (commencing with Section 18401) of Division 2 of the Revenue and Taxation Code, the modified tax brackets and tax rates established and imposed by this paragraph shall be deemed to be established and imposed under Section 17041 of the Revenue and Taxation Code.

(D) This paragraph shall cease to be operative on December 1, 2017.

(3) For any taxable year beginning on or after January 1, 2012, and before January 1, 2017, with respect to the tax imposed pursuant to Section 17041 of the Revenue and

Taxation Code, the income tax bracket and the rate of 9.3 percent set forth in paragraph (1) of subdivision (c) of Section 17041 of the Revenue and Taxation Code shall be modified by each of the following:

(A)(i) For that portion of taxable income that is over three hundred forty thousand dollars (\$340,000) but not over four hundred eighty thousand dollars (\$408,000) the tax rate is 10.3 percent of the excess over three hundred forty thousand dollars (\$340,000).

(ii) For that portion of taxable income that is over four hundred eighty thousand dollars (\$408,000) but not over six hundred eighty thousand dollars (\$680,000) the tax rate is 10.8 percent of the excess over six hundred eighty thousand dollars (\$680,000).

(iii) For that portion of taxable income that is over six hundred eighty thousand dollars (\$680,000), the tax rate is 11.3 percent of the excess over six hundred eighty thousand dollars (\$680,000).

(B) The income tax brackets specified in clauses (i), (ii), and (iii) of subparagraph (A) shall be recomputed, as otherwise provided in subdivision (h) of Section 17041 of the Revenue and Taxation Code, only for taxable years beginning on and after January 1, 2013.

(C)(i) For purposes of subdivision (g) of Section 19136 of the Revenue and Taxation Code, this provision shall be considered to be chaptered on the date it becomes effective.

(ii) For purposes of Part 10 (commencing with Section 17001) and Part 10.2 (commencing with Section 18401) of Division 2 of the Revenue and Taxation Code, the modified tax brackets and tax rates established and imposed by this paragraph shall be deemed to be established and imposed under Section 17041 of the Revenue and Taxation Code.

(D) This paragraph shall cease to be operative on December 1, 2017.

(g)(1) The Controller, pursuant to his or her statutory authority, may perform audits of expenditures from the Local Revenue Fund 2011 and any County Local Revenue Fund 2011, and shall audit the Education Protection Account to ensure that those funds are used and accounted for in a manner consistent with this section.

(2) The Attorney General or local district attorney shall expeditiously investigate, and may seek civil or criminal penalties for, any misuse of moneys from the County Local Revenue Fund 2011 or the Education Protection Account.

Sec. 5. Effective Date.

Subdivision (b) of Section 36 of Article XIII, as added by this measure, shall be operative as of July 1, 2011. Paragraphs (2) and (3) of subdivision (f) of Section 36 of

Article XIII, as added by this measure, shall be operative as of January 1, 2012. All other provisions of this measure shall take effect the day after the election in which it is approved by a majority of the voters voting on the measure provided.

Sec. 6. Conflicting Measures.

In the event that this measure and another measure that imposes an incremental increase in the tax rates for personal income shall appear on the same statewide ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.

Sec. 7.

This measure provides funding for school districts and community college districts in an amount that equals or exceeds that which would have been provided if the revenues deposited pursuant to Sections 6051.15 and 6201.15 of the Revenue and Taxation Code pursuant to Chapter 43 of the Statutes of 2011 had been considered "General Fund revenues" or "General Fund proceeds of taxes" for purposes of Section 8 of Article XVI of the California Constitution.

To: Board of Supervisors

From: Catherine Kutsuris, Conservation & Development Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: Designation of the Successor Agency of the Contra Costa County Redevelopment Agency and related matters.

RECOMMENDATION(S):

1. ADOPT Resolution No. 2012/29 to accept the designation of, and to declare its intent to serve as, the "successor agency" to the Contra Costa County Redevelopment Agency (the "RDA") in accordance with Health & Safety Code Section 34171(j) and Health & Safety Code Section 34173; and to retain the housing assets and functions previously performed by the RDA in accordance with Health & Safety Code Section 34176; and to authorize the County, in its capacity as the successor agency to the RDA, to continue the RDA's validation action to validate the RDA's adoption of Resolution 2011/417 and specified supplements to loan agreements.
2. AUTHORIZE the County Administrator, or the County Administrator's designee, to file a copy of this resolution with the County Auditor-Controller in accordance with Part 1.85 of the California Community Redevelopment Law (constituting Part 1 of Division 24 of the California Health and Safety Code); and
3. AUTHORIZE the County Administrator, or the County Administrator's designee, to take such additional actions, and to execute all documents necessary and appropriate, for the County to obtain the housing assets of the Agency pursuant to Section 34176 of the Redevelopment Law (as added by Part 1.85).

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☐ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES NOES

ABSENT ABSTAIN

RECUSE

Contact: Steven Goetz, 335-1240

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED:

January 17, 2012

David J. Twa, County
Administrator and
Clerk of the Board of
Supervisors

By: , Deputy

cc:

FISCAL IMPACT:

The actions of the Successor Agency will be monitored, and in some cases approved, by an Oversight Board. State law requires the Oversight Board to direct the Successor Agency to determine whether contracts, agreements or other arrangements between the former redevelopment agency (RDA) and private parties should be terminated or renegotiated to reduce the Successor Agency's liabilities and to increase net revenue to the taxing entities within a project area. In at least three instances (Avalon Bay, Coggins Square, and the Park Regency), the RDA has pledged future tax increment to ensure the financial feasibility and strong management of the related housing projects. In the case of Avalon Bay, a renegotiation could have a ripple effect on the ground lease resulting in the County's loss of its portion of the 99 year lease revenue stream currently dedicated to the County General Fund (which has been estimated to be approximately between \$500 and \$750 million). The County will be in a better position to protect this agreement, and the revenue stream to the General Fund, if it assumes the role of the Successor Agency.

All assets, properties, contracts, leases, books and records, buildings, equipment and the existing Housing Fund balance of the RDA will be transferred to the control of the Successor Agency on February 1, 2012, according to the Supreme Court's modified timeline. The Successor Agency is required to make payments and perform other obligations due for the RDA which include: bonds, loans, payments required by federal or state government; judgments or settlements; and legally binding and enforceable agreements or contracts. It is in the best financial interest of the County that such obligations be honored to the extent possible. This exposure is most acute with debt service payments on bonds issued for the RDA. While such debt service payments are an obligation of the RDA and the Joint Powers Agency created by the County and RDA, failure to fully meet debt service payments would potentially have a negative impact on the County's credit rating. Assuming the role of the Successor Agency will improve the chances that these obligations will be fully honored.

BACKGROUND:

Redevelopment law as revised in June of 2011 provides that the County, having authorized the creation of the RDA, shall be the "successor agency" to the RDA should the RDA be dissolved. The County, may also elect to retain the housing assets and functions previously performed by the RDA. The law further provides that if the County does not wish to serve as the successor agency, it must inform the County Auditor-Controller, who will then appoint a non-County entity as the successor agency.

Having a non-County entity designated as the successor agency for the RDA may pose some risks to the County. A successor agency must, among other things, liquidate all assets of the agency and ensure future payments of enforceable obligations (including debt service payments). The County's interest may not be well served if another entity became the successor agency and assumed responsibility for selling properties in the former project areas and for paying off bonds issued by the Contra Costa Public Finance Authority.

Similarly, the County may elect to assume the RDA's housing functions and take over the housing assets of the RDA, along with related rights, powers, liabilities, duties and obligations. If the County does not elect to assume these functions, such housing functions and all related non-cash assets would be transferred to the County Housing Authority or the State Department of Housing and Community Development. The primary function of the RDA has been to implement the County's affordable housing policies.

To reduce risk to the County's interests and to meet the time line of the new redevelopment law, the Board of Supervisors adopted Resolution 2011/340 on August 4, 2011. Resolution 2011/340 declared the Board's intent to serve as the successor agency should the Board decide not to continue the redevelopment program.

As you know, the redevelopment law has been the subject of litigation and the time lines in the new redevelopment law were suspended. On December 29, 2011, the California Supreme Court delivered its decision in the California Redevelopment Association v. Matosantos case, finding ABx1 26 (the "Dissolution Act") largely constitutional and AB1x 27 (the "Alternative Redevelopment Program Act") unconstitutional. The Court's bifurcated decision means that all California redevelopment agencies, including the Contra Costa County Redevelopment Agency, will be dissolved under the constitutional Dissolution Act, and none will have the opportunity to opt into continued existence under the unconstitutional Alternative Redevelopment Program Act. Dissolution will occur on February 1, 2012 under a modified time line.

Resolution 2011/340 was conditioned on the Board deciding not to continue the redevelopment program. Since the RDA's dissolution was the result of legislation which was upheld by the California Supreme Court and not a decision of the Board of Supervisors, it is recommended that a new unconditional resolution be adopted by the Board in response to the Supreme Court's action. Resolution 2012/29 is attached to this board order and is unconditional. Upon approval, Resolution 2012/29 will be submitted to the County Auditor-Controller.

CONSEQUENCE OF NEGATIVE ACTION:

If Resolution No. 2012/29 is not adopted, a non-County entity will become the successor agency to the RDA and the Housing Authority or the State will become the successor agency for the RDA's housing program.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 01/17/2012 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2012/29

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA TO SERVE AS THE SUCCESSOR AGENCY OF THE CONTRA COSTA COUNTY REDEVELOPMENT AGENCY PURSUANT TO HEALTH AND SAFETY CODE SECTION 34171(j) AND SECTION 34173, AND TO ELECT TO RETAIN THE HOUSING ASSETS AND FUNCTIONS PREVIOUSLY PERFORMED BY THE CONTRA COSTA COUNTY REDEVELOPMENT AGENCY PURSUANT TO HEALTH AND SAFETY CODE SECTION 34176

WHEREAS, Assembly Bill 1X 26 (the "Dissolution Act") and Assembly Bill 1X 27 (the "Alternative Redevelopment Program Act") were enacted on June 28, 2011, to significantly modify the Community Redevelopment Law (Health & Safety Code §33000, et seq.; the "Redevelopment Law"); and

WHEREAS, on August 11, 2011, the California Supreme Court agreed to review the California Redevelopment Association and League of California Cities' petition challenging the constitutionality of the Redevelopment Restructuring Acts; and

WHEREAS, on December 29, 2011, the California Supreme Court ruled that the Dissolution Act is largely constitutional and the Alternative Redevelopment Program Act is unconstitutional; and

WHEREAS, the Court's decision means that all California redevelopment agencies will dissolve on February 1, 2012 pursuant to the Dissolution Act; and

WHEREAS, the Dissolution Act provides that the county that authorized the creation of the redevelopment agency shall be the "successor agency" to the dissolved redevelopment agency unless the county elects not to serve as the successor agency under Section 34173(d)(1) of the Redevelopment Law; and

WHEREAS, Section 34176(a) of the Redevelopment Law provides that the county that authorized the creation of a redevelopment agency may elect to retain the housing assets and functions previously performed by the former redevelopment agency; and

WHEREAS, the County of Contra Costa (the County) desires to elect to retain the housing assets and functions previously performed by the Agency in accordance with Section 34176 of the Redevelopment Law.

WHEREAS, On December 2, 2011, the RDA filed a validation action to validate the RDA's adoption of Resolution 2011/417. Resolution 2011/417, which was adopted on October 4, 2011, authorized the execution of supplements to loan agreements between the RDA and the County of Contra Costa Public Financing Authority (PFA). Execution of the loan agreement supplements is necessary to implement the PFA's Bond Redemption, Purchase and Defeasance Program. The purpose of the lawsuit is to obtain a court order that will validate those loan agreement supplements.

NOW, THEREFORE, BE IT RESOLVED, that the County hereby accepts the designation of, and hereby declares its intent to serve as, the successor agency to the Agency in accordance with Section 34171(j) and Section 34173 of the Redevelopment Law.

BE IT FURTHER RESOLVED, the County hereby elects to retain the housing assets and functions previously performed by the Agency in accordance with Section 34176 of the Redevelopment Law.

BE IT FURTHER RESOLVED, that the County Administrator or the County Administrator's designee is hereby directed to file a copy of this resolution with the County Auditor-Controller.

BE IT FURTHER RESOLVED, that the County Administrator or the County Administrator's designee is hereby authorized to take such additional actions, and to execute all documents necessary and appropriate, for the County to transfer the assets of the

Agency to the County in its capacity as successor agency to the Agency pursuant to Sections 34175 of the Redevelopment Law and successor housing agency pursuant 34176 of the Redevelopment Law.

BE IT FURTHER RESOLVED, that the County, in its capacity as the successor agency to the RDA, is authorized to continue the RDA's validation action to validate the RDA's adoption of Resolution 2011/417 and specified supplements to loan agreements.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Steven Goetz, 335-1240

ATTESTED: January 17, 2012

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:

To: Redevelopment Agency Bd of Directors

From: Julie Enea, County Administrator

Date: January 17, 2012



**Contra
Costa
County**

Subject: Redevelopment Agency Budget, FY 2011/12 and Successor Agency Issues

RECOMMENDATION(S):

1. ADOPT Resolution No. 2012/22 approving the FY 2011/12 Redevelopment Agency Annual Budget (See Attachment); conditionally authorizing the Successor Agency to borrow funds from County Special Revenue Funds to pay a portion of its debt service obligations; and authorizing the Redevelopment Agency (RDA) to pay debt service on certain RDA bonds from surplus bond loan funds;
2. APPROVE and ADOPT, pursuant to Health and Safety Code Sections 34167(h), an amended Enforceable Obligation Payment Schedule (see Attachment) containing all of the obligations which the RDA has determined are enforceable obligations under Health and Safety Code Section 34167(d), and reserving the RDA's rights to recognize and perform these obligations without regard to the provisions of Health and Safety Code Section 34169(i); and
3. AUTHORIZE the RDA's Executive Director, or the Executive Director's designee, to post the amended Enforceable Obligation Payment Schedule on the RDA and the County's websites and to take such other actions and execute such other documents as are appropriate to effectuate the intent of this Resolution and to implement the Enforceable Obligation Payment Schedule on behalf of the RDA.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☐ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES ☐ NOES ☐

ABSENT ☐ ABSTAIN ☐

RECUSE ☐

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 17, 2012

David J. Twa, County Administrator and
Clerk of the Board of Supervisors

By: , Deputy

Contact: Steve Goetz 925-335-1240

cc:

FISCAL IMPACT:

No General Fund revenues are involved.

BACKGROUND:

On September 27, 2011 your Board, acting as the Contra Costa County Redevelopment Agency (RDA), requested County staff to report to the Finance Committee on actions needed to continue redevelopment activities under the Voluntary Alternative Redevelopment Program. On December 12, 2011 County staff reported to the Finance Committee on a budget for the RDA which would enable it to continue operation under the Voluntary Alternative Redevelopment Program. The Finance Committee recommended that the budget be approved by the RDA. The annual Continuation Payment to the County Auditor was subject to the California Supreme Court lifting the stay on the RDA's powers and finding both the Dissolution Act and the Voluntary Alternative Redevelopment Program to be constitutional.

On December 29, 2011, the California Supreme Court only found the Dissolution Act constitutional. The statute authorizing the Voluntary Alternative Redevelopment Program was found to be unconstitutional. All redevelopment agencies will cease to exist as of February 1, 2012. At that time, the County Board of Supervisors will become the Successor Agency with the responsibility to wind down the activities of the County RDA, under the direction of an Oversight Board. The Board of Supervisors will also become the Successor Housing Agency and assume the housing functions of the former RDA and receive all housing-related assets of the RDA. Please be aware that a companion Board Order is on the January 17, 2012 agenda to reaffirm the Board's desire to become the Successor Agency.

The budget proposed by Resolution No. 2012/22 has been revised from what was approved by the Finance Committee in order to respond to the Supreme Court decision to dissolve redevelopment agencies. The Resolution will accomplish the following:

1. Funds administration of the RDA for Fiscal Year 2011/12. Expenses shown in the budget are for the full 12-month period. The revenue that remains after the RDA dissolves will be transferred to the Successor Agency. The RDA staffing is provided by the Department of Conservation and Development and involves about 4.5 full-time equivalent permanent employees plus 1.3 full-time equivalent contract staff. The impact of the RDA's dissolution on Department staffing will be evaluated in February.

The Department will provide support to the Successor Agency. The annual budget for administrative costs of the Successor Agency can be an amount up to five percent of the property tax allocated to the Successor Agency for FY 2011/12 and up to three percent of the property tax allocated to the Successor Agency each succeeding fiscal year; provided, however, that the annual amount is not less than \$250,000 for any fiscal year. The Board will receive a more complete report on the finances for the Successor Agency at a future Board meeting.

2. Funds payment of enforceable obligations of the RDA. Until February 1, 2012 (when the RDA is dissolved), a RDA is authorized to make scheduled payments on and perform obligations required under its Enforceable Obligations Payment Schedule (EOPS). "Enforceable Obligations" include:

- Bonds;
- Loans borrowed by a RDA;
- Payments required by federal or state government or for employee pensions;
- Judgments or settlements;
- Legally binding agreements or contracts; and
- Contracts for administration or operation of the RDA.

On August 9, the RDA adopted its EOPS for the period from September 1 to December 31, 2011. The budget will require an amendment to the EOPS to include the month of January 2012, to enable (among other things) the RDA to make its February 1, 2012 debt service payment prior to dissolution. That action is included with this Board Order. This budget includes debt service payments due August 1, 2011, February 1, 2012, and August 2012. Even though August 2012 is after the end of Fiscal Year 2011/12, it was included in the budget to help plan for this future debt service payment as the RDA's obligations are transferred to the Successor Agency.

5. Authorizes use of excess bond proceeds to pay debt service on bonds. Last year, the RDA authorized use of excess bond proceeds to pay a portion of debt service in four of the five project areas due to declining tax increment revenue. Tax increment revenue has not changed significantly for these project areas. This budget recommends use of excess bond proceeds to help pay debt service on bonds for FY 2011/12.

6. Funds the debt reduction program. On October 4, 2011 your Board, acting as the RDA, authorized

implementation of a debt reduction program. This program involves the purchase, redemption or defeasance of approximately \$21 million in unspent bond proceeds. The budget implements this program and should result in lower debt service payments in future years.

7. Conditionally authorizes a loan to pay debt service costs. The Project Area budgets for Bay Point and Montalvin Manor show that available revenues are inadequate to fully cover debt service for capital bonds scheduled for payment on August 1, 2012. This cash flow problem is a result of declining tax increment and the desire to retire outstanding loans for these project areas before the RDA dissolves. The budget proposes that the County loan the Successor Agency funds from the County Special Revenue Accounts (non-General Fund revenue) to cover these deficits. The resolution requires that these loans be approved by a separate action of the Board of Supervisors. This provides an opportunity for the Successor Agency and the Oversight Board to confer on how best to resolve the projected deficit. An alternative solution for the deficit would be to defer pass-through payments to other taxing entities. Pass-through payments are subordinate to debt service payments.

Please be aware that County staff is still evaluating the applicability of the Dissolution Act on the status of contracts and agreements the RDA has with various parties. This work may result in the need for a further amendment to the EOPS. Also, the RDA must prepare a preliminary draft of the initial Recognized Obligation Payment Schedule and deliver such a schedule to the Successor Agency for use in identifying tax increment needed for the former RDA obligations after February 1, 2012. County staff will report on these activities at a future Board meeting.

Finally, the California Redevelopment Association and the Non-Profit Housing Association are working with Senate President Pro Tempore Steinberg on Senate Bill 654 which includes language to clarify the process for the unwinding of redevelopment agencies and the transfer of their assets to successor agencies. This legislation is intended to preserve for affordable housing the roughly \$2 billion in outstanding balances in the Low and Moderate Income Housing funds maintained by redevelopment agencies throughout the state. The Senate Transportation and Housing Committee will hold a hearing on January 10th to review this draft legislation. Other redevelopment advocates are seeking to pass legislation to delay the February 1st dissolution date by one month. County staff will provide an update to the Board at the next Board meeting.

CONSEQUENCE OF NEGATIVE ACTION:

If the budget is not adopted, the RDA will not be in compliance with California law, and among other things, would not be authorized to fund the financial obligations of the RDA in FY12.

CHILDREN'S IMPACT STATEMENT:

There are no expenditures directed specifically to children.

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 01/17/2012 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2012/22

- 1) Approving the Fiscal Year 2011/2012 Redevelopment Agency Annual Budget;
- 2) Authorizing the Redevelopment Agency to conditionally borrow funds from County Special Revenue Funds to pay certain debt service costs; and
- 3) Authorizing the Redevelopment Agency to pay debt service on certain Agency bonds from surplus bond loan proceeds.

I. General Recitals

Pursuant to the California Community Redevelopment Law (constituting Part 1 of Division 24 of the California Health and Safety Code, the "Redevelopment Law"), Contra Costa County (the "County") adopted and the Contra Costa County Redevelopment Agency (the "Agency") is responsible for implementing, among others, the Redevelopment Plans for:

1. The Contra Costa Centre Redevelopment Project Area (the "Contra Costa Centre Project Area", formerly the Pleasant Hill BART Project Area), by Ordinance No. 84-30 adopted on July 10, 1984, and amended by Ordinance No. 94-62, adopted on December 6, 1994; Ordinance No. 99-04, adopted on February 23, 1999; Ordinance No. 2005-16, adopted on May 24, 2005; and Ordinance 2006-36, adopted on July 18, 2006;
2. The North Richmond Redevelopment Project Area (the "North Richmond Project Area"), by Ordinance No. 87-50 adopted on July 14, 1987, and amended by Ordinance No. 94-63, adopted on December 6, 1994; Ordinance No. 99-06, adopted on February 23, 1999; Ordinance No. 99-31, adopted on June 8, 1999; and Ordinance 2006-35, adopted on July 18, 2006;
3. The Bay Point Redevelopment Project Area (the "Bay Point Project Area"), by Ordinance No. 87-102 adopted on December 29, 1987, and amended by Ordinance No. 94-64, adopted on December 6, 1994; Ordinance No. 99-05, adopted on February 23, 1999; Ordinance No. 99-54, adopted on October 19, 1999; and Ordinance 2006-33, adopted on July 18, 2006;
4. The Rodeo Redevelopment Project Area (the "Rodeo Project Area"), by Ordinance No. 90-50 adopted on July 10, 1990, and amended by Ordinance No. 94-66, adopted on December 6, 1994; Ordinance No. 99-08, adopted on February 23, 1999; and Ordinance No. 2002-16, adopted on May 21, 2002; and
5. The Montalvin Manor Redevelopment Project area (the "Montalvin Manor Project Area") , by Ordinance No. 2003-23 adopted on July 8, 2003; and amended by Ordinance 2006-34 adopted on July 18, 2006.

(The redevelopment plans described above are referred to herein collectively as the "Redevelopment Plans".)

Pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33100 et seq.; the "Redevelopment Law"), the Agency has established a Low and Moderate Income Housing Fund (the "Housing Fund") into which it is required to deposit 20% of all tax increment funds allocated to the Agency in any given fiscal year, to be used the purposes of increasing, improving, and preserving the community's supply of housing available at affordable housing cost to low and moderate income households, lower income households, very low income households, and extremely low income households.

To assist in the implementing of the Redevelopment Plans, the Agency, on February 23, 2010, has adopted a five-year implementation plan for the fiscal years 2009/10 through 2014/15 (the "Implementation Plan") pursuant to Section 33490 of the Redevelopment Law;

In connection with the Agency Board's consideration of this resolution, an Agency budget for the fiscal year ending June 30, 2012 ("FY 2011/12") entitled Contra Costa County Redevelopment Agency Budget – FY 2011/12 ("Proposed Budget") has been prepared to accompany this resolution as Exhibit A.

II. Recitals Pertaining to Adoption of the Agency Budget

The Agency Board has conferred with the Redevelopment Director and appropriate staff in public meetings, and has deliberated and considered the Proposed Budget during public meetings; and

It is the intent of the Legislature that the Housing Fund be used to the maximum extent possible to defray the costs of production, improvement, and preservation of low and moderate income housing and that the amount of Housing Funds spent for planning and administrative activities not be disproportionate to the amount of Housing Funds spent for the costs of production, improvement or preservation of low and moderate income housing. Section 33334.3(d) of the Redevelopment Law requires the Agency Board to make an annual finding that the planning and administrative expenses of the Housing Fund are necessary for the production, improvement, or preservation of low and moderate-income housing. The Proposed Budget includes \$2,070,000 for planning and administrative costs for both housing and non-housing Agency activities, none of which is proposed to be paid from Housing Funds. The Agency administers an affordable housing program involving approximately 1,536 current units, with plans to assist approximately 250 additional units over the next five years.

The Proposed Budget includes Agency financial assistance for the public improvements generally listed and described in the various Redevelopment Plans which are incorporated herein by this reference (collectively, the "Public Improvements"), in furtherance of the Redevelopment Plans and the Implementation Plan; and

Under the Redevelopment Law, the Agency is authorized, with the consent of the Board of Supervisors, to pay for part, or all, of the costs of public improvements that are of benefit to the Project Area; and

Pursuant to the Law, before the Agency can expend money for public improvements, the Agency and the County must make specified findings pursuant to Health and Safety Code Section 33445; and

As discussed in the Proposed Budget, no other reasonable means of financing the estimated cost of the Public Improvements are available to the County or the community.

ABx1 26 (the "Dissolution Act"), significantly modifies the Redevelopment Law.

Specifically, until February 1, 2012, the Dissolution Act authorizes the Agency to, among other things, make scheduled payments on and perform obligations required under its Enforceable Obligations Payment Schedule.

The Agency Board intends to adopt the Proposed Budget as a means of funding the Enforceable Obligations Payment Schedule.

III. Recitals Pertaining to Borrowing from the County Special Revenue Accounts to Pay Debt Service Costs for the Bay Point and Montalvin Manor Project Areas

The County has established a Private Activity Bond Special Revenue Account and an Affordable Housing Special Revenue Account (the "CSRA Accounts") for the purpose of funding the administration or affordable housing programs and initiatives that are increasing, improving, and preserving the County's supply of low-and moderate-income housing. Funds from the CSRA Accounts can be used to pay for costs incurred by the Agency in planning, administering or implementing affordable housing, economic development, and community improvement programs.

The County has elected to become the "successor agency" to the Agency after the Agency is dissolved.

The County would like to consider loaning funds from the CSRA Accounts to the Successor Agency to pay for specified debt service costs should they be needed following dissolution of the Agency.

The funds listed below shall be available to the Successor Agency should the County approve a future agreement to loan the funds to the Successor Agency.

1. Up to Six Hundred Seventeen Thousand Three Hundred Ninety Four Dollars (\$617,394) to fund debt service costs due August 1, 2012 for the Bay Point Project Area; and
2. Up to Ninety One Thousand Three Hundred Five Dollars (\$90,409) to fund debt service costs due August 1, 2012 for the Montalvin Manor Project Area.

Hereinafter collectively be referred to as the CSRA Loans.

IV. Recitals Pertaining to the Agency's Use of Excess Bond Proceeds to Pay Debt Service on Bonds

A. The Board of Supervisors previously approved the issuance by the County of Contra Costa Public Financing Authority (the "Authority") of the following bonds:

1. The Authority's County of Contra Costa Public Financing Authority 1999 Tax Allocation Revenue Bonds (Pleasant Hill BART, North Richmond, Bay Point, Oakley and Rodeo Redevelopment Project Areas) issued and outstanding under the Indenture of Trust, dated as of March 1, 1999, between the Authority and the U.S. Bank National Association (the "1999 Bonds");
2. The Authority's County of Contra Costa Public Financing Authority 1995 Tax Allocation Revenue Bonds, Series A (North Richmond Project Area) issued and outstanding under the Indenture of Trust, dated as of June 1, 1995, between the Authority and the U.S. Bank National Association (the "North Richmond Bonds"); and
3. The Authority's County of Contra Costa Public Financing Authority 2003 Tax Allocation Revenue Bonds, Series A (Multiple Project Areas) issued and outstanding under the Indenture of Trust, dated as of August 1, 2003, between the Authority and the U.S. Bank National Association; and the Authority's County of Contra Costa Public Financing Authority 2003 Tax Allocation Revenue Bonds, Series B (Multiple Project Areas - Housing Set Aside Revenues) issued and outstanding under the Indenture of Trust, dated as of August 1, 2003, between the Authority and the U.S. Bank National Association (collectively the "2003 Bonds").

The 1999 Bonds, the North Richmond Bonds, and the 2003 Bonds are herein after collectively referred to as the "Prior Bonds."

Subsequently, the Board of Supervisors, by Resolution No. 2007-235 adopted on May 1, 2007, approved the issuance by the Authority of the following bonds:

4. Sixty Two Million Two Hundred Five Thousand Dollars (\$62,205,000) aggregate principal amount 2007 Tax Allocation Revenue Bonds, Series A (the "Series A Bonds");
5. Twenty Five Million Five Hundred Thousand Dollars (\$25,500,000) aggregate principal amount 2007 Tax Allocation Revenue Bonds, Series A-T (the "Series A-T Bonds");
6. Sixteen Million Six Hundred Sixty-Five Thousand Dollars (\$16,665,000) aggregate principal amount 2007 Tax Allocation Revenue Bonds, Subordinate Series B (the "Series B Bonds").

The Series A Bonds, Series A-T Bonds and Series B Bonds are herein after collectively referred to as the "2007 Bonds."

The Prior Bonds and the 2007 Bonds are herein after collectively referred to as the "Bonds."

B. The Agency and the Authority entered into the following loan agreements to make proceeds of the Bonds available to the Agency for the purpose of funding specified improvements to eliminate blight within the Project Areas:

1. North Richmond Loan Agreement dated as of May 1, 1992, as supplemented by (a) the First Supplement to North Richmond Loan Agreement, dated as of June 1, 1995, (b) the Second Supplement to North Richmond Loan Agreement, dated as of March 1, 1999, (c) the Third Supplement to North Richmond Loan Agreement, dated as of August 1, 2003, (d) the Fourth Supplement to North Richmond Loan Agreement, dated as of August 1, 2003, (e) the Fifth Supplement to North Richmond Loan Agreement, dated as of May 1, 2007, and (f) the Sixth Supplement to North Richmond Loan Agreement, dated as of May 1, 2007, and as it may from time to time be further supplemented, modified or amended in accordance with its terms (collectively the "North Richmond Loan Agreement"), under which the Authority loaned to the Agency proceeds from the sale of the Bonds in the approximate amount of Twenty-Two Million Three Hundred Thousand Dollars (\$22,300,000) (the "North Richmond Loan");
2. West Pittsburg Loan Agreement dated as of May 1, 1992, as supplemented by (a) the First Supplement to West Pittsburg Loan Agreement, dated as of December 1, 1995, (b) the Second Supplement to West Pittsburg Loan Agreement, dated as of March 1, 1999, (c) the Third Supplement to West Pittsburg Loan Agreement, dated as of August 1, 2003, (d) the Fourth Supplement to West Pittsburg Loan Agreement, dated as of August 1, 2003, (e) the Fifth Supplement to West Pittsburg Loan Agreement, dated as of May 1, 2007, and (f) the Sixth Supplement to West Pittsburg Loan Agreement, dated as of May 1, 2007, and as it may from time to time be further supplemented, modified or amended in accordance with its terms (collectively the "Bay Point Loan Agreement"), under which the Authority loaned to the Agency proceeds from the sale of the Bonds in the approximate amount of Thirty-Three Million Two Hundred Thousand Dollars (\$33,200,000) (the "Bay Point Loan");
3. The Rodeo Loan Agreement, dated as of March 1, 1999, as supplemented by (a) the First Supplement to Rodeo Loan Agreement, dated as of August 1, 2003, (b) the Second Supplement to Rodeo Loan Agreement, dated as of August 1, 2003, (c) the Third Supplement to Rodeo Loan Agreement, dated as of May 1, 2007, and (d) the Fourth Supplement to Rodeo Loan Agreement, dated as of May 1, 2007, and as it may from time to time be further supplemented, modified or amended in accordance with its terms (collectively the "Rodeo Loan Agreement"), under which the Authority loaned to the Agency proceeds

from the sale of the Bonds in the approximate amount of Sixteen Million Nine Hundred Thousand Dollars (\$16,900,000) (the "Rodeo Loan"); and

4. Montalvin Manor Loan Agreement, dated as of May 1, 2007, as supplemented by the First Supplement to Montalvin Manor Loan Agreement, dated as of May 1, 2007, and as it may from time to time be further supplemented, modified or amended in accordance with its terms (collectively the "Montalvin Manor Loan Agreement"), under which the Authority loaned to the Agency proceeds from the sale of the Bonds in the approximate amount of Two Million Seven Hundred Thousand Dollars (\$2,700,000) (the "Montalvin Manor Loan").

The North Richmond Loan, the Bay Point Loan, the Rodeo Loan and the Montalvin Manor Loan are hereinafter collectively referred to as the "Bond Loans."

The Bonds were issued and the Bond Loans made under the provisions of the Marks-Roos Local Bond Pooling Act of 1985 (constituting Article 4 of Chapter 5 of Division 7 of Title 1 of California Government Code) and the Redevelopment Law.

Despite efforts by the Agency to fund improvements to eliminate blight, the Agency has unspent surplus Bond Loan proceeds in the following amounts:

1. Up to Eight Million Eight Hundred Thirty-Four Thousand Nine Hundred Forty-One Dollars (\$8,834,941) in unencumbered proceeds from the North Richmond Loan (the "North Richmond Surplus Bond Loan Proceeds");
2. Up to Seven Million Eight Hundred Twenty-Four Thousand Three Hundred Ninety-Four Dollars (\$7,824,394) in unencumbered proceeds from the Bay Point Loan (the "Bay Point Surplus Bond Loan Proceeds");
3. Up to Seven Million Eight Hundred Sixty Thousand Six Hundred Fifty Dollars (\$7,860,650) in unencumbered proceeds from the Rodeo Loan (the "Rodeo Surplus Bond Loan Proceeds");
4. Up to One Million One Hundred Forty-Five Thousand Two Hundred Thirty-Nine Dollars (\$1,145,239) in unencumbered proceeds from the Montalvin Manor Loan (the "Montalvin Manor Surplus Bond Loan Proceeds");
5. Up to Two Million Eight Hundred Thirty-Two Thousand Four Hundred Four Dollars (\$2,832,404) in unencumbered proceeds from the Contra Costa Public Financing Authority Program Fund (the "Program Surplus Bond Loan Proceeds");

The North Richmond Surplus Bond Loan Proceeds, the Bay Point Surplus Bond Loan Proceeds, the Rodeo Surplus Bond Loan Proceeds, the Montalvin Manor Surplus Bond Loan Proceeds, and the Program Surplus Bond Loan Proceeds are hereinafter collectively referred to as the "Surplus Bond Loan Proceeds."

Other than the projects approved under the Proposed Budget, the Agency does not currently have or reasonably foresee any plans to undertake improvement projects that are financially feasible in the current economic climate for which the Surplus Bond Loan Proceeds would be necessary.

The reassessment of property and the economic conditions throughout the Project Areas have resulted in a reduction of tax increment revenues, and in some instances have resulted in the generation of insufficient tax increment revenue to pay debt service on the Bond Loans.

The Agency desires to use the Surplus Bond Loan Proceeds to pay debt service on the Bond Loans as necessary to fill any shortfalls in tax increment received by the Agency.

I. General Resolutions

NOW, THEREFORE, BE IT RESOLVED, that the Agency Board finds the above recitals true and correct.

BE IT FURTHER RESOLVED, that the Agency Board designates the Redevelopment Director as the custodian of the documents and other material which constitute the record of proceedings upon which the decisions herein are based. These documents may be found at 2530 Arnold Drive, Suite 190, Martinez, CA 94553.

II. Adoption of Agency Budget

BE IT FURTHER RESOLVED, that the Redevelopment Director is hereby directed to incorporate any amendments to the Proposed Budget, as made by the Agency Board during the meeting of January 17, 2012 for the fiscal year July 1, 2011 through June 30, 2012, into a document entitled "Contra Costa County Redevelopment Agency Budget – FY 2011/12." The adopted budget may be referred to as the "Budget," and a copy of the Budget shall be filed in the office of the County Clerk. The Agency Board hereby approves and adopts the Budget.

BE IT FURTHER RESOLVED, In accordance with 33606 of the Redevelopment law, the Agency Board does hereby find and determines that the Budget includes:

1. The proposed expenditures of the Agency;
2. No new additional issuance of bonded indebtedness by the Agency during FY 2011/12 and the continuation of existing indebtedness, including the Bond Loans;
4. The Agency's work program and goals for FY 2011/12
5. An examination of the previous year's achievements and a comparison of the achievements with the goals of the previous year's work program;
6. The Blight Progress Report;
7. The Loan Status Report;
8. The Property Status Report.

BE IT FURTHER RESOLVED, in accordance with Section 33334.3(d) of the Redevelopment Law, the Agency Board hereby finds and determines that the planning and administrative expenses of the Housing Fund paid for with Housing Fund monies, are necessary for the production, improvement, or preservation of low and moderate-income housing. This conclusion is supported by the fact that the Budget provides that no Housing Funds will be utilized to pay planning and administrative expenses in Fiscal Year 2011-2012.

BE IT FURTHER RESOLVED, in compliance with Section 33445 of the Law, the Agency hereby finds that: (a) the acquisition of the land or the installation or construction of the public improvements provided for in the Budget that are publicly owned are of benefit to the Project Area by helping to eliminate blight within the Project Area or providing housing for low- or moderate-income persons; (b) no other reasonable means of financing the acquisition of land or the installation or construction of the public improvements listed in the Agreement that are publicly owned are available to the community; and (c) the appropriation and payment of funds by the Agency for the acquisition of land or the cost of the public improvements listed in the Agreement that are publicly owned is consistent with the Agency's current Implementation Plan. These findings are based on the facts and analysis in the Staff Report incorporated in this Resolution.

III. Loan from County Special Revenue Accounts To Fund Bay Point and Montalvin Manor Debt Service Costs

BE IT FURTHER RESOLVED, the the provisions of this Budget that fund the CSRA Loans from the County Private Activity Bond Special Revenue Account and the Affordable Housing Special Revenue Account to pay debt service costs due August 1, 2012 for the Bay Point and Montalvin Manor Project Areas shall take effect conditioned upon the County approving a future loan agreement with the Successor Agency.

IV. Use of Surplus Bond Loan Proceeds to Pay Debt Service on Bonds

BE IT FURTHER RESOLVED, that the Agency Board hereby approves the use of Surplus Bond Loan Proceeds to make debt service payments on the Bond Loans as reasonably determined by the Redevelopment Director in consultation with bond counsel and outside redevelopment counsel.

BE IT FURTHER RESOLVED, that the Redevelopment Director of the Agency, or his designee, is authorized to implement the actions approved hereunder and to take all further actions and execute all other documents which are necessary or appropriate to carry out the effect of this resolution.

V. Immediate Effect

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect from and after its passage.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Steve Goetz 925-335-1240

ATTESTED: January 17, 2012

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:

Contra Costa County Redevelopment Agency
Budget – FY 2011/12
Considered on January 17, 2012

Pursuant to California Community Redevelopment Law (Health and Safety Code Section 33606) all redevelopment agencies are required to adopt an annual budget containing specific information. This budget fulfills the requirement of Redevelopment Law, and establishes a framework for implementation of the projects and programs of the Contra Costa County Redevelopment Agency in Fiscal Year 2011/12.

This budget presentation contains the following sections:

1. Introduction and Overview
2. Project Area Budgets including:
 - Sources and Uses Budget
 - Project Descriptions
 - Summary of Indebtedness
3. Work Program for Fiscal Year 2012 including:
 - Project Area Goals and Objectives
 - Achievements in Fiscal Year 2011
4. Blight Progress Report
5. Loan Status Report
6. Property Status Report
7. Time Limit Expirations

SECTION 1 -- INTRODUCTION AND OVERVIEW

This budget reflects the Supreme Court action on the Redevelopment Restructuring Acts of 2011 which significantly modified California Community Redevelopment Law: ABx1 26 (the *Dissolution Act*) and ABx1 27 (the *Voluntary Program Act*). The Dissolution Act immediately suspends all new redevelopment activities and incurrence of indebtedness, and dissolves redevelopment agencies. The Voluntary Program Act then allows redevelopment agencies to avoid dissolution under the Dissolution Act by opting in to an "alternative voluntary redevelopment program". This Voluntary Program requires annual contributions to local schools and special districts. A lawsuit was filed directly with the California Supreme Court to accelerate the ultimate court decision and included a request that the Court issue a "stay" or injunction to prevent specified aspects of the RRA from being operative pending the final court decision on the merits of the lawsuit.

On December 29, 2011, the California Supreme Court only found the Dissolution Act constitutional. The statute authorizing the Voluntary Alternative Redevelopment Program was found to be unconstitutional. All redevelopment agencies will cease to exist as of February 1, 2012. At that time, the County Board of Supervisors will become the Successor Agency with the responsibility to wind down the activities of the County RDA, under the direction of an Oversight Board. The Board of Supervisors will also become the Successor Housing Agency and assume the housing functions of the former RDA and receive all housing-related assets of the RDA.

The total budget for the Contra Costa County Redevelopment Agency is approximately \$76.2 million. The Redevelopment Agency is undertaking over 60 budgeted projects/programs, while utilizing less than three percent of total is for administration. The Agency budget has been portrayed visually in the following three charts:

- 1) Chart A – Agency Budget by Project Type
- 2) Chart B – Agency Budget by Project Area
- 3) Chart C – Agency Budget by Revenue Source

Expenses shown in the budget include staffing for a full 12-month period. The revenue that remains after the Agency dissolves will be transferred to the Successor Agency. A unique aspect for this budget is to include the August 2012 debt service payments which will occur after the fiscal year ends on June 30. This was provided to help plan for debt service obligations as they are transferred from the Agency to the Successor Agency.

Similar to the County most of the County's redevelopment areas have incurred a significant loss of property tax base due to the housing and mortgage foreclosure issues. From Fiscal Year 2007-08 to Fiscal Year 2011-12 the Agency's annual tax increment income has dropped in four of the five Project Areas. The table below and Chart D—Tax Increment History by Project Area--reflects the severity of the deterioration:

<u>Project Area</u>	<u>Revenue Change – FY 08 to FY 12</u>
Contra Costa Centre	plus 40.9%
North Richmond	minus 21.1%
Bay Point	minus 53.9%
Rodeo	minus 21.1%
Montalvin Manor	minus 81.1%

The Agency identified a deteriorating revenue base as an issue in FY 2008 and began making administrative changes to mitigate the impact. Most notable were the preservation of capital in a future debt service reserve fund, and the reduction of tax increment devoted to pay-as-you-go style programs. These actions gave the Agency some flexibility to manage its fiscal affairs in difficult times. The severity of the downturn in revenue for the Bay Point and Montalvin Manor project areas in particular has been far in excess of worst-case scenarios incorporated into previous budget planning. In FY11, the Agency budgeted bond proceeds to meet a portion of the annual debt service requirement in four of the five project areas experiencing declines in assessed value.

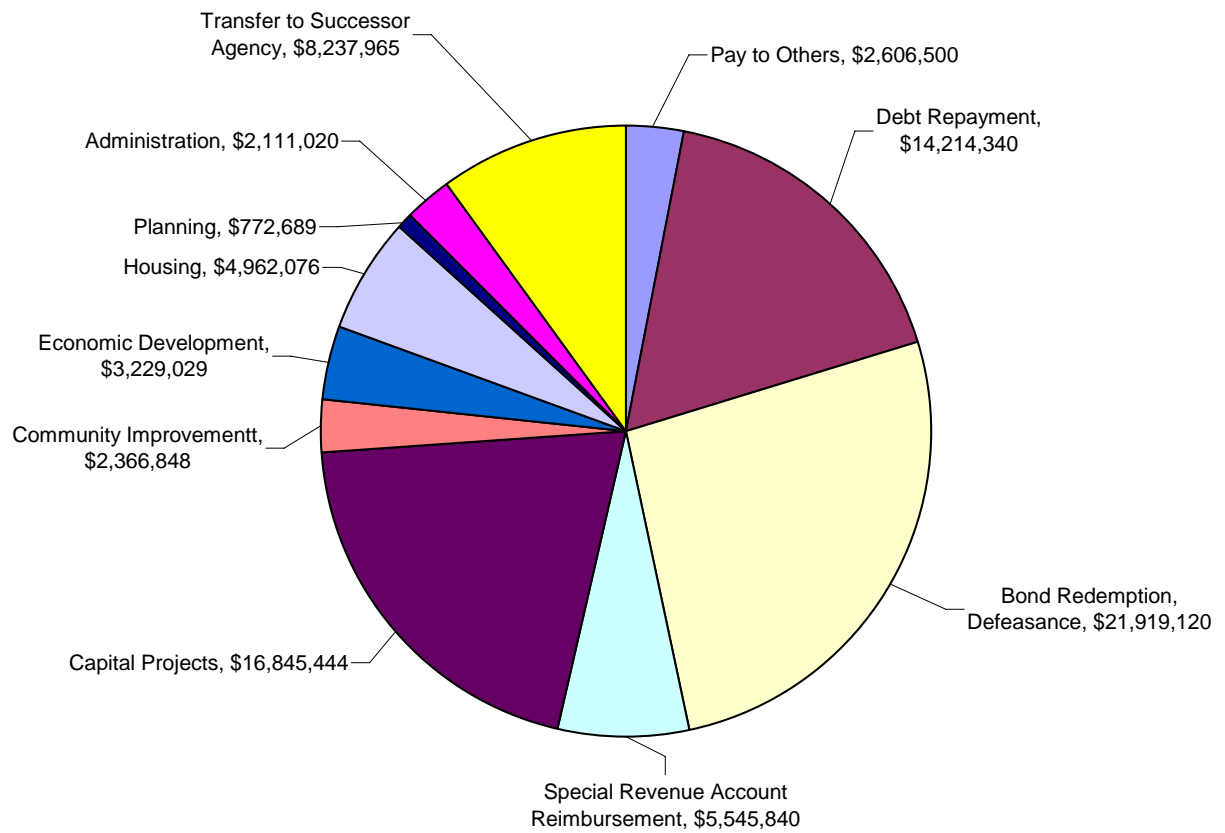
Efforts to manage annual income continue, however the State of California take of redevelopment revenue added stress to the Agency's financial position. The State took an aggregate of \$2.05 billion statewide in redevelopment revenue for FY2009-10 and FY2010-11. The Agency's share of this revenue shift was \$6.3 million in FY2009-10 and \$1.3 million in FY2010-11, funds the Agency was intending to use to mitigate revenue loss, thereby further stressing to the Agency's financial position going forward.

In order to manage through this significant drop in annual revenue, this budget is proposing additional cuts in certain projects and programs in acknowledgment of the Dissolution Act and will continue to utilize bond proceeds to meet a portion of the annual debt service requirement in four project areas. In addition, a Debt Reduction Program involving the purchase, redemption or defeasance of unspent bond proceeds is underway. The program will result in the reduction of approximately \$21.1 million in debt. Using this approach should assist the Agency's successor agency to fulfill its anticipated debt service requirement.

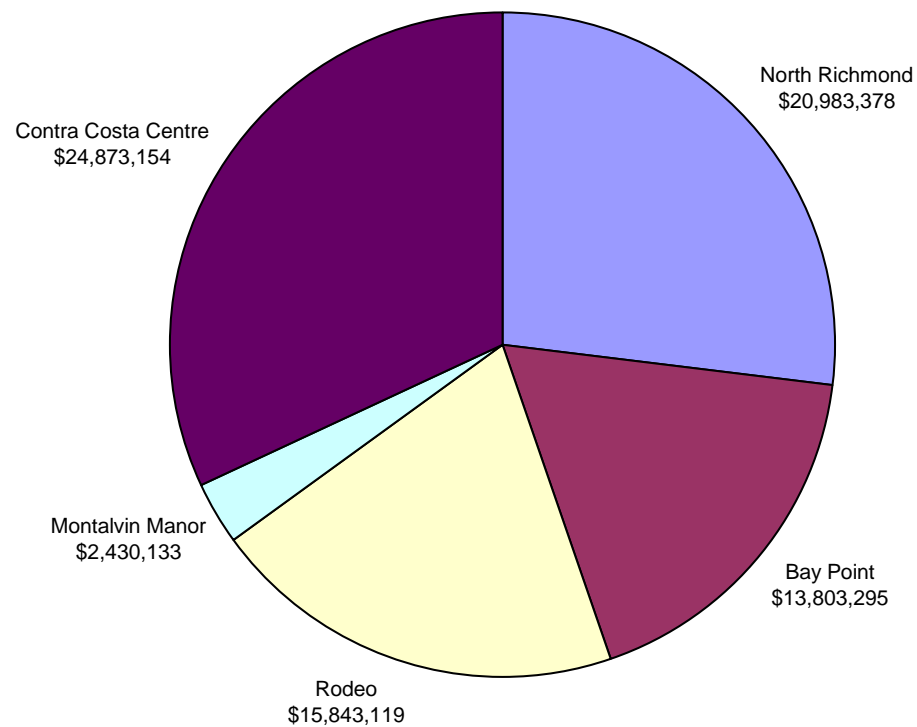
The one exception to this is the Bay Point project area, which has experienced significant tax base loss and a significant debt service load. This budget anticipates the need for a loan from the County in order to meet its August 2012 debt service obligation. Another alternative includes the possible deferment of pass-through payments to other taxing entities. This issue will need to be foremost on the agenda of the Successor Agency and Oversight Board as the wind down the activities of the Agency.

Pursuant to state law, the Blight Progress Report, Loan Status Report, Property Status Report, and Time limit Expirations were transmitted to the Redevelopment Agency Board on December 30, 2011

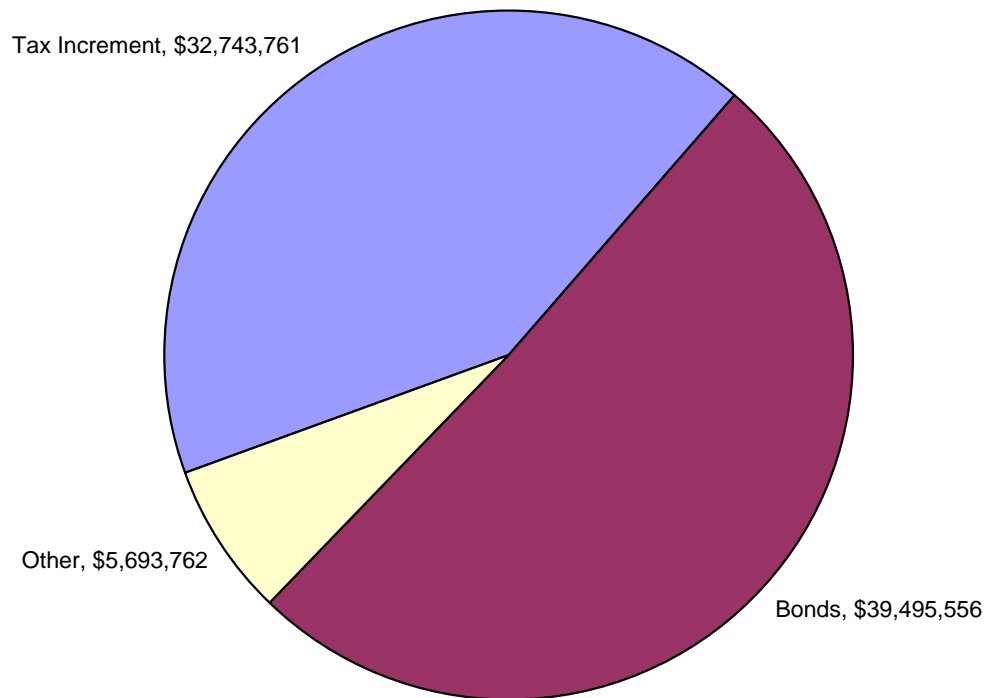
A. Agency Budget by Project Type



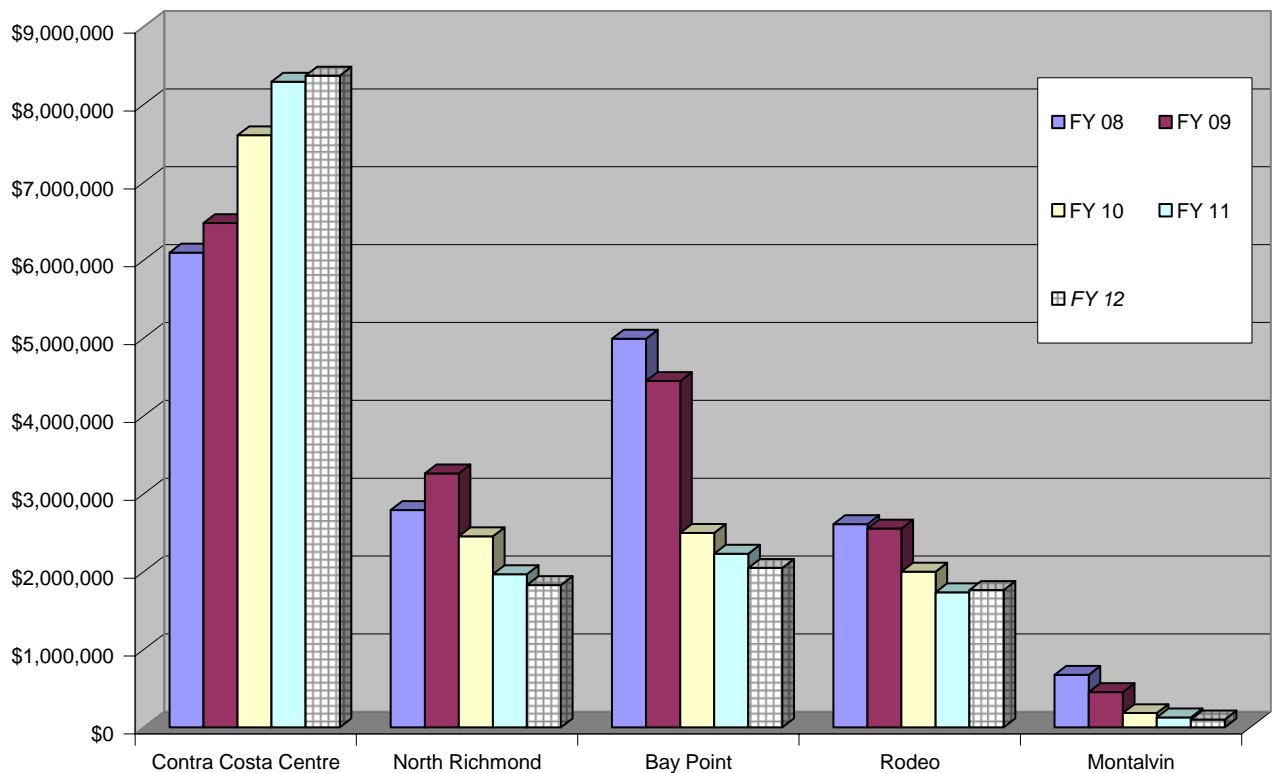
B. Agency budget by Project Area



C. Agency Budget by Revenue Source



D. Tax Increment History By Project Area



SECTION 2 – PROJECT AREA BUDGETS

1/10/2012

I CONTRA COSTA CENTRE REDEVELOPMENT PROJECT AREA

A. Revenues/Expenses FY 11/12

Revenues and proposed expenditures are as shown:

	<u>Tax Increments</u>		<u>Bond Proceeds</u>		<u>Other Revenue</u>	<u>TOTAL</u>
	<u>Capital Funds</u>	<u>Housing Funds</u>	<u>Capital Funds</u>	<u>Housing Funds</u>		
Payments to Other Agencies						
Property Tax Admin Charge	\$83,000					\$83,000
Fiscal Agreements/33676 Payments	\$745,000					\$745,000
Debt Service						
Bonded Indebtedness - Capital Projects	\$3,738,925					\$3,738,925
Aug. 2012 Bonded Indebtedness - Capital	\$2,446,965					\$2,446,965
Special Revenue Account Debt Repayment	\$1,498,294	\$391,008				\$1,889,302 #
Capital Projects						
Hookston Station Business Relocation	\$820,000					\$820,000
Placemaking - Civic Use/Bike Station	\$200,000					\$200,000
Placemaking - Station Enhancements	\$725,000					\$725,000
Infrastructure Upgrades/Renovations	\$250,000					\$250,000
Hookston Station HazMat Remediation	\$200,000					\$200,000
Swap T.I. funds for N. Richmond TAB proceeds	\$1,915,653					\$1,915,653
Property Holding Costs	\$10,000					\$10,000
Walden 2 Remediation	\$55,000					\$55,000
Unallocated Capital Funds					\$19,209 g	\$19,209
Community Improvement Programs						
Walden Green Phase I Upgrades	\$25,000					\$25,000
Tri-City Remediation	\$105,000					\$105,000
Resident Deputy	\$80,000					\$80,000
Child Care Facility Fund					\$607,518 f	\$607,518
Economic Development Activities						
Marketing Program	\$30,000					\$30,000
Housing Projects/Programs						
Park Regency Financial Assistance		\$550,000				\$550,000
BRIDGE Housing Financial Assistance		\$100,000				\$100,000
Avalon Walnut Creek Financial Assistance	\$500,000	\$775,000				\$1,275,000
Pre-Development - 1250 Las Juntas Way		\$75,000				\$75,000
Planning Activities						
Transit Village Financial/Technical Consultants	\$100,000					\$100,000
Administration	\$920,000 h					\$920,000
Transfer to Successor Agency	\$1,041,577		\$38,669		##	\$1,080,246
TOTALS	\$15,489,414 a	\$1,891,008 b	\$38,669 c	\$0 c	\$626,727	\$18,045,818

a: Capital Funds include

Annual Increment	\$6,725,382
Fund Balance	\$4,383,319
Unencumbered TI	\$1,915,653
Interest earnings	\$39,632
Debt Service Fund Balance	\$2,425,428
Reimbursement from CFD	\$0
Total Capital Funds	\$15,489,414

\$0

b: Housing Funds include

Annual Increment	\$1,643,718
Fund Balance	\$241,101
Interest earnings	\$6,189
Total Housing Funds	\$1,891,008

c: Bond Proceeds

Capital Project Proceeds	\$38,669
Housing Project Proceeds	\$0
Total Bonds	\$38,669

d: Additional encumbrances available for expenditure, but not listed in the budget are:

	<u>Capital Funds</u>	<u>Housing Funds</u>	<u>Bond Capital Funds</u>	<u>Bond Housing Funds</u>	<u>Other Revenue</u>	<u>TOTAL</u>
Iron Horse Trail Overcrossing			\$308,077		\$1,556,660 i	\$1,864,737
Placemaking - BART Transit Village	\$683,950		\$675,748			\$1,359,698
Placemaking - Station Enhancements (I)			\$1,450,989		\$1,492,500 j	\$2,943,489
Infrastructure Upgrades/Renovations (m)			\$996,342			\$996,342
BART Replacement Parking Garage (m)			\$196,573			\$196,573
Transit Village Construction Inspector - Harris	\$42,480					\$42,480
TDM Capital Improvements	\$35,000					\$35,000
Hookston Remediation	\$134,496					\$134,496
Project Navigator	\$17,606					\$17,606
Iron Horse Business Relocation - ARWS	\$8,077				\$16,923 k	\$25,000
Walden Green Phase II			\$426,485		\$500,000 n	\$926,485
Wayfinding Consultant - Sasaki (m)			\$18,317			\$18,317
Wayfinding - CCC PW (m)			\$504,526			\$504,526
Transit Village Town Architect - Opticos	\$13,500					\$13,500
Transit Village Financial Consultant - AD Kotin	\$40,000					\$40,000
1250 Las Juntas Predevelopment - KMA		\$60,000				\$60,000
Total Encumbered	\$975,109	\$60,000	\$4,577,057	\$0	\$3,566,083	\$9,178,249

e: Cash balances as of 06/31/11 are:

\$16,464,523	\$1,951,008	\$4,615,726	\$0
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f: County child care facilities program funds held by the RDA.

g: All or part from Pleasant Hill BART Specific Plan fees, which total: 19,029 (County Fee Account) + 0 (Mello Roos Proceeds) = \$19,029.

h: Includes salaries, benefits, DCD overhead, space rent, and RDA contracts for administrative services outside of DCD.

i: TEA 21 25% Funds--\$32,825; Other Federal Funds--\$1,523,835

j: Proceeds from the sale of Developer Fee Credits pursuant to BART Transit Village DDA.

k: Specific Plan fees.

l: No TI to be used for this contract. Swap \$199,895 of encumbered CCC tax increment revenue for Tax Allocation Bond (TAB) proceeds from N. Richmond.

m: No TI to be used for this contract. Swap encumbered CCC tax increment revenue for Tax Allocation Bond (TAB) proceeds from N. Richmond.

n: County Park Dedication Funds

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B. PROJECT DESCRIPTION: CONTRA COSTA CENTRE AREA

1. Payments to Other Agencies: Pass-thru payments to taxing agencies pursuant to approved Fiscal Agreements; payments to taxing agencies pursuant to Section 33676 of Health and Safety Code; and charges of the County Auditor-Controller for property tax administration
2. Bonded Indebtedness: Principal and interest due on outstanding bonded indebtedness, including the first debt payment in FY 12/13. Includes funds to retire the debt the Agency owes to the County Special Revenue Account for prior affordable housing and redevelopment initiatives.
3. Hookston Station Business Relocation Program: Funds to cover relocation expenses of a business necessary to install the Iron Horse Trail between Hookston and Mayhew.
4. Placemaking – Civic Use/Bicycle Station: Funds for construction of the civic use and bicycle station to be part of the BART Transit Village project.
5. Placemaking – Station Enhancements: Funds to visually improve the appearance of the existing BART Station and bus intermodal.
6. Infrastructure Upgrades/Renovations: Capital improvements to enhance alternative mode (pedestrian, bicycle, car sharing, transit) access to the Station Area, pedestrian gap closures, signage, crossings, and landscape replacement are prospective projects.
7. Hookston Station Hazardous Materials Remediation: Hazardous materials remediation associated with a County-owned/Agency-financed property in the Hookston Station area. Implements the obligations of a 1997 Settlement Agreement to which the Agency and the County are a party.
8. Swap Tax Increment from Contra Costa Centre for tax allocation bond revenue from North Richmond.
9. Property Holding Costs: Special assessments, special taxes, and property maintenance on Agency held property.
10. Walden 2 Remediation: Costs associated with testing and remediation of hazardous materials from the Walden 2 site.
11. Unallocated Capital Funds: Pleasant Hill (Contra Costa Centre) Specific Plan fees (County Fee Account).
12. Walden Green Phase I Upgrades/Construction: Enhancements to improve the efficiency of landscape maintenance and irrigation associated with Walden Green I between Treat Blvd and the Coggins turn.
13. Tri-City Remediation: Funds to clear the site of a former industrial use. Includes testing and remediation (if necessary) and securing the site.
14. Resident Deputy: Funds to maintain a full-time Resident Deputy in the Contra Costa Centre area. The funding will permit continued efforts addressing vandalism, car-theft, and construction site security. Funds will match Contra Costa Centre funds on a 40% basis.
15. Child Care Facility Fund: County child care program funds available for child care facility construction and/or expansion.

16. Marketing Program: Preparation of a marketing program to enhance the image of and to stimulate economic development activities at Contra Costa Centre.
17. Park Regency Financial Assistance: Contractually obligated payment to Park Regency owner for affordable housing.
18. BRIDGE Housing Financial Assistance: Contractually obligated payment to Coggins Square for affordable housing.
19. Avalon Walnut Creek Housing Assistance: Contractually obligated payment to the Avalon Walnut Creek owner pursuant to an approved Financial Assistance Agreement approved by the Redevelopment Agency on June 14, 2005, and amended on January 22, 2008.
20. Pre-Development-1250 Las Juntas Way: Pre-development expenses related to identification of a development type, developer, and plan of finance for conversion of this Agency owned property to a residential use with an affordable housing component.
21. Transit Village Financial/Technical Consultants: Economic, real estate, construction, and legal consulting costs associated with perfecting and implementing Agreements with BART and the BART Transit Village developer.
22. Administration: Salaries, services, supplies, and equipment in support of project implementation.
23. Transfer to Successor Agency: Unallocated funds to be transferred to the Successor Agency.

PROJECTS WITH ENCUMBERED REVENUES

1. Iron Horse Trail Overcrossing: Funds to complete the construction of Iron Horse Trail pedestrian/bicycle overcrossing of Treat Boulevard.
2. Placemaking -- BART Transit Village: Funds for construction of the placemaking improvements, including parks, plazas, street furniture, specialized lighting, and appointments, and open space for the Transit Village project on the BART property.
3. Placemaking -- Station Enhancements: Funds to visually improve the appearance of the existing BART Station and bus intermodal.
4. Infrastructure Upgrades/Renovations: Capital improvements to enhance alternative mode (pedestrian, bicycle, car sharing, transit) access to the Station Area, pedestrian gap closures, signage, crossings, and landscape replacement are prospective projects.
5. BART Replacement Parking Garage: Funds to close-out the construction financing of the BART patron replacement parking structure.
6. Transit Village Construction Inspector: Construction inspection services related to BART parking garage and BART Transit Village Backbone and Placemaking improvements;
7. TDM Capital Improvements: Funds for capital improvements associated with the Contra Costa Centre Associations' Transportation Demand Management Program.

8. Hookston Remediation: The RDA is financing the County/Agency contribution toward remediation of hazardous materials associated with a County owned/RDA financed property in the Hookston Station. .
9. Project Navigator: Funds for a third-party administrator of Hookston Remediation funds jointly contributed by the Agency, Union Pacific Railroad, and the Helix Group.
10. Iron Horse Corridor Business Relocation: Relocation services associated with Hookston Station business relocation.
11. Walden Green Phase II: Further development of Walden Green on Iron Horse Corridor between Mayhew Road and the Coggins turn.
12. Wayfinding-Consultant services for the design of the area-wide wayfinding program.
13. Wayfinding-PW- Public Works design, engineering and construction costs for the wayfinding program. The wayfinding program is to enhance signage to assist pedestrians and visitors in navigating to their destination.
14. Town Architect: Opticos Design has been retained as the Transit Village Town Architect.
15. Transit Village Financial Consultant: A.D. Kotin has been retained as the Transit Village Financial Consultant.
16. 1250 Las Juntas Predevelopment: Financial advisory services related to 1250 Las Juntas Way developer selection process.

C. INDEBTEDNESS – CONTRA COSTA CENTRE AREA

As of June 30, 2011 the Agency has approximately \$308.9 million in debt. The major elements of Agency debt for the Contra Costa Centre Area are:

- \$92.7 million in principal and interest due on Tax Allocation Bonds issued in 1999, 2003, and 2007.
- \$64.8 million Low and Moderate Income Housing.
- \$3.7 million for infrastructure improvements
- \$53.8 million in contractually obligated fiscal agreements
- \$49.3 million in contractual obligated housing assistance.
- \$.3 million for administrative services and professional services.
- \$40.8 million for professional services and contracts;
- \$2.4 million in loans from the County for affordable housing initiatives
- \$1.1 million in obligated childcare projects

1/10/2012

II NORTH RICHMOND REDEVELOPMENT PROJECT AREA**A. Revenues/Expenses FY 11/12**

Revenues and proposed expenditures are as shown:

	Tax Increments		Bond Proceeds		Other Revenue	TOTAL
	<u>Capital Funds</u>	<u>Housing Funds</u>	<u>Capital Funds</u>	<u>Housing Funds</u>		
Payments to Other Agencies						
Property Tax Admin Charge	\$16,500					\$16,500
Fiscal Agreements/33676 Payments	\$257,600					\$257,600
Debt Service						
Bonded Indebtedness - Capital Projects	\$750,807		\$114,193			\$865,000
Bonded Indebtedness - Housing Projects		\$315,000		\$0		\$315,000
Aug 2012 Bonded Indebtedness - Capital	\$573,635					\$573,635
Aug 2012 Bonded Indebtedness - Housing		\$193,445				\$193,445
Bond Redemption, Purchase & Defeasance Prog.			\$8,037,126	\$673,109		\$8,710,235
Special Revenue Account Debt Repayment	\$1,892,229	\$29,457				\$1,921,686
Capital Projects						
Swap for TAB proceeds for CCC Tax Increment			\$1,915,653			\$1,915,653
Community Improvement Programs						
Abatement Attorney - County Counsel	\$9,500	\$9,500				\$19,000
Resident Deputy Program	\$148,500					\$148,500
Property Holding Expenses	\$30,000					\$30,000
Economic Development Activities						
Enterprise Zone Application	\$50,000					\$50,000
Housing Projects/Programs						
Homebuyer Resale Revolving Fund		\$209,000				\$209,000
Community Preservation		\$15,000				\$15,000
Heritage Point Land Assembly	\$650,000					\$650,000
Heritage Point Predevelopment		\$75,000				\$75,000
Las Deltas Feasibility		\$40,000				\$40,000
Housing Development Fund						\$1,303,204
Planning Activities						
Administration	\$571,020 f					\$571,020
Transfer to Successor Agency	\$1,866,174	\$881,123	\$0	\$422,081		\$3,169,378
TOTALS	\$6,815,965 a	\$1,767,525 b	\$10,066,972 c	\$1,095,190 c	\$0	\$19,745,652
a: Capital Funds include	Annual Increment		\$1,512,210			
	Fund Balance		\$2,920,923			
	Liquidated encumbrances		\$13,519 g			
	CCC TI swap		\$1,915,653			
	Debt Service Fund Balance		\$439,308			
	Interest earnings		\$14,352			
	Total		\$6,815,965	\$0		
b: Housing Funds include	Annual Increment		\$313,665			
	Fund Balance		\$1,289,882			
	Debt Service Fund Balance		\$157,902			
	Interest earnings		\$6,076			
	Total		\$1,767,525	\$0		
c: Bond Proceeds	Capital Project Proceeds		\$10,066,972			
	Housing Project Proceeds		\$1,095,180			
	Total		\$11,162,152			
d: Additional encumbrances available for expenditure, but not listed in the budget are:						
	<u>Capital Funds</u>	<u>Housing Funds</u>	<u>Bond Capital Funds</u>	<u>Bond Housing Funds</u>	<u>Other Revenue</u>	<u>TOTAL</u>
PW - 3rd Street Enhancements			\$51,677			\$51,677
PW - Market Ave Sidewalk			\$21,478			\$21,478
Heritage Point Predevelopment		\$131,700				\$131,700
Relocation Consultant - Overland Pacific				\$10,513		\$10,513
Craig Communication	\$450					\$450
GPA Planning Consultant - WRT	\$95,896					\$95,896
North Richmond Area Infrastructure			\$1,240,000 h		\$900,000 i	\$2,140,000
PW - Truck Route			\$132,232			\$132,232
CHDC Commercial Rehabilitation	\$150,000					\$150,000
Total Encumbered	\$246,346	\$131,700	\$1,445,387	\$10,513	\$900,000	\$2,733,946

e: Cash balances as of 06/30/11 are:

\$7,062,311

\$1,899,225

\$11,512,359

\$1,105,693

f: Includes salaries, benefits, DCD overhead, space rent, and RDA contracts for administrative services outside of DCD.

g: Terminate Craig Communications contract and reprogram tax increment.

h: CCC PW contract balance = \$2,905,902. Budget remainder of funds for Bond Redemption, Purchase & Defeasance Program.

i: Public Works AOB funds

B. PROJECT DESCRIPTION: NORTH RICHMOND

1. Payments to Other Agencies: Pass-thru payments to Taxing Agencies pursuant to approved Fiscal Agreements; payments to taxing agencies pursuant to Section 33676 of Health and Safety Code; and charges of the County Auditor-Controller for property tax administration.
2. Bonded Indebtedness: Principal and interest due on outstanding bonded indebtedness, including the first debt payment in FY 12/13. Includes funds to retire the debt the Agency owes to the County Special Revenue Account for prior affordable housing and redevelopment initiatives.
3. Bond Redemption Purchase & Defeasance Program: Unspent bond proceeds allocated to retire outstanding bonds.
4. Swap tax increment from Contra Costa Centre for Tax Allocation Bond (TAB) revenue from North Richmond.
5. Unallocated Capital Funds: Capital funds reserved for future designation including, but not limited to, drainage improvements North of Parr Boulevard, roadway overlays, widening and reconstruction improvements, Market Avenue pedestrian over crossing, 7th Street extension, and Fred Jackson Way - Goodrick realignment.
6. Abatement Attorney – County Counsel: A pro-rata share of County Counsel expenses for an attorney devoted solely to code enforcement activities.
7. Abatement Revolving Loan Fund: Revolving funds for abatement of structures which pose health and safety standards. Money may be combined with other funds to facilitate structural enhancements.
8. Resident Deputy: Funds to continue partially supporting two Resident Deputy positions exclusively for the North Richmond community. One position will enhance law enforcement activities in and around the issues of illegal dumping, graffiti abatement and the surveillance of private development sites, while the second position will focus on litter and trash abatement.
9. Property Holding Expenses: Maintenance of Agency owned properties
10. First Source Capacity Building: Administrative support for the development of the First Source Hiring Program linking community residents with local employment opportunities from NR businesses.
11. Enterprise Zone Application: Funds to apply for the State of California's Enterprise Zone Designation for fiscal year 2012. It is anticipated that the application would be jointly submitted with the City of Richmond.
12. Homebuyer Resale Revolving Fund: Recaptured housing funds to facilitate scattered site development, affordable housing, and first time homebuyer programs.
13. Community Preservation (Acquisition of foreclosed homes): Costs associated with the acquisition/renovation of foreclosed homes in North Richmond. Program may work in coordination with the Neighborhood Stabilization Program.
14. Heritage Point Land Assembly: Funds for land acquisition of six contiguous sites along the eastern portion of Fred Jackson Way, the North Richmond Town Center
15. Heritage Point Predevelopment: Funds to begin market studies, preliminary design, and other predevelopment activities for the 2nd Phase of the North Richmond Town Center.

16. Las Deltas Feasibility Study, Phase II: Funds to support the second phase of the Housing Authority's feasibility study and revitalization plan for the 224-unit Las Deltas Public Housing Development.
17. Administration: Salaries, services, supplies and equipment in support of project implementation.
18. Transfer to Successor Agency: Unallocated funds to be transferred to the Successor Agency.

PROJECTS WITH ENCUMBERED FUNDS:

1. Fred Jackson Way Enhancements: Improvements to Fred Jackson Way.
2. Market Ave Sidewalk: Funds for infrastructure and pedestrian improvements along Market Avenue to be completed by the County Public Works Department.
3. Heritage Point Predevelopment: Funds to begin market studies, preliminary design, and other predevelopment activities for the 2nd Phase of the North Richmond Town Center.
4. Relocation Consultant: Funds to continue providing relocation services for Heritage Point property owners and/or tenants.
5. Craig Communications: Funds to support public outreach for the General Plan Amendment/North Richmond Specific Plan.
6. GPA Planning Consultant: Funds to continue implementing the General Plan Amendment/North Richmond Specific Plan and related EIR.
7. North Richmond Area Infrastructure: Funds to initiate a comprehensive infrastructure improvement plan for the North Richmond area.
8. Truck Route Implementation: Funds for additional studies, preliminary engineering, environmental clearances, right-of-way acquisition, and the Precise Alignment identified in the recently completed Truck Route Planning program.
9. CHDC Commercial Rehabilitation: Tenant improvement funds to complete renovations to Community Housing Development Corporation's service delivery center.

C. INDEBTEDNESS - NORTH RICHMOND

The Agency has incurred approximately \$78.6 million in debt as of June 30, 2011. The major elements include:

- \$31.6 million in principal and interest due on Tax Allocation Bonds issued in 1999, and 2007.
- \$4.5 million in contractually obligated fiscal agreements.
- Approximately \$3.0 million to the County for advances from the County Affordable Housing Trust Fund.
- \$20.1 million in Low and Moderate Income Housing Fund obligations.
- \$18.7 million for administrative services and contracted professional services
- \$.7 million for infrastructure improvements

1/9/2012

III BAY POINT REDEVELOPMENT PROJECT AREA

A. Revenues/Expenses FY 11/12

Revenues and proposed expenditures are as shown:

	Tax Increments		Bond Proceeds		Other Revenue	TOTAL
	<u>Capital Funds</u>	<u>Housing Funds</u>	<u>Capital Funds</u>	<u>Housing Funds</u>		
Payments to Other Agencies						
Property Tax Admin Charge	\$17,100					\$17,100
Fiscal Agreements/33676 Payments	\$918,400					\$918,400
Debt Service						
Bonded Indebtedness - Capital Projects	\$776,000		\$1,149,000		\$0 f	\$1,925,000
Bonded Indebtedness - Housing Projects		\$500,000		\$0		\$500,000
Aug 2012 Bonded Indebtedness - Capital	\$581,816				\$617,394 f	\$1,199,210
Aug 2012 Bonded Indebtedness - Housing		\$314,760				\$314,760
Bond Redemption-Purchase & Defeasance Program			\$3,646,033	\$2,415,756		\$6,061,789
Special Revenue Account Debt repayment	\$15,272		\$368,505			\$383,777
Capital Projects						
Orbisonia Heights Assemblage/Relocation		\$300,000	\$0	\$300,000		\$600,000
Community Improvement Programs						
Abatement Attorney		\$12,000				\$12,000
Property Holding Costs		\$25,000				\$25,000
Day Care-Improvement Fund					\$32,751 g	\$32,751
Economic Development Activities						
Housing Projects/Programs						
Youth Homes Predevelopment		\$175,000		\$135,000		\$310,000
Homebuyer Resale Transaction Costs		\$40,000				\$40,000
Community Preservation (foreclosed homes)		\$25,000				\$25,000
Planning Activities						
Administration	\$160,000				f	\$160,000 h
Transfer to Successor Agency	\$0	\$153,606	\$0	\$310,100		\$463,706 h
TOTALS	\$2,468,588 a	\$1,545,366 b	\$5,163,538 c	\$3,160,856 c	\$650,145	\$12,988,493

a: Capital Funds include

Annual Increment	\$1,761,404
Fund Balance	-\$8,501
Debt Service Fund Balance	\$704,210
Interest earnings	\$11,475
Total	\$2,468,588

b: Housing Funds include

Annual Increment	\$286,232
Fund Balance	\$1,067,923
Debt Service Fund Balance	\$179,034
Interest earnings	\$12,177
Total	\$1,545,366

c: Bond Proceeds

Capital Project Proceeds	\$5,163,538
Housing Project Proceeds	\$3,160,856
Total	\$8,324,394

d: Additional encumbrances available for expenditure, but not listed in the budget are:

	<u>Capital Funds</u>	<u>Housing Funds</u>	<u>Bond Capital Funds</u>	<u>Bond Housing Funds</u>	<u>Other Revenue</u>	<u>TOTAL</u>
BART Specific Plan Implementation			\$332,826			\$332,826
Habitat for Humanity		\$193,606		\$732,870		\$926,476
Overland Pacific & Cutler - Orbisonia relocation			\$6,438	\$0		\$6,438
Total Encumbered	\$0	\$193,606	\$339,264	\$732,870		\$1,265,740

e: Cash balances of 6/30/11 are:

-\$8,501	\$1,261,529	\$5,502,802	\$3,893,726
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f: Loan from Special Revenue Acct., subject to separate board action after dissolving the RDA

g: Childcare funds from EHSD to be transferred to County Childcare Fund

h: Includes salaries, benefits, DCD overhead, space rent, and RDA contracts for administrative services outside of DCD.

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B. PROJECT DESCRIPTION: BAY POINT

1. Payments to Other Agencies: Pass-thru payments to taxing agencies pursuant to approved Fiscal Agreements; payments to taxing agencies pursuant to Section 33676 of Health and Safety Code; and charges of the County Auditor-Controller for property tax administration.
2. Bonded Indebtedness: Principal and interest due on outstanding bonded indebtedness, including the first debt payment in FY 12/13. Includes funds to retire the debt the Agency owes to the County Special Revenue Account for prior affordable housing and redevelopment initiatives.
3. Bond Redemption Purchase & Defeasance Program: Unspent bond proceeds allocated to retire outstanding bonds.
4. Orbisonia Heights Assemblage-BART Specific Plan Implementation: Advance acquisition of property within the Specific Plan area for the purpose of future transit oriented development. Also includes the costs associated with drafting an RFP for Development Zone 2 of the Specific Plan area.
5. Abatement Attorney – County Counsel: A pro-rata share of County Counsel expenses for an attorney devoted solely to code enforcement activities.
6. Property Holding Costs: Property maintenance costs including weed abatement, clean up, taxes, etc.
7. Day Care Improvement Fund: Funds from EHSD reserved for day care improvements. Funds will be transferred to the County Childcare Fund.
8. Youth Homes Pre-Development: Funds to cover predevelopment and land assemblage costs associated with the relocation of the Youth Homes Facility (previously located in the Orbisonia Heights Neighborhood of Bay Point) to an Agency owned property within Pittsburg/Bay Point BART Station Area Specific Plan.
9. Homebuyer Resale Transaction Costs: Costs associated with the acquisition, rehabilitation, and resale of deed restricted affordable homes in Bay Point.
10. Community Preservation (foreclosed homes): Costs associated with the acquisition/renovation of foreclosed homes in Bay Point. Program may work in coordination with the Neighborhood Stabilization Program.
11. Administration: Salaries, services, supplies, and equipment in support of project implementation.
12. Transfer to Successor Agency: Unallocated funds to be transferred to the Successor Agency.

PROJECTS WITH ENCUMBERED REVENUES

1. Port Chicago Highway Flood Control Improvements: Project includes replacing the existing culvert at Anchor Drive and Port Chicago Highway and transition improvements upstream and downstream of the culvert.
2. BART Specific Plan Implementation-Infrastructure: Involves capital improvements associated with the implementation of the BART Specific Plan. Funds to use as match to grants awarded for the project.

3. Habitat for Humanity: Funds to assist Habitat for Humanity in the development of a for-sale affordable housing development.
4. Overland Pacific & Cutler-Orbisonia Heights Relocation Consultant services for the coordination of relocation of residents from the Orbisonia Heights neighborhood.

C. INDEBTEDNESS - BAY POINT

The Agency has incurred approximately \$110.2 million in debt as of June 30, 2011, including:

- \$64.6 million in principal and interest on Tax Allocation Bonds issued in 1999, and 2007.
- \$24 million Low and Moderate Income Housing Funds.
- \$20 million contractual obligation pursuant to fiscal agreements.
- \$0.2 million in contractual obligation for infrastructure improvements
- \$0.7 million in administrative services and professional services contracts
- Loans from County of Contra Costa totaling \$.7 million

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1/9/2012

IV RODEO REDEVELOPMENT PROJECT AREA

A. Revenues/Expenses FY 11/12

Revenues and proposed expenditures are as shown:

	<u>Tax Increments</u>		<u>Bond Proceeds</u>		<u>Other Revenue</u>	<u>TOTAL</u>
	<u>Capital Funds</u>	<u>Housing Funds</u>	<u>Capital Funds</u>	<u>Housing Funds</u>		
Payments to Other Agencies						
Property Tax Admin Charge	\$16,600					\$16,600
Fiscal Agreements/33676 Payments	\$534,000					\$534,000
Debt Service						
Bonded Indebtedness - Capital Projects	\$704,025		\$65,975			\$770,000
Bonded Indebtedness - Housing Projects		\$198,581		\$141,419		\$340,000
August 2012 Debt Service Indebtedness-Capitz	\$490,180					\$490,180
August 2012 Debt Service Indebtedness-Housing		\$212,440				\$212,440
Bond Redemption, Purchase & Defeasance Program			\$5,633,787 f	\$692,917		\$6,326,704
Special Revenue Account Debt repayment	\$68,373	\$1,000,000				\$1,068,373
Capital Projects						
Façade Improvement Program Loans/Grants					\$25,213 g	\$25,213
Property Holding Costs	\$40,000				\$2,970 h	\$42,970
Parker Ave. Capitalized Replacement	\$30,000					\$30,000
Community Improvement Programs						
Abatement Attorney - County Counsel	\$9,500	\$9,500				\$19,000
Community Preservation	\$5,000					\$5,000
Housing Projects/Programs						
Community Preservation Assistance (foreclosed homes)				\$453,019		\$453,019
Town Plaza Mixed Use Development				\$0	\$5,818 i	\$5,818
Administration	\$430,000 j					\$430,000
Transfer to Successor Agency	\$290,743	\$911,906	\$0	\$2,239,893		\$3,442,542
						\$14,211,859
	\$2,618,421 a	\$2,332,427 b	\$5,699,762 c	\$3,527,248 c	\$34,001	\$14,211,859

a: Capital Funds Include:

Annual Increment	\$1,445,300	
Fund Balance	\$830,843	
Debt Service Fund Balance	\$340,657	
Interest earnings	\$1,621	
Total	\$2,618,421	\$0

b: Housing Funds Include:

Annual Increment	\$317,760	
Fund Balance	\$1,858,375	
Debt Service Fund Balance	\$147,250	
Interest earnings	\$9,042	
Total	\$2,332,427	

c. Bond Proceeds:

Capital Project Proceeds	\$5,699,762	
Housing Project Proceeds	\$3,527,248	
Total	\$9,227,010	

d: Additional encumbrances available for expenditure, but not listed in the budget are:

	<u>Capital Funds</u>	<u>Housing Funds</u>	<u>Bond Capital Funds</u>	<u>Bond Housing Funds</u>	<u>Other Revenue</u>	<u>TOTAL</u>
CCC PW - Parker Ave			\$54,026			\$54,026
Parker Ave. Capitalized Replacement	\$40,000					\$40,000
Downtown Infrastructure - CCC PW			\$1,144,000 k			\$1,144,000
Rodeo Creek Plan Implementation			\$4,492			\$4,492
Waterfront Infrastructure - KMA	\$13,000					\$13,000
Waterfront Infrastructure - Rodeo Sanitary			\$853,634			\$853,634
HazMat Remediation - Rodeo Marina LLC	\$10,163					\$10,163
Total Encumbered	\$63,163	\$0	\$2,056,152			\$2,119,315

e. Cash Balances as of 06/30/11 are: \$894,006 \$1,858,375 \$7,755,914 \$3,527,248

f. A combination of unspent bond proceeds and reprogrammed encumbrances.

g. Façade Improvement Loan Program Revenue (RDA Funds on deposit with Mechanic's Bank)

h: Rental/Lease revenue for 189 Parker Ave

i. Donated funds for Town Plaza landscaping to be returned

j. Includes salaries, benefits, DCD overhead, space rent and RDA contracts for administrative services outside of DCD.

k. CCC PW contract balance is \$4,665,590. TAB remaining after FY12 expenditure is budgeted for Bond Redemption, Purchase & Defeasance Program.

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B. PROJECT DESCRIPTION: RODEO

1. Payments to Other Agencies: Pass-through payments to taxing agencies pursuant to approved Fiscal Agreements; payments to taxing agencies pursuant to Section 33676 Health & Safety Code; and charges by the County Auditor-Controller
2. Bonded Indebtedness: Principal and interest due on outstanding bonded indebtedness, including the first debt payment in FY 12/13. Includes funds to retire the debt the Agency owes to the County Special Revenue Account for prior affordable housing and redevelopment initiatives.
3. Bond Redemption Purchase & Defeasance Program: Unspent bond proceeds allocated to retire outstanding bonds.
4. Facade Improvement Program Loans/Grants: Financial assistance to downtown businesses and property owners for façade improvements.
5. Property Holding Costs: Property maintenance costs for 189/199 Parker; 1.5 acre Town Plaza site and the 2.1acre site on Willow/San Pablo Avenue.
6. Assessment District Study: To identify mechanism for funding Parker Avenue landscaping once establishment period ends.
7. Parker Ave. Capitalized Replacement: See #2 in projects with encumbered revenue below.
8. Abatement Attorney- County Counsel: A pro-rata share of County Counsel expenses for an attorney devoted solely to code enforcement activities.
9. Community Preservation Program: A pilot program to address blight on vacant properties, boarded up properties, and apartment units in disrepair.
10. Community Preservation Assistance (foreclosed homes): Costs associated with the acquisition/renovation of foreclosed homes. Program may work in coordination with the Neighborhood Stabilization Program.
11. Town Plaza Mixed Use: Funds to implement a mixed-use project to act as a catalyst for economic development and private investment in the downtown area. Funds may be designated for activities such as property acquisition, property management, development of financing plans and development costs, market research, pre-development costs, infrastructure, or site preparation costs.
12. Administration: Salaries, services, supplies, and equipment in support of Agency program and project implementation.
13. Transfer to Successor Agency: Unallocated funds to be transferred to the Successor Agency.

PROJECTS WITH ENCUMBERED REVENUES

1. Parker Avenue Improvements: Encumbered funds for the Contra Costa County Public Works Department for design/construction engineering for Parker Avenue improvements as specified in the Downtown/Waterfront Specific Plan, and to construct the project.
2. Parker Avenue Capitalized Replacement: Funds to replace physically or economically obsolete elements associated with Parker Avenue.

3. Downtown Area Infrastructure Improvements: Funds to continue replacing physically or economically obsolete infrastructure elements in the downtown area.
4. Rodeo Creek Plan Implementation: Funds to complete Phase I improvements of the Rodeo Creek Watershed Vision Plan
5. Waterfront Infrastructure: Encumbered funds to provide financial consultant services for the Waterfront Marina.
6. Waterfront Infrastructure—Rodeo Sanitary District: Funds to allow the Rodeo Sanitary District to undertake a preliminary assessment of sewer line options for an extension of service to the waterfront.
7. Haz Mat Waterfront Remediation-Rodeo Marina LLC: Funds to continue analyzing environmental contamination, marina restoration/maintenance, and financial feasibility for future waterfront revitalization

C. INDEBTEDNESS: RODEO

The Agency has incurred approximately \$91.8 million in debt as of June 30, 2011 including:

- \$0.5 million in contractual obligation for EBRPD improvements;
- \$29.4 million in principal and interest for Tax Allocation Bonds issued in 1999, and 2007.
- \$22.8 million in Low/Moderate Income Housing Funds; and
- \$25.3 million contractual obligation pursuant to fiscal agreements.
- \$1.0 million for Town Square account payable
- \$12.8 million for professional services and administrative services.

1/9/2012

V MONTALVIN MANOR REDEVELOPMENT PROJECT AREA

A. Revenues/Expenses FY 11/12

Revenues and proposed expenditures are as shown:

	Tax Increments		Bond Proceeds		Other Revenue	TOTAL
	<u>Capital Funds</u>	<u>Housing Funds</u>	<u>Capital Funds</u>	<u>Housing Funds</u>		
Payments to Other Agencies						
Property Tax Admin Charge	\$1,000					\$1,000
Fiscal Agreements/33676 Payments	\$17,300					\$17,300
Debt Service						
Bonded Indebtedness - Capital Projects	\$52,900		\$92,100			\$145,000
Bonded Indebtedness - Housing Projects		\$23,253		\$32,747		\$56,000
Aug 2012 Bonded Indebtedness - Capital	\$896				\$90,409 g	\$91,305
Aug 2012 Bonded Indebtedness - Housing		\$37,475				\$37,475
Bond Redemption, Purchase & Defeasance Prog			\$504,424	\$515,968		\$1,020,392
Special Revenue Account Debt repayment	\$282,702					\$282,702
Administration	\$30,000 f					\$30,000
Transfer to Successor Agency		\$82,093	\$0			\$82,093
TOTALS	\$384,798 a	\$142,821 b	\$596,524 c	\$548,715 c	\$90,409	\$1,763,267

a: Capital Funds include

Annual Increment	\$80,296
Fund Balance	\$302,605
Debt Service Fund Balance	\$927
Interest earnings	\$970
Total	\$384,798

\$0

b: Housing Funds include

Annual Increment	\$20,074
Fund Balance	\$121,285
Debt Service Fund Balance	\$330
Interest earnings	\$1,132
Total	\$142,821

\$0

c: Bond Proceeds

Capital Project Proceeds	\$596,524
Housing Project Proceeds	\$548,715
Total	\$1,145,239

d: Additional encumbrances available for expenditure, but not listed in the budget are:

	<u>Capital Funds</u>	<u>Housing Funds</u>	<u>Bond Capital Funds</u>	<u>Bond Housing Funds</u>	<u>Other Revenue</u>	<u>TOTAL</u>
Transit Access Project			\$363,482			\$747,982
Housing Rehabilitation		\$10,550		\$0	\$384,500 h	\$10,550
Total Encumbered	\$0	\$10,550	\$363,482	\$0	\$384,500	\$758,532

e: Cash balances of 6/30/11 are:

\$302,605	\$131,835	\$960,006	\$548,715
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f: Includes salaries, benefits, DCD overhead, space rent, and RDA contracts for administrative services outside of DCD.

g: Loan from Special Revenue Acct. subject to a board authorization after RDA dissolves.

h: Transportation for Livable Communities funds

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B. PROJECT DESCRIPTION: MONTALVIN MANOR

1. Payments to other Agencies: Statutory pass-thru payments to taxing agencies pursuant to Section 33607.5 of the California Health & Safety Code; and charges of the County Auditor-Controller.
2. Bonded Indebtedness: Principal and interest due on outstanding bonded indebtedness incurred, including the first debt payment in FY 12/13. Includes funds to retire the debt the Agency owes to the County Special Revenue Account for prior affordable housing and redevelopment initiatives.
3. Bond Redemption Purchase & Defeasance Program: Unspent bond proceeds allocated to retire outstanding bonds.
4. Administration: Salaries, services, supplies, and equipment in support of project implementation.
5. Transfer to Successor Agency: Unallocated funds to be transferred to the Successor Agency.

PROJECTS WITH ENCUMBERED REVENUES

1. Transit Access Project: Funds for costs associated with the installation Pedestrian enhancements along San Pablo Avenue and Kay Road.
2. Housing Rehabilitation: Housing Funds to develop and implement a program to rehabilitate existing housing in Montalvin Manor for low and moderate-income households.

C. INDEBTEDNESS: MONTALVIN MANOR

The Agency has incurred approximately \$21.6 million in debt as of June 30, 2011 including:

- Loans from the County of Contra Costa totaling \$0.9 million.
- Bonded Indebtedness from 2007 Tax Allocation Bond issue totaling \$5.3 million.
- Low and Moderate Income Housing Fund obligations of \$5.9 million;
- Contractually obligated fiscal agreement of \$7.9 million; and
- \$1.6 million for project area improvements

SECTION 3 -- WORK PROGRAM FOR FISCAL YEAR 2011/12

The work program of Contra Costa County Redevelopment Agency for fiscal year 2011/12 is directed at continuing the implementation of the Contra Costa Centre Area Redevelopment Plan and Specific Plan, and the Redevelopment Plans for North Richmond, Bay Point, Rodeo, and Montalvin Manor, and the Pittsburg/Bay Point BART Station Area Specific Plan and Rodeo Downtown/Waterfront Specific Plan.

Specific goals, objectives and tasks of the Agency for fiscal year 2011/12 are outlined below:

I. **Contra Costa Centre Redevelopment Project Area:**

Goal 1: Secure necessary financing to implement the Plan.

- A. Secure remaining funds from developers under terms of Disposition and Development Agreements (DDA's).
- B. Facilitate property transfers as appropriate to expedite project/program implementation.
- C. Amend and implement final agreements necessary to achieve feasible development of Areas 11/12 (BART property), including asset management to realize revenue due.

Goal 2: Continue access and infrastructure improvements necessary to allow construction to begin and to serve completed buildings.

- A. Continue to transfer property as necessary to facilitate public improvements.
- B. Secure property dedications as specified in DDA's or development approvals.
- C. Evaluate need for new rights-of-way and, if necessary, pursue acquisition.
- D. Complete planning for the construction of the Walden Green Phase II in Iron Horse Corridor. Planning includes identification of an ongoing source of maintenance funding for the improvements through a community-based evaluation process. The project is also expected to begin construction during FY 11/12.
- E. Provide funding for local circulation and safety enhancements. Design of improvements is expected to be complete in FY 11/12, with construction completed by second quarter 2012. Grant funds being sought for enhancements on the Treat Boulevard overcrossing of I-680.

Goal 3: Continue to evaluate Specific Plan Implementation.

- A. Continue to implement a Transportation Demand Management (TDM) Program.
 - 1. Coordinate with Contra Costa Centre Association for program development.
 - 2. Coordinate the implementation of TDM with the completion and occupancy of buildings.
- B. Implement, with the Contra Costa Centre Association, a Child Care Affordability Program.
- C. Coordinate implementation of the BART Transit Village, consistent with the approved Final Development Plan for the BART Joint Development Property (Areas 11/12).
- D. Create and implement, in partnership with the Contra Costa Centre Association and BART, a Wayfinding program in the area.

Goal 4: Facilitate the Development of Affordable Housing.

- A. Provide financial assistance, as provided for in DDA's, to facilitate the delivery of affordable housing in the Park Regency project, Coggins Square, the BART Transit Village, and 1250 Las Juntas Way.

- B. Undertake property transfers necessary to facilitate the additional development of affordable housing in the area, including:
 - 1. Implementing a plan of finance for the development of the BART Transit Village as a mixed income residential/mixed-use property (Block C).
 - 2. Implementing a coordinated program with the City of Walnut Creek for determining a development type, developer, plan of finance, and schedule for the Agency owned property at 1250 Las Juntas Way.

II. **North Richmond Redevelopment Project Area**

Goal 1: Implementation of the North Richmond Redevelopment Plan.

- A. Monitor and provide support for private development within the Project Area.
- B. Continue to work with the North Richmond Municipal Advisory Council (MAC) in implementing the Plan and to attend monthly community meetings.
- C. Work with County Public Works staff in implementing a North Richmond Area of Benefit to include Project Area road improvements and other potential funding sources.
- D. Continue to work with the County's Workforce Development Board, local service providers, and other governmental agencies to offer specialized training and a revamped first source hiring program.
- E. Undertake directed economic development activities, including direct business attraction using financial assistance, and indirect assistance via financing area wide drainage/infrastructure improvements to facilitate private economic investment.
- F. Work with County Administrator and other County Department staff to implement an abatement revolving loan fund program for North Richmond.
- G. Continue the plan of Unified Development (Heritage Point) to acquire and redevelop six contiguous parcels along Fred Jackson Way into a mix of commercial and residential amenities.
- H. Seek to leverage Agency resources by submitting applications for federal/state/local grants.
- I. Continue to work with North Richmond Green (formerly the Beautification Committee) and the North Richmond Waste & Recovery Mitigation Committee to address cross-jurisdictional issues such as code enforcement, abandoned vehicle abatement, trash collection, graffiti removal and other clean up activities.
- J. Continue to refine the permitting process for developers, businesses, and local property owners with the goal of simplifying entitlement procedures in order to prepare the area for long term growth.
- K. Work with the County Administrator and other County departments to evaluate the proposed Indian Gaming facility, and develop community mitigations to build into a State Compact should the proposal go forward.
- L. Continue the work necessary to complete the North Richmond Industrial Area General Plan Amendment, Specific Plan, and Environmental Impact Report (EIR) to transform over 200 acres of underutilized land into a new residential neighborhood consisting of parks, open space, residential housing, mix-use development, commercial/retail outlets, public amenities and infrastructure improvements. This initiative is expected to be released in 2012.
- M. Continue to work with Public Works staff to complete improvements and community safety improvements by upgrading the pedestrian railroad crossing at 7th Street and

Market Avenue to include construction of new curb, gutters, sidewalks, and drainage modifications.

Goal 2: Monitor related public improvements in the Project Area.

- A. Continue to monitor progress of the Professionally Accredited Levee Program to remove areas in North Richmond from FEMA designated Flood Zones.
- B. Continue to support the Resident Deputy Program and other law enforcement activities including, but not limited to: illegal dumping, graffiti abatement, litter/trash abatement, and the surveillance of private development sites.

Goal 3: Commence infrastructure improvements necessary to allow construction to begin and to serve existing structures.

- A. Initiate property acquisition and disposition where required to facilitate public improvements.
- B. Adopt joint resolutions and finalize the memorandum of understanding with the City of Richmond to expand Richmond's Enterprise Zone into the unincorporated community of North Richmond.
- C. Implement necessary infrastructure improvements to promote economic development activities.
- D. Work with County Public Works staff to implement a comprehensive Infrastructure Improvement Program for the employment generating area north of Parr Boulevard. This initiative will help gauge the level of community/property owner support for participation in a public-private partnership to finance additional improvements. The plan of finance may consider local public finance tools (assessment proceedings, special tax districts, etc.), federal and/or state funds, redevelopment funds, and developer fees.
- E. Complete the feasibility analysis of the Precise Alignment for the North Richmond Truck Route Project, including project costs, right-of-way acquisitions, and environmental clearances for CEQA/NEPA. The Precise Alignment serves as the basis for pursuing a Federal earmark, as well as other project funding from Federal, State, and local governmental funding sources.
- F. Continue to explore grant funding to expand the streetscape improvements along Fred Jackson Way between Grove Avenue and Wildcat Creek and an ongoing funding source to maintain these improvements.

Goal 4: Facilitate the development of affordable housing.

- A. Continue to work with appropriate private, public, and non-profit organizations and, participate in the development of affordable housing and implementation of the Agency's inclusionary housing requirement for new subdivisions such as Signature Properties' Nove site and the Heritage Point Mixed-Use Development.
- B. Facilitate affordable homeownership opportunities through the resale of the Parkway Estates units, Youthbuild homes, Bella Flora homes (KB Home), First Time Homebuyer Program, IDA (Individual Deposit Account) Program, and the Neighborhood Stabilization Program (NSP)
- C. Continue to work with the Housing Authority to evaluate the reuse of the Las Deltas Housing Development, including the numerous scattered sites and vacant public housing units.
- D. Continue to support the development of Community Housing Development Corporation of North Richmond (CHDC) by providing project based capacity building financial assistance, and a commercial rehabilitation loan to renovate CHDC's office in order to expand service delivery to local residents.

III. Bay Point Redevelopment Project Area

Goal 1: Implementation of the Bay Point Redevelopment Plan.

- A. Continue to work with the Bay Point Municipal Advisory Council in implementing the Redevelopment Plan.
- B. Monitor and provide support for private development within the Project Area.
- C. Continue to work with the County Counsel, District V Office, and Building Inspection Division to address code enforcement and abatement activities in Bay Point.
- D. Continue implementation of the Pittsburg/Bay Point BART Station Area Specific Plan, Development Zone 2 and a portion of Development Zone 3.
- E. Monitor remediation of the Shell pond, on the PG&E property east of the Bay Point Marina.
- F. Implement economic development activities, including a strategic plan for the marina and waterfront area, monitoring the conditions of approval for a business park, implement Enterprise Zone in partnership with the City of Pittsburg, and participate in regional economic development efforts.
- G. Continue to work on the Agency's website (ccreach.org) and use it as a tool for providing information to residents, developers and other interested parties.

Goal 2: Monitor related public improvements in the Project Area.

- A. Monitor the status of the planned relocation of the Contra Costa Fire District's Station 86 (Bay Point).
- B. Monitor updates to the Capital Road Improvement Program, the priority list for the underground utility program, and modifications to the Bay Point Area of Benefit (AOB) Program. Continue to seek grant funding for infrastructure improvements.
- C. Monitor infrastructure improvements to Willow Pass Road.
- D. Monitor implementation of transportation priorities identified in the Port Chicago Highway Mitigation program.
- E. Monitor planning and development of the Great California Delta Trail.
- F. Monitor master plan process for Ambrose Park Improvements.

Goal 3: Facilitate infrastructure improvements necessary to allow construction to begin and to serve existing structures.

- A. Work on the design and identify funding opportunities for implementing the Bailey Road Bicycle and Pedestrian Improvement Project.
- B. Explore alternative alignments for improvements to Willow Pass Road, Bailey to Pittsburg City limits.
- C. Explore funding opportunities for capital improvements needed to implement the BART Specific Plan, including improvements to Bailey Road and Willow Pass Road.
- D. Implement the improvements identified in the infrastructure study for the Bella Vista/Home acres neighborhood, as opportunities become available.
- E. Complete improvements to Bailey Road, between State Route 4 and Leland, in conjunction with the City of Pittsburg.

Goal 4: Facilitate the development of affordable housing.

- A. Work with appropriate non-profit and for-profit organizations in developing affordable housing, and actively participate in development activities where able.
- B. Continue to work with the non-profit developer (Habitat for Humanity) on the development of property for single-family residences on an infill site.
- C. Work with Youth Homes to develop an Agency-owned site into a group home, completing the relocation of the facility from Orbisonia Heights.
- D. Implement programs to improve the quality of the existing housing stock including the housing rehabilitation program.

IV. Rodeo Redevelopment Project Area

Goal 1: Implementation of the Rodeo Redevelopment Plan.

- A. Monitor and provide support as appropriate for private development within the Project Area.
- B. Work with the Public Works Department to develop and implement a program to identify and install infrastructure improvements that will help revitalize the Marina and downtown Rodeo area.
- C. Work with the Public Works Department in implementing the West County Area of Benefit (AOB) and in identifying other sources of funding for road improvements that would promote the revitalization of Rodeo.
- D. Continue to work with the Public Works Department to develop a maintenance funding mechanism for the newly reconstructed Parker Avenue improvements.
- E. Work with County Service Area R-10 and the East Bay Regional Park District to develop and begin park and recreation plans and programs. Evaluate and initiate implementation of projects as specified in the Specific Plan for the downtown and waterfront areas.
- F. Continue working to complete the Rodeo Waterfront Predevelopment Assessment Program as recommended in the Rodeo Downtown/Waterfront Strategic Planning process.
- G. Work with the Rodeo Sanitary District to complete the construction of the public sewer line to provide service to the Rodeo Marina.
- H. Continue property assemblage as opportunities become available and pursue development of the Town Square mixed-use project as market conditions warrant.
- I. Implement programs to improve the quality of the existing housing stock including the housing rehabilitation program.
- J. Complete the marketing collateral materials to market commercial and residential sites in the Rodeo Redevelopment Project Area, and develop marketing tools as specified in the marketing plan.
- H. Continue to work with the owners of the Willow Hawthorne site to pursue development as market conditions improve.
- I. Continue working with New Horizons Career Development Center to improve service delivery and job development activities.
- J. Continue working with the Rodeo Chamber of Commerce, RMAC, R-10 and Rodeo Sanitary District to draw people to the Rodeo community.

V. Montalvin Manor Redevelopment Project Area:

Goal 1: Redevelopment Plan Implementation.

- A. Work with the Redevelopment Advisory Committee to develop a long-term strategic plan for achieving Plan goals.
- B. Continue to implement actions outlined in the Montalvin Manor Pedestrian and Transit Access Improvement Strategy.
- C. Work with County Department of Public Works to assess drainage and traffic calming issues.
- D. Improve the quality of the existing housing stock by continuing the Redevelopment Housing Rehabilitation Loan Program, and the Neighborhood Stabilization Program (NSP).

EXAMINATION OF ACHIEVEMENTS FOR FISCAL YEAR 2011

The Redevelopment Agency, during fiscal year 2010/11, continued to implement its Redevelopment Plans.

I. Contra Costa Centre Redevelopment Project Area

- A. Blocks A, B, and E of the Contra Costa Centre Transit Village were completed and the residential units fully leased.
- B. Infrastructure Improvements: Engineering/design was ongoing for circulation and alternative mode improvements in the area. The Iron Horse Trail Pedestrian/Bicycle Overcrossing was completed and opened to the public. A community design program for a Shortcut Path to the neighborhoods east of the Station Area (David/Minert Rd) was delayed due to policing concerns of the Walnut Creek City Council and other budget issues. Major construction work was completed for the core infrastructure and placemaking infrastructure associated with the BART Transit Village Project. Staff continues to work with commercial property owners to develop and implement an area wide wayfinding program. The Agency continued to work with BART on implementing Station enhancements.
- C. Private Development: The Agency worked with private developers to business agreements including a Disposition and Development Agreement, Ground Leases, a Construction Agreement, and a Financial Assistance Agreement.

II. North Richmond Redevelopment Project Area

- A. Development: Agency staff continues to work with the community, County staff, and a consultant to develop and implement the North Richmond Industrial Area General Plan Amendment/Specific Plan and related EIR. The Specific Plan process involves transforming approximately 200 acres of land bounded by Wildcat Creek, San Pablo Creek, Richmond Parkway, and the Union Pacific railroad tracks into a new residential neighborhood. Several critical milestones were achieved, including community consensus on a preferred alternative concept, tentative approval for a secondary access road off of the Richmond Parkway, and a proposed swap of the North Richmond Ballfield. Agency staff worked with several private and non-profit developers in facilitating infill housing on scattered sites. Staff continued work on the Heritage Point Mixed-Use Development to assemble parcels along Third Street in order to redevelop and complete the Phase II of the North Richmond Town Center. Six properties have been acquired and three of the structures demolished. The Agency continued to provide funding and assisted with the leveraging of federal funds to initiate the First Time

Homebuyers and Individual Deposit Account Programs for first time homebuyers. Agency staff worked with several private property owners to plan and implement construction of commercial/industrial development within the employment generating area of the community. Agency staff continues to work with the County Housing Authority to explore planning options and alternatives to revitalize the 224 unit Las Deltas public housing development.

- B. Infrastructure: The Agency initiated work with Public Works staff to affirm previous findings and implement a comprehensive area-wide infrastructure improvement program for the area. Agency staff continues to pursue funding to continue Fred Jackson Way (3rd Street) improvements from Grove to Wildcat Creek. Staff continues to work with the cities of Richmond and San Pablo, and local stakeholders to complete environmental clearances to develop a Precise Alignment for the North Richmond Truck Route Project. The Agency continues to improve community safety by upgrading the pedestrian railroad crossing at 7th and Market Avenue to include construction of new curb, gutters, sidewalks, driveways and drainage modifications. Agency staff continues to work with the Public Works Department, County Flood Control District, and WRT to remove homeowners out of the flood plain and to find solutions for levee accreditation and compliance with FEMA's new Flood Plain Maps. Agency staff worked with the County Public Works Department to complete construction of the pocket park in the Parkway Estates Development.
- C. General: The Agency has collaborated on community improvement initiatives with the North Richmond Waste and Recovery Mitigation Fee Committee, a joint County/City board. Agency staff, along with CHDC and the City of Richmond, continues to support the North Richmond Green Campaign and its effort to eradicate blight, graffiti removal, and illegal dumping. Agency staff continues to work with private, nonprofit and other County departments to implement an information system for available programs and services. Agency continues to provide a revolving abatement loan program to remove unsafe structures and prevent squatters from occupying foreclosed homes. Through a grant, the Agency continues to support the Young Adult Empowerment Center with new office furniture, bullet resistant lighting, and upgrades to the security system. Agency continues to bolster police services by partially supporting two resident deputy positions exclusively for the North Richmond community.
- D Economic Development: The Agency continues to spearhead the First Source Hiring Program working with other County departments and local service providers. The Agency continues to partner with the City of Richmond to expand the Richmond Enterprise Zone into the employment generating area north of Parr Boulevard. The Agency continued to work with CHDC to renovate its offices and expand service delivery functions. The Agency continues to explore temporary uses with organic growers for vacant or underutilized land within the industrial area and parts of the North Richmond Specific Plan. The Agency continues to work with the Federal Deposit Insurance Corporation (FDIC) and CHDC to offer tax return assistance to North Richmond residents under the VITA (Volunteer Income Tax Assistance) Program. The Agency continues to explore partnership opportunities with The California Endowment (10 Year Pledge) to transform the area into a safe and healthy neighborhood. Agency continues to work with Local Initiatives Support Corporation (LISC) to implement the 4th Edition of the North Richmond Housing Memorandum of Understanding.

III. **Bay Point Redevelopment Project Area**

- A. Development: Agency staff continued to work with non-profit and private developers interested in affordable housing development throughout the Project Area. Staff continued to work with a property owner to comply with conditions of approval for a light-industrial business park. Agency staff continues to work with the new property owner to develop a hotel on property previously owned by the county. Staff has made significant

progress on the Orbisonia Heights land assemblage program, the first step in implementing the BART Specific Plan. To date 44 of 45 parcels have been acquired. Approximately 30 structures have been demolished to date.

- B. Infrastructure: Staff continues to work on the design of the gap closure in the Delta DeAnza Regional Trail through Bay Point. Staff continued to identify funding sources for infrastructure improvements on Willow Pass Road and Bailey Road. Staff worked with the City of Pittsburg on the design of infrastructure improvements to Bailey Road, between State Route 4 and Leland Road.
- C. Economic Development: Staff continues to make marketing information available on the Agency's website (ccreach.org). Staff continued to work with project applicants to facilitate review of land use proposals. Staff has been working with the Bay Point Chamber of Commerce. Staff monitored the status of enterprise zones with the State. The Targeted Employment Area for the Enterprise Zone was approved by the State.
- D. General: Staff continues to work with County Counsel, District V Office, Building Inspection, Environmental Health, and the Sheriff's Department to address code enforcement and abatement activities in the Bay Point Project Area.

IV. Rodeo Redevelopment Project Area

- A. Development: Agency staff continues to work with private developers interested in residential, mixed-use, and commercial development in the Project Area. Agency staff continues to work with the owners of the Rodeo Marina to facilitate development and create a sense of place. Agency continues to pursue acquisition of the Windmill Bar parcel at the Town Center site.
- B. Infrastructure: Agency staff continues to work with Public Works in evaluating the possibility of establishing an assessment that would provide ongoing maintenance for Parker Avenue improvements. Agency staff also worked with Public Works to develop a proposed program to identify and install infrastructure improvements that will help revitalize the downtown area and Rodeo Marina. Agency staff worked with the Rodeo Sanitary District on annexation of the waterfront marina and downtown area into its service area.
- C. Economic Development: Staff completed collateral materials to enhance image of, and to stimulate economic development activities in Rodeo. Staff continues to explore private investors for the Development of the Town Plaza site which is the town center. Staff continues to work with Rodeo Sanitary District to amend the scope that would supply Downtown Rodeo and the Waterfront Marina with a connection to the Sanitary District.
- D. General: The Agency contributed funds to augment CDBG-R grant funds to make improvements to the Lefty Gomez recreation building. The Agency initiated a Predevelopment Assessment at the Rodeo Waterfront including a Brownfield environmental site assessment, a marina study, and a financial analysis. The Agency continues to work with the East Bay Regional Park District for future implementation of Lone Tree Park. The Agency worked in cooperation with the Public Works Department and the Contra Costa Resource Conservation District and the community to prepare a Rodeo Creek Watershed Vision Plan and implement the first phase of the plan.
- E. Agency staff and the Building Inspection-Neighborhood Preservation Program implemented a housing rehabilitation program for the Redevelopment Project Areas in Montalvin Manor, North Richmond, Bay Point, and Rodeo.

V. Montalvin Manor Redevelopment Project Area

- A. On June 16, 2009 the Board of Supervisor approved the Planned-Unit District (P-1) Re-zoning for Montalvin Manor and on June 23, 2009 approved the Montalvin Manor Building Permit Amnesty Program Ordinance to address non-permitted construction (i.e. garage conversions, car ports, room additions, roof conversion, 2nd story additions). The Building Permit Amnesty Program officially began on July 23, 2009 and was extended on July 27, 2010 to terminate on December 31, 2010. During the Amnesty Program period, over 80 applications were received, with over 50 receiving a building permit for previously un-permitted construction/renovations to single-family residential dwellings.
- B. Agency staff and the Building Inspection-Neighborhood Preservation Program continued with the implementation of the Redevelopment Housing Rehabilitation Program for the Redevelopment Project Areas in Montalvin Manor, North Richmond, Bay Point, and Rodeo. Four home rehabilitation loans were made to Montalvin Manor homeowners during FY 2009/10. Unfortunately, due to budget constraints stemming from the economic recession and housing foreclosure crisis, the Redevelopment Housing Rehabilitation Program has been cancelled. The Program is expected to continue once redevelopment revenue improves to a point where it can be supported.
- C. The design/engineering plans and the environmental reviews for the San Pablo Avenue and Kay Road pedestrian access and safety improvements were completed. Construction of the improvements to San Pablo Avenue and Kay Road is expected to start sometime during August/September 2011.

SECTION 4 – BLIGHT PROGRESS REPORT

Health and Safety Code Section 33080.1(d) requires the preparation of an annual progress report of the Agency in addressing blight. This report provides specific activities and expenditures of the Agency in FY 11 in addressing blighting conditions.

Contra Costa Centre

Blight removal activities of the Agency are intended to achieve/support sustainable development/transit-oriented development including transportation and circulation improvements; urban design enhancements; and affordable housing:

- Transportation and circulation improvements – Major expenditures associated with the Robert I. Schroeder Pedestrian and Bicycle Overcrossing were made to complete the construction and open the overcrossing to the public. Improvements related to the area's Transportation Demand Management (TDM) program were also made;
- Enhancements to the Avalon Walnut Creek Transit Village project were made including lighting, landscaping, town plaza, and street furniture. Additional landscaping initiatives related to Walden Green and the Hookston Station area were also undertaken; and
- Achievement of social equity goals has been achieved via the production of mixed income housing supported by the Agency including the Park Regency Apartments, Coggins Square, and the Avalon Walnut Creek Transit Village Project.

North Richmond

Blight removal activities of the Agency are intended to address the lack of road, drainage and utility improvements in the employment areas of North Richmond; enhancements to the existing residential area through the provision of social, recreational, and employment and training enhancements; and the provision of affordable housing:

- A major effort to replan a portion of the light industrial area was undertaken. The intent is to create a residential and mixed-use area with the full complement of community facility and services. Planning includes a major truck route initiative to remove obnoxious odors and emissions from residential neighborhood areas. Improvements to Market Ave. in the existing neighborhood were undertaken.
- Initiatives to address illegal dumping and community-oriented policing were funded to address two issues that continue to blight the area.
- Project scoping for a future infrastructure initiative serving the employment area were completed, and will be undertaken in the future; and
- Major blight removal was accomplished via the acquisition of four of six properties on Third Street for a future affordable housing and retail project. A Master Developer for a future new construction project was identified, and will be a major initiative of the Agency in the future.

Bay Point

Blight removal activities of the Agency are intended to achieve sustainable/transit-oriented near the Pittsburg/Bay Point BART Station; address issues associated with the underutilized waterfront; pursuing employment opportunities; stabilizing neighborhoods negatively affected by the mortgage foreclosure problem; and achieving affordable housing:

- A primary initiative of the Agency is the assemblage of a seven-acre development site near the BART Station. The area was characterized by substandard structures and deficient infrastructure. The area will be a future mixed-use transit-oriented development project;
- Employment opportunities will be enhanced by the establishment of an Enterprise Zone, an partnership with the City of Pittsburg;
- Infrastructure in the Bella Vista area was the subject of a preliminary engineering program. Budgetary constraints will postpone implementation; and
- Road and circulation improvements were focused on the BART Station Area/Bailey Road Corridor.

Rodeo

Blight removal activities of the Agency are intended to address infrastructure deficiencies in the downtown and waterfront area; hazardous materials issues on the waterfront; stabilizing neighborhoods negatively affected by the mortgage foreclosure problem; and achieving affordable housing:

- A primary initiative of the Agency, establishment of an anchor mixed-use development in the downtown, has been hampered by the downturn in the economy.
- Waterfront hazardous materials remediation is ongoing in partnership with property interests;
- Major infrastructure upgrades to the downtown area and waterfront were negotiated and are currently undergoing design engineering. Construction is expected in 2012.

Montalvin Manor

Blight removal in this largely built-out neighborhood focus on improving the quality of substandard residences, improving the quality of existing community facilities and parks, and improving area circulation for vehicles, pedestrians and bicycles. The neighborhood is also in need of stabilization due to the adverse affects of the housing foreclosure issue:

- Major improvements to the areas deteriorated sidewalks were undertaken;
- Pedestrian and bicycle improvements along San Pablo Ave and Kay Road have been designed and will be constructed in the next fiscal year;
- An amnesty program to incentivize property owners to legalize previously unpermitted work was undertaken. It had a substantial positive affect on the quality of the housing stock; and
- A housing rehabilitation program to finance housing improvements was initiated. Its future will be impacted by the substantial loss of property values in the area.

SECTION 5 – LOAN STATUS REPORT

Health and Safety Code Section 33080.1(e) requires the preparation of an annual status report of loans the Agency has made in an amount greater than or equal to \$50,000, that in the previous fiscal year were in default, or not in compliance with the terms of the loan approved by the redevelopment agency.

The Contra Costa County Redevelopment Agency has no loans greater than or equal to \$50,000 that were in default, or out of compliance with the terms of the loan in the previous fiscal year 2010/11.

SECTION 6 – PROPERTY STATUS REPORT

Health and Safety Code Section 33080.1(f) requires the preparation of an annual report of property owned by the Agency. This report satisfies the requirement to disclose the status of properties owned.

Project Area	Property Address	Assessor's Parcel Number(s)	Acquisition Year	Purpose	Status
Contra Costa Centre					
	1250 Las Juntas Way	148-180-050	2003	Housing	Land held for resale
	1250 Las Juntas Way	148-180-051	2003	Housing	Land held for resale
	1250 Las Juntas Way	148-180-052	2003	Housing	Land held for resale
	Iron Horse Corridor	147-050-043	1986	Trail	Restricted-Transportation
	Iron Horse Corridor	147-050-044	1986	Trail	Restricted-Transportation
	Iron Horse Corridor	147-050-047	1986	Trail	Restricted-Transportation
	Buskirk Avenue	148-100-056	1986	Road right-of-way	Restricted-Transportation
	Iron Horse Corridor	148-120-012	1984	Trail	Restricted-Transportation
	Iron Horse Corridor	148-180-047	1985	Trail	Restricted-Transportation
	Iron Horse Corridor	148-180-048	1986	Trail	Restricted-Transportation
	Iron Horse Corridor	148-180-049	1986	Trail	Restricted-Transportation
	Iron Horse Corridor	148-221-016	1984	Trail	Restricted-Transportation
	Iron Horse Corridor	148-221-030	1986	Trail	Restricted-Transportation
	Iron Horse Corridor	148-360-014	1986	Trail	Restricted-Transportation
	Iron Horse Corridor	148-360-024	1986	Trail	Restricted-Transportation
	Iron Horse Corridor	148-360-031	1986	Trail	Restricted-Transportation
	Iron Horse Corridor	172-100-038	1984	Trail	Restricted-Transportation
North Richmond					
	1820 6th St	409-132-015	2004	Housing	Land held for resale
	1711 4th St.	409-261-015	2004	Housing	Land held for resale
	305 Chesley *	409-080-013	2009	Housing	Land held for resale
	1534 3rd St *	409-080-014	2009	Housing	Land held for resale
	1546 3rd St *	408-080-020	2009	Housing	Land held for resale
	304 Grove *	409-080-001	2010	Housing	Land held for resale
	1542 3rd St *	409-080-016	2010	Housing	Land held for resale
* Heritage Point land assemblage					
Bay Point					
	187 N Broadway	096-041-026	2003	Housing	Land held for resale
	195 N Broadway	096-041-001	2003	Housing	Land held for resale
	199 N Broadway	096-041-013	2003	Housing	Land held for resale
	96 Enes Ave #	097-037-007	2007	Housing	Deed restricted held for resale
	231 Amerson Ave #	097-270-021	1995	Housing	Land held for resale

235 Amerson Ave	#	097-270-022	1995	Housing	Land held for resale
Amerson Ave	#	097-270-018	1995	Housing	Land held for resale
235 Amerson Ave	#	097-270-076	1998	Housing	Land held for resale
Mims Ave	#	097-270-074	2001	Housing	Land held for resale
Canal Rd	@	097-270-078	1998	Commercial	Land held for resale
Canal Rd	@	097-270-080	2001	Commercial	Land held for resale
Bel Air Lane		097-270-056	1993	Housing	Land held for resale
610 S Broadway	^	094-013-001	2006	Housing	Land held for resale
585 S Broadway	^	094-015-010	2005	Housing	Land held for resale
581 Bailey Rd	^	094-012-035	2006	Housing	Land held for resale
690 S Broadway	^	094-026-002	2007	Housing	Land held for resale
51 Maylard St	^	094-014-011	2007	Housing	Land held for resale
668 S Broadway	^	094-013-005	2007	Housing	Land held for resale
560 S Broadway	^	094-012-024	2007	Housing	Land held for resale
590 S Broadway	^	094-012-027	2007	Housing	Land held for resale
670 S Broadway	^	094-013-006	2007	Housing	Land held for resale
641 S Broadway	^	094-014-012	2007	Housing	Land held for resale
551 S Broadway	^	094-015-013	2007	Housing	Land held for resale
541 S Broadway	^	094-015-014	2007	Housing	Land held for resale
591 S Broadway	^	094-015-027	2007	Housing	Land held for resale
650 S Broadway	^	094-013-003	2007	Housing	Land held for resale
660 S Broadway	^	094-013-004	2007	Housing	Land held for resale
651 S Broadway	^	094-014-013	2007	Housing	Land held for resale
570 S Broadway	^	094-012-025	2008	Housing	Land held for resale
540 S Broadway	^	094-012-022	2008	Housing	Land held for resale
631 Bailey Rd	^	094-013-007	2008	Housing	Land held for resale
680 S Broadway	^	094-026-001	2008	Housing	Land held for resale
550 S Broadway	^	094-012-023	2008	Housing	Land held for resale
495 Wollam	^	094-015-006	2008	Housing	Land held for resale
661 S Broadway	^	094-014-014	2008	Housing	Land held for resale
498 Wollam	^	094-016-002	2008	Housing	Land held for resale
681 Bailey Rd	^	094-026-005	2008	Housing	Land held for resale
580 S Broadway	^	094-012-026	2008	Housing	Land held for resale
671 S Broadway	^	094-014-001	2009	Housing	Land held for resale
571 S Broadway	^	094-014-010	2009	Housing	Land held for resale
611 Bailey Rd	^	094-013-010	2009	Housing	Land held for resale
605 Bailey Rd	^	094-013-011	2009	Housing	Land held for resale
620 S Broadway	^	094-013-002	2009	Housing	Land held for resale
581 S Broadway	^	094-015-011	2009	Housing	Land held for resale
571 S Broadway	^	094-015-012	2010	Housing	Land held for resale
591 Bailey Rd	^	094-015-036	2010	Housing	Land held for resale
530 S Broadway	^	094-012-021	2001	Housing	Land held for resale
531 Bailey Rd	^	094-012-030	2001	Housing	Land held for resale
541 Bailey Rd	^	094-012-031	2001	Housing	Land held for resale
551 Bailey Rd	^	094-012-032	2001	Housing	Land held for resale
561 Bailey Rd	^	094-012-033	2001	Housing	Land held for resale
571 Bailey Rd	^	094-012-034	2001	Housing	Land held for resale
Memorial Way	^	094-015-028	2001	Housing	Land held for resale
621 Bailey Rd	^	094-013-008	2008	Housing	Land held for resale
615 Bailey Rd	^	094-013-009	2010	Housing	Land held for resale

671 Bailey Rd	^	094-026-006	2010	Housing	Land held for resale
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Amerson/Mims Ave. land assemblage

@ Canal Road land assemblage

^ Orbisonia Heights land assemblage

Rodeo

Railroad Ave	>	357-161-001	2005	Housing	Land held for resale
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Railroad Ave	>	357-161-002	2005	Housing	Land held for resale
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223 Parker Ave	>	357-161-013	2006	Housing	Land held for resale
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710 Willow Ave		357-120-074	1998	Housing	Land held for resale
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> Town Plaza land assemblage

Corrected 1-10-12

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SECTION 7 - LIST OF TIME LIMIT EXPIRATIONS

	Contra Costa Centre*	North Richmond	Bay Point	Rodeo	Montalvin Manor
Adoption Date	7/10/84	7/14/84	12/29/87	7/10/90	7/8/03
Ordinance Number	84-30	87-50	87-102	90-50	2003-23
Debt Establishment	Deleted	Deleted	Deleted	Deleted	7/8/23
Plan Effectiveness	7/10/29	7/14/28	12/29/28	7/10/31	7/8/34
Debt Repayment	7/10/36	7/14/38	12/29/38	7/10/41	7/8/49
Bond Debt Limit	\$160 Million **	\$30 million	\$60 million	\$60 million	\$50 million
Cumulative Tax Increment	\$423 million**	\$60 million	\$116 million	\$125 million	not required
Cumulative Tax Increment (through FY09/10)***	\$83.7 million	\$21.5 million	\$36.3 million	\$19.8 million	\$2.8 million
Last Date of Plan Amendment	7/18/06	6/3/08	5/20/08	7/18/06	7/18/06

*Formerly Pleasant Hill BART

**Combined for Original and Amended RDA

***Disclosure statement for FY 09/10 (3/31/11 Filing)

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month							Total
						Aug**	Sept	Oct	Nov	Dec	Jan		
1)	1999 Tax Allocation Bonds	US Bank NA	Bonds issue to fund non-housing projects	23,639,945	1,521,587	1,132,672					388,915		1,521,587
2)	1999 Tax Allocation Bonds	US Bank NA	Bonds issue to fund housing projects	4,696,495	259,755	183,723					76,032		259,755
3)	2003A Tax Allocation Bonds	US Bank NA	Bonds issue to fund non-housing projects	12,036,673	501,174	324,718					176,456		501,174
4)	2007A/AT/B Tax Allocation Bonds	US Bank NA	Bonds issue to fund non-housing projects	155,590,706	5,361,317	3,275,417					2,085,900		5,361,317
5)	2007A/AT/B Tax Allocation Bonds	US Bank NA	Bonds issue to fund housing projects	27,662,953	943,571	556,507					387,064		943,571
6)	Project Improvement Loan	Contra Costa County	Loan for affordable housing project	4,766,773	4,611,773					-	4,766,773		4,766,773
7)	Project Improvement Loan	Contra Costa County	Loan for project administration	1,042,767	779,067						779,067		779,067
8)	Financial Assistance	Park Regency	Agency assistance	3,300,000	550,000								-
9)	Financial Assistance	Bridge Housing	Agency assistance	2,000,000	100,000	100,000							100,000
10)	Financial Assistance	AvalonBay	Agency assistance	44,036,198	1,265,000								-
11)	Loan Program	CHDC of NR	Commercial rehabilitation loan program	150,000	150,000	-				22,089			22,089
12)	Contract for Wayfinding Prog	Sasaki Associates	Pedestrian signage	18,317	18,317	-	5,754	3,365	-	235			9,354
13)	Contract for Wayfinding Prog	Contra Costa County	Pedestrian signage	538,700	538,700	-	4,228	-	1,977	14,146	518,349		538,700
14)	Hookston Station Remediation	UP/Helix Remediatopm Fd	Remediation of hazardous material	3,575,000	225,000	-				-			-
15)	Hookston Station Remediation	Proj Navigator/J Teves	Administrator of haz-mat remediation fund	17,606	11,800				3,392				3,392
16)	Iron Horse Trail Overcrossing	Contra Costa County	Construction of pedestrian overcrossing	308,077	308,077	-	-				-		-
17)	Placemaking Transit Village	AvalonBay	Placemaking improvements (ie parks, etc)	1,359,698	1,359,698	42,119	-	-	-	239,409			281,528
18)	Placemaking Transit Village	AvalonBay	Placemaking station and bus intermodal	2,175,989	2,175,989	-	-	-	-	-			-
19)	BART Replacement Garage	AvalonBay	BART patron replacement parking structure	196,573	196,573			-	-	-			-
20)	Contract for Planning Activities	Opticos	Transit Village architect	13,500	13,500	-	-	-	-	-			-
21)	Contract for Planning Activities	Allan D Kotin & Assoc	Transit Village consultant	40,000	40,000								-
22)	Contract for Planning Activities	Harris & Associates	Transit Village inspection services	42,480	42,480	-	-	-	-	-			-
23)	Contract for Busn Relocation	Assoc Right of Way	Hookston Station relocation services	25,000	25,000					755			755
24)	Contract for Development	Keyser Marston Assoc	Financial services for property development	60,000	60,000				-				-
25)	Contra Costa County	Tax Collector	Property Tax Administration	134,200	134,200								-
26)	Contract for Improvements	Contra Costa Centre Assc	Transportation Demand Mgmt Prog	35,000	35,000					-	-		-
27)	Contract for Community Imprv	Contra Costa County	Walden Green II	426,485	426,485	8,907	7,430	4,371	1,573	-	-		22,281
28)	Contract for Capital Imprv	Contra Costa County	Infrastructure improvements	1,246,342	996,342	-	7,091	-	1,510	-	1,237,741		1,246,342
29)	Contract for Flood Control	Contra Costa County	Replace/improve existing culvert	200,000									-
30)	Contract for Relocation Consultant	Overland Pacific & Culter	Coordinate resident relocation (BP/NR)	20,403	20,403	844	-	-	-	-			844
													-
	Totals - This Page			289,355,880	22,670,808	5,624,907	24,503	7,736	8,452	276,634	10,416,297		16,358,529
	Totals - Page 2			28,608,948	4,838,700	73,812	152,632	86,362	233,765	69,558	2,621,068		3,217,197
	Totals - Page 3			8,829,764	6,662,213	219,910	139,781	44,914	140,644	155,346	744,780		1,445,375
	Totals - Page 4			-	-	-	-	-	-	-	-		-
	Totals - Other Obligations			172,731,000	2,678,000	-	-	-	-	-	-		-
	Grand total - All Pages			499,525,592	36,849,721	5,918,629	316,916	139,012	382,861	501,538	13,782,145	-	21,021,101

Project Area(s)

All

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month						
						Aug**	Sept	Oct	Nov	Dec	Jan	Total
1)	Bond Redemption	US Bank	Purchase & Defeasance Program	22,119,120								-
2)	Contract for Housing Development	Habitat for Humanity	Assist for-sale affordable housing	193,606	193,606			-	173,380			173,380
3)	Contract for Improvements	City of Pittsburg	BART Specific Plan implementation	332,826	166,413			-	-	-		-
4)	Loan from Wildcat/San Pablo	Contra Costa County	Project improvement	200,000								-
5)	Contract for Improvements	Contra Costa County	3rd Street enhancement	51,677	51,677							-
6)	Contract for Pre-apprentice	CHDC of NR	Pre-apprentice partnership program	134,946	134,946							-
7)	Contract for GPA/Specific Plan	Craig Communications	Public outreach support	450	450				450			450
8)	Contract for GPA/Specific Plan	Wallace Roberts & Todd	Implement GPA/Specific Plan/EIR	95,896	95,896	12,423	-	12,860	20,174	7,265		52,722
9)	Contract for Improvements	Contra Costa County	Market Street pedestrian improvements	21,478	21,478	1,106	2,241	18,131			-	21,478
10)	Contract for Redevelopment	Contra Costa County	Truck route implementation	132,232	132,232	-	8,305	-	4,779	1,072	118,076	132,232
11)	Contract for Improvements	Contra Costa County	Industrial infrastructure improvement	1,240,000	1,240,000	-	3,024	-	19,097	11,590	1,206,289	1,240,000
12)	Contract for CHDC initiatives	CHDC of NR	Project support initiatives	44,000	44,000							-
13)	Fiscal Agreement	EBRPD	Project improvement	500,000								-
14)	Contract for Improvements	Contra Costa County	Parker Avenue improvements	54,026	54,026		-	-			54,026	54,026
15)	Contract for Improvements	Contra Costa County	Parker Avenue improvements	40,000	20,000						20,000	
16)	Contract for Consultant	Keyser Marston Assoc	Financial services for waterfront	13,000	13,000		-			-		-
17)	Chamber of Commerce	Chamber of Commerce	Festival improvements to community	3,609								-
18)	Contract for Economic Imprv	Rodeo Sanitary District	Sewer line undertaking	853,634	887,724	34,090	23,323	4,640	2,311	7,580	25,000	96,944
19)	Contract for Improvements	Contra Costa County	Replace obsolete infrastructure elements	1,100,000	780,000	-	7,754	2,460	6,374	-	1,083,412	1,100,000
20)	Contract for Economic Imprv	Rodeo Marina LLC	Waterfront environmental assess, emts	10,163	10,163		-					-
21)	Contract for Improvements	Contra Costa County	Rodeo Creek implementation	4,492	4,492	4,492						4,492
22)	Contract for Improvements	Contra Costa County	Pedestrian improvements SP/Kay roads	363,482	363,482	-	-	-	-		88,993	88,993
23)	Utilities	PGE, Golden State	Utilities for 96 Enes	957	396	32	32	32	31	15	33	175
24)	Contract for legal services	Goldfarb & Lipman	Legal services	310,658	204,190	-	29,611	9,550	2,943	6,001		48,105
25)	Contract for financial analysis	Fraser & Associates	Financial analysis	44,140	12,615	-	1,525	2,150	-	-	1,050	4,725
26)	Contract for website	Lighthouse Computer Grp	Website management	20,781	20,781	-	-	-	-	-		-
27)	Contract for accounting	MGO CPA LLP	Special accounting services	175,000	175,000	13,243	30,043	25,376	-	29,990	16,000	114,652
28)	Contract for translation services	California Translation Int'l	Language translation services	18,330	18,330							-
29)	Contract for debt policies	Stone & Youngberg	Development of debt policies	2,000	2,000	-			-			-
30)	Contract for financial advisor	Public Financial Mgmt	Financial advior for Tax Allocation Bond	100,000	100,000	-	25,783	-	-	-		25,783
31)	Contract for legal services	Kutak Rock LLP	Legal services for IRS audit	10,485	10,485	-	10,350					10,350
32)	Lease or office space	CCC GSD	Office Space	33,000	33,000	-	7,462	2,663	3,189	3,189	3,189	19,692
33)	Property maintenance	CCC GSD	Property maintenance	28,000	19,100	2,876	3,179	1,837	1,037	2,000	2,000	12,929
34)	License agreement	Parcel Quest	I-TRaC reports	10,000	10,000					856		856
35)	Trustee fees	US Bank	Annual administration fees 95ATAB	10,500	750	750						750
36)	Trustee fees	US Bank	Annual administration fees 99TAB	37,485	2,205							-
37)	Trustee fees	US Bank	Annual administration fees 03ATAB	73,425	3,338			3,013				3,013
38)	Trustee fees	US Bank	Annual administration fees 03BTAB	57,750	2,625			2,650				2,650
39)	Trustee fees	US Bank	Annual administration fees 07TAB	124,800	4,800	4,800						4,800
40)	License agreement	DAC	Document repository	39,000	1,500							-
41)	Accounting fees	CCC Auditor-Controller	Accounting management	4,000	4,000		-	1,000		-	3,000	4,000
Totals - This Page				28,608,948	4,838,700	73,812	152,632	86,362	233,765	69,558	2,621,068	3,217,197

Project Area(s) All**ENFORCEABLE OBLIGATION PAYMENT SCHEDULE**

Per AB 26 - Section 34167 and 34169 (*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month						
						Aug**	Sept	Oct	Nov	Dec	Jan	Total
1)	Treasurer fees	CCC Treasurer	Cash management	2,037	2,037		-	466		-	1,571	2,037
2)	IT support	CCC DCD	Computer management	107,900	107,900						107,900	107,900
3)	Legal fees	CCC Counsel	Legal services	77,619	77,619		34,182			13,437	30,000	77,619
4)	Employee costs	Employees of Agency	Payroll for employees	2,111,020	1,377,709	175,659	93,673	35,656	105,072	114,809	114,809	639,678
5)	Code Compliance fees	CCC Counsel	Code compliance	50,000	50,000						50,000	50,000
6)	Technical assistances	CCC Public Works	Technical assistance support	40,000	40,000		-			-	40,000	40,000
7)	Property taxes	Tax Collector	Property taxes on properties	107,970	107,970				13,479	-		13,479
8)	Transportation planning services	Contra Costa County	Technical assistance	20,000	20,000		-			-	20,000	20,000
9)	Property holding costs	Bodhaine	Weed abatement	220,000	22,000			3,700		1,100		4,800
10)	Relocation, maintenace	Various	Relocation, Youth Home, etc.	600,000	600,000							-
11)	Relocation	John Stoneking	Relocation	8,000	8,000							-
12)	SERAF	Housing Fund	SERAF fy 2010-11 payment	497,022								-
13)	Resident Deputy	CCC Sheriff	Resident deputy/illegal dumping officer	228,500	228,500						228,500	228,500
14)	Child Care	Various	Child care funds	607,518								-
15)	Homebuyer Resale	Various	Costs associated with resale	249,000	249,000							-
16)	Comm Preservation/Foreclosure	Various	Employees/professional services	478,019	478,019	10,023	2,948	1,474	5,098	6,000	6,000	31,543
17)	Housing Rehabilitation	Various	Employees/professional services	20,000	20,000	7,584	2,814	1,608	5,360	6,000	6,000	29,366
18)	Youth Homes	Various	Employees/professional services	310,000	310,000	3,698					72,000	75,698
19)	Orbisonia Heights	Various	Employees/relocation/Youth Home	600,000	600,000	8,474					54,000	62,474
20)	Homebuyer Resale	Various	Employees/professional services	9,000	9,000	2,948	2,278	804	3,660	4,000	4,000	17,690
21)	Heritage Point Predevelopment	Various	Employees/professional services	206,700	75,000	4,690	1,608	402	3,530	4,000	4,000	18,230
22)	Los Deltas Feasibility	Various	Employees/professional services	40,000	40,000	1,608	670	268	523	1,000	1,000	5,069
23)	Enterprise Zone	Various	Employees/professional services	50,000	50,000	1,474	402	134	915	1,000	1,000	4,925
24)	Façade Program	Various	Town Plaza	25,213	25,213	3,752	1,206	402	3,007	4,000	4,000	16,367
25)	Heritage Point Land	Various	Acquisitions	650,000	650,000							-
26)	Parker Capital Replacement	Contra Costa County	Parker Capital Replacement	30,000	30,000							-
27)	Landscaping	Various	Donated funds for landscaping	5,818	5,818							-
28)	NPP	Nick's Construction	Housing Rehabilitation	10,550	10,550							-
29)	Housing Business Relocation	Various	Housing Business Relocation	820,000	820,000							-
30)	Placemaking Civic Use	Various	Placemaking Civic Use	200,000	200,000							-
31)	Walden II Remediation	Various	Walden II Remediation	93,669	93,669							-
32)	Specific Plan	Various	Specific Plan	19,209	19,209							-
33)	Walden I Upgrade	Various	Walden I Upgrade	25,000	25,000							-
34)	Trid City Remediation	Various	Trid City Remediation	105,000	105,000							-
38)	Marketing	Various	Marketing	30,000	30,000							-
39)	1250 Las Juntas	Various	1250 Las Juntas	75,000	75,000							-
40)	Transit Village Consultant	Various	Transit Village Consultant	100,000	100,000							-
Totals - This Page				8,829,764	6,662,213	219,910	139,781	44,914	140,644	155,346	744,780	1,445,375

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month							Total
						Aug**	Sept	Oct	Nov	Dec	Jan		
1)													
2)													
3)													
4)													
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39)													-
40)													-
Totals - This Page				-	-	-	-	-	-	-	-	-	-

Project Area(s)

All**OTHER OBLIGATION PAYMENT SCHEDULE**

Per AB 26 - Section 34167 and 34169 (*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					
						Aug**	Sept	Oct	Nov	Dec	Total
1)	Bay Point / Section 33676	Various ****	Payments per former CRL 33676	32,990,000	616,000						-
2)	Bay Point / Section 33401	Contra Costa Fire	Payments per former CRL 33401	18,168,000	329,000						-
3)	Bay Point / Statutory Payments	Various *****	Payments per CRL 33607.5 and .7	3,050,000	-						-
4)	Contra Costa Centre / 33676	Various ****	Payments per former CRL 33676	6,948,000	151,000						-
5)	Contra Costa Centre / 33401	Contra Costa Fire	Payments per former CRL 33401	3,997,000	112,000						-
6)	Contra Costa Centre / 33401	Superintendent Schools	Payments per former CRL 33401	228,000	6,000						-
7)	Contra Costa Centre / 33401	County Mosquito Abate	Payments per former CRL 33401	75,000	2,000						-
8)	Contra Costa Centre / Statutory	Various ****	Payments per CRL 33607.5 and .7	53,867,000	654,000						-
9)	Montalvin / Statutory	Various ****	Payments per CRL 33607.5	4,363,000	22,000						-
10)	North Richmond / 33676	Various ****	Payments per former CRL 33676	13,305,000	258,000						-
11)	North Rich / Statutory Payments	Various *****	Payments per CRL 33607.5 and .7	5,141,000	-						-
12)	Rodeo / 33676	Various ****	Payments per former CRL 33676	11,794,000	174,000						-
13)	Rodeo / 33401	Rodeo Fire Dist	Payments per former CRL 33401	11,920,000	226,000						-
14)	Rodeo / 33401	County Mosquito Abate	Payments per former CRL 33401	183,000	4,000						-
15)	Rodeo / 33401	Superintendent Schools	Payments per former CRL 33401	1,994,000	37,000						-
16)	Rodeo / 33401	CC Community College	Payments per former CRL 33401	4,708,000	87,000						-
17)											-
18)											-
19)											-
20)											-
21)											-
22)											-
23)											-
24)											-
25)											-
26)											-
27)											-
28)											-
Totals - Other Obligations				172,731,000	2,678,000	-	-	-	-	-	-

*** All payment amounts are estimates

To: Board of Supervisors

From: Legislation Committee

Date: January 17, 2012



**Contra
Costa
County**

Subject: 2012 Federal and State Legislative Platforms and 2011 Year-End Reports

RECOMMENDATION(S):

1. ACCEPT the Year-End reports on the County's 2011 federal and state legislative programs.
2. ADOPT the Contra Costa County 2012 Federal and State Legislative Platforms.
3. DIRECT the County Administrator to return to the Board of Supervisors as necessary to update the County's legislative platforms to reflect intervening legislative actions and final Army Corps of Engineers' project capacity figures.
4. DIRECT the County Administrator to review legislation to identify bills that affect the County's adopted legislative platforms and to recommend appropriate positions on specific bills for consideration by the Board of Supervisors.
5. AUTHORIZE Board members, the County's federal and state legislative representatives and the County Administrator, or designee, to prepare and present information, position papers and testimony in support of the 2012 Federal and State Legislative Platforms.

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☒ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☐ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES ☐ NOES ☐

ABSENT ☐ ABSTAIN ☐

RECUSE ☐

Contact: L. DeLaney, 925-335-1097

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED:

January 17, 2012

David J. Twa, County
Administrator and
Clerk of the Board of
Supervisors

By: , Deputy

cc:

FISCAL IMPACT:

No direct impact to the County from the acceptance of the year-end reports and adoption of the platforms.

BACKGROUND:

Each January, the County Administrator submits Year-End reports to the Board of Supervisors on the County's Federal and State Legislation Programs for the prior year. At the same time, the Board also considers its Legislative Platforms for the upcoming year.

Year-End reports were prepared by the County's federal advocates, Alcalde & Fay--represented by Mr. Paul Schlesinger, as well as by the County's state advocates, Nielsen Merksamer--represented by Ms. Cathy Christian and Mr. James Gross. Staff of the CAO's office, Ms. Lara DeLaney, and staff of the Department of Conservation and Development, Mr. John Greitzer and Mr. John Cunningham, provided input into the development of the Year-End Reports and the Legislative Platforms.

The Legislation Committee reviewed the Draft 2012 Federal and State Platforms at their meeting on November 21, 2011 and recommend that the Board of Supervisors adopt the Proposed Platforms, as amended. The Transportation, Water, and Infrastructure Committee of the Board of Supervisors also reviewed and approved the transportation sections of the Proposed 2012 Federal and State Platforms.

2011 FEDERAL LEGISLATIVE PROGRAM YEAR-END REPORT

After several very successful years with our federal efforts, during which time over \$87 million in funding was secured working with our congressional delegation for projects specifically requested by the County, in 2011 a congressional moratorium on earmarks, in conjunction with an increasingly partisan environment that impeded consideration of authorizing legislation, conspired to limit our ability to realize appropriations successes commensurate with those of previous years.

Congress' self-imposed moratorium on earmarks affected our efforts to secure funding for our Appropriations agenda, which was as follows:

• Delta LTMS-Pinole Shoal Management - \$2.5 million • Safe and Bright Futures for Children Exposed to Domestic Violence - \$400,000 • Mt. Diablo Mercury Mine Clean-up - \$483,000 • Lower Walnut Creek - \$600,000 • Grayson and Murderer's Creeks - \$600,000 • CALFED Levee Stability Improvement Program - \$20 million • Suisun Bay Channel/New York Slough Maintenance Dredging - \$5.275 million • San Pablo Bay/Mare Island Strait/Pinole Shoal Dredging - \$5.4 million • San Francisco to Stockton Ship Channel Deepening - \$1.8 million • County's VHS Public Safety Radio System - \$1,063,200 • State Route 4/Old River Bridge Study - \$1 million

Of these projects, \$2.715 million was ultimately provided for Suisun Bay Channel, with an additional \$3.402 million for San Pablo Bay/Mare Island Strait. These projects were specifically funded because they were included in the Administration's budget request for the year.

We would note that our House Delegation did everything we asked of them to implement a strategy designed to secure funding for the Mt. Diablo Mercury Mine clean-up project through a programmatic/non-earmark provision that would not have been site-specific but – we believe – would have yielded the same result. Unfortunately, the House Appropriations Committee did not accede to our Delegation's collective request.

In addition to funding projects requested by the Administration, the final Appropriations bill for FFY 2012, enacted on December 23, 2011, included unencumbered funding for each of the primary Army Corps of Engineers' accounts, along with instructions on the types of projects the money should be used for in their 2012 workplan. In the days ahead, our federal advocates hope to work with County staff, the Army Corps District office, and our Congressional Delegation to determine a strategy for securing some of these funds for one or more of our earmark requests. The Army Corps workplan for FFY '12 must be submitted to Congress the week of February 6, 2012.

The widely-noted inability of Congress to move important legislation in 2011 extended to two major infrastructure reauthorization bills; reauthorization of the nation's surface transportation programs, and reauthorization of programs and projects of the Army Corps of Engineers. It is quite possible, particularly with regard to the highway/transit legislation, that this bill could be enacted during the year ahead. Our needs, with regard to both bills, have been articulated to our Members of Congress and the pertinent committees, and we would continue to hope (and work to assure) that they are reflected in any such bills that might move forward in the months ahead.

While a major impediment to a surface transportation reauthorization bill in 2011 was the inability to identify

sufficient revenues to fund these programs at an amount reflecting the nation's needs (the current user fee structure is insufficient to fund the program at even current levels), the WRDA bill, which does not actually contain spending authority, is hung up on what such a bill would look like absent earmarks. Unlike virtually all other federal programs, Congress has traditionally dictated which specific Army Corps projects are studied and then, pending the outcome of such studies, which specific projects proceed to construction. So, the conundrum facing Congress gets to the very essence of how our nation's water resource programs should work absent earmarking.

Substantial time was invested in 2011 on the County's efforts, often in conjunction with the Delta Counties Coalition, to protect our interests with regard to the use of Delta resources and assure the protection of the Delta. Our federal advocates worked regularly with County officials and staff to develop and implement a strategy for furthering our interests. While this entailed interfacing with our Congressional delegation and their staffs, it included as well, working with pertinent authorizing and appropriations subcommittees of the Senate and House. The effectiveness of the County's and the DCC's efforts to secure the support of our House delegation was manifested by the vigor and persistence they demonstrated during the November visit of the DCC to Washington, and in their efforts relating to assuring our fair treatment by, and involvement in, the Bay Delta Conservation Plan. As this is being written, we are working with Senator Boxer's office, following up on the Senator's commitment to make inquiries on the matter directly with Governor Brown.

Our federal advocates helped to coordinate the schedules and prepare documents relating to the trips to Washington by the DCC in February and November of 2011. Those trips were certainly critical in securing the level of support from the Delegation which we have enjoyed on this most vital issue of importance to the County and the region.

Similarly, our advocates were pleased to help coordinate the trip to Washington, D.C. in March of this year by County Supervisors and senior staff. This trip was helpful to the County, to those in our Delegation and elsewhere on the Hill, and in federal agencies to whom our County officials articulated County needs and learned of ways in which the federal government might assist in helping to assure that these needs are met.

One such program in which the County has a particular interest is the Second Chance Act (which funds an adult offender reentry program). Our federal advocates assisted the County in advocating for federal funding for this program in FY '12. The Senate had proposed eliminating all funding for the Second Chance Act, while the House had included \$70 million in its bill. Along with strong advocacy efforts of other supporters of the program, the County's work resulted in the inclusion of \$63 million in FY '12. As a result, we anticipate that the County will again seek a grant from this program in the coming months.

In addition to the above-mentioned legislative activity and the business of the Legislation Committee throughout the year, at its September 26, 2011 meeting, the Legislation Committee reviewed a request from the Alcohol and Other Drugs Advisory Board to consider recommending that the Board of Supervisors support H.R. 707, the "Drug Testing Integrity Act of 2011," introduced by Congressman Engel. While supportive of the intent of the bill, the Committee noted that the Federal Platform did not contain a policy to support a position on this bill. Moreover, as the bill was not directly related to the programs or services of Contra Costa County or its priorities, they declined to send it on to the Board of Supervisors for action but, instead, referred the matter to staff to follow-up with the National Association of Counties.

Finally, at its November 21, 2011 meeting, the Legislation Committee received a request from a citizen to consider including a policy in its platform related to supporting federal funding for strengthening and seismically retrofitting active rail structures and track within Contra Costa County. The Committee referred this matter to staff for further consideration.

PROPOSED 2012 FEDERAL LEGISLATIVE PLATFORM

Each year, the Board of Supervisors adopts a Federal Legislative Platform that establishes project priorities and policy positions with regard to potential federal legislation and regulation. The Proposed 2012 Federal Legislative Platform includes 13 requests for FFY 2013 federal appropriations or grants; 4 requests for the reauthorization of the federal transportation act; and 5 requests for the reauthorization of the Water Resources Development Act. The Proposed 2012 Federal Legislative Platform is included as Attachment A.

Due to the ban on federal earmarks that was implemented for FFY 2011, staff is skeptical that appropriations for specific projects will be included in budget bills for FFY 2013. However, our federal advocate, Paul Schlesinger of Alcalde & Fay, detects dissatisfaction among congressional members, including newer Republicans, about the ban. Therefore, while it is unlikely that appropriations requests will be considered in budget bills for FFY 2012 and 2013, that does not mean we should not prepare for such an eventuality - should the opportunity arise.

In addition, if there is another short-term extension for the federal transportation bill this year or if a two-year bill (as advocated by Senator Boxer) is passed, Congress could start work some time in 2012 on a longer-term reauthorization bill that could include earmarks, and the County should be prepared for that.

Therefore, our advocate recommends that the County identify specific projects, whether transportation or otherwise, that help tell our Delegation what our federal needs are, help us identify specific federal programs for which we need to seek program increases or, at least, protect against cuts, and help the County look for federal grants to address the specified needs.

One thing, aside from generalized pent-up frustration among many Members that could drive review of/return to earmarks, is the Army Corps of Engineers' reauthorization bill, WRDA (the Water Resources Development Act). By its very nature, and for many decades (going back to the early 19th century for a lighthouse in Virginia), Congress has specified specific water projects. Unlike the nation's transportation programs, in which only a very small percentage of the federal money is designated for specific projects by Congress, Congress has authorized for study and then for construction specific Army Corps projects. Unlike transportation or housing or education, Army Corps money does not generally go to states or local governments in discretionary grants or by some formula. Projects are first authorized and then money is allocated, on a project-by-project basis, for projects which are carried out by the Corps itself. And while Army Corps can choose among its authorized projects to determine which get funded each year, there is simply no current mechanism for determining which projects are authorized, except by Congress.

In summary, our advocate suggests that we should not count out all earmarks for next year, and regardless of whether there are earmarks or not, he recommends that specifying specific County needs is a useful exercise. Thus, staff reviewed prior year Appropriation Requests, made adjustments as needed, and recommended a list of priorities to the Legislation Committee. The Legislation Committee at its November 21, 2011 meeting made amendments to the list and recommends that the Board approve the FFY 2013 Appropriations Requests contained in Attachment A.

Notable Changes from the 2011 Federal Platform for **FFY 2013 Appropriations Requests** include the following:

- Reprioritization of 2011 project #5 “Grayson and Murderer’s Creeks (Walnut Creek Basin)” to #13. The Army Corps has nearly completed their analysis of a number of detention basin alternatives. They prepared benefit cost ratios (b/c ratios) for a few alternatives, but ran out of federal funds before looking at the rest of the alternatives or completing their planning report. Of the six detention basin alternatives, most came out with b/c ratios near 1, meaning they were justified, but not to a level that would get federal funding for construction. The Corps intended to next look at a number of ‘conveyance options’, but ran out of federal funds. Whether this study continues (using 100% local funds) to include conveyance options depends on the future direction from the South Pleasant Hill Ad-hoc Task Force. (p. 4)

The Legislation Committee recommended that this project be prioritized lower in the 2012 Platform.

- Add project #4: "Bay-Delta Area Studies, Surveys and Technical Analysis" – \$2,500,000 appropriation for the Delta Counties Coalition to carry out technical analysis and planning associated with participation in the Bay-Delta Conservation Plan (BDCP) or implementation of any projects resulting from the Plan. The technical analysis and planning will focus on issues related to the planning of water delivery projects and conservation plans that are included in the BDCP. This funding requested is supported by the Delta Counties Coalition. (p. 2)

The Legislation Committee directed staff to prioritize the request at a higher level than presented in the Draft 2012 Platform at #13.

- Add project #12: "Knightsen/Byron Area Transportation Study" - \$300,000 appropriation to re-evaluate the Circulation Element of the County General Plan (GP) to improve its consistency with the Urban Limit Line (ULL) and related policies that ensure preservation of non-urban, agricultural, open space and other areas identified outside the ULL. (p. 4)

Notable Changes from the 2011 Federal Platform to **Reauthorization of Transportation Act Requests**: (p. 4-6)

- Change the amount for project #1 “Vasco Road Safety Improvement Project” from \$30 M to \$18 M.
- Add project #1b: “Vasco Road Safety Improvement Project Continuation -- \$30 million for improvements to the remaining 9 miles of accident-prone sections of Vasco Road.
- Add text change to #2 “North Richmond Truck Route,” to allow for “or other alternate access improvements.”

- Add text change to #3 “Eastern Contra Costa Trail Network,” to include “facilities and projects improving access to existing or planned transit stations.”
- Add project #4: “eBART Extension Next Phase Study/Environmental and Engineering” -- \$10 million for environmental review and engineering work on the project identified in the Bay Area Rapid Transit District’s (BART) eBART Next Segment Study in eastern Contra Costa County.
- Add support for the following program: “Highway Bridge Program” – The County supports the continuation of the Highway Bridge funding program that will provide funds for rehabilitating and replacing our aging bridges.

Notable Change from the 2011 Federal Platform to Reauthorization of Water Resources Development Act (WRDA) Requests: (p. 7-8)

- Reprioritize list by adding a new #1 request: “Army Corps Vegetation Policy” – Proposed amendments to 1996 Water Resources Development Act, Section 202: Flood Control Policy, (g) Vegetation Management Guidelines include the following: Engineering Technical Letter 1110-2-571 is suspended until that time a new policy is adopted. The policy guidelines shall be revised in accordance with the following: (A) Levee vegetation management guidelines shall represent regional variations based on a process that includes consultation with federal and state resource agencies, and preparation with local and state flood control agencies and corps districts. (B) Guidelines must undergo independent peer review which evaluates the structural and natural resource functions of vegetation on levees and the risks and benefits to the levee structure. (C) Guidelines and exemptions to them shall provide for protection of riparian and aquatic resources, reduction of costs and other community impacts in balance with public safety. (D) Existing projects in which the Corps has integrated vegetation into levees and floodwalls to meet project objectives and regulatory requirements shall be exempt from the guidelines.”

Notable Changes from the 2011 Federal Platform to Appropriations and Grant Support Positions: (p. 9-10)

- Delete reference to specific amount for the East Bay Regional Communications System (EBRCS) project.
- Minor text change to the “Energy Efficiency & Conservation Block Grant (EECBG) Program” to allow support for funding above the amount authorized in 2007.
- Delete reference to specific year for the “Regional Habitat Planning and Conservation” funding.
- Delete support for the “San Francisco LTMS” project, as there has been no advocacy support requested of the County in several years.
- Delete the amount of the bill for the “Delta National Heritage Area.” The amount in the bill has been subject to change, and the County supports the maximum amount of federal funding for an NHA that can be provided.

Notable Changes from the 2011 Federal Platform to Policy Positions:

a. **Affordable Housing and Homeless Programs** (p.11)

- Text change to add support for full funding for HUD homeless assistance programs and funding for full implementation of the Homeless Emergency and Rapid Transition to Housing (HEARTH) Act of 2009.
- Text change to delete McKinney Vento reauthorization support, as the bill has been reauthorized and there is a slightly expanded definition of homelessness in the bill.
- Text change to support the "National Affordable Housing Trust Fund."

b. **Child Care** (p.12)

- Text change to add information about Contra Costa County impact.

c. **Community Development Block Grant and HOME Programs** (p.13)

- Text changes to include “CDBG formula funding has declined by 25 percent since FY 2004 while the HOME program’s funding has declined by 15 percent during the same period. Furthermore, Congress has proposed to cut the percentage of the County’s CDBG entitlement grant that it can allocate for administering the program from 20 percent to 10 percent.”
- Text change to include “The County will continue to vigorously oppose proposed cuts in these vital community development programs and opposes the proposal to reduce CDBG funds available to the County to administer the CDBG program.”

d. Public Housing Programs (p.16-17)

Complete re-write of these policies to include the following:

- The County will support legislation that results in the transformation of existing programs to improve their effectiveness and efficiency, in tandem with the design of new and innovative responses, both to build upon recent progress and address outstanding issues.

The County will support legislation to protect the nation's investment in Public Housing:

- Enact affordable housing industry proposal to allow public housing agencies (PHAs) to voluntarily convert public housing units to Section 8 project-based rental assistance in order to preserve this vital component of the national infrastructure;
- Oppose the Administration's proposal to impose a \$1 billion offset against the operating reserves of responsible, entrepreneurial PHAs;
- Support the revitalization of severely distressed public housing units;
- Address safety and security concerns connected to drug-related crime;
- The County will support legislation to preserve vital community and economic development programs;
- Fully fund the Community Development Block Grant Program in order to create and save jobs, revitalize local economies, and support critical services for vulnerable populations;
- Maintain funding for HUD's cost-effective economic development tools. The County will support legislation to strengthen and simplify the Section 8 Rental Assistance programs;
- Provide adequate funding for Housing Assistance Payment contract renewals and ongoing administrative fees;
- Enact the Section Eight Voucher Reform Act (SEVRA);
- Implement overdue regulatory and administrative revisions that ensure the efficient use of program funds. The County will support legislation to expand Affordable Housing Opportunities and combat homelessness • Fully fund the Home Investment Partnerships Program and HUD's homeless assistance programs. • Capitalize the Housing Trust Fund through a revenue-neutral approach. • Preserve and strengthen the Low Income Housing Tax Credit Program. The County will support legislation to foster innovation, increase efficiency, and streamline the regulatory environment • Promote reasonable and flexible federal oversight. • Incentivize green building and increased Energy Efficiency. • Support HUD's ongoing transformation efforts. • Ensure that HUD releases and distributes federal funding in a timely manner. • Eliminate statutory and regulatory barriers that prevent PHAs and redevelopment authorities from accessing federal programs they are qualified to administer.

e. Second Chance Act (p. 18)

- Text change to add support for this program: "The County will advocate to support funding for the Second Chance Act, which helps counties address the growing population of individuals returning from prisons and jails. Despite massive increases in corrections spending in states and jails nationwide, recidivism rates remain high: half of all individuals released from state prison are reincarcerated within three years. Here in California, unfortunately, the recidivism rate is even higher. Yet there is reason for hope: research shows that when individuals returning from prison or jail have access to key treatments, education, and housing services, recidivism rates go down and the families and communities they return to are stronger and safer. The Second Chance Act ensures that the tax dollars on corrections are better spent, and provides a much-needed response to the "revolving door" of people entering and leaving prison and jail."

f. Supplemental Nutrition Assistance Program (SNAP) (p. 18)

- Text change to delete bullet related to increasing administrative matching funds.

g. Workforce Investment Act (WIA) Reauthorization (p. 20)

- Text change to amend the year to reflect possible reauthorization in 2012.

2011 STATE LEGISLATIVE PROGRAM YEAR-END REPORT

Following is a description of the major State legislative work undertaken by staff and our state advocates, Nielsen Merksamer, on behalf of the County in the 2011 Legislative session.

2011-12 Budget Summary When Governor Jerry Brown started his first day as California Governor on January 4, 2011, the state was facing a \$25.4 billion deficit. The Governor proposed \$12.5 billion in spending reductions, as well

as certain taxes to close the budget gap, including income and sales tax extensions for a special election in June. Other solutions included a Realignment strategy to shift more responsibilities to the county level for public safety and health and human services, and the elimination of redevelopment agencies which would free up property tax dollars for the schools. By February, the Department of Finance reported the deficit had grown to \$26.6 billion and Republicans in the Legislature announced they would not vote for any tax increases and would block efforts to include tax-hike measures on the statewide ballot.

The Governor then declared a state of fiscal emergency and, in March, the Legislature approved and Governor Brown signed into law a series of budget-related measures that reduced the deficit by \$11 billion through spending reductions and other modifications. Deep cuts were made to higher education, child care, health care, cash assistance for low-income children and people with disabilities, and a range of other state services. However the main budget bill (SB 69) was not sent to the Governor as Democrats and Republicans could not agree on how to close the remaining deficit, such as additional reductions, tax extensions, other revenue enhancements, or further program changes.

The Governor's May Revision of the 2011-12 budget projected higher-than-anticipated revenues of \$6.6 billion. The Governor called for an additional \$10.8 billion in spending reductions and other modifications while maintaining that a tax extension or other revenue enhancements would be needed to avoid an "all cuts" budget. The Senate Republicans rejected Governor Brown's plan and in June, the Legislature passed a budget through a majority party-line vote, which the Governor vetoed on the basis that it was not "financeable" and did not present a "balanced solution." Soon after, State Controller John Chiang proclaimed the 2011-12 budget was incomplete and unbalanced by nearly \$2 billion. Since the budget did not meet the requirements of Proposition 58, requiring the state to enact a balanced budget, Legislators could not be paid under the provisions of Proposition 25 as they missed the June 15th deadline for a balanced budget.

By the end of June, a final budget package was agreed upon by the Governor and Democratic members of the Legislature which provided for \$15 billion in cuts, including \$5 billion to health and human services. The Governor also vetoed \$23.8 million in additional expenditures. To close the remaining budget gap without revenue enhancements, \$1.5 billion in triggered cuts was enacted. If an anticipated \$4 billion in projected revenues didn't materialize by the end of the year, there will be further reductions in public safety, health and human services, social services, Medi-Cal programs, and education.

Other budget trailer bills signed by the Governor include legislation to collect use tax from on-line companies (Amazon Tax), impose a fire protection fee on rural property owners, establish a realignment structure for allocating funds, and elimination of redevelopment agencies.

Amazon vowed to fight the tax measure and the Governor negotiated with the company to forge a compromise in order to avoid a costly ballot battle. Under that compromise, the state will delay collecting sales taxes until September 15, 2012 and will give companies like Amazon the time to work on a uniform national law. Amazon also agreed to create 10,000 new full-time jobs in California by 2015.

Senator Ted Gaines (R) led the effort to overturn the fire protection fee on rural property owners. However, referendum backers had to pull the measure when it became apparent they could not collect the 500,000 signatures needed to place it on next year's ballot. Senator Gaines indicated he may try and repeal the fee in the Legislature, but such a proposal would likely have a slim chance.

The Budget provided for a realignment of government services with respect to public safety programs by moving state responsibility for decision-making and budget authority to cities, counties, special districts and school boards. The criminal justice aspect of this realignment shifted to local government responsibility for low level offenders, adult parolees, and juvenile offender inmates. The Department of Finance estimates that Contra Costa County will see an increase of 104 inmates to its average prison population for which the press reports the County will receive approximately \$4.5 million. We understand County law enforcement officials have expressed concern regarding the adequacy of this funding. Although the Governor promised that revenues necessary to implement these realignment programs would be constitutionally guaranteed, the Legislature failed to place a constitutional amendment guaranteeing those revenues on the ballot. As a result, only one year of funding has been appropriated. We are working with the California State Association of Counties (CSAC) to place a constitutional amendment on the 2012 ballot to guarantee these revenues and are legal counsel to the initiative effort as well.

Legislation was introduced in June to eliminate redevelopment agencies and to exempt any redevelopment agency from elimination if it makes specified payments to the state. The June budget agreement between the Democratic members of the Legislature and the Governor was contingent upon \$1.7 billion from redevelopment agencies, and the two measures were signed into law on June 29.

On July 18, the California Redevelopment Association and the League of California Cities filed a lawsuit in the state

Supreme Court requesting the Court declare unconstitutional ABX1 26 and ABX1 27, the bills implementing the Governor's redevelopment plan. The Court announced that it would hear the challenge and issued a partial stay regarding the effectiveness of the measures until it could rule on its constitutionality. Oral arguments were heard November 10, 2011 and the Court announced its decision earlier than anticipated, on Dec. 29, 2011. On that date, the California State Supreme Court announced its ruling upholding Assembly Bill ABx1 26 (dissolution of redevelopment agencies), but overturning and invalidating Assembly Bill ABx1 27 (allowing redevelopment agencies to continue with voluntary payments to the State). The Court's bifurcated decision means that all redevelopment agencies will be dissolved under the constitutional Dissolution Act, and none will have the opportunity to opt into continued existence under the unconstitutional Voluntary Redevelopment Program Act. The Court also determined to push back all deadlines in the Dissolution Act by four months. For instance, all redevelopment agencies will be dissolved and their successor agencies will begin to function on February 1, 2012 under the Court's decision (as opposed to the October 1, 2011 deadline specified in the Dissolution Act itself).

Throughout the entire budget process, our advocates, Nielsen Merksamer, remained actively engaged to protect County interests. In addition to the statewide issues affecting county government, they carefully assessed budget proposals to ensure that the County's property tax allocations were protected.

Review of 2011 Legislation The Contra Costa County Board of Supervisors sponsored three measures (one related to the creation of Pension Tier C, another to extend the Double Fine Zone on a portion of Vasco Road, and a bill co-sponsored by CSAC related to transportation impact fees) and took positions on 38 other bills. The County supported 29 measures (one of which was gutted and amended into an unrelated bill--AB 946) of which 17 were signed into law, one was vetoed, and 11 may be carried over into 2012. Of the 12 measures the County opposed (most of which were opposed by local government statewide), four were signed, two were vetoed, one failed passage, and 5 are carryover. It is likely that many of the carryover bills will fail to meet legislative deadlines for passage in 2012.

In addition, we monitored 67 bills to ensure they were not amended to negatively impact the County and 38 bills pertaining to the Delta and water. We remain extremely active in responding to bills affecting the Delta in conjunction with the Delta Counties Coalition.

See [Attachment B](#) for a summary of state bills on which Contra Costa County took action in 2011.

Review of 2011 Transportation Legislation The County had notable successes in achieving some of its transportation-related goals in 2011:

AB 147 (Dickinson): Subdivisions was co-sponsored by the County and the California State Association of Counties (CSAC) and was approved by the Governor on September 6, 2011. Prior to passage of AB 147 state law (the Subdivision Map Act) restricted the use of impact fee revenues to improvements on major roads and bridges. AB 147 allows for a broader use of impact fee revenues to include public transit, bikeway, pedestrian and traffic-calming facilities, in addition to major road and bridge projects. Local jurisdictions can now use the fee revenues for any type of transportation improvement that is needed to mitigate the impacts of the new development. CSAC sponsored this measure to provide cities and counties with the tools necessary to build required infrastructure to support infill development by expanding the allowable uses for transportation mitigation impact fees. These changes are consistent with statewide directives for infill development, transit-oriented development, more compact growth, and complete streets.

AB 348 (Buchanan): Highways: Safety Enhancement-Double Fine Zone was sponsored by the County and provides for the designation of a specified segment of Vasco Road as a double fine zone (DFZ). AB 348 was signed by the Governor on September 20, 2011. Prior authorization to designate the segment a DFZ expired in January 2010. Concerns from Caltrans persisted during the legislative session. However, Contra Costa Transportation Authority (CCTA) supported the bill and with assistance from the Randy Iwasaki, CCTA Executive Director, Caltrans concerns were addressed clearing the way for approval.

AB 710 (Skinner): Local Planning threatened to usurp local policies by prohibiting a city or country from requiring a minimum parking standard greater than one parking space per 1,000 square feet of nonresidential improvements and one parking space per unit of residential improvements for any new development project in transit sensitive areas. The author worked with County staff and the County advocate to craft an amendment that would exempt the Contra Costa Centre/Pleasant Hill and Pittsburg/Bay Point BART station areas. However, the bill ultimately failed to pass the Senate.

After substantial transportation budget gyrations in 2010, the 2011 session was relatively quiet on budget issues. AB 105, by the Committee on Budget, is the transportation budget trailer bill that CSAC supported for several reasons. First, it validated the "gas tax swap" legislation initially passed by the Legislature in March 2010. Recall that the swap repealed the sales tax on gasoline (Prop 42 and spillover) and replaced it with a 17.3-cent increase in the gasoline

excise tax (HUTA) and a 1.75 percent increase in the sales tax on diesel, which corresponded to the amount of revenue the sales tax on gasoline was generating at the time the legislation was passed. Due to the passage of Proposition 22 and Proposition 26 this validation was necessary to preserve the state general fund savings agreed to under the swap and continue \$1.5 billion of annual investment for funding state highways, local streets and roads and transit.

AB 105 also included the two technical changes requested by CSAC. The first technical fix extends the use-it-or-lose-it period for expenditure of Prop 1B local streets and roads funds by one year due to previous Highway User Tax Account (HUTA) deferrals. The second technical fix relates to ensuring that Prop 42 provisions, such as, maintenance of effort, use-it-or-lose-it, and limitations on project eligibility types do not apply to the new HUTA funds under the swap. Therefore, all HUTA or gas tax monies (Sections 2103 – 2106) will be treated equally. AB 105 was signed by the Governor on March 24, 2011.

AB 1308 (Miller) attempted to resolve cash flow issues resulting from delays in the distribution of Highway Users Tax Account funds by allowing for continuous appropriation regardless of the status of the state budget. The bill is anticipated to carryover and be readdressed in 2012. AB 1134 (Bonilla) was meant to address the cost of project study report development. The bill was to have locally funded projects reviewed by the Department of Transportation at its expense. The bill is anticipated to carryover and be readdressed in 2012.

PROPOSED 2012 STATE LEGISLATIVE PLATFORM

Each year, the Board of Supervisors adopts a State Legislative Platform that establishes priorities and policy positions with regard to potential State legislation and regulation. The State Legislative Platform includes County-sponsored bill proposals; legislative and regulatory priorities for the year; and policy issues that provide direction and guidance for identification of bills which would affect the services, programs or finances of Contra Costa County.

In light of the decision by the California Supreme Court regarding the dissolution of Redevelopment Agencies, several policy positions that had been reviewed and amended by the Legislation Committee in November have been further amended by staff and are presented to the Board of Supervisors for its consideration and action. Owing to these changes, as well as to the amendments requested by the Legislation Committee at their November 21, 2011 meeting, the Proposed 2012 State Legislative Platform is presented in a redline version (Attachment C), reflecting changes from the Draft 2012 State Platform, as well as a "clean copy" version (Attachment D).

Notable changes from the 2011 State Legislative Platform include the following:

1. The **County-Sponsored Bills** have been revised to include two new proposals for 2012: "New Pension Tiers Legislation," and "Retain In Home Supportive Services (IHSS) Savings Through Targeted Program Management." (p. 1-2 of redline copy)

With regard to "New Pension Tiers Legislation," the County is seeking enabling legislation to amend the County Employees Retirement Act of 1937 to allow Tier IV and/or Tier D to apply to each bargaining unit that agrees to implement the new Tier. The County may also seek in legislation, as appropriate, additional general authority for the County and its Unions to agree to different retirement benefits for future employees for different bargaining units or subgroups, if approved in a Memorandum of Understanding. In addition, the County may also seek, as appropriate, additional general authority for the County and its Unions to agree that employees hired after December 31, 2012 may pay part of the Employer's retirement contributions, if approved in a Memorandum of Understanding.

Note: The Legislation Committee at its November 21, 2011 meeting provided direction to staff with regard to seeking the additional general authority specified above in legislation during 2012, as an appropriate legislative proposal emerges. The Proposed 2012 State Platform also reflects the status of an approved MOU with the DSA with respect to Tier D legislation. With regard to the legislative proposal for IHSS, it is still undergoing refinement by staff. However, the concept is that Contra Costa County IHSS believes it can save service hours – and thereby costs – through an on-going Target Program Management. By aiming to stay below the "natural growth rate" in hours of 3.2 – 7.5% per year, Contra Costa County IHSS projects that it can achieve annual savings of up to \$2.0 million to the State General Fund during the next five years. Beginning FY 2011-12, Contra Costa County requests that the State share any savings between the projected "natural growth rate" in IHSS service hours and the actual service hours achieved by the County each year, in a share ratio formula to be determined. Savings retained by the County would be kept within the IHSS program, or possibly applied to other endangered safety net programs for seniors – such as Adult Day Health Care, Legal Services and community-based nutrition and transportation programs.

(Further developments in Realignment and the implementation of State Budget trigger cuts could affect the development of this legislative proposal for the County's IHSS program.)

2. The **Legislative/Regulatory Advocacy Priorities** have been amended as follows: (p. 2-4)

- The State Budget priority has been updated to reflect the most current state budget forecast information from the Administration.
- The Delta priority has been updated to indicate that the County may work with the Delta Counties Coalition (DCC) on sponsored legislation related to levee funding and the impacts of Delta plans on local land use authority.
- The 2011 priority on Redevelopment has been deleted.
- A priority has been added related to "Constitutional Protections and Realignment Implementation."

3. The **Policy Positions** have been amendment as follows:

- a. Agricultural Issues (p. 5): Text change to 2011 policy #4 to include other invasive species.
- b. Elections Issues (p. 9) : Text change to 2011 policy #19 to include rationale for seeking full reimbursement for state mandates imposed on registrars and consideration of having the state pay its pro-rata share of costs.
- c. General Revenues/Finance Issues (p. 10-11):
 - Text change to 2011 policy #32 to delete the reference to opposition to the shift of “additional” redevelopment property tax increment revenues “(beyond what was shifted in ABx1-17).” (*This change reflects the California Supreme Court decision on December 29, 2011, upholding the legislative action dissolving redevelopment agencies.*)
 - Text change to 2011 policy #44 to include support of legislative compliance with "Proposition 22 on an issue-by- issue basis." *The qualification to support for Prop. 22 was recommended by the Legislation Committee.*
 - Addition of policy #50: "SUPPORT legislation that provides constitutional protections and guaranteed funding to counties under Realignment."
- d. Human Services Issues (p. 15-17):
 - Text change to 2011 policy #79 to include supporting efforts to identify and eliminate elder financial abuse or other elder crimes that may be committed through: “powers of attorney, notaries and others who have the right to control elder assets.”
 - Text change to 2011 policy #80 to reframe supporting efforts related to IHSS management: “effectively manage the In Home Supportive Services (IHSS) to establish and maintain cost control mechanisms while delivering quality, targeted services and maintaining program integrity. Efforts include, but are not limited to, establishing an IHSS Volunteer Coordination component coupled with the rebalancing of available hours. Retired volunteer social workers and registered nurses could act as local Care Coordinators, enabling IHSS Social Workers to increase their capacity to perform more timely reassessments that would enable the management of available hours and target services to those clients most in need and at risk of institutionalization.”
 - Delete 2011 policy #88 related to the mandate on counties for AB 3632, mental health services for special education students, which has been transferred to the schools by the Legislature.
 - Text change to 2011 policy #89: SUPPORT efforts by the Contra Costa County’s executive directors and program administrators of all Child Care and Development Programs to restore state budget allocations to the FY 2009-10 levels for the California State Preschool Program (CSPP), California Center-Based General Child Care Program (CCTR), CalWORKs Stage 2 (C2AP), CalWORKs Stage 3 (C3AP), Alternate Payment Program (CAPP), Child Care and Development Grant and the Child Care Retention Program (AB 212)
- e. Indian Gaming Issues (p.17)
 - Text change to the preamble to indicate that there is now only one casino proposal in West County—in North Richmond. The Point Molate location is no longer viable.
- f. Land Use/Community Development Issues (p. 18-20)

- Text changes to 2011 policy #97 regarding the “establishment” of a CEQA exemption for affordable housing financing.
- Text change to 2011 policy #98 regarding efforts to seek a CEQA exemption for infill development in unincorporated areas.
- Delete 2011 policy #99 regarding a Government Code section related to the supply of affordable housing. Staff indicates that it is somewhat redundant to policy #98. Further, the provisions related to density bonus and inducements to them have been partly achieved, and thus diminish the need for further legislative action.
- Text change to 2011 policy #102 to add: “This issue was partly addressed by SB 450 (Lowenthal), which was vetoed by the Governor in 2011 and will likely be reintroduced in some form.”
- Add policy #103: "If the Supreme Court invalidates the Redevelopment Restructuring Acts of 2011, SUPPORT reform of the existing redevelopment process, as appropriate to consider as part of a budget solution. Specifically, SUPPORT legislation that would give local agencies specific tools for economic development purposes in order to enhance job opportunities, with emphasis on attracting and retaining businesses, and promote smart growth and affordable housing development."
- Add policy #104: OPPOSE legislation that would create substantial uncertainty over the tax allocation bonds issued by redevelopment agencies and possible negative credit impact.

g. Law and Justice System Issues (p. 20)

- Delete 2011 policy #106: “SUPPORT full funding of the state Juvenile Probation and Camps Funding (JPCF).” This policy is no longer necessary as JPCF is now part of the Local Law Enforcement Services (LLES) pot that is guaranteed under Realignment. State Sales Tax and VLF shortfalls will degrade Realignment allocations while LLES will be preserved. The overarching issue is the Constitutional Amendment to guarantee continued Realignment funding.
- Delete 2011 policy #107: 3. SUPPORT Adult Probation Funding that would provide State funding for adult probation services to enhance public safety and provide realistic opportunities for the rehabilitation of probationers." This was accomplished with Public Safety Realignment, though our County received insufficient revenues. The Legislative Priority related to Realignment focuses on efforts to change the statewide allocation formula and increasing the overall pot of funds for counties because the state underestimated what counties would need to provide these services/capacity at the local level and the formula is inequitable.
- Delete 2011 policy #109: SUPPORT legislation that removes the sunset of Vehicle License Fees designated for law enforcement agencies that are currently set to expire on June 30, 2011." This issue has been replaced by the need for a Constitutional Amendment to protect our Realignment revenue. Realignment did not extend the temporary sales tax and VLF increases that expired June 30, 2011 but, instead, reallocated \$6.5 billion of state sales tax and state and local VLF for the purposes of 2011/12 Realignment. There is no guarantee of realignment funding beyond 2011/12, only a promise.
- Add policy #107: “OPPOSE legislative proposals to realign additional program responsibility to counties without adequate funding and protections.”
- Add policy #108: “OPPOSE legislation that would shift the responsibility of parolees from the state to the counties without adequate notification, documentation and funding.”
- Add policy #109: “SUPPORT legislation that will help counties implement the 2011 Public Safety Realignment as long as the proposal would: provide for county flexibility, eliminate redundant or unnecessary reporting, and would not transfer more responsibility without funding.”

h. Levee Issues, Sacramento-San Joaquin Delta Issues (p. 21-24)

- Add policy #111: “SUPPORT legislation that requires the levee repair funds generated by Proposition 1E be spent within one year. Many public agencies, including reclamation districts charged with maintaining levees, have complained about the state’s inaction in allocating and distributing the levee funds that were raised by the bond sales authorized by Proposition 1E in 2008. Legislation could require the immediate distribution of these funds to local levee projects. The Delta Reform Act of 2009 authorized over \$202 million for levee repairs. It

has been difficult to obtain explanations from the state as to why these funds are not being distributed.”

- Add policy #112: “SUPPORT legislation to amend California Water Code Section 12986, to maintain the state/local funding ratio of 75/25 for the state’s Delta Levees Subventions Program, which provides funds for local levee repair and maintenance projects. The code provisions that have the state paying 75 percent of project costs will expire on July 1, 2013. At that time the matching ratio will change to 50/50. This means local reclamation districts will have to pay a larger portion of project costs (50%, compared to their current 25% requirement). Many districts do not have the funding to do so. This legislative request could also include direction that the Delta Levees Subventions Program should continue to use funds from bonds or other dedicated sources, rather than the state’s General Fund. For the past several years the program has been funded from bonds. When these bond funds run out, the program will have to be funded from the General Fund, unless some other new dedicated funding source is established. This is something that should be included in the next Water Bond, if and when there is one.”
- Add policy #115: “SUPPORT legislation to amend California Water Code Section 85057.5 to bring the Delta Stewardship Council’s “covered actions” land-use review process into consistency with CEQA.”

i. Transportation Issues (p. 26)

- Text change to 2011 policy #199 to add to important regional transportation projects “that benefit the state and local road system....”
- Text change to 2011 policy #123 to add the words “regulated,” “roads,” and “joint use facilities.”
- Delete 2011 policy #126 regarding the reauthorization of Vasco Road as a Double Fine Zone. A bill to this effect was signed by the Governor in 2011.

j. Waste Management Issues (p. 26)

- Add policy #132: “SUPPORT legislation that seeks to remedy the environmental degradation and solid waste management problems on a State-wide basis of single-use plastic bags typically given away for free at grocer, retail and other establishments.”
- Add policy #133: “SUPPORT legislation that does not require increased diversion from landfills without out an adequate funding mechanism.”
- *Note that policy #134 is not new. It was mistakenly omitted by staff during the development of the Draft 2012 State Platform.*

CONSEQUENCE OF NEGATIVE ACTION:

Without adopted legislative platforms, the legislative priorities and policies of the Board of Supervisors would not be established and communicated, and staff, legislative advocates and our congressional and legislative delegations would not be able to support the policies and priorities of the Board of Supervisors.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

PROPOSED 2012 FEDERAL LEGISLATIVE PLATFORM CONTRA COSTA COUNTY



Each year, the Board of Supervisors adopts a Federal Legislative Platform that establishes project priorities and policy positions with regard to potential federal legislation and regulation. The 2012 Federal Legislative Platform includes 13 requests for FFY 2013 appropriations or grants; 4 requests for the reauthorization of the federal transportation act; and 5 requests for the reauthorization of the Water Resources Development Act.

FFY 2013 FEDERAL APPROPRIATION REQUESTS

The following list is a preliminary ranking in priority order. Adjustments to the priority order may be appropriate once the President releases his budget. The current priority ranking gives preference to those projects that we know will not be included in the President's budget, with lower priority to Army Corps of Engineers projects which may be in the budget. Also, Army Corps project requests will be adjusted to be consistent with Corps capability.

1. Delta LTMS-Pinole Shoal Management, CA – **\$2,500,000** appropriation for the Army Corps of Engineers to continue a Long Term Management Strategy (LTMS) for levee rehabilitation, dredging and sediment reuse in the Delta, similar to the effort completed in the Bay area. Levee work, reuse of dredged sediments, dredging and other activities have been difficult to accomplish due to permitting problems and a divergence of priorities related to water quality. Significant levee rehabilitation is critical to the long term stability of these levees and to water quality and supply for the 23 million Californians who depend upon this water. Stakeholders from the Department of Water Resources, Ports, Army Corps, levee reclamation districts, local governments and other interested parties are participating in the LTMS. A Sediment or Dredged Material Management Office will be established, and in the longer term, preparation of a Sediment Management Plan will consider beneficial reuse of dredged materials as one potential source of sediment for levees. *(Note: \$500,000 appropriated for FFY 2005; \$225,000 for FFY 2006; \$500,000 for FFY 2007; \$462,000 for FFY 2008; \$235,000 for FFY 2009; \$100,000 for FFY 2010.)*

2. Safe and Bright Futures for Children Exposed to Domestic Violence – **\$400,000** appropriation to implement the federally funded plan to diminish the damaging effects of domestic violence on children and adolescents and to stop the cycle of intentional injury and abuse. A three year assessment and planning process resulted in a program plan that is working to align and create a system responsive to the needs of children exposed to domestic violence through identification, early intervention; raising awareness; training professionals; utilizing and disseminating data; establishing consultation teams to support providers in intervening and using best practices; and developing targeted services. The local domestic violence hotline received over 4,300 calls involving children last year (60% of all calls). Exposure to domestic violence reshapes the human brain and is the primary cause of trauma in children's lives. It influences personality, shapes personal skills and behaviors, impacts academic

performance, and substantially contributes to the high cost of law enforcement, civil/criminal justice and social services. Exposure to domestic violence is associated with greater rates of substance abuse, mental illness, and adverse health outcomes in adulthood, and substantially contributes to the high cost of law enforcement, civil/criminal justice and social services. (Note: \$428,000 appropriated for FFY 2009; \$550,000 for FFY 2010.)

3. Mt. Diablo Mercury Mine Clean-up – \$483,000 appropriation for the Army Corps of Engineers to complete phase 3 and 4 of the Technical Planning Process for the Mt. Diablo Mercury Mine Demonstration Project. The project will clean up the mine in a cost effective, environmentally-sound manner with minimal liability exposure for the County and involving all stakeholders through an open community-based process. The Corps initiated a Technical Planning Process in June 2008 to develop a preliminary remediation plan, identify applicable permit and environmental data requirements and complete a data collection and documentation program for the clean-up of the Mt. Diablo Mercury Mine. Phase 1 and 2 of the planning process has been completed and this appropriation will allow the Corps to continue the planning process and complete phase 3 and 4. The planning process will include looking at watershed issues downstream of the mercury mine. The Corps will be focusing on the mine site and the local Contra Costa County Flood Control District will be focusing on the broader watershed issues. The mine site is located on private property on the northeast slope of Mt. Diablo at the upper end of the Marsh Creek watershed. (Note: \$517,000 appropriated in FFY 2008.)

4. Bay-Delta Area Studies, Surveys and Technical Analysis – \$2,500,000 appropriation for the Delta Counties Coalition to carry out technical analysis and planning associated with participation in the Bay-Delta Conservation Plan (BDCP) or implementation of any projects resulting from the Plan. The technical analysis and planning will focus on issues related to the planning of water delivery projects and conservation plans that are included in the BDCP.

5. Lower Walnut Creek, California – \$600,000 appropriation for the Army Corps of Engineers continue their general reevaluation of the lower five miles of the Walnut Creek Channel to restore flood capacity, provide environmental enhancement and ecosystem restoration. The project is designed to help improve flood protection in a densely populated area, while leaving the creek in a natural state, thus providing habitat for migratory birds, fish and other wildlife; increasing neighborhood livability; and allowing for linkages with recreational and park land. (Note: \$188,000 appropriated for FFY 2006; no FFY 2007 appropriation; \$562,000 for FFY 2008; \$287,000 for FFY 2009; \$0 for FFY 2010.)

6. CALFED Bay Delta Reauthorization Act Levee Stability Improvement Program (LSIP) – \$8,000,000 appropriation for the Army Corps of Engineers for levee rehabilitation planning and project implementation. The CALFED Reauthorization Act, passed in January 2004, authorized \$90 million, which may be appropriated for levee rehabilitation work. The Corps has prepared a “180-Day Report” which identifies projects and determines how these funds would be spent. Since that time, the

breakdown of CALFED, coupled with the Army Corps' attempts to define an appropriate and streamlined process, has delayed funding and resultant levee work. (Note: \$500,000 appropriated for FFY 2006; \$400,000 for FFY 2007; \$4.92 million for FFY 2008; \$4.844 million for FFY 2010.)

7. Suisun Bay Channel/New York Slough Maintenance Dredging – \$3,500,000 appropriation for the Army Corps of Engineers for maintenance dredging of this channel to the authorized depth of minus 35 feet. Continued maintenance is essential for safe transport of crude oil and other bulk materials through the San Francisco Bay, along the Carquinez Straits and into the Sacramento/San Joaquin Delta. Dredging for this channel section is particularly costly due to requirements on placement of dredged materials in upland environments. An oil tanker ran aground in early 2001 due to severe shoaling in a section of this channel, which creates a greater potential for oil spills (Note: \$4.559 million appropriated for FFY 2005; \$4.619 million for FFY 2006; \$2.82 million for FFY 2007; \$2.856 million for FFY 2008; \$2.768 million for FFY 2009; \$3.819 million for FFY 2010.)

8. San Pablo/Mare Island Strait/Pinole Shoal Channel Maintenance Dredging – \$4,300,000 appropriation for the Army Corps of Engineers (\$2.65 million for Mare Island) for maintenance dredging of the channel to the authorized depth of minus 35 feet. The Pinole Shoal channel is a major arterial for vessel transport through the San Francisco Bay region, serving oil refineries and bulk cargo which is transported as far east as Sacramento and Stockton. (Note: \$1 million appropriated for FFY 2005; \$2.988 million for FFY 2006; \$896,000 for FFY 2007; \$1.696 million for FFY 2008; \$1.058 million for FFY 2009; \$2.518 million for FFY 2010.)

9. San Francisco to Stockton (J. F. Baldwin and Stockton Channels) Ship Channel Deepening – \$2,900,000 appropriation for the Army Corps of Engineers to continue the Deepening Project. Deepening and minor realignment of this channel will allow for operational efficiencies for many different industries, an increase in waterborne goods movement, reduced congestion on roadways, and air quality benefits. Phase one work focused on establishing economic benefit to the nation and initial salinity modeling in the channel sections. The second and final phase includes detailed channel design, environmental documentation, cost analysis, additional modeling, and dredged material disposal options. (Note: \$500,000 appropriated for FFY 2005; \$200,000 for FFY 2006; \$200,000 for FFY 2007; \$403,000 for FFY 2008; \$1.34 million for FFY 2009; \$0 for FFY 2010.)

10. Contra Costa County's VHF Public Safety Radio System – \$1,063,200 appropriation for Contra Costa County operation of a VHF Public Safety Radio System serving several governmental agencies (including emergency medical services) within the county. This system will soon become a backup (VHF overlay) to the East Bay Regional Communication System (EBRCS) once that system is completed and actuated. To comply with upcoming Federal Communications Commission (FCC) narrow band requirements, the VHF system must be upgraded to ensure seamless compatibility with certain aspects of the EBRCS, should that system fail. To prevent the VHF system from being compromised, several significant security enhancements are necessary at various site locations. This includes camera monitoring and alert systems.

11. State Route 4 / Old River Bridge Study – **\$1,000,000** appropriation to work with San Joaquin County and the State of California on a study of improving or replacing the Old River Bridge along State Route 4 on the Contra Costa / San Joaquin County line. The study would determine a preferred alternative for expanding or replacing the existing bridge, which is part of State Route 4. The existing bridge is narrow, barely allowing two vehicles to pass each other, and is aligned on a difficult angle relative to the highway on either side, requiring motorists to make sharp turns onto and off of the bridge. The project would improve safety and traffic flow over the bridge. (*Note: no appropriations for this project as yet.*)

12. Knightsen/Byron Area Transportation Study - **\$300,000** appropriation to re-evaluate the Circulation Element of the County General Plan (GP) to improve its consistency with the Urban Limit Line (ULL) and related policies that ensure preservation of non-urban, agricultural, open space and other areas identified outside the ULL. Policies will be evaluated to provide a more efficient and affordable circulation system for the study area, serve all transportation user-groups, support the local agricultural economy and accommodate the commuter traffic destined for employment centers outside the study area. Zoning and development regulations would be updated to implement the study recommendations. (*Potential Program: FHWA - Transportation, Community, and System Preservation Program*).

13. Grayson and Murderer's Creeks (Walnut Creek Basin), California – **\$600,000** appropriation for the Army Corps of Engineers to analyze Grayson and Murderer's Creeks to determine the feasibility of providing improved flood protection for a community that regularly experiences flood damages. The project is designed to help improve flood protection in a densely populated area, while leaving the creeks in a natural state, thus providing habitat for migratory birds, fish and other wildlife; increasing neighborhood livability; and allowing for linkages with recreational and park land. (*Note: \$100,000 appropriated for FFY 2006; no FFY 2007 appropriation; \$98,000 for FFY 2008.; \$478,000 for FFY 2009; \$90,000 for FFY 2010.*)

2012 REAUTHORIZATION OF FEDERAL TRANSPORTATION ACT

The current federal transportation policy and spending act, a five-year act known as the Safe, Accountable, Flexible and Efficient Transportation Equity Act – A Legacy for Users, or SAFETEA-LU, expired in 2009. Its reauthorization will likely be crafted during the year. The following are priority projects for inclusion in the next multi-year transportation bill.

1. Vasco Road Safety Improvement Project -- **\$18 million** for improvements to a 2.5-mile accident-prone section of Vasco Road. Project components include widening the roadway to accommodate a concrete median barrier and shoulders on either side of the barrier, construction of the barrier, and extension of an existing passing lane. The project will eliminate cross-median accidents which have caused numerous fatalities in recent years, and will provide increased opportunities for vehicles to safely pass (unsafe passing is a major cause of accidents and fatalities on this segment of the increasingly busy two-lane undivided road). The project will include provisions for wildlife

undercrossings to preserve migration patterns. The funds will complement \$10 million programmed for the project in the American Recovery and Reinvestment Act. (10th/11th Districts, Garamendi/ McNerney)

1.b Vasco Road Safety Improvement Project Continuation -- \$30 million for improvements to the remaining 9 miles of accident-prone sections of Vasco Road. Alameda County has been working on constructing improvements in their jurisdiction and it would be desirable for the two counties to work together to complete the gap left in the concrete median barrier near the County line. In addition to completing this gap, Contra Costa desires to extend the concrete median barrier further north of the recently completed median barrier project to the Camino Diablo Road intersection. (10th/11th Districts, Garamendi/McNerney)

2. North Richmond Truck Route -- \$25 million (increased from \$15.5 million in the 2009 platform due to engineering issues pertaining to levees and railroad right of way) to construct a new road or other alternate access improvements that will provide truck access between businesses and the Richmond Parkway, moving the truck traffic away from a residential neighborhood and elementary school. This project will increase safety, improve public health around the school and residential area by reducing diesel particulate emissions from those areas, increase livability of the neighborhood, improve local access to the Wildcat Creek Regional Trail, stimulate economic development in the industrial area of the community and provide a better route for trucks traveling to and from the Richmond Parkway. The alignment was developed through a community planning process funded through an Environmental Justice planning grant from Caltrans. (7th District, Miller)

3. Eastern Contra Costa Trail Network -- \$5 million for a joint planning, environmental review, right-of-way acquisition and constructions of a coordinated network of trails for walking, bicycling and equestrian uses in eastern Contra Costa County including facilities and projects improving access to existing or planned transit stations. Eligible trails include, but are not limited to, (1) the Mokelumne Trail overcrossing of the State Route 4 Bypass; (2) Contra Costa segments of the Great California Delta Trail; (3) a supportive network of East Contra Costa trails in unincorporated County areas and the cities of Antioch, Brentwood, Oakley and Pittsburg (All districts)

4. eBART Extension Next Phase Study/Environmental and Engineering -- \$10 million for environmental review and engineering work on the project identified in the Bay Area Rapid Transit District's (BART) eBART Next Segment Study in eastern Contra Costa County. With regard to additional stations and eBART rail corridor alignment tasks may include, but not necessarily be limited to, completion of environmental review, and partial completion of engineering. Additional work may include, but not necessarily be limited to, evaluation and refinement of alignment and stations, development of capital and operating costs, land use analysis, completion of environmental review including appropriate mitigations, development of preliminary engineering, and public outreach. (10th/11th Districts, Garamendi/ McNerney) (Potential Program: FTA – New Starts, FHWA/FTA Congestion Mitigation and Air Quality)

Following are priority programs for inclusion in the next multi-year transportation bill:

- **Rural Road Funding Program** – The County supports the creation of a new funding program that will provide funds for converting or upgrading rural roads into more modern roads that can handle increasing commuter traffic in growing areas, such as East County. These roads do not often compete well in current grant programs because they do not carry as many vehicles as roads in more congested urban or suburban areas. As a result, improvements such as widening, realignment, drainage improvements and intersection modifications often go unfunded, leaving such roads with operational and safety problems as well as insufficient capacity. (*All districts*)
- **Transportation Funding for Disabled, Low-income, and Elderly Persons** – The County supports continuation and increased funding levels for the three federal funding programs dedicated to transit services for these population groups -- the New Freedom Program for senior transit services, the Job Access and Reverse Commute Program which funds transit services to job locations for low-income persons, and the Section 5310 transit funding program for the elderly and individuals with disabilities. SAFETEA-LU provided a total of \$1.7 billion nationwide for these programs. By comparison, \$200 billion was provided for highway projects; even transportation research got more funding (\$2.3 billion) than transit for elderly, disabled and low-income persons. All of the demographic trends point to a growing need for such services in the future. For example, the 65-and-older population in the Bay Area is projected to more than double by the year 2030.

Transit services for elderly, disabled, and low-income persons are provided by the County, by some cities, by all of the bus transit operators, and by many community organizations and non-profits that provide social services. Increased funding is needed to provide and maintain more service vehicles, operate them longer throughout the day, upgrade the vehicle fleet and dispatching systems, improve coordination between public providers and community groups that also provide such services to their clients, and expand outreach programs to inform potential riders of the available services, among other needs. (*All districts*)

- **Highway Bridge Program** – The County supports the continuation of the Highway Bridge funding program that will provide funds for rehabilitating and replacing our aging bridges. The County has several aging bridges with deficient sufficiency ratings. Without federal transportation funding, these expensive projects would be deferred because they often exceed the County's funding capacity. Many of the bridges are on critical commute corridors, goods movement corridors, inter-regional routes, and farm to market routes. Failure of these important transportation assets can cause major disruptions to the transportation network. (*All districts*)

REAUTHORIZATION OF WATER RESOURCES DEVELOPMENT ACT (WRDA)

The Water Resources Development Act of 2007 became law in November, more than seven years after the last authorization bill. The House and Senate Committees may propose a WRDA bill in 2012. The following are projects the County would submit for inclusion.

1. Army Corps Vegetation Policy – Proposed amendments to 1996 Water Resources Development Act, Section 202: Flood Control Policy, (g) Vegetation Management Guidelines include the following: Engineering Technical Letter 1110-2-571 is suspended until that time a new policy is adopted. The policy guidelines shall be revised in accordance with the following: (A) Levee vegetation management guidelines shall represent regional variations based on a process that includes consultation with federal and state resource agencies, and preparation with local and state flood control agencies and corps districts. (B) Guidelines must undergo independent peer review which evaluates the structural and natural resource functions of vegetation on levees and the risks and benefits to the levee structure. (C) Guidelines and exemptions to them shall provide for protection of riparian and aquatic resources, reduction of costs and other community impacts in balance with public safety. (D) Existing projects in which the Corps has integrated vegetation into levees and floodwalls to meet project objectives and regulatory requirements shall be exempt from the guidelines.

2. Mt. Diablo Mercury Mine Clean-up - Authorize the Army Corps of Engineers, through their Remediation of Abandoned Mine Site program (RAMS), to perform and complete the Technical Planning Process and site characterization of the Mt. Diablo Mercury Mine in Contra Costa County as a demonstration project with no local match, and authorize the Army Corps of Engineers to construct the clean-up project at the Mt. Diablo Mercury Mine. This mine remediation project is the first to combine the Corps' RAMS program and partnering agreements with local government to resolve liability issues associated with a clean-up project on private property and address mercury pollution on a watershed basis. Since this is a demonstration project, the Corps would fund the full Technical Planning Process Remedial Investigation, design and project construction.

A 1995 study of Marsh Creek indicated the Mt. Diablo Mercury Mine tailings are responsible for 88% of the mercury in Marsh Creek. In addition, mercury levels in fish in Marsh Creek Reservoir downstream of the mine exceed the health standard concentration of 0.5 ppm.

3. Sacramento San Joaquin Delta Infrastructure Improvements – Contra Costa County, together with the four other Delta counties of Sacramento, San Joaquin, Solano and Yolo, is requesting authorization for the Army Corps of Engineers to repair infrastructure in the Delta. This includes levees rehabilitation projects in the Delta as part of an overall system, rather than on a county-by-county or island-by-island basis. As the Administration has recognized, this ecosystem is among the most important in the nation, providing a source of drinking water for more than 25 million people, supporting a \$28 billion agricultural industry, and fostering a thriving commercial and recreational fishing industry that contributes millions to the California and national

economies. The project is a request for an authorization of \$2.5 billion for the Army Corps of Engineers to upgrade the levee system, including stockpiling rock to rebuild collapsed levees for emergency response purposes at selected areas of the Delta. Because of the importance of the Delta to the nation's agriculture and economy, the request includes a modification of the Federal/local cost share to 90% federal and 10% local.

4. Rodeo Creek, Section 1135 Project – The Contra Costa Flood Control and Water Conservation District is seeking an 1135 project authorization for the Army Corps of Engineers to prepare a study of the feasibility of restoring and enhancing wildlife resources in Rodeo Creek between San Pablo Bay and Highway 80. The channel was designed and constructed to provide adequate flood protection for the community of Rodeo and to control erosion of the creek. The channel currently does this, but requires extensive, environmentally insensitive maintenance to keep the channel functioning properly. In addition, the current channel design includes barriers to migration of anadromous fish. The Contra Costa Flood Control and Water Conservation District would like to partner again with the Corps of Engineers under the Corps' 1135 program to transform this outdated design into a sustainable, environmentally sensitive facility that better serves the community and the environment.

5. Rheem Creek, Section 1135 Project – The Contra Costa Flood Control and Water Conservation District is seeking an 1135 project authorization for Rheem Creek between the mouth at San Pablo Bay and Giant Road. The Army Corps of Engineers' existing flood protection project on Rheem Creek protects a number of commercial, industrial, residential and open space areas in the Richmond / San Pablo area of Contra Costa County. Surrounding the mouth of the creek is a large undeveloped parcel (Brunner Marsh) which has been acquired by the East Bay Regional Park District for a future public park. Development of the adjacent lands as a regional park provides a unique opportunity for an enhanced creek environment in an area that will be very visible to the public.

APPROPRIATIONS AND GRANTS – SUPPORT POSITIONS

*The following support positions are listed in alphabetic order and do not reflect priority order. Please note that new and revised positions are **highlighted and in italics**.*

Buchanan Field Airport – The County approved a Master Plan for the Buchanan Field Airport in October 2008, which includes a Federal Aviation Regulation Part 150 Noise Study and a Business Plan for project implementation. The comprehensive planning effort has ideally positioned Buchanan Field Airport for future aviation (general aviation, corporate aviation and commercial airline service) and aviation-related opportunities. To facilitate the economic development potential, the Business Plan prioritizes necessary infrastructure improvements for Buchanan Field Airport. Further, as the Airport is surrounded by urban residential uses, enhancing the noise program infrastructure is deemed essential for balancing the aviation needs with those of the surrounding communities. The Federal government, primarily through the Federal Aviation

Administration (FAA), provides funding for planning, analysis, and infrastructure improvements. The County will support funding in all these areas for protection and enhancement of our aviation facility and network.

Byron Airport – The Byron Airport is poised for future general and corporate aviation and aviation-related development, but that future growth is dependent upon infrastructure improvements both on and around the Airport. The Byron Airport Business Plan prioritizes infrastructure and possible additional land acquisition to assist the Byron Airport in fulfilling its aviation and economic development potential. The Federal government, primarily through the Federal Aviation Administration (FAA), provides funding for planning, analysis, infrastructure improvements and aviation land acquisition. The County will support funding in all these areas for protection and enhancement of our aviation facility and network.

East Bay Regional Communication System (EBRCS) – A project to build the East Bay Regional Communication System (EBRCS), a P25 Radio System infrastructure for Contra Costa and Alameda County. This system will provide interoperable voice communication in both the 800 MHz and 700 MHz frequencies to all public safety and public services agencies within Contra Costa County and Alameda County.

EBRCS will allow for interoperable voice communication within the region that can be integrated with other P25 radio systems outside the geographical area of the EBRCS, for example, with San Francisco. This project will provide Level 5 communications which is the highest level of interoperable communications. This project will allow for everyday interoperable communications, not just various levels of interoperability during big events or disasters in which radio caches are deployed or gateway devices used.

Energy Efficiency & Conservation Block Grant (EECBG) Program – Advocate/support appropriation of funding up to **or above** the authorized amount of \$2 billion for the EECBG Program established and authorized under the Energy Independence and Security Act (EISA) of 2007. The County's ability to continue offering programs/services improving energy efficiency and conservation while also creating jobs is contingent upon additional federal funding being appropriated to the EECBG Program in 2012 and beyond. Contra Costa and other local governments have identified and designed many successful programs and financial incentives targeting both the private and public sector which are now being implemented using EECBG funding authorized through the ARRA of 2009. Appropriation of funding for the EECBG program is necessary to ensure the nation's local governments can continue their leadership in creating clean energy jobs, reducing energy consumption and curbing greenhouse gas emissions.

Kirker Pass Road Truck Climbing Lane – \$10 million appropriation (*reduced from \$31 million due to availability of other funding and focusing initially on the northbound direction*) for constructing northbound and southbound truck climbing lanes on Kirker Pass Road, a heavily used arterial linking residential areas in eastern Contra Costa with job centers and the freeway system in central Contra Costa. The truck climbing lanes are

needed to improve traffic flow and will also have safety benefits. The \$31 million would augment \$3 million in State Infrastructure Proposition 1B funds which the County has allocated for the project.

Regional Habitat Planning and Conservation – \$100 million appropriation to the U.S. Fish and Wildlife Service’s “Cooperative Endangered Species Conservation Fund” to keep pace with land costs and the increasing number of Habitat Conservation Plans (HCPs) throughout the country. In partnership with approximately a dozen counties in northern and southern California, the County will support a request that funding for the Fund increase from the \$85 million 2010 level to \$100 million. This will provide much needed support to regional HCPs in California and nationally, including the East Contra Costa County HCP. Given the prolific growth in the number of regional HCPs, the Fund needs to be increased even more substantially in subsequent years. The East Contra Costa County HCP has received \$28 million from the Cooperative Endangered Species Conservation Fund in the past five years and continuing this grant support is of vital importance to the successful implementation of that Plan. The County will also request that the California State Association of Counties (CSAC) include this Fund increase as a priority on CSAC’s federal platform.

San Francisco Bay Improvement Act– \$1 billion restoration bill authored by Congresswoman Jackie Speier in 2010 but not passed. The bill, if passed, will help finance restoration of more than 100,000 acres of the Bay’s tidal wetlands. Funds from the bill would implement a restoration plan that was adopted in 1993. In addition to benefits for fish and wildlife, wetlands restoration will create new jobs and provide regional economic infusions, as well as protect against the effects of sea level rise on the Bay’s shores.

Sacramento-San Joaquin Delta National Heritage Area– a bill authored by Senator Dianne Feinstein in 2010 but not passed. The bill, if passed, will authorize and fund a National Heritage Area (NHA) for the Sacramento-San Joaquin Delta. The NHA designation would be a first step in providing federal resources to agencies in the Delta for economic development and environmental protection.

Vasco Road-Byron Highway Connector – \$30 million appropriation (*increased from \$10 million in 2009 platform due to costs of state and federal environmental review, and anticipated cost increases*) for design, engineering and construction of an east-west connector road between two major arterials that link Contra Costa County with Alameda and San Joaquin Counties. The Vasco Road-Byron Highway Connector will improve traffic circulation and linkages in the southeastern portion of the County and will provide a new route for truck traffic that will remove a significant portion of truck trips which currently pass through the rural community of Byron. Vasco Road is designated as State Route 84, and Byron Highway is under study as the potential alignment for future State Route 239.

2012 FEDERAL LEGISLATIVE PLATFORM POLICY POSITIONS

The following support positions are listed in alphabetic order and do not reflect priority order. Please note that new and revised policy positions are highlighted and in italics.

Affordable Housing and Homeless Programs –For Housing and Urban Development (HUD)’s Homeless Assistance Grants, the County will support funding that does not include set-asides or other requirements that limit local communities’ ability to respond to the particular needs in their areas. For the Housing Assistance for People with AIDS (HOPWA) program, the County will support legislation to update the formula used to allocate HOPWA grants to reflect local housing costs as well as the number of AIDS cases.

The County supports full funding for HUD homeless assistance programs and funding for full implementation of the Homeless Emergency and Rapid Transition to Housing (HEARTH) Act of 2009.

The County supports funding the National Affordable Housing Trust Fund. Resources made available through *the Trust Fund* should be accessible to local housing and community development agencies, including public housing authorities. As the present home mortgage crisis demonstrates, homeownership is not for everyone. While we value and support the role that homeownership plays in meeting affordable housing needs, any new production program should prioritize efforts to address our nation’s acute shortage of affordable rental housing.

Agricultural Pest and Disease Control – Agriculture and native environments in Contra Costa County continue to be threatened by a variety of invasive/exotic pests, diseases and non-native weeds. The Federal government provides funding for research, regulation, pest exclusion activities, survey and detection, pest management, weed control, public education and outreach. The County will support funding in all these areas for protection of our agricultural industry and open space. Consistent with the policy position, the County will also support legislation which would authorize and direct the USDA to provide state and local funding for High Risk Prevention programs (also called Pest Detection Funding).

Beneficial Use of Dredged Materials – As the beneficial reuse of dredged materials has a clear public benefit, particularly in the Delta, the County will continue to support beneficial reuse in general and also continue to advocate for funding for a federal study to determine the feasibility of beneficial reuse, considering the benefits and impacts to water quality and water supply in the Delta, navigation, flood control damage, ecosystem restoration, and recreation. The study would include the feasibility of using Sherman Island as a rehandling site for the dredged material, for levee maintenance and/or ecosystem restoration. Language to authorize the study was included in the Water Resources and Development Act (WRDA) which was passed into law on November 8, 2007.

Child Care – The vulnerable children and families we serve face some of the most difficult circumstances of their lifetimes, as unemployment and loss of health insurance increase rapidly, more families are face foreclosure, and food assistance use hits record highs. Our agencies confront sharply rising caseloads and service demands as state and local budget deficits grow. With respect to issues of child care, the County will advocate for the following federal actions:

- Increase funding to support employment of low-income families through greater access to child care subsidies, and increase the access of children from eligible families to high-quality care that supports positive child development outcomes.
- Provide flexibility at the state and local levels so that quality care can be balanced with access and parental choice.
- Require coordination at the federal level among the various early child care and education funding streams.
- *There are approximately 10,450 Early Head Start (0-3) and Head Start (3-5) eligible children in Contra Costa County (US Census Bureau 2008 American Community Survey). This is comprised of 6,793 Early Head Start eligible children and 3,675 Head Start eligible children. The County's funded enrollment is equal to only 21% of the county's eligible Head Start and Early Head Start Children. The County would like to see at least 50% of eligible Head Start and Early Head Start children enrolled in Head Start and Early Head Start program.*

Child Support –The County will advocate for the following federal actions:

- Eliminate the \$25 fee for non-IV-A families.
- Restore the incentive match payments that were prohibited in the Deficit Reduction Act.
- Allow the automatic use of cash medical support to reimburse Medicaid expenditures.
- Allow IV-D agencies to access Health Insurance records for the purposes of Medical Support.

Child Welfare and Well-being –The County will advocate for the following federal actions:

- Provide states with financial incentives, as opposed to monetary penalties, under the Child and Family Services Reviews and minimize the significant administrative burden associated with the review process.

- End Title IV-E disallowances from federal audits that take away funds from an already resource-strapped child welfare system. Allow states to reinvest these funds in preventing child abuse and neglect.
- Increase prevention dollars to help maintain children safely in their own homes. Federal funding currently gives disproportional support to out-of-home care rather than to preventing children from coming into care.
- Any increase in Federal Medical Assistance Percentage should include an associated increase in the Title IV-E matching rate to help support children in foster care.

Community Development Block Grant and HOME Programs – The County's ability to continue to provide funding to a variety of nonprofit agencies that provide critical *safety net* services to lower income residents, including financing the development of affordable housing, is threatened by *further cuts as part of the proposed FY 2012 federal budget. CDBG formula funding has declined by 25 percent since FY 2004 while the HOME program's funding has declined by 15 percent during the same period. Furthermore, Congress has proposed to cut the percentage of the County's CDBG entitlement grant that it can allocate for administering the program from 20 percent to 10 percent.* The County will *continue to vigorously* oppose proposed cuts in these vital community development programs *and opposes the proposal to reduce CDBG funds available to the County to administer the CDBG program.*

In addition, the County will oppose any proposed changes in the CDBG allocation formula *and opposes the proposal to reduce CDBG funds available to the County to administer the CDBG program.*

Cost Shifts to Local and State Government – Contra Costa County performs many of its services and programs pursuant to federal direction and funding. Other services and programs are performed at the behest of the state, which receives funding through the federal government. In the past, the Administration's budget has contained significant cuts to entitlement programs and/or caps on entitlements. Such actions could shift cost of services from the federal government to the state and/or local governments (and to the extent that costs would shift to the state, it is highly likely that these would be passed on to the County). The County will oppose any actions that would result in cost shifts on federal entitlement programs or which would result on greater dependency on county funded programs. In addition, the County will support federal and state financial assistance to aid county and local government efforts to meet unfunded federal mandates, such as those contained in the National Response Plan (NRP), the National Infrastructure Protection Plan (NIPP), and the National Incident Management System.

Criminal Debt Collection – Nonpayment of court-ordered victim restitution, fines and fees is a problem of epidemic proportions for all jurisdictions. Literally billions of dollars go uncollected each year across the country, resulting not only in financial suffering of victims, but also the loss of public revenue. Many states already allow for the offset of

State Tax Refunds, and these programs are successful in achieving revenue recovery. Federal Tax Refunds are already being successfully offset to pay for delinquent child support. The County will support amendments to the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for court-ordered debts that are past-due.

Designation of Indian Tribal Lands and Indian Gaming – The Board of Supervisors has endorsed the California State Association of Counties' (CSAC) policy documents regarding development on tribal land and prerequisites to Indian gaming. These policy statements address local government concerns for such issues as the federal government's ability to take lands into trust and thus remove them from local land use jurisdiction, absent the consent of the state and the affected county; the need for tribes to be responsible for all off-reservation impacts of their actions; and assurance that local government will be able to continue to meet its governmental responsibilities for the health, safety, environment, infrastructure and general welfare of all members of its communities. The County will continue to advocate for federal legislation and regulation that supports the CSAC policy documents.

The County will also advocate for limitations on reservation shopping; tightening the definition of Class II gaming machines; assuring protection of the environment and public health and safety; and full mitigation of the off-reservation impacts of the trust land and its operations, including the increased cost of services and lost revenues to the County.

The County will also advocate for greater transparency, accountability and appeal opportunities for local government in the decision-making processes that permit the establishment of Indian gaming facilities. This includes sequencing the processes so that the Indian Lands Determination comes first, prior to initiation of a trust land request and associated environmental review.

The County will also *consider* support for federal action and/or legislation that allows Class III gaming at the existing gaming facility only if it can be shown that any change would result in a facility that would be unique in nature and the facility can demonstrate significant community benefits above and beyond the costs associated with mitigating community impacts.

Economic Development Programs – Congress should fund all the complementary programs within HUD's community and economic development toolkit, ensuring that HUD does not lose sight of the development component of its mission. To that end, the County will support continued funding for the Section 108 loan guarantee program, the Brownfields Economic Development Initiative and the Rural Housing and Economic Development program. Each of these programs plays a unique role in building stronger, more economically viable communities, while enabling communities to leverage external financing in a way the CDBG program alone cannot do.

Federal “Statewideness” Requirements – For many federally funded programs, there is a “statewideness” requirement; i.e., all counties must operate the specific program under the same rules and regulations. This can hamper the County’s ability to meet local needs, to be cost effective and to leverage the funding of one program to reduce costs in another program. Contra Costa County cannot negotiate for federal waivers or do things differently because it is not a state, yet its population is greater than seven states. Recognizing this is a very long-term effort, the County will advocate for relaxation of the “statewideness” rule to allow individual counties or a consortium of counties to receive direct waivers from the federal government and/or adopt the rules and regulations currently in use in another state for specific programs.

Habitat Conservation Planning – The County will advocate for elevating the profile of Habitat Conservation Plans (HCPs) such as the East Contra Costa County HCP within Congress and Administration so that these critical federal/state/local partnerships can receive necessary attention and support. HCPs are flagship programs for the federal government and supporting effective implementation of approved HCPs should be a top priority for the U.S. Department of the Interior and U.S. Fish and Wildlife Service and HCPs should be a key tool in any federal climate change or economic stimulus legislation.

Health – The County will advocate for the following actions by the federal government: provide enhanced Medicaid FMAP (“FMAP” is the “Federal Medical Assistance Percentage”) for Medicaid. It is the federal matching rate for state Medicaid expenditures. Increasing the federal matching rate for states would free up state general fund money for other purposes and would help counties as well.); suspend the Medicare “clawback” rule; suspend the “60-day rule” that requires states to repay the federal government overpayments identified by the state prior to collection, and even in instances where the state can never collect; ease the ability to cover those eligible for Medicaid by making documentation requirements less stringent; and prevent the implementation of the following seven federal regulations:

- Outpatient hospital
- Case Management
- School Based Administration & Transportation
- Public Provider Cost Limit
- Graduate Medical Education
- Rehabilitation Services Option
- Provider Tax

Pension– The County will support legislation that would modify the Internal Revenue Code and corresponding regulations to permit public employees to make an irrevocable election between their current pension formula and a less rich pension formula.

In 2006, Contra Costa County and the Deputy Sheriff’s Association jointly obtained state legislation that would allow members of the Association to make a one-time irrevocable election between their current pension formula and a less rich pension formula, called

Tier C. Orange County and its labor organizations obtained similar legislation in 2009. However, neither County has been able to implement this state legislation because such elections currently have negative tax consequences for employees and for retirement plans under federal tax law as interpreted by the Internal Revenue Service.

Like many local government entities nationwide, the County's fiscal position would benefit greatly from reduced pension costs. Allowing local government entities to implement collective bargaining agreements and state legislation that permits employees to elect less rich pension formulas would be a significant step in reducing pension costs.

Public Housing Programs – *The County will support legislation that results in the transformation of existing programs to improve their effectiveness and efficiency, in tandem with the design of new and innovative responses, both to build upon recent progress and address outstanding issues.*

The County will support legislation to protect the nation's investment in Public Housing.

- Enact affordable housing industry proposal to allow public housing agencies (PHAs) to voluntarily convert public housing units to Section 8 project-based rental assistance in order to preserve this vital component of the national infrastructure.*
- Oppose the Administration's proposal to impose a \$1 billion offset against the operating reserves of responsible, entrepreneurial PHAs.*
- Support the revitalization of severely distressed public housing units.*
- Address safety and security concerns connected to drug-related crime.*

The County will support legislation to preserve vital community and economic development programs

- Fully fund the Community Development Block Grant Program in order to create and save jobs, revitalize local economies, and support critical services for vulnerable populations.*
- Maintain funding for HUD's cost-effective economic development tools.*

The County will support legislation to strengthen and simplify the Section 8 Rental Assistance programs

- Provide adequate funding for Housing Assistance Payment contract renewals and ongoing administrative fees.*
- Enact the Section Eight Voucher Reform Act (SEVRA).*

- Implement overdue regulatory and administrative revisions that ensure the efficient use of program funds.

The County will support legislation to expand Affordable Housing Opportunities and combat homelessness

- Fully fund the Home Investment Partnerships Program and HUD's homeless assistance programs.
- Capitalize the Housing Trust Fund through a revenue-neutral approach.
- Preserve and strengthen the Low Income Housing Tax Credit Program.

The County will support legislation to foster innovation, increase efficiency, and streamline the regulatory environment

- Promote reasonable and flexible federal oversight.
- Incentivize green building and increased Energy Efficiency.
- Support HUD's ongoing transformation efforts.
- Ensure that HUD releases and distributes federal funding in a timely manner.
- Eliminate statutory and regulatory barriers that prevent PHAs and redevelopment authorities from accessing federal programs they are qualified to administer.

Retiree and Retiree Health Care Costs – The County operates many programs on behalf of the federal government. While federal funding is available for on-going program operations, including employee salaries, the allocation is usually capped, regardless of actual costs. For retiree and retiree health care, the County's ability to contain costs is extremely limited. The County will advocate for full federal financial participation in funding the County's retiree and retiree health obligations.

San Luis Drain – The U. S. Bureau of Reclamation is under a court injunction to evaluate and implement options for providing drainage services for the west side of the San Joaquin Valley. Drainage water from this area contains toxic concentrations of selenium and other hazardous substances. The San Luis Drain is one of the options that was studied. The Drain would pass through Contra Costa County to discharge in the Delta. The U.S. Bureau of Reclamation has determined to address the problem without building the Drain, but Congress would need to appropriate the funds before this alternative could be implemented and the injunction requiring provision of drainage service still looms. The County will continue to oppose the San Luis Drain option and support, instead, drainage solutions in the valley, such as reducing the volume of problem water drainage; managing/reusing drainage waters within the affected irrigation districts; retiring lands with severe drainage impairment (purchased from willing sellers); and reclaiming/removing solid salts through treatment, bird safe/bird free solar ponds and farm-based methods.

Second Chance Act – The County will support funding for the Second Chance Act, which helps counties address the growing population of individuals returning from prisons and jails. Despite massive increases in corrections spending in states and jails nationwide, recidivism rates remain high: half of all individuals released from state prison are reincarcerated within three years. Here in California, unfortunately, the recidivism rate is even higher. Yet there is reason for hope: research shows that when individuals returning from prison or jail have access to key treatments, education, and housing services, recidivism rates go down and the families and communities they return to are stronger and safer.

The Second Chance Act ensures that the tax dollars on corrections are better spent, and provides a much-needed response to the "revolving door" of people entering and leaving prison and jail.

Supplemental Nutrition Assistance Program (SNAP) – The County will advocate for the following federal actions:

- Increase SNAP benefits as a major and immediately available element of economic stimulus.
- Suspend the restrictions applying to ABAWDs. ("ABAWDs" stands for "Able-Bodied Adults without Dependents" and pertains to adults receiving food stamps who are considered employable.) They are subject to strict time limits on how long they can receive food stamps. It is difficult administratively to track this, and when unemployment is high, it can result in more adults going hungry.
- Remove the current federal barriers that prevent some nutrition programs from employing EBT technology.

Streamlining Permitting for Critical Infrastructure, Economic Stimulus, and Alternative Energy Projects –“Green” Job Creation – Request that Congress and the Administration recognize the value of Habitat Conservation Plans (HCPs) as a reliable way of streamlining critical infrastructure, economic stimulus, and alternative energy project permitting in a manner that is consistent with federal environmental regulations. HCPs not only facilitate such projects through permit streamlining, but the planning, implementation, management, and monitoring needs associated with regional HCPs plans also create many quality “green” jobs.

Telecommunications Act of 1996 Revisions – The Telecommunications Act of 1996 governs local government’s role in telecommunications, primarily broadband cable that uses the County’s right-of-way as well as consumer protections. As Congress works to update the Act, the County will continue to advocate for strengthening consumer protections and local government oversight of critical communications technologies; local access to affordable and reliable high speed broadband infrastructures to support the local economy; the right of local municipalities and communities to offer high-speed

broadband access: coordination and integration of private communication resources for governmental emergency communication systems; preservation of local government's franchise fees; preservation of the local community benefits, including but not limited to public, education and governmental (PEG) access channels; authority for provision of municipal telecommunication services; preservation of local police powers essential for health, safety and welfare of the citizenry; preservation of local government ownership and control of the local public rights-of-way; and support for ensuring that communication policy promotes affordable services for all Americans.

The Community Broadband Act of 2007, S.1853, encourages the deployment of high speed networks by preserving the authority of local governments to offer community broadband infrastructure and services. The County will oppose all bills that do not address the County's concerns unless appropriately amended. In addition, the Federal Communications Commission (FCC) has proposed rule-making (FCC Second Report and Order Docket 05-311 "Franchising Rules for Incumbents") that, in the opinion of local government, goes beyond the scope of their authority in this area. The County will oppose all such rule making efforts.

Telecommunications Issues – Support the Community Access Preservation (CAP) Act introduced in 2009 by Wisconsin Congresswoman Tammy Baldwin. The CAP Act addresses the challenges faced by public, educational and government (PEG) TV channels and community access television stations. The CAP Act addresses four immediate issues facing PEG channels. The CAP Act would: Allow PEG fees to be used for any PEG-related purpose; require PEG channels to be carried in the same manner as local broadcast channels; require the FCC to study the effect state video franchise laws have had on PEG; require operators in states that adopted statewide franchising to provide support equal to the greater of the support required under the state law or the support historically provided for PEG; and make cable television-related laws and regulations applicable to all landline video providers.

In addition, the County should support the widespread deployment and adoption of broadband, especially as it serves to connect the educational community and libraries.

Temporary Assistance for Needy Families – The County will advocate for the following federal actions:

- Relieve states of work participation rate and work verification plan penalties for fiscal years 2007, 2008, 2009 and 2010 in recognition of the serious downturn in the national economy and the succession of more "process-based" regulations issued in the last few years.
- Permanently withdraw the August 8, 2008, proposal that would have repealed the regulation that enables states to claim caseload reduction credit for excess MOE expenditures.

- Rescind the May 22, 2008, HHS guidance that effectively eliminated the ability of states to offer pre-assistance programs to new TANF applicants for up to four months.
- Rescind the final Deficit Reduction Act regulation restricting allowable state maintenance-of-effort expenditures under TANF purposes 3 and 4.
- End federal efforts to impose a national TANF error rate.

Volume Pricing – The National Association of Counties supports greater access for local governments to General Services Administration (GSA) contract schedules. These schedules provide volume pricing for state and local governments and make public sector procurement more cost effective. However, current law does not provide full access to state and local governments for GSA schedules. The County will support legislation that gives local governments access to these schedules and provides the option of purchasing law enforcement, security, and other related items at favorable GSA reduced pricing.

Workforce Investment Act (WIA) Reauthorization – Congress may again consider reauthorization of the Workforce Investment Act in 2012. The County will support reauthorization of the Workforce Investment Act at current funding levels or higher; keeping the program at the federal level rather than block granting it; maximizing local control, so that we can meet local needs; and establishing reasonable performance measures. In addition, any reauthorization or new workforce legislation should: retain private sector led state and local Workforce Investment Boards (local boards) as governing bodies; expand, enhance and simplify the WIA Youth Program; redesign the Dislocated Worker program to reflect the new economy; and redesign how the funding of One-Stop facilities is structured.



**Contra Costa County
2011 Legislation Summary Report:
Bills Signed by Governor that the County Acted On**

CA AB 6	<p>AUTHOR: Fuentes [D] TITLE: CalWORKs and CalFresh SUMMARY: Removes the fingerprint image requirement for eligibility for CalFresh benefits. Revises CalWORKS grant overpayment collection provisions. Makes inoperative and repeals quarterly reporting requirements and prospective determination grant amounts. Relates to semiannual reporting periods through a county transition of recipients. Requires an income reporting threshold for recipients. Limits reporting requirement administrative savings. Requires an energy assistance benefit. STATUS: 10/06/2011 Signed by GOVERNOR. 10/06/2011 Chaptered by Secretary of State. Chapter No. 501 NOTES: BOS supported on 8/16/11</p>
CA AB 134	<p>AUTHOR: Dickinson [D] TITLE: Sacramento Regional County Sanitation District SUMMARY: Authorizes the Sacramento Regional County Sanitation District to file an application for a permit to appropriate a specified amount of water that is based on the volume of treated wastewater that the district discharges into the Sacramento River and recovers for reuse. Authorizes the State Water Resources Control Board to grant a permit to appropriate that treated wastewater upon terms and conditions determined by the board. Requires the board to comply with specified related requirements. STATUS: 09/06/2011 Signed by GOVERNOR. 09/06/2011 Chaptered by Secretary of State. Chapter No. 212 NOTES: BOS supported on 8/9/11</p>
CA AB 147	<p>AUTHOR: Dickinson [D] TITLE: Subdivisions SUMMARY: Amends the Subdivision Map Act which authorizes a local agency to require the payment of fees as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges or major thoroughfares. Authorizes a local ordinance to require payment of a fee subject to the Mitigation Fee Act, as a condition of approval of a final map or permit for purposes of defraying the actual transportation facilities cost. STATUS: 09/06/2011 Signed by GOVERNOR. 09/06/2011 Chaptered by Secretary of State. Chapter No. 228 NOTES: Our legislative initiative. CSAC Sponsored.</p>
CA AB 348	<p>AUTHOR: Buchanan [D] TITLE: Highways: Safety Enhancement-Double Fine Zone SUMMARY:</p>

Provides for the designation of a specified segment of county highway known as Vasco Road in Alameda County and Contra Costa County as a Safety Enhancement-Double Fine Zone upon the approval of the boards of supervisors of those counties. Imposes specified duties on local governing bodies regarding that double fine zone, including to prepare a report on the effectiveness of the zone to be submitted to the Legislature.

STATUS:

09/20/2011

Signed by GOVERNOR.

09/21/2011

Chapered by Secretary of State. Chapter No. 290

NOTES:

Our bill for Vasco DFZ

CA AB 438**AUTHOR:**

Williams [D]

TITLE:**County Free Libraries: Withdrawal: Use of Contractors****SUMMARY:**

Imposes specified requirements if the board of trustees, common council, or other legislative body of a city or the board of trustees of a library district intends to withdraw from the county free library system and operate the city's or district's library or libraries with a private contractor that will employ library staff to achieve cost savings, unless the library or libraries are funded only by the proceeds of a special tax imposed by the city or district. Prohibits employee loss of employment.

STATUS:

10/08/2011

Signed by GOVERNOR. Chapered by Secretary of State. Chapter No. 611

NOTES:

To Leg Com for support on 7/28. Leg Com recommends WATCH. BOS adopts WATCH on 8/16/11.

CA AB 506**AUTHOR:**

Wieckowski [D]

TITLE:**Local Government: Bankruptcy: Neutral Evaluation****SUMMARY:**

Prohibits a local public entity from filing under federal bankruptcy law unless the entity has met specified requirements including participation in a neutral evaluation process, or a local public agency has declared a fiscal emergency and has adopted a resolution at a notice public hearing, that includes findings that the agency's financial status jeopardizes the health, safety, or well-being of the residents of the agency's jurisdiction or service area absent bankruptcy protections.

STATUS:

10/09/2011

Signed by GOVERNOR. Chapered by Secretary of State. Chapter No. 675

NOTES:

BOS Opposed on 5/24/11. Sent letter to Author and Senate Approps.

CA AB 509**AUTHOR:**

Skinner [D]

TITLE:**Federal Earned Income Tax Credit: Notification****SUMMARY:**

Requires state departments and agencies that serve individuals qualified for the federal earned income tax credit to notify program recipients that they may be eligible for the credit in a specified manner. Requires state departments and agencies that do not directly communicate with persons who may qualify for the credit to communicate indirectly through agencies or districts serving those persons.

	STATUS:	
	10/04/2011	Signed by GOVERNOR.Chaptered by Secretary of State. Chapter No. 452
	NOTES:	BOS supported on 6/28/11. Sent support letter to Gov.
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CA AB 646	AUTHOR:	Atkins [D]
	TITLE:	Local Public Employee Organizations: Impasse Procedures
	SUMMARY:	Amends provisions that govern collective bargaining of local represented employees and delegate jurisdiction to the Public Employment Relations Board to resolve disputes and enforce the duties and rights of local public agency employers and employees. Authorizes the employee organization to request the matter be submitted to a factfinding panel if a mediator is unable to effect a settlement within a specified time period. Provides procedures for the submission of an agency's last, best, and final offer.
	STATUS:	
	10/09/2011	Signed by GOVERNOR. Chaptered by Secretary of State. Chapter No. 680
	NOTES:	BOS Opposed on 5/24/11. Sent letter to Gov.
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CA AB 674	AUTHOR:	Bonilla [D]
	TITLE:	Vehicles: Registration Fees
	SUMMARY:	Extends the authorization for programs, funded from the fees charged for the registration of commercial motor vehicles that enhance the capacity of local law enforcement to provide fingerprint identification of individuals who may be involved in driving under the influence of alcohol or drugs, vehicular manslaughter, other vehicle-related crimes, and other crimes committed while operating a motor vehicle.
	STATUS:	
	09/01/2011	Signed by GOVERNOR.
	09/01/2011	Chaptered by Secretary of State. Chapter No. 205
	NOTES:	AM Bonilla requested support. Sheriff recommends. BOS supports 4/5/11.
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CA AB 720	AUTHOR:	Hall [D]
	TITLE:	Public Contracts: Construction Cost Accounting
	SUMMARY:	Revises a provision in existing law that specifies a board of supervisors or a county road commissioner is not prohibited from using alternative procedures governing county highway contracts to limit their use in maintenance, emergency work and road construction. Amends existing law which authorizes public projects with a specified monetary threshold to be performed by public employees by force account, negotiated contract, or purchase order. Increases the threshold. Relates to bidding thresholds.
	STATUS:	
	10/09/2011	Signed by GOVERNOR.Chaptered by Secretary of State. Chapter No. 683
	NOTES:	PW recommends Oppose. BOS opposes on 4/12. Sent letter 4/15.

CA AB 902	<p>AUTHOR: Alejo [D] TITLE: Taxation: Property Tax Delinquency and Sales SUMMARY: Amends existing law that requires a tax collector, in the case of the proposed tax sale of property that is the primary residence of the last known assessee, to make a reasonable effort to contact the owner-occupant of the property. Requires the actual and reasonable costs incurred by the tax collector in attempting to make contact to be established by the board of supervisors. Requires a fee for actual and reasonable costs regarding notices. Requires fees be distributed to the county general fund. STATUS: 09/01/2011 Signed by GOVERNOR. 09/01/2011 Chaptered by Secretary of State. Chapter No. 208 NOTES: BOS supported 6/7/11. Recommendation from TT.</p>
CA AB 946	<p>AUTHOR: Lowenthal B [D] TITLE: County of Los Angeles: Interoperable Communications SUMMARY: Authorizes the County of Los Angeles or the Los Angeles Regional Interoperable Communication System Authority to solicit proposals and enter into agreement with private entities for the delivery of a regional interoperable communications system and all related infrastructure to be used by public safety agencies and emergency responders located in the county. STATUS: 10/02/2011 Signed by GOVERNOR.Chaptered by Secretary of State. Chapter No. 400 NOTES: To Leg Com for support on 7/28. BOS supported on 8/9/11. GUT & AMEND on the Property Tax Administration bill.</p>
CA AB 1053	<p>AUTHOR: Gordon [D] TITLE: Local Government: Penalties and Fees SUMMARY: Provides an increase in fees for fetal death or death record and a certified copy of a birth certificate. Removes the authorization to adjust the fee using a specified method. Requires the fee to be adjusted pursuant to a specified method. Declares that the increased fee would more accurately reflect the true cost of providing those documents. Raises the registration fee for a petition filed to make a minor a ward of the court when the minor is represented by appointed counsel. STATUS: 10/02/2011 Signed by GOVERNOR.Chaptered by Secretary of State. Chapter No. 402 NOTES: BOS supported on 5/3/11. Sent letter to Assembly Approps 5/13/11.</p>
CA AB 1066	<p>AUTHOR: Perez J [D] TITLE: Medi-Cal: Demonstration Project Waivers SUMMARY: Distinguishes which provisions of the Medi-Cal Hospital or Uninsured Care Demonstration Project Act apply to the successor demonstration project. Renames the Coverage Expansion and Enrollment Demonstration project as the Low Income Health Program (LIHP). Provides that the Department of Health</p>

Care Services shall authorize local LIHPs. Provides that LIHP health care services may be provided to certain eligible individuals.

STATUS:

07/13/2011

Signed by GOVERNOR.

07/15/2011

Chaptered by Secretary of State. Chapter No. 86

NOTES:

Sent letter of support, per Dr. Walker request. Consistent with Platform.

CA AB 1296**AUTHOR:**

Bonilla [D]

TITLE:**Health Care Eligibility, Enrollment, And Retention Act****SUMMARY:**

Enacts the Health Care Reform Eligibility, Enrollment, and Retention Planning Act. Requires the State Health and Human Services Agency to establish standardized single, accessible application forms and related renewal procedures for state subsidy programs. Specifies the duties of the agency and the State Department of Health Care Services under the act. Requires providing specified information to the Legislature on policy changes needed for implementation.

STATUS:

10/09/2011

Signed by GOVERNOR. Chaptered by Secretary of State. Chapter No. 641

NOTES:

HSD supports. BOS 4/5/11 support. Sent letter to Gov.

CA SB 33**AUTHOR:**

Simitian [D]

TITLE:**Elder and Dependent Adult Abuse****SUMMARY:**

Amends provisions of the Elder Abuse and Dependent Adult Civil Protection Act that includes within the mandatory reporting requirements of suspected instances of elder or dependent adult abuse, requirements regarding mandating reports of suspected financial abuse, with certain exceptions, makes a failure to comply subject to civil penalty. Deletes the repeal date of these provisions.

STATUS:

09/30/2011

Signed by GOVERNOR.

09/30/2011

Chaptered by Secretary of State. Chapter No. 372

NOTES:

EHSD supports. Consistent with Platform. Sent support letter 3/21

CA SB 373**AUTHOR:**

DeSaulnier [D]

TITLE:**Retirement: Contra Costa County****SUMMARY:**

Deletes the termination date of existing law that authorizes the Contra Costa County Board of Supervisors to establish different retirement benefits for different bargaining units of safety employees represented by the Contra Costa County Deputy Sheriffs' Association, and the unrepresented groups of safety employees in similar job classification and the supervisors and managers of those employees, pursuant to a resolution making those provisions applicable to the county.

STATUS:

07/07/2011

Signed by GOVERNOR.

07/08/2011

Chaptered by Secretary of State. Chapter No. 68

NOTES:

Our sponsored bill. Signed by Governor!

CA SB 429**AUTHOR:** DeSaulnier [D]**TITLE:** **Programs: After School Education and Safety: Grants****SUMMARY:**

Provides that every school that establishes a before school program component pursuant to the the After School Education and Safety Program, or establishes a program with a before school program component pursuant to the program, is eligible to receive a supplemental grant to operate the program in excess of 180 school days or during any combination of summer, intersession, or vacation periods for a maximum of a specified percentage of the grant amount awarded. Relates to revised program requirements.

STATUS:

10/08/2011 Signed by GOVERNOR. Chaptered by Secretary of State.
Chapter No. 626

NOTES: BOS supported 5/3/11. Sent support letter to Sen Approps.

CA SB 595**AUTHOR:** Wolk [D]**TITLE:** **Tidelands and Submerged Lands: Removal of Vessels****SUMMARY:**

Relates to the removal of vessel hazards. Removes the authority of the State Lands Commission to remove and store a vessel removed from a public waterway. Authorizes the commission to remove a vessel immediately and without notice. Authorizes the commission to remove and dispose of a vessel that has been placed on state lands without permission under certain conditions. Relates to deeming such vessels as abandoned property. Requires the funds from the sale be deposited in the General Fund.

STATUS:

10/08/2011 Signed by GOVERNOR. Chaptered by Secretary of State.
Chapter No. 595

NOTES: Sending letter of support. Consistent w Platform.

CA SB 695**AUTHOR:** Hancock [D]**TITLE:** **Medi-Cal: County Juvenile Detention Facilities****SUMMARY:**

Provides that Medi-Cal benefits may be provided to an individual awaiting adjudication in a county juvenile detention facility if he or she is eligible to receive benefits at the time he or she is admitted to the detention facility, or the individual is subsequently determined to be eligible and the county agrees to pay the state's share of expenditures and administrative costs for specified benefits. Provides for the continuation of benefits. Suspends benefits if the individual becomes an inmate.

STATUS:

10/09/2011 Signed by GOVERNOR. Chaptered by Secretary of State.
Chapter No. 647

NOTES: BOS supported on 6/28/11; Letter to Gov.

CA SB 930**AUTHOR:** Evans [D]**TITLE:** **In-Home Supportive Services: Enrollment and Fingerprint****SUMMARY:**

Relates to the county administered In-Home Supportive Services enrollment form. Requires local entities to send a copy of the criminal background check to the Department of Social Services regarding an appealing applicant. Deletes requirements pertaining to obtaining fingerprint images of IHSS recipients, and

the requirement that the provider timesheet include spaces for provider and recipient fingerprints. Deletes requirements and prohibitions relating to the use of a post office box address by a provider.

STATUS:

10/09/2011

Signed by GOVERNOR. Chaptered by Secretary of State. Chapter No. 649

NOTES:

BOS supported 5/3/11

CA SB 734**AUTHOR:**

DeSaulnier [D]

TITLE:**State and Local Workforce Investment Boards: Funding****SUMMARY:**

Relates to the county administered In-Home Supportive Services enrollment form. Requires local entities to send a copy of the criminal background check to the Department of Social Services regarding an appealing applicant. Deletes requirements pertaining to obtaining fingerprint images of IHSS recipients, and the requirement that the provider timesheet include spaces for provider and recipient fingerprints. Deletes requirements and prohibitions relating to the use of a post office box address by a provider.

STATUS:

10/05/2011

Signed by GOVERNOR

NOTES:

BOS Oppose Unless Amended 6/28/11

BILLS VETOED BY GOVERNOR

AB 455 (Campos-D) Pubic Employment – Local Public Employee (OPPOSE)

Provides that an employee who works in California for 7 or more days in a calendar year is entitled to paid sick days. Prohibits an employer from discriminating against an employee who requests paid sick days. Requires employers to satisfy posting and notice and recordkeeping requirements. Authorizes the Labor Commissioner to impose administrative fines. Exempts employees covered by a collective bargaining agreement that provides for paid sick days.

AB 1220 (Alejo-D) Land Use and Planning – Cause of Actions – Time Limits (OPPOSE)

Relates to actions or proceedings against local zoning and planning decisions of a legislative body to encourage or facilitate the development of affordable housing. Authorized challenges within five years after approval of a housing element even though public hearings were conducted prior to adoption.

SB 834 (Wolk-D) Integrated Regional Water Management Plans (SUPPORT)

Requires an integrated regional water management plan to address specified water quality and water supply matters and identify the manner in which the plan furthers a specified state policy concerning reducing reliance on the Sacramento-San Joaquin Delta for water supply and improving regional self-reliance for water, if the region depends on water for the watershed. Requires integrated regional water management plans to incorporate that requirement. Relates to plan funding.

BILLS TO BE CARRIED OVER INTO 2012

AB 296 (Skinner-D) Building Standards – Cool Pavement (SUPPORT)

Senate Appropriations Committee

Establishes the Cool Pavements Research and Implementation Act. Requires the Department of Transportation to implement one or more cool pavement pilot projects, to submit a report to the Legislature with an analysis of the various costs of pavement surfaces and the results of the projects, and to make available on the Internet Web site a Cool Pavements Handbook. Requires considering the incorporation of the specifications proposed in the handbook in the Green Building Code.

AB 400 (Ma-D) Employment – Paid Sick Days (OPPOSE)

Assembly Appropriations Committee

Provides that an employee who works in California for 7 or more days in a calendar year is entitled to paid sick days. Prohibits an employer from discriminating against an employee who requests paid sick days. Requires employers to satisfy posting and notice and recordkeeping requirements. Authorizes the Labor Commissioner to impose administrative fines. Exempts employees covered by a collective bargaining agreement that provides for paid sick days.

AB 502 (Bonilla-D) Land Use – General Plan – Housing Element (SUPPORT)

Assembly Local Government Committee

Authorizes Contra Costa County and the City of Concord to establish the Concord Naval Weapons Station Reuse Authority to plan for, finance, and manage the transition of the property formerly known as the Concord Naval Weapons Station from military to civilian use.

AB 627 (Berryhill, B.-R) State Water Resources Development System – Delta (OPPOSE)

Assembly Appropriations Committee

Requires the Department of Water Resources undertake an expedited evaluation and feasibility study with regard to the implementation of a specified Delta Corridors Plan as part of the State Water Resources Development System. Requires an assessment of the incorporation of the Two-Gates Fish Protection Demonstration Project managed by the United States Bureau of Reclamation into the Plan.

AB 752 (Brownley-D) Tidelands and Submerged Lands – Sea Level Action (OPPOSE)

Senate Natural Resources and Water Committee

Specifies that the preparation of a sea level action plan for legislative granted public trust lands shall be among the management priorities of a local trustee of granted public lands and requires certain trustees to prepare sea level action plans. Requires the plan to include, among other things, an assessment of the impact of sea level rise on granted public trust lands, an estimate of the financial cost of this impact, and strategies to prevent or mitigate damage to development and infrastructure. This is the second year this proposal sponsored by the State Lands Commission has failed. The sponsor has rejected amendments to promise funding for the required studies, and the County and the DCC have remained opposed.

AB 792 (Alejo-D) Health Care Coverage – Health Benefit Exchange (SUPPORT)

Senate Appropriations

Requires the disclosure of information on health care coverage through the Health Benefit Exchange by health care service plans, health insurers, employers, or other entities, or upon the filing of a petition for dissolution of marriage, nullity of marriage, legal separation, or adoption. Requires health care service plans and insurers to, upon the failure to renew coverage, provide information to the Exchange. Allows an individual whose information has been transferred to discontinue the application.

AB 931 (Dickinson-D) Environment – CEQA Exemption (SUPPORT)

Senate Environmental Quality Committee

Amends CEQA. Relates to exempting infill housing projects in urbanized section of the unincorporated area of a county, from meeting a community level environmental review. Exempts residential units including projects that may be used for neighborhood-serving goods, services, or retail uses to a level that does not exceed a specified percentage of the building square footage. Authorizes the use of a sustainable communities environmental assessment or modified environmental impact report for a transit proximity or employment priority project. CSAC sponsored this bill at Contra Costa County's request.

SB 34 (Simitian-D) Water Resources Investment Act of 2011 (SUPPORT IN CONCEPT)

Senate Appropriation Committee

Requires revenues and charges collected under the Water Resources Investment Program to be deposited in the state Water Resources Investment Program Fund and a number of regional investment accounts within the fund. Requires money in the regional accounts be for water-related projects and programs. Requires state account moneys be appropriated for specified statewide water-related programs and the Delta plan, mercury contamination in the Sacramento-San Joaquin Delta, and for related bond debt service.

SB 106 (Blakeslee-R) Special Elections (SUPPORT)

Senate Appropriations Committee

Provides that expenses authorized and necessarily incurred on or after January 1, 2009, and before April 19, 2011, for elections proclaimed by the Governor to fill a vacancy in the office of Senator or Member of the Assembly, or to fill a vacancy of Congressional members, shall be paid by the state.

SB 141 (Price-D) Elections – Payment of Expenses (SUPPORT)

Senate Appropriations Committee

Provides that expenses authorized and necessarily incurred for elections proclaimed by the Governor to fill a vacancy in the office of State Senator or Assembly Member, or to fill a vacancy in the office of United States Senator or Representative in the Congress, are to be paid by the state. Provides that the state shall pay only those additional expenses directly related to the election proclaimed by the Governor when combined with a local election.

SB 394 (DeSaulnier-D) Health Schools Act of 2011 (SUPPORT)

Senate Appropriations Committee

Enacts the Healthy Schools Act of 2011. Requires all school sites to send at least one person to Department of Pesticide Regulation training.

SB 662 (DeSaulnier-D) Public Services (SUPPORT)

Assembly Human Services Committee

Authorizes, contingent upon a specified finding, the Department of Finance and any county to enter into a contract to authorize the county to integrate specified public services. Requires the Legislature to ratify the contract by an enactment of a bill. Requires the county board of supervisors to ratify the contract. Provides the term of the contract. Requires the county to report to the department and the Legislature on the progress towards meeting the goals of the contract by the 5th year.

SB 703 (Hernandez, E. -D) Health Care Coverage – Basic Health Program (SUPPORT)

Assembly Appropriations Committee

Establishes a Basic Health Program to be administered by the Managed Risk Medical Insurance Board. Requires the board to enter into a contract with the federal government to implement the program. Sets forth the duties relative to the eligibility, premiums, and the selection of health plans. Permits enrollment beginning on a specified date. Creates a related trust fund subject to appropriation. Provides funding sources. Authorizes General Fund loans for the initial start-up expenses. Requires an evaluation.

SB 744 (Wyland-R) Water Submeters – Testing (OPPOSE)

Assembly Inactive File

Provides that any water submeter tested by equipment that is calibrated by tests traceable to specified standards shall be deemed to be sealed and approved for commercial use, provided that the submeter satisfies certain criteria. Provides that no submeter shall be considered to have been put into service prior to its installation if the submeter is to be used in a multiunit residential structure. Requires notification to the county sealer that a meter is placed in service. Provides for a civil penalty.

SB 810 (Leno-D) Single-Payer Health Care Coverage (SUPPORT)

Senate Appropriations Committee

Establishes the State Healthcare System. Creates State Healthcare Agency. Makes all residents eligible for specified health care benefits under the System, which would, on a single-payer basis, negotiate for or set fees for health care services provided through the system and pay claims for those services. Creates the Healthcare Policy Board.

BILLS THAT FAILED PASSAGE

AB 710 (Skinner-D) Local Planning (NEUTRAL AFTER AMENDMENT)

Failed Passage on Senate Floor

Prohibits a city or country from requiring a minimum parking standard greater than one parking space per 1,000 square feet of nonresidential improvements and one parking space per unit of residential improvements for any new development project in transit sensitive areas. This bill was amended to allow existing projects to continue if a parking study had been completed, but was opposed by many local jurisdictions.



Contra Costa County Legislation Summary Report: Delta-related Legislation

Numerous Delta-related bills were introduced in the Legislature in 2011. Some of them became two-year bills, due to the ever-controversial nature of Delta issues and the difficulty of resolving these issues. These bills will be taken up again in 2012, the second year of the current two-year session.

Following is a summary of the Delta bills on which the Board of Supervisors adopted a position in 2011.

Delta bills supported by the Board of Supervisors

AB 134 (Dickinson) – Signed into law by the Governor. The bill provides the Sacramento Regional County Sanitation District with eligibility to sell its treated wastewater to downstream water users, subject to receiving a permit by the state. The bill enables the Sacramento agency to follow the example set by the Central Contra Costa Sanitary District and others, in selling some of the wastewater they treat. Revenue will be used by the Sacramento agency to pay for extensive improvements in its treatment facilities.

SB 34 (Simitian) – Became a two-year bill, in Senate Appropriations Committee; may be heard in 2012. SB 34 creates an annual fee on water districts, with the funds going to a variety of water-related infrastructure projects including levee improvements.

SB 595 (Wolk) -- Signed into law by the Governor. The bill strengthens the State Lands Commission's ability to remove abandoned vessels in waters under its jurisdiction, and quickens the process.

SB 834 (Wolk) – Vetoed by the Governor. Would have required regions of California that depend on Delta water to indicate how they will reduce their reliance on the Delta. The bill did not place any performance measures or reporting requirements on the regions, so there were no teeth in it. The Governor's veto message indicated he vetoed the bill because it did not add to existing law.

Delta bills opposed by the Board of Supervisors

AB 576 (Dickinson) – Became a two-year bill, in Assembly Water, Parks and Wildlife Committee; may be heard in 2012. AB 576 requires the Delta Stewardship Council to develop a Delta financing plan, based on the "beneficiary pays" philosophy which holds that those who benefit from Delta water projects should pay for them. While "beneficiary pays" is consistent with the County's adopted Delta Water Platform, the bill contained details that were inconsistent with the County's position.

AB 627 (Berryhill) – Died in Assembly Appropriations Committee. The bill would have

expedited a state study of two Delta water projects known as the Two-Gates Demonstration Project and the Delta Corridors Plan. The County opposed both projects due to their potential impacts on water quality and boater safety in the western Delta.

AB 752 (Brownley) – Died in Senate Natural Resources and Water Committee. The bill would have required jurisdictions with public trust lands to perform studies and develop plans for coping with sea-level rise. The bill did not provide funding for this substantial planning effort. Although the County itself would not have been subject to the bill, the cities of Richmond, Antioch and Oakley would have been subject to it.

Federal Delta bills opposed by the Delta Counties Coalition

The Delta Counties Coalition opposed two bills introduced in Congress by Central Valley congressmen that would conflict with state and federal policies on water quality and environmental protection, and provide Central Valley water districts with rights to more Delta water. These bills conflict with the Contra Costa County Board of Supervisors' adopted Delta Water Platform. The bills were not forwarded to the Board by the Transportation, Water and Infrastructure Committee (TWIC) because the Delta Counties Coalition already was aggressively advocating against them in Washington on behalf of the five member counties. These two bills are described below.

HR 1251 (Costa) – In House Committee on Natural Resources. The bill would remove recent judicial restrictions on export pumping of water from the Delta, increase the export pumping, and roll back water quality projections.

HR 1837 (Nunes) – In House Committee on Natural Resources, Subcommittee on Water and Power. The bill would roll back portions of the Federal Clean Water Act and would change long-standing water rights in California to provide more water rights to a specific group of Central Valley water districts.

The Delta's entire congressional delegation has expressed opposition to both bills and has written letters to the bills' authors expressing their concerns. The County's federal legislative advocate in Washington is monitoring any movement on these bills and will keep the County and the Delta Counties Coalition advised.

**PROPOSED 2012 STATE LEGISLATIVE PLATFORM
CONTRA COSTA COUNTY**



Each year, the Board of Supervisors adopts a State Legislative Platform that establishes priorities and policy positions with regard to potential State legislation and regulation. The State Legislative Platform includes County-sponsored bill proposals; policy issues that provide direction and guidance for identification of bills which would affect the services, programs or finances of Contra Costa County; and issues regarding the State budget and state-local relationship.

COUNTY-SPONSORED BILLS

- 1. New Pension Tiers Legislation:** The County is currently in negotiation with many of its bargaining units regarding the development of new pension tiers, Tier IV and Tier D (for Safety employees). The current Memorandum of Understanding for Local 21 and the Management Resolution both include provisions to close Tier III, Tier A, and Tier C to all hired after December 31, 2012 and create Tier IV and Tier D, which will be applicable to all hired after that date.

The County is seeking enabling legislation to amend the County Employees Retirement Act of 1937 to enact this change and to allow Tier IV to apply to each bargaining unit that agrees to implement the Tier. In addition, the County is also presently negotiating with its safety-related bargaining units with the intention of reaching agreement on the creation and adoption of Tier D¹. As with Tier IV, Tier D will apply to each bargaining unit that agrees to implement the Tier, and enabling legislation is required to effectuate the new tier.

The County may also seek in legislation, as appropriate, additional general authority for the County and its Unions to agree to different retirement benefits for future employees for different bargaining units or subgroups, if approved in a Memorandum of Understanding. In addition, the County may also seek, as appropriate, additional general authority for the County and its Unions to agree that employees hired after December 31, 2012 may pay part of the Employer's retirement contributions, if approved in a Memorandum of Understanding.

***Rationale:** By negotiating these retirement plan changes at the bargaining table, Contra Costa County achieves local pension reform that saves money for County taxpayers and helps the pension system, the Contra Costa County Employees Retirement Association (CCCERA), stay sustainable for retirees. Legislation is required to amend the County Employees Retirement Law of 1937 to enact these changes.*

¹ On December 6, 2011, the Board of Supervisors adopted Resolution No. 2011/486 approving the MOU with the Deputy Sheriffs' Association Management Unit and the MOU with the DSA, Rank and File Unit, implementing an agreement for the period of July 1, 2008 through June 30, 2013.

2. Retain In Home Supportive Services (IHSS) Savings Through Targeted

Program Management: Contra Costa County IHSS believes it can save service hours – and thereby costs – through an on-going Target Program Management. By aiming to stay below the “natural growth rate” in hours of 3.2 – 7.5% per year (based on history), Contra Costa County IHSS projects that it can achieve annual savings of up to \$2.0 million to the State General Fund during the next five years. Beginning FY 2011-12, Contra Costa County requests that the State share any savings between the projected “natural growth rate” in IHSS service hours and the actual service hours achieved by the County each year, in a share ratio formula to be determined.

Savings retained by the County would be kept within the IHSS program, or possibly applied to other endangered safety net programs for seniors – such as Adult Day Health Care, Legal Services and community-based nutrition and transportation programs. This framework is consistent with the State’s Realignment plan that places greater autonomy at the local level. Additionally, the integration of several service elements is in keeping with the overall national trend toward an integrated model of care and community services.

***Rationale:** This proposal has been created in light of current and anticipated budget challenges that are threatening the existence of IHSS, a California innovation and one of its most successful human service programs. The premise of the proposal is that it is critical to maintain the viability of IHSS, a safety net program that has a proven track record as a cost-effective method for keeping seniors and adults with disabilities in their own homes and out of expensive nursing homes. Equal to the financial implication is the public service component: people who need in-home services and their families have a high preference for independent living arrangements over nursing home consignment.*

LEGISLATIVE/REGULATORY ADVOCACY PRIORITIES

Each year, issues emerge through the legislative process that are of importance to the County and require advocacy efforts. For 2012, it is anticipated that critical issues requiring legislative advocacy will include the following:

1. State Budget – A slow economic recovery continues to plague the state and hamper the ability to fund core services. Baseline General Fund revenues for FY 2012-13 are projected to total \$89 billion, and are not expected to return to their 2007-08 levels until 2014-15. Further, there remain significant risks and uncertainty to the state’s fiscal health, including ongoing debt obligations, pension liabilities, and uncertainties associated with the continuing debate on addressing the federal budget deficit. The budget deficit for 2012-13 is estimated to be \$9.2 billion, including a current year deficit of \$4.1 billion. To address the deficit, the Governor is proposing a combination of spending reductions and temporary taxes (via ballot initiative) totaling \$10.3 billion to both balance the budget and establish a \$1.1 billion reserve. The Governor also

~~proposes a new round of trigger cuts slated to take effect if his ballot initiative fails. According to the most recent estimates from the Legislative Analyst's Office (LAO), the net effect of the lower projected revenues for 2011–12, the anticipated \$2 billion in trigger cuts, and the expected inability of the state to achieve about \$1.2 billion of other budget actions—as well as a few other minor changes—would leave the General Fund with a \$3 billion deficit at the end of 2011–12. In 2012–13, the state will face increased costs due, in part, to the expiration of a number of temporary budget measures adopted in recent years. Most notably, under the LAO's forecast methodology (which does not incorporate any effects from a possible November 2012 ballot measure concerning taxes), General Fund Proposition 98 costs—as well as “settle-up” payments to schools—are projected to rise by \$6 billion in 2012–13. Moreover, in 2012–13, the state must repay the \$2 billion Proposition 1A property tax loan that was used to help balance the budget in 2009. The LAO forecasts that the General Fund's 2012–13 operating shortfall will be \$9.8 billion. Accordingly, the LAO projects that the Legislature and the Governor will need to address a \$12.8 billion budget problem between now and the time that the state adopts a 2012–13 budget plan.~~

The long-standing practice of state government has been to look to counties as a means of balancing its budget. While opportunities to do so are more limited with the passage of Proposition 1A, the magnitude of the deficit makes it certain the State will be creative in their efforts to include counties as part of its budget balancing solution, likely through additional program re-alignment and revenue reductions.

Of particular concern to counties is the inadequate reimbursement for our increasing cost of operating several human services programs: the Human Services Funding Deficit, formerly referred to as the “Cost of Doing Business.” The annual shortfall between actual county expenses and State reimbursement has grown to over \$1 billion since 2001, creating a de facto cost shift to counties. The funding gap forces counties to reduce services to vulnerable populations and/or divert scarce county resources from other critical local services. It also increases the risk of State and Federal penalties.

2. Health Care – Counties have a high stake in California's health reform efforts. Counties serve as employers, payers, and providers of care to vulnerable populations. Consequently, counties stand ready to actively participate in discussions of how to best reform the health care system in California and implement the national health care reform legislation passed in 2010.

3. Water and Levees /The Sacramento-San Joaquin Delta – The Legislature's passing of the Delta Reform Act (2009), a package of bills which established among other things, co-equal goals for reliable water supply and ecosystem restoration for the Delta, as well as the proposed Bay Delta Conservation Plan (BDCP)—an effort to construct a massive peripheral canal/tunnel—will require significant, large-scale change to the Delta as we know it today. The scope and content of these changes and continuing political battles between north and south over water will continue to dominate legislative and administrative agendas in the coming year. Significant future impacts upon the County in the areas of water quality and supply, levees, ecosystem,

governance and flood control are anticipated. Additionally, a water bond has been proposed for the November 2012 ballot. Consideration should be given to the potential for the County to sponsor Delta-related legislation through our legislative delegation. The County may also work with the Delta Counties Coalition (DCC) to sponsor Delta-related legislation. Particular areas of concern for 2012 include, but are not limited to, impacts of Delta plans on local land use authority and expediting state bond funding for levee improvement projects. The County's **adopted** Delta Water Platform, as well as the Strategic and Action Plans, are incorporated in this Platform by reference.

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4. Constitutional Protections and Realignment Implementation—Since the 2011 Public Safety Realignment package passed in June 2011 without the constitutional protections requested by counties, one of the central goals of counties is to support efforts to achieve the constitutional protections that guarantee a dedicated on-going revenue stream and include provisions protecting counties against future actions by the Legislature, the courts, regulations or executive orders that increase county costs for Realignment. Counties will also support efforts to ensure that the receipt of Local Community Corrections Funds matches the amounts anticipated from the State, without undue delay.

In addition, there are major realignment implementation issues that need to be addressed and passed in the Legislature including the “super structure,” how to allocate growth of revenue, and the transferability of funds between programs.

With regard to Public Safety realignment, the County will support efforts that facilitate the smooth transition of prisoners and parolees at the county level. Counties are currently receiving parolees whose latest crime fits the specified “non-violent, non-serious, non-sex offender” (N3) definition, but who have a criminal background that includes violent, serious and/or sexual crimes. Under the current legislation, the person’s latest offense/crime determines if they meet the N3 criteria. However, counties are receiving people who have a very violent background. Specifically, a change would be requested to prevent those whose total criminal background does not meet the N3 criteria. These individuals should stay under the responsibility of the State.

The County will also support efforts to alter the present formula for the allocation of funds to counties, which favors those counties that currently incarcerate a greater percentage of the local population due to local sentencing practices, fewer crimes outside the non-violent, non-serious, non-sexual criteria, and a lesser commitment to alternative sentencing and diversion programs. The County will also support efforts to provide additional funding/grants to those counties that have a commitment to lowering the crime rate and reducing recidivism through the provision of innovative, comprehensive, evidence-based programs for offender populations and their families.

Any future proposals to realign programs to counties must have constitutionally guaranteed ongoing funding and protections. The County will oppose any proposals that will transfer additional program responsibility to counties without funding and protections.

STATE PLATFORM POLICY POSITIONS

A brief background statement accompanies policy positions that are not self-evident. Explanatory notes are included either as the preface to an issue area or following a specific policy position. Please note that new and revised policy positions are **highlighted and in italics**. The rationale for the policy position is italicized.

Agricultural Issues

1. SUPPORT efforts to ensure sufficient State funding for pest and disease control and eradication efforts to protect both agriculture and the native environment, including glassy-winged sharpshooter, light brown apple moth, and Japanese dodder activities; high risk pest exclusion activities; pesticide regulatory and law enforcement activities; and noxious weed pest management. *Agriculture is an important industry in Contra Costa County. Protection of this industry from pests and diseases is important for its continued viability.*
2. SUPPORT continued appropriations for regulation and research on sudden oak death, a fungal disease affecting many species of trees and shrubs in native oak woodlands. *The County's natural environment is being threatened by this disease.*
3. SUPPORT funding for agricultural land conservation programs and agricultural enterprise programs to protect and enhance the viability of local agriculture. *The growth in East County and elsewhere has put significant pressure on agricultural lands, yet agriculture is important not only for its production of fresh fruits, vegetables and livestock, but also as a source of open space.*
4. SUPPORT legislation to establish legal authority where needed to facilitate the efforts by the California Department of Food and Agriculture and the Department of Boating and Waterways to survey and treat all incipient infestations of the South American spongeplant and a continued long-term effort to rid the Delta of this **and other** invasive species. *Invasive aquatic species **are** a threat to agriculture, the environment and recreation in the Delta.*

Animal Services Issues

5. SUPPORT efforts to protect local revenue sources designated for use by the Animal Services Department; i.e., animal licensing, fines and fees. *Fines, fees, and licensing are major sources of revenue for the Animal Services Department. The demand for animal services is increasing each year as does the demand on the General Fund. It is important to protect these revenue sources to continue to provide quality animal service and to meet local needs.*

6. SUPPORT efforts to protect or increase local control and flexibility over the scope and level of animal services. *Local control over the scope of animal services is necessary to efficiently address public safety and other community concerns. Local control affords jurisdictions the ability to tailor animal service programs to fit their communities. Animal related issues in dense urban areas vary from those in small, affluent communities.*
7. SUPPORT efforts to protect against unfunded mandates in animal services or mandates that are not accompanied by specific revenue sources which completely offset the costs of the new mandates, both when adopted and in future years. *Unfunded mandates drain our limited fiscal resources and, at the same time, chip away at local control over the scope and level of services.*
8. SUPPORT efforts to ensure full funding of State animal services mandates, including defense of the Department of Finance's lawsuit against the State Commission on Mandates regarding the State obligations for reimbursement of local costs for animal services incurred in compliance with SB 1785. *The County invested large sums of money to comply with SB 1785, with the assurance that our cost would be offset by reimbursements from the State. Failure by the State to honor the reimbursements negatively impacts the County General Fund and Animal Services' budget.*
9. SUPPORT efforts to protect and/or increase County flexibility to provide animal services consistent with local needs and priorities. *The demand for quality animal service programming continues to increase each year. The County is experiencing population growth and changing demographics. It is incumbent upon the Animal Services Department to be flexible enough to adjust to the changing needs and priorities.*
10. SUPPORT efforts to preserve the integrity of existing County policy relating to Animal Services (e.g., the Animal Control Ordinance and land use requirements). *Contra Costa is looked upon as one of the model Animal Services Departments in the state. Its policies, procedures, and ordinances are the yardstick against which other Animal Control organizations are measured. The local control exercised by the Board of Supervisors is key to that hallmark.*

Child Support Services Issues

11. SUPPORT the establishment of a statewide electronic registry for the creation and release/satisfaction of liens placed on property of a non-custodial parent as necessary to collect delinquent child support payments. *California law currently provides that recording an abstract or notice of support judgment with a County Recorder creates a lien on real property. This requires recording the judgment in each of the 58 counties in order not to miss a property transaction. An electronic registry would simplify not only the creation of liens but also the release/satisfaction of liens because there would be a single statewide point of*

contact, and the entire process would be handled electronically through automated means.

12. SUPPORT amendment of current law that states that documents completed and recorded by a local child support agency may be recorded without acknowledgement (notarization) to clarify that the exception is for documents completed or recorded by a local child support agency. *This amendment clarifies that documents that are prepared by the local child support agency and then sent for recording either by the local child support agency or by the obligor (non-custodial parent) or by a title insurance company are covered by the exemption, a technical point not acknowledged by all county recorder offices.*
13. SUPPORT efforts to simplify the court process for modifying child support orders by the court by requiring court appearances only when one of the parties objects to the modification. *Currently, establishment of parentage and support by the court is permitted without court appearance if both parties are in agreement. A similar process for modification would reduce court time, the workload of all involved agencies and parties, and streamline the process.*
14. SUPPORT efforts to ensure that the reduction caused by the federal Deficit Reduction Act of 2005 to the California Department of Child Support Services is not passed down as a reduction to the local program. *The Act places a restriction on the ability of states to use incentive funds as the state match to draw additional federal funds. In previous years, California used its \$30 million in federal funds in child support programs.*
15. SUPPORT efforts that would require the Department of Child Support Services to provide any notice form, information, or document that is required or authorized to be given, distributed, or provided to an individual, a customer, or a member of the public to be given, distributed, or provided in a digitized form, and by any means the Department determines is feasible, including, but not limited to, e-mail or by means of a web site.

Climate Change Issues

16. SUPPORT the CSAC *Climate Change Policy Statements and Principles* which address a broad range of issues affected by climate change, including water, air quality, agriculture, forestry, land use, solid waste, energy and health. *The document is largely based on existing CSAC policy and adapted to climate change. Additionally, the document contains a set of general principles which establish local government as a vital partner in the climate change issue and maintain that counties should be an active participant in the discussions in the development of greenhouse gas reduction strategies underway at the state and regional level.*

17. SUPPORT efforts to ensure that the implementation of AB 32 results in harmony among the greenhouse gas reduction target created by the Air Resources Board for each regional/local agency, the housing needs numbers provided by the state Department of Housing and Community Development pursuant to housing element law, the Sustainable Communities Strategy, and the Regional Transportation Plan processes.

Elections Issues

18. SUPPORT legislation to adjust precinct sizing from 1,000 voters per precinct to 1,250 voters per precinct. *With the option of being able to have up to 1,250 voters per precinct, the best polling locations in a neighborhood can be selected, and that same site is more likely to be used for several elections, thus avoiding the need to change poll sites for voters.*
19. SUPPORT full state reimbursement for state mandates imposed upon local registrars by the Secretary of State, including special state elections. *The state has committed to reimburse Counties for the cost of certain state mandates. That reimbursement process, SB 90, can be lengthy and contentious. The SB 90 process is also subject to uncertainties including partial payments, delayed payments, and now, suspended or no payments. In lieu of the SB 90 process for Elections, there is merit in the examination of having the state pay its pro-rata share of costs when state candidates/measures are on the ballot.*
20. SUPPORT legislation that would add provisions to the state Elections Code that would allow special elections to fill a vacancy in a congressional or legislative district to be conducted by all mailed ballots at the county's discretion.

Emergency Preparedness, Emergency Response

21. SUPPORT legislation that would give local agencies more authority to train volunteers and help clean-up oil spills without taking on additional legal liability.
22. SUPPORT legislation that would require the state's Oil Spill Prevention and Response Agency to improve communication and clean-up technology, increase safety standards for ships and establish special protections for ecologically sensitive areas.
23. SUPPORT legislation that would require responses to future oil spills in a shorter timeframe, with a more regional approach.
24. SUPPORT measures that enable counties and other local agencies to better exercise their responsibilities to plan for and respond to emergencies and disasters without taking on additional legal liability and oppose those that do not recognize or support the county and local agency role in the State's Standardized Emergency Management System.

25. SUPPORT legislation or other measures requiring the creation of emergency rock stockpiles suitable for levee repair throughout the Delta, enabling increasingly efficient and less costly prevention of levee breaks and enhancement of initial response capabilities.

Eminent Domain Issues

26. SUPPORT legislation that maintains the distinction in the California Constitution between Section 19, Article I, which establishes the law for eminent domain, and Section 7, Article XI, which establishes the law for legislative and administrative action to protect the public health, safety, and welfare.
27. SUPPORT legislation that would provide a comprehensive and exclusive basis in the California Constitution to compensate property owners when property is taken or damaged by state or local governments, without affecting legislative and administrative actions taken to protect the public health, safety, and welfare.

Flood Control and Clean Water Issues

28. SUPPORT authorization for regional approaches to comply with aquatic pesticide permit issues under the purview of the State Water Resources Control Board. *Contra Costa County entered into an agreement with a neighboring county and several cities to share the costs of monitoring. While it makes sense for local government to pool resources to save money, State Board regulations make regional monitoring infeasible.*
29. SUPPORT efforts to provide local agencies with more flexibility and options to fund clean water programs. *Stormwater requirements issued by the Regional Water Quality Control Boards are becoming more and more expensive, yet there is no funding. Stormwater should be structured like a utility with the ability to set rates similar to the other two key water services: drinking water and wastewater.*
30. SUPPORT efforts to provide immunity to local public agencies for any liability for their clean-up of contaminations on private lands. *This will be more critical as the Regional Water Quality Control Boards institute Total Maximum Daily Loads, which establish a maximum allowable amount of a pollutant (like mercury) in the stormwater from a watershed.*

General Revenues/Finance Issues

As a political subdivision of the State, many of Contra Costa County's services and programs are the result of state statute and regulation. The State also provides a substantial portion of the County's revenues. However, the State has often used its authority to shift costs to counties and to generally put counties in the difficult position of trying to meet local service needs with inadequate resources. While Proposition 1A provided some protections for counties, vigilance is necessary to protect the fiscal integrity of the County.

31. SUPPORT the State's effort to balance its budget through actions that do not adversely affect County revenues, services or ability to carry out its governmental responsibilities.
32. OPPOSE any state-imposed redistribution, reduction or use restriction on general purpose revenue, sales taxes or property taxes unless financially beneficial to the County. *(Note that a redistribution of sales and property tax may be beneficial to Contra Costa County in the event that sales tax growth continues to lag behind property tax growth.)* ~~This policy includes opposition to the shift of additional redevelopment property tax increment revenues (beyond what was shifted in ABx1-17) to the Educational Revenue Augmentation Fund (ERAF).~~
33. OPPOSE efforts to limit local authority over transient occupancy taxes (TOT).
34. OPPOSE any efforts to increase the County's share-of-cost, maintenance-of-effort requirements or other financing responsibility for State mandated programs absent new revenues sufficient to meet current and future program needs.
35. SUPPORT efforts to ensure that Contra Costa County receives its fair share of State allocations, including mental health funding under Proposition 63 and pass-through of federal funds for anti-terrorism and homeland security measures. *The State utilizes a variety of methods to allocate funds among counties, at times detrimental to Contra Costa County.*
36. SUPPORT efforts to receive reimbursement for local tax revenues lost pursuant to sales and property tax exemptions approved by the Legislature and the State Board of Equalization.
37. SUPPORT continued efforts to reform the state/local relationship in a way that makes both fiscal and programmatic sense for local government and conforms to the adopted 2010 CSAC Realignment Principles, with an emphasis on maximum flexibility for counties to manage the existing and realigned discretionary programs.
38. SUPPORT efforts to relieve California of the federal Child Support penalties without shifting the cost of the penalties to the counties.
39. SUPPORT a reduction in the 2/3 vote requirement for special taxes that fund a comprehensive community plan developed by the county, cities and school districts that improve health, education and economic outcomes and reduce crime and poverty.
40. SUPPORT efforts to authorize counties to impose forfeitures for violations of ordinances, as currently authorized for cities. *This would provide the County with the opportunity to require deposits to assure compliance with specific ordinance*

requirements as well as retain the deposit if the ordinance requirements are not met. Currently, the County is limited to imposing fines which are limited to only \$100 - \$200 for the first violation, which has proven to be an ineffective deterrent in some cases.

41. SUPPORT efforts to redefine the circumstances under which commercial and industrial property is reassessed to reduce the growing imbalance between the share of overall property tax paid by residential property owners versus commercial/industrial owners.
42. SUPPORT efforts to reduce County costs for Workers' Compensation, including the ability to control excessive medical utilization and litigation. *Workers' Compensation costs are significant, diverting funds that could be utilized for County services. Workers' Compensation should provide a safety net for injured employees, for a reasonable period of time, and not provide an incentive for employees to claim more time than medically necessary.*
43. SUPPORT state actions that maximize Federal and State revenues for county-run services and programs.
44. SUPPORT legislative compliance with both the intent and language of Proposition 1A *and Proposition 22 (on an issue-by-issue basis).*
45. SUPPORT full State funding of all statewide special elections, including recall elections.
46. OPPOSE efforts of the State to avoid state mandate claims through the practice of repealing the statutes, then re-enacting them. *In 2005, the State Legislature repealed sections of the Brown Act that were subject to mandate claims, then re-enacted the same language pursuant to a voter-approval initiative, and therefore, not subject to mandate claims.*
47. SUPPORT strong Public Utilities Commission (PUC) oversight of state-franchised providers of cable and telecommunications services, including rigorous review of financial reports and protection of consumer interests. *AB 2987 (Núñez), Chapter 700, statutes of 2006 transferred regulatory oversight authority from local government to the PUC.*
48. SUPPORT timely, full payments to counties by the State for programs operated on their behalf or by mandate. *The State currently owes counties over \$1 billion in State General Funds for social services program costs dating back to FY 2002-03.*
49. SUPPORT full State participation in funding the County's retiree and retiree health care unfunded liability. *Counties perform most of their services on behalf of the State and Federal governments. Funding of retiree costs should be the*

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responsibility of the State, to the same extent that the State is responsible for operational costs.

50. ***SUPPORT legislation that provides constitutional protections and guaranteed funding to counties under Realignment.***

Health Care Issues

Counties remain concerned about any health care reform that could transfer responsibility to counties, without commensurate financing structures or in a manner not compatible with the County's system. Counties support a concept of universal health coverage for all Californians. Toward that end, counties urge the state to enact a system of health coverage and care delivery that builds upon the strengths of the current systems in our state, including county-operated systems serving vulnerable populations.

Currently, California has a complex array of existing coverage and delivery systems that serve many, but not all, Californians. Moving this array of systems into a universal coverage framework is a complex undertaking that requires sound analysis, thoughtful and deliberative planning, and a multi-year implementation process. As California moves forward with health care reform, counties urge the State to prevent reform efforts from exacerbating problems with existing service and funding. The State must also consider the differences across California counties and the impacts of reform efforts on the network of safety-net providers, including county providers. The end result of health reform must provide a strengthened health care delivery system for all Californians, including those served by the safety net.

51. *SUPPORT State action to increase access and affordability. Access to care and affordability of care are critical components of any health reform plan. Expanding eligibility for existing programs will not provide access to care in significant areas of the state. Important improvements to our current programs, including Medi-Cal, must be made either prior to, or in concert with, a coverage expansion in order to ensure access. Coverage must be affordable for all Californians to access care.*
52. *SUPPORT Medi-Cal reimbursement rate increases to incentivize providers to participate in the program.*
53. *SUPPORT administrative streamlining of Medi-Cal, including elimination of the asset test and semi-annual reporting and changes to income verification. California should look to other states for ideas to reduce administrative costs, such as allowing all children born into Medi-Cal to remain on the program until age 21.*
54. *SUPPORT actions that address provider shortages (including physicians, particularly specialists, and nurses). Innovative programs, such as loan forgiveness programs, should be expanded. In an effort to recruit physicians from other states, the licensing and reciprocity requirements should be re-examined. Steps should be taken to reduce the amount of time it takes to obtain a Medi-Cal provider number (currently six to nine months).*

55. SUPPORT efforts that implement comprehensive systems of care, including case management, for frequent users of emergency care and those with chronic diseases and/or dual diagnoses. *Approaches could be modeled after current programs in place in safety net systems.*
56. SUPPORT efforts that provide sufficient time for detailed data gathering of current safety funding in the system and the impact of any redirection of funds on remaining county responsibilities. *The interconnectedness of county indigent health funding to public health, correctional health, mental health, alcohol and drug services and social services must be fully understood and accounted for in order to protect, and enhance as appropriate, funding for these related services.*
57. OPPOSE safety net funding transfers until an analysis of who would remain uninsured (e.g. medically indigent adults, including citizens, who cannot document citizenship under current Medicaid eligibility rules) is completed in order to adequately fund services for these populations.
58. SUPPORT efforts to clearly define and adequately fund remaining county responsibilities.
59. SUPPORT State action to provide an analysis of current health care infrastructure (facilities and providers), including current safety net facilities across the state, to ensure that there are adequate providers and health care facilities, and that they can remain viable after health reform.
60. SUPPORT efforts to provide adequate financing for reforms to succeed.
61. SUPPORT measures that maximize Federal reimbursement from Medicaid and S-CHIP.
62. SUPPORT State action to complete actuarial studies on the costs of transferring indigent populations, who currently receive mostly episodic care, to a coverage model to ensure that there is adequate funding in the model.
63. SUPPORT efforts that ensure that safety net health care facilities remain viable during the transition period and be supported afterwards based on analyses of the changing health market and of the remaining safety net population.
64. SUPPORT State action to implement the 2010 Medi-Cal waiver in a manner that maximizes the drawdown of federal funds for services and facilities, provides flexibility, and ensures that counties receive their fair share of funding.
65. SUPPORT efforts to increase revenues and to contain mandated costs in the County's hospital and clinics system.

66. SUPPORT efforts to increase the availability of health care to the uninsured in California, whether employed or not.
67. SUPPORT legislation that improves the quality of health care, whether through the use of technology, innovative delivery models or combining and better accessing various streams of revenue, including but not limited to acute and long term care integration.
68. SUPPORT legislation to protect safety net providers, both public and private. Legislation should focus on stabilizing Medi-Cal rates and delivery modes and should advocate that these actions are essential to the success of any effort to improve access and make health care more affordable.

Currently there is no planned or organized system of care for young people and their families in need of alcohol and drug treatment services. Moreover there is a vast disparity between treatment need and treatment capacity for adolescents. Relative to the need and demand for this service, this is an area of the State's health care system that has been largely ignored.

69. SUPPORT State efforts to increase the scope of benefits and reimbursement rates contained in Minor Consent Medi-Cal to give youth suffering from substance abuse disorders access to a continuum of care, including residential and one-on-one outpatient treatment.
70. SUPPORT efforts to give incentives to providers to establish more youth-driven treatment facilities within the community.
71. SUPPORT efforts to extend Minor Consent Medi-Cal Coverage to incarcerated youths, many of whom are in custody due to drug related crimes. *This could greatly decrease recidivism in the juvenile justice system.*
72. SUPPORT county efforts in the promotion of partnerships that provide integrated responses to the needs of alcohol and drug populations, including criminal justice, perinatal and youth as well as those populations with co-occurring disorders.
73. SUPPORT and encourage the development of strategies that include alcohol and drug services in the provision of all culturally appropriate health care services.
74. SUPPORT the development and institutionalization of a tracking system for use on utilization and notification of Healthy Family substance abuse benefits for youths enrolled under California's Healthy Family program. *Like other youth in California, youth in Contra Costa County, are the most underserved population in the County's Alcohol and Other Drug (AOD) Services' caseloads. The Healthy Family initiative holds great potential as a funding source to address this major deficit in our AOD treatment services.*

75. SUPPORT efforts to require coverage of medically necessary alcohol and substance abuse related disorder treatment on the same levels as other medical conditions in health care service plans and disability insurance policies. *Alcohol and drug treatment services are the most under-funded of all health services. Neither the state nor the federal allocations to the County covers medical treatment for AOD services, and so are a cost borne by the County.*

Human Services Issues

76. SUPPORT efforts to increase County flexibility in use of CalWORKs funds and in program requirements in order to better support the transition of welfare dependent families from welfare-to-work and self-sufficiency, including, but not limited to: extending supportive services beyond the current limit; enhancing supportive services; increasing diversion and early intervention to obviate the need for aid; developing a state earned income tax credit; expanding job retention services; developing an eligibility definition to 250% of the poverty level; and exempting the hard-to-serve from welfare-to-work activities and the 20% exemption or providing flexibility in the time limit (dependent upon terms and conditions of TANF reauthorization). Support efforts to align CalWORKs property and asset limitations with those of Food Stamps. *All of these measures would make it easier for CalWORKs families to enter employment services, become employed, and continue with the support they need in order to maintain their jobs.*
77. SUPPORT efforts to revise the definition of “homelessness” in the Welfare & Institutions Codes to include families who have received eviction notices due to a verified financial hardship, thus allowing early intervention assistance for CalWORKs families. *Current law prevents CalWORKs from providing homeless assistance until the CalWORKs family is actually “on the street.” This rule change would enable the County to work with CalWORKs families who are being threatened with homelessness to prevent the eviction and, presumably, better maintain the parents’ employment status.*
78. SUPPORT efforts to ensure funding of child care for CalWORKs and former CalWORKs families at levels sufficient to meet demand. The State of California has not fully funded the cost of child care for the “working poor.” *Additional funding would allow more CalWORKs and post-CalWORKs families to become and/or stay employed.*
79. SUPPORT efforts to establish an “umbrella code” for the reporting of incidents of elder abuse to the Department of Justice, thus more accurately recording the incidence of abuse. *Current reporting policies within California’s law enforcement community and social services departments are uncoordinated in regards to the reporting of adult abuse. Under an “umbrella code,” law enforcement agencies and social services departments would uniformly report*

incidents of elder abuse and California would have much better data for policy and budget development purposes.

80. SUPPORT efforts that seek to identify and eliminate elder financial abuse and elder exposure to crime that may be committed through conservatorships, powers of attorney, notaries and others who have the right to control elder assets.
81. SUPPORT efforts to effectively manage the In Home Supportive Services (IHSS) to establish and maintain cost control mechanisms while delivering quality, targeted services and maintaining program integrity. Efforts include, but are not limited to, establishing an IHSS Volunteer Coordination component coupled with the rebalancing of available hours. Retired volunteer social workers and registered nurses could act as local Care Coordinators, enabling IHSS Social Workers to increase their capacity to perform more timely reassessments that would enable the management of available hours and target services to those clients most in need and at risk of institutionalization.
82. SUPPORT efforts to eliminate the finger-imaging requirement for adult food stamp applicants, recognizing the fraud deterrent aspects of the Electronic Benefits Transfer System. Elimination of the finger-imaging requirement, which was originally implemented as a fraud control measure in the old welfare programs, is viewed by many as an unnecessary or duplicate process. The current electronic benefits transfer system combined with program eligibility processes provides more fraud prevention/detection than does finger-imaging.
83. SUPPORT efforts to allow phone-in Food Stamp Eligibility Redeterminations as a more cost effective benefit reassessment process. As counties such as Contra Costa change their business models to utilize centralized service centers, some of the antiquated process rules and requirements also need to be changed, to allow cost efficient practices. Changing the rules to allow phone-ins for Eligibility Redeterminations is one example.
84. SUPPORT efforts to continue expansion of Child Welfare Redesign Program Improvements including: use of Federal IV-E funding for pre-placement, prevention activities; development of caretaker recruitment and retention campaigns; extension of Independent Living Skill services to age 21; and, funding to implement Children's Child Welfare Workload Study Results, SB 2030. Changes in these areas would enable counties to better meet their performance accountability goals, as required under Federal and State statutes.
85. SUPPORT efforts to allow Medi-Cal clients transportation access to medical care via the most efficient transportation mode possible instead of the very costly ambulance transportation that is currently prevalent. California is currently limited to the types of non-emergency medical transportation for reimbursement by Medi-Cal. However, the federal Medicaid program allows other much less

costly forms of transportation to be used. Other states use this more permissive definition of approved non-emergency medical transportation to encourage Medicaid clients to receive preventative care and reduce the incidence of last-resort ambulance transportation to hospital emergency rooms for primary care.

86. OPPOSE any legislation that increases tobacco taxes but does not contain language to replace any funds lost to The California Children and Families Act/Trust Fund for local services as currently funded by tobacco taxes, Prop 10 in 1998 and Prop 99.
87. OPPOSE legislation, rules, regulations or policies that restrict or affect the amount of funds available to, or the local autonomy of, First 5 Commissions to allocate their funds in accordance with local needs.
88. SUPPORT efforts to restore funding in the amount of \$80 Million for the Child Welfare Services Program that was line-item vetoed by Governor Schwarzenegger in the State's FY 2009-10 and FY 2010-11 budgets, as these reductions have a direct impact on local child protective services and the lives of children.
89. SUPPORT efforts by the Contra Costa **County's executive directors and program administrators of all Child Care and Development Programs to restore state budget allocations to the FY 2009-10 levels for the California State Preschool Program (CSPP), California Center-Based General Child Care Program (CCTR), CalWORKs Stage 2 (C2AP), CalWORKs Stage 3 (C3AP), Alternate Payment Program (CAPP), Child Care and Development Grant and the Child Care Retention Program (AB 212).**

Indian Gaming Issues

Contra Costa County is currently home to the Lytton Band of the Pomo Indians' Casino in San Pablo, a Class II gaming facility. There is also a proposal for an additional casino in North Richmond. Local governments have limited authority in determining whether or not such facilities should be sited in their jurisdiction; the terms and conditions under which the facilities will operate; and what, if any, mitigation will be paid to offset the cost of increased services and lost revenues. Contra Costa County has been active in working with CSAC and others to address these issues, as well as the need for funding for participation in the Federal and State review processes and for mitigation for the existing Class II casino.

90. SUPPORT efforts to ensure that counties who have existing or proposed Class II Indian gaming facilities receive the Special Distribution Funds.
91. CONSIDER, on a case by case basis, whether or not to SUPPORT or OPPOSE Indian gaming facilities in Contra Costa County, and only SUPPORT facilities that are unique in nature and can demonstrate significant community benefits above and beyond the costs associated with mitigating community impacts.

92. OPPOSE the expansion or approval of Class III gaming machines at the existing gaming facility in Contra Costa County unless it can be demonstrated that there would be significant community benefits above and beyond the costs associated with mitigating community impacts.
93. SUPPORT State authority to tighten up the definition of a Class II machine.
94. SUPPORT State legislative and administration actions consistent with the CSAC policy documents on development on Indian Lands and Compact negotiations for Indian gaming.

Land Use/Community Development Issues

95. SUPPORT efforts to promote economic incentives for "smart growth," including in-fill and transit-oriented development. *Balancing the need for housing and economic growth with the urban limit line requirements of Measure J (2004) will rely on maximum utilization of "smart growth" principles.*
96. SUPPORT efforts to increase the supply of affordable housing, including, but not limited to, state issuance of private activity bonds, affordable and low income housing bond measures, low-income housing tax credits and state infrastructure financing. *This position supports Goals 2, 3 and 4 of the County General Plan Housing Element.*
97. SUPPORT *establishment of* a CEQA exemption for affordable housing financing. *Current law provides a statutory exemption from CEQA to state agencies for financing of affordable housing (Section 21080.10(b) of the California Public Resources Code and Section 15267 of the CEQA Guidelines)—but not to local agencies. The current exemption for state agencies is only operational if a CEQA review process has been completed by another agency (e.g., by the land use permitting agency). Since the act of financing does not change the environmental setting, the net effect of the exemption is streamlining the process for providing financial assistance for already approved projects. AB 2518 (Houston) in 2006 was a Contra Costa County-sponsored bill to accomplish this, but it was not successful in the Legislature.*
98. SUPPORT efforts to obtain a CEQA exemption *or to utilize CEQA streamlining provisions* for infill development in unincorporated areas. Section 15332 of the CEQA Guidelines is a Categorical Exemption for infill development projects but only within cities. The exemption should also include urbanized unincorporated areas. The proposal would affect the County's affordable housing, revitalization, and redevelopment programs in all unincorporated urbanized areas of the County. *Without the exemption, housing projects in the unincorporated areas are subject to a more time-consuming and costly process in order to comply with the CEQA guidelines than that which is required of cities, despite having similar housing obligations. Regarding CEQA streamlining, SB 226 (Simitian) limits the*

provisions to cities and unincorporated islands. There may be good infill projects that should qualify for the SB 226 streamlining but do not simply because they are in a county but not an incorporated island.

99. SUPPORT efforts to reform State housing element law to promote the actual production and preservation of affordable housing and to focus less on process and paper compliance.

100. OPPOSE efforts to limit the County's ability to exercise local land use authority.

| ~~101. SUPPORT increased flexibility in the use of Redevelopment set aside funds for low and moderate income housing. Such flexibility would encourage creative use of these funds, resulting in higher overall production of units. This issue was partly addressed by SB 450 (Lowenthal), which was vetoed by the Governor in 2011 and will likely be reintroduced in some form.~~

| ~~102.~~ 101. SUPPORT efforts to reduce the fiscalization of land use decision-making by local government, which favors retail uses over other job-creating uses and housing. Reducing incentives for inappropriate land use decisions, particularly those that negatively affect neighboring jurisdictions, could result in more rational and harmonious land use.

| ~~103.~~ SUPPORT allocations, appropriations, and policies that support and leverage the benefits of approved Natural Community Conservation Plans (NCCPs), such as the East Contra Costa County NCCP. Support the granting of approximately \$20 million to the East Contra Costa County NCCP from the \$90 million allocation for NCCPs in Proposition 84. Support the position that NCCPs are an effective strategy for addressing the impacts of climate change and encourage appropriate recognition of the NCCP tool in implementation of climate change legislation such as SB 375 and AB 32. Promote effective implementation of NCCPs as a top priority for the Department of Fish and Game.

| ~~104. SUPPORT legislation to eliminate conflicting provisions in the state's Voluntary Alternative Redevelopment Program and to prescribe a schedule of reductions in the community remittance payments to schools when an agency issues bonds for the purpose of funding projects that advance the achievement of statewide goals. Health and Safety Code Section 34194(c)(2)(C) declares the Legislature's intent to develop such legislation.~~

| ~~102.~~

| ~~103. If the Supreme Court invalidates the Redevelopment Restructuring Acts of 2011, SUPPORT reform of the existing redevelopment process, as appropriate to consider as part of a budget solution, that represents compromise among all stakeholders with an interest in blight removal and an interest in State and local agency budgets. Furthermore, all stakeholders should be at the table discussing the State and local budget solutions. Specifically, SUPPORT legislation that would give local agencies specific tools for economic development purposes in~~

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~~order to enhance job opportunities, with emphasis on attracting and retaining businesses, and promote smart growth and affordable housing development.~~

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~~105.~~

~~106.~~ ~~104.~~ ~~OPPOSE legislation that would create substantial uncertainty over the tax allocation bonds issued by redevelopment agencies and possible negative credit impact.~~

~~107.~~ ~~SUPPORT legislation that would give redevelopment agencies specific and unambiguous authority to use tax increment for economic development purposes in order to enhance job opportunities and expand the statutory definition of redevelopment to put greater emphasis on attracting and retaining businesses.~~

Law and Justice System Issues

~~108.~~ ~~105.~~ ~~SUPPORT legislation that seeks to curb metal theft by making it easier for law enforcement agencies to track stolen metals sold to scrap dealers through such means as requiring identification from customers selling commonly stolen metals, banning cash transactions over a certain amount, and requiring scrap dealers to hold materials they buy for a certain period of time before melting them down or reselling them.~~

~~109.~~ ~~106.~~ ~~SUPPORT legislation that provides a practical and efficient solution to addressing the problem of abandoned and trespassing vessels and ground tackle in an administrative process that allows the California State Lands Commission to both remove and dispose of such vessels and unpermitted ground tackle. Boat owners in increasing numbers are abandoning both recreational and commercial vessels in areas within the Commission's jurisdiction. Our state waterways are becoming clogged with hulks that break up, leak, sink and add pollutants to our waterways and marine habitat.~~

~~110.~~ ~~107.~~ ~~OPPOSE legislative proposals to realign additional program responsibility to counties without adequate funding and protections.~~

~~111.~~ ~~108.~~ ~~OPPOSE legislation that would shift the responsibility of parolees from the state to the counties without adequate notification, documentation and funding.~~

~~112.~~ ~~109.~~ ~~SUPPORT legislation that will help counties implement the 2011 Public Safety Realignment as long as the proposal would: provide for county flexibility, eliminate redundant or unnecessary reporting, and would not transfer more responsibility without funding.~~

Levee Issues, Sacramento-San Joaquin Delta Issues

The County's Delta Water Platform was developed in mid-2008 to consolidate and organize the many County policies and positions into one document that could be utilized to guide actions and advocacy to promote a healthy Sacramento-San Joaquin Delta.

The Delta Water Platform is comprised of fourteen subject areas. Each of these subject categories contains relevant policies and background explanatory language. Each subject category is summarized below; the first five are considered priorities. The policies and background information can be found in the Delta Water Platform, which is included in this document by reference:

Short Term Actions to be implemented immediately: Includes a broad range of specific, relatively non-controversial actions to quickly improve the state of the Delta, such as improvements to levees, the fishery, habitat and emergency response.

Conveyance: Through-Delta and Isolated Conveyance: Consideration of isolated conveyance must protect and improve the Delta and the entire Bay-Delta ecosystem, include the broadest range of non-biased scientific analysis of impacts, include levee repair and all costs of a facility must be paid by beneficiaries.

The Delta Ecosystem: Protection and restoration of an ailing Delta ecosystem has long been a priority of the Board of Supervisors, including need for additional scientific research to address fundamental questions, fishery and habitat restoration projects.

Governance: A new or improved system of oversight related to ecosystem and water management is necessary. The existing Delta Protection Commission land use governance structure has been successful, requiring no further action. Local Government representation in any governance structure is paramount.

Levee Restoration: Advocacy for immediate and significant (multi-year) funding and levee repair is a priority, including upgrades to minimum (PL 84 99) standards for all levees, and a higher, 200-year level of protection for communities protected by levees. Stockpiling rock in the Delta specifically for levee repair and continuance of the Long Term Management Strategy (LTMS) are highly recommended.

Water Quality, Water Quality and Delta Outflow: Protection and improvement of water quality, quantity and outflow, determination and assurance of adequate water for the delta ecosystem and examination of the State and Federal project operations (including potential for reduced exports) are recommended here.

Flood Protection/Floodplain Management: Comprehensive flood management planning throughout the Delta and its watersheds, as well as funding to bring flood facilities to 200-year levels and revenue generation for flood control districts continue to be of import.

Water Rights and Legislative Protections: Existing area-of-origin and other water rights protections established for the Delta should be preserved.

Regional Self-Sufficiency: All export regions should be implementing all water supply options available to them to reduce stress on the Delta as a limited resource.

Emergency Response: Collaborative efforts among the Delta counties to improve emergency response in the region have been productive and are continuing.

Water Conservation: Landscape and household conservation, maximizing use of reclaimed wastewater, use of meters, and agricultural water conservation are recommended.

Water Storage: Multi-purpose storage facilities are recommended and groundwater storage preferred to surface storage options. Detailed groundwater studies are recommended.

San Luis Drain/Grasslands Bypass: Long-standing opposition to selenium discharges from this project entering the Delta and support of in-valley treatment solutions are ongoing. Continued reduction in drainage from the Grasslands Bypass project is also monitored.

Climate Change: Impacts of climate change must be considered in planning, engineering and construction activities.

| ~~443-110.~~ ADVOCATE for administrative and legislative action to provide significant funding for rehabilitation of levees in the western and central Delta. Proposition 1E, passed in November 2006, provides for over \$3 billion for levees, primarily those in the Central Valley Flood Control Program. Language is included in the bond for other Delta levees but funding is not specifically directed. The County will work on a coalition basis to actively advocate for \$1 billion in funding through this bond.

| ~~444-111.~~ SUPPORT legislation that requires the levee repair funds generated by Proposition 1E be spent within one year. Many public agencies, including reclamation districts charged with maintaining levees, have complained about the state's inaction in allocating and distributing the levee funds that were raised by the bond sales authorized by Proposition 1E in 2008. Legislation could require the immediate distribution of these funds to local levee projects. The Delta Reform Act of 2009 authorized over \$202 million for levee repairs. It has been difficult to obtain explanations from the state as to why these funds are not being distributed.

| ~~445-112.~~ SUPPORT legislation to amend California Water Code Section 12986, to maintain the state/local funding ratio of 75/25 for the state's Delta Levees Subventions Program, which provides funds for local levee repair and maintenance projects. The code provisions that have the state paying 75 percent of project costs will expire on July 1, 2013. At that time the matching

ratio will change to 50/50. This means local reclamation districts will have to pay a larger portion of project costs (50%, compared to their current 25% requirement). Many districts do not have the funding to do so. This legislative request could also include direction that the Delta Levees Subventions Program should continue to use funds from bonds or other dedicated sources, rather than the state's General Fund. For the past several years the program has been funded from bonds. When these bond funds run out, the program will have to be funded from the General Fund, unless some other new dedicated funding source is established. This is something that should be included in the next Water Bond, if and when there is one.

- | ~~446-113.~~ ADVOCATE for legislation dealing with the Delta, including levees and levee programs, level and type of flood protection, beneficiary-pays programs, flood insurance, liability and other levee/land use issues.
- | ~~447-114.~~ SUPPORT legislation/regulation requiring Reclamation Districts to develop, publish, and maintain hazard emergency plans for their districts. *Emergency response plans are critical to emergency management, particularly in an area or situation like the Delta where a levee break could trigger other emergencies. This legislation/regulation should also include the requirement for plan review and annual distribution of the plan to the residents of the district, County Office of Emergency Services and other government agencies that have emergency response interests within the district.*
- | ~~448-115.~~ SUPPORT legislation to amend California Water Code Section 85057.5 to bring the Delta Stewardship Council's "covered actions" land-use review process into consistency with CEQA. This section of state code defines a "covered action," which refers to local permit decisions that are subject to potential revocation by the Delta Stewardship Council, as proposed in the Council's Delta Plan. The proposed process works as follows: (1) if a local permit application meets the definition of a "covered action," the jurisdiction must evaluate it for consistency with all of the policies in the Stewardship Council's Delta Plan. (2) If the jurisdiction finds the project is consistent with the Delta Plan, they notify the Stewardship Council of this finding. (3) Anyone who objects to the project may appeal the consistency finding, and it will be up to the Stewardship Council to make the final decision. Should the Stewardship Council decide against the local jurisdiction, there is no appeal process available to the jurisdiction or project applicant other than legal action.

"Covered actions" are defined in Section 85057.5 of the California Water Code. It defines them as plans, projects or programs as defined by CEQA, and then goes on to grant several exemptions to certain types of projects. It does not, however, provide exemptions for all the project types that CEQA itself exempts. CEQA provides a lengthy list of categorical exemptions for plans, projects and programs that generally do not have significant environmental impacts, and projects that have compelling reasons to move forward quickly (such as public

safety projects). The entire list of categorical exemptions from CEQA also should be exempt from the Delta Stewardship Council's "covered actions" process.

Library Issues

- | ~~419-116.~~ SUPPORT State financial assistance in the operation of public libraries, including full funding of the Public Library Fund (PLF) and the Direct/Interlibrary Loan (Transaction Based Reimbursement) program.
- | ~~420-117.~~ SUPPORT State bonds for public library construction. The 2000 library construction bond provided funding for two libraries in Contra Costa County. There is currently a need of approximately \$289,000,000 for public library construction, expansion and renovation in Contra Costa County.
- | ~~424-118.~~ SUPPORT continued funding for the California Library Literacy and English Acquisition Services Program, which provides matching funds for public library adult literacy programs that offer free, confidential, one-on-one basic literacy instruction to English-speaking adults who want to improve their reading, writing, and spelling skills.

Telecommunications Issues

- | ~~422-119.~~ SUPPORT clean-up legislation on AB 2987 that provides for local emergency notifications similar to provisions in cable franchises for the last 20 years. *Currently our franchises require the cable systems to carry emergency messages in the event of local emergencies. With the occurrence of several local refinery incidents, this service is critical for Contra Costa. Under federal law, Emergency Alert System requirements leave broad discretion to broadcasters to decide when and what information to broadcast, emergency management offices to communicate with the public in times of emergencies.*
- | ~~423-120.~~ SUPPORT preservation of local government ownership and control of the local public rights-of-way. *Currently, local government has authority over the time, place, and manner in which infrastructure is placed in their rights-of-way. The California Public Utilities Commission is considering rulemaking that would give them jurisdiction to decide issues between local government and telecommunication providers.*

Transportation Issues

- | ~~424-121.~~ SUPPORT increased flexibility in the use of transportation funds. The County supports an amendment to the Subdivision Map Act to allow the use of off-site transportation impact fees to fund pedestrian, bicycle transit and traffic calming facilities necessitated by new development. The Act currently limits the

use of these funds to improvements to bridges and “major thoroughfares.” Senator DeSaulnier introduced such a bill in 2008. The County’s proposal was adopted by CSAC for its legislative platform in the 2011 session. The proposal would provide more flexibility in how we can use an existing transportation funding source.

- | ~~425-122.~~ SUPPORT regional coordination that provides for local input in addressing transportation needs. *Coordinated planning and delivery of public transit, paratransit, and rail services will help ensure the best possible service delivery to the public. Regional coordination also will be needed to effectively deal with the traffic impacts of Indian gaming casinos such as those in West County. Regional coordination also will be essential to complete planning and development of important regional transportation projects that benefit the state and local road system* such as State Route 239, improvements to Vasco Road, completion of remaining segments of the Bay Trail, improvements to the Delta DeAnza Regional Trail, and the proposed California Delta Trail. There may be interest in seeking enhanced local input requirements for developing the Sustainable Communities Strategy for the Bay Area mandated by SB 375 for greenhouse gas reduction. It is important that the regional coordination efforts are based on input gathered from the local level, to ensure the regional approach does not negatively impact local communities. “Top-down” regional planning efforts would be inconsistent with this goal.

- | ~~426-123.~~ SUPPORT efforts to improve safety throughout the transportation system. *The County supports new and expanded projects and programs to improve safety for bicyclists, pedestrians and wheelchair users, as well as projects to improve safety on high-accident transportation facilities such as Vasco Road. Data on transportation safety would be improved by including global positioning system (GPS) location data for every reported accident to assist in safety analysis and planning. The County also supports school safety improvement programs such as crossing guards, Safe Routes to Schools (SR2S) grants, efforts to improve the safety and security of freight transportation system including public and private maritime ports, airports, rail yards, railroad lines and sidings. The County also supports limits or elimination of public liability for installing traffic-calming devices on residential neighborhood streets.*

- | ~~427-124.~~ SUPPORT funding or incentives for the use of renewable resources in transportation construction projects. *The County seeks and supports grant programs, tax credits for manufacturers, state purchasing programs, and other incentives for local jurisdictions to use environmentally friendly materials such as the rubberized asphalt (made from recycled tires) that the County has used as paving material on San Pablo Dam Road and Pacheco Boulevard.*

- | ~~428-125.~~ SUPPORT streamlining the delivery of transportation safety projects. *The length of time and amount of paperwork should be reduced to bring a transportation safety project more quickly through the planning, engineering and*

design, environmental review, funding application, and construction phases, such as for Vasco Road. This could include streamlining the environmental review process and also streamlining all state permitting requirements that pertain to transportation projects. Realistic deadlines for use of federal transportation funds would help local jurisdictions deliver complex projects without running afoul of federal time limits which are unrealistically tight for complex projects.

- | ~~429-126.~~ SUPPORT efforts to coordinate development of state-funded *or regulated* facilities such as courts, schools, jails, *roads* and state offices with local planning. The County supports coordinating planning between school districts and local jurisdictions in locating and planning new schools and funding programs that foster collaboration *and joint use of facilities* to help finance off-site transportation improvements for access to schools.

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- | ~~430-127.~~ SUPPORT regional aviation transportation planning efforts for coordinated aviation network planning to improve service delivery. Regional aviation coordination could also improve the surrounding surface transportation system by providing expanded local options for people and goods movement.

- | ~~434-128.~~ SUPPORT efforts to increase waterborne transport of goods and obtaining funds to support this effort. *The San Francisco to Stockton Ship Channel is a major transportation route for the region, providing water access to a large number of industries and the Ports of Sacramento and Stockton. A project is underway to deepen the channel, providing additional capacity to accommodate increasing commerce needs of the Ports and providing better operational flexibility for the other industries. Increased goods movement via waterways has clear benefits to congestion management on highways and railroads (with resultant air quality benefits).*

Waste Management

- | ~~432-129.~~ SUPPORT legislation that establishes producer responsibility for management of their products at the end of their useful life.

- | ~~433-130.~~ SUPPORT efforts to increase the development of markets for recycled materials.

- | ~~434-131.~~ SUPPORT legislative and regulatory efforts to allow third parties, under specific circumstances and conditions, to collect and transport household hazardous waste to collection facilities.

- | ~~435-132.~~ *SUPPORT legislation that seeks to remedy the environmental degradation and solid waste management problems on a State-wide basis of single-use plastic bags typically given away for free at grocer, retail and other establishments.*

133. *SUPPORT legislation that does not require increased diversion from landfills without out an adequate funding mechanism.*

134. *SUPPORT legislation that would make changes to the used tire redemption program. Instead of collecting a disposal fee from the consumer when new tires are purchased, a disposal fee would be collected at the wholesale level and redeemed by the disposal site when the used tires are brought to the site. The party bringing the tires to the disposal site would also receive a portion of the fee.*
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PROPOSED 2012 STATE LEGISLATIVE PLATFORM CONTRA COSTA COUNTY



Each year, the Board of Supervisors adopts a State Legislative Platform that establishes priorities and policy positions with regard to potential State legislation and regulation. The State Legislative Platform includes County-sponsored bill proposals; policy issues that provide direction and guidance for identification of bills which would affect the services, programs or finances of Contra Costa County; and issues regarding the State budget and state-local relationship.

COUNTY-SPONSORED BILLS

- 1. New Pension Tiers Legislation:** The County is currently in negotiation with many of its bargaining units regarding the development of new pension tiers, Tier IV and Tier D (for Safety employees). The current Memorandum of Understanding for Local 21 and the Management Resolution both include provisions to close Tier III, Tier A, and Tier C to all hired after December 31, 2012 and create Tier IV and Tier D, which will be applicable to all hired after that date.

The County is seeking enabling legislation to amend the County Employees Retirement Act of 1937 to enact this change and to allow Tier IV to apply to each bargaining unit that agrees to implement the Tier. In addition, the County is also presently negotiating with its safety-related bargaining units with the intention of reaching agreement on the creation and adoption of Tier D¹. As with Tier IV, Tier D will apply to each bargaining unit that agrees to implement the Tier, and enabling legislation is required to effectuate the new tier.

The County may also seek in legislation, as appropriate, additional general authority for the County and its Unions to agree to different retirement benefits for future employees for different bargaining units or subgroups, if approved in a Memorandum of Understanding. In addition, the County may also seek, as appropriate, additional general authority for the County and its Unions to agree that employees hired after December 31, 2012 may pay part of the Employer's retirement contributions, if approved in a Memorandum of Understanding.

Rationale: *By negotiating these retirement plan changes at the bargaining table, Contra Costa County achieves local pension reform that saves money for County taxpayers and helps the pension system, the Contra Costa County Employees Retirement Association (CCCERA), stay sustainable for retirees. Legislation is required to amend the County Employees Retirement Law of 1937 to enact these changes.*

¹ On December 6, 2011, the Board of Supervisors adopted Resolution No. 2011/486 approving the MOU with the Deputy Sheriffs' Association Management Unit and the MOU with the DSA, Rank and File Unit, implementing an agreement for the period of July 1, 2008 through June 30, 2013.

- 2. Retain In Home Supportive Services (IHSS) Savings Through Targeted Program Management:** Contra Costa County IHSS believes it can save service hours – and thereby costs – through an on-going Target Program Management. By aiming to stay below the “natural growth rate” in hours of 3.2 – 7.5% per year (based on history), Contra Costa County IHSS projects that it can achieve annual savings of up to \$2.0 million to the State General Fund during the next five years. Beginning FY 2011-12, Contra Costa County requests that the State share any savings between the projected “natural growth rate” in IHSS service hours and the actual service hours achieved by the County each year, in a share ratio formula to be determined.

Savings retained by the County would be kept within the IHSS program, or possibly applied to other endangered safety net programs for seniors – such as Adult Day Health Care, Legal Services and community-based nutrition and transportation programs. This framework is consistent with the State’s Realignment plan that places greater autonomy at the local level. Additionally, the integration of several service elements is in keeping with the overall national trend toward an integrated model of care and community services.

***Rationale:** This proposal has been created in light of current and anticipated budget challenges that are threatening the existence of IHSS, a California innovation and one of its most successful human service programs. The premise of the proposal is that it is critical to maintain the viability of IHSS, a safety net program that has a proven track record as a cost-effective method for keeping seniors and adults with disabilities in their own homes and out of expensive nursing homes. Equal to the financial implication is the public service component: people who need in-home services and their families have a high preference for independent living arrangements over nursing home consignment.*

LEGISLATIVE/REGULATORY ADVOCACY PRIORITIES

Each year, issues emerge through the legislative process that are of importance to the County and require advocacy efforts. For 2012, it is anticipated that critical issues requiring legislative advocacy will include the following:

1. State Budget – A slow economic recovery continues to plague the state and hamper the ability to fund core services. Baseline General Fund revenues for FY 2012-13 are projected to total \$89 billion, and are not expected to return to their 2007-08 levels until 2014-15. Further, there remain significant risks and uncertainty to the state’s fiscal health, including ongoing debt obligations, pension liabilities, and uncertainties associated with the continuing debate on addressing the federal budget deficit. The budget deficit for 2012-13 is estimated to be \$9.2 billion, including a current year deficit of \$4.1 billion. To address the deficit, the Governor is proposing a combination of spending reductions and temporary taxes (via ballot initiative) totaling \$10.3 billion to both balance the budget and establish a \$1.1 billion reserve. The Governor also proposes a new round of trigger cuts slated to take effect if his ballot initiative fails.

The long-standing practice of state government has been to look to counties as a means of balancing its budget. While opportunities to do so are more limited with the passage of Proposition 1A, the magnitude of the deficit makes it certain the State will be creative in their efforts to include counties as part of its budget balancing solution, likely through additional program re-alignment and revenue reductions.

Of particular concern to counties is the inadequate reimbursement for our increasing cost of operating several human services programs: the Human Services Funding Deficit, formerly referred to as the “Cost of Doing Business.” The annual shortfall between actual county expenses and State reimbursement has grown to over \$1 billion since 2001, creating a de facto cost shift to counties. The funding gap forces counties to reduce services to vulnerable populations and/or divert scarce county resources from other critical local services. It also increases the risk of State and Federal penalties.

2. Health Care – Counties have a high stake in California’s health reform efforts. Counties serve as employers, payers, and providers of care to vulnerable populations. Consequently, counties stand ready to actively participate in discussions of how to best reform the health care system in California and implement the national health care reform legislation passed in 2010.

3. Water and Levees /The Sacramento-San Joaquin Delta – The Legislature’s passing of the Delta Reform Act (2009), a package of bills which established among other things, co-equal goals for reliable water supply and ecosystem restoration for the Delta, as well as the proposed Bay Delta Conservation Plan (BDCP)--an effort to construct a massive peripheral canal/tunnel-- will require significant, large-scale change to the Delta as we know it today. The scope and content of these changes and continuing political battles between north and south over water will continue to dominate legislative and administrative agendas in the coming year. Significant future impacts upon the County in the areas of water quality and supply, levees, ecosystem, governance and flood control are anticipated. Additionally, a water bond has been proposed for the November 2012 ballot. Consideration should be given to the potential for the County to sponsor Delta-related legislation through our legislative delegation. The County may also work with the Delta Counties Coalition (DCC) to sponsor Delta-related legislation. Particular areas of concern for 2012 include, but are not limited to, impacts of Delta plans on local land use authority and expediting state bond funding for levee improvement projects. The County’s adopted Delta Water Platform, as well as the Strategic and Action Plans, are incorporated in this Platform by reference.

4. Constitutional Protections and Realignment Implementation–Since the 2011 Public Safety Realignment package passed in June 2011 without the constitutional protections requested by counties, one of the central goals of counties is to support efforts to achieve the constitutional protections that guarantee a dedicated on-going revenue stream and include provisions protecting counties against future actions by the Legislature, the courts, regulations or executive orders that increase county costs for Realignment. Counties will also support efforts to ensure that the receipt of Local

Community Corrections Funds matches the amounts anticipated from the State, without undue delay.

In addition, there are major realignment implementation issues that need to be addressed and passed in the Legislature including the “super structure,” how to allocate growth of revenue, and the transferability of funds between programs.

With regard to Public Safety realignment, the County will support efforts that facilitate the smooth transition of prisoners and parolees at the county level. Counties are currently receiving parolees whose latest crime fits the specified “non-violent, non-serious, non-sex offender” (N3) definition, but who have a criminal background that includes violent, serious and/or sexual crimes. Under the current legislation, the person’s latest offense/crime determines if they meet the N3 criteria. However, counties are receiving people who have a very violent background. Specifically, a change would be requested to prevent those whose total criminal background does not meet the N3 criteria. These individuals should stay under the responsibility of the State.

The County will also support efforts to alter the present formula for the allocation of funds to counties, which favors those counties that currently incarcerate a greater percentage of the local population due to local sentencing practices, fewer crimes outside the non-violent, non-serious, non-sexual criteria, and a lesser commitment to alternative sentencing and diversion programs. The County will also support efforts to provide additional funding/grants to those counties that have a commitment to lowering the crime rate and reducing recidivism through the provision of innovative, comprehensive, evidence-based programs for offender populations and their families.

Any future proposals to realign programs to counties must have constitutionally guaranteed ongoing funding and protections. The County will oppose any proposals that will transfer additional program responsibility to counties without funding and protections.

STATE PLATFORM POLICY POSITIONS

A brief background statement accompanies policy positions that are not self-evident. Explanatory notes are included either as the preface to an issue area or following a specific policy position. Please note that new and revised policy positions are highlighted and in italics. The rationale for the policy position is italicized.

Agricultural Issues

1. SUPPORT efforts to ensure sufficient State funding for pest and disease control and eradication efforts to protect both agriculture and the native environment, including glassy-winged sharpshooter, light brown apple moth, and Japanese dodder activities; high risk pest exclusion activities; pesticide regulatory and law enforcement activities; and noxious weed pest management. *Agriculture is an*

important industry in Contra Costa County. Protection of this industry from pests and diseases is important for its continued viability.

2. SUPPORT continued appropriations for regulation and research on sudden oak death, a fungal disease affecting many species of trees and shrubs in native oak woodlands. *The County's natural environment is being threatened by this disease.*
3. SUPPORT funding for agricultural land conservation programs and agricultural enterprise programs to protect and enhance the viability of local agriculture. *The growth in East County and elsewhere has put significant pressure on agricultural lands, yet agriculture is important not only for its production of fresh fruits, vegetables and livestock, but also as a source of open space.*
4. SUPPORT legislation to establish legal authority where needed to facilitate the efforts by the California Department of Food and Agriculture and the Department of Boating and Waterways to survey and treat all incipient infestations of the South American spongeplant and a continued long-term effort to rid the Delta of this **and other** invasive species. *Invasive aquatic species **are** a threat to agriculture, the environment and recreation in the Delta.*

Animal Services Issues

5. SUPPORT efforts to protect local revenue sources designated for use by the Animal Services Department; i.e., animal licensing, fines and fees. *Fines, fees, and licensing are major sources of revenue for the Animal Services Department. The demand for animal services is increasing each year as does the demand on the General Fund. It is important to protect these revenue sources to continue to provide quality animal service and to meet local needs.*
6. SUPPORT efforts to protect or increase local control and flexibility over the scope and level of animal services. *Local control over the scope of animal services is necessary to efficiently address public safety and other community concerns. Local control affords jurisdictions the ability to tailor animal service programs to fit their communities. Animal related issues in dense urban areas vary from those in small, affluent communities.*
7. SUPPORT efforts to protect against unfunded mandates in animal services or mandates that are not accompanied by specific revenue sources which completely offset the costs of the new mandates, both when adopted and in future years. *Unfunded mandates drain our limited fiscal resources and, at the same time, chip away at local control over the scope and level of services.*
8. SUPPORT efforts to ensure full funding of State animal services mandates, including defense of the Department of Finance's lawsuit against the State Commission on Mandates regarding the State obligations for reimbursement of

local costs for animal services incurred in compliance with SB 1785. *The County invested large sums of money to comply with SB 1785, with the assurance that our cost would be offset by reimbursements from the State. Failure by the State to honor the reimbursements negatively impacts the County General Fund and Animal Services' budget.*

9. SUPPORT efforts to protect and/or increase County flexibility to provide animal services consistent with local needs and priorities. *The demand for quality animal service programming continues to increase each year. The County is experiencing population growth and changing demographics. It is incumbent upon the Animal Services Department to be flexible enough to adjust to the changing needs and priorities.*
10. SUPPORT efforts to preserve the integrity of existing County policy relating to Animal Services (e.g., the Animal Control Ordinance and land use requirements). *Contra Costa is looked upon as one of the model Animal Services Departments in the state. Its policies, procedures, and ordinances are the yardstick against which other Animal Control organizations are measured. The local control exercised by the Board of Supervisors is key to that hallmark.*

Child Support Services Issues

11. SUPPORT the establishment of a statewide electronic registry for the creation and release/satisfaction of liens placed on property of a non-custodial parent as necessary to collect delinquent child support payments. *California law currently provides that recording an abstract or notice of support judgment with a County Recorder creates a lien on real property. This requires recording the judgment in each of the 58 counties in order not to miss a property transaction. An electronic registry would simplify not only the creation of liens but also the release/satisfaction of liens because there would be a single statewide point of contact, and the entire process would be handled electronically through automated means.*
12. SUPPORT amendment of current law that states that documents completed and recorded by a local child support agency may be recorded without acknowledgement (notarization) to clarify that the exception is for documents completed or recorded by a local child support agency. *This amendment clarifies that documents that are prepared by the local child support agency and then sent for recording either by the local child support agency or by the obligor (non-custodial parent) or by a title insurance company are covered by the exemption, a technical point not acknowledged by all county recorder offices.*
13. SUPPORT efforts to simplify the court process for modifying child support orders by the court by requiring court appearances only when one of the parties objects to the modification. *Currently, establishment of parentage and support by the court is permitted without court appearance if both parties are in agreement. A*

similar process for modification would reduce court time, the workload of all involved agencies and parties, and streamline the process.

14. SUPPORT efforts to ensure that the reduction caused by the federal Deficit Reduction Act of 2005 to the California Department of Child Support Services is not passed down as a reduction to the local program. *The Act places a restriction on the ability of states to use incentive funds as the state match to draw additional federal funds. In previous years, California used its \$30 million in federal funds in child support programs.*
15. SUPPORT efforts that would require the Department of Child Support Services to provide any notice form, information, or document that is required or authorized to be given, distributed, or provided to an individual, a customer, or a member of the public to be given, distributed, or provided in a digitized form, and by any means the Department determines is feasible, including, but not limited to, e-mail or by means of a web site.

Climate Change Issues

16. SUPPORT the CSAC *Climate Change Policy Statements and Principles* which address a broad range of issues affected by climate change, including water, air quality, agriculture, forestry, land use, solid waste, energy and health. *The document is largely based on existing CSAC policy and adapted to climate change. Additionally, the document contains a set of general principles which establish local government as a vital partner in the climate change issue and maintain that counties should be an active participant in the discussions in the development of greenhouse gas reduction strategies underway at the state and regional level.*
17. SUPPORT efforts to ensure that the implementation of AB 32 results in harmony among the greenhouse gas reduction target created by the Air Resources Board for each regional/local agency, the housing needs numbers provided by the state Department of Housing and Community Development pursuant to housing element law, the Sustainable Communities Strategy, and the Regional Transportation Plan processes.

Elections Issues

18. SUPPORT legislation to adjust precinct sizing from 1,000 voters per precinct to 1,250 voters per precinct. *With the option of being able to have up to 1,250 voters per precinct, the best polling locations in a neighborhood can be selected, and that same site is more likely to be used for several elections, thus avoiding the need to change poll sites for voters.*
19. SUPPORT full state reimbursement for state mandates imposed upon local registrars by the Secretary of State, including special state elections. *The state*

has committed to reimburse Counties for the cost of certain state mandates. That reimbursement process, SB 90, can be lengthy and contentious. The SB 90 process is also subject to uncertainties including partial payments, delayed payments, and now, suspended or no payments. In lieu of the SB 90 process for Elections, there is merit in the examination of having the state pay its pro-rata share of costs when state candidates/measures are on the ballot.

20. SUPPORT legislation that would add provisions to the state Elections Code that would allow special elections to fill a vacancy in a congressional or legislative district to be conducted by all mailed ballots at the county's discretion.

Emergency Preparedness, Emergency Response

21. SUPPORT legislation that would give local agencies more authority to train volunteers and help clean-up oil spills without taking on additional legal liability.
22. SUPPORT legislation that would require the state's Oil Spill Prevention and Response Agency to improve communication and clean-up technology, increase safety standards for ships and establish special protections for ecologically sensitive areas.
23. SUPPORT legislation that would require responses to future oil spills in a shorter timeframe, with a more regional approach.
24. SUPPORT measures that enable counties and other local agencies to better exercise their responsibilities to plan for and respond to emergencies and disasters without taking on additional legal liability and oppose those that do not recognize or support the county and local agency role in the State's Standardized Emergency Management System.
25. SUPPORT legislation or other measures requiring the creation of emergency rock stockpiles suitable for levee repair throughout the Delta, enabling increasingly efficient and less costly prevention of levee breaks and enhancement of initial response capabilities.

Eminent Domain Issues

26. SUPPORT legislation that maintains the distinction in the California Constitution between Section 19, Article I, which establishes the law for eminent domain, and Section 7, Article XI, which establishes the law for legislative and administrative action to protect the public health, safety, and welfare.
27. SUPPORT legislation that would provide a comprehensive and exclusive basis in the California Constitution to compensate property owners when property is taken or damaged by state or local governments, without affecting legislative and administrative actions taken to protect the public health, safety, and welfare.

Flood Control and Clean Water Issues

28. SUPPORT authorization for regional approaches to comply with aquatic pesticide permit issues under the purview of the State Water Resources Control Board. *Contra Costa County entered into an agreement with a neighboring county and several cities to share the costs of monitoring. While it makes sense for local government to pool resources to save money, State Board regulations make regional monitoring infeasible.*
29. SUPPORT efforts to provide local agencies with more flexibility and options to fund clean water programs. *Stormwater requirements issued by the Regional Water Quality Control Boards are becoming more and more expensive, yet there is no funding. Stormwater should be structured like a utility with the ability to set rates similar to the other two key water services: drinking water and wastewater.*
30. SUPPORT efforts to provide immunity to local public agencies for any liability for their clean-up of contaminations on private lands. *This will be more critical as the Regional Water Quality Control Boards institute Total Maximum Daily Loads, which establish a maximum allowable amount of a pollutant (like mercury) in the stormwater from a watershed.*

General Revenues/Finance Issues

As a political subdivision of the State, many of Contra Costa County's services and programs are the result of state statute and regulation. The State also provides a substantial portion of the County's revenues. However, the State has often used its authority to shift costs to counties and to generally put counties in the difficult position of trying to meet local service needs with inadequate resources. While Proposition 1A provided some protections for counties, vigilance is necessary to protect the fiscal integrity of the County.

31. SUPPORT the State's effort to balance its budget through actions that do not adversely affect County revenues, services or ability to carry out its governmental responsibilities.
32. OPPOSE any state-imposed redistribution, reduction or use restriction on general purpose revenue, sales taxes or property taxes unless financially beneficial to the County. *(Note that a redistribution of sales and property tax may be beneficial to Contra Costa County in the event that sales tax growth continues to lag behind property tax growth.)*
33. OPPOSE efforts to limit local authority over transient occupancy taxes (TOT).
34. OPPOSE any efforts to increase the County's share-of-cost, maintenance-of-effort requirements or other financing responsibility for State mandated programs absent new revenues sufficient to meet current and future program needs.

35. SUPPORT efforts to ensure that Contra Costa County receives its fair share of State allocations, including mental health funding under Proposition 63 and pass-through of federal funds for anti-terrorism and homeland security measures. *The State utilizes a variety of methods to allocate funds among counties, at times detrimental to Contra Costa County.*
36. SUPPORT efforts to receive reimbursement for local tax revenues lost pursuant to sales and property tax exemptions approved by the Legislature and the State Board of Equalization.
37. SUPPORT continued efforts to reform the state/local relationship in a way that makes both fiscal and programmatic sense for local government and conforms to the adopted 2010 CSAC Realignment Principles, with an emphasis on maximum flexibility for counties to manage the existing and realigned discretionary programs.
38. SUPPORT efforts to relieve California of the federal Child Support penalties without shifting the cost of the penalties to the counties.
39. SUPPORT a reduction in the 2/3 vote requirement for special taxes that fund a comprehensive community plan developed by the county, cities and school districts that improve health, education and economic outcomes and reduce crime and poverty.
40. SUPPORT efforts to authorize counties to impose forfeitures for violations of ordinances, as currently authorized for cities. *This would provide the County with the opportunity to require deposits to assure compliance with specific ordinance requirements as well as retain the deposit if the ordinance requirements are not met. Currently, the County is limited to imposing fines which are limited to only \$100 - \$200 for the first violation, which has proven to be an ineffective deterrent in some cases.*
41. SUPPORT efforts to redefine the circumstances under which commercial and industrial property is reassessed to reduce the growing imbalance between the share of overall property tax paid by residential property owners versus commercial/industrial owners.
42. SUPPORT efforts to reduce County costs for Workers' Compensation, including the ability to control excessive medical utilization and litigation. *Workers' Compensation costs are significant, diverting funds that could be utilized for County services. Workers' Compensation should provide a safety net for injured employees, for a reasonable period of time, and not provide an incentive for employees to claim more time than medically necessary.*
43. SUPPORT state actions that maximize Federal and State revenues for county-run services and programs.

44. SUPPORT legislative compliance with both the intent and language of Proposition 1A *and Proposition 22 (on an issue-by-issue basis)*.
45. SUPPORT full State funding of all statewide special elections, including recall elections.
46. OPPOSE efforts of the State to avoid state mandate claims through the practice of repealing the statutes, then re-enacting them. *In 2005, the State Legislature repealed sections of the Brown Act that were subject to mandate claims, then re-enacted the same language pursuant to a voter-approval initiative, and therefore, not subject to mandate claims.*
47. SUPPORT strong Public Utilities Commission (PUC) oversight of state-franchised providers of cable and telecommunications services, including rigorous review of financial reports and protection of consumer interests. *AB 2987 (Núñez), Chapter 700, statutes of 2006 transferred regulatory oversight authority from local government to the PUC.*
48. SUPPORT timely, full payments to counties by the State for programs operated on their behalf or by mandate. *The State currently owes counties over \$1 billion in State General Funds for social services program costs dating back to FY 2002-03.*
49. SUPPORT full State participation in funding the County's retiree and retiree health care unfunded liability. *Counties perform most of their services on behalf of the State and Federal governments. Funding of retiree costs should be the responsibility of the State, to the same extent that the State is responsible for operational costs.*
50. *SUPPORT legislation that provides constitutional protections and guaranteed funding to counties under Realignment.*

Health Care Issues

Counties remain concerned about any health care reform that could transfer responsibility to counties, without commensurate financing structures or in a manner not compatible with the County's system. Counties support a concept of universal health coverage for all Californians. Toward that end, counties urge the state to enact a system of health coverage and care delivery that builds upon the strengths of the current systems in our state, including county-operated systems serving vulnerable populations.

Currently, California has a complex array of existing coverage and delivery systems that serve many, but not all, Californians. Moving this array of systems into a universal coverage framework is a complex undertaking that requires sound analysis, thoughtful and deliberative planning, and a multi-year implementation process. As California moves forward with health care reform, counties urge the State to prevent reform efforts from exacerbating problems with existing service and funding. The State must also consider the differences across California

counties and the impacts of reform efforts on the network of safety-net providers, including county providers. The end result of health reform must provide a strengthened health care delivery system for all Californians, including those served by the safety net.

51. SUPPORT State action to increase access and affordability. *Access to care and affordability of care are critical components of any health reform plan. Expanding eligibility for existing programs will not provide access to care in significant areas of the state. Important improvements to our current programs, including Medi-Cal, must be made either prior to, or in concert with, a coverage expansion in order to ensure access. Coverage must be affordable for all Californians to access care.*
52. SUPPORT Medi-Cal reimbursement rate increases to incentivize providers to participate in the program.
53. SUPPORT administrative streamlining of Medi-Cal, including elimination of the asset test and semi-annual reporting and changes to income verification. *California should look to other states for ideas to reduce administrative costs, such as allowing all children born into Medi-Cal to remain on the program until age 21.*
54. SUPPORT actions that address provider shortages (including physicians, particularly specialists, and nurses). Innovative programs, such as loan forgiveness programs, should be expanded. In an effort to recruit physicians from other states, the licensing and reciprocity requirements should be re-examined. Steps should be taken to reduce the amount of time it takes to obtain a Medi-Cal provider number (currently six to nine months).
55. SUPPORT efforts that implement comprehensive systems of care, including case management, for frequent users of emergency care and those with chronic diseases and/or dual diagnoses. *Approaches could be modeled after current programs in place in safety net systems.*
56. SUPPORT efforts that provide sufficient time for detailed data gathering of current safety funding in the system and the impact of any redirection of funds on remaining county responsibilities. *The interconnectedness of county indigent health funding to public health, correctional health, mental health, alcohol and drug services and social services must be fully understood and accounted for in order to protect, and enhance as appropriate, funding for these related services.*
57. OPPOSE safety net funding transfers until an analysis of who would remain uninsured (e.g. medically indigent adults, including citizens, who cannot document citizenship under current Medicaid eligibility rules) is completed in order to adequately fund services for these populations.
58. SUPPORT efforts to clearly define and adequately fund remaining county responsibilities.

59. SUPPORT State action to provide an analysis of current health care infrastructure (facilities and providers), including current safety net facilities across the state, to ensure that there are adequate providers and health care facilities, and that they can remain viable after health reform.
60. SUPPORT efforts to provide adequate financing for reforms to succeed.
61. SUPPORT measures that maximize Federal reimbursement from Medicaid and S-CHIP.
62. SUPPORT State action to complete actuarial studies on the costs of transferring indigent populations, who currently receive mostly episodic care, to a coverage model to ensure that there is adequate funding in the model.
63. SUPPORT efforts that ensure that safety net health care facilities remain viable during the transition period and be supported afterwards based on analyses of the changing health market and of the remaining safety net population.
64. SUPPORT State action to implement the 2010 Medi-Cal waiver in a manner that maximizes the drawdown of federal funds for services and facilities, provides flexibility, and ensures that counties receive their fair share of funding.
65. SUPPORT efforts to increase revenues and to contain mandated costs in the County's hospital and clinics system.
66. SUPPORT efforts to increase the availability of health care to the uninsured in California, whether employed or not.
67. SUPPORT legislation that improves the quality of health care, whether through the use of technology, innovative delivery models or combining and better accessing various streams of revenue, including but not limited to acute and long term care integration.
68. SUPPORT legislation to protect safety net providers, both public and private. Legislation should focus on stabilizing Medi-Cal rates and delivery modes and should advocate that these actions are essential to the success of any effort to improve access and make health care more affordable.

Currently there is no planned or organized system of care for young people and their families in need of alcohol and drug treatment services. Moreover there is a vast disparity between treatment need and treatment capacity for adolescents. Relative to the need and demand for this service, this is an area of the State's health care system that has been largely ignored.

69. SUPPORT State efforts to increase the scope of benefits and reimbursement rates contained in Minor Consent Medi-Cal to give youth suffering from

- substance abuse disorders access to a continuum of care, including residential and one-on-one outpatient treatment.
70. SUPPORT efforts to give incentives to providers to establish more youth-driven treatment facilities within the community.
 71. SUPPORT efforts to extend Minor Consent Medi-Cal Coverage to incarcerated youths, many of whom are in custody due to drug related crimes. *This could greatly decrease recidivism in the juvenile justice system.*
 72. SUPPORT county efforts in the promotion of partnerships that provide integrated responses to the needs of alcohol and drug populations, including criminal justice, perinatal and youth as well as those populations with co-occurring disorders.
 73. SUPPORT and encourage the development of strategies that include alcohol and drug services in the provision of all culturally appropriate health care services.
 74. SUPPORT the development and institutionalization of a tracking system for use on utilization and notification of Healthy Family substance abuse benefits for youths enrolled under California's Healthy Family program. *Like other youth in California, youth in Contra Costa County, are the most underserved population in the County's Alcohol and Other Drug (AOD) Services' caseloads. The Healthy Family initiative holds great potential as a funding source to address this major deficit in our AOD treatment services.*
 75. SUPPORT efforts to require coverage of medically necessary alcohol and substance abuse related disorder treatment on the same levels as other medical conditions in health care service plans and disability insurance policies. *Alcohol and drug treatment services are the most under-funded of all health services. Neither the state nor the federal allocations to the County covers medical treatment for AOD services, and so are a cost borne by the County.*

Human Services Issues

76. SUPPORT efforts to increase County flexibility in use of CalWORKs funds and in program requirements in order to better support the transition of welfare dependent families from welfare-to-work and self-sufficiency, including, but not limited to: extending supportive services beyond the current limit; enhancing supportive services; increasing diversion and early intervention to obviate the need for aid; developing a state earned income tax credit; expanding job retention services; developing an eligibility definition to 250% of the poverty level; and exempting the hard-to-serve from welfare-to-work activities and the 20% exemption or providing flexibility in the time limit (dependent upon terms and conditions of TANF reauthorization). Support efforts to align CalWORKs property and asset limitations with those of Food Stamps. *All of these measures would*

make it easier for CalWORKs families to enter employment services, become employed, and continue with the support they need in order to maintain their jobs.

77. SUPPORT efforts to revise the definition of “homelessness” in the Welfare & Institutions Codes to include families who have received eviction notices due to a verified financial hardship, thus allowing early intervention assistance for CalWORKs families. *Current law prevents CalWORKs from providing homeless assistance until the CalWORKs family is actually “on the street.” This rule change would enable the County to work with CalWORKs families who are being threatened with homelessness to prevent the eviction and, presumably, better maintain the parents’ employment status.*
78. SUPPORT efforts to ensure funding of child care for CalWORKs and former CalWORKs families at levels sufficient to meet demand. The State of California has not fully funded the cost of child care for the “working poor.” *Additional funding would allow more CalWORKs and post-CalWORKs families to become and/or stay employed.*
79. SUPPORT efforts to establish an “umbrella code” for the reporting of incidents of elder abuse to the Department of Justice, thus more accurately recording the incidence of abuse. *Current reporting policies within California’s law enforcement community and social services departments are uncoordinated in regards to the reporting of adult abuse. Under an “umbrella code,” law enforcement agencies and social services departments would uniformly report incidents of elder abuse and California would have much better data for policy and budget development purposes.*
80. SUPPORT efforts that seek to identify and eliminate elder financial abuse and elder exposure to crime that may be committed through conservatorships, powers of attorney, notaries and others who have the right to control elder assets.
81. SUPPORT efforts to *effectively manage the In Home Supportive Services (IHSS) to establish and maintain cost control mechanisms while delivering quality, targeted services and maintaining program integrity. Efforts include, but are not limited to, establishing an IHSS Volunteer Coordination component coupled with the rebalancing of available hours. Retired volunteer social workers and registered nurses could act as local Care Coordinators, enabling IHSS Social Workers to increase their capacity to perform more timely reassessments that would enable the management of available hours and target services to those clients most in need and at risk of institutionalization.*
82. SUPPORT efforts to eliminate the finger-imaging requirement for adult food stamp applicants, recognizing the fraud deterrent aspects of the Electronic Benefits Transfer System. *Elimination of the finger-imaging requirement, which*

was originally implemented as a fraud control measure in the old welfare programs, is viewed by many as an unnecessary or duplicate process. The current electronic benefits transfer system combined with program eligibility processes provides more fraud prevention/detection than does finger-imaging.

83. SUPPORT efforts to allow phone-in Food Stamp Eligibility Redeterminations as a more cost effective benefit reassessment process. *As counties such as Contra Costa change their business models to utilize centralized service centers, some of the antiquated process rules and requirements also need to be changed, to allow cost efficient practices. Changing the rules to allow phone-ins for Eligibility Redeterminations is one example.*
84. SUPPORT efforts to continue expansion of Child Welfare Redesign Program Improvements including: use of Federal IV-E funding for pre-placement, prevention activities; development of caretaker recruitment and retention campaigns; extension of Independent Living Skill services to age 21; and, funding to implement Children's Child Welfare Workload Study Results, SB 2030. *Changes in these areas would enable counties to better meet their performance accountability goals, as required under Federal and State statutes.*
85. SUPPORT efforts to allow Medi-Cal clients transportation access to medical care via the most efficient transportation mode possible instead of the very costly ambulance transportation that is currently prevalent. *California is currently limited to the types of non-emergency medical transportation for reimbursement by Medi-Cal. However, the federal Medicaid program allows other much less costly forms of transportation to be used. Other states use this more permissive definition of approved non-emergency medical transportation to encourage Medicaid clients to receive preventative care and reduce the incidence of last-resort ambulance transportation to hospital emergency rooms for primary care.*
86. OPPOSE any legislation that increases tobacco taxes but does not contain language to replace any funds lost to The California Children and Families Act/Trust Fund for local services as currently funded by tobacco taxes, Prop 10 in 1998 and Prop 99.
87. OPPOSE legislation, rules, regulations or policies that restrict or affect the amount of funds available to, or the local autonomy of, First 5 Commissions to allocate their funds in accordance with local needs.
88. SUPPORT efforts to restore funding in the amount of \$80 Million for the Child Welfare Services Program that was line-item vetoed by Governor Schwarzenegger in the State's FY 2009-10 and FY 2010-11 budgets, as these reductions have a direct impact on local child protective services and the lives of children.

89. SUPPORT efforts by the Contra Costa *County's executive directors and program administrators of all Child Care and Development Programs to restore state budget allocations to the FY 2009-10 levels for the California State Preschool Program (CSPP), California Center-Based General Child Care Program (CCTR), CalWORKs Stage 2 (C2AP), CalWORKs Stage 3 (C3AP), Alternate Payment Program (CAPP), Child Care and Development Grant and the Child Care Retention Program (AB 212).*

Indian Gaming Issues

Contra Costa County is currently home to the Lytton Band of the Pomo Indians' Casino in San Pablo, a Class II gaming facility. There is also a proposal for an additional casino in North Richmond. Local governments have limited authority in determining whether or not such facilities should be sited in their jurisdiction; the terms and conditions under which the facilities will operate; and what, if any, mitigation will be paid to offset the cost of increased services and lost revenues. Contra Costa County has been active in working with CSAC and others to address these issues, as well as the need for funding for participation in the Federal and State review processes and for mitigation for the existing Class II casino.

90. SUPPORT efforts to ensure that counties who have existing or proposed Class II Indian gaming facilities receive the Special Distribution Funds.
91. CONSIDER, on a case by case basis, whether or not to SUPPORT or OPPOSE Indian gaming facilities in Contra Costa County, and only SUPPORT facilities that are unique in nature and can demonstrate significant community benefits above and beyond the costs associated with mitigating community impacts.
92. OPPOSE the expansion or approval of Class III gaming machines at the existing gaming facility in Contra Costa County unless it can be demonstrated that there would be significant community benefits above and beyond the costs associated with mitigating community impacts.
93. SUPPORT State authority to tighten up the definition of a Class II machine.
94. SUPPORT State legislative and administration actions consistent with the CSAC policy documents on development on Indian Lands and Compact negotiations for Indian gaming.

Land Use/Community Development Issues

95. SUPPORT efforts to promote economic incentives for "smart growth," including in-fill and transit-oriented development. *Balancing the need for housing and economic growth with the urban limit line requirements of Measure J (2004) will rely on maximum utilization of "smart growth" principles.*
96. SUPPORT efforts to increase the supply of affordable housing, including, but not limited to, state issuance of private activity bonds, affordable and low income

housing bond measures, low-income housing tax credits and state infrastructure financing. *This position supports Goals 2, 3 and 4 of the County General Plan Housing Element.*

97. SUPPORT *establishment of* a CEQA exemption for affordable housing financing. *Current law provides a statutory exemption from CEQA to state agencies for financing of affordable housing (Section 21080.10(b) of the California Public Resources Code and Section 15267 of the CEQA Guidelines)—but not to local agencies. The current exemption for state agencies is only operational if a CEQA review process has been completed by another agency (e.g., by the land use permitting agency). Since the act of financing does not change the environmental setting, the net effect of the exemption is streamlining the process for providing financial assistance for already approved projects.* AB 2518 (Houston) in 2006 was a Contra Costa County-sponsored bill to accomplish this, but it was not successful in the Legislature.
98. SUPPORT efforts to obtain a CEQA exemption *or to utilize CEQA streamlining provisions* for infill development in unincorporated areas. Section 15332 of the CEQA Guidelines is a Categorical Exemption for infill development projects but only within cities. The exemption should also include urbanized unincorporated areas. The proposal would affect the County's affordable housing, revitalization, and redevelopment programs in all unincorporated urbanized areas of the County. *Without the exemption, housing projects in the unincorporated areas are subject to a more time-consuming and costly process in order to comply with the CEQA guidelines than that which is required of cities, despite having similar housing obligations. Regarding CEQA streamlining, SB 226 (Simitian) limits the provisions to cities and unincorporated islands. There may be good infill projects that should qualify for the SB 226 streamlining but do not simply because they are in a county but not an incorporated island.*
99. SUPPORT efforts to reform State housing element law to promote the actual production and preservation of affordable housing and to focus less on process and paper compliance.
100. OPPOSE efforts to limit the County's ability to exercise local land use authority.
101. SUPPORT efforts to reduce the fiscalization of land use decision-making by local government, which favors retail uses over other job-creating uses and housing. *Reducing incentives for inappropriate land use decisions, particularly those that negatively affect neighboring jurisdictions, could result in more rational and harmonious land use.*
102. SUPPORT allocations, appropriations, and policies that support and leverage the benefits of approved Natural Community Conservation Plans (NCCPs), such as the East Contra Costa County NCCP. Support the granting of approximately \$20 million to the East Contra Costa County NCCP from the \$90 million allocation for

NCCPs in Proposition 84. Support the position that NCCPs are an effective strategy for addressing the impacts of climate change and encourage appropriate recognition of the NCCP tool in implementation of climate change legislation such as SB 375 and AB 32. Promote effective implementation of NCCPs as a top priority for the Department of Fish and Game.

103. *If the Supreme Court invalidates the Redevelopment Restructuring Acts of 2011, SUPPORT reform of the existing redevelopment process, as appropriate to consider as part of a budget solution. Specifically, SUPPORT legislation that would give local agencies specific tools for economic development purposes in order to enhance job opportunities, with emphasis on attracting and retaining businesses, and promote smart growth and affordable housing development.*
104. *OPPOSE legislation that would create substantial uncertainty over the tax allocation bonds issued by redevelopment agencies and possible negative credit impact.*

Law and Justice System Issues

105. SUPPORT legislation that seeks to curb metal theft by making it easier for law enforcement agencies to track stolen metals sold to scrap dealers through such means as requiring identification from customers selling commonly stolen metals, banning cash transactions over a certain amount, and requiring scrap dealers to hold materials they buy for a certain period of time before melting them down or reselling them.
106. SUPPORT legislation that provides a practical and efficient solution to addressing the problem of abandoned and trespassing vessels and ground tackle in an administrative process that allows the California State Lands Commission to both remove and dispose of such vessels and unpermitted ground tackle. *Boat owners in increasing numbers are abandoning both recreational and commercial vessels in areas within the Commission's jurisdiction. Our state waterways are becoming clogged with hulks that break up, leak, sink and add pollutants to our waterways and marine habitat.*
107. *OPPOSE legislative proposals to realign additional program responsibility to counties without adequate funding and protections.*
108. *OPPOSE legislation that would shift the responsibility of parolees from the state to the counties without adequate notification, documentation and funding.*
109. *SUPPORT legislation that will help counties implement the 2011 Public Safety Realignment as long as the proposal would: provide for county flexibility, eliminate redundant or unnecessary reporting, and would not transfer more responsibility without funding.*

Levee Issues, Sacramento-San Joaquin Delta Issues

The County's Delta Water Platform was developed in mid-2008 to consolidate and organize the many County policies and positions into one document that could be utilized to guide actions and advocacy to promote a healthy Sacramento-San Joaquin Delta.

The Delta Water Platform is comprised of fourteen subject areas. Each of these subject categories contains relevant policies and background explanatory language. Each subject category is summarized below; the first five are considered priorities. The policies and background information can be found in the Delta Water Platform, which is included in this document by reference:

Short Term Actions to be implemented immediately: Includes a broad range of specific, relatively non-controversial actions to quickly improve the state of the Delta, such as improvements to levees, the fishery, habitat and emergency response.

Conveyance: Through-Delta and Isolated Conveyance: Consideration of isolated conveyance must protect and improve the Delta and the entire Bay-Delta ecosystem, include the broadest range of non-biased scientific analysis of impacts, include levee repair and all costs of a facility must be paid by beneficiaries.

The Delta Ecosystem: Protection and restoration of an ailing Delta ecosystem has long been a priority of the Board of Supervisors, including need for additional scientific research to address fundamental questions, fishery and habitat restoration projects.

Governance: A new or improved system of oversight related to ecosystem and water management is necessary. The existing Delta Protection Commission land use governance structure has been successful, requiring no further action. Local Government representation in any governance structure is paramount.

Levee Restoration: Advocacy for immediate and significant (multi-year) funding and levee repair is a priority, including upgrades to minimum (PL 84 99) standards for all levees, and a higher, 200-year level of protection for communities protected by levees. Stockpiling rock in the Delta specifically for levee repair and continuance of the Long Term Management Strategy (LTMS) are highly recommended.

Water Quality, Water Quantity and Delta Outflow: Protection and improvement of water quality, quantity and outflow, determination and assurance of adequate water for the delta ecosystem and examination of the State and Federal project operations (including potential for reduced exports) are recommended here.

Flood Protection/Floodplain Management: Comprehensive flood management planning throughout the Delta and its watersheds, as well as funding to bring flood facilities to 200-year levels and revenue generation for flood control districts continue to be of import.

Water Rights and Legislative Protections: Existing area-of-origin and other water rights protections established for the Delta should be preserved.

Regional Self-Sufficiency: All export regions should be implementing all water supply options available to them to reduce stress on the Delta as a limited resource.

Emergency Response: Collaborative efforts among the Delta counties to improve emergency response in the region have been productive and are continuing.

Water Conservation: Landscape and household conservation, maximizing use of reclaimed wastewater, use of meters, and agricultural water conservation are recommended.

Water Storage: Multi-purpose storage facilities are recommended and groundwater storage preferred to surface storage options. Detailed groundwater studies are recommended.

San Luis Drain/Grasslands Bypass: Long-standing opposition to selenium discharges from this project entering the Delta and support of in-valley treatment solutions are ongoing. Continued reduction in drainage from the Grasslands Bypass project is also monitored.

Climate Change: Impacts of climate change must be considered in planning, engineering and construction activities.

110. ADVOCATE for administrative and legislative action to provide significant funding for rehabilitation of levees in the western and central Delta. Proposition 1E, passed in November 2006, provides for over \$3 billion for levees, primarily those in the Central Valley Flood Control Program. Language is included in the bond for other Delta levees but funding is not specifically directed. The County will work on a coalition basis to actively advocate for \$1 billion in funding through this bond.
111. SUPPORT legislation that requires the levee repair funds generated by Proposition 1E be spent within one year. Many public agencies, including reclamation districts charged with maintaining levees, have complained about the state's inaction in allocating and distributing the levee funds that were raised by the bond sales authorized by Proposition 1E in 2008. Legislation could require the immediate distribution of these funds to local levee projects. The Delta Reform Act of 2009 authorized over \$202 million for levee repairs. It has been difficult to obtain explanations from the state as to why these funds are not being distributed.
112. SUPPORT legislation to amend California Water Code Section 12986, to maintain the state/local funding ratio of 75/25 for the state's Delta Levees Subventions Program, which provides funds for local levee repair and

maintenance projects. The code provisions that have the state paying 75 percent of project costs will expire on July 1, 2013. At that time the matching ratio will change to 50/50. This means local reclamation districts will have to pay a larger portion of project costs (50%, compared to their current 25% requirement). Many districts do not have the funding to do so. This legislative request could also include direction that the Delta Levees Subventions Program should continue to use funds from bonds or other dedicated sources, rather than the state's General Fund. For the past several years the program has been funded from bonds. When these bond funds run out, the program will have to be funded from the General Fund, unless some other new dedicated funding source is established. This is something that should be included in the next Water Bond, if and when there is one.

113. ADVOCATE for legislation dealing with the Delta, including levees and levee programs, level and type of flood protection, beneficiary-pays programs, flood insurance, liability and other levee/land use issues.
114. SUPPORT legislation/regulation requiring Reclamation Districts to develop, publish, and maintain hazard emergency plans for their districts. *Emergency response plans are critical to emergency management, particularly in an area or situation like the Delta where a levee break could trigger other emergencies. This legislation/regulation should also include the requirement for plan review and annual distribution of the plan to the residents of the district, County Office of Emergency Services and other government agencies that have emergency response interests within the district.*
115. *SUPPORT legislation to amend California Water Code Section 85057.5 to bring the Delta Stewardship Council's "covered actions" land-use review process into consistency with CEQA. This section of state code defines a "covered action," which refers to local permit decisions that are subject to potential revocation by the Delta Stewardship Council, as proposed in the Council's Delta Plan. The proposed process works as follows: (1) if a local permit application meets the definition of a "covered action," the jurisdiction must evaluate it for consistency with all of the policies in the Stewardship Council's Delta Plan. (2) If the jurisdiction finds the project is consistent with the Delta Plan, they notify the Stewardship Council of this finding. (3) Anyone who objects to the project may appeal the consistency finding, and it will be up to the Stewardship Council to make the final decision. Should the Stewardship Council decide against the local jurisdiction, there is no appeal process available to the jurisdiction or project applicant other than legal action.*

"Covered actions" are defined in Section 85057.5 of the California Water Code. It defines them as plans, projects or programs as defined by CEQA, and then goes on to grant several exemptions to certain types of projects. It does not, however, provide exemptions for all the project types that CEQA itself exempts. CEQA provides a lengthy list of categorical exemptions for plans, projects and

programs that generally do not have significant environmental impacts, and projects that have compelling reasons to move forward quickly (such as public safety projects). The entire list of categorical exemptions from CEQA also should be exempt from the Delta Stewardship Council's "covered actions" process.

Library Issues

116. SUPPORT State financial assistance in the operation of public libraries, including full funding of the Public Library Fund (PLF) and the Direct/Interlibrary Loan (Transaction Based Reimbursement) program.
117. SUPPORT State bonds for public library construction. The 2000 library construction bond provided funding for two libraries in Contra Costa County. There is currently a need of approximately \$289,000,000 for public library construction, expansion and renovation in Contra Costa County.
118. SUPPORT continued funding for the California Library Literacy and English Acquisition Services Program, which provides matching funds for public library adult literacy programs that offer free, confidential, one-on-one basic literacy instruction to English-speaking adults who want to improve their reading, writing, and spelling skills.

Telecommunications Issues

119. SUPPORT clean-up legislation on AB 2987 that provides for local emergency notifications similar to provisions in cable franchises for the last 20 years. *Currently our franchises require the cable systems to carry emergency messages in the event of local emergencies. With the occurrence of several local refinery incidents, this service is critical for Contra Costa. Under federal law, Emergency Alert System requirements leave broad discretion to broadcasters to decide when and what information to broadcast, emergency management offices to communicate with the public in times of emergencies.*
120. SUPPORT preservation of local government ownership and control of the local public rights-of-way. *Currently, local government has authority over the time, place, and manner in which infrastructure is placed in their rights-of-way. The California Public Utilities Commission is considering rulemaking that would give them jurisdiction to decide issues between local government and telecommunication providers.*

Transportation Issues

121. SUPPORT increased flexibility in the use of transportation funds. The County supports an amendment to the Subdivision Map Act to allow the use of off-site transportation impact fees to fund pedestrian, bicycle transit and traffic calming facilities necessitated by new development. The Act currently limits the use of

these funds to improvements to bridges and “major thoroughfares.” Senator DeSaulnier introduced such a bill in 2008. The County’s proposal was adopted by CSAC for its legislative platform in the 2011 session. The proposal would provide more flexibility in how we can use an existing transportation funding source.

122. SUPPORT regional coordination that provides for local input in addressing transportation needs. *Coordinated planning and delivery of public transit, paratransit, and rail services will help ensure the best possible service delivery to the public. Regional coordination also will be needed to effectively deal with the traffic impacts of Indian gaming casinos such as those in West County. Regional coordination also will be essential to complete planning and development of important regional transportation projects that benefit the state and local road system* such as State Route 239, improvements to Vasco Road, completion of remaining segments of the Bay Trail, improvements to the Delta DeAnza Regional Trail, and the proposed California Delta Trail. *There may be interest in seeking enhanced local input requirements for developing the Sustainable Communities Strategy for the Bay Area mandated by SB 375 for greenhouse gas reduction. It is important that the regional coordination efforts are based on input gathered from the local level, to ensure the regional approach does not negatively impact local communities. “Top-down” regional planning efforts would be inconsistent with this goal.*
123. SUPPORT efforts to improve safety throughout the transportation system. *The County supports new and expanded projects and programs to improve safety for bicyclists, pedestrians and wheelchair users, as well as projects to improve safety on high-accident transportation facilities such as Vasco Road. Data on transportation safety would be improved by including global positioning system (GPS) location data for every reported accident to assist in safety analysis and planning. The County also supports school safety improvement programs such as crossing guards, Safe Routes to Schools (SR2S) grants, efforts to improve the safety and security of freight transportation system including public and private maritime ports, airports, rail yards, railroad lines and sidings. The County also supports limits or elimination of public liability for installing traffic-calming devices on residential neighborhood streets.*
124. SUPPORT funding or incentives for the use of renewable resources in transportation construction projects. *The County seeks and supports grant programs, tax credits for manufacturers, state purchasing programs, and other incentives for local jurisdictions to use environmentally friendly materials such as the rubberized asphalt (made from recycled tires) that the County has used as paving material on San Pablo Dam Road and Pacheco Boulevard.*
125. SUPPORT streamlining the delivery of transportation safety projects. *The length of time and amount of paperwork should be reduced to bring a transportation safety project more quickly through the planning, engineering and design,*

environmental review, funding application, and construction phases, such as for Vasco Road. This could include streamlining the environmental review process and also streamlining all state permitting requirements that pertain to transportation projects. Realistic deadlines for use of federal transportation funds would help local jurisdictions deliver complex projects without running afoul of federal time limits which are unrealistically tight for complex projects.

126. SUPPORT efforts to coordinate development of state-funded *or regulated* facilities such as courts, schools, jails, *roads* and state offices with local planning. The County supports coordinating planning between school districts and local jurisdictions in locating and planning new schools and funding programs that foster collaboration *and joint use of facilities* to help finance off-site transportation improvements for access to schools.
127. SUPPORT regional aviation transportation planning efforts for coordinated aviation network planning to improve service delivery. Regional aviation coordination could also improve the surrounding surface transportation system by providing expanded local options for people and goods movement.
128. SUPPORT efforts to increase waterborne transport of goods and obtaining funds to support this effort. *The San Francisco to Stockton Ship Channel is a major transportation route for the region, providing water access to a large number of industries and the Ports of Sacramento and Stockton. A project is underway to deepen the channel, providing additional capacity to accommodate increasing commerce needs of the Ports and providing better operational flexibility for the other industries. Increased goods movement via waterways has clear benefits to congestion management on highways and railroads (with resultant air quality benefits).*

Waste Management

129. SUPPORT legislation that establishes producer responsibility for management of their products at the end of their useful life.
130. SUPPORT efforts to increase the development of markets for recycled materials.
131. SUPPORT legislative and regulatory efforts to allow third parties, under specific circumstances and conditions, to collect and transport household hazardous waste to collection facilities.
132. *SUPPORT legislation that seeks to remedy the environmental degradation and solid waste management problems on a State-wide basis of single-use plastic bags typically given away for free at grocer, retail and other establishments.*
133. *SUPPORT legislation that does not require increased diversion from landfills without out an adequate funding mechanism.*

134. SUPPORT legislation that would make changes to the used tire redemption program. Instead of collecting a disposal fee from the consumer when new tires are purchased, a disposal fee would be collected at the wholesale level and redeemed by the disposal site when the used tires are brought to the site. The party bringing the tires to the disposal site would also receive a portion of the fee.

To: Board of Supervisors

From: David Twa, County Administrator

Date: January 17, 2012



**Contra
Costa
County**

Subject: Governor's Proposed Budget - Potential Impacts

RECOMMENDATION(S):

ACCEPT report from the County Administrator on potential local impacts to the Governor's Proposed State Budget.

FISCAL IMPACT:

No specific impact from this report. Fiscal impact on the County is supplied in the body and attachment to this report.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED:

January 17, 2012

David J. Twa, County
Administrator and
Clerk of the Board of
Supervisors

Contact: Lisa Driscoll, County Finance Director (925) 335-1023

By: , Deputy

cc: Robert Campbell, County Auditor-Controller

BACKGROUND:

On January 5, 2012 Governor Brown released his proposed Budget for FY 2012-13. In the Governor's message he stated that when he came into office, California was facing an immediate \$26.6 billion budget gap and future budget deficits of \$20 billion a year. In January of 2011, he proposed a budget that combined deep cuts with a temporary extension of some existing taxes. It was - he believed - a balanced approach that would have finally closed the State budget gap. However taxes were not extended and massive cuts — totaling \$16 billion — were enacted. The 2011 budget did, however, begin to lay the foundation for fiscal stability. It cut the annual budget shortfall by three-quarters — from \$20 billion to \$5 billion. It shrunk state government, reduced borrowing costs and gave local governments more authority to make decisions. The FY 2012-13 proposed budget submitted keeps the cuts made last year and adds new ones.

The Governor ended his message by asking voters to approve a temporary tax increase on the wealthy, a modest and temporary increase in the sales tax and to guarantee that the new revenues be spent only on education. He asked that the voters guarantee ongoing funding for local public safety programs. This ballot measure will not solve all of the fiscal problems, but it will stop further cuts to education and public safety and halt the trend of double-digit tuition increases. His budget plan also includes reforms. It improves government efficiency and pays down debt. It reorganizes state government to make it more efficient and saves tax dollars by consolidating or eliminating functions. It restructures social service programs to better support working families. It gives substantially more flexibility and decision-making to local school districts. The plan also calls for bold investments in the future: to assure a reliable water supply, build high speed rail and reduce greenhouse gas emissions.

2011 Public Safety Realignment

The Governor's 2012/13 Proposed Budget provides increased local government funding for 2011 realigned programs, reflecting 12 months of realignment in FY 2012/13 as compared to 9 months of realignment in FY 2011/12, and recognizing that state prison services for lower level offenders are winding down while county services for these same offenders are ramping up.

Two efforts are proceeding simultaneously to help protect and guarantee an adequate revenue stream to support county delivery of realigned programs. One effort is to secure the source of funding or the overall state pot of funds dedicated to realignment. The Governor is sponsoring an initiative to provide Constitutional protection of this revenue for counties and against related future costs and mandates imposed upon counties.

The other effort is to ensure that the pot of funds is shared equitably among counties so that each county has the best opportunity to successfully integrate this population into local custody and supervision. As part of the implementation of 2011 Realignment (AB 109), the Department of Finance developed a funding model based on assumptions about costs of activities for these offenders at the local level. The 2011/12 county funding allocation for realignment was developed by the California State Association of Counties, working with county executive officers, using three factors— the estimates of the number of offenders who would be under the jurisdiction of each county (ADP), each county's population between the ages of 18 to 64, and a county's success under the felony probation program initiated under Chapter 608, Statutes of 2009 (SB 678). Because Contra Costa County's ADP has been historically low, our County was disadvantaged by this formula. The state has reiterated that the allocation formula for the community corrections programs was for 2011/12 only in order to gain more program experience before determination of a permanent allocation. A Realignment Allocation Committee composed of nine County Administrators (three from urban, three from suburban, and three from rural counties) has begun meeting to discuss future AB 109 allocations, with a tentative deadline to submit a proposal to the State by March 2012. Contra Costa County will provide input to this process through the urban county representatives, which include the Alameda County Administrator.

The County's Community Corrections Partnership (CCP) Executive Committee has been meeting monthly to monitor implementation of the County's realignment plan, staffing needs, and expenditures to date. The Sheriff and Probation Departments report higher numbers of parolees and community supervision offenders than projected by the State. The State has since admitted that it failed to correctly estimate the actual number of post-release community supervision offenders impacting our county by approximately 50%. The higher populations have required the Sheriff and Probation to accelerate the program ramp up and hiring of staff. The CCP and CAO continue to monitor this situation closely.

Juvenile Justice Reform

One bright spot in the Governor's Proposed Budget is the placement of a temporary safety catch on the revenue trigger that would have levied millions of dollars of fees on our county for the placement of serious and high-risk juvenile offenders in state juvenile detention facilities. We had previously estimated an annual cost increase to our

County of \$5.5 million. The Governor appears to recognize that a complete realignment of juvenile offenders must be done thoughtfully and carefully to provide the best placement and treatment options for these youth. The Proposed Budget proposes to stop the intake of new juvenile offenders to the Division of Juvenile Justice (DJJ) effective January 1, 2013. Recognizing that counties will need resources and support to secure appropriate placements and treatment options for additional offenders, many of whom need mental health and substance abuse treatment, the Budget proposes \$10 million General Fund in 2011/12 for counties to begin planning for this population. To help with the transition and prevent the disinvestment of funds in juvenile justice at the local level, the state will delay collection of trigger fees for those wards housed in the DJJ. The Probation Department has begun to research the facility improvements that would be required to ready one of the units in the old Juvenile Hall in the event we must develop a local alternative to DJJ.

For Contra Costa County, the Governor's proposals appear to hit the Employment and Human Services Department the hardest. Attached are the California State Association of Counties Budget Action Bulletin, the Legislative Analyst's Office Budget Overview, the Urban Counties Caucus Budget Summary, and preliminary impacts for Contra Costa County by department.

CONSEQUENCE OF NEGATIVE ACTION:

None - this report is informational.

CHILDREN'S IMPACT STATEMENT:

None.



**Highlights of the Governor's Proposed 2012-13 State Budget
Week of January 2, 2012**

January 5, 2012

TO: CSAC Board of Directors
County Administrative Officers
CSAC Corporate Associates

FROM: Paul McIntosh, CSAC Executive Director
Jim Wiltshire, CSAC Deputy Executive Director
Jean Kinney Hurst, Legislative Representative

RE: **Summary of the Governor's 2012-13 Budget Proposal**

In an unanticipated turn of events, Governor Jerry Brown released his [proposed 2012-13 state budget](#) a few days early. (Apparently, the budget document was inadvertently posted on the Internet, requiring an early announcement from the Governor.) The budget is an austere one, proposing significant program reductions in addition to the new revenues proposed by the Governor in his sponsored November 2012 ballot measure. The Governor continues to focus on moving government closer to the people, improving government efficiency, and paying down the state's "wall of debt." The slow economic recovery continues to plague the state and hamper the ability to fund core services. Baseline General Fund revenues are projected to total \$89 billion in 2012-13, and are not expected to return to their 2007-08 levels until 2014-15. Further, there remain significant risks and uncertainty to the state's fiscal health, including ongoing debt obligations, pension liabilities, and uncertainties associated with the continuing debate on addressing the federal budget deficit.

The budget deficit for 2012-13 is estimated to be \$9.2 billion, including a current year deficit of \$4.1 billion. The current year fiscal problem was exacerbated by court challenges, delays in federal approvals, and lower-than-anticipated economic performance. To address the deficit, the Governor is proposing a combination of spending reductions and temporary taxes (via ballot initiative) totaling \$10.3 billion to both balance the budget and establish a \$1.1 billion reserve. The Governor also proposes a new round of trigger cuts slated to take effect if his ballot initiative fails; these cuts are detailed in the sections that follow.

The Governor also proposes a reorganization of state government, including the elimination and consolidation of 48 boards, commissions, programs, and departments. For more details on the Governor's reorganization plans, please see the "Making Government More Efficient" chapter of the [Governor's budget summary](#), starting on page 23.

With an entire chapter devoted to 2011 realignment, the Governor also reiterated his commitment to constitutional protections and ongoing dialogue with counties during implementation of realignment.

This *Budget Action Bulletin* summarizes the components of the Governor's proposed 2012-13 budget as we understand them at this late hour. Please note that additional details and information will be forthcoming from CSAC as they become available. Do not hesitate to contact CSAC staff with your questions and we will do our best to assist you.

BUDGET SUMMARY CHARTS

2012-13 Governor's Budget General Fund Budget Summary (\$ in millions)

	Defining the Problem		With Solutions	
	2011-12	2012-13	2011-12	2012-13
Prior Year Balance	-\$3,079	-\$3,416	-\$3,079	-\$985
Revenues and Transfers	\$86,309	\$89,221	\$88,606	\$95,389
Total Resources Available	\$83,230	\$85,805	\$85,527	\$94,404
Non Proposition 98 Expenditures	\$53,846	\$58,905	\$53,883	\$55,035
Proposition 98 Expenditures	\$32,800	\$35,348	\$32,629	\$37,518
Total Expenditures	\$86,646	\$94,253	\$86,512	\$92,553
Fund Balance	-\$3,416	-\$8,448	-\$985	\$1,851
Reserve for Liquidation of Encumbrances	\$719	\$719	\$719	\$719
Special Fund for Economic Uncertainties	-\$4,135	-\$9,167	-\$1,704	\$1,132
Budget Stabilization Account	-	-	-	-
Total Available Reserve	-\$4,135	-\$9,167	-\$1,704	\$1,132

General Fund Revenue Sources
(\$ in millions)

	2011-12	2012-13	Change from 2011-12	
			\$ Change	% Change
Personal Income Tax	\$54,186	\$59,552	\$5,366	9.9%
Sales and Use Tax	18,777	20,769	1,992	10.6%
Corporation Tax	9,479	9,342	-137	-1.4%
Motor Vehicle Fees	103	30	-73	-70.9%
Insurance Tax	2,042	2,179	137	6.7%
Estate Taxes	-	45	45	-
Liquor Tax	323	329	6	1.9%
Tobacco Taxes	93	90	-3	-3.2%
Other	3,603	3,053	-550	-15.3%
Total	\$88,606	\$95,389	\$6,783	7.7%

General Fund Expenditures by Agency
(\$ in millions)

	2011-12	2012-13	Change from 2011-12	
			\$ Change	% Change
Legislative, Judicial, Executive	\$2,540	\$2,600	\$60	2.4%
State and Consumer Services	619	689	70	11.3%
Business, Transportation & Housing	679	558	-121	-17.8%
Natural Resources	1,935	1,896	-39	-2.0%
Environmental Protection	51	47	-4	-7.8%
Health and Human Services	26,668	26,414	-254	-1.0%
Corrections and Rehabilitation	7,849	8,744	895	11.4%
K-12 Education	34,162	38,179	4,017	11.8%
Higher Education	9,821	9,377	-444	-4.5%
Labor and Workforce Development	354	448	94	26.6%
General Government:				
Non-Agency Departments	450	514	64	14.2%
Tax Relief/Local Government	544	2,534	1,990	365.8%
Statewide Expenditures	840	553	-287	-34.2%
Total	\$88,606	\$95,389	\$6,783	7.7%

Budget Balancing Proposals
(\$ in millions)

Expenditure Reductions	
<u>Health and Human Services</u>	
CalWORKs	\$946.2
Medi-Cal	842.3
In-Home Supportive Services	163.8
Other HHS Programs	86.9
<u>Education</u>	
Proposition 98	544.4
Child Care	446.9
Cal Grant Program	301.7
Other Education	28.0
<u>All Other Reductions</u>	
State Mandates	828.3
Other Reductions	27.3
Total Expenditure Reductions	\$4,215.8
Revenues	
<u>General Fund Revenues</u>	
Temporary Taxes	\$4,400.8
Other General Fund Revenues	88.8
<u>Special Fund Revenues</u>	
Gross Premiums Insurance Tax on Medi-Cal Managed Care Plans	161.8
Total Revenues	\$4,651.4
Other	
Loan Repayment Extensions	\$630.5
Unemployment Insurance Interest Payment	417.0
Additional Weight Fee Revenues	349.5
Suspend County Share of Child Support Collections	34.5
Total Other	\$1,431.5
Total Solutions	\$10,298.7

Outstanding Budgetary Borrowing
(\$ in billions)

Deferred payments to schools and community colleges	\$10.4
Economic Recovery Bonds	6.3
Loans from special funds	3.4
Unpaid costs to local governments, schools, and community colleges for state mandates	4.5
Underfunding of Proposition 98	3.4
Borrowing from local government (Proposition 1A)	2.1
Deferred Medi-Cal costs	1.3
Deferral of state payroll costs from June to July	0.8
Deferred payments to CalPERS	0.5
Borrowing from transportation funds (Proposition 42)	0.3
Total	\$33.0

Trigger Cuts

The Governor's proposed budget assumes the passage of a November 2012 initiative that would protect counties' realignment revenues and also temporarily raise the sales tax rate and personal income tax rates on higher income earners. However, the state needs to borrow money at the beginning of the fiscal year to cover expenses until the bulk of the revenue comes later in the year.

Money lenders would not trust the state to repay this intra-year debt with such uncertainty, so the Governor proposes significant trigger cuts effective January 1, 2013 should the ballot measure fail.

These trigger cuts total \$5.4 billion. \$4.8 billion (89 percent) of those cuts are reductions to schools and community colleges. Half of that reduction results from the decrease to the Proposition 98 guarantee. The other half results from shifting K-14 bond debt service costs into Proposition 98, thereby reducing money going to schools. Cuts at this level equal about three weeks of instruction. Another \$400 million in cuts target the UC and CSU systems.

The rest of the cuts are to the courts (\$125 million, equivalent to three days of closures per month), Cal FIRE (\$15 million, about 10 percent of its budget), and small cuts to various other state protection agencies. These small cuts would, among other things, eliminate lifeguards from state beaches and reduce the number of park rangers and game wardens by 20 percent.

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Ballot Trigger Reductions
Effective January 1, 2013
(\$ in millions)

Proposition 98	\$4,836.9
University of California ^{/1}	200.0
California State University ^{/1}	200.0
Courts	125.0
Department of Forestry and Fire Protection	15.0
Flood Control	6.6
Fish and Game: Non-Warden Programs	2.5
Fish and Game: Wardens	1.0
Park Rangers	1.0
Park Lifeguards	1.0
Department of Justice	1.0
Total Ballot Trigger Reductions	\$5,390.0

^{/1} This level of savings may be offset by Cal Grant increases if the universities raise tuition.

2011 Realignment

The Governor's proposed 2012-13 state budget includes discussion about moving forward with 2011 realignment in terms of constitutional protections, allocation of funds and funding structure, and other programmatic changes. As previously reported, the Governor is sponsoring a ballot measure that provides constitutional protections for the revenue dedicated to 2011 realignment, as well as protections against new costs associated with future changes to realigned programs.

Recall that two additional programs are slated for realignment in 2012 (and incorporated into the funding model for 2011 realignment): mental health managed care and the Early Periodic Screening, Diagnosis, and Treatment (EPSDT) program. These programs will be fully funded by 2011 realignment revenues on an ongoing basis.

2011 Realignment Funding

The budget assumes funding for 2011 realignment from two state sources – a state special fund sales tax of 1.0625 percent totaling \$5.1 billion and \$462.1 million in Vehicle License Fees (VLF) for 2011-12. These two figures represent revised estimates by the Department of Finance (DOF) after the enactment of the final 2011-12 budget last June. These funds are deposited in the Local Revenue Fund 2011 and are continuously appropriated and allocated to counties for the purposes of 2011 realignment.

ACTION

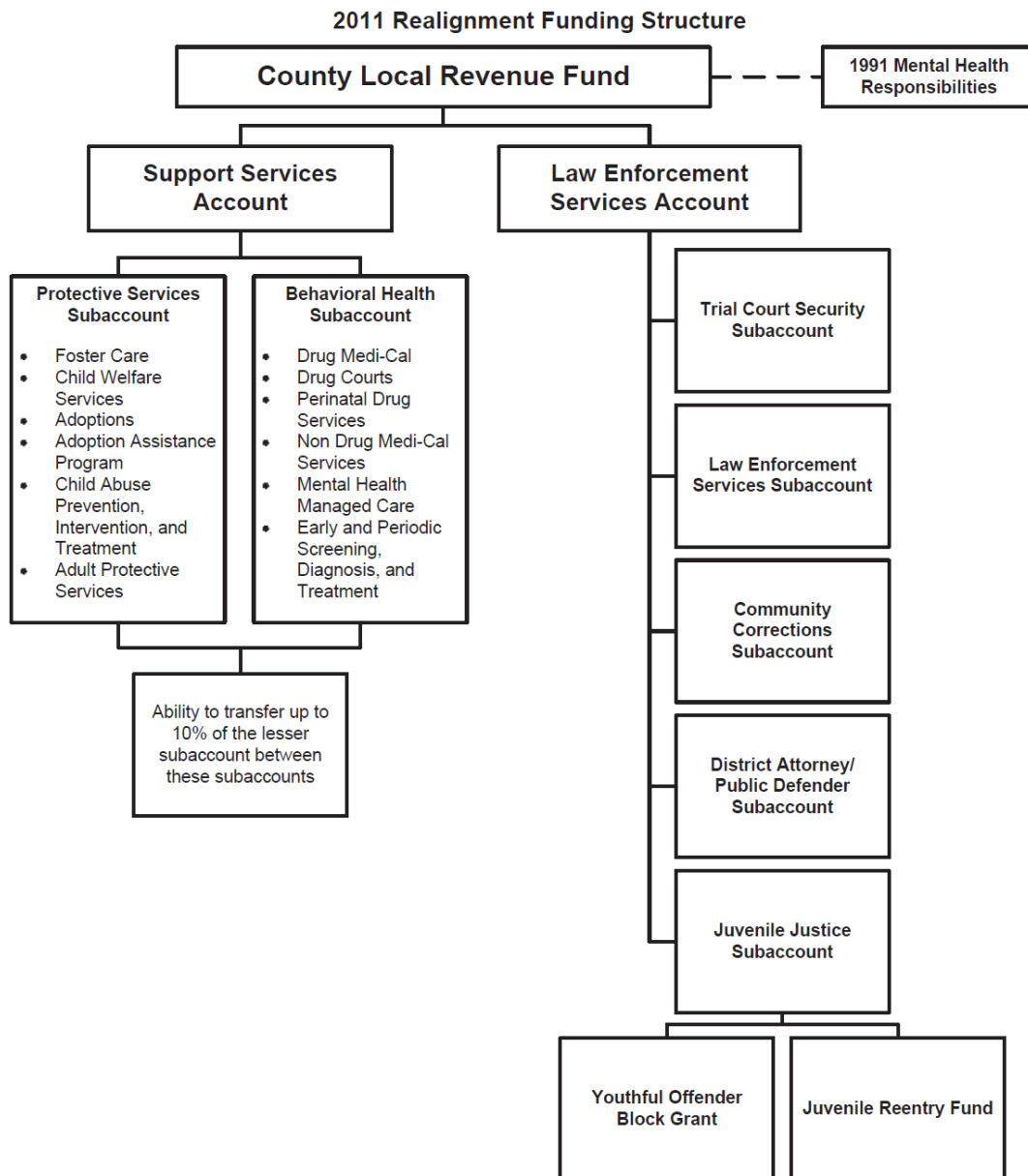
2011 Realignment Funding

(\$ in millions)

Program	2011-12	2012-13	2013-14	2014-15
Court Security	\$496.4	\$496.4	\$496.4	\$496.4
Local Public Safety Programs	489.9	489.9	489.9	489.9
Local Jurisdiction for Lower-level Offenders and Parole Violators				
Local Costs	239.9	581.1	759.0	762.2
Reimbursement of State Costs	957.0	-	-	-
Realign Adult Parole				
Local Costs	127.1	276.4	257.0	187.7
Reimbursement of State Costs	262.6	-	-	-
Mental Health Services				
EPSDT	-	544.0	544.0	544.0
Mental Health Managed Care	-	188.8	188.8	188.8
Existing Community Mental Health Programs	1,104.8	1,164.4	1,164.4	1,164.4
Substance Abuse Treatment	179.7	179.7	179.7	179.7
Foster Care and Child Welfare Services	1,562.1	1,562.1	1,562.1	1,562.1
Adult Protective Services	54.6	54.6	54.6	54.6
Existing Juvenile Justice Realignment	95.0	98.8	100.4	101.3
Program Cost Growth	-	180.1	443.6	988.8
Total	\$5,569.1	\$5,816.3	\$6,239.9	\$6,719.9
Vehicle License Fee Funds	462.1	496.3	491.9	491.9
1.0625% Sales Tax	5,107.0	5,320.1	5,748.0	6,228.0
Total Revenues	\$5,569.1	\$5,816.3	\$6,239.9	\$6,719.9

Funding Structure for 2011 Realignment

Counties will recall discussions over the last months regarding a permanent funding structure for 2011 realignment. While we had originally anticipated requiring such a structure prior to the Legislature's adjournment, these efforts were postponed to allow for additional conversations with stakeholders. After ongoing conversations between CSAC, our county partners, and DOF, the Administration is proposing a permanent funding structure for realignment with the goal of providing a reliable and stable funding source that allows for local flexibility. That structure is depicted in the chart below.



Base Funding

Base funding in each subaccount should not experience a year-over-year decrease. A statutory mechanism should be in place to deal with the possibility of a year's base being short due to significantly reduced revenues.

The timing of the programs' inclusion in 2011 realignment and the implementation scheduled should affect base funding for each program. The base should be a rolling base for each subaccount, meaning that a year's base funding plus growth becomes the subsequent year's base.

The 1991 Mental Health programs should continue to receive revenue based on its 1991 formula.

Growth Funding

Funding for program growth should be distributed on a roughly proportional basis, first among accounts, then by subaccounts.

Within each subaccount, federally required programs should receive priority for funding if warranted by caseload and costs.

Growth funding for the Child Welfare Services (CWS) program is a priority once base programs have been established. Over time, CWS should receive an additional \$200 million.

Transferability

To provide flexibility, counties should have the ability to transfer a maximum of 10 percent of the lesser subaccount between the subaccounts within the Support Services Account.

Beginning in 2015-16, there should be a local option to transfer a portion of the growth among subaccounts within the Law Enforcement Services Account. Transfers should be for one year only and not increase the base of any program.

Reserve Account

To provide some cushion for fluctuations in future revenue, a Reserve Account should be established when Sales and Use Tax revenues exceed a specified threshold.

Public Safety Realignment (AB 109)

The Governor's budget discusses counties' efforts at implementing public safety realignment. Given only three months of experience managing the new adult offender populations, the Governor notes that there is insufficient information available to assess whether the state's estimates of 2011 Realignment impacts are tracking counties' actual new workload. The budget also discusses the operational impacts to the state's corrections system associated with the implementation of public safety realignment, noting that:

- The state prison population is declining, as expected, which greatly aids the state in complying with the federal court's order to reduce prison population over the next two years. State prison population is expected to decline from just over 150,000 inmates in 2011-12 to approximately 132,000 in 2012-13 (a 12 percent drop).
- The state's facility needs will change as a result of population reductions. For example, the proportion of female inmates is decreasing more quickly than males, meaning the state now plans to convert the Valley State Prison for Women to a male facility in 2013. Other operational changes related to reception centers and other beds are also expected.

The Governor's budget narrative also discusses the AB 109 allocation formula, noting that the county-by-county distribution for the first nine months of operation applies only to 2011-12, given counties' expressed need to have programmatic experience before settling on a more permanent funding methodology.

As discussed previously, the Governor's budget makes an ongoing commitment of funding to support the transferred criminal justice responsibilities. (See 2011 Realignment Funding table above.) Ongoing and regular discussions continue among counties, public safety stakeholders, and the Administration to identify and monitor realignment implementation. The Governor's budget makes clear his ongoing commitment to address systemic issues that arise. The budget notes, for example, the Administration's intent to work with counties to explore and develop treatment and housing options for in-custody offenders who are in need of mental health treatment.

In recognition of the significance of the shift in new offender populations, the Governor's budget proposes a second year of training to support statewide AB 109 training efforts (\$1 million) and grants to local Community Corrections Partnerships (CCP) (\$7.9 million). The CCP planning funds are intended to support counties' efforts in reviewing and amending AB 109 implementation plans.

Ongoing Realignment Efforts

The Administration is committed to a continued partnership with county officials for the successful implementation of 2011 realignment, including:

- **State Operations Reductions.** The Administration is committed to a 25-percent reduction in the state operations of program areas that have been realigned. Both the Departments of Alcohol and Drug Programs and Mental Health have reduced their program components by that amount before transferring functions to the Department of Health Care Services (DHCS). The new Division of Mental Health and Substance Use Disorder Services within the DHCS will provide appropriate state oversight and assistance for programs realigned to the counties. The Department of Social Services will develop its 25-percent reduction plan upon county decisions regarding workload within realigned programs and based upon federal requirements.
- **County Flexibility.** The Administration continues to support efforts to increase the flexibility of counties in administering programs.

Juvenile Justice Reform

The Governor's budget outlines a revised juvenile justice reform proposal whereby the state would stop intake of juvenile offenders to the Division of Juvenile Justice (DJJ) facilities on January 1, 2013. After this date, all new commitments of youthful offenders to DJJ would cease. DJJ would continue to house those juvenile offenders who were placed with the state on or before January 1, 2013, but facilities would shut over time as the population phases out. In order to prepare counties for this shift in responsibility, the budget proposes to provide \$10 million in planning funds to counties in the current year. The purpose of this funding is to give counties both the time and resources to develop appropriate placement and treatment options for this additional juvenile population. The funds would be distributed to counties under an as-yet undetermined methodology. The Administration will work with stakeholders to determine how to distribute the planning funds to the 58 counties. As the result of this proposal, the state plans to delay collection of the increased fees for DJJ placements that became effective on January 1, 2012 as a result of the 2011-12 trigger cuts.

Phase 2 Realignment

The Governor's budget discusses his continued intention to pursue Phase 2 Realignment in the future. These efforts would be linked to ongoing conversations regarding California's implementation of federal healthcare reform. Structuring Phase 2 will take into account the movement of a significant number of people now served by county indigent programs (about 2 million) to the Medi-Cal program and the Administration's desire to rebalance county responsibility for additional programs in the future. More

information and further exploration of potential changes in state/local program responsibility in Phase 2 are needed.

ADMINISTRATION OF JUSTICE

In addition to the Governor's ongoing commitment to the success of realignment as stated in the introduction, the Governor's proposed budget contains other public safety elements that may be of interest to counties. These elements are briefly described below.

California Department of Corrections and Rehabilitation (CDCR). The budget proposes various operational changes for CDCR, including the following:

- *Expanding the Alternative Custody for Female Offenders Program* – This program was created in 2010, pursuant to SB 1266 by Senator Carol Liu. It allows non-violent and non-serious female offenders to participate in an alternative custody program in the community, which includes substance abuse counseling and vocational education. The Governor's budget proposes to expand eligibility of this program to include female offenders who have a prior offense that is serious and/or violent, as many of these offenders have been deemed low-risk.
- *Review of Prison Facilities Plans* – CDCR has reduced its use of non-traditional prison beds by over 4,000 beds. The State is reevaluating its need for infill and reentry construction projects proposed to be funded through the state's portion of AB 900 (2007) given that it has significantly reduced its use of gymnasiums and dayrooms to detain prison inmates.

Board of State and Community Corrections. The budget contains \$109.1 million in funding to support the creation of the Board of State and Community Corrections (BSCC) beginning July 1, 2012, as enacted in the 2011-12 state budget. Under the structure, the BSCC will assume the duties of the existing Corrections Standards Authority and certain public safety grant-related responsibilities of the California Emergency Management Agency (CalEMA). Further, the BSCC is designed as an independent entity that will provide statewide leadership and coordination on statewide public safety policies – including realignment.

Judicial Branch. The Governor's budget contemplates a \$50 million augmentation to the Trial Court Trust Fund based on a proposed civil court fee increase. The augmentation is intended to offset the ongoing impacts of permanent budget reductions the courts have experienced in past years.

2012-13 Trigger Cuts in Courts/Public Safety. The Governor is proposing trigger cuts should his November 2012 ballot initiative fail. These trigger cuts total \$5.3 billion, of

which \$126 million will be to the courts and the Department of Justice. Please see below for a brief explanation of these cuts:

- Judicial Branch – The courts would be reduced an additional \$125 million, an amount equal to three court closures a month.
- Department of Justice (DOJ) – The trigger cuts would apply a \$1 million unallocated reduction.

AGRICULTURE AND NATURAL RESOURCES

Reorganization of State Government. The Governor's proposed budget eliminates, consolidates and restructures a number of agencies and departments under the Agriculture & Natural Resources area. Specifically, the budget proposes to eliminate CalEMA and would make it an office reporting directly to the Governor. The proposed budget would transfer the Department of Resources, Recycling and Recovery (Cal Recycle) to the California Environmental Protection Agency (CalEPA). The budget summary indicates that hazardous waste, electronic waste and landfill permits are more appropriately regulated by CalEPA and not the Natural Resources Agency. The proposed budget also eliminates the State Geology and Mining Board, transferring its responsibilities to the Office of Administrative Hearings for regulatory appeals functions, with the balance of the Board's responsibilities going to the Office of Mine Reclamation within the Department of Conservation. Finally, the Governor's budget would reduce the number of Regional Water Quality Control Boards from nine to eight, consolidating the Colorado River Basin Water Board into neighboring regions, and reduce the number of members on the boards from nine to seven.

Department of Forestry and Fire Protection. The proposed budget assumes \$9.3 million in revenues for 2012-13 to be generated by the proposed State Responsibility Area (SRA) fee, currently under consideration by the Board of Forestry. As you may recall, ABX1 29 (2011) established an (up to) \$150 fee on each structure on a parcel located within the SRA. The budget also indicates that the Board of Equalization will assess the fee, including an increase of \$6.4 million to their budget and an addition of 57 positions to do so, and that the Administration is continuing to evaluate the long-term structure of the fee, leaving the door open for supplementing the fee with an additional per-acre charge.

State Water Resources Control Board. The budget proposes to increase water quality grants by \$11 million through the State Water Pollution Control Revolving Small Community Fund. These grants are for small and severely disadvantaged communities to address wastewater system needs.

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Delta. The proposed budget includes an increase of \$25.4 million and 135 positions to DWR for preliminary engineering work to support the Delta Habitat Conservation and Conveyance Program (DHCCP). This funding will support the Bay Delta Conservation Plan's Environmental Impact Report, to be conducted by DHCCP.

Climate Change. The California Air Resources Board (CARB) will begin to auction greenhouse gas (GHG) emissions allowances through the AB 32 Cap and Trade Program in 2012-13. Revenue estimates for the program are expected to be approximately \$1 billion in the first year. The proposed budget includes a framework for how to expend the proceeds of the Cap and Trade Program, noting that only activities that further the purposes of AB 32 are eligible for funding. The framework lists clean and efficient energy, low-carbon transportation, natural resource protection and sustainable infrastructure development as priority areas for funding. Of particular note, under the heading of natural resource protection, the Governor lists natural resource conservation and management and sustainable agriculture as areas eligible for funding.

GOVERNMENT FINANCE AND OPERATIONS

Mandates

The Governor's budget plan proposes to reduce state spending on local government and school mandates, saving the General Fund \$828 million.

The bulk of this savings results from his proposal to dramatically change the state's mandate relationship with schools. Under the plan, the state would eliminate almost half of all current K-14 mandates, and replacing the rest with incentives to comply with those that remain. Instead of funding actual costs, the Governor proposes a school mandates block grant.

Furthermore, the Governor proposes to repeal dozens of the roughly 50 mandates that have been suspended at least two years.

The Governor also proposes that the Commission on State Mandates redetermine mandates related to sexually violent predators. The state originally mandates certain activities in 1995 and reimburses local agencies for their related costs, but voters approved Proposition 83 (Jessica's Law) in 2006, and the state is not required to reimburse locals for mandates passed by voters.

Lastly, the Governor proposes to again defer the state's payment for pre-2004 state mandates, saving the General Fund (and costing local agencies) \$99.5 million.

Counties with 100 Percent Basic Aid Education Entities

The Governor's proposed budget provides \$4.4 million to the counties of Amador and Mono and the cities therein for shortfalls in 2010-11 associated with their Sales and Use Tax and Vehicle License Fee Adjustment Amounts. In these counties, all education entities are considered "basic aid" and, as a result, there is no statutory mechanism by which the counties and cities can receive reimbursement for revenues losses associated with the Triple Flip and VLF Swap of 2004. CSAC is joining these counties and the Regional Council of Rural Counties (RCRC) in sponsoring AB 1191 (Huber) to provide a permanent mechanism to achieve this reimbursement.

EMPLOYEE RELATIONS

The Governor's proposed budget includes the elimination or consolidation of several employment-related boards and commissions. Specifically, it:

- Creates the **Government Operations Agency**, which will include duties of the departments of General Services, Human Resources, Technology, Office of Administrative Law, the Public Employees' Retirement System, the State Teachers Retirement System and the State Personnel Board.
- Eliminates the Occupational Safety and Health Administration Board and gives its functions to the Employee Development Department.
- Consolidates EDD's tax collection functions with the Franchise Tax Board into a new department called the **Department of Revenue**.

Additionally, the Governor's budget proposes to eliminate 15,000 state positions and have DOF conduct a department-by-department review to identify other positions for elimination.

Unemployment Insurance Program. Counties will recall that due to a structural imbalance between revenues and benefit payments, the Unemployment Insurance (UI) Fund has been making benefit payments with borrowed federal funds since 2009. The UI Fund deficit was \$9.8 billion at the end of 2011, and is projected to be \$11.7 billion at the end of 2012. Required annual interest payments were waived under the American Recovery and Reinvestment Act for 2010. Interest in the amount of \$303.5 million was paid in September 2011 through a loan from the state's Unemployment Compensation Disability Fund. The Governor's budget proposes to continue to borrow from the Disability Fund to pay the 2012-13 interest expense of \$417 million.

The budget also proposes a surcharge on employers to generate \$472.6 million to fund future interest payments and repay borrowed funds, and increases the minimum

monetary eligibility requirements to qualify for UI benefits to account for increases in employee wages that have occurred since the requirements were last adjusted in 1992.

Workforce Investment Act (WIA) Funding. The budget reflects a decrease of \$39.5 million in federal funds for the Governor's discretionary WIA funding, a reduction from 15 percent to 5 percent in the discretionary funds provided by the federal government.

HEALTH AND HUMAN SERVICES

Governor Brown has proposed significant cuts and changes to the CalWORKs, Medi-Cal, In Home Support Services (IHSS), and Child Care programs in his 2012-13 budget proposal. Please note that each of the reductions and proposals outlined below are permanent and ongoing, and would take effect regardless of whether the Governor's proposed tax initiative passes in November.

CalWORKs. The Governor is proposing to restructure the existing CalWORKs program by creating a two-tier system that supposedly focuses on work participation for adult recipients. All proposals below will affect both current and future CalWORKs recipients, and are estimated to save the state up to \$1.1 billion in the current year.

The Governor would create two tracks for CalWORKs recipients:

- **CalWORKs Basic** would serve as the entry-point for the welfare-to-work program and would be operational by October of this year. The eligibility time limit for this phase would be 24 months, with an assessment of the recipients' progress after 12 months. For six months following the October 2012 implementation of the CalWORKs Basic program, all currently aided eligible adults will be eligible for welfare-to-work services and child care. The budget has increased the county single allocation by \$35.6 million to provide some of these services. Additionally, families who are sanctioned for more than three months would be disenrolled from the program.
- If a CalWORKs Basic participant maintains unsubsidized employment at specified levels (30 hours for adults and 20 hours for those with children under age six), they would move to the **CalWORKs Plus** program. This program would become operational in April of 2013 and reward participants with a higher grant level by allowing them to utilize a higher income disregard (first \$200 earned and 50 percent of subsequent income). Participants would be eligible for this program for up to 48 months, and if they reach the time limit but continue to work specified amounts, they would retain the higher earned income disregard.

The income support program of child only grants will continue under the name of Child Maintenance Program, but grants will be cut by 27 percent, or about \$70 a month, beginning in October of this year. Also, families on the Child Maintenance Program will

be subject to annual eligibility determinations and required to have children in the program seen annually by a doctor.

Furthermore, under the restructuring, low-income families who are CalFresh recipients or child care subsidies – but not on CalWORKs – and meet work participation requirements may receive \$50 bonus payments.

Child Care. The Governor proposes shifting eligibility determinations and payment functions for approximately 142,000 children in subsidized child care programs to counties in 2013-14. Once fully implemented, the new structure would replace the three-stage CalWORKs child care system for current and former CalWORKs recipients and programs already serving low-income parents with a “work-based” subsidized child care system administered by county welfare departments.

In this model, counties would apply federal income eligibility rules and welfare-to-work participation requirements to those seeking subsidized child care support. Recipients would also be subject to welfare-to-work employment requirements, and the Administration estimates that this change in eligibility will eliminate about 46,300 child care slots statewide.

Additionally, the state seeks to save \$43.9 million by switching eligibility determinations from a measure of state median income to 200 percent of the Federal Poverty Level. The state estimates this will remove 15,700 child care slots.

The proposal also removes the statutory Cost of Living Increase Adjustment for capped non-CalWORKs child care programs to save \$29.9 million..

Governor Brown also proposes to reduce the child care reimbursement rate ceiling for voucher-based programs from the 85th percentile of the private pay market to the 50th percentile (based on the 2009 Market Rate Survey). This would save the state \$11.8 million. Please note that rates for license-exempt providers will be unaffected, but they will have to meet certain health and safety standards in order to continue to receive reimbursement. Also, direct-contracted Title 5 centers will see a 10 percent reimbursement rate reduction.

Furthermore, beginning in 2013-14, families who meet federal work requirements under the new structure will receive a \$50 monthly work bonus to be issued by county welfare departments.

Priority for voucher-based programs will be given to families who participate in the Child Welfare System or are at risk for being abused, neglected, or exploited. Cash-aid families would continue to receive subsidized child care services.

The Governor will also introduce legislation to require counties to identify and collect subsidized child care overpayments, and would levy sanctions on agencies that do not reduce the incidence of overpayments.

Overall, the child care cuts would save over \$500 million.

In-Home Support Services. The budget includes a number of reductions to the In Home Support Services (IHSS) program as well as significant restructuring for those who are dually eligible for Medi-Cal and Medicare. Please see the Medi-Cal section for more information on that specific proposal.

The Governor proposes to eliminate domestic and related services for IHSS consumers living with other adults who are not participants in the IHSS program, unless those adults are found to be unable to perform such services. This reduction in domestic services also applies to children in the IHSS program who reside with their parents, and the state assumes budget savings of \$164 million in the current year if implemented by July 1 of this year. This proposal would affect 254,000 IHSS recipients.

The budget assumes that the 20-percent across-the-board trigger cut to IHSS would be implemented April 1, 2012. However, a court injunction has precluded implementation.

The budget also includes a set-aside to fully fund the IHSS program in the event the court permanently upholds the injunction.

Medi-Cal.

Care Coordination for Dual Eligible Individuals. The Administration proposes to improve care coordination for seniors and persons with disabilities. The term “dual eligible beneficiary” refers to persons eligible for both Medi-Cal and Medicare. Current law authorizes a dual eligible beneficiary pilot in four counties to begin January 1, 2013. The budget proposes a three-year phase-in of the pilots and an expansion of the number of pilots to 10 counties. In the first year, dual eligible beneficiaries will transition to managed care for Medi-Cal benefits. The benefits will become a more integrated plan responsibility over the subsequent two years. Under a separate proposal, the Administration is also proposing to expand Medi-Cal managed care statewide starting in June 2013. Currently, 30 counties have Medi-Cal managed care plans.

The pilots will provide managed care plans with a blended payment consisting of federal, state and county funds and responsibility for the full array of health and social services to dual eligible beneficiaries. Making long-term care services a managed care benefit is intended to increase access to home and community-based medical and social services. The larger goal is to allow beneficiaries to remain in their homes and out of

institutions. Behavioral health services will generally be provided by counties. In year one, IHSS, other home and community-based services and nursing home care funded by Medi-Cal will become managed care benefits. The IHSS program will essentially operate as it does today, except all authorized IHSS benefits will be included in the managed care plan rates. Over time, managed care plans would take on more responsibility for home and community-based services, including IHSS.

The Governor's budget document acknowledges a number of issues that will need to be worked on, including consumer protections, development of a uniform assessment tool, and consumer choice and protection.

The Administration views the dual eligible beneficiary pilots as part of its effort to implement health reform and establish the state as the level of government primarily responsible for delivering health care services. The Administration identifies the state-county relationship in financing and delivering services – including collective bargaining structure for IHSS providers and the long-term county financial responsibility and other health programs.

The Administration will be working with counties, consumers and other stakeholders to address these outstanding issues through development of legislation necessary to implement the proposal.

The Administration is projecting savings from the pilots related to a reduction in hospital and nursing home costs. To accelerate savings into 2012-13, the Administration is proposing a payment deferral (one payment for all providers) and alignment of payment policies for all managed care counties. This proposal will save \$678.8 million in 2012-13 and \$1 billion in 2013-14.

Managed Care Expansion. The Governor proposes expanding Medi-Cal Managed Care into all counties statewide and enrolling all current Medi-Cal beneficiaries, including IHSS recipients and those in the Institutional Long-Term Care program, in the managed care model. The state would begin this transition in the 28 fee-for-service counties in June of this year, and estimates savings of \$2.7 million in 2012-13 and \$8.8 million in 2013-14.

The Governor also proposes an annual open enrollment period for Medi-Cal beneficiaries to save up to \$3.6 million in 2012-13 and \$6 million in 2013-14. Currently, beneficiaries may change plans up to 12 times a year.

Operational Flexibilities. The Governor introduces his desire to streamline the regulatory process to allow the Medi-Cal program to change more quickly. Examples

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include reducing laboratory rates, eliminating funding for avoidable hospital admissions, and no longer paying for services of “limited value.” He proposes a stakeholder process to examine changes in benefit design and estimates that the state can save approximately \$75 million in 2012-13.

Medical Therapy Program. The Governor proposes to impose an income test for the Medical Therapy Program that mirrors the California Children’s Services (CCS) program. Only families with annual incomes of less than \$40,000 or with annual CCS-related medical expenses exceeding 20 percent of their annual income would qualify for the Medical Therapy Program.

Revenue for the Medi-Cal Program. The Governor proposes a one-time redirection of private and non-designated hospital stabilization funds for fiscal years 2005-06 through 2009-10 to the state General Fund for a savings of \$42.9 million. He also wants to continue indefinitely the Gross Premium Tax on Medi-Cal Managed Care Plans to save up to \$161.8 million in 2012-13 and \$259.1 million in 2013-14.

Healthy Families Program. The Administration is proposing to reduce Healthy Families managed care rates by 25.7 percent effective October 1, 2012 for a savings of \$64.4 million in 2012-13 and \$91.5 million in 2013-14. The budget again proposes to shift the 875,000 children in the Healthy Families Program to the Medi-Cal program with a nine-month phase in starting October 2012.

The budget also proposes to eliminate the Managed Risk Medical Insurance Board by July 1, 2013.

Child Support. Governor Brown proposes to suspend the county share of child support collections (\$34.5 million in 2012-13) and redirect it to the state’s General Fund.

Public Health

AIDS Drug Assistance Program. The Governor proposes to increase the client share of cost for the AIDS Drug Assistance Program (ADAP) for \$14.5 million in state savings in 2012-13. This proposal would implement the federal share of cost maximum amounts, resulting in average monthly copayments of between \$28 and \$385, depending on the client’s income. The state estimates that this proposal will generate administrative costs of \$2 million due to the amount of paperwork involved, and that cost is included in the \$14.5 million savings estimate.

New Office of Health Equity. The proposed budget creates a new **Office of Health Equity** in the Department of Public Health and transfers the Office of Women’s Health, Office of Multicultural Health, Health in All Policies Task Force, the Health Places Team, and the Office of Multicultural Services to the new structure.

Department of State Hospitals. The budget establishes a new **Department of State Hospitals** that will oversee the state's mental hospitals. In addition to the new department, the Administration is proposing a number of changes to the mental hospitals to address a \$180 million shortfall. Of interest to counties, the Administration is proposing to increase the bed rate charges to counties for civil commitments by \$20 million.

Departments of Mental Health and Alcohol and Drug Programs. The Administration is proposing to eliminate the Departments of Mental Health and Alcohol and Drug Programs. The Department of Health Care Services will assume responsibility for the administration of Mental Health Services Act programs and financial oversight of funds, administration of federal Substance Abuse and Mental Health Services Administration discretionary and block grants, Projects for Assistance in Transition from Homelessness grants, Substance Abuse Prevention and Treatment block grants, the Parolee Services Network, veterans mental health programs, and the mental health components of the California Health Interview Survey.

The Department of Public Health will assume the duties of the Office of Multicultural Services, the administration of counselor certification, narcotic treatment, driving under the influence, and problem gambling functions.

The Department of Social Services will be responsible for licensing and quality improvement functions.

The California Department of Education will administer the Early Mental Health Initiative grants.

The Office of Statewide Health Planning and Development will now include the Mental Health Workforce Education and Training program.

The Mental Health Services Oversight and Accountability Commission will be responsible for Mental Health Services Act training, technical assistance and program evaluation.

HOUSING, LAND USE AND TRANSPORTATION

Transportation Funding. The Governor's proposed budget reports that gasoline consumption was down 0.5-percent in 2010-11 from the prior fiscal year. While it is anticipated to decrease another 0.6-percent in 2011-12, the proposed budget projects that consumption will rise 1.9 percent in 2012-13. Under the 2010 transportation tax

swap, whereby the state eliminated the sales tax on gasoline and replaced it with an equivalent amount of new gasoline excise tax which is adjusted annually to reflect what the sales tax would have otherwise generated in a given year, DOF is projecting that the new 2012-13 excise tax rate will be reduced from the current 35.7-cents to 35-cents.

The proposed budget fully funds transportation as agreed to in the transportation tax swap of 2010. Recall that after the state backfills the State Highway Account for truck weight fee revenues dedicated to transportation bond debt service, the remaining revenues are divided among the state and local streets and roads in the following manner:

- 44 percent for the State Transportation Improvement Program
- 44 percent for Local Streets and Roads
- 12 percent for the State Highway Operation and Protection Program

CSAC is waiting for more information, specifically for the Board of Equalization to adjust the new excise tax rate as required by statute, before we provide counties with estimated revenues for 2012-13.

It is also important to note that the Governor borrows \$349.5 million in truck weight fees over and above what is necessary to pay budget year bond debt service payments. However, this was anticipated given that bond debt service fluctuates from year to year. In order to maximize the transportation tax swap and truck weight fee agreements from 2010 and 2011, the Governor will take all eligible weight fee revenues each year and bank the funds to use to offset the bond debt costs in the future.

Transportation Bond Sales. The Governor does not propose new transportation bond appropriations in his proposed budget and is putting this off until spring 2012 when more information on project cash flow needs is available.

High-Speed Rail. The Governor's proposed budget includes funding for the basic functions for the High-Speed Rail Authority. However, the document is silent on funding the initial train segment. The High-Speed Rail Authority's Business Plan is currently under review with DOF and the Governor will await its analysis before proposing a plan for funding the first segment. Additionally, the Legislature has indicated that they, too, will be holding hearings on the project and could potentially take action in the 2012 legislative year that will affect the project, for good or bad.

Consolidation/Elimination of State Agencies. Continuing his mission to "reorganize state government", the Governor proposes to reduce the number of state agencies from 12 to 10 and eliminate another 39 state entities and 9 programs. Among this reorganization is:

- The consolidation of the California Department of Transportation (Caltrans) with the Department of Motor Vehicles, the High-Speed Rail Authority, the Highway Patrol, the California Transportation Commission, and the Board of Pilot Commissioners into the new **Transportation Agency**.
- Changes to the budget process including requiring some departments, such as Caltrans, to perform a detailed review and analysis of all of their programs to evaluate whether the functions need to exist and the level of resources needed to accomplish them.
- Transfer of the functions of the California Housing Finance Authority (CalHFA) to the Housing and Community Development Department (HCD). Since both CalHFA and HCD are concerned with the development and financing of affordable housing, the goal is to obtain administrative efficiencies by combining the efforts under one department. It should also be noted that the new HCD will be moved from the former Business, Transportation, and Housing Agency to a new agency – the **Business and Consumer Services Agency**.

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ACTION

CALIFORNIA STATE ASSOCIATION OF COUNTIES

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Mac Taylor
Legislative Analyst

January 11, 2012

The 2012-13 Budget:

Overview of the Governor's Budget



EXECUTIVE SUMMARY

Governor's Proposal

Proposed Tax Initiative Is Cornerstone of Governor's Budget Proposal. The administration estimates that the Legislature and the Governor must address a budget problem of \$9.2 billion between now and the start of the 2012-13 fiscal year. The cornerstone of the Governor's 2012-13 budget plan is its assumption that voters will approve a temporary increase in income and sales taxes through an initiative that the Governor has proposed be on the November 2012 ballot. The administration estimates the initiative would increase state revenues by \$6.9 billion by the end of 2012-13, and generate billions of dollars per year until its taxes expire at the end of 2016. The taxes would be deposited to the General Fund to pay for the state's Proposition 98 school funding obligations, as increased by the initiative, and to help balance the budget by paying for other state programs. The Governor also proposes significant reductions to social services and child care programs and additional state borrowing.

Administration Estimates Plan Would Return State Budget to Balance. The administration estimates the Governor's plan would leave the state with a \$1.1 billion reserve at the end of 2012-13 and balanced annual budgets for the next few years. The Governor also proposes that the state take steps to reduce outstanding state budgetary obligations (which he calls a "wall of debt") during the next several years.

Proposed Trigger Cuts if Voters Reject Governor's Tax Initiative. The Governor's proposal requests that the Legislature approve \$5.4 billion of "trigger cuts" to take effect on January 1, 2013, if voters do not approve the Governor's tax initiative. Proposition 98 funding for schools and community colleges would bear the brunt of these trigger cuts: \$4.8 billion (90 percent) of the total.

LAO Comments

Governor's Plan Would Continue State's Efforts to Restore Budgetary Balance. In 2011, the Legislature and the Governor took significant steps—through ongoing budgetary actions—to begin to restore the state budget to balance. To finish this job, the Legislature still faces a very difficult task for 2012, as the Governor's proposal shows. The Governor's plan envisions multiyear tax increases and significant reductions in social services and subsidized child care programs. As an alternative, if his tax plan is rejected he proposes much larger cuts, aimed largely at schools. If the state chooses either of the Governor's two paths, the state budget would be moved much closer to balance over the next several years.

Revenue Estimates Bigger Question Mark Than Usual. Our revenue estimates—including estimates of state revenue gains from the Governor's proposed initiative—currently are lower than the administration's. Already, California's budget is dependent on volatile income tax payments by the state's wealthiest individuals, and the Governor proposes that these Californians pay more for the next few years. As has become evident in recent years, differing fortunes for these upper-income taxpayers can create or eliminate billions of dollars of projected state revenues. If our current

revenue estimates are closer to the target than the administration's, the Legislature will have to pursue billions of dollars more in budget-balancing solutions.

Restructuring Proposals in Education Merit Serious Consideration. The Governor's plan contains major restructuring of the school finance system, community college categorical funding, and education mandates. We think the Governor's restructuring proposals in all these areas would overcome most widely recognized shortcomings of these current systems and institute lasting improvements.

Social Services and Child Care Proposals Have Merit, But Involve Drawbacks. The Governor proposes to reduce General Fund support for California Work Opportunity and Responsibility to Kids (CalWORKs) and subsidized child care—the state's primary sources of cash assistance and work support for low-income families—by a total of about \$1.4 billion. His proposal would focus reforms in the CalWORKs program on achieving the goal of emphasizing work. The Legislature may wish to consider whether the proposed reductions to families most in need of support to achieve self-sufficiency are too severe, as well as the Governor's proposal to restrict eligibility criteria and time lines for subsidized child care. Focusing these programs on a different set of objectives and priorities than the Governor would not necessarily eliminate opportunities for budgetary savings, but the savings potential under such alternatives could be less.

Trigger Cut Framework Needs to Be Considered Carefully. Though the Governor's tax initiative would improve the financial outlook of public education over the next several years, his trigger plan would create significant uncertainty for schools, community colleges, and universities in 2012-13. This uncertainty is likely to be particularly problematic for schools, as most will feel compelled to build their 2012-13 budgets assuming the trigger cuts will be implemented. This means schools in 2012-13 likely will implement most, if not all, of the reductions that many hope to avoid. Given this possibility, the Legislature needs to be very deliberate in structuring a workable trigger package. In particular, the Legislature will need to be careful in setting the size of the trigger reduction; determining the specific education reductions to impose; and designing tools to help schools, community colleges, and universities respond to the trigger cuts.

OVERVIEW

THE GOVERNOR'S BUDGET PROPOSAL

On January 5, 2012, the Governor proposed a 2012-13 state spending plan with \$92.6 billion of General Fund expenditures, \$39.8 billion of spending from state special funds, and \$5.0 billion of bond fund expenditures. In addition, the budget assumes that \$73 billion of federal funds flow through state accounts in 2012-13.

The cornerstone of the plan is its assumption that voters will approve the Governor's proposed tax initiative in November 2012. These taxes would be deposited to the General Fund to pay for the state's Proposition 98 school funding obligations, as increased by the initiative, and to help balance the budget by paying for other state programs. Under the administration's estimates, as shown in Figure 1, the state would end 2012-13 with a \$1.1 billion General Fund reserve. The budget plan also contains trigger cuts that would take effect if voters reject the Governor's tax proposal.

\$9.2 Billion Budget Problem Projected for 2012-13

Consists of \$4 Billion 2011-12 Deficit, Plus \$5 Billion Shortfall for 2012-13.

Each year, in assembling the Governor's proposed budget, the administration estimates what revenues and expenditures would be under current tax and expenditure policies. This is

called the baseline, or workload, budget forecast. For 2012-13, the administration projects that baseline General Fund revenues are \$89.2 billion, while baseline General Fund spending is \$94.3 billion. In addition to this prospective annual budget shortfall of over \$5 billion for 2012-13, the administration estimates that 2011-12 will end with a General Fund deficit of over \$4.1 billion. Combined, the state faces an estimated budget problem of \$9.2 billion to address between now and the start of the new fiscal year.

Several Major Differences From LAO's November 2011 Forecast. In our November 2011 publication, *California's Fiscal Outlook*, our office estimated that the baseline budget problem for the state's General Fund would total \$12.8 billion for 2012-13. This is about \$3.6 billion more than the estimated budget problem reflected in the *2012-13 Governor's Budget*. The administration's definition of the 2012-13 budget problem differs from ours in several ways:

Figure 1
Governor's Budget General Fund Condition

(Dollars in Millions)

	Actual 2010-11	Proposed 2011-12	Proposed for 2012-13	
			Amount	Percent Change
Prior-year fund balance	-\$5,019	-\$3,079	-\$986	
Revenues and transfers	93,489	88,606	95,389	7.7%
Total resources available	\$88,470	\$85,527	\$94,404	
Expenditures	\$91,549	\$86,513	\$92,553	7.0%
Ending fund balance	-\$3,079	-\$986	\$1,850	
Encumbrances	\$719	\$719	\$719	
Reserve^a	-\$3,797	-\$1,704	\$1,132	

^a Reflects the administration's projection of the balance in the special fund for economic uncertainties. (The 2012-13 Governor's Budget proposes to continue suspending transfers to the Budget Stabilization Account.)

- ***Administration's Revenue Forecast.*** The administration forecasts that baseline General Fund revenues and transfers will be \$4.7 billion higher over 2011-12 and 2012-13 combined than indicated in our November 2011 forecast. This is partially offset by the administration's estimate of \$803 million less in revenues and transfers than we estimated for the prior year, 2010-11. For the three fiscal years combined, therefore, the Governor's budget forecasts baseline revenues that are over \$3.9 billion higher than those forecast by our office in November. The vast majority of our differences during this period are related to our respective forecasts of personal income tax (PIT) revenues.
- ***Proposition 98 Estimates.*** The administration's baseline figures are different from those in our November forecast for state General Fund spending for Proposition 98. Specifically, for the 2011-12 and 2012-13 fiscal years combined, the administration's baseline General Fund Proposition 98 estimates are about \$1.1 billion lower than our estimates. A number of reasons account for these differences, including the treatment of the realignment revenues, redevelopment revenues, the gas tax swap, and 2011-12 trigger cuts.
- ***Non-Proposition 98 Spending.*** Compared to our November forecast, the administration's workload budget estimates for 2011-12 and 2012-13 include a net amount of about \$1.4 billion more in non-Proposition 98 General Fund spending. There appear to be a variety of reasons for these differences, such as the administration's estimates of several hundred million dollars of higher General Fund expenses

for some health and social services programs and debt service. Contrary to our past practices in developing workload budgets, the administration also includes over \$700 million of General Fund expenses to reimburse local governments for the prior-year costs of currently inactive mandates. In addition, we understand that budget proposals to augment some programs are included in the administration's workload budget estimates, such as a proposed \$90 million increase to the University of California (UC) budget. Finally, the administration also assumes in its workload budget \$500 million of savings from using revenues from the Air Resources Board's (ARB's) auction of "cap-and-trade" greenhouse gas emission allowances to offset unspecified General Fund costs. The Legislature, however, has never explicitly adopted such a policy for the use of cap-and-trade auction revenues, and accordingly, we regard the revenues as a budgetary solution (not as a change in the definition of the problem).

Governor's Budget Proposals

Proposes Over \$10 Billion of Budget-Balancing Actions. The Governor proposes over \$10 billion of budget-balancing actions to address the administration's estimated \$9.2 billion budget problem—leaving the state with a reserve of \$1.1 billion at the end of 2012-13. Figure 2 summarizes the administration's estimates of savings or revenue related to the Governor's major proposals. (We list the administration's estimates in every case but two—the cap-and-trade and mandate issues noted above.)

Key Proposals. The budget plan rests predominantly on proposals in three areas, all of which are discussed in greater detail in the sections that follow:

2012-13 BUDGET

- **Plan Assumes Voters Approve Governor's Tax Initiative.** The centerpiece of the Governor's budget plan is its assumption that voters approve his initiative proposal to temporarily increase PIT on upper-income filers and sales and use taxes (SUT) for the next several years. The administration estimates that this plan would generate \$6.9 billion of revenues to benefit the 2012-13 General Fund budget plan.
- **Proposition 98 Proposals.** As always, Proposition 98 funding for schools and

community colleges is the single largest spending priority in the proposed budget. For 2012-13, the Governor proposes state and local Proposition 98 funding of \$52.5 billion—the administration's estimate of the Proposition 98 minimum guarantee. The guarantee reflects the additional revenue assumed to be raised by the Governor's tax initiative. The year-to-year funding increase under the Governor's budget proposal is dedicated largely to reducing the size of existing K-14 payment deferrals. The budget also

Figure 2

Budget-Balancing Actions Proposed by the Governor

2011-12 and 2012-13 General Fund Benefit (In Millions)

Revenue Actions

Increase personal income and sales and use taxes through voter initiative	\$6,935
Make permanent the existing tax on Medi-Cal managed care plans	162
Implement changes to unclaimed property program	70
Implement other revenue actions (net)	19
Subtotal	(\$7,186)

Increased Proposition 98 Costs Due to Proposed Tax Increases

-\$2,534

Expenditure Actions

Restructure and reduce CalWORKs and subsidized child care program costs	\$1,393
Defer payments to Medi-Cal providers and other related actions	682
Make various Proposition 98 adjustments	544
Use part of cap-and-trade program auction revenues to offset unspecified General Fund costs ^a	500
Change Cal Grant awards and eligibility requirements	302
Eliminate domestic and related services for certain In-Home Supportive Services recipients	164
Reduce Medi-Cal costs through program efficiencies and other changes	160
Defer payment on pre-2004 local mandate obligations ^b	100
Reduce Healthy Families Program managed care rates	64
Reduce various other program costs	49
Implement other fund shifts	28
Subtotal ^c	(\$3,987)

Other Actions

Delay loan payments to special funds	\$631
Borrow from disability insurance fund to pay costs of federal unemployment insurance loans	417
Use weight fee revenues to offset General Fund costs	350
Suspend county share of child support collections on one-time basis	35
Subtotal	(\$1,432)
Total	\$10,070

^a Although the administration's workload budget includes those funds, we characterize those funds as a budget-balancing proposal.

^b Contrary to the Governor's approach, does not include as a solution \$729 million related to past-year costs of suspended mandates.

^c The administration characterizes the Governor's proposed expenditure actions as totaling \$4.2 billion. Our estimate is \$229 million lower due to the differences described in footnotes a and b above.

includes proposals that would dramatically change how the state provides general purpose, categorical, and mandate funding to schools.

- **Significant Changes for CalWORKs and Child Care Funding.** The Governor proposes to reduce General Fund support for the CalWORKs program and subsidized child care, the state's primary sources of cash assistance and work support for low-income families, for total savings of about \$1.4 billion. The savings would be achieved primarily by reducing cash grants to a significant portion of current CalWORKs recipients, further limiting eligibility for subsidized child care and CalWORKs employment services, and reducing payments to child care providers.

Borrowing From State Special Funds. Typical of budgets in recent years, the administration proposes further delays to specified General Fund loan repayments to state special funds. Many special funds are fee-driven accounts eligible to be used for specific public programs. The budget plan assumes \$631 million of such loan repayment delays. Examples of these delays include deferrals of General Fund repayments to the Off-Highway Vehicle Trust Fund (\$90 million) and the Electronic Waste Recovery and Recycling Fund (\$80 million). The budget also proposes to borrow again from the disability insurance fund (\$417 million) to pay the state's interest costs to the federal government on its unemployment insurance loan.

Trigger Cuts

Over \$5 Billion of Additional Cuts if Voters

Reject Tax Measure. The Governor proposes \$5.4 billion of trigger cuts to take effect in January 2013 if voters reject his proposed tax measure this November. These trigger cut proposals are summarized in Figure 3. Proposition 98 funding for schools and community colleges would bear the brunt of such reductions: \$4.8 billion (90 percent) of the \$5.4 billion in total trigger cuts. University and judicial branch appropriations, among others, would see significant reductions in this scenario under the Governor's plan.

Impact on Future Years

Smaller Shortfalls Projected. Using its estimates of workload revenues and expenditures, the administration estimates that the state currently faces a future annual budget shortfall of \$4.7 billion in 2013-14, \$2.9 billion in 2014-15, and \$1.9 billion in 2015-16—much reduced from the outyear budget shortfalls projected one year ago. Higher revenue collections and the results of last year's ongoing budgetary actions are responsible for this improvement in the state's fiscal health.

Shortfalls Estimated to Be Eliminated. The administration estimates that the Governor's

Figure 3

Proposed "Trigger" Reductions If Voters Reject Proposed Tax Initiative

2012-13 General Fund Benefit (In Millions)

Proposition 98 funding for schools and community colleges	\$4,837
University of California	200
California State University	200
Judicial branch	125
CalFire	15
Department of Water Resources flood control programs	7
Department of Fish and Game	4
Department of Parks and Recreation	2
Department of Justice law enforcement programs	1
Total	\$5,390

2012-13 budget plan would continue last year's progress in returning the state budget to balance. Specifically, the administration's calculations indicate the Governor's plan would "eliminate future budget problems throughout the forecast period under current projections." (The administration's forecast period runs through 2015-16.)

Reducing State Budgetary Obligations. In addition to providing funding for support of existing General Fund program commitments, the Governor proposes to use tax revenues over the next several years to pay down what the administration characterizes as a \$33 billion wall of debt. This consists of budgetary obligations such as deferred payments to schools and community colleges, the Economic Recovery Bonds that were used to refinance the state's early-2000s deficit, unpaid local government mandate reimbursements, and loans from state special funds. The *2012-13 Governor's Budget Summary* states the Governor's plan would "pay off" this \$33 billion by 2015-16.

LAO COMMENTS

Governor's Plan Would Continue State's Efforts to Restore Budgetary Balance. In 2011, the Legislature and the Governor took significant steps—through ongoing budgetary actions—to begin to restore California's state budget to balance. To finish this job, the Legislature still faces a very difficult task in 2012, as the Governor's proposal shows. The administration's major proposed budgetary actions this year are significant—multiyear income and sales tax increases coupled with significant reductions in social services and subsidized child care. As an alternative, if the voters choose not to approve the proposed tax increases, the Governor proposes much larger cuts, aimed largely at schools. If the state chooses either of the Governor's two paths, the state budget would be moved much closer to balance over the next several years.

Revenue Estimates Are a Bigger Question Mark Than Usual. As we discuss later in this report, our revenue estimates for 2011-12, 2012-13, and subsequent years currently are lower than the administration's, and we estimate the revenue gain from the Governor's proposed tax initiative would also be significantly lower. The administration has made a good-faith effort in its revenue and economic forecasting despite the huge uncertainties involved in projecting the state's recovery from an unprecedented economic downturn. Nevertheless, our differences with the administration's estimates for high-income tax filers mean we now project billions of dollars less in state revenues. We will continue to review incoming revenue and economic data and update the Legislature during the next few months.

Already, California's budget is dependent on volatile income tax payments by the state's wealthiest individuals. The top 1 percent of PIT filers pay around 40 percent of state income taxes, the General Fund's dominant funding source. Because the Governor's budget proposal is centered on his idea for these wealthy tax filers to pay more, the state would become more dependent on this uncertain revenue source. For this reason, revenue estimates are an even bigger question mark than usual for the Legislature this year. As we have learned in past years, differing fortunes for upper-income taxpayers can quickly create or eliminate billions of dollars of projected state revenues. If our current revenue estimates are closer to the target than the administration's, the Legislature will have to pursue billions of dollars more in budget-balancing solutions.

Restructuring Proposals in Education Merit Serious Consideration. The Governor's package also contains major restructuring of the K-12 finance system, community college categorical funding model, and education mandate system. In all three cases, the state's existing systems

are widely recognized as having longstanding, fundamental shortcomings. We think the Governor's restructuring proposals in all three areas would overcome most of these shortcomings and institute lasting improvements. As such, we recommend the Legislature adopt the Governor's basic restructuring approaches. The Legislature, however, might want to make some modifications to specific proposals. For example, the Legislature might want to change the amount of mandate block grant funding provided or the specific mix of mandated programs that are eliminated versus made discretionary.

Now Not the Time for Major New Programs or Program Expansions. We agree with the Governor's assessment that now is not the time to initiate major new programs or authorizing program expansions. The Governor's plan contains associated proposals that together would help lower costs by \$300 million. Of greatest magnitude, we recommend the Legislature adopt the Governor's proposal not to initiate the transitional kindergarten program set to go into effect beginning in 2012-13. Not initiating this program yields \$224 million in associated revenue limit savings. We also recommend the Legislature adopt the Governor's proposals to halt the Cal Grant expansions that would otherwise come about through loosened transfer entitlement rules and cohort default rate limits beginning in 2012-13. These two proposals would result in state savings of more than \$70 million.

Social Services and Child Care Proposals Have Merit, But Involve Trade-Offs. The Governor's budget proposes to reduce General Fund support for CalWORKs and subsidized child care—the state's primary sources of cash assistance and work support for California's low-income families—by a total of about \$1.4 billion. The Governor's proposal recognizes that, given current funding constraints, it is difficult to fully achieve existing goals of the CalWORKs program. Accordingly, his proposal

would focus reforms in the CalWORKs program on achieving the goal of emphasizing work.

Although we find the Governor's CalWORKs and child care proposals have some advantages, they also involve potential trade-offs. Most clearly, the reductions proposed by the Governor would have significant negative impacts on many of California's low-income families. Regarding CalWORKs, the Legislature may wish to consider whether reductions made to families most in need of support to achieve self-sufficiency would be too severe. Similarly, the Legislature may want to consider whether the Governor's proposal too severely restricts eligibility criteria and time lines for subsidized child care. More generally, the Legislature should consider whether focusing CalWORKs and subsidized child care primarily on supporting efforts of low-income families to obtain employment is consistent with its priorities or whether other objectives are also important. Focusing these programs on a different set of objectives and priorities than the Governor would not necessarily eliminate opportunities for budgetary savings; however, the potential for savings could be less and there could be trade-offs in other areas of the budget.

Legislature Needs to Carefully Consider Any Trigger Framework. Though the Governor's tax initiative would improve the financial outlook of public education over the next several years, his trigger plan would create significant uncertainty for schools, community colleges, and universities in 2012-13. This uncertainty is likely to be particularly problematic for schools, with most schools feeling compelled to build their 2012-13 budgets assuming the trigger cuts are implemented (that is, assuming only the state revenue that they are assured of receiving). This means schools in 2012-13 out of necessity likely will be implementing most, if not all, of the reductions that many would be hoping to avoid. Given this is the case, the Legislature

needs to be very deliberate in structuring a trigger package. In particular, the Legislature should be careful in setting the size of the trigger reduction; determining the specific education reductions to impose; and designing tools to help schools, community colleges, and universities respond to

the triggers. The Legislature also needs to assess whether specific trigger plans are workable. One major consideration, for example, is how the state treats realignment sales tax revenues in calculating the Proposition 98 minimum guarantee.

ECONOMICS AND REVENUES

Economic Forecast

Summer's Economic Slowdown Apparently Temporary. The administration's 2012 forecast reflects an economy that has rebounded from its generally disappointing performance this past summer. Economic weakness during the summer months was primarily due to the reaction of financial markets to the European debt crisis and congressional deadlock over the federal debt ceiling. Employment and other economic news improved during the fall and early winter months. We agree with the administration that a return of the U.S. economy to recession is unlikely now. The U.S. and California economies are poised to continue slow recoveries.

Administration's Forecast for 2012. As shown in Figure 4 (see next page), the administration's new economic forecast is similar to, but slightly more pessimistic than, our November 2011 economic forecast. Both forecasts are based on the assumption that Congress extends the partial employee payroll tax holiday and emergency unemployment insurance benefits beyond their current expiration dates next month. Absent these extensions, economic performance in the immediate future probably would be weaker than shown in Figure 4.

Modest Strengthening in 2013 Expected. The administration's economic forecast projects cautious, but steadily expanding, growth in 2013. More robust growth is being held back by lingering

foreclosure activity and continued price declines in the California housing market, as well as relatively weak growth in real incomes. The administration, however, expects the economy to begin expanding more rapidly in 2013, which is consistent with our recent forecast.

The administration observes that the California economy is being pulled along, in part, by healthy wage and salary growth in high-income labor markets—most notably the technology sector in the Silicon Valley and other areas of the state. Consumer spending also has picked up in California, as individuals and firms return to more normal consumption behavior fueled, in part, by pent-up demand. The Governor's forecast of taxable sales aligns closely with our November forecast. Although we do not project consumption to weaken, there is some risk to the administration's and our office's taxable sales forecasts because consumers and businesses are contending with low credit availability and weak, albeit improving, consumer confidence.

Uncertainty About Federal Policies in 2012 and Beyond. A number of federal policy changes scheduled—or assumed—to take place in 2012 and 2013 could alter the trajectory of economic growth projected by the administration and our office. As noted above, the administration's forecast assumes Congress will extend the payroll tax holiday and unemployment benefits through 2012. In addition, various tax reductions enacted under the prior federal administration (and extended under the

current administration) are scheduled to expire at the end of 2012, and both of our economic forecasts now anticipate these tax cuts will be extended. Automatic congressional spending cuts, known as sequestration, also are set to occur in early 2013, and the President recently announced a broad proposal to shrink the size of the Army, the Marine Corps, and other parts of the U.S. military, which could ripple through the national economy. The U.S. Postal Service—a major governmental employer—also must implement large spending reductions in the coming years.

Most economic forecasts—including our own and the administration’s—assume that Congress and the executive branch agree to compromises in the coming months to mitigate some of the near-term negative economic effects of these changes. Failure of Congress and the President to agree to such policies could, therefore, negatively affect the economy during the next few years. Over the longer term, the federal government’s deep fiscal imbalances will require significant changes to federal programs and taxation that could affect large segments of both the U.S. and California economies.

Economic and Fiscal Forecasting Especially Challenging Now. There is considerable uncertainty in the administration’s forecast—as well as our November 2011 forecast—regarding the short- and medium-term path for the economy. In addition to the difficulty in predicting federal policies, there is also significant uncertainty due to the nature of the historically deep recession from which California and the nation are recovering. There is limited precedent with which to make sound judgments about how the economy will proceed in the coming years. Particularly significant in the context of California budgetary forecasting is the difficulty in projecting the income prospects of high-income tax filers, who experienced a disproportionately large drop in income—relative to other groups of taxpayers—during the recession. These Californians are in the state’s top marginal income tax brackets and pay a very large share of state tax revenues. Largely because their income—dominated by sales of stocks, bond, and other assets—is volatile, state income tax collections are volatile too.

Figure 4

**Comparing the Administration’s Economic Projections With
LAO’s November 2011 Forecast**

	2012		2013	
	LAO Forecast— November 2011	Governor’s Budget Forecast— January 2012	LAO Forecast— November 2011	Governor’s Budget Forecast— January 2012
United States				
Percent change in:				
Real gross domestic product	2.1%	1.7%	2.8%	2.5%
Wage and salary employment	1.0	0.9	1.7	1.4
California				
Percent change in:				
Personal income	4.1%	3.8%	4.5%	4.1%
Wage and salary employment	1.3	1.3	2.1	1.8
Housing permits (thousands)	61	52	77	80
Taxable sales (billions)	\$537	\$538	\$579	\$573

Revenue Forecast

As shown in Figure 5, the administration's new revenue forecast projects that the General Fund will record \$88.6 billion of revenues in 2011-12 and \$95.4 billion in 2012-13, including revenue from the Governor's tax initiative proposal. The administration expects that the Governor's tax proposal, if approved by voters, would generate \$2.2 billion of revenues attributable to 2011-12 and \$4.7 billion in 2012-13. Most of those revenues result from the PIT part of the Governor's tax proposal.

Administration Forecasts Higher Revenues Than Our Office Did in November. Figure 6 compares the administration's *baseline* revenue forecast (that is, the current-law revenue forecast excluding revenue from the Governor's tax and other revenue proposals) with our November 2011 current-law forecast. For 2010-11, the administration's more up-to-date information on revenue accruals and transfers and loans shows that the General Fund received \$803 million less than we assumed in November. For 2011-12 and 2012-13, however, the administration forecasts significantly

higher baseline revenues than we did two months ago. In 2011-12, the administration's baseline forecast is higher than ours by \$1.5 billion, and in 2012-13, its forecast is higher than ours by \$3.2 billion. Over the three fiscal years combined, the administration forecasts \$3.9 billion more in baseline General Fund revenues than we did.

Sizable PIT Forecasting Differences, Particularly for High-Income Taxpayers. Of the \$3.9 billion difference in our baseline revenue

Figure 5

Governor's Budget General Fund Revenue Forecast (Including Revenue Proposals)

(In Billions)

	2011-12	2012-13
Personal income tax	\$54,186	\$59,552
Sales and use tax	18,777	20,769
Corporation tax	9,479	9,342
Subtotals, "Big Three" Taxes	(\$82,442)	(\$89,663)
Other revenues	\$4,751	\$4,885
Net transfers and loans	1,413	841
Total Revenues and Transfers	\$88,606	\$95,389

Figure 6

Administration's Baseline Revenue Forecasts Differ From LAO's^a

General Fund (In Billions)

	2010-11		2011-12		2012-13	
	LAO November Forecast	Governor's Budget Forecast	LAO November Forecast	Governor's Budget Forecast	LAO November Forecast	Governor's Budget Forecast
Personal income tax ^b	\$49,779	\$49,491	\$50,812	\$51,937	\$53,134	\$56,025
Sales and use tax	26,983	26,983	18,531	18,777	19,980	19,595
Corporation tax	9,838	9,614	9,483	9,479	9,432	9,342
Subtotals, "Big Three" Taxes	(\$86,600)	(\$86,088)	(\$78,826)	(\$80,193)	(\$82,546)	(\$84,962)
Other revenues	\$5,795	\$5,913	\$4,486	\$4,730	\$4,540	\$4,788
Net transfers and loans	1,897	1,488	1,451	1,386	-1,048	-529
Total Revenues and Transfers	\$94,292	\$93,489	\$84,764	\$86,309	\$86,038	\$89,221
Difference—Governor's Budget Minus LAO November Forecast	-\$803		\$1,545		\$3,183	

^a Baseline revenues are revenues excluding the effect of any proposed law or policy changes. For example, revenues that would result from the Governor's proposed November 2012 tax initiative are excluded from these figures.

^b Differences in federal tax policy assumptions explain a portion of the administration's higher personal income tax estimates.

projections, \$3.7 billion can be attributed to our different PIT forecasts. In recent weeks, since the Department of Finance (DOF) announced its updated 2011-12 “trigger” forecast, we have devoted significant time to analyzing these differences. While our respective forecasting models differ—making it difficult to assess the reasons for all of our differences—it seems clear that our office’s forecasting models currently assume that high-income tax filers will receive significantly less income than that assumed in DOF’s models. Our differences seem particularly significant beginning in tax year 2012, which affects General Fund PIT revenue forecasts for both 2011-12 and 2012-13. It appears that our differences most likely include those in various categories of income for wealthier filers, including wages and salaries, business-related income, retirement income, and the exceptionally volatile income category of capital gains.

Concerns About the Administration’s Capital Gains Forecast. In its new forecast, DOF projects capital gains realized by California tax filers to rise to \$96 billion in 2012. By contrast, our office’s November forecast assumed \$62 billion of 2012 capital gains. This \$34 billion difference accounts for about \$3 billion of our organizations’ differing PIT baseline forecasts in 2011-12 and 2012-13 combined. A part of this \$3 billion revenue difference results from our differing assumptions concerning federal tax policy. In contrast to our forecast, DOF’s revenue

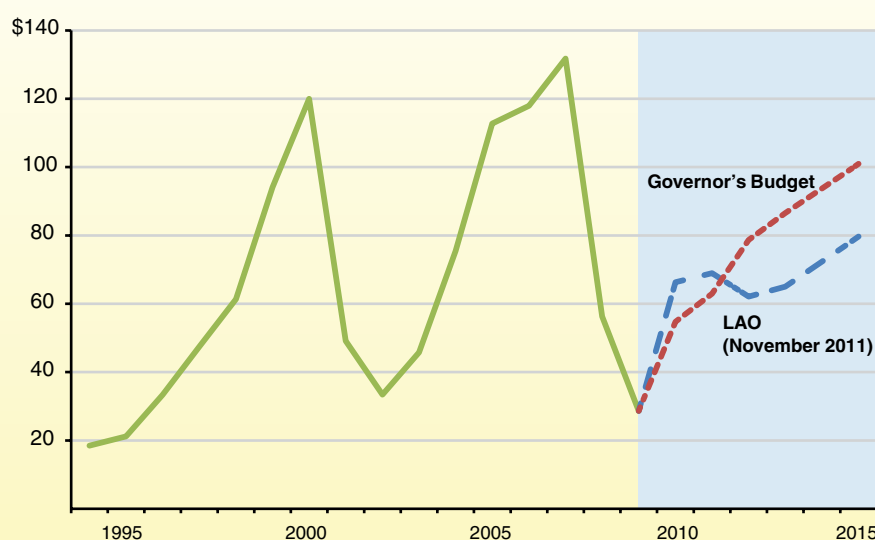
forecast assumes that the 2001 cuts in federal tax rates will be allowed to expire as scheduled at the end of 2012. This expiration then is assumed to cause investors to accelerate realization of capital gains that they otherwise would take in 2013, thereby “shifting” a portion of capital gains income forward from 2013 to 2012. In this forecast, for the first time, DOF also has shifted an additional part of 2013 capital gains to 2012 based on assumed investor behavior to shield income from higher Medicare taxes scheduled to take effect next year. These various shifts tend to reduce projected state revenues for 2013-14 and increase them in earlier years.

We are concerned that the administration’s current method of forecasting high-income filers’ income—especially capital gains—tends to overestimate state revenue growth from the PIT over the next few years, including revenue growth that would result from the Governor’s tax initiative. Figure 7 shows historical net capital gains

Figure 7

Administration Forecasts Much Higher Capital Gains

Net Capital Gains (In Billions)



Note: Figures are adjusted to eliminate assumed accelerations of capital gains realizations due to changes in federal tax policy. The figures are not adjusted for inflation.

of California resident tax filers, as well as both our office's November 2011 estimates and DOF's current estimates. In this figure, we have adjusted both sets of estimates to eliminate the federal tax-related shifts described above in order to show our underlying forecasting differences. With these adjustments, DOF forecasts roughly \$20 billion more of capital gains than our office in each year beginning in 2012. This results in DOF forecasting roughly \$2 billion more in annual baseline revenues than we do going forward. Over time, DOF assumes capital gains begin to approach levels only experienced during previous stock market and real estate "bubbles." We advise the Legislature to regard these estimates with some caution.

As we discussed in our November report, *California's Fiscal Outlook*, Franchise Tax Board (FTB) data on the state income tax base lags by one to two years, such that preliminary data on 2010 income tax returns only recently has emerged. Since publication of our report, FTB preliminary data for 2010 suggests that our November 2011 forecast of capital gains for that tax year was too high. This, in turn, may have resulted in our forecast of capital gains for subsequent years being somewhat too high. We expect to adjust for these differences—as well as other differences that may offset the downwardly revised capital gains estimates—in our next revenue forecast (slated for release in late February).

Forecasting capital gains and other income of wealthier Californians is extremely difficult. These forecasts can change rapidly during the course of any given year due to abrupt changes in asset markets and the overall economy, which, as we have seen in recent years, are not all that rare. Yet, both DOF and our office utilize similar assumptions for future stock market and home price growth in our models, and our office has found that movements in these asset prices, combined with simple time trends, have explained more than 80 percent of the

annual variation in the major categories of capital gains over the last two decades. We will continue to examine economic and tax collection data in the coming months to try to reconcile our forecasting differences with DOF.

December 2011 Income Taxes Lagged Estimates. Using data from FTB and the Employment Development Department (EDD), which administers PIT withholding, our office and DOF track PIT and corporation tax (CT) agency cash receipts daily. December and January are significant months for collections of PIT estimated payments, which are paid largely by high-income filers. December 2011 was a disappointing month for PIT collections (as well as CT collections). Preliminary FTB data show that estimated PIT payments and PIT withholding lagged prior-year collections for the same month. They also lagged the amount of expected revenues for December 2011 assumed in DOF's June 2011 budget forecast of monthly receipts. (The DOF's new revenue forecast has the effect of *increasing* the average projected PIT and CT receipts for the rest of 2011-12 above the levels in the June 2011 forecast. This makes it all the more notable that December PIT and CT revenues were over \$900 million *lower* than the June forecast.)

It is too early to make definitive judgments about what these most recent PIT collection trends mean. In particular, receipts over the next two weeks will be an important early indication as to whether our office's or DOF's high-income taxpayer forecast is closer to target. Additional data will emerge in the coming months, particularly during the all-important revenue collection month of April. Negative trends like those we have seen recently can reverse themselves quickly.

The Facebook Effect. Facebook Inc., a privately held company headquartered in Palo Alto, may proceed with an initial public offering (IPO) of its stock in 2012. Facebook reportedly is considering

issuing \$10 billion of stock in an IPO that would value the company at over \$100 billion. Other companies also are considering IPOs in the coming years.

In the coming months, the state's revenue forecasts will need to be adjusted somewhat to account for the possibility of hundreds of millions of dollars of additional revenues related to the Facebook IPO. These revenues could affect the budgetary outlook beginning in 2012-13. We caution that it will be impossible to forecast IPO-related state revenues with any precision, and it is likely that little information about the state revenue gain from the Facebook IPO will be available before investors file tax returns in April 2013. (Even then, due to the confidentiality of individual taxpayer information, we are unlikely to know precisely how much state revenues increased due to Facebook's IPO.)

In considering the size of the Facebook IPO effect in the coming months, revenue forecasters will have a difficult task. Our office's income models are based on historical trends and, therefore, already assume that some level of IPO activity occurs for California companies each year. Moreover, in our recent forecasts, our office has deliberately built in "extra" capital gains (above those generated by our model) in 2010, 2011, and 2012 to try to account for a variety of factors, including the surprisingly strong PIT receipts in some recent months. Finally, Facebook-related capital gains likely will prove to be a relatively small percentage of California's overall capital gains in 2012. If the stock market as a whole has an unusually strong or weak year, that fact could change forecasted capital gains up or down by much more than the positive Facebook effect.

Revenue Proposals

Governor's Tax Initiative Proposal. The Governor's 2012-13 budget plan assumes passage of

his initiative proposal for temporary PIT and SUT increases. Specifically, the Governor proposes to increase PIT rates for upper-income Californians for five years (2012 through 2016) and a 0.5 percent increase in the statewide SUT for four years (2013 through 2016). The administration forecasts that this measure would generate \$6.9 billion that would be available for the Legislature's consideration during the 2012-13 budget process—\$2.2 billion in 2011-12 revenues and \$4.7 billion of 2012-13 revenues. All of the 2011-12 revenue and \$3.5 billion of the 2012-13 revenue would result from the higher PIT rates.

As we discussed in our recent analysis of the Governor's initiative proposal, our current estimates of the revenue impact of his initiative proposal are lower than the administration's. Currently, we forecast that the proposal would generate \$4.8 billion for the 2012-13 budget process, or \$2.1 billion less than the administration's estimate. Our estimates of the initiative's revenue increases in later years also are lower than the administration's. The reasons for our lower estimates are essentially the same as the reasons for our differences in baseline revenues described above.

Both our office and the administration agree that the initiative revenues will likely prove to be volatile, given that a large portion of them will relate to upper-income tax filers' capital gains and other nonwage income.

Accrual Proposal. The administration proposes that the budget include a control section authorizing a new method of accruing revenues for tax policy changes enacted in 2012. This proposed change, similar to the administration's rejected accrual change proposal from last year, would apply to the Governor's tax initiative proposals but not other tax revenues.

We discussed last year's proposal in our January 2011 publication, *The 2011-12 Budget: The Administration's Revenue Accrual Approach*. Similar to what we described in that report,

the accrual of a portion of the initiative tax revenues to 2011-12 would tend to decrease the state's 2012-13 Proposition 98 minimum school funding guarantee. While we find some merit in the administration's proposed accrual approach, we continue to have concerns that it is not being applied uniformly across all revenues. We recommend that the Legislature pass a law requiring DOF to develop and regularly update a clear, transparent summary of the state's accrual methodologies, and we recommend that the state move toward consistent application of accepted accrual techniques across all tax revenues and spending.

Tax Administration

Proposed Department of Revenue. The 2012-13 Governor's Budget Summary mentions that the Governor will propose merging FTB and the tax administration components of EDD into a new Department of Revenue (DOR). Based on the potential benefits for the state and taxpayers from

having a single tax administration entity, our office has long advocated some sort of tax agency merger. In our view, a successful merger would require detailed preparatory work by the tax agencies involved and a significant amount of time to implement merger-related efficiencies gradually.

In addition to merging FTB and the tax administration sections of EDD, we urge the Legislature to consider merging the bulk of the State Board of Equalization's (BOE) tax administration efforts into the proposed DOR. The State Constitution mandates that certain limited tax administration functions remain with the elected BOE, but legislative action could allow most of BOE's functions to be transferred to the proposed DOR. We believe that long-term efficiencies are possible from a carefully planned merger of this type. In addition, taxpayers could benefit from having one, coordinated tax agency with which to interact. Other departments with revenue collection functions also could be considered for inclusion in DOR in the future.

PROPOSITION 98

Proposition 98 funds K-12 education, the California Community Colleges (CCC), preschool, and various other state education programs. The Governor's budget increases total Proposition 98 funding by \$4.9 billion, or 10 percent between the current year and the budget year. As shown in Figure 8 (see next page), the year-over-year increases in Proposition 98 General Fund for schools and community colleges are larger—15 percent and 14 percent, respectively, with local property tax revenues estimated to be virtually flat. The funding levels reflected in Figure 8 assume voters approve the Governor's November 2012 ballot measure to raise sales and income tax rates temporarily, with a portion of the associated revenue increase benefiting K-14 education.

Makes Various Adjustments to Minimum Guarantee. For 2012-13, the Governor funds at the minimum guarantee (\$52.5 billion) assuming approval of his tax measure (which accounts for more than \$2 billion of the increase in the guarantee). To arrive at this guarantee, the Governor adjusts or "rebenches" the guarantee in three notable ways. Of greatest magnitude, the Governor permanently rebenches the minimum guarantee to account for a shift in property tax revenues (of approximately \$1 billion annually) from redevelopment agencies to school districts and community colleges. By rebenching the guarantee for this shift, the state achieves associated General Fund savings. In addition, the Governor proposes to eliminate existing provisions that require the

state to rebench for the “gas tax swap” adopted by the Legislature in 2011. The gas tax swap eliminated the sales tax on gasoline (previously included in the Proposition 98 calculation) and replaced it with an increase in the excise tax on gasoline (excluded from the Proposition 98 calculation). With the rebenching, the minimum guarantee was unaffected by the gas tax swap. Without the rebenching, the minimum guarantee drops by \$544 million. Thirdly, the Governor proposes to recalculate last year’s rebenchings using the “1986-87 methodology.” This change (which applies to child care, student mental health, and redevelopment revenues) increases the 2012-13 guarantee by \$217 million.

Makes Two Additional Adjustments to Minimum Guarantee Under Back-Up Plan. If the Governor’s tax measure is not adopted, the Governor has a back-up plan that contains \$4.8 billion in spending reductions to schools and community colleges, including \$2.4 billion in programmatic reductions. These programmatic reductions are linked with the Governor’s proposal to include K-14 general obligation bond debt-service payments

within the Proposition 98 minimum guarantee. To account for this shift, the Governor proposes a rebenching of the minimum guarantee, resulting in an increase of \$200 million. Since the cost of debt-service payments (\$2.6 billion) far exceeds the increase in the minimum guarantee from the rebenching, the Governor proposes \$2.4 billion in programmatic Proposition 98 reductions to maintain spending at the guarantee. His estimate of the guarantee also excludes the realignment-related sales tax revenue. How the state should treat these revenues is currently being litigated.

Major Proposals

As shown in Figure 9, the year-to-year funding increase under the Governor’s basic plan would be dedicated primarily to backfilling one-time solutions from last year, covering a slight increase in the K-12 student population (estimated to be 0.35 percent) for a few select K-12 programs, and paying down existing K-14 deferrals. The plan provides no cost-of-living adjustment for any K-14 education program. (Providing the projected 3.17 percent COLA for K-14 programs would cost

Figure 8

Proposition 98 Funding

(Dollars in Millions)

	2011-12 Revised	2012-13 Proposed	Change From 2011-12	
			Amount	Percent
K-12 Education				
General Fund	\$29,329	\$33,755	\$4,426	15%
Local property tax revenue	12,891	12,908	17	—
Subtotals	(\$42,220)	(\$46,663)	(\$4,443)	(11%)
California Community Colleges				
General Fund	\$3,217	\$3,683	\$465	14%
Local property tax revenue	2,107	2,101	-6	—
Subtotals	(\$5,324)	(\$5,784)	(\$459)	(9%)
Other Agencies	\$83	\$80	-\$2	-3%
Totals, Proposition 98	\$47,627	\$52,527	\$4,900	10%
General Fund	\$32,629	\$37,518	\$4,889	15%
Local property tax revenue	14,998	15,009	11	—

\$1.8 billion.) It also provides no enrollment growth funding for CCC. Moreover, it contains essentially no programmatic augmentations while containing a few notable programmatic reductions. The Governor's plan also contains a set of proposals to restructure the state's K-12 and CCC funding models. Below, we highlight the Governor's major Proposition 98 spending proposals as well as his major restructuring proposals. (The Governor also proposes significant reductions for the California Department of Education [CDE]-administered child care programs, described in the next section of this report.)

Dedicates Funding Increase to Paying Down Deferrals. The largest component of the Governor's plan is to pay down \$2.4 billion in existing K-14 deferrals (\$2.2 billion for school districts and \$218 million for CCC apportionments). This funding would reduce the need for school districts and community colleges to borrow to support operations while awaiting the state's late payments. From both a state and a local perspective, paying down deferrals helps to realign funding with expenses. The proposal would reduce the state's outstanding deferrals from \$10.4 billion to \$8 billion. Because this funding would not be intended to increase programmatic activities, K-12 per-pupil programmatic funding under the Governor's basic plan is roughly flat year over year.

Suspends K-12 Categorical Program Requirements, Phases

In Weighted Student Formula Over Five Years.

To assist with local budget constraints, the state has temporarily suspended requirements for about 40 categorical programs. The Governor proposes to suspend requirements for up to ten additional programs—essentially phasing out most existing categorical programs beginning in 2012-13. (A few categorical programs—including special education, child nutrition, and the After School Education and Safety program—would remain.) In lieu of the current revenue limit and categorical program model, the Governor proposes that all districts and charter schools receive an equal base per-pupil amount, plus additional general purpose funding intended to serve their disadvantaged students. Specifically, for every dollar districts/charter schools receive for a student, they would get an additional 37 cents if the student were poor and/or an English Learner. Districts/charter schools with large proportions of these disadvantaged student populations also would receive supplemental

Figure 9
2012-13 Proposition 98 Spending Changes

(In Millions)

Technical

Backfill one-time actions	\$2,440
Make revenue limit technical adjustments	162
Fund revenue limit growth	158
Backfill Proposition 63 mental health funding	99
Backfill CCC fee revenue decline	97
Make other technical adjustments	-182
Subtotal	(\$2,775)

Policy

Pay down K-12 deferrals	\$2,151
Pay down CCC deferrals	218
Create K-12 mandate block grant	98
Create CCC mandate block grant	12
Do not initiate Transitional Kindergarten program	-224
Reduce preschool funding	-58
Swap one-time funds	-57
Eliminate Early Mental Health Initiative	-15
Subtotal	(\$2,125)

Total **\$4,900**

“concentration” funding. Perhaps as soon as 2013-14, the administration plans to add a performance component to the weighted student formula, which would provide fiscal incentives for districts to improve or sustain high academic performance. Districts would have local discretion as to how to spend weighted student formula funding. The Governor proposes to transition to the new formula over a five year period, with implementation beginning in 2012-13.

Proposes More Flexibility for CCC Categorical Programs. Under current law, 11 of community colleges’ 21 categorical programs are included in a “flex item.” Through 2014-15, districts are permitted to transfer funds from categorical programs in the flex item to any other categorical purpose. As part of his emphasis on flexibility, the Governor adds seven currently protected categorical programs to the flex item. Under the Governor’s proposal, funding for the remaining three CCC categorical programs (Disabled Students Program, Foster Care Education Program, and Telecommunications and Technology Services) would remain restricted.

Replaces Existing K-14 Mandate System With New Block Grant. The Governor proposes a number of K-14 mandate-related changes. Under the Governor’s package of changes, the existing mandate system essentially would be replaced with a discretionary block grant.

- ***Eliminates More Than Half of Existing Mandates.*** The Governor proposes to eliminate 31 of 57 existing education mandates. The mandates proposed for elimination include two of the costliest mandates—one relating to high school science graduation requirements and one relating to behavioral intervention plans for special education students.

- ***Suspends Remaining Mandates.*** The remaining 26 education mandates would be suspended. (Though suspended, school districts and community colleges still would need to undertake these activities if they wanted to access the block grant funding described below.)
- ***Creates Block Grant.*** The Governor proposes to create a new, discretionary “mandate block grant.” His budget provides \$200 million (\$178 million for school districts, \$22 million for community colleges) for the block grant. School districts and community colleges that choose to receive block grant funding would receive a per-student allocation. As a condition of receiving block grant funding, recipients would be required to complete the 26 sets of activities still deemed to be high priorities. The administration indicates it will establish some auditing and/or compliance monitoring process to ensure grant recipients undertake the required activities.

Does Not Initiate Transitional Kindergarten Program. In response to concerns that California was encouraging children to start attending school before they were developmentally ready, the Legislature recently passed legislation prohibiting children under five years of age from enrolling in kindergarten (unless a parental waiver was obtained). The change is phased in, moving the birthday cutoff back from December 1 to September 1, by one month at a time over three years, beginning with the shift to November 1 in 2012-13. This change reduces the kindergarten population by about 125,000 students and yields estimated revenue limit savings of \$224 million in

2012-13. The Legislature, however, redirected these savings to fund a new Transitional Kindergarten program, which is to offer an additional year of public school to the children who will just miss the new kindergarten cutoff. This program also is phased in over three years, beginning 2012-13 for those children turning age five between November 1 and December 1. By proposing not to initiate this new program, the Governor achieves \$224 million in 2012-13 savings, growing to roughly \$675 million in annual savings (by 2014-15, when the program otherwise would have been fully implemented).

Includes 2012-13 Midyear Trigger Reductions.

The Governor's back-up plan includes \$4.8 billion in trigger reductions if his ballot measure is rejected by voters. The Governor proposes to implement these reductions by rescinding the \$2.4 billion K-14 deferral pay-down and reducing general purpose funding for schools and community colleges by \$2.4 billion. Paying down existing deferrals is intended to have no associated programmatic effect but the reduction in general purpose funding would reflect a base cut. Under this scenario, K-12 per-pupil programmatic funding would decline 6 percent from the current-year level.

Several Components Merit Serious Consideration

The Governor's plan addresses several of the longstanding, fundamental, widely recognized problems with the state's K-12 and community college funding systems. Though the Legislature might find ways to improve upon the Governor's specific restructuring plans, we recommend the Legislature adopt the Governor's basic restructuring approaches (regardless of the state's revenue situation). In this fiscal climate, particularly with so many existing outstanding

Proposition 98 obligations, we also recommend the Legislature adopt the Governor's proposal to avoid initiating a major new program beginning in 2012-13. We discuss these particular aspects of the Governor's plan in more detail below.

More K-12 Categorical Flexibility, New Funding Model Moving in Right Direction. Most experts and advocates at both the state and local levels agree that the state's current school funding system is overly complex, inequitable, inefficient, and highly centralized. Consequently, the Governor's proposal to simplify and streamline the existing methods for allocating funding deserves both credit and serious consideration. We believe several components of the proposal are particularly sound, including immediate increases in categorical flexibility, a moderate phase-in period for the new formula, and additional funding "weights" for disadvantaged students. The Legislature could use this basic structure but make some modifications to ensure its important policy priorities are preserved. For example, the state could maintain some general requirements to ensure additional funds actually are spent on disadvantaged students. Alternatively, rather than one general purpose weighted formula, the Legislature could consolidate all K-12 funding into a few thematic block grants.

Proposal to Expand CCC Categorical Program Flexibility Has Promise, But More Detail Is Needed. The Governor's plan to expand the number of categorical programs in the CCC flex item also appears to be consistent with recommendations we have made in the past. By placing additional programs in the flex item, districts likely would have more freedom to decide for themselves how best to allocate funds to targeted purposes. This could help districts operate their services more efficiently and effectively, such as by consolidating various separately administered student counseling

programs into one comprehensive program. The Governor's full proposal, however, is not yet clear. Specifically, the administration has indicated that it intends to introduce provisional language that will attach certain conditions to how districts spend such funds. The Legislature will need to have this language before deciding on the merits of the Governor's proposal.

Mandate Approach Has Several Strong Points.

As with the state's existing K-12 categorical funding system, the state's existing K-14 mandate system also is widely recognized as having fundamental problems. A broadly representative mandate work group that the Legislature asked our office to convene last year identified nine serious flaws with the state's existing system, including significant administrative burden for districts, wide variation in reimbursement rates for completing the same sets of activities, reimbursement regardless of outcomes, and very high disallowance rates of audited claims. The Governor's restructuring approach addresses many of these problems. It provides upfront, standardized per-student funding for all districts using a relatively simple allocation process that does not involve extensive paperwork. Also, by first eliminating all nonessential activities, the state is able to reduce associated costs, thereby freeing up resources that can be used to fund districts that do not participate in the existing process (one of the main factors that drives up the cost of most restructuring proposals). Though the Legislature might want to make some changes to the Governor's proposal (for example, eliminating/suspending a different set of mandates and/or adjusting the amount of block grant funding provided), we recommend the Legislature adopt the Governor's restructuring approach.

Adopt Kindergarten Proposal, Prioritize Access to Preschool for Low-Income Children. Given the major funding and programmatic

reductions districts have experienced in recent years—and the potential for additional reductions if the November election does not result in new state revenue—we agree with the Governor's assessment that now is not the time to initiate major new programs. As such, we recommend the Legislature adopt the proposal to not initiate the Transitional Kindergarten program, for the associated revenue limit savings of \$224 million. The Legislature could consider prioritizing state preschool slots for low-income children specifically affected by the change in kindergarten start date. Moreover, in the context of this change—and the significant reductions proposed for the state's child care programs—the Legislature may want to modify or reject the Governor's proposed \$58 million cut to the state preschool program.

Concerns With Governor's Overarching Proposition 98 Approach

The Governor's Proposition 98 proposal builds one budget plan that is based upon revenues that would not materialize until midyear and then has a relatively severe back-up plan in case the revenues ultimately do not materialize. Such an approach generates significant uncertainty for school districts, as discussed below.

Governor Proposes Relatively Severe Back-Up Plan for Schools. Given his back-up plan would cut schools and community colleges by \$4.8 billion (including \$2.4 billion in programmatic reductions), schools and community colleges would bear most of the midyear trigger reductions. Schools have difficulty, however, in downsizing operations midyear given students already have been assigned to classes, teachers are working on year-long contracts, and the number of instructional days already has been decided.

Most Districts Likely to Build 2012-13 Budgets Based Upon Governor's Back-Up Plan. Because

the Governor's basic plan relies on revenues that have not yet materialized and ultimately might not materialize, and because large midyear reductions are so disruptive, most districts likely would feel compelled to adopt budgets assuming the Governor's back-up plan. Under this scenario, districts would adopt 2012-13 budgets that already contain \$2.4 billion in programmatic reductions statewide. That is, they already would make the reductions some would be hoping to avoid. If revenues ultimately did materialize, these districts likely would restore reserve levels immediately but not make major programmatic adjustments until the following school year (2013-14). While districts could make relatively minor programmatic adjustments midyear (such as hiring additional instructional aides), more significant programmatic changes (such as reducing class size and hiring additional teachers) likely would not be undertaken. This is because even these enhancements can be disruptive if implemented midyear, resulting in the shuffling of students among classes and corresponding changes in students' teachers.

Districts That Budget More Optimistically Could Face Very Difficult Midyear Situations. By contrast, districts that feel compelled to be more optimistic and build their budgets assuming the tax measure is adopted could face very difficult midyear fiscal situations. Under this scenario, districts would have few options for making \$2.4 billion in programmatic reductions midyear. Given current statutory restrictions, districts cannot lay off teachers midyear. They also typically negotiate changes in the length of the work year with affected unions, with districts needing to follow certain typically lengthy legal procedures if they wish to declare impasse and impose changes to the teacher contract. Moreover, districts with reserve levels at the state-allowed minimums would not have sufficient reserves to cover a reduction as large as the one proposed under the Governor's

back-up plan. As a result of all these factors, some of these districts could run out of cash the last part of the school year, be unable to make payroll, and require an emergency state loan (for which the district pays all associated costs and loses local control for a period up to 20 years). Though the administration indicates it is willing to work with districts to ameliorate some of these issues, reaching agreement is likely to be difficult and most of the modifications likely to be considered (such as a new layoff window after the election) still would be disruptive.

Consider Unintended Consequences of Trigger Approach. Though the 2012-13 budget situation under the Governor's plan is awkward for school districts, his plan would improve notably the outlook for schools over the subsequent four years. Nonetheless, the Governor's trigger approach has significant consequences for school districts in 2012-13. As detailed above, for 2012-13, most school districts will feel compelled to make the programmatic reductions imposed by the triggers. Given this is the case, the Legislature needs to be very deliberate in structuring a trigger package, as it in essence would determine the size and quality of California's 2012-13 K-14 education program. The Legislature should be especially careful in setting the size of the trigger reduction, determining the specific K-14 reductions to impose, and designing tools to help districts respond given all the constraints they face in making midyear adjustments. Alternatively, given the potentially unintended consequences of the trigger as well as the major disruptions caused by midyear reductions, the Legislature could consider building a budget without midyear cuts. In this case, the Legislature could focus on a funding level it could afford despite the revenue uncertainties and then use any ballot-measure revenue as one-time investments in 2012-13 to pay down existing Proposition 98 obligations.

HEALTH AND HUMAN SERVICES

CALWORKS AND SUBSIDIZED CHILD CARE

The Governor's budget proposes to reduce General Fund support for CalWORKs and subsidized child care—the state's primary sources of cash assistance and work support for California's low-income families—by a total of about \$1.4 billion. These savings would be achieved primarily by: (1) reducing cash grants received by a significant portion of current CalWORKs recipients, (2) further limiting eligibility for subsidized child care and CalWORKs employment services, and (3) reducing the maximum amount the state pays child care providers. To manage these significant reductions, the Governor proposes to prioritize funding in these programs on efforts to increase work participation and support for families that are most likely to achieve self-sufficiency through employment.

Major Proposals

Restructuring the CalWORKs Program.

Currently, the CalWORKs program provides 48 months of cash assistance, employment services, and child care to support efforts of low-income families to achieve self-sufficiency through a variety of welfare-to-work activities (such as employment, education, training, and other activities to remove barriers to work). In addition, the current program provides non-time-limited cash assistance—on behalf of children—to families not participating in welfare-to-work activities. In 2011-12, a combined total of \$5.4 billion in federal, state, and local funds support these activities.

Under the Governor's proposal, the current CalWORKs program would be replaced by a three-part system, consisting of two CalWORKs subprograms—CalWORKs Basic and CalWORKs Plus—and a new Child Maintenance program.

The CalWORKs Basic program would effectively continue the current CalWORKs program, including current cash assistance levels and employment services, for eligible adults for up to 24 months. After 24 months in CalWORKs Basic, families working a sufficient amount of hours (30 hours for single-parent families, 35 hours for two-parent families, and 20 hours for single-parent families with a child under the age of six) in unsubsidized employment would be eligible for an additional 24 months (48 months total) of cash assistance, employment services, and child care through the CalWORKs Plus program. Families who fail to meet these work participation requirements—for various reasons—would be transferred to the Child Maintenance program. In addition, all families with parents who are not work-eligible (such as those with undocumented immigrant parents) would be placed in the new Child Maintenance program rather than the CalWORKs program. Families in the Child Maintenance program would receive reduced cash assistance (27 percent below current CalWORKs levels) and no employment services or child care. Participation in the Child Maintenance program would not be time limited. Time limits in both the CalWORKs Basic (24 months) and the CalWORKs Plus (an additional 24 months) would be applied retroactively to all CalWORKs recipients, including those exempted from work participation requirements or in sanction status.

Although these three programs would continue to serve the same population as the current CalWORKs program, a majority of current recipients would face a reduced cash grant and all recipients would face more restrictive limitation on receipt of employment services and child care. Altogether, the Governor's proposed restructuring would reduce General Fund expenditures for

CalWORKs by an estimated \$942 million. The Governor's budget also proposes to transfer \$736 million in federal Temporary Assistance for Needy Families (TANF) block grant funds (the primary source of federal funding for the CalWORKs program), made available by the CalWORKs restructure, to the Student Aid Commission to fund Cal Grants. This transfer is necessary to fully realize the General Fund savings from the reduced CalWORKs expenditures described above, while continuing to satisfy requirements for state maintenance-of-effort in programs which fulfill the goals of the TANF program.

Tightening Work Participation Requirements.

The Governor's proposal would narrow the scope of work activities which allow a family to meet its CalWORKs work participation requirement. The first way the proposal would do this is by limiting countable activities to a more restrictive list of federal requirements. More specifically, the Governor's proposal would eliminate the opportunity for CalWORKs recipients to pursue higher education beyond 12 months of vocational training or receive mental health or substance abuse treatment as part of welfare-to-work activities. Additionally, the proposal would allow recipients to participate only in *unsubsidized* employment (as opposed to subsidized employment or education) after 24 months of cash assistance. This narrowed employment eligibility definition would also apply to all subsidized child care programs, limiting eligibility for subsidized child care to those families who meet the work requirements described above for the CalWORKs Plus program.

Reducing Funding for Subsidized Child Care.

The 2011-12 budget provides about \$1.6 billion in state and federal funds to CDE to administer subsidized child care programs. These include specific programs targeted at three populations:

(1) current CalWORKs recipients, (2) former CalWORKs recipients, and (3) other low-income working families not receiving CalWORKs cash assistance. The Governor proposes to reduce funding for these programs by roughly \$450 million, or almost 30 percent. The bulk of this reduction (about \$300 million) results from limiting eligibility for receiving child care services to families that meet the work participation requirements described above. Additionally, the proposal would reduce the maximum amount the state pays child care providers (saving about \$80 million) and reduce family income eligibility thresholds from 70 percent of state median income (SMI) to 200 percent of the federal poverty level, which equates to 62 percent of SMI (saving about \$45 million). These policy changes would also apply to and result in some savings for the CalWORKs Stage 1 child care program, reflected in the CalWORKs budget item. The administration estimates that its package of child care-related reductions would eliminate about 62,000 slots from a current total of about 293,000 slots.

Restructuring the State's Subsidized Child Care System. Additionally, the Governor's proposal would begin consolidating funding and administration for several child care programs in 2012-13 with a goal of shifting administration from CDE and local contractors to the Department of Social Services and county welfare departments in 2013-14. This consolidation means that there would no longer be a dedicated funding stream for low-income working families that have never received CalWORKs cash assistance. Depending on local priorities and funding availability, county welfare departments could choose to continue offering services to these families. By eliminating subsidized child care for all families who are not working sufficient hours in unsubsidized employment, as well as ultimately transferring the responsibility for the state's subsidized child care

system to DSS and county welfare departments, the Governor's proposal would focus the intent of these programs on supporting low-income families' ability to find and retain unsubsidized employment.

LAO Comments

Governor's Proposal Has Some Strengths.

Currently, the CalWORKs program is focused on two primary goals: (1) supporting the efforts of low-income families to find work and become self-sufficient and (2) ensuring a basic level of subsistence for all families in the state. In an environment of limited resources, these goals often compete with one another for funding support. The Governor's proposal recognizes that, given current funding constraints, it is difficult to fully achieve both goals of the CalWORKs program. Accordingly, the proposal would focus reforms in the CalWORKs program on achieving the goal of emphasizing work.

In general, we find that the reforms proposed by the Governor are consistent with his stated priorities for the program. Evaluating the merit of supporting work over providing subsistence is largely a matter of legislative priorities; however, this approach does have budgetary advantages. First, by targeting resources to a specific, smaller portion of low-income families, the Governor is more likely to achieve his objective with limited resources. Second, the Governor's focus on work would improve the state's ability to meet overall program work participation requirements established by the TANF program—which the state is currently failing to do. Failing to meet these requirements could result in significant federal sanctions and reductions to the state's federal TANF block grant. We similarly find that the Governor's attempt to consolidate, streamline, and prioritize the state's overly complicated child care

delivery system has some merit. Specifically, the proposal would replace multiple state programs—and multiple reimbursement rates, contract administrators, and eligibility criteria—with one uniform approach.

Potential Trade-Offs of the Governor's Proposal. Although we find the Governor's proposal has some advantages, it also has potential drawbacks. Most clearly, the reductions proposed by the Governor would have significant negative impacts on many of California's low-income families. Regarding CalWORKs, the Legislature may wish to consider whether reductions made to families most in need of support to achieve self-sufficiency would be too severe. Similarly, the Legislature may want to consider whether the Governor's proposal too significantly restricts eligibility criteria and time lines for subsidized child care. More generally, the Legislature should consider whether focusing CalWORKs and subsidized child care primarily on supporting efforts of low-income families to obtain employment is consistent with its priorities or whether other objectives are also important. Focusing these programs on a different set of objectives and priorities than the Governor would not necessarily eliminate opportunities for budgetary savings; however, the potential for savings could be less.

The direction in which the Legislature elects to focus these programs will likely dictate specific reforms and help to determine such matters as which state and local entities would be best positioned to administer a streamlined child care system. We therefore encourage the Legislature, before evaluating or taking action on any specific reform proposals, to carefully consider its primary goals for these programs, with recognition that pursuit of specific goals likely involves trade-offs.

MEDI-CAL

Governor's Dual Eligibles Proposal

The Governor's budget proposes to shift certain Medi-Cal beneficiaries who are also eligible for Medicare, known as "dual eligibles," from fee-for-service to managed care plans. (Under managed care, a health plan is responsible for providing certain medical services to enrollees who prepay a fixed amount.) Dual eligibles tend to be low-income senior and persons with disabilities with multiple chronic conditions. They represent some of the state's most expensive and medically complicated health cases and are among the state's highest users of long-term care services, including costly nursing home care. Under the Governor's proposal, managed care plans would cover long-term services for dual eligible beneficiaries, including In-Home Supportive Services (IHSS), Community-Based Adult Services, and nursing home care. The shift of dual eligibles to managed care would begin on January 1, 2013 in eight to ten counties that would be most likely to have capacity to coordinate care for these beneficiaries. The enrollment of dual eligibles into managed care throughout the rest of the state would be completed over the following few years. The administration projects the proposal will achieve ongoing savings of \$1 billion General Fund beginning in 2013-14, mainly due to: (1) the Medicare program sharing its savings with the state and (2) lower utilization of high-cost Medi-Cal long-term care services such as nursing home care.

The Governor's budget assumes net savings of \$679 million General Fund in 2012-13, mainly due to a payment deferral to all Medi-Cal providers. Payments would be delayed by one or two weeks, thereby shifting them into the next fiscal year. The Governor's proposal links the payment delay with the shift of dual eligibles into managed care. However, it is unclear whether it is necessary to implement the shift of dual eligibles in order to implement the payment deferral.

LAO Comments

Proposal Has Merit, but More Information

Needed. The Governor's proposal has merit because it could reduce costs and improve the coordination of care for dual eligibles. However, more information is needed to assess how the proposal would affect the medical care provided to these beneficiaries and the proposal's fiscal impact to the state. The proposed shift of dual eligibles to managed care is an expansion of a four-county demonstration program that was authorized by the Legislature in 2010-11 but has not yet been implemented. Since the results of the pilot will not be available for the Legislature to evaluate before the budget is due to be enacted, useful data that could assist the Legislature in assessing the merits of this proposal and whether the proposed savings are achievable will not be available. Before considering the Governor's proposal, the Legislature will need more information, including details on the proposed design and financing of managed care benefits for dual eligibles, as well as on the assumptions underlying the savings estimates associated with the Governor's proposal. For example, it is uncertain how the provision of non-medical services, such as IHSS, would be authorized and financed in the new managed care arrangement.

HEALTHY FAMILIES PROGRAM Proposal

The Healthy Families Program (HFP)—currently administered by the Managed Risk Medical Insurance Board (MRMIB)—provides health, dental, and vision benefits through participating managed care health plans for children who are not eligible for Medi-Cal.

The Governor's budget proposes to achieve \$64 million in net General Fund savings in 2012-13 by taking a number of actions related to HFP. This estimate reflects the savings generated by the proposal to reduce the rates paid to HFP managed

care providers by 25.7 percent, on average, effective October 1, 2012—bringing these rates to Medi-Cal levels. In addition, the Governor proposes to gradually transition HFP enrollees—approximately 878,000 children—to the Medi-Cal Program administered by the Department of Health Care Services (DHCS) by June 30, 2013. General Fund support would shift from MRMIB to DHCS. The transition of HFP enrollees would happen in three phases over a nine month period, as follows:

- **Phase 1 (October Through December 2012).** Beginning October 1, 2012, about 411,000 HFP enrollees who are enrolled in a managed care plan that directly contracts with Medi-Cal would stay in the same plan and transition to Medi-Cal.
- **Phase 2 (January Through March 2013).** Beginning January 1, 2013, the remaining 424,000 HFP enrollees who live in a county with an existing Medi-Cal managed care plan would transition into those plans. For example, HFP enrollees would shift from one commercial managed care plan to another commercial managed care plan operated by a different corporation.
- **Phase 3 (January Through June 2013).** Beginning January 1, 2013, the remaining

43,000 HFP enrollees who live in a county without an existing Medi-Cal managed care plan would be transitioned into fee-for-service Medi-Cal. (Under a fee-for-service arrangement, providers are paid for each good or service they provide.)

The Governor's budget also proposes to eliminate MRMIB by July 1, 2013. The other four programs that MRMIB administers would be transferred to DHCS at that time.

LAO Comments

Proposal Has Merit, but Key Details Are Lacking. The Governor's proposal has merit because it could reduce state costs while continuing to provide managed care to most HFP enrollees. The administration, however, has not provided details on several key issues related to the shift of HFP enrollees into Medi-Cal that would enable legislative evaluation of this proposal. For example, the administration should provide more information about how continuity of care would be maintained for enrollees who move from managed care into fee-for-service Medi-Cal. The administration should also provide more information about how eligibility determinations and enrollment functions would work under the new arrangement.

OTHER EXPENDITURE ISSUES

CAL GRANTS

Proposal

Citing dramatic increases in Cal Grant costs since adoption of the entitlement programs in 2001, the Governor's budget proposes several new restrictions in Cal Grant eligibility and award amounts. The Governor estimates these new restrictions would result in \$302 million of General Funds savings. The major proposals are to:

- Increase the minimum required grade point average (GPA) for students to qualify for Cal Grants. The GPA requirements for high school entitlement awards would increase from 3.0 to 3.25 for Cal Grant A and from 2.0 to 2.75 for Cal Grant B (which serves lower-income students). The Community College transfer entitlement requirement would increase from 2.4 to 2.75.

- Reverse the California Student Aid Commission's (CSAC's) recent decision to expand access to transfer entitlement awards. Currently students must begin university studies in the academic term immediately following community college enrollment to qualify for the transfer award. The CSAC decision would allow an interruption in studies prior to transferring. By reversing this decision, the administration estimates it will avoid \$70 million in new General Fund costs.
- Halt the planned increase in allowable student loan default rates at Cal Grant-eligible institutions. The default limit is currently 24.6 percent but is scheduled to increase to 30 percent for 2012-13. The Governor's proposal would retain the current limit, which prevents institutions with higher rates (primarily private for-profit colleges) from participating in the Cal Grant program.
- Lower the current annual grant cap of \$9,708 for students attending private colleges and universities. The new cap would be \$5,472 for students attending private *non-profit* institutions and \$4,000 for those attending private *for-profit* institutions.

Major Financial Aid Fund Shifts. The Governor's proposal would shift \$736 million in Cal Grant costs from the General Fund to federal TANF funds. This fund swap would have no net effect on total funding for Cal Grants. As discussed earlier in this report, the Governor's proposal would cut CalWORKs services in order to free up TANF funding for Cal Grants.

LAO Comments

Of the Governor's financial aid proposals, we believe two merit serious consideration, one should be modified, and one is problematic given its potential to increase state costs. We also are concerned that the Governor's plan does not take into account potential increases in Cal Grant costs that the state would incur if the universities raised their tuition/fee levels.

Governor's Proposals to Avoid Two Program Expansions Make Sense in This Environment. We believe the Legislature should seriously consider the Governor's proposals to reverse CSAC's decision to expand access to transfer entitlement awards and maintain the current default limit at 25 percent. In the current fiscal environment, we think foregoing program expansions that could necessitate further program reductions in other areas makes sense. In the future when the state fiscal condition has improved the Legislature could consider whether these are areas it would prioritize for new investments.

Some Increases in GPA Requirements Appear Warranted but Legislature Should Deliberate on Where to Draw the Line. Students with very low GPAs are unlikely to be prepared for postsecondary education. Awarding Cal Grants to these students, who have very low academic persistence and completion rates, provides little long-term benefit to the students or the state. Raising the GPA requirement at the low end of the scale (such as the 2.0 requirement for Cal Grant B) would better target state resources to students who can benefit from postsecondary education. In contrast, the Governor's proposal to raise the Cal Grant A minimum GPA above 3.0 could affect a large number of academically well-qualified students with financial need. Where to draw the line in each case is a policy decision that will require balancing concerns about cost effectiveness and college access.

Proposal to Reduce Grant Amounts Could Result in Higher State Costs. The Governor's proposal recognizes the need to constrain costs in the fast-growing Cal Grant programs. We are concerned that the proposal to reduce awards for students at private colleges could reduce access for needy students while actually *increasing* state costs after the first year. The state subsidy for financially needy students at private institutions (from Cal Grants) is substantially lower than the total subsidy provided to similar students at UC and the California State University (CSU). The state could incur greater costs if enrollment shifts from private to public institutions. If the Legislature wishes to limit maximum award amounts, it will be important to consider longer-term impacts on state costs and student choices. If, on the other hand, the Legislature's goal is to limit the use of state resources at colleges with poor outcomes, we would recommend an approach based more directly on institutional outcomes instead of institution type.

Does Not Take Into Account Potential Increases in Cal Grant Costs. By statute, Cal Grant award amounts keep pace with tuition at UC and CSU. As a result, the university governing boards can unilaterally increase state Cal Grant costs by raising tuition. (For example, the universities' most recent tuition increases resulted in additional Cal Grant costs of about \$90 million above the budgeted level.) Thus, if the universities raise tuition for 2012-13, Cal Grant costs would increase beyond the level anticipated in the Governor's budget.

UNEMPLOYMENT INSURANCE FUND INSOLVENCY

In 2008, historically high demand for unemployment insurance (UI) benefits began to push the cost of providing UI benefits beyond the state's available resources. As a result, in 2009 the state's UI fund (the Unemployment Fund) became insolvent. Since that time, California has borrowed

from the federal government to continue payment of UI benefits. Currently, California's outstanding federal loan is about \$10 billion. California is required to make annual interest payments on this loan. The first payment (\$303 million) was made in September 2011 and the second (an estimated \$417 million) is due September 2012. As interest payments must be made from state funds, the cost of future payments is likely to fall on the General Fund. Below, we discuss the Governor's approach to addressing the UI insolvency issue in 2012-13.

Proposal

Funding Source for Interest Payments on the Loan to the UI Fund. Similar to 2011-12, the Governor proposes to avoid General Fund interest costs in 2012-13 by: (1) making an interest payment of \$417 million from the General Fund and (2) immediately covering the cost to the General Fund with a loan from the state's disability insurance (DI) fund. In addition, the Governor is proposing to institute a new employer surcharge, payable to the Employment Training Fund, which would be used to pay the state's federal interest payment in 2013-14 and subsequent years, as well as General Fund payments over the next few years to repay the DI fund loans made in 2011-12 and 2012-13. The surcharge would not be used to pay down the principal on the state's federal loan. The amount of the surcharge in each year would be based on EDD's projections of interest costs in the following year. The EDD estimates that the annual increased cost to employers will be between \$40 and \$61 dollars per employee over the next few years, gradually declining as the federal loan is paid off.

Increase the Minimum Monetary Eligibility Requirement. The Governor's budget also proposes to increase the earnings threshold an unemployed worker must satisfy to receive UI benefits. Presently, to qualify for UI benefits, an

unemployed worker must have earned at least \$900 in the highest quarter or \$1,300 in any one quarter of his/her 12-month base period. These thresholds have not been adjusted for changes in wage levels since 1992. Under the Governor's proposal, these limits would be increased to \$1,920 and \$3,200 respectively. The EDD estimates that this change would reduce annual UI benefit payments by \$30 million (less than one percent of total annual benefit payments).

LAO Comments

Governor's Proposal Does Little to Address UI Fund's Long-Term Insolvency. As the funds raised by the Governor's proposed employer surcharge would be limited to repayment of interest on loans to keep the UI fund solvent, the proposal does little to address either the insolvency of the UI fund or the long-term structural imbalance between UI fund revenues and expenditures. Continuing to carry a balance on the loan to the UI fund poses several problems for California that necessitate corrective action. We provide an in-depth discussion of the UI fund insolvency issue in a number of recent policy reports, including *California's Other Budget Deficit: The Unemployment Fund Insolvency* and *Managing California's Insolvency: The Impact of Federal Proposals on Unemployment Insurance*.

It is important to note that inaction with regard to the insolvency will result in automatic and gradually increasing federal employer UI-related tax increases which pay down the principal on the federal loan to the state's UI fund. The first increment of this tax increase will be implemented in 2012, and will result in increased employer taxes of around \$300 million annually. Altogether, the potential drawbacks of the Governor's proposal are that it: (1) would take longer to repay the federal loan (resulting in higher interest costs) than otherwise would be the case, (2) concentrates the

impact of repaying the federal loan almost entirely on employer costs, and (3) does not address the structural imbalance in the UI fund. To address these issues, as discussed in our policy reports mentioned above, the Legislature could consider a more comprehensive plan—one which makes more significant increases to employer taxes and/or decreases to benefit payments—to address the structural imbalance in the UI program and allow for more timely repayment of the federal loan.

CAP-AND-TRADE REVENUES Proposal

As part of its plan to address climate change, the state will begin implementing a cap-and-trade program in 2012-13. The program places a "cap" or limit on the sources of greenhouse gases responsible for 85 percent of the state's emissions. The ARB will issue carbon allowances that these sources will, in turn, be able to "trade" (buy and sell) in a newly created carbon market. The Governor's budget assumes that cap-and-trade auctions will generate \$1 billion in state revenues in 2012-13. Under the administration's plan, these revenues would be invested in (1) clean and efficient energy, (2) low-carbon transportation, (3) natural resource protection, and (4) sustainable infrastructure development. The budget also assumes that \$500 million of the revenues will be used to offset General Fund costs of existing programs. According to the administration, since actual cap-and-trade revenues will not be known until late in 2012-13, the planned expenditures are not specified by program in the proposed budget. Rather, the administration plans to submit an expenditure plan to the Legislature after the first cap-and-trade auction—which would be after the 2012-13 budget is enacted—and allocate funds to specific programs not sooner than 30 days after submitting this plan.

LAO Comments

The Governor's proposal raises several issues for legislative consideration. For example, since there are legal constraints associated with the use of cap-and-trade revenues, it will be important for the Legislature to consider any potential legal risks with the proposal. Moreover, the administration's approach provides the Legislature with no opportunity to develop a detailed plan on the use of the revenues as part of the budget process in order to ensure that the plan is aligned with legislative priorities. We would also note that because the auction rules developed by ARB include both floor and ceiling prices for allowances, actual cap-and-trade revenues for 2012-13 could range from roughly \$1 billion to almost \$3 billion.

JUVENILE JUSTICE REALIGNMENT Proposal

Currently, counties initially oversee all juveniles entering the criminal justice system and are responsible for almost all juveniles determined to be offenders. The state, on the other hand, houses the most serious offenders in facilities run by the Division of Juvenile Facilities (DJF). The Governor proposes to shift full responsibility for all juvenile offenders to counties. Specifically, DJF would stop receiving new juvenile wards on January 1, 2013. However, DJF would continue to house individuals admitted to state facilities prior to this date until the completion of their terms. According to the

administration, the state would provide counties with an unspecified amount of ongoing funding beginning in 2013-14 for costs incurred during the prior fiscal year. As a result of the proposed changes, the budget reflects (1) a one-time \$10 million General Fund augmentation in 2011-12 to help counties prepare for the transition and (2) \$11.2 million in General Fund savings in DJF operations in 2012-13. In addition, the Governor's budget delays implementation of the current-year trigger reduction related to charging counties for wards in DJF.

LAO Comments

We have recommended in the past that counties be given full responsibility for juvenile wards to encourage the development of efficient and effective local policies to reduce delinquency. While the administration's proposal merits consideration, there are a number of issues the Legislature should examine in reviewing this proposal. These include (1) creating a funding formula for the payments to counties, (2) identifying whether counties have or could develop sufficient capacity to house additional serious juvenile offenders, (3) developing incentives for increased efficiency and improved outcomes (such as reduced recidivism of these juvenile offenders), and (4) assessing potential unintended consequences of this proposal (such as a possible increase in the number of juveniles tried as adults and sentenced to state prison).

2012-13 BUDGET

2012-13 BUDGET

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UCC Summary

Governor's Proposed Budget 2012-13

January 5, 2012

Due to a technical glitch, the Budget was posted on a public website, so the Governor decided to release his budget today, which was a surprise.

The Governor's Budget proposes a total of \$10.3 billion in cuts and revenues to balance and to rebuild a \$1.1 billion reserve. This includes significant cuts to CalWORKs of \$1.4 billion, Medi-Cal (\$842 million) and IHSS (\$164 million). Similar to last year, the Budget assumes that a portion of its proposals will be adopted by the Legislature by March 1, 2012.

The Governor's Budget assumes the passage of the Governor's proposed initiative at the November election. This measure temporarily increases the personal income tax on the state's wealthiest taxpayers and temporarily increases the sales tax by one-half percent. The measure guarantees these new revenues to schools and constitutionally protects the 2011 Realignment funds for local public safety. This measure would generate an estimated \$6.9 billion through 2012-13.

As noted below, if the Governor's Initiative fails to pass, trigger cuts would be enacted in 2013. The Governor continues to propose his pension 12-point pension plan in the budget as another way to provide savings.

Realignment

Funding Structure

The Governor's Budget notes that the revenue stream for the 2011 Realignment is on-going, but the program allocations were for the 2011-12 fiscal year only.

The Governor's Budget proposes a permanent funding structure for 2011 Realignment following discussions with CSAC. (See Attachment for the complete chart). This proposed funding structure is very similar to the super structure that was proposed through the CSAC Realignment Implementation Planning Group last year.

The proposed funding structure is designed to provide local entities with a known, reliable funding source for the realigned programs. Within each Subaccount, counties will have the flexibility to meet their highest priorities.

Base Funding

The Governor's Budget provides for base funding in each subaccount, and the base in each subaccount should not experience a year-over-year decrease. A statutory mechanism should be in place to deal with the possibility of a year's base being short due to significantly reduced revenues.

The base should be a rolling base for each Subaccount and the 1991 Mental Health program should continue to receive revenue based on its 1991 formula.

Growth Funding

The Governor's Budget also provides that growth in realignment funds should be distributed on a roughly proportional basis, first among Account, and then by Subaccounts. Within each Subaccount, federally required programs should receive priority for funding if warranted by caseload and costs.

The Governor's Budget also provides that growth funding for the Child Welfare Services (CWS) program is a priority once base programs have been established. Over time, CWS should receive an additional \$200 million.

Transferability

The Governor's Budget provides the following on transferability in the realignment funding:

- Counties should have the ability to transfer a maximum of 10 percent of the lesser subaccount between the Subaccounts within the Support Services Account.
- Beginning in 2015-16, there should be a local option to transfer a portion of the growth among Subaccounts within the Law Enforcement Services Account.
- Transfers should be for one-year only and not increase the base of any program.

Realignment Implementation

The Governor's Budget also notes the following areas that need to be worked on for implementation:

- Refocus State Efforts. The Governor is committed to a 25-percent reduction in the state operations of program areas that have been realigned. The Budget notes that the Department of Social Services will develop its 25-percent reduction plan upon county decisions regarding workload within realigned programs and based on federal programs. The Governor's Budget also states that in 2012-13 state correctional costs will be reduced by \$1.1 billion to reflect the smaller prison population.
- County Flexibility. The Administration continues to support efforts to increase the flexibility of counties in administering programs.
- Ongoing Training for AB 109. The Budget proposes \$8.9 million for a second year of training efforts related to the implementation of AB 109 programs. Of this amount \$1 million is for statewide training efforts. The rest of the allocation is for the Community Corrections Partnerships that have been established in each county.
- Other Efforts. The Administration does note that other issues may come up and that they will continue to work with counties on any implementation issues.

Juvenile Justice Reform (See also Public Safety)

The Governor's Budget proposes to stop the intake of new juvenile offenders to the Division of Juvenile Justice (DJJ) effective January 1, 2013. The DJJ's population will gradually diminish through attrition. Recognizing that counties will need resources and support to secure appropriate placements and treatment options for additional offenders, the Budget proposes \$10 million General Fund in 2011-12 for counties to begin planning for this population. To help with this transition, the state will delay collection of the recently imposed fees (DJJ Trigger Cuts).

Phase 2 Realignment

The Governor's budget notes that several proposals in the Budget lay the foundation for further realignment. The implementation of Phase 2 of Realignment is linked to the ongoing discussion of how California will implement federal health care reform. Under health care reform, counties will have a

significant role in Medi-Cal eligibility determinations. The Governor's Budget notes that the focus of Phase 2 realignment discussion with counties and others in the coming months will revolve around the appropriate relationships between the state and counties in the funding and delivery of health care as about two million people will shift from county indigent programs to the Medi-Cal caseload. The discussion will also involve what additional programs the counties should be responsible for when the state assumes the majority of costs of healthcare.

Trigger Cuts for 2012-13

If the Governor's proposed initiative fails to pass in November 2012, the following trigger cuts would be pulled in January 2013:

- Funding for schools and community colleges would be reduced by \$4.8 billion. A reduction of this magnitude would result in a funding decrease equivalent to more than the cost of three weeks of instruction. It would also continue to provide 20 percent of program funds a year in arrears.
- The University of California and California State University would each be reduced by \$200 million.
- The courts would be reduced by \$125 million, the equivalent of court closures of three days per month.
- The number of the state's public safety officers in the departments of Parks and Recreation (park rangers) and Fish and Game (wardens) would be reduced, and the state would no longer staff its beaches with lifeguards.
- The Department of Forestry and Fire Protection's firefighting capabilities would be reduced substantially. The emergency air response program would be reduced, and fire stations would be closed.
- Flood control programs in the Department of Water Resources would be cut, which would reduce channel and levee maintenance and floodplain mapping.
- The Department of Justice's law enforcement programs would be reduced.

Revenues

The Governor's budget assumes the passage of the Governor's initiative at the November election. This measure temporarily increases the personal income tax on the state's wealthiest taxpayers and temporarily increases the sales tax by one-half percent. This will generate \$6.9 billion. The Governor's Budget notes that this measure will prevent deeper cuts to schools, protect local public safety funding, and assist in balancing the budget. This will also allow the state to pay off the \$33 billion in outstanding budgetary borrowing and deferrals by 2015-16.

Health and Human Services

The Budget transfers a number of Department of Mental Health and Department of Alcohol and Drug Programs to other state departments to better align the program's mission with that of the department. These transfers include: licensing functions to the Department of Public Health (DPH) and DSS; mental health workforce development programs to the Office of Statewide Health Planning and Development; the Early Mental Health Initiative to the Department of Education; problem gambling, driving under the influence, and licensing of narcotic treatment programs to DPH; and Mental Health Services Act technical assistance and training to the Mental Health Services Oversight and Accountability Commission.

Transfer of the following medical services programs from DPH to DHCS effective July 1, 2012: (1) Every Woman Counts, (2) Prostate Cancer Treatment, and (3) Family Planning Access Care and Treatment. The transfer of these programs is consistent with the Administration's goal of placing direct health care service programs with the DHCS to improve service delivery.

Child Support

The Governor's Budget proposes to suspend the county share of child support collections in 2012-13. Under this proposal, the entire non-federal portion of child support collections would benefit the General Fund. This would not reduce the revenue stabilization funding of \$18.7 million counties receive to maintain caseworker staffing levels in order to stabilize child support collections.

CalWORKS

The Governor's Budget proposes major changes to the CalWORKS program including restructuring the program into two components: CalWORKs Basic and CalWORKs Plus. Below is a description of the changes to CalWORKs.

- **CalWORKs Basic Program.** The CalWORKs Basic program will provide up to 24 months of welfare-to-work services, including job search, employment training, child care, and barrier removal services to families. Effective October 2012, clients not participating in sufficient hours of unsubsidized employment after an initial job search will be placed in the CalWORKs Basic program and will be required to participate in welfare-to-work activities. After the first 12 months, the adult will again participate in job search. If, during the second 12 months, the adult remains unable to find unsubsidized employment, the adult will continue to participate in welfare-to-work activities, including subsidized job placements. Clients unable to meet federal work participation requirements after 24 months, or cases in sanction status for more than three months will be disenrolled from CalWORKs.
- **CalWORKs Plus Program.** The CalWORKs Plus program will serve those clients working sufficient hours in unsubsidized employment to meet federal work participation requirements, generally 30 hours per week. Effective April 2013, this program will reward clients who meet federal work participation requirements with a higher grant level by allowing them to retain more of their earned income through a higher income disregard (first \$200 earned and 50 percent of subsequent income disregarded for purposes of computing the monthly grant level). This equates to an average increase of \$44 per month. These clients will also have full access to supportive services and child care. These benefits will continue for up to 48 months as long as clients continue to meet work participation requirements through unsubsidized employment. After 48 months, the adult will no longer be aided, but the higher earned income disregard will remain available if the employment continues.
- **Transition to Success.** To assist families in obtaining employment sufficient to meet federal work participation requirements, all currently aided eligible adults will be eligible for up to six months of welfare-to-work services and child care following the October 2012 implementation of the CalWORKs Basic Program. Prior to this transition, \$35.6 million will be provided to counties to serve these families.
- **Providing Additional Work Supports.** The Administration proposes to align eligibility and need criteria for low-income working family child care services with federal TANF rules for work participation requirements. Over time, the three-stage child care system for current and former CalWORKs recipients and programs serving low-income working parents will be replaced with a work-based child care system administered by county welfare departments. In addition, the Administration proposes to create a state benefit to increase support for low-income working families. Beginning July 1, 2013, the state will provide working families receiving CalFresh benefits or

child care, but who are not in the CalWORKs program, with a \$50 per month supplemental work bonus.

- Child Maintenance Program. Beginning in October 2012, the state will create a new Child Maintenance program to provide for child well-being through basic support to children whose parents are not eligible for aid under the restructured CalWORKs program. Income and resource eligibility criteria for the Child Maintenance program will be the same as for CalWORKs families, but the Child Maintenance program grant will be less than the current amounts available for child-only cases. This will decrease the average monthly grant for child-only cases from \$463 to \$392.

Healthy Families

The Governor's Budget provides the following changes to the Healthy Families Program:

- **Healthy Families Program Rate Reduction.** The Budget proposes to reduce Healthy Families managed care rates by 25.7 percent effective October 1, 2012. This rate reduction will achieve General Fund savings of approximately \$64.4 million in 2012-13 and \$91.5 million in 2013-14.
- **Transition of Children from the Healthy Families Program to Medi-Cal.** The Budget proposes transferring approximately 875,000 Healthy Families Program beneficiaries to Medi-Cal over a nine-month period beginning in October 2012. This transition will create benefits for children, families, health plans, and providers, by simplifying eligibility and coverage for children and families; improving coverage through retroactive benefits, increasing access to vaccines, and expanded mental health coverage; and eliminating premiums for lower-income beneficiaries.
- **Transition of Other Programs.** In preparation for California's implementation of federal health care reform, the Budget proposes to eliminate the Major Risk Medical Insurance Program (MRMIP) by July 1, 2013. The two programs that provide insurance to individuals with pre-existing conditions, MRMIP and PCIP, will be eliminated in January 2014 because these individuals will be able to purchase health insurance through the California Health Benefits Exchange as part of federal health care reform implementation.

IHSS

The Governor's Budget proposes \$1.4 billion General Fund for the IHSS program in 2012-13, a decrease of \$292.3 million General Fund from the revised 2011-12 IHSS budget. Specifically, General Fund costs of \$231 million result from a six-month delay in extending the state sales tax to IHSS providers, a two-month delay in implementing the Community First Choice Option for enhanced federal funding, a two-month delay in eliminating services for recipients without health care certification, and from not implementing the medication dispensing machines proposal. Additionally, an increase of \$130 million accounts for savings from program integrity efforts already being captured in the caseload projections.

Here are the proposals:

- Eliminate Domestic and Related Services for Certain Recipients. Domestic and related services include housework, shopping for food, meal preparation and cleanup, laundry, and other shopping and errands. Under this proposal, IHSS beneficiaries residing in a shared living arrangement will not be eligible for domestic and related services that can be met in common with other household members. In addition, IHSS beneficiaries who have a need for domestic and/or related services that cannot be met in common because of a medically verified condition of other members of the shared

living arrangement can be authorized hours for any of these services that meet the need assessment metrics. Similarly, when minor recipients are living with their parent(s), the need is being met in common; hence, the authorization of domestic and related service hours will no longer be allowed. Since minors would not be expected to be able to perform these services independently, the parent will be presumed available to perform these tasks unless the parent can provide medical verification of his/her inability to do so.

- Coordinated Care for Dual Eligible Beneficiaries. The Governor's Budget also proposes to better coordinate IHSS, other home and community-based services, and institutional long-term care. All individuals receiving both Medi-Cal and Medicare benefits will be required to enroll in managed care health plans for their Medi-Cal benefits.
- 20-Percent Reduction in Service Hours. A 20-percent across the board reduction in IHSS hours was to be implemented on January 1, 2012. Because of a court injunction, the state currently is prevented from implementing this reduction. However, the Budget assumes this reduction will be implemented April 1, 2012. To be prudent, the Budget also includes a set-aside to fully fund the IHSS program in the event of an adverse court ruling.

Medi-Cal

Care Coordination

The Governor's Budget continues his proposal to improve care coordination for dual eligible beneficiaries. This will be phased in over a three-year period beginning January 1, 2013. The transition to managed care for Medi-Cal benefits will occur in the first year, with the benefits becoming a more integrated plan responsibility over the subsequent two years. The transition of Medicare benefits to managed care will occur over a three-year period starting first with eight to ten counties that already have the capacity to coordinate care for these individuals. Beneficiaries in counties in which Medi-Cal managed Care plans may not yet have the capacity to take on additional beneficiaries will begin to transition six or twelve months later. The Budget separately proposes to expand Medi-Cal managed care statewide starting in June 2013. Beneficiaries in these managed care expansion counties will transition in 2014-15.

The Governor's proposals are as follows:

- **Promote Coordinated Care – Managed care done properly results in high-quality care.** This initiative provides managed care plans with a blended payment consisting of federal, state, and county funds and responsibility for delivering the full array of health and social services to dual eligible beneficiaries.
- **Enhance the Quality of Home and Community-Based Services –** Within an expanded system of coordinated care, it is critical to better coordinate medical services with the full continuum of long-term services, including In-Home Supportive services, Community-Based Adult Services, and nursing home services.

In year one, IHSS, other home and community-based services, and nursing home care funded by Medi-Cal will become managed care benefits. The IHSS program will essentially operate as it does today, except all authorized IHSS benefits will be included in managed care plan rates. Beneficiaries in the eight to ten selected counties will also receive their Medicare benefits and long-term services and supports through their Medi-Cal plan. This represents about 800,000 of the 1.2 million dual eligible beneficiaries currently in California. These changes will be phased-in over a 12-month period starting January 1, 2013. Over time, managed care plans will take an increasing responsibility for home and community-based services, including IHSS.

The Governor's Budget does note that delivering these services through Medi-Cal raises important issues including consumer protections, consumer choice, and development of a uniform assessment tool. Additional issues to consider related to the state-county relationship and financing and delivering services include determining the collective bargaining structure for IHSS providers, and the long-term county financial responsibility for IHSS and other health care programs. The Administration will work with counties and stakeholders to address these overarching issues through the development of legislation that will be necessary to implement this Budget proposal.

Annual Open Enrollment.

Current law authorizes Medi-Cal beneficiaries to change plans once per month or up to 12 times in a year. The Governor's Budget proposes an annual open enrollment period for beneficiaries to select their Medi-Cal health plan and receive care through that health plan for the entire year.

Medical Therapy Program Eligibility.

The Governor's Budget proposes to align income eligibility requirements for the Medical Therapy Program with the broader California Children's Services (CCS) Program. Currently, there is no financial test for eligibility. Under the proposed eligibility standards, families with annual income less than \$40,000 or with annual CCS-related medical expenses exceeding 20 percent of their annual income will continue to be eligible for the Medical Therapy Program.

Stabilization Funds.

The Governor's Budget proposes a one-time redirection of private and non-designated public hospital stabilization funding that has not yet been paid for fiscal years 2005-06 through 2009-10 to provide General Fund savings and avoid direct service reductions. This proposal will achieve one-time savings of \$42.9 million General Fund.

Gross Premium Tax.

The Governor's Budget proposes to eliminate the sunset date of the Gross Premiums Tax on Medi-Cal managed care plans. Continuing the tax, coupled with increased managed care utilization, will generate General Fund savings of \$161.8 million in 2012-13 and \$259.1 million in 2013-14.

Public Health

The Governor's Budget reflects a decrease of \$14.5 million in 2012-13 as a result of increasing client share of cost in the ADAP to the maximum percentages allowable under federal law. This proposal will result in General Fund savings of \$16.5 million, which will be offset by program administrative costs of \$2 million for a net General Fund savings of \$14.5 million. Average monthly copayments will range between \$28 and \$385, depending upon the client's income.

State Hospitals

The Governor's Budget proposes a major reorganization of state hospitals with the creation of a new Department of State Hospitals (DSH). Among the many changes listed in the proposal is an impact to counties by increasing bed rates charged to counties for civil commitments to more accurately reflect actual patient cost of care.

Local Government/General Government

- Suspend and Repeal Mandates. The Budget proposes to suspend various mandates except for mandates related to law enforcement or property taxes. The Budget proposes to repeal dozens of the approximately 50 mandates that have been suspended for the past two years or more. This proposal will result in a decrease of \$728.8 million in 2012-13.
- Mandate Deferral. A one-time reduction of \$94 million by deferring the 2012-13 payment of mandates obligation for costs incurred prior to 2004-05. These costs are required to be completely paid by 2020-21.

Public Safety

DJJ Trigger Cuts

As previously reported, the Governor's Budget proposes to assess but not collect the DJJ trigger cut which would charge counties for placements to DJJ. However, it is also proposing to transfer the responsibility for managing all youthful offenders to local jurisdictions. The Budget proposes to stop intake of new juvenile offenders effective January 1, 2013 and also proposes \$10 million General Fund to support local governments in planning for this transition.

Redevelopment

The Governor's budget notes the recent Supreme Court case which eliminated redevelopment and states that as a result redevelopment agencies will be dissolved on February 1, 2012. Revenues that would have been directed to the RDAs will be distributed to make pass through payments to local agencies that they would have received under prior law, and to successor agencies for retirement of the RDAs' debts for limited administrative costs. The remaining revenues will be distributed as property taxes to cities, counties, school and community college districts and special districts under existing law. The Governor's Budget reflects an estimate that approximately \$1.05 billion in additional property tax revenues will be received by K-14 schools in 2011-12 which will offset the state's Proposition 98 General Fund obligation. Additional property tax revenues are estimated at \$340 million for counties, \$220 million for cities, and \$170 million for special districts. These amounts are expected to grow as property values increase and debts are retired. Additional revenues will be distributed in the next several years as RDA assets are monetized.

During the press conference on the Budget, the Governor was asked about the possibility of providing an extension on some of the deadlines for eliminating the RDAs, and he stated that the Supreme Court ruling stands. While he stated he is open to talking to stakeholders about a possible extension, he believed they should be eliminated due to the budget crisis. If there is a proposal to reinstate he indicated that it would have to include a revenue source due to the budget deficit.

State Government – Reorganization

The Governor's Budget also proposes to reduce the number of state agencies from 12 to 10, eliminate 39 state entities and eliminate 9 programs. The proposal to reduce agencies includes eliminating the California Volunteer Agency, the California Emergency Management Agency, and the California Technology Agency.

The Governor's Budget notes that more than 15,000 positions were eliminated in 2011-12 and DOF will conduct a department-by-department review to identify additional positions for elimination.

Some other major proposals for reorganization include:

- Transfer Housing Finance Agency into Department of Housing and Community Development.
- Eliminate the Fair Employment and Housing Commission and Transfer its functions to the Department of Fair Employment and Housing.
- Eliminate the Commission on the Status of Women.
- Eliminate the Managed Risk Medical Insurance Board and Transfer its functions to the Department of Health Care Services.
- Transfer CalRecycle to the California Environmental Protection Agency.
- Reduce the Number of Regional Water Boards.
- Consolidate the Colorado River Board within the Natural Resources Agency.

The full list is available at www.ebudgets.ca.gov

Various County Departments

The Budget proposes to suspend various mandates except for most mandates related to law enforcement or property taxes. Consistent with the Governor's focus on streamlining government and providing local flexibility, the Budget proposes to repeal dozens of the approximately 50 mandates that have been suspended for the past two years or more. Many of the activities required by these mandates have become common practice and should not be mandated by the state. The Governor's proposed budget will not have any direct impacts on most County Departments. Functions that support or provide service to other county departments may be impacted by cuts to Employment and Human Services Department – but these impacts are difficult to quantify at this point.

Public Works/General Services

Transportation – No impacts to the gas tax. The reorganization of the Transportation Departments into one Transportation Agency instead of the current organization under Business Transportation and Housing should bring more focus to the State's Transportation Program which should be positive. This may have some impacts on local grant programs, depending on implementation.

Flood Control/Water Resources – We do not receive direct funding from the State for Flood Control Programs – however interesting to note that the Department of Water Resources budget includes an increase of \$25.4 million California Water Resources Development Bond Fund and 135 positions for preliminary engineering work to support the Delta Habitat Conservation and Conveyance Program. Also – under the ballot trigger reductions – the Department of Water Resource's flood control programs would be reduced by 20 percent, or approximately \$6.6 million, if the Governor's tax proposal is not approved in November. These programs include floodplain mapping and risk awareness. Again, we get no direct funding – but if this cut goes through, grant programs could be cut.

The elimination of Redevelopment agencies will affect our work load in design and construction in delivering Redevelopment Projects. However, this will not have an impact on staffing levels as we have a backlog of capital projects, including some large federally funded bridges to replace the work lost from RDA.

Health Services

The Governor's proposed budget includes the following proposals for changes to the health care delivery system:

The Governor's Budget requires the State Department of Health Care Services to expand the four-county dual pilot program to eight to ten counties and enroll 800,000 individuals with dual eligibility into managed care starting January 1, 2013. State Savings: \$678 million in 2012-13; \$1 billion in 2013-14.

The Budget also proposes to expand Medi-Cal Managed Care to all counties starting June 2013. All dual eligible individuals will be enrolled on a rolling basis as the counties transfer from fee-for-service to managed care. They also propose an open enrollment period for all Medi-Cal managed care beneficiaries, instead of allowing the month-to-month enrollment changes under the current program.

Federally Qualified Health Centers with Medi-Cal managed care contracts will be funded under a performance, risk-based payment model instead of the current prospective payment system.

The Healthy Families program (CHIP) will be moved into Medi-Cal and the rates will be decreased by 25.7 percent effective October 1, 2012.

There is an extension of the hospital fee (\$255 million GF in 2011-12; \$472 million in 2012-13) and gross premium tax on Medi-Cal managed care plans (\$161.8 million in 2012-13 and \$259.1 million in 2013-14).

Nursing homes will have their 10% provider rate reduction restored (\$171.2 million GF) and supplemental payments totaling \$245.6 million GF.

There will be a new Department of State Hospitals to operate the long-term care facilities for the mentally ill and sexually violent predators. All other functions of the Department of Mental Health and Department of Alcohol and Drug will be absorbed by the Department of Health Care Services.

At this time, the Health Services Department is unable to determine what the local impact of the above proposals will be on Contra Costa County until additional information becomes available. The Department will continue to monitor these proposals and their impacts on the County throughout the State budget process as additional information becomes available.

Employment & Human Services

In-Home Supportive Services

Across-the-Board Service Reductions

Governor's Proposal:

The proposed FY 12-13 budget adjusts projected savings from the delayed implementation of the 20 percent across-the-board reduction scheduled for January 1, 2012 but was delayed due to the court injunction. The adjusted budget savings assumes implementation of the 20 percent cut on April 1, 2012. Resulting in a \$39.4 million GF savings in the current year and \$179 million in the 12-13 budget years. The budget also includes a set-aside to fully fund the program in the event that the court rules in favor of the plaintiffs and against the state.

Contra Costa County Impact:

A 20% reduction in IHSS authorized hours will result in the loss of approximately 1.4 million hours. Many providers will be forced to leave their jobs and find employment elsewhere leaving the consumers at risk of out of home placement. For some providers who have minor children and are only to contracted for a few hours will be forced to apply for Food Stamps (Cal Fresh), Medi-Cal or some other form of assistance. Some providers may apply for GA if their income drops low enough. GA costs would then be borne by the county in total.

Medication Dispensing Pilot and IHSS Trigger

Governor's Proposal:

The proposed FY 12-13 budget repeals statute implementing automated medication dispensing machines pilot program for IHSS recipients. This may result in an additional across-the-board cut in IHSS effective October 1, 2012. The cuts will further reduced hours to IHSS clients if the pilot failed to achieve a net GF savings of \$140 million. The pilot was authorized for the current budget year but was never implemented.

Contra Costa County Impact:

Pilot was not implemented. If the pilot is implemented it could result in additional cuts to client hours due to lack of state funding. County share could be increased if the state does not participate.

Elimination of Domestic and Related Services to Certain Recipients

Governor's Proposal:

The proposed FY 12-13 budget eliminates domestic and related services to recipients who are living with others in a shared-housing situation effective July 1, 2012. An exception is provided for households consisting entirely of IHSS recipients, and IHSS recipients whose need cannot be met by a household member due to a medically-verified condition. Domestic and related services would no longer be allowed, under any circumstance, for children receiving IHSS benefits and living with their parent(s). This cut was proposed in previous budget proposals and, as in the past, raises significant legal questions since in many cases there is no legal obligation for other individuals who happen to be living with the IHSS recipient to provide care. This proposal is expected to impact 254,000 recipients, and will cut IHSS services by \$461.5 million (\$163.8 million GF).

Contra Costa County Impact:

The County provides funding to 4,581 eligible recipients with shared living arrangement. The Governor's proposal would eliminate services to this population and this would reduce the County share by \$236,600

Program Integrity Funding and Projected Savings

Governor's Proposal:

The proposed FY 12-13 budget includes a \$10 million GF reduction for county program integrity efforts resulting from the trigger cut implemented as a result of the 2011-12 budget agreement. The reduction was effective January 1, 2012 and the FY 12-13 budget proposes to make it permanent. The FY 12-13 budget also projects \$469.7 million (\$151.6 million GF) savings as a result of existing county program integrity efforts.

Contra Costa County Impact:

The elimination of the additional Program Integrity Funding will severely limit the ability for the County to investigate and prosecute IHSS Fraud. Revenue loss will be approximately \$537,879. County may save \$97,236.

Additional Budget Adjustments in IHSS

Governor's Proposal:

The proposed FY 12-13 budget includes decreased savings as a result of delayed implementation of the IHSS Provider Fee (by six months), the Community First Choice Option (CFCO) (by two months), and Health Certification Form (by two months). The combined erosion of savings (including Medication Dispensing pilot elimination) equal \$231 million GF. The CFCO, savings is projected to be \$108.5 million GF in the current year and \$145.1 million GF in 2012-13, and county savings is estimated to be \$68.9 million.

Contra Costa County Impact:

Additional reductions in client hours will result from delays in implementation of these in programs and limit state participation.

Governor's Proposal:

The proposed FY 12-13 budget reduces county administration by \$27.4 million to \$284.6 million (\$100.3 million GF). The budget attributes this to lower caseload in the program.

The budget year projects new administrative costs associated with implementation of the following activities:

- Domestic and Related Services proposal, \$9.5 million (\$3.3 million GF)
- Adult Day Health Care transition to Community Based Adult Services (CBAS) effective March 1, 2012, \$1.0 million (\$354,000 GF)

Contra Costa County Impact:

The IHSS Caseload has steadily decreased over the last two years. Impact may be minimal due to staffing vacancies and lower caseload.

Integration of IHSS into Managed Care

Governor's Proposal:

During calendar year 2013 (which includes the full budget year 2012-13 and six months of budget year 2013-14), the budget proposes that County IHSS programs continue perform existing functions that include intakes, assessments, and authorization of services. Starting January 1, 2014, managed care plans will either contract with the county to administer IHSS services or may take over this function from the county. The budget notes additional work will be necessary to design a program that incorporates:

1. Consumer protections for acute, long-term care, and a home and community-based services within managed care;
2. Uniform assessment tool for home and community-based services; and
3. Consumer choice and protection when selecting their IHSS provider.

Contra Costa County Impact:

Impacts unknown until details are determined.

Adult Protective Services

Continuation of 10% cut

Governor's Proposal:

The proposed FY 12-13 budget continues the consolidation and reallocation of funding to counties through realignment. Total funding is proposed at \$136.3 million (\$54.6 million GF) for the budget year which incorporates the County Services Block Grant and continues to reflect the ten percent reduction of \$13 million (\$6.1 million GF).

Contra Costa County Impact:

The county will continue to lose \$157 thousand.

CalWORKs

Time Limit

Governor's Proposal:

The proposed FY 12-13 budget restructures the CalWORKs program into two components, CalWORKs Basic and CalWORKs Plus. CalWORKs Basic, which takes effect October 2012, reduces the time-a recipient is eligible for benefits from 48 months to 24 months. This provision applies to all recipients not fully meeting the federal work participation requirements (WPR) through unsubsidized employment. The determination of the 24 months of aid will be determined on a retroactive basis. Recipients meeting the federal WPR through unsubsidized employment will be eligible for the CalWORKs Plus component. These recipients will continue to receive 48-months of aid and services. All currently aided eligible CalWORKs adults not fully meeting the federal WPR through unsubsidized employment will continue to be eligible for up to six months (or through March 2013) for welfare-to-work and child care services following the October 2012 implementation of CalWORKs Basic. The Single Allocation will be increased by \$35.6 million to provide services to these individuals.

Contra Costa County Impact:

An estimated total of 1,005 families (or 19.6% of the total CalWORKs Welfare-to-Work caseload of 5,154) may reach their 24-month time limit and will lose their maximum CalWORKs benefits by the end of FY12-13.

Child Only Grant Reduction

Governor's Proposal:

The proposed FY 12-13 budget includes a new Child Maintenance Program which incorporates a 27% reduction in child-only grants. This program will replace the current child-only component of CalWORKs including the safety net. There will be an annual reporting requirement as well as an annual well child exam to remain eligible for aid in the Child Maintenance Program.

Contra Costa County Impact:

An estimated 10,250 children will be adversely impacted with this proposed grant reduction. The average child-only cash aid grant will change from \$463 to \$392, a \$71 reduction. This reduction will have a considerable adverse impact on the basic living and security needs (housing, food, etc.) of these families and children who are already living in poverty

Disenrollment of sanctioned CalWORKs recipients.

Governor's Proposal:

The proposed FY 12-13 budget dis-enrolls, from CalWORKs, clients who are in "sanction status" for three cumulative months in any twelve (12) month period.

Contra Costa County Impact:

As of July 1, 2012, approximately 900 CalWORKs recipients will be dis-enrolled as a result of this provision. This action will cause their case to go into Child Maintenance.

Increased income disregard for select CalWORKs recipients

Governor's Proposal:

The proposed FY 12-13 budget increase the "earned income disregard" for recipients in CalWORKs Plus component, effective April 2013. The higher "earned income disregard (\$200)" will remain in effect for recipients in the safety net as long as they continue to meet federal WPR.

Contra Costa County Impact:

Less than 1% of the Welfare-to-Work population is expected to be fully engaged through unsubsidized employment. As a result, only 175 recipients may receive the proposed higher earned income disregard. This will allow those participants to continue receiving CalWORKs benefits during a time when they otherwise would have lost their benefits due to earnings.

\$50 supplemental work bonus

Governor's Proposal:

The proposed FY 12-13 budget includes a new \$50 per month supplemental work bonus to working families receiving CalFresh benefits or child care, but who are not in the CalWORKs program, effective July 1, 2012.

Contra Costa County Impact:

An estimated 7,604 families may be eligible for the proposed work bonus.

CalWORKs – Child Care

Subsidized Child Care Eligibility Change

Governor's Proposal:

The proposed FY 12-13 budget provides subsidized child care (i.e., general child care outside of CalWORKs) only to those individuals who meet federal CalWORKs work participation requirements, whether or not the family ever participates in CalWORKs, for savings of \$293.6 million GF and elimination of about 46,300 child care slots.

Contra Costa County Impact:

Impact is unknown at this time.

Administrative Restructuring of Child Care

Governor's Proposal:

The proposed FY 12-13 budget shifts child care eligibility and payment functions from alternative payment programs and Title 5 centers to the counties. Counties may contract with these agencies to provide the payment function. All eligible families would receive a voucher for payment to a provider of their own choice. This will shift responsibility for services for approximately 142,000 children from the California Department of Education (CDE) to the counties. The CDE would continue to administer preschool programs.

Contra Costa County Impact:

Impact is unknown at this time. The Community Services Bureau's part-day and full-day programs are included in one contract.

Reduce Income Eligibility Ceiling

Governor's Proposal:

The proposed FY 12-13 budget includes \$43.9 million in GF savings and \$24.1 million in Proposition 98 savings resulting from reduce income eligibility ceiling. The income eligibility ceiling is reduced from 70 percent of the state median income (SMI) to 61.5 percent of the SMI for a family size of three. This reduction will eliminate about 15,700 slots. .

Contra Costa County Impact:

Approximately 72 children/67 families will be impacted by this reduction.

Reduce Reimbursement Rate Ceiling

Governor's Proposal:

The proposed FY 12-13 budget includes \$17.1 million GF savings resulting from a reduction of the reimbursement rate ceilings for voucher-based programs. The reimbursement rate is to be reduced from the 85th percentile of the private pay market based on 2005 market survey data to the 50th percentile based on 2009 survey data.

Contra Costa County Impact:

Impact is unknown at this time.

New Licensed-Exempt Provider Requirement

Governor's Proposal:

The proposed FY 12-13 budget requires licensed-exempt providers to meet certain health and safety requirements to be eligible for reimbursement.

Contra Costa County Impact:

Impact is unknown at this time.

CalFresh

Governor's Proposal:

The proposed FY 12-13 budget adjusts county funding for CalFresh Administration for 2012-13 to reflect actual expenditure patterns over the past few years, resulting in a reduction to county administration.

Contra Costa County Impact:

Impact is unknown at this time.

Child Welfare Services and Foster Care

Administration

Governor's Proposal:

The proposed FY 12-13 budget anticipates Foster Care administrative costs to be \$51.1 million (\$17.6 million GF) in the current year, \$48.7 million (17.5 million GF) in the budget year. Administrative costs for Child Welfare Basic are estimated at \$824.7 million (\$278.5 million GF) in 2011-12, and \$794.1 million (\$295.7 million GF) in 2012-13, reflecting lower direct and emergency shelter costs

Contra Costa County Impact:

Foster Care and Child Welfare Services Admin are funded via 2011 Realignment and, therefore, will receive the State portion via sales tax revenues, not via these estimates

AB 12 Administration

Governor's Proposal:

The proposed FY 12-13 budget increases funding in the budget year to reflect continued implementation of AB 12. In FY 2012-13, administrative costs are proposed to increase by \$5.9 million (\$2.9 million GF), to \$6.8 million (\$3.3 million GF).

Contra Costa County Impact:

Impact is unknown at this time.

Continuation of Suspension of Child Support Pass-thru to Counties

Governor's Proposal:

The proposed FY 12-13 budget continues the suspension of Child Support collections previously used to offset federal, state and county shares of assistance costs for child support cases.

Contra Costa County Impact:

The suspension of child support collections will result in an increased cost to EHSD of \$600K in FY 12/13.

Community Services – Child Care

Reduction in the standard reimbursement rate

Governor's Proposal:

The proposed FY 12-13 budget reduces the standard reimbursement rate by 10% for California Department of Education contractors.

Contra Costa County Impact:

The decreased funding of \$1,084,590 will result in a loss of 132 childcare slots and 19.8 Child Care provider FTEs.

Medi-Cal Administration

Shift of Healthy Families into Medi-Cal

Governor's Proposal:

The proposed FY 12-13 budget shifts children currently in Healthy Families to Medi-Cal. with an anticipated 7.9% caseload increase. State spending in the Medi-Cal program is expected to drop from \$15.4 billion in the current year to \$15.1 billion in the FY 12-13, as a result of various savings proposals. Without these proposals, costs would grow by approximately 3.4 percent, to \$15.9 billion GF.

Proposed Shift of Healthy Families into Medi-Cal – Similar to last year's May Revision proposal, the Administration is proposing to move all children currently enrolled in Healthy Families to the Medi-Cal program. This would affect about 875,000 children and be phased in over a nine-month period, starting in October 2012. This shift would coincide with movement of other programs currently administered by the Managed Risk Medical Insurance Board over to the Department of Health Care Services, and the ultimate elimination of the board by July 1, 2013.

Contra Costa County Impact:

Healthy Families recipients will shift into Medi-Cal, this will increase EHSD's Medi-Cal caseload. EHSD will work with Health Services on this transition. Fiscal and program impact cannot be determined at this time.

Managed Care Expansion and Annual Enrollment

Governor's Proposal:

The proposed FY 12-13 budget expands managed care to all 58 counties starting in June 2012, resulting in GF savings of \$2.7 million in 2012-13 and \$8.8 million in 2013-14. This proposal is coupled with a proposal to change from the current structure, in which beneficiaries can change managed care plans once per month or up to 12 times per year, to a more private-sector like system providing for annual open enrollment periods that require individuals to receive care for the entire year from their chosen plan. The annual enrollment period proposal appears to require federal approval.

Contra Costa County Impact:

Impact is unknown at this time.

Phase 2 Realignment

Base Funding

Governor's Proposal:

The proposed FY 12-13 budget base realignment funding in each subaccount should not experience a year-over-year decrease. A statutory mechanism should be in place to deal with the possibility of a year's base being short due to significantly reduced revenues. The timing of the programs' inclusion in 2011 realignment and the implementation scheduled should affect base funding for each program. The base should be a rolling base for each subaccount, meaning that a year's base funding plus growth becomes the subsequent year's base. The 1991 Mental Health programs should continue to receive revenue based on its 1991 formula.

Contra Costa County Impact:

Waiting for CWDA staff analysis. It appears this would protect each Subaccount, year-to-year.

Growth Funding

Governor's Proposal:

The proposed FY 12-13 budget realignment funding for program growth should be distributed on a roughly proportional basis, first among accounts, then by subaccounts. Within each subaccount, federally required programs should receive priority for funding if warranted by caseload and costs. Growth funding for the Child Welfare Services (CWS) program is a priority once base programs have been established. Over time, CWS should receive an additional \$200 million.

Contra Costa County Impact:

Waiting for CWDA staff analysis. It appears this would allocate growth to the Account & subaccounts levels and give priority to federal mandated programs and also establish CWS as a priority once base funding is achieved in all other Subaccounts.

Transferability

Governor's Proposal:

The proposed FY 12-13 budget provides flexibility with realignment; counties may have the ability to transfer a maximum of 10 percent of the lesser subaccount between the subaccounts within the Support Services Account. Beginning in 2015-16, there should be a local option to transfer a portion of the growth among subaccounts within the Law Enforcement Services Account. Transfers should be for one year only and not increase the base of any program.

Contra Costa County Impact:

Waiting for CWDA staff analysis. It appears this could benefit certain Children & Family Services Sub Accounts (e.g. Foster Care Admin) that have been chronically underfunded.

Reserve Account

Governor's Proposal:

The proposed FY 12-13 budget provides some cushion for fluctuations in future revenue, a Reserve Account should be established when Sales and Use Tax revenues exceed a specified threshold.

Contra Costa County Impact:

Waiting for CWDA staff analysis.

To: Board of Supervisors

From: David O. Livingston, Sheriff-Coroner

Date: January 17, 2012



**Contra
Costa
County**

**Subject: OFFICE OF THE SHERIFF PROPOSED USE OF AB3229 FRONT LINE LAW
ENFORCEMENT FUNDS FOR FISCAL YEAR 2011/12**

RECOMMENDATION(S):

HEARING to consider approving the Sheriff's proposed use of \$167,736 in restricted Supplemental Law Enforcement Services Fund (SLESF) for front line law enforcement, to continue funding the Air Support unit for fiscal year 2011/12 pursuant to Government Code section 30061(b)(3).

FISCAL IMPACT:

\$176,276; Budgeted. 100% State restricted front line law enforcement funding.

BACKGROUND:

The State's fiscal year 2011/12 budget continues the program authorized by the Local Law Enforcement Supplemental Funding Act (AB 3229) by appropriating restricted Vehicle License Fee (VLF) funds to three separate programs, for which the County has made preliminary funding projections of the following: 1) \$249,080 to the Sheriff for jail operations and/or maintenance; 2) \$279,080 to the District Attorney for criminal prosecution; and 3) \$1,927,349 allocated to County Unincorporated law enforcement and city police departments (of this amount, \$167,736 is projected to be available for front line law enforcement services in the County Unincorporated areas).

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED:

January 17, 2012

David J. Twa, County

RECUSE 

Contact: M.J. Robb, (925) 335-1557

Administrator and
Clerk of the Board of
Supervisors

By: , Deputy

cc:

BACKGROUND: (CONT'D)

Government Code section 30061(c)(1) requires that the Board of Supervisors hold a public hearing to consider the Sheriff's proposed use the estimated \$167,736 County Unincorporated share of front line law enforcement funds. Recall that fiscal year 1996/97 was the first year of AB 3229 front line law enforcement funding, and the Board approved the Sheriff's proposal to establish the law enforcement Air Support unit. As indicated in the attached memorandum, the Sheriff requests that funds available for the current fiscal year continue to be used to the support the Air Support Unit.

CONSEQUENCE OF NEGATIVE ACTION:

The County will receive State revenue allocated to the Sheriff for front-line law enforcement, but will be unable to expend the funds.

CHILDREN'S IMPACT STATEMENT:

No impact.

OFFICE OF THE SHERIFF
Contra Costa County

Administrative Services Bureau
Personnel and Finance Division
651 Pine St., 7th Floor
Martinez, CA 94553
(925) 335-1500



DAVID O. LIVINGSTON
Sheriff-Coroner

Michael V. Casten
Undersheriff

DATE: September 22, 2011

TO: Board of Supervisors
Via: David J. Twa, County Administrator

FROM: Sheriff David O. Livingston
By: Undersheriff Michael V. Casten

SUBJECT: Report on the Use of Front Line Law Enforcement Funding

Funding provided by the State of California as authorized by Government Code §30061, commonly referred to as Supplemental Law Enforcement Services Funds (SLESF) requires that the Sheriff report annually to the Board of Supervisors how these funds were used. SLESF funds are provided to the Sheriff in two different categories; to support County Patrol services (\$167,736) and to supplement detention facilities (\$249,080). In the current atmosphere of ever shrinking budgets, this resource provides desperately needed funding assistance.

Since the inception of SLESF funding, the Sheriff has used these funds to augment the Air Support Unit budget, which includes contract funding from the City of Richmond and Solano County and Military Ocean Terminal, Concord (MOTCO) and grant funds from the California Department of Boating and Waterways. The Office of the Sheriff utilizes air assets as an integral tool for providing support to a wide variety of law enforcement services and missions in Contra Costa County. During fiscal year 2010/2011, the Air Support Unit documented the following activity:

➤ Patrol and incident response hours on Delta waterways,	242
➤ Calls for Service,	348
➤ Assistance to other agencies,	71
➤ Arrests resulting from Air Support Unit services,	45
➤ Vehicle pursuit assists,	7
➤ Missing persons located,	3
➤ Captures resulting from the use of forward-looking infrared equipment,	8
➤ Rescues	0

Significant budget reductions continued to reduce the number of patrol hours flown during the fiscal year, however, each of these statistics involved situations where the Air Support Unit provided public safety services to law enforcement officers and the communities we serve. These situations involved every aspect of our business, including; search and rescue, assisting vessels in distress, locating missing persons and assisting ground units in the detection and arrest of felony suspects. Our Air Support Unit continues to prove its worth on a

daily basis. Monies expended by the Office of the Sheriff from the Supplemental Law Enforcement Services Fund, have been used to provide front-line law enforcement support, and to ensure that a vital "force multiplying" asset remains available to assist the citizens of Contra Costa County. The Office of the Sheriff thanks the Board of Supervisors for its continued support of this program.

*cc: Commander Donny Gordon, Field Operations Bureau
Mary Jane Robb, Chief of Management Services
Liz Arbuckle, Sheriff's Fiscal Officer*

To: Board of Supervisors

From: Contra Costa County Board of Supervisors

Date: January 17, 2012



**Contra
Costa
County**

Subject: 34th Annual Dr. Martin Luther King, Jr., Commemoration and Humanitarian Awards Ceremony

RECOMMENDATION(S):

34th Annual Dr. Martin Luther King, Jr. Commemoration and Humanitarian Awards Ceremony

FISCAL IMPACT:

*

BACKGROUND:

*

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☐ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES ☐

NOES ☐

ABSENT ☐

ABSTAIN ☐

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED:

January 17, 2012

David J. Twa, County

RECUSE 

Contact: T. Lennear, (925) 335-1900

Administrator and Clerk
of the Board of
Supervisors

By: , Deputy

cc:

Contra Costa County 34th Annual
Dr. Martin Luther King Jr.
Commemoration & Humanitarian of the Year Awards

Women in Civil Rights

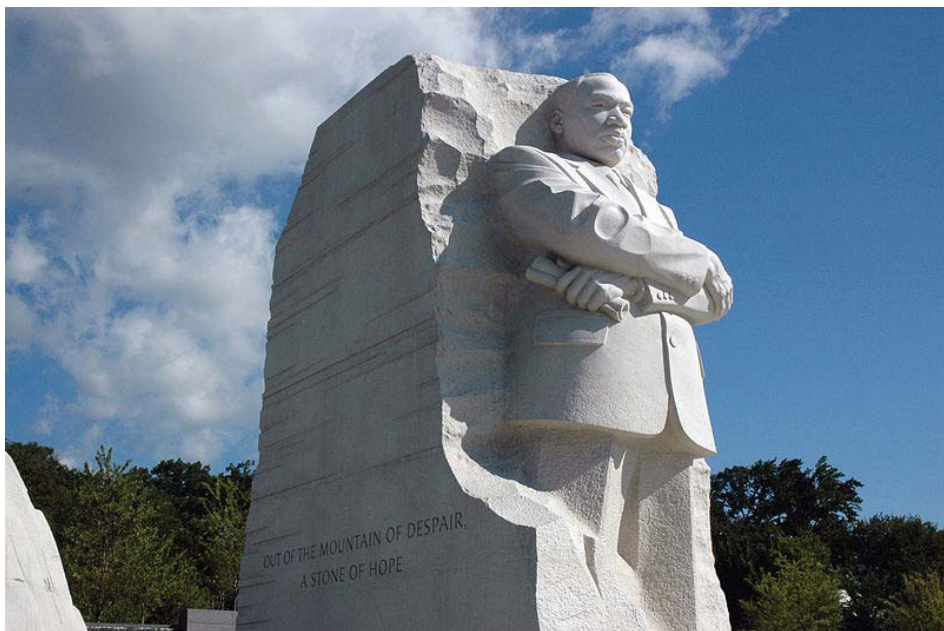
"The Unsung Heroines"

... Say that I was a drum major for justice.
Say that I was a drum major for peace.
I was a drum major for righteousness.
And all of the other shallow things will not matter."

Martin Luther King, Jr.



Contra Costa County Board of Supervisors
Tuesday, January 17th, 2012



The Martin Luther King Jr., Memorial

Featured on the front cover of the program, the MLK Memorial is located in West Potomac Park in Washington, D.C., southwest of the National Mall (but within the larger area commonly referred to as the “National Mall”). The memorial is America’s 395th national park. The MLK Memorial is located at the northwest corner of the Tidal Basin near the Franklin Delano Roosevelt Memorial, on a sightline linking the Lincoln Memorial to the northwest and the Jefferson Memorial to the southeast. The official address of the monument, 1964 Independence Avenue, S.W., commemorates the year that the Civil Rights Act of 1964 became law.

Covering four acres, the memorial opened to the public on August 22, 2011, after more than two decades of planning, fund-raising and construc-

tion. A ceremony dedicating the Memorial was scheduled for Sunday, August 28, 2011. This date was the 48th anniversary of the “I Have a Dream” speech that Dr. Martin Luther King, Jr. delivered from the steps of the Lincoln Memorial in 1963 but was postponed until October 16 (the 16th anniversary of the 1995 Million Man March on the National Mall) due to Hurricane Irene.

Although this is not the first memorial to an African-American in Washington, D.C., Dr. King is the first African-American honored with a memorial on or near the National Mall and only the fourth non-President to be memorialized in such a way. The King Memorial is administered by the National Park Service (NPS).



Rosa Parks (1913-2005)

was an African-American civil rights activist, whom the U.S. Congress called “the first lady of civil rights”, and “the mother of the freedom movement”.



Septima Poinsetta Clarke

(1898-1987)

was an African-American educator and civil rights activist. Clark developed the literacy and citizenship workshops that played an important role in the drive for voting rights and civil rights for African Americans in the American Civil Rights Movement.



Lorraine Hansberry (1944-1965)

was an African-American playwright and author of political speeches, letters, and essays. Her best known work, *A Raisin in the Sun*, was inspired by her family’s legal battle against racially segregated housing laws in the Washington Park Subdivision of the South Side of Chicago during her childhood.



Fannie Lou Hamer (1917-1977)

was an African-American voting rights activist and civil rights leader. She was instrumental in organizing Mississippi Freedom Summer for the Student Nonviolent Coordinating Committee (SNCC), and later became the Vice-Chair of the Mississippi Freedom Democratic Party.



Dorothy Height (1912-2010)

was an African-American administrator, educator, and social activist. She was the president of the National Council of Negro Women for forty years, and was awarded the Presidential Medal of Freedom in 1994, and the Congressional Gold Medal in 2004.



Daisy Bates (1914-1999)

was an African-American civil rights activist, publisher and writer who played a leading role in the Little Rock integration crisis of 1957.



Bertha Gilbert (1942-Current)

is an African-American civil rights activist who is famous for the photo depicting her being led away by police officers after she tried to enter a segregated lunch counter in Nashville, TN.



Ella Baker (1903-1986)

was an African-American civil rights and human rights activist beginning in the 1930s. She was a behind-the-scenes activist whose career spanned over five decades. She worked alongside some of the most famous civil rights leaders of the 20th century.



Mammie Till Mobley (1921-2003)

was the mother of Emmett Till, whose murder mobilized the civil rights movement. Her son Emmett Till was murdered on August 28, 1955, at the age of 14, after being accused of interacting in some way with a white woman (the exact nature of the interaction is under debate).



Lillian Smith (1897-1966)

was an American writer and social critic of the Southern United States, known best for her best-selling novel *Strange Fruit* (1944). A white woman who openly embraced controversial positions on matters of race and gender equality.

DR. MARTIN LUTHER KING, JR.

34th Annual Commemoration & Humanitarian of the Year Awards

Welcome & Introductions Glenn E. Howell, MLK Committee Chair
Mistress of Ceremonies Mary N. Piepho, Board Chair
Video Presentation MLK Committee
Introduction of Band Glenn E. Howell, MLK Committee Chair
Musical Selections The Danny Armstrong Ensemble
(featuring Faye Carol and Jules Broussard)

Key Note Address:

Aileen Clarke Hernandez - Human Rights Activist

Presentation of Humanitarian Awards:

2011 Student Humanitarian Award .. Glenn E. Howell, MLK Committee Chair
2011 Humanitarian Award Glenn E. Howell, MLK Committee Chair
Musical Selections The Danny Armstrong Ensemble
(featuring Faye Carol and Jules Broussard)
Adjournment Mary N. Piepho, Board Chair

Lunch Reception

Contra Costa County Board of Supervisors:

District 1: John M. Gioia
District 2: Gayle B. Uilkema
District 3: Mary N. Piepho
District 4: Karen Mitchoff
District 5: Federal D. Glover

Special thanks to our sponsors:

General Services Department	Martinez Police Department
Animal Services Department	Human Resources Department
Employment & Human Services Department	Contra Costa Television (CCTV)
(Community Service Head Start Central Kitchen)	Clerk of the Board of Supervisors



Aileen Clarke Hernandez
Human Rights Activist

Aileen Clarke Hernandez is a lifelong civil rights and women's rights activist, an urban consultant, writer, teacher, lecturer, and so much more. Through her firm, Aileen C. Hernandez Associates, founded in 1967, she has worked with major American companies, governmental agencies, educational institutions, foundations and community groups in the areas of human relations, equal employment opportunity and affirmative action, management skills, organization development, meeting facilitation, transportation planning, fair housing, program evaluation, public relations and events planning.

A native of Brooklyn, New York, born in 1926, Aileen migrated to California to become an organizer and the Education and Public Relations Director for the Pacific Coast Region of the International Ladies' Garment Workers' Union. She became the Assistant Chief of the California Division of Fair Employment Practices in 1962 and, in 1965, she was appointed by President Lyndon Johnson as the only woman member of the first United States Equal Employment Opportunity Commission. She was also a newspaper columnist in Washington, D.C., a Research Assis-

stant in the Department of Government at Howard University and has taught courses at the University of California, Berkeley and San Francisco State University.

Aileen earned her Bachelor's Degree, magna cum laude, in Sociology and Political Science from Howard University in 1947 and a Master's Degree in Government, with highest honors, from California State University at Los Angeles in 1961. She has done additional graduate work in public administration at the University of Oslo, Norway, and at New York University, and in adult and nursery school education at UCLA and the University of Southern California. In 1979, she was awarded an Honorary Doctorate in Humane Letters by Southern Vermont College. She was the 1993 Regents Scholar in Residence at the University of California, Santa Barbara, and the 1993 Tish Sommers Lecturer at the Institute for Health and Aging of the University of California, San Francisco.

Aileen appeared frequently on television, radio and the lecture circuit discussing race and gender relations, human rights and civic activism. She won national and local recognition for her work in the civil rights and women's

rights movements. She was the second national President of the National Organization for Women (NOW) and Chair of the Secretary's Advisory Committee on the Rights and Responsibilities of Women. Aileen founded several Black women's organizations locally and nationally, including Bay Area-based Black Women Stirring the Waters. She is also a founding member, board member, and/or consultant and advisor to many organizations dedicated to social and economic justice. These include the California Council for the Humanities, National Women's Political Caucus, Black Women Organized for Action, Bay Area Black Women United, the National Hook-up of Black Women, National Institute for Women of Color, Center for Women Policy Studies, National Committee Against Discrimination in Housing, and the Equal Opportunity Committee of the National Aeronautical and Space Administration (NASA), to name just a few.

Ms. Hernandez has been the recipient of numerous awards and tributes for her community service. She was chosen Woman of the Year by the Community Relations Conference of Southern California in 1961; one of the Ten Most Distinguished Women in the San Francisco Bay Area in 1969 by The San Francisco Examiner; and one of the Ten Women Who Make A Difference by the San Francisco League of Women Voters in 1985. She was honored by her alma mater, Howard University, for Distinguished Postgraduate Achievement in the Fields of Labor and Public Service in 1968; and by the National

Urban Coalition in 1985. In 1989, The Northern California American Civil Liberties Union Foundation presented her with the Earl Warren Civil Liberties Award and the Center for Women Policy Studies named her a Jessie Bernard Wise Woman. Friends of the San Francisco Commission on the Status of Women honored her in 1984, Glide Memorial United Methodist Church cited her for humanitarian services in 1986, and she received Awards of Appreciation from the Negro Political Action Association of California (1965), the National Institute for Women of Color (1987), and The Western District Conference of the National Association of Negro Business and Professional Women's Clubs (1988). The San Francisco Black Chamber of Commerce presented her with its Parren J. Mitchell Award in 1985 and she was the recipient of the Praisesinger Award presented by the San Francisco African American Historical and Cultural society in 1991. She was named a Fabulous Feminist by the San Francisco Chapter of the National Organization for Women in 1992 and, in 1995, received the Silver Spur Award of the San Francisco Planning and Urban Research Association. In June of 1996, she was given the Eleanor Roosevelt Woman of the Year award by the San Francisco Democratic Women's Forum, and in July of 1996 was honored by the San Francisco Hispanic Chamber of Commerce for her work in support of minority-owned and women-owned businesses. In August of 1996, she received the Mary Lepper Award from the Women's Caucus of The American Political Science Association. In May of 1997, Aileen was

named a WAVE honoree (Woman of Achievement, Vision and Excellence) by Alumnae Resources in San Francisco. Black Women Organized for Political Action presented her with its Ella Hill Hutch Award in 1997 and she was one of the Portraits of success recognized by the African American Community Entrustment in December of 1997. Aileen was one of the honorees of the National Women's History Project in 2006.

Her travels throughout the world have given her a global perspective on equity issues. In 1960, as an American specialist in labor education, she toured six Latin American countries for the U.S. Department of State, lecturing in English and Spanish on American trade union, minorities in the United States, the U.S. political system and the status of American women. In 1975, the U.S. State Department and the Konrad Adenauer Foundation sponsored her involvement in an international conference in Bonn, Germany on Minorities and the Metropolis. She toured the People's Republic of China in 1978 with an American women's rights group and currently chairs the California Women's Agenda, a network of 500 organizations in the state dedicated to implementing the plan of action adopted by 189 countries at the Fourth World Conference on Women in Beijing, China in 1995. As a member of a foundation-funded national Commission, she traveled in South Africa and its neighboring countries to gather information for a major study on that nation's apartheid system and its relationship to American policy making in 1981.

Ms. Hernandez has been and is an active volunteer in many organizations at the national and local levels. She is Vice-Chair of the National Urban Coalition, Vice-Chair of the National Advisory Council of the American Civil Liberties Union, coordinator of the San Francisco African American Agenda Council, serves on the Citizens' Commission on Civil Rights, treasurer of the Eleanor R. Spikes Memorial Fund, chair and founding member of Coalition for Economic Equity, and a founder of the Dr. Carlton B. Goodlett Institute in San Francisco. She is a life member of the National Association for the Advancement of Colored People and the San Francisco African American Historical and Cultural Society, a Life Trustee of The Urban Institute in Washington, D.C. and is on the Board of Advisors of Continuum, an AIDS counseling and service group. She was recently named to the Board of Overseers of the Wellesley Centers for Research on Women, and to the San Francisco Independent Task Force on Affirmative Action in Public Contracting.





Ms. Corrine Sain
2012 Humanitarian of The Year

Ms. Corrine Sain, Program Director of the Multicultural Senior and Family Center, a division of Neighborhood House located in Richmond, California, has been dedicated to serving others for over 42 years. Corrine has raised social consciousness in North Richmond by showing the community that each one of us has the power to make a difference. Despite the many obstacles that face those who live and work in North Richmond, Corrine chose to stay and work in the Richmond community where she was also raised. She works diligently to make life better for everyone who seeks assistance, and Corrine's years of experience and thorough understanding of the community residents have given her remarkable insight to anticipate need.

Since 1969, Corrine diligently designed and implemented programs and campaigns to reach specialized target groups in North Richmond. Corrine also developed and instigated policies and procedures that continue to be practiced by the Multicultural Center today. As Program Director, Ms. Sain, along with staff and volunteers, plan and arrange social, cultural and recreational activities for various groups. She created and facilitated a Multigen-

erational Arts & Crafts activity program, supervises the Nutrition Program, Hispanic Outreach, and the Federal Emergency Management Agency (FEMA) assistance, networks with Social Services Season of Sharing, implemented an aspiration program for youth, assists with pre-case management for probation officers, and provides tutor/home-work assistance. Neighborhood House is nationally recognized for its program collaboration and contributions for the North Richmond Community and beyond. Corrine was a key factor in the collaboration between the Center and Contra Costa Community College to make it possible for satellite courses to be held at the Center.

Corrine has also been instrumental in the establishment of direct services such as the Well Baby Clinic, the Junior Leadership Career Exploration for North Richmond Residents, and Teenage Family Living and Education. She has organized the Neighborhood Youth Corps, the Senior Citizen Program, the Youth Tutorial Program, Residents Against Crime and serves as Community Forum Facilitator. Corrine has mentored many youth who return to the Center to thank her personally for her positive influence in helping them turn their lives around.

Corrine is recognized for her keen ability to plan, organize, coordinate, and direct successful fund raising programs for Neighborhood House. These programs benefit families in need in the North Richmond community and they help to provide food at Thanksgiving and also food and toys during Christmas. As soon as one fundraiser ends, Corrine is back in action soliciting community support to begin the next one.

Corrine has established an outstanding rapport with various local, state, and federal agencies and has been widely recognized for her many accomplishments. Some of the accolades Corrine has received include The National

Council of Negro Women, Inc. Award, the award for Social Consciousness, the Self-Help and Resource Exchange (SHARE) award, the Banner Fellowship Program award, and recognition from the Contra Costa County Women's Hall of Fame.

Corrine is beyond committed to helping others. She continues to work past retirement eligibility age to ensure that those who are in need of help actually receive it. It is clear from Corrine's commitment to and passion for others, and from the accolades that she has received, that she continually transforms lives of people of every age, ethnicity, and circumstance.



Andrew Gonzales
2012 Student Humanitarian of The Year

Andrew Gonzales, a senior at Pinole Valley High School (PVHS), is described by PVHS Principal, Sue Kahn, as "bold and selfless" with "outstanding" leadership skills. Principal Kahn observed that Andrew has shown a consistent "commitment and integrity in all of his endeavors."

Andrew joined the PVHS Water Polo Team as a freshman and as a result of this decision received criticism from many of his African American peers

who pressured him to join a school sports team with greater African American representation. Andrew chose to hold firm in his decision to remain on the water polo team. As a result of his commitment, Andrew advanced "to the varsity level by his sophomore year and continued to play for the team through his senior year." Although criticism is often intended to weaken one's resolve, the critical comments from Andrew's peers actually served to strengthen his fortitude. In addition to Andrew's four

years of commitment to the team he also managed to persuade several African American and Latino peers to join which increased the ethnic and cultural diversity of the team as well.

Andrew is also a four-year participant of the Speech and Debate (Forensics) Team and, for equally as long, has been a member of the African American Student Union (AASU). As Andrew demonstrated his commitment to increase the traditionally, underrepresented populations on the water polo team, during his four-year tenure he also strived to increase the diversity of participants in Forensics and AASU. Although Andrew acknowledged the possibility of more taunting from his peers, he remained focused and persevered by convincing several of his football teammates to join the Forensics team. In November of 2011, two of Andrew's recruits, an African American and a Latino student, took trophies in Novice Debate. With the benefit of Andrew's coaching, the group is now experiencing academic success.

Andrew studied Philosophy during a summer course at Cornell University and later commented, "I studied everything from Plato to Martin Luther King, Jr." Andrew's in-depth investigation of great philosophers combined with his own spiritual background has strengthened his belief that the answer to peace, justice, and non-violence is in everyone doing their part to the best of their ability and in using their talents to help others. Andrew administers youth programs at his church and appreciates the opportunity to tutor others. Currently, Andrew mentors a freshman

PVHS student who once failed Math and is now earning A's and B's.

Andrew takes a leadership role in the PVHS Annual Day of Peace and Remembrance by gathering students and staff on campus for twenty minutes of silence during the lunch break to highlight the need for nonviolent solutions to thwart conflict and to honor those we have lost to violence. Andrew Gonzales embodies the spirit of humanitarianism by giving 100 percent of himself to all tasks he receives and to every person he encounters. Andrew elevates the communities in which he is a member through his commitment and integrity as an exemplary student, son, friend, athlete, public speaker, brother, mentor and citizen.



2012 Humanitarian of the Year

Ms. Corrine Sain

Past Recipients of the Humanitarian of the Year Award

Gertrude M. Williams, 1983	Mary Perez and
Guillermo "Bill" Muniz, 1984	Neil and Carol Wilson, 1998
Donald Fibush, 1985	Orin Allen, 1999
Charles Spears, 1986	Eddie Menosse, 2000
John "JJ" Johnson, 1987	Troy Greer Grove, 2001
Rev. Malcolm & Jo Lee, 1988	Robin Poindexter, 2002
Lonnie R. Bristow, M.D., 1989	Reverend Phillip Lawson, 2003
Yoshiye Togasaki, M.D., 1990	Mr. Walter Ruelig, 2004
January Fredenburg, 1991	Bishop Curtis Timmons, 2005
Lucy Donly, 1992	Jerrold L. Hatchett, 2006
Bessanderson McNeil, 1993	Veronica Pope, 2007
Lloyd Madden, 1994	Charles D. Tinsley, Dr., 2008
Perfecto Villarreal, 1995	Larry Lewis, 2009
Charles Wilson, 1996	Della Randolph, 2010
Helen Troxel and Rollie Mullen, 1997	Laura Johnson, 2011

2012 Student Humanitarian of the Year

Andrew Gonzales

Past Recipients of the Student Humanitarian of the Year Award

Henna Danawala, 2006
Edgardo Cervano-Soto, 2007
Jessa Mabellin, 2008
Brittany Watson, 2009
Shae Hughes, 2010
Mario Alvarado, 2011

2012 Committee Members

Glenn E. Howell – Chair	Denise August
Maceo Trotter	Derrick West
Madlin King	Nancy Zandonella
Tiffany Lennear	

To: Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: January 17, 2012



**Contra
Costa
County**

Subject: Accepting completion of landscape improvements for Subdivision Agreement (Right-of-Way Landscaping) for road acceptance RA 03-01154

RECOMMENDATION(S):

ADOPT Resolution No. 2012/25 accepting completion of landscape improvements for Subdivision Agreement (Right-of-Way Landscaping) for road acceptance RA 03-01154 (cross-reference subdivision SD 99-08306), a project developed by Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corp., as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (District II)

FISCAL IMPACT:

No fiscal impact to County Funds. The funds to be released are developer fees that have been held on deposit.

BACKGROUND:

The developer has completed the landscape improvements per the Subdivision Agreement (Right-of-Way Landscaping), and in accordance with the Title 9 of the County Ordinance Code.

CONSEQUENCE OF NEGATIVE ACTION:

The landscape improvements will not be accepted and the maintenance/warranty period will not begin.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☐ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES ☐ NOES ☐

ABSENT ☐ ABSTAIN ☐

RECUSE ☐

Contact: J. LaRocque, (925) 313-2315

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED:

January 17, 2012

David J. Twa, County
Administrator and
Clerk of the Board of
Supervisors

By: , Deputy

cc: K. Guruwaya, Construction, M. Valdez, M & T Lab, J. Capozzo, Eng. Services, C. Low, City of San Ramon

CHILDREN'S IMPACT STATEMENT:

Not applicable.

Recorded at the request of: Board of Supervisors

Return To: Public Works Department, Engineering Services

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 01/17/2012 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐

Resolution No. 2012/25

IN THE MATTER OF accepting completion of landscape improvements for Subdivision Agreement (Right-of-Way Landscaping) for road acceptance RA 03-01154 (cross-reference subdivision SD 99-08306), project developed by Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corp., as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (District II)

WHEREAS, these improvements are approximately located near South Monarch Road.

WHEREAS, the Public Works Director has notified this Board that the Right of Way Landscaping Improvements in road acceptance RA 03-01154 (cross-reference subdivision SD 99-08306) have been completed as provided in the Subdivision Agreement (Right-of-Way Landscaping) with Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corp., heretofore approved by this Board;

NOW THEREFORE BE IT RESOLVED that the improvements have been COMPLETED as of January 17, 2012 thereby establishing the six month terminal period for the filing of liens in case of action under said Subdivision Agreement (Right-of-Way Landscaping):

DATE OF AGREEMENT May 23, 2006

NAME OF BANK/SURETY National Fire Insurance Company of Hartford

BE IT FURTHER RESOLVED the payment (labor and materials) surety for \$177,950.00, Bond No. 929270300 issued by the above surety be RETAINED for the six month lien guarantee period until July 17, 2012, at which time the Clerk of the Board is AUTHORIZED to release the surety less the amount of any claims on file.

BE IT FURTHER RESOLVED that the Right-of-Way Landscaping Improvements on South Monarch Road are ACCEPTED AS COMPLETE.

BE IT FURTHER RESOLVED that upon completion of the warranty and maintenance period, the San Ramon City Council shall accept the improvements for maintenance and ownership in accordance with the Dougherty Valley Memorandum of

Understanding.

BE IT FURTHER RESOLVED that the beginning of the warranty period is hereby established, and the \$3,600.00 cash deposit (Auditor's Deposit Permit No. 458724, dated February 9, 2006) made by Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corp. and the performance/maintenance surety bond for \$52,900.00, Bond No. 929270300 issued by National Fire Insurance Company of Harford be RETAINED pursuant to the requirements of Section 94 4.406 of the Ordinance Code until release by this Board.

Contact: J. LaRocque, (925) 313-2315

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 17, 2012

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc: K. Guruwaya, Construction, M. Valdez, M & T Lab, J. Capozzo, Eng. Services, C. Low, City of San Ramon

GENERAL PURPOSE RIDER

To be attached to and form part of Bond Number 929 270 300 effective January 23, 2006
issued by the National Fire Insurance Company of Hartford
in the amount of \$352,300.00 (Three Hundred Fifty Two Thousand Three Hundred No/100) *** DOLLARS,
on behalf of Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corp.
as Principal and in favor of County of Contra Costa
as Obligee:

Now, Therefore, it is agreed that:

The Performance portion of the bond amount has decreased from: \$352,300.00
(Three Hundred Fifty Two Thousand Three Hundred No/100 Dollars ***)

The Performance portion of the bond amount has decreased to: \$52,900.00
(Fifty Two Thousand Nine Hundred No/100 Dollars ***)

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

This rider is to be effective the 12th day of December, 2011

Signed, sealed and dated this 12th day of December, 2011

Shapell Homes, a Division of Shapell Industries, Inc.,
a Delaware Corp.

(Principal)

By: [Signature]

By: [Signature]

Accepted By:

Robert D. Moore E.V.P.

Dave Suico, Director of Engineering

[Signature]

National Fire Insurance Company of Hartford

(Surety)

By: Pamela L. Stocks,

Attorney-in-Fact

Authorizing By-Laws and Resolutions

ADOPTED BY THE BOARD OF DIRECTORS OF CONTINENTAL CASUALTY COMPANY:

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the Board of Directors of the Company.

"Article IX—Execution of Documents

Section 3. Appointment of Attorney-in-fact. The Chairman of the Board of Directors, the President or any Executive, Senior or Group Vice President may, from time to time, appoint by written certificates attorneys-in-fact to act in behalf of the Company in the execution of policies of insurance, bonds, undertakings and other obligatory instruments of like nature. Such attorneys-in-fact, subject to the limitations set forth in their respective certificates of authority, shall have full power to bind the Company by their signature and execution of any such instruments and to attach the seal of the Company thereto. The Chairman of the Board of Directors, the President or any Executive, Senior or Group Vice President or the Board of Directors, may, at any time, revoke all power and authority previously given to any attorney-in-fact."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 17th day of February, 1993.

"Resolved, that the signature of the President or any Executive, Senior or Group Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted pursuant to Section 3 of Article IX of the By-Laws, and the signature of the Secretary or an Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of any such power and any power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

ADOPTED BY THE BOARD OF DIRECTORS OF AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA:

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the Board of Directors of the Company.

"Article VI—Execution of Documents

Section 3 Appointment of Attorney-in-fact. The Chairman of the Board of Directors, the President or any Executive or Senior Vice President may, from time to time, appoint by written certificates attorneys-in-fact to act in behalf of the Company in the execution of policies of insurance, bonds, undertakings and other obligatory instruments of like nature. Such attorneys-in-fact, subject to the limitations set forth in their respective certificates of authority, shall have full power to bind the Company by their signature and execution of any such instruments and to attach the seal of the Company thereto. The President or any Executive, Senior Vice President or the Board of Directors may at any time revoke all power and authority previously given to any attorney-in-fact."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 17th day of February, 1993.

"Resolved, that the signature of the President or any Executive, Senior or Group Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted pursuant to Section 2 of Article VI of the By-Laws, and the signature of the Secretary or an Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of any such power and any power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

ADOPTED BY THE BOARD OF DIRECTORS OF NATIONAL FIRE INSURANCE COMPANY OF HARTFORD:

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the Board of Directors of the Company.

"Article VII—Execution of Documents

Section 3. Appointment of Attorney-in-Fact. The Chairman of the Board of Directors, the President or any Executive or Senior Vice President may, from time to time, appoint by written certificates attorneys-in-fact to act in behalf of the Company in the execution of policies of insurance, bonds, undertakings and other obligatory instruments of like nature. Such attorneys-in-fact, subject to the limitations set forth in their respective certificates of authority shall have full power to bind the Company by their signature and execution of any such instruments and to attach the seal of the Company thereto. The Chairman of the Board of Directors, the President or any Executive, Senior Vice President or the Board of Directors, may, at any time, revoke all power and authority previously given to any attorney-in-fact."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 17th day of February, 1993.

"RESOLVED: That the signature of the President, an Executive Vice President or any Senior or Group Vice President and the seal of the Insurance Company may be affixed by facsimile on any power of attorney granted pursuant to the Resolution adopted by this Board of Directors on February 17, 1993 and the signature of a Secretary or an Assistant Secretary and the seal of the Insurance Company may be affixed by facsimile to any certificate of any such power, and any power or certificate bearing such facsimile signature and seal shall be valid and binding on the Insurance Company. Any such power so executed and sealed and certified by certificate so executed and sealed, shall with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Insurance Company."

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That Continental Casualty Company, an Illinois insurance company, National Fire Insurance Company of Hartford, an Illinois insurance company, and American Casualty Company of Reading, Pennsylvania, a Pennsylvania insurance company (herein called "the CNA Companies"), are duly organized and existing insurance companies having their principal offices in the City of Chicago, and State of Illinois, and that they do by virtue of the signatures and seals herein affixed hereby make, constitute and appoint

Pamela L Stocks, Beverly A Hall, Sandra V Hanner, Gina O'Shea, Individually

of Sherman Oaks, CA, their true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on their behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind them thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of their insurance companies and all the acts of said Attorney, pursuant to the authority hereby given is hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law and Resolutions, printed on the reverse hereof, duly adopted, as indicated, by the Boards of Directors of the insurance companies.

In Witness Whereof, the CNA Companies have caused these presents to be signed by their Senior Vice President and their corporate seals to be hereto affixed on this 8th day of October, 2009.



Continental Casualty Company
National Fire Insurance Company of Hartford
American Casualty Company of Reading, Pennsylvania

Jacquelyne M. Belcastro Senior Vice President

State of Illinois, County of Cook, ss:

On this 8th day of October, 2009, before me personally came Jacquelyne M. Belcastro to me known, who, being by me duly sworn, did depose and say: that she resides in the City of Chicago, State of Illinois; that she is a Senior Vice President of Continental Casualty Company, an Illinois insurance company, National Fire Insurance Company of Hartford, an Illinois insurance company, and American Casualty Company of Reading, Pennsylvania, a Pennsylvania insurance company described in and which executed the above instrument; that she knows the seals of said insurance companies; that the seals affixed to the said instrument are such corporate seals; that they were so affixed pursuant to authority given by the Boards of Directors of said insurance companies and that she signed her name thereto pursuant to like authority, and acknowledges same to be the act and deed of said insurance companies.



My Commission Expires September 17, 2013

Eliza Price Notary Public

CERTIFICATE

I, Mary A. Ribikawskis, Assistant Secretary of Continental Casualty Company, an Illinois insurance company, National Fire Insurance Company of Hartford, an Illinois insurance company, and American Casualty Company of Reading, Pennsylvania, a Pennsylvania insurance company do hereby certify that the Power of Attorney herein above set forth is still in force, and further certify that the By-Law and Resolution of the Board of Directors of the insurance companies printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said insurance companies this 12th day of December, 2011.



Continental Casualty Company
National Fire Insurance Company of Hartford
American Casualty Company of Reading, Pennsylvania

Mary A. Ribikawskis Assistant Secretary

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

}

On December 12, 2011 before me,

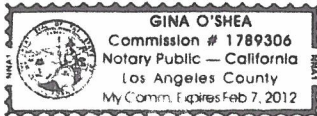
Gina O'Shea, Notary Public

Date

Here Insert Name and Title of the Officer

personally appeared Pamela L. Stocks

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Seal

Signature

Gina O'Shea
Signature of Notary Public

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

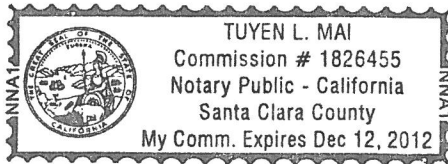
State of California

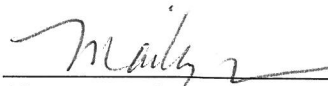
County of Santa Clara

On **December 16, 2011**, before me, **Tuyen L. Mai**, Notary Public personally appeared **Robert D. Moore and David Suico** who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.





Signature of Notary Public

Optional Information

Title or Type of Document: General Purpose Rider (Bond # 929-270-300)

To: Flood Control District Board of Supv

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: January 17, 2012



**Contra
Costa
County**

Subject: Streambank Vegetation Study Contract with LSA Associates, Inc., Concord area. (100% Flood Control District Zone 3B Funds) Project No. 7520-6D8333

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chief Engineer, Contra Costa County Flood Control and Water Conservation District (FC District), or designee, to execute a contract with LSA Associates, Inc., in an amount not to exceed \$467,000 to provide vegetation, rangeland, water quality monitoring, data analysis, and report writing services in support of the Streambank Vegetation Management Study, effective January 1, 2012 through December 31, 2014, Concord area. (100% Flood Control District Zone 3B Funds)

FISCAL IMPACT:

This study is funded 100% by Zone 3B (greater Walnut Creek watershed) funds.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☐ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES ☐ NOES ☐

ABSENT ☐ ABSTAIN ☐

RECUSE ☐

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED:
January 17, 2012**

David J. Twa,
County

Contact: Cece Sellgren (925) 313-2296

Administrator and
Clerk of the Board
of Supervisors

By: , Deputy

cc: R. M. Avalon, Deputy Chief Engineer, M. Carlson, Flood Control, C. Sellgren, Flood Control, C. Windham, Flood Control

BACKGROUND:

This study consists of comparing the standard herbicide application method used by the FC District to manage vegetation growth adjacent to Flood Control maintained channels with grazing by sheep or goats to manage the vegetation growing adjacent to the stream lowflow channel and below the top of the bank of the channel. Implementation of all three vegetation management techniques will be administered in small plots (approximately ½ acre) using a randomized block design. A total of 18 treatment plots over two reaches of Walnut Creek will be treated. Measurements of vegetation response (species, height, and biomass), water quality (a variety of parameters), and soil substrate will be taken before, during, and/or after the vegetation treatment. The study will be used to help the FC District make a business decision regarding when and where to use each of these vegetation management techniques in the future. The Iron Horse Trail will be temporarily closed during herbicide application (approximately a half day) to allow application vehicles to use the trail. The trail will be open during the sheep and goat grazing (approximately two weeks for each of the three study reaches). A permanent fence already is installed at the top of bank to keep the grazing animals confined to the streambank and dogs on the trail from harassing the grazing animals.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve the contract will delay the implementation of the study.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

1. **Contract Identification.**

Department: Public Works

Subject: Grazing Implementation Study

2. **Parties.** The County of Contra Costa, California (County), for its Department named above, and the following named Contractor mutually agree and promise as follows:

Contractor: LSA Associates, Inc.

Capacity: Contractor

Address: 157 Park Place, Pt. Richmond, CA 94801

3. **Term.** The effective date of this Contract is January 1, 2012. It terminates on December 31, 2014 unless sooner terminated as provided herein.

4. **Payment Limit.** County's total payments to Contractor under this Contract shall not exceed \$ 467,000.00.

5. **County's Obligations.** County shall make to the Contractor those payments described in the Payment Provisions attached hereto which are incorporated herein by reference, subject to all the terms and conditions contained or incorporated herein.

6. **Contractor's Obligations.** Contractor shall provide those services and carry out that work described in the Service Plan attached hereto which is incorporated herein by reference, subject to all the terms and conditions contained or incorporated herein.

7. **General and Special Conditions.** This Contract is subject to the General Conditions and Special Conditions (if any) attached hereto, which are incorporated herein by reference.

8. **Project.** This Contract implements in whole or in part the following described Project, the application and approval documents of which are incorporated herein by reference:

Contractor shall assist County staff to implement a scientific study to compare the safety, efficacy, and costs associated with the traditional vegetation management treatment regime with sheep and goat grazing.

9. Legal Authority. This Contract is entered into under and subject to the following legal authorities:

Government Code Section 31000

10. Signatures. These signatures attest the parties' agreement hereto:

COUNTY OF CONTRA COSTA, CALIFORNIA

BOARD OF SUPERVISORS	ATTEST: Clerk of the Board of Supervisors
By _____ Chair/Designee	By _____ Deputy

CONTRACTOR

Name of business entity: LSA Associates, Inc.	Name of business entity: LSA Associates, Inc.
By <u><i>Les Card</i></u> (Signature of individual or officer)	By <u><i>Malcolm J. Sproul</i></u> (Signature of individual or officer)
<u>LES CARD, CEO</u> (Print name and title A, if applicable)	<u>Malcolm J. Sproul, Asst. Secretary</u> (Print name and title B, if applicable)

Note to Contractor: For Corporations (profit or nonprofit), the contract must be signed by two officers. Signature A must be that of the president or vice-president and Signature B must be that of the secretary or assistant secretary (Civil Code Section 1190 and Corporations Code Section 313). All signatures must be acknowledged as set forth on Form L-2.

ACKNOWLEDGMENT

STATE OF CALIFORNIA)

Orange)
COUNTY OF ~~CONTRA COSTA~~)

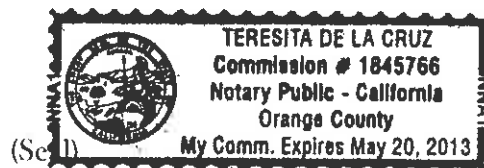
On 12/16/2011, before me, Teresita De la Cruz
(insert name and title of the officer), personally appeared Les Card and Malcolm S. Sprout

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ ~~she~~ they executed the same in ~~his~~ ~~her~~ their authorized capacity(ies), and that by ~~his~~ ~~her~~ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.

Teresita De la Cruz
Signature



ACKNOWLEDGMENT (by Corporation, Partnership, or Individual)
(Civil Code §1189)

APPROVALS

RECOMMENDED BY DEPARTMENT

By: R. [Signature]
Designee

FORM APPROVED
COUNTY COUNSEL

By: [Signature]
Deputy County Counsel
Eric Gelston

APPROVED: COUNTY ADMINISTRATOR

By: _____
Designee

SERVICE PLAN OUTLINE
(Purchase of Services - Long Form)

Number _____

LSA Associates, Inc.
Streambank Vegetation Management Study
Proj. No. 7521-6D-8333

I. OVERVIEW

This Agreement is between **LSA Associates, Inc.** (Contractor) and **Contra Costa County** on behalf of the **Public Works Department** (Dept.) to provide vegetation monitoring, rangeland monitoring, water quality monitoring, data analysis, and report writing services for the **Streambank Vegetation Management Study (Project)**, **Project Number 7521-6D-8333**, on Walnut Creek in central Contra Costa County.

Contra Costa County Flood Control and Water Conservation District (FCD) manages approximately 72 miles of streams, over $\frac{3}{4}$ support vegetation that must be managed to allow for water to flow during winter storm events and prevent fires from spreading to adjacent development during the summer. The FCD uses herbicides to manage streambank vegetation on the majority of the modified earthen stream channels. Community interest and increasing government regulations are encouraging the FCD to consider alternative vegetation management techniques. Mechanical mowing is costly and ineffective. The FCD is considering using grazing animals (sheep and goats) as alternative vegetation management techniques for streambank vegetation. The FCD intends to implement a study to assess the safety, efficacy, and cost effectiveness of herbicide applications, sheep grazing, and goat grazing as methods to manage streambank vegetation for flood water conveyance, fire fuel loads, and ecological health of the FCD's stream-based facilities.

The Dept. has determined that Contractor is qualified to perform monitoring, data analysis, and report writing necessary for the Project. Dept. Environmental staff will contact the Contractor within five (5) working days of contract approval to commence environmental work identified below.

II. DEPT. CONTACT INFORMATION:

All reports shall be submitted to:

Cece Sellgren, Environmental Planner
Contra Costa County Public Works Department
255 Glacier Dr.
Martinez, CA 94553

Initials: MJS fl
Contractor

RAM
County Dept.

LSA Associates, Inc.
Streambank Vegetation Management Study
Proj. No. 7521-6D-8333

III. SCOPE OF WORK

The Contractor shall assist Dept. staff with the implementation of a grazing study on Walnut Creek in Concord, CA which will compare sheep and goat grazing with the traditional herbicide application methods used by the Dept. The study will consist of two blocks, each containing 3 replicate plots of three treatments (herbicide application, goat grazing, and sheep grazing) – for a total of nine plots in each block. Each treatment plot will be 0.5 acres in size and will encompass the width of the channel (top of bank to top of bank), including the low flow channel. Herbicide treatment shall occur in December or January, depending upon weather and vegetation growth. Grazing treatments shall occur in the spring, prior to annual vegetation producing seeds – March through May, depending upon weather and vegetation growth. The study shall be conducted over a three year period.

The Contractor shall coordinate the grazing study with Dept. staff and the grazing contractor(s), monitor vegetation, monitor soil erosion, monitor water quality, conduct data analysis (including statistical analysis) and prepare reports.

The Contractor shall provide services as follows:

A. *Coordinate with Dept. Staff and Contract Grazers to Implement the Grazing Study*

1. Coordinate with Dept. staff and grazing contractor(s) to establish exact locations of grazing blocks and plots and mark them in the field.
2. Coordinate with Dept. staff to survey, locate, and install permanent line-point transect markers on each bank.
3. Coordinate with Dept. staff and grazing contractor(s) to establish holding pens for livestock when not participating in the grazing study.
4. Coordinate with Dept. staff and grazing contractor(s) to establish initial stocking rates.

B. *Monitor vegetation and bare soil to determine the responses of the vegetation and soil to the vegetation treatments*

1. Using the Line-Point Intercept, Comparative Yield, and Stubble Heights Methods the Contractor shall monitor vegetation and bare ground prior to

Initials: MJS
Contractor

RMA
County Dept.

LSA Associates, Inc.
Streambank Vegetation Management Study
Proj. No. 7521-6D-8333

grazing and/or herbicide treatments, at the end of the spring grazing treatments, and prior to the onset of the subsequent fall rains.

- a) For the Line Point Intercept Method: Contractor shall establish one line-point transect per plot that runs from the top of the bank across the stream channel to the top of the other bank. At one-meter intervals the Contractor shall place the tip of a pole on the ground, such that the pole is vertical. The Contractor shall note the ground substrate, each plant species that touches the vertical pole, and the height of the tallest plant that touches the pole. The pole shall be placed at one meter increments and data recorded every one meter.
- b) For the Comparative Yield Method: The Contractor shall visually assess the treatment block and choose representative areas that demonstrate the most (Rank = 5), least (rank = 1), and middle amounts (Rank = 3) of vegetation biomass. The Contractor shall then choose representative plots for amounts of biomass between the least and middle amounts (Rank = 2) and the most and middle amounts (Rank = 4). After choosing the five standard ranks per block, the Contractor shall visually assess and record the rank 10 samples per treatment plot.
- c) For the Stubble Height Method: Contractor shall measure average vegetation height at 10 locations per block for the stubble height method. Stubble height shall be measured at random locations throughout each treatment plot. Stubble height shall be measured concurrently with the comparative rank yield sampling.

C. *Monitor water quality to determine potential effects of applying herbicides and grazing stream banks upon several parameters of water quality within the stream.*

1. Contractor shall take *in situ* samples using a field probe and grab samples for later laboratory analysis prior to vegetation treatments and either near the end of the treatment (for grazing treatments) or immediately after the vegetation treatment (for herbicide applications).
2. The following attributes shall be measured *in situ*:
 - a) Time of day, stream flow, air and water temperature, pH, conductivity, turbidity, salinity, specific conductance

Initials: MJS PR
Contractor

RCH
County Dept.

SERVICE PLAN OUTLINE
(Purchase of Services - Long Form)

Number _____

LSA Associates, Inc.

**Streambank Vegetation Management Study
Proj. No. 7521-6D-8333**

3. The following chemical attributes shall be measured through grab samples taken in the field and sent to a local lab of the Contractor's choosing. Lab analysis shall be conducted through accepted Environmental Protection Agency or equivalent methods.
 - a) Fecal coliform (a measure of bacteria levels in the water), NH_3/NH_4 (a measure of animal urine in the water)
 - b) Glyphosate, Triclopyr, POE nonylphenol, Dodecylbenzene, Isopropyl alcohol – chemical constituents of the herbicide mix applied to streambanks

D. Enter data and conduct statistical analysis

1. Contractor shall enter data into computer database software compatible with Microsoft Excel. All data entry shall be verified by the contractor.
2. Contractor shall conduct statistical analysis on data to determine effects of the different vegetation management treatments upon vegetation, soils, and water quality
 - a) Type of statistical test shall be decided jointly by the Contractor and the County
 - b) Levels of significance shall be set at 10% error ($\alpha = 0.1$)

E. Write reports

1. Contractor shall provide water quality data from *in situ* measurements and lab analysis via e-mail to the County on a weekly basis while the vegetation treatments are being conducted.
2. Contractor shall provide annual reports on each of the first two years of the study that summarize results and make recommendations regarding changes to experimental procedures for the next year's investigation.
 - a) Contractor shall provide a draft report by December 15 of the year in which the study was conducted.
 - b) Contractor shall provide a final annual report within one month of receipt of comments from the County.

Initials: MJS/PC
Contractor

RMA
County Dept.

SERVICE PLAN OUTLINE
(Purchase of Services - Long Form)

Number _____

LSA Associates, Inc.

**Streambank Vegetation Management Study
Proj. No. 7521-6D-8333**

3. Contractor shall provide a final report that summarizes the results of the entire study, summarizes the issues findings regarding the efficacy, and cost effectiveness of the three vegetation management treatments, and makes recommendations to the County regarding potential uses of each of the three vegetation management treatments.
 - a) Contractor shall provide a draft final report by January 15 of the year after the completion of the grazing study.
 - b) Contractor shall provide the final draft of the final report within one month of receiving comments from County staff. Contractor shall submit both electronic and paper copies of the final report.

IV. PAYMENT DEMANDS

The Contractor shall submit a monthly invoice for services provided. The Contractor shall describe the work performed and list the employee categories, hours, and rates as set forth form (P-1) Payment Provisions, and Appendices A and B.

A. Invoicing

See **Appendix A** (Professional Services Payment Rates) and **Appendix B** (Project Personnel) for rates that will be authorized for payment.

1. Rates shall remain in effect for the duration of the contract.
2. Monthly invoices shall be submitted for payment, based on work completed.
3. Monthly invoices shall reference on each invoice:
 - a) Invoice number,
 - b) Month and Year that work was performed,
 - c) Project Name and Project Number, and
 - d) Dept. Project Manager
4. Allowable reimbursable items must have;
 - a) Mileage;
 - 1) Date of travel
 - 2) List amount of miles multiplied by the approved contract mileage rate (current IRS approved mileage rate)
 - b) Receipts or documentation for back up for reimbursable items

Initials: MJS/PC
Contractor

R. [Signature]
County Dept.

PAYMENT PROVISIONS
(Fee Basis Contracts - Long and Short Form)

Number

1. **Payment Amounts.** Subject to the Payment Limit of this Contract and subject to the following Payment Provisions, County will pay Contractor the following fee as full compensation for all services, work, expenses or costs provided or incurred by Contractor:

[Check one alternative only.]

- ☒ a. \$ monthly, or
- ☐ b. \$ per unit, as defined in the Service Plan, or
- ☐ c. \$ after completion of all obligations and conditions herein.
- ☐ d. Other: .

2. **Payment Demands.** Contractor shall submit written demands for payment on County Demand Form D-15 in the manner and form prescribed by County. Contractor shall submit said demands for payment no later than 30 days from the end of the month in which the contract services upon which such demand is based were actually rendered. Upon approval of payment demands by the head of the County Department for which this Contract is made, or his designee, County will make payments as specified in Paragraph 1. (Payment Amounts) above.
3. **Penalty for Late Submission.** If County is unable to obtain reimbursement from the State of California as a result of Contractor's failure to submit to County a timely demand for payment as specified in Paragraph 2. (Payment Demands) above, County shall not pay Contractor for such services to the extent County's recovery of funding is prejudiced by the delay even though such services were fully provided.
4. **Right to Withhold.** County has the right to withhold payment to Contractor when, in the opinion of County expressed in writing to Contractor, (a) Contractor's performance, in whole or in part, either has not been carried out or is insufficiently documented, (b) Contractor has neglected, failed or refused to furnish information or to cooperate with any inspection, review or audit of its program, work or records, or (c) Contractor has failed to sufficiently itemize or document its demand(s) for payment.
5. **Audit Exceptions.** Contractor agrees to accept responsibility for receiving, replying to, and/or complying with any audit exceptions by appropriate county, state or federal audit agencies resulting from its performance of this Contract. Within 30 days of demand, Contractor shall pay County the full amount of County's obligation, if any, to the state and/or federal government resulting from any audit exceptions, to the extent such are attributable to Contractor's failure to perform properly any of its obligations under this Contract.

Initials: MJS JC
Contractor

RMA
County Dept.

Streambank Vegetation Management Study

Project Number 7421 - 6D-8333

LSA PERSONNEL Names, Titles, and Billing Rates

	Billing Rate (\$ per hour)
<i>Pt. Richmond Office</i>	
ASSOCIATE/ PROJECT MANAGER	135
ASSOCIATE/WATER QUALITY TEAM LEADER	115
SOIL SCIENTIST	100
BIOLOGIST	90
BIOLOGIST/BOTANIST	80
SENIOR BIOLOGIST	90
SENIOR BIOLOGIST/BOTANIST	100
ASSOCIATE	85
PRINCIPAL- IN - CHARGE	160
SENIOR BIOLOGIST/GRAZING MANAGER	150
SENIOR BIOLOGIST	95
GRAPHICS TECHNICIAN	95
GIS SPECIALIST	90
BIOLOGIST	95
FIELD BOTANIST	90
GIS SPECIALIST/BIOLOGIST	90

LSA DIRECT EXPENSES 40544

	Unit Cost
Reproduction (8.5 x 11) B/W	\$.07 per page
Reproduction (8.5 x 11) Color	\$.40 per page
Reproduction (11 x 17) B/W	\$.10 per page
Reproduction (11 x 17) Color	\$.75 per page
CD Production	\$5.00 per CD
Plotting	\$3.75 per sf
Mileage On Road	\$.55 per mile
Mileage Off-Road	\$.66 per mile
GPS Unit	\$75.00 per day
Total Station Surveying Instrument	\$50.00 per day
Level (Laser or Optical)	\$25.00 per day
Laser Rangefinder	\$25.00 per day
Sound Meter	\$75.00 per day
Aerial Photo	Cost
Boat Rental	\$50.00/day
Water Quality Meter	\$25.00/day

GENERAL CONDITIONS
(Purchase of Services - Long Form)

1. **Compliance with Law.** Contractor is subject to and must comply with all applicable federal, state, and local laws and regulations with respect to its performance under this Contract, including but not limited to, licensing, employment, and purchasing practices; and wages, hours, and conditions of employment, including nondiscrimination.
2. **Inspection.** Contractor's performance, place of business, and records pertaining to this Contract are subject to monitoring, inspection, review and audit by authorized representatives of the County, the State of California, and the United States Government.
3. **Records.** Contractor must keep and make available for inspection and copying by authorized representatives of the County, the State of California, and the United States Government, the Contractor's regular business records and such additional records pertaining to this Contract as may be required by the County.
 - a. **Retention of Records.** Contractor must retain all documents pertaining to this Contract for five years from the date of submission of Contractor's final payment demand or final Cost Report; for any further period that is required by law; and until all federal/state audits are complete and exceptions resolved for this Contract's funding period. Upon request, Contractor must make these records available to authorized representatives of the County, the State of California, and the United States Government.
 - b. **Access to Books and Records of Contractor, Subcontractor.** Pursuant to Section 1861(v)(1) of the Social Security Act, and any regulations promulgated thereunder, Contractor must, upon written request and until the expiration of five years after the furnishing of services pursuant to this Contract, make available to the County, the Secretary of Health and Human Services, or the Comptroller General, or any of their duly authorized representatives, this Contract and books, documents, and records of Contractor necessary to certify the nature and extent of all costs and charges hereunder.

Further, if Contractor carries out any of the duties of this Contract through a subcontract with a value or cost of \$10,000 or more over a twelve-month period, such subcontract must contain a clause to the effect that upon written request and until the expiration of five years after the furnishing of services pursuant to such subcontract, the subcontractor must make available to the County, the Secretary, the Comptroller General, or any of their duly authorized representatives, the subcontract and books, documents, and records of the subcontractor necessary to verify the nature and extent of all costs and charges thereunder.

This provision is in addition to any and all other terms regarding the maintenance or retention of records under this Contract and is binding on the heirs, successors, assigns and representatives of Contractor.

4. **Reporting Requirements.** Pursuant to Government Code Section 7550, Contractor must include in all documents and written reports completed and submitted to County in accordance with this Contract, a separate section listing the numbers and dollar amounts of all contracts and subcontracts relating to the preparation of each such document or written report. This section applies only if the Payment Limit of this Contract exceeds \$5,000.


Contractor


County Dept.

GENERAL CONDITIONS
(Purchase of Services - Long Form)

5. **Termination and Cancellation.**

a. **Written Notice.** This Contract may be terminated by either party, in its sole discretion, upon thirty-day advance written notice thereof to the other, and may be cancelled immediately by written mutual consent.

b. **Failure to Perform.** County, upon written notice to Contractor, may immediately terminate this Contract should Contractor fail to perform properly any of its obligations hereunder. In the event of such termination, County may proceed with the work in any reasonable manner it chooses. The cost to County of completing Contractor's performance will be deducted from any sum due Contractor under this Contract, without prejudice to County's rights to recover damages.

c. **Cessation of Funding.** Notwithstanding any contrary language in Paragraphs 5 and 11, in the event that federal, state, or other non-County funding for this Contract ceases, this Contract is terminated without notice.

6. **Entire Agreement.** This Contract contains all the terms and conditions agreed upon by the parties. Except as expressly provided herein, no other understanding, oral or otherwise, regarding the subject matter of this Contract will be deemed to exist or to bind any of the parties hereto.

7. **Further Specifications for Operating Procedures.** Detailed specifications of operating procedures and budgets required by this Contract, including but not limited to, monitoring, evaluating, auditing, billing, or regulatory changes, may be clarified in a written letter signed by Contractor and the department head, or designee, of the county department on whose behalf this Contract is made. No written clarification prepared pursuant to this Section will operate as an amendment to, or be considered to be a part of, this Contract.

8. **Modifications and Amendments.**

a. **General Amendments.** In the event that the Payment Limit of this Contract is \$100,000 or less, this Contract may be modified or amended only by a written document executed by Contractor and the County's Purchasing Agent or the Contra Costa County Board of Supervisors, subject to any required state or federal approval. In the event that the Payment Limit of this Contract exceeds \$100,000, this Contract may be modified or amended only by a written document executed by Contractor and the Contra Costa County Board of Supervisors or, after Board approval, by its designee, subject to any required state or federal approval.

b. **Minor Amendments.** The Payment Provisions and the Service Plan may be amended by a written administrative amendment executed by Contractor and the County Administrator (or designee), subject to any required state or federal approval, provided that such administrative amendment may not increase the Payment Limit of this Contract or reduce the services Contractor is obligated to provide pursuant to this Contract.

9. **Disputes.** Disagreements between County and Contractor concerning the meaning, requirements, or performance of this Contract shall be subject to final written determination by the head of the county department for which this Contract is made, or his designee, or in accordance with the applicable procedures (if any) required by the state or federal government.


Contractor


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GENERAL CONDITIONS
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10. **Choice of Law and Personal Jurisdiction.**

- a. This Contract is made in Contra Costa County and is governed by, and must be construed in accordance with, the laws of the State of California.
- b. Any action relating to this Contract must be instituted and prosecuted in the courts of Contra Costa County, State of California.

11. **Conformance with Federal and State Regulations and Laws.** Should federal or state regulations or laws touching upon the subject of this Contract be adopted or revised during the term hereof, this Contract will be deemed amended to assure conformance with such federal or state requirements.

12. **No Waiver by County.** Subject to Paragraph 9. (Disputes) of these General Conditions, inspections or approvals, or statements by any officer, agent or employee of County indicating Contractor's performance or any part thereof complies with the requirements of this Contract, or acceptance of the whole or any part of said performance, or payments therefor, or any combination of these acts, do not relieve Contractor's obligation to fulfill this Contract as prescribed; nor is the County thereby prevented from bringing any action for damages or enforcement arising from any failure to comply with any of the terms and conditions of this Contract.

13. **Subcontract and Assignment.** This Contract binds the heirs, successors, assigns and representatives of Contractor. Prior written consent of the County Administrator or his designee, subject to any required state or federal approval, is required before the Contractor may enter into subcontracts for any work contemplated under this Contract, or before the Contractor may assign this Contract or monies due or to become due, by operation of law or otherwise.

14. **Independent Contractor Status.** The parties intend that Contractor, in performing the services specified herein, is acting as an independent contractor and that Contractor will control the work and the manner in which it is performed. This Contract is not to be construed to create the relationship between the parties of agent, servant, employee, partnership, joint venture, or association. Additionally, Contractor is not entitled to participate in any pension plan, workers' compensation plan, insurance, bonus, or similar benefits County provides to its employees. In the event that County exercises its right to terminate this Contract, Contractor expressly agrees that it will have no recourse or right of appeal under any rules, regulations, ordinances, or laws applicable to employees.

15. **Conflicts of Interest.** Contractor covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Contractor further covenants that in the performance of this Contract, no person having any such interests will be employed by Contractor. If requested to do so by County, Contractor will complete a "Statement of Economic Interest" form and file it with County and will require any other person doing work under this Contract to complete a "Statement of Economic Interest" form and file it with County. Contractor covenants that Contractor, its employees and officials, are not now employed by County and have not been so employed by County within twelve months immediately preceding this Contract; or, if so employed, did not then and do not now occupy a position that would create a conflict of interest under Government Code section 1090. In addition to any indemnity provided by Contractor in this Contract, Contractor will indemnify,


Contractor


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defend, and hold the County harmless from any and all claims, investigations, liabilities, or damages resulting from or related to any and all alleged conflicts of interest.

16. **Confidentiality.** Contractor agrees to comply and to require its officers, partners, associates, agents and employees to comply with all applicable state or federal statutes or regulations respecting confidentiality, including but not limited to, the identity of persons served under this Contract, their records, or services provided them, and assures that:

a. All applications and records concerning any individual made or kept by Contractor or any public officer or agency in connection with the administration of or relating to services provided under this Contract will be confidential, and will not be open to examination for any purpose not directly connected with the administration of such service.

b. No person will publish or disclose or permit or cause to be published or disclosed, any list of persons receiving services, except as may be required in the administration of such service. Contractor agrees to inform all employees, agents and partners of the above provisions, and that any person knowingly and intentionally disclosing such information other than as authorized by law may be guilty of a misdemeanor.

17. **Nondiscriminatory Services.** Contractor agrees that all goods and services under this Contract will be available to all qualified persons regardless of age, gender, race, religion, color, national origin, ethnic background, disability, or sexual orientation, and that none will be used, in whole or in part, for religious worship.

18. **Indemnification.** Contractor will defend, indemnify, save, and hold harmless County and its officers and employees from any and all claims, demands, losses, costs, expenses, and liabilities for any damages, fines, sickness, death, or injury to person(s) or property, including any and all administrative fines, penalties or costs imposed as a result of an administrative or quasi-judicial proceeding, arising directly or indirectly from or connected with the services provided hereunder that are caused, or claimed or alleged to be caused, in whole or in part, by the negligence or willful misconduct of Contractor, its officers, employees, agents, contractors, subcontractors, or any persons under its direction or control. If requested by County, Contractor will defend any such suits at its sole cost and expense. If County elects to provide its own defense, Contractor will reimburse County for any expenditures, including reasonable attorney's fees and costs. Contractor's obligations under this section exist regardless of concurrent negligence or willful misconduct on the part of the County or any other person; provided, however, that Contractor is not required to indemnify County for the proportion of liability a court determines is attributable to the sole negligence or willful misconduct of the County, its officers and employees. This provision will survive the expiration or termination of this Contract.

19. **Insurance.** During the entire term of this Contract and any extension or modification thereof, Contractor shall keep in effect insurance policies meeting the following insurance requirements unless otherwise expressed in the Special Conditions:

a. **Commercial General Liability Insurance.** For all contracts where the total payment limit of the contract is \$500,000 or less, Contractor will provide commercial general liability insurance, including coverage for business


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losses and for owned and non-owned automobiles, with a minimum combined single limit coverage of \$500,000 for all damages, including consequential damages, due to bodily injury, sickness or disease, or death to any person or damage to or destruction of property, including the loss of use thereof, arising from each occurrence. Such insurance must be endorsed to include County and its officers and employees as additional insureds as to all services performed by Contractor under this Contract. Said policies must constitute primary insurance as to County, the state and federal governments, and their officers, agents, and employees, so that other insurance policies held by them or their self-insurance program(s) will not be required to contribute to any loss covered under Contractor's insurance policy or policies. For all contracts where the total payment limit is greater than \$500,000, the aforementioned insurance coverage to be provided by Contractor must have a minimum combined single limit coverage of \$1,000,000, and Contractor must provide County with a copy of the endorsement making the County an additional insured on all commercial general liability, worker's compensation, and, if applicable, all professional liability insurance policies as required herein no later than the effective date of this Contract.

b. **Workers' Compensation.** Contractor must provide workers' compensation insurance coverage for its employees.

c. **Certificate of Insurance.** The Contractor must provide County with (a) certificate(s) of insurance evidencing liability and worker's compensation insurance as required herein no later than the effective date of this Contract. If Contractor should renew the insurance policy(ies) or acquire either a new insurance policy(ies) or amend the coverage afforded through an endorsement to the policy at any time during the term of this Contract, then Contractor must provide (a) current certificate(s) of insurance.

d. **Additional Insurance Provisions.** The insurance policies provided by Contractor must include a provision for thirty (30) days written notice to County before cancellation or material change of the above-specified coverage.

20. **Notices.** All notices provided for by this Contract must be in writing and may be delivered by deposit in the United States mail, postage prepaid. Notices to County must be addressed to the head of the county department for which this Contract is made. Notices to Contractor must be addressed to the Contractor's address designated herein. The effective date of notice is the date of deposit in the mails or of other delivery, except that the effective date of notice to County is the date of receipt by the head of the county department for which this Contract is made.

21. **Primacy of General Conditions.** In the event of a conflict between the General Conditions and the Special Conditions, the General Conditions govern unless the Special Conditions or Service Plan expressly provide otherwise.

22. **Nonrenewal.** Contractor understands and agrees that there is no representation, implication, or understanding that the services provided by Contractor under this Contract will be purchased by County under a new contract following expiration or termination of this Contract, and Contractor waives all rights or claims to notice or hearing respecting any failure to continue purchasing all or any such services from Contractor.

23. **Possessory Interest.** If this Contract results in Contractor having possession of, claim or right to the possession of land or improvements, but does not vest ownership of the land or improvements in the same person, or if this


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Contract results in the placement of taxable improvements on tax exempt land (Revenue & Taxation Code Section 107), such interest or improvements may represent a possessory interest subject to property tax, and Contractor may be subject to the payment of property taxes levied on such interest. Contractor agrees that this provision complies with the notice requirements of Revenue & Taxation Code Section 107.6, and waives all rights to further notice or to damages under that or any comparable statute.

24. **No Third-Party Beneficiaries.** Nothing in this Contract may be construed to create, and the parties do not intend to create, any rights in third parties.

25. **Copyrights and Rights in Data.** Contractor will not publish or transfer any materials produced or resulting from activities supported by this Contract without the express written consent of the County Administrator. If any material is subject to copyright, County reserves the right to copyright, and Contractor agrees not to copyright such material. If the material is copyrighted, County reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, and use such materials, in whole or in part, and to authorize others to do so.

26. **Endorsements.** In its capacity as a contractor with Contra Costa County, Contractor will not publicly endorse or oppose the use of any particular brand name or commercial product without the prior written approval of the Board of Supervisors. In its County-contractor capacity, Contractor will not publicly attribute qualities or lack of qualities to a particular brand name or commercial product in the absence of a well-established and widely accepted scientific basis for such claims or without the prior written approval of the Board of Supervisors. In its County-contractor capacity, Contractor will not participate or appear in any commercially produced advertisements designed to promote a particular brand name or commercial product, even if Contractor is not publicly endorsing a product, as long as the Contractor's presence in the advertisement can reasonably be interpreted as an endorsement of the product by or on behalf of Contra Costa County. Notwithstanding the foregoing, Contractor may express its views on products to other contractors, the Board of Supervisors, County officers, or others who may be authorized by the Board of Supervisors or by law to receive such views.

27. **Required Audit.** (A) If Contractor is funded by \$500,000 or more in federal grant funds in any fiscal year from any source, Contractor must provide to County, at Contractor's expense, an audit conforming to the requirements set forth in the most current version of Office of Management and Budget Circular A-133. (B) If Contractor is funded by less than \$500,000 in federal grant funds in any fiscal year from any source, but such grant imposes specific audit requirements, Contractor must provide County with an audit conforming to those requirements. (C) If Contractor is funded by less than \$500,000 in federal grant funds in any fiscal year from any source, Contractor is exempt from federal audit requirements for that year; however, Contractor's records must be available for and an audit may be required by, appropriate officials of the federal awarding agency, the General Accounting Office (GAO), the pass-through entity and/or the County. If any such audit is required, Contractor must provide County with such audit. With respect to the audits specified in (A), (B) and (C) above, Contractor is solely responsible for arranging for the conduct of the audit, and for its cost. County may withhold the estimated cost of the audit or 10 percent of the contract amount, whichever is greater, or the final payment, from Contractor until County receives the audit from Contractor.


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28. **Authorization.** Contractor, or the representative(s) signing this Contract on behalf of Contractor, represents and warrants that it has full power and authority to enter into this Contract and to perform the obligations set forth herein.

29. **No Implied Waiver.** The waiver by County of any breach of any term or provision of this Contract will not be deemed to be a waiver of such term or provision or of any subsequent breach of the same or any other term or provision contained herein.


Contractor


County Dept.

Contract Routing Checklist • Public Works Department

Contact: CECE SELIGREN Division FLOOD CONTROL Phone No. 3-2296

Type of Contract: ☐ Short Form ☒ Long Form ☐ Consulting Services Agreement

☐ Other Agreement ☐ Amendment ☐ Renewal

Name of Contractor: LSA ASSOCIATES, INC

Term: 1/1/2012 to 12/31/2014 Total Contract Amount: \$ 467,000

Contract needed by: DEC 1, 2011 RUSH-needed by _____

Check items below PRIOR to circulating for signatures :

• check box when completed • attach copy of validation, where applicable • mark "NA" if not applicable

- ☒ **Business Status**; (i.e. Inc., LLC, etc.) go to RipRap for link to Calif. Secretary of State – Business Portal
- ☐ **Non-profit Corporation Status**: attach valid & current (within a year) non-profit status letter from State
- ☐ **Professional License Validation** (for architects, landscape architects, professional engineers, & professional land surveyors) go to RipRap for link to State of California - Licenses.
- ☐ **Current Business License** (only required for Sole Proprietors/Individuals & General Partnerships)

Attachments: (click on attached documents)

- ☒ One copy of "Small Business Enterprise (SBE) and Outreach Programs" checklist (mandatory)
- ☒ One copy of a fully executed SBE "Registration and Certification Form" and SOLICITATION form (if applicable)
- ☐ One copy of a fully executed "Questionnaire for Determining Independent Contractor Status" (M-20) (if applicable)
- ☐ For Contract amendments – attach copy of original contract to be amended and other amendments to same contract
- ☐ Contracts > \$25,000 to \$100,000 require an Explanatory Memo for review by County Counsel & CAO
- ☒ Attach a valid Certificate of Insurance (in accordance with conditions of the contract)
- ☒ Attach a W-9 form (Required by Auditor's Office)

Once in-house review is completed, then:

- ☐ Route 2 originals and 1 copy (copy to be retained by Purchasing). Route 3 originals and 1 copy if the Chair, Board of Supervisors (instead of PW Director), is signing the contract. (Clerk of Board will retain the 1 copy)

ROUTE CONTRACT IN THE FOLLOWING ORDER:

Contracts \$100,000 and under

- Initial**
1. Division Head or designee (review)
 2. Fiscal Officer
 3. Small Business Enterprise (SBE) & Contract Review
 4. Deputy/PW Director (review only)
 5. County Counsel _____ (review)
WO# _____
 6. Contractor (notary required)
 7. Deputy/PW Director (signature)
 8. County Counsel (signature)
 9. Administrator's Office (CAO) (signature)
 10. Purchasing (signature)

Contracts \$100,000.01 and over (Requires Board of Supervisors Approval)

- Initial**
1. Division Head or designee (review)
 2. Fiscal Officer
 3. Risk Management (Only if indemnification and/or insurance requirements are modified – Risk Management approval must be attached)
 4. Small Business Enterprise (SBE) & Contract Review
 5. Deputy (review)
 6. County Counsel: 8333 (review)
WO# _____
 7. Contractor – All signatures must be notarized (Corporations require two signatures)
 8. Deputy (signature)
 9. County Counsel (signature)
 10. Division Clerical
 11. After BOS approval, route to CAO for signature

- All contracts must be reviewed by County Counsel (no matter what the dollar amount is)
- Contracts > \$25,000-100,000 require Explanatory Memo
- Regardless of dollar amount, if changes to indemnification are proposed, then Risk Mgmt & the Board must approve the contract.

SMALL BUSINESS ENTERPRISE and OUTREACH PROGRAMS

ALL ITEMS \$25,000 & OVER MUST BE REVIEWED BY ADMINISTRATIVE SERVICES PRIOR TO COMMENCING THE BOARD ORDER PROCESS. EXEMPT ITEMS DO NOT NEED TO BE SUBMITTED FOR THIS REVIEW.

FROM: MIKE CARLSON
Deputy/Division Head (please print)

CECE SELGREN 3-2296 ☒ New ☐ Renewal* ☐ Amendment*
Form Prepared By Phone Number

LSA ASSOCIATES PURCHASE OF Grazing SERVICE - Implementation WO# 8333 \$467,000
Company Name Describe Product/Service Study WO# PO# ERR# Dollar Amount

PROGRAM THRESHOLDS

The Small Business Enterprise (SBE) Program applies to: 1) construction contracts of \$25,000 or less, 2) purchasing transactions of \$50,000 or less, and 3) professional/personal service contracts of \$50,000 or less at the time the contract is awarded. The Outreach Program applies to construction contracts that are \$100,000 and above, professional service contracts that are \$2,500 and above, and purchases that are \$10,000 and above.

CATEGORY (check one): ☒ Professional Service ☐ Personal Service ☐ Purchase ☐ Construction
TYPE OF PAYMENT (check one): ☒ Contract ☐ Purchase Order ☐ Warrant Request ☐ Credit Card

• IS THIS REQUEST EXEMPT FROM THE SBE/OUTREACH PROGRAM? •

- ☐ YES (please check appropriate box below – you do not have to complete the rest of this form)
☒ NO (please complete the rest of this form)

----- CHECK ONE -----

- | | |
|---|---|
| <input type="checkbox"/> Association dues and membership fees | <input type="checkbox"/> Postage & national courier companies, ie. Federal Express, UPS |
| <input type="checkbox"/> Lodging | <input type="checkbox"/> Registration and conference booths |
| <input type="checkbox"/> Public transportation, bridge tolls | <input type="checkbox"/> Permits, fees & licenses paid to government agencies |
| <input type="checkbox"/> Utility installation fees | <input type="checkbox"/> Pre-employment screening & fitness for duty exams |
| <input type="checkbox"/> Legal notices | <input type="checkbox"/> Purchases or contracts with other public agencies |
| <input type="checkbox"/> Contracts between divisions within a department | <input type="checkbox"/> Contracts between two different department |
| <input type="checkbox"/> Clean Water Program – Don Freitas' group only. | <input type="checkbox"/> Contracts with private non-profit organizations and agencies |
| <input type="checkbox"/> Certain Landfills for trash collected on County roadways | <input type="checkbox"/> State Route 4 Bypass Authority |
| | <input type="checkbox"/> Publications |

• PLEASE CHECK ALL APPLICABLE ITEMS LISTED BELOW •

- ☐ **Small Business Enterprise (SBE):** independently owned & operated, not dominant in its field of operation, principal office located in California, has 100 or less employees, average annual gross receipts of 10 million dollars or less over the previous 3 years, or is a manufacturer with 100 or less employees. State certified SBEs qualify for participation in the County's SBE Program.
- ☐ **Minority Business Enterprise (MBE):** Business entity that is at least 51% owned by one or more minority persons.
- ☐ **Women Business Enterprise (WBE):** Business entity that is at least 51% owned by one or more women.
- ☐ **Local Business Enterprise (LBE):** Is a business that has its main office or principal place of business within the boundaries of Contra Costa County.
- ☐ **Disadvantage Business Enterprise (DBE):** A small business owned (at least 51%) and controlled by socially and economically disadvantaged individuals. Used primarily for state or federally funded projects.
- ☐ **Disabled Veteran Business Enterprise (DVBE):** is a business entity at least 51% owned by one or more disabled veterans. The disabled Veteran must be a California resident have a service-connected disability of at least 10% or more and be an honorably discharged veteran of the U.S. Military, Naval or Air Services.
- ☐ **Other Business Enterprise (OBE):** Is any business which does not qualify as a Minority or Women Business Enterprise
- ☒ **None of the above.**

SOLICITATION FORM (for Outreach Prog.)

- ☒ Solicitation form attached
☐ Does NOT fall within program guidelines
☐ This is an amendment/renewal

Date form prepared

SBE SELF CERTIFICATION FORM

- ☒ Self Certification form attached
☐ Vendor found on County Website

7/27/10
Date

Category



Contra Costa County Solicitation Form

Small Business Enterprise and Outreach Programs

The Small Business Enterprise (SBE) Program applies to: (1) county-funded construction contracts of \$25,000 or less; (2) purchasing transactions of \$50,000 or less and (3) professional/personal service contracts of \$50,000 or less. *Note: Certain contracts and purchasing transactions are exempt (see SBE Program, pages 3-4, for list of exemptions).*

A Small Business Enterprise (SBE) is an independently owned and operated business; which is not dominant in its field of operation; the principal office of which is located in California; the officers of which are domiciled in California; and which, together with affiliates, has 100 or fewer employees and average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years, or is a manufacturer with 100 or fewer employees.

A Minority Business Enterprise (MBE) is a business entity which is at least 51% owned and whose management and daily business operations are controlled by one or more minorities who are citizens or lawful permanent residents of the United States and a member of a recognized ethnic or racial group. The management operations, and control must be substantial, real, and on-going on a regular basis.

A Women Business Enterprise (WBE) is a business entity at least 51% owned and whose management and daily business operations are controlled by one or more women who are citizens or lawful permanent residents of the United States. The management operations, and control must be real, substantial and on-going, on a regular basis.

A Disadvantaged Business Enterprise (DBE) is a small business concern (pursuant to Section 3 of the Small Business Act) owned and controlled by socially and economically disadvantaged individuals. This means that socially and economically disadvantaged individuals must own at least 51% of the business, and they must control the management and operations of the business. DBE criteria is used only for state or federally funded projects that require DBE goals.

A Local Business Enterprise (LBE) is a business entity whose principal place of business is located within the boundaries of Contra Costa County.

An Other Business Enterprise (OBE) is a business entity which does not otherwise qualify as an MBE or WBE.

A Disabled Veteran Business Enterprise (DVBE) is a business entity at least 51% owned by one or more disabled veterans and whose daily business operations must be managed and controlled by one or more disabled veteran(s); the disabled veteran(s) who manages and controls the business is not required to be the disabled veteran business owner(s); and the home office must be located in the U.S. (the home office cannot be a branch or subsidiary of a foreign corporation, foreign firm, or other foreign based-business). The disabled Veteran must be a California resident, have a service-connected disability of at least 10% or more and be an honorably discharged veteran of the U.S. Military, Naval or Air Services.

SECTION 1 Firms Solicited (Use additional paper if needed)

1. Complete the following:

a. To your knowledge was any of your solicitation to an:

3	6	5	14	8	17	0
MBE	WBE	DBE	SBE	LBE	OBE	DVBE
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b. If yes, list the names of firm solicited (Use additional paper if needed).

Date	Firm Name	Contact Person	Telephone Number	Check Appropriate Boxes						
				MBE	WBE	DBE	SBE	LBE	OBE	DVBE
1)				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Response:										
2)				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Response:										
3)				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Response:										
4)				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Response:										
5)				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Response:				
6)				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Response:				
7)				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Response:				
8)				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Response:				
9)				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Response:				
10)				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Response:				

SECTION 2 Contract Awarded To: <u>LSA ASSOC., INC</u>			
Name or type of Contract/Transaction: <u>VEGETATION MANAGEMENT STUDY</u>		Contract/Transaction No.:	
Purchasing <input type="checkbox"/>	Professional/Personal Services <input checked="" type="checkbox"/>	Construction <input type="checkbox"/>	
Firm Awarded Contract/Transaction (Print) <u>LSA ASSOCIATES, INC</u>		Date Contract/Transaction Awarded	
Street Address (City, State) <u>157 PARK PLACE, PT RICHMOND, CA</u>		(Zip Code) <u>95801</u>	
Contact Person <u>GEORGE MOLNAR</u>		Dollar Amount of Contract/Transaction	
(Area Code) Phone No. <u>(510) 236-6810</u>	(Area Code) Fax No. <u>(510) 236-3480</u>	e-mail <u>george.molnar@lsa-assoc.com</u>	
Scope of work or purpose: <u>ASSIST IN VEGETATION MANAGEMENT STUDY</u>			

*****For Department Use Only*****

The undersigned certifies that he/she consulted the Contra Costa County Small Business Enterprise (SBE) and Outreach Program Directory and, for businesses or trades not contained in the County Directory, other Directories (for example, California Unified Certification Program (CUCP), State of California Department of Transportation (CalTrans), and U. S. Small Business Administration-San Francisco District Office) prior to initiating solicitation efforts for each contract listed on this Solicitation Form.

R. Mitch Avalon
 Department Head/Deputy (Print Name)

R. Mitter 11/2/11 925-313-2203
 Department Head/Deputy (Signature) Date Phone No.

maval@pw.cccamp.us
 E-mail

Public Works
 Department (Print Name)

Grazing Study Design and Implementation Contract Outreach from Environmental

Firm	Mailing Address	Contact	E-mail	CA-SBE	MBE	WBE	DBE	DVBE	LBE	OBE	NOTES
Wood Biological Consulting	65 Alta Hill Way, Walnut Creek, CA 94595	Michael Wood	wood-biological@mindspring.com							X	NOTHING IN SYSTEM
May & Associates, Inc	182 Seal Rock Drive, San Francisco, CA 94121	Loran May	loranmay@mavandassociatesinc.com			X	X				CCC
Jonas & Associates	1350 Arnold Drive, Suite 202, Martinez, CA 94553	Romana Jonas		X		X	X		X		CCC
SWCA	3840 Rosin Court, Suite 130, Sacramento, CA 95834	Cinday Arrington	carrington@swca.com							X	
WRA	2169-G East Francisco Blvd, San Rafael, CA 94901	Tom Fraser	info@wra-ca.com							X	CCC
LSA Associates, Inc.	157 Park Place, Pt Richmond, CA 94801	George Molnar	510-236-6810							X	
BSK Associates	1181 Quarry Lane, Bldg 350, Pleasanton, CA 94566	Elizabeth Levi	elevi@bskinc.com							X	
Monk & Associates	1136 Saranap Ave, Suite q, Walnut Creek, CA 94595	J. Geoff Monk	geoff@monkassociates.com	X					X		CCC
Garcia and Associates	1 Saunders Ave, San Anselmo, CA, 94960	Chloe Scott		X	X		X				CCC
ECORP Consulting, Inc.	2525 Warren Drive, Rocklin, CA 95677	Cameron Johnson	cjohnson@ecorpconsulting.com	X							
EDAW Inc.	2099 Mt. Diablo Blvd, Suite 204, Walnut Creek, CA 94596	Veronica Wunderlich	veronica.wunderlich@edaw.com							X	
The Source Group, Inc.	3451-C Vincent Rd, Pleasant Hill, CA, 94523	Matthew C. Sutton	925-944-2856 x329	X					X		
TRC	80 Stone Pine Rd, Suite 200, Half Moon Bay, CA 94019	Mark Cassidy	650-726-8320							X	
Clearwater Group	229 Tewksbury Ave, Point Richmond, CA 94801	James A. Jacobs	510-590-1098							X	
Zentner and Zentner	95 Linden St, Suite 6, Oakland, CA 94607	John Zentner	510-622-8116							X	CCC
Questa Engineering Con	1220 Brickyard Cove Rd, Suite 206, Point Richmond, CA 94801	Jeffery H. Peters	Questa@QuestE.com							X	NOTHING IN SYSTEM
Sycamore Environmental	6355 Riverside Blvd, Suite C, Sacramento, CA 95831	Jeffery Little	916-427-0703	X							CCC
H.T. Harvey & Associate	983 University Ave, Bldg D, Los Gatos, CA 95032	Stephen Rottenborn	strottenborn@harvevecology.com	X							CCC
DUDEK	11521 Blocker Dr, Suite 200, Auburn, CA 95603	Keith Babcock	kbabcock@dudek							X	
Nichols Consulting Engi	501 Canal Blvd, Suite 1, Point Richmond, CA 94804	Michael J. Leacox	tbartlett@nce.reno.nv.us						X		CCC

Grazing Study Design and Implementation Contract Outreach from Environmental

Firm	Mailing Address	Contact	E-mail	CA-SBE	MBE	WBE	DBE	DVBE	LBE	OBE	NOTES
EcoSystems Restoration	55 Sierra College Blvd, Lincoln, CA 95648	Tito Marchant	tito_marchant@tcb@aecom.com							X	
PBS&J	1200 Second St, Sacramento, CA 95814	Chris Stabenfeldt	cdstabenfeldt@pbsi.com							X	
SOMA	6620 Owens Dr, Suite A, Pleasanton, CA 94588	Mansour Sepehr	925-734-6401	X							CCC
Insignia Environmental	540 Bryant St, Suite 200, Palo Alto, CA 94301	Michele Barlow	650-321-6787							X	
Mosaic Associates, LLC	647 Tennent Ave, Suite 102, Pinole, CA 94564	Judy Bendix	510-964-0394	X		X			X		CCC
ESA	350 Frank H. Ogawa Plaza, Suite 300, Oakland, CA 94612	Martha Lowe	510-839-5066								
NOMAD Ecology	832 Escobar St, Martinez, CA 94553	Heath A. Bartosh	925-228-1027	X					X		
RCL Ecology	329 Mt Palomar Place, Clayton, CA 94517	Randall C. Long	rcdiml@comcast.net	X					X		
ENTRIX	2300 Clayton Rd, Suite 200, Concord, CA 94520	Brenda Peters	bpeters@entrix.com							X	
UC Berkeley, Range Management	321 Hilgard Hall, Berkeley, CA 94720	James Bartolome	jwbart@berkeley.edu								NOTHING IN SYSTEM
Christopher A Joseph & Company	610 16th St, Suite 514, Oakland, CA 94612	Emma Jack	510-452-5200							X	SB, CCC
WAU & Company	74 Warfield Dr, Moraga, CA 94556	Winifred Wau	925-360-5896	X	X	X			X		CCC
Lawrence D. Ford	5984 Plateau Drive, Felton, CA 95018-9253	Larry Ford	fordld@sbcglobal.net								SB, CCC
Ninyo & Moore	1956 Webster St, Suite 400, Oakland, CA 94612	Kristopher Larson	510-633-5640		X						
Cogstone Resource Management	1801 E Parkcourt Pl, Bldg B-Suite 102, Santa Ana, CA 92701	Sherri Gust	sgust@coogstone.com	X		X	X				SB, CCC
Tehama Environmental Solutions	910 Main Street, Suite D, Red Bluff, CA 96080	Jeff Souza	jeff@tehamaenvironmental.com	X		X	X				SB, CCC, SBAHUB

# of firms outreached in each category	14	3	6	5	0	8	17
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Total # of firms solicited: 36



Contra Costa County Business Opportunities

REGISTRATION AND CERTIFICATION FORM

If you are interested in receiving information regarding upcoming business opportunities with Contra Costa County, please fill out the form below. Your information will be included in the County's SBE and Outreach Databases and used by County departments to: 1) notify you regarding upcoming contracting and bidding opportunities and/or 2) certify your firm as a Small Business Enterprise (if applicable).

SECTION 1 - CONTACT INFORMATION

Name of Firm (Print) <u>LSA Associates Inc.</u>		
Street Address (City, State) <u>157 Park Place, Point Richmond, CA</u>		(Zip Code) <u>94801</u>
Mailing Address (City, State) <u>Same as Above</u>		(Zip Code)
Contact Numbers (Check preferred) <input checked="" type="checkbox"/> Business Phone Number <u>(510) 236 -- 6810</u> <input type="checkbox"/> Cell Phone Number <u>() --</u> Fax Number <u>(510) 236 -- 3480</u>		
E-mail <u>linda.aberbom@lsa-assoc.com</u>		Employer Identification # (if applicable) <u>94-2341614</u>

SECTION 2 - WORK CONDUCTED BY FIRM (Generally describe what your firm does)

Vendor/Supplier	
Consultant/ Service Provider	<u>Environmental Consulting Services</u>
Construction	
Other (If none of the above categories apply)	

SECTION 3 - DESCRIPTION OF BUSINESS

Description of Business Type (Check all that apply):

- ☐ **Small Business Enterprise (SBE)** - independently owned and operated; is not dominant in its field of operation; principal office is located in California; officers are domiciled in California; AND, together with affiliates, has 100 or fewer employees and average annual gross receipts of \$12 million or less over the previous three tax years, or is a manufacturer with 100 or fewer employees.
- ☐ **Minority Business Enterprise (MBE)** - at least 51% owned and managed on a daily basis by one or more minorities who are citizens or lawful permanent residents of the United States and member(s) of a recognized ethnic or racial group AND its home office is located in the United States.
- ☐ **Women Business Enterprise (WBE)** - at least 51% owned and managed on a daily business by one or more women who are citizens or lawful permanent residents of the United States AND its home office is located in the United States.
- ☐ **Disadvantaged Business Enterprise (DBE)** - at least 51% owned and managed on a daily business by socially- and economically-disadvantaged individuals (pursuant to Section 3 of the Small Business Act). DBE certifications are used only for state- or federally-funded projects that have DBE goals or requirements.
- ☐ **Disabled Veteran Business Enterprise (DVBE)** - at least 51% owned and managed on a daily basis by one or more disabled veterans of the military, naval, or air service of the United States with a service-connected disability of at least 10 percent, and who is also a resident of California; AND a sole proprietorship corporation or partnership with its home office located in the United States that is not a subsidiary of a foreign firm.
- ☐ **Local Business Enterprise (LBE)** - principal place of business is located within the boundaries of Contra Costa County.
- ☒ **None of the above**

Contra Costa County Business Opportunities
REGISTRATION AND CERTIFICATION FORM

SECTION 4 – CERTIFICATION BY OTHER AGENCIES

State-Certified SBE: Yes ☐ No ☒ State Certification #:

If "Yes," please attach documentation.

Are you certified with any other agencies as a: Minority Business Enterprise (MBE), Woman Business Enterprise (WBE), Disabled Veteran Business Enterprise (DVBE), or Disadvantaged Business Enterprise (DBE): Yes ☐ No ☒

If "Yes," please list agency AND attach documentation:

SECTION 5 – ACKNOWLEDGEMENT OF COUNTY'S USE OF BUSINESS INFORMATION

The undersigned acknowledges and agrees that the information provided in this form may be included in the SBE and Outreach databases maintained by or for the County, including the e-Outreach system described below.

SECTION 6 – UPDATING CONTACT INFORMATION AND BUSINESS STATUS

Firms interested in business opportunities with Contra Costa County are strongly encouraged to register on the e-Outreach system maintained for the County at: <https://www.rfpdepot.com>. Although the information contained in this form will be added to that system, firms are encouraged to register and update their information on the above website to 1) provide more detailed information regarding their area of work, and 2) ensure that they continually receive notices about business opportunities with Contra Costa County.

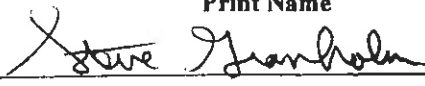
Your firm's registration with Contra Costa County will be valid for three years from the date this form is entered into the County's database. After that three-year period, your firm will be required to either confirm or update the information contained herein.

SECTION 7 – CERTIFICATION OF BUSINESS INFORMATION

The undersigned certifies and swears under penalty of perjury that all information contained in this form is true and correct. Any material misrepresentation will be grounds for terminating any purchase orders or contracts which may be or have been awarded as well as deleting the business from the online SBE and Outreach databases maintained by the County and the County's database contractor.

By Steve Granholm
Print Name

Principal
Title


Signature

July 27, 2010
Date

Return this Self-Certification Form to:

Contra Costa County
General Services Dept., Purchasing Division
1220 Morello Ave. Ste 210
Martinez, CA 94553
Fax: 925-313-7319

For clarification or assistance with
this form, please contact:

Purchasing Division
General Services Department
Phone: 925-313-7300

ACORD™ CERTIFICATE OF LIABILITY INSURANCEDATE (MM/DD/YY)
09/26/11

PRODUCER

Dealey, Renton & Associates
P. O. Box 12675
Oakland, CA 94604-2675
510 465-3090

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED

LSA Associates, Inc.
20 Executive Park, Suite 200,
Irvine, CA 92614

INSURER A: Hartford Fire Ins. Co.

INSURER B: American Automobile Ins. Co.

INSURER C: Lloyd's Syndicate 2623

INSURER D:

INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR TR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER. <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC	57CESOF4492	09/30/11	09/30/12	EACH OCCURRENCE \$1,000,000 FIRE DAMAGE (Any one fire) \$300,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	57UUNIF1488	09/30/11	09/30/12	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
	EXCESS LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE \$ RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	WZP80995939	09/30/11	09/30/12	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER E.I. EACH ACCIDENT \$1,000,000 E.I. DISEASE - EA EMPLOYEE \$1,000,000 E.I. DISEASE - POLICY LIMIT \$1,000,000
C	OTHER Professional Liability	W11F2C110101	09/30/11	09/30/12	\$2,000,000 per claim \$4,000,000 annl aggr.

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

General Liability policy excludes claims arising out of the performance of professional services.

RE: On-Call Services. Contra Costa County, its governing bodies, officers and employees are additional insureds to general liability.

CERTIFICATE HOLDER

ADDITIONAL INSURED; INSURER LETTER:

CANCELLATION

Contra Costa County Community
Development Dept.
Attn: Cece Sellgren
255 Glacier Drive
Martinez, CA 94553

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



340

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED - OWNERS, LESSEES OR
CONTRACTORS - SCHEDULED PERSON OR
ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	Location(s) Of Covered Operations
Contra Costa County Department of Conservation & Development Attn: Carla Sharp 651 Pine Street, North Wing, Fourth Martinez, CA 94553-1229	NAME OF ADDITIONAL INSURED PERSON(S) OR ORGANIZATIONS CONT'D: Contra Costa County Department of Conservation & Development, Its Officers and Employees
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. Section II - Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

DESCRIPTIONS (Continued from Page 1)

and Employees are additional insureds as respects to General Liability per policy form wording. Such Insurance is Primary & Non-Contributory. See attachment.

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)

LSA Associates, Inc.

Business name, if different from above

Check appropriate box: ☐ Individual/Sole proprietor ☒ Corporation ☐ Partnership

☐ Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶

☐ Other (see instructions) ▶

☐ Exempt
payee

Address (number, street, and apt. or suite no.)

20 Executive Park, Suite 200

City, state, and ZIP code

Irvine CA 92614

List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number

or

Employer identification number

9412341614

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign
Here

Signature of
U.S. person ▶

Date ▶ **7/20/09**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,



Secretary of State

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- [Disclosure Search](#)
- [E-File Statements](#)
- [Processing Times](#)

Main Page**Service Options****Name Availability****Forms, Samples & Fees****Annual/Biennial Statements****Filing Tips****Information Requests**
(certificates, copies & status reports)**Service of Process****FAQs****Contact Information****Resources**

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- [Starting A Business](#)
- [International Business Relations Program](#)

Customer Alert
(misleading business solicitations)**Business Entity Detail**

Data is updated weekly and is current as of Friday, May 06, 2011. It is not a complete or certified record of the entity.

Entity Name:	LSA ASSOCIATES, INC.
Entity Number:	C0770694
Date Filed:	06/01/1976
Status:	ACTIVE
Jurisdiction:	CALIFORNIA
Entity Address:	20 EXECUTIVE PARK STE 200
Entity City, State, Zip:	IRVINE CA 92614
Agent for Service of Process:	LES CARD
Agent Address:	20 EXECUTIVE PARK STE 200
Agent City, State, Zip:	IRVINE CA 92614

* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code [section 2114](#) for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to [Name Availability](#).
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Field Descriptions and Status Definitions](#).

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To: Board of Supervisors

From: Tiffany Lennear, Chief Asst Clerk of the Board

Date: January 17, 2012



**Contra
Costa
County**

Subject: Claims

RECOMMENDATION(S):

DENY claims filed by John Finch and Tidal Harris, and DENY claim and amended claim of David Brown.

FISCAL IMPACT:

N/A

BACKGROUND:

*

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☐ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES ☐

NOES ☐

ABSENT ☐

ABSTAIN ☐

RECUSE ☐

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED:

January 17, 2012

David J. Twa, County
Administrator and
Clerk of the Board of

Contact: T. Lennear, (925) 335-1900

Supervisors

By: , Deputy

cc:

To: Board of Supervisors

From: Tiffany Lennear, Chief Asst Clerk of the Board

Date: January 17, 2012



**Contra
Costa
County**

Subject: Board Member Meeting Reports for December 2011

RECOMMENDATION(S):

Accept Board Member meeting reports for December 2011.

FISCAL IMPACT:

N/A

BACKGROUND:

Government Code Section 53232.3(d) requires members of legislative bodies report on meetings attended for which there has been expense reimbursement (mileage, meals, lodging, etc.). The attached reports were submitted by Board of Supervisors members in satisfaction of this requirement.

CONSEQUENCE OF NEGATIVE ACTION:

The Supervisors will fail to meet the requirements of Government Code Section 53232.3(d).

CHILDREN'S IMPACT STATEMENT:

N/A

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☐ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES ☐ NOES ☐

ABSENT ☐ ABSTAIN ☐

RECUSE ☐

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED:

January 17, 2012

David J. Twa, County
Administrator and
Clerk of the Board of

Contact: T. Lennear, (925) 335-1900

Supervisors

By: , Deputy

cc:

Voice: 925-335-1046
Fax: 925-335-1076
Email: gayle@bos.cccounty.us

[illegible]

Supervisor Karen Mitchoff
December 1 to December 31, 2011

DATE	MEETING NAME	LOCATION	PURPOSE
12/1/2011	CSAC Annual Meeting	San Francisco	Address issues facing CA Counties
12/1/2011	Mayors' Conference	Brentwood	Community outreach
12/5/2011	First Five	Concord	Regional children's issues
12/6/2011	Board of Supervisors	Martinez	Decisions on agenda items
12/6/2011	City Council Meeting	Concord	Community outreach
12/7/2011	Pearl Harbor Survivors Luncheon	Concord	Community outreach
12/7/2011	Contra Costa Transportation Autho	Walnut Creek	Regional transportation issues
12/8/2011	TRANSPAC	Pleasant Hill	Regional transportation issues
12/8/2011	Local Planning Council	Pleasant Hill	Community outreach
12/9/2011	Health Plan Joint Conference	Martinez	County healthcare issues
12/9/2011	Moosefeed Luncheon	San Francisco	Community outreach
12/12/2011	Airport Committee	Concord	Evaluate county policy
12/13/2011	Board of Supervisors	Martinez	Decisions on agenda items
12/14/2011	Transportation, Water & Infrastruct	Martinez	Evaluate county policy
12/14/2011	LAFCO	Martinez	Report on local Healthcare District
12/21/2011	Contra Costa Transportation Autho	Pleasant Hill	Regional transportation issues

To: Board of Supervisors

From: Joe Valentine, Employment & Human Services Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: In the Matter of Honoring Earle Ormiston for His Work on the Transportation Initiative Work Force

RECOMMENDATION(S):

ADOPT Resolution No. 2012/2 recognizing Earle Ormiston for his work on the Transportation Initiative Task Force, as recommended by the Employment and Human Services Director.

FISCAL IMPACT:

None

BACKGROUND:

Earle Ormiston as a senior himself has advanced knowledge and understanding of the transportation needs of seniors by his volunteer work with Contra Costa for Every Generation (2004-2007). As a Co-chair of the Transportation Initiatives Taskforce he helped develop the Ilene Lubkin Senior Transportation Award Program. He received Contra Costa's Senior Volunteer of the Year Award in (2006) conducting transportation surveys throughout East, Central and West County making related presentations before the Hercules, Lafayette, San Ramon and Pleasant Hill City Councils. He also reported before the Executive Committee of the Contra Costa County Advisory Council on Aging.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☐ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Earl Maciel 3-1648

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED:

January 17, 2012

David J. Twa, County
Administrator and
Clerk of the Board of
Supervisors

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Mr. Ormiston will not receive recognition from the Board of Supervisors for his outstanding service.

CHILDREN'S IMPACT STATEMENT:

None

*The Board of Supervisors of
Contra Costa County, California*

In the matter of:

Resolution No. 2012/2

In the Matter of Honoring Mr. Earl Ormiston for his Work on the Transportation Initiative Work Force.

Whereas Earle Ormiston as a senior himself has advanced knowledge and understanding of the transportation needs of seniors by his volunteer work with Contra Costa for Every Generation (2004-2007). As a Co-chair of the Transportation Initiatives Taskforce he helped develop the Ilene Lubkin Senior Transportation Award Program. He received Contra Costa's Senior Volunteer of the Year Award in (2006) conducting transportation surveys throughout East, Central and West County making related presentations before the Hercules, Lafayette, San Ramon and Pleasant Hill City Councils. He also reported before the Executive Committee of the Contra Costa County Advisory Council on Aging and,

Whereas Earl Ormiston as the Chair of Concord Commission on Aging Transportation Team (1996-2004) conducted surveys and public outreach and did convince the City of Concord to hire consulting services to study senior transportation. He was formally recognized by former Concord City Mayor Laura Hoffmeister for his Needs Analysis and community outreach receiving the Concord Community Services Award and,

Whereas Earle Ormiston as Chair of the Concord Senior Center Transportation Team is presently working to develop a senior transportation model and plan similar to that which currently exists in the City of Lafayette providing taxi script, shuttle services and senior van programs and,

Whereas Earle Ormiston as a member of Public Policy Team, Contra Costa for Every Generation helped shape public policy guidelines for senior transportation and,

Whereas Earle Ormiston over the term of his volunteer service has helped to create and provide many free and interesting community events to stimulate public awareness of older driver options and the public's safety and,

Whereas Earle Ormiston has been formally recognized among his peers and community partners for his professional leadership and marketing skills at the capacity of Chair on both the Contra Costa Advisory Council on Aging Transportation Work Group and the Senior Mobility Action Council, serving since 2004 and,

Whereas Earle Ormiston directing a team of volunteers did on October 26, 2011 conduct the largest senior transportation summit in Contra Costa for 2011 serving more than 200 older adults, their family members and the community leaders who provide them services. This county-wide event titled, 'Getting Around' was hosted by Rossmoor in Walnut Creek.

Now, Therefore Be It Resolved that the Contra Costa County Board of Supervisors congratulates volunteer, Earle Ormiston, for 15 years of outstanding involvements and contributions related to the transportation needs of Contra Costa County's older adults and the safety of the community as a whole.

MARY N. PIEPHO

Chair,
District III Supervisor

JOHN GIOIA

District I Supervisor

GAYLE B. UILKEMA

District II Supervisor

KAREN MITCHOFF

District IV Supervisor

FEDERAL D. GLOVER

District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 17, 2012

David J. Twa,

By: _____, Deputy

To: Board of Supervisors

From: Joe Valentine, Employment & Human Services Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: Resolution Honoring William R. Weidinger on the Occasion of his Retirement

RECOMMENDATION(S):

ADOPT Resolution No. 2012/3 recognizing William R. Weidinger on the occasion of his retirement, as recommended by the Employment and Human Services Director.

FISCAL IMPACT:

None

BACKGROUND:

In October 1980 Mr. Weidinger was hired by Contra Costa County as a Social Casework Specialist II in Children's Services. Mr. Weidinger promoted through the ranks of Social Work II, Social Worker Supervisor I and Social Worker Supervisor II in the Child Welfare Services Bureau. In 1991 Bill Weidinger was promoted to Social Services Division Manager and in 1999 joined the newly formed Aging and Adult Services Bureau.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☐ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES ☐ NOES ☐

ABSENT ☐ ABSTAIN ☐

RECUSE ☐

Contact: Earl Maciel 3-1648

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED:

January 17, 2012

David J. Twa, County
Administrator and
Clerk of the Board of
Supervisors

By: , Deputy

cc:

BACKGROUND: (CONT'D)

In addition to the exceptional work Mr. Weidinger has performed in his Division Manager's role, he was for many years the leader of the CWDA Adult Services Committee. Bill also was instrumental in working on the annual training conference on behalf of CWDA in collaboration with the California Association of Area Agencies on Aging (C4a) and other statewide associations serving adults and the elderly.

CONSEQUENCE OF NEGATIVE ACTION:

Mr. Weidinger will not be recognized by the Board for his years of service.

CHILDREN'S IMPACT STATEMENT:

None

*The Board of Supervisors of
Contra Costa County, California*

In the matter of:

Resolution No. 2012/3

In the Matter of Honoring William R. Weidinger Upon His Retirement After 31 Years of Service to Contra Costa County.

WHEREAS, Bill Weidinger received his B.A. in Sociology from Maryknoll College, Chicago in 1970, his M.A. in 1972 from Maryknoll Seminary, and his Master's in Social Work (M.S.W.) from Boston University in May 1977, followed in June of 1980 by his achieving the designation of Licensed Clinical Social Worker (LCSW); and

WHEREAS, After six years of service with non-profits including Abbott House in New York, Catholic Charities, New York, and the Brandon School for Emotionally Disturbed Children in Massachusetts, Mr. Weidinger began his public service career with Alameda County in 1977 as a Social Worker II and as a Child Welfare Worker II; and in October 1980 Mr. Weidinger was hired by Contra Costa County as a Social Casework Specialist II in Children's Services; and,

WHEREAS, in 1985 through 1986 Mr. Weidinger was temporarily upgraded to the position of Social Work Supervisor I; followed by another temporary upgrade to Social Work Supervisor II from December 1986 through June of 1987, and received a permanent upgrade to Social Work Supervisor II in June 1987,

WHEREAS, in 1991 Bill Weidinger received a promotion to Social Service Division Manager in Child Welfare Services; and, in November 1999 joined the newly formed Aging & Adult Services Bureau.

WHEREAS, in addition to the exceptional work Mr. Weidinger has performed in his Division Manager's role, he was for many years the leader of the CWDA Adult Services Committee. Bill also was instrumental in working on the annual training conference on behalf of CWDA in collaboration with the California Association of Area Agencies on Aging (C4a) and other statewide associations serving adults and the elderly.

WHEREAS, as a brief condensation of the many positive comments Mr. Weidinger's work with us has inspired, we wish to share what former supervisors of Bill's wrote about him.

In May 1987 Mr. Gerald Stearns said, "Mr. Weidinger is an open, direct person with a hands-on bent, a readiness to laugh, a willingness to work, and a substantial number of leadership skills. He can be a pleasure to work with, but is sometimes hard to keep up with. We're lucky to have him."

In August 1989, Ms. Rose Manning said, "Mr. Weidinger's overall performance is outstanding. I cannot think of anyone who could have done a better job. Mr. Weidinger is an intelligent, committed professional who is known and loved throughout the Department for his ability to work with and value others. These qualities have served him well in this difficult and challenging assignment. It is a pleasure to have him coordinate this project and to supervise him."

In October 1992, Ms. Rose Manning stated "I have known Mr. Weidinger since his first day with the Department in 1980. For seven of those twelve years, we have worked together. His professional standards and ethics, his commitment to service for clients, his genuine caring for people, his intelligence and delightful sense of humor has made him a pleasure to supervise."

In 2006, Mr. Robert Sessler wrote, "Mr. Weidinger...has become a statewide leader in working with the CDSS to develop new statewide policy. He regularly demonstrates thorough knowledge of both In Home Supportive Services eligibility and service delivery issues and consistently strives to impart this information to both his subordinate staff and his colleagues throughout the state. Mr. Weidinger treats others with dignity and respect and is a consistent advocate for equitable treatment of his staff. He presents a positive outlook to motivate his staff and regularly recognizes and acknowledges superior performance among his staff with letters of commendation."

Now, Therefore, Be It Resolved that Contra Costa County express its appreciation to Mr. William R. Weidinger for sharing himself, his talents and exemplary work with Employment & Human Services for the last thirty-one years. To quote, "We were lucky to have him."

MARY N. PIEPHO

Chair,
District III Supervisor

JOHN GIOIA

District I Supervisor

GAYLE B. UILKEMA

District II Supervisor

KAREN MITCHOFF
District IV Supervisor

FEDERAL D. GLOVER
District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 17, 2012

David J. Twa,

By: _____, Deputy

To: Board of Supervisors

From: Gayle B. Uilkema, District II Supervisor

Date: January 17, 2012



**Contra
Costa
County**

Subject: Jay Lifson honored as Lafayette Business Person of the Year

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☐ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES ☐ NOES ☐

ABSENT ☐ ABSTAIN ☐

RECUSE ☐

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED:

January 17, 2012

David J. Twa, County
Administrator and Clerk
of the Board of

Contact: Carol Yates 335-1046

Supervisors

By: , Deputy

cc:

*The Board of Supervisors of
Contra Costa County, California*

In the matter of:

Resolution No. 2012/24

Recognizing Jay Lifson as the Lafayette 2012 Marquis Business Person of the Year.

Whereas, Jay Lifson became the Executive Director of the Lafayette Chamber of Commerce in 2005 and under his exceptional leadership, the Chamber’s revenue has increased 65% and membership has increased 42%, bringing new vitality to the business climate while enhancing the quality of life in Lafayette; and
Whereas, Jay attends Planning Commission, City Council, and Lafayette Liaison meetings; and
Whereas, Jay served on the Lafayette Chamber of Commerce Board of Directors for several years and was President in 2003; and
Whereas, Jay currently serves on several boards and committees, has been a member of the Lafayette Rotary Club, and has been the recipient of many awards, most recently, for his work with Project Second Chance; and
Whereas, Jay is heartened by his wife, Kathy, whom he married in 1984, and their three daughters, and his grandson, his newest pride and joy; and
Whereas, Jay, with all his drive, positive energy, and enthusiasm, models excellence in everything he does, as he brings us together and makes us proud to be members of the Lafayette community.
Now, therefore be it resolved that the Board of Supervisors of Contra Costa County does hereby honor and congratulate Jay Lifson, the Lafayette 2012 Marquis Business Person of the Year.

MARY N. PIEPHO
Chair,
District III Supervisor

JOHN GIOIA
District I Supervisor

GAYLE B. UILKEMA
District II Supervisor

KAREN MITCHOFF
District IV Supervisor

FEDERAL D. GLOVER
District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 17, 2012

David J. Twa,

By: _____, Deputy

To: Board of Supervisors

**From: Joe Valentine, Employment & Human Services
Director**

Date: January 17, 2012



**Contra
Costa
County**

Subject: Advisory Council on Aging Appointment

RECOMMENDATION(S):

APPOINT Cordis Jones to the Local Committee Seat, Martinez on the Advisory Council on Aging, as recommended by the Employment and Human Services Director.

FISCAL IMPACT:

None

BACKGROUND:

Mr. Jones was notified of his appointment by the City of Martinez. He is replacing Barbara Seaver who resigned her position on 3/15. The term for this position is September 30, 2012. Mr. Jones address is 2350 Martinez Avenue, Martinez, CA 94553.

CONSEQUENCE OF NEGATIVE ACTION:

The Advisory Council on Aging may not be able to conduct routine business.

CHILDREN'S IMPACT STATEMENT:

None

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County

RECUSE 

Contact: Earl Maciel 3-1648

Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc:

To: Board of Supervisors

**From: Joe Valentine, Employment & Human Services
Director**

Date: January 17, 2012



**Contra
Costa
County**

Subject: Resignation from the Advisory Council on Aging

RECOMMENDATION(S):

ACCEPT resignation of Charles Hester, DECLARE a vacancy in Local Committee Concord Seat on the Advisory Council on Aging, and DIRECT the Clerk of the Board to post the vacancy, as recommended by the Employment and Human Services Director.

FISCAL IMPACT:

None

BACKGROUND:

Mr. Hester submitted his resignation to on November 22, 2011. He was reappointed to this position in August of 2011 and his appointment would have termed September 30, 2013.

CONSEQUENCE OF NEGATIVE ACTION:

The Advisory Council on Aging will be unable to fill this position.

CHILDREN'S IMPACT STATEMENT:

None

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**



APPROVED AS RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

RECUSE



Contact: Earl Maciel 3-1648

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc:

To: Board of Supervisors

From: Karen Mitchoff, District IV Supervisor

Date: January 17, 2012



**Contra
Costa
County**

Subject: APPOINT Brett Morris to the District IV Seat on the Fish and Wildlife Committee

RECOMMENDATION(S):

APPOINT the following individual to the District IV Seat on the Fish and Wildlife Committee to a term ending February 28, 2013, as recommended by Supervisor Mitchoff:

Mr. Brett J. Morris 371 El Divisadero Avenue Walnut Creek, CA 94598

FISCAL IMPACT:

None.

BACKGROUND:

The Fish and Wildlife Committee advises the Board of Supervisors on fish and wildlife issues in Contra Costa County and makes recommendations to the Board of Supervisors for the expenditure of funds from the Fish and Wildlife Propagation Fund pursuant to Fish and Game Code Section 13103. The committee address issues surrounding the enforcement of fish and game laws and regulations in the County. The committee considers other issues which may from time to time be referred to the Committee by the Board of Supervisors.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County

RECUSE 

Contact: Carolina Salazar, (925) 521-7115

Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc:

BACKGROUND: (CONT'D)

The committee consists of ten members. One appointed by each Supervisor, four appointed by the Internal Operations Committee, and one alternate. The alternate can sit and vote for any At-large seat on the Committee. If a vacancy occurs, the alternate automatically assumes the At-large seat that is vacated.

Supervisor Mitchoff recruits for her advisory body seats in numerous ways including notices on the County website and press releases. All eligible candidates were interviewed and Supervisor Mitchoff chose to appoint Mr. Brett Morris.

CONSEQUENCE OF NEGATIVE ACTION:

The District IV Seat on the committee would remain vacant.

CHILDREN'S IMPACT STATEMENT:

None.

To: Board of Supervisors

From: Karen Mitchoff, District IV Supervisor

Date: January 17, 2012



**Contra
Costa
County**

Subject: APPOINT Rose Chait to the District IV Seat on the Bicycle Advisory Committee

RECOMMENDATION(S):

APPOINT the following individual to the District IV Seat on the Bicycle Advisory Committee to a term expiring December 31, 2014:

Ms. Rose Chait 2353 Benham Court, Walnut Creek, CA 94596

FISCAL IMPACT:

None.

BACKGROUND:

The committee provides input to the County and the cities of the County on bicycle projects for Transportation Development Act (TDA) funds to construct bicycle/pedestrian projects and also provide advice to cities and the County on bicycle planning matters.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

5

NOES

ABSENT

ABSTAIN

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County

RECUSE 

Contact: Carolina Salazar, (925) 521-7115

Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc:

BACKGROUND: (CONT'D)

The committee consists of sixteen members. One representative from each of the five Supervisorial districts, one representative from eight bicycle organizations that use the roads in Contra Costa County. One representative each from the Mayors' Conference, the East Bay Regional Park District, and the bicycle industry. The California Highway Patrol and Superintendent of Schools serve as resources only. The qualifications for membership on the committee are to live or work in the County. Each representative should designate an alternate who must also live or work in the County.

Supervisor Mitchoff recruits for her advisory body seats in numerous ways including notices on the County website and press releases. All eligible candidates were interviewed and Supervisor Mitchoff chose to appoint Ms. Rose Chait.

CONSEQUENCE OF NEGATIVE ACTION:

The District IV Seat on the Committee would remain vacant.

CHILDREN'S IMPACT STATEMENT:

None.

To: Board of Supervisors

From: Karen Mitchoff, District IV Supervisor

Date: January 17, 2012



**Contra
Costa
County**

Subject: REAPPOINT Jeffrey Peckham to Seat 1 on the Contra Costa Centre Municipal Advisory Council

RECOMMENDATION(S):

REAPPOINT the following individual to Appointed Seat 6 of the Contra Costa Centre Municipal Advisory Council to serve a term coterminous to the term of the District IV Supervisor, ending January 4, 2015, as recommended by Supervisor Mitchoff:

Mr. Jeffrey Peckham 14 Foss Court, Walnut Creek, CA 94597

FISCAL IMPACT:

None.

BACKGROUND:

The Contra Costa Centre Municipal Advisory Council advises the Board of Supervisors on local government services for the community, and provides input and reports to the Board, county staff, or any county hearing body on issues of concern to the community.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of

Contact: Carolina Salazar, (925) 521-7115

Supervisors

By: June McHuen, Deputy

cc:

BACKGROUND: (CONT'D)

The Council also advises the Board of Supervisors on land-use planning matters affecting the Contra Costa Centre community, such as land-use designations, General Plan amendments, environmental-impact reports, negative declarations, rezonings, land use permits, preliminary and final development plans, and variances.

Supervisor Mitchoff is very pleased with the service that Mr. Peckham has provided the County by sitting on the Contra Costa Centre Municipal Advisory Council and wishes to reappoint him to an additional term.

CONSEQUENCE OF NEGATIVE ACTION:

The Contra Costa Centre Municipal Advisory Council will not be adequately staffed.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

To: Board of Supervisors

From: William Walker, M.D., Health Services Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: Appointments to the Integrated Pest Management Advisory Committee

RECOMMENDATION(S):

APPOINT the following individuals to the Integrated Pest Management Advisory Committee for terms expiring on December 31, 2013:

1. Daniel Jordan, Public Works Department, 255 Glacier Drive, Martinez, CA 94553 to the ex-officio seat for the County/Unincorporated County Storm Water Program Representative seat;
2. Jerry Casey, General Services Department, 2467 Waterbird, Martinez, CA 94553, to the ex-officio seat for the General Services Department Representative seat;
3. Marjorie Leeds, 10 Mococo Rd., Martinez, CA 94520 to the Public and Environmental Health Advisory Board Representative seat;

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: William Walker, 957-5403

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc: Tayna Drlik, Michael Kent, T Scott, D Gary

RECOMMENDATION(S): (CONT'D)

5. Dr. Jim Hale, Consulting Wildlife Biologist, 2243 Gehringer Dr., Concord, CA 94520 to to the County Fish and Wildlife Committee Representative seat.

FISCAL IMPACT:

None.

BACKGROUND:

On November 10, 2009, the Board of Supervisors established the Integrated Pest Management Advisory Committee.

Purpose of the Integrated Pest Management (IPM) Advisory Committee (from the Committee's Bylaws): A. Protect and enhance public health, County resources, and the environment; B. Minimize risks and maximize benefits to the general public, staff and the environment as a result of pest control activities conducted by County staff and contractors; C. Promote a coordinated County-wide effort to implement IPM in the County in a manner that is consistent with the Board-adopted IPM Policy; D. Serve as a resource to help Department Heads and the Board of Supervisors review and improve existing pest management programs and the processes for making pest management decisions; E. Make policy recommendations upon assessment of current pest issues and evaluation of possible IPM solutions; and F. Provide a forum for communication and information exchange among members in an effort to identify, encourage, and stimulate the use of best or promising pest management practices.

Purview of the Committee The Committee is concerned with the operation of County Departments and not with the actions of other public agencies, private individuals, business, or industry.

Current Committee Membership (from the Committee's bylaws) III. Membership A. The membership of the Committee shall be composed of the following: 1. Four (4) ex-officio, non-voting members as follows: a. Agricultural Commissioner, or designee b. General Services Deputy Director, or designee c. Public Works Deputy Director, or designee d. Current Structural Pest Management Contractor with General Services Department 2. Seven (7) voting members as follows: a. Two (2) ex-officio members: i. Health Services Department representative ii. County/Unincorporated County Storm Water Program representative b. Five (5) public members: i. Public and Environmental Health Advisory Board representative ii. County Fish and Wildlife Committee representative iii. Three (3) Type 2, "At Large Appointments," iv. One (1) Type 3, "At Large Appointment" for an environmental organization with either a 501(c)(3) or 501(c)(4) status

Addition of Seats to the Committee On December 12, 2011 the Board of Supervisor's Internal Operations Committee (IO) recommended the addition of one (1) Type 3, "At Large Appointment" for a Public member - Alternate seat to the Committee. The Board of Supervisors has a companion item on the same agenda as this request which will amend the Committee bylaws to add this seat.

Term Expirations The term expiration date for all of the seats requested to be filled under this Board Order is December 31, 2014.

Approval of Appointments by the Public and Environmental Health Advisory Board (PEHAB) and the County Fish and Wildlife Committee (FWC) PEHAB approved the appointment of Marjorie Leeds on December 1, 2011. FWC approved the appointment of Jim Hale on December 21, 2011.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the appointments would not be made to the Integrated Pest Management Advisory Committee.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

To: Board of Supervisors

From: INTERNAL OPERATIONS COMMITTEE

Date: January 17, 2012



**Contra
Costa
County**

**Subject: APPOINTMENTS TO AND ESTABLISHMENT OF NEW ALTERNATE SEAT ON THE
INTEGRATED PEST MANAGEMENT ADVISORY COMMITTEE**

RECOMMENDATION(S):

1. APPOINT the following individuals to the Integrated Pest Management Advisory Committee:

<u>Name:</u>	<u>Address:</u>	<u>Seat:</u>	<u>Term Expiration:</u>
Fry	on-file	At-Large 1	December 31, 2013

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☒ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☒ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Timothy Ewell, 925-335-1036

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc:

RECOMMENDATION(S): (CONT'D)

Michael Baefsky on-file At-Large 2 December 31, 2013 Tunyalee
Martin 2851 Fyne Drive, Walnut Creek At-Large 3 December 31, 2013

2. APPROVE amendments to the bylaws to add a "Public Member-Alternate" seat on the Integrated Pest Management Advisory Committee; and

3. APPOINT Myrto Petreas, 169 Sandringham Drive, Moraga, to the Public Member-Alternate seat on the Integrated Pest Management Advisory Committee for the term expiring December 31, 2013.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

On November 10, 2009, the Board of Supervisors established the Integrated Pest Management Advisory Committee.

Purpose of the Integrated Pest Management (IPM) Advisory Committee (from the Committee's Bylaws): A. Protect and enhance public health, County resources, and the environment; B. Minimize risks and maximize benefits to the general public, staff and the environment as a result of pest control activities conducted by County staff and contractors; C. Promote a coordinated County-wide effort to implement IPM in the County in a manner that is consistent with the Board-adopted IPM Policy; D. Serve as a resource to help Department Heads and the Board of Supervisors review and improve existing pest management programs and the processes for making pest management decisions; E. Make policy recommendations upon assessment of current pest issues and evaluation of possible IPM solutions; and F. Provide a forum for communication and information exchange among members in an effort to identify, encourage, and stimulate the use of best or promising pest management practices.

Purview of the Committee: The Committee is concerned with the operation of County Departments and not with the actions of other public agencies, private individuals, business, or industry.

Current Committee Membership

III. Membership

A. The membership of the Committee shall be composed of the following:

1. Four (4) ex-officio, non-voting members as follows:
 - a. Agricultural Commissioner, or designee
 - b. General Services Deputy Director, or designee
 - c. Public Works Deputy Director, or designee
 - d. Current Structural Pest Management Contractor with General Services Department
2. Seven (7) voting members as follows:
 - a. Two (2) ex-officio members:
 - i. Health Services Department representative
 - ii. County/Unincorporated County Storm Water Program representative
 - b. Five (5) public members:
 - i. Public and Environmental Health Advisory Board representative
 - ii. County Fish and Wildlife Committee representative
 - iii. Three (3) Type 2, "At Large Appointments"; per Resolution No. 2002-377

Addition of Seats to the Committee:

On December 12, 2011, the Internal Operations Committee conducted interviews to fill three scheduled vacancies effective January 1, 2012.

Staff Recommendation:

Staff recommends amending Section III.A.2 of the Committee's bylaws to add two environmental seats to read as follows (changes are shown in bold):

2. Nine (9) voting members, plus One (1) Public Member-Alternate, as follows:
 - a. Two (2) ex-officio members:
 - i. Health Services Department representative ii. County/Unincorporated County Storm Water

- Program representative
- b. **Seven (7) Voting public members, plus One (1) Public Member-Alternate:**
- i. Public and Environmental Health Advisory Board representative
 - ii. County Fish and Wildlife Committee representative
 - iii. Three (3) Type 2, "At Large Appointments
 - iv. One (1) Type 3, At Large Appointment for an environmental organization
 - v. One (1) Type 3, At Large Appointment for an environmental education organization
 - vi. **One (1) At Large Appointment, Public Member-Alternate**

CONSEQUENCE OF NEGATIVE ACTION:

Appointments to scheduled vacancies for three Countywide At-Large seats, the establishment of a Public Member-Alternate seat, and appointment to the new Public Member-Alternate seat would not take place.

CHILDREN'S IMPACT STATEMENT:

No impact.

**CONTRA COSTA COUNTY
INTEGRATED PEST MANAGEMENT ADVISORY COMMITTEE
BYLAWS**

I. Name and Definition

- A. The name of this advisory body to the Contra Costa Board of Supervisors shall be the "Contra Costa County Integrated Pest Management Advisory Committee," hereafter referred to as the "Committee."
- B. "Integrated Pest Management" (hereinafter, "IPM") is defined as "an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates that they are needed according to established guidelines, and treatments are made with the goal of removing only the target organisms. Pest control materials are selected and applied in a manner that minimizes risks to human health, to beneficial and non-target organisms, and to the environment."

II. Purpose (Mission Statement)

The general purposes of the Committee shall be as follows:

- A. Protect and enhance public health, County resources, and the environment;
- B. Minimize risks and maximize benefits to the general public, staff and the environment as a result of pest control activities conducted by County staff and contractors;
- C. Promote a coordinated County-wide effort to implement IPM in the County in a manner that is consistent with the Board-adopted IPM Policy;
- D. Serve as a resource to help Department Heads and the Board of Supervisors review and improve existing pest management programs and the processes for making pest management decisions;
- E. Make policy recommendations upon assessment of current pest issues and evaluation of possible IPM solutions; and
- F. Provide a forum for communication and information exchange among members in an effort to identify, encourage, and stimulate the use of best or promising pest management practices.

III. Membership

- A. The membership of the Committee shall be composed of the following:
 - 1. Four (4) ex-officio, non-voting members as follows:
 - a. Agricultural Commissioner, or designee
 - b. General Services Deputy Director, or designee
 - c. Public Works Deputy Director, or designee
 - d. A current Structural Pest Management contractor with General Services Department
 - 2. Eight (8) voting members as follows:
 - a. Two (2) ex-officio members:
 - i. Health Services Department representative
 - ii. County/Unincorporated County Storm Water Program representative
 - b. Six (6) public members:
 - i. Public and Environmental Health Advisory Board representative
 - ii. County Fish and Wildlife Committee representative
 - iii. Three (3) Type 2, "At Large Appointments,"

- iv. One (1) Type 3, "At Large Appointment," for an environmental organization with either 501(c)(3) or 501(c)(4) status
3. One (1) Type 3, "At Large Appointment" for a Public Member – Alternate.

B. Membership Requirements

1. Members must reside or work in Contra Costa County and should reflect the ethnic, racial, and geographical diversity of the County.
2. Contractors who provide pest management services to the County may not serve on the Committee. The exception is A.1.d., above, the Current Structural Pest Management Contractor with General Services Department.
3. If a member's work status or residence changes, he/she must notify the Committee in writing, within thirty (30) days of their change in status. The Chair will review the change of status and determine if the member is still eligible for membership according to these by-laws. If they are found to be ineligible, the member will be asked to resign his/her position.
4. Current employees of Contra Costa County are not eligible to serve on the Committee as "At Large Appointments" under A.2.iii, A.2.iv, and A.2.v above

C. Responsibilities of Membership

Each member must:

1. Have an interest in and commitment to the Purpose (Mission Statement) of the Committee;
2. Demonstrate knowledge of, interest in, and commitment to improvement of IPM practices in Contra Costa County;
3. Attend Committee meetings;
4. Notify the IPM Coordinator, in advance, of any unavoidable absence from a meeting; and
5. Must comply with the Contra Costa County Policy for Board Appointees concerning Conflict of Interest and Open Meetings, Resolution No. 2002/376.

D. Resignation

Any member who desires to resign his or her position with the Committee must do so in writing and file it with the Chair and Secretary of the Committee.

IV. Staff to the Committee

The County IPM Coordinator shall serve as staff to the Committee. Staff shall issue and distribute agendas in accordance with the Brown Act. Staff shall finalize minutes and distribute to members within a week after each meeting.

V. Organization of the Committee

A. *Officers*: The officers of the Committee shall be the Chair, Vice-Chair, and Secretary.

B. *Duties of Officers*:

1. It shall be the duty of the Chair to preside at all meetings.
2. In the absence of the Chair, the Vice-Chair shall assume the duties of the Chair. Should both senior officers be unavailable, the Secretary shall preside.
3. The Secretary, or a designee of the Chair, shall take notes at all meetings

C. *Subcommittees*:

1. The purpose of a Subcommittee is to research and explore specific issues in-depth that come before the Committee.
2. The goal of a Subcommittee is to provide a working forum for interaction and information exchange among experts and staff focusing on issues needing in-depth consideration.

3. The Committee Chair shall designate Subcommittee members from the Committee with advice from the Committee.
4. For those issues that are technical in nature, the Subcommittee Chair, with a majority vote from the Subcommittee members, may invite experts from other agencies or institutions, such as East Bay Regional Park District, Contra Costa Mosquito & Vector Control District, Contra Costa Water District, the University of California Cooperative Extension, Pesticide Applicators Professional Association, Association of Applied IPM Ecologists, and/or Pest Control Operators of California and other appropriate representatives with technical expertise in a specific field to attend Subcommittee meetings to provide input and/or report to the Subcommittee.
5. Only the Subcommittee members will have voting rights to make final decisions regarding recommendations to send to the full Committee.

VI. Terms/Elections

A. Committee:

1. The terms for the Department Representatives do not expire. All other members shall serve for a term of two (2) calendar years. Any vacancies during the term of the member shall be filled for the remainder of that two (2) calendar year term. Members may serve more than one (1) two-year term if reappointed.
2. The Committee shall elect its officers every two (2) years, at the last meeting of each even numbered calendar year. Officers shall be elected by a simple majority of those present.
3. New officers shall assume their duties at the first meeting of the calendar year following their election.
4. Officers shall serve for a term of two (2) years. Any vacancies during the term of the officer shall be filled for the remainder of that two (2) calendar year term. Officers may serve more than one (1) two-year term if re-elected.
5. Should an officer resign, the vacancy will be filled by election at the next regular meeting.
6. Members with two (2) absences in a calendar year may be recommended by the Committee for removal from membership to the Board of Supervisors.
7. Committee vacancies will be filled per the Maddy Local Appointive List Act of 1975.

B. Subcommittees:

1. The Committee Chair selects Subcommittee members.
2. Subcommittee members recommend a Subcommittee chair to the Committee Chair, if needed.

VII. Duties of the Committee and Subcommittees

A. The general duties of the Committee shall include:

1. Working with County Departments to create, promote, implement, and periodically evaluate IPM programs, strategies, and policies specific to their operational needs and consistent with the County IPM Policy;
2. Recommending policies;
3. Prioritizing work of the IPM Coordinator;
4. Coordinating pest management among all areas of the County;
5. Forming Subcommittees to assist in the work of the Committee as deemed necessary by the Committee;
6. Promoting ongoing and expanded cross training among departments on IPM issues;
7. Promoting availability, public awareness, and public input into written county pest management programs, protocols, and records;
8. Helping create public awareness of IPM and promote public education on IPM techniques; and
9. Providing an ongoing forum for consensus and resolution of IPM issues.

- B. The general duties of the Subcommittees shall include:
1. Researching and discussing matters requiring in depth consideration; and
 2. Making specific recommendations to the Committee as appropriate.

VIII. Meetings/Voting

- A. The Committee shall meet every other month on the first Wednesday of the month from 10:00 a.m. to 12:00 p.m.
- B. All meetings of the Committee shall be open to the public and all interested persons shall be permitted to attend meetings. Time shall be set aside for limited public comment on items not on the posted agenda.
- C. A notice of the regular meeting, with an attached agenda, shall be posted in a public notice area not less than ninety-six (96) hours prior to the meeting, pursuant to the Brown Act and the Better Government Ordinance.
- D. "Quorum" is defined as fifty percent plus one.
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 3. The Public Member – Alternate may vote only if a member listed in III. Membership A.2.b, above, is absent. Otherwise, the Public Member – Alternate may not vote on matters before the Committee.

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The Committee shall review and adopt annual objectives at the first meeting of the calendar year.

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The Committee shall submit a status report on the activities of the Committee as directed, but no less frequently than annually, to the Transportation, Water & Infrastructure Committee of the Board of Supervisors. In addition, the Committee shall submit an annual report to the County Board of Supervisors in accordance with Section IV of Resolution No. 2002/377 (6/18/02).

XII. Committee Records

Records of the Committee shall be housed at the office of the IPM Coordinator.

CONTRA COSTA COUNTY
INTEGRATED PEST MANAGEMENT ADVISORY COMMITTEE
BYLAWS

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Records of the Committee shall be housed at the office of the IPM Coordinator.

To: Board of Supervisors

From: Ted Cwiek, Human Resources Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: P300 No. 21042: Add One Probation Counselor Position

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 21042 to add one (1) full-time Probation Counselor III (7KTB) (represented) position at salary level PP5 1507 (\$4,843-\$5,887) in the Probation Department.

FISCAL IMPACT:

This action will allow for reduction in the existing Electronic Monitoring Contract and will be funded with money saved from that reduction of service.

BACKGROUND:

The 2008/09 and 2009/10 State budget modifications resulted in reductions to juvenile probation and camp funding of approximately \$900,000. This cost reduction was absorbed by the Probation Department with the elimination of seven full-time equivalent positions that comprised the Home Supervision Unit. The responsibility of the Probation Department to provide Juvenile Electronic monitoring is mandated (Welfare and Institutions Code Section 628.1), and has been met with the use of a private contractor, Behavioral Interventions (BI) Incorporated.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of

Contact: P. Hernandez 3-4149

Supervisors

By: June McHuen, Deputy

cc: Roxana Mendoza, Paula Hernandez, Nicole Lewis Bolton, Gladys Scott Reid

BACKGROUND: (CONT'D)

The Department has now been in contract with BI for four years, has completed an evaluation of service efficiency as a result of the bid process as required by Purchasing prior to the renewal of the contract. BI provides two full time staff to install and remove equipment, review contracts, and begin the collections process. It has been determined that using one full time Probation Counselor to install and remove equipment, review contracts and complete collections information would in fact increase staff support in Juvenile Hall. The timing of juvenile releases is intermittent as ordered by the Court. Releases are random, from zero to five per day. When not installing equipment, the Probation Counselor will support security in Juvenile Hall. Overtime staff will not have to be called in for smaller coverages in time. The Probation Department has also established the Probation Collections Unit, and will assume responsibility for the collections component currently supplied by the vendor.

CONSEQUENCE OF NEGATIVE ACTION:

If this request is not approved, the department will not have adequate staff support in Juvenile Hall.

CHILDREN'S IMPACT STATEMENT:

No impact.

POSITION ADJUSTMENT REQUEST

NO. 21042DATE 1/6/12Department Probation

Department No./

Budget Unit No. 0309 Org No. 3141 Agency No. 30

Action Requested: Add one (1) Permanent Probation Counselor position.

Proposed Effective Date: _____

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☒ No ☐

Total One-Time Costs (non-salary) associated with request: _____

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$145,000.00Net County Cost \$145,000.00Total this FY \$72,500.00N.C.C. this FY \$72,500.00SOURCE OF FUNDING TO OFFSET ADJUSTMENT Already within budget, general funds

Department must initiate necessary adjustment and submit to CAO.

Use additional sheet for further explanations or comments.

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

/s/ Julie Enea

1/6/12

Deputy County Administrator_____
Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Add one (1) full-time Probation Counselor III (7KTB) (represented) position at salary level PP5 1507 (\$4,843-\$5,887)

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.☐ _____ (Date)_____
(for) Director of Human Resources_____
Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 1/10/2012☒ Approve Recommendation of Director of Human Resources☐ Disapprove Recommendation of Director of Human Resources☐ Other: _____

/s/ Julie Enea

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☐ DISAPPROVED ☐David J. Twa, Clerk of the Board of Supervisors
and County Administrator

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date 1/12/2012

No. xxxxxx

1. Project Positions Requested:
2. Explain Specific Duties of Position(s)
3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)
4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.
5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____
6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications
7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.
8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted
9. How will the project position(s) be filled?
 - ☐ a. Competitive examination(s)
 - ☐ b. Existing employment list(s) Which one(s)? _____
 - ☐ c. Direct appointment of:
 - ☐ 1. Merit System employee who will be placed on leave from current job
 - ☐ 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY

To: Board of Supervisors

From: Ted Cwiek, Human Resources Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: Add one Health Plan Director of Provider Relations and Credentialing position in the Health Services Department.

RECOMMENDATION(S):

Adopt Position Adjustment Resolution #21039 to add one Health Plan Director of Provider Relations & Credentialing position (VRGD) at salary level ZA5 (\$7307.57 - \$8882.40) in the Health Services Department.

FISCAL IMPACT:

Upon approval, this action will result in an annual cost of approximately \$170,839, including pension costs of \$37,839, and will be funded with health plan member premiums.

BACKGROUND:

The Contra Costa Health Plan (CCHP) has been without a position in this classification for approximately two years. However, during that time, membership of the health plan has increased from 85,000 to approximately 106,000 and will continue to grow.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County

RECUSE 

Contact: Terrina C. Manor, 957-5248

Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc: Gladys Reid, Roxana Mendoza, Debbie Cho

BACKGROUND: (CONT'D)

The State of California now requires Seniors and Persons with Disabilities (SPD) to join a managed care plan. Since June 2011, these SPD's are being added at the rate of approximately 1000 new lives per month. Because of this huge influx of Medi-Cal patients and a severe access problem for new members using Contra Costa Regional Medical Facility (CCRM) facilities, CCHP has had to recruit and credential many new primary care providers in the community in order to care for the new members. This process is ongoing and expected to continue as the needs for more providers increase with member enrollment.

In addition to adding more than a 1000 extra new SPD members monthly, CCHP's Medi-Cal line of business has exploded due to the poor economy, increasing the number of Medi-Cal members over 20% in the past 2 years. This calls for additional recruitment and credentialing of all types of medical providers such as Durable Medical Equipment vendors, Oxygen vendors, Skilled Nursing Facilities, Home Health, Hospice, dialysis, and non emergency transportation.

Further, because of patient access difficulties at CCRMC, the health plan is charged with the recruitment of many new hospitals and specialty care providers. The unit has already recruited and credentialed more than 97 new specialists to care for the increased patient demands and the need will continue.

The Provider Relations and Credentialing unit has played a much bigger role in overseeing contracts generated for the Health Plan. With the addition of the SPD's, the unit must process an additional 20-25 contracts per month based upon continuity of care if the member had been receiving services from a provider not currently in the CCHP network.

Due to the increasing size of CCHP's membership, additional reporting requirements, ongoing recruiting and training of providers, and increases in contracts, the ability to appropriately handle provider issues and complaints and the ability to ensure a stable network is critical. A Director level position is needed to run this unit.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the Health Plan will not have a position in the appropriate classification to perform the required job duties.

CHILDREN'S IMPACT STATEMENT:

N/A

POSITION ADJUSTMENT REQUEST

NO. 21039
DATE 12/21/2011

Department HEALTH SERVICES - CCHP

Department No./

Budget Unit No. 0860 Org No. 6125 Agency No. A18

Action Requested: Add one Health Plan Director of Provider Relations & Credentialing position (VRGD) at salary level ZA5 (\$7307.57 - \$8882.40)

Proposed Effective Date: 1/1/2012

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☐ No ☒

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$170,839.64

Net County Cost \$0.00

Total this FY \$85,419.81

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Member Premiums

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Terrina C. Manor

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

12/30/2011

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Exempt from HR review

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ _____ (Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 12/30/11

☐ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☒ Other: Approve as Requested – under delegated authority to Dept

Dorothy Sansoe

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☐ DISAPPROVED ☐

David J. Twa, Clerk of the Board of Supervisors
and County Administrator

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

To: Board of Supervisors

From: Ted Cwiek, Human Resources Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: Add one permanent part-time Therapist Assistant position in the Health Services Department

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 21041 adding one permanent part-time (30/40) Therapist Assistant (V5WF) position at salary level QT-1435 (\$4,424 - \$5,377) in the Contra Costa Regional Medical Center and its Health Centers. (Represented)

FISCAL IMPACT:

Upon approval, this action has an annual cost of approximately \$82,269.06, including approximately \$17,178.87 in pension costs, which will be funded from revenue from third party payors - Enterprise Fund I.

BACKGROUND:

The new position will be assigned in Martinez to perform non-complex therapy treatment procedures under the supervision of a Licensed Occupational Therapist. The Department is currently utilizing registry and a per diem staff to perform these duties, and the new position will provide a continuum of care to patients.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, rehabilitation therapy services will not be adequately staffed, which will adversely impact patient care.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Jo-Anne Linares, 957-5246

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc: Roxana Mendoza, Debbie Cho, Gladys Reid

CHILDREN'S IMPACT STATEMENT:

Not applicable.

POSITION ADJUSTMENT REQUEST

NO. 21041
DATE 12/28/2011

Department Health Services Department

Department No. /

Budget Unit No. 0540 Org No. 6379 Agency No. A18

Action Requested: Add one permanent part-time Therapist Assistant position in the Health Services Department.

Proposed Effective Date: 2/1/2011

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☒ No ☐

Total One-Time Costs (non-salary) associated with request: _____

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$82,269.06

Net County Cost \$0.00

Total this FY \$34,278.77

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT revenue from third party payors

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Jo-Anne Linares

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

12/30/11

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Exempt from HR review - under delegated authority

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ _____ (Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

12/30/11

☐ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☒ Other: Approve Dept request under delegation

Dorothy Sansoe

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☐ DISAPPROVED ☐

David J. Twa, Clerk of the Board of Supervisors
and County Administrator

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION
Adjust class(es) / position(s) as follows:

To: Board of Supervisors

From: Ted Cwiek, Human Resources Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: Add nine positions in the Mental Health Division of the Health Services Department.

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 21040 to add six (6) Mental Health Clinical Specialist (VQSB) positions at salary level QT2 1384 (\$4333.51 – 6433.13); one (1) Mental Health Program Supervisor (VQHP) position at salary level ZA5 1749 (\$5871.40 – 7136.72) ; one (1) Clerk – Specialist (JWXD) position at salary level 3RX 1156 (\$3347.58 – 4274.99); and one (1) Clerk – Experienced Level (JWXB) position at salary level 3RH 0750 (\$2683.14 – 3327.84).

FISCAL IMPACT:

Upon approval, this action will result in an annual cost of approximately \$1,063,674, including pension costs of \$228,081, and will be fully funded by the Mental Health Services Act.

BACKGROUND:

These positions are necessary to staff the Intensive Early Psychosis Intervention Program. The Program will focus on both the early onset of psychosis, and those at high risk for the onset of psychosis. Adolescents and young adults between the ages of 12 and 25 will be targeted for participation in this program which includes treatment, vocational support, occupational therapy and medication management. The positions are needed to complete the Program's treatment teams.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of

Contact: Terrina C. Manor, 957-5248

Supervisors

By: June McHuen, Deputy

cc:

BACKGROUND: (CONT'D)

The Mental Health Program Supervisor will provide overall leadership and management responsibilities for overseeing the implementation and coordination of clinical services, and will provide clinical and administrative support to staff.

The Mental Health Clinical Specialists will conduct outreach presentations, screen referrals, administer SIPS assessment, engage clients and families from initial referral through the conclusion of treatment, provide psycho-education to the entire family, co-lead multi-family groups, and provide one on one counseling as needed.

The clerical positions will ensure authorization of and compliance with all Medi-Cal eligible services to optimize revenue generation and adherence with documentation requirements as well as provide general clerical support to the entire program.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the division will not have the positions necessary to staff the Intensive Early Psychosis Intervention Program, which is included in the 2011-12 approved MHSA Prevention and Early Intervention Plan Update.

CHILDREN'S IMPACT STATEMENT:

not applicable.

POSITION ADJUSTMENT REQUEST

NO. 21040
DATE 12/27/2011

Department HEALTH SERVICES - MENTAL HEALTH Department No./
Budget Unit No. 0467 Org No. 5753 Agency No. A18
Action Requested: Add nine (9) positions in the Health Services Department as outlined in Attachment A.

Proposed Effective Date: 1/1/2012

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☐ No ☒

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$1,063,674.00 Net County Cost \$0.00

Total this FY \$531,837.00 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Mental Health Services Act

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Terrina C. Manor

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

12/30/11

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Exempt from Review

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ _____ (Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 12/30/2011

☐ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☒ Other: Approve as requested by Department – Exempt from HR Review

Dorothy Sansoe

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☐ DISAPPROVED ☐

David J. Twa, Clerk of the Board of Supervisors
and County Administrator

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

ATTACHMENT A

- Add six (6) Mental Health Clinical Specialist (VQSB) positions at salary level QT2 1384 (\$4333.51 – 6433.13)
- Add one (1) Mental Health Program Supervisor (VQHP) position at salary level ZA5 1749 (\$5871.40 – 7136.72)
- Add one (1) Clerk – Specialist (JWXD) position at salary level 3RX 1156 (\$3347.58 – 4274.99)
- Add one (1) Clerk – Experienced Level (JWXB) position at salary level 3RH 0750 (\$2683.14 – 3327.84)

To: Board of Supervisors

From: Transportation, Water and Infrastructure Cmte

Date: January 17, 2012



**Contra
Costa
County**

Subject: Bay Point - Willow Pass Road Transportation Enhancement and Streetscape Plan

RECOMMENDATION(S):

ADOPT Resolution No. 2012/28 (Exhibit A) approving and authorizing the Conservation and Development Director, or designee, to submit a Transportation Planning Grant application to Caltrans, in substantially the form provided, for funds up to \$300,000 for FY 2012/13 for the purpose of developing the Bay Point-Willow Pass Road Transportation Enhancement and Streetscape Plan, as recommended by the Transportation, Water and Infrastructure Committee.

FISCAL IMPACT:

None to the General Fund. If awarded, the FY 2012/13 Caltrans Community-Based Transportation Planning Grant would be the funding source for the Bay Point - Willow Pass Road Transportation Enhancement and Streetscape Plan. The maximum grant amount is \$300,000 and the program requires 10% matching funds. Up to one-quarter of the matching funds can be in-kind (staff hours). The remaining funds for the match will be provided from gas tax or Measure J revenue.

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☒ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Jamar Stamps, 925-335-1220

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc:

BACKGROUND:

The Community-Based Transportation Planning Grant (CBTPG) has \$3 million available statewide to eligible applicants, with a cap of \$300,000 per grant. The purpose of the CBTPG Program is to fund coordinated transportation and land use planning projects that promote public engagement, livable communities, and a sustainable transportation system which includes mobility, access, and safety. Products delivered under this Program are expected to be a documented study, plan, or concept that can be used by the applicant to further smart growth and a community's sustainability. The County has submitted applications in the past under this program to develop plans for streetscape improvements along Bailey Road pursuant to the Pittsburg-Bay Point BART Station Area Specific Plan. The Bailey Road project was funded under the Transportation for Livable Communities program administered by the Contra Costa Transportation Authority.

The Bay Point - Willow Pass Road Transportation Enhancement and Streetscape Plan (Plan) will primarily improve the bicycle and pedestrian environment along Willow Pass Road. The Plan will provide recommendations and concepts that fulfill the community's desire for Willow Pass Road to be a safer bicycle, pedestrian, transit oriented and visually aesthetic corridor. The study section of Willow Pass Road starts at the intersection of Port Chicago Highway (just north of State Route 4), and extends east to the Pittsburg city limit in Bay Point.

Willow Pass Road served as State Route 4 prior to the construction of the freeway in the 1960s. Since the construction of State Route 4, Willow Pass Road now functions as Bay Point's Main Street. However, the existing configuration and urban design do not serve this role well. The Plan will provide preliminary design to include infrastructure for pedestrian, bicycle, and transit while still meeting the needs of the auto traffic traveling through the corridor.

The Pittsburg/Bay Point BART Station Area Specific Plan (2002) established policies and standards to achieve the goal of creating a land use pattern that recognizes the attractiveness of public transit utilization, the success of business in the area and the creation of a rich and fulfilling living environment for existing and future residents. A portion of Willow Pass Road is within the Specific Plan Area. The proposed project is identified as an implementation measure of the Specific Plan.

The section of Willow Pass Road between Port Chicago Highway and Manor Drive has been widened to a 100 foot right-of-way which allows four lanes plus a left-turn lane, parking on the south side, bike lanes and ten foot wide sidewalks. The section of Willow Pass Road between Manor Drive and Bailey Road is currently 76 feet wide in an 84 foot right-of-way. The remaining section of Willow Pass Road in the study area, between Bailey Road and the Pittsburg city limits, consists of two lanes (one in each direction), plus a center turn lane and bike lanes. The General Plan calls for this two-lane section to be widened to four lanes.

The Transportation, Water and Infrastructure (TWI) Committee received a report on the CBTPG Program and the proposed Plan. A copy of the report to the TWI Committee and a draft CBTPG application is attached. The TWI Committee supported the grant application and recommended coordination with the City of Concord in addition to the City of Pittsburg. The Bay Point Municipal Advisory Committee supports the grant application.

CONSEQUENCE OF NEGATIVE ACTION:

If proposed Resolution 2012/28 is not approved, the County will not be eligible to receive grant funds for this planning project. Without the grant funds, implementation of the recommendations of the Pittsburg-Bay Point BART Station Area Specific Plan will be further delayed.

CHILDREN'S IMPACT STATEMENT:

The Bay Point - Willow Pass Road Transportation Enhancement and Streetscape Plan will ensure future improvements to Willow Pass Road are more pedestrian and bicycle friendly, and safer for children.

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 01/17/2012 by the following vote:

AYES: ☒ 5 **John Gioia**
 Gayle B. Uilkema
 Mary N. Piepho
 Karen Mitchoff
 Federal D. Glover

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2012/28

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, ON CONSIDERATION OF APPROVING AND AUTHORIZING THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT DIRECTOR, OR DESIGNEE, TO EXECUTE AGREEMENTS AND SUBMIT A TRANSPORTATION PLANNING GRANT APPLICATION TO CALTRANS FOR FUNDS UP TO \$300,000 FOR FY 2012/13 FOR THE BAY POINT - WILLOW PASS ROAD TRANSPORTATION ENHANCEMENT AND STREETScape PLAN, AS RECOMMENDED BY THE TRANSPORTATION, WATER, AND INFRASTRUCTURE COMMITTEE.

WHEREAS, the Willow Pass Road corridor through Bay Point no longer serves as a State Route;

WHEREAS, the Board of Supervisors adopted the Pittsburg/Bay Point BART Station Area Specific Plan in 2002 establishing policies that designate the proposed Plan as an implementation measure for the portion of Willow Pass Road within the Specific Plan area;

WHEREAS, the County desires to work with the Bay Point community and interested stakeholders to prepare the Bay Point - Willow Pass Road Transportation Enhancement and Streetscape Plan for the purpose of fulfilling the community's desire for Willow Pass Road to be a safer bicycle, pedestrian and transit oriented and visually aesthetic corridor;

WHEREAS, the California Department of Transportation will be issuing a "call for projects" for the FY 2012/13 funding cycle;

WHEREAS, the Contra Costa County Board of Supervisors is eligible to receive Federal and/or State funding for certain transportation planning related plans, through the California Department of Transportation;

WHEREAS, a Fund Transfer Agreement is needed to be executed with the California Department of Transportation before such funds can be claimed through the Transportation Planning Grant Programs;

WHEREAS, Contra Costa County wishes to delegate authorization to execute these agreements and any amendments thereto.

NOW, THEREFORE, BE IT RESOLVED that the Contra Costa County Board of Supervisors hereby authorizes and directs the Conservation and Development Department Director, or designee, to complete and deliver a Community-Based Transportation Planning Grant Application to Caltrans for funds up to \$300,000 for FY 2012/13 for the purpose of developing the Bay Point - Willow Pass Road Transportation Enhancement and Streetscape Plan, and execute all Fund Transfer Agreements and any amendments thereto with the California Department of Transportation.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Jamar Stamps, 925-335-1220

ATTESTED: January 17, 2012

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

cc:



CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION & DEVELOPMENT
651 Pine Street, N. Wing - 4th Floor
Martinez, CA 94553
Telephone: 335-1220 Fax: 335-1300

TO: Transportation, Water and Infrastructure Committee

FROM: Jamar Stamps, Planner

DATE: December 14, 2011

**SUBJECT: Consider Application for the Caltrans Community-Based
Transportation Planning Grant Program for FY 2011/12**

The Department of Conservation and Development, Transportation Planning Section is pursuing planning funds to develop the Bay Point – Willow Pass Road Transportation Enhancement and Streetscape Plan (Plan).

The Caltrans Community-Based Transportation Planning Grant program has \$3 million available statewide to eligible applicants, with a cap of \$300,000 per request. The grant program requires a 10% match, where up to one-quarter of the matching funds can be “in-kind” (staff hours). The purpose of the grant program is to fund coordinated transportation and land use planning projects that promote public engagement, livable communities, and a sustainable transportation system which includes mobility, access, and safety.

The Plan will primarily improve the bicycle and pedestrian environment along Willow Pass Road and provide recommendations and concepts that fulfill the community’s desire for Willow Pass Road to be a safer bicycle, pedestrian, and transit oriented and visually aesthetic corridor. The study section of Willow Pass Road starts at the intersection of Port Chicago Highway (just north of State Route 4), and extends east to the Pittsburg city limit in Bay Point (see attached map).

The “call for projects” is anticipated to occur in early 2012. Applications are typically due by the end of March. A resolution authorizing staff to submit a grant application to Caltrans for up to \$300,000 to fund the Plan is attached for the Committee’s review and consideration.

att: Study Area Map

Willow Pass Road Study Area



THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 01/17/2012 by the following vote:

AYES: ☐
NOES: ☐
ABSENT: ☐
ABSTAIN: ☐
RECUSE: ☐



Resolution No.

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, ON CONSIDERATION OF APPROVING AND AUTHORIZING THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT DIRECTOR, OR DESIGNEE, TO SUBMIT A TRANSPORTATION PLANNING GRANT APPLICATION TO CALTRANS FOR FUNDS UP TO \$300,000 FOR FY 2012/13 FOR THE BAY POINT - WILLOW PASS ROAD TRANSPORTATION ENHANCEMENT AND STREETScape PLAN, AS RECOMMENDED BY THE TRANSPORTATION, WATER, AND INFRASTRUCTURE COMMITTEE.

WHEREAS, the Willow Pass Road corridor through Bay Point no longer serves as a State Route;

WHEREAS, the Board of Supervisors adopted the Pittsburg/Bay Point BART Station Area Specific Plan in 2002 establishing policies that designate the proposed Plan as an implementation measure for the portion of Willow Pass Road within the Specific Plan area;

WHEREAS, the County desires to work with the Bay Point community and interested stakeholders to prepare the Bay Point - Willow Pass Road Transportation Enhancement and Streetscape Plan for the purpose of fulfilling the community's desire for Willow Pass Road to be a safer bicycle, pedestrian and transit oriented and visually aesthetic corridor;

WHEREAS, Caltrans will be issuing a "call for projects" for the FY 2012/13 funding cycle.

that the Contra Costa County Board of Supervisors hereby authorizes and directs the Conservation and Development Department Director, or designee, to complete and deliver a Community-Based Transportation Planning Grant Application to Caltrans for funds up to \$300,000 for FY 2012/13 for the purpose of developing the Bay Point - Willow Pass Road Transportation Enhancement and Streetscape Plan.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Jamar Stamps, 925-335-1220

ATTESTED: January 17, 2012

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:

Fiscal Year 2012-13 TRANSPORTATION PLANNING GRANT APPLICATION

Check One Grant Program

- ☐ Environmental Justice
☐ Community-Based Transportation Planning
 ☐ Catalyst Project for Sustainable Strategies Pilot Program
☐ Partnership Planning
☐ Statewide or Urban Transit Planning Studies
☐ Rural or Small Urban Transit Planning Studies
☐ Transit Planning Student Internships

PROJECT TITLE			
PROJECT LOCATION (city(ies) and county(ies))			
	APPLICANT		SUB-APPLICANT(S)
Organization		Organization	
Executive Director and title Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. <input type="checkbox"/>		Executive Director and title Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. <input type="checkbox"/>	
Contact Person and title Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. <input type="checkbox"/>		Contact Person and title Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. <input type="checkbox"/>	
Mailing Address		Mailing Address	
City		City	
Zip Code		Zip Code	
E-mail Address*		E-mail Address*	
Telephone Number		Telephone Number	
FUNDING INFORMATION Use the Match Calculator to complete this section. Match Calculator			
Grant Funds Requested	\$		
Local Match - Cash	\$		
Local Match - In-Kind	\$		
Total Project Cost	\$		
Source of funds			

* The e-mail address you provide will be used for notification of application status, so it must be accurate. Any change to the e-mail address must be reported to the appropriate grant program contact noted at <http://www.dot.ca.gov/hq/tpp/grants.html>.

Download the latest version of **Adobe Reader X (10.1.1)®** to complete the application.
This version of Adobe is available free of charge.

Fiscal Year 2012-13 TRANSPORTATION PLANNING GRANT APPLICATION

LEGISLATIVE INFORMATION

Information in this section must directly be tied to the applicant's zip code.

You do not list all legislative members in the project area

State Senator(s)		Assembly Member(s)	
Name(s)	District	Name(s)	District

* Use the following link to determine the legislators.

<http://www.legislature.ca.gov/port-zipsearch.html> (search by zip code)

Grant applications must clearly demonstrate how the proposed transportation planning project promotes federal and/or state transportation planning goals.

1. Select the goals that apply to your grant application.

STATE TRANSPORTATION PLANNING GOALS

For all Grant Programs

- ☐ Improve Mobility and Accessibility: Expand the system and enhance modal choices and connectivity to meet the State's future transportation demands.
- ☐ Preserve the Transportation System: Maintain, manage, and efficiently utilize California's existing transportation system.
- ☐ Support the Economy: Maintain, manage, and enhance the movement of goods and people to spur the economic development and growth, job creation, and trade.
- ☐ Enhance Public Safety and Security: Ensure the safety and security of people, goods, services, and information in all modes of transportation.
- ☐ Reflect Community Values: Find transportation solutions that balance and integrate community values with transportation safety and performance, and encourage public involvement in transportation decisions.
- ☐ Enhance the Environment: Plan and provide transportation services while protecting our environment, wildlife, historical and cultural assets.

Fiscal Year 2012-13
TRANSPORTATION PLANNING GRANT
APPLICATION

FEDERAL TRANSPORTATION PLANNING GOALS
For Partnership Planning and Transit Planning

- ☐ Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.
- ☐ Increase the safety of the transportation system for motorized and non-motorized users.
- ☐ Increase the security of the transportation system for motorized and non-motorized users.
- ☐ Increase accessibility and mobility of people and freight.
- ☐ Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns.
- ☐ Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight.
- ☐ Promote efficient system management and operation.
- ☐ Emphasize the preservation of the existing transportation system.

Fiscal Year 2012-13
TRANSPORTATION PLANNING GRANT
APPLICATION

2. Project Description (Do not exceed the space provided.) (20 points)

A. Briefly summarize project. **(10 points)**

B. Briefly describe the project area. **(10 points)**

Fiscal Year 2012-13
TRANSPORTATION PLANNING GRANT
APPLICATION

3. Project Justification (Do not exceed the space provided.) (20 points)

- A. Describe the problems or deficiencies the project is attempting to address. **(10 points)**
- B. Describe how the project will address the identified problems or deficiencies. **(10 points)**

Fiscal Year 2012-13
TRANSPORTATION PLANNING GRANT
APPLICATION

4. Public Participation (Do not exceed the space provided.) (20 points)

- A. Identify the project stakeholders (e.g. low-income and minority communities, Native American Tribal governments, other underrepresented groups, community-based organizations, and businesses affected by the project). **(10 points)**
- B. Describe the outreach methods that will be used to reach the public and the project stakeholders with an emphasis on engaging traditionally underrepresented communities. **(10 points)**

**Fiscal Year 2012-13
TRANSPORTATION PLANNING GRANT
APPLICATION**

If necessary, use this page to continue response for Question #4 (Public Participation).

Fiscal Year 2012-13
TRANSPORTATION PLANNING GRANT
APPLICATION

- 5. Project Implementation (Do not exceed the space provided.) (20 points)**
- A. List the project's anticipated accomplishments and final deliverables. **(10 points)**
 - B. Explain how the completed project and its deliverables will be applied, or carried forward, to the next stage/phase. **(10 points)**

Fiscal Year 2012-13
TRANSPORTATION PLANNING GRANT
APPLICATION

6. Project Management (20 points)

Refer to the Transportation Planning Grant Application Guide for a sample scope of work and project timeline.

- A. Scope of Work (10 points)
- B. Project Timeline (10 points)

**The Scope of Work and Project Schedule must be submitted via e-mail
along with the application as separate attachments.**

Section A: The Scope of Work must be in Microsoft Word format and include:

- Identify work to be done: provide an outline of services needed. List project tasks and include specific project deliverable(s).
- Identify who is responsible for what tasks: Discuss the roles and responsibilities of agency staff and consultant contractors.
- Provide schedule information for the services that will be required.

Section B: The Project Timeline must be in a Microsoft Excel format and include:

- Task duration, responsibilities, cost, cost distribution, and deliverables of all tasks. For EJ and CBTP applications, all project timelines need to reflect a start date of February 2013 and an end date of February 2015; this also applies to Partnership Planning and Transit Planning applications in the San Francisco Bay Area (Caltrans District 4).

**Fiscal Year 2012-13
TRANSPORTATION PLANNING GRANT
APPLICATION**

Application Signature Page

If selected for funding, the information contained in this application will become the foundation of the contract with Caltrans.

To the best of my knowledge, all information contained in this application is true and correct. If awarded a grant with Caltrans, I agree that I will adhere to the requirements and guidelines specified in this grant application.

Signature of Executive Director (Applicant)

Print Name

Title

Date

Signature of Authorized Official (Sub-recipient)

Print Name

Title

Date

THE FOLLOWING DOCUMENTS ARE REQUIRED:

Submit via e-mail as separate attachments. Refer to the Transportation Planning Grant Guide for additional information and/or samples.

- ☐ Application* (Complete the PDF version of this form provided at <http://www.dot.ca.gov/hq/tpp/grants.html>.) **Only one application submittal per e-mail is permitted.**
- ☐ Application Signature Page (Print, sign, and scan this page in PDF format)
- ☐ Scope of Work (Microsoft Word format)
- ☐ Project Timeline (Microsoft Excel format)
- ☐ Third Party In-Kind Valuation Plan, if applicable (EJ and CBTP grant programs require this document at the time of application submittal)
- ☐ Map of Project Area
- ☐ Local Resolution (Applicable to CBTP and EJ only – PDF format)

THE FOLLOWING DOCUMENTS ARE OPTIONAL:

- ☐ Digital Photographs of Project Area (when applicable)
- ☐ Letter(s) of Support

Failure to include any of the required documents will result in a reduced application score.

***Scanned or hard copies of the application will not be accepted.**

To: Board of Supervisors

From: William Walker, M.D., Health Services Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: Amendment Agreement #28-700-15 with the California Department of Public Health

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute on behalf of the County, Amendment Agreement #28-700-15 (State #EPO 11-08 ATT 23) with the California Department of Public Health, effective October 1, 2011, to amend Agreement #28-700-14, to increase the total payable to County by \$90,087 from \$1,470,461 to a new total of \$1,566,548, for the Public Health Emergency Preparedness Comprehensive Program, Public Health Emergency Response (PHER), with no change in the term from July 1, 2011 through August 9, 2012.

FISCAL IMPACT:

Approval of this Amendment Agreement will result in an increase of \$96,087 of funding payable to County from the California Department of Public Health for the Public Health Emergency Response (PHER). No County funds are required.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Wendel Brunner, M.D. 313-6712

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc: J Pigg, D Gary

BACKGROUND:

On November 15, 2011, the Board of Supervisors approved Agreement #28-700-14 with the California Department of Public Health to fund multiple Public Health Emergency Preparedness (PHEP) activities including, but not limited to, the Centers for Disease Control (CD) preparedness activities, the Cities Readiness Initiative (CRI) activities, Pandemic Influenza preparedness and ASPR Hospital Preparedness Program activities, for the County's Public Health Emergency Preparedness Response Program and Comprehensive Program, through August 9, 2012.

Approval of this Amendment Agreement #28-700-15 will provide additional funding for continuation of the Public Health Emergency Response Program, through August 9, 2012.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, the Division will not be able to continue to develop and test all hazardous health emergency preparedness activities and hospital preparedness in response to any disease outbreaks in Contra Costa County.

CHILDREN'S IMPACT STATEMENT:

Not Applicable

To: Board of Supervisors

From: Steve Silveira, Deputy General Services Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: Amend Purchase Order with Precision Paint & Collision

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the General Services Department, to increase the payment limit of purchase order #33498 with Precision Paint & Collision by \$46,000 to a new payment limit of \$145,000 for Vehicle auto body repair and paint, with no change in original term of May 1, 2010 through April 30, 2012.

FISCAL IMPACT:

The cost of auto body repairs and paint is in the FY2011/12 Fleet Maintenance Budget.

BACKGROUND:

Fleet Management maintains all county vehicles. Part of this maintenance is vehicle accident repair and painting caused by collisions or deterioration. Painting is also required in cases where the vehicle color changes, such as the Sheriff's project which is changing vehicles color from white cars to black. Originally bid as Bidsync #1005-002, Precision Paint & Collision was the primary auto body repair shop awarded this type of work. We are increasing the blanket purchase order from \$99,000 to \$145,000. This change order will allow us to reach the end of the initial two-year term.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Stan Burton (925) 313-7078

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 17, 2012

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc: GSD Admin, GSD Accounting, GSD Fiscal Officer, GSD Purchasing, GSD Materials Management, GSD Purchasing, CAO, Auditor Controller

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, then repairing vehicle body damage through Precision Paint & Collision will discontinue.

CHILDREN'S IMPACT STATEMENT:

None

To: Board of Supervisors

From: Steve Silveira, Deputy General Services Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: Approve Purchase Order with Cummins West

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute a purchase order in an amount not to exceed \$188,842 with Cummins West for the purchase and installation of Diesel Engine Particulate Traps.

FISCAL IMPACT:

This cost is to be funded through Public Works FY2011/12 Budget (100% Road Funds).

BACKGROUND:

General Services Fleet Management is responsible for keeping the Counties vehicle fleet in compliance with all state and local agencies policies. Bay Area Air Quality Management District has an ordinance which makes it mandatory to have all diesel powered vehicles over 14,000 pounds and built prior to 2009, outfitted with particulate traps. These units act like a catalytic converter on gas units, using the vehicle's exhaust heat to destroy unburned fuel and other combustible byproducts. The 13 units quoted here represent the final phase of this project, as Fleet will be 100% equipped with all necessary equipment. BAAQMD's mandate on this stipulates all vehicles must be so equipped by December 31, 2011.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Stan Burton 925-313-7077

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc: GSD Admin, GSD Fiscal Officer, GSD Accounting, Auditor Controller, GSD Purchasing, GSD Purchasing, CAO, GSD Materials Management

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, Diesel Engine particulate traps will not be purchased.

CHILDREN'S IMPACT STATEMENT:

None

To: Board of Supervisors

From: Steve Silveira, Deputy General Services Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: Amend Purchase Order with Lehr Auto Electric for Emergency Vehicle Parts

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the General Services Department, to execute a purchase order amendment with Lehr Auto Electric, to increase the payment limit to existing Purchase Order No. 22279 by \$135,000 from \$465,000 to \$600,000 for vehicle parts and accessories, and extend term for one year through December 31, 2012.

FISCAL IMPACT:

The cost of Emergency vehicle parts is in the FY2011/12 Fleet ISF Budget and the Sheriff Maintenance Budget.

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, the purchasing of Emergency Vehicle parts from Lehr Auto Electric will discontinue.

CHILDREN'S IMPACT STATEMENT:

None

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Stan Burton (925) 313-7078

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc: GSD Admin, GSD Fiscal Officer, GSD Accounting, CAO, GSD Purchasing, GSD Purchasing, Auditor
Controller, GSD Materials Management

BACKGROUND:

General Services Fleet Management purchases and outfits all emergency vehicles for the County. This includes vehicles from the Sheriff, Public Works, Animal Services, Probation, DA and Health Services. The Sheriff's units take up the vast majority of this commodity. Outfitting includes lights, consoles, electrical switching, wiring, and other hard parts such as partitions and trunk slider trays. The annual cost for emergency vehicle accessories has been \$116,000 per year. With the Sheriff changing vehicle types from the Ford Crown Victoria to a yet unknown vehicle type, we expect the annual cost to rise slightly. This commodity was originally bid on Bidsync #0711-005 and awarded to Lehr Auto Electric. It is currently at the third and final one-year extension and will be bid out again in 2012. The increase will allow Fleet time to conduct a solicitation.

To: Board of Supervisors

From: Family & Human Services Committee

Date: January 17, 2012



**Contra
Costa
County**

Subject: Transition to Emergency Solutions Grant and Proposed Allocation of Additional Funds

RECOMMENDATION(S):

1. APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a contract with Shelter, Inc. in an amount not to exceed \$73,797, to provide Rapid Rehousing services to urban County clients for the period January 24, 2012 to June 30, 2012, as recommended by the Family and Human Services Committee.
2. APPROVE allocating \$11,366 in additional funds to the Department of Conservation and Development for administration costs as recommended by the Family and Human Services Committee.

FISCAL IMPACT:

No General Fund Impact. ESG funds are provided to the County on a formula basis through the U.S. Department of Housing and Urban Development (HUD). CFDA # 14.231.

CONSEQUENCE OF NEGATIVE ACTION:

If the allocation of additional Federal ESG funds to DCD is not approved, the County will not be able to provide rapid rehousing services to additional clients and it will not be possible for the County to spend the total amount allocated by HUD.

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☒ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Brenda Kain 335-7238

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc:

BACKGROUND:

The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), enacted into law on May 20, 2009, consolidates three of the separate homeless assistance programs administered by the U.S. Department of Housing and Urban Development (HUD) under the McKinney-Vento Homeless Assistance Act into a single grant program, and revises the Emergency Shelter Grants program and renames it as the Emergency Solutions Grants (ESG) program. The HEARTH Act also codifies into law the Continuum of Care planning process, a longstanding part of HUD's application process to assist homeless persons by providing greater coordination in responding to their needs.

This ruling revises the regulations for the Emergency Shelter Grants program by establishing the regulations for the Emergency Solutions Grants program, which replaces the Emergency Shelter Grants program. The change in the program's name, from Emergency Shelter Grants to Emergency Solutions Grants, reflects the change in the program's focus from addressing the needs of homeless people in emergency or transitional shelters to assisting people to quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness.

The intent of the new ESG program is to build upon those services developed through the Homeless Prevention/Rapid Rehousing (HPRP) program that was funded as part of the 2009 American Recovery and Reinvestment Act (ARRA). The purpose of HPRP is to provide homelessness prevention assistance to households who would otherwise become homeless and to provide assistance to rapidly re-house persons who are homeless. It provides temporary financial assistance and housing relocation and stabilization services to individuals and families who are homeless or would be homeless but for this assistance. HPRP is not a mortgage assistance program and is not intended to provide long-term support.

The County received \$1,421,551 in funding for the HPRP program and contracted with Shelter, Inc. as the lead agency. Shelter, Inc. in turn contracted with several partner agencies countywide to ensure that services were provided throughout the urban County. Under their direction the program has far exceeded the original goals for number of households served and it is anticipated that all funds will be expended well before the August, 2012, deadline.

HUD has notified the County it is eligible to receive an additional \$85,163 in ESG funding for the current fiscal year. The new ESG regulations limit the amount to be allocated to street outreach and emergency shelter activities to 60 percent of the grant amount or the amount allocated in FY 2010/11, whichever is greater. Because the County allocated its entire ESG grant this year for emergency shelter activities (see attachment), the additional ESG funding must be used for the new services outlined in the regulations - specifically homeless prevention and rapid rehousing activities. It is anticipated that an additional 21 families currently homeless will receive help in finding housing and in paying deposits, rent and utility bills.

A new requirement for greater coordination among homeless assistance providers requires that ESG recipients consult with Continuums of Care in allocating funds for eligible activities, developing performance standards, evaluating outcomes of ESG-assisted projects and developing funding policies and procedures. In response to this requirement, recommendations for the allocation of the additional funds were presented to the Contra Costa Interjurisdictional Council on Homelessness ("CCICH") on December 9, 2011. CCICH is charged with providing a forum for communication and coordination about the overall implementation of the Ten Year Plan to End Homelessness and providing advice and input on the operations of homeless services. The recommendation was presented to the Family and Human Services Committee on December 12, 2011, and was approved.

CHILDREN'S IMPACT STATEMENT:

Allocating the additional Federal ESG funds to assist additional rapid rehousing clients will support the "Families that are Safe, Stable and Nurturing" outcome established in the Children's Report Card.

FY 2011/12
Emergency Shelter Grant (ESG) Projects

Project ID	Sponsor	Project Name/Location	Sponsor's Website	Project Objective/Description	HUD Matrix Eligibility/ National Objective/Category of Assistance	ESG Funds	Total Cost
11-71-ESG	County Health Services 597 Center Ave. Suite 325 Martinez, CA 94553	Emergency Shelter - Single Adults 847-C Brookside Drive Richmond, CA 94801	www.co.contra-costa.ca.us	Provide up to 175 year-round emergency shelter beds per night for homeless single adults in Contra Costa county.	24 CFR 576.21(a)(3) (Operating Support: No Staff Costs)	\$ 100,000	\$ 1,627,411
11-72-ESG	County Health Services 597 Center Ave. Suite 325 Martinez, CA 94553	Calli House Youth Shelter 845-B Brookside Drive Richmond, CA 94801	www.co.contra-costa.ca.us	Provide up to 18 year-round emergency shelter beds per night for homeless youth in Contra Costa County.	24 CFR 576.21(a)(3) (Operating Support: No Staff Costs)	\$ 4,025	\$ 416,724
11-73-ESG	Greater Richmond Interfaith Program (GRIP) 165 22nd Street Richmond, CA 94801	Emergency Family Shelter 165 22nd Street Richmond, CA 94801	www.gripcommunity.org	Provide emergency shelter and support services year round to 70 families (215 homeless individuals) in Contra Costa County.	24 CFR 576.21(a)(3) (Operating Support: Staff Costs)	\$ 10,000	\$ 164,612
11-74-ESG	STAND! Against Domestic Violence 1410 Danzig Plaza Suite 210 Concord, CA 94520	Rollie Mullen Emergency Shelter/ Confidential location	www.standagainstdv.org	Provide emergency homeless shelter and support services for 15 women and their children who are displaced due to domestic violence.	24 CFR 576.21(a)(2) (Essential Services)	\$ 31,000	\$ 581,450
11-75-ESG	Contra Costa County Dept. of Conservation & Development 2530 Arnold Drive Suite 190 Martinez, CA 94553	ESG Administration	www.ccreach.org	Administrative Costs limited to 5% of ESG Funding	24 CFR 576.21 (a)(5) (Administrative Costs)	\$ 6,376	\$ 6,579
Total Emergency Shelter Grant Funding						\$ 151,401	\$ 2,796,776
				ESG Caps:			
				Essential Services: Up to 30% of ESG Funding		\$ 45,420	
				Operational Costs: Staff costs included in this category are limited to 10% of ESG Funding		\$ 15,140	
				Homeless Prevention Activities: Up to 30% of ESG Funding		\$ 45,420	

FY 2009/10
Community Development Block Grant
Emergency Shelter Grant (ESG) Projects

Project ID	Sponsor	Project Name/Location	Sponsor's Website	Project Objective/Description	HUD Matrix Eligibility/ National Objective/Category of Assistance	ESG Funds	Total Cost
09-53-ESG	County Health Services 597 Center Ave. Suite 325 Martinez, CA 94553	Emergency Shelter - Single Adults 847-C Brookside Drive Richmond, CA 94801	www.co.contra-costa.ca.us	Provide up to 175 year-round emergency shelter beds per night for homeless single adults in Contra Costa county.	24 CFR 576.21(a)(3) (Operating Support: No Staff Costs)	\$ 90,000	\$ 1,397,056
09-54-ESG	County Health Services 597 Center Ave. Suite 325 Martinez, CA 94553	Calli House Youth Shelter 845-B Brookside Drive Richmond, CA 94801	www.co.contra-costa.ca.us	Provide up to 18 year-round emergency shelter beds per night for homeless youth in Contra Costa County.	24 CFR 576.21(a)(3) (Operating Support: No Staff Costs)	\$ 6,000	\$ 353,319
09-55-ESG	Greater Richmond Interfaith Program (GRIP) 165 22nd Street Richmond, CA 94801	Emergency Family Shelter 165 22nd Street Richmond, CA 94801	www.gripcommunity.org	Provide emergency shelter and support services year round to 215 homeless individuals and families in Contra Costa County.	24 CFR 576.21(a)(3) (Operating Support: Staff Costs)	\$ 12,000	\$ 496,069
09-56-ESG	Shelter, Inc. 1815 Arnold Drive Martinez, CA 94553	REACH Plus 1815 Arnold Drive Martinez, CA 94553	www.shelterincofccc.org	Provide case management services and rental subsidies to 80 homeless individuals and families to regain self-sufficiency and maintain stable, permanent housing.	24 CFR 576.21 (a)(4) (Homeless Prevention)	\$ 13,111	\$ 1,190,937
09-57-ESG	STAND! Against Domestic Violence 1410 Danzig Plaza Suite 210 Concord, CA 94520	Rollie Mullen Emergency Shelter/ Confidential location	www.standagainstdv.org	Provide emergency homeless shelter and support services for 30 women and their children who are displaced due to domestic violence.	24 CFR 576.3 (Essential Services)	\$ 24,000	\$ 362,324
09-58-ESG	Contra Costa County Community Dev. Dept. 2530 Arnold Drive Suite 190 Martinez, CA 94553		www.ccreach.org	Administrative Costs limited to 5% of ESG Funding	24 CFR 576.21 (a)(5) (Administrative Costs)	\$ 7,285	
Total Emergency Shelter Grant Funding						\$ 152,396	\$ 3,799,705
				ESG Caps:			
				Essential Services: Up to 30% of ESG Funding		\$ 45,719	
				Operational Costs: Staff costs included in this category are limited to 10% of ESG Funding		\$ 15,240	
				Homeless Prevention Activities: Up to 30% of ESG Funding		\$ 45,719	

FY 2006/07 ESG Program Applications

HUD Act. #	App. No.	Project Sponsor/ Name	Project Description	Category of Assist.	Target Population	Number Served	Total Budget	ESG Requested	Match Amount	ESG Recommended	Prior Year Funding
1029	ESG 06-01	Contra Costa Crisis Center/ 24 Hour Homeless Hotline	24 hour homeless hotline,emergency shelter/ shelter referral/ crisis counseling/ voice-mail services/ resource database	essential services	homeless individuals and families	10,000 individuals	\$134,000	\$10,000	\$15,000	\$5,000	\$4,950
1038	ESG 06-02	Shelter, Inc./ REACH Plus Case Management	Assists homeless households in obtaining housing and provides 12 months of case management, alcohol and drug treatment, and workforce development	essential services	homeless households	80 households (10 ESG assisted)	\$1,231,975	\$12,760	\$514,711	\$12,700	\$12,030
1037	ESG 06-03	STAND!/ Rollie Mullen Emergency Shelter	Provides emergency shelter to women and children who are suddenly homeless due to domestic violence/ violent relationships	essential services	homeless women and children	20 women and 10 children	\$449,774	\$30,000	\$419,772	\$20,000	\$19,700
1039	ESG 06-04	County Health Services/ Emergency Shelter-Single Adults	Provides emergency shelter and support services to homeless adults	operating support	homeless single adults	825 individuals	\$1,372,590	\$90,000	\$99,428	\$90,000	\$88,630
1040	ESG 06-05	GRIP/Emergency Family Shelter	Year round emergency shelter for homeless families	operating support	homeless families	80-100 individuals (30-35 families)	\$337,686	\$25,000	\$75,000	\$11,000	\$13,736
1041	ESG 06-06	Calli House/Emergency Shelter for Homeless Youth	Provides emergency shelter and support services to homeless youth	operating support	homeless youth	110 youth	\$326,437	\$10,000	\$140,000	\$5,000	\$4,950
Total ESG Requested							\$3,852,462	\$177,760	\$1,263,911	\$143,700	\$143,996
					Maximum Available	ESG Recommended					
					\$151,254	\$151,254					
			Administrative		\$7,563	\$7,554	5% admin.				
			Conversion/Rehab		\$143,691		no cap				
			Essential Services		\$45,376	\$37,700	30% cap				
			Operating Expenses		\$143,691	\$106,000	10% cap on costs for staff (\$15,158)				
			Homeless Prevention		\$45,376		30% cap				

FY 2006/07 ESG Program Applications

HUD Act. #	App. No.	Project Sponsor/ Name	Project Description	Category of Assist.	Target Population	Number Served	Total Budget	ESG Requested	Match Amount	ESG Recommended	Prior Year Funding
949	ESG 05-01	Contra Costa Crisis Center/ 24 Hour Homeless Hotline	24 hour homeless hotline,emergency shelter/ shelter referral/ crisis counseling/ voice-mail services/ resource database	essential services	homeless individuals and families	7500 individuals	\$182,120	\$5,000	\$12,000	\$4,950	\$5,000
950	ESG 05-02	Shelter, Inc./ REACH Plus Case Management	Assists homeless households in obtaining housing and provides 12 months of case management, alcohol and drug treatment, and workforce development	essential services	homeless households	10 ESG-assisted households	\$1,499,962	\$12,265	\$12,800	\$12,030	\$12,265
951	ESG 05-03	STAND!/ Rollie Mullen Emergency Shelter	Provides emergency shelter to women and children who are suddenly homeless due to domestic violence/ violent relationships	essential services	homeless women and children	25 women and 20 children 1,050 bed-nights	\$412,948	\$20,000	\$30,849	\$19,700	\$20,000
952	ESG 05-04	County Health Services/ Emergency Shelter-Single Adults	Provides emergency shelter and support services to homeless adults	operating support	homeless single adults	800 individuals	\$1,299,638	\$90,000	\$98,490	\$88,630	\$90,000
953	ESG 05-05	GRIP/Emergency Family Shelter	Year round emergency shelter for homeless families	operating support	homeless families	88 individuals	\$315,925	\$15,000	\$50,000	\$13,736	\$14,000
954	ESG 05-06	Calli House/Emergency Shelter for Homeless Youth	Provides emergency shelter and support services to homeless youth	operating support	homeless youth	110 youth	\$300,578	\$5,000	\$10,000	\$4,950	\$5,000
Total ESG Requested							\$4,011,171	\$147,265	\$214,139	\$143,996	\$146,265
					Maximum Available	ESG Recommended					
					\$151,580						
			Administrative		\$7,579		5% admin.				
			Conversion/Rehab		\$144,001		no cap				
			Essential Services		\$45,474		30% cap				
			Operating Expenses		\$144,001		10% cap on costs for staff (\$15,158)				
			Homeless Prevention		\$45,474		30% cap				

FY 2004/05 ESG Program Applications										
App. No.	Project Sponsor/ Name	Project Description	Category of Assist.	Target Population	Number Served	Total Budget	ESG Requested	Match Amount	ESG Recommended	Prior Year Funding
ESG 04-01	Contra Costa Crisis Center/ 24 Hour Homeless Hotline	24 hour homeless hotline,emergency shelter/ shelter referral/ crisis counseling/ voice-mail services/ resource database	essential services	homeless individuals and families	Answer all calls 10,000 referrals 2,000 bed-nights 800 shelter intakes 400 voice mail boxes	\$235,140	\$10,000	\$76,440	\$5,000	\$5,000
ESG 04-02	Shelter, Inc./ REACH Plus Case Management	Assists homeless households in obtaining housing and provides 12 months of case management, alcohol and drug treatment, and workforce development	essential services	homeless households	10 ESG-assisted households	\$1,538,888	\$15,390	\$798,993	\$12,265	\$12,300
ESG 04-03	STAND!/ Rollie Mullen Emergency Shelter	Provides emergency shelter to women and children who are suddenly homeless due to domestic violence/ violent relationships	essential services	homeless women and children	29 women and 21 children 1,050 bed-nights	\$341,653	\$30,000	\$30,000	\$20,000	\$20,000
ESG 04-04	County Health Services/ Emergency Shelter-Single Adults	Provides emergency shelter and support services to homeless adults	operating support	homeless single adults	800 individuals	\$1,540,651	\$90,000	\$127,284	\$90,000	\$90,000
ESG 04-05	GRIP/Emergency Family Shelter	Year round emergency shelter for homeless families	essential services and operating support	homeless families	20 families	\$80,000	\$15,000	\$15,000	\$14,000	\$12,100
ESG 04-06	Calli House/Emergency Shelter for Homeless Youth	Provides emergency shelter and support services to homeless youth	operating support	homeless youth	110 youth	\$298,093	\$10,000	\$10,000	\$5,000	N/A
Total ESG Requested						\$4,034,425	\$170,390	\$1,057,717	\$146,265	\$139,400
			ESG Requested	Maximum Available	ESG Recommended					
				\$153,963						
		Administrative	\$7,698	\$7,698	5% admin.					
		Conversion/Rehab	\$0	\$146,265	no cap					
		Essential Services	\$62,890	\$46,189	30% cap					
		Operating Expenses	\$107,500	\$146,265	10% cap on costs for staff (\$15,396)					
		Homeless Prevention	\$0	\$46,189	30% cap					

FY 2004/05 ESG Program Applications

(FY 02/03 funds were extended for FY 03/04)

**PROGRAM AGREEMENT
CONTRA COSTA COUNTY
EMERGENCY SOLUTIONS GRANT PROGRAM**

THIS PROGRAM AGREEMENT ("Agreement") is entered into as of **January 17, 2012** by and between **Contra Costa County**, a political subdivision of the State of California (herein called the "County"), and **Shelter, Inc.**, a California non-profit corporation (herein called the "Subrecipient").

WHEREAS, the County has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended ("HUD Act"); and

WHEREAS, the County wishes to engage the Subrecipient to assist the County in utilizing such funds;

NOW, THEREFORE, it is agreed between the parties hereto that:

I. SCOPE OF SERVICE

A. Activities

The Subrecipient will be responsible for administering the **Rapid Rehousing Program** (herein called the "Program") and performing the activities specified in the FY 2011/12 Stewart B. McKinney Homeless Assistance Emergency Solutions Grant (ESG) in a manner satisfactory to County and consistent with any standards required as a condition of providing these funds. Such program will include the following activities eligible under the Stewart B. McKinney Program:

Subrecipient will provide case management and direct financial assistance to Urban County residents to quickly regain stability in permanent housing after experiencing homelessness.

The Subrecipient will provide program management and general administrative services to support the Program as described above. Administrative support includes but is not limited to the following: data collection and analysis, preparation and submission of quarterly, close-out reports, and Board of Directors meeting minutes, budget preparation and submission of demands for reimbursement, and any other function that will ensure compliance with this Program Agreement and applicable Federal regulations as expressed herein.

B. Levels of Accomplishment

In addition to the normal administrative services required as part of this Agreement, the Subrecipient agrees to operate the Program throughout the term of this Agreement. The Subrecipient is responsible for employing a trained and qualified staff and a sufficient number of volunteers needed to carry out the Program.

The primary performance measurement of the Program to be reported is to:

Provide Rapid Rehousing Services to 21 Extremely Low Income (below 30% of Area Median Income) families/individuals in Contra Cost County by quickly Rehousing those experiencing homelessness.

C. Staffing

Subrecipient shall provide the name of employee(s), title, description of job responsibilities, hourly base pay rate or billable rate, and an estimate of time to be spent on the Program per pay period within thirty (30) days of the Program start date. Subrecipient shall inform the County in writing, within ten (10) working days, of any changes of staff that occur during the term of this Agreement.

D. Performance Monitoring

The County will have the right to monitor the performance of the Subrecipient against goals and performance standards established herein. Substandard performance as determined by the County will constitute noncompliance with this Agreement. If action to correct such substandard performance is not taken by the Subrecipient within thirty (30) days after being notified by the County, County may initiate Agreement suspension or termination procedures.

II. TIME OF PERFORMANCE AND TERM OF AGREEMENT

Services of the Subrecipient shall start on the 17th day of January 2011, and end on the 30th day of June 2011. The term of this Agreement and the provisions herein may be extended to cover any additional time period during which the Subrecipient remains in control of ESG funds or other ESG assets including program income, at County's sole discretion. The Subrecipient shall receive FY 2011/12 funds contingent on the availability of funds and satisfactory Program performance.

Quarterly reports and Board of Directors meeting minutes are due no later than:

<u>Period to be covered</u>	<u>Due Date</u>
January 17, 2012 through March 31, 2012	April 15, 2012

A Year-end report covering the entire program year is due no later than July 15, 2012.

III. PAYMENT

It is expressly agreed and understood that the total amount to be paid by the County under this Agreement shall not exceed Seventy Three Thousand Seven Hundred Ninety Seven Dollars (\$73,797.00). To the extent practicable, the use of funds shall be used on a pro rata basis with other funds provided to this Program. Demands for the payment of eligible expenses shall be based upon information submitted by the Subrecipient consistent with the approved Agreement Budget, attached hereto and made a part hereof as Exhibit A, and with County policy concerning payments. At a minimum, demands must be submitted on a quarterly basis. Demands may be submitted more frequently, if needed. The payment of demands is contingent upon the timely submission of quarterly reports and any other required reports and/or documents.

Payments may be contingent upon certification of the Subrecipient's financial management system in accordance with the standards specified in OMB Circular A-110, and as specified in Section VII C.4, Payment Procedures.

IV. NOTICES

All notices required by this Agreement must be in writing and delivered via United States Mail, certified and with postage prepaid or by commercial courier or personal delivery. Any notice delivered or sent in the manner described above shall be effective on the date of delivery or sending. All notices and other written communication concerning this Agreement and/or any amendments hereto shall be directed to the following, unless otherwise modified by written notice:

<u>Contra Costa County</u>	<u>Subrecipient</u>
Brenda Kain	Jennifer Baha
Department of Conservation and Development	Shelter, Inc.
Contra Costa County	
2530 Arnold Dr., Suite 190	1815 Arnold Drive
Martinez, CA 94553	Martinez, CA 94553
Phone (925) 335-7238	Phone (925) 957-7562
Fax (925) 335-7201	Fax (925) 335-9815
brenda.kain@dcd.cccounty.us	sjenniferb@shelterincofccc.org

V. SPECIAL CONDITIONS

- A. The Subrecipient agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Parts 91 and 576 of the Housing and Urban Development regulations concerning Emergency Solutions Grants Program and all Federal regulations and policies issued pursuant to these regulations. The Subrecipient further agrees to utilize funds available under this Agreement to supplement rather than to supplant funds otherwise available.
- B. The Subrecipient agrees to provide documentation of matching funds (as described in Exhibit A) in a form and content prescribed by the County. The status of matching funds must be updated quarterly. The Subrecipient agrees to provide year-to-date Sources and Uses of Funds report at the end of each quarter. The report should be submitted with the quarterly demand or, in the case of those Subrecipients that submit demands monthly, with the September, December, March, and June demands. The Sources and Uses Funds report will include all sources of funding for the Program and how each source is expended.

VI. GENERAL CONDITIONS

A. General Compliance

The Subrecipient agrees to comply with all applicable Federal, State and local laws and regulations governing the funds provided under this Agreement and with those laws and regulations concerning the Subrecipient's performance hereunder, including but not limited to Federal regulations, guidelines, bulletins, and circulars pursuant to Title I of the Housing and Community Development Act of 1974, including Title 24 of the Code of Federal Regulations, Chapter V, Part 570 as published in the Federal Register, Vol. 30, No. 220, Thursday, November 9, 1995, as may be revised and amended; and which are incorporated herein by reference. Documentation of such compliance shall be made available for review by the County upon request.

B. Independent Contractor Status

Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee, agent/servant, partnership, joint venture or association between the parties. The Subrecipient shall at all times remain an independent contractor with respect to the services to be performed under this Agreement. The County shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers' Compensation Insurance as the Subrecipient is an independent contractor.

C. Indemnification

The Subrecipient shall defend, indemnify, save, and hold harmless the County and its officers and employees from any and all claims, costs and liability for any damages, sickness, death, or injury to person(s) or property, including without limitation all consequential damages, from any cause whatsoever arising directly or indirectly from, or connected with the operations or services of the Subrecipient or its agents, servants, employees or subcontractors hereunder, save and except claims or litigation arising through the sole negligence or sole willful misconduct of the County or its officers or employees. The Subrecipient will reimburse the County for any expenditures, including reasonable attorneys' fees, the County may make by reason of the matters that are the subject of this indemnification, and if requested by the County will defend any claims or litigation to which this indemnification provision applies at the sole cost and expense of the Subrecipient.

D. Insurance and Bonding

During the entire term of this Agreement and any extension or modification thereof, the Subrecipient shall keep in effect insurance policies meeting the following insurance requirements unless otherwise expressed in the Special Conditions:

1. **Liability Insurance.** The Subrecipient shall provide comprehensive liability insurance, including coverage for owned and non-owned automobiles, with a minimum combined single limit coverage of \$1,000,000 for all damages, including consequential damages, due to bodily injury, sickness or disease, or death to any person or damage to or destruction of property, including the loss of use thereof, arising from each occurrence. Such insurance shall be endorsed to include the County and its officers and employees as additional

insureds as to all services performed by the Subrecipient under this Agreement.

2. **Worker's Compensation.** The Subrecipient shall provide the County with a Certificate of Insurance evidencing workers' compensation insurance coverage for its employees.
3. **All Risk Insurance.** The Subrecipient shall provide a policy or policies of All Risk Property Damage Insurance including Flood Plain Insurance whenever applicable, particularly where ESG funds are used in the acquisition of real property.
4. **Additional Provisions.** The policies shall include a provision for thirty (30) days written notice to County before cancellation or material change of the above specified coverage. Said policies shall constitute primary insurance as to the County, the State and Federal governments, their officers, agents, and employees, so that other insurance policies held by them or their self-insurance program(s) shall not be required to contribute to any loss covered under the Subrecipient's insurance policy or policies. The Subrecipient shall carry sufficient insurance coverage to protect Program assets from loss due to theft, fraud and/or undue physical damage, and as a minimum shall purchase a blanket fidelity bond covering all employees in an amount equal to cash advances from the County. **Not later than the commencement date of the Agreement, the Subrecipient shall provide the County with a certificate(s) of insurance evidencing the above liability insurance.**

In addition, the Subrecipient shall comply with the bonding and insurance requirements of OMB Circular A-110, Bonding and Insurance.

E. County Recognition

The Subrecipient shall ensure recognition of the role of the grantor agency in providing services through this Agreement. As appropriate, activities, facilities and items utilized pursuant to this Agreement shall be prominently labeled as to funding source. In addition, the Subrecipient will include a reference to the support provided herein in all publications made possible with funds made available under this Agreement.

F. Amendments

County or Subrecipient may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, signed by a duly authorized representative of both organizations, and (except as expressly provided below) approved by the County Board of Supervisors. Such amendments shall not invalidate this Agreement, nor relieve or release the County or Subrecipient from its obligations under this Agreement.

Should Federal or State regulations, laws, policies or funding amounts touching upon the subject of this Agreement be adopted or revised during the term hereof, this Agreement shall be deemed amended to assure conformance with such Federal and State requirements. Notwithstanding the foregoing, if such amendments result in a change in the funding, the scope of services, or schedule of the activities to be undertaken as part of this Agreement, such modifications will be incorporated only by written amendment signed by both County and Subrecipient.

Subject to the Payment Limit, and any required State or Federal approvals, minor changes to only the Agreement Budget and the Scope of Work may be made by a written administrative amendment executed by the Subrecipient and the Deputy Director-Redevelopment or his or her designee, provided that such administrative amendments do not substantively change the Agreement Budget or the Scope of Work.

G. Suspension or Termination

In accordance with 24 CFR 85.43, the County may suspend or terminate this Agreement if the Subrecipient materially fails to comply with the terms of this Agreement, which include (but are not limited to) the following:

1. Failure to comply with any of the rules, regulations or provisions referred to herein, or such statutes, regulations, executive orders, and HUD guidelines, policies or directives as may become applicable at any time;
2. Failure, for any reason, of the Subrecipient to fulfill in a timely and proper manner its obligations under this Agreement;
3. Ineffective or improper use of funds provided under this Agreement; or
4. Submission by the Subrecipient to the County of reports that are incorrect or incomplete in any material respect.

Upon suspension or termination of this Agreement, the County may, in addition to any other remedies available at law or in equity, complete Subrecipient's obligations in any reasonable manner it chooses, take possession, in accordance with the Deed of Trust in favor of the County, of any real or personal property associated with the Program, construct, operate or maintain the Program as the County may deem necessary to fulfill the requirements of the Federal government, and deduct the costs thereof and the amount of damage, if any, sustained by County by virtue of Subrecipient's breach of this Agreement from any amounts owing to Subrecipient for services provided prior to County's suspension or termination of this Agreement.

In accordance with 24 CFR 85.44, County may also terminate this Agreement for convenience, in whole or in part, upon thirty (30) days written notice. This Agreement may also be cancelled immediately by written mutual consent.

Subject to the rights of senior lenders, in the event of any termination for convenience, all finished or unfinished documents, data, studies, surveys, maps, models, photographs, reports or other materials prepared by Subrecipient under this Agreement shall, at the option of the County, become the property of the County, and Subrecipient shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents or materials prior to the termination.

H. Cessation of Funding

The County's obligation to make any payments to the Subrecipient hereunder is contingent on the availability of ESG funds to the County during the term of this Agreement. In the event the

Federal funding for this Agreement ceases, this Agreement is terminated. In the event of unforeseeable budget adjustments by the Federal government, this Agreement is subject to renegotiation.

I. Extension of Term for Performance

Without any additional consideration on the part of Subrecipient or County, the County, through its Deputy Director-Redevelopment, may grant Subrecipient an extension of time for performance, beyond that time specified above under Section II, Time of Performance. Any such extension must be in writing and shall be at the sole discretion of the County.

VII. ADMINISTRATIVE REQUIREMENTS

A. Financial Management

1. **Accounting Standards.** The Subrecipient agrees to comply with 24 CFR 84.21-28 and OMB Circular A-110 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.
2. **Cost Principles.** The Subrecipient shall administer its program in conformance with the applicable sections of 24 CFR Part 85, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" and 24 CFR Part 570.502 for all costs incurred whether charged on a direct or indirect basis.

B. Documentation and Record-Keeping

1. **Records to be Maintained.** The Subrecipient shall maintain all records required by the federal regulations specified in 24 CFR Part 570.506, and satisfactory to County staff, and that are pertinent to the activities to be funded under this Agreement. Such records shall include but not be limited to:
 - a. Records providing a full description of each activity undertaken;
 - b. Records demonstrating that each activity undertaken meets one of the National Objectives of the ESG program;
 - c. Records required to determine the eligibility of activities;
 - d. Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with ESG assistance;
 - e. Records documenting compliance with the fair housing and equal opportunity components of the ESG program;
 - f. Financial records as required by 24 CFR Part 570.502, 24 CFR 84.21-28 and OMB Circular A-110; and
 - g. Other records necessary to document compliance with Subpart K of 24 CFR 570.
2. **Retention.** The Subrecipient shall retain all financial records, supporting documents, statistical records, and all other records pertinent to services performed and expenditures incurred under this Agreement for a period of five (5) years after the termination of all activities funded under this Agreement, or after the resolution of all litigation, claims,

Federal audits, negotiation or other actions that involve any of the records cited, whichever occurs later. Records for non-expendable property acquired with funds under this Agreement shall be retained for five (5) years after final disposition of such property. Records for any displaced person must be kept for five (5) years after he/she has received final payment.

3. **Client Data.** The Subrecipient shall maintain client data demonstrating client eligibility for services provided. Such data shall include, but not be limited to, client name, address, income level or other basis for determining eligibility, and description of service provided. Such information shall be made available to County monitors or their designees for review upon their request.
4. **Property Records.** The Subrecipient shall maintain real property inventory records which clearly identify properties purchased, improved or sold with the grant monies. Properties retained shall continue to meet eligibility criteria and shall conform with the "changes in use" restrictions specified in 24 CFR Part 570.505.
5. **National Objectives.** The Subrecipient agrees to maintain documentation that demonstrates that the activities carried out with funds provided under this Agreement meet one or more of the ESG Program's national objectives - (1) benefit low/moderate income persons; (2) aid in the prevention or elimination of slums or blight; (3) meet community development needs having a particular urgency - as defined in 24 CFR Part 570.208.
6. **Close-Outs.** Subrecipient's obligation to the County shall not end until all close-out requirements are completed. Activities during this close-out period shall include, but are not limited to: submission of close-out report, making final payments, disposing of Program assets (including the return of all unused materials, equipment, unspent cash advances, program income balances, and receivable accounts to the County), and determining the custodianship of records.
7. **Audits & Inspections.** All Subrecipient records with respect to any matters covered by this Agreement shall be made available to the County, grantor agency, their designees or the Federal government, at any time during normal business hours, as often as the County or grantor agency deems necessary, to audit, examine, and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by the Subrecipient within thirty (30) days after notice of the deficiencies is delivered to the Subrecipient. Failure of the Subrecipient to comply with the above audit requirements will constitute a violation of this Agreement and may result in the withholding of future payments. The Subrecipient hereby agrees to have an annual audit conducted in accordance with current County policy concerning Subrecipient audits and OMB Circular A-133.

C. Reporting and Payment Procedures

1. **Budgets.** The Agreement Budget shall include all sources of funding, the amount of each funding source, and the expenditures to be met by each funding source. The County and the Subrecipient may agree to revise the Agreement Budget from time to time in

accordance with existing County policies.

2. **Program Income.** The Subrecipient shall report monthly all program income as defined at 24 CFR 570.500(a) generated by activities carried out with ESG funds made available under this Agreement. The use of program income by the Subrecipient shall comply with the requirements set forth at 24 CFR 570.504. By way of further limitations, the Subrecipient may only use such income during the Agreement term for activities permitted under this Agreement and shall reduce requests for additional funds by the amount of any such program income balances on hand. All unused program income shall be returned to the County upon expiration or earlier termination of the Agreement, unless specific written amendments are made between the County and the Subrecipient. Any interest earned on cash advances from the U.S. Treasury is not program income and shall be remitted promptly to the County.
3. **Indirect Costs.** If indirect costs are charged, the Subrecipient shall develop an indirect cost allocation plan for determining the appropriate share of administrative overhead costs allocable to the Program and shall submit such plan to the County for approval.
4. **Payment Procedures.** The County will pay to the Subrecipient funds available under this Agreement based upon information submitted by the Subrecipient and consistent with the approved Agreement Budget and County policy concerning payments. With the exception of certain advances, payments will be made on a reimbursement basis for eligible expenses actually paid by the Subrecipient up to the Payment Limit. Any funds remaining shall revert back to the County. Payments will be adjusted by the County in accordance with advance fund and program income balances available in Subrecipient accounts. In addition, County reserves the right to liquidate funds available under this Agreement for costs incurred by County on behalf of Subrecipient.
5. **Progress Reports.** The Subrecipient shall submit regular progress reports to the County in the form, content and frequency as required by the County. The progress reports shall be submitted at least quarterly, unless otherwise directed by the County. A final progress report is due no later than thirty (30) days after the expiration or earlier termination of this Agreement.
6. **Board of Director Meeting Minutes.** The Subrecipient shall submit their Board of Directors meeting minutes to the County in the form, content and frequency as required by the County. The Subrecipient's Board minutes shall be submitted for each Board meeting held within a respective quarter. A set of Board minutes shall be submitted at least quarterly, unless otherwise directed by the County. A final set of Board minutes is due no later than fifteen (15) days after the expiration or earlier termination of this Agreement.

D. Procurement

1. **Compliance.** County shall have the right to require the Subrecipient to comply with any or all current County policies concerning the purchase of equipment and shall maintain an inventory record of all non-expendable personal property (as defined by County policy) as may be procured with funds provided herein. All Program assets (unexpended program income, property, equipment, etc.) shall revert to the County upon termination of this

Agreement.

2. **OMB Standards.** The Subrecipient shall procure materials in accordance with the requirements of 24 CFR 84.40-48 and the procurement standards set forth in OMB Circular A-110, and shall subsequently follow the property standards, covering utilization and disposal of property, set forth in OMB Circular A-110.
3. **Travel.** The Subrecipient shall obtain prior written approval from the County for any travel outside the nine (9)-county San Francisco Bay Area with funds provided under this Agreement.

E. Use and Reversion of Assets

The use and disposition of real property and equipment under this Agreement shall be in compliance with the requirements of 24 CFR Part 84 and CFR 570.502, 570.503, and 570.504, as applicable, which include but are not limited to the following:

1. The Subrecipient shall transfer to the County any ESG funds on hand and any accounts receivable attributable to the use of funds under this Agreement at the time of expiration, cancellation, or termination.
2. Real property under the Subrecipient's control that was acquired or improved, in whole or in part, with funds under this Agreement shall be used to meet one of the ESG National Objectives pursuant to 24 CFR 570.208 until five (5) years after expiration of this Agreement. If the Subrecipient fails to use ESG-assisted real property in a manner that meets a ESG National Objective for the prescribed period of time, the Subrecipient shall pay the County an amount equal to the current fair market value of the property less the portion of the value attributable to expenditures of non-ESG funds for acquisition of, or improvement to, the property.
3. In all cases in which equipment acquired, in whole or in part, with funds under this Agreement is sold, the proceeds shall be program income (prorated to reflect the extent to which funds received under this Agreement were used to acquire the equipment). Equipment not needed by the Subrecipient for activities under this Agreement shall be (a) transferred to the County for the ESG program or (b) retained after compensating the County an amount equal to the current fair market value of the equipment less the percentage of non-ESG funds used to acquire the equipment.

VIII. RELOCATION, REAL PROPERTY ACQUISITION AND DISPLACEMENT

The Subrecipient agrees to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and implementing regulations at 49 CFR Part 24 and 24 CFR 570.606, including requirements under Section 104(d) of the Housing and Community Development Act, relating to the acquisition and disposition of all real property utilizing grant funds, and to the displacement of persons, businesses, nonprofit organizations and farms occurring as a direct result of any acquisition or rehabilitation of real property utilizing grant funds. The Subrecipient also agrees to comply with applicable County ordinances, resolutions, and policies concerning displacement of individuals from their residences.

IX. PERSONNEL AND PARTICIPANT CONDITIONS

A. Civil Rights

1. **Compliance.** The Subrecipient agrees to comply with all State and local civil rights laws and regulations, as well as Title VI of the Civil Rights Act of 1964 as amended, Title VIII of the Civil Rights Act of 1968 as amended, the Fair Housing Amendment Act of 1988, Sections 104 (b) and 109 of Title I of the Housing and Community Development Act of 1974, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Executive Order 11063, and with Executive Order 11246 as amended by Executive Orders 11375, 11478, 12107 and 12086.
2. **Nondiscrimination.** The Subrecipient agrees to comply with the non-discrimination in employment and contracting opportunities laws, regulations and executive orders referenced in 24 CFR 570.607, as revised by Executive Order 13279, and the applicable non-discrimination provisions in Section 109 of the Housing and Community Development Act of 1974, and will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status, or status with regard to public assistance. The Subrecipient will take affirmative action to ensure that all employment practices are free from such discrimination. Such employment practices include but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Subrecipient agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
3. **Confidentiality.** Subject to the requirements of the Public Records Act, Subrecipient understands that client information collected under this Agreement is private and the use or disclosure of such information, when not directly connected with Subrecipient's obligations hereunder, is prohibited by law. Subrecipient agrees to comply and to require its employees to comply with all applicable State and Federal statutes and regulations respecting confidentiality, including but not limited to, all statutes and regulations that require confidentiality as to the identity of recipients, their records, and services provided them, and assures that:
 - (a) All applications and records concerning any individual made or kept by Subrecipient or any public officer or agency in connection with the administration of or relating to services provided under this Agreement will be confidential, to the extent permitted by law, and will not be open to examination for any purpose not directly connected with the administration of such service, unless written consent is obtained from such person receiving service and, in the case of a minor, that of a responsible guardian, and
 - (b) No person will publish or disclose or permit or cause to be published or disclosed, any list of persons receiving services, except as may be required by law or in the administration of such service. Subrecipient agrees to inform all employees, agents and partners of the above provisions, and that any person knowingly and intentionally disclosing such information other than as authorized by law may be guilty of a misdemeanor.

4. **Land Covenants.** This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and 24 CFR 570, Part I. In regard to the sale, lease, or other transfer of land acquired, cleared or improved with assistance provided under this Agreement, the Subrecipient shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected or to be erected thereon, providing that the County and the United States are beneficiaries of and entitled to enforce such covenants. The Subrecipient, in undertaking its obligation to carry out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant, and will not itself so discriminate.
5. **Section 504.** The Subrecipient agrees to comply with any federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) which prohibits discrimination against individuals with disabilities or handicaps in any Federally-assisted program. The County shall provide the Subrecipient with any guidelines necessary for compliance with that portion of the regulations in force during the term of this Agreement.

B. **Affirmative Action**

1. **Approved Plan.** The Subrecipient agrees that it shall be committed to carry out pursuant to the County's specifications an Affirmative Action Program in keeping with the principles as provided in President's Executive Order 11246 of September 24, 1965. The Subrecipient shall submit a plan for the Affirmative Action Program to County for approval prior to the disbursement of any funds to Subrecipient.
2. **WBE/MBE.** The Subrecipient will use its best efforts to afford small businesses, minority and women-owned business enterprises the maximum practicable opportunity to participate in the performance of this Agreement. As used in this Agreement, the term "small business" means a business that meets the criteria set forth in section (a) of the Small Business Act, as amended (15 U.S.C. 632), and "minority and women-owned business enterprise" means a business at least fifty-one percent (51%) owned and controlled by minority group members or women. For the purpose of this definition, "minority group members" are African-American, Spanish-speaking, Spanish surnamed or Spanish-heritage Americans, Asian-Americans, and Native American. The Subrecipient may rely on documentation of certification from another public agency or written representations by businesses regarding their status as minority and female business enterprises in lieu of an independent investigation.
3. **Access to Records.** The Subrecipient shall furnish and cause each of its sub-subrecipients to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the County, HUD or its agent, or other authorized federal officials for purposes of investigation to ascertain compliance with the rules, regulations and provisions stated herein.
4. **Notifications.** The Subrecipient will send to each labor union or representative of workers with which it has a collective bargaining agreement or other agreement or understanding, a notice, advising the labor union or workers' representative of the Subrecipient's

commitments hereunder, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

5. **EEO/AA Statement.** The Subrecipient will, in all solicitations or advertisements for employees placed by or on behalf of the Subrecipient, state that it is an Equal Opportunity or Affirmative Action employer.
6. **Subcontract Provisions.** The Subrecipient will include the provisions of Section IX. A, Civil Rights, and B, Affirmative Action, in every subcontract or purchase order, specifically or by reference, so that such provisions will be binding upon each sub-subrecipient or vendor.

C. Employment Restrictions

1. **Prohibited Activities.** The Subrecipient is prohibited from using funds provided herein or personnel employed in the administration of the Program for: political activities; sectarian, or religious activities; lobbying; political patronage; or nepotism activities.
2. **OSHA.** Where employees are engaged in activities not covered under the Occupational Safety and Health Act of 1970, they shall not be required or permitted to work, be trained, or receive services in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to the participants' health or safety.
3. **Right to Know.** Participants employed or trained for inherently dangerous occupations, e.g., fire or police jobs, shall be assigned to work in accordance with reasonable safety practices.
4. **Labor Standards.** The Subrecipient agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended (40 U.S.C. 276a-276a-5), the provisions of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 *et seq*), the Copeland "Anti-Kickback" Act (40 U.S.C. 276c) and all other applicable Federal, State and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this Agreement. The Subrecipient shall maintain documentation which demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the County for review upon request.

The Subrecipient agrees that, except with respect to the rehabilitation, or construction of, property designed for residential use for less than eight (8) households, all Subrecipients engaged under contracts in excess of \$2,000.00 for construction, renovation or repair of any building or work financed in whole or in part with assistance provided under this Agreement, shall comply with Federal requirements adopted by the County pertaining to such agreements and with the applicable requirements of the regulations of the Department of Labor, under 29 CFR, Parts 1, 3, 5, 6, and 7 governing the payment of wages and ratio of apprentices and trainees to journeymen; provided, that if wage rates higher than those required under the regulations are imposed by State or local law, nothing hereunder is intended to relieve the Subrecipient of its obligation, if any, to require payment of the higher wage. The Subrecipient shall cause or require to be inserted in full, in all such

agreements subject to such regulations, provisions meeting the requirements of this paragraph.

5. **"Section 3" Clauses.**

- a. **Compliance.** Compliance with the provisions of Section 3 of the HUD Act of 1968, as amended, and as implemented by, the regulations set forth in 24 CFR 135, and all applicable rules and orders issued thereunder prior to the execution of this Agreement, shall be a condition of the Federal financial assistance provided under this Agreement and binding upon the County, the Subrecipient and any sub-subrecipients. Failure to fulfill these requirements shall subject the County, the Subrecipient and any sub-subrecipients, their successors and assigns, to those sanctions specified by the agreement through which Federal assistance is provided. The Subrecipient certifies and agrees that no contractual or other disability exists which would prevent compliance with these requirements. The Subrecipient further agrees to comply with these "Section 3" requirements and to include the following language in all subcontracts executed under this Agreement:

"The work to be performed under this Agreement is a project assisted under a program providing direct federal financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to low- and very low-income residents of the project area, and that contracts for work in connection with the project be awarded to business concerns that provide economic opportunities for low- and very low-income persons residing in the metropolitan area in which the project is located." The Subrecipient further agrees to ensure that opportunities for training and employment arising in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to low- and very low-income persons residing within the metropolitan area in which the ESG-funded Program is located; where feasible, priority should be given to low- and very low-income persons within the service area of the Program or the neighborhood in which the Program is located, and to low- and very low-income participants in other HUD programs; and award contracts for work undertaken in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project to business concerns that provide economic opportunities for low- and very low-income persons residing within the metropolitan area in which the ESG-funded Program is located; where feasible, priority should be given to business concerns that provide economic opportunities to low- and very low-income residents within the service area or the neighborhood in which the Program is located, and to low- and very low-income participants in other HUD programs.

The Subrecipient certifies and agrees that no contractual or other disability exists which would prevent compliance with these requirements.

- b. Notifications. The Subrecipient agrees to send to each labor organization or representative of workers with which it has a collective bargaining agreement or other agreement or understanding, if any, a notice advising said labor organization or worker's representative of its commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
 - c. Subcontracts. The Subrecipient will include this Section 3 clause in every subcontract and will take appropriate action pursuant to the subcontract upon a finding that the sub-subrecipient is in violation of regulations issued by the grantor agency. The Subrecipient will not subcontract with any sub-subrecipient where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135 and will not let any subcontract unless the sub-subrecipient has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
6. Use of Debarred or Ineligible Contractors. The Subrecipient shall not use funds provided under this Agreement directly or indirectly to employ, award contracts to, or otherwise engage the services of, or fund any contractor or sub-subrecipient during any period of debarment, suspension, or placement in ineligible status under the provisions of 24 CFR Part 24.

D. Conduct

- 1. Assignability. The Subrecipient shall not assign or transfer any interest in this Agreement without the prior written consent of the County thereto; provided, however, that claims for money due or to become due to the Subrecipient from the County under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the County.
- 2. Hatch Act. The Subrecipient agrees that no funds provided, nor personnel employed under this Agreement, shall be in any way or to any extent used or engaged in the conduct of political activities in violation of Chapter 15 of Title V United States Code.
- 3. Conflict of Interest. The Subrecipient agrees to abide by the provisions of 24 CFR 84.42 and 24 CFR 570.611 with respect to conflicts of interest, which include (but are not limited to) the following:
 - a. The Subrecipient shall maintain a written code or standards of conduct that shall govern the performance of its officers, employees or agents engaged in the award and administration of contracts supported by Federal funds.
 - b. No employee, officer or agent of the Subrecipient shall participate in the selection, or in the award, or administration of, a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved.

- c. Subrecipient covenants that it presently has no financial interest and shall not acquire any financial interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement. The Subrecipient further covenants that in the performance of this Agreement no person having such a financial interest shall be employed or retained by the Subrecipient hereunder. These conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the County, the Subrecipient or of any designated public agencies which are receiving funds under the ESG Entitlement Program.

4. **Subcontracts**

- a. **Approvals.** The Subrecipient shall not enter into any subcontracts with any agency or individual in the performance of this Agreement without the written consent of the County prior to the execution of such subcontract.
- b. **Monitoring.** The Subrecipient will monitor all subcontracted services on a regular basis to assure contract compliance. Results of monitoring efforts shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance.
- c. **Content.** The Subrecipient shall cause all of the provisions of this Agreement in its entirety to be included in and made a part of any subcontract executed in the performance of this Agreement.
- d. **Selection Process.** The Subrecipient shall undertake to ensure that all subcontracts let in the performance of this Agreement shall be awarded on a fair and open competitive basis in accordance with applicable procurement requirements. Executed copies of all subcontracts shall be forwarded to the County along with documentation concerning the selection process.

5. **Copyright.** If this Agreement results in any copyrightable material or inventions, the County and/or grantor agency reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use and to authorize others to use, the work or material for government purposes.

6. **Lobbying.** The Subrecipient hereby certifies that:

- a. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
- b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any

agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

- c. It will require that the following language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-subrecipients shall certify and disclose accordingly;

"This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure."

7. **Religious Organization.** The Subrecipient agrees that funds provided under this Agreement will not be utilized for religious activities, to promote religious interests, or for the benefit of a religious organization in accordance with the federal regulations specified in 24 CFR 570.200(j).

X. ENVIRONMENTAL CONDITIONS

- A. **Air and Water.** The Subrecipient agrees to comply with the following regulations insofar as they apply to the performance of this Agreement:

- Clean Air Act, 42 U.S.C. 7401, et seq.
- Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, et seq., as amended, 1318 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder.
- Environmental Protection Agency (EPA) regulations pursuant to 40 CFR Part 50, as amended.
- National Environmental Policy Act of 1969.
- HUD Environmental Review Procedures (24 CFR Part 58).

- B. **Flood Disaster Protection.** The Subrecipient agrees to comply with the requirements of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001) in regard to the sale, lease or other transfer of land acquired, cleared or improved under the terms of this Agreement, as it may apply to the provisions of this Agreement, and shall assure that for activities located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, flood insurance under the National Flood Insurance Program is obtained and maintained as a condition

of financial assistance for acquisition or construction purposes (including rehabilitation).

- C. **Lead-Based Paint.** The Subrecipient agrees that any activities with regard to residential structures with assistance provided under this Agreement shall be subject to HUD Lead-Based Paint Regulations at 24 CFR 570.608, and 24 CFR Part 35, and applicable Sub-Parts. Such regulations pertain to all ESG-assisted housing and require that all purchasers, occupants, and owner-occupants of properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain the symptoms, treatment and precautions that should be taken when dealing with lead-based paint poisoning and the advisability and availability of blood lead level screening for children under seven. Such regulations further provide that a Lead Hazard Evaluation will be conducted; that Lead Hazard reduction will be undertaken should lead hazard be identified; and that occupants will be provided written notice regarding results of Lead Hazard Evaluation and Lead Hazard Reduction.
- D. **Historic Preservation.** The Subrecipient agrees to comply with the Historic Preservation requirements set forth in the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) and the procedures set forth in 36 CFR Part 800, Advisory Council on Historic Preservation Procedures for Protection of Historic Properties, insofar as they apply to the performance of this Agreement.

In general, this requires concurrence from the State Historic Preservation Officer for all rehabilitation and demolition of historic properties that are fifty (50) years old or older or that are included on a Federal, State, or local historic property list.

XI. OTHER PROVISIONS

- A. **Entire Agreement.** This Agreement contains all the terms and conditions agreed upon by the parties. Except as expressly provided herein and in the "COOPERATION AGREEMENT, H.C.D.A. 1974" effective November 24, 1981, and amendments relating thereto, if any, no other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.
- B. **Retained Powers.** All powers not explicitly invested in the Subrecipient or incidental to the exercise of those powers invested in the Subrecipient remain in the County.
- C. **Disputes.** Disagreements between County and Subrecipient concerning the meaning, requirements or performance of this Agreement shall be subject to final determination in writing by the head of the County Department for which this Agreement is made or his or her designee or in accordance with applicable procedures (if any) required by the Federal government.
- D. **Law Governing Agreement.** This Agreement is made in Contra Costa County and shall be governed and construed in accordance with the laws of the State of California.
- E. **Conformance with Federal and State Regulations.** Should Federal or State regulations touching upon this Agreement be adopted or revised during the term hereof, this Agreement is subject to modification to assure conformance with such Federal or State requirements.

- F. **Available Copies.** Copies of the County's Program documents and all pertinent Federal statutes, regulations, guidelines, bulletins, and circulars applicable to this Agreement, shall be available at all times for inspection by the Subrecipient during regular business hours at the offices of the Contra Costa County Community Development Department in Martinez, California.
- G. **Original Agreement.** The original copy of this Agreement and of any modification thereto is that copy filed in the Community Development Department of Contra Costa County.
- H. **Severability.** Should any term, portion or provision of this Agreement be finally decided to be in conflict with any law of the United States or of the State of California, or otherwise to be unenforceable or ineffectual, the validity of the remaining parts, terms, portions or provisions of this Agreement shall be deemed severable and shall not be affected thereby, provided that such remaining parts, terms, portions or provisions can be construed in substance to constitute the Agreement that the parties intended to enter into in the first instance.
- I. **No Third-Party Beneficiaries.** Notwithstanding mutual recognition that services under this Agreement may provide some aid or assistance to members of the County's population, it is not the intention of either County or Subrecipient that such individuals occupy the position of intended third-party beneficiaries of the obligations assumed by either party to this Agreement.
- J. **Waivers.** No waiver of any breach of any covenant or provision in this Agreement shall be deemed a waiver of any other covenant or provision in this Agreement and no waiver shall be valid unless in writing and executed by the waiving party.
- K. **Headings and Captions.** The section headings and captions of this Agreement and the arrangement of this instrument is, for the sole convenience of the parties to this Agreement. The section headings, captions and arrangement of this instrument do not in any way affect, limit, amplify or modify the terms and provisions of this Agreement. This Agreement shall not be construed as if it had been prepared by one of the parties, but rather as if both parties have prepared it. The parties to this Agreement and their counsel have read and reviewed this Agreement and agree that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply to the interpretation of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

COUNTY

Contra Costa County, a political
subdivision of the State of California

SUBRECIPIENT

Shelter, Inc.
a California Non-profit Corporation

By: _____
Deputy Director - Redevelopment

By: _____
(Print Name and Title)

By: _____
(Signature of Authorized Person)

By: _____
(Print Name and Title)

By: _____
(Signature of Authorized Person)

Recommended By:

Approved As To Form:
Sharon L. Anderson
County Counsel

Note: Two officers must sign on behalf of corporations.
The first signature that of the chairman of the board,
president, or vice president; the second signature
must be that of the secretary, assistant secretary,
chief financial officer or assistant controller.

By: Kathleen M. Anderson Deputy

EXHIBIT A - FY 2011/12 AGREEMENT BUDGET

Agency: Shelter, Inc.

Program: Rapid Rehousing

Direct Client Assistance

Short Term Rent	\$59,310
Rental Deposit	\$6,600

Subtotal	\$65,910
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Housing Relocation & Stabilization Services:

Case Manager	\$3,360
Intake Director	\$1,337
Housing Specialist	\$347
Program Assistant	\$346
A/P Clerk	\$389

Total Salaries	\$6,340
Taxes	\$442
Benefits	\$1,105

Subtotal	\$7,887
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Total	\$73,797
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Match Requirement: 100%

CCC Homeless Prevention/Rapid Rehousing Program	\$385,940
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To: Board of Supervisors

**From: Joe Valentine, Employment & Human Services
Director**

Date: January 17, 2012



**Contra
Costa
County**

Subject: Authorize Purchasing Agent to Execute Purchase Order

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent to execute a purchase order with CompuCom Systems, Inc., on behalf of the Employment and Human Services Department, Information Technology Unit, in the amount not to exceed \$556,400 for the fifth installment of the Microsoft Enterprise Agreement Renewal for the period January 1, 2012 to December 31, 2012.

FISCAL IMPACT:

\$556,400: 3% County Funding; 97% State Funding

BACKGROUND:

The Employment and Human Services Department, Information Technology Unit (IT), purchases the license to use Microsoft software to operate department computer systems. This renewal is necessary for the department to continue using Microsoft software.

In accordance with Administrative Bulletin No. 611.0, County Departments are required to get Board approval for single item purchases greater than \$100,000.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Earl Maciel 3-1648

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Employment and Human Services Departments will be unable to legally use Microsoft software on its computer equipment.

CHILDREN'S IMPACT STATEMENT:

None

To: Board of Supervisors

**From: Joe Valentine, Employment & Human Services
Director**

Date: January 17, 2012



**Contra
Costa
County**

Subject: Correct Board Order

RECOMMENDATION(S):

AMEND the Board Action of December 14, 2010 (Item C.67) which authorized the Purchasing Agent to execute a purchase order with CompuCom Systems Inc., to change the term from January 1, 2011 through December 31, 2012 to January 1, 2011 through December 31, 2011 with no change in the payment limit of \$556,400.

FISCAL IMPACT:

\$556,400: 3% County Funding; 97% State Funding

BACKGROUND:

The board action of December 14, 2010 authorized the Purchasing Agent to execute a purchase order not to exceed \$556,400 for the period January 1, 2011 through December 31, 2012. The period should be January 1, 2011 through December 31, 2011. This board order seeks to correct the board action to the term date of December 31, 2011.

CONSEQUENCE OF NEGATIVE ACTION:

Board action of December 14, 2010 will be inaccurate.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Earl Maciel 3-1648

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**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc:

CHILDREN'S IMPACT STATEMENT:

None

To: Board of Supervisors

From: David O. Livingston, Sheriff-Coroner

Date: January 17, 2012



**Contra
Costa
County**

Subject: Purchase Order - Producers Dairy Products, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute, on behalf of the Sheriff-Coroner, a change to a purchase order with Producers Dairy Products Inc., to extend the term through December 31, 2012 and increase the payment limit by \$250,000 to a new payment limit of \$810,000, for the purchase of dairy products as needed for the Martinez and Marsh Creek detention facilities.

FISCAL IMPACT:

\$810,000 maximum. 100% County General Fund; Budgeted in fiscal year 2011/12.

BACKGROUND:

The vendor is a General Services Department-selected vendor providing the dairy products and other related products needed by Martinez Detention Facility and Marsh Creek Detention Facility to support the feeding program requirements of the inmate population.

CONSEQUENCE OF NEGATIVE ACTION:

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Liz Arbuckle, 335-1529

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc: Julie Enea, Liz Arbuckle, Heike Siewell

CHILDREN'S IMPACT STATEMENT:

To: Board of Supervisors

From: Mark Peterson, District Attorney

Date: January 17, 2012



**Contra
Costa
County**

Subject: Contract for Emergency Staffing Services with Apropos Personnel

RECOMMENDATION(S):

APPROVE and AUTHORIZE the District Attorney, or designee, to execute a contract and amendment thereto with Apropos Personnel and TFI Resources in an amount not to exceed \$160,000 to provide emergency temporary personnel services for the period August 26, 2011 through January 17, 2012.

FISCAL IMPACT:

100% County General Fund, funded by salary savings from vacant positions while the department conducts the hiring process.

BACKGROUND:

The lack of an active eligible list for approximately two years compounded by the hiring of our staff by other County departments has left the District Attorney's office with a staffing shortage of 40% of critical permanent and funded staff. Retaining trained temporary staff who understand the detailed legal processes of the District Attorney's office and the courts is critical to meet the needs of the courts and maintain the minimum operation level of the District Attorney's office. Limited-term temporary services have been required pending the availability of an active hiring list, which was recently promulgated and will permit recruitment of permanent staff.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Cherie Mathisen 957-2234

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

CHILDREN'S IMPACT STATEMENT:

To: Board of Supervisors

From: David O. Livingston, Sheriff-Coroner

Date: January 17, 2012



**Contra
Costa
County**

Subject: Purchase Order - Producers Dairy Products, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute, on behalf of the Sheriff-Coroner, a change to a purchase order with Producers Dairy Products, Inc., to extend the term through December 31, 2012 and increase the payment limit by \$200,000 to a new payment limit of \$760,000, for the purchase of dairy products as needed for the West County Detention Facility.

FISCAL IMPACT:

\$760,000 maximum. 100% County General Fund; Budgeted in fiscal year 2011/12.

BACKGROUND:

The vendor is a General Services Department-selected vendor providing the dairy products and other related products needed by West County Detention Facility to support the feeding program requirements of the inmate population.

CONSEQUENCE OF NEGATIVE ACTION:

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Liz Arbuckle, 335-1529

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc: Julie Enea, Liz Arbuckle, Heike Siewell

CHILDREN'S IMPACT STATEMENT:

To: Board of Supervisors

From: Ed Woo, Chief Information Officer

Date: January 17, 2012



**Contra
Costa
County**

Subject: IBM Software Maintenance and Support

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute a purchase change order, on behalf of the Chief Information Officer, with IBM Corporation to increase the payment limit by \$50,000 to a new payment limit of \$165,000 for upgrade of the County mainframe software system with no change to the contract expiration date of June 30, 2012 (100% Department User Fees)

FISCAL IMPACT:

\$165,000 (100% User Fees); the whole cost is charged to the user department through DoIT's billing process.

BACKGROUND:

The Department of Information Technology initiates the purchase and renewal of software maintenance and support from IBM Corporation, on behalf of various County Departments. The related departments are charged their share of the maintenance and support fees, as applicable. This increase is necessary to cover additional costs to upgrade proprietary software to a new version.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Ed Woo (925) 383-2688

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc: Joanne Buenger, Fern Carroll, Tim Ewell, John Buckhalt

BACKGROUND: (CONT'D)

In accordance with Administrative Bulletin No 611.0, County Departments are required to get Board approval for single item purchases over \$100,000

CONSEQUENCE OF NEGATIVE ACTION:

The County's mainframe would not receive the necessary maintenance and software updates to remain operational.

CHILDREN'S IMPACT STATEMENT:

No impact.

To: Board of Supervisors

From: David O. Livingston, Sheriff-Coroner

Date: January 17, 2012



**Contra
Costa
County**

Subject: Interagency Agreement to Provide the City of Concord With Access to the California Law Enforcement Telecommunication System (CLETS)

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute an interagency agreement with the City of Concord in an amount not to exceed \$1,800 for Level II access to the California Law Enforcement Telecommunication System (CLETS) for the period May 1, 2011 through June 30, 2012.

FISCAL IMPACT:

Revenue; 100% City of Concord. No net County cost.

BACKGROUND:

On April 17, 2008, the City of Concord began operation of a new Computer Aided Dispatch (CAD) system for all law enforcement activity. This new system does not provide the majority of designated city personnel with direct access to the California Law Enforcement Telecommunication System (CLETS). This Interagency Agreement will allow the Office of the Sheriff to provide CLETS access to the City of Concord via the Sheriff's Level II message switch. Board approval is required due to a change in the General Conditions section of this contract to include mutual indemnification.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Susan Gohs, 335-1553

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

CHILDREN'S IMPACT STATEMENT:

To: Board of Supervisors

From: William Walker, M.D., Health Services Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: Novation Contract #24-705-56 with We Care Services for Children

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #24-705-56 with We Care Services for Children, a non-profit corporation, in an amount not to exceed \$880,000, to provide mental health services for high risk, delayed or emotionally disturbed children, for the period from July 1, 2011 through June 30, 2012. This Contract includes a six-month automatic extension through December 31, 2012, in an amount not to exceed \$440,000.

FISCAL IMPACT:

This Contract is funded 50% by Federal FFP Medi-Cal Revenue and 50% by State Early and Periodic Screening, Diagnosis and Treatment (EPSDT). (No rate increase)

BACKGROUND:

This Contract meets the social needs of County's population by providing a day treatment program at Contractor's Barbara Milliff Center in Concord for preschool children with measurable delays in interpersonal, social/emotional, language and cognitive development or children who are at risk for such delays, including abused, developmentally delayed, emotionally disturbed and environmentally deprived children who do not meet the criteria for any categorical funding source for services.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of

Contact: Cynthia Belon, 957-5201

Supervisors

By: June McHuen, Deputy

cc: A Down, D Gary

BACKGROUND: (CONT'D)

On November 30, 2010, the Board of Supervisors approved Novation Contract #24-705-55 with We Care Services for Children, for the period from July 1, 2010 through June 30, 2011, which included a six-month automatic extension through December 31, 2011, for the provision of mental health services for high risk, delayed or emotionally disturbed children.

Approval of Novation Contract #24-705-56 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2012.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, the County will need to solicit and engage an alternate contractor which will delay delivery of mental health treatment services to developmentally delayed preschool children, putting them at risk for needing higher levels of service.

CHILDREN'S IMPACT STATEMENT:

This EPSDT program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).

To: Board of Supervisors

From: William Walker, M.D., Health Services Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: Novation Contract #24-133-60 with La Cheim School, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #24-133-60 with La Cheim School, Inc., a non-profit corporation, in an amount not to exceed \$400,000, to provide a residential day treatment program and mental health services for the period from July 1, 2011 through June 30, 2012. This Contract includes a six-month automatic extension through December 31, 2012, in an amount not to exceed \$200,000.

FISCAL IMPACT:

This Contract is funded 46% by Federal Medi-Cal (FFP), 46% by State Early and Periodic Screening, Diagnosis and Treatment (EPSDT) and 8% by West Contra Costa County Unified School District (WCCUSD). (No rate increase)

BACKGROUND:

This Contract meets the social needs of County's population by providing a half-day intensive day treatment, mental health services and medication support in a residential treatment setting for twelve (12) emotionally disturbed youth, ages twelve through seventeen years, who are eligible for services according to the Federal Individuals with Disabilities Education Act (IDEA) or who are wards or dependents of Contra Costa County Juvenile Court.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County

RECUSE 

Contact: Cynthia Belon, 957-5201

Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc: A Down, D Gary

BACKGROUND: (CONT'D)

On February 8, 2011, the Board of Supervisors approved Novation Contract #24-133-59 with La Cheim School, Inc., for the period from January 1, 2011 through June 30, 2011, which included a six-month automatic extension through December 31, 2011, for the provision of school-based day treatment and health services.

Approval of Novation Contract #24-133-60 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2012.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, there will be fewer treatment options for wards of the Contra Costa County Juvenile Court, and County's Severely Emotionally Disturbed (SED) clients in West Contra Costa County as the County solicits and engages an alternate contractor. This may result in delays in the provisions of these treatment services as required by the Federal IDEA Act.

CHILDREN'S IMPACT STATEMENT:

This program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).

To: Board of Supervisors

From: William Walker, M.D., Health Services Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: Novation Contract #74-249-8 with Catholic Charities CYO of the Archdiocese of San Francisco

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #74-249-8 with Catholic Charities CYO of the Archdiocese of San Francisco, a non-profit corporation, in an amount not to exceed \$300,000, to provide day treatment services for seriously emotionally disturbed children from Contra Costa County placed at its St. Vincent's School for Boys campus for the period from July 1, 2011 through June 30, 2012. This Contract includes a six-month automatic extension through December 31, 2012, in an amount not to exceed \$150,000.

FISCAL IMPACT:

This Contract is funded 50% Federal Medi-Cal and 50% State Early and Periodic Screening, Diagnosis and Treatment. (No rate increase)

BACKGROUND:

This Contract meets the social needs of County's population in that it provides subacute treatment services to SED children to reduce the need for hospitalization.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County

RECUSE 

Contact: Cynthia Belon, 957-5201

Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc: A Down, D Gary

BACKGROUND: (CONT'D)

On March 1, 2011, the Board of Supervisors approved Novation Contract #74-249-7 with Catholic Charities CYO of the Archdiocese of San Francisco, for the period from July 1, 2010 through June 30, 2011, which included a six-month automatic extension through December 31, 2011, for the provision of day treatment, mental health, and medication support services for SED children at its St. Vincent's School for Boys.

Approval of Novation Contract #74-249-8 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2012.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, there will be fewer residential facilities to provide residential and outpatient program for seriously emotionally disturbed youth as the County solicits and engages an alternate contractor.

CHILDREN'S IMPACT STATEMENT:

This program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).

To: Board of Supervisors

From: William Walker, M.D., Health Services Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: Novation Contract #24-920-17 with Fred Finch Youth Center

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #24-920-17 with Fred Finch Youth Center, a non-profit corporation, in an amount not to exceed \$324,000, to provide day treatment and mental health services for seriously emotionally disturbed children for the period from July 1, 2011 through June 30, 2012. This Contract includes a six-month automatic extension through December 31, 2012, in an amount not to exceed \$162,000.

FISCAL IMPACT:

This Contract is funded by 50% Federal Medi-Cal (FFP), and 50% by State Early and Periodic Screening, Diagnosis and Treatment (EPSDT), additional funding due to increased utilization. (No rate increase)

BACKGROUND:

This Contract meets the social needs of County's population in that it provides mental health services, including: assessments; individual, group and family therapy; and medication support for Seriously Emotionally Disturbed (SED) and developmentally delayed middle and high school aged children and their families.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Cynthia Belon, 957-5201

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc: A Down, D Gary

BACKGROUND: (CONT'D)

In March 2011, the County Administrator approved and Purchasing Services Manager executed, Contract #24-920-15 (as amended by Amendment Agreement #24-920-16) with Fred Finch Children's Home, Inc. (dba Fred Finch Youth Center, and now known legally as Fred Finch Youth Center), for the period from July 1, 2010 through June 30, 2011 which included a six-month automatic extension through December 31, 2011, for the provision of day treatment and mental health services for Seriously Emotionally Disturbed children.

Approval of Novation Contract #24-920-17 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2012.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, there will be fewer day treatment and mental health services available to SED children as the County solicits and engages an alternate contractor. This delay may result in higher levels of treatment.

CHILDREN'S IMPACT STATEMENT:

This program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).

To: Board of Supervisors

**From: Joe Valentine, Employment & Human Services
Director**

Date: January 17, 2012



**Contra
Costa
County**

Subject: Amend Contract with IKON Office Solutions

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with IKON Office Solutions, Inc., to increase the payment limit by \$250,000 to a new payment limit of \$1,750,000 for case stored text automated retrieval (CaseSTAR) services, for the period April 1, 2011 through March 31, 2013.

FISCAL IMPACT:

\$1,750,000: Administrative Overhead: 10% County; 45% State; 45% Federal

BACKGROUND:

The Employment and Human Services Department (EHSD) contracted with IKON Office Solutions, Inc., to provide Case Stored Automated Retrieval (CaseSTAR), a process for automating the existing paper case records to maximize staff resources and improve client services. CaseSTAR has enabled access to client case records by all caseworkers in the Client Service Center and has resulted in increased staff efficiency and a reduction in costs currently associated with record maintenance and service delivery.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County

RECUSE 

Contact: Earl Maciel 3-1648

Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc:

BACKGROUND: (CONT'D)

This contract amendment serves to increase the contract payment limit by \$250,000 to cover the cost of increased usage through the contract term.

CONSEQUENCE OF NEGATIVE ACTION:

The Employment and Human Services Department will be unable to continue providing automated case management services beyond original contract payment limit.

CHILDREN'S IMPACT STATEMENT:

None

To: Board of Supervisors

**From: Joe Valentine, Employment & Human Services
Director**

Date: January 17, 2012



**Contra
Costa
County**

Subject: 2011-12 CalWORKs County Joint Application with Contra Costa County Office of Education

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to co-sign the 2011-2012 CalWORKS County Joint Application with the Contra Costa County Office of Education for submission to the California Department of Education to fund the Adult Schools and Regional Occupational centers and programs to serve CalWORKS clients.

FISCAL IMPACT:

No Cost from implementation of this action. If approved the Employment and Human Services Department will match the funds received by the Contra Costa County Office of Education under the 2011-2012 CalWORKS County Joint Application in a dollar-to-dollar match not to exceed \$203,714. The matching funds will be addressed in a later contract with the Contra Costa Office of Education. This contract will be funded by: 100% CalWORKS Single Allocation, 85% Federal, 15% State)

CONSEQUENCE OF NEGATIVE ACTION:

Without funding, services provided by the adult schools and regional occupational programs to CalWORKS clients would be significantly impacted.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of

Contact: Wendy Therrian, 313-1593

Supervisors

By: June McHuen, Deputy

cc:

BACKGROUND:

The California Department of Education (CDE) provides direct CalWORKS funding to Adult Schools and the Contra Costa County Office of Education Regional Occupational Program (ROP) for instructional and job training services to CalWORKS clients. Employment and Human Services Department (EHSD) coordinates with the Adult School and ROP on the specific type and level of services to be provided to CalWORKS clients at each of the Adult Schools and ROP sites and is required by the California Department of Education to sign-off on the CalWORKS County Joint Application.

Because of the significant reduction of primary State funding provided to the Adult Schools which has adversely impacted the ability to provide minimal services to CalWORKS clients and because of the need to maintain and coordinate these services, as well as, enhance and expand these services and supports to CalWORKS clients at the Adult School and ROP campuses, the need exists to leverage all available funding in order to meet these objectives. As such, and given the level of CalWORKS projected expenditures for EHSD during the 2011-2012 Program year, EHSD will match dollar-for-dollar the total CDE CalWORKS allocation being made available to the Adult Schools and ROP with EHSD CalWORKS Single Allocation finds.

The CalWORKS funding for adult schools and regional occupational programs is to be used to provide education and training to achieve the following objectives: 1) Prepare CalWORKS eligible clients for entry-level employment; 2) Assist employed clients receiving subsidies or supportive services to advance toward higher employment and self-sufficiency; and, 3) Direct CalWORKS eligible clients into short-term education and training programs leading to employment.

CHILDREN'S IMPACT STATEMENT:

Funding through the CalWORKS County Joint Application will support one of the outcomes established in the Children's Report Card, 3) "Families that are Economically Self Sufficient" by providing instructional and job training services to assist individuals and families in obtaining and maintaining non-subsidized employment and self sufficiency.

To: Board of Supervisors

From: Steve Silveira, Deputy General Services Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: Disposal of Surplus Property

RECOMMENDATION(S):

DECLARE as surplus and AUTHORIZE the Purchasing Agent, or designee, to dispose of vehicles no longer needed for public use as recommended by the Deputy General Services Director.

FISCAL IMPACT:

There is no fiscal impact associated with approval of recommended action.

BACKGROUND:

Section 1108-2.212 of the County Ordinance Code authorizes the Purchasing Agent to dispose of any personal property belonging to Contra Costa County and found by the Board of Supervisors not to be required for public use. The property for disposal is either obsolete, worn out, beyond economical repair, or damaged beyond repair.

CONSEQUENCE OF NEGATIVE ACTION:

General Services would not be able to dispose of surplus vehicles.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES NOES

ABSENT ABSTAIN

RECUSE

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of

Contact: Steve Silveira 925-313-7114

Supervisors

By: June McHuen, Deputy

cc: GSD - Administration, GSD - Accounting, GSD - Fleet, Auditor - Controller, County Administrator, GSD - Purchasing, GSD - Purchasing, GSD - Recycling

JANUARY 17, 2012

506

To: Board of Supervisors

From: Barbara Flynn, County Librarian

Date: January 17, 2012



**Contra
Costa
County**

Subject: Update Library Commission Bylaws

RECOMMENDATION(S):

AUTHORIZE an amendment to Board Order of March 12, 1991, authorizing the establishment of the Contra Costa County Library Commission (the Commission) to allow By-laws changes as recommended by the By-laws Committee of said Library Commission.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The Library Commission was established by Board Order on March 12, 1991. The Commission membership consists of: 17 representatives, one from each of the cities/towns in the County other than Richmond, to be appointed by the City (Town) Council and to be other than a member of the city council;

1 representative from the City of Richmond, if they wish to participate on the Commission, to be appointed by the Richmond City Council and to be other than a member of the city council;

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES NOES

ABSENT ABSTAIN

RECUSE

Contact: 925-646-6423

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc:

BACKGROUND: (CONT'D)

5 representatives of the County, one appointed by each member of the Board of Supervisors, other than a member of the Board of Supervisors;

4 special representatives of the following:

Superintendent of Schools Contra Costa Central Labor Council Contra Costa Council Alliance for Better Libraries

The By-Laws Committee of the Commission is proposing two changes to the by-laws regarding Special Representatives:

First, that the Friends Council replace the defunct Alliance for Better Libraries, and that the Contra Costa Community College District be added as a fifth Special Representative group; and

Second, that the appointment made by the Contra Costa Community College District must be of someone other than a member of the district's Governing Board. This is in keeping with current By-Laws which state: "Nominations made by a member of the Board (of Supervisors) must be of someone other than a member of the Board. Nominations made by a City Council must be of someone other than a member of that city's City Council."

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved a change in this portion of the By-laws will not be made.

CHILDREN'S IMPACT STATEMENT:

No impact.

CONTRA COSTA COUNTY LIBRARY COMMISSION

BY-LAWS

SEPTEMBER 1991
AMENDED SEPTEMBER 1992
AMENDED JANUARY 1999
AMENDED _____ 20xx

BY-LAWS OF THE
CONTRA COSTA COUNTY LIBRARY COMMISSION
As Amended _____ 20xx

I: NAME

The name of the commission is the Contra Costa County Library Commission ("the Commission").

II: AUTHORITY

The Commission is organized and exists as an advisory board to the Board of Supervisors of Contra Costa County (the "Board") and the County Librarian pursuant to an Order of the Board dated March 12, 1991.

III: PURPOSE

The Commission is created for the following purposes:

- A. To serve in an advisory capacity to the Board of Supervisors and the County Librarian.
- B. To provide a link between the community and the County Library.
- C. To provide a forum for the public to express its views regarding the goals and operations of the County Library.
- D. To assist the Board of Supervisors and the County Librarian in providing library services based on assessed public need.
- E. To make recommendations to the Board and the County Librarian for the betterment of the County Library, including, but not limited to, ways to ensure stable and adequate funding for libraries in the County.

IV: DUTIES

The Commission shall perform the following advisory functions:

- A. Participate in short and long range planning activities for libraries.
- B. Hold hearings that permit the public to express its views on matters related to the County Library.
- C. Monitor progress made in achieving goals set forth in plans adopted by the Board. Report and make recommendations to the Board and the County Librarian in this regard.

- D. If the Commission has concerns or questions regarding the library budget, the Commission may make recommendations to the Board and County Librarian.
- E. Assist in the development of policies that the Commission and the County Librarian determine will improve the operations of, and services available through, the County Library.
- F. Advocate and recommend the levels of funding necessary to provide each level of service proposed by the Commission, the Board, or the County Librarian, as the case may be. Explore alternative methods of establishing stable and adequate funding for each level. Report the Commission's findings, along with any related recommendations, to the Board of Supervisors and the County Librarian.
- G. Perform other tasks and assignments that are referred to the Commission by the Board or County Librarian.
- H. Submit reports to the Board and County Librarian when the Commission deems such reports to be timely and appropriate.
- I. Oversee the actions of standing and ad hoc committees of the Commission.
- J. Discuss and vote on major policy issues.
- K. Provide community input for the County Library.

Note: The Library Commission is specifically prohibited from undertaking any inquiry or investigation into the (i) personnel policies and practices, and (ii) day-to-day administrative operations of the County Library.

V. MEMBERSHIP

- A. All Board of Supervisors' district nominees are approved by the Board. Other representatives are appointed and approved by their community's local government body.
- B. The Commission consists of up to twenty-nine members. The members who are appointed by the Superintendent of Schools, the Contra Costa Central Labor Council, the Contra Costa Council, the Friends Council, or the Contra Costa Community College District are the "Special Representatives." All appointments are to be made as follows:
 - i. One member nominated by each of the five (5) members of the Board.
 - ii. One member appointed by each of the nineteen (19) cities in the County of Contra Costa.¹

1. The nineteen (19) cities are: Antioch, Brentwood, Clayton, Concord, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek.

- iii. One member appointed by the Superintendent of Schools
 - iv. One member appointed by the Contra Costa Central Labor Council
 - v. One member appointed by the Contra Costa Council
 - vi. One member appointed by the Friends Council
 - vii. One member appointed by the Contra Costa Community College District.
- C. Nominations made by a member of the Board must be of someone other than a member of the Board.
 - D. Appointments made by a City/Town Council must be of someone other than a member of that city's/town's City/Town Council.
 - E. The appointment made by the Contra Costa Community College District must be of someone other than a member of the district's board.
 - F. When a vacancy occurs, the Board member or entity represented by the vacant seat may appoint a replacement representative.
 - G. Each board member or entity eligible to nominate/appointment a member to the Commission may also nominate/appointment an alternate to attend meetings in the absence of the regular member. The Secretary must be given notice prior to a meeting that the alternate will be attending the meeting. Commission alternates may attend meetings; however Commission alternates only vote in the absence of the regular member.

VI. DURATION AND TERM

- A. The Commission terminates on June 30, 2016, unless extended by the Board with the approval of the Mayors' Conference (any such extension is called, a "Reinstatement.")
- B. The standard term of each member's appointment is two years. An appointment made to fill a vacancy will be for the term remaining for the vacated seat.

VII. ATTENDANCE REQUIREMENTS

- A. Regular attendance at meetings of the Commission is required. An unexcused absence from three regularly scheduled consecutive meetings will be considered grounds for the Commission to recommend to the Board that the absentee member's appointment be rescinded by the Board. Excused absences will be granted for the following reasons: illness of self, member of immediate family, or close friend; death of member of immediate family or close friend; requirements of the member's job or elected/appointed position; vacation. A member must contact the Secretary prior to the meeting to be excused from a meeting.
- B. The Chair will notify any member at risk of having his or her appointment rescinded before

recommending rescission to the Board.

- C. Rescission of an appointment to the Commission may only be effected by an action of the Board or appointing entity.

VIII. OPEN MEETINGS AND CONFLICT OF INTEREST

The Commission meetings shall be conducted open to the public in accordance with the Ralph M. Brown Act, (Gov. Code 54950 et seq.) and the Contra Costa County Better Government Ordinance. Commission members shall adhere to the principles and rules of the Political Reform Act of 1974 (Gov. Code 81000 et seq.).

IX. OFFICERS

- A. The Commission shall elect its own Chair and Vice-Chair. The County Librarian will be the Secretary.
- B. The Chair shall (1) preside at all business meetings, (2) set the agenda and review minutes for all meetings in consultation with the Secretary, (3) have general supervision over all Commission business, and (4) have such other powers and duties as may be assigned to him/her by the Commission.
- C. The Vice-Chair shall, in the absence or inability of the Chair to act, exercise all the powers and perform all the duties of the Chair. He/she shall also have such other powers and shall perform such other duties as may be assigned to him/her by the Commission.
- D. The Secretary will keep the minutes of the meetings of the Commission. In consultation with the Chair, he/she shall prepare all agendas. He/she shall distribute all agendas, act as custodian of the Commission's records, keep a register of the contact information of each member, which will be furnished to the Secretary by each member and, in general, perform all duties incident to the office of Secretary.
- E. The Chair and Vice-Chair shall be elected annually at the regular November meeting for a term of one year and may succeed themselves for one additional consecutive term. Majority votes of both city/town and County members present constituting a quorum are required to elect officers to the Commission.

X. MEETINGS

- A. The regular meetings of this Commission shall be held at least quarterly at 7:00 p.m. at the Contra Costa County Library Headquarters, 1750 Oak Park Blvd., Pleasant Hill, or other designated location. Ninety-six hours' notice must be given for all regular meetings.
- B. A special meeting may be called at any time by the Chair or by a majority of the

Commission.

- C. A quorum for all meetings shall be one more than half of the total authorized seats of the Commission.
- D. A copy of the agenda and minutes of each meeting shall be mailed to each member, the Board of Supervisors, and any additional persons as authorized by the Commission. Other persons requesting the minutes of a meeting must do so in writing to the Secretary and pay the prevailing copying and mailing rates.

XI. VOTING

- A. At the first regular meeting that follows a Reinstatement, the five Special Representatives will be associated with the city/town representatives for voting purposes and the two Special Representatives will be associated with the County representatives for voting purposes shall be determined by drawing lots.
- B. The work of the Commission shall proceed by consensus whenever there is no objection from a member to proceeding in this manner. On any matter where any member requests a recorded vote on a matter, approval of the matter shall require a majority vote by the city/town representatives and the Special Representatives associated with them. (For example, on a 29 member Commission with all members present, approval of an item would require at least 12 "aye" votes from the 22 city/town representatives and four "aye" votes from the 7 County representatives.)
- C. Proxy voting is not permitted.

XII. CONDUCT OF BUSINESS

- A. No business shall be transacted at any meeting of the Commission other than on those matters named in the publicly posted agenda.
- B. All meetings of the Commission shall be called to order by the Chair, or in the Chair's absence, by the Vice-Chair, or in the Vice-Chair's absence, by a Commission member designated for that purpose by the Chair or Vice-Chair.
- C. Public comment at all meetings shall be as provided for under applicable law.

XIII. COMMITTEES

- A. The Commission shall appoint committees of two or more members for such specific purposes as appropriate for the conduct of the business of the Commission. Committees may either be standing or ad hoc.

- B. All committees shall make progress reports to the Commission at each of the Commission's regular meetings.
- C. All committees are encouraged to contain a mix of County, city/town, and special members.
- D. All committee meetings shall be conducted under the same policies governing meetings of the Commission.

XIV. AMENDMENTS TO THE BY-LAWS

- A. These By-Laws may be amended by two-thirds vote of both city/town and County members of the Commission on advance written notice. All amendments that alter the provisions of the March 7, 1991 Board Order that established the Commission must be approved by the Board.
- B. Notice of proposed By-Law amendments shall be presented in writing at a regular meeting of the Commission for discussion. The Commission shall vote on the proposed amendments at the next regular meeting of the Commission. The agenda for the meeting at which the proposed amendments are to be voted upon shall contain an item entitled "Proposed By-Law Amendment."

XV. PUBLIC ACCESS TO COMMISSION RECORDS

The Commission shall make available to the general public all records as required by law.

Adopted by the Contra Costa County Library Commission on September 26, 1991.
Amended by the Contra Costa County Library Commission on September 24, 1992.
Amended by the Contra Costa County Library Commission on January 28, 1999.
Amended by the Contra Costa County Library Commission on [xxxxxx, xx, 20xx].

CONTRA COSTA COUNTY LIBRARY COMMISSION

BY-LAWS

SEPTEMBER 1991
AMENDED SEPTEMBER 1992
AMENDED JANUARY 1999
AMENDED _____ 20xx

BY-LAWS OF THE
CONTRA COSTA COUNTY LIBRARY COMMISSION
As Amended _____ 20xx

ARTICLE I: NAME

The name of this ~~organization~~ ~~commission~~ shall be ~~is~~ the Contra Costa County Library Commission ("the Commission").

ARTICLE II: AUTHORITY

The Commission is organized ~~and exists as an~~ under ~~Contra Costa County Board of Supervisors Order, dated March 12, 1991. It is a duly constituted advisory board to the Board of Supervisors of~~ ~~Contra Costa County (the "Board") and the County Librarian pursuant to an Order of the Board dated March 12, 1991.~~

ARTICLE III: PURPOSE

The Commission is created for the following purposes:

- A. To serve in an advisory capacity to the Board ~~of Supervisors~~ and the County Librarian.
- B. To provide ~~a link~~ between the community and the County Library.
- C. To ~~establish~~ ~~provide~~ a forum for the ~~community~~ ~~public~~ to express its views regarding the goals and operations of the County Library.
- D. To assist the Board of Supervisors and the County Librarian ~~to~~ ~~in providing~~ library services based on assessed public need.
- E. To ~~develop and make recommendations~~ ~~proposals~~ to the Board of Supervisors and ~~the~~ County Librarian for the betterment of the County Library, including, but not limited to, ways to ~~ensure~~ ~~such efforts as insuring~~ a stable and adequate funding level for the libraries in the County.

ARTICLE IV: DUTIES

The Commission ~~is charged to~~ shall perform the following advisory functions: ~~in regard to the County Library~~

- A. Participate in ~~short and long range planning~~ ~~activities for libraries~~ ~~process, including the Library element of the County General Plan and the Library Master Plan.~~

- B. Hold hearings so **that permit** the public ~~can~~ **to** express its views on **matters related to** the County Library.
- C. Monitor the progress **made** in achieving the goals set forth in the plans adopted **by the Board** plans. Report and make recommendations to the Board of Supervisors and the County Librarian in this regard.
- D. ~~Where~~ **If** the Commission has ~~any~~ concerns or questions regarding the library budget, the Commission may make recommendations ~~regarding the Library Budget~~ to the Board of Supervisors.
- E. Assist in the development of policies ~~which~~ that the Commission and the County Librarian determine will improve the operations of, **and services available through**, the County Library ~~and service to the public~~.
- F. ~~Determine what~~ **Advocate and recommend** the levels of funding are necessary to provide each level of service ~~which is proposed by the Commission, the Board, or the County Librarian, as the case may be~~. Explore alternative methods of establishing stable and adequate funding for each level. Report their **Commission's** findings, **along with any related recommendations**, to the Board of Supervisors and ~~the~~ County Librarian. ~~along with their recommendations for actions which may be necessary to achieve the levels of service desired.~~
- G. Perform such other tasks and ~~undertake such other assignments as may, from time to time, be that are~~ referred to them **Commission** by the Board of Supervisors or County Librarian.
- H. ~~Provide~~ **Submit** reports to the Board of Supervisors and County Librarian when the Commission deems such reports to be timely and appropriate.
- I. **Oversee the actions of standing and ad hoc committees of the Commission.**
- J. **Discuss and vote on major policy issues.**
- K. **Provide community input for the County Library.**

Note: The Library Commission is specifically prohibited from undertaking any inquiry or investigation into the **(i)** personnel policies and practices, **and (ii)** ~~of the County Library or the day-to-day administrative operations of the County Library.~~

~~The Commission shall review and ratify the actions of the Steering Committee, discuss and vote on major policy issues, be involved in providing local input for the County Library~~

Needs Assessment and Master Plan, and give particular attention to the duties outlined under Article IV, Section A and B.

ARTICLE V. MEMBERSHIP

- A. All Board of Supervisors' district appointees are approved by the Board. Other representatives are appointed and approved by their community's local government body.
- B. The Commission consists of up to twenty-nine members. The members who are appointed by the Superintendent of Schools, the Contra Costa Central Labor Council, the Contra Costa Council, the Friends Council, or the Contra Costa Community College District are the "Special Representatives." All nominations are to be made as follows:

shall be selected in compliance with these by-laws. The number of members of the Commission shall not be more than twenty nine (29).

SECTION 1: NUMBER OF MEMBERS

- i. ~~5~~ representatives of the County One appointed by each member **nominated by each of the five (5) members** of the Board of Supervisors, other than a member of the Board of Supervisors.
- ii. **One member nominated by** ~~18~~ representatives, one from each of the **nineteen (19)** ~~18~~ cities (towns) in the County **of Contra Costa.** ~~1. other than the City of Richmond, to be appointed by the City (Town) Council and to be other than a member of the city council.~~
- ~~1~~ representative from the City of Richmond, if they wish to participate on the Commission, to be appointed by the Richmond City Council and to be other than a member of the city council.

~~5~~ special representatives of the following:

- iii. **One member nominated by the** Superintendent of Schools
- iv. **One member nominated by the** Contra Costa Central Labor Council
- v. **One member nominated by the** Contra Costa Council
- vi. **One member nominated by the Friends Council** ~~Alliance for Better Libraries~~
- vii. **One member nominated by the Contra Costa Community College District.** ~~Countywide Youth Commission~~

i. The **nineteen (19)** cities are: Antioch, Brentwood, Clayton, Concord, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek.

- C. Nominations made by a member of the Board must be of someone other than a member of the Board.
- D. Nominations made by a City Council must be of someone other than a member of that city's City Council.
- E. Nominations made by the Special Representatives must be of someone other than a publically elected member of the Special Representative; however, any such Special Representative who holds a publicly elected office as of the date of the adoption of these revised By-laws may remain on the Commission until that special Representative leaves his/her publicly elected office.
- F. When a vacancy occurs, the Board member or entity represented by the vacant seat may nominate a replacement representative.
- G. Each board member or entity eligible to nominate a member to the Commission may also nominate an alternate to attend meetings in the absence of the regular member. The Secretary must be given notice prior to a meeting that the alternate will be attending the meeting. Commission alternates may attend meetings, however Commission alternates only vote in the absence of the regular member.

SECTION 2:

VI. ~~DURATION AND TERM OF OFFICE~~

- A. The Commission terminates on June 30, 2016, unless extended by the Board with the approval of the Mayors' Conference (any such extension, a "Reinstatement.") and the Board of Supervisors. All terms of office shall be the same as the Commission establishment dates.
- B. The term of each member's appointment is two years. An appointment made to fill a vacancy will be for the term remaining for the vacated seat.

SECTION 3: VACANCIES

~~Whenever a vacancy occurs on the Commission the appointing organization shall fill the vacancy.~~

VII. ~~SECTION 4: REPLACEMENT OF MEMBERS DUE TO NON ATTENDANCE REQUIREMENTS~~

- A. Regular attendance at meetings of the Commission is required. ~~may request an appointing organization to replace its member for the following reason: An unexcused absence Any member who misses from three (3) regularly scheduled consecutive meetings will be considered grounds for the Commission to recommend to the Board that the absentee~~

member's appointment be rescinded by the Board within one year for any unexcused reason. Excused absences will be granted for the following reasons are: (1) illness of self, member of immediate family, or close friend; (2) death of member of immediate family or close friend; (3) requirements of the member's his/her job or elected/appointed position; and (4) vacation. All members must contact the Secretary prior to the meeting to be excused from a the meeting.

- B. If The Commission Chairperson will notify any shall request an appointing organization to replace its member at risk of having his or her appointment rescinded before recommending rescission to the Board the Secretary of the Commission shall communicate such request to the appointing organization.
- C. Rescission of an appointment to the Commission may only be effected by an action of the Board.

SECTION 5: ALTERNATES

~~Each appointing organization may appoint an alternate for its Commission seat. Each alternate shall have voting rights in the absence of the regularly appointed member at any meeting, with prior notification to the Secretary.~~

ARTICLE VIII. OPEN MEETINGS AND CONFLICT OF FINANCIAL INTEREST

~~Consistent with the policy of the Board of Supervisors on open government, The Commission meetings shall be conducted open to the public in accordance govern itself consistent with the Board's policy on conflict of interest and the provisions of the Ralph M. Brown Act, (Gov. Code 54950 et seq.) and the Contra Costa County Better Government Ordinance. Commission members shall adhere to the principles and rules of the Political Reform Act of 1974 (Gov. Code 81000 et seq.), as other advisory bodies have been advised by the County Counsel~~

ARTICLE VII. IX. OFFICERS

SECTION 1:

- A. The officers of the Commission shall elect its own be the Chairperson and Vice-Chairperson. The County Librarian will be the and Secretary.

SECTION 2: CHAIRPERSON

- B. The Chairperson shall (1) preside at all business meetings, (2) set the agenda and review minutes for all meetings in consultation with the Secretary; (3) have general supervision over all Commission business, conducted; and (4) serve as Chairperson of the Steering Committee, and; (5) have such other powers and duties as may be assigned to him/her by

the Commission.

SECTION 3: VICE-CHAIRPERSON

- C. The Vice-Chairperson shall, in the absence or inability of the Chairperson to act, exercise all the powers and perform all the duties of the Chairperson. He/she shall also have such other powers and shall perform such other duties as may be assigned to him/her by the Commission.

SECTION 4: SECRETARY

- D. The Secretary shall be the County Librarian. He/she will keep the minutes of the meetings of the Commission. In consultation with the Chairperson, he/she shall prepare all agendas. He/she shall distribute all agendas, be act as custodian of the Commission's records, keep a register of the post office address contact information of each member, which shall will be furnished to the Secretary by each member and, in general, perform all duties incident to the office of Secretary.

SECTION 5: TERM OF OFFICE

- E. The Chairperson and Vice-Chairperson shall be elected annually at the regular November meeting, a term of one year and may succeed themselves for one additional consecutive term. The elective officers shall serve until replacements are elected.

SECTION 6: ELECTION OF OFFICERS

elective officers of this Commission are the Chairperson and Vice-Chairperson. Both officers shall be elected at the first regular meeting following re-authorization. Majority votes of both city and County members present constituting a quorum are required to elect officers to the Commission.

ARTICLE VIII: X. MEETINGS

SECTION 1: REGULAR MEETINGS

- A. The regular meetings of this Commission shall be held at least quarterly at 7:00 p.m. at the Contra Costa County Library Headquarters, 1750 Oak Park Blvd., Pleasant Hill, or other designated location.

If all necessary business cannot be accommodated at a regularly scheduled meeting, an adjourned regular meeting may be scheduled. In such an instance, the regular meeting is adjourned to a time and place specified before the close of the regular meeting. Appropriate public notice shall be posted for the adjourned meeting following the provisions of the Brown Act and the Better Government Ordinance.

Ninety-six (96) hours' notice shall ~~must~~ be given for all regular meetings.

SECTION 2: SPECIAL MEETINGS

- B. A special meeting may be called at any time by the Chairperson ~~or~~ by a majority of the Steering Committee, ~~or by a majority of the Commission.~~

SECTION 3: QUORUM

- C. A quorum for all meetings shall be one more than half of the ~~total authorized seats filled~~ membership of the Commission.
- D. A copy of the agenda and minutes of each meeting shall be mailed to each member, ~~the Board of Supervisors~~, and any additional persons as authorized by the Commission. Other persons requesting the minutes of a meeting ~~must~~ do so in writing to the Secretary and pay the prevailing copying and mailing rates.

SECTION 4: XI. Voting

- A. At the first regular meeting after ~~that follows a Reinstatement~~, ~~authorization, for purposes of voting at Commission meetings, the five Special Representatives who will be shall draw lots such that three of the special representatives are associated with the city representatives for voting purposes and the other two Special Representatives who will be are associated with the County representatives for voting purposes.~~
- B. The work of the Commission shall proceed by consensus whenever there is no objection from a member to proceeding in this manner. On any matter where any member requests a recorded vote on a matter, approval of the matter shall require a majority vote by the city representatives and the Special Representatives associated with them. ~~and a majority vote by the County representatives and the special representatives associated with them.~~ (For example, on a 296 member Commission with all members present, approval of an item would require at least 120 "aye" votes from the 19 22 city representatives and four "aye" votes from the 7 County representatives.)
- C. Proxy voting is not permitted.

SECTION 5: PROXY VOTING

SECTION 6: MINUTES AND AGENDA

~~(most of this moved up to D)~~ A copy of the agenda and minutes of each meeting shall be mailed to each member, and any additional persons as authorized by the Commission. Other persons requesting the minutes of a meeting shall do so in writing to the Secretary and pay the

prevailing copying and mailing rates.

ARTICLE IX: XII. CONDUCT OF BUSINESS

- A. No business shall be transacted at any meeting of the Commission other than on those matters named in the publicly posted agenda.

~~All meetings shall be conducted under Robert's Rules of order except as noted in Article VIII, Section 4 of these by-laws or unless in violation of applicable statutes.~~

- B. All meetings of the Commission shall be called to order by the Chairperson, or in the Chairperson's absence, by the Vice-Chairperson, or in the Vice-Chairperson's absence, by a Commission member designated for that purpose by the Chairperson or Vice-Chairperson.
- C. Public comment at all meetings shall be as provided for under applicable law.

ARTICLE XIII. COMMITTEES

SECTION 1: STEERING COMMITTEE

~~The Steering Committee shall consist of ten (10) members, each of whom is to be drawn from the membership of the Commission and be selected as follows at the first regular meeting after reauthorization:~~

~~5 representatives of the cities, one representing the cities in each supervisorial district, to be selected by the city representatives on the Commission from that supervisorial district, in the absence of any other selection process having been identified.~~

~~3 representatives from the County, selected by the five County representatives on the Commission.~~

~~of the five special representatives, selected by the five special representatives.~~

~~The Chairperson of the Commission, serving ex officio during such time as he or she continues to be the Chairperson of the Commission.~~

~~The Steering Committee shall meet at least monthly, work closely with the County Librarian to implement the policy actions adopted by the Commission, and report to the Commission regularly on its actions for review and/or confirmation by the Commission.~~

~~The members of the Steering Committee shall serve a term of one year and may succeed themselves for one additional consecutive term.~~

~~Another Commissioner from the same subgroup may attend Steering Committee meetings in~~

~~the absence of the designated member.~~

~~Minutes from Steering Committee meetings will be distributed to all Commission members.~~

~~SECTION 2: STANDING AND AD HOC COMMITTEES~~

- A. The Commission shall appoint committees of ~~one~~ **two** or more members for such specific purposes as **appropriate for the conduct of the** business of the Commission. ~~shall require.~~ Such Committees may either be standing or ad hoc.
- B. All committees shall make progress reports to the Commission at each of it's the **Commission's** regular meetings.
- C. All committees are encouraged to contain a mix of county, city, and special members.
- D. All committee meetings shall be conducted under the same policies governing meetings of the Commission.

ARTICLE XIV. AMENDMENTS TO THE BY-LAWS

~~SECTION 1: AMENDMENT OF BY LAWS~~

- A. These By-Laws shall **may** be amended by two-thirds vote of both city and County members of the Commission on advance written notice. ~~Items underlined may not be amended as they are contained in the Contra Costa County~~ **All amendments that alter the provisions of the March 7, 1991 Board Order that established the Commission must be approved by the Board of Supervisors.** ~~Order creating the Commission.~~

~~SECTION 2: NOTICE OF AMENDMENT~~

- B. Notice of proposed By-Law amendments shall be presented in writing at a regular meeting of the Commission for discussion. The **Commission shall vote on the** proposed amendments ~~shall be voted upon~~ at the next regular meeting of the Commission. The agenda for the meeting at which the proposed amendments are to be voted upon shall contain an item entitled "Proposed By-Law Amendment."

ARTICLE XVII. PUBLIC ACCESS TO COMMISSION RECORDS

The Commission shall make available to the general public all records as required by law.

*Adopted by the Contra Costa County Library Commission on September 26, 1991.
Amended by the Contra Costa County Library Commission on September 24, 1992.
Amended by the Contra Costa County Library Commission on January 28, 1999.
Amended by the Contra Costa County Library Commission on [xxxxxx, xx, 20xx].*

To: Board of Supervisors

From: Stephen L. Weir, Clerk-Recorder

Date: January 17, 2012



**Contra
Costa
County**

Subject: Candidate Statement Regulations and Estimate Costs for the 6/05/12 Primary & 11/06/12 General Elections.

RECOMMENDATION(S):

APPROVE and ADOPT Candidate Statement Regulations and Estimated Costs, requiring candidates to pay for optional statements for the 6/05/12 Primary and 11/06/12 General Elections, as recommended by the Clerk-Recorder.

FISCAL IMPACT:

There is no direct cost to the County.

BACKGROUND:

Elections Code 13307 provides that before the nomination period opens, the local agency shall determine whether a charge shall be levied against the candidate for the candidate's statement sent to each voter; and that decision shall not be revoked or modified after the seventh day prior to the opening of the nomination period; and that a written statement of the regulations with respect to charges, shall be provided to each candidate. Elections Code 13307 (f) provides that the Board of Supervisors shall be deemed the governing body of Judicial Elections.

CHILDREN'S IMPACT STATEMENT:

Not Applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County

RECUSE 

Contact: Rosa Mena 925.335.7806

Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Not approving this request would require the County to absorb the full cost for candidate statements filed by candidates, as shown on the attachment labeled "Candidate Statement Regulations and Estimate Costs for the 6/05/12 Primary and 11/06/12 General Elections".

**CONTRA COSTA COUNTY BOARD OF SUPERVISORS AND
SUPERIOR COURT JUDGES**

**Candidate Statement Regulations and Estimate Costs for the 6/05/12 Primary and
11/06/12 General Elections.**

Candidate Statements shall be limited to no more than 250 words. The format must comply with the word limit and fit within the allotted space of the form provided by the elections official. The statement shall conform to the font size, darkness and uniform spacing specifications as provided by the Elections Division.

Candidate Statements are optional. Candidates who file a statement shall be required to pay in advance the estimated pro rata share as of the cost of printing, handling, translating and mailing the statement as shown on attached table.

The estimated cost shall be paid at the time the statement is filed. The candidate shall be given written notice that the estimate is just an approximation of the actual cost, which varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. The elections official is not bound by the estimate and shall, on a pro rata basis, bill the candidate for additional actual expenses or refund the excess paid depending on the final actual cost.

Superior Court	Registered Voters	Cost Estimate
Judges	513,748	\$8,380.00
County Offices		
Board of Supervisors – Dist. 2	130,769	\$3,040.00
Board of Supervisors – Dist. 3	96,274	\$2,280.00
Board of Supervisors – Dist. 5	90,019	\$2,150.00

The Elections Division shall not provide for the distribution of additional candidate materials.

To: Board of Supervisors

From: Barbara Flynn, County Librarian

Date: January 17, 2012



**Contra
Costa
County**

Subject: Library Commission 2011 Annual Report and 2012 Work Plan

RECOMMENDATION(S):

ACCEPT the Contra Costa County Library Commission 2011 Annual Report and 2012 Work Plan, to satisfy the Advisory Body Annual Report requirement issued by the Contra Costa County Board of Supervisors on June 18, 2002, Resolution No. 2002/377.

FISCAL IMPACT:

None.

BACKGROUND:

The Library Commission meets on the 4th Thursday of alternating months. Library Administration, 75 Santa Barbara Road, Pleasant Hill, CA 94523.

Commission: Lynn Meisch, Chair; Dr. Shirley Peck, Vice-chair; Staff: Barbara L. Flynn, County Librarian.

CONSEQUENCE OF NEGATIVE ACTION:

The committee will not be in compliance with Resolution No. 2002/377.

☒ APPROVE

☐ OTHER



RECOMMENDATION OF CNTY ADMINISTRATOR



RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**



APPROVED AS RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Barbara Flynn, 925-646-6423

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: January
17, 2012**

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc:

CHILDREN'S IMPACT STATEMENT:

None.

Library Commission 2011 Annual Report and 2012 Work Plan

Library Commission meets 4th Thursday of alternating months

Library Commission meets at Library Administration, 75 Santa Barbara Road, Pleasant Hill

Carol Brown, former Chair

Joyce Atkinson, former Vice-chair

Staff: Barbara L. Flynn, County Librarian

1. Activities

- Commissioners:

- Provided information and reports to Library friends, foundations, and community library commissions and community library managers about library activities.
- Provided information and reports as liaisons to the appointing agencies.
- Received a presentation from the Library's Accessibility Committee.
- Frequently served as board members and officers of Library friends, foundations, endowments, and community library commissions and are involved in friends' membership recruitments, fundraising activities for community libraries, book sale volunteers, and assist with library programming including: city read programs, the annual Countywide Summer Reading Festival, and youth activities.
- Received a presentation on the Library budget for fiscal year 2011-2012.
- Received a presentation on the Library's procedural changes to computer time management.
- Received a presentation on dissemination of community library information.
- Attended Board of Supervisor, city councils, Mayors' Conferences, and MAC meetings throughout the County and representing State Legislators' meetings.
- Attended the California Library Association's Legislative Day in Sacramento on May 18.
- Learned of the new district boundaries for the five supervisorial districts of Contra Costa County
- Sent letters of gratitude to Project Second Chance students for their compelling participation at the California Library Association's Legislative Day in Sacramento on May 18.

- Commissioner Atkinson (Vice-chair, Clayton)

- Served as President of the Clayton Community Library Foundation (CCLF).
- Served as co-chair of two used book sales.
- Spoke to various community groups to encourage participation in Library programs.
- Supported Clayton's 4th City Reads by distributing flyers.
- Represented CCLF on a panel discussing various volunteer opportunities in Clayton.
- Recruited grandchildren to participate in the Clayton Community Library in the Clayton 4th of July Parade.
- Presented the CCLF Annual Report to the City Council.
- Continued efforts to recruit in-library volunteers.

- Commissioner Bracken (Pleasant Hill)

- Volunteered at the first Kids' Bike Rodeo at the Pleasant Hill Library.
- Volunteered at puppet shows funded by the First5 of Contra Costa grant.
- Participated in the library projects on Community Service day (September 24).
- Widely publicized all library events.
- Spoke at Pleasant Hill City Council and attended during library staff presentations.
- Joined library staff at their booth at the Pleasant Hill Farmers' Market.
- Participated in the 4th of July parade with the Library.

- Commissioner Brown (Chair, Orinda)

- Chair of Library Commission and ran the meetings.
 - Wrote letters in support of library funding to all members of the State Budget Committee.
 - Wrote letter to the State Attorney General requesting investigation and barring of blue bins in California.
 - Attended Mayors' Conference to introduce Barbara Flynn as our new County Librarian.
 - Wrote letters of thanks to Project Second Chance participants who took the time to go to Sacramento.
 - Attended Assembly member Skinner's budget presentation in Lafayette.

- As Friends of the Orinda Library (FOL) board member:
 - Set up and co-hosted a special books table for the 10th anniversary celebration, including Sarah Douglas's daily photographs of the construction of the Library as well as Widgie Hastings DVDs of the fundraising events, groundbreaking and building of the Library.
 - Encouraged all FOL board members to write letters to each member of the State Budget Committee – several times during the budget process.
 - Attended Orinda City Council meetings and Amy Worth's presentation of the Board of Supervisors' commendation on the 10th anniversary.
 - As FOL volunteer – researched donated books that are then sold in the FOL bookshop, on Amazon, or elsewhere. Highlight this year was selling an original Charles Sumner manuscript to the Huntington Library.
 - Set up and sat at a FOL table during the Community Center Christmas Bazaar on November 5.
- As a member of the community
 - Acquired and sent cds that featured Ray Bradbury – longtime library supporter – describing his debt to libraries (he could not afford college, so found much of his education at the LPA public Library), as well as reading from Fahrenheit 451 to a number of State Legislators on the Budget Committee.
- Commissioner Craig (District 2, Alternate)
 - Member of the City of Martinez Measure H budgetary Oversight Committee.
- Commissioner De'Shawn Woolridge (Pittsburg)
 - Interview members of public to find satisfaction of Library.
- Commissioner Enholm (District 5)
 - Attended Library-related activities as a photographer in Martinez (Aug.), Antioch(Sept.), Hercules (Oct), Orinda City Council and Rodeo MAC (Oct.).
 - Served on the By-laws Committee of the Library Commission.
 - Attended Community College Board meetings.
 - Gave a presentation to the Commission on dissemination of community library information.
 - Gave a presentation to the Library Commission about the new district boundaries for the five supervisorial districts of Contra Costa County.
- Commissioner Hoisington (Lafayette)
 - Served on the Board of Friends of Lafayette Library and Learning Center.
 - Volunteer at Friends of the Lafayette Library and Learning Center book shop.
 - Stay aware of and support Lafayette Library and Learning Center Foundation activities.
 - Helped coordinate donation of excess books from Friends of the Lafayette Library and Learning Center Book Shop to Antioch and Pleasant Hill.
 - Supported first year of programming at the new Friends of the Lafayette Library and Learning Center.
- Commissioner Meisch (Walnut Creek)
 - Writing letters to telephoning State legislators and Governor Brown advocating for continued library funding.
 - Serving as Walnut Creek's Library Commissioner and reporting local Library news at the Contra Costa County Library Commission Meetings.
- Commissioner Peck (Brentwood)
 - Worked with Library Friends to plan City Reads; helped distribute free books to community locations; attended program.

- Met with Friends group regularly; contributed to Newsletter.
- Worked with Brentwood Mayor Robert Taylor, Friends group, and both Brentwood and other library staff on e-Reader loan program.
- Assisted in planning fundraiser: Festival of Trees.
- Commissioner Poulos (El Cerrito)
 - Meetings with community to address their concerns around the future of the El Cerrito Library and the possibility of building a new branch facility.
- Commissioner Prater (San Ramon)
 - Regular attendance of meetings of San Ramon and Contra Costa County Library Commissions.
- Commissioner Reed (Friends Council)
 - Visited seven libraries and ten Friends' book sales.
 - Assisted several Friends' groups with problems in organization, such as by-laws and Blue Bins at Safeway's, either by phone, e-mail or in person.
- Commissioner Smith (District IV)
 - Served at CALTAC Northern Regional Representative
 - Lead a Funding Advocacy discussion (March) and a Public Library Foundation (PLF) Advocacy discussion (January) Commission meetings.
 - Conducted Board Effectiveness Training for Santa Clara, Sunnyvale, and Mountain View libraries.
 - Attended and reported to the Commission on the Pacific Library Partnership workshop: Future of Libraries 7.0 – Navigating in an Era of Scarcity.
 - Attended and reported on the CLA Conference to the Commission.
 - Along with other BayNet members, toured Google and reported to the Commission.
 - Participated in AccessABILITY fair by demonstrating the CCTV.
 - Chair By-laws Committee of the Library Commission.
- Commissioner Tumin (Oakley)
 - Provide Commission meeting minutes to City Council following each meeting.
 - Promoted Library card applications to Oakley school students.
 - Raise awareness of library programs and activities.
 - Serves on the By-laws Committee of the Library Commission.

2. Accomplishments

- Commissioners:
 - Received a reauthorization of the Commission for another five years (through June 30, 2016) from the Mayors' Conference and the Board of Supervisors.
 - By- Laws Committee of the Commission (Enholm, District V; Fuller, Martinez; Smith, District IV and Tumin, Oakley) edited Commission By-Laws, which were approved by the Commission. Commissioner Smith will present the revised By-laws to the Board of Supervisors.
 - Elected 2012 Library Commission Officers.
 - Completed the 2010 Annual Report and Work Plan for 2011, which was approved by the Board of Supervisors.
- By-laws Committee of the Library Commissioner (Enholm, Fuller, Smith, Tumin)
 - Revised the 1999 By-laws during public meetings and the revision was approved by the Commission for presentation to the Board of Supervisors.
- Commissioner Craig (District 2 Alternate)

Library Commission 2011 Annual Report and 2012 Work Plan

~ PAGE 4 ~

- Involved in fundraising, book collection, and implementation of the successful Measure H (the bond issue that funded the rehabilitation of the Martinez Library).
- Commissioner Enholm (District 5)
 - As member of By-laws Committee of the Library Commission, revised Commission By-laws.
 - Joined Friends groups in Bay Point, Crockett, Hercules and Martinez.
 - Accomplished the invitation from the Library Commission and acceptance of the Contra Costa Community College Board of a newly created Library Commission seat caused by the end of the County Youth Council.
- Commissioner Hoisington (Lafayette)
 - Introduced Barbara Flynn, County Librarian, to Lafayette City Council and Friends of the Lafayette Library and Learning Center
- Commissioner Meisch (Walnut Creek)
 - Library funding was preserved.
- Commissioner Panas (El Cerrito, Alternate)
 - Continued discussions with the City of El Cerrito regarding painting the library. This may qualify as a City-Community joint project. It appears that the Arts and Culture Commission will not be involved.
 - I worked at the Friends of the El Cerrito Library book sale.
 - I worked with the City regarding replacing the roof on the library as well as other maintenance issues.
- Commissioner Peck (Brentwood)
 - Based on the work of Mayor Robert Taylor, the Library Friends group, and library staff: the e-Reader loan program will soon be in place, using volunteers from the Meals on Wheels Friendly Visitors program and serving homebound individuals. The library staff requested funding from the state library grant program, and the library was awarded \$3500 to support the project.
 - Working with Friends group, the Festival of Trees program set for December 1-4, 2011 will provide funding for library needs.
 - A successful City Reads program is expected for October 30, 2011, as author Abraham Verghese will speak about his best-seller, *Cutting for Stone*.
- Commissioner Poulos (El Cerrito)
 - Bi-monthly written report to the El Cerrito City Council of County Library activities including notes on each Library Commission meeting. Copies distributed to members of the City Council, El Cerrito City Assistant Manager, El Cerrito Community Library Manager, and President of the Friends of the El Cerrito Library.
- Commissioner Prater (San Ramon)
 - Joined group of commissioners meeting in Joan Buchanan's office (Assembly woman for San Ramon) to request support of continuous State funding of libraries systems throughout.
- Commissioners Reed (Friends Council)
 - Started up the Friends' Council again. Led a successful meeting in August with about 20 people in attendance.
 - Started planning for next Friends' Council Meeting to be held on February 16, 2012.
 - Prepared three "Letters to the President" and sent them to the Presidents of the various Friends of the Libraries in this County.
 - Plan to send out four to six such Letters to the President each year.
- Commissioner Smith (District IV)

- Organized the CALTAC workshop in Milpitas – Strong California Libraries: Make it Work in Your Community.
- Arranged for elected leaders to write article for CALTACTICS about why they support libraries; wrote the Cool Website articles, and arranged for the articles about new libraries.

3. Facilities

- Commissioner Atkinson (Vice-chair, Clayton)
 - Attended Planning Commission Meetings to present the Library's concerns about the proposed use of library parking to accommodate parking for a proposed church.
- Commissioner Bracken (Pleasant Hill)
 - Participating in a group whose mission is to build a new library in Pleasant Hill.
- Commissioner Brown (Chair, Orinda) and Commissioner Enholm (District 5); Commissioner Reed (Friends Council)
 - Attended opening of refurbished Martinez Library.
- Commissioner Brown (Chair, Orinda)
 - As Friends of the Orinda Library (FOL) board member, met with City of Orinda lease committee to discuss concerns regarding unique relationship (FOL owns the Library building).
 - Opened up the Friends' sorting room to the public on October 1 for a book giveaway as a thank you to the community and the start of our 10th anniversary celebration.
- Commissioner Reed (Friends Council)
 - Attended the official opening of the Prewett Library and Community Center in Antioch.
- Commissioner Panas (El Cerrito, Alternate)
 - Actively participated in a group that is investigating replacement of the Library facility in El Cerrito.
- Commissioner Tumin (Oakley)
 - Generate interest in a free standing library.

4. Attendance/Representation

The 29-member Library Commission is diverse and meets the Board of Supervisors' goal to maintain an ethnic, economic, and geographic balance. A wide range of ages is represented on the Library Commission.

All six meetings in 2011 achieved a quorum and many alternate Commissioners attend meetings in addition to the appointed Commissioner. (*Attachment - attendance report*)

5. Training/Certification

- Commissioners
 - Viewed and reviewed recordings on the Brown Act and Conflict of Interest as required by the Board of Supervisors.
 - Renewed membership in CALTAC (California Association of Library Trustees and Commissioners.)
 - Attended CALTAC workshops.
 - Attended the February 28, 2011 Annual Training for County advisory board members, held in Martinez; focus was on compliance with the Brown Act

Proposed Work Plan / Objectives for 2012:

Commissioners:

▪ **Goal: Continue to advocate and support for increased funding**

Objective: Support Library Friends fundraising activities

Objective: Educate the community about the continued cuts in library funding, measures to continue excellent service and the need for financial support from the community for Friends fundraising (Atkinson)

Objective: Come up with innovative fundraising ideas that could be used by all Contra Costa County Libraries (Meisch)

Objective: Continue to advocate with elected officials for financial support of libraries (Meisch)

Objective: Helping Contra Costa County Library work with a limited budget (Pratter)

Objective: Publicize library needs and solicit contributions or donations of equipment, supplies-durable "goods" (Lum)

Objective: Fully staff library by raising awareness to City Council (Tumin)

Objective: Improve funding and sustainability of the Moraga Library (Lum)

Objective: Identify and help write grant proposal to support Moraga Library operations and/or services (Lum)

Objective: Advocate for continued County and State funding of the Moraga Library (Lum)

Objective: Collaborate with the Friends of the Moraga Library to increase charitable donations to Friends, including bequests (Lum)

▪ **Goal: Continue to promote, expand, educate, and support library services and programs for the all of the communities.**

Objective: See Libraries as continuing to serve all Contra Costa County residents (Craig)

Objective: Use of libraries as college-admission-counseling centers. Set aside several weekend afternoons, and ask for volunteers - make a special effort to teach minority students (Meisch)

Objective: Support the 2012 City Reads (Peck)

Objective: Contribute to the e-Reader loan project as it evolves (Peck)

Objective: Promote services available at the library to aid in job search (Atkinson)

Objective: Whenever & wherever possible (Bracken)

Objective: Educate the community at to the increased usage of library services as a result of the current recession (Atkinson)

Objective: Enhance local community knowledge of Contra Costa County Library (Tumin)

Objective: Increase publicity for all library activities by using print and electronic media (Atkinson)

Objective: Speak at council meeting and community organizations to promote programs and services (Atkinson)

Objective: Actively promote increased accessibility for all patrons of the library (Atkinson)

Objective: Encourage volunteer participation at the library (Atkinson)

Objective: Help communicate Library and Commission activities to local communities (Hoisington)

Objective: Education of the El Cerrito City Council and city staff (Poulos)

○ Organize one or more City Council members with the two Library Commissioners and a few others into a core library planning group (Poulos)

○ Work on rethinking plans for a new branch with or without a senior center (Poulos)

Objective: Enhanced visibility of Community Library Manager

Objective: Increase public awareness, support and utilization of the Moraga Library (Lum)

Objective: Refine and strengthen the public messaging to increase support for and utilization of the community library (Lum)

Objective: Increase social media presence of the Moraga Library and utilization of those media, esp., among those who underuse these resources, e.g., seniors (Lum)

Objective: Continuing to check periodically on the needs of special interest libraries such as those located at the juvenile detention facility in Martinez (Prater)

Objective: Help local staff feel "at home" in the community they serve (Hoisington)

Objective: Foster communication and cooperation among all Contra Costa County libraries (Hoisington)

▪ **Goal: Continue supporting/assisting Friends of the Library groups.**

Objective: Work with Brentwood Friends and library staff on local projects in support of library services (Peck)

Objective: Work with Brentwood staff on planning the layout for the expected library expansion (Peck)

Objective: Make presentation to the Friends Council on February 16 on how to become more involved and strongly advocate for improved library services (Smith)

Objective: Coordinate efforts with Friends of the Oakley Library (FOOLs) and paid staff (Tumin)

Objective: Achieve greater cooperation of Friends Council with Library and City government (Poulos)

Objective: Encourage the Friends Council to be a more visible and active support group for a new community library (Poulos)

Objective: Continue to work on the library maintenance issues and the painting initiative (Panas)

Objective: Participate in the group that is investigating replacement of the current El Cerrito Library facility (Panas)

Objective: Attend every meeting and comment as appropriate (Panas)

Objective: Write up meeting descriptions for those meetings Steven Poulos is unable to attend (Panas)

▪ **Goal: Continue to develop skills as a Library Commissioner and be actively involved**

Objective: Attend CALTAC Workshop in Walnut Creek on February 25.

Objective: Participate in Library Commission meetings

Objective: Regularly report back to city councils, Friends, and Library Managers on Library Commission information

Objective: Contra Costa County Library should participate in local, regional, state, national and international aspects of the major issue. Commissioners should be an active leader in this battle – not a passive follower. (Craig)

Objective: Figure out how to become a leader, act in such a way that by the end of 2012 we are in fact a leader. (Craig)

Objective: Solicit opinions / suggestions from people for literary concepts (Woolridge)

Objective: Join/Renew CALTAC memberships for all Commissioners.

Objective: Attend library workshops/seminars etc. and report to the Commission (Smith)

Objective: Share knowledge, strengths, and ideas (Hoisington)

Objective: Studying recent laws enacted pertaining to libraries (Prater)

Commissioner Craig (District 2, Alternate)

- **Goal:** Contra Costa County Library should participate actively in activities to hold the price of media down and to make electronic media available at modest prices. [Within the science community there are major efforts to cut the ever-rising costs of published journals.

Objective: The best approach I know of is through the PLoS journals]. Authors should receive payment for their work. However, publication costs using electronic media are negligible.

Commissioner Smith (District IV)

- **Goal:** Continue to serve as a CALTAC northern regional representative.
- **Goal:** Continue to arrange for CALTATICTICS articles as above.
- **Goal:** Continue to conduct Board Effectiveness Trainings.
- **Goal:** Organize 2012 CALTAC workshop in Walnut Creek – “Strong California Libraries: A Necessity or “nice to have”
- **Goal:** Make presentation to Board of Supervisors about recommended changes to the Library Commission By-laws at a meeting in January 2012

Commissioner Tumin (Oakley)

- **Goal:** Ground work for free standing Oakley Library
 - Objective: community awareness
 - Objective: city support

Library Commission 2011 Annual Report and 2012 Work Plan

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* Library Commission Attendance: January 2011 – December 2011

Library Commission Attendance January 2011 – December 2011		Total	Total	Total	Total	signed BROWN ACT & Ethics Orientation video viewing certification
COMMISSIONERS	REPRESENTING	Meetings	Absent	Present	Excused	Received
Ruehlgl, Walter	City of Antioch	6		6		X
Peck, Shirley Dr.	City of Brentwood	6		6		X
Atkinson, Joyce (Vice-chair)	City of Clayton	6		5	1	X
Boyd, Jeanne	City of Clayton Alternate	6			6	X
Thong, Phing (term ended 6/30/11)	City of Concord Alternate	3			3	X
Tang, Chris (term ended 6/30/11)	City of Concord	3			3	X
Gomez, Barbara (term began 10/10/11)	City of Concord	1		1		X
Waterson, Judi (term began 10/10/11)	City of Concord Alternate	1		1		X
Stephenson, Frances (term ended 5/18/11)	Town of Danville	2		1	1	X
Patel, Manish (term began 8/9/11)	Town of Danville	2		2		
Poulos, Steve	City of El Cerrito	6		5	1	X
Panas, Tom	City of El Cerrito Alternate	6		6		X
Marcotte, Jo Ellen (term began 4/11/11)	City of Hercules Alternate	4		4		X
Kirby, Steven	City of Hercules	6		3	3	X
Madfes, Sherry (term ended 4/11/11)	City of Hercules Alternate	2			2	X
Hoisington, Mary Ann	City of Lafayette	6		6		X
Bailey, Ruth	City of Lafayette Alternate	6		5	1	X
Fuller, Kathy	City of Martinez	6		3	3	X
McEwan, Jeanne (term ended 6/30/11)	Town of Moraga	3		2	1	X
Prindle, Bob (term ended 5/18/11)	Town of Moraga Alternate	2		1	1	X
Rodger Lum (term began 8/31/11)	Town of Moraga	2		2		X
Tumin, Cindy A.	City of Oakley	6		5	1	X
Brown, Carol (Chair)	City of Orinda	6		6		X
Bonham, Ben	City of Orinda Alternate	6		3	3	X
Magann, Kathy	City of Pinole	6		5	1	X
O'Rourke, Charlene	City of Pinole Alternate	6		6		X
Woolridge, De'Shawn (term began 7/1/11)	City of Pittsburg	3	1	2		
Bracken, Katherine	City of Pleasant Hill	6		5	1	X
Shoop, Ron	City of Richmond	6		4	2	X
Wittenbrock, Sandra (term ended 3/1/11)	City of San Pablo	1		1		X
Ybarra, Frank (term began 9/19/11)	City of San Pablo	2	1	1		
Prater, Penny	City of San Ramon	6		6		X
Meisch, Lynn A.	City of Walnut Creek	6		5	1	X
Woodrow, Don (term began 3/19/11)	District 1	5		3	2	
Lake, Bud	District 2	6		2	4	X
Craig, Paul (term began 2/25/11)	District 2 Alternate	5		3	2	X
Riise, Diane	District 3	6	1	4	1	X
Mar, Margaret Ann	District 3 Alternate	6		2	4	
Smith, Alan B.	District 4	6		5	1	X
Christ, Lynn R. (term began 6/28/11, ended 10/27/11)	District 4 Alternate	2		2		
Enholm, Greg	District 5	6		5	1	X
Singh, Sukhdev	District 5 Alternate	6		0	6	X
Marshburn, Peggy	Office of Education Alternate	6		5	1	X
Ovick, Dr. Joe	Office of Education	6		2	4	X
	Vacant Contra Costa Labor Council					
Wetter, Ron	Contra Costa Council	6		2	4	
Reed, Charles	Friends Council	6		6		X

To: Board of Supervisors

From: Steve Silveira, Deputy General Services Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: Approve Bid Documents and Authorize Advertisement for the New Crisis Residential Facility at 20 Allen Street, Martinez

RECOMMENDATION(S):

1. APPROVE the bid documents, including the design, plans, and specifications, for the New Crisis Residential Facility at 20 Allen Street, Martinez, for the Health Services Department.
2. AUTHORIZE the Deputy General Services Director, or designee, to solicit bids to be received on or about March 1, 2012, at 2:00 p.m., and to issue bid addenda, as needed, for clarification of the bid documents, provided the involved changes do not significantly increase the cost estimate.
3. DIRECT the Clerk of the Board to publish the Notice to Contractors, in accordance with Public Contract Code Section 22037, inviting bids for this project.

FISCAL IMPACT:

The New Crisis Residential Facility will be funded with Mental Health Services Act funds.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Rob Lim, (925) 313-7200

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 17, 2012

David J. Twa, County
Administrator and Clerk
of the Board of
Supervisors

By: June McHuen, Deputy

cc: GSD Administration, GSD Accounting, GSD CPM Division Manager, GSD CPM Project Manager, GSD CPM Clerical, Auditor's Office, County Counsel's Office, County Administrator's Office, County Administrator's Office

BACKGROUND:

Plans and specifications for the project have been prepared for the General Services Department by Hammel Green and Abrahamson, Inc. ("HGA") and filed with the Clerk of the Board by the Deputy General Services Director. The construction cost estimate is \$3,200,000. The general prevailing wage rates are on file with the Clerk of the Board of Supervisors and will be the minimum rates paid on this project.

The New Crisis Residential Facility ("CRF") will provide for a 24-hour residential treatment program. Such a program is a viable alternative to hospitalization. In addition, the program will provide a transitional level of care for consumers leaving hospitals but needing further assistance while re-entering the community. The CRF is planned to be a 6,600 s.f., two-story facility that includes space for 16 residents. The facility will also include a living room, a dining room, kitchen, a library, and administrative and support spaces. Staffing will include psychiatrists, nurses, clinical specialists, and peer providers (mental health consumers who have completed required training and are employed by the County) and will be in compliance with State requirements for staffing ratios. A total of three parking stalls, including one handicapped-accessible stall, is being added on-site. The site already has extensive vegetation. Five new trees will be planted as part of the project along with numerous new groundcover plants and shrubs around the site. Five existing trees will be removed, including two in poor condition.

On January 19, 2010, the Board previously approved a Negative Declaration for the project pursuant to the California Environmental Quality Act (CEQA). The Department of Conservation and Development subsequently filed a Notice of Determination and a Certificate of Fee Exemption De Minimis Impact Finding with the County Clerk.

CONSEQUENCE OF NEGATIVE ACTION:

If the authorization to bid is not approved, the project cannot progress into the Construction Phase, the project may not be built, and patient care will be directed toward the County Hospital, which is more costly.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

To: Board of Supervisors

From: Stephen Baiter, Workforce Development Board Director

Date: January 17, 2012



**Contra
Costa
County**

Subject: Approval of Workforce Development Board Bylaws

RECOMMENDATION(S):

APPROVE the revised by-laws for the Contra Costa County Workforce Development Board as recommended by the Employment and Human Services Director.

FISCAL IMPACT:

There is no fiscal impact from approving the revised bylaws.

BACKGROUND:

The Workforce Development Board adopted bylaws by which to govern and operate at its inception in 2000. Since that time, the Board has periodically reviewed and modified the bylaws, specifically regarding term limits and composition.

In April and May 2011, the Ad Hoc Nominating Committee reviewed the current bylaws and recommended changes listed in the attached mark-up bylaws. This work supports the Strategic Plan, Goal 1: Strengthen a diverse, active, and full board, and specifically addresses, Strategy #4, Activity 2: Align organization structure and practices to support board roles.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2012**

☒ APPROVED AS RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES

NOES

ABSENT

ABSTAIN

RECUSE

Contact: Dorothy Sansoe, 925-335-1009

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED:

January 17, 2012

David J. Twa, County
Administrator and
Clerk of the Board of
Supervisors

By: , Deputy

cc:

BACKGROUND: (CONT'D)

On November 28, 2011 the Workforce Development Board approved recommended revisions to the "Workforce Development Board of Contra Costa County Organization Bylaws." The recommended changes include:

- Various grammatical and format changes;
- Elimination of term limits;
- Clarification of a quorum greater than least 50% of authorized seats;
- Expanded term of Youth Council seats from 2 years to 4 years.

CONSEQUENCE OF NEGATIVE ACTION:

The bylaws will not be revised.

CHILDREN'S IMPACT STATEMENT:

None.

Workforce Development Board Of Contra Costa County
Organization Bylaws

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WORKFORCE-DEVELOPMENT-BOARD-OF-CONTRA-COSTA-COUNTY
BYLAWS
7/1/08

ARTICLE I - NAME

The name of this organization shall be the Workforce Development Board (WDB) of Contra Costa County.

ARTICLE II - SCOPE AND RESPONSIBILITIES

As set forth in the Workforce Investment Act of 1998 and subsequent actions by the Contra Costa County Board of Supervisors, the responsibilities of the WDB are:

- A. Develop and submit a local workforce investment plan to the Governor, in partnership with the County Board of Supervisors, for the Contra Costa County Local Workforce Investment Area (LWIA), whose boundaries include the entirety of Contra Costa County, exclusive of the City of Richmond.
- B. With the agreement of the Contra Costa County Board of Supervisors, designate one-stop operator(s) and terminate the eligibility of such operator(s) for cause; identify eligible provider(s) of youth activities in the Contra Costa County Workforce-Service-Delivery-Area (SWDIA) by awarding grants or contracts on a competitive basis, based on recommendations of the Youth Council; identify eligible providers of training services for adults and dislocated workers; and identify eligible providers of intensive services by awarding contracts which may be on a competitive basis if the one-stop operator does not provide such intensive services in the SDALWIA.
- C. Develop a budget for purposes of carrying out the duties of the WDB subject to the approval of the Contra Costa County Board of Supervisors. The WDB may solicit and accept grants and donations from sources other than federal funds.
- D. In partnership with the Contra Costa County Board of Supervisors, conduct oversight with respect to local programs of youth activities and local employment and training activities for employers, adults, and youth at the one-stop centers in the SDALWIA.
- E. Negotiate and reach agreement on Workforce Investment Act local performance measures with the Contra Costa County Board of Supervisors and the Governor, and certify comprehensive One Stop Center(s).
- F. Assist the Governor in the development of a statewide employment statistics system (e.g., labor market information system pursuant to the Wagner-Peyser Act).
- G. Coordinate workforce development activities carried out in the SDA-LWIA with economic development strategies and develop other employer linkages.
- H. Promote the active participation of the private sector in the local workforce investment system.

ARTICLE III - MEMBERSHIP

- A. Members of the WDB shall be appointed for fixed and staggered terms by the Contra Costa County

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Workforce Development Board Of Contra Costa County
Organization Bylaws

A1a

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Board of Supervisors in accordance with federal and state law, and as further described below in Article II, paragraphs B, C, and D.

B. ~~Seat terms shall be staggered and of four years' duration. The term of each seat will commence on July 1st and terminate on June 30th four calendar years later.~~

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C. ~~The WDB will be comprised of at least 50% plus one of business members. The majority of these members shall 1) be owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policy-making or hiring authority, and 2) represent businesses with employment opportunities that reflect the employment opportunities of the local area. WDB membership shall include small businesses and minority-owned and women-owned businesses.~~

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~~C. The WDB may change the size and composition of its membership, subject to two-thirds vote of its members, so long as any change made does not conflict with federal, state or local law.~~

~~The majority of the WDB membership shall 1) be owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policy-making or hiring authority, and 2) represent businesses with employment opportunities that reflect the employment opportunities of the local area. WDB membership shall include small businesses and minority-owned and women-owned businesses.~~

~~C.D. The non-business membership shall include members who are representative of categories set forth in Workforce Investment Act and related federal, state or local law. Representatives shall be individuals with optimum policymaking authority within the organizations, agencies, or entities they represent.~~

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~~E. Business members shall comprise at least fifty percent (50%) plus one of the WDB members.~~

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~~D.E. Members of the WDB shall either reside in or be representatives of businesses, organizations or agencies located within the SBA/LWIA.~~

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~~F. The WDB may recommend to the Contra Costa County Board of Supervisors changes to the size and composition of its membership, provided that two-thirds of its members have voted to recommend the change. Recommended changes to size and composition of the WDB membership must be approved by the Contra Costa County Board of Supervisors.~~

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~~F.G. The members of the WDB shall be reimbursed for mileage for their attendance at meetings in accordance with Contra Costa County travel reimbursement policies, if not otherwise reimbursed by their employer or by another source. A member shall make a request for reimbursement to the WDB Executive Director.~~

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~~G.H. Members attending pre-arranged outside special functions on behalf of the WDB shall be reimbursed for expenses in accordance with Contra Costa County travel reimbursement policies, if not otherwise reimbursed by virtue of their job or by another source.~~

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~~H. Members shall serve for a term of four years, and may serve up to two successive four-year terms, except as a term may be extended as provided for in Article III, sections J. The four-year term shall begin on the effective date of appointment by the Board of Supervisors and will end on the fourth June 30 date following appointment, except as provided for in Article J.~~

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**Workforce Development Board Of Contra Costa County
Organization Bylaws**

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~~I. Any member(s) of the WDB appointed or elected to a state or nationally associated WDB organization/committee requiring active local membership and participation, whose WDB term(s) expires after such election or appointment may have his/her allowable term extended by a vote of the WDB, for the duration of his/her service on that state or national organization/committee. The last WDB Chair may serve on the WDB for more than the two full four-year terms when the extra time is necessary to allow the Chair to complete two full terms in office as the WDB Chair and one year as the immediate Past Chair. An extended member shall maintain all regular member rights and responsibilities of service on the WDB.~~

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ARTICLE IV - STANDARD OF CONDUCT

Comment [s1]: This used to be Article XII, but it makes much more sense to re-sequence it here.

Members of the Workforce Development Board will:

- A. Avoid situations which give rise to a suggestion that any decision was influenced by prejudice, bias, special interest, or personal gain by recusing themselves from the discussion and action taken.
- B. Exercise due diligence to avoid situations which may give rise to an assertion that favorable treatment is being granted to friends and associates.
- C. Disclose potential financial conflict of interest by filing Form 700 and all other necessary and required documents
- D. Not solicit or accept money or any other consideration from any person for the performance of an act reimbursed in whole or part with Workforce Investment Act funds.
- E. Not participate nor vote on contracts or grants relating to services provided by that member or the entity he or she represents, if the member or the entity financially benefits from the decision.
- F. Abide by all conflict of interest codes and attend requisite training.

ARTICLE V - TERMINATIONS

Any member may be terminated from membership on the WDB by one of the following actions:

- A. Resignation.
- B. Failure to attend three consecutive regularly scheduled full WDB and/or committee meetings, excessive excused absences from regularly scheduled WDB and/or committee meetings, or failure to resign when he/she ceases to be a representative of the group from which he/she was selected. Said conduct shall automatically be reviewed by the WDB Executive Committee, which in turn shall present a recommendation to the WDB. A majority vote of the WDB membership is needed to affirm the recommendation.
- C. For conduct, activities, or interest detrimental to the purpose of the WDB. Said conduct is subject to review by the Executive Committee, which in turn shall present a recommendation to the WDB. An affirmative vote of fifty percent (50%) rounded up, plus one (1) of the full membership majority vote of the WDB membership is needed to affirm ratify the recommendation.

ARTICLE VI - OFFICERS AND DUTIES

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A. The number of officers shall be determined by the WDB. At a minimum, there shall be a Chairperson and Vice-Chairperson. Any two officer positions, except those of the Chairperson and Vice-Chairperson, may be held by the same person. Whenever possible, the outgoing Chair will continue to serve as an active board member as the Past Chair for at least one year.

B. Officers' terms will commence on July 1 and end on June 30 of the following calendar year.

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B.C. The Chairperson shall preside at all WDB meetings, represent the WDB whenever the occasion demands, appoint members to committees, and call special meetings at any time necessary.

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C.D. The Vice-Chairperson(s) shall assist the Chairperson as directed by the latter and shall assume all the obligations and authority of the Chairperson in the his/her absence of the latter, and shall Chair chair the Executive Committee. In the event that the Vice-Chairperson(s) are not available, the Past Chair shall serve in this capacity.

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D.E. The Chairperson and Vice-Chairperson(s) of the WDB shall will be selected from among members of the WDB who are representative of the business sector. In the event that there is not a permanent at least one WDB member currently sitting as Vice Chairperson, the Chair shall appoint a Vice Chairperson on a quarterly rotating basis. In making such appointments, the Chair will give preference to eligible Committee Chairs or Vice Co-Chairs.

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F. A WDB member may serve as Chairperson for a period of no longer than two (2) years and as a Vice-Chairperson for no longer than three (3) years.

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E.G. Any officer may be removed from office by the affirmative vote of fifty percent (50%) rounded-up, plus one (1) of the full membership for conduct, activities or interest detrimental to the interest of the WDB, in accordance with Article IV, section C.

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ARTICLE VII - ELECTIONS

A. A Nominating Committee shall be convened each January fiscal year to designate a new slate of officers for the following fiscal year. The Nominating Committee shall be chaired by the Immediate Past Chairperson who shall appoint at least two (2) other Board members, a majority of whom shall represent the business community. In the event the position of Immediate Past Chairperson is vacant, the Chairperson shall appoint the Chair of the Nominating Committee.

B. The period for officer nominations shall commence upon the establishment of the Nominating Committee and will close 30 days prior to the final regularly scheduled full board meeting of the fiscal year.

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B.C. A report from the Nominating Committee on selection of officers shall be provided to the members in March advance of officer elections and made available to the public.

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C.D. An Nomination election of officers shall be held each May at the no later than the final regularly scheduled full WDB meeting of the fiscal year. Officers shall be elected by a majority vote of the members present. Nominations shall be forward to the Board of Supervisors for formal appointment. Terms of office shall begin at the beginning of each fiscal year.

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~~D. Officers' terms shall be a minimum of one year or as recommended by the nominating committee and approved by the full WDB.~~

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ARTICLE VIII - VACANCIES

- A. The WDB or its' Executive Committee shall review scheduled and unscheduled membership vacancies as they occur ~~as to appropriateness and assess associated needs with to~~ appointing a replacement. The ~~WDB and Executive~~ Committee shall consider applicable federal and state membership guidelines in formulating a recommendation for review ~~by the WDB~~. A majority vote of members present ~~at a WDB or WDB Executive Committee meeting~~ is needed to affirm the recommendation.
- B. The WDB Chairperson shall immediately report to the Contra Costa County Board of Supervisors any ~~scheduled or unscheduled membership vacancy as it occurs~~. The ~~WDB may recommend a replacement for each unscheduled vacancy to the Board of Supervisors no sooner than ten working days after the Clerk of the Board posts the special notice announcing the unscheduled vacancy, at which time the WDB's replacement recommendation may be made to the County Board of Supervisors following a ten-day public announcement period conducted by the County Clerk's Office in accordance with the rules of the County Board of Supervisors.~~
- C. A vacancy in any officer position may be filled by the WDB for the unexpired term of the position by a majority vote of the members attending a called meeting ~~of the full board or the Executive Committee~~.
- D. Nominations for appointment to the WDB shall be made in accordance with the Workforce Investment Act. Nominees will be presented ~~by the WDB to the appropriate committee of the Contra Costa County Board of Supervisors' Operations Committee by the WDB for review and advancement to the Board of Supervisors for final appointment to the WDB.~~

ARTICLE VIII-IX – QUORUM REQUIREMENTS

- A. Fifty percent (50%) rounded up, ~~less three (3)~~ of the eligible voting members ~~authorized number of seats~~ will constitute a quorum of the full WDB ~~or a WDB committee~~. In interpreting this bylaw, it has been the intent of the Workforce Development Board of Contra Costa County that the term "eligible voting members" as used in this Bylaw refers only to members in seats that are currently filled. For example, while 34 seats are filled, a quorum will be 14. If a quorum cannot be established within 15 minutes of scheduled meeting time, and certain agenda items must be acted upon before the next WDB meeting, a 40 percent attendance of eligible voting members will constitute a quorum to act on necessary agenda items only. In the absence of 450 percent rounded up, less three in attendance, the meeting shall be adjourned ~~15~~ cancelled no later than thirty (30) minutes after scheduled meeting time provided that entire WDB has been given proper notice as stated in these bylaws.

- B. When issues arise that require members to recuse themselves from the voting process, this action will not count against the quorum count.

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- B.C. When a quorum is present, each regular voting member shall have one (1) vote when present and ~~n~~ No proxies or absentee votes shall be permitted.

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- C. ~~Except for the Executive Committee, standing committees require a minimum of three (3) voting members or the discretion of the committee chair(s) to constitute a quorum to transact business or vote~~

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on-committee-matters, as defined in Article VIII on Quorum Requirements.

ARTICLE IX - COMMITTEES

- A. The WDB Chairperson may establish Standing Committees, Ad Hoc Committees and Advisory Panels as necessary and shall designate the chairpersons.
- B. The size and purpose of each Standing or Ad Hoc Committee shall be determined by the Committee WDB Chairperson, in consultation with the WDB-designated Committee Chairpersons. Every effort shall be made to ensure that each Standing committee is comprised of five (5) or more members of the WDB, the majority of whom are representative of the business sector.
- C. Each WDB Standing Committee will have two (2) Co-Chairpersons with responsibility for conducting the regular business of that respective committee.
- D. Any WDB member may serve as a Committee Chairperson or Co-Chairperson. WDB members may serve as Chairs of a single WDB Standing Committee for a period or no more than four (4) years.
- D.E. There shall be an Executive Committee composed of the WDB Chairperson, the Vice-Chairperson(s), and a past WDB Chairperson, either one (1) to two (2) voting members-at-large, and the Chairpersons of Standing Committees. In the event a past Chairperson is not available, the Chair may appoint an additional member-at-large. At least fifty percent (50%) plus one of the Executive Committee members shall be representatives of the private sector.
- E.F. The Executive Committee shall meet monthly at a regularly scheduled time and is authorized to act on behalf of the Workforce Development Board on those matters delegated to it by the WDB. For those matters not delegated to it by the WDB, the Executive Committee is authorized to meet and act on behalf of the Workforce Development Board at such times as may be determined necessary by the Chairperson, provided that such actions taken by the Executive Committee shall be ratified by the WDB at its next regularly scheduled meeting. A quorum of the Executive Committee shall consist of fifty percent (50%) plus one (1) of the Executive Committee members.

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The responsibilities of the Executive Committee shall include:

- Setting WDB agendas
- Approving annual budgets and forwarding to the WDB for review;
- Obligating and approving awards of funding related to programmatic and/or operational objectives (requires a 2/3 vote of Executive Committee members present for approval);
- Hearing all budget related matters and forwarding appropriate items to the WDB
- Developing and implementing the WDB's yearly public relations plan
- Developing legislative/advocacy platforms and position statements
- Developing operational and policy objectives for the Fiscal Year activities of the WDB
- Recommending membership appointments and resignations from the WDB to the Board of Supervisors as necessary

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NOTE: Formal obligations of funding require 2/3 vote of the members present.

At least once a year the Executive Committee will be charged with examining the previous year's work plan WDB planning documents and priorities and making adjustments as necessary to allow the

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~~Workforce Development Board to continue to work towards reaching its strategic goals. The Executive Committee will coordinate committee activities, review committee reports and provide recommendations and advice to the WDB on all matters within the jurisdiction of the bylaws.~~

F.G. There shall be a Youth Council established in accordance ~~to with~~ the Workforce Investment Act to plan for a comprehensive year-round youth services system and carry out those duties required under the Act.

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~~Appointment: Youth Council members who are not WDB members are appointed to and terminated from the Youth Council by the WDB Executive Committee. These members may vote on matters put forth to the Youth Council, but they are not voting members of the WDB.~~

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~~Membership: Youth Council members shall serve in seats that have for a terms of two four years, and may serve up to three successive two-year terms, except as provided for in Article III, sections J and K. The two-year term shall begin on the effective date of appointment and end on the second June 30 date following appointment, except as provided for in Article III, sections J and K.~~

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~~Quorum: Quorum requirements for the Youth Council are identical to other WDB committees as outlined in Article IX, Paragraph A. Fifty percent (50%) rounded up of the authorized number of seats will constitute a quorum of the Youth Council.~~

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~~Voting: Youth Council members, who are not Workforce Board members, are not voting members of the Workforce Board.~~

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~~Recruitment: Youth Council members may recommend potential candidates to serve on the Youth Council by using the current Workforce Board recruitment process.~~

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ARTICLE XI - RULE OF PROCEDURE

- A. All meetings of the WDB and its committees shall be guided by the current edition of Roberts Rules of Order, Revised.
- B. The WDB shall be governed in its activities by all applicable laws, regulations and instructions.

ARTICLE XII - MEETINGS AND MEETING NOTICES

- A. Meetings of the WDB ~~of Contra Costa County~~ may be held anywhere within the ~~county~~ Contra Costa County LWIA, as determined by the officers and staff of the WDB, at which reasonable accommodations for the disabled shall be provided.
- B. Regular meetings of the WDB shall be held at least once each calendar quarter, and shall be conducted in accordance with all applicable federal, state and local laws.
- C. Notices of regular meetings of the WDB and its committees shall comply with applicable local and State meeting laws and board packets shall be mailed, e-mailed, or faxed to each representative member. ~~These mailing notices~~ shall include, at a minimum, the agenda for the upcoming meeting and the summary minutes of the past meeting.
- D. Special or emergency meetings of the WDB may be called at any time by the Chairperson, the Executive Committee, or upon written request of at least a majority of WDB members. Notice of a

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special or emergency meeting will include the time, date, place, and purpose. The notice, time permitting, shall be not less than three one working days before such meeting date. All meetings will be subject to the Ralph M. Brown Act and all other applicable laws and ordinances.

ARTICLE XII - STANDARD OF CONDUCT

~~Members of the Workforce Development Board will:~~

- ~~A. Avoid situations which give rise to a suggestion that any decision was influenced by prejudice, bias, special interest, or personal gain by recusing themselves from the discussion and action taken.~~
- ~~B. Exercise due diligence to avoid situations which may give rise to an assertion that favorable treatment is being granted to friends and associates.~~
- ~~C. Disclose potential financial conflict of interest by filling Form 700 and all other necessary and required documents.~~
- ~~D. Not solicit or accept money or any other consideration from any person for the performance of an act reimbursed in whole or part with Workforce Investment Act funds.~~
- ~~E. Not participate nor vote on contracts or grants relating to services provided by that member or the entity he or she represents, if the member or the entity financially benefits from the decision.~~
- ~~F. Abide by all conflict of interest codes and attend requisite training.~~

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ARTICLE XIII - AMENDMENTS

These bylaws may be altered, amended or repealed at any regular meeting of the WDB by a vote of two-thirds (2/3) of the voting members present where there is a quorum, provided notice of the proposed change shall have been mailed, e-mailed, or faxed to each representative no less than seven (7) days prior to such meeting.

Adopted by Workforce Development Board on September 18, 2000

Amendment to Article VIII, Section A on November 18, 2002

Amendment to Article III, Section J; Article IV, Sections B & C; Article V, Section E; Article VI, Sections A, B, C & D; Article VII, Section A; Article VIII, Sections A, C & D; Article IV, Sections A, B, D; Article XIII – on September 22, 2003

Amendment to Bylaws on May 29, 2007

Amendment to Bylaws on Month November, Day 28, 2011

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**Workforce Development Board Of Contra Costa County
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ARTICLE I - NAME

The name of this organization shall be the Workforce Development Board (WDB) of Contra Costa County.

ARTICLE II - SCOPE AND RESPONSIBILITIES

As set forth in the Workforce Investment Act of 1998 and subsequent actions by the Contra Costa County Board of Supervisors, the responsibilities of the WDB are:

- A. Develop and submit a local workforce investment plan to the Governor, in partnership with the County Board of Supervisors, for the Contra Costa County Local Workforce Investment Area (LWIA), whose boundaries include the entirety of Contra Costa County, exclusive of the City of Richmond.
- B. With the agreement of the Contra Costa County Board of Supervisors, designate one-stop operator(s) and terminate the eligibility of such operator(s) for cause; identify eligible provider(s) of youth activities in the Contra Costa County LWIA by awarding grants or contracts on a competitive basis, based on recommendations of the Youth Council; identify eligible providers of training services for adults and dislocated workers; and identify eligible providers of intensive services by awarding contracts which may be on a competitive basis if the one-stop operator does not provide such intensive services in the LWIA.
- C. Develop a budget for purposes of carrying out the duties of the WDB subject to the approval of the Contra Costa County Board of Supervisors. The WDB may solicit and accept grants and donations from sources other than federal funds.
- D. In partnership with the Contra Costa County Board of Supervisors, conduct oversight with respect to local programs of youth activities and local employment and training activities for employers, adults, and youth at the one-stop centers in the LWIA.
- E. Negotiate and reach agreement on Workforce Investment Act local performance measures with the Contra Costa County Board of Supervisors and the Governor, and certify comprehensive One Stop Center(s).
- F. Assist the Governor in the development of a statewide employment statistics system (e.g., labor market information system pursuant to the Wagner-Peyser Act).
- G. Coordinate workforce development activities carried out in the LWIA with economic development strategies and develop other employer linkages.
- H. Promote the active participation of the private sector in the local workforce investment system.

ARTICLE III - MEMBERSHIP

- A. Members of the WDB shall be appointed by the Contra Costa County Board of Supervisors in accordance with federal and state law, and as further described below in Article II, Paragraphs B, C, and D.

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- B. Seat terms shall be staggered and of four years' duration. The term of each seat will commence on July 1st and terminate on June 30th four calendar years later.
- C. The WDB will be comprised of at least 50% plus one of business members. The majority of these members shall 1) be owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policy-making or hiring authority, and 2) represent businesses with employment opportunities that reflect the employment opportunities of the local area. WDB membership shall include small businesses and minority-owned and women-owned businesses.
- D. The non-business membership shall include members who are representative of categories set forth in Workforce Investment Act and related federal, state or local law. Representatives shall be individuals with optimum policymaking authority within the organizations, agencies, or entities they represent.
- E. Members of the WDB shall either reside in or be representatives of businesses, organizations or agencies located within the LWIA.
- F. The WDB may recommend to the Contra Costa County Board of Supervisors changes to the size and composition of its membership, provided that two-thirds of its members have voted to recommend the change. Recommended changes to size and composition of the WDB membership must be approved by the Contra Costa County Board of Supervisors.
- G. The members of the WDB shall be reimbursed for mileage for their attendance at meetings in accordance with Contra Costa County travel reimbursement policies, if not otherwise reimbursed by their employer or by another source. A member shall make a request for reimbursement to the WDB Executive Director.
- H. Members attending pre-arranged outside special functions on behalf of the WDB shall be reimbursed for expenses in accordance with Contra Costa County travel reimbursement policies, if not otherwise reimbursed by virtue of their job or by another source.

ARTICLE IV - STANDARD OF CONDUCT

Members of the Workforce Development Board will:

- A. Avoid situations which give rise to a suggestion that any decision was influenced by prejudice, bias, special interest, or personal gain by recusing themselves from the discussion and action taken.
- B. Exercise due diligence to avoid situations which may give rise to an assertion that favorable treatment is being granted to friends and associates.
- C. Disclose potential financial conflict of interest by filing Form 700 and all other necessary and required documents
- D. Not solicit or accept money or any other consideration from any person for the performance of an act reimbursed in whole or part with Workforce Investment Act funds.
- E. Not participate nor vote on contracts or grants relating to services provided by that member or the

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entity he or she represents, if the member or the entity financially benefits from the decision.

- F. Abide by all conflict of interest codes and attend requisite training.

ARTICLE V - TERMINATIONS

Any member may be terminated from membership on the WDB by one of the following actions:

- A. Resignation.
- B. Failure to attend three consecutive regularly scheduled full WDB and/or committee meetings, excessive excused absences from regularly scheduled WDB and/or committee meetings, or failure to resign when he/she ceases to be a representative of the group from which he/she was selected. Said conduct shall automatically be reviewed by the WDB Executive Committee, which in turn shall present a recommendation to the WDB. A majority vote of the WDB membership is needed to affirm the recommendation.
- C. For conduct, activities, or interest detrimental to the purpose of the WDB. Said conduct is subject to review by the Executive Committee, which in turn shall present a recommendation to the WDB. An affirmative vote of fifty percent (50%) rounded-up, plus one (1) of the full membership is needed to ratify the recommendation.

ARTICLE VI - OFFICERS AND DUTIES

- A. The number of officers shall be determined by the WDB. At a minimum, there shall be a Chairperson and Vice-Chairperson. Any two officer positions, except those of the Chairperson and Vice-Chairperson, may be held by the same person. Whenever possible, the outgoing Chair will continue to serve as an active board member as the Past Chair for at least one year.
- B. Officers' terms will commence on July 1 and end on June 30 of the following calendar year.
- C. The Chairperson shall preside at all WDB meetings, represent the WDB whenever the occasion demands, appoint members to committees, and call special meetings at any time necessary.
- D. The Vice-Chairperson(s) shall assist the Chairperson and assume all the obligations and authority of the Chairperson in his/her absence, and shall chair the Executive Committee. In the event that the Vice-Chairperson(s) are not available, the Past Chair shall serve in this capacity.
- E. The Chairperson and Vice-Chairperson(s) of the WDB will be selected from among members of the WDB who are representative of the business sector. In the event that there is not at least one WDB member currently sitting as Vice Chairperson, the Chair shall appoint a Vice Chairperson on a quarterly rotating basis. In making such appointments, the Chair will give preference to eligible Committee Co-Chairs.
- F. A WDB member may serve as Chairperson for a period of no longer than two (2) years and as a Vice-Chairperson for no longer than three (3) years.
- G. Any officer may be removed from office by the affirmative vote of fifty percent (50%) rounded-up, plus one (1) of the full membership for conduct, activities or interest detrimental to the interest of the

**Workforce Development Board Of Contra Costa County
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WDB, in accordance with Article V, section C.

ARTICLE VII - ELECTIONS

- A. A Nominating Committee shall be convened each fiscal year to designate a new slate of officers for the following fiscal year. The Nominating Committee shall be chaired by the Immediate Past Chairperson who shall appoint at least two (2) other Board members, a majority of whom shall represent the business community. In the event the position of Immediate Past Chairperson is vacant, the Chairperson shall appoint the Chair of the Nominating Committee.
- B. The period for officer nominations shall commence upon the establishment of the Nominating Committee and will close 30 days prior to the final regularly scheduled full board meeting of the fiscal year.
- C. A report from the Nominating Committee on selection of officers shall be provided to the members in advance of officer elections and made available to the public.
- D. An election of officers shall be held no later than the final regularly scheduled full WDB meeting of the fiscal year. Officers shall be elected by a majority vote of the members present. Terms of office shall begin at the beginning of each fiscal year.

ARTICLE VIII - VACANCIES

- A. The WDB or its Executive Committee shall review scheduled and unscheduled membership vacancies as they occur and assess associated needs with appointing a replacement. The WDB and Executive Committee shall consider applicable federal and state membership guidelines in formulating a recommendation for review. A majority vote of members present at a WDB or WDB Executive Committee meeting is needed to affirm the recommendation.
- B. The WDB Chairperson shall immediately report to the Contra Costa County Board of Supervisors any unscheduled vacancy. The WDB may recommend a replacement for each unscheduled vacancy to the Board of Supervisors no sooner than ten working days after the Clerk of the Board posts the special notice announcing the unscheduled vacancy.
- C. A vacancy in any officer position may be filled by the WDB for the unexpired term of the position by a majority vote of the members attending a called meeting of the full board or the Executive Committee.
- D. Nominations for appointment to the WDB shall be made in accordance with the Workforce Investment Act. Nominees will be presented by the WDB to the appropriate committee of the Contra Costa County Board of Supervisors' for review and advancement to the Board of Supervisors for final appointment to the WDB.

ARTICLE IX – QUORUM REQUIREMENTS

- A. Fifty percent (50%) rounded-up of the authorized number of seats will constitute a quorum of the full WDB or a WDB committee. In the absence of 50 percent rounded-up in attendance, the meeting shall be cancelled no later than thirty (30) minutes after scheduled meeting time provided that entire WDB has been given proper notice as stated in these bylaws.

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- B. When issues arise that require members to recuse themselves from the voting process, this action will not count against the quorum count.
- C. When a quorum is present, each regular voting member shall have one (1) vote when present. No proxies or absentee votes shall be permitted.

ARTICLE X - COMMITTEES

- A. The WDB Chairperson may establish Standing Committees, Ad Hoc Committees and Advisory Panels as necessary and shall designate the chairpersons.
- B. The size and purpose of each Standing or Ad Hoc Committee shall be determined by the WDB Chairperson, in consultation with the designated Committee Chairpersons. Every effort shall be made to ensure that each Standing committee is comprised of five (5) or more members of the WDB, the majority of whom are representative of the business sector.
- C. Each WDB Standing Committee will have two (2) Co-Chairpersons with responsibility for conducting the regular business of that respective committee.
- D. Any WDB member may serve as a Committee Chairperson or Co-Chairperson. WDB members may serve as Chairs of a single WDB Standing Committee for a period or no more than four (4) years.
- E. There shall be an Executive Committee composed of the WDB Chairperson, the Vice-Chairperson(s), and a past WDB Chairperson, one (1) to two (2) voting members-at-large, and the Chairpersons of Standing Committees. In the event a past Chairperson is not available, the Chair may appoint an additional member-at-large. At least fifty percent (50%) plus one of the Executive Committee members shall be representatives of the private sector.
- F. The Executive Committee shall meet monthly at a regularly scheduled time and is authorized to act on behalf of the Workforce Development Board on those matters delegated to it by the WDB. For those matters not delegated to it by the WDB, the Executive Committee is authorized to meet and act on behalf of the Workforce Development Board at such times as may be determined necessary by the Chairperson, provided that such actions taken by the Executive Committee shall be ratified by the WDB at its next regularly scheduled meeting.

The responsibilities of the Executive Committee shall include:

- Approving annual budgets and forwarding to the WDB for review;
- Obligating and approving awards of funding related to programmatic and/or operational objectives (requires a 2/3 vote of Executive Committee members present for approval);
- Hearing all budget related matters and forwarding appropriate items to the WDB
- Developing legislative/advocacy platforms and position statements
- Developing operational and policy objectives
- Recommending membership appointments and resignations from the WDB to the Board of Supervisors as necessary

At least once a year the Executive Committee will be charged with examining WDB planning documents and priorities. The Executive Committee will coordinate committee activities, review

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committee reports and provide recommendations and advice to the WDB on all matters within the jurisdiction of the bylaws.

- G. There shall be a Youth Council established in accordance with the Workforce Investment Act to plan for a comprehensive year-round youth services system and carry out those duties required under the Act.

Appointment: Youth Council members who are not WDB members are appointed to and terminated from the Youth Council by the WDB Executive Committee. These members may vote on matters put forth to the Youth Council, but they are not voting members of the WDB.

Membership: Youth Council members shall serve in seats that have terms of four years.

Quorum: Quorum requirements for the Youth Council are identical to other WDB committees as outlined in Article IX, Paragraph A. Fifty percent (50%) rounded-up of the authorized number of seats will constitute a quorum of the Youth Council.

ARTICLE XI - RULE OF PROCEDURE

- A. All meetings of the WDB and its committees shall be guided by the current edition of Roberts Rules of Order, Revised.
- B. The WDB shall be governed in its activities by all applicable laws, regulations and instructions.

ARTICLE XII - MEETINGS AND MEETING NOTICES

- A. Meetings of the WDB may be held anywhere within the Contra Costa County LWIA, as determined by the officers and staff of the WDB, at which reasonable accommodations for the disabled shall be provided.
- B. Regular meetings of the WDB shall be held at least once each calendar quarter, and shall be conducted in accordance with all applicable federal, state and local laws.
- C. Notices of regular meetings of the WDB and its committees shall comply with applicable local and State meeting laws and board packets shall be mailed, e-mailed, or faxed to each member. These notices shall include, at a minimum, the agenda for the upcoming meeting and the summary minutes of the past meeting.
- D. Special or emergency meetings of the WDB may be called at any time by the Chairperson, the Executive Committee, or upon written request of at least a majority of WDB members. Notice of a special or emergency meeting will include the time, date, place, and purpose. The notice, time permitting, shall be not less than one working day before such meeting date. All meetings will be subject to the Ralph M. Brown Act and all other applicable laws and ordinances.

ARTICLE XIII - AMENDMENTS

These bylaws may be altered, amended or repealed at any regular meeting of the WDB by a vote of two-thirds (2/3) of the voting members present where there is a quorum, provided notice of the proposed change shall have been mailed, e-mailed, or faxed to each representative no less than seven (7) days prior to such

**Workforce Development Board Of Contra Costa County
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meeting.

Adopted by Workforce Development Board on September 18, 2000

Amendment to Article VIII, Section A on November 18, 2002

Amendment to Article III, Section J; Article IV, Sections B & C; Article V, Section E; Article VI, Sections A, B, C & D; Article VII, Section A; Article VIII, Sections A, C & D; Article IV, Sections A, B, D; Article XIII – on September 22, 2003

Amendment to Bylaws on May 29, 2007

Amendment to Bylaws on Month, Day, 2011