

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

**FEDERAL D. GLOVER**, *CHAIR*, 5th DISTRICT  
**JOHN GIOIA**, 1st DISTRICT  
**CANDACE ANDERSEN**, 2nd DISTRICT  
**MARY N. PIEPHO**, 3rd DISTRICT  
**KAREN MITCHOFF**, *VICE CHAIR*, 4th 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**  
**February 12, 2013**

**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. Marvin Lopez v. Contra Costa County, WCAB #ADJ 7811679

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

**C. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION**

Initiation of litigation pursuant to Gov. Code Section 54956.9(d)(4) – Two potential cases.

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

Inspirational Thought - *"Your work is going to fill a large part of your life, and the only way to be truly satisfied is to do what you believe is great work."*  
~ Steve Jobs

**CONSIDER CONSENT ITEMS** (Items listed as C.1 through C.52 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 (5 Minutes Each)**

**PR. 1** PRESENTATION to recognize the participation and generosity of County employees in the 2012 Counties Care Holiday food fight. (Supervisor Glover) (See C. 14)

**PR. 2** PRESENTATION to declare February as "Teen Dating Abuse Awareness Month." (Supervisor Gioia) (See C. 13)

**SHORT DISCUSSION ITEMS**

**SD. 1** PUBLIC COMMENT (3 Minutes/Speaker)

**SD. 2** CONSIDER Consent Items previously removed.

**SD. 3** ACCEPT report on the results of the County's 2012 Combined Charities Campaign from Campaign Chair Gus Kramer, Assessor.

**SD. 4** CONSIDER Approving and Authorizing the Chair, Board of Supervisors, to execute an Employment Agreement between the County of Contra Costa and David J. Twa, for services as Contra Costa County Administrator, from January 1, 2013 through December 31, 2017, as recommended by Supervisor Federal Glover and Supervisor Mary Piepho.

**DELIBERATION ITEMS**

**D. 1** CONSIDER approving and authorizing the Health Services Director, or designee, to execute a contract amendment with Fitch & Associates, LLC, effective January 9, 2013, to increase the total payment limit by \$368,500 from \$95,000 to a new total payment limit of \$463,500, to conduct additional studies for the County's EMS Modernization Project and the Contra Costa County Fire Protection District Evaluation and Options Appraisal, and extend the term December 31, 2013 to January 31, 2014, authorizing the County Administrator's Office to transfer \$170,000 to the Service Area EM-1 Zone B. (63% Measure H, 37% County General funds)



- D. 2** CONSIDER approving and authorizing the Health Services Director, or designee, to execute an amendment extension with American Medical Response Ambulance, effective March 31, 2013, for continuation of ambulance services medical response and to extend the term of the Contract from June 30, 2014 through December 31, 2015. (No Fiscal Impact)
- D. 3** CONSIDER accepting an update on the progress made toward establishing a Health Benefit Exchange Call Center in Contra Costa County, providing direction on the selection of a potential facility and directing staff on future steps. (Kathy Gallagher, Employment and Human Services Director)
- D. 4** CONSIDER supporting the request from a coalition of environmental groups, water districts and business groups to include a new alternative for analysis in the State's Bay-Delta Conservation Plan and AUTHORIZE chair of the Board of Supervisors to sign a letter to the State expressing this support, as recommended by the Director of Conservation and Development. (John Greitzer, Department of Conservation and Development)

**10:00 A.M.**

- D. 5** HEARING on the appeal of the Notice and Order to Abate a public nuisance on the real property located adjacent to 2444 Lunada Lane, Alamo on Contra Costa County property identified as Assessor's Parcel No. 188-312-007 (Thomas and Erin Newlin), Alamo area. (Carrie Ricci, Public Works Department) (No Fiscal Impact)

**11:00 A.M.**

- D. 6** HEARING to rezone three properties (Parcel A - 26.14 acres, Parcel B - 20.34 acres and Parcel C - 25.82 acres) located at 18311 Bollinger Canyon Road in the unincorporated San Ramon area from A-4 Agricultural Preserve District to A-2 General Agricultural District. (Aruna Bhat and Ryan Hernandez, Department of Conservation and Development)
- D. 7** CONSIDER reports of Board members.

**Closed Session**

**1:30 P.M.**

ADJOURN to the Contra Costa County Fire Protection District meeting.

ADJOURN to interview selected County Clerk-Recorder Applicants.

- D. 8** CONDUCT Interviews for County Clerk-Recorder Applicants and CONSIDER Related Actions. (David Twa, County Administrator)

**CONSENT ITEMS**

**Road and Transportation**

- C. 1** ADOPT Resolution No. 2013/86 recommending to the Federal Highway Administration to change the functional classification of 43 roadway segments, as recommended by the Public Works Director, Countywide. (No Fiscal Impact)
- C. 2** APPROVE the Main Street Sidewalk Improvements Project and AUTHORIZE the Public Works director, or designee, to advertise the project, and make related findings under the California Environmental Quality Act (CEQA), Byron area. (25% Transportation Development Act Grant Funds and 75% Local Road Funds)
- C. 3** APPROVE the Walnut Boulevard Pedestrian and Bicycle Improvement Project and AUTHORIZE the Public Works Director, or designee, to advertise the project, and make related findings under the California Environmental Quality Act (CEQA), Walnut Creek area. (10% Transportation Development Act Grant Funds and 90% Central County Area of Benefit Funds)
- C. 4** APPROVE the May Road Sidewalk Extension Project and AUTHORIZE the Public Works Director, or designee, to advertise the project, and make related findings under the California Environmental Quality Act (CEQA), El Sobrante area. (56% Transportation Development Act Grant Funds and 44% Local Road Funds)
- C. 5** ADOPT Traffic Resolution 2013/4376 to prohibit parking at all times (red curb) on the east side of Colusa Avenue, Kensington, beginning at a point 198 feet north of the east curb line of Berkeley Park Boulevard and extending northerly a distance of 30 feet, as recommended by the Public Works Director, Kensington area. (No Fiscal Impact)
- C. 6** ADOPT Traffic Resolution 2013/4377 to prohibit parking at all times (red curb) on the east side of Colusa Avenue, Kensington, beginning at the end of the southerly curb return of the intersection with Ocean View Avenue and extending southerly a distance of 20 feet, Kensington area, as recommended by the Public Works Director. (No Fiscal Impact)
- C. 7** APPROVE the Arlington Avenue Curb Ramp project contingency fund increase of \$6,000 for a new contingency fund total of \$21,200, and a new payment limit of \$173,202, effective February 12, 2013; and ADOPT Resolution No. 2013/83 accepting as complete the contracted work performed by Sposeto Engineering, Inc., for the Arlington Avenue Curb Ramp project, as recommended by the Public Works Director, Kensington area. (100% Road funds)

## **Engineering Services**

- C. 8** ADOPT Resolution No. 2013/84 approving the Road Improvement Agreement for Boulevard Way for land use permit LP 08-2034 , for a project being developed by Sufism Reoriented, Walnut Creek area, as recommended by the Public Works Director. (No Fiscal Impact)
- C. 9** ADOPT Resolution No. 2013/85 accepting completion of warranty period and release of cash deposit under the Road Improvement Agreement for road acceptance RA 05-01199, for a project being developed by Windemere BLC Land Company, LLC, as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (100% Developer Fees)

## **Claims, Collections & Litigation**

- C. 10** DENY claims filed by Joseph C. Brock & Jennifer O'Dell, Enterprise Rent-A-Car, O'Grady Paving Inc., and Daniel Rodriguez.
- C. 11** RECEIVE public report of litigation settlement agreements that became final during the period of January 1, 2013 through January 31, 2013, as recommended by County Counsel.

## **Statutory Actions**

- C. 12** ACCEPT Board Member Meeting Reports for January 2013.

## **Honors & Proclamations**

- C. 13** ADOPT Resolution No. 2013/94 declaring February as "Teen Dating Abuse Awareness Month," as recommended by Supervisor Gioia. (See PR. 2)
- C. 14** ADOPT Resolution No. 2013/90 recognizing the participation and generosity of County employees in the 2012 Counties Care Holiday food fight, as recommended by Supervisor Glover. (See PR. 1)
- C. 15** ADOPT Resolution No. 2013/95 recognizing William Flindt Snider as the Moraga Business Person the Year, as recommended by Supervisor Andersen.

## **Ordinances**

- C. 16** ADOPT Ordinance No. 2013-03 amending Section 33-5.410 of the County Ordinance Code to Exempt from the Merit System the classification of Deputy County Counsel- Deep Class- Exempt, as requested by the Office of County Counsel.

## **Appointments & Resignations**

- C. 17** REAPPOINT Judy Carney to the Contra Costa Commission for Women for a three-year term with an expiration date of February 28, 2016, as recommended by Supervisor Andersen.
- C. 18** REAPPOINT Susan Heckly to the Fish & Wildlife Committee, as recommended by Supervisor Andersen.
- C. 19** APPOINT David R. Maurer to the Alcohol & Other Drugs Advisory Board, as recommended by Supervisor Andersen.
- C. 20** APPROVE the new medical staff members, advancements to permanent staff, biennial reappointments, biennial renewal of privileges, and resignations as recommended by the Medical Executive Committee at their January 28, 2013 meeting, and by the Health Services Director.
- C. 21** APPOINT Y'Anad Burrell to the At-Large 1 seat Geoffrey Meredith to the Alternate seat on the Arts and culture Commission of Contra County County with expiration dates of June 30, 2015, as recommended by the County Administrator.
- C. 22** APPOINT Kathi Reed to At Large Seat 3 and Julianna Hynes to At Large Seat 8 on the Contra Costa Commission for Women for a term with an expiration date of February 28, 2016, as recommended by the County Administrator.
- C. 23** RE-APPOINT David R. Del Simone to the Member of the Bar seat on the Public Law Library Board of Trustees, as recommended by the Internal Operations Committee.

## **Intergovernmental Relations**

- C. 24** ACCEPT the adopted 2013 State Legislative Platform, as amended by the Board of Supervisors at the January 22, 2013 meeting.

## **Personnel Actions**

- C. 25** ADOPT Position Adjustment Resolution No. 21233 to add one permanent Safety Services Specialist-Level B (represented) position in the Risk Management Division of the County Administrator's Office. (100% Charges to Operating Departments)

- C. 26** ADOPT Position Adjustment Resolution No. 21241 to add one Deputy County Counsel- Standard- Exempt (unrepresented) and cancel Deputy County Counsel- Advanced (unrepresented) in the County Counsel's Office. (Cost Savings)
- C. 27** ADOPT Position Adjustment Resolution No. 21237 to cancel two Clerk- Experienced Level positions (represented) and add one Medical Records Technician position (represented) in the Health Services Department. (Enterprise Fund I Cost Savings)
- C. 28** ADOPT Position Adjustment Resolution No. 21240 to add one Health Services Administrator - Level B position (represented) and one Accountant III position (represented) in the Health Services Department. (100% Enterprise I Funds)
- C. 29** ADOPT Position Adjustment Resolution No. 21239 to cancel one Account Clerk Supervisor position (represented) and add one Clerical Supervisor position (represented) in the Health Services Department. (100% Enterprise Fund I - Cost Savings)

### **Grants & Contracts**

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

- C. 30** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a Memorandum of Understanding (MOU) with WestEd to pay County up to \$6,000 for participation in the WestEd PBS Games Home Study for the period of the date of MOU execution through September 30, 2013. (No County match)
- C. 31** APPROVE and AUTHORIZE the Employment & Human Services Director, or designee to apply for and accept funding from Ezra Jack Keats Foundation in an amount not to exceed \$8,500 for literacy programs to be conducted at various County childcare centers during the term June 1, 2013 through June 30, 2014. (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. 32** APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract with Quality Clean LLC, in an amount not to exceed \$600,000, for carpet cleaning, blind cleaning and emergency custodial work for the period from January 1, 2013 through December 31, 2015, Countywide. (100% General Fund)

- C. 33** APPROVE and AUTHORIZE the Clerk-Recorder, or designee, to execute a contract with Kofile Preservation, Inc., in an amount not to exceed \$745,360 to provide restoration and preservation of official county historical records, for the period November 1, 2012 through December 31, 2014. (51% Recorder Modernization funds, 49% Recorder Vital Record Improvement funds)
- C. 34** APPROVE and AUTHORIZE the Auditor-Controller, or designee, to distribute the 2011-12 State Highway property rental revenue in the amount of \$48,946.56 to the County Road Fund and to eligible cities pursuant to the provisions of Section 104.10 of the Streets and Highways Code, as recommended by the County Auditor-Controller.
- C. 35** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Per Diem Staffing Systems, Inc. in an amount not to exceed \$365,000, to provide temporary respiratory therapists at Contra Costa Regional Medical and Health Centers, for the period February 1, 2013 through January 31, 2014. (100% Enterprise Fund I)
- C. 36** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Michael S. Baker, M.D., in an amount not to exceed \$175,000, to provide general surgery services at Contra Costa Regional Medical and Health Centers, for the period January 1, 2013 through December 31, 2013. (100% Enterprise Fund I)
- C. 37** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Manoj Desai, M.D., in an amount not to exceed \$180,000, to provide professional pediatric primary care services for Contra Costa Health Plan members, for the period February 1, 2013 through January 31, 2015. (100% Members Premiums)
- C. 38** APPROVE and AUTHORIZE the Purchasing Agent, on behalf of Health Services Department, to execute a change order to purchase order with Central Admixture Pharmacy Services, Inc., to add \$200,000 to a new total of \$500,000, for compounding of Total Parenteral Nutrition and Peripheral Parenteral Nutrition solutions at Contra Costa Regional Medical Center, for the period October 1, 2012 to March 31, 2014. (100% Enterprise Fund I)
- C. 39** APPROVE AND AUTHORIZE the Clerk-Recorder, or designee to execute a contract with Independent Printing Company (IPCO), in an amount not to exceed \$6,500,000, to provide printed election materials, for election materials collection, inserting and mailing services, for the period January 1, 2013 through December 31, 2014. (100% General fund)

- C. 40** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Wilson Consulting, Inc., effective November 1, 2012, to increase the payment limit by \$200,000, to a new payment limit of \$1,185,000, to provide additional hours of consultation services with regard to County's Patient Accounting System, including custom reporting for the Keane system, technical support for the "HL7" interface, and assistance with regard to implementing the Department's appointment system, with no change in the original term of January 1, 2011 through December 31, 2012. (100% Medicare & Medicaid Electronic Health Records Incentive Program)
- C. 41** APPROVE and AUTHORIZE the Purchasing Agent, on behalf of Health Services, to execute a purchase order amendment with Stryker Corporation, to add \$400,000, for a new total of \$750,000, for surgery and reconstruction products for Contra Costa Regional Medical and Health Centers, for the period of June 1, 2012 through May 31, 2014. (100% Enterprise Fund I)
- C. 42** APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Health Services Department, to execute a purchase order with Sanofi Pasteur, Inc., in an amount not to exceed \$115,000, for vaccines and injectable medications at Contra Costa Regional Medical and Health Centers, for the period from October 1, 2012 through September 30, 2013. (100% Enterprise Fund I)
- C. 43** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Garda CL West, Inc., effective January 31, 2013, to increase the payment limit by \$20,532 to a new payment limit of \$104,092 to provide additional armored transport services, and extend the term from January 31, 2013 through January 31, 2014. (100% Enterprise Fund I)
- C. 44** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Sheriff-Coroner Marine Patrol Division, a purchase order with North River Boats in the amount of \$274,850 for a Metal Shark Aluminum Boat. (100% 2011 Port Security grant - U.S. Department of Homeland Security)
- C. 45** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Sheriff-Coroner Marine Patrol Division, a purchase order with North River Boats in the amount of \$548,700 to purchase two Alamar Boats and Trailers. 100% 2011 Port Security grant - U.S. Department of Homeland Security)

### **Other Actions**

- C. 46** APPROVE and AUTHORIZE the Director of Conservation and Development, or designee to execute Cooperative Agreement between the County and the State of California, Department of Transportation (Caltrans), in an amount not to exceed \$105,000, for review and approval of a Project Initiation Document for the Bailey Road/State Route 4 Interchange Project, Bay Point, as recommended by the Director of Conservation and Development. (100% Contra Costa Transportation Authority Pedestrian, Bicycle and Trail Facilities grant)

- C. 47** APPROVE and AUTHORIZE Contra Costa County to participate in the 2013 California state fair with a Contra Costa County Booth in the County Booth section; AUTHORIZE the Chair of the Board to sign the 2012 Counties Exhibits Entry Form; and DIRECT District III staff to coordinate with the Contra Costa County Fair Board, Contra Costa County Farm Bureau, Brentwood Chapter of Future Farmers of America, and County 4-H members on the development of a plan for participation and construction of a booth at the 2013 California state fair, as recommended by Supervisor Piepho.
- C. 48** ACCEPT the 2012 Annual Report from the Economic Opportunity Council Advisory Board for the period January 1, 2012 through December 31, 2012, as recommended by the Employment and Human Services Director.
- C. 49** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a non-financial agreement with Kaiser Foundation Hospitals, to provide in-house mentoring to County therapists at Contra Costa Regional Medical Center and Contra Costa Health enrolled in Contractor's Advanced Orthopedic Manual Therapy Program, for the period January 8, 2013 through April 21, 2013. (No Fiscal Impact)
- C. 50** ADOPT Resolution No. 2013/82 accepting as complete the construction contract work performed by Best Contracting Services, Inc. for Trade Package 4B, consisting of roofing/waterproofing/architectural sheet metal, for the West County Health Center project, 13601 San Pablo Avenue, San Pablo, for the Health Services Department, as recommended by the Public Works Director, Countywide. (No Fiscal Impact)
- C. 51** ADOPT Resolution No. 2013/91 authorizing the issuance and sale of "San Ramon Valley Unified School District General Obligation Bonds, Election of 2012, Series 2013" in an amount not to exceed \$75,000,000 by the San Ramon Valley Unified School District on its own behalf pursuant to Sections 15140 and 15146 of the Education Code, as permitted by Section 53508.7(c) of the Government Code, as recommended by the County Administrator.
- C. 52** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Sheriff-Coroner, a purchase change order with Surtec Inc. to increase the payment limit by \$50,000 to a new payment limit of \$149,000 in order to supply the County's detention facilities with cleaning solutions for special dispensers with locks for the period of March 1, 2012 to February 28, 2013. (100% General Fund)

### **GENERAL INFORMATION**

The Board meets in all its capacities pursuant to Ordinance Code Section 24-2.402, including as the Housing Authority and the Successor Agency to 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 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](http://www.co.contra-costa.ca.us)

## STANDING COMMITTEES

The **Airport Committee** (Supervisors Mary N. Piepho and Karen Mitchoff) meets quarterly on the fourth Monday of the month at 12:30 p.m. at Director of Airports Office, 550 Sally Ride Drive, Concord.

The **Family and Human Services Committee** (Supervisors Federal D. Glover and Candace Andersen) meets on the first Monday of the month at 1:00 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Finance Committee** (Supervisors John Gioia and Federal D. Glover) meets on the second Monday of the month at 1:30 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Internal Operations Committee** (Supervisors Karen Mitchoff and Candace Andersen) meets on the second Monday of the month at 9:00 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Legislation Committee** (Supervisors Mary N. Piepho and Karen Mitchoff) meets on the first Thursday of the month at 11:00 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Public Protection Committee** (Supervisors John Gioia and Federal D. Glover) meets on the second Monday of the month at 11:00 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Transportation, Water & Infrastructure Committee** (Supervisors Mary N. Piepho and Federal D. Glover) meets on the first Thursday of the month at 1:30 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

Airports Committee	February 25, 2013	12:30 PM	See above
Family & Human Services Committee	Cancelled	Cancelled	See above
Finance Committee	March 11, 2013	1:30 PM	See above
Internal Operations Committee	March 11, 2013	9:00 AM	See above
Legislation Committee	February 25, 2013	10:00 AM	See above
Public Protection Committee	March 11, 2013	11:00 AM	See above
Transportation, Water & Infrastructure Committee	February 13, 2013	11:00 AM	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  
**CalWIN** 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  
**PEPRA** Public Employees Pension Reform Act  
**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)  
**TRANSPAN** 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  
**WCCTAC** West Contra Costa Transportation Advisory Committee



Contra  
Costa  
County

To: Board of Supervisors  
From: Gus Kramer, Assessor  
Date: February 12, 2013

Subject: 2012 Contra Costa County Combined Charities Campaign  
Report

**RECOMMENDATION(S):**

ACCEPT report on the results of the County's 2012 Combined Charities Campaign from Campaign Chair Gus Kramer, Assessor.

**FISCAL IMPACT:**

None

**BACKGROUND:**

The 2012 Contra Costa County Combined Charities Campaign ran from October 1 through October 31, 2012. A total of 596 County employees participated in this year's campaign, and their donations total \$162,075.

The participating charity federations included Community Health Charities of California (the lead organization), Bay Area Black United Fund, Local Independent Charities of America, Earth Share of California, and the United Way of the Bay Area. In addition, significant donations were received for several non-profit agencies affiliated with County departments and agencies that support activities and services for County residents. The attached tables the top five (5) donor departments in terms of total dollar amount and the amount per employee. Also attached is a list of the 2012 Department Campaign Coordinators, who worked with enthusiasm and persistence to get the word out to employees in their departments to complete their pledge forms.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Lori Koch, (925) 313-7503

By: , Deputy

cc: Debra McClanahan, Assessor's Office

BACKGROUND: (CONT'D)

I would like to thank our very generous County employees who, in this time of uncertainty and duress, have once again looked beyond themselves and offered a helping hand through the many worthwhile charities involved in the campaign.

CONSEQUENCE OF NEGATIVE ACTION:

None

CHILDREN'S IMPACT STATEMENT:

None

## 2012 Contra Costa County Combined Charities Campaign

<b>Top Five Donor Departments</b>	
Health Services	\$36,219
Employment & Human Services	\$24,304
Public Works Department	\$19,916
Child Support Services	\$ 9,972
County Counsel	\$ 8, 821

<b>Top Five Departments per Employee Donating</b>	
County Administrators Office	\$900
Child Support Services	\$767
County Counsel	\$588
Veterans Services	\$500
Public Defender's Office	\$386



## 2012 Contra Costa County Combined Charities Campaign

<b>Department</b>	<b>Coordinator</b>
Agriculture Department	Gabe Adebote
Animal Services	Kathleen O'Connell
Assessor	Jenni Ly
Auditor-Controller	Stanley Lawrence
Child Support Services	Louise Britton
Clerk-Recorder	Melissa Hickok
Conservation & Development	Trish Dominiguez
County Administrator	Nancy Yee
County Counsel	Janice Amenta
District Attorney	Dominique Yancey
Employment & Human Services	Terry Weinbrandt
Fire Protection District	Darcy Maupin
Health Services – Behavioral Services	Jeannie DeTomasi
Health Services – CCHP	Pam Gomez
Health Services – Emergency Med. Svs.	Pam Dodson
Health Services – Environmental Health	Lori Braunesreither
Health Services – Hazardous Materials	Lacey Friedman
Health Services – Hospital	Larry Carlson
Health Services – Finance Administration	Jackie Peterson
Health Services – Personnel	Sandra Scroggins
Health Services – Public Health	Jessica McCracken
Housing Authority	Laurie Lewis
Information Technology	Teri Burke/Kathy Duhaime
Library	Shannon Ladage
Probation	Dave Ellis
Public Defender	Becky Goldberg
Public Works	Jerry Fahy
Risk Management	Sue Venturino/Denise Niber
Sheriff-Coroner	Ken Westermann
Treasurer-Tax Collector	Esther Garibay
Veterans Services	Pati MacDonald



To: Board of Supervisors  
 From: Supervisor Federal Glover and Supervisor Mary Piepho  
 Date: February 12, 2013  
 Subject: Employment Agreement between the County of Contra Costa and David J. Twa



Contra  
Costa  
County

**RECOMMENDATION(S):**

APPROVE AND AUTHORIZE the Chair, Board of Supervisors, to execute an Employment Agreement between the County of Contra Costa and David J. Twa, for services as Contra Costa County Administrator, from January 1, 2013 through December 31, 2017. This agreement supersedes the employment agreement of 2008.

**FISCAL IMPACT:**

Salary base of \$260,000, an increase of approximately 4% from last contract. Increase of 3 1/3 hours of monthly vacation accruals for a maximum of 23 1-3 hours per month. In lieu of the deferred compensation benefit provided for in the Management Resolution, deferred compensation contribution in the amount of \$23,000 will be added to the County Administrator's County deferred compensation account annually.

The contract negotiated in 2008 allowed for base pay of \$250,000 and an adjustment for Pay for Performance up to 5% increase or decrease of up to five percent in a fiscal year. Due to severe fiscal constraints since that time, the County Administrator's salary has not been increased even though he met or exceeded all of his performance goals and merited such an increase. In fact as with the majority of County employees, the County Administrator's salary was reduced.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

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

By: , Deputy

cc:

**BACKGROUND:**

In June, 2008, the Board of Supervisors entered into an employment agreement with David J. Twa to serve as the Contra Costa County Administrator commencing September 8, 2008. Since that time a new employment agreement has been negotiated and is submitted for Board approval.

Effective January 1, 2012, state law requires that new and renewed contracts between local agencies and executive officers include provisions limiting an executive officer's right to paid leave or severance pay in the event of abuse of office or position. As required, these provisions have been included in the proposed contract between the County and Mr. Twa.

**CONSEQUENCE OF NEGATIVE ACTION:**

The County could be detrimentally impacted by the potential loss of the current Administrator.

**CHILDREN'S IMPACT STATEMENT:**

None.

## EMPLOYMENT AGREEMENT

### BETWEEN THE COUNTY OF CONTRA COSTA AND DAVID J. TWA

1. **Parties.** Effective January 1, 2013, this Agreement is made by and between the County of Contra Costa, a political subdivision of the State of California, hereafter referred to as COUNTY, and David J. Twa, hereafter referred to as EMPLOYEE, in consideration of the mutual promises, made herein. This Agreement supersedes any prior contracts or agreements between the parties.
2. **Term.** The term of this Agreement is from the effective date of this Agreement through December 31, 2017.
3. **Status of Employee: At Will Exclusive Employment.** EMPLOYEE is an "at will" EMPLOYEE of COUNTY and serves at the pleasure of COUNTY Board of Supervisors. This Agreement and the relationship created hereby may be terminated at any time by the COUNTY Board of Supervisors, in its sole discretion, with or without cause, as provided herein below. There is no express or implied promise made to EMPLOYEE for any form of continued employment beyond the expiration of the term of this Agreement.

EMPLOYEE agrees to remain in the exclusive employ of the COUNTY during the term of this Agreement. EMPLOYEE warrants that there are no agreements or arrangements, whether written or oral, in effect that would prevent EMPLOYEE from rendering exclusive services to COUNTY during the term of this Agreement and that EMPLOYEE has not made and will not make any commitment or do any act in conflict with this Agreement. This Agreement does not prohibit EMPLOYEE from making personal investments not in conflict with his duties under this Agreement.

4. **Duties.** COUNTY hereby employs EMPLOYEE as County Administrator for the term of this Agreement. Subject to the oversight of the Board of Supervisors, EMPLOYEE will provide all necessary services required to oversee and supervise the operations and administrative activities of the COUNTY. EMPLOYEE will perform his duties to the best of his ability, in accordance with the highest professional and ethical standards of his profession as well as all applicable laws and all policies, ordinances, resolutions and regulations of COUNTY. EMPLOYEE's responsibilities include all duties as set forth in Contra Costa County Ordinance Code Chapter 24-4 and as may be assigned by COUNTY Board of Supervisors, including but not limited to those duties specified in the County job description for the County Administrator as it may be amended or superceded. EMPLOYEE will devote full time to furnishing his services under this Agreement and shall fulfill all responsibilities required by this Agreement.
  - a. **County Property.** EMPLOYEE is entitled to use all COUNTY offices, facilities, and equipment for the purposes of fulfilling his responsibilities under this Agreement. Upon either termination of this Agreement, however effected, or when requested by COUNTY Board of Supervisors, EMPLOYEE will immediately turn over to COUNTY all of its property, including all items used by EMPLOYEE in rendering services hereunder or otherwise, that may be in EMPLOYEE possession or under his control.

5. **Compensation.** Commencing with the pay period beginning July 1, 2013, COUNTY will pay EMPLOYEE the following compensation:
- a. **Base Salary.** COUNTY will pay EMPLOYEE an annual base salary of \$260,000 during the term of this Agreement, at the same times that COUNTY pays its other employees. All salary payments will be subject to the withholding of EMPLOYEE's share of benefits, and such federal, state and local taxes and other deductions and withholding as may be legally required.
  - b. **Cost of Living Adjustments.** EMPLOYEE will receive the same cost-of-living adjustments to his salary as COUNTY provides for other Department Heads, and such cost-of-living adjustments will be provided to EMPLOYEE at the same times that they are provided to other Department Heads.
6. **Benefits and Leaves.** Except as otherwise provided in this Section, in recognition of EMPLOYEE's 39 years of public service, EMPLOYEE is afforded the same number of regular holidays, the same number of personal holidays per fiscal year, the same sick leave, health, dental, retiree health, life, and disability insurance benefits, and the same retirement, and other employment benefits as are provided to other Department Heads, and in accordance with Management Resolution No. 2013/52, as may be amended or superseded (hereinafter "the Management Resolution").
- a. **Vacation.** In lieu of vacation accruals as provided for in the Management Resolution, beginning January 1, 2013, EMPLOYEE will accrue 23 1/3 vacation hours per month during the term of this Agreement. EMPLOYEE is permitted to sell up to one-third of vacation hours credited to his account as provided for in the Management Resolution.
  - b. **Deferred Compensation.** In lieu of the deferred compensation benefit provided for in the Management Resolution, a deferred compensation contribution in the amount of Twenty-Three Thousand Dollars (\$23,000) will be added to the County Administrator's County deferred compensation account effective July 1<sup>st</sup> of each year, commencing July 1, 2013. If, after July 1, 2013, but prior to June 30<sup>th</sup> of the next succeeding year, and each year thereafter, EMPLOYEE's employment with the COUNTY terminates, in any of the ways described in Section 9 of this Agreement, EMPLOYEE will receive an additional deferred compensation account contribution prorated from July 1<sup>st</sup> to the date that EMPLOYEE's employment with COUNTY terminates. If, for any reason, all or part of such deferred compensation cannot be paid into his County deferred compensation account, the County Administrator will receive an equivalent lump-sum payment.
  - c. **Dues, Subscriptions, and Conferences.** COUNTY will reimburse EMPLOYEE for professional dues and subscriptions necessary for maintenance of a California Certified Public Accountant license, for EMPLOYEE membership in the California County Administrator's Association, and for reasonable expenses incurred by EMPLOYEE by

attending the annual conferences of the Government Finance Officers Association and the National Association of Counties.

7. **Evaluation.** COUNTY Board of Supervisors will evaluate EMPLOYEE performance annually, and more frequently if desired by the Board of Supervisors.
8. **Administrative Leave.** At any time at its sole discretion, COUNTY Board of Supervisors may relieve EMPLOYEE of his duties and authority hereunder by placing him on administrative leave at the salary and compensation levels specified in this Agreement. If EMPLOYEE is placed on administrative leave pending an investigation of his actions or omissions and is subsequently convicted of a crime involving "abuse of his position," as that term is defined by Government Code section 52343.4, EMPLOYEE must reimburse COUNTY for all salary and compensation provided to him during the administrative leave.
9. **Termination.** Any of the events described in this Section will terminate this Agreement and employment of EMPLOYEE by COUNTY. If this Agreement is terminated for any of the reasons described below and EMPLOYEE is subsequently convicted of a crime involving the "abuse of his position" as that term is defined by Government Code section 53243.4, EMPLOYEE must reimburse COUNTY for any cash settlement he received related to the termination of this Agreement, including severance pay.
  - a. EMPLOYEE's resignation
  - b. Expiration of the term of this Agreement.
  - c. Death or permanent disability of EMPLOYEE when such disability prevents EMPLOYEE from performing the essential functions of his job.
  - d. COUNTY's termination of EMPLOYEE's employment in accordance with Section 10, subsections (c) or (d) below.
  - e. The parties' mutual written consent to terminate this Agreement.
10. **Compensation and Benefits Following Termination.**
  - a. **EMPLOYEE Resignation; Expiration of Term.** At his sole discretion, EMPLOYEE may resign his employment at any time upon sixty (60) days advance written notice of the effective date of his resignation to the COUNTY. Such termination will be effective on the sixtieth day. If EMPLOYEE terminates this Agreement by resignation, or if the term of this Agreement expires without renewal, EMPLOYEE will not be entitled to any severance pay or provision of severance health benefits.
  - b. **Death or Permanent Disability.** This Agreement will terminate automatically upon the death or permanent disability of EMPLOYEE. In that event, COUNTY's total liability to EMPLOYEE or his survivors or beneficiaries will be limited to payment of EMPLOYEE's compensation to the date of death or permanent disability, together with such benefits that may have been accrued by and fully vested in EMPLOYEE as of the date of his death or permanent disability and that are payable to EMPLOYEE or his survivors or beneficiaries in the event of his death or permanent disability. Should this Agreement be terminated by EMPLOYEE's death or permanent disability, he will not be entitled to any severance pay or provision of severance health benefits.

- c. **Termination by COUNTY Without Cause.** At its discretion, COUNTY may terminate EMPLOYEE's employment at any time upon sixty (60) days advance written notice to EMPLOYEE. Such termination will be effective on the sixtieth day.
- (1) **Cash Settlement.** If COUNTY terminates this Agreement without cause ("cause" is defined in subsection (d) of this Section 10, below), before the completion of the term of this Agreement, COUNTY will pay EMPLOYEE a cash settlement as described in this subsection. The cash settlement will be subject to withholding of EMPLOYEE's share of benefits, and such federal, state and local taxes and other deductions and withholding as may be legally required. As required by Government Code section 53260, under no circumstances may the amount of any cash settlement exceed the lesser of the following: (i) an amount equal to the monthly base salary of the employee multiplied by the number of months left on the unexpired term of the contract; or (ii) if the unexpired term of the contract is greater than 18 months, an amount equal to the monthly base salary of the employee multiplied by 18. For purposes of this section, "salary" means compensation as described in Section 5 above.
- (a) **Severance Pay.** COUNTY will pay EMPLOYEE severance pay equal to salary payment for the number of months remaining in the term of this Agreement, not to exceed twelve (12) months salary. Severance pay will be paid in equal, consecutive monthly installments commencing on the date of termination.
- (b) **Vacation.** In addition, EMPLOYEE will be entitled to immediate payment for all vacation accruals.
- (2) **Health Benefits and Accruals.** In addition, as authorized by Government Code section 53261, COUNTY will pay its share of EMPLOYEE medical, dental and vision benefits for the same number of months for which EMPLOYEE receives severance pay, or until EMPLOYEE finds other employment, whichever occurs first.
- (3) **Release.** On behalf of himself, his heirs, and representatives, EMPLOYEE agrees to accept said cash settlement and payment for medical benefits and accruals as full and complete settlement and release of any and all claims EMPLOYEE has or may have against COUNTY, its officers and employees arising from or in any way connected with his employment by the COUNTY, this Agreement, or the termination of this Agreement.
- d. **Termination by COUNTY for Cause.** COUNTY may immediately terminate this Agreement at any time for cause, if EMPLOYEE commits any act of gross insubordination, dishonesty, fraud, misrepresentation, embezzlement, bribery or perjury; or violates conflict of interest laws; or is convicted of a felony or an abuse of his position as defined in Government Code section 53243.4. In the

event of termination for cause, as defined above, Employee will not be entitled to any severance pay or any payment for severance health benefits. In such event, COUNTY's total liability to EMPLOYEE will be limited to payment of Employee's compensation through the effective date of termination, together with cash reimbursement for vacation and personal holiday leave accrual balances.

11. **Prohibition of Assignment.** Neither party may assign or transfer any rights granted or obligations assumed under this Agreement.
12. **Amendment.** This Agreement may be amended only by a written document executed by each party hereto.
13. **Construction.** The section headings and captions of this Agreement are, 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.
14. **Waiver.** A waiver or breach of any covenant or provision in this Agreement shall not 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.
15. **Severability.** If any term or provision of this Agreement shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement shall not be affected.
16. **Governing Law and Venue.** This Agreement shall be governed and construed in accordance with California law. The venue of any litigation pertaining to this Agreement shall be Contra Costa County, California.
17. **Notice.** Any notice required by this Agreement to be given by one party to the other shall be sufficient if given to the party by personal delivery or if mailed to the party by 1<sup>st</sup> class mail, postage prepaid, addressed as follows:

**If to COUNTY:**

Chairperson, Board of Supervisors  
Contra Costa County  
651 Pine Street, Room 106  
Martinez, CA 94553

**With a copy to:**

County Counsel  
651 Pine Street, 9<sup>th</sup> Floor  
Martinez, CA 94553

**If to EMPLOYEE:**

David J. Twa  
651 Pine Street, 10th Floor  
Martinez, CA 94553



Notice shall be deemed to have been effective at the time of receipt if given by personal delivery or on the date of mailing if given by mail. Either party may change the address for receipt of mail notice by giving such change in the manner specified in this paragraph.

18. **Entire Agreement.** This Agreement constitutes the entire agreement between COUNTY and EMPLOYEE pertaining to the subject matter, and supersedes all prior or contemporaneous written or verbal agreements and understandings between EMPLOYEE and COUNTY. Each party to this Agreement acknowledges that no representations, inducement, promise, or agreement, oral or otherwise, has been made by any party, or anyone acting on behalf of any party, which is not embodied herein, and that no agreement, statement, or promise not contained in this Agreement shall be valid or binding on either party.

Executed at the City of Martinez this \_\_\_\_\_ day of \_\_\_\_\_, 2013

**COUNTY OF CONTRA COSTA**

**EMPLOYEE**

By: \_\_\_\_\_

Federal D. Glover

Chair, Board of Supervisors

\_\_\_\_\_

David J. Twa





Contra  
Costa  
County

To: Board of Supervisors

From: William Walker, M.D.

Date: February 12, 2013

Subject: Amendment #23-333-6 with Fitch & Associates, LLC

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or designee, to execute, on behalf of the County, Contract Amendment Agreement #23-333-6 with Fitch & Associates, LLC, a Limited Liability corporation, effective January 9, 2013, to amend Contract #23-333-5, to increase the total payment limit by \$368,500 from \$95,000 to a new total payment limit of \$463,500, and extend the term from December 31, 2013 to January 31, 2014.

Approve the transfer of \$170,000 in County General Fund from the County Administrator's Office to the Health Services Department, Service Area EM-1 Zone B.

**FISCAL IMPACT:**

This amendment is funded by 63% Measure H funds and 37% County General Fund. The \$170,000 County General Fund share will be transferred from the County Administrator's Office to Health Services, Service Area EM-1 Zone B (cost center 7406).

**BACKGROUND:**

On December 11th, 2012 the Board of Supervisors directed Contra Costa Health Services Emergency

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Patricia Frost 313-9560

By: , Deputy

cc: J Pigg, D Gary

#### BACKGROUND: (CONT'D)

Medical Services (EMS) to conduct an independent EMS System re-evaluation and to report findings and recommendations to the Board of Supervisors. The Board further directed EMS and County administrator to work together to expand the study to include an evaluation of fire services related to EMS. In November 2011, the County Administrator approved and the Purchasing Services Manager executed Contract #23-333-3 (as amended by Contract Extension Agreements #23-333-4 and #23-333-5) with Fitch & Associates, LLC, to conduct an independent study and evaluation of County's Emergency Medical Services ("EMS") funding, identify potential new funding, and present the results to the Health Services Director, for the period from October 24, 2011 through December 31, 2013.

Approval of Contract Amendment Agreement #23-333-6 will allow Contractor to conduct an expanded study for the County's EMS Modernization Project, through January 31, 2014.

This project is envisioned to identify strategic objectives to assist in making public policy decisions for the future delivery of EMS and community healthcare to residents and visitors of Contra Costa County. Including but not limited to:

- Evaluate current and alternative fire first responder and ambulance EMS service delivery to effectively respond to incidents of acute illness or injury
- Establish mechanisms to achieve appropriate response to disasters, multiple casualty incidents, and other events requiring additional surge capacity of providers
- Review and update ambulance ordinance to support EMS System enhancement
- Review dispatch procedures and protocols based on best evidence beneficial to patient outcomes
- Strategically enhance EMS services to match healthcare resources with patients' illnesses, injuries, or social needs
- Integrate EMS service delivery into County's system to include prevention, early identification, resource allocation, care delivery, transportation, and definitive care
- Prepare system for modern out-of-hospital initiatives for EMS providers such as, treat and release, alternative destinations, referral to most appropriate resources, community paramedicine, etc.
- Expand funding sources and allocate resources to further accomplish system objectives

#### CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, the Contractor will not provide the additional study that will evaluate short and long term actions to address substantive issues impacting EMS, fire, ambulance and community healthcare in Contra Costa County.

#### CHILDREN'S IMPACT STATEMENT:

Not Applicable.

# **CONTRA COSTA COUNTY EMS MODERNIZATION PROJECT**

## **Overview**

Fitch & Associates proposes to conduct an evaluation of the Contra Costa County EMS system utilizing a “greenfield” or “whiteboard” approach. These methodologies begin with no preconceptions that the current system is doing what it should be doing and in the manner that produces the greatest benefit.

This structured process allows questioning of the status quo; including services and the manner they are delivered, performance requirements, roles, goals, and visions for the future. All options are available for consideration, and it allows for potential fundamental changes in funding, structure, and activities.

The evaluation process will have two overriding objectives:

1. To recommend actions and decisions based on benefits to patients and the community.
2. To recommend roles and activities based on value – cost versus benefit.

## **Focus Areas for Scope of Work**

The proposed scope of work dated October 24, 2012 forms the basis of the EMS modernization project. An addition to the scope is to identify short term actions to address substantive issues impacting EMS. These include: the closure of fire stations and the reduction of resources available for medical first response, and changes in the healthcare facility capabilities and needs within Contra Costa County.

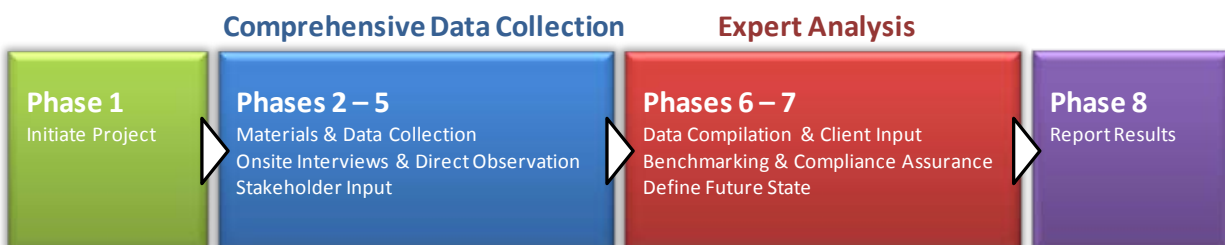
The consulting team will focus on these immediate issues and use a shortened multi-phase process as described later in this document to develop recommendations for the County. These recommendations will include short-term action steps designed to mitigate and respond to the urgent challenges. Within 30 days of the initiation of the process the Board of Supervisors will receive these recommendations for action.

Another enhancement to the initial proposed scope of work is to evaluate alternative models of delivery of medical first response. We will work closely with fire agencies to evaluate options for the provision of medical first response within Contra Costa County.

## Eight-phase Project Work Plan

We have organized our work into eight phases. In each phase, we describe the purpose of the phase and what will be included in completing it. The work plan starts with establishing the scope and process, involves comprehensive data collection, and concludes with the final report. All eight phases will be completed within 40 weeks.

**Figure 1. Eight-phase Work Plan**



### **Phase 1—Initiate Project**

Phase one is designed to confirm the project schedule and deliverables and to initiate information gathering procedures. The first task involves conducting Level “1” interviews with key members of the EMS system. These will include individual meetings with important stakeholders including:

- County Representatives
- Community leaders
- Dispatch representatives
- Fire Agency Leadership
- Medical Director
- Hospital, Health Care Systems, and Health Care Plan Representatives
- Emergency ambulance service provider
- CCT, BLS and interfacility ambulance service providers
- EMS Agency representatives

The Level “1” interviews provide a candid opportunity to meet with the policy makers of the EMS system and to get a clear foundation for the expectations of the project’s goals, management, and outcomes. Included is the reaching of agreement on the framework of the evaluation, a commitment of resources and support to the project, and the initiation of direct dialogue for troubleshooting. The important end-point of phase one is an understanding the expectations of key system leaders and setting the stage for a successful project.

## ***Phase 2-Materials and Data Collection***

Following the Level “1” interviews, we will utilize an Information and Data Request (IDR) instrument to collect detailed information from the County, communications center, fire agencies, ambulance provider, and medical stakeholders. The Fitch & Associates’ IDR has been used in hundreds of organizations over the last 27 years, but will be modified and targeted to meet the specific objectives of this project. Use of this instrument allows us to access key information about your system and compare your results to other organizations. The instrument is delivered in an electronic format with a defined deadline for completion. The IDR data is essential for shaping initial questions, guiding onsite planning, and shortening follow up requests for materials. Thorough and timely review, completion, and submission of the data expedite the completion of the project.

The IDR component ensures the project team fully understands the current state of the system and forecast the essential elements of the on site evaluation. Commitment to participating in phase two sets a strong foundation for the project’s success.

## ***Phase 3—Onsite Interviews and Direct Observation***

Prior to the initiation of phase three, the project team will have thoroughly reviewed all materials compiled and submitted as part of the IDR process as well as the notes from the Level “1” interviews. The deployment analysis will be in progress. In Phase 3, we will visit with individuals at various levels of the organization including:

- EMS Agency management and staff
- Fire Administration
- Elected Officials
- County Administration
- Labor groups
- Healthcare system representatives
- Receiving hospital personnel
- Dispatch/PSAP management
- Ambulance contractor personnel
- Physicians involved in EMS
- Medical Director
- Information Management personnel from County, Contractor, Dispatch Centers, etc.
- Others

The majority of the interactions will occur in either one-on-one or small group interviews around specific processes or operational functions (e.g. dispatch, first response, etc.).

Phase 3 is an important component of the review. It allows the consultants to take what they have discovered through the IDR process and add to it by interviewing key stakeholders and observing operational practices. During and immediately following this phase, it is common for the project team to determine what additional information is required.

#### ***Phase 4—Stakeholder Input***

It is impossible to fully appreciate how a large system operates without seeking broad input from a variety of stakeholders. Through the use of stakeholder meetings, system participants from various entities within the EMS system have an open forum to engage in dialogue about the system, understand history, identify best practices, and highlight opportunities for the future. In Phase 4, the project team will host multiple group meetings. Invitations will be open to system participants and the process will be facilitated by an experienced team member. The group sessions will be scheduled for two hours, but will go as long as the group requires. Information developed from the groups will be included with the data collected in the first three phases.

#### ***Phase 5—Data Compilation and Client Input***

At the conclusion of Phase 5, the project team will have collected a large amount of data from requested materials, interviews, and stakeholder meetings. After comprehensive review, the data will be organized and catalogued to facilitate the building of a logical report that meets the scope of work of the project and any additional areas identified. The consultants will visit with targeted system participants to review specific data, ask follow up questions, and gain added perspective to ensure appropriate understanding of what the results reflect. This will conclude requests for data from the client or any of its related entities.

#### ***Phase 6—Benchmarking Process***

In this phase, the project team will review the data collected from the Contra Costa County's EMS system and compare it to available benchmark data, key industry standards, contemporary research, and with other systems of similar model and demand that are in the Firm's database of client reviews.

### ***Phase 7—Define Future State***

A key outcome of the project is to provide you with a clear understanding of the EMS system's current performance, prioritized actions for improvement, and recommend potential future states. The County seeks to determine creative ways efficiencies and effectiveness could be improved and seeks to objectively review potential options for delivering cost-effective high quality EMS.

In Phase 7, the project team will develop a list of recommendations for improving processes to effectively integrate the activities of system participants to provide EMS consistent with industry benchmarks. The recommendations will be designed to ensure:

- Equity of response times,
- Quality clinical care,
- Appropriate utilization of resources,
- Integration of healthcare providers, and
- Cost-effective delivery of services.

The report will outline multiple options for future actions and options for the EMS system and discuss the pros, cons, and financial impact of each. This phase will be where the key results of the project come together.

The specific tasks required regarding the evaluation of the existing EMS agreements and recommendations for provisions to be included in future agreements to improve clarity of expectations, accountability, transparency, and funding allocations will be undertaken and developed in this phase

### ***Phase 8—Report Results***

The deliverables from Phases 1 through 7 will be consolidated into a formal narrative report. A discussion draft of the report will be provided for review as decided in conjunction with the County's project lead. The final report will be delivered electronically within the 40-week project time frame.

The results will formally be presented in person at the conclusion of the project. This will also allow stakeholders to have a question and answer session with members of the consulting team. The presentation will occur at a time and location mutually agreed upon with the County.

## **Deliverables**

The specific deliverables for the Contra Costa County project include tangible products and intangible benefits. The intangible benefits are derived from the face-to-face interaction with system stakeholders through interviews, surveys, and group presentations and forums.

The tangible deliverables will be comprised of an initial presentation and summary of short-term action steps recommended to address the immediate issues and a final comprehensive report with sections addressing each of the scope areas. The acceptance of the recommendations in the final report will form the basis to develop the RFP for the county's emergency ambulance service provider.

## **Work Plan and Timetable**

### ***The Proposed Scope of Services Yields Desired Outcomes***

The proposed scope of work demonstrates that we understand the desired outcome and have proposed projects and tasks to achieve that outcome. A table for each of the proposed phases, activities, and time frames is attached to describe the project more clearly. We have outlined the projects and tasks based upon accomplishing the project within a 40-week completion schedule.

## **Fee Estimate**

Fitch & Associates estimates that the project will require more than 700 consultant hours. We propose a project price with progress payments made based on milestones completed. Professional fees for the project are \$175,000. Travel and expenses are estimated at \$23,500. The total price of the project is \$198,500, inclusive of travel and expenses.





## CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT EVALUATION AND OPTIONS APPRAISAL PROJECT

### Fire Project Overview

Contra Costa County seeks to determine the optimal fire and first response coverage that can be provided within the County Fire Protection District's defined fiscal limitations. There is a clear understanding at the outset that alternative service delivery methodologies, station deployment and staffing may be required to achieve the objective. Developing an implementable model requires a highly collaborative approach that engages system stakeholders. To that end Fitch & Associates proposes the following scope.

Jurisdictions throughout the country, and especially in California, are facing a new reality in the provision of public services. Fiscal resources are unable to sustain the traditional methods and scope of providing services to the community. Concurrently, the taxpayers are unwilling to increase their contributions to fund the status quo, let alone increased service levels.

In this environment, it is incumbent on government to explore options for the delivery of essential services. This proposal is designed to investigate options for the fire service in Contra Costa County.

One essential activity adopted by fire departments is the response to medical emergencies. This accounts for the vast majority of fire responses. Contra Costa County is undertaking a separate study for the modernization of its EMS system. This will result in recommendations for change to the fire service role in medical response, but making operational changes to the fire service role in EMS cannot be undertaken without fully understanding the impact on, and accounting for, other aspects of the fire service's mission. Fire suppression, prevention, disaster response, homeland security, inspections, and training are among the fire service activities.

This proposal is integrated with the separate, but related, proposal for EMS system modernization. We propose a team of experts in fire service explore and recommend options for the Contra County Fire Department to respond to funding cuts while preparing for the fire agency's future service delivery in an operationally effective, efficient, and sustainable manner.

### Scope of Work

#### 1. Document Existing Service Levels

This element is essential to understand how the County currently meets its scope of service requirements, evaluates risk, determines station and asset location based upon NAED, APCO, NFPA, ISO and other relevant standards. Key elements of the analysis will include a detailed review of call intake/communications center processes, an appraisal of standards of cover, travel distance/time, coverage, response time, workload and call distribution. *Fitch* will evaluate the agency's capabilities as an "All Hazards Department" including risk assessment and mitigation planning for specialized rescue, natural and man-made hazards (e.g. earthquake, flood, wild land fire, landslides, dam failures), Haz-mat sites, transportation, critical facilities and homeland security. *Fitch* will undertake a detailed geographic and demand-based service delivery modeling and GIS Mapping technologies.

## **2. Service Impacts of Station Changes**

*Fitch* will analyze projected community growth, physical barriers, infrastructure, target hazard occupancies, land use, traffic patterns, socio-economic factors and political climate. We will identify impacts of changes to services, facilities, staffing, apparatus and fleet services, training and information management based on that analysis.

## **3. Staffing Levels and Practices**

Staffing levels and practices necessary to support recommended operational changes will be evaluated. This will include location and configuration of stations, scheduling of personnel and composition of staff, potential additional staff and cooperation/coordination of efforts with other internal city agencies.

## **4. Internal Alignment of Responsibilities and Relationships**

We will seek to understand current alignment and relationships. *Fitch* will provide recommendations regarding reporting relationships and the utilization of both uniformed and civilian personnel, including levels of authority and responsibility and the manner in which efforts are planned, directed, coordinated, supervised and evaluated. Job descriptions, work schedules and platoon structure will also be reviewed.

## **5. Optimized Deployment**

*Fitch* will utilize its expertise to objectively determine options to improve the efficiency and effectiveness of department operations as it relates to the deployment (response model), response times, safety and productivity including optimizing response options.

## **6. Current Response Model and Best Practice Comparison**

Current response data will be analyzed and profiled with visual mapping models. *Fitch* will provide recommendations based on industry “best practices” and current CAD software for response data analysis and modeling tools/software that would allow for ongoing just-in-time analysis, compliance to standards analysis and demonstrative impact analysis of hypothetical operational, deployment and facility changes.

## **8. Prevention and Ancillary Support Programs**

Prevention is an essential element in fire-life safety. We will analyze and provide recommendations, additions and changes to current prevention programs, public information and education and support service activities consistent to provide an optimal level of service within defined cost limits.

## **9. Demographics, Growth, Incident Patterns and Strategies for Effectiveness & Efficiency**

*Fitch* will analyze past, current and projected city growth, fire/EMS and other emergency-related incident patterns, including type, frequency and distribution of all calls for service by type and the level and quality of the current service, to develop long-term strategies to improve efficiency and effectiveness of services.

## 10. Ensure Broad Stakeholder Engagement Throughout the Project

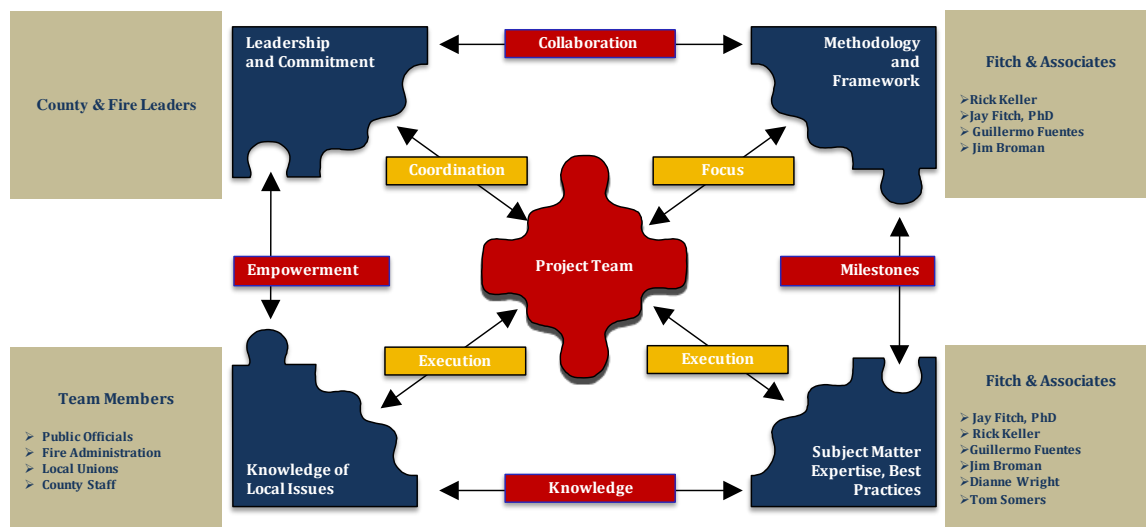
*Fitch* will provide multiple opportunities for internal and external stakeholders to provide input at multiple points during the consultation. These will include stakeholder meetings facilitated by an experienced fire team member, interviews with key stakeholders, electronic surveys and other input tools to achieve the objective.

To fully address the scope of work, *Fitch* will recommend current and future response, operational and business targets using contemporary research. We will quantify resource implications required to achieve these targets and describe opportunities and risks associated with each option presented. Based upon the synthesis of all inputs, recommendations will be made regarding structure, functions, staffing, deployment and fleet configurations. This information is organized into a written report and summarized for presentation to local officials.

### Methodology

The work of the Contra Costa County Fire project is organized in eight phases. In the initial phase we meet key leaders, develop a broader understanding of your perspective and finalize the work plans. In phases two through five, the primary data collection and analysis occurs. During phases six and seven, we assimilate the information in a report format, draft the plan and work with you to shape it to be uniquely yours. In phase eight, the plan is finalized for approval and implementation.

*Fitch* proposes to use a collaborative approach that will blend local knowledge with information provided by subject matter experts in a highly defined process to achieve the objectives. The team approach is illustrated below.



The work plan developed in phase one of the project for your approval will further define the interactions between administration, fire leadership and other stakeholders including community consultation processes.

## **Project Management**

Our project management is a disciplined and structured process. Key activities are clearly outlined and logically organized to produce specific deliverables within the defined period of time. We will review our progress against the work plan on a bi-weekly basis to ensure that we are progressing according to plan. Any deviations will be flagged immediately and appropriate action taken, through discussion with you, to address issues.

## **An Experienced Team**

*Fitch* has a nearly 30-year track record conducting evaluations and planning projects for emergency service organizations in nearly 1,000 communities. Examples of relevant fire related projects include:

- City of Las Vegas, NV Fire Department (on behalf of City of North Las Vegas and Clark County) — Regional fire and EMS communications study for the largest departments in Nevada.
- City of Richmond, VA — Comprehensive Fire Master Plan for Virginia's capital city. Optimized resource deployment, staffing and apparatus changes for both fire and EMS first response capacity.
- Hong Kong (China) — Strategy for modernization and implementation of MPDS processes for department that serves nearly 8 million people in the core city and surrounding islands.
- Lacey, WA — FPD #3 (serves City of Lacey and Thurston County FPD). Comprehensive business process and deployment review in a politically complex environment.
- Hanover Park, IL — Business process and deployment review and evaluation of service expansion.
- City of Natchez/Adams County, MS — Comprehensive fire service capacity review, rating enhancement and negotiation of long term service agreement between the county and its largest city.
- Pinellas County, FL — Evaluation of multiple EMS and fire plans involving potential EMS service level changes for 18 fire departments. Project involved quantifying the impact on fire deployment and suppression capabilities for a county that has unique risk factors and 920,000 residents.

There are seven key personnel responsible for accomplishing your project. Of these, three are partners with the firm. Five are active or recently retired fire service executives with extensive planning experience. Members of our team have had experience developing sustainable plans previously implemented by the County as well as multiple projects across the State of California.

Key members of the Contra Costa Fire Project Team include:

Team Member	Position	Primary Responsibilities
<b>Richard A Keller</b>	<i>Founding Partner, Fitch &amp; Associates, 27 years with the firm.</i>	<b>Project Partner, overall project leadership and coordination. Financial review; evaluation of budget and cost models</b>
<b>Joseph (Jay) Fitch, PhD</b>	<i>Founder, Fitch &amp; Associates, 28 years with the firm. Municipal fire district board member, 15 years.</i>	<b>Fire project director, stakeholder input, organizational change management and development of conceptual models for Contra Costa County fire service</b>
<b>Guillermo Fuentes, MBA</b>	<i>Partner, 10 years with the firm, extensive experience in information systems management and CAD/GIS mapping development; he has the distinction of having had two dispatch centers accredited as centers of excellence; former Chief Administrative Officer Niagara (Ontario) Regional Police Agency.</i>	<b>Data collection, deployment plan and optimization of system operations; personnel workload analyses, development of multiple deployment models</b>
<b>Chief James Broman, MPA</b>	<i>Consultant, Two years with the firm —40+ years in fire service; most recently Fire Chief of Lacey Fire District in Thurston County, WA; previously served as Chief, City of Englewood, CO. Chaired professional development committee; IAFC.</i>	<b>Stakeholder input; risk assessment; interface organizational and governance plans across multiple jurisdictions</b>
<b>Michael Ward, MBA</b>	<i>Senior Consultant, 2 years with the firm – 35 years emergency services provider/leader in fire and EMS. Mr. Ward is the author of the <i>Fire Officer Principles and Practices</i> jointly published by IAFC and NFPA.</i>	<b>Stakeholder input, assist in translating fire needs into tangible deployment plans; detailing of fire personnel needs and workload analysis; input regarding risk and impact on ISO rating</b>
<b>Captain Tom Somers</b>	<i>Senior Consultant, 6 years with the firm— 30 years California fire service experience. Currently serving in communications division, Los Angeles City Fire Department.</i>	<b>Communications and data assessment and support; stakeholder input, risk mitigation plan</b>
<b>Dianne G. Wright, MPA</b>	<i>Senior Consultant, 15 years with the firm— 10 years fire and EMS administration with Miami-Dade Fire Rescue, 30 years experience in Florida county and municipal budgeting and finance</i>	<b>Develop budget models based on various deployment plans for comparison purposes; identification of indirect support functions and costing models</b>

*Fitch* will accomplish each of the scope within a 40 week time frame. Individual milestones to be achieved will be developed as part of phase one – detailed plan for approval by the county.

**Fee Estimate**

Fitch & Associates estimates that the project will require more than 600 consultant hours. We propose a project price with progress payments made based on milestones completed. Professional fees for the project are \$150,000. Travel and expenses are estimated at \$20,000. The total price of the project is \$170,000, inclusive of travel and expenses.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services  
Date: February 12, 2013

Subject: Extension of Contract with American Medical Response

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Amendment Extension #23-024-25 with American Medical Response Ambulance, effective March 31, 2013, to extend the term of the Contract from June 30, 2014 through December 31, 2015.

**FISCAL IMPACT:**

None. (No rate increase)

**BACKGROUND:**

On June 28, 2005, the Board authorized the Health Services Director to enter into an agreement with American Medical Response to provide emergency ambulance services to all areas of Contra Costa County except those served by the San Ramon Valley and the Moraga-Orinda Fire Protection Districts. The agreement, which followed a competitive selection process, was for a five-year term from July 1, 2005 through June 30, 2010 with an automatic extension through June 30, 2014, which was approved by the Board of Supervisors upon a finding that AMR was in "substantial compliance" with contract provisions.

The EMS System currently finds itself in the midst of many changes, including changes in fire first response capabilities and upcoming opportunities and challenges arising

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Dorothy Sansoe,  
925-335-1009

By: , Deputy

cc:



BACKGROUND: (CONT'D)

from the implementation of health care reform. On December 11, 2012, the Board authorized a comprehensive EMS System re-evaluation to address these issues and if necessary extend the AMR contract to allow sufficient time to conduct the system review. It is anticipated that the results of this review will be available in late 2013 and will serve as the foundation for a future ambulance competitive process.

To conduct a competitive process to select a 9-1-1 ambulance provider requires approximately twelve (12) months from the time a Request For Proposals (RFP) is released until a provider is selected and a contract in place. To meet the existing contract expiration date, the RFP would need to be issued in July 2013. By extending the current contract for an additional 18 months (as allowed under Regulation 1 of the Contra Costa Ambulance Ordinance (Ordinance No. 83-28), the County will be able to review the findings of the system re-evaluation and integrate any desired options in to a Request For Proposal.

Approval of Amendment Extension #23-024-25 will allow the Contractor to continue providing services through December 31, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, the County will not receive the necessary findings on the EMS System reevaluation arising from the implementation of health care reform.

CHILDREN'S IMPACT STATEMENT:

Not Applicable.



**Contra  
Costa  
County**

To: Board of Supervisors

From: Kathy Gallagher, Employment & Human Services

Date: February 12, 2013

Subject: Update on Progress on the Health Benefit Exchange Call Center Contract, Facility and Position Approval

**RECOMMENDATION(S):**

Accept an update on the progress made toward establishing a Health Benefit Exchange Call Center in Contra Costa County, providing direction on the selection of a potential facility and direct staff on future steps.

**FISCAL IMPACT:**

100% of the cost of the Health Benefit Exchange Call Center will be covered by the State of California, via Federal Funds, authorized under the Affordable Care Act. No County general purpose revenue will be used to support the Call Center.

**BACKGROUND:**

**OVERVIEW**

On September 18, 2012, the Board of Supervisor's authorized the Employment and Human Services Interim Director to discuss the parameters of a partnership with the Health Care Exchange Board to establish a Call Center to provide enrollment and eligibility services to consumers, and to bring information gathered back to the Board.

On December 4, 2012, the Board of Supervisors accepted an update on the progress made and authorized the Employment and Human Services Interim Director to determine whether to submit a proposal to the State of California for operation of a Health Benefit Exchange (HBEX) Call Center

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Dorothy Sansoe,  
925-335-1009

By: , Deputy

cc:

## **BACKGROUND: (CONT'D)**

and, if competitive, submit the proposal by the due date.

On December 7, 2012, the Employment and Human Services Department submitted a proposal to the State of California's Request for Offers (RFO) to operate a Health Benefit Exchange Call Center within Contra Costa County.

Contra Costa County's Employment and Human Services Department (EHSD) submitted a response to this RFO for multiple reasons, but the primary reason was we want to partner with the State and the Exchange in ensuring that expanded health care coverage is made available, in a user-friendly fashion, to all eligible California residents. In addition, we believe that working with the Exchange would benefit not only EHSD in a variety of ways, but that participation would benefit the entire County. Not only does the work of California Covered and the Exchange help to further the mission of the Employment and Human Services Department, but we believe that locating a service center in this County will be a boost to our economy. Of the eight counties in the Bay Area, Contra Costa has been among those most hard hit by the economic downturn. At one point over the past 6 years our County's unemployment rate was over 12% and several cities within the County were particularly affected by job losses and foreclosures with even higher unemployment rates.

The Board of Supervisors has long seen the importance of and accepted a leadership role in financing and providing health care to county residents, regardless of their ability to pay for the costs of that care. This County has a lengthy history of owning and operating a public hospital and health clinics, and it was the first county in California to own and operate its own health plan.

Two counties submitted responses to the RFO - Contra Costa and Stanislaus. The State met with both counties regarding their submissions. The State representatives were also given a tour of the Medi-Cal Call Center in Antioch.

On Friday, January 18, 2013, the Health Benefit Exchange/Covered California announced their decision to partner with Contra Costa County to operate a County-run Call Center. The Board was updated about this decision at their meeting on January 22, 2013.

On January 29, 2013, at the Board's annual retreat, the Health Services Director and the Employment and Human Services Director updated the Board on the implementation of the Affordable Care Act. During this discussion the Board directed staff to consider facilities in several areas of the County, especially in the East and West portions.

## **PROJECT TEAM/MANAGEMENT**

Upon notification from the Health Benefit Exchange (HBEX) that it intended to award Contra Costa County the one county-operated Call Center, the Employment and Human Services Department (EHSD) shifted into overdrive to meet the multitude of deadlines that are necessary to negotiate the contract, identify appropriate sites to consider for a facility, hire staff, establish a project planning and monitoring tool, establish staff training, and organize and prioritize its work so that the Call Center will be in a testing mode by July 1, and accepting calls from the public on October 1, 2013.

As the Board knows, the State's plan is extremely ambitious and its time lines are equally so. By extension the time lines also apply to the County. The State will have three Call Centers to receive calls from the State's residents inquiring about the newly available health insurance coverage. Two of the Call Centers will be operated directly by the State, the third by the County under contract with the State. All three Call Centers will operate under the same operational protocols and performance standards that the State establishes.

EHSD Director, Kathy Gallagher, has established a multi-disciplinary team of professionals from across the department, with valuable assistance from Human Resources, Public Works Real Estate Division, County Counsel, Department of Information Technology and the County Administrator's Office to take oversight over each facet of the project's development and implementation. Kathy will retain executive sponsorship of the Call Center to ensure that it receives the resources necessary to meet the pressing time lines and performance standards. Wendy Therrian, Director of EHSD's Workforce Services Bureau, will have overall operational responsibility for the Call Center.

Aiding Ms. Therrian will be Mike Roetzer, Director of EHSD's Administrative Services and he will be responsible for the department's facilities, budget, and personnel. Wendy and Mike are the most senior Bureau Directors in the Department and have direct management experience with starting up and operating new business processes.

### **CONTRACT NEGOTIATIONS**

County staff, including EHSD administrative, fiscal, and program personnel; Human Resources Department, County Counsel and the County Administrator's Office have concluded a number of conference call meetings to discuss contract language and are coming to agreement on the terms of the contract and contract language. This process has not, as of the time this Board Order was written, resulted in a final agreement on the contract terms, but agreement is imminent. Upon final agreement, staff will request the Board to approve the contract and authorize the Chair of the Board to sign the agreement.

### **STAFFING/LABOR**

204 positions will be established for the operations of the Call Center. These positions are 100% dedicated to the activities of the Call Center.

The HBEX requires a certain staffing pattern at its service centers and this requirement also applies to the County's Call Center. The prescribed staffing pattern requires that EHSD hire and train 204 employees by July 1, 2013. This includes three managers, one trainer, 12 customer service supervisors, 180 customer service agents (both permanent and intermittent), and eight support positions (e.g. Secretary, Personnel Services Assistant, Clerical Supervisor, Program Integrity Assistant, and four Clerks). While some of these positions may be filled laterally, it is anticipated that the majority will be new hires.

The Call Center will be required to accept calls for 59 hours a week, Monday through Saturday. During the Affordable Care Act's annual three month open enrollment period, October through December, the Call Center will extend its hours to 72 per week Monday thru Saturday. The plan and budget for the Call Center is to staff the core 40 hours with permanent full time staff and the extended hours, i.e. those past 40, with permanent intermittent employees. Permanent intermittent employees will also be used to fill in behind permanent staff during vacation, sick leave, etc.

As previously mentioned, the Call Center is to be operational by July 1, 2013, to begin the State required testing of the hardware, software, and staff. That live testing and program refinements continue through September with open enrollment commencing on October 1, 2013.

#### **Timelines for Staffing - Summary**

March 1	Manager and trainer positions filled
March 19	Customer service supervisors, Clerical Supervisor, Personnel Services Assistant and Clerical support positions filled
April	Managers and trainer complete state required training and certification
April 30	Customer service agent positions filled
May & June	Customer service supervisor and agents complete state required training and certification
July 1	Live testing with the state-supplied hardware and software commences and continues through September
October 1	The Affordable Care Act's open enrollment period begins and continues until December 31

Over the last week, the Human Resources Department and County Administration has been meeting with the labor representatives from the impacted unions, including:

- American Federation of State, County, and Municipal Employees Local 2700
- American Federation of State, County, and Municipal Employees Locals 512
- Professional and Technical Engineers, Local 21
- Service Employees International Union, Local 1021

The labor representatives are as excited about this opportunity as County staff and are working with us to reach agreement as quickly as possible regarding the classifications and working conditions of these new employees.

### **Outreach and Recruitment – Summary**

The establishment of this Call Center is a major undertaking and involves a myriad of County and community partners. Recruiting, hiring and training this number of employees within the time allotted is without parallel in recent memory. While it will require a lot of work and cooperation, creating these jobs was the primary reason for the County's application. The opportunity to create 204 quality jobs during these continuing difficult times is also without parallel.

As discussed elsewhere in this report, EHSD is working diligently with Human Resources and our employee organizations to outline the task before us and the nature of this new work.

The majority of these new positions are entry level and will be attractive to our residents. EHSD will be working with the County's Workforce Development Board and Richmond's Workforce Investment Board to coordinate outreach and inform job seekers of these opportunities. EHSD will be informing CalWORKS participants of these jobs and encouraging them to apply. Additionally, we will out-reach to our non-profit partners in the community. It is anticipated that these outreach efforts will include group presentations and job fairs.

### **FACILITIES**

At the request of the Board of Supervisors, the Public Works Real Estate Division was asked to identify possible sites in east, west and central county, in areas of highest unemployment, that were large enough for 180-200 employees (mostly in office cubicles) that would require the least cost, both in terms of rent and renovation costs necessary to convert the space to a Call Center, provide access to public transportation and were in the vicinity of other Employment and Human Services Department (EHSD) offices. These criteria were developed at the request of the State and were included in the County's proposal. The criteria were approved by the Exchange Board and considered in their decision to award the contract to Contra Costa County. Time is of the essence since the State wants the Call Center in operation by July 1, 2013, which is a very short time-frame.

Cost of the facility is a major concern to the State Exchange management since the entire Call Center operation, including the County-run center, must be self-sustaining by January 2015. All indications are that the County will be partnering with the Exchange to continue to operate the Call Center into 2015, and potentially beyond.

As shown on the spreadsheet attached to this Board Order, Real Estate staff, working with owners and brokers, located, reviewed, evaluated, and toured potential sites for the Call Center. The following sites were identified as potentially meeting the requirements:

1450 Marina Way South, Richmond  
2500 Bates Avenue, Concord  
4041 Lone Tree Way, Antioch  
5065 Deer Valley Road, Antioch

The information on each building is on the spreadsheet provided. In addition, photos and marketing information on each site is attached. As part of the County's due diligence, each site was toured to ensure it met the minimum needs

for the Call Center.

LOCATION	PRO	CON
1450 MARINA WAY SOUTH, RICHMOND	Lowest cost; Immediate availability; On public transportation route; City-sponsored shuttle from BART station; Close to existing EHSD facility; Building is move-in ready after workstations are installed; New jobs have ability to impact the high and chronic unemployment in area; Space for total number of staff is in a contiguous area; Ample parking on the site; Has security on site; Landlord will install a Uninterrupted Power Supply (UPS).	Work stations need to be purchased or leased and installed; Cabling for computers must be installed; No on-site generator; Minimal restaurants/services in general area; Those relying on public transportation may have to change buses to get to the site.
2500 BATES AVENUE, CONCORD	Site has a generator and Uninterrupted Power Supply (UPS) already on site to mitigate any power outage; There are nearly 400 existing call center workstations in the location giving it “plug and play” possibilities; Site is near another EHSD facility; Site is on public transportation routes and near BART; excellent parking ratio.	Site has nearly 400 workstations already installed, which is twice as many as are needed and the Landlord is not willing to divide the space; Space costs are higher than two other sites; Has lowest unemployment rate of all areas considered; Cabling may need to be replaced to achieve Call Center capacity.
4041 LONE TREE WAY, ANTIOCH	Space is vacant and has almost enough existing workstations to offer “plug and play” possibilities; Space is almost ready for move-in; Has an existing UPS; In an area of high unemployment; Area has good services for employees.	Highest costs; Space is already leased to another business. County would need to sublease, making the negotiations more complex, and will take longer to complete; Two separate suites may be needed to meet the workstation count, which may require separate leases; The suites are on separate floors making supervision more difficult; Not located close to any other EHSD facilities; Not close to BART, but is on public transit routes; Has the lowest parking ratio.

5065 DEER VALLEY ROAD, ANTIOCH	Building is vacant with 170 work stations in place; There is additional space to add work stations to meet total need; Has on-site generator; Located on public transit route; Possible “plug and play” based on existing lay out; In an area of high unemployment; Relatively lower cost for occupancy.	Not located near another EHSD site; Not near BART; Near high school, which may result in adverse traffic impacts; Low parking ratio; The suites are on separate floors making supervision more difficult.
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CONSEQUENCE OF NEGATIVE ACTION:

The Board of Supervisors and the public will not receive up-to-date information on the progress made in negotiating a contract with the State of California, staff will not receive needed direction from the Board, and over 200 well-paying potential County jobs will not be created.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

## **Covered California/Contra Costa County Health Exchange Service Center**

The Health Benefit Exchange Service Center will receive calls from individuals around the State who are seeking information and assistance to enroll in a health plan, including Medi-Cal. The California Health Exchange notified all counties of the opportunity to submit proposals to operate one of three State service centers for health plan enrollment. On December 4, 2012 your Board approved the offer and proposal prepared by EHSD and authorized its submittal to the Health Exchange to operate a service center in Contra Costa County. On January 18, 2013 the Health Exchange Board voted on its intent to award the contract to our county, subject to successful contract negotiations.

### **Urgency**

- The Affordable Care Act requires that enrollment in health plans begin in October 2013. The time needed for implementing this Service Center is extremely condensed. EHSD is operating in a “high urgency” status to effect timely achievement of HBEx requirements, and compliance with Federal law.

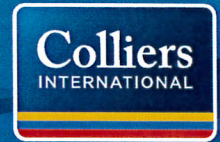
### **Timeline**

- October 29, 2012 Request for Offers released to counties
- November 7, 2012 Bidder's Conference
- November 16, 2012 Board briefed and approval obtained to submit offer
- December 4, 2012 Board briefed on proposal
- December 7, 2012 Offers due from interested counties, ours submitted
- January 18, 2013 Notice of Intent to Award to Contra Costa posted
- January 29, 2013 Presentation to Board on Service Center Status
- February 4-5, 2013 Contract Negotiations must be concluded
- **February 12, 2013 Final approval needed from Board of Supervisors**
- February – April 2013 Building leased, tenant improvements, work stations, computers, servers and telephones installed.
- February, 2013 Service Center recruitment and hiring underway
- April, 2013 All management and support staff hired and trained
- May 2013 Successful implementation of state information technology
- June, 2013 180 frontline staff hired and trained
- July, 2013 Pilot testing of all phases of operations begins
- October 1, 2013 Service Center GO LIVE



EMPLOYMENT AND HUMAN SERVICES DEPARTMENT - CALL CENTER PROJECT													
February 6, 2013													
				3-YEAR	ESTIMATED	ESTIMATED							
			3-YEAR	RENT +	TENANT	FIXTURES /			ACCESS TO				
		3-YEAR	OCCUPANCY	OCCUPANCY	IMPROVEMENT	FURNITURE	TOTAL	PARKING	PUBLIC	NEAREST	GENERATOR	UNEMPLOY.	
LOCATION	SQ. FT.	RENT	EXPENSES <sup>1</sup>	EXPENSES	COSTS	COSTS	COSTS	(/1,000 sf)	TRANSPORTATION	EHSD FACILITY	/ UPS <sup>2</sup>	RATE <sup>3</sup>	COMMENTS
1450 MARINA WAY SO., RICHMOND	23,665	\$837,741	\$561,762	\$1,399,503	\$0	\$528,575	\$1,928,078	8.4	Approx. 7/10 mi. fr. I-580; Bus stop 1/8th mi; Approx. 1.8 mi. fr. Rich BART.	Site is 2 blocks from EHSD facility at 1275A Hall Avenue in Richmond.	UPS available	13.30%	Space is vacant; 3-Year Rent includes 8 mos. free rent (\$227,184) (reflected in 3-yr Rent); Landlord proposes paying for \$280,000 in tenant imps (reflected in Est. Tenant Imps.), and a \$50,000 Move-in Allowance paid to County; Opportunity for expansion; Previously occupied by Chevron; Minimal demolition of interior walls for more cubicles; Minimal construction needed; Security to building is 24 hours/360 days a year; 1 large break room.
2500 BATES AVE., CONCORD	37,209	\$2,250,400	\$334,881	\$2,585,281	\$267,905	\$230,695	\$3,083,881	9	1 mi. fr. Hwy 4; Approx. 2 mi. fr. No. Concord BART; Bus stop 1 blk.	Site is 2 blocks from EHSD facility at 4071 Port Chicago Highway in Concord.	On-site UPS and Generator	8.90%	Space is vacant; Previously occupied by Comcast as a Call Center; Possibly in "move-in" condition; 398 cubicles in place for County's use, which is twice as many as needed; 1 large conf. room; 8 small conf. rooms; 10 private offices; Security cameras on building; Cat 5 wiring in place, and would be sufficient; Space cannot be divided.
4041 LONE TREE WAY, ANTIOCH	21,924	\$2,339,858	\$68,640	\$2,408,498	\$157,850	\$135,930	\$2,702,278	4.5	Approx. 1.5 mi fr. Hwy 4; Bus stop 1 blk; Approx. 9.7 mi. fr. Pitts. BART.	Site is 2.4 miles from EHSD facility at 1650 Cavallo Rd. in Antioch and approx. 6.6 miles from the EHSD facility at 4545 Delta Fair Blvd. in Antioch	On-site UPS	9.30%	Space is on the 2nd floor and is vacant; Previously occupied by Wells Fargo Bank (WFB) as a Call Center; Possibly in "move-in" condition; Space is still under lease to WFB, which may complicate subleasing this space; Rent is fully serviced; An additional 5,550 sf of space is available on the first floor, and has been included in this analysis; 185 cubicles in place for County's use; 2 training rooms; 2 medium size conference rooms; 2 small conference rooms; 1 large break room.
5065 DEER VALLEY RD., ANTIOCH	25,015	\$1,391,740	\$139,174	\$1,530,914	\$250,150	\$155,100	\$1,936,164	5.8	Approx. 2.5 mi fr. Hwy 4; Bus stop 1 blk; Approx. 11.7 mi fr. Pitts. BART.	Site is 6 miles from the EHSD facility at 151 Sand Creek Rd. in Brentwood.	On-site Generator	9.30%	Building is vacant; Rent is fully serviced; Previously used as Long's Drug admin; 170 cubicles in place for County's use; 2 large rooms to convert to conf. rooms; 6 private offices; 1 large room to convert to 2 private offices; Possibly in "move-in" condition.
1 = Occupancy Expenses comprise such things as maintenance, repairs, utilities, janitorial costs, taxes, and insurance, among other items.													
2 = Uninterrupted Power Source / Battery Back-up system.													
3 = The source of this unemployment data is the State of California Employment Development Department (EDD) for December 2012.													
H:\EHSD\New EHSD Call Center\20613 EHSD Call Center Matrix 3													

AVAILABLE > CLASS "A" OFFICE • R&D



# Marina Bay Business Park

1400-1450 MARINA WAY SOUTH | RICHMOND, CA



Strategically located on the northern shores of the San Francisco Bay, Marina Bay Business Park is home to over 200,000 square feet of existing Class A office and R&D real estate with a master plan allowing for a total of 350,000 square feet to be built.

This Campus boasts views, bay trails, easy freeway access to Marin and the I-80 corridor, 5 minute ride on BART shuttle to the El Cerrito station adjacent to the Marina Bay Ferry Terminal and minutes to the new LBNL Campus.

This campus setting environment provides an excellent opportunity for specialized professional companies to design the buildings they intend to occupy. The ownership team works closely with each user to ensure that the building is designed to satisfy the occupant's unique business requirements.

- > Located next to the Bay Trail, connects to Berkeley and Emeryville
- > Amenities close by
- > Last large office/R+D campus in the North Bay Area
- > Located in California Enterprise Zone
- > Close proximity to UC Berkeley, Emeryville, San Francisco, and Marin counties
- > Call for quote

## Major businesses in the area include:

- > Sun Power
- > Berkeley Bionic
- > Restoration Hardware
- > Chevron Energy
- > DiCon Fiberoptics
- > Kaiser Optical Labs
- > Bio-Rad
- > LBNL/UC Second Campus Site
- > California Health Services

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**TODD SEVERSON SIOR**  
+1 510 433 5810  
todd.severson@colliers.com  
CA License No. 00986770

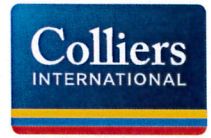
**AILEEN DOLBY**  
+1 510 433 5815  
aileen.dolby@colliers.com  
CA License No. 00949830

**SEAN SABARESE**  
+1 510 433 5803  
sean.sabarese@colliers.com  
CA License No. 01308374

**COLLIERS INTERNATIONAL**  
1999 Harrison St, Suite 1750  
Oakland, CA 94612  
www.colliers.com/oakland

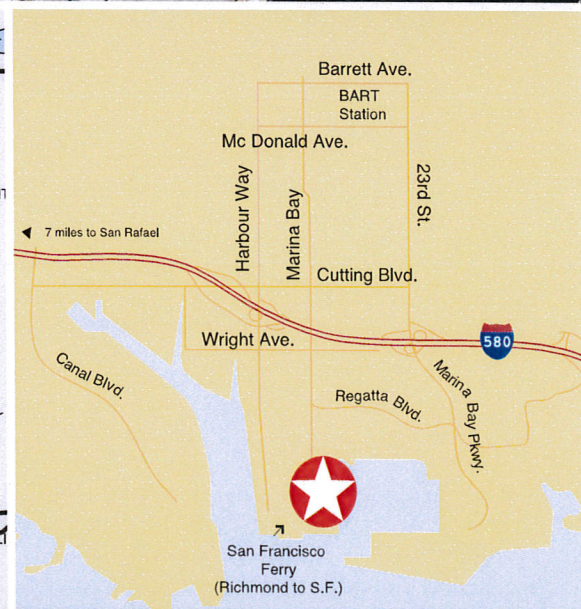
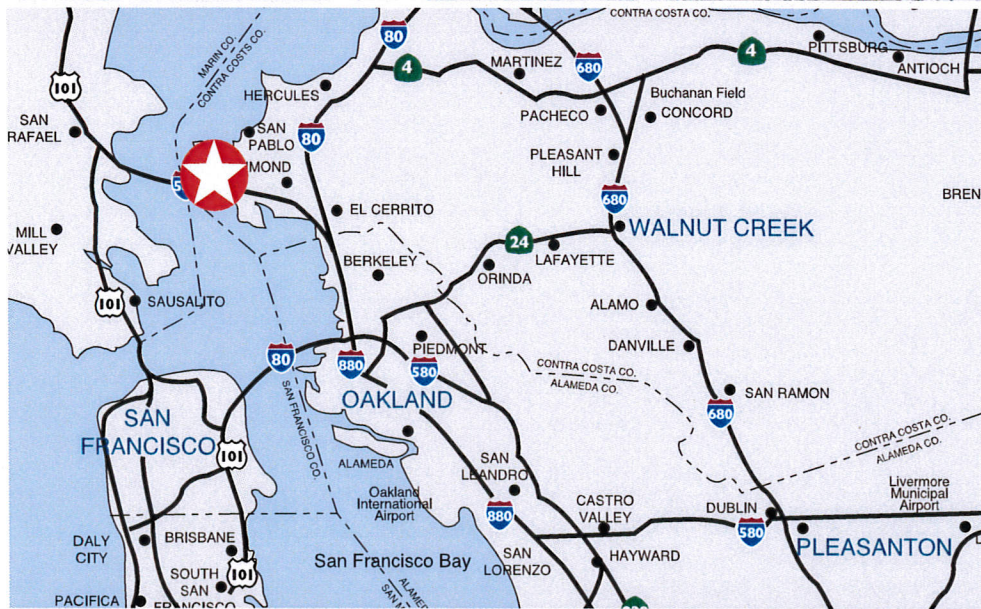


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# Marina Bay Business Park

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TODD SEVERSON SIOR  
+1 510 433 5810  
todd.severson@colliers.com  
CA License No. 00986770

AILEEN DOLBY  
+1 510 433 5815  
aileen.dolby@colliers.com  
CA License No. 00949830

SEAN SABARESE  
+1 510 433 5803  
sean.sabarese@colliers.com  
CA License No. 01308374

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1999 Harrison St, Suite 1750  
Oakland, CA 94612  
www.colliers.com/oakland





Google earth

feet  
meters

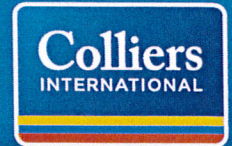


Google earth



FOR LEASE > OFFICE SPACE

# Office/Call or Data Center



2500 BATES AVENUE, CONCORD, CA



## Building Amenities

- > ±37,209 RSF available now
- > Plug & Play opportunity
- > Call center served by raised access floor
- > 4 CAT5 cables per station
- > Call center served by generator & UPS system
- > Oversized HVAC to accommodate call center occupancy
- > Abundant parking (min of 9 per 1,000 rsf)
- > Located at Interstate 680 and Highway 4
- > ±1 mile from North Concord BART station
- > Direct deal with landlord
- > High efficiency lighting



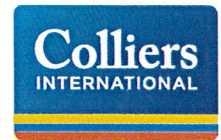
BROOKS PEDDER Sior  
+1 925 279 5581  
brooks.pedder@colliers.com  
CA License No. 00902154

TONY BINSWANGER  
+1 925 279 5579  
tony.binswanger@colliers.com  
California State Board of Supervisors  
CA License No. 01861701

COLLIERS INTERNATIONAL  
1850 Mt. Diablo Blvd. Suite 200  
Walnut Creek, CA 94596  
www.colliers.com



FOR LEASE > OFFICE SPACE



# Office/Call or Data Center

2500 BATES AVENUE, CONCORD, CA



## Building Overview

- > Total building size of 111,020 SF concrete tilt-up (±37,209 avail)
- > Parking: 9 / 1,000 rsf
- > Building Dimensions: ±305' d X ±364' w
- > Minimum vertical clearance: 21' to 23' feet (Above drop ceiling)
- > Power: 3000 amps @277/480 volts, 3 phase
- > Sprinklered: .495/2000
- > Column Spacing: 52' & 58' d X 36' w
- > Fiber and cable to building
- > Access: Hwy 4 East/West; Port Chicago Exit
- > Zoning: Planned District (PD)



BROOKS PEDDER SIOR  
+1 925 279 5581  
brooks.pedder@colliers.com  
February 12, 2013  
CA License No. 00902154

TONY BINSWANGER  
+1 925 279 5579  
tony.binswanger@colliers.com  
Contra Costa County Board of Supervisors  
CA License No. 01861701

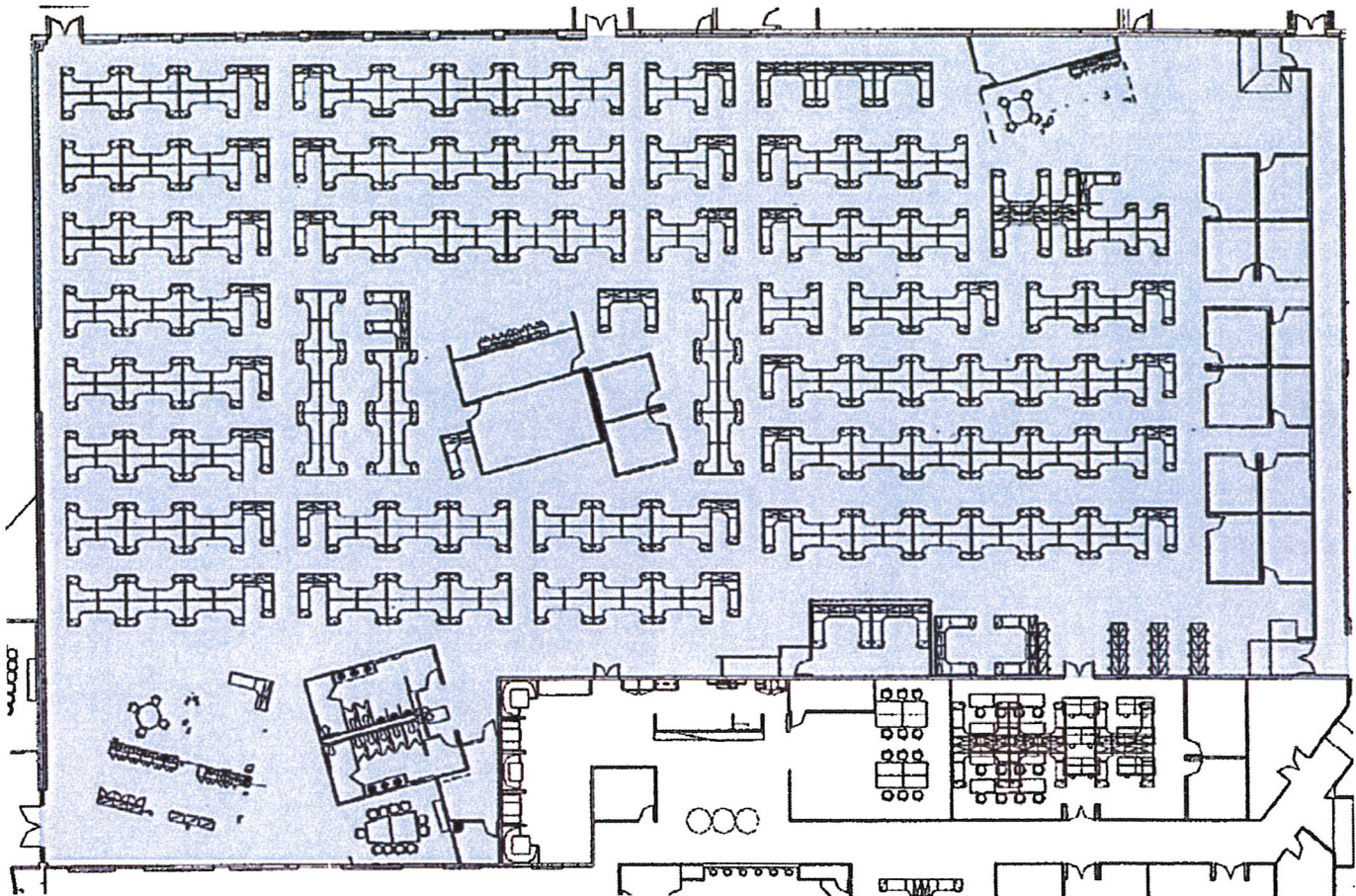
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FOR LEASE > OFFICE SPACE

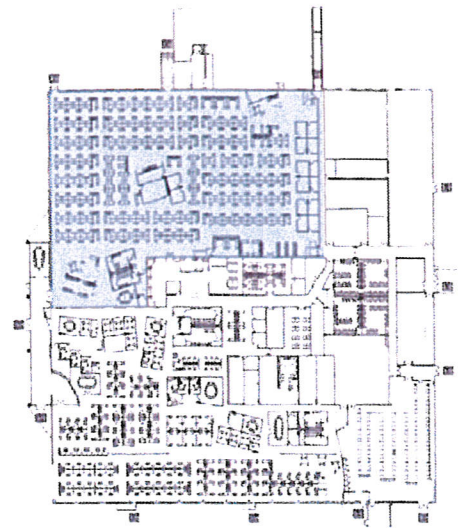
# Office/Call or Data Center

2500 BATES AVENUE, CONCORD, CA



## Available Space Features

- > 10 Private Offices
- > 398 Cubes
- > 8 Small Conference Rooms
- > 1 Large Conference Room
- > Break Room
- > All CAT5, all connected
- > Voice & data wiring is 100% complete from work stations right up to the server racks
- > Watt-Stopper ALC, top end automatic lighting control can be remotely monitored and adjusted
- > Video monitors: Nine (9) functioning ceiling hung 38" (or larger), video monitors cables to server room



BROOKS PEDDER SIOR  
+1 925 279 5581  
brooks.pedder@colliers.com  
CA License No. 00902154

TONY BINSWANGER  
+1 925 279 5579  
tony.binswanger@colliers.com  
Contra Costa County Board of Supervisors  
CA License No. 01861701

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Walnut Creek, CA 94596  
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# Bluerock Center

4035 - 4053 LONE TREE WAY > ANTIOCH, CA > OFFICE > RETAIL



## Project Summary

**BLUEROCK CENTER** in Antioch, CA is a Class A medical, office and retail project consisting of 121,000 square feet of state of the art buildings in a campus setting. The project is located at the prominent corner of Lone Tree Way and Bluerock Drive with great visibility and easy access to Highway 4. The project contains one (1) two-story professional office building, one (1) two-story medical office building, three (3) one-story office/retail buildings and one (1) future single or two-story office building.

**BILL HILLIS** SIOR  
925 279 5578  
bill.hillis@colliers.com  
CA License No. 01262007

**ERIC ERICKSON** SIOR CCIM  
925 279 5580  
eric.erickson@colliers.com  
CA License No. 01177336



**COLLIERS INTERNATIONAL**  
1850 Mt. Diablo Blvd., Suite 200  
Walnut Creek, CA 94596  
www.colliers.com

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# Bluerock Center

4035 - 4053 LONE TREE WAY > ANTIOCH, CA > OFFICE > RETAIL



## Site and Building Features

- > Five (5) existing buildings and one (1) planned building site
- > 9.51 Acre total site size
- > Floor Plates from 8,173 – 18,846 Sq. Ft.
- > Divisible to 1,100 Sq. Ft.
- > 4.0 – 5.0/1,000 Sq. Ft. parking ratio (550 parking stalls)
- > 30' and 40' typical column spacing
- > 277/480 volt, 3 phase, 4 wire electrical
- > Concrete panel, sand blasted or fine textured with elastomeric coating
- > Fiber optic service available

## Additional Features

- > In close proximity to both Sutter Hospital and Kaiser Medical Center
- > Views of Mt. Diablo
- > Population 154,308 (5 mile radius)
- > Educated, skilled and experienced work force

**BILL HILLIS SIOR**  
925 279 5578  
bill.hillis@colliers.com  
CA License No. 01262007

**ERIC ERICKSON SIOR CCIM**  
925 279 5580  
eric.erickson@colliers.com  
CA License No. 01177336

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1850 Mt. Diablo Blvd., Suite 200  
Walnut Creek, CA 94596  
www.colliers.com

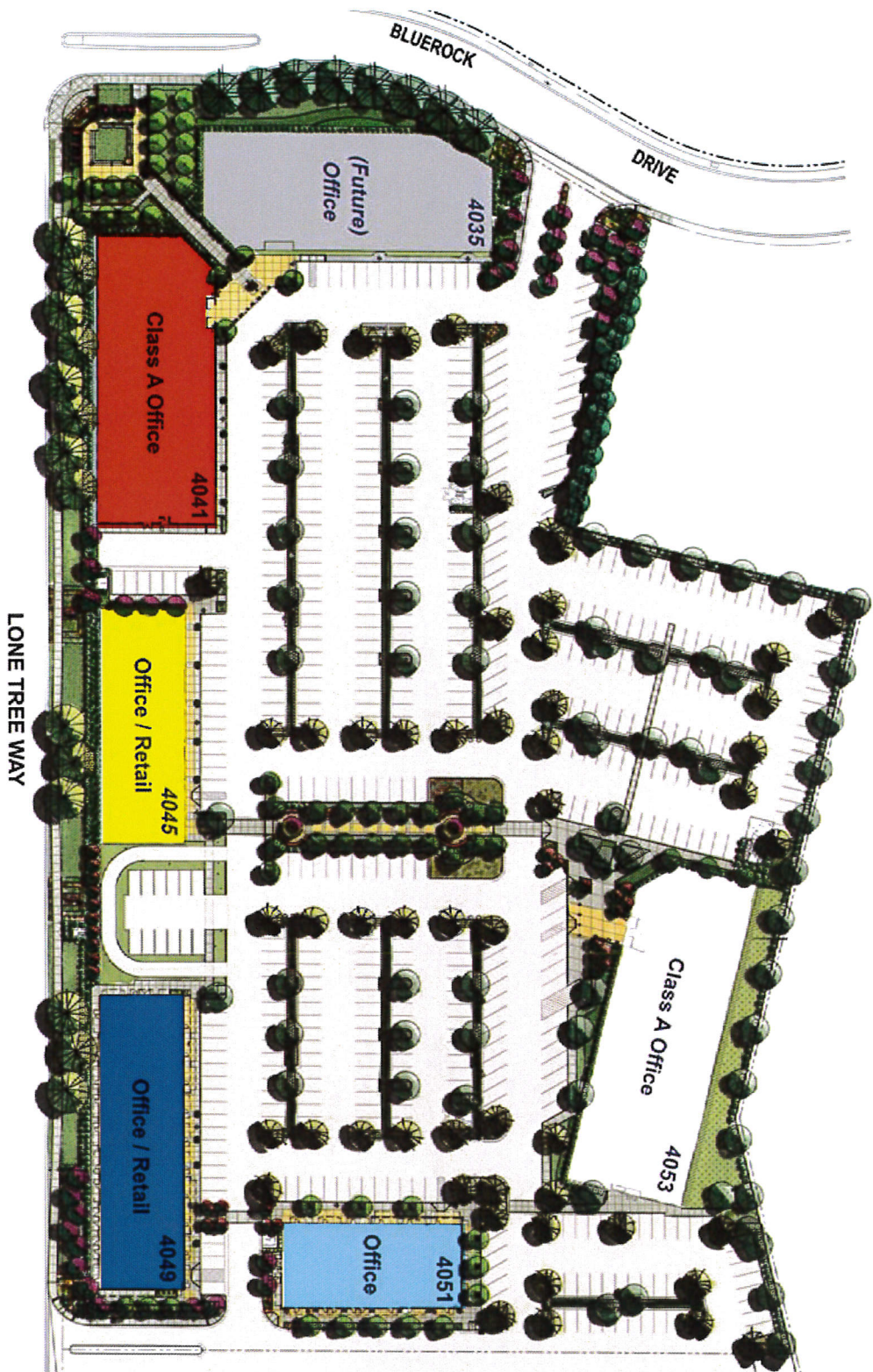


February 12, 2013



# Bluerock Center

4035 - 4053 LONE TREE WAY > ANTIOCH, CA > OFFICE > RETAIL



## Site Plan

- 4041 > Class A Office
  - > ±5,550 SF Available
  - > ±1,750 SF Available
- 4045 > Office / Retail
  - > 100% Leased
- 4049 > Office / Retail
  - > ±2,617 SF Available
  - > ±1,343 SF Available
- 4051 > Office
  - > 100% Leased
- 4053 > Class A Office
  - > ±10,365 SF Available (2nd floor)

\*Click on building for details

**BILL HILLIS SIOR**  
925 279 5578  
bill.hillis@colliers.com  
CA License No. 01262007

**ERIC ERICKSON SIOR CCIM**  
925 279 5580  
eric.erickson@colliers.com  
CA License No. 01177336



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Walnut Creek, CA 94596  
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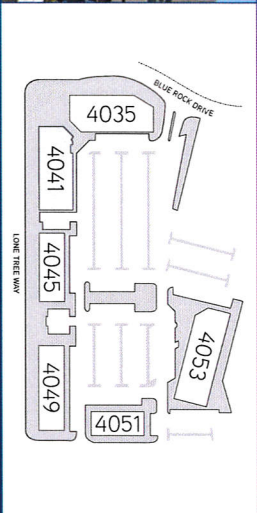
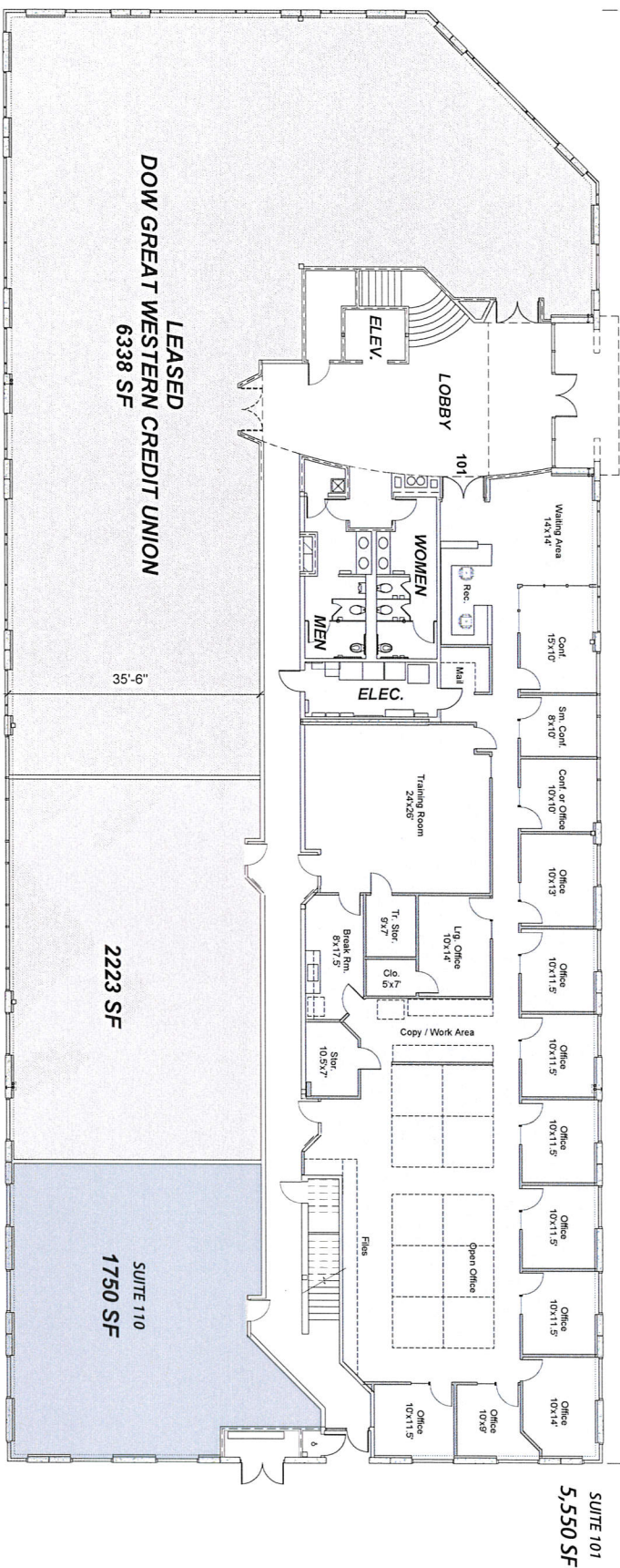




# Bluerock Center

4035 - 4053 LONE TREE WAY > ANTIOCH, CA > OFFICE > RETAIL

## 4041 Lone Tree Way



- > Suite 101
- > Suite 110
- > ±5,550 RSF Available
- > ±1,750 RSF Available
- > Twelve (12) Private Offices
- > Two (2) Private Offices
- > Column-free design

**BILL HILLIS SIOR**  
925 279 5578  
bill.hillis@colliers.com  
CA License No. 01262007

**ERIC ERICKSON SIOR CCIM**  
925 279 5580  
eric.erickson@colliers.com  
CA License No. 01177336

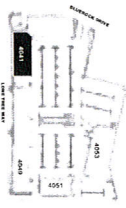


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# **WELLS FARGO - PRELIMINARY SPACE PLAN** 11.1.307 11.2.107 REV.



**Billerich Center**  
40th Lane Tree Way - CLASS "A" OFFICE  
SECOND FLOOR



- ① No ceiling in ELEC closet
- ② Wire mesh wall with 3'x7' locking gate
- ③ 24" deep P.L. counter at 42" suspended from wall
- ④ Shared printer station, 11'x24" 24" P.L. lower cabinet
- ⑤ Ceiling and projection screen
- ⑥ Mfr. acrylic panel system
- ⑦ 6" or 8" ceiling with 12" with recessed lights
- ⑧ 2'x32" P.L. lower cabinet
- ⑨ Freestanding double doors (1" in total assembly) to match turn down at first floor
- ⑩ Flocking wall system
- ⑪ Vending machine station (2)
- ⑫ Refrigerator space
- ⑬ Break Room upper and lower P.L. cabinets including:  
Undercounter material  
Undercounter material  
Stainless steel (2) microwaves
- ⑭ Vail Room upper and lower P.L. cabinets
- ⑮ Insulate this room for sound

----- Fabric wall panels  
..... White board wall panels



# 5065

DEER VALLEY ROAD

ANTIOCH • CALIFORNIA

## Prime lease or purchase opportunity

▶ HOME

PROPERTY OVERVIEW

LOCATION

BUILDING SPECIFICATIONS

FLOOR PLANS

CONTACT US

### Contacts

Tom Maloney +1 925 944 2141

Kevin Mechelke +1 925 944 2142

Larry Bell +1 925 944 2143



JONES LANG  
LASALLE

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# 5065

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## Property overview

HOME

▶ **PROPERTY OVERVIEW**

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### Property

- 54,276 s.f. office building
- 2 story steel-framed building
- 182,256 s.f. parcel (4.2 acres)
- 317 parking spaces (93 front lot, 224 rear lot)
- Commercial zoning

### Facility history

- Phase 1: Built 1991 (25,015 s.f.)
- Phase 2: Built 1999 (29,261 s.f.)

### Highlights

- Conveniently located 3 miles from Highway 4 (major East/West freeway)
- Close proximity to retail services and surrounding residential communities
- Full service employee cafeteria



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# 5065

## DEER VALLEY ROAD

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### Location

- HOME
- PROPERTY OVERVIEW
- ▶ **LOCATION**
- BUILDING SPECIFICATIONS
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- Conveniently located 3 miles from Highway 4 (major East/West freeway)
- Close proximity to retail services and surrounding residential communities





## Building specifications

### HOME

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### ▶ PAGE 1

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### FLOOR PLANS

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#### Building information

- **Size:** 54,276 s.f. total
  - 1st floor = 26,152 s.f.
  - 2nd floor = 28,124 s.f.
- **Built:** Phase I - 1991; Phase II - 1999

#### Building structure

- **Exterior walls:** Steel frame construction with metal stud non bearing walls.
- **Floor:** 4" reinforced slab on grade.
- **2nd floor:** Steel frame construction. 2-1/2" light weight concrete over 20 ga. galvanized deck.
- **Roof structure:** Steel frame construction. 18 ga. galvanized deck.
- **Roof membrane:** 4 ply built-up roof system.

#### Parking

- 317 parking spaces (93 front lot, 224 rear lot)

5,181,000

#### Equipment/specialty rooms

##### Phase 1

- 200 s.f. communications room: All data and phone cabling for Phase I is home into this room. Telephone backboard, telephone computer, alarm control panels located in this room. Room is served by a dedicated heat pump for cooling.

- 250 s.f. computer room: FM 200 dry chemical fire suppression. 8 ton 2 stage dedicated HVAC system.

- Electrical service room: Switch gear, electric meter, transformers, most of the distribution panels for Phase I located in electrical service room.

- HVAC equipment room: Built up central system air handler and water treatment systems located in this room.

- Mail room: 300 s.f. mail room with on grade receiving area. Trash compactor door, and diesel fuel monitor panel located in this room.

- UPS room: 200 s.f. room dedicated to UPS battery power system. Dedicated heat pump for cooling.
- 1,600 s.f. file room.

##### Phase 2

- 250 s.f. communications room: All data and phone cabling for Phase II is home run into this room.
- Electrical service room: Switch gear, electric meter, transformers, most of the distribution panels for Phase I located in electrical service room.

- HVAC equipment room: Built up central system air handler and water treatment systems located in this room.

- UPS room: 200 s.f. room dedicated to UPS battery power system.
- Dedicated heat pump for cooling.



## Building specifications

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#### Elevator

- Dover passenger elevator. 4000 lbs capacity. Located in Phase I next to main entrance lobby.

#### Emergency backup power

##### Phase 1

- 1991 Caterpillar 400 kw / 480 volt diesel generator. Fully supports entire building. Fully automatic transfer switch.
- Uninterruptable backup battery power system, PowerWare 80 kva / 480 volts. Supports communications room, computer room, and critical circuits.

##### Phase 2

- 1991 Caterpillar 400 kw / 480 volt diesel generator. Fully supports entire building. Fully automatic transfer switch.
- Uninterruptable backup battery power system, PowerWare 160 kva / 480 volts. Supports communications room and critical circuits.
- 5000 gallon double wall fiberglass underground diesel fuel storage tank installed 1991.
- Electronic monitoring system of fuel level and leak detection. Tied into building fire alarm system for 24 / 7 monitoring and notification.

#### Trash compactor

- Hydraulic trash compactor. Access door located in Phase I mail room. Replaced in 1999.

#### Utilities

- Electrical service: Pacific Gas & Electric. 2 meters
  - Phase I: 1000 amp rated switch gear with 600 amp main breaker
  - Phase II: 1000 amp rated switch gear with 800 amp main breaker.
- Gas Service: Pacific Gas & Electric. 2" meter serving both buildings.
- Water Service: 3" meter. 135 gallons per minute.

#### HVAC systems

##### Phase I

- Built up central system located inside building on 1st floor.
- Cooling: 100 ton chilled water cooling tower. (New in 2008)
- Heating: 450 MBH gas fired boiler.
- Distribution: 25,500 cfm air handler. Supply air ducts in ceiling cavity.
- Return air through ceiling cavity air plenum.
- Dedicated heat pump for communications room.
- Dedicated heat pump for UPS room.
- Dedicated 8 ton 2 stage split HVAC system for computer room.



## Building specifications

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### Phase II

- Built up central system located inside building on 1st floor.
- Cooling: 100 ton chilled water cooling tower. (located in outside enclosure)
- Heating: 520 MBH gas fired boiler.
- Distribution: 29,800 cfm air handler. Supply air ducts in ceiling cavity.
- Return air through ceiling cavity air plenum.
- Dedicated heat pump for communications room.
- Dedicated heat pump for UPS room

### Fire sprinklers

- Fully sprinkled. 4" riser.

### Fire alarm

- Full building fire monitoring installed in 2007 integrated with fire sprinklers system. Smoke detectors 1st and 2nd floor in common spaces. Horns and strobes notification throughout building.

### Security systems

- Interrated burglar alarm system. All exterior doors monitored. Glass break monitoring on all 1st floor exterior windows.
- Exterior and lobby entrance doors controlled by central badge access system.

- 11 camera CCTV system with full recording capabilities. Networkable.

### Recent building upgrades

- New 2 x 2 Milliken carpet tiles installed throughout Phase I. Completed March 2009.
  - New All Steel cubicles installed through out the Phase I. Completed March 2009.
  - Network / phone cabling replaced with Cat 6 cable in Phase I. Completed March 2009.
  - Phase I: 100 ton cooling tower replaced. Completed October 2009.
  - Full building fire detection and alarm notification system. Completed in June 2007.
  - Front and rear parking lot repaved. Completed in March 2003.
- ### Cafeteria
- 2,500 s.f. (approximate) full service employee cafeteria.
  - Built in 1999. Gas range with fire hood. Grease fryer, food prep room. Grease trap.
  - Meets County health code and local fire code requirements.



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# 5065

DEER VALLEY ROAD

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## Floor plans

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▶ 1ST FLOOR, PHASE I

1ST FLOOR, PHASE II

2ND FLOOR, PHASE I

2ND FLOOR, PHASE II

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1st Floor, Phase I



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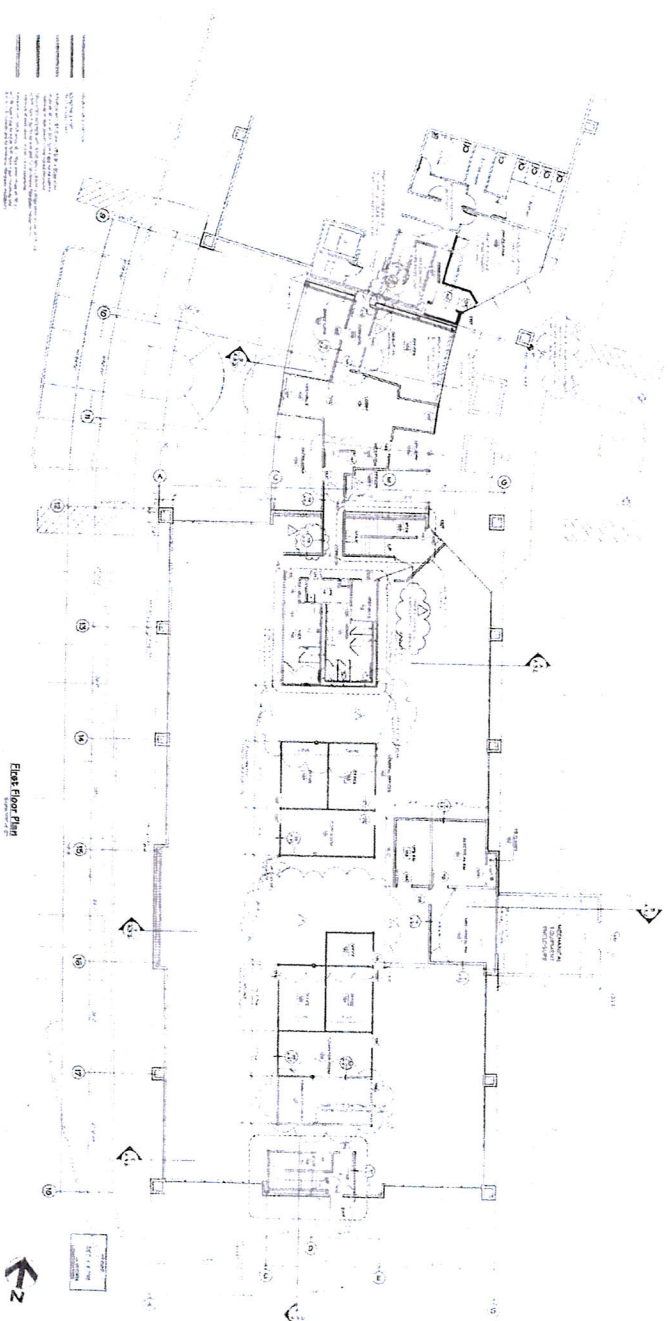
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DEER VALLEY ROAD

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## Floor plans

1st Floor, Phase II



HOME

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1ST FLOOR, PHASE I

▶ 1ST FLOOR, PHASE II

2ND FLOOR, PHASE I

2ND FLOOR, PHASE II

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DEER VALLEY ROAD

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## Floor plans

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1ST FLOOR, PHASE I

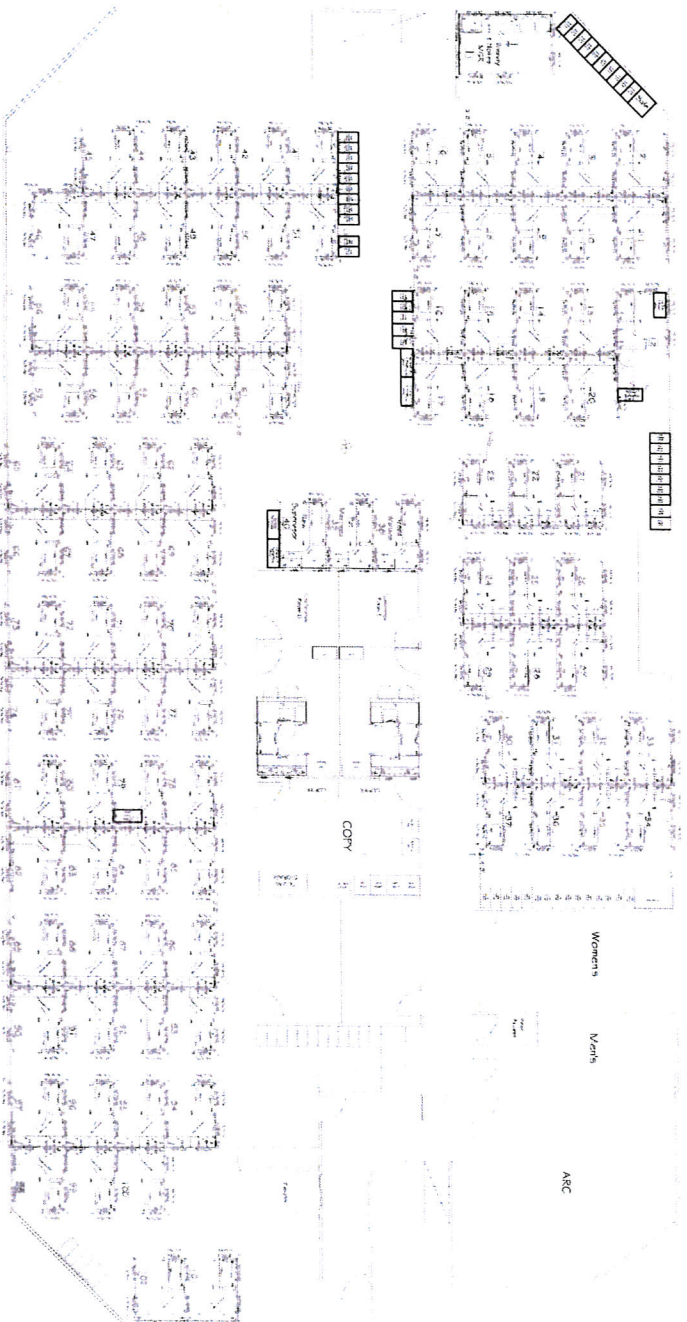
1ST FLOOR, PHASE II

▶ 2ND FLOOR, PHASE I

2ND FLOOR, PHASE II

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# 5065

DEER VALLEY ROAD

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## Floor plans

HOME

PROPERTY OVERVIEW

LOCATION

BUILDING SPECIFICATIONS

**FLOOR PLANS**

1ST FLOOR, PHASE I

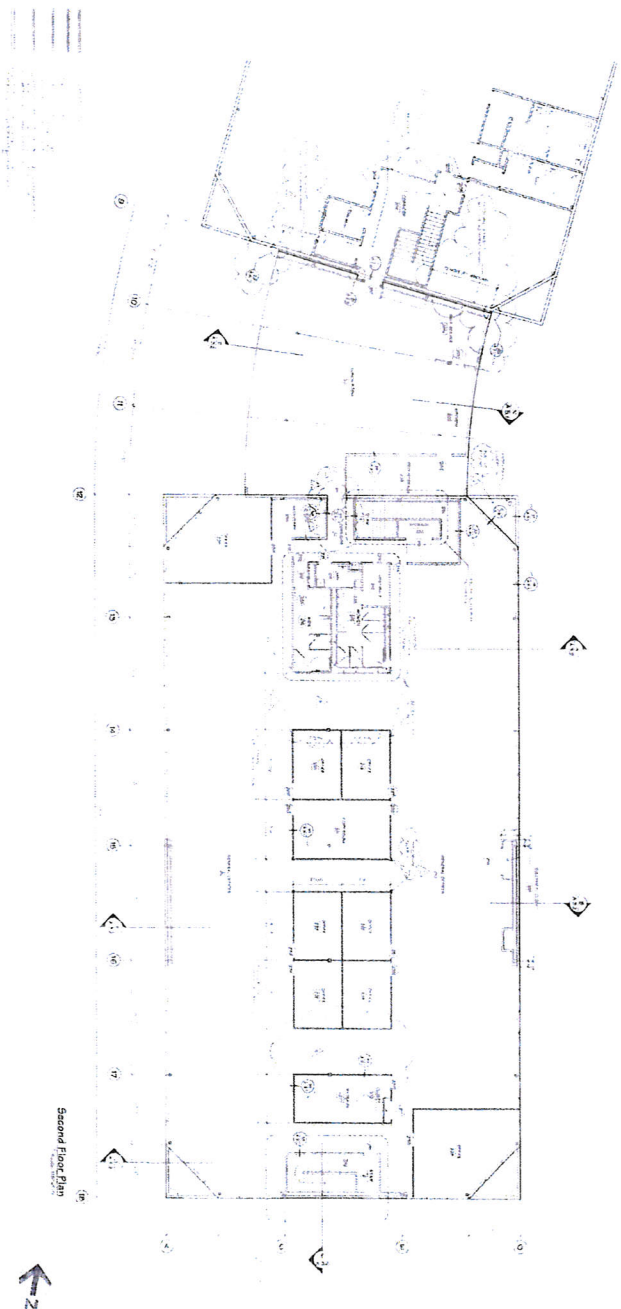
1ST FLOOR, PHASE II

2ND FLOOR, PHASE I

▶ **2ND FLOOR, PHASE II**

CONTACT US

2nd Floor, Phase II



JONES LANG  
LASALLE

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# 5065

DEER VALLEY ROAD

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### For sale or lease

**Thomas B. Maloney**

+1 925 944 2141

License # 00967243

[tom.maloney@am,jll.com](mailto:tom.maloney@am,jll.com)

**Kevin R. Mechelke**

+1 925 944 2142

License # 01338917

[kevin.mechelke@am,jll.com](mailto:kevin.mechelke@am,jll.com)

**Larry Bell**

+1 925 944 2143

License # 00757596

[larry.bell@am,jll.com](mailto:larry.bell@am,jll.com)

**Jones Lang LaSalle Brokerage, Inc.**

1331 N. California Boulevard, Suite 170

Walnut Creek, California 94596

+1 925 944 2140

License # 01856260

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To: Board of Supervisors  
 From: Catherine Kutsuris, Conservation & Development  
 Date: February 12, 2013



Contra  
 Costa  
 County

Subject: Support a new alternative for study in the Bay-Delta Conservation Plan

**RECOMMENDATION(S):**

CONSIDER supporting the request from a coalition of environmental groups, water districts and business groups to include a new alternative for analysis in the State's Bay-Delta Conservation Plan and AUTHORIZE chair of the Board of Supervisors to sign a letter to the State expressing this support, as recommended by the Director of Conservation and Development.

**FISCAL IMPACT:**

NONE. The recommendation is to request that the State of California study a proposal for Bay-Delta water supply solutions.

**BACKGROUND:**

The Board of Supervisors on July 10, 2012 adopted a policy asking the State of California to analyze a wider range of alternatives in its Bay-Delta Conservation Plan (BDCP). The BDCP is an effort of the state and federal governments, and large water districts from the Central Valley, Southern California and Bay Area, to plan and build a pair of large tunnels that will divert fresh water from the Sacramento River before it reaches the Delta. The proposed tunnels will send the water to the export pumps near Tracy for delivery to other

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
 COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: John Greitzer, 674-7824

By: , Deputy

cc:

## BACKGROUND: (CONT'D)

parts of the state. The California Natural Resources Agency is the lead agency for the planning effort.

Many agencies and non-governmental groups have taken similar positions to the County's, urging the State to analyze a meaningful range of alternatives. The State to date has not done so. At last count the State was analyzing a set of 14 project alternatives, but all 14 were just different versions of the tunnels.

Recently a coalition of environmental groups, business groups and water districts unveiled a new alternative which they propose for inclusion in the BDCP alternatives analysis. The sponsors of this new alternative include the two largest water districts serving the County -- the Contra Costa Water District and East Bay Municipal Utility District -- as well as the Contra Costa Council, a business group actively involved with the public sector on policy issues. (County staff regularly attend the Contra Costa Council's Water Task Force meetings and provide input to the Council on water issues.)

The Natural Resources Defense Council is the lead organization for distributing the new proposed alternative, which the group refers to as a "portfolio" approach that includes a variety of strategies that could be used separately or together to create a less costly and less environmentally harmful alternative than the tunnels.

The new alternative proposal very closely matches the Board's policy from July 2012. Both call for analysis of a much smaller tunnel than the State is currently considering, and for analysis of non-tunnel approaches to water supply reliability, such as strengthening Delta levees, water conservation programs, and additional reservoir construction to store more water in wet periods so less would need to be pumped from the Delta during dry periods. The proposed tunnel project being pursued by the state does not include any new storage and therefore will rely on increased water exports from the Delta during dry periods to meet southern California water demands. As a result, fishery agencies determined the tunnel project will further harm endangered and threatened fish species. This warning came from the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the U.S. Bureau of Reclamation, and the California Department of Fish and Wildlife. The warnings led the State to reduce the size of its proposed tunnels, but the State still is not considering non-tunnel alternatives.

Attached is the Board's policy from July 2012 calling on the State to study other alternatives. Also attached is a letter to the BDCP lead agencies from the environmental groups requesting this portfolio-based conceptual alternative be evaluated in the BDCP. A similar letter from the supporting water agencies is also included in this attachment.

Representatives of both the Natural Resources Defense Council and the Contra Costa Water District will speak on the new proposed alternative at the Board meeting on February 12. The County's water resources consultant, Dr. Richard Denton, also will speak on the issue.

The Delta Counties Coalition, in which Contra Costa County participates, is asking the State to include the new proposal in the BDCP alternatives analysis, as are a number of non-profit advocacy groups and water agencies.

The Director of Conservation and Development recommends the Board support this new proposal for inclusion in the BDCP alternatives analysis, and to authorize the Chair to express this support in a letter to the California Natural Resources Agency.

## CONSEQUENCE OF NEGATIVE ACTION:

The proposed study alternative may not have as much strength behind it without support from Delta counties such as Contra Costa County. Lacking such support, it may be easier for the California Natural Resources Agency to refuse to include it in their analysis.

## CHILDREN'S IMPACT STATEMENT:

None.

## **Contra Costa County's Request for Changes to the Bay-Delta Conservation Plan**

*Approved by the Board of Supervisors on July 10, 2012*

### *The proposed 9,000-cubic-feet-per-second tunnel project*

Contra Costa County does not support any particular project because not enough information has been developed to support any specific project. Enough information has been developed to reject the proposed tunnel project as described in the current Bay-Delta Conservation Plan (BDCP). The preliminary environmental analysis has shown the tunnel will have significant negative impacts on protected fish species and water quality. Economic analysis also must be performed to determine the negative impacts that a tunnel project will have on Contra Costa County's Delta economy.

### *Changes needed for the BDCP effort to gain support from Contra Costa County*

- The BDCP should discard all of the alternatives studied to date, including the new 9,000-cubic-feet-per-second (cfs) tunnel proposal.
- The BDCP should analyze a full range of lower-impact alternatives, including smaller tunnel projects of 3,000-cfs tunnel and 6,000-cfs tunnel, and several alternatives that do not divert Sacramento River under or around the Delta at all. These new alternatives would include a western intake alternative that would draw water from the western Delta rather than the Sacramento River, with constraints on the amount of water that can be taken and the timing for when the water can be taken; and other alternatives based on strategies such as water conservation, increased water storage facilities in the Central Valley and Southern California, and desalination. These latter alternatives would address the state policy of reducing reliance on Delta water (something the current BDCP does not address).
- The BDCP should adopt both of the state's "co-equal goals" as objectives to be achieved by the project, with neither goal being accomplished at the expense of the other.
- The chosen BDCP conveyance project should be operated by an independent entity not affiliated with the water contractors who will receive water from it. The independent entity should report monthly to the State Water Resources Control Board to ensure transparency in the operations of the new water facility.
- The BDCP should provide funds for Contra Costa County to: (1) conduct peer review studies to determine the adequacy of the BDCP environmental impact analysis; and (2) to determine water-quality standards in the western Delta to ensure a healthy water supply for Contra Costa County (approximately \$500,000).
- BDCP should provide funds for Contra Costa County to conduct an economic analysis to determine the impacts of BDCP alternatives on the County's Delta economy (approximately \$150,000).

*-Contra Costa County BDCP changes-*  
*-July 10, 2012-*  
*-page 2 of 2*

- Contra Costa County must be given a “seat at the table” so we can work collaboratively with the water contractors and state and federal agencies to develop comprehensive solutions that work for everyone.
- BDCP must be consistent with locally developed Habitat Conservation Plans/National Communities Conservation Plans (HCP/NCCPs). If conflicts exist between locally developed HCP/NCCPs and the BDCP, the BDCP staff must work collaboratively with local HCP staffs to resolve the conflicts. BDCP must not interfere with local HCP/NCCPs’ ability to attain their habitat target goals.
- BDCP must be subject to the full extent of state and federal environmental review. Contra Costa County cannot support any streamlining or exemptions from either the California Environmental Quality Act or the National Environmental Protection Act.
- The BDCP must recognize the linkage between the Delta and the Bay, and recognize that any project that emerges from the BDCP could impact the entire Bay-Delta estuary, not just the immediate Delta area in which the project is located. The environmental analysis of the project(s) must examine for potential impacts throughout the entire estuary, including, but not limited to, impacts on flow from the Delta to the Bay, and water quality, species, and habitat impacts throughout the estuary.



Secretary Ken Salazar  
Department of the Interior  
1849 C St, N.W.  
Washington DC 20240

Secretary John Laird  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

Commissioner Michael Connor  
Bureau of Reclamation  
1849 C Street NW  
Washington DC 20240

Deputy Secretary Jerry Meral  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

January 16, 2013

**Re: A Portfolio-Based Conceptual Alternative for BDCP**

Dear Secretary Salazar, Secretary Laird, Deputy Secretary Meral and Commissioner Connor,

We represent a coalition of business and environmental organizations. We are writing to request that the attached conceptual alternative be considered in the BDCP process, including as a stand-alone alternative in the required CEQA/NEPA analyses and Clean Water Act Section 404 alternatives analysis. Our constituents believe strongly in the need for a science-based, cost-effective BDCP plan to help achieve the co-equal goals of restoring the Bay-Delta ecosystem and salmon fishery, and improving water supply reliability for California. None of us believes that the status quo in the Delta is acceptable.

Although many stakeholders have recommended that BDCP consider certain elements that are included in the attached document, we thought it would be most helpful at this point in the BDCP process to offer a *package* of actions and investments that, taken together, represent an alternative that could attract support from a diverse coalition of interests. This is a conceptual alternative, not a proposed BDCP preferred project. We believe that analysis of this alternative will assist BDCP in developing the most cost-effective, environmentally beneficial final BDCP project with the best chance of implementation.

At the heart of the conceptual alternative are two simple principles. First, BDCP must be grounded in the best available science regarding ecosystem management. This approach is essential to designing a successful, long-term plan for a water supply system and ecosystem as complex and dynamic as the Bay-Delta. This approach is also essential to ensure that the BDCP plan can meet legal requirements and receive permits. We applaud Governor Brown and Secretary Salazar for emphasizing their commitment to a science-based approach to BDCP in their July 25, 2012 announcement.

The second core principle is that the BDCP make fiscal sense. The final BDCP plan must be both affordable and financeable or it will ultimately fail. We believe it is imperative at this point in the BDCP process to avoid the economics and financing issues that plagued CALFED and contributed to its eventual failure.

This conceptual alternative was also developed with two practical realities in mind. First, the conceptual alternative has been developed based on the reality that many California water suppliers are looking closer to home to meet their long-term water supply needs and are planning to reduce their demand for water imported from the Bay-Delta. The second reality is that cities and water agencies, as well as federal, state and local budgets are facing significant financial constraints. We believe that it is critically important to balance the timing and need for investments in the Delta with a strategy that also advances continued water agency investments in local water supply development.

This “portfolio-based” approach reflects the real world desire of water suppliers and the public to evaluate the relative benefits of investments both within and outside of the Delta, and is consistent with the increased discussion in BDCP, over the past six months, of South of Delta water supply alternatives.

One of the cornerstones of the conceptual alternative is a proposal to evaluate a 3,000 cfs, single-bore North Delta diversion facility. This facility would produce significant financial savings, in comparison with a larger conveyance facility, while still providing water reliability benefits. In fact, we believe it could produce greater overall benefits at a lower cost, with some of the savings invested in local water supply sources, new South of Delta storage, levee improvements and habitat restoration. For example, investments in proven, cost-effective local water supply strategies can both increase export area water supplies and reduce the risk of disruption from earthquakes and other disasters. Southern California 2010 Urban Water Management Plans have already identified 1.2 MAF of potential additional local supply projects, only a small fraction of which have been factored into Delta planning.

Many of these local investments could provide significant, broad and long-term benefits. For example, a relatively small investment (in comparison with the cost of a new Delta facility) in Delta levees would provide significant water supply benefits beyond those achievable by the BDCP as currently conceived. The BDCP currently anticipates that, even with a large facility, on average, approximately half of the water exported from the Delta would still be pumped by the South Delta facilities (with more than three quarters of exported water pumped from the

South Delta in critically dry years). Therefore, reducing the vulnerability of Delta levees would provide significant water supply reliability benefits for South of Delta water users, particularly in dry years. Such an investment, in combination with local and public funds, would provide additional local benefits in the Delta. We believe that BDCP should include such “win-win” opportunities to collaborate with in-Delta interests.

It is essential not to delay an evaluation of the likely yield of a new Delta facility. The conceptual alternative also calls for the careful analysis of the best science available today regarding water project operations with a new facility. In particular, this approach calls for the analysis of an operations proposal developed by state and federal biologists to conserve and manage a full range of covered Delta fish species, including consideration of the need to protect upstream fisheries resources. We understand that state and federal biologists have undertaken an extensive effort to prepare such an operational scenario. The signatories to this letter have not endorsed these proposed operations. Rather, given that this operational scenario represents an important effort by state and federal biologists, it should be analyzed in the BDCP EIR/EIS, the Effects Analysis and the 404 analysis.

This conceptual alternative includes initial cost estimates that suggest that this approach could provide superior environmental results, increased water supply and greater reliability at a reduced cost. By expanding benefits and lowering costs, this portfolio approach could assist with project financing. We encourage BDCP to include this approach in its analysis of economics and financing issues, and to refine the cost estimates included in this conceptual alternative.

We sincerely believe that this conceptual alternative has the potential to produce superior benefits at a similar or lower cost to water users and the public. Because it is based on the best available science, we believe it would be more readily permittable. It also promises to deliver benefits more rapidly. And, finally, we believe that this approach will be helpful in attracting broader support for BDCP, both within and outside of the Delta.

We request that this conceptual alternative be analyzed as a stand-alone alternative in BDCP’s environmental documents. In addition, we recommend that BDCP use this portfolio approach to compare the potential benefits and impacts of multiple alternatives, including a full range of different conveyance facility capacities. Such comparisons are needed so decision-makers can fully understand the choices they face and can select the optimum portfolio of actions that will best serve the state.

Thank you for your hard work to design an effective plan to meet the challenges we face in the Delta. We hope that this conceptual alternative will continue to advance the discussion. We look forward to an opportunity to discuss the conceptual alternative with you, including how it may best be incorporated into BDCP's analysis.

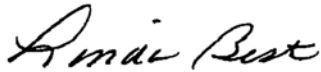
Sincerely,



Barry Nelson, Senior Policy Analyst  
Natural Resources Defense Council



Tony Bernhardt  
Environmental Entrepreneurs



Linda Best, President and CEO  
Contra Costa Council



Gary Bobker, Program Director  
The Bay Institute



Kim Delfino, California Program Director  
Defenders of Wildlife



Jonas Minton, Water Policy Advisor  
Planning and Conservation League



January 16, 2013



The Honorable Ken Salazar  
Secretary  
U. S. Department of the Interior  
1849 C Street, N. W.  
Washington, DC 20240

The Honorable John Laird  
Secretary  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

Dr. Jerry Meral  
Deputy Secretary  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

The Honorable Michael L. Connor  
Commissioner  
U. S. Department of the Interior  
1849 C Street, N. W.  
Washington, DC 20240

Dear Secretary Salazar, Secretary Laird, Deputy Secretary Meral,  
and Commissioner Connor:


We are writing to you in advance of the planned release of the public review draft of the Bay Delta Conservation Plan (BDCP), out of a deep concern over the status of this effort. We are united in a desire for a successful project that can be supported by project proponents, Delta stakeholders, and the public. That chance for success is substantially diminished as a result of the alternatives analysis that we have seen thus far. Up to now, the BDCP process has been strongly focused on advancing a large capacity conveyance which, along with the suite of associated conservation measures, will be burdened with large uncertainties and for which a solid business case has not yet been made. These unquantified risks include impacts on listed species, impacts on the Delta landform, hydrology and water quality, open-ended costs to direct water users and to the public, political controversy, and potentially lengthy litigation.


Absent so far has been a portfolio-based alternative that features a smaller conveyance facility with additional, complementary investments in local water supply sources, regional coordination, south of Delta storage, levee improvements, and habitat restoration (see attachment) as advanced in the coalition letter sent by other organizations today. We believe that it is critical to evaluate in detail a conveyance as small as 3,000 cfs, as it would provide considerable water supply benefits to the export community while better protecting broader interests in the Delta. Such a facility would also realize significant financial savings in comparison with a larger conveyance facility, face fewer legal and political challenges, and potentially be completed sooner. With accompanying investments in proven, cost-effective regional water strategies, this approach could increase export area water supplies and reduce the vulnerability of water supplies and Delta infrastructure to disruption from earthquakes and other disasters. We urge that this conceptual alternative be seriously considered in the BDCP process, including the required CEQA/NEPA analyses and the Clean Water Act Section 404 alternatives analysis.

A portfolio approach could produce superior benefits at a similar or lower cost to water users and the public, and at reduced levels of environmental impacts. It has the potential to be consistent with the best available science and, as a result, may be more readily permissible and capable of delivering benefits more rapidly. It would appear that a solid business case can be made for such an alternative; in any event, the business case must be made before any project proceeds.

We fully appreciate the magnitude of the challenges facing the Delta, and urge a comprehensive solution that is both affordable and science-based. We recognize the enormous effort you have undertaken toward this end, and hope that this conceptual alternative will continue to advance the discussion.

Sincerely,

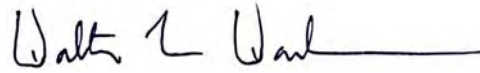
  
Jerry Brown  
General Manager  
Contra Costa Water District

  
Maureen A. Stapleton  
General Manager  
San Diego County Water Authority

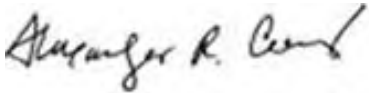
Secretary Salazar, Secretary Laird, Deputy Secretary Meral,  
and Commissioner Connor  
January 16, 2013  
Page 3



Michael P. Carlin  
Deputy General Manager  
San Francisco Public Utilities Commission



Walter L. Wadlow  
General Manager  
Alameda County Water District



Alexander R. Coate  
General Manager  
East Bay Municipal Utility District



Mark Watton  
General Manager  
Otay Water District



Bob Filner  
Mayor  
City of San Diego

Attachment

## **A Portfolio-Based BDCP Conceptual Alternative**

The eight components described below represent a conceptual alternative, not a proposed BDCP project. The analysis of this alternative is intended to assist BDCP in developing the most cost-effective and environmentally beneficial final BDCP project that can be implemented and produce benefits rapidly. Variations on the approaches below should be analyzed as well, including a full range of conveyance capacities.

### **Guiding Principles**

**Science-Based Ecosystem Management:** Credible, proven science will determine ecosystem improvements and water management, using on-the-ground results as the central driver of decision-making.

**Water Supply Reliability:** The BDCP can contribute to improved water supply reliability by reducing the physical vulnerability of Delta water supplies and embracing a portfolio approach that recognizes that water suppliers and the public have a broad range of options both in and outside of the Delta to meet their water needs and improve reliability.

**A Strong Business Case:** A strong business case is central to the success and financial viability of the BDCP. Sound economic principles and cost-benefit analysis must inform water supply improvements so that water ratepayers understand that the benefits they will receive from the project are reasonably proportional to what they are being asked to pay.

**Water Quality:** Delta water quality will be strongly influenced by the final BDCP plan, with potential impacts and benefits to export water users, local municipalities, Delta residents, Delta farmers and the ecosystem.

### **Conceptual Elements of a Diversified Portfolio Approach**

**New Conveyance Facility:** Focus BDCP analysis on one 3,000 cfs North Delta intake facility and a single tunnel sized for 3,000 cfs gravity flow. This smaller facility would lower BDCP costs, improve reliability and reduce opposition. If implementation proves successful in meeting biological goals and objectives, a second phase could be constructed subsequently, but would not be permitted at this time.

**Project Operations:** Analyze, as a starting point for analysis of future SWP and CVP operations, the best science available today. In particular, analyze the operations proposal developed by state and federal biologists to conserve and manage a full range of covered Delta fish species, including consideration of the need to protect upstream fisheries resources.<sup>1</sup> Project operations should utilize a “big gulp, little sip” approach that increases exports in wet years – when water is available in excess of environmental needs

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<sup>1</sup> The work of state and federal agency biologists to produce a science-based operational scenario is summarized on pages 1-16 of this BDCP presentation - [http://www.essexpartnership.com/wp-content/uploads/2012/11/BDCP\\_CS5\\_Update\\_NGO-Meeting\\_11\\_14\\_12v3.pdf](http://www.essexpartnership.com/wp-content/uploads/2012/11/BDCP_CS5_Update_NGO-Meeting_11_14_12v3.pdf)

– and reduces diversions in average and drier years, particularly during key periods such as the spring and fall. Such an operations proposal has been developed over the past year by state and federal fish agency biologists. This is an important agency analysis that should be subjected to additional refinement in an open, transparent process, utilizing independent external peer reviewers. It is essential not to delay a detailed analysis of the likely yield of a new facility based on the best available science.

Estimated Water Exports: ~ 4 - 4.3 MAF/ year (2025). This is an initial estimate of average exports. BDCP has not yet modeled a 3,000 cfs facility with additional South of Delta storage and the agency-developed operational scenario included in this proposal.

**Reduced Reliance on the Delta through Investments in South of Delta Water**

**Supplies:** DWR, many Urban Water Management Plans and other analyses have concluded that local water supply tools including conservation, water recycling, and other approaches, can provide reliable, sustainable and plentiful new sources of supply that will also be cost-effective over the long run. These sources can also be provided rapidly through additional investments. There is approximately as much new water available from these new water supply sources as is currently exported from the Delta.

This conceptual alternative proposes a smaller capital investment in a Delta facility, in comparison with the current BDCP preliminary project, and investment of savings in local water supply projects. For analytical purposes, this alternative includes a \$2 billion investment in water recycling (at a capital cost of approximately \$6,430 - 6,470 per AF of permanent water recycling capacity) and a \$3 billion investment in urban conservation (at an initial/capital cost of \$3,230-4,860 per AF).<sup>2</sup> Urban stormwater capture, groundwater cleanup, and conjunctive use should be included as cost-effective methods for generating future new sources of water, and would also be important elements of a large-scale effort to invest in new local water sources. Additional cost-effective savings can also be obtained from investments in agricultural conservation.<sup>3</sup>

Estimated Yield: 926,000 - 1,245,000 acre-feet of permanent water supply. (309,000 – 311,000 acre-feet from water recycling and 617,000 - 934,000 acre-feet from urban efficiency.)

**Improved Water Agency Integration:** The principles of integrated regional water management planning should form the foundation for improving cooperation and integration among Bay Area, Central Valley, and Southern California water agencies to provide improved water supply reliability and quality benefits. Increasing integration and

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<sup>2</sup> See attachment for additional detail regarding cost and yield estimates. Note that these are initial/capital costs, not annual per-acre-foot unit costs. A comprehensive BDCP analysis should also address operations and maintenance costs of a full range of alternative investments.

<sup>3</sup> The Department of Water Resources Bulletin 160-2009

<http://www.waterplan.water.ca.gov/cwpu2009/index.cfm> (Volume 2, Chapter 2, page 2-13) states that agricultural water conservation costs range from \$35-\$900 per AF. Because of the width of this cost range, agricultural conservation is not included in the conceptual cost and yield numbers above. A final BDCP portfolio proposal should, however, include agricultural water use efficiency investments.

cooperation among these agencies could produce substantial potential benefits and cost-savings. For example, more than a dozen significant water agencies serve the Bay Area. Improved physical connections and increased cooperation among these agencies could reduce risks related to earthquakes and localized drought conditions, facilitate wastewater recycling, and utilize existing infrastructure more efficiently.

In Southern California, additional benefits could be obtained, for example, by facilitating water management agreements and programs among agencies with the potential to construct water recycling facilities and agencies that have groundwater storage resources. The Metropolitan Water District could operate its system to facilitate innovative and cost-effective water management programs between agencies in Southern California and elsewhere in the state. Southern California groundwater agencies could allow water from Southern California surface storage facilities to be managed conjunctively with regional groundwater storage facilities. This could, in essence, create new surface storage capacity at the far lower cost associated with groundwater storage. This approach could help take advantage of the supplies available during “big gulp” opportunities in the Delta. Similar potential benefits may exist through increased integration and cooperation in the agricultural sector.

In all of these opportunities it is imperative that program costs be clearly identified and allocated to the water suppliers that benefit. In this way, each public water supplier is able to account to the public it serves that their water ratepayer dollars are being spent wisely, according to law and in a manner that provides clear benefits.

**New South of Delta Surface and/or Groundwater Storage:** Include up to 1 MAF<sup>4</sup> of new South of Delta storage, with funding allocated through competitive bidding to evaluate proposed surface, groundwater and conjunctive use projects. Investments should be focused on projects that can be completed quickly and that are most cost-effective. Additional South of Delta storage<sup>5</sup> can allow for greater water exports in wetter years. As discussed above, surface storage south of the Delta could be used conjunctively with groundwater facilities to store wet-year exports for future dry years. This increase in storage capacity must be accompanied by new Delta operations that ensure that the new storage will be operated to implement “big gulp, little sip” operations.

**Levee Improvements:** Improve existing levees and build setback levees as part of habitat restoration. A \$1 billion additional investment could improve Delta levees to protect life, property, and important infrastructure, and also upgrade key levees including the eight western Delta islands to a higher standard with improved stability and resilience

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<sup>4</sup> This 1 MAF storage target is based on limited BDCP modeling and may be revised based on further analysis.

<sup>5</sup> As used in this proposal, South of Delta storage is defined as storage integrated into the existing SWP and CVP Delta export system, including surface and groundwater storage in the Bay Area, the west side of the San Joaquin Valley, Kern County and Southern California. It includes storage controlled by the CVP, the SWP, MWD, Kern County Water Agency and other regional and local agencies.

in the face of seismic risk. Upgrading these key levees would provide significant water reliability benefits and would be an appropriate use of exporter funds.

Regardless of the size of a Delta facility, maintaining and improving Delta levees is critical to ensuring the physical reliability of Delta exports. Even with new conveyance, the CVP and SWP will continue to rely on water exports from the South Delta, particularly in drier years. With a 9,000 cfs facility, exports from the South Delta would constitute approximately 50 percent of total exports. In critically dry years, BDCP currently anticipates that 75 percent of total exports would be diverted from the South Delta.<sup>6</sup> Therefore, the benefits of this proposed investment in levee improvements would be particularly significant in dry years. BDCP does not currently include a strategy to reduce the physical vulnerability of the portion of Delta exports that would continue to rely on the Delta levee system.

East Bay Municipal Utility District, Contra Costa Water District and Delta landowners currently contribute to the maintenance of the levees upon which they rely. An analogous investment by export agencies would produce significant reliability benefits. For example, with average exports of 4 MAF/y, a contribution of \$8/AF would produce \$480 million to help improve Delta levees over the coming 15 years. Public funds for levee improvements are appropriate to protect Delta residents and infrastructure of regional and state importance (e.g. highways). Additional local contributions may be required.

**Delta Floodplain and Tidal Marsh Habitat Restoration:** Implement a large scale, approximately 40,000 acre habitat restoration program to benefit Delta fish and wildlife species, to provide a broad range of ecosystem functions and to be integrated with Delta flood management improvements. There is strong scientific evidence that floodplain habitat restoration, combined with adequate flows, can benefit salmon and other species. However, agency “red flag” memos and the National Research Council review of the existing biological opinions concluded that floodplain restoration cannot substitute for required ecosystem flows. Restoration of tidal marsh habitat, also a desirable activity, nonetheless, has far greater uncertainty associated with it, regarding benefits for many covered species, in comparison with the likely benefits of floodplain restoration. Tidal marsh restoration should be included in the BDCP plan as a complement to flow augmentation and floodplain restoration, as it is more likely to benefit some covered fish species in combination with these elements. Habitat restoration, particularly tidal marsh restoration, should in any case be implemented within an adaptive management framework. Existing CVP and SWP mitigation responsibilities, as well as new mitigation responsibilities associated with a new Delta facility, will be paid for by water exporters, while public funding should be focused on conservation benefits that go beyond

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<sup>6</sup> BDCP Draft Effects Analysis, April 13, 2012. Tables C.A-24 and C.A-27 from Appendix 5.C - Attachment C-A, which can be found on p. C.A. 83 and C.A. 92 at this link: [http://baydeltaconservationplan.com/Libraries/Dynamic\\_Document\\_Library/BDCP\\_Effects\\_Analysis\\_-\\_Appendix\\_5\\_C\\_Attachment\\_C\\_A\\_-\\_CALSIM\\_and\\_DSM2\\_Results\\_4-13-12.sflb.ashx](http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/BDCP_Effects_Analysis_-_Appendix_5_C_Attachment_C_A_-_CALSIM_and_DSM2_Results_4-13-12.sflb.ashx)

mitigation. This proposal is focused on the coming 15-20 years. Long-term restoration efforts are likely to require additional funding.

**Integrating Science into Delta Management:** Increase the integration of the best available science into all aspects of Delta and related resource management. The Delta is a complex and highly dynamic system. During the past decade, an expanded investment in science has improved our understanding of this ecosystem. With ongoing investments, that understanding will continue to improve. A long-term investment in science and a program to integrate new scientific results into ongoing management are essential to long-term success. Therefore, BDCP should include the following:

- External independent scientific review at critical points, with clear mechanisms to incorporate peer review results.
- Quantified performance objectives, such as SMART<sup>7</sup> biological objectives and criteria for ecosystem restoration and water operations.
- Governance and adaptive management processes designed to ensure that goals and objectives are achieved, to obtain the best available science over time, and to ensure that scientific results are fully integrated into on-the-ground management.
- Carefully designed roles for the state and federal projects, as well as other stakeholders, to ensure a reliance on objective science.

This science-based approach is not anticipated to result in large increases in project costs. In fact, this approach would increase the cost-effectiveness of BDCP efforts, and should result in savings.

### **Affording, and Paying for the Portfolio-Based Conceptual Alternative**

Our organizations strongly support an analytically-based beneficiary pays approach to BDCP financing. We believe that the analysis of this portfolio approach will assist BDCP in developing detailed cost allocations and in attracting additional funding partners. It will also help reduce pressure for public funds and ensure that such funds are spent effectively and appropriately.

Preliminary cost estimates indicate that this conceptual alternative is less expensive than the current preliminary preferred BDCP project. In addition, some of the investments in this portfolio alternative, such as levee and local water supply investments, are likely to be necessary even with a large Delta facility. Therefore, the actual cost difference between these two different approaches may be larger than indicated here.

This conceptual alternative is more financially viable than the preliminary preferred 9,000 cfs Delta facility project. That project, pegged at \$14 billion or more, is proposed to be paid for by water exporters. Proposed habitat restoration could cost up to an

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<sup>7</sup> SMART objectives are those that are specific, measurable, achievable, relevant to the goal and timebound.



additional \$4 billion, raising the total capital cost of the current approach to approximately \$18 billion. By reducing the size of the project to a 3,000 cfs, single-bore facility, many billions of dollars can be freed up to invest in more local supply development and the water exporter shares of the other conceptual alternative components.

The water code requires water users to pay for a new Delta facility.<sup>8</sup> The public share of this conceptual alternative could be funded in part by a reduced water bond. The increased benefits and reduced cost of this approach can assist BDCP in attracting increased funding from beneficiaries, reducing the pressure on the water bond. We believe that the diversified portfolio approach in this conceptual alternative could assist in the effort to develop a broadly supported and effective new water bond.

### **Estimated Cost Summary**

<b>Conceptual Portfolio Component</b>	<b>Estimated Cost</b>	<b>Source of Funding</b>
New 3,000 cfs North Delta Facility	~ \$5-\$7 billion <sup>9</sup>	Export water agencies
Local Supply Development	\$5 billion	Local water agencies and cost share per state Integrated Regional Water Management Program (IRWMP)
Improved Water Agency Integration	TBD (may be funded through local supply funds described above)	Water agencies and cost share per state IRWMP
New South of Delta Surface and/or Groundwater Storage	~\$1.2 billion <sup>10</sup>	Exporters or local water agencies, and public cost share per IRWMP
Levee Improvements	\$1 billion	Public, water exporters and other beneficiaries and Delta community
Delta Floodplain and Tidal Marsh Habitat Restoration	\$1.7 billion	Export agencies and public
Integrating Science into Delta Management	TBD	Public and water agencies
<b>Total Conceptual Alternative Cost</b>	~\$14 to \$16 billion	

<sup>8</sup> California Water Code Section 85089.

<sup>9</sup> A BDCP July 1, 2010 presentation estimated the capital cost of a 3,000 cfs facility with 2 18-foot diameter tunnels at \$7.2 billion. Using a single tunnel would reduce costs significantly.

<sup>10</sup> See attachment for details regarding cost estimates.

**Total Conceptual Alternative Water Supply Benefits**

~ 4.9-5.5 MAF/YR.

Delta exports: ~ 4-4.3 MAF/Y.

New South of Delta sources: ~ .93-1.2 MAF/Y



Contra  
Costa  
County

To: Board of Supervisors

From: Julia R. Bueren, Public Works

Date: February 12, 2013

Subject: HEARING on appeal of Notice and Order to Abate Nuisance at 2444 Lunada Lane

**RECOMMENDATION(S):**

OPEN the hearing on the appeal of the Notice and Order to Abate a public nuisance on the real property located adjacent to 2444 Lunada Lane, Alamo, California in Contra Costa County (APN: 188-312-007), RECEIVE and CONSIDER oral and written testimony and other evidence from the County Public Works Department staff, the property owners, other interested persons; and CLOSE the hearing.

FIND that the facts set forth below are true.

Further FIND that the fencing on the above-described property encroaches onto County property without an encroachment permit, and within Kinder Morgan's pipeline easement area, and therefore constitutes a public nuisance in violation of Contra Costa County Ordinance Code Section 1002-2.008.

DENY the appeal; and AFFIRM the Public Works Director's Notice and Order to Abate the above-described public nuisance. ORDER the property owners, within 30 days of the date on which the Board's decision is mailed to them, to abate the public nuisance by completing the following: (1) obtain a permit from the County to enter the Iron Horse Corridor; (2) remove the fencing in the manner determined by the County with Kinder Morgan representatives on site when the work is performed; and (3) complete the permit process with an approved final inspection from both County and Kinder Morgan representatives.

DIRECT the County Public Works Director, or designee, to remove the fencing from

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Carrie Ricci, 925-313-2235

By: , Deputy

cc:

#### RECOMMENDATION(S): (CONT'D)

the property and charge the cost of the work and all administrative costs to the property owners if the property owners do not comply with the Board's decision within the time specified in the decision.

DIRECT the Public Works Director to send the Board's decision by first class mail to the property owners and to each party appearing at this hearing, and to file the Board's decision with the Clerk of the Board of Supervisors.

#### FISCAL IMPACT:

The cost of removing the fencing from the property and installing chain link fencing at the property line is estimated to be \$5,000. If the County Public Works Department performs the work of abatement and the property owner does not pay, the actual cost of the work and all administrative costs may be imposed as a lien on the property after notice and a hearing, and may be collected as an assessment against the property.

#### BACKGROUND:

This is an appeal of a Notice and Order to Abate a public nuisance issued by the Public Works Director. The Notice and Order to Abate directed the owners of property located at 2444 Lunada Lane, Alamo, California in Contra Costa County (APN: 188-312-007) (the "Subject Property"), to remove fencing and other improvements that encroach within the County's Iron Horse Corridor property, and encroach on Kinder Morgan's pipeline easement on the County's property. The Subject Property is owned by Thomas and Erin Newlin ("Property Owners").

Contra Costa County owns the Iron Horse Corridor, which is the former Southern Pacific Railroad Right-of-Way. The instruments that conveyed the Iron Horse Corridor to the County are attached hereto as Exhibit A, and incorporated herein by reference. The Corridor includes various utility easements, including a 10-foot-wide Kinder Morgan easement for a high-pressure petroleum pipeline. The County Public Works Department recently updated its maps to identify the actual locations of existing facilities that are located in the Corridor and determined that adjacent property owners have encroached onto the County's property. The encroachment includes the fencing maintained by the Property Owners. Pictures showing the encroaching fencing are attached hereto as Exhibit B, and incorporated herein by reference. Additionally, the Property Owners' encroachments extend within Kinder Morgan's pipeline easement in violation of Section 51014.6 of the California Government Code and State Fire Marshal Regulations. Maps showing the County's Iron Horse Corridor property, the area occupied by Kinder Morgan's easement, and the approximate location of the encroachments are attached hereto as Exhibit C, and incorporated herein by reference.

On March 22, 2012, Kinder Morgan determined that one of the fence posts adjacent to the Subject Property was located within 18 inches of the pipeline. Kinder Morgan performed an emergency excavation to ensure the pipeline was not damaged by the fence post. Kinder Morgan staff remain concerned that the presence of the encroachment within the easement poses a public safety risk. According to Kinder Morgan, third-party contact is the biggest threat to pipelines.

Independent of the encroachment onto Kinder Morgan's easement, the encroachments are located on County's property, without a valid encroachment permit, in violation of County Ordinance Code Section 1002-2.008, which provides, in part, that, "No person, firm, corporation, or association, without first obtaining a written permit, shall: (1) Encroach or make any encroachment within, on, over, or under the limits of any right-of-way; (2) Make any alteration within, on, over, or under right-of-way; (3) Construct, put on, maintain, or leave on a right-of-way any obstruction or impediment; ... (5) Place on, over or under a right-of-way any pipeline, conduit, or other fixture; ... (7) Place any structure, wall, culvert, or similar encroachment, or make any excavation or embankment so as to endanger the normal usage of the right-of-way." Ordinance Code section 1002-2.002(3)(B) defines "encroach" to include "going on, over, or under, or using any right-of-way so as to prevent, obstruct, or interfere with the normal use of that way," including, "erecting or maintaining any post, sign, pole, fence, on, over, or under the right-of-way."

On March 15, 2012, County Public Works Department staff sent the Property Owners a letter to notify them that their fencing was encroaching on County property without a permit, in violation of Ordinance Code Division 1002. A copy of that letter is attached hereto as Exhibit D and incorporated herein by reference. The letter requested that they remove the encroachment within 90 days.

Public Works staff met with the Property Owners and Kinder Morgan representatives on March 26, 2012, and all further communications between the County and the Property Owners were directed to the Property Owners' attorney pursuant to their request. Copies of correspondence directed to, and received from, the Property Owners attorney prior to October 30, 2012 are attached hereto as Exhibit E, and incorporated herein by reference.

The Property Owners assert that their use of the Iron Horse Corridor has ripened into both prescriptive and adverse rights. However, under California law, property owned by the public for a public use is not subject to adverse possession and no one can acquire a prescriptive title to such property regardless of how long it is occupied.

Due to the Property Owners' continued refusal to remove their encroachments or enter into a license agreement with the County, on October 30, 2012, the Public Works Director served, by certified mail, a Notice and Order to Abate on the Property Owners. The Notice and Order to Abate also was posted on the property on October 30, 2012. A copy of the Notice and Order to Abate is attached hereto as Exhibit F, and incorporated herein by reference.

On November 15, 2012, the Property Owners notified the Clerk of the Board of Supervisors staff that they would appeal the order to abate. The written materials in support of the appeal are attached hereto as Exhibit G, and incorporated herein by reference. Notice of this hearing was sent to the Property Owners by first class mail on January 29, 2013.

For the reasons explained above, Public Works Department staff recommends that the Board affirm the Notice and Order to Abate issued by the Public Works Director, and direct staff to take actions recommended in this board order.

CONSEQUENCE OF NEGATIVE ACTION:

The County would continue to have exposed liability due to the encroachment on County property.

CHILDREN'S IMPACT STATEMENT:

Not applicable

74

JAN 14 1985

Recorded at the request of:

Contra Costa County

Return to:

Contra Costa County  
Public Works Department  
Real Property Division  
255 Glacier Drive  
Martinez, CA 94553

Attention: Donna Dawkins

85 181262

RECORDED AT REQUEST OF  
*Westerly Title*  
DEC 9 1985  
3 O'CLOCK P.M.  
CONTRA COSTA COUNTY RECORDS  
J. R. OLSSON  
COUNTY RECORDER  
FEE:  
*Offl.*

Order No. 487770

**GRANT DEED  
(CORPORATION)**

SOUTHERN PACIFIC TRANSPORTATION COMPANY, a Delaware corporation, Grantor, hereby GRANTS to CONTRA COSTA COUNTY, a political subdivision of the State of California, Grantee, that certain real property situated in the County of Contra Costa, State of California, and more particularly described in Exhibit "A", attached and hereby made a part hereof.

Grantor excepts from the property hereby conveyed that portion thereof lying below a depth of 500 feet, measured vertically, from the contour of the surface of said property; however, Grantor, or its successors and assigns, shall not have the right for any purpose whatsoever to enter upon, into or through the surface of said property or any part thereof lying between said surface and 500 feet below said surface.

This grant is made subject to easements, covenants, conditions, reservations and restrictions of record.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed this 3<sup>RD</sup> day of DECEMBER 1985.

DOCUMENTARY TRANSFER TAX \$ None

- ☐ COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR  
☐ COMPUTED ON FULL VALUE LESS LIENS & ENCUMBRANCES REMAINING THEREON AT TIME OF SALE.

*Shawn O'Brien Western*  
Signature of declarant or agent determining tax - firm name

SOUTHERN PACIFIC TRANSPORTATION COMPANY

By

(Title)

Attest

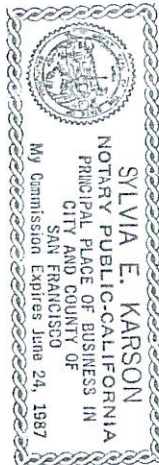
Assistant Secretary

DD:pg  
gd.spt.t11

STATE OF CALIFORNIA  
City and County of San Francisco } s.s.

BOOK 12652 PG 571

On this 5th day of December in the year One Thousand Nine Hundred and Eighty Five  
before me, SYLVIA E. KARSON, a Notary Public in and for the City and County of San Francisco, State of California, personally appeared  
(One Market Plaza)  
Mr. S. A. Sutfin



personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as president (or secretary) or on behalf of the Corporation therein named and acknowledged to me that the Corporation executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the City and County of San Francisco, the day and year in this certificate first above written.

Corporation

My Commission Expires June 24, 1987

Sylvia E. Karson  
Notary Public in and for the City and County of San Francisco, State of California.

D. E. 8th



SP TO COUNTY 1985

**EXHIBIT "A"**

That real property situated in the County of Contra Costa, State of California, described as follows:

**PARCEL SEVENTEEN - Fee Title**

All the parcel of land described in the deed from Wm. K. Daley to Southern Pacific Railroad Company, recorded June 10, 1891 in Book 60 of Deeds, page 147, described as follows:

A strip or tract of land one hundred feet wide lying equally on each side of the located line of the San Ramon Branch of the Southern Pacific Railroad Company's railroad, where the same was located through the Rancho San Miguel, in the County of Contra Costa, and being more particularly described as follows, to wit:

Commencing at a point on the center line of the said Railroad where said center line intersects the northerly boundary line of land formerly owned by Wm. K. Daley, at or near survey station 512+45 of said center line and running thence southerly along said center line of said Southern Pacific Railroad and following the curvature thereof embracing a strip of land fifty (50) feet wide on each side of said center line to the easterly boundary line of land formerly owned by Wm. K. Daley at or near survey station 514+61 of said center line, a distance of two hundred and sixteen (216) feet, more or less.

Containing an area of 0.496 acres, more or less.

**PARCEL EIGHTEEN - Fee Title**

- a. All the parcel of land firstly described in the deed from Louisa Rice to Southern Pacific railroad Company, recorded October 1, 1891 in Book 60 of Deeds, page 397, described as follows:

A strip or tract of land one hundred feet wide lying equally on each side of the located line of the San Ramon Branch of the Southern Pacific Railroad Company's railroad, where the same was located through the Rancho Arroyo de las Nueces Y Bolbones in the County of Contra Costa and being more particularly described as follows, to wit:

Commencing at a point on the center line of said railroad where said center line intersects the center of Walnut Creek at or near survey station 499+90 of said center line and running thence southerly along said center line of said Railroad, embracing a strip of land fifty (50) feet wide on each side of said center line to the northerly line of the land formerly owned by the Griffin Estate at or near survey station 512+45 of said center line of said railroad, a distance of one thousand and two hundred and fifty five (1,255) feet, more or less.



Containing an area of 2.88 acres, more or less.

- b. All the parcel of land secondly described in the deed from Louisa Rice to Southern Pacific Railroad Company, recorded October 1, 1891 in Book 60 of Deeds, page 397, described as follows:

A strip or tract of land one hundred feet wide lying equally on each side of the located line of the San Ramon Branch of the Southern Pacific Railroad Company's railroad, where the same was located through the Rancho Arroya de las Nueces Y Bolbones in the County of Contra Costa and being more particularly described as follows, to wit:

Commencing where the center line of said railroad intersects the easterly boundary line of land formerly owned by the Griffin Estate at or near survey station 514+61 of center line of said railroad and running thence southerly along said center line of said railroad and following the curvature thereof, embracing a strip of land fifty (50) feet wide on each side of said center line to the easterly boundary line of land formerly owned by C. Waite at or near survey station 521+76 of said center line, a distance of seven hundred and fifty four and three-tenths (754 3/10) feet, more or less.

Containing an area of 1.641 acres, more or less.

- c. All the parcel of land thirdly described in the deed from Louisa Rice to Southern Pacific Railroad Company, recorded October 1, 1891 in Book 60 of Deeds, page 397, described as follows:

A strip or tract of land one hundred feet wide lying equally on each side of the located line of the San Ramon Branch of the Southern Pacific Railroad Company's railroad, where the same was located through the Rancho Arroyo de las Nueces Y Bolbones in the County of Contra Costa and being more particularly described as follows, to wit:

Commencing at a point on the center line of said railroad where said center line intersects the easterly boundary line of land formerly owned by Jno. B. Hopkins, et al at or near survey station 550+58 of said center line and running thence southerly along said center line of said railroad and following the curvature thereof, embracing a strip of land fifty (50) feet wide on each side of said center line to the northeasterly boundary line of land formerly owned by F. Webb, at or near survey station 564+38 of said center line, a distance of one thousand three hundred and eighty (1,380) feet, more or less.

Containing an area of 3.17 acres, more or less.

#### **PARCEL NINETEEN - Fee Title**

All of the parcel of land described in the deed from C. Waite to Southern Pacific Railroad Company, recorded July 18, 1891 in Book 60 of Deeds, page 207, described as follows:

A strip or tract of land one hundred feet wide lying equally on each side of the located line of the San Ramon Branch of the Southern Pacific Railroad



Company's railroad, where the same was located through the Rancho in the County of Contra Costa, and being more particularly described as follows, to wit:

Commencing at a point on the center line of the said Railroad where said center line intersects the easterly boundary line of land formerly owned by C. Waite, at or near survey station 521+76 of said center line and running thence southwesterly along said center line of said Southern Pacific Railroad and following the curvature thereof, embracing a strip of land fifty (50) feet wide on each side of said center line to the southerly boundary line of land formerly owned by C. Waite, at or near survey station 525+88 of said center line, a distance of four hundred and twelve (412) feet, more or less.

EXCEPTING THEREFROM: That portion thereof lying within the parcel of land described as Parcel 2 in the deed from Southern Pacific Transportation Company to City of Walnut Creek, recorded September 29, 1972 in Book 6762, page 812, Official Records.

ALSO EXCEPTING THEREFROM: That portion thereof lying within the parcel of land described in the deed from Southern Pacific Transportation Company to City of Walnut Creek, recorded May 26, 1981 in Book 10338, page 796, Official Records.

EXCEPTING THEREFROM: The following described parcel,

Beginning at the most easterly corner of Lot 10 as said lot is shown on the map entitled "Tract 2249, The Village" recorded August 11, 1955 in Book 60 of Maps at page 20, records of said County; thence leaving said corner, south  $69^{\circ} 37' 17''$  east, 13.00 feet; thence south  $20^{\circ} 22' 43''$  west 71.20 feet; thence southerly along the arc of a tangent curve, concave to the east, having a radius of 507.00 feet through a central angle of  $18^{\circ} 37' 53''$ , a distance of 164.87 feet to a point on the northerly line of Mt. Diablo Boulevard, from which the radial line of a non-tangent curve concave to the southeast bears south  $19^{\circ} 17' 07''$  east; thence westerly along the arc of said curve having a radius of 1000.00 feet through a central angle of  $10^{\circ} 32' 54''$ , a distance of 184.10 feet to a point on the northwesterly line of that strip of land described in the deed to the Southern Pacific Transportation Company recorded July 18, 1891 in Book 60 of Deeds at page 207, Records of said County; thence northerly along said line to the point of beginning.

Containing a net area of 0.737 acres, more or less.

#### **PARCEL TWENTY-TWO - Fee Title**

A portion of that certain parcel of land described in the deed from Jno. B. Hopkins and J. M. Stow to Southern Pacific Railroad Company, recorded June 10, 1891 in Book 60 of Deeds, page 137, described as follows:

A strip or tract of land one hundred feet wide lying equally on each side of the located line of the San Ramon Branch of the Southern Pacific Railroad Company's railroad, where the same was located through the Rancho San Miguel in the County of Contra Costa, and being more particularly described as follows, to wit:



Commencing at a point on the center line of the said railroad where said center line intersects the northerly boundary line of land formerly owned by Jno. B. Hopkins, et al, at or near survey station 543+49 of said center line and running thence southerly along said center line of said Southern Pacific Railroad and following the curvature thereof, embracing a strip of land fifty (50) feet wide on each side of said center line to the easterly boundary line of land formerly owned by Jno. B. Hopkins, et al, at or near survey station 550+58 of said center line, a distance of seven hundred and nine (709) feet, more or less.

EXCEPTING THEREFROM: Those parcels of land described as Parcels 4, 5 and 6 and that portion of Parcel 7, described in the deed from Southern Pacific Transportation Company to City of Walnut Creek recorded September 29, 1972 in Book 6762, page 812, Official Records.

ALSO EXCEPTING THEREFROM: That portion thereof lying within Parcel "B", as shown on the Parcel Map filed December 20, 1972 in Book 25 of Parcel Maps, page 43, Contra Costa County Records.

Containing a net area of 0.528 acres, more or less.

#### **PARCEL TWENTY-FIVE - Fee Title**

- a. Portion of Lot 1, in Block 1, and a portion of Lot 1 in Block 8, as shown on the map entitled "Map No. 2 of Walnut Heights, Walnut Creek, California, Contra Costa County," which map was filed in the office of the County Recorder of said County on December 29, 1913, in Book 10 of Maps, page 245, and a portion of the Rancho San Miguel, described as follows:

Beginning at the intersection of the southeastern line of the Southern Pacific Railroad right of way with a northern line of the parcel of land described in the deed to City of Walnut Creek, recorded June 26, 1964, in Book 4647 of official Records of said County, at page 135, from said intersection on the center of a curve concave to the northwest having a radius of 1195.95 feet bears north 52° 16' 52" west; thence northeasterly along the arc of said curve, being also along the southeastern line of said Southern Pacific Railroad right-of-way; through a central angle of 0° 05' 51" an arc distance of 2.04 feet; thence northeasterly along the arc of a compound curve concave to the northwest, having a radius of 813.99 feet through a central angle of 02° 15' 00" an arc distance of 31.96 feet; thence northeasterly along the arc of a compound curve concave to the northwest having a radius of 623.14 feet through a central angle of 05° 03' 42" an arc distance of 55.050 feet to a point from which the center of said curve bears north 59° 41' 25" west; thence leaving said southeasterly right-of-way south 25° 36' 22" west, 79.516 feet to a point from which the center of a curve concave to the southeast having a radius of 540.00 feet bears south 11° 28' 00" east; thence southwesterly along the arc of said curve through a central angle of 07° 48' 10" an arc distance of 16.991 feet to the point of beginning.

- b. Portion of the Rancho San Miguel, being a portion of that parcel of land described in the deed from J. J. Botelho, et al, to Mary F. Silveria,



dated October 7, 1925 and recorded October 16, 1925 in Book 2 of Official Records of said County, at page 331, described as follows:

Commencing at the most northeasterly corner of the Maria L. Botelho property on the westerly line of the Walnut Heights Map No. 2, as the same is of record in Volume 10 of Maps, at page 245, and running thence southerly along the westerly line of said Walnut Heights Map No. 2 as follows:

South 6° 39' 23" east (the bearing south 6° 39' 23" east being used on said westerly line for the purpose of this description), 23.518 feet to the true point of beginning of the hereinafter described parcel of land; thence from said true point of beginning, continuing along said westerly line as follows:

South 6° 39' 23" east, 871.482 feet; south 0° 57' 38" east, 40.97 feet; south 8° 19' 38" east, 209.87 feet; and south 10° 04' 38" east, 84.09 feet; thence leaving said westerly line south 68° 37' 17" west, 123.04 feet; thence north 24° 45' 13" west, 383.00 feet; thence north 65° 14' 47" east, 125.254 feet; thence north 9° 29' 00" west, 368.245 feet; thence north 7° 38' 16" west, 444.489 feet to a point from which the center of a curve concave to the south, having a radius of 916.00 feet, bears south 20° 07' 32" east, thence easterly along the arc of said curve, through a central angle of 8° 43' 34", an arc distance of 139.506 feet to the true point of beginning.

EXCEPTING THEREFROM: That parcel of land described as Parcel 2 and that portion of Parcel 1, described in the deed from Southern Pacific Transportation Company to Southern Pacific Land Company, recorded October 25, 1977 in Book 8562, page 70, Official Records.

EXCEPTING THEREFROM: The following described parcel,

Commencing at the most northerly corner of Lot 17 as said lot is shown on the map entitled "Map of Darrell Heights" recorded July 26, 1939 in Book 23 of Maps at page 711, records of said county; thence southerly along the westerly line of said Lot 17 south 6° 39' 23" east 23.52 feet (the bearing south 6° 39' 23" east being used for the purpose of this description) to the true point of beginning; thence from said true point of beginning, continuing along said line and its southerly prolongation, south 6° 39' 23" east 396.48 feet; thence leaving said line north 22° 03' 58" west 151.11 feet; thence north 13° 00' 00" west 84.00 feet; thence north 25° 30' 00" west 52.00 feet; thence north 12° 00' 00" west 109.00 feet to a point on a non-tangent curve having a radius of 916.00 feet, concave to the south, the center of which bears south 16° 12' 57" east, said curve also being the southerly line of Mt. Diablo Boulevard; thence easterly along said curve, through a central angle of 4° 48' 59", an arc distance of 77.00 feet to the true point of beginning.

- c. Portion of Lot 2 in Block 9, as shown on the map entitled "Map No. 2 of Walnut Heights, Walnut Creek, California, Contra Costa County", which map was filed in the office of the County Recorder of said County on December 29, 1931, in Book 10 of Maps, at page 245, and a portion of



the Rancho San Miguel, described as follows:

Commencing on the east line of the land of the Southern Pacific Transportation Company, as described in the deed from Jno. B. Hopkins, et ux, to Southern Pacific Railroad Company, dated July 17, 1890 and recorded June 10, 1891 in Book 60 of Deeds at page 137, at the south line of the parcel of land described in the deed from Mary F. Silveria to Charles S. Hughes Company dated October 3, 1944 and recorded October 18, 1944 in Book 787 of Official Records of said County at page 111; thence from said point of commencement north 78° 34' 47" east, (the bearing north 78° 34' 47" east being used on this line for the purpose of this description) along said south line and along the easterly prolongation thereof, 51.374 feet to the true point of beginning of the hereinafter described parcel of land; thence from said true point of beginning, leaving said south line north 24° 45' 13" west, 417.250 feet to a point on the northern line of the parcel of land described in the deed to Walnut Creek Aggregates Company, a California corporation, recorded August 21, 1953, in Book 2179 of Official Records of said County at page 487; running thence along the exterior boundary line of said parcel (2179 OR 487) as follows:

North 68° 37' 17" east, 123.034 feet; north 10° 04' 38" west, 3.35 feet; north 68° 59' 37" east, 134.47 feet; south 19° 18' 16" east, 256.25 feet; south 19° 37' 18" east, 101.62 feet; south 44° 42' 47" west, 176.97 feet and south 78° 34' 47" west, 60.326 feet to the true point of beginning.

EXCEPTING THEREFROM: That portion thereof lying within the parcel of land described as Parcel 1 in the deed from Southern Pacific Transportation Company to Southern Pacific Land Company, recorded October 25, 1977 in Book 8562, page 70 Official Records.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

Beginning at the most northerly corner of Parcel One as said parcel is described in the deed to Southern Pacific Transportation Company recorded September 29, 1972 in Book 6762 at page 822 of Official Records of said county; thence along the exterior boundary of said Parcel One south 19° 18' 16" east 256.25 feet; thence south 19° 37' 18" east 101.62 feet; thence



south 44° 42' 47" west 160.07 feet; thence leaving said boundary north 17° 42' 24" west 424.25 feet to a point on the northwesterly line of said Parcel One (6762 OR 822); thence along said northwesterly line north 68° 59' 37" east 131.56 feet to the point of beginning.

Containing an area of .3.66 acres, more or less.

**PARCEL TWENTY-SEVEN - Fee Title**

- a. Portion of Lot 2 in Block 9 as shown on the map entitled, "Map No. 2, Walnut Heights," which map was filed in the office of the County Recorder of said County on December 29, 1913, in Volume 10 of Maps at page 245, and a portion of the Rancho San Miguel, more particularly described as follows:

Commencing on the eastern line of the Southern Pacific Transportation Company's land at the most western corner of the parcel of land described as Parcel Three in the deed from MacDonald Walnut Creek project, a partnership to O. Kelly Anderson, et al, recorded December 2, 1958 in Book 3273 of Official Records of said County at page 1; thence from said point of commencement north 78° 34' 47" east along the northwestern line of said parcel 3273 OR 1 a distance of 51.374 feet to the true point of beginning of the hereinafter described parcel of land; thence from said true point of beginning continuing along the northwestern line of said parcel as follows: North 78° 34' 47" east, 60.326 feet and north 44° 42' 47" east, 1.388 feet; thence leaving said northwestern line south 24° 45' 13" east, 92.774 feet; thence southeasterly along the arc of a tangent curve concave to the southwest having a radius of 915.00 feet to a central angle of 09° 24' 46" an arc distance of 150.320 feet to the northern line of Newell Avenue; thence north 87° 25' 44" west along said north line, 63.289 feet to a point from which the center of a curve concave to the southwest having a radius of 855 feet bears south 73° 21' 17" west; thence northerly along the arc of said curve through a central angle of 08° 06' 30" an arc distance of 120.997 feet; thence north 24° 45' 13" west, 106.199 feet to the true point of beginning.

EXCEPTING THEREFROM: The parcel of land described in the deed from Southern Pacific Transportation Company to the City of Walnut Creek, recorded May 7, 1982 in Book 10774, page 135, Official Records.

Containing a net area of 0.308 acres, more or less.

- b. Portion of Lot 4, in Block 9, as shown on the map entitled, "Map No. 2 of Walnut Heights," which map was filed in the office of the County Recorder of said County on December 29, 1913, in Book 10 of Maps, page 245, described as follows:

Commencing on the northeastern line of the Southern Pacific Transportation Company's land at the northwestern corner of the parcel of land described as Parcel "B" in the deed from Senabco Properties, a California corporation, to Security Capital Corporation, a California corporation, recorded August 10, 1970 in Book 6189 of Official Records of said County at page 432; thence from said point of commencement running

BOOK 12652 PG 578



along the northwestern line of said Parcel "B" south 82° 25' 37" east, 72.345 feet at the true point of beginning of the herein described parcel of land; thence from said true point of beginning continuing along said northwestern line, south 82° 25' 37" east, 29.217 to a point from which the center of a curve concave to the west having a radius of 915.00 feet bears south 80° 58' 59" west; thence southerly along the arc of said curve through a central angle of 21° 48' 36" an arc distance of 348.301 feet to the eastern line of said Southern Pacific Transportation Company's land; thence north 13° 41' 44" west along said eastern line, 162.442 feet to a point from which the center of a curve concave to the west having a radius of 855 feet bears north 86° 59' 50" west; thence northerly along the arc of said curve through a central angle of 11° 00' 10" an arc distance of 164.190 feet to a point from which the center of a reverse curve having a radius of 25.00 feet bears north 82° 00' 00" east; thence northerly and northeasterly along the arc of said curve to a central angle of 105° 34' 22", an arc distance of 46.065 feet to the true point of beginning.

Containing 0.377 acres, more or less.

#### **PARCEL TWENTY-EIGHT - Fee Title**

All the parcel of land described in the deed from Frank Webb, et ux, to Southern Pacific Railroad Company, recorded June 10, 1891 in Book 60 of Deeds, page 135, described as follows:

A strip or tract of land one hundred feet wide lying equally on each side of the located line of the San Ramon Branch of the Southern Pacific Railroad Company's railroad, where the same was located through the San Ramon Valley in the County of Contra Costa, and being more particularly described as follows, to wit:

Commencing at a point on the center line of the said Railroad where said center line intersects the easterly line of land formerly owned by Frank Webb, et ux, at or near survey station 564+38 of said center line and running thence southerly along said center line of said Southern Pacific Railroad and following the curvature thereof, embracing a strip of land fifty (50) feet wide on each side of said center line to the northerly line of land formerly owned by J. Baker, at or near survey station 568+31 of said center line, a distance of three hundred and ninety-three (393) feet, more or less.

Containing an area of 0.902 acres, more or less.

#### **PARCEL TWENTY-NINE - Fee Title**

The parcel of land described in the deed from John Baker to Southern Pacific Railroad Company, recorded August 14, 1891, in Book 60 of Deeds, page 265, described as follows:

A strip or tract of land one hundred feet wide lying equally on each side of the located line of the San Ramon Branch of the Southern Pacific Railroad Company's railroad, where the same was located through the Rancho San Miguel in the County of Contra Costa, and being more particularly described as follows, to wit:



Commencing at a point on the center line of the said railroad where said center line intersects the northwesterly boundary line of land formerly owned by John Baker, at or near survey station 568+31 of said center line and running thence southeasterly along said center line of said Southern Pacific Railroad and following the curvature thereof and embracing a strip of land fifty (50) feet wide on each side of said center line to the center of San Ramon Creek, at or near survey station 588+00 of said center line of said railroad, a distance of two thousand and thirty one (2,031) feet, more or less.

Containing an area of 4.52 acres, more or less.

**PARCEL THIRTY - Fee Title**

All that real property described in the deed from A.D. Biggs to Southern Pacific Railroad Company, a California corporation, recorded June 10, 1891 in Book 60 of Deeds, page 109, described as follows:

A strip or tract of land 100 feet wide lying equally on each side of the located line of the San Ramon Branch of the Southern Pacific Railroad Company's railroad where the same is located through the Rancho San Ramon in said County of Contra Costa described as commencing at a point on the center line of said railroad where said center line intersects the center line of San Ramon Creek at or near survey station 588+00 of center line of said railroad and running thence southerly along said center line of said Southern Pacific Railroad and embracing a strip of land 50 feet wide on each side of said center line to the southerly boundary line of land of said party of the first part at or near survey station 590+41 of said center line of said railroad a distance of 241 feet, more or less.

Containing an area of 0.553 acres, more or less.

**PARCEL THIRTY-ONE - Fee Title**

All that real property situated in the County of Contra Costa, State of California, described as follows:

That real property described in the deed from M.D. Young to the Southern Pacific Railroad Company, a California corporation, recorded August 14, 1891 in Book 60 of Deeds page 266, described as follows:

A strip or tract of land 100 feet wide, lying equally on each side of the located line of the San Ramon Branch of the Southern Pacific Railroad Company's railroad where the same is located through the Rancho San Ramon in said County of Contra Costa and described as commencing at a point on the center line of the said railroad where said center line intersects the northerly boundary line of land of said party of the first part at or near survey station 590+41 of center line of said railroad and running thence southwesterly along said center line of said Southern Pacific Railroad and following the curvature thereof and embracing a strip of land 50 feet wide on each side of said center line to the westerly boundary line of land of said party of the first part at or near survey station 603+65 of said center line a distance of 1324 feet, more or less.



**EXCEPTING THEREFROM:**

1. The interest conveyed to the State of California by instrument recorded April 23, 1953, Book 2110, Official Records, page 170.
2. The interests conveyed to the State of California by instrument recorded May 21, 1962, Book 4123, Official Records, page 137.

Containing an area of 3.039 acres, more or less.

**PARCEL THIRTY-THREE - Fee Title**

All that real property described in the deed from Richard Dowling to Southern Pacific Railroad Company, a California corporation, recorded June 10, 1891 in Book 60 of Deeds page 142, described as follows:

A strip or tract of land 100 feet wide, lying equally on each side of the located line of the San Ramon Branch of the Southern Pacific Railroad Company's railroad where the same is located through the Rancho San Ramon in said County of Contra Costa described as commencing at a point on the center line of the said railroad where said center line intersects the northerly boundary line of land of said party of the first part at or near survey station 626+97 of said center line and running thence southerly along said center line of said Southern Pacific Railroad and following the curvature thereof embracing a strip of land 50 feet wide on each side of said center line to the southerly boundary line of land of said party of the first part at or near survey station 654+18 of said center line a distance of 2721 feet, more or less.

Containing an area of 6.247 acres, more or less.

**PARCEL THIRTY-FOUR - Fee Title**

All that real property described in the deed from A.J. McGovern and J.D. Smith to Southern Pacific Railroad Company, a California corporation, recorded July 15, 1891 in Book 60 of Official Records, page 197, described as follows:

A strip or tract of land 50 feet wide, lying equally on each side of the located line of the San Ramon Branch of Southern Pacific Railroad Company's railroad where the same is located through the lands of the parties of the first part in the San Ramon Rancho in the said County of Contra Costa described as commencing at a point on the center line of the said railroad where said center line intersects the north line of the lands of the parties of the first part at the point known as Engineers Station 654+18 of the center line of said railroad and running thence southerly along said center line of said Southern Pacific Railroad and following the curvatures thereof and embracing a strip of land 25 feet on each side of said center line of said railroad to its intersection with the southerly line of the lands of the parties of the first part at Engineers Station 667+83 a distance of 1897.4 feet, more or less.

Containing an area of 1.569 acres, more or less.



**PARCEL THIRTY-FIVE - Fee Title**

All the real property described in the deed from Edward Shuey to Southern Pacific Railroad Company, a California corporation, recorded August 3, 1891 in Book 60 of Deeds page 244, described as follows:

A strip or tract of land 100 feet wide, lying equally on each side of the located line of the San Ramon Branch of the Southern Pacific Railroad Company's railroad where the same is located through the San Ramon Valley in said County of Contra Costa and described as commencing at a point on the center line of the said railroad where said center line intersects the northerly line of the land of said party of the first part at or near survey station 667+83 of said center line and running thence southerly along said center line of said Southern Pacific Railroad embracing a strip of land 50 feet wide on each side of said center line to the southerly line of land of said party of the first part at or near survey station 672+99 of said center line a distance of 516 feet, more or less.

EXCEPTING THEREFROM: The easterly 25 feet of said strip of land.

Containing a net area of 0.889 acres, more or less.

**PARCEL THIRTY-SIX - Fee Title**

All the real property described in the deed from David P. Smith to Southern Pacific Railroad Company, a California corporation, recorded July 17, 1891 in Book 60 of Deeds page 201, described as follows:

A strip or tract of land 100 feet wide, lying equally on each side of the located line of the San Ramon Branch of the Southern Pacific Railroad Company's railroad where the same is located through the San Ramon Valley in said County of Contra Costa and described as commencing at a point on the center line of said railroad where said center line intersects the northerly line of land of said first party at or near survey station 672+99 of said center line and running thence southerly along said center line of said Southern Pacific Railroad and following the curvature thereof embracing a strip of land 50 feet wide on each side of said center line to the southerly line of land of said first party at or near survey station 692+67 of said center line a distance of 1968 feet, more or less.

Containing an area of 4.518 acres, more or less.

**PARCEL THIRTY-SEVEN - Fee Title**

All the real property described in the deed from M.W. Hall to Southern Pacific Railroad Company, a California corporation, recorded July 29, 1891 in Book 60 of Deeds page 236, described as follows:

A strip or tract of land 100 feet wide, lying equally on each side of the located line of the San Ramon Branch of the Southern Pacific Railroad Company's railroad, where the same is located through the San Ramon Valley in said County of Contra Costa and described as commencing at a point on the center line of the said railroad where said center line intersects the northerly line of the land of said party of the first part at or near survey



station 692+67 of said center line and running thence southerly along said center line of said Southern Pacific Railroad and following the curvature thereof, embracing a strip of land 50 feet wide on each side of said center line to the southerly line of land of said first party at or near survey station 709+66 of said center line a distance of 1699 feet, more or less.

EXCEPTING AND RESERVING THEREFROM: A permanent surface parking easement subject to Grantee's paramount rights to use the property for transit, trail, and utility purposes over that portion of the above described parcel 37 which is southerly of the westerly extension of the northerly line of lot 9, Subdivision 4561 shown on the map filed in Book 173 of maps, page 24, records of Contra Costa County, California.

Containing an area of 3.9 acres, more or less.

**PARCEL THIRTY-EIGHT - Fee Title**

All the real property described in the deed from Mary Jones to Southern Pacific Railroad Company, a California corporation, recorded July 29, 1891 in Book 60 of Deeds page 238, described as follows:

A strip or tract of land 100 feet wide lying equally on each side of the located line of the San Ramon Branch of the Southern Pacific Company's railroad where the same is located through the San Ramon Valley in said County of Contra Costa and described as commencing at a point on the center line of the said railroad where said center line intersects the northwesterly line of land of first party at or near survey station 709+66 of said center line and running thence southeasterly along said center line of said Southern Pacific Railroad, embracing a strip of land 50 feet wide on each side of said center line to the southeasterly line of land of said first party at or near survey station 725+64 of said center line a distance of 1598 feet, more or less.

EXCEPTING THEREFROM that portion thereof described in the deed to Del Prado Company, a general partnership, recorded August 20, 1981 in Book 10457 of Official Records, page 970.

EXCEPTING AND RESERVING THEREFROM: A permanent surface parking easement, subject to Grantee's paramount rights to use the property for transit, trail, and utility purposes, over that portion of the above described parcel 38 lying north of Stone Valley Road.

Containing a net area of 3.122 acres, more or less.

**PARCEL FORTY-SEVEN - Fee Title**

All the real property described in the deed from John Conway to Southern Pacific Railroad Company, a California corporation, recorded June 10, 1891 in Book 60 of Deeds page 111, described as follows:

A strip or tract of land 100 feet wide, lying equally on each side of the located line of the Southern Pacific Railroad Company's railroad where the same is located through the land of John Conway, described as commencing at a point on the center line of the said railroad where said center line



BOOK 15 JUL 10 2011

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central angle of 14° 37' 01", an arc length of 153.07 feet to the west line of said Southern Pacific Railroad Company parcel; thence along said line south 0° 59' 35" west 8.44 feet to the point of beginning.

Containing an area of 2.19 acres of land, more or less.

Bearings and distances given are based on the California Coordinate System Zone III. To obtain ground distances multiply given distances by 1.0000942.

**RESERVING AND EXCEPTING**, however, to Grantor and to Southern Pacific Pipe Lines, Inc. (SPPL) within, over, across and through said property for the sole use and benefit of SPPL, its successors and assigns, hereafter referred to as "Beneficiary" an easement for right of way ten (10) feet in width to construct, alter, replace, maintain, use and operate one or more pipe line, valves, cathodic protection, test leads and other appurtenances useful or convenient in connection therewith or incidental thereto.

This reservation shall also carry with it the right to inspect, patrol (including aerial patrol), reconstruct and repair the said pipe lines, valves, cathodic protection and other appurtenances, the right to mark the location of said right of way by suitable markers set and maintained in the ground at locations which shall not interfere with such reasonable use as Grantee shall make of the land within limits of said right of way, the right to use such lands of Grantee immediately adjacent to either side of the right of way as may reasonably be required by said Beneficiary in connection with the construction, reconstruction, maintenance, replacement and removal of the pipe lines, valves, cathodic protection and other appurtenances, and the right of ingress to and egress from the said right of way across the lands of the Grantee for all purposes useful or convenient in connection with or incidental to the exercise and enjoyment of the rights herein granted, provided that said Beneficiary shall reasonably restore the surface of said right of way and other lands of the Grantee so used in connection therewith to the condition of same prior to said use.

Except in emergency instances, Beneficiary shall notify Grantee in writing of the proposed manner and route of any such proposed use of Grantee's lands adjacent to said right of way and of the proposed manner and route of any such ingress and egress across the lands of the Grantee for the purposes aforesaid, and such proposed manner and route of use of adjacent lands and of ingress and egress, shall be subject to the written consent on the part of Grantee, which shall not be unreasonably withheld.

Grantee shall act and respond as promptly as practicable to any such notice and request for approval by Beneficiary.

**TO HAVE AND TO HOLD** the above-described rights and right of way unto said Beneficiary, its successors and assigns, for as long as it desired to exercise the same, including the right to assign the rights and right of way herein reserved either in whole or in part, subject to the terms of this grant.

The pipes, valves, cathodic protection and other appurtenances shall at all times remain the property of Beneficiary, notwithstanding the same may be annexed or affixed to the freehold, and shall at any time and from time to



time be removed, in whole or in part, by said Beneficiary, its successors or assigns.

In the event said Beneficiary permanently abandons the pipe lines, it may at its option, leave the pipe in place and shall execute and record a reconveyance and release of this reservation.

Grantee shall have the right to full use and enjoyment of the said premises, except for the reserved use for the purposes hereinabove set forth, provided that such use and enjoyment shall not unreasonably hinder, conflict, or interfere with the exercise of Beneficiary's rights hereunder, and that no building, reservoir, structure improvement, obstruction or impediment (including but not limited to paving, undercutting or alteration of ground level) shall be constructed on the said right of way without Beneficiary's written consent.

Beneficiary, insofar as it is practicable to do so, shall bury all pipe to a sufficient depth at time of construction so as not to interfere unreasonably with the ordinary cultivation of the right of way and shall restore the surface of the ground, so far as is practicable, to its condition prior to installation of the pipe.

The provisions of the foregoing reservation and exception shall further constitute a covenant running with the land, and shall inure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

**ALSO RESERVING FROM ALL OF THE ABOVE DESCRIBED PARCELS:** An easement for fiber optics purposes within the easement described as follows: The unrecorded easement for pipelines and appurtenances thereto granted to Southern Pacific Pipe Lines Inc., on February 27, 1970 as disclosed by "Memorandum Indenture", recorded June 5, 1970 Book 6143, Official Records, page 154.

By quitclaim deed recorded May 29, 1979, Book 9372, Official Records, page 954, a portion of said easement was conveyed to Southern Pacific Transportation Company, a Delaware corporation.

By deed recorded May 29, 1979, Book 9372, Official Records, page 967, Southern Pacific Transportation Company, a Delaware corporation conveyed the same easement as described in 9372/954 to Southern Pacific Pipe Lines, Inc. which realigns said easement as to a portion of the parcels which are the subject of this title examination.

1985Deed

BOOK 12652 PG 586



TO: Board of Supervisors

FROM: Phil Batchelor, County Administrator

DATE: December 3, 1985

SUBJECT: Acquisition of Southern Pacific Right of Way

BOOK 12652 PG 587

**SPECIFIC REQUESTS(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION****1. Recommended Action:**

- A. **APPROVE** the Purchase Agreement dated December 3, 1985 with Southern Pacific Transportation Company and the Contra Costa County Redevelopment Agency **AUTHORIZE** the County Administrator to sign said Purchase Agreement on behalf of the County.
- B. **ACCEPT** the Grant Deed dated December 3, 1985 and Grant of Easement dated December 3, 1985 from Southern Pacific Transportation Company and **DIRECT** the Real Property Division to cause said documents to be recorded in the Office of the County Recorder along with a certified copy of this order.
- C. **AUTHORIZE** the County Auditor to issue a check to Western Title Insurance Company Escrow No. 487770 in the amount of \$2,930,000 to be delivered by the Real Property Division.
- D. **FIND** that there is no substantial evidence that the acquisition will have a significant effect on the environment, and that it has reviewed and considered the Initial Study and Negative Declaration together with any comments received during the public review process (all on file with the Board), and **APPROVES** its adequacy for California Environmental Quality Act purposes. The Community Development Director is **ORDERED** to file a Notice of Determination with the County Clerk. The requirements of Government Code Section 65402 have been met.

**2. Financial Impact:****3. Reasons for Recommendations:****4. Background:****5. Consequences of Negative Action:**

)  
)  
) See Staff Report dated  
) November 27, 1985  
)  
)

Continued on Attachment: \_\_\_\_\_ yes

Signature: \_\_\_\_\_

\_\_\_\_ Recommendation of County Administrator  
\_\_\_\_ Approve \_\_\_\_\_ Other

\_\_\_\_ Recommendation of Board Committee

Signature(s)

*Phil Batchelor*Action of Board on December 3, 1985 Approved as recommended x Other \_\_

## Vote of Supervisors

X Unanimous (Absent \_\_\_\_\_)  
Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_  
Absent: \_\_\_\_\_ Abstain: \_\_\_\_\_

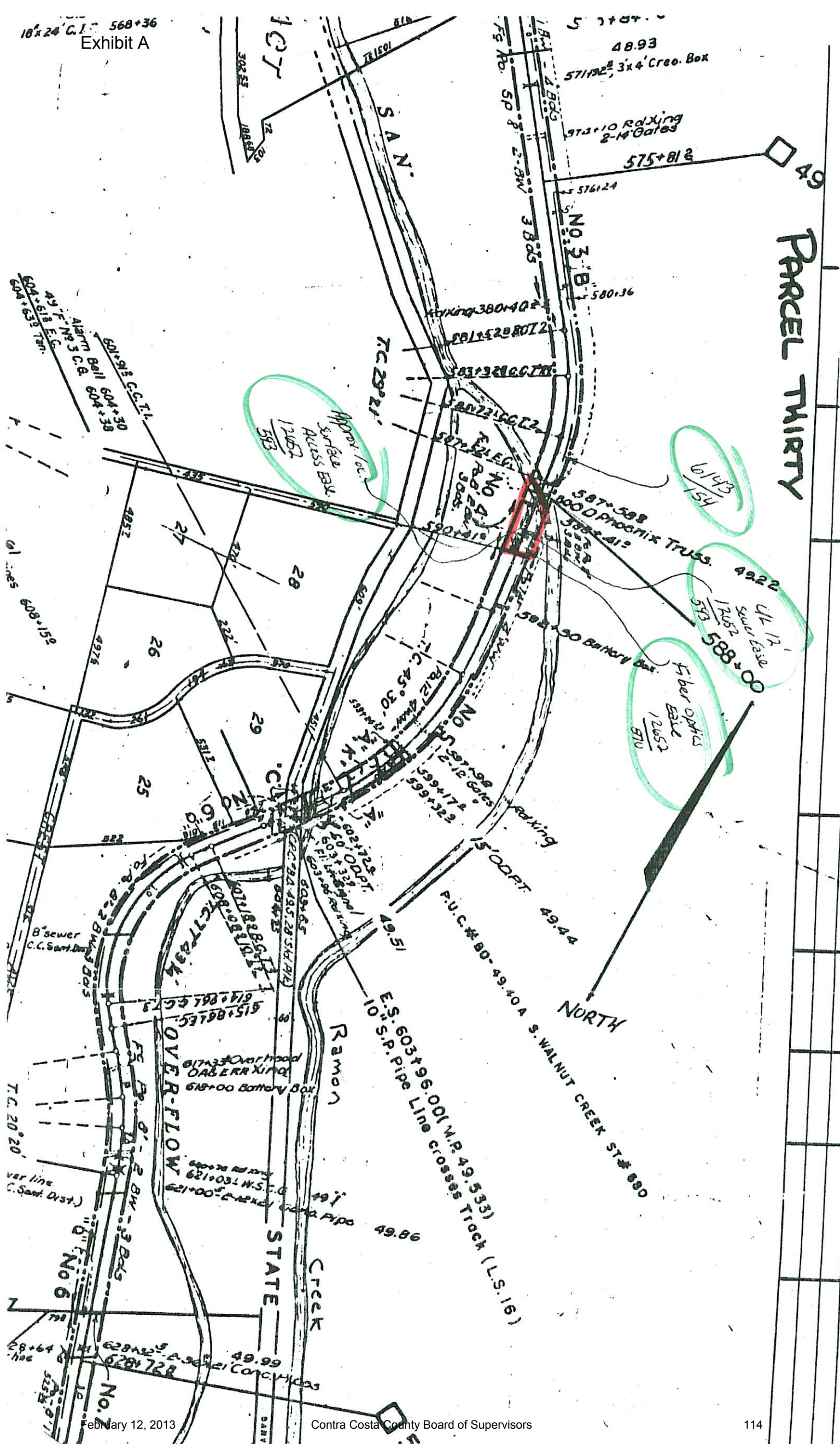
I HEREBY CERTIFY THAT THIS IS A TRUE  
AND CORRECT COPY OF AN ACTION TAKEN  
AND ENTERED ON THE MINUTES OF THE BOARD  
OF SUPERVISORS ON THE DATE SHOWN.

ATTESTED December 3, 1985PHIL BATCHELOR, Clerk of the Board of  
Supervisors and County AdministratorBY *John deWard*, DEPUTYDD:pg  
AcqSP.t11

cc: Auditor (via R/P)  
Recorder - certified (via R/P)  
Public Works Accounting  
Southern Pacific (via R/P)  
County Counsel



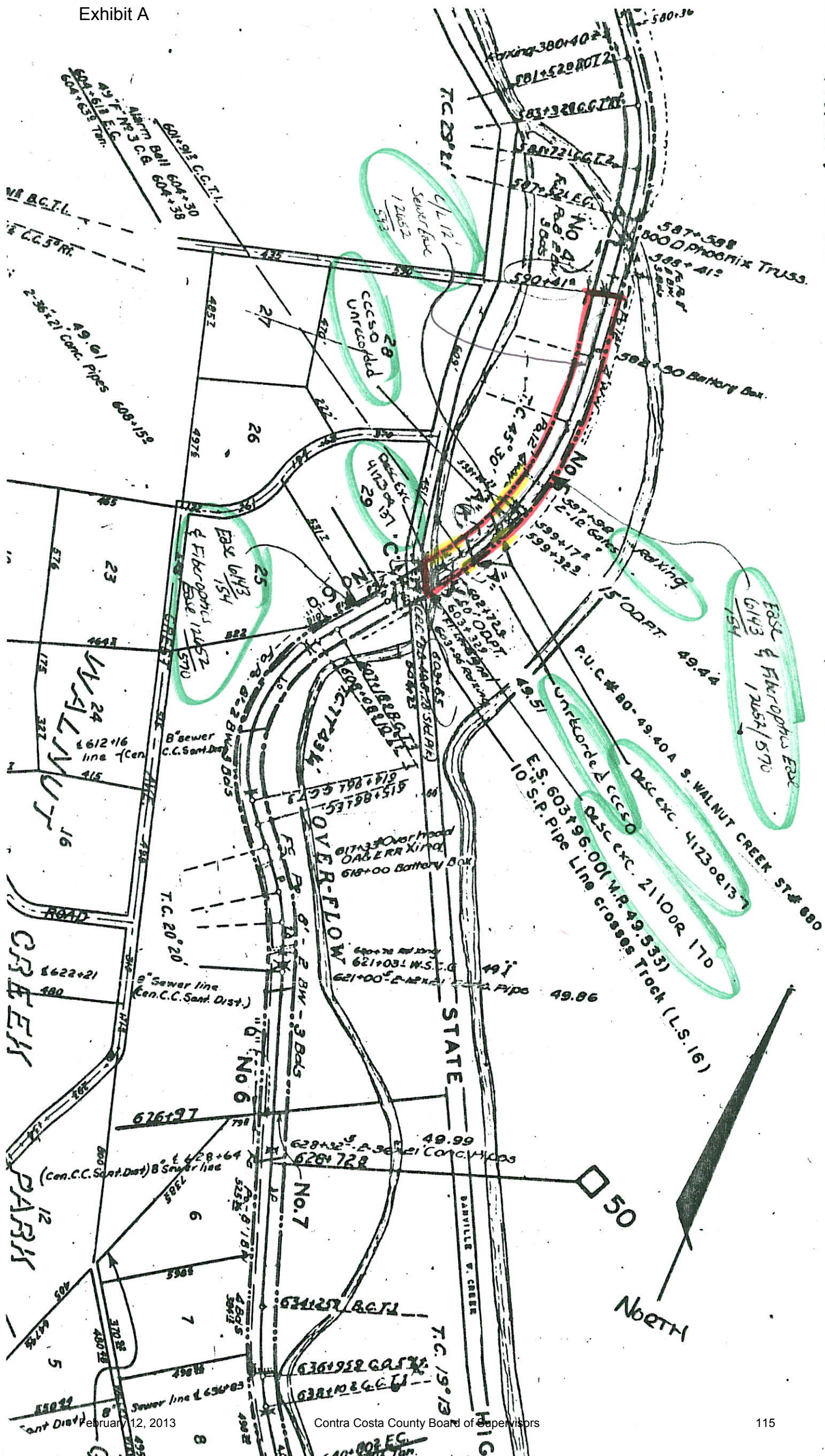
## Parcel Thirty



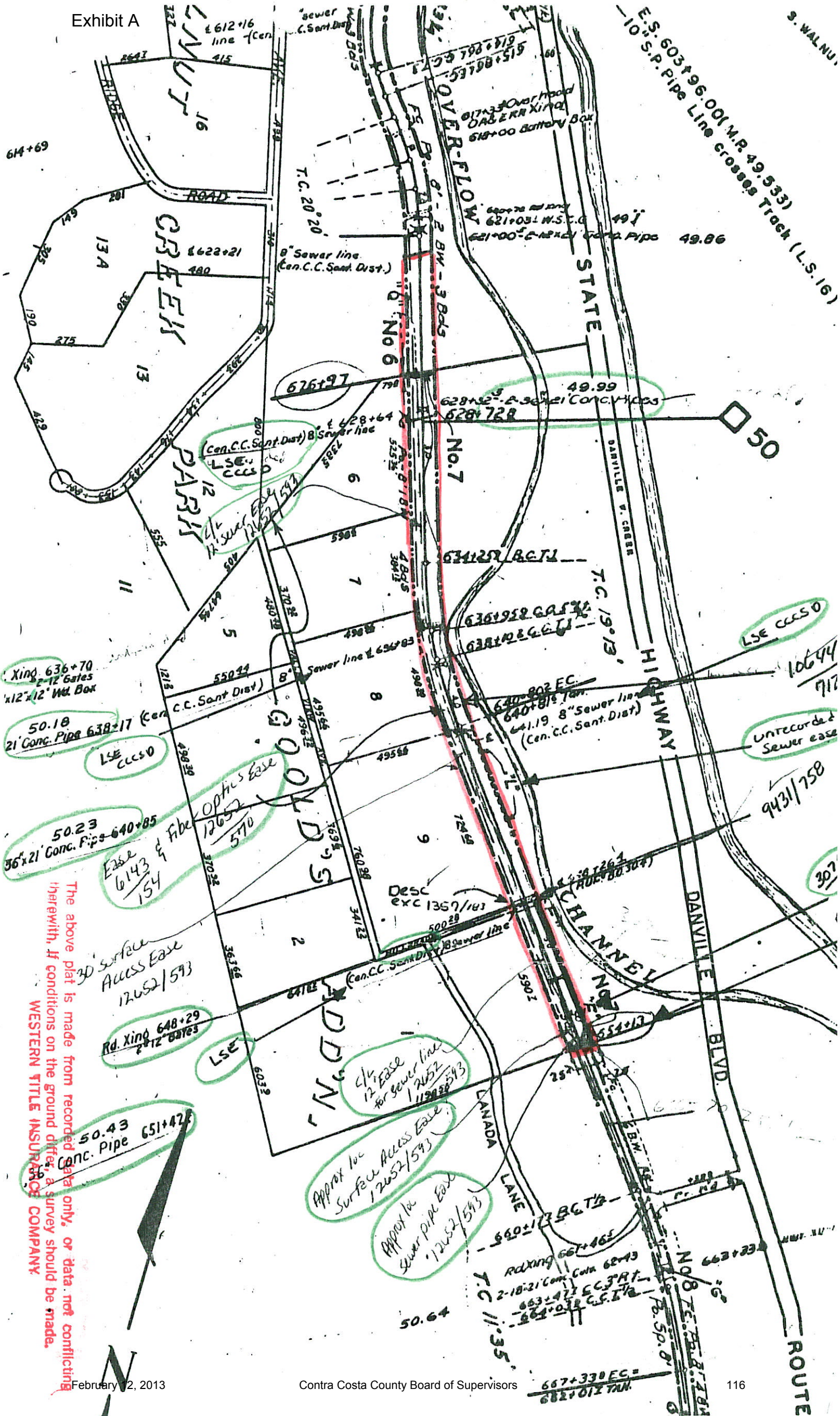


in 412302 137  
noted in yellow

701110







The above plat is made from recorded data only, or data not conflicting therewith. If conditions on the ground differ, a survey should be made.

WESTERN TITLE INSURANCE COMPANY



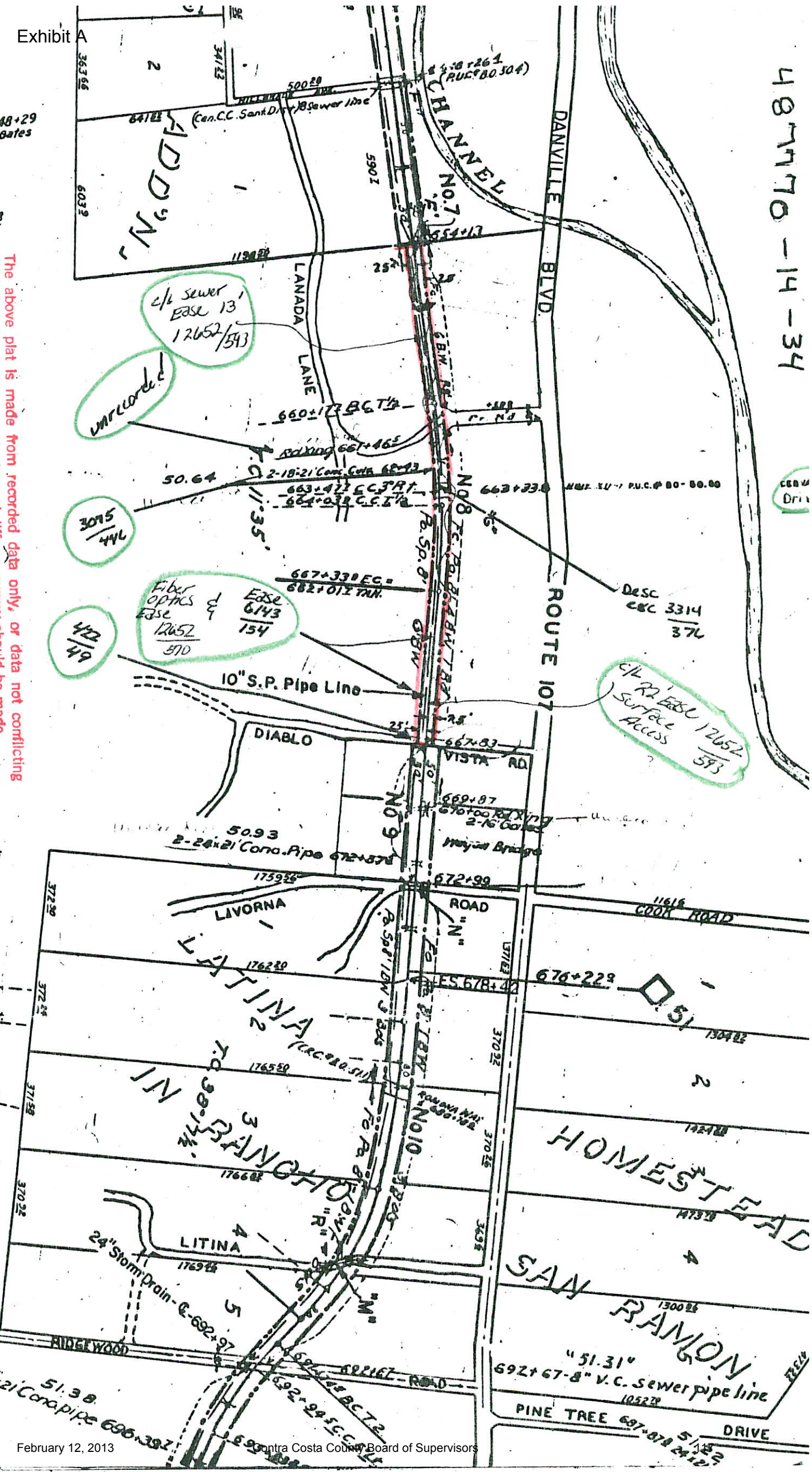
487770-14-34

Exhibit A

d. King 648+29  
2' 12' Gates

651+428

The above plat is made from recorded data only, or data not conflicting  
therewith. If conditions on the ground differ, a survey should be made.  
WESTERN TITLE INSURANCE COMPANY





Id. Xing 648+29  
2" 12" Gates

651+428

The above plat is made from recorded data only, or data not conflicting  
therewith. If conditions on the ground differ, a survey should be made.  
WESTERN TITLE INSURANCE COMPANY

1-16' Gates

1" 30" R/L

6" 6" R/L

6" 6" R/L

6" 6" R/L

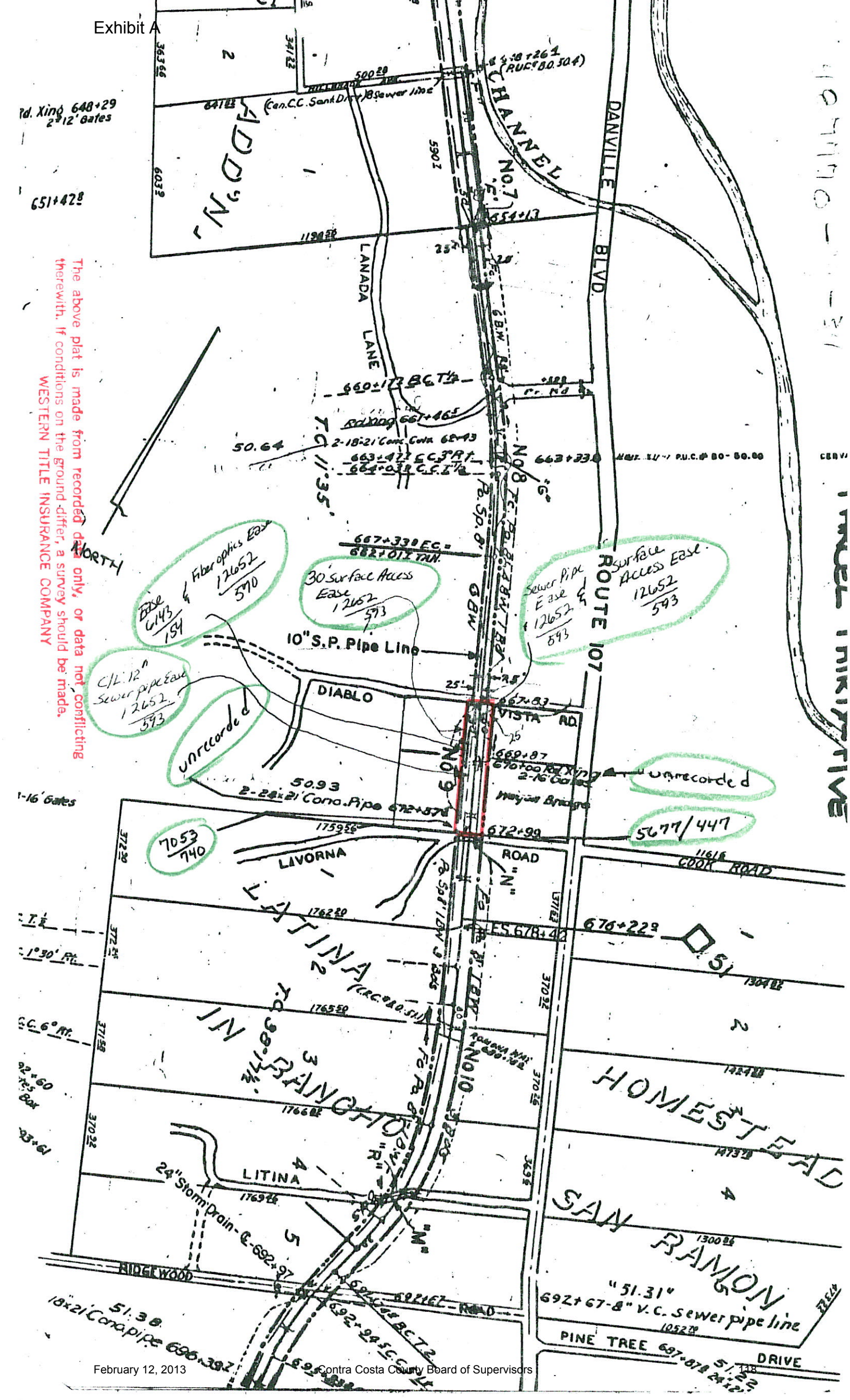
6" 6" R/L

6" 6" R/L

6" 6" R/L

6" 6" R/L

40-1110-21  
CERVO  
IN RE: INQUIRY





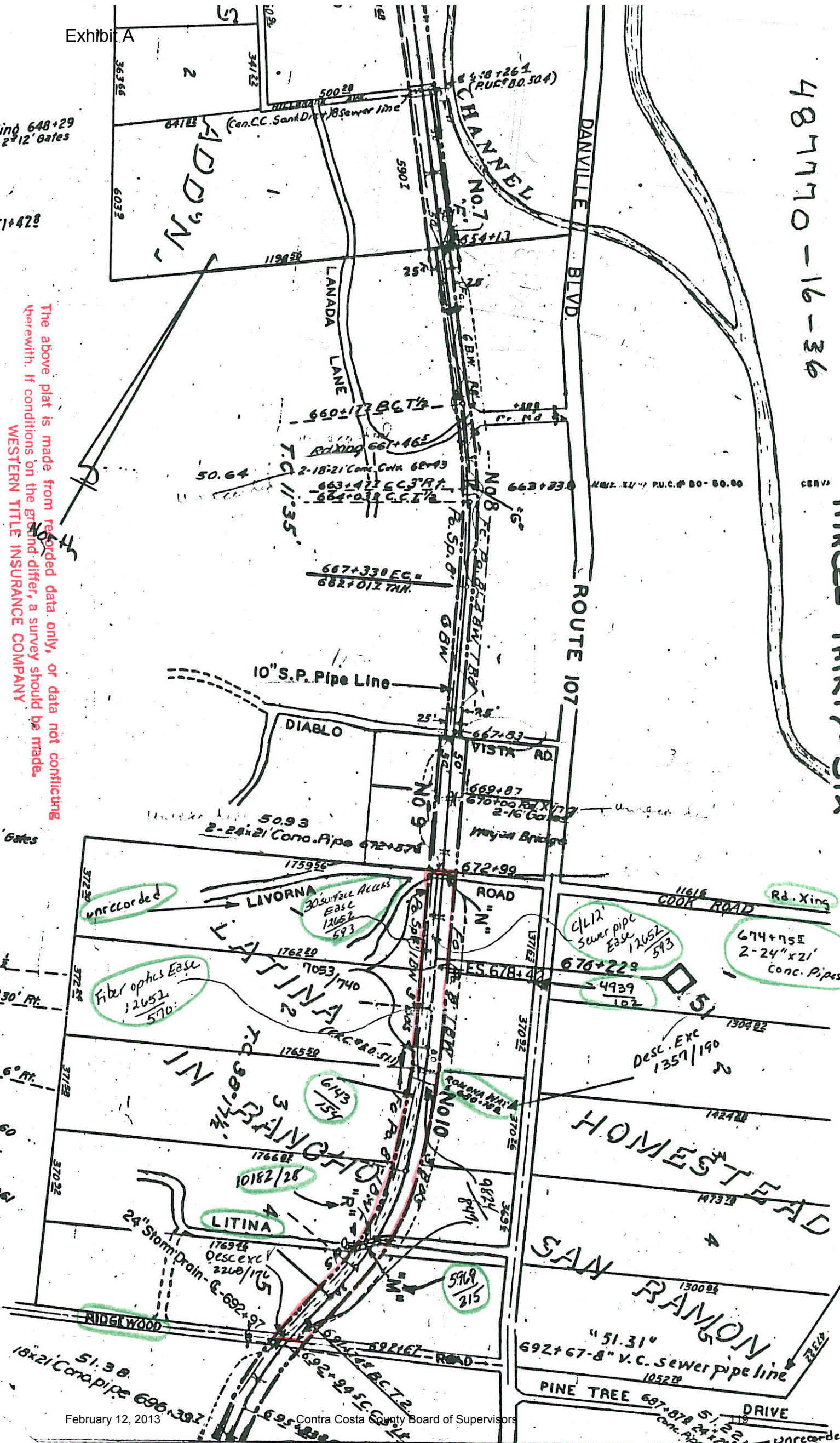
487770-16-36

Xing 648+29  
2" 12" Gates

651+42.8

The above plat is made from recorded data only, or data not conflicting therewith. If conditions on the ground differ, a survey should be made.  
WESTERN TITLE INSURANCE COMPANY

16' Gates





February 12, 2013

Contra Costa County Board of Supervisors

12036+10

PARCEL THIRTY-SEVEN

487770-17-37

The above plat is made from recorded data only, or data not conflicting therewith if conditions on the ground differ, a survey should be made.

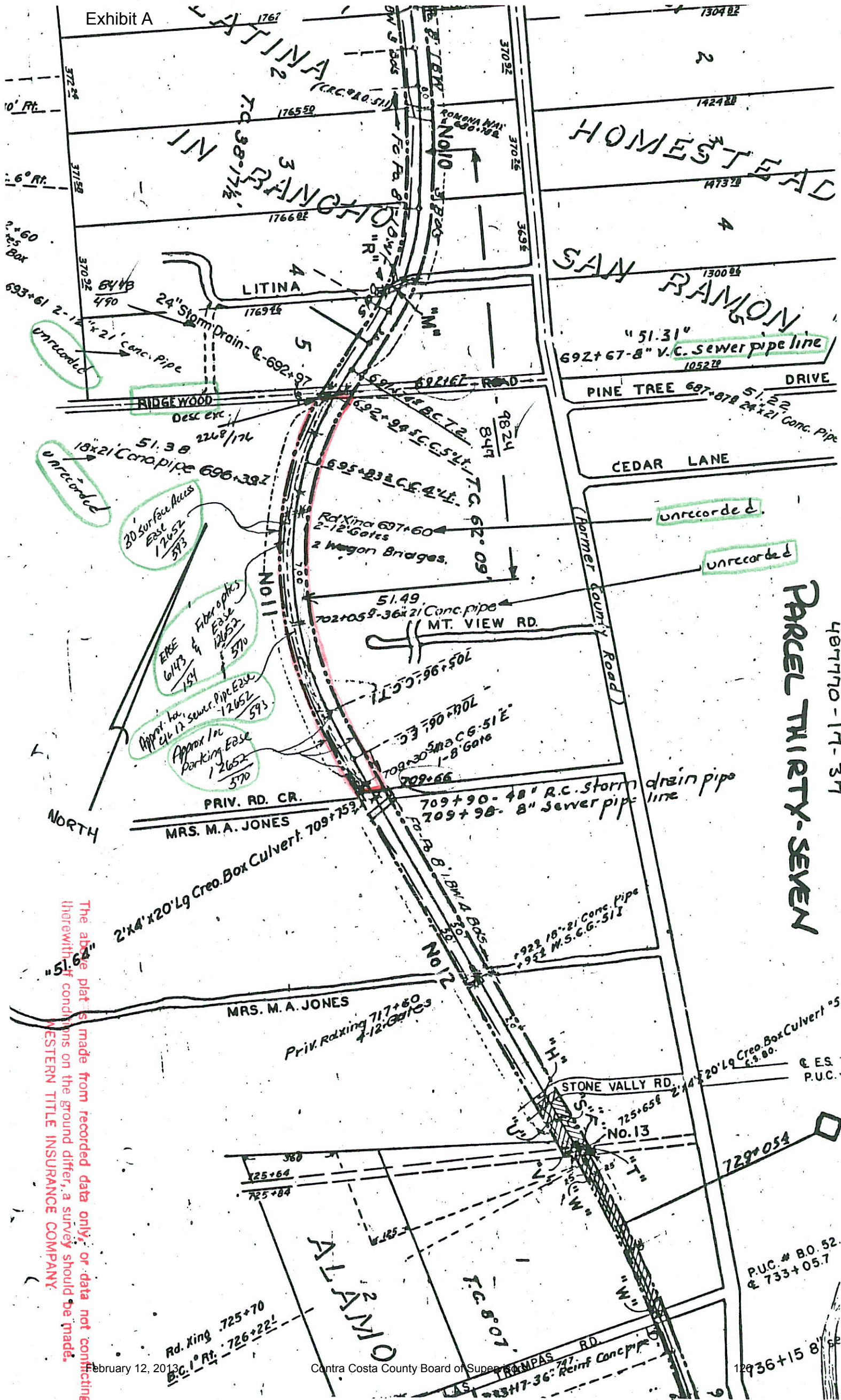




Exhibit A

51.38  
18x21 Conc pipe 696+39.2

PINE TREE 687+87.8 24x21 Conc. P.  
CEDAR LANE

NORTH

Unrecorded

PRIV. RD. CR.  
MRS. M.A. JONES

2'x4'x20' Lg. Box Culvert  
Unrecorded

Ease of Fiberoptics  
EASE  
6143/154  
12652/570

MRS. M.A. JONES

Priv. Rd. xing 717+80  
4-12' Gates  
Unrecorded

30' surface  
Access  
EASE  
12652/573

Desc. exc.  
3798/95

STONE VALLY RD.  
NO. 13

3075/446

2'x4'x20' Lg. Box Culvert  
E.S. 2  
P.U.C. #

Desc.  
10457/04971  
12652/570

P.U.C. # B.O. 52.1  
& 733+05.7

Rd. Xing 725+70  
B.C. 1<sup>st</sup> Rt. 726+22.1

TRAMPAS RD.  
733+17.36 Reinf. Conc. pipe

736+15.8' SEW

E.C. 734+33.8

I.C.C. Docket No. AB-12 Date 7/18/78  
Retired by A.F.E. No. 2-95980-1981  
Mile of Main Line 5408.0'

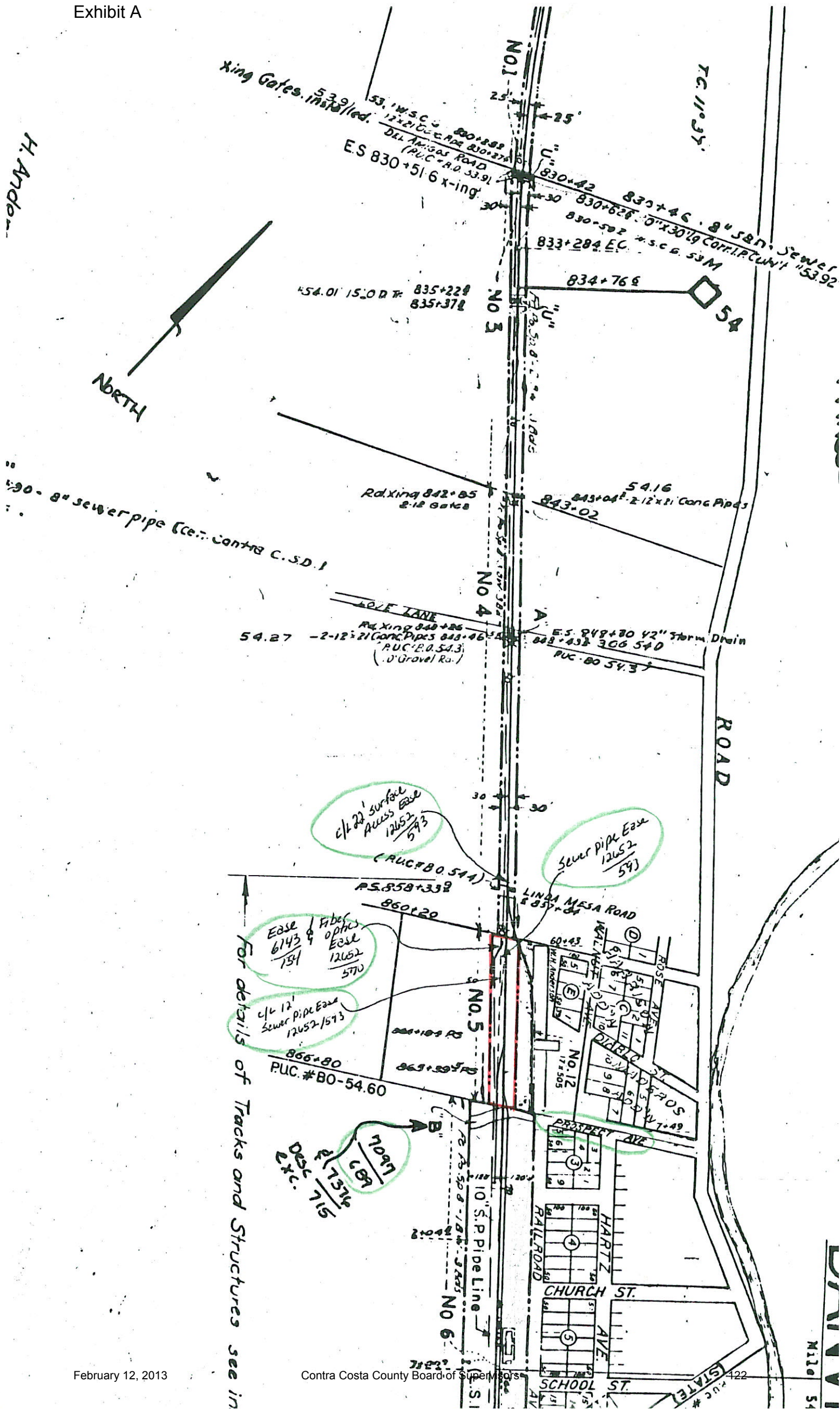
February 12, 2013

Contra Costa County Board of Supervisors

IMREC - INKIX - EICN



H. Anderson











2444 Lunada Ln, Alamo, CA

© 2013 Google

Goog

February 12, 2013

Contra Costa County Board of Supervisors  
37°52'02.03" N 122°02'43.83" W elev 224 ft

124

E



# EXHIBIT C

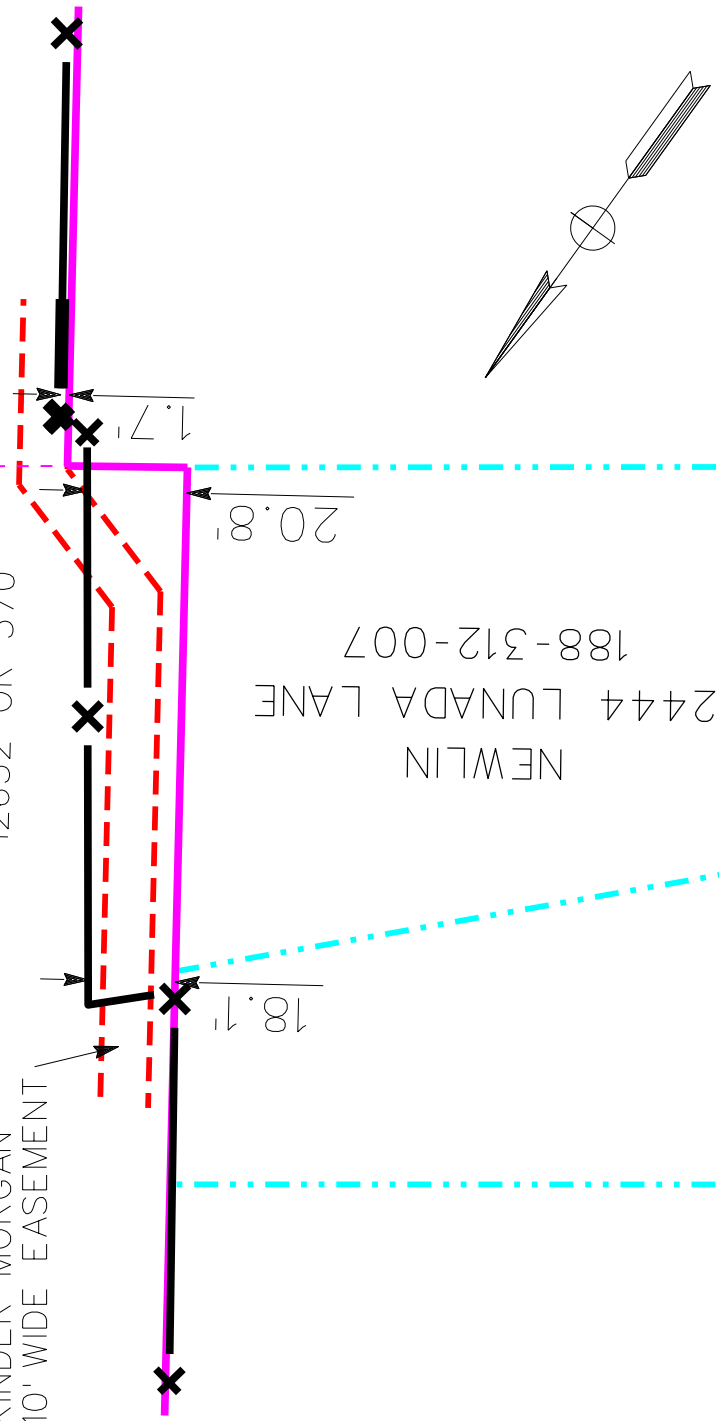
## IRON HORSE CORRIDOR

KINDER MORGAN  
10' WIDE EASEMENT

CO. PARCEL 33  
12652 OR 570

CO. PARCEL 34  
12652 OR 570

NEWLIN  
2444 LUNADA LANE  
188-312-007



— X — X

FENCE

— · — · —

PARCEL LINES

—

COUNTY RIGHT-OF-WAY

- - -

10' KINDER MORGAN EASEMENT

Owner: NEWLIN	Scale: 1" = 40'	Cad File 188-312-007-Newlin.dgn
	Drawn By: PW	Plot Date: 29-JAN-2013 14:54
	Checked By: JLH	Sheet: 23



EXHIBIT C

GOOLDS

ADDITION

WALNUT CREEK

RAILROAD RW CREATED JUNE, 1891  
CURRENT COUNTY RW  
PARCEL 1 CREATED BY THIS MAP (5 M 117), JULY 1911  
PARCELS CREATED OCT 23, 1963  
OUT OF PCL 1 (5 M 117)  
BY 24 LSM 25  
NEWLIN PARCELS, PARCEL "A" OF 24 LSM 25

State of California  
County of Contra Costa  
I, C. C. Hansen, Surveyor, do hereby certify that I have examined the above described map and find it to be a correct and true representation of the land and interests therein as shown on the original survey and as the same appears on the records of the County of Contra Costa, State of California, and I have no objection to its being used for the purposes intended.

C. C. Hansen (Sd)

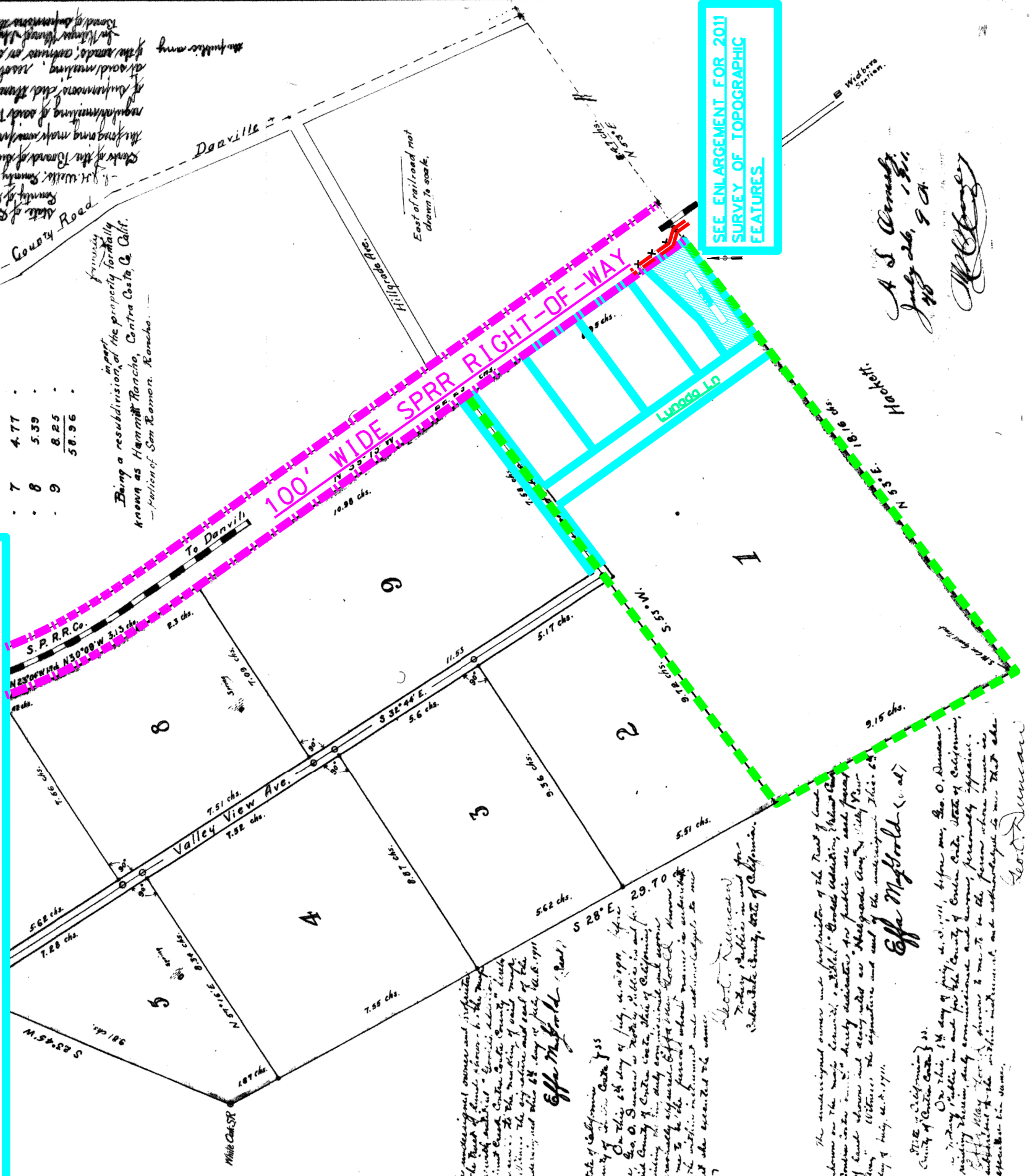
9.71. Sullivan  
C. C. Hansen, Surveyor  
Dec. 2nd 1910

State of California  
County of Contra Costa  
I, C. C. Hansen, Surveyor, do hereby certify that I have examined the above described map and find it to be a correct and true representation of the land and interests therein as shown on the original survey and as the same appears on the records of the County of Contra Costa, State of California, and I have no objection to its being used for the purposes intended.

Contra Costa Co.  
Scale 2 chs = 1 in.  
Surveyor.  
Dec. 2nd 1910

Lot 1	15.70 Acres.
" 2	5.13 "
" 3	5.10 "
" 4	6.45 "
" 5	3.80 "
" 6	4.37 "
" 7	4.77 "
" 8	5.39 "
" 9	8.25 "
	58.96

Being a resubdivision of the property formerly known as Hammond Rancho, Contra Costa Co. Calif.  
-Patience San Ramon Rancho



SEE ENLARGEMENT FOR 2011  
SURVEY OF TOPOGRAPHIC  
FEATURES.

A. S. Arnold  
July 26, 1911

W. H. H. H.

Geot. D. D. D.  
Nothing Public in map for Contra Costa  
County, State of California.

Effa Mayfield (Sd)

State of California  
County of Contra Costa  
On this 14 day of July, A.D. 1911, before me, Geo. O. Duncan, a Justice of the Peace in and for the County of Contra Costa, State of California, residing therein, duly commissioned and sworn, personally appeared Effa Mayfield, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Geot. D. D. D.  
Nothing Public in map for Contra Costa  
County, State of California.

The undersigned surveyor and engineer of the State of California, do hereby certify that I have examined the above described map and find it to be a correct and true representation of the land and interests therein as shown on the original survey and as the same appears on the records of the County of Contra Costa, State of California, and I have no objection to its being used for the purposes intended.

Effa Mayfield (Sd)

State of California  
County of Contra Costa

On this 14 day of July, A.D. 1911, before me, Geo. O. Duncan, a Justice of the Peace in and for the County of Contra Costa, State of California, residing therein, duly commissioned and sworn, personally appeared Effa Mayfield, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

July 2nd 1911  
Approved by

5 M 117



Contra Costa County  
Public Works  
Department

Julia R. Bueren, Director  
Deputy Directors  
R. Mitch Avalon  
Brian M. Balbas  
Stephen Kowalewski

March 15, 2012

Property Owner  
2444 Lunada Lane  
Alamo, CA 94507

**CERTIFIED MAIL**

**RE:** Encroachments in the  
Iron Horse Corridor

Dear Property Owner:

Our records indicate that your property is adjacent to the Iron Horse Corridor (formerly Southern Pacific Railroad Right-of-Way). The Iron Horse Corridor is owned and operated by Contra Costa County. There are various underground utilities located within the Corridor, including fiber optic communication, sewer and water lines, as well as a high pressure petroleum pipeline maintained by Kinder Morgan which runs along the full length of the Iron Horse Corridor. Encroaching into the Corridor with fence posts, retaining walls, structures, bridges, pavers, landscaping, or illegally draining onto the Corridor property could damage these utilities and potentially cause damage to life and/or property. In addition, you could be held liable for any damage caused to these utilities by encroaching into the Corridor.

The County is continuing an enforcement effort to address illegal encroachments. You are receiving this letter because we have identified an illegal encroachment into the Corridor from your property. The enclosed map shows the Corridor and adjacent property lines. Your encroachment is within Kinder Morgan's pipeline easement and you are required to remove the encroachment.

Thank you for your prompt attention to this matter. Please make arrangements to have any illegal encroachments removed by June 15, 2012. The County and Kinder Morgan representatives will meet with you at your property to discuss the encroachment and what approvals may be required before the encroachment is removed. Encroachments that remain without County approval are subject to removal. If you would like to discuss this further, please contact me at (925) 313-2235.

Sincerely,

Carrie Ricci  
Iron Horse Corridor Manager

CR:mw

G:\transeng\Iron Horse Corridor\Encroachments\Alamo\Ltr Private Property Kinder Morgan Encroachments.docx

Enclosure

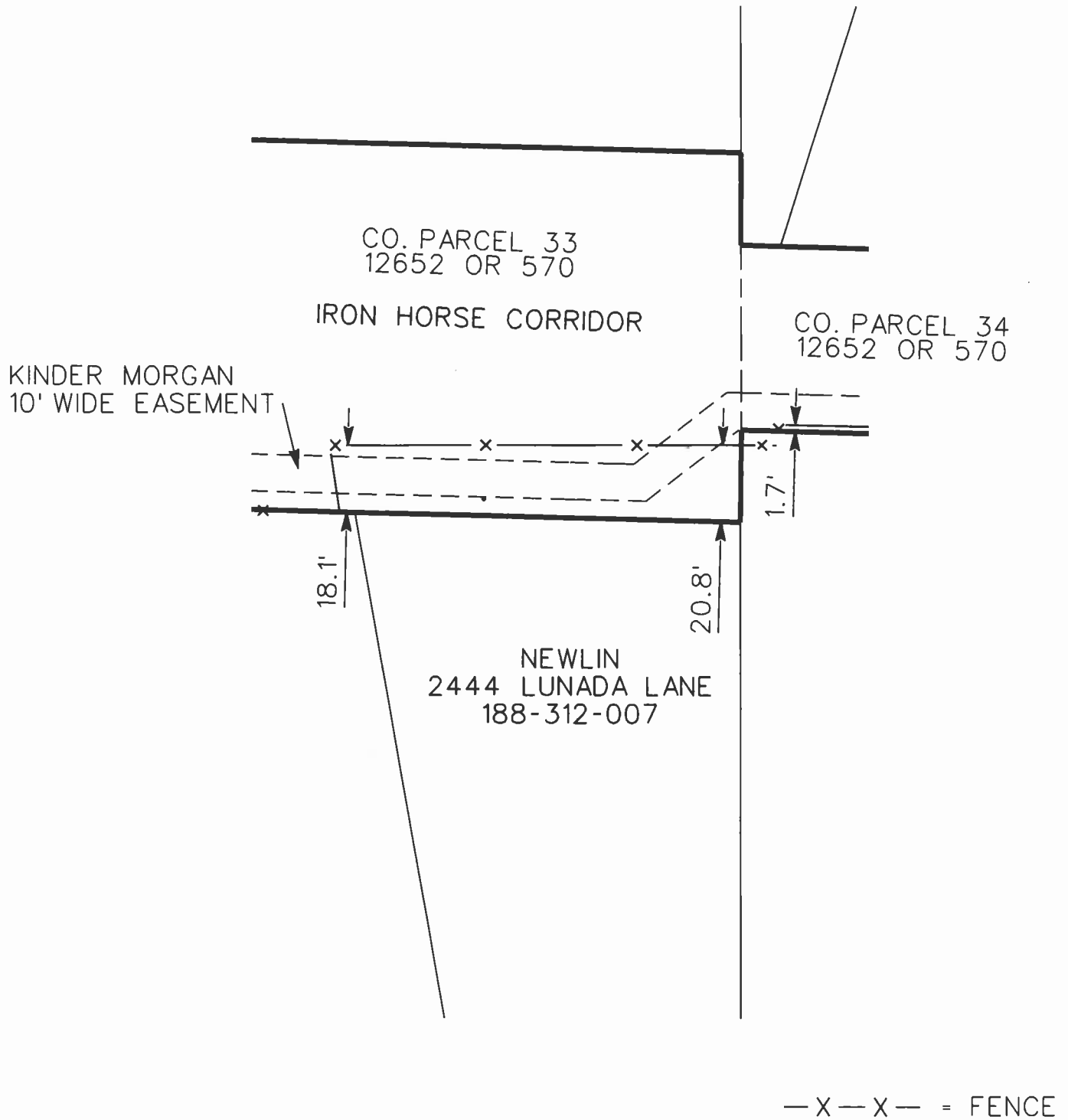
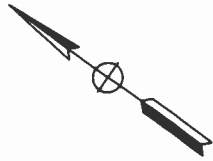
- c: J. Bueren, Public Works Director  
S. Kowalewski, Deputy Public Works Director  
M. de la O, Transportation  
E. Swan, Maintenance  
G. McClellan, Kinder Morgan  
D. Maxwell, District II Supervisor's Office  
L. Case, District IV Supervisor's Office

*"Accredited by the American Public Works Association"*

255 Glacier Drive Martinez, CA 94553-4825  
TEL: (925) 313-2000 • FAX: (925) 313-2333  
[www.cccpublicworks.org](http://www.cccpublicworks.org)



# Exhibit D



## IRON HORSE CORRIDOR ENCROACHMENTS

Owner: NEWLIN

Scale: 1" = 40'

Cad File IHC ENCROACHMENT EXHIBITS.dgn

Address: 2444 LUNADA LANE

February 12, 2013

Contra Costa County Board of Supervisors

Drawn By: PW

Plot Date: 08-DEC-2011 11:05

Checked By: JH

Sheet: 23

**Law Office of David J. Bowie  
2255 Contra Costa Blvd, Suite 305  
Pleasant Hill, CA 94523**

David J. Bowie, Esq.

Telephone (925) 939-5300  
Facsimile (925) 609-9670  
[dave@bblandlaw.com](mailto:dave@bblandlaw.com)

March 28, 2012

Carrie Ricci  
Iron Horse Corridor Manager  
Contra Costa Public Works Department  
255 Glacier Drive  
Martinez, CA 94553-4825

Mark Esquibel  
Right of Way Specialist  
2150 Cruz Drive  
San Jose, CA 95131

Re: Tom Newlin, 244 Lunada Lane, Alamo, CA 94507

Dear Ms. Ricci and Mr. Esquibel:

I was contacted by Mr. and Mrs. Tom Newlin, the property owners at 244 Lunada Lane in Alamo. Mr. and Mrs. Newlin received by certified mail a Notice from Contra Costa Public Works regarding alleged encroachments within the Iron Horse Corridor. In a meeting held quite recently, they were also provided with an Information Bulletin from the California State Fire Marshall Pipeline Safety Division bearing a date of June 20, 2003. The subject matter of both the communications and the meeting was an apparently an alleged encroachment of the Newlin rear property line fence into a claimed pipeline easement within the vicinity of Iron Horse Trail. Presumably, the alleged encroachment also relates to claims of Contra Costa County as to ownership and operation of the Iron Horse Corridor. On behalf of the Newlins, I am writing to both of you regarding their rights and their property. Should there be any further issues which need to be raised or addressed, please be sure to contact me on their behalf.

The County Public Works Department notification refers to the fence placed at the rear of the Newlin property and their use of the area within the fence as an "illegal encroachment". I must note that such a characterization assumes facts not at all in evidence.

The home in which the Newlins reside was constructed in or about 1972. The fence has been in its current location throughout all of the years of their ownership and had in fact been placed in that location at some time prior to their ownership of the subject property. The Newlins have continuously used all of their property within their fence line for horse riding and care purposes. They have made no secret whatsoever of their use of any and all portions of their property including, but not limited to, any portion which is allegedly currently under legal



ownership by Contra Costa County.

Neighbors of the Newlins who have been in the area since the '60s have indicated that the current fence line dates from at least that point in time. Ironically, I personally delivered newspapers to the Lunada Lane neighborhood and intimately familiar with that neighborhood and the train tracks which formerly occupied what is now the Iron Horse Corridor. To my personal recollection, the rear boundary lines of homes accessed by Lunada Lane remain today in the same location as was the case even in the late '50s when I delivered newspapers. Any rights the County of Contra Costa may have to the Iron Horse Corridor would necessarily be subject to any rights in others which may have intervened prior to the County's ownership. There is certainly no indication that any use by the Newlins, as successors owners of their property, is an "illegal" encroachment in any fashion.

I understand that much was made regarding the urgency and the safety concerns posed by the presence of the Kinder Morgan pipeline which may or may not be within an area fenced as Newlin property. Since I understand the pipeline is approximately four feet deep and since the presence of significant oak trees suggest that the pipeline could not possibly pass beneath those trees, there seems to be some question as to exact location. In any case, they cited state law from the Government Code has been in effect since 1987 and the Information Bulletin bears a date of 2003. Since it is now 2012, I sense that something less than urgency and an emergency is posed by the current circumstances.

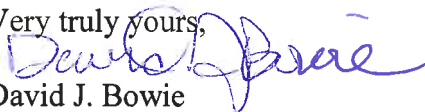
Since you visited the Newlin property, you must be aware that there are no structures located on or immediately adjacent to any claimed pipeline easement. There are neither vegetation nor trees other than long standing adjacent oak trees which clearly must not interfere with the pipeline since they must have predated its construction. While there is a fence, there is also a gate which is unlocked and any area within the claimed easement must necessarily be fully accessible. It does not appear to me that the Newlins' use and enjoyment of the surface of the area in question—regardless of their rights to such use—pose any particular unreasonable interference with use and enjoyment of the easement, nor does it pose any violation of the cited sections of the Government Code.

On behalf of the Newlins, I am fully prepared to work with both Public Works and Kinder Morgan to be sure any safety issues are reasonably addressed relative to pipelines and access for purposes of maintenance and/or repair. There is no "illegal" encroachment, however, nor is there any particular need for removal of the rear property line fence at the Newlin property.

I will look forward to hearing from either or both of you.

Very truly yours,

David J. Bowie





# Contra Costa County Public Works Department

Julia R. Bueren, Director  
Deputy Directors  
R. Mitch Avalon  
Brian M. Balbas  
Stephen Kowalewski

April 4, 2012

Law Office of David J. Bowie  
2255 Contra Costa Boulevard, Suite 305  
Pleasant Hill, CA 94523

**CERTIFIED MAIL**  
**RE:** Encroachment in the  
Iron Horse Corridor

Dear Mr. Bowie:

As we discussed at the meeting with Mr. and Mrs. Newlin on March 26, 2012, the County and Kinder Morgan are working with property owners that have encroached into the Iron Horse Corridor and Kinder Morgan's pipeline easement. The County owns fee title to the Iron Horse Corridor property.

Enclosed is the following additional documentation:

- Civil Code Section 1007 stating that property owners do not have prescriptive rights of property owned by a public entity.
- Contra Costa County Record of Survey identifying property lines and Kinder Morgan's easement.

As stated in California State Fire Marshall Information Bulletin #003-001 no structures, including fencing are allowed within a pipeline easement. I spoke with Mrs. Newlin by phone on March 16, 2012 and she acknowledged that her fence was on County property and Kinder Morgan's easement.

All encroachments must be removed by June 15, 2012. The County and Kinder Morgan representatives will meet with the Newlins to discuss what approvals will required before the encroachment is removed. Encroachments that remain without County approval will be removed. Thank you for your prompt attention to this matter. If you would like to discuss this further, please contact me at (925) 313-2235.

Sincerely,

Carrie Ricci  
Iron Horse Corridor Manager

CR:mw  
G:\transeng\Iron Horse Corridor\Encroachments\Alamo\Ltr 2444 Lunada Lane.docx  
Enclosure

c: J. Bueren, Public Works Director  
S. Kowalewski, Deputy Public Works Director  
M. de la O, Transportation  
M. Trecek, Real Estate  
E. Swan, Maintenance  
G. McClellan, Kinder Morgan  
D. Maxwell, District II Supervisor's Office  
L. Case, District IV Supervisor's Office

*"Accredited by the American Public Works Association"*

255 Glacier Drive Martinez, CA 94553-4825

TEL: (925) 313-2000 • FAX: (925) 313-2333



## **CIVIL CODE**

### **SECTION 1006-1009**

1006. Occupancy for any period confers a title sufficient against all except the state and those who have title by prescription, accession, transfer, will, or succession; but the title conferred by occupancy is not a sufficient interest in real property to enable the occupant or the occupant's privies to commence or maintain an action to quiet title, unless the occupancy has ripened into title by prescription.

1007. Occupancy for the period prescribed by the Code of Civil Procedure as sufficient to bar any action for the recovery of the property confers a title thereto, denominated a title by prescription, which is sufficient against all, but no possession by any person, firm or corporation no matter how long continued of any land, water, water right, easement, or other property whatsoever dedicated to a public use by a public utility, or dedicated to or owned by the state or any public entity, shall ever ripen into any title, interest or right against the owner thereof.

①



**Law Office of David J. Bowie  
2255 Contra Costa Blvd, Suite 305  
Pleasant Hill, CA 94523**

David J. Bowie, Esq.

Telephone (925) 939-5300  
Facsimile (925) 609-9670  
[dave@bblandlaw.com](mailto:dave@bblandlaw.com)

April 11, 2012

Carrie Ricci  
Iron Horse Corridor Manager  
Contra Costa Public Works Department  
255 Glacier Drive  
Martinez, CA 94553-4825

Re: Tom Newlin, 244 Lunada Lane, Alamo, CA 94507

Dear Ms. Ricci:

I have reference to your letter dated April 4, 2012. That letter failed to include the attachments to which the letter makes reference. Nonetheless, I certainly have access to Civil Code 1007—if not to the Contra Costa County Record of Survey.

Civil Code Section 1007 has no application in this particular matter. While it is entirely true that easement rights by prescription cannot be acquired in public property, it is also quite true that private property rights which have already ripened before the public's ownership interest arose cannot be defeated by that particular statute. In this case, the rights of the public in the trail arose long after the rights of the Newlins and their predecessors in interest had matured. The cited statute is simply irrelevant to the issue.

I have previously pointed out that this can hardly be deemed to be a matter of urgency given the manner in which it has been addressed. More importantly, the Newlins have no desire to preclude the maintenance of an underground pipeline. Their rights relate to surface use of the property and not the subsurface area required by Kinder Morgan. The Newlins are fully prepared to cooperate as necessary to provide access to the underground pipeline. There should be no need to disrupt the Newlins use and enjoyment of all of their property including the portion thereof subject to their open, hostile and adverse use for a period of decades.

Do not plan on removing the Newlins fence in June. There is no legal right to take such action. Please contact me so that we might work out something of use to both the County and Kinder Morgan on the one hand and the Newlins on the other.

I look forward to hearing from you at your earliest convenience.

Very truly yours,  
  
David J. Bowie

Cc: Mr. and Mrs. Newlin



Contra Costa County  
Public Works  
Department

Julia R. Bueren, Director

Deputy Directors

R. Mitch Avalon

Brian M. Balbas

Stephen Kowalewski

Steve Silveira

April 25, 2012

David J. Bowie, Esq.  
Law Office of David J. Bowie  
2255 Contra Costa Blvd., Suite 305  
Pleasant Hill, CA 94523

**RE:** Encroachment within the Iron Horse  
Corridor – Newlin Property

Dear Mr. Bowie:

This letter responds to your letter dated April 11, 2012. The law does not support the position that you and your clients have taken in response to the County's request that your clients remove their illegal encroachments from the Iron Horse Corridor. The County therefore reiterates its demand that those encroachments be removed from the Iron Horse Corridor and Kinder Morgan's easement by June 15, 2012, or it will remove the encroachments or take other necessary actions.

California Civil Code section 1007 provides that no person may obtain a prescriptive right in property that is "dedicated to a public use by a public utility, or dedicated to or owned by a public entity..." For over a century, California courts have recognized that a railroad right of way is one type of dedication to a public use, and that no person can obtain a prescriptive right in a railroad right of way. (See *Southern Pacific Co. v. Hyatt* (1901) 132 Cal.4th 240, 244.)

As you know, until the County acquired the Iron Horse Corridor in the mid-1980s, the corridor was owned, and had been dedicated for use as a railroad right of way, by the Southern Pacific Transportation Company. Your clients therefore could not have acquired a prescriptive right in the Iron Horse Corridor, either before or after the County acquired title to the corridor.

Your clients' fence illegally encroaches within the Iron Horse Corridor. Your clients' fence also interferes with Kinder Morgan's need for unrestricted access to its pipeline within its easement. The County is working with property owners that remove encroachments from Kinder Morgan's easement, but wish to remain on County property through a license agreement. This would require your clients moving the fence back closer to their property line so it is completely out of Kinder Morgan's easement. Your clients would be required to enter into a license agreement, pay a fee of \$500 every 2 years, and provide an insurance certificate naming the County as additional insured.



As we mentioned in our previous letters dated March 15, 2012 and April 4, 2012, representatives of the County and Kinder Morgan are available to meet with you and your clients to discuss this matter, but all of your clients' encroachments must be removed from the Iron Horse Corridor property by June 15, 2012 or have entered into a license agreement and moved the encroachment out of Kinder Morgan's easement.

If you have any questions, please contact me at (925) 313-2235.

Sincerely,



Carrie Ricci  
Iron Horse Corridor Manager

CR:mw  
G:\transeng\Iron Horse Corridor\Encroachments\Alamo\Ltr 2444 Lunada Lane 4-25-2012.docx

c: Julie Bueren, Public Works Director  
Steve Kowalewski, Deputy Public Works Director  
Laura Case, Supervisor Mitchoff's office  
Donna Maxwell, Supervisor Uilkema's office  
Stephen Siptroth, Deputy County Counsel  
Grant McClellan, Kinder Morgan



Contra Costa County  
Public Works  
Department

Julia R. Bueren, Director  
Deputy Directors  
R. Mitch Avalon  
Brian M. Balbas  
Stephen Kowalewski  
Steve Silveira

May 30, 2012

David J. Bowie, Esq.  
Law Office of David J. Bowie  
2255 Contra Costa Blvd., Suite 305  
Pleasant Hill, CA 94523

**RE: Encroachment within the Iron Horse  
Corridor – Newlin Property**

Dear Mr. Bowie:

On April 25, 2012, the County sent you the enclosed letter. As of today, May 30, 2012, the County has not received a response. As we mentioned in our previous letters dated March 15, 2012, and April 4, 2012, representatives of the County and Kinder Morgan are available to meet with you and your clients to discuss this matter, but all of your clients' encroachments must be removed from the Iron Horse Corridor property by June 15, 2012, or they must have entered into a license agreement and moved the encroachment out of Kinder Morgan's easement by that date. If all encroachments are not removed by June 15, 2012, and if your clients have not executed a license agreement by that date, the County will move forward with removal of the encroachments, or take other remedial actions authorized by law.

If you have any questions, please contact me at (925) 313-2235.

Sincerely,

Carrie Ricci  
Iron Horse Corridor Manager

CR:mw  
G:\transeng\Iron Horse Corridor\Encroachments\Alamo\Ltr 2444 Lunada Lane5-29-2012.docx

c: Julie Bueren, Public Works Director  
Steve Kowalewski, Deputy Public Works Director  
Laura Case, Supervisor Mitchoff's office  
Donna Maxwell, Supervisor Ulkema's office  
Stephen Siptroth, Deputy County Counsel  
Grant McClellan, Kinder Morgan

*"Accredited by the American Public Works Association"*

255 Glacier Drive Martinez, CA 94553-4825  
TEL: (925) 313-2000 • FAX: (925) 313-2333



**BOWIE & SCHAFFER**  
Attorneys at Law  
2255 CONTRA COSTA BLVD., SUITE 305  
PLEASANT HILL, CA 94523

DAVID J. BOWIE  
ERIC C. SCHAFFER

Telephone (925) 939-5300  
Facsimile (925) 609-9670  
[Dave@bblandlaw.com](mailto:Dave@bblandlaw.com)  
[Eric@bblandlaw.com](mailto:Eric@bblandlaw.com)

[crick@pw.cccounty.us](mailto:crick@pw.cccounty.us)

June 7, 2012

Carrie Ricci  
Iron Horse Corridor Manager  
Contra Costa Public Works Department  
255 Glacier Drive  
Martinez, CA 94553-4825

Re: Tom Newlin, 244 Lunada Lane, Alamo, CA 94507

Dear Ms. Ricci:

As you know, I represent the Newlins, the property owners at 244 Lunada Lane. The Newlin property is one of those which abuts the Iron Horse Corridor impacted by the Kinder Morgan easement. The Newlin property is a horse property; apparently, a portion of the arena area is defined by a fence which extends beyond the Newlin property line.

The particular horse use and fence placement has existed at the Newlin property for a period well beyond the 20 years of their ownership. There is no question but that the use and any encroachments precede the County's ownership of the Iron Horse Corridor. I believe that circumstance renders inapplicable the Civil Code section upon which the County has relied pertaining to prescriptive claims and public entities. I might add that the prescriptive use in question relates to the Kinder Morgan dominant tenement and that is clearly not within the scope of the Civil Code statute. That is not necessarily the point of this letter or our earlier telephone discussion, however.

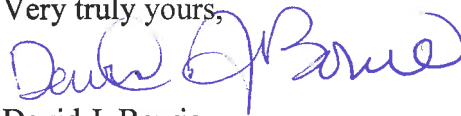
The Kinder Morgan pipeline apparently extends in a subsurface area in the immediate vicinity of a number of very large oak trees. The oak trees obviously constitute an inconvenience in terms of accessing the pipeline for maintenance purposes. The oak trees are not regarded as an insuperable barrier, however. The horse use of any encroachment and fence posts hardly constitute the type of permanent obstruction which might actually pose a problem for access to the underground pipeline for maintenance. In fact, the horses and the Newlins together provide some on level of maintenance of the area, at least in terms of its surface. I

cannot imagine there is not a means of accommodating the Kinder Morgan access requirements with the use which has defined this particular property for a period in excess of some 30 years.

The Newlins strongly object to removal of their fence posts or any other alleged obstructions. They believe they have legal colorable title to their use and that self help by the County and/or Kinder Morgan would be entirely inappropriate. More importantly, the Newlins maintain horses within this particular area and the removal of fencing could be a threat hazard to both horses and to any workers who might remove the fencing which contains them. It would be most ill-advised to simply proceed in the fashion in which your letters seem to indicate the County plans to do.

I would invite a meaningful dialog to address what should be a fairly simply problem for resolution.

Very truly yours,



David J. Bowie

Cc: Tom Newlins





Contra Costa County  
Public Works  
Department

Julia R. Bueren, Director

Deputy Directors  
R. Mitch Avalon  
Brian M. Balbas  
Stephen Kowalewski  
Steve Silveira

June 20, 2012

David J. Bowie, Esq.  
Law Office of David J. Bowie  
2255 Contra Costa Blvd., Suite 305  
Pleasant Hill, CA 94523

**RE:** Encroachment within the Iron Horse  
Corridor – Newlin Property

Dear Mr. Bowie:

Your letter dated June 7, 2012, states that your clients "believe they have legal colorable title" to a portion of the County-owned Iron Horse Corridor property (the "Property"), which includes the Kinder Morgan easement, adjacent to their property. The County continues to disagree with your clients' position. The County nevertheless desires to understand the basis on which your clients claim "legal colorable title" to the Property. Please provide me with the written documentation on which your clients base their claim of "legal colorable title" to the Property by August 17, 2012. If the County continues to disagree with your clients' allegations after that date, the County will move forward with removal of the encroachments, or will take other remedial actions authorized by law.

If you have any questions, please contact me at (925) 313-2235.

Sincerely,

Carrie Ricci  
Iron Horse Corridor Manager

CR:mw  
G:\transeng\Iron Horse Corridor\Encroachments\Alamo\Ltr 2444 Lunada Lane 6-18-2012.docx

c: Julie Bueren, Public Works Director  
Steve Kowalewski, Deputy Public Works Director  
Laura Case, Supervisor Mitchoff's office  
Donna Maxwell, Supervisor Uilkema's office  
Stephen Siptroth, Deputy County Counsel  
Grant McClellan, Kinder Morgan

*"Accredited by the American Public Works Association"*

255 Glacier Drive Martinez, CA 94553-4825  
TEL: (925) 313-2000 • FAX: (925) 313-2333

**2444 LUNADA LANE  
ALAMO, CA 94507**

**NOTICE AND ORDER TO ABATE**

TO THOMAS NEWLIN AND ERIN NEWLIN:

NOTICE IS HEREBY GIVEN that your encroachment on, and maintenance of fencing on, County property without an encroachment permit is in violation of Section 1002-2.008 of the Contra Costa County Ordinance Code. The violation has been declared a public nuisance by the County Director of Public Works and must be abated immediately. The public nuisance is located adjacent to 2444 Lunada Lane, Alamo, on Contra Costa County property identified as Assessor's Parcel No. 188-312-007.

YOU ARE HEREBY ORDERED TO ABATE SAID PUBLIC NUISANCE within 30 consecutive calendar days from the issuance of this order. The issuance date is specified below. You may abate the nuisance by removing from County property the portion of fence located on that property. If you fail to abate the public nuisance within the number of days specified, the County may order its abatement by public employees, private contractor, or other means. The cost of said abatement, if not paid, may be levied and assessed against the property as a special assessment lien and may be collected at the same time and in the same manner as ordinary county taxes are collected, subject to the same penalties, procedures and sale in case of delinquency.

YOU MAY APPEAL FROM THIS ORDER OF ABATEMENT, but any such appeal must be brought prior to the expiration of the number of days specified above for completion of abatement. The appeal must be in writing; specify the reasons for the appeal; contain your name, address and telephone number; be accompanied by an appeal fee of one hundred twenty-five dollars (\$125.00); and be submitted to the Clerk of the Board of Supervisors at the following address:

Clerk of the Board of Supervisors  
County of Contra Costa  
651 Pine Street, 1st Floor  
Martinez, CA 94553

One who is legally indigent may obtain a waiver of the appeal fee. Upon timely receipt of the appeal and accompanying fee, or waiver, the Clerk of the Board will cause the matter to be set for hearing before the Board of Supervisors and notify you of the date and location of the hearing.

If you have any questions regarding this matter, you may direct them to the county officer issuing this notice, or her designee, at the address or telephone number listed below.

ISSUANCE DATE: October 29, 2012

Julia R. Bueren, Director of Public Works

Contact: Carrie Ricci, Iron Horse Corridor Manager, Contra Costa County Public Works Department  
255 Glacier Drive, Martinez, CA 94553, (925) 313-2235



**BOWIE & SCHAFFER**  
Attorneys at Law  
2255 CONTRA COSTA BLVD., SUITE 305  
PLEASANT HILL, CA 94523



DAVID J. BOWIE  
ERIC C. SCHAFFER

Telephone (925) 939-5300  
Facsimile (925) 609-9670  
[Dave@bblandlaw.com](mailto:Dave@bblandlaw.com)  
[Eric@bblandlaw.com](mailto:Eric@bblandlaw.com)

November 15, 2012

Contra Costa County Board of Supervisors  
Clerk of the Board of Supervisors  
651 Pine Street, 1<sup>st</sup> Fl  
Martinez, CA 94553

Re: Notice to Abate Public Nuisance:  
2444 Lunada Lane, Alamo, CA/APN 188-312-007

Dear Members of the Board of Supervisors:

I represent Thomas and Erin Newlin. My clients are the owners of a single-family residence and lawful parcel located at 2444 Lunada Lane in Alamo. Their property is identified as Assessor's Parcel No. 188-312-007. The Director of Public Works of Contra Costa County has issued a Notice to Abate Public Nuisance as of October 29, 2012. By this letter, the Newlins propose to appeal in timely fashion that Notice. A check in the sum of \$125 accompanies this Notice of Appeal.

The alleged basis for the Director's finding of nuisance requiring abatement is the claim that the Newlins' maintain fencing which encroaches on County property. Specifically, there is apparently a 10 foot easement along the Iron Horse Trail as to which Kinder-Morgan SFPP, LP is easement owner. The claim has been made that the Newlin fence encroaches into that easement area; Contra Costa County is apparently the underlying fee owner of the Iron Horse Trail property.

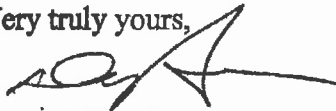
In this particular instance, the fencing and other improvements in question have been maintained for the benefit of the Newlin property by the Newlins and their predecessors owners in interest for decades. Additionally, relevant portions of the Newlins' property have been in constant use as a horse paddock/pasture for an equivalent period of time. These uses and improvements predate the County's ownership of the subject Iron Horse Trail property such that the Newlins' use and enjoyment have ripened into both prescriptive and adverse rights.

It might also be noted that the only perceived issue in this instance is a requirement for access for maintenance purposes of the Kinder Morgan pipeline. The removal of the fence line is not a condition precedent to maintenance access nor is there an unusual hazard presented by existing conditions.

It is respectfully submitted that the Notice of Abatement was improvidently issued and that it should be withdrawn in its entirety. The Newlins remain perfectly willing to cooperate reasonably should there be any actual requirement for access and/or maintenance of the Kinder Morgan easement area. (It should be quite apparent that this is not really a County issue; the County is merely acting on behalf of Kinder Morgan.)

Please advise me and the Newlins regarding further proceedings on this appeal.

Very truly yours,

A handwritten signature in black ink, appearing to read 'David J. Bowie', with a long horizontal stroke extending to the right.

David J. Bowie

Cc: Mr. and Mrs. Newlin



**VERIFICATION**

I, Monica Johnson, as the Assistant to David J. Bowie, have submitted this Appeal of the decision of the Building Inspection Dept to State on property located at 2444 Lumsden Lane, dated Nov 20 2012 and know the contents thereof and the same is true of my own knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this day, November 20, 2012 in Martinez, California.

  
(signature)

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

<b>LAW OFFICE OF DAVID J. BOWIE</b> 2255 CONTRA COSTA BLVD., SUITE 305 PLEASANT HILL, CA 94523	<b>CALIFORNIA BANK &amp; TRUST</b> SAN FRANCISCO MAIN OFFICE 485 CALIFORNIA ST. SAN FRANCISCO, CA 94104 11-204-1210	<b>3737</b>
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PAY TO THE ORDER OF Contra Costa County \$\*\*125.00 11/20/2012

One Hundred Twenty-Five and 00/100\*\*\*\*\* DOLLARS

Contra Costa County  
County Administration Building  
651 Pine Street  
Martinez, CA 94553

Notice of Appeal

11003737 1210020421 1010167491

Intuit® CheckLock™ Secure Check





Contra  
Costa  
County

To: Board of Supervisors  
From: Catherine Kutsuris, Conservation & Development  
Date: February 12, 2013  
Subject: Farr Property Rezone

**RECOMMENDATION(S):**

A. OPEN the public hearing on the project.

B. RECEIVE testimony and CLOSE the public hearing.

C. CERTIFY the Negative Declaration dated April 2012, finding it to be adequate and complete, finding that it has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, and finding that it reflects the County's independent judgment and analysis; and specify that the Department of Conservation and Development, located at 30 Muir Road, Martinez, CA is the custodian of the documents and other material which constitute the record of proceedings upon which the decision is based.

D. ADOPT the proposed negative declaration.

E. ADOPT a motion to rezone the subject properties, Parcels A, B and C of County File #MS90-141, from A-4 Agricultural Preserve District to A-2 General Agricultural District as recommended in County Planning Commission Resolution No. 13-2012.

F. ADOPT Ordinance No. 2013-01 giving effect to the rezoning.

G. DIRECT Department of Conservation and Development ("Department") staff to file a Notice of Determination with the County Clerk.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Ryan Hernandez,  
9256747788

By: , Deputy

cc:

### FISCAL IMPACT:

None. All County costs are recovered through payment of application processing fees by the project applicant.

### BACKGROUND:

#### Proposed Project

The applicant requests approval of a rezone of three properties (Parcel A - 26.14 acres, Parcel B - 20.34 acres and Parcel C - 25.82 acres) from A-4 Agricultural Preserve District to A-2 General Agricultural District.

#### Site/Area Description

The subject site consists of three rectangular parcels located in a rural area of unincorporated San Ramon on the south side of Bollinger Canyon Road. Parcels A and C are vacant. Parcel B is developed with a single-family residence and accessory structures/buildings normally accessory to an agricultural property. Parcels in the vicinity range in size from 1-acre to over 100-acres. The site is surrounded by properties zoned A-4 and A-2. Other agricultural zoning districts in the area include A-20 Exclusive Agricultural District (20 acre minimum) and A-80 Exclusive Agricultural District (80 acre minimum). The area is characterized by steep terrain and large groupings of mature trees.

#### Appropriateness of Proposed Rezone

##### *Existing Zoning Conditions*

County File #RZ-1925 was approved in 1975 to rezone approximately 481-acres of land that included these three parcels from A-2 and C-M to A-4 entering them into a Williamson Act contract. A Williamson Act contract is a contract entered into between a property owner and the County wherein the owner agrees to utilize the land for those uses specified in the contract and in return the County taxes the property at a lower rate. The A-4 zone is compatible with lands that are under a Williamson Act contract because it specifies that all uses agreed to in the contract are permitted uses. The property came out of its Williamson Act contract in February 2006. With the properties out of contract, the A-4 zoning designation is unnecessary and inappropriate.

##### *Background on Rezoning in the Bollinger Canyon Area*

It is typical for properties to rezone from A-2 to A-4 before entering into a Williamson Act contract. A significant amount of acreage in the unincorporated San Ramon area was zoned A-4 for this reason. Though several of the contracts have either expired or were never executed, a significant amount of acreage remains zoned A-4.

##### *Comparison of Existing and Proposed Zoning Designations*

The uses allowed both by right and with a land use permit in the A-2 and A-4 zones are similar. The A-2 District does allow for establishment of some more-intense agricultural uses, such as granaries, dehydration plants, fruit and vegetable packing plants, and the like. However, physical limitations such as steep slopes, limited access, lack of utility connections, and scarcity of suitable building locations make the property an unlikely candidate for establishment of these types of land uses. It should be noted that these physical limitations also make the properties a poor candidate for additional subdivisions.

Under the A-4 zoning the three properties are required to be at least 40 acres due to the non-prime soil types that are present. This has since changed and the minimum area requirement was 20 acres when the property was rezoned to A-4 in 1975. The A-2 District requires a minimum parcel size of five acres. Therefore, approval of the rezone would correct the property's existing inconsistency with zoning standards.

#### General Plan Consistency

##### *Land Use Element - Land Use Designation*



The Land Use Element of the General Plan designates the subject property as Agricultural Lands (AL). The AL designation allows for a wide range of agricultural uses and limits density to a maximum of 1 unit per 5 acres. The A-2 zoning designation is consistent with the AL designation in terms of density as well as general uses allowed.

This land use designation includes most of the privately owned rural lands in the County, excluding private lands that are composed of prime soils or lands that are located in or near the Delta. Most of these lands are in hilly portions of the County and are used for grazing livestock, or dry grain farming. The purpose of the Agricultural Lands designation is to preserve and protect lands capable of and generally used for the production of food, fiber, and plant materials. The title is intended to be descriptive of the predominant land-extensive agricultural uses that take place in these areas, but the land use title or description shall not be used to exclude or limit other types of agricultural, open space or non-urban uses. The maximum allowable density in this category is one dwelling unit per 5 acres. The uses that are allowed in the Agricultural Lands designation include all land-dependent and non-land dependent agricultural production and related activities. In addition, the following uses may be allowed by issuance of a land use permit, which shall include conditions of approval that mitigate the impacts of the use upon nearby agricultural operations through the establishment of buffer areas and other techniques:

- facilities for processing agricultural products produced in the County such as dairies, rendering plants, and feed mills;
- commercial agricultural support services which are ancillary to the agricultural use of a parcel, such as veterinarians, feed stores, and equipment repair and welding; and
- small-scale visitor serving uses including small tasting rooms, stands for the sale of products grown or processed on the property, guest or "dude" ranches, horse training and boarding ranches, improved campgrounds, and "bed and breakfast" inns of five or fewer bedrooms which are on lots of 20 acres or more, extensive recreational facilities and private retreats.

#### *Land Use Element - Urban Limit Line*

The purpose of the ULL is twofold: (1) to ensure preservation of identified non-urban agricultural, open space and other areas by establishing a line beyond which no urban land uses may be established; and (2) facilitate the enforcement of the 65/35 Land Preservation Standard (Land Use Element page 3-8). To this end, the General Plan does not allow properties outside the ULL to obtain General Plan Amendments that would re-designate them for an urban land use. In addition, properties outside the ULL may be subject to various agricultural and open space preservation measures. These measures could include, but would not necessarily be limited to:

1. Permitting owners of large acre parcels to subdivide and allow only a one-acre building envelope (building site).
2. Encouraging the dedication of open space and agricultural conservation easements.
3. Implementing a transfer of development rights (TDR) program.

The subject property is located outside the ULL and the proposed zoning designation is consistent with the intent and purpose of the ULL because it is agricultural (non-urban). *Land Use Element - 65/35 Land Preservation Standard*

The 65/35 Land Preservation Standard limits urban development to no more than 35 percent of the land in the County, and requires the remaining 65 percent of all land be preserved for agriculture, open space, wetlands, parks and other non-urban uses (Land Use Element page 3-11). The proposed zoning designation is consistent with the intent and purpose of the 65/35 Standard because it is agricultural.

#### *Conservation Element - Agricultural Resources*

The Conservation Element of the General Plan includes goals and policies related to protection of agricultural resources and encouragement of agricultural production. The subject property is located in an agriculturally important area (Conservation Element Figure 8-2). The Conservation Element does not specifically favor one agricultural zoning district over another. Rezoning the property from A-4 to A-2 would in no way threaten agricultural resources or hinder agricultural production.

### Conclusion

The subject properties were at one time zoned A-2 but were rezoned to A-4 when they were entered into a Williamson Act Contract. With the Williamson Act contract expired, the current zoning inappropriately limits development. Therefore, staff recommends that the Board of Supervisors adopt the Negative Declaration for the project and adopt a motion to rezone the subject property from A-4 Agricultural Preserve District to A-2 General Agricultural District.

### CONSEQUENCE OF NEGATIVE ACTION:

If the Board of Supervisors denies the application, then the zoning district for the subject property would remain A-4 Agricultural Preserve District.

### CHILDREN'S IMPACT STATEMENT:

No Impact.



# RZ10-3216 General Plan Land Use Designation Map

PR (Parks and Recreation)

Bollinger-Canyon-Rd

AL (Agricultural Lands)

Alameda County

## Legend

- Site Parcels
- Parcels
- Alameda County
- Contra Costa County Boundary
- General Plan**
- AL (Agricultural Lands)
- PR (Parks and Recreation)



0 280 560 1,120 Feet

February 12, 2013

Map Created 1/30/2013  
by Contra Costa County Department of  
Conservation and Development, GIS Group  
30 Muir Road, Martinez, CA 94553  
37:59:41.791N 122:07:03.756W  
Contra Costa County Board of Supervisors

This map was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.



# RZ10-3216 Existing Zoning Map

**A-20 (Exclusive Agricultural)**

**A-2 (General Agricultural)**

*Bollinger Canyon Rd*

**A-4 (Agricultural Preserve)**

*Alameda County*

## Legend

- Site Parcels
- Parcels
- Alameda County
- Contra Costa County Boundary
- Zoning**
- A-2 (General Agricultural)
- A-4 (Agricultural Preserve)
- A-20 (Exclusive Agricultural)



0 275 550 1,100 Feet

February 12, 2013

Map Created 1/30/2013  
by Contra Costa County Department of  
Conservation and Development, GIS Group  
30 Muir Road, Martinez, CA 94553  
37:59:41.791N 122:07:03.756W

Contra Costa County Board of Supervisors

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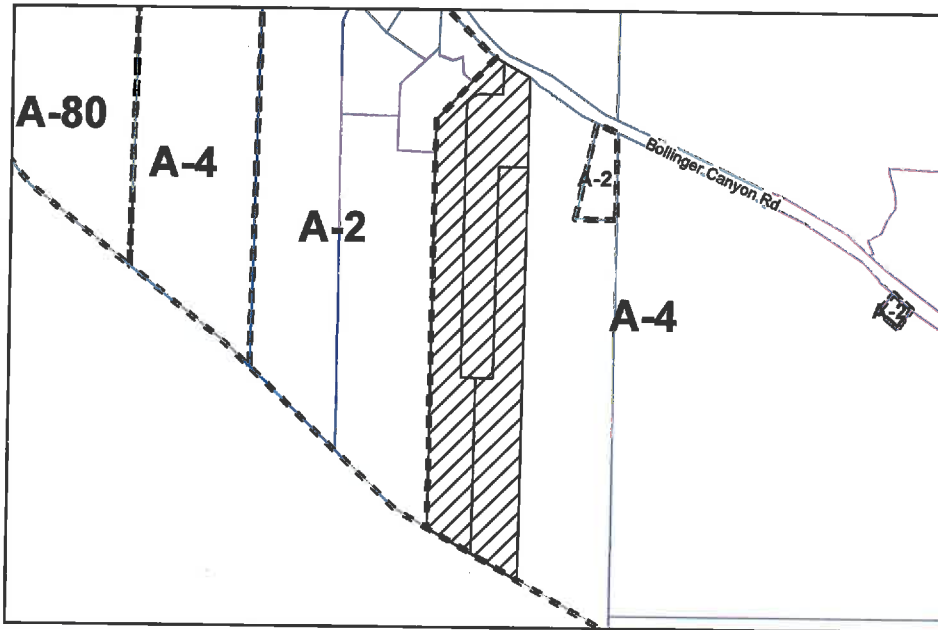
ORDINANCE NO. 2013-01  
(Re-Zoning Land in the  
Bollinger Canyon Area)

The Contra Costa County Board of Supervisors ordains as follows:

**SECTION I:** Page U-15, V-15 of the County's 2005 Zoning Map (Ord. No. 2005-03) is amended by re-zoning the land in the above area shown shaded on the map(s) attached hereto and incorporated herein (see also Department of Conservation and Development File No. RZ10-3216.)

FROM: Land Use District A-4 (Agricultural Preserve)

TO: Land Use District A-2 (General Agricultural)  
and the Department of Conservation and Development Director shall change the Zoning Map accordingly, pursuant to Ordinance Code Sec. 84.2.002.



**SECTION II. EFFECTIVE DATE.** This ordinance becomes effective 30 days after passage, and within 15 days of passage shall be published once with the names of supervisors voting for and against it in the \_\_\_\_\_, a newspaper published in this County.

PASSED on \_\_\_\_\_ by the following vote:

<u>Supervisor</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
1. J. Gioia	( )	( )	( )	( )
2. C. Andersen	( )	( )	( )	( )
3. M.N. Piepho	( )	( )	( )	( )
4. K. Mitchoff	( )	( )	( )	( )
5. F.D. Glover	( )	( )	( )	( )

ATTEST: David Twa, County Administrator  
and Clerk of the Board of Supervisors \_\_\_\_\_

By \_\_\_\_\_, Dep.

Chairman of the Board  
(SEAL)



**RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, INCORPORATING A RECOMMENDATION AND FINDINGS FOR A REQUESTED REZONE AT 18311 BOLLINGER CANYON ROAD IN THE UNINCORPORATED SAN RAMON AREA OF SAID COUNTY.**

WHEREAS, on September 9, 2010, Charles and Lorraine Farr (Applicant & Owner) submitted an application (County File #RZ10-3216) for a request to rezone three properties (Parcel A 26.14 acres, Parcel B 20.34 acres and Parcel C 25.82 acres) (Assessor Parcel Number's 199-030-060, 061 and 062) located at 18311 Bollinger Canyon Road in the unincorporated San Ramon area from A-4 Agricultural Preserve District to A-2 General Agricultural District; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, an Initial Study/Negative Declaration ("Initial Study") was prepared by the Department of Conservation & Development to determine the scope of the project's environmental impacts and whether or not an environmental impact report should be prepared; and

WHEREAS, the Initial Study identified no potentially significant environmental impacts related to the project; and

WHEREAS, on April 6, 2012, the Department of Conservation & Development published a Notice of Intent to Adopt a Negative Declaration, which recited the foregoing facts, indicated that the project would not result in potentially significant impacts to the environment, and began the period for public review and comments on the adequacy of the environmental documentation that ended on April 30, 2012; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Planning Commission on Tuesday, September 11, 2012, whereat all persons interested in the matter might appear and be heard; and

WHEREAS, on September 11, 2012, the County Planning Commission fully reviewed, considered, and evaluated all testimony and evidence submitted in this matter.

NOW, THEREFORE BE IT RESOLVED that the County Planning Commission recommends that the Board of Supervisors:

1. FIND, for purposes of compliance with the provisions of CEQA and the State and County CEQA Guidelines, that the Initial Study prepared for the project adequately analyzes the potential environmental impacts and ADOPT the proposed Negative Declaration.

In making this recommendation the County Planning Commission certifies that it has been presented with the Initial Study, and that it has reviewed and considered the information contained in the Initial Study and the other pertinent information in the administrative record. The County Planning Commission further certifies that the Initial Study reflects the County's independent judgment and analysis, and that the Initial Study has been completed in compliance with CEQA regulations.

2. ADOPT a motion to rezone the subject property, Parcels A, B and C of County File #MS90-141, from A-4 Agricultural Preserve District to A-2 General Agricultural District.

BE IT FURTHER RESOLVED that the County Planning Commission finds that sufficient evidence has been provided to determine that the proposed project conforms with the County *Growth Management Performance Standards* (County General Plan 2005-2020, Growth Management Element, Section 4.4) and makes all of the findings required by County Code § 26-2.1806 to allow approval of the proposed rezone as follows:

A. Growth Management Performance Standards

1. Traffic: The parcels are accessed via private easement. Approval of the project would allow for the establishment of one single-family residence and one residential second unit by right per legal lot. Thus, there would be no significant impact to area streets or intersections and no traffic report is required.
2. Water: The subject site currently does not have water service and the County would not support extending service to the site because it is outside the Urban Limit Line. Rezoning the site does not change the fact that any proposal for future development must comply with Health Services Department, Environmental Health Division standards for establishment of wells.
3. Sewage: The subject site currently does not have sewer service and the County would not support extending service to the site because it is outside the Urban Limit Line. Rezoning the site does not change the fact that any proposal for future development must comply with Health Services Department, Environmental Health Division standards for establishment of septic systems.
4. Fire Protection: The subject site receives fire protection services from the San Ramon Valley Regional Fire Protection District. Simply rezoning the site would not impact fire protection services because adequate fire protection improvements and fees are typically required when physical development occurs.
5. Public Protection: The subject site receives public protection services from the Contra Costa County Sheriff. Simply rezoning the site would not impact public protection services because impacts to such services are mitigated at the time building permits are issued on lots created through a minor subdivision, as were the subject properties.
6. Parks and Recreation: Approval of the proposed project would not substantially increase the population and therefore would not increase the demand for neighborhood parks and recreation facilities.
7. Flood Control and Drainage: The site is located in a Special Flood Hazard Area but no drainage improvements are required because no development is proposed. If drainage improvements were ever necessary, they would be required to comply with the requirements of the County Building/Grading Division and may require a Flood Plain Permit.

B. Rezone Findings

1. Required Finding: The change proposed will substantially comply with the general plan.

*Project Finding: The Agricultural Lands (AL) General Plan land use designation is consistent with all agricultural zoning districts. Rezoning the subject site from A-4 Agricultural Preserve District to A-2 General Agricultural District is consistent with the intent and purpose of the Urban Limit Line and the 65/35 Land Preservation Standard because the subject property would continue to be zoned for agricultural, non-urban uses. The General Plan contains no area-specific policies for the Bollinger Canyon area. Rezoning the site from A-4 to A-2 is consistent of the goals and policies contained in the various elements of the General Plan related to preservation of agricultural lands and protection of open space. For these reasons, approval of the rezoning would substantially comply with the General Plan.*

2. Required Finding: The use authorized or proposed in this land use district is compatible within the district and with uses authorized in adjacent districts.

*Project Finding: The subject properties are bordered on the north and east sides by land zoned A-4, and on the west side by land zoned A-2. Alameda County borders the site on the south side. Most of the uses allowed in the A-2 and A-4 districts are the same or similar. Thus, the uses allowed in the A-2 zone are found to be compatible with uses authorized in adjacent agricultural districts.*

3. Required Finding: Community need has been demonstrated for the use proposed, but this does not require demonstration of future financial success.

*Project Finding: Approval of County File #RZ75-1925 rezoned the subject property from A-2 to A-4 prior to the site entering into a Williamson Act contract. The contract expired in 2006 and thus there is no need for the property to be zoned A-4. The property is bordered on all sides by properties zoned A-2 and A-4 and these zones are prevalent in the surrounding area. Rezoning the site to A-2 is therefore justified.*

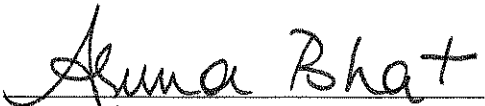


The instructions by the County Planning Commission to prepare this resolution were given by motion of the County Planning Commission on Tuesday, September 11, 2012, by the following vote:

AYES:	Commissioners -	Clark, Peterson, Sloan, Snyder, Stewart, Terrell
NOES:	Commissioners -	None
ABSENT:	Commissioners -	Steele
ABSTAIN:	Commissioners -	None

Marvin Terrell,  
Chair of the Planning Commission,  
County of Contra Costa, State of California

I, Aruna Bhat, Secretary of the County Planning Commission, certify that the foregoing was duly called and approved on September 11, 2012.

ATTEST:   
Aruna Bhat,  
Secretary of the Planning Commission  
County of Contra Costa, State of California

**FINDINGS & CONDITIONS OF APPROVAL FOR COUNTY FILE #RZ10-3216,  
CHARLES AND LORRAINE FARR (APPLICANT & OWNER).**

**FINDINGS**

**A. Growth Management Performance Standards**

1. Traffic: The parcels are accessed via private easement. Approval of the project would allow for the establishment of one single-family residence and one residential second unit by right per legal lot. Thus, there would be no significant impact to area streets or intersections and no traffic report is required.
2. Water: The subject site currently does not have water service and the County would not support extending service to the site because it is outside the Urban Limit Line. Rezoning the site does not change the fact that any proposal for future development must comply with Health Services Department, Environmental Health Division standards for establishment of wells.
3. Sewage: The subject site currently does not have sewer service and the County would not support extending service to the site because it is outside the Urban Limit Line. Rezoning the site does not change the fact that any proposal for future development must comply with Health Services Department, Environmental Health Division standards for establishment of septic systems.
4. Fire Protection: The subject site receives fire protection services from the San Ramon Valley Regional Fire Protection District. Simply rezoning the site would not impact fire protection services because adequate fire protection improvements and fees are typically required when physical development occurs.
5. Public Protection: The subject site receives public protection services from the Contra Costa County Sheriff. Simply rezoning the site would not impact public protection services because impacts to such services are mitigated at the time building permits are issued on lots created through a minor subdivision, as was the subject properties.
6. Parks and Recreation: Approval of the proposed project would not substantially increase the population and therefore would not increase the demand for neighborhood parks and recreation facilities.
7. Flood Control and Drainage: The site is located in a Special Flood Hazard Area but no drainage improvements are required because no development is proposed. If drainage improvements were ever necessary, they would be required to comply with the requirements of the County Building/Grading Division and may require a Flood Plain Permit.

**B. Rezone Findings**

Section 26-2.1806 of the County Ordinance Code requires specific findings to be made by the planning agency when a request for change in land use district is made; they are as follows:

1. Required Finding: The change proposed will substantially comply with the general plan.

*Project Finding: The Agricultural Lands (AL) General Plan land use designation is consistent with all agricultural zoning districts. Rezoning the subject site from A-4 Agricultural Preserve District to A-2 General Agricultural District is consistent with the intent and purpose of the Urban Limit Line and the 65/35 Land Preservation Standard because the subject property would continue to be zoned for agricultural, non-urban uses. The General Plan contains no area-specific policies for the Bollinger Canyon area. Rezoning the site from A-4 to A-2 is consistent of the goals and policies contained in the various elements of the General Plan related to preservation of agricultural lands and protection of open space. For these reasons, approval of the rezoning would substantially comply with the General Plan.*

2. Required Finding: The use authorized or proposed in this land use district is compatible within the district and with uses authorized in adjacent districts.

*Project Finding: The subject properties are bordered on the north and east sides by land zoned A-4, and on the west side by land zoned A-2. Alameda County borders the site on the south side. Most of the uses allowed in the A-2 and A-4 districts are the same or similar. Thus, the uses allowed in the A-2 zone are found to be compatible with uses authorized in adjacent agricultural districts.*

3. Required Finding: Community need has been demonstrated for the use proposed, but this does not require demonstration of future financial success.

*Project Finding: Approval of County File #RZ75-1925 rezoned the subject property from A-2 to A-4 prior to the site entering into a Williamson Act contract. The contract expired in 2006 and thus there is no need for the property to be zoned A-4. The property is bordered on all sides by properties zoned A-2 and A-4 and these zones are prevalent in the surrounding area. Rezoning the site to A-2 is therefore justified.*

## **CONDITIONS OF APPROVAL**

### **Application Costs:**

1. \_\_\_\_\_ This application is subject to an initial application deposit of \$2500.00, which was paid with the application submittal, plus time, and material costs if the application review expenses exceed 100% of the initial deposit. **Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first.** The applicant may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance.
2. \_\_\_\_\_ Within four (4) business days of the final action on this project, **the applicant is required to pay the California Department of Fish & Game (CDFG) filing fee of \$2,101.50. Payment of this fee is mandated by Assembly Bill 3158, which became effective on January 1, 1991.**



Pursuant to Fish & Game Code Section 711.4(c)(3), the project will not be operative, vested, or final, and any local permits issued for the project will be invalid until either the fee is paid or a signed *No Effect Determination Form* is submitted indicating that the fee is not required. Also, if the fee is not paid by the date specified, then the 30-day statutory time limit to file a legal challenge against the approval will automatically extend to 180 days.

#### ADVISORY NOTES

**THE FOLLOWING INFORMATION DOES NOT CONSTITUTE CONDITIONS OF APPROVAL. IT IS PROVIDED TO ALERT THE APPLICANT TO LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES TO WHICH THIS PROJECT MAY BE SUBJECT.**

- A. Notice of 90-day opportunity to protest fees, dedications, reservation, or other exactions pertaining to the approval of this permit.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservation, and/or exactions required as part of this project approval. The opportunity to protest is limited to a 90-day period after the project is approved.

The ninety (90) day period in which you may protest the amount of any fee or imposition of any dedication, reservation, or other exaction required by the approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the Department of Conservation & Development, Community Development Division within the 90 days of the approval date of this permit.

**CONTRA COSTA COUNTY PLANNING COMMISSION**  
**TUESDAY, SEPTEMBER 11, 2012**

**I. INTRODUCTION**

CHARLES AND LORRAINE FARR (Applicant & Owner), County File #RZ10-3216: A request to rezone three properties (Parcel A 26.14 acres, Parcel B 20.34 acres and Parcel C 25.82 acres) from A-4 Agricultural Preserve District to A-2 General Agricultural District. The subject properties are addressed 18311 Bollinger Canyon Road in the unincorporated San Ramon area. (Zoning: A-4) (General Plan Designation: Agricultural Lands) (Assessor Parcel Number: 199-030-060, 061 and 062)

**II. RECOMMENDATION**

Staff recommends that the County Planning Commission adopt a motion recommending that the Board of Supervisors do the following:

- A. FIND, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, that the Initial Study prepared for the project adequately analyzes the potential environmental impacts and ADOPT the proposed Negative Declaration.
- B. ADOPT a motion to rezone the subject properties, Parcels A-C of County File #MS90-141, from A-4 Agricultural Preserve District to A-2 General Agricultural District.
- C. DIRECT Department of Conservation and Development ("Department") staff to file a Notice of Determination with the County Clerk.

**III. BACKGROUND**

This rezoning application was prompted in response to a complaint concerning several modified storage containers the applicant placed on his property without first obtaining permits, see letter from the Department dated August 18, 2010, attached Exhibit "G".

The site contains a metal fabrication shop that has been the subject of a long-standing (25+ years) code compliance investigation. In 1997, the Farr's completed a subdivision of their site into three parcels A, B and C. One of the conditions of approval of the tentative map requires that the metal fabrication shop cease business activity prior to occupancy of a new residence on parcel C; see attached Exhibit "P", condition of approval #36.

On two occasions the County's investigation has reached the Board of Supervisors, attached Exhibit "H" are the two reports to the Board. In the April 2000 report, the file records show that the metal fabrication shop was to cease and desist within sixty (60) days if the metal shop cannot be made to conform to the zoning requirements.

More recently, the Department received a complaint and started an investigation, which is on going, regarding the construction and fabrication of a bridge that provides access from parcel "B" to parcel "C".

Staff, including representatives from Grading and Building, met with the concerned neighbor and discussed the modified containers, metal fabrication business, bridge, etc. and described how the rezoning application is the first step in a path forward to effecting compliance with the zoning and building codes.

Staff believes that the status of the metal fabrication shop activity does not affect the Department's analysis of the merits of the rezoning proposal. If the rezoning application is approved and the parcels are rezoned to the A-2 District, continuance of the metal fabrication shop will require review and approval of a land use permit, §84-38.404 (13), attached Exhibit "F". At that time, there will be a comprehensive analysis of the metal fabrication shop use. Also, if the rezoning application is approved, a variance to the minimum distance to the modified storage containers is no longer applicable and issuance of building permits for these structures will be required to achieve compliance.

It should be noted that staff did not bring a land use permit application forward at this time because the A-4 District does not allow such an application to be submitted, A-4 zoning district is attached, see Exhibit "F".

#### IV. GENERAL INFORMATION

A. General Plan: Agricultural Lands (AL)

B. Zoning: A-4 Agricultural Preserve District

C. CEQA Status: A Negative Declaration was posted on March 20, 2012, and the comment period expired on April 9, 2012. However, the adjacent neighbor stated that he was not able to access the environmental document on the Department's website. Thus the Department sent him a hard copy of the document and extended the comment period an additional 20 days ending on April 30, 2012. There were a total three comments received.

E. Relevant Previously Approved Applications

- RZ75-1925: Rezone of 481 acres, including the subject properties, from A-2 and C-M to A-4.
- MS90-141: Three-lot minor subdivision creating Parcels A, B and C which are the subject properties.

F. Regulatory Programs: Parts of all three properties (the portions closest to Bollinger Canyon Road) are located within a Special Flood Zone area.

#### V. SITE/AREA DESCRIPTION

The subject site consists of three rectangular parcels (A=26.14 acres, B=20.34 acres and C=25.82 acres, see attached parcel page) located in a rural area of unincorporated San Ramon on the south side of Bollinger Canyon Road. Parcels A and C are vacant. Parcel B is developed with a single-family residence and accessory structures/buildings normally accessory to an agricultural property<sup>1</sup>. Parcels in the vicinity range in size from 1-acre to over

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<sup>1</sup> There is a shop that is a known for sheet metal fabrication located on Parcel "B" however if this rezoning application is approved then a land use permit must be obtained prior to the use being continued.



100-acres. The site is surrounded by properties zoned A-4 and A-2. Other agricultural zoning districts in the area include A-20 Exclusive Agricultural District (20 acre minimum) and A-80 Exclusive Agricultural District (80 acre minimum). The area is characterized by steep terrain and large groupings of mature trees.

## VI. PROPOSED PROJECT

The A-4 District is a unique zoning district that applies to properties covered by a Williamson Act contract. In 1975 the subject properties were part of a larger 481-acre parcel that was rezoned from A-2 to A-4 because it was under a Williamson Act contract. That larger parcel has since been subdivided; however, the zoning remained A-4. The applicant proposes to rezone the subject parcels from A-4 back to A-2 because of the contract's termination. It should be noted that vacant parcel A & C may apply at anytime for building permits to construct a single-family residence.

The A-4 zone requires a minimum parcel size of 40 acres for non-prime agricultural land, while the A-2 District requires a 5-acre minimum parcel size. The parcels are 26.14, 20.34 and 25.82 acres in area, rezoning to A-2 would rectify the non-compliance with current zoning requirements.

## VII. STAFF ANALYSIS/DISCUSSION

### A. Appropriateness of Rezone

#### *Existing Zoning Conditions*

County File #RZ-1925 was approved in 1975 to rezone approximately 481-acres of land that included these three parcels from A-2 and C-M<sup>2</sup> to A-4 entering them into a Williamson Act contract. A Williamson Act contract is a contract entered into between a property owner and the County wherein the owner agrees to utilize the land for those uses specified in the contract and in return the County taxes the property at a lower rate. The A-4 zone is compatible with lands that are under a Williamson Act contract because it specifies that all uses agreed to in the contract are permitted uses. The property came out of its Williamson Act contract in February 2006. With the properties out of contract, the A-4 zoning designation is unnecessary and inappropriate.

#### *Background on Rezoning in the Bollinger Canyon Area*

It is typical for properties to rezone from A-2 to A-4 before entering into a Williamson Act contract. A significant amount of acreage in the unincorporated San Ramon area was zoned A-4 for this reason. Though several of the contracts have either expired or were never executed, a significant amount of acreage remains zoned A-4.

#### *Comparison of Existing and Proposed Zoning Designations*

The uses allowed both by right and with a land use permit in the A-2 and A-4 zones are similar. The A-2 District does allow for establishment of some more-intense agricultural uses, such as granaries, dehydration plants, fruit and vegetable packing plants, and the like. However, physical limitations such as steep slopes, limited access, lack of utility

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<sup>2</sup> Controlled Manufacturing (C-M)

connections, and scarcity of suitable building locations make the property an unlikely candidate for establishment of these types of land uses. It should be noted that these physical limitations also make the properties a poor candidate for additional subdivisions.

Under the A-4 zoning the three properties are required to be at least 40 acres due to the non-prime soil types that are present. This has since changed and the minimum area requirement was 20 acres when the property was rezoned to A-4 in 1975. The A-2 District requires a minimum parcel size of five acres. Therefore, approval of the rezone would correct the property's existing inconsistency with zoning standards.

## **B. General Plan Consistency**

### *Land Use Element - Land Use Designation*

The Land Use Element of the General Plan designates the subject property as Agricultural Lands (AL). The AL designation allows for a wide range of agricultural uses and limits density to a maximum of 1 unit per 5 acres. The A-2 zoning designation is consistent with the AL designation in terms of density as well as general uses allowed.

This land use designation includes most of the privately owned rural lands in the County, excluding private lands that are composed of prime soils or lands that are located in or near the Delta. Most of these lands are in hilly portions of the County and are used for grazing livestock, or dry grain farming. The purpose of the Agricultural Lands designation is to preserve and protect lands capable of and generally used for the production of food, fiber, and plant materials. The title is intended to be descriptive of the predominant land-extensive agricultural uses that take place in these areas, but the land use title or description shall not be used to exclude or limit other types of agricultural, open space or non-urban uses. The maximum allowable density in this category is one dwelling unit per 5 acres. The uses that are allowed in the Agricultural Lands designation include all land-dependent and non-land dependent agricultural production and related activities. In addition, the following uses may be allowed by issuance of a land use permit, which shall include conditions of approval that mitigate the impacts of the use upon nearby agricultural operations through the establishment of buffer areas and other techniques:

- facilities for processing agricultural products produced in the County such as dairies, rendering plants, and feed mills;
- commercial agricultural support services which are ancillary to the agricultural use of a parcel, such as veterinarians, feed stores, and equipment repair and welding; and
- small-scale visitor serving uses including small tasting rooms, stands for the sale of products grown or processed on the property, guest or "dude" ranches, horse training and boarding ranches, improved campgrounds, and "bed and breakfast" inns of five or fewer bedrooms which are on lots of 20 acres or more, extensive recreational facilities and private retreats.

### *Land Use Element - Urban Limit Line*

The purpose of the ULL is twofold: (1) to ensure preservation of identified non-urban agricultural, open space and other areas by establishing a line beyond which no urban

land uses may be established; and (2) facilitate the enforcement of the 65/35 Land Preservation Standard (Land Use Element page 3-8). To this end, the General Plan does not allow properties outside the ULL to obtain General Plan Amendments that would redesignate them for an urban land use. In addition, properties outside the ULL may be subject to various agricultural and open space preservation measures. These measures could include, but would not necessarily be limited to:

1. Permitting owners of large acre parcels to subdivide and allow only a one-acre building envelope (building site).
2. Encouraging the dedication of open space and agricultural conservation easements.
3. Implementing a transfer of development rights (TDR) program.

The subject property is located outside the ULL and the proposed zoning designation is consistent with the intent and purpose of the ULL because it is agricultural (non-urban).

#### *Land Use Element - 65/35 Land Preservation Standard*

The 65/35 Land Preservation Standard limits urban development to no more than 35 percent of the land in the County, and requires the remaining 65 percent of all land be preserved for agriculture, open space, wetlands, parks and other non-urban uses (Land Use Element page 3-11). The proposed zoning designation is consistent with the intent and purpose of the 65/35 Standard because it is agricultural.

#### *Conservation Element - Agricultural Resources*

The Conservation Element of the General Plan includes goals and policies related to protection of agricultural resources and encouragement of agricultural production. The subject property is located in an agriculturally important area (Conservation Element Figure 8-2). The Conservation Element does not specifically favor one agricultural zoning district over another. Rezoning the property from A-4 to A-2 would in no way threaten agricultural resources or hinder agricultural production.

#### C. Response to Comments on the Initial Study and Negative Declaration

The Department received a total of three letters from the Notice of Public Review for the proposed negative declaration. The comment letters were authored by Mr. Warholc, Ms. Karl and the City of San Ramon.

Both comments from Ms. Karl and the City did not challenge the adequacy of the environmental document. Ms. Karl supports the project and the City's comments note that property is located outside of the City's jurisdiction. However, the City requests that any future development of the properties meet the established pre-zone criterion of a 5 acre minimum per dwelling unit. This request is consistent with the A-2 zoning district.

Mr. Warholc's letter states that the project must be denied at this time on the grounds of illegal structures, metal fabrication business, and an unpermitted bridge and that the project be put on hold until all major issues and major code violations are resolved.

The applicant, in part, has submitted this rezoning application to remedy violations to the zoning and building code for the modified storage containers as outlined in the August



18, 2010, letter from the Department. Again, if the rezoning is approved, the metal fabrication business will require the Farr's to apply, obtain and comply with the provisions of a land use permit under the A-2 zoning district, §84-38.404 (13) which includes compliance with CEQA.

For the reasons stated in the initial study, the rezoning of these properties from A-4, Agricultural Preserve to A-2 General Agriculture does not have the potential to create adverse impacts to the environment. Staff finds that the project complies with the requirements of CEQA.

## VIII. CONCLUSION

The subject property was at one time zoned A-2 but was rezoned to A-4 when it entered into a Williamson Act contract. With the Williamson Act contract expired, the current zoning is unnecessary and inappropriately limits development. Therefore, staff recommends that the County Planning Commission adopt a motion recommending that the Board of Supervisors adopt the Negative Declaration for the project and approve County File #RZ10-3216 to rezone the subject property from A-4 Agricultural Preserve District to A-2 General Agricultural District.

### Exhibits

- A. Findings & Conditions of Approval
- B. Findings Map
- C. Initial Study and Negative Declaration
- D. Public Comments on Negative Declaration and Initial Study
- E. Maps
- F. A-2 Zoning District and A-4 Zoning District
- G. Letter from the Department dated August 18, 2010
- H. Reports to the Board of Supervisors dated April 25, 2000, and July 20, 1999
- I. Excerpt of Minor Subdivision Permit, MS90-141, Condition of Approval #36

**Department of  
Conservation &  
Development**

30 Muir Road  
Martinez, CA 94553-4601

Phone: 1-855-323-2626

**Contra  
Costa  
County**



**Catherine Kutsuris**  
Director

**Aruna Bhat**  
Deputy Director  
Community Development Division

**Jason Crapo**  
Deputy Director  
Building Inspection Division

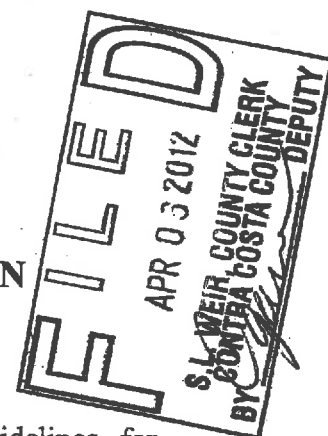
**Steven Goetz**  
Deputy Director  
Transportation, Conservation and  
Redevelopment Programs

April 6, 2012

**REVISED NOTICE**  
**EXTENSION OF PUBLIC COMMENT PERIOD**

**NOTICE OF PUBLIC REVIEW AND INTENT  
TO ADOPT A PROPOSED NEGATIVE DECLARATION**

**County File #RZ10-3216**



Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970" as amended to date, this is to advise you that the Department of Conservation & Development of Contra Costa County has prepared an Initial Study to assess the potential environmental impacts of the following project:

CHARLES AND LORRAINE FARR (Applicants & Owners), County File #RZ10-3216: A request to rezone three properties (Parcel A – 22.77 acres, Parcel B – 24.50 acres, and Parcel C – 25.82 acres) from A-4 Agricultural Preserve District to A-2 General Agricultural District. The subject properties are addressed 18311 Bollinger Canyon Road in the unincorporated San Ramon area. (Zoning: A-4) (General Plan Designation: Agricultural Lands) (Assessor Parcel Numbers: 199-030-060, -061, and -062)

The County has determined that the proposed project will not result in significant environmental impacts and has therefore prepared a Negative Declaration pursuant to the California Code of Regulations, Section 15070.

A copy of the Negative Declaration, Initial Study, and all documents referenced therein may be reviewed in the offices of the Department of Conservation & Development, located at 30 Muir Road, Martinez, during normal business hours. The Negative Declaration and Initial Study may also be downloaded from the Department of Conservation & Development website at [www.co.contra-costa.ca.us/index.aspx?nid=869](http://www.co.contra-costa.ca.us/index.aspx?nid=869).

**Public Comment Period** – The period for accepting comments on the adequacy of the environmental document has been extended to **5:00 P.M., Monday, April 30, 2012**. Any comments should be submitted in writing to the following address:

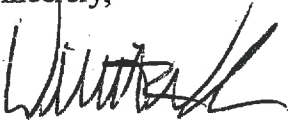
Ryan Hernandez  
Contra Costa County  
Department of Conservation & Development  
Community Development Division  
30 Muir Road  
Martinez, CA 94553

The County File Number indicated near the top of this notice should be included on all correspondence.

The proposed Negative Declaration will be considered for adoption at a meeting of the County Planning Commission. While a date for this hearing has not yet been set, it is anticipated to occur in May or June 2012. The hearing will be held at 30 Muir Road, Martinez.

**Additional Information** – For additional information on the Negative Declaration and the proposed project, please contact me by telephone at (925) 674-7788, fax at (925) 674-7257 or email at [ryan.hernandez@dcd.cccounty.us](mailto:ryan.hernandez@dcd.cccounty.us).

Sincerely,



*For* Ryan Hernandez  
Senior Planner  
Department of Conservation & Development

cc: County Clerk's Office  
County File #RZ10-3216



## California Environmental Quality Act Environmental Checklist Form

1. Project Title: Farr Rezone  
County File #RZ10-3216
2. Lead Agency Name and Address: Contra Costa County  
Department of Conservation & Development  
Community Development Division  
30 Muir Road  
Martinez, CA 94553
3. Contact Person and Phone Number: Ryan Hernandez, Senior Planner, (925) 674-7788
4. Project Location: 18311 Bollinger Canyon Road  
San Ramon, CA 94583  
APN: 199-030-060, 061 & 062
5. Project Sponsor's Name and Address: Charles & Lorraine Farr (Applicant & Owner)  
18311 Bollinger Canyon Road  
San Ramon, CA 94583
6. General Plan Land Use Designation: Agricultural Lands (AL). This land use designation allows a density of 0.2 units per net acre and includes most of the privately owned rural lands in the County, excluding private lands that are composed of prime soils or lands that are located in or near the Delta. Most of the land designated AL is in hilly portions of the County and is used for grazing livestock or dry grain farming.
7. Zoning: A-4 Agricultural Preserve District. This zoning district requires a 40-acre minimum parcel size for non-prime agricultural land and a 10-acre minimum parcel size for prime agricultural land. This district is intended to provide areas primarily for the commercial production of food and fiber and other compatible uses consistent with the intent and purpose of the Land Conservation Act of 1965, also known as the Williamson Act.
8. Setting, Site Description & Surrounding Land Uses: The subject site consists of three rectangular parcels (A=22.77 acres, B=24.50 acres and C=25.82 acres, see attached parcel page) located in a rural area of unincorporated San Ramon. Parcels A and C are vacant. Parcel B is developed with a single family residence and accessory structures/buildings normally accessory to an agricultural property. Parcels in the vicinity range in size from 1-acre to over 100-acres and tend to be vacant or developed with agricultural and/or residential uses. The site is surrounded by properties zoned A-4 and A-2 General Agricultural District. Other agricultural zoning districts in the area include A-20 Exclusive Agricultural District and A-80 Exclusive Agricultural District. The area is characterized by steep terrain and large groupings of mature trees. These features combine with limited access to restrict much of the site's development potential and suitable building locations are few.
9. Project Description: The A-4 District is a unique zoning district that applies to properties covered by a Williamson Act contract. In 1975 the subject properties were part of a larger 481-acre parcel that was rezoned from A-2 to A-4 because it was under a Williamson Act contract. That larger parcel has since been subdivided; however, the zoning remained A-4. The applicant proposes to rezone the subject parcels from A-4 back to A-2 because of the contract's termination. No physical development or site modifications are proposed, and the project applicant has not indicated that the proposed rezoning is a precursor to future development.

The A-4 zone requires a minimum parcel size of 40 acres for non-prime agricultural land like the subject property, while the A-2 District requires a 5-acre minimum parcel size. As the subject sites

are 25.82, 26.14 and 20.34 acres in area, rezoning to A-2 would rectify the non-compliance with current zoning requirements.

The primary land uses in the A-2 District are general farming, horticulture, floriculture, nurseries and greenhouses, dairying, livestock production and other compatible uses. The A-2 zoning also allows some uses by right, such as granaries, fruit and vegetable packing plants, and cold storage plants that are somewhat industrial in nature and more intensive than the uses allowed by right in the A-4 District. However, the subject property's unfavorable location (it is not in the vicinity of large-scale crop production), varied topography, limited building sites, lack of water and sewer connections, and limited access (one rural road accesses the property and it is not proximate to a major road, highway, or rail line) make it an unrealistic candidate for development of those types of land uses. Additional uses might be established in the A-2 District upon approval of land use permits, but each land use permit would be subject to its own California Environmental Quality Act (CEQA) review. For that reason, establishment of uses requiring issuance of a land use permit is not considered in this Initial Study. Ultimately, it is most reasonable to expect for the properties to be developed with the low-intensity agricultural uses permitted in both the A-2 and A-4 districts, along with a single-family residence and its appurtenant uses.

10. Other Public Agencies Whose Approval is Required (e.g. permits, financing, approval or participation agreement): None; rezoning is a legislative act under the sole purview of the County Board of Supervisors.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture & Forest Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology & Soils
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology & Water Quality
<input type="checkbox"/> Land Use & Planning	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise
<input type="checkbox"/> Population & Housing	<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation
<input type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Utilities & Service Systems	
<input type="checkbox"/> Mandatory Findings of Significance		

☒ None of the above

## DETERMINATION

On the basis of this Initial Study:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Signature

Ryan Hernandez

Senior Planner

Contra Costa County Department of Conservation & Development

Date

March 20, 2012



## SOURCES

In the process of preparing the Initial Study Checklist and conducting the evaluation, the following references, which are available for review either online or at the Contra Costa County Department of Conservation & Development, 651 Pine Street 2nd Floor-North Wing, Martinez, were consulted:

1. Application to rezone the subject site from A-4 to A-2, received by Contra Costa County on September 9, 2010.
2. Contra Costa County General Plan 2005-2020
3. Contra Costa County Code – Title 8 Zoning Ordinance
4. Contra Costa County Geographic Information System
5. Contra Costa County Land Information System
6. *Contra Costa County Important Farmland Map 2008* prepared by the California Department of Conservation
7. Public Resources Code section 12220(g)
8. Public Resources Code section 4526
9. Government Code section 51104(g)
10. California Environmental Quality Act (CEQA) as amended January 1, 2012, and CEQA Guidelines amended as of May 2011
11. Bay Area Air Quality Management District CEQA Guidelines dated May 2011.
12. Bay Area Air Quality Management District proposed Thresholds of Significance for Greenhouse Gas Emissions dated December 7, 2009
13. California Department of Toxic Substances Control website
14. Association of Bay Area Governments Geographic Information Systems, Hazard Maps – Wildland Urban Interface Fire Threat
15. Federal Emergency Management Agency Flood Insurance Rate Map
16. Association of Bay Area Governments Geographic Information Systems, Hazard Maps – Dam Failure Inundation Areas
17. Minor subdivision application, County File #M.S.90-0141
18. Contra Costa County Code – Title 4 Health and Safety

## **EVALUATION OF ENVIRONMENTAL IMPACTS**

### **I. AESTHETICS** – Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista? (Sources: 1, 2)	_____	_____	_____	✓
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Sources: 1, 2)	_____	_____	_____	✓
c. Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1)	_____	_____	_____	✓
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? (Source: 1)	_____	_____	_____	✓

#### **Impact: None**

Summary a-d: The upper (southern) 10-percent of the subject site is located within a County-designated scenic ridge. As part of the Department's approval of Minor Subdivision, County file #MS90-0141, which created the subject lots, the property owner recorded a scenic easement to protect the visual quality of that scenic ridge. Notwithstanding that fact, the applicant is proposing to rezone the site and has not proposed physical development. As explained in the project description above, the physical characteristics of the site all but preclude development of anything other than low-intensity agricultural uses along with a single-family residence and its appurtenant uses. Without a proposal for a specific land use, any assumption of significant visual impact would be purely speculative. The act of rezoning by itself would not impact trees, rock outcroppings, or other scenic resources, and would not introduce substantial light or glare to the area.

### **II. AGRICULTURE & FOREST RESOURCES** – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agricultural and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection and state's inventory of forest land, including the Forest and Range Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-	_____	_____	_____	_____

agricultural use? (Source: 6)	_____	_____	_____	✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract? (Sources: 3, 5)	_____	_____	_____	✓
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)? (Sources: 1, 3, 7, 8, 9)	_____	_____	_____	✓
d. Result in the loss of forest land or conversion of forest land to non-forest use? (Sources: 1, 3, 7, 8)	_____	_____	_____	✓
e. Involve other changes in the existing environment, which due to their location or nature, could result in conversion of farmland, to non-agricultural use? (Sources: 1, 3)	_____	_____	_____	✓

**Impact: None**

**Summary a:** The 2008 Contra Costa County Important Farmland Map designates the subject property as Grazing Land. Thus, there would be no impact to farmland designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

**Summary b:** The property's Williamson Act contract has been terminated. Therefore, no conflict with a Williamson Act contract would occur. The proposed project is to rezone from one agricultural zone to another, which clearly would not conflict with zoning for agricultural use.

**Summary c-d:** The site may qualify as forest land under Public Resources Code section 12220(g) and timberland under Public Resources Code 4526. This site is not zoned Timberland Production. No physical changes are proposed that would directly impact the forest/timber resources onsite. Rezoning the site from A-4 to A-2 would not increase the likelihood of conversion of forest land to non-forest use because the uses that could realistically be established in the two zones are substantially similar.

**Summary e:** No physical development is proposed and the proposed A-2 District allows for a wide range of agricultural uses. No changes to the existing environment would occur that could result in the conversion of farmland to non-agricultural uses.

**III. AIR QUALITY** – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No impact
a. Conflict with or obstruct implementation of the applicable air quality plan? (Sources: 1, 11)	_____	_____	_____	✓
b. Violate any air quality standard or contribute to an existing or projected air quality violation? (Sources: 1, 11)	_____	_____	_____	✓



- |   |       |       |       |       |
|---|-------|-------|-------|-------|
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Sources: 1, 11) | _____ | _____ | _____ | _____ |
| d. Expose sensitive receptors to substantial pollutant concentrations? (Sources: 1, 4, 11)  | _____ | _____ | _____ | _____ |
| e. Create objectionable odors affecting a substantial number of people? (Sources: 1, 11)  | _____ | _____ | _____ | _____ |

✓

✓

✓

**Impact: Less than significant**

### **Bay Area Air Quality Management District CEQA Guidelines**

Management of air quality in the San Francisco Bay Area Air Basin (SFBAAB) is the responsibility of the Bay Area Air Quality Management District (BAAQMD). The BAAQMD is responsible for bringing and/or maintaining air quality in the Basin within federal and state air quality standards. Specifically, the BAAQMD has the responsibility to monitor ambient air pollutant levels throughout the Basin and to develop and implement attainment strategies to ensure that future emissions would be within federal and state standards.

The SFBAAB is currently designated as a nonattainment area for state and national ozone standards and national particulate matter ambient air quality standards. SFBAAB's nonattainment status is attributed to the region's development history. Past, present and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant.

The District's CEQA Guidelines are developed to assist local jurisdictions and lead agencies in complying with the requirements of CEQA regarding potentially adverse impacts to air quality. The primary purpose of the Guidelines is to provide a means to identify proposed local plans and development projects that may have a significant adverse effect on air quality and public health.

The Air District's CEQA Guidelines, updated in May 2011, recommend air quality significance thresholds, analytical methodologies and mitigation measures for local agencies to use when preparing air quality impact analyses under CEQA. The updated CEQA Guidelines seek to better protect the health and well-being of Bay Area residents by addressing new health protective air quality standards, exposure to toxic air contaminants, and adverse effects from global climate change.

This document describes the criteria that the BAAQMD uses when reviewing and commenting on the adequacy of environmental documents. The *Guidelines* recommend thresholds for use in determining whether projects would have significant adverse environmental impacts, identify methodologies for predicting project emissions and impacts, and identify measures that can be used

to avoid or reduce air quality impacts. This Initial Study section was prepared in accordance with the principles outlined in the *Guidelines*.

A May 2011 update to the Air District's CEQA Guidelines has been posted. The CEQA Guidelines were updated to reflect the Air District's recently released refined risk and hazard analysis tools. The updated CEQA Guidelines include other clarifications and revisions, summarized on page i in the document, to further assist lead agencies in implementing the Air District's thresholds of significance.

Summary a-c: The proposed project is a rezone from one agricultural zoning district to another. As explained in Section I above, while the A-2 District allows certain land uses that are more intense than the uses allowed in the A-4 District, the likelihood of those uses being developed is extremely low because of the subject property's unfavorable location, varied topography, limited building sites, and limited access. It is far more reasonable to expect that the property will be developed with the low-intensity residential and agricultural land uses permitted by both zoning districts.

Even if the property were eventually developed with some of the more intense uses allowed in the A-2 District, it is extremely unlikely that emissions would result in significant impacts. Table 3-1 of the *BAAQMD CEQA Guidelines* lists projects likely to generate potentially significant emissions of NO<sub>x</sub>. Such projects include single-family residential developments of 325 units, supermarkets of 42,000 square feet, office parks of 323,000 square feet, and hotels containing 489 rooms. While Table 3-1 addresses only one of the criteria pollutants, the *Guidelines* state that Table 3-1 may be used to screen projects to determine the likelihood that the significance thresholds might be exceeded. Table 3-1 lists development types that would be expected to generate hundreds of trips per day. As nothing of that scale could reasonably be expected to be developed at the subject property, the County has determined that even in the worst-case scenario, the proposed rezone would not lead to production of significant amounts of criteria pollutants and thus the individual impact on air quality would be less-than-significant.

The *Guidelines* state that if a project will not have a significant individual impact and it is consistent with the local land use agency's general plan (i.e., does not require a general plan amendment), and the general plan is consistent with the applicable Clean Air Plan, then the project will not have a significant cumulative impact. All of these criteria are met for the proposed project, and thus the project would have a less-than-significant cumulative impact on air quality.

Summary d: Residences on nearby properties are the only sensitive receptors in the area. Agricultural land uses can generate pollutants, such as airborne pesticides. However, since the proposal is to change the zoning from one agricultural zoning district to another, the potential for a substantial increase in pollutant concentrations is negligible.

Summary e: Agricultural land uses routinely generate objectionable odors. However, since the proposal is to change the zoning from one agricultural zoning district to another, the potential for a substantial increase in objectionable odors is negligible.

#### IV. BIOLOGICAL RESOURCES – Would the project:

Potentially Significant impact	Less Than Significant With Mitigation incorporated	Less Than Significant impact	No impact
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- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Dept. of Fish and Game or U.S. Fish & Wildlife Service? (Sources: 1, 3)
- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Dept. of Fish and Game or U.S. Fish & Wildlife Service? (Sources: 1, 3)
- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Sources: 1, 3)
- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance? (Sources: 1, 3)
- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? (Sources: 1, 4)

			✓
			✓
			✓
			✓
			✓
			✓

**Impact: None**

**Summary a-e:** As explained in the project description above, no development or other physical changes to the site are proposed and the uses that could realistically be established under the proposed A-2 zoning are substantially similar to the uses that can be established under the existing A-4 zoning. Therefore, rezoning the site poses no realistic additional threat to biological resources.

**Summary f:** No Habitat Conservation Plan, Natural Community Conservation Plan, or other local, regional, or state habitat conservation plan has been approved or adopted for the project site or its vicinity.

**V. CULTURAL RESOURCES – Would the project:**

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	-----------



- |   |       |       |       |   |
|---|-------|-------|-------|---|
| a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? (Sources: 1, 10)    | _____ | _____ | _____ | ✓ |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? (Sources: 1, 10) | _____ | _____ | _____ | ✓ |
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature? (Source: 1)                 | _____ | _____ | _____ | ✓ |
| d. Disturb any human remains, including those interred outside of formal cemeteries? (Source: 1)                                      | _____ | _____ | _____ | ✓ |

**Impact: None**

**Summary a:** CEQA Guidelines Section 15064.5 defines historical resources as follows:

*"a) For purposes of this section, the term "historical resources" shall include the following:*

- (1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4850 et seq.).*
- (2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.*
- (3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4852) including the following:*
  - (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*
  - (B) Is associated with the lives of persons important in our past;*
  - (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or*
  - (D) Has yielded, or may be likely to yield, information important in prehistory or history."*

No historical resources are apparent onsite and no physical changes are proposed. Therefore, there would be no impact to historical resources as a result of the proposed rezoning.

Summary b-d: As no physical changes are proposed, there is no possibility of impacts to archaeological or paleontological resources, unique geologic features, or human remains.

**VI. GEOLOGY AND SOILS – Would the project:**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (Sources: 1, 2)	_____	_____	_____	✓
2. Strong seismic ground shaking? (Sources: 1, 2)	_____	_____	_____	✓
3. Seismic-related ground failure, including liquefaction? (Sources: 1, 2)	_____	_____	_____	✓
4. Landslides? (Sources: 1, 2)	_____	_____	_____	✓
b. Result in substantial soil erosion or the loss of topsoil? (Source: 1)	_____	_____	_____	✓
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse? (Sources: 1, 2, 17)	_____	_____	_____	✓
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1998), creating substantial risks to life or property? (Sources: 1, 2, 17)	_____	_____	_____	✓
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater? (1, 17)	_____	_____	_____	✓

**Impact: None**

Summary a 1-4: The subject site is located near a known earthquake fault, however, according to the Estimated Seismic Ground Response map (Figure 10-4, County General Plan), the site is rated as

having a “Moderately low damage susceptibility”. In addition, Figure 10-5 in the County General Plan shows that the site has generally low liquefaction potential. Changing the zoning from one agricultural district to another that is substantially similar in terms of the uses that could realistically be established would not expose people or structures to substantial adverse effects, including the risk of loss, injury, or death, involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides.

Summary b: No physical changes to the site are proposed. Therefore, no erosion or loss of topsoil would occur.

Summary c-d: Figure 10-4 in the *Safety Element* of the General Plan indicates that the site is underlain by bedrock. Unstable geologic units or soils are unlikely to be present.

Expansive soils shrink and swell as a result of moisture changes that can cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations. Expansive soils are an engineering issue, not a land use or feasibility issue. If expansive soils are present, damage resulting from volume changes can be reduced by placing slabs on select, granular fill and by use of rigid mat or post-tensioned slabs on specially prepared and moisture conditioned soils. However, any adverse geologic conditions would be addressed during the Building Inspection Division plan check process and would not be exacerbated by approval of the proposed rezone.

Summary e: As the three subject parcels were created through the subdivision process, it is believed that the site is capable of supporting a septic system.

## VII. GREENHOUSE GAS EMISSIONS – Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Sources: 1, 3, 12)	_____	_____	✓	_____
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Sources: 1, 3, 12)	_____	_____	✓	_____

### Impact: Less than significant

Summary a-b: The BAAQMD has developed significance thresholds for greenhouse gas emissions as well as screening criteria to assist local agencies in determining whether a project could potentially exceed those thresholds. The screening criteria do not include agricultural uses, but indicate that single-family residential development of 56 units or more, general light industrial development of 72 acres or more, and general office development of 53,000 square feet or more would be expected to generate significant greenhouse gas emissions. A-2 zoning is more intensive than A-4 zoning, but the site, because of its physical constraints, could not be developed at a level approaching the intensity of



the aforementioned development types. Therefore, at worst, the impact of the proposed rezone would be less than significant.

**VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? (Sources: 1, 3)	_____	_____	_____	✓ _____
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Sources: 1, 3)	_____	_____	_____	✓ _____
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school? (Sources: 1, 3, 4)	_____	_____	_____	✓ _____
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65862.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: 13)	_____	_____	_____	✓ _____
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: 4)	_____	_____	_____	✓ _____
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: 4)	_____	_____	_____	✓ _____
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Sources: 1, 2, 3)	_____	_____	_____	✓ _____
h. Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands? (Sources: 1, 2, 14)	_____	_____	✓ _____	_____

**Impact: Less than significant**

Summary a-b: No new land uses are proposed that would routinely handle hazardous materials. Therefore, rezoning the site would not create a significant hazard to the public or the environment due to the routine transport, storage, use, or disposal of hazardous materials.

Summary c: The subject site is not located within one-quarter mile of an existing or proposed school.

Summary d: The Department of Toxic Substances Control (DTSC) provides an annually updated list of hazardous materials sites pursuant to Government Code Section 65962.5. This list, known as the "Cortese List," identifies thirty-eight hazardous materials sites within Contra Costa County. According to the list, the subject site is not on or located near any such site.

Summary e-f: The subject site is not located within two miles of a public airport or within the vicinity of a private airstrip. The site is not located within an area covered by an airport land use plan.

Summary g: The proposed project calls for a change from one agricultural zone to another that is substantially similar in terms of the uses that could realistically be established. As no physical development or substantial change in use is proposed, there would be no interference with implementation of an emergency response or evacuation plan.

Summary h: Figure 10-10 in the Safety Element of the County General Plan indicates that the subject site is within a "moderate fire hazard area." Approval of the proposed rezone would not change the site's physical characteristics as they pertain to fire hazards, and would not result in substantial intensification of land use. Any future development must meet the requirements of the local fire district.

## IX. HYDROLOGY AND WATER QUALITY – Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements? (Sources: 1, 3)	_____	_____	_____	_____✓_____
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Sources: 1, 3, 18)	_____	_____	_____	_____✓_____
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site? (Source: 1)	_____	_____	_____	_____✓_____

d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner that would result in flooding on- or off-site? (Source: 1)	_____	_____	_____	_____
e. Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? (Sources: 1, 3)	_____	_____	_____	_____
f. Otherwise substantially degrade water quality? (Sources: 1, 3)	_____	_____	_____	_____
g. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: 15)	_____	_____	_____	_____
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows? (Source: 15)	_____	_____	_____	_____
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: 16)	_____	_____	_____	_____
j. Be subject to inundation by seiche, tsunami or mudflow? (Sources: 1, 3, 4)	_____	_____	_____	_____

**Impact: Less than significant**

**Summary a:** Approval of the proposed project would change the subject site's zoning from one agricultural district to another. As the uses allowed in the two districts are substantially similar, no element of this action would have the potential for violating water quality standards or discharge requirements. Therefore, no impact would occur.

**Summary b:** Establishment of the proposed zoning would not substantially interfere with groundwater recharge. The existence of sufficient groundwater supplies must be determined prior to development. Groundwater supplies would be verified and appropriately monitored by the County Health Services Department, Environmental Health Division.

**Summary c-f:** As no physical changes to the site are proposed, no alterations would occur to existing drainage patterns in the area and no additional runoff would be generated. As the land uses permitted by the existing and proposed zoning districts are substantially similar, the project's potential to generate additional sources of polluted runoff or otherwise substantially degrade water quality would be negligible.

**Summary g-h:** Portions of Parcel A, vacant and Parcel B, developed (located adjacent to Bollinger Canyon Road) are located within a special flood hazard area. Approval of the proposed project would change the subject site's zoning from one agricultural district to another and no physical development



is proposed at this time. Any future development of the Parcel A or B will require review and compliance with the County's Floodplain Management Ordinance. This project does not propose to place housing or structures within a 100 year flood hazard area.

Summary i: No impact would occur because the subject site is not protected by levees or dams.

Summary j: Seiche and tsunami occur in larger bodies of water such as lakes and oceans. There is no threat to the subject site from seiche or tsunami because the types of water bodies where they occur do not exist in the vicinity. Any current threat to the site from mudflow would not be exacerbated by changing the zoning district from A-4 to A-2 because substantially similar uses could be established.

## X. LAND USE AND PLANNING – Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community? (Sources: 1, 3)	_____	_____	_____	_____✓_____
b. Conflict with any applicable land use plan, policy, or the regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Sources: 1, 2, 3, 11, 12, 18)	_____	_____	_____	_____✓_____
c. Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 4)	_____	_____	_____	_____✓_____

### Impact: None

Summary a: The subject site is in an area that is comprised of mostly agricultural and residential uses. Rezoning the site from one agricultural district to another one that is similar clearly would not compromise the character of the area or lead to a physical division of the established community.

Summary b: Nothing in the record suggests that the proposed project would conflict with plans, policies, or regulations adopted for the purpose of mitigating environmental impacts. As explained throughout this Initial Study, implementation of the project would result only in a change from one agricultural zone to another that is similar in terms of the uses that could realistically be established. The proposed zoning is consistent with the General Plan land use designation.

Summary c: No Habitat Conservation Plan or Natural Community Conservation Plan has been approved or adopted for the subject site or its vicinity.

## XI. MINERAL RESOURCES – Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the	_____	_____	_____	_____

region and the residents of the state? (Source: 2)	_____	_____	_____	✓
b. Result in the loss or availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? (Source: 2)	_____	_____	_____	✓

**Impact: None**

Summary a-b: According to the Contra Costa General Plan, there are no mineral resources in the vicinity of the project site.

**XII. NOISE** – Would the project result in:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Sources: 1, 2, 3)	_____	_____	_____	✓
b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? (Sources: 1, 3)	_____	_____	_____	✓
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: 1, 3)	_____	_____	_____	✓
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: 1, 3)	_____	_____	_____	✓
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: 4)	_____	_____	_____	✓
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: 4)	_____	_____	_____	✓

**Impact: None**

Summary a: The General Plan specifies the same noise standards for all agricultural uses. Therefore, rezoning from one agricultural zone to another would not cause the standards to be exceeded.

Summary b-d: The existing noise environment would not change because no development is proposed and the uses allowed by the A-2 and A-4 zoning districts are substantially similar.

Summary e-f: The subject site is not located within two miles of a public airport or within the vicinity of a private airstrip. The site is not located within an area covered by an airport land use plan.

**XIII. POPULATION AND HOUSING – Would the project:**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Sources: 1, 3)	_____	_____	✓	_____
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: 4)	_____	_____	_____	✓
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: 4)	_____	_____	_____	✓

**Impact: Less than significant**

Summary a: The proposed A-2 zoning permits construction of one single-family residence by right, whereas the existing A-4 zoning requires approval of a land use permit in order to establish a residence. A residential second unit could potentially be constructed in either zone through a separate ministerial process. Clearly, establishment of one residence and possibly one residential second unit on a legally created parcel would neither directly nor indirectly induce substantial population growth. Other uses permitted by the proposed zoning are agricultural in nature and would not induce substantial population growth.

Summary b-c: Two of the three subject parcels are vacant and therefore rezoning them would not result in displacement of existing housing or people.

**XIV. PUBLIC SERVICES – Would the project:**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?				
1. Fire protection? (Sources: 1, 2)	_____	_____	_____	✓



2. Police protection? (Sources: 1, 2, 3)	_____	_____	✓	_____
3. Schools? (Sources: 1, 2, 3)	_____	_____	✓	_____
4. Parks? (Sources: 1, 2, 3)	_____	_____	✓	_____
5. Other public facilities? (Sources: 1, 3)	_____	_____	✓	_____

**Impact: Less than significant**

Summary a.1: The service standard for fire protection is based on distance. The General Plan states that new development must be located within 1.5 miles driving distance of a fire station or must be equipped with improvements, such as automatic sprinklers and in some cases water storage tanks, to enhance fire fighting capabilities. Rezoning the site would neither alter its distance to a fire station nor lessen the requirements for installation of fire suppression equipment.

Summary a.2-4: The service ratios for police protection, schools, and parks are based on population. As no substantial population growth would occur, there would be negligible, if any, impacts to these services.

Summary a.5: As the proposed rezoning would not result in substantial population growth, impacts to other public facilities such as hospitals and libraries would be insignificant.

**XV. RECREATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Sources: 1, 3)	_____	_____	_____	✓
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? (Source: 1)	_____	_____	_____	✓

**Impact: No impact**

Summary a: As explained in Section XIII above, implementation of the proposed project would not induce substantial population growth. Therefore, use of parks and recreational facilities would not increase, and their deterioration would not be accelerated.

Summary b: The proposed project does not include a proposal for new recreational facilities, and because it would not induce population growth, would not necessitate the expansion of existing facilities.

**XVI. TRANSPORTATION/TRAFFIC – Would the project:**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------------	--	------------------------------------	-----------

- a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Sources: 1, 2, 3)
- b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (Sources: 1, 3)
- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Source: 1)
- d. Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)? (Sources: 1, 3)
- e. Result in inadequate emergency access? (Sources: 1, 17)
- f. Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Sources: 1, 2, 3, 4)

			✓
			✓
			✓
			✓
			✓
			✓

**Impact: No impact**

Summary a-b: As explained above, the project would not result in substantial population growth, no physical changes are proposed, and the uses allowed in the existing and proposed zoning districts are substantially similar. Therefore, there is no possibility that rezoning the site as proposed would impact the circulation system's performance or conflict with the county's congestion management programs and standards.

Summary c: The subject site is not in the vicinity of an airstrip or airport and changing the zoning designation as proposed clearly would not impact air traffic.

Summary d: Since no physical development is proposed, hazards would not increase due to a design feature. Because the uses that could realistically be established under the A-4 and A-2 zoning are substantially similar, rezoning the site as proposed would not result in introduction of incompatible uses.

Summary e: Access to the site is gained via Bollinger Canyon Road and this has been the planned access since the subject parcels were created by subdivision approval in September 1997. Rezoning the site would not alter the planned access. If and when the vacant sites are developed, the access must be improved to comply with the fire district's standards for emergency access.

Summary g: The subject site is located in a rural area that is not served by public transit. Because of the area's rural character and low density, bicycle and pedestrian facilities, such as bike lanes and sidewalks, are not widely developed. As no physical changes are proposed and the proposed rezone would not result in a substantial change in uses at the subject site, there is no realistic possibility of the project conflicting with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise degrading the performance of such facilities.

#### **XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Sources: 1, 3)	_____	_____	_____	_____✓_____
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: 1, 5)	_____	_____	_____	_____✓_____
c. Require or result in the construction of new stormwater drainage facilities, the construction of which could cause significant environmental effects? (Source: 1)	_____	_____	_____	_____✓_____
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Sources: 1, 17, 18)	_____	_____	_____	_____✓_____
e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the	_____	_____	_____	_____



project's projected demand in addition to the provider's existing commitments? (Sources: 1, 17, 18)				✓
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's waste disposal needs? (Sources: 1, 3)			✓	
g. Comply with federal, state and local statutes and regulations related to solid waste? (Source: 3)			✓	

**Impact: Less than significant**

Summary a: No physical development is proposed and the uses allowed in the existing and proposed zoning districts are substantially similar. Additionally, the site does not and will not discharge into a facility regulated by the Regional Water Quality Control Board. Therefore, there is no possibility that changing the zoning from A-4 to A-2 would cause an exceedance of the Board's wastewater treatment requirements. Also see discussion in Section IX.a above.

Summary b: See Sections XVI.d and XVI.e below regarding water and wastewater facilities, respectively.

Summary c: The types of stormwater drainage facilities required at any site are dependent on the characteristics if the development proposed, not on the underlying zoning designation. Therefore, rezoning the site from A-4 to A-2 has effect on construction of stormwater drainage facilities. Also see discussion in Section IX.e above.

Summary d: There is no local supplier of potable water; a well would be required upon development of the site. Changing the site's zoning designation has no impact on the requirement for a well.

Summary e: There is no local wastewater treatment provider serving the site; a septic system would be required upon development of the site. Changing the site's zoning designation has no impact on the requirement for a septic system.

Summary f-g: Because the uses allowed by the existing and proposed zoning districts are substantially similar, implementation of the proposed project would not substantially alter the quantity or type of solid waste produced at the subject site. Landfills serving the County have sufficient permitted capacity to accept any waste generated at the site.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or				

prehistory?

b. Does the project have impacts that are individually limited, but are cumulatively considerable? (Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

**Impact: Less than significant impact**

Summary a: As explained throughout this Initial Study, implementation of the proposed project would not result in serious degradation of the quality of the environment because no physical changes to the site are proposed and the uses that could realistically be established under the proposed A-2 agricultural zoning are substantially similar to the uses that could be established under the existing A-4 agricultural zoning. Based on the evidence in the record, the staff finds that the project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal.

Summary b: No cumulative environmental impacts would result from implementation of the proposed project. As explained throughout this Initial Study, no physical changes to the site are proposed, and because of the site's physical characteristics, the uses that could realistically be established under the proposed A-2 agricultural zoning are substantially similar to the uses that could be established under the existing A-4 agricultural zoning. Additionally, it is a normal practice to rezone property from A-4 to another agricultural zoning district upon expiration of a Williamson Act contract. There is no evidence in the record suggesting that cumulatively considerable environmental effects would result from approval of the proposed rezone.

Summary c: As explained throughout this Initial Study, the proposed project would result in very few potential impacts and all of the impacts that were identified would be less than significant. Nothing in the record indicates that project has the potential to cause substantial adverse effects on humans, either directly or indirectly.

**Attached**

- 1) Vicinity Map
- 2) 2008 Ortho Photograph
- 3) Agricultural Lands, AL General Plan Designation Map
- 4) Agricultural Preserve Zoning District Map

Mr. Ryan Hernandez  
Contra Costa County  
Department of Conservation & Development  
Community Development Division  
30 Muir Road  
Martinez, CA 94553

CONTRA COSTA  
COUNTY Wednesday, April 25, 2012

2012 APR 26 P 1:54

DEPARTMENT OF  
CONSERVATION  
AND DEVELOPMENT

Dear Mr. Hernandez,

**RZ10-3216 must be denied** at this time, otherwise the County in my opinion becomes complicit in helping the applicants in trying to get approval for; their illegal structures (illegal per code enforcement), their illegally operating business (illegal per a 1999 Board of Supervisors unanimous decision to completely shut down all commercial fabrication activity, which still continues), an unpermitted (at this time) major bridge project to be placed over a riparian channel, and for approval for other major unresolved issues. We ask that the County temporary put on hold this rezoning application until all the major issues and major code violations are resolved.

If anyone doubts the veracity of any of this information just talk to Ryan Hernandez, Senior Planner, or to Tyrone Ridgle, Building Inspector II, or to Marie Taylor, Building Inspection or to many others within the County departments.

I formally request a sit down meeting with the County officials that ultimately will be making the final decision on this matter so I can go over all the major issues that were not addressed in the report. I will present, with hard evidence, proof that many of the items listed in the California Environmental Quality Act, Environmental Checklist Form for RZ10-3216 are improperly checked as NO IMPACT or LESS THAN SIGNIFICANT IMPACT, when in fact they **should have been checked as POTENTIALLY SIGNIFICANT IMPACT**. It's obvious that the flood of information that has recently come to light was not available when the report was being drawn up and finalized. The fact that all the new information has come to light demands that the County take another in depth look at all the environmental impacts and revise the Initial Study.

At the meeting I will present evidence that there is already multiple **"Potentially Significant Impacts"** in: Aesthetics, Green Gas Emissions, Land Use & Planning, Transportation/Traffic, Hazards & Hazardous Materials, Air Quality, Geology & Soils, Hydrology & Water Quality, and Noise. Give me the opportunity to present my information and evidence **before** the County makes any decisions on this matter. I will also present indisputable evidence as to how our health has been, and is now currently being adversely affected by the applicants' activities!

It is the County's responsibility and mandate to protect public health and safety as well as to protect the health of the environment. This **rezoning request must be denied**; otherwise the County is putting public health and safety at risk and the health of the environment at risk! We implore the County to **deny RX10-3216 at this time**. We ask the County not sweep this under the rug as there are major ramifications for doing so.

There would be absolutely **no negative impact in denying RZ10-3216** at this time.

Greatly concerned,

Michael Warholic  
18333 Bollinger Canyon Road  
San Ramon, CA 94583



4/11/2012

• • •

Barbara Karl  
18355 Bollinger Canyon Road  
San Ramon, CA 94583

Ryan Hernandez  
Contra Costa County  
Department of Conservation & Development  
Community Development Division  
30 Muir Road  
Martinez, CA 94553

CONTRA COSTA  
COUNTY

2012 APR 16 A 7:48

DEPARTMENT OF  
CONSERVATION  
AND DEVELOPMENT

**Dear Mr. Hernandez,**

I recently received a notice about Charles and Lorraine Farr's request to rezone their three properties from A-4 to A-2 (County file #RZ10-3216) and would like to make a positive comment on the proposed Negative Declaration.

The document frequently notes that the uses allowed by the existing and proposed zoning districts are substantially similar so it is logical that the study finds the impact of the change to be minor. That said, it is comforting to know that the County oversees such changes and that near-by residents have an opportunity to review them.

For over 17 years, I have been the Farr's neighbor and have witnessed their care for the land and the environment. I have no doubt that, A-2 or A-4, they will continue to protect it.

Thanks for such a thorough document; I hope it is adopted by the County Planning Commission.

Sincerely,



Barbara Karl

Cc: Mike & Lori Farr



CONTRA COSTA  
COUNTY

2012 APR -9 P 2:56

## CITY OF SAN RAMON

DEPARTMENT OF  
CONSERVATION  
AND DEVELOPMENT

2222 CAMINO RAMON  
SAN RAMON, CALIFORNIA 94583  
PHONE: (925) 973-2500  
WEB SITE: [www.sanramon.ca.gov](http://www.sanramon.ca.gov)

April 6, 2012

Ryan Hernandez  
Department of Conversation and Development  
Community Development Division  
Contra Costa County  
30 Muir Road  
Martinez, CA 94553

**RE: Notice of Public Review and Intent to Adopt a Proposed Negative Declaration –  
Farr Rezone (RZ10-3216)  
18311 Bollinger Canyon Road (APNs: 199-030-060, 061, and 062)**

Dear Mr. Hernandez:

In response to your notice of public review and intent to adopt a proposed Negative Declaration for a rezone application (RZ10-3216) located at 18311 Bollinger Canyon Road (APNs: 199-030-060, 061, and 062), the City of San Ramon Planning staff has prepared the following comments.

While the project site is located outside of the San Ramon City limits, it is within the City's Sphere of Influence. A portion of the project site along Bollinger Canyon Road is currently prezoned Rural Residential (RR) with a Rural Conservation (RC) overlay district while the balance of the project site is prezoned Agricultural (AG) with a Resource Conservation (RC) overlay district (see Enclosure 1). City staff, however, is currently processing a Zoning Map Amendment application to change the prezone designations to (Pre) Rural Conservation (RC) along Bollinger Canyon Road and (Pre) Agricultural (AG) for the balance of the project site (see Enclosure 2).

The San Ramon Zoning Ordinance Division D2 Chapter II (Residential Zones) defines Rural Conservation as "areas of the City without urban services, with open space and habitat value, where rural single-family residential development may occur at densities of up to one unit per five gross developable acres...."

The San Ramon Zoning Ordinance Division D2 Chapter V (Special Purpose Zones) defines Agricultural as "areas of the City appropriate for large-scale agricultural operations and related open-space uses, where non-agricultural uses are limited to those incidental to agricultural operations and to mining activities, and where residential development is permitted only at very low density, compatible with low-intensity agriculture and keeping of livestock...."

Our understanding of the County's A-2 zone is that a single-family detached unit (among other general agriculture uses) is allowed on parcels meeting the minimum 5-acre lot size requirement. The City of San Ramon would recommend any future development proposals (if any) for the project site meet the established San Ramon prezone designations. It is expected that an appropriate environmental review would discuss the project site's carrying capacity of any future development proposal (if any).

If you have any question regarding the comments above, please feel free to contact me at (925) 973-2568 or [rdriscoll@sanramon.ca.gov](mailto:rdriscoll@sanramon.ca.gov).

Sincerely,



Ryan Driscoll  
Assistant Planner

Enclosures:

- 1) Project Site Shown on Portion of Existing Zoning Map
- 2) Project Site Shown on Proposed Zoning Map Amendment

cc: Address File  
Debbie Chamberlain, Planning Services Manager

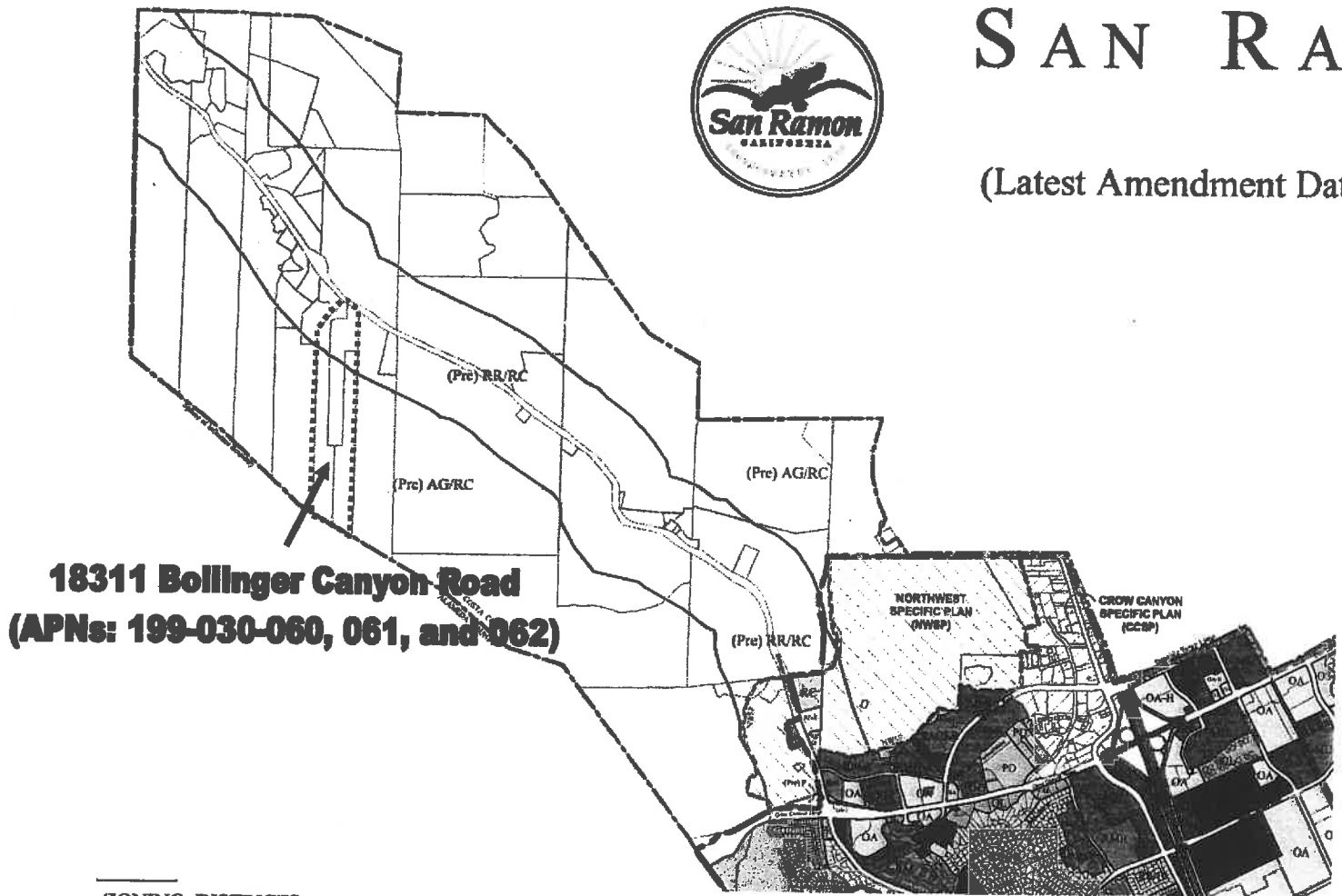


# Portion of Existing Zoning Map



SAN RAMON

(Latest Amendment Data)



**18311 Bollinger Canyon Road**  
**(APNs: 199-030-060, 061, and 062)**

## ZONING DISTRICTS

### RESIDENTIAL

RC	Rural Conservation
HR	Hillside Residential
RE-A	Residential Estate
RE-B	Residential Estate
RS-12	Single-Family Residential
RS-10	Single-Family Residential
RS-7	Single-Family Residential
RS-6	Single-Family Residential
RM	Medium-Density Residential
MDH	Medium-High Density Residential
HD	High Density Residential
MFR	Multiple Family - Very High Density Residential

### SPECIAL PURPOSE

AG	Agricultural
OS-1	Open Space
OS-2	Open Space
PR	Parks and Recreation
GC	Golf Course
PS	Public and Semipublic
HF-M-1	Health Facility: M-1
HF-M-2	Health Facility: M-2
PD	Planned Development

### SPECIAL PURPOSE

—	Zoning Districts
—	City Limit
—	Sphere of Influence
—	Planning Area
—	Urban Growth Boundary (UGB)
—	Specific Plan Area
—	Redevelopment Area (RDA)

## OVERLAY DISTRICTS

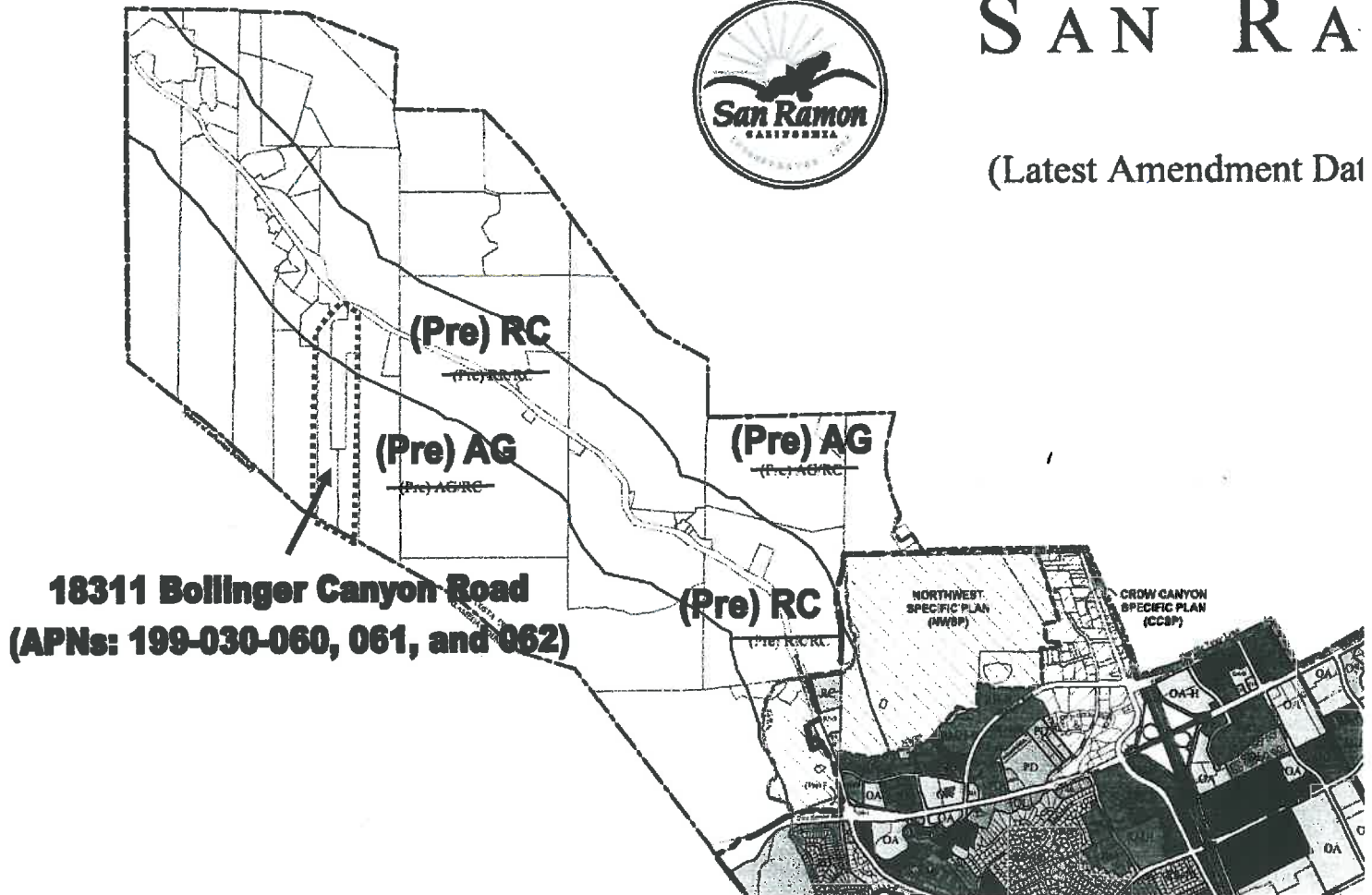
-H	Height
-R	Redevelopment
-RC	Resource Conservation
-SH	Senior Housing

# Proposed Zoning Map Amendment



## SAN RAMON

(Latest Amendment Date)



(Pre) Rural Conservation (RC); and  
(Pre) Agricultural (AG)

Department of  
Conservation &  
Development

Community Development Division

County Administration Building  
651 Pine Street  
North Wing, Fourth Floor  
Martinez, CA 94553-1229

Phone: (925) 335-1214

Contra  
Costa  
County



Catherine O. Kutsuris  
Director

Aruna Bhat  
Deputy Director  
Community Development Division

August 18, 2010

Mike and Lori Farr  
18311 Bollinger Canyon Road  
San Ramon, CA 94583

Dear Mr. & Ms. Farr:

Re: **Response to Inquiry on Compliance of  
Existing Agricultural Storage Buildings (Altered Cargo Containers)  
18311 Bollinger Canyon Road, San Ramon area  
APN 199-030-059**

**CD File #CDPC10-00012**

This is in response to your inquiry of August 3, 2010, inquiring as to the compliance status of several existing buildings that you have installed at the above captioned property. The buildings consist of cargo containers that have been altered to appear like small cabins with faux pitched roof and exterior siding materials. You indicated that these improvements were made without obtaining building permits and that you plan use them to store agricultural products, equipment and material.

**Violation of (A-4) Zoning District Requirements**

The property is zoned Agricultural Preserve, A-4. See attached zoning map. This zoning district identifies uses that are permitted by right and uses that are permitted after the granting of a land use permit. See attached copy of district regulations. The district also identifies the minimum yard (structure setback) requirements for development.

The storage of agricultural products and equipment is one of the uses in this district that is permitted after the granting of a land use permit. We can find no record that a land use permit application was filed or granted for these buildings.



With regards to compliance with the yard requirements for this district, the buildings have been placed adjacent to an on-site private road easement which defines the adjacent eastern property line as a frontage for the parcel and the intervening yard as a front yard. The A-4 district requires a minimum front yard from the front property line of 50 feet, whereas the buildings have been placed as close as 35 feet to this property line.

Therefore, the buildings constitute violations of (1) the permitted uses and (2) the front yard that is required by the A-4 zoning district.

You may correct these zoning violations by filing and obtaining approval of an application for a land use permit/variance permit, and complying with its terms. Enclosed is an application form for this purpose. This application will require a noticed public hearing before it can be approved.

#### **Alternative Method to Effect Compliance with Zoning Code**

When we met, you asked if you could correct any violations by a rezoning of the property.

As you are aware, the A-4 zoning is a programmatic zoning that the County uses as part of its Agricultural Preserve (Williamson Act/Land Conservation Act) program when the property owners enter into a Land Conservation Contract with the County. Reflecting the land use restrictions in the Williamson Act program, the A-4 zoning is more restrictive than other agricultural zoning districts in the Zoning Code. In your case, the Land Conservation Contract that had applied to the subject property and two adjoining parcels (APN 199-030-060 & -061) expired several years ago. Accordingly, there is no longer a programmatic mandate to maintain the more restrictive A-4 zoning on these properties. Accordingly, you would have the right to apply to another zoning district that is consistent with the General Plan.

The General Plan designates your property Agricultural Lands. There are several agricultural zoning districts that are consistent with this designation including the General Agricultural, A-2 district (attached). The A-2 district allows as a permitted use the erection and maintenance of buildings for the storage of agricultural products and equipment. It also requires a minimum front yard of 25 feet.

You would have the right to apply to rezone your property from the A-4 district to the A-2 district. Such an application would be initially heard by the Planning Commission and subsequently by the Board of Supervisors. If granted, the existing buildings would comply without the need to obtain either a land use permit or a variance permit. Enclosed is a rezoning application form.

#### **Surcharge for Late Filing**

Both applications are subject to a fee covering staff time and material costs with an initial fee deposit. See attached fee schedule.

Further, County Ordinance Code section 26-2.2806 provides that whenever the County determines that a person has begun an illegal land use without first applying for and obtaining all required permits or entitlements, that person shall apply as soon as practicable and pay a 50% surcharge of the normal fee. Consequently, a surcharge would be required for either a land use permit application or a rezoning application.

#### **Violations of Building Ordinance**

As you will recall, we met with Judi Kallerman of the Building Inspection Division. Notwithstanding that the buildings will not be attached to the ground, following actions to establish compliance with the zoning code, Ms. Kallerman indicated the buildings will require building permits to comply with the building ordinance.

Should you have any questions, please call me at (925) 335-1214.

Sincerely,

  
ROBERT H. DRAKE  
Principal Planner

Att. Assessor's map  
Zoning Map  
Application Forms for  
Land Use Permit to Allow Building to Store Ag products/equip.  
within existing A-4 zoning  
Rezoning from A-4 district to A-2 district  
Fee Schedule

Cc: Application & Permit Center  
Judi Kallerman  
Keith Denison  
Bill Mayne, Property Conservation Section  
File

TO: BOARD OF SUPERVISORS

FROM: Carlos Baltodano, Director  
Building Inspection Department

DATE: April 25, 2000

SUBJECT: Investigation at 18311 Bollinger Canyon Road.  
APN # 199-030-040 C.M. Farr Metal Construction Inc.  
Owner: Charles & Lorraine Farr (San Ramon, unincorporated area)



Contra  
Costa  
County

**SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION**

RECOMMENDATIONS:

1. **FIND** that the operation of the subject metal fabrication shop at 18311 Bollinger Canyon Road in San Ramon is not consistent with the restrictions of the land conservation contract or with the uses permitted within an A-4 zoning.
2. **DIRECT** the Building Inspection Department to proceed with appropriate abatement action and require the metal fabrication shop operations to cease and desist within (60) sixty days.

FISCAL IMPACT:

None, if property owner complies.

BACKGROUND/REASONS FOR RECOMMENDATIONS:

This is in response to the Board's direction on August 3, 1999 to the Building Inspection Department to investigate the operation of the metal fabrication shop at 18311 Bollinger Canyon Rd. in San Ramon. The Board's order was to initiate an investigation and report back to the Board on any potential code enforcement actions for a subsequent hearing.

Three site inspections were made with the permission of the owner Mr. Charles Farr. The purpose of the inspections was to determine if any non- agriculturally related products were being manufactured at the property and the extent of the manufacturing.

CONTINUED ON ATTACHMENT: YES SIGNATURE Carlos Baltodano  
RECOMMENDATION OF COUNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE  
APPROVE OTHER  
SIGNATURE(S):  
ACTION OF BOARD ON April 25, 2000 APPROVED AS RECOMMENDED OTHER XX

SEE THE ATTACHED ADDENDUM FOR BOARD ACTION AND VOTE

**VOTE OF SUPERVISORS**

UNANIMOUS (ABSENT)                       
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 April 25, 2000

Contact: Phillip Ludolph (925) 335-1142  
Orig: Building Inspection Department (BID)  
cc: County Counsel  
Community Development Department  
Mr. Ed Shaffer (Via BID)

February 12, 2013

Contra Costa County Board of Supervisors

PHIL BATCHELOR, CLERK OF  
THE BOARD OF SUPERVISORS  
AND COUNTY ADMINISTRATOR

200

BY Barbara Shrant, DEPUTY



### **INSPECTIONS / ISSUES:**

During the course of the Building Inspection Department investigations the following issues were identified:

#### **Site inspection of October 12, 1999 -**

The purpose of this inspection was to introduce and become familiar with the general conditions of the subject metal shop (Photos 1, 2, 4, 12 & 15 attached). The photos identified the extent of the buildings and general condition of the metal fabrication shop. The secondary issue was to determine if the shop was still manufacturing non-agricultural products and if so the nature of the work. The subject inspection revealed that there were no steel beams present that could be used on a building site. The level of operations at the shop was very limited; all work ceased while the inspection took place. It was noted however that two (2) employees provide labor for the Farris. Photographs taken on the 10-12-99 site inspection show a forklift (Photos 4 & 5) and additionally a large diesel truck with crane & winch that is used to undertake site work around the Farr's property and on jobs on other properties (Photo 10). (Photo 7), shows drying racks in the paint shop with metal sections used for a stair project in a local church. (Photos 3, 4, 6, 8, 13 & 14) show storage racks of metal supplies at the Farr's metal fabrication shop.

#### **Off-site inspection of November 3, 1999 – (not on property)**

The purpose of this inspection of 18333 Bollinger Canyon Rd. in San Ramon, was to interview the complainants and provide their side on the history of the case. The subject inspection lasted for 55 minutes and the general discussion was related to the odor, noise and traffic issues related to the operation of the Farr's business. It was noted that at the time of this inspection that noise levels from the shop, approx. 200 feet away, made verbal communication difficult between the occupants of 18333 Bollinger Canyon Rd. and the Code Enforcement Officer. This type of noise was consistent with the grinding of metal by some sort of power tool. The inspector was unable to substantiate the traffic complaint based upon observation. The wind direction was blowing from the mountainside, yet no odors were evident from any spray-painting from the shop.

#### **Site inspection of November 4, 1999**

This inspection revealed that there was fabrication of a set of stairs for a church and window frames taking place, as described by Mr. Farr (Photo 20, 21 & 24). Also, a metal tube gate was drying on the spray-painting stands outside the designated spray area (Photo 19). These items were not consistent with the level of intensity as described by the complainants. Equipment such as industrial metal guillotines (Photos 23 & 25), welding equipment (Photo 17), hand held power tools with grinding disc (Photo 18) and extensive storage of metal & supplies were noted. The shop floor area did have two (2) metal tables upon which metal fabrication takes place (Photos 17 & 21). (Photo 21) shows two workers working on a fabrication project at the Farr's shop with one worker using a powered hand tool to grind an object. This type of noise generated during this action was similar to the noise heard at the 18333 Bollinger Canyon Rd. inspection of November 3, 1999.

#### **Site inspection of December 14, 1999**

Inspection of the property revealed that the stairs for a church were drying in the designated spray area (Photo 28). Work was taking place on a water softener/purification plant for the residence (Photo 31). Any work undertaken on the property was concentrated on the installation of a water softener/purification plant (Photo 29). There is no record of issuance of a building permit for such installation.

**PLANNING RELATED ISSUES:**

**Information on this section was coordinated with the Current Planning Division of the Community Development Department.**

**Planning issues related to A-4 zoned lands:  
(The Williamson Act):**

According to County records 1925RZ (AP#17-75), the then owners of the land, Habel, Mueller, Benthon & Saunders in 1975 had a written contract with the County for the production of food, fiber and compatible uses under the then Contra Costa County Ord. 84-42. (See Land use contract). This contract had been automatically extended over the years, in 1996; the current owners filed a Notice of Non-renewal of the land conservation contract for the subject property, which will cause the contract to expire in February 2006. Until then the contract limits use of the subject land to agricultural activity, two ranch houses, a barn, a tool shed and grazing activity. This original contract did not include the operational use of a Metal Fabrication Shop, nor did any previous contract renewals. Additionally, a code enforcement action was started in 5-12-86 (Case 86-77) by the Community Development Department for the operation of unauthorized steel construction.

**Home occupation permit for Metal Fabrication shop:**

An application was applied for by the Farris for a home occupation land use permit to allow for the operation of the metal fabrication shop. The attempt in 1987 for home occupation was deferred pending the Board of Supervisors review of the General Plan (see Board Orders dated October 16, 1987 and December 19, 1989).

**Land Use Permit (LP962029) 2<sup>nd</sup> & 3<sup>rd</sup> residence on 72-acre parcel:**

The only current land use permit (LP962029) effective date 10/17/96, was approved subject to conditions by the Zoning Administrator. The land use permit was for the establishment of second and third residences on the subject 72-acre parcel of land.

Condition #5 of the subject LUP identifies the metal fabrication shop and provides for specific recommendations. It requires that promptly after the County amends zoning regulations in compliance with the general plan's conservation element policy No.8-aa, and establishes procedures for allowing agriculture service business and uses, the applicant shall follow the method specified by those procedures to obtain approval of the metal fabrication shop and continue metal fabrication activities on the property. In the event the Board of Supervisors finally deny any such necessary approval, the applicant will agree to terminate all unauthorized metal fabrication activities not permitted under the then-applicable law and to use the metal shop structure only as permitted under the law.

The Community Development Department completed it's revision of the 1991 general plan and it was re consolidated and updated in 1996, and continues to provide for Agricultural Resources Implementation Measure 8-aa (See attachment D).

**Mark Chewning of Regal Steel Supply Inc. evidence:**

As requested by the Board of Supervisors, the Mark Chewning transcripts have been placed in written form and provide details on the issues raised at the Board hearing of August 3, 1999. Philip Ludolph of the Building Inspection Department contacted Mr. Chewning (Sales manager) of Regal Steel Supply INC., of Stockton, CA., on January 6, 2000 and he indicated that he would supply a written notarized statement on why he feels that the C.M. Farr plant provides, and how it is essential for the local community. In response, Mr. Chewning indicates that the community is very fortunate to have a small company such as Farr Construction right in their own backyard; a statement in attachment. (See attachment B).

Mr. Chewning comments in his testimony on August 3, 1999, (attachment A) "Any disruption in Farr Construction would be a travesty to not only the valley, but to the County in general. Farr's Construction's reputation is not only impeccable in our industry as a steel fabricator but the quality of the work he performs. I know many a general contractor that I deal with that don't even send projects out to bid for the quality of work that the Farr construction does."

From the information provided above it indicates that a metal fabrication business is operating from this property. A copy of the original transcript of July 20 and Mr. Chewnings notarized document are attached to this report.

**C.M Farr Metal Construction Inc. Business Licenses & Contractor number:**

According to the Internet web site (204.147.113.12/corpdata/ShowList) for the Secretary of State's Office Corporations Unit, Corporate records, it identifies C.M. Farr Metal Construction Inc. as a corporation (C1124770) Status (active) with a Leonard L. Nolting as agent for service of process (See attachment E.) The records identify the business as being located at the subject address.

Information from the California Contractors State Licensing Board web site identifies Contractors License (00526206) for C.M. Farr Metal Construction Inc. as active with the following classifications for welding C-60, ornamental metals C-23 & Home Improvement Certification HIC (see attachment C).

**SUMMARY OF FACTS:**

10/12/99 - Inspection revealed the extent of the shop complex and that non-agricultural work was going on. Two employees provide labor for the Farris.

11/3/99 - Inspection of the complainant's house at 18333 Bollinger Canyon Rd. for 55 minutes revealed noise levels from shop approximately 200 feet away made conversation levels difficult. No odors were evident from spray painting.

11/4/99 - Inspection revealed that there was the fabrication of a set of stairs for a church and window frames taking place. A metal tube gate was drying on the spray stands out side the designated spray area. Equipment such as industrial metal guillotines, welding equipment, hand held power tools with grinder disc and extensive metal table upon which fabrication takes place were observed and documented.

12/14/99 - Inspection of the property revealed that the stairs for the church were drying in the designated spray area. Work was taking place on a water softener/purification plant for the residence.

The site inspections conducted of the Farr's property revealed that there were no large steel beams being fabricated at the property, yet stairs, metal tube gate and window frames were. Items such as the stair and window frames however are not agricultural related and were being manufactured for use on another location. However, the items under fabrication are not at the same level of intensity as a fabrication plant that is manufacturing large metal beams as identified by the complainants. Information obtained from the Internet, from both the California Contractors State License Board and corporate records, identifies C.M Farr Metal Construction as a contractor and business, which would conduct trade on other properties. The possible business intensity to fabricate large items (Steel Beams), actual size of the shop facilities, types of tools/equipment and their operation (See Photos) make it difficult to classify the use as a hobby or agriculturally related. This type of accessory use is not reasonable or customarily associated with the permitted use identified in the agricultural contract or the uses allowable in the A-4 zoning district, nor is it allowed under this contract. Allowing the continuation of the metal fabrication shop would create unnecessary nuisances to neighboring residence.

Therefore, it is recommended that the Board direct staff to take appropriate abatement action and require the metal fabrication shop operation to cease and desist.



## ADDENDUM TO ITEM D. 4

April 25, 2000 Agenda

This is the time noticed by the Clerk of the Board of Supervisors for the hearing to consider a report from the Director of Building Inspection on the investigation of allegations of code violations at 18311 Bollinger Canyon Road, San Ramon, as directed by the Board of Supervisors on August 3, 1999; and to consider direction to staff on appropriate action.

Carlos Baltodano, Director of Building Inspection, presented his staff report. Philip Ludolph, Building Inspector I, offered commentary on a slide presentation prepared by the Building Inspection Department. Also present were Silvano Marchesi, Assistant County Counsel, and Diana Silver, Deputy County Counsel.

Supervisor Uilkema requested clarification on some of the issues involved in this hearing. Robert Drake, Principal Planner, Community Development Department, responded.

Mr. Drake presented Community Development Department's staff report and related the history of the issues.

Following Board discussion, Mr. Baltodano explained the abatement process and related time frames. He suggested modifying staff's Recommendation No.1 to read, "Find that *there is reasonable cause* that the operation of the subject metal fabrication shop...". He stated that the reason for the change is that the Board of Supervisors would be addressing the same issue if the matter were going to be appealed from an abatement action.

Supervisor Gerber said that between an abatement process and action taken by the Board today, it could be approximately 4 months before the Farris would appear before the Board again, if they chose to appeal the process. Mr. Baltodano agreed. He stated that the first stage would take 60 days to stop the operation if the Farris chose to do that, if they did not, then the property would be noticed under an abatement process, which would provide another 30 days in which they could file an appeal. If they were to file an appeal, and it goes before the Board for a second hearing, it could take approximately 4 months.

Following further discussion, the public hearing was opened, and the following people appeared to speak:

Ed Shaffer, Esq., Attorney for the Farris, 1850 Mt. Diablo Blvd., #530, Walnut Creek;

Lori Farr, property owner, 18311 Bollinger Canyon Road, San Ramon;

Mike Farr, property owner, 18311 Bollinger Canyon Road, San Ramon;

Michael Warholic, 18333 Bollinger Canyon Road, San Ramon;

Patrick Warholic, 4365 Canyon Crest Road West, San Ramon;

Lisa Farr, 1505 Dawn Court, San Ramon;

Margot Fagundes, 18501 Bollinger Canyon Road, San Ramon;

Ronald Prather, 18355 Bollinger Canyon Road, San Ramon;

Barbara Karl, 18355 Bollinger Canyon Road, San Ramon;

Michelle Aralica, 2689 Corey Place, San Ramon;

Ivan Aralica 2689 Corey Place, San Ramon;

Rebecca Chewning, 2462 Norris Canyon Road, San Ramon;

Mark Chewning, 2462 Norris Canyon Road, San Ramon;

Teri Kovac, 18728 Bollinger Canyon Road, San Ramon;

Larry Zaharis, 18770 & 19267 Bollinger Canyon Road, San Ramon;

Roger Mast, 18885 Bollinger Canyon Road, San Ramon;

Jim Fagundes, 19501 Bollinger Canyon Road, San Ramon;

Debbie Chewning, 2462 Norris Canyon Road, San Ramon;

Jim Farr, 5025 Chelsea Drive, Martinez;

Ray Zaharis, 18869 Bollinger Canyon Road, San Ramon;

Trish Farr, 5025 Chelsea Drive, Martinez;

Kathy Rains, 18875 Bollinger Canyon Road, San Ramon;

Kirk McKinzie, 3870 12<sup>th</sup> Street, Sacramento;  
James Stewart, 18475 Bollinger Canyon Road, San Ramon;  
Kathy Stewart, 18475 Bollinger Canyon Road, San Ramon;  
Michael Warholic, rebuttal;  
Mike Farr, rebuttal.

The following people did not speak however, the Chair read their comments into the record:

Mike Brasher, 4950 Alhambra Valley Road, Martinez;  
Karlen Mueller, 18477 Bollinger Canyon Road, San Ramon;  
Paul Mueller, 18477 Bollinger Canyon Road, San Ramon;  
Paul Brasher, 4950 Alhambra Valley Road, Martinez.

Those desiring to speak having been heard, Supervisor Uilkema moved to close the public hearing, Supervisor Gioia seconded the motion.

The vote on this motion was as follows:

AYES:	SUPERVISORS GIOIA, UILKEMA, DeSAULNIER and GERBER
NOES:	NONE
ABSENT:	SUPERVISOR CANCIAMILLA
ABSTAIN:	NONE

The Board continued to discuss the issues.

Supervisor Gerber advised the Board that in 1998 she attempted to help resolve this matter. She stated that out of that attempt, an agreement was reached. It involved in part, an easement; in 1999 she was informed that the easement had not been achieved.

Supervisor Gerber asked Robert Drake if there were any specific changes the Farris could make, if they were willing, that would bring their business into consistency with the zoning and designation. Mr. Drake stated that they would have to limit the metal fabrication operation to agricultural uses consistent with the agricultural preserve zoning. To legalize the existing metal fabrication business, they would have to amend: (1) the Agricultural Lands General Plan designation; (2) the Agricultural Preserve, A-4 zoning; and (3) an existing land conservation (Williamson Act) contract which remains in effect until the Year 2006 under the Farris' 10 year notice of nonrenewal.

The Board continued to discuss the matter.

Ms. Silver, advised the Board regarding the A-4 zoning permitted uses relative to agriculture production; beyond the permitted use, the zoning would have to be amended. To the extent metal fabrication was involved in agricultural production, it would be a permitted use under the A-4 zoning, but the Williamson Act contract would have to be amended to allow it as a compatible use.

Supervisor Gioia inquired if agricultural production was allowable for the subject site and other sites. Mr. Drake advised that it could also apply to other agricultural properties.

Following further discussion, Supervisor Gerber suggested that the Board go forward with an action today that would put the 4 month process into motion, as previously discussed. During the next 60 days and before an appeal, she suggested staff work with the Farris to define how they would need to change their current operation in order for it to be legal under the current zoning and designation, including if necessary, a modification to the Williamson Act contract. Supervisor Gerber stated that what is going on now does not meet the County's requirements, it is out of zoning compliance based on the evidence before the Board today. She said the Board would take an action today that puts a timeline into motion, and to the extent that the Farris are willing to work with the County, staff could help them understand what it would take to change the nature of their operation to be in compliance with the zoning within the next 60 days. Then it is up to

them. They either change it, in which case it wouldn't be a problem anymore, or they make a different decision, in which case the Board will have acted and can move forward.

Mr. Baltodano suggested the Board amend Recommendation No. 2 to include the words "...cease and desist within (60) sixty days *if the metal operation cannot be made to conform with the zoning requirements*". He stated that it is understood by staff that they will work with the Farris within the next 60 days to accomplish that. Code enforcement cases are often handled in that way, to see if compliance can be achieved.

Supervisor Gerber moved her suggestions stated above. Ms. Silver advised that if the Board were going forward as indicated, Recommendation No. 1 be modified to, "Find that the information presented to the Board constitutes a reasonable basis to initiate an abatement action". This would replace the Board Order given today. She further advised the Board to accept Recommendation No. 2 as modified. Supervisor Gerber stated that the changes were included in her motion. Supervisor Gioia seconded the motion, including the modifications.

Supervisor DeSaulnier inquired, if through this process, there was an agreement that the Farris could apply for a General Plan Amendment or rezoning, do they still have a problem with the Williamson Act contract. Ms. Silver stated that the contract is in existence for 6 more years, however, the contract can be rescinded and a new one entered into simultaneously.

Supervisor Gerber called for the vote. The vote on this motion was as follows:

AYES:	SUPERVISORS GIOIA, UILKEMA, DeSAULNIER and GERBER
NOES:	NONE
ABSENT:	SUPERVISOR CANCIAMILLA
ABSTAIN:	NONE

\* \* \* \* \*





D.3

Contr  
Costa  
Coun

TO: BOARD OF SUPERVISORS

FROM: DENNIS M. BARRY, AICP  
DIRECTOR OF COMMUNITY DEVELOPMENT

99 SEP -1 AM 10:5

DATE: July 20, 1999

SUBJECT: Report on Metal Fabrication Shop Operation at #18311 Bollinger Canyon Road in the San Ramon area. (C.M. Farr) (County Zoning Investigation File #RF 990410) (APN 199-030-040)

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

RECOMMENDATION

Adopt a motion:

1. Finding that recent changes to the use of the metal shop at the subject site preclude a finding that the use is agriculturally related.
2. Direct the Director of Building Inspection to initiate appropriate investigation and potential code enforcement actions pertaining to the metal shop operation including causing its operation to cease and desist.

FISCAL IMPACT

None.

BACKGROUND

This report concerns a longstanding land use dispute concerning a metal shop operation in the Bollinger Canyon area.

CONTINUED ON ATTACHMENT: X YES

SIGNATURE

*Dennis M. Barry*

RECOMMENDATION OF COUNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE  
APPROVE OTHER

SIGNATURE(S):

ACTION OF BOARD ON August 3, 1999 APPROVED AS RECOMMENDED OTHER XX

SEE THE ATTACHED ADDENDUM FOR BOARD ACTION  
VOTE OF SUPERVISORS

XX UNANIMOUS (ABSENT) - - - - -  
AYES:                      NOES:                       
ABSENT:                      ABSTAIN:                     

Contact: Bob Drake [(925) 335-1214]  
Orig: Community Development Department  
cc: Edward Shaffer, Norris & Norris  
Charles & Lorraine Farr  
Michael J. Warholic  
Building Inspection Dept.  
County Counsel

c:\wpdoc\farr.bo  
RD\

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 August 3, 1999

PHIL BATCHELOR, CLERK OF  
THE BOARD OF SUPERVISORS  
AND COUNTY ADMINISTRATOR

BY *Barbara Grant*, DEPUTY

Report on Farr Metal Fabrication Shop  
San Ramon/Bollinger Canyon area

Complaint by Neighbor

The origins of the dispute stem from a complaint which was registered with the County concerning a metal shop operation which had been established on a property owned by Charles and Lorraine Farr that is zoned Agricultural Preserve (A-4). At that time, the County advised the Farris that they needed to eliminate the operation, or could try to legalize it by obtaining an appropriate land use permit under the zoning.

Attempt to Legalize the Use by Filing a Land Use Permit

In 1986, the Farris filed an application for a land use permit (File #2144-86) to try to legalize the use as a home occupation. The matter was heard initially by the Zoning Administrator who denied the application. That decision was appealed by the Farris to the San Ramon Valley Regional Planning Commission who reversed the Zoning Administrator's decision, granted the appeal, and conditionally approved the project.

The neighbor appealed that decision to the Board of Supervisors. On November 3, 1987, the Board granted the neighbor's appeal and denied the land use permit application. At the same time, the Board directed the Community Development Director and County Counsel to determine whether changes should be made in zoning and land use permitting to allow agriculturally related land uses. The Board also ordered that staff delay enforcement of the land use permit denial pending the results of the evaluation.

Subsequent Board Direction

In response to a subsequent staff report on the matter, on December 19, 1989, the Board of Supervisors directed staff to defer review of the zoning changes or enforcement action pending review of the proposed general plan review then underway.

1991 Adoption of General Plan and Related Agricultural Policies

In 1991, the Board of Supervisors adopted an update to the County General Plan. Among the policies adopted in the plan is Conservation Element Implementation Measure #8-aa pertaining to provision of agriculturally related businesses in areas designated for agricultural use.

1996 Approval of a Land Use Permit (File #LP962029) to Allow Second and Third Residences

In 1996, the Farris applied to the County to obtain a land use permit to allow the establishment of a second and third residence on the subject property (File #LP962029). After conducting a hearing on the application, the Zoning Administrator conditionally approved the application subject to conditions. No appeal was filed on the decision, so it became final.

The project was conditioned to require the applicant to follow the appropriate procedures for trying to legalize the metal fabrication shop once agricultural zoning was modified to comply with the above described Conservation Element policies (COA #5).

The land use permit was conditioned to allow for a period of five years (until October 17, 2001) in which to exercise the land use permit.

To date, the applicant has made no effort to exercise this land use permit.

1997 Approval of Farr Subdivision (MS 141-90)

In 1997, the Board of Supervisors heard an appeal of the County Planning Commission approval of a minor subdivision application processed by the Farrs. The Commission had conditionally approved the application. The appeal had been filed by another neighbor of the Farrs, the Warholics. The Warholics had expressed concern about the continued operation of the metal fabrication shop.

After taking testimony, the Board voted to deny the appeal and sustain the Commission's approval but required that the applicant eliminate the metal fabrication use prior to occupancy of a residence on either of the two new parcels which were tentatively approved (COA #36).

The applicant has not yet attempted to file a parcel map. The filing period on the tentative map currently extends to September 7, 2000, and may be extended by the County up to 5 additional years upon receipt of a request from the applicant.

As a separate matter, Supervisor Gerber, in whose district this district the property lies, indicated to the two parties, the Farrs and Warholics, that she wished to review the matter again in September of the year 2000.

RECENT COMPLAINT BY THE NEIGHBOR

On June 24, 1999, County staff met with Mr. Warholic who expressed concern about more intensive activity associated with the metal fabrication shop. He indicated that the operation was resulting in fumes and noise and traffic levels that were disruptive to his use of his property. He provided audio/visual and other evidence and other documentation that persuaded staff that the current operation of the metal fabrication shop could not qualify as a business that is agriculturally related.

DISCUSSION

The General Plan designates this site Agricultural Lands.

The 1987 action of the Board to defer code enforcement on the metal fabrication shop was premised on the applicant being able to demonstrate at a later date that the operation could be found consistent with new policies allowing for agriculturally-related businesses. However, based on recent evidence provided by the neighbor, it is clear that the current use is largely industrial in character. It is also apparent that non-agricultural uses are a major beneficiary of the products from the operation.

There is no further purpose to be served in waiting for consideration of zoning modifications for agricultural businesses to potentially accommodate this activity. In staff's opinion, the current metal fabrication activity cannot be found consistent with the new general plan policies. Staff can see no justification to allow existing nuisance conditions to continue. Accordingly, the County should initiate appropriate investigation and code enforcement.



## ADDENDUM TO ITEM D.3

August 3, 1999 Agenda

On July 20, 1999, the Board of Supervisors continued consideration of finding that the use of a Metal Fabrication Shop at 18311 Bollinger Canyon Road in the San Ramon area precludes a finding that the use is agriculturally related; and consideration of directing the Building Inspection Department Director to immediately investigate and initiate code enforcement actions.

Dennis Barry presented the staff report and recommendations.

The Board discussed the matter. Victor Westman, County Counsel advised the Board that the recommendation was not for enforcement of the code, but to initiate an investigation and potential code enforcement actions, for a subsequent hearing.

Public comment was opened, and the following people presented testimony:

Michael Warholic, 18333 Bollinger Canyon Road, San Ramon;  
Edward Shaffer, Esq., Norris & Norris, 1850 Mt. Diablo Blvd., #530, Walnut Creek;  
Mike Farr, 18311 Bollinger Canyon Road, San Ramon;  
Lori Farr, 18311 Bollinger Canyon Road, San Ramon;  
Jim Farr, P.O. Box 2567, Martinez;  
Lisa Farr, 1505 Dawn Court, San Ramon;  
James Stuart, 18475 Bollinger Canyon Road, San Ramon;  
Michelle Aralica, 2689 Corey Place, San Ramon;  
Ivan Araliga, 2689 Corey Place, San Ramon;  
Nena McKinzie, 575 Chetwood Street, Oakland;  
Mark Chewning, 2462 Norris Canyon Road, Regal Steel Supply, San Ramon;  
Larry Zaharis, 18770 Bollinger Canyon Road, San Ramon;  
Michael Rains, 18875 Bollinger Canyon Road, San Ramon;  
Kathy Rains, 18875 Bollinger Canyon Road, San Ramon.

The following people did not appear to speak, however the Chair read their names into the record:

Debbie Zaharis Chewning, 2462 Norris Canyon Road, San Ramon;  
Paul Brasher, 4950 Alhambra Valley Road, Martinez;  
Mike Brosler, 4950 Alhambra Valley Road, Martinez;  
Karien Mueller, 18477 Bollinger Canyon Road, San Ramon;  
Dianne Davis, 1008 Palisade Drive, Martinez;  
Barbara Karl, 18355 Bollinger Canyon Road, San Ramon;  
Kathryn Stewart, 18475 Bollinger Canyon Road, San Ramon;  
Ronald Prather, 18355 Bollinger Canyon Road, San Ramon;  
Terri Kovak, 18728 Bollinger Canyon Road, San Ramon  
Paul Mueller, 18477 Bollinger Canyon Road, San Ramon

All those desiring to speak having been heard, the Board discussed the issues.

Supervisor Gerber moved to delete staff's Recommendation No. 1; and to adopt staff's Recommendation No. 2 to investigate the allegations; and she encouraged everyone to cooperate with the investigation.

Supervisor Ulkema seconded the motion, and requested that it include a request that Mark Chewning, Regal Steel Supply, provide staff with his knowledge of projects fabricated at the subject shop. Supervisor Gerber agreed.

The Board took the following action:

IT IS BY THE BOARD ORDERED that staff's Recommendation No. 1 is DELETED; and staff's Recommendation No. 2 is APPROVED, and the Building Inspection Department Director is DIRECTED to initiate appropriate action; and Mark Chewning, Regal Steel Supply, is REQUESTED to provide staff with his knowledge of projects fabricated at the subject shop.

**THE BOARD OF SUPERVISORS OF  
CONTRA COSTA COUNTY, CALIFORNIA**

Adopted this Order on July 20, 1999, by the following vote:

**AYES:** Supervisors Gioia, Uilkema, Gerber and Canciamilla

**NOES:** None

**ABSENT:** Supervisor DeSaulnier

**ABSTAIN:** None

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Re: Metal Fabrication Shop – 18311 Bollinger Canyon Road, San Ramon

On this day, the Board of Supervisors considered on the Consent calendar, Item C.210 (as attached). The Board determined to take the matter off the Consent portion of the agenda and discuss it during Short Discussion.

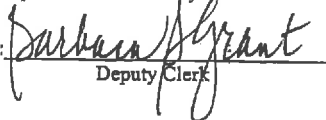
Following Board discussion, Supervisor Canicamilla moved to continue this matter to August 3, 1999, and requested that the Board determine what recent changes were made regarding the use of the Metal Fabrication Shop, and to preclude a finding that the use is agriculturally related. He also suggested to the Board that the Director of Building Inspection investigate and initiate code enforcement actions if called for. Supervisor Uilkema seconded the motion.

The Board took the following action:

**IT IS BY THE BOARD ORDERED** this matter is CONTINUED to August 3, 1999, as a Short Discussion item; DETERMINED to find whether the Metal Fabrication Shop at 18311 Bollinger Canyon Road, San Ramon is agriculturally related; and DIRECTED the Director of Building Inspection investigate and initiate code enforcement actions relative to the findings.

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: July 20, 1999  
Phil Batchelor, Clerk of the Board  
of Supervisors and County Administrator

By:   
Deputy Clerk

## ADDENDUM TO ITEM D.3

August 3, 1999 Agenda

On July 20, 1999, the Board of Supervisors continued consideration of finding that the use of a Metal Fabrication Shop at 18311 Bollinger Canyon Road in the San Ramon area precludes a finding that the use is agriculturally related; and consideration of directing the Building Inspection Department Director to immediately investigate and initiate code enforcement actions.

Dennis Barry presented the staff report and recommendations.

The Board discussed the matter. Victor Westman, County Counsel advised the Board that the recommendation was not for enforcement of the code, but to initiate an investigation and potential code enforcement actions, for a subsequent hearing.

Public comment was opened, and the following people presented testimony:

Michael Warholic, 18333 Bollinger Canyon Road, San Ramon;  
Edward Shaffer, Esq., Norris & Norris, 1850 Mt. Diablo Blvd., #530, Walnut Creek;  
Mike Farr, 18311 Bollinger Canyon Road, San Ramon;  
Lori Farr, 18311 Bollinger Canyon Road, San Ramon;  
Jim Farr, P.O. Box 2567, Martinez;  
Lisa Farr, 1505 Dawn Court, San Ramon;  
James Stuart, 18475 Bollinger Canyon Road, San Ramon;  
Michelle Aralica, 2689 Corey Place, San Ramon;  
Ivan Araliga, 2689 Corey Place, San Ramon;  
Nena McKinzie, 575 Chetwood Street, Oakland;  
Mark Chewning, 2462 Norris Canyon Road, Regal Steel Supply, San Ramon;  
Larry Zaharis, 18770 Bollinger Canyon Road, San Ramon;  
Michael Rains, 18875 Bollinger Canyon Road, San Ramon;  
Kathy Rains, 18875 Bollinger Canyon Road, San Ramon.

The following people did not appear to speak, however the Chair read their names into the record:

Debbie Zaharis Chewning, 2462 Norris Canyon Road, San Ramon;  
Paul Brasher, 4950 Alhambra Valley Road, Martinez;  
Mike Brosler, 4950 Alhambra Valley Road, Martinez;  
Karien Mueller, 18477 Bollinger Canyon Road, San Ramon;  
Dianne Davis, 1008 Palisade Drive, Martinez;  
Barbara Karl, 18355 Bollinger Canyon Road, San Ramon;  
Kathryn Stewart, 18475 Bollinger Canyon Road, San Ramon;  
Ronald Prather, 18355 Bollinger Canyon Road, San Ramon;  
Terri Kovak, 18728 Bollinger Canyon Road, San Ramon  
Paul Mueller, 18477 Bollinger Canyon Road, San Ramon

All those desiring to speak having been heard, the Board discussed the issues.

Supervisor Gerber moved to delete staff's Recommendation No. 1; and to adopt staff's Recommendation No. 2 to investigate the allegations; and she encouraged everyone to cooperate with the investigation.

Supervisor Uilkema seconded the motion, and requested that it include a request that Mark Chewning, Regal Steel Supply, provide staff with his knowledge of projects fabricated at the subject shop. Supervisor Gerber agreed.

The Board took the following action:

IT IS BY THE BOARD ORDERED that staff's Recommendation No. 1 is DELETED; and staff's Recommendation No. 2 is APPROVED, and the Building Inspection Department Director is DIRECTED to initiate appropriate action; and Mark Chewning, Regal Steel Supply, is REQUESTED to provide staff with his knowledge of projects fabricated at the subject shop.



**CONTRA COSTA COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT  
APPROVED PERMIT**

APPLICANT:	Charles M. Farr 18311 Bollinger Canyon Rd. San Ramon, CA 94583	APPLICATION NO.	MS90141
		ASSESSOR'S PARCEL NO.	199-030-040
OWNER:	Same as above	ZONING DISTRICT:	A-4
		APPROVED DATE:	9/9/97
		EFFECTIVE DATE:	9/9/97

This is to notify you that the Board of Supervisors has granted your request for a minor subdivision, subject to the attached conditions.

DENNIS M. BARRY, AICP  
Interim Community Development Director

By: Dennis M. Barry

PLEASE NOTE THE EFFECTIVE DATE, and be aware of the renewing requirements as no further notification will be sent by this office. The Clerk of the Board will provide you a copy of the Board Order with approved Conditions of Approval. This permit will expire THREE YEARS from the effective date of this permit.

EXCERPT

**FINDINGS AND CONDITIONS OF APPROVAL FOR MINOR SUBDIVISION  
FILE #MS900141 (Farr - Applicant & Owner) IN THE SAN  
RAMON/BOLLINGER CANYON AREA PER SEPTEMBER 9, 1997 BOARD OF  
SUPERVISORS APPROVAL.**

**FINDINGS**

**A. Growth Management Performance Standards**

1. Traffic - In view of the land use permit which has already been granted by the County (LP962029), this subdivision will not result in any additional development or traffic generated. The project will be required to contribute area-of-benefit fees at time of issuance of building permits for areawide traffic improvements.
2. Water - In view of the land use permit which has already been granted by the County (LP962029), this subdivision will not result in any additional development or demand on water supplies. Prior to recording a parcel map, the applicant will be required to demonstrate the availability of domestic water to serve each of the proposed parcels to the satisfaction of the Health Services Department.
3. Sanitary Sewer - In view of the land use permit which has already been granted by the County (LP962029), this subdivision will not result in any additional development. Prior to recording a parcel map, the applicant will be required to demonstrate the feasibility of sewage disposal capacity to serve each of the proposed parcels to the satisfaction of the Health Services Department.
4. Fire Protection - The site is not located within a designated urban or suburban area and is therefore not subject to fire protection improvements as otherwise required by the Growth Management Element policy.
5. Public Protection - The project will not exceed the threshold (added population of 1000 persons) for requiring a contribution to a sheriff facility. Therefore, no contribution has been required.
6. Parks and Recreation - This project is required to make a contribution of at least \$2000 per dwelling unit to satisfy the parks requirement for neighborhood parks. The fee will be paid at time of issuance of a building permit.
7. Flood Control and Drainage - The site is crossed at the northern end by San Ramon Creek. However, neither of the proposed building sites lie within a designated flood zone.

*(Ref. the Growth Management Element of the General Plan)*

then each tree shall be assigned a number for identification purposes. The site plan shall also indicate whether individual trees are proposed to be (1) removed, (2) altered, or (3) preserved.

If the proposed development requires approval of a tree permit, then prior to issuing a grading or building permit, the applicant shall comply with the restrictions of the Tree Protection and Preservation Ordinance including any tree permit application and processing requirements.  
(MM)

#### Fees

33. Parkland Dedication Fee Requirement - Prior to issuance of a building permit, the applicant shall comply with the parkland dedication fee requirement.
34. One-Time Police Services Mitigation Fee Payment - Prior to issuance of a residential building permit on any parcel that is not occupied by a legal residence, the applicant shall contribute a one-time fee of \$1000.00 to the County for police services mitigation. The fee shall be paid to the Contra Costa County Application & Permit Center.

#### CONSTRUCTION PERIOD RESTRICTIONS

35. All construction and construction related activities performed by a licensed contractor or subcontractor other than the owner shall be limited to the hours of 7:30 a.m. to 5:00 p.m., Monday through Friday, and shall be prohibited on state and federal holidays. The applicant shall include this restriction in the contract for any construction contractors or subcontractors employed on the site.

#### CONDITIONS TO BE SATISFIED PRIOR TO OCCUPANCY OF A NEW RESIDENTIAL STRUCTURE ON PARCELS A OR C.

36. Elimination of Metal Fabrication Use - At least three weeks prior to seeking occupancy of a residence on the easternmost parcel, Parcel "C", the applicant shall convey a letter to the Community Development Department indicating that the metal fabrication business activities have been terminated and that the site may be inspected for the purpose of verifying code compliance. Occupancy of the residence shall not be permitted until the Zoning Administrator has determined that the site is in compliance with the zoning code requirements including any entitlements.





Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: February 12, 2013  
Subject: Interviews for Selected County Clerk-Recorder Applicants

**RECOMMENDATION(S):**

1. INTERVIEW Jack Edward Weir and Joseph Canciamilla for the position of Clerk-Recorder.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Ted Cwiek (925) 335-1770

By: , Deputy

cc: Ted Cwiek, Human Resources Director

#### RECOMMENDATION(S): (CONT'D)

- DETERMINE what action the Board wishes to take regarding the selection of a finalist for the position and CONSIDER next steps.
- CONFIRM that, under Penal Code section 11105(b)(11), the County Administrator is authorized to obtain criminal history information about the finalist for the position of Clerk-Recorder. This information is necessary to assist the County in fulfilling its duties in appointing a Clerk-Recorder. AUTHORIZE County Administrator to require that the finalist be fingerprinted for this purpose. DIRECT the County Administrator to maintain custody and control of the records as described herein.
- REQUEST the finalist to provide the County Administrator with a completed 2012/2013 financial disclosure form (FPPC Statement of Economic Interests - Form 700).

#### FISCAL IMPACT:

None.

#### BACKGROUND:

The current County Clerk-Recorder, Stephen Weir, has announced that he will be retiring in late March, 2013 his term of office ends January 5, 2015. Steve Weir has served as the County's Clerk-Recorder since being appointed by the Board in 1989 to complete the term of the previous Clerk-Recorder upon his demise. The minimum qualification for the Clerk-Recorder position is to be a citizen, registered to vote, and a resident of the County. In 1989, the Board of Supervisors process included having the Board of supervisors determine which candidates to interview at a public meeting.

On December 11, 2012 the Board of Supervisors agreed to a County-only recruitment, to review all applications in public and identify those applicants whom a majority of the Board wished to interview at a subsequent date.

On February 5, 2013, the Board of Supervisors chose the following two applicants for interviews to be held on February 12:

1. Joseph Canciamilla
2. Jack Edward Weir

There are a number of State laws that provide for permanent disqualification from holding office as a result of a criminal conviction arising out of office-related misconduct, including recently enacted AB 2410 (Elections Code section 20). On February 5, 2013, the Board voted to authorize the County Administrator to obtain criminal history information for the finalist for the position of Clerk-Recorder, at such time as a finalist is selected. The finalist will need to be fingerprinted for the purpose of obtaining criminal history information. This information is necessary to assist the Board in fulfilling its duties with respect to the appointment of the Clerk-Recorder and to assure that the applicant for office is not disqualified from holding office by California law.

The records will be accessible only to the County Administrator, County Counsel and, if deemed necessary, to the Board of Supervisors. If the Board acts today to select a finalist, the County Administrator will proceed with the direction to obtain a criminal background check. The finalist will also be required to provide the County Administrator with a 2012/2013 Form 700 Statement of Economic Interests.

If the background check raises no concerns, The County Administrator will place an item on the agenda requesting the Board to consider appointing the finalist to the position of Clerk-Recorder. If the background check raises concerns, the County Administrator will place an item on the agenda to ask the Board to consider next steps. The finalist's 2012/2013 Form 700 Statement of Economic Interests will be provided to the Board as an attachment to the Board Order at the time the Board considers its next action.

The goal continues to be to make an appointment by April 1, 2013.

#### CONSEQUENCE OF NEGATIVE ACTION:

Delay in appointment of a County Clerk-Recorder.

CHILDREN'S IMPACT STATEMENT:

None.



## **Clerk-Recorder Interviews**

**February 12, 2013**



Contra  
Costa  
County



For Reviewers Use Only:	
Accepted	Rejected

## COUNTY CLERK-RECORDER APPLICATION

MAIL, EMAIL OR HAND DELIVER TO:

Contra Costa County  
CLERK OF THE BOARD  
651 Pine Street, Rm. 106  
Martinez, California 94553-1292

Tiffany.Lennear@cob.cccounty.us  
PLEASE TYPE OR PRINT IN INK

1. Name:	Canciamilla	Joseph	E.		
	(Last Name)	(First Name)	(Middle Name)		
2. Address:	4253	Inverness Drive	Pittsburg	Calif.	94565
	(No.)	(Street)	(Apt.)	(City)	(State) (Zip Code)
3. Phones:	925-439-1778	925-432-2114	925-351-3081		
	(Home No.)	(Work No.)	(Cell No.)		
4. Email Address:	joecanciamilla@gmail.com				

5. EDUCATION: Check appropriate box if you possess one of the following:

High School Diploma ☐ G.E.D. Certificate ☐ California High School Proficiency Certificate ☐

Give Highest Grade or Educational Level Achieved: Juris Doctor

	Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
				Semester	Quarter		
A)	John F. Kennedy University	Law	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			J.D.	1986
B)	St Mary's College	Management	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			B.A.	1982
C)			Yes No <input type="checkbox"/> <input type="checkbox"/>				
D)	Other schools / training completed:	Course Studied	Hours Completed	Certificate Awarded: Yes No <input type="checkbox"/> <input type="checkbox"/>			

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6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve as the County Clerk-Recorder. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<p>A) Dates (Month, Day, Year)</p> <p>From To</p> <p>12/1/1986 Present</p> <p>Total: Yrs. Mos.</p> <p>25 2</p> <p>Hrs. per week <input type="checkbox"/> F/T . Volunteer <input type="checkbox"/></p>	<p>Title</p> <p>Attorney</p> <p>Employer's Name and Address</p> <p>Self-Employed</p>	<p>Duties Performed</p> <p>Maintaining a private law practice focusing primarily on strategic/legal/political consulting.</p>
<p>B) Dates (Month, Day, Year)</p> <p>From To</p> <p>7/1/1992 Present</p> <p>Total: Yrs. Mos.</p> <p>19 6</p> <p>Hrs. per week <input type="checkbox"/> F/T . Volunteer <input type="checkbox"/></p>	<p>Title</p> <p>Co-Owner</p> <p>Employer's Name and Address</p> <p>Pittsburg Funeral Chapel 2295 Railroad Avenue Pittsburg, CA. 94565</p>	<p>Duties Performed</p> <p>All duties associated with the operation of a family-owned full service funeral chapel.</p>
<p>C) Dates (Month, Day, Year)</p> <p>From To</p> <p>12/5/2000 12/1/2006</p> <p>Total: Yrs. Mos.</p> <p>6 0</p> <p>Hrs. per week <input type="checkbox"/> F/T . Volunteer <input type="checkbox"/></p>	<p>Title</p> <p>Member, California State Assembly</p> <p>Employer's Name and Address</p> <p>Assembly Rules Committee State Capitol Sacramento, CA. 94513</p>	<p>Duties Performed</p> <p>All duties associated with serving as a member of the State Legislature including the management of committees, Capitol and District offices.</p>
<p>D) Dates (Month, Day, Year)</p> <p>From To</p> <p>12/1/1996 12/1/2000</p> <p>Total: Yrs. Mos.</p> <p>4 0</p> <p>Hrs. per week <input type="checkbox"/> F/T . Volunteer <input type="checkbox"/></p>	<p>Title</p> <p>Contra Costa County Supervisor, Dist. V</p> <p>Employer's Name and Address</p> <p>Contra Costa County 651 Pine Street Martinez, CA. 04553</p>	<p>Duties Performed</p> <p>All Duties associated with service on the Contra Costa County Board of Supervisors including a variety of committee assignments.</p>



7. Do you have any financial relationships with the County such as grants, contracts, or other economic relations?

No ☒ Yes ☐

If Yes, please identify the nature of the relationship:

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to appointment as the County Clerk-Recorder.

Sign Name:

*Joseph E. Lennear*

Date:

*January 21, 2013*

#### Important Information

1. This application is a public document and is subject to the California Public Records Act (CA Gov. Code §6250-6270).
2. By 5:00 P.M. on Friday, January 25, 2013, deliver the completed application and supplemental questionnaire to the Office of the Clerk of the Board: 651 Pine Street, Room 106, Martinez, CA 94553 or email to [Tiffany.Lennear@cob.cccounty.us](mailto:Tiffany.Lennear@cob.cccounty.us).
3. A résumé or other relevant information may be submitted with this application. Attach pages for Supplemental Questionnaire.

#### Supplemental Questionnaire

1. Are you a United States citizen?
2. Are you registered to vote?
3. Are you a resident of Contra Costa County?
4. Please identify and describe by title, salary and length of time, those specific public service or private sector positions you have held which you believe best qualify you for the position of County Clerk-Recorder. Briefly indicate major accomplishments in each position.
5. The past incumbent was long serving and etched a strong image upon the department. Recognizing there are strengths and weaknesses in every person, what are your strengths and how would you propose to imprint your strengths upon the organization? What do you see as your weaknesses? What about the timing of change if you see the need?
6. What have you done to familiarize yourself with the various codes, regulations, and practices that dictate how the Clerk/Recorder/Registrar of Voters Office operates?
7. Are you prepared to seek re-election to this office in June, 2014?
8. Do you consider this job to be full time or part time?
9. In addition to the foregoing, please indicate any special qualifications, skills, training or achievements you possess which are relevant to consideration for this position.

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## **SUPPLEMENTAL QUESTIONNAIRE (Joseph Canciamilla)**

1. Are you a United States citizen?

**Yes.**

2. Are you registered to vote?

**Yes, in fact, I was the youngest person in the Country elected to office – to the Pittsburg School Board at age 17.**

3. Are you a resident of Contra Costa County?

**Yes, I was born here and have been a resident of this County my whole life.**

4. Please identify and describe by title, salary and length of time, those specific public service or private sector positions you have held which you believe best qualify you for the position of County Clerk-Recorder. Briefly indicate major accomplishments in each position.

**I have served in nearly every local office – as a school board member, a city councilmember, a County supervisor and as Contra Costa County's representative in the California State Assembly. I have also had the honor of serving on: LAFCO, Delta Diablo Sanitation District 7-A Board, CCTA, Bay Area Air Quality Management District Board among others. I am the co-owner of Pittsburg Funeral Chapel, a family owned and operated business since 1938, as well as an attorney with a private practice.**

**SEE ATTACHED RESUME FOR DETAILS.**

5. The past incumbent was long serving and etched a strong image upon the department. Recognizing there are strengths and weaknesses in every person, what are your strengths and how would you propose to imprint your strengths upon the organization? What do you see as your weaknesses? What about the timing of change if you see the need?

**I have many strengths that would be of benefit to the County and to the residents of Contra Costa County: As an attorney and also as an elected official in this County for 34 years, I am particularly familiar with election law and will have a short learning curve adapting to the laws and procedures necessary to be an effective Clerk Recorder. I have managed private sector businesses as well as those in the public sector. I have experience bringing diverse groups and people together to solve problems, even under the most partisan conditions. In whatever position I take on, I enjoy working with people and taking on leadership positions – which I would do if entrusted to be selected the next Clerk Recorder. Above all, I am a statesperson who would represent Contra Costa County with professionalism and a keen sense of detail toward providing excellent service to our community.**

**One weakness, while I am sure there are others, is that I oftentimes have difficulty delegating important decisions to others. This is something I continue to work on. I do find that developing a strong and trusted working team helps with this challenge and if selected for the job, I would plan on developing an effective team whose goal is to serve.**

**The timing for me is a good one. Steve Weir has done an amazing job as Clerk Recorder, also becoming a statewide leader in his field. Taking over for Steve would be an honor and would allow me the opportunity to return to public service, where I have gratefully spent most of my adult career. It will also allow me to make the most of my experience and knowledge of local, regional and statewide systems. If selected, I would want to take time to learn the existing culture, identify strengths and weaknesses, and engage staff, opinion leaders, residents and the Board to gain the data necessary to move forward with any changes, if necessary.**

6. What have you done to familiarize yourself with the various codes, regulations, and practices that dictate how the Clerk/Recorder/Registrar of Voters Office operates?

**My experience as a real-estate licensee, notary, attorney, funeral director, and elected official at a variety of levels has given me the opportunity to become, and remain familiar with many of the rules and regulations that govern the Clerk Recorder's Office. I have met with Steve to discuss his perspective on the office and reviewed many of the reports prepared by his office as well as others including the Civil Grand Jury. In addition, I had the opportunity during my service in the Legislature to research, draft and introduce legislation on a number of issues involving election laws/procedures, including one that would have converted the office of Secretary of State into a non-partisan position; this effort, in particular, required research into the operation and conduct of Elections/Registrar Offices.**

7. Are you prepared to seek re-election to this office in June, 2014?

**Yes, I am fully prepared to seek re-election and am familiar with the nuts and bolts of running a successful campaign. I have formed a campaign committee for this purpose, which also houses the necessary funds for running a county-wide campaign for Clerk Recorder.**

8. Do you consider this job to be full time or part time?

**If selected for this position, I will dedicate my full-time attention to serving Contra Costa County as Clerk/Recorder/Registrar.**

9. In addition to the foregoing, please indicate any special qualifications, skills, training or achievements you possess which are relevant to consideration for this position.

**SEE ATTACHED RESUME.**



# RESUME

## JOSEPH E. CANCIAMILLA

### CONTACT INFORMATION:

Co-Owner:  
Pittsburg Funeral Chapel  
2295 Railroad Avenue  
Pittsburg, Calif. 94565  
925-432-2114

4253 Inverness Drive  
Pittsburg, CA 94565  
Phone: (925) 439-1778  
Cell: (925) 351-3081  
hwjoecan@gmail.com

### ACADEMIC QUALIFICATIONS—EDUCATION:

J.D.	John F. Kennedy University	1986
	Law	
B.A.	St. Mary's College	1982
	Management	

### LICENSES & CERTIFICATES HELD:

- Member, State Bar of California
- California State Funeral Director License

### EMPLOYMENT/EXPERIENCE (including Elected positions)

- Attorney at Law, Self Employed
- Co-Owner, Pittsburg Funeral Chapel, Inc., 1992 - Present
- Member, California State Assembly 2000 - 2006
- Member, Contra Costa County Board of Supervisors 1996 - 2000
- Attorney, Sanders, Dodson, Rives & Canciamilla 1990-1996
- Attorney, Groff & Johnson 1986 - 1990
- Member, Pittsburg City Council 1987-1996
- Member, Pittsburg Unified School District Board of Education 1973-1987
- Real Estate Licensee 1978-1982
- Pittsburg Funeral Chapel, 1973 - 1986

### SIGNIFICANT RESPONSIBILITIES/PROFESSIONALSKILLS

**Attorney:** Providing legal/strategic guidance to small/medium businesses and their relationships with local and regional government agencies.

**Pittsburg Funeral Chapel:** A wide variety of services included with the operation of a family owned business including but not limited to counseling and assisting families, interfacing with agencies including social services, law enforcement, foreign consulates and religious organizations. Handling physical plant operations, maintenance as well as providing staff support and training. Instituted the use of computerized record keeping, data entry and support and website operations.

**State Assembly:** Chaired: Water, Parks and Wildlife, Acting Chair, Veterans Services, Select Committee on the Protection of Inland Waterways, Select Committee on Growth and Infrastructure, Select Committee on Natural Gas Pricing and Availability, Managed committee staffs as well as those in Sacramento office and district offices. Committee memberships included: Aging and Long Term Care, Budget, Budget subcommittees on Resources and Education, Jobs Economic Development and the Economy, Arts, Entertainment and the Internet, Utilities and Commerce, Governmental Organization, Local Government, Agriculture, Public Employees Retirement and Social Security, Revenue and Taxation.

Served as a convenor of the Assembly Moderate Caucus; co-founded The Bi-Partisan Group which included members of both parties working to reduce the partisan gridlock and formulate real solutions to the State's problems. Co-authored a series of papers on bi-partisan problem solving, as well as an alternative State Budget that would have worked toward resolving the State's long term financial deficits and balanced the budget.

Authored and had signed into law legislation including those that eliminated the use of "roving JPA's" such as the one used to fund the Roddy Ranch project in Antioch resulting in serious losses to small unsuspecting investors, raised the small claims court limit to \$7,500, and returned control of the Pittsburg waterfront lands to the City.

Was a member of Speaker Hertzberg's leadership team and assisted with candidate recruitment, fundraising and training. During the California Energy Crisis was the lead on all issues relating to the Legislative response on Natural Gas Issues.

As a member of Speaker Wesson's leadership team, served as a budget negotiator/liaison to the Republican Leadership.

**Contra Costa Board of Supervisors:** Represented the County on: LAFCO, Delta Diablo District 7-A, BAAQMD, CSAC Urban County Caucus, CSAC Executive Committee, CCTA, Transplan, ECRFFA and the Airport Advisory Board. Co-authored the Urban Limit Line efforts along with Supervisor Donna Gerber, Co-authored and negotiated support for the Industrial Safety Ordinance update. Negotiated agreements that led to the construction of the Pittsburg Health Center, The Antioch Transitional Housing Project, and Antioch Historical Society on the site of the old Riverview Fire HQ.

**Pittsburg City Council:** Mayor, Two Terms. Key accomplishments include; Negotiating a number of tax sharing agreements resulting in the ability of the City Redevelopment Agency to increase its capitalization. Led the effort to create the Pittsburg Power Company which included negotiating with other local cities and agencies, meeting in Washington with representatives of the Federal Energy Regulatory Commission, Department of Defense and the White House.

#### **GROUP WORK WITH VARIOUS STAKEHOLDERS-- COMMUNICATION, COMMUNITY RELATIONS**

- Worked consciously to develop credibility with local press
- Authored/co-authored numerous articles on Government Reform
- Speaker, Presenter, Panelist at over 40 conferences, meetings and seminars including The Panetta Institute, Hoover Institution at Stanford, USC School of Public Policy
- Assisted as a trainer for new Legislators, prospective candidates and for groups from the League of California Cities California School Boards Association, Calif. State Association of Counties, the Walnut Creek and Delta Leadership trainings and the CCC Civil Grand Jury
- Participated in delegations to: Australia, New Zealand, Europe and Asia
- Member, Board of Directors – Save Mt. Diablo, Life-Member N.A.A.C.P.
- Volunteer for local civic activities

#### **REFERENCES**

Mr. Phil Batchelor, Administrator, (ret), Contra Costa County

Hon. Joe Nation, Professor Stanford University, Former Calif. State Assemblymember

Hon. Herb Wesson, President Los Angeles City Council, Former Assembly Speaker

Hon. Mary Erbez, Former Pittsburg City Clerk, Councilmember and Mayor

Mr. Michael Vukelich, Co-Founder Color Spot Nurseries



Contra  
Costa  
County

For Office Use Only

Date Received:

RECEIVED

JAN 25 2013

CLERK BOARD OF SUPERVISORS  
CONTRA COSTA CO.

For Reviewers Use Only:

Accepted

Rejected

## COUNTY CLERK-RECORDER APPLICATION

MAIL, EMAIL OR HAND DELIVER TO:

Contra Costa County  
CLERK OF THE BOARD  
651 Pine Street, Rm. 106  
Martinez, California 94553-1292

Tiffany.Lennear@cob.cccounty.us  
PLEASE TYPE OR PRINT IN INK

1. Name: Weir, Jack Edward  
(Last Name) (First Name) (Middle Name)
2. Address: 31 Banbridge Place, Pleasant Hill, CA 94523  
(No.) (Street) (Apt.) (City) (State) (Zip Code)
3. Phones: (925) 934-7220 home (925) 899-4298 cell  
(Home No.) (Work No.) (Cell No.)
4. Email Address: jweir39@aol.com

5. EDUCATION: Check appropriate box if you possess one of the following:

High School Diploma ☒ G.E.D. Certificate ☐ California High School Proficiency Certificate ☐

Give Highest Grade or Educational Level Achieved COURSE WORK, PRACTICUM TOWARD PsyD

Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) <u>University of San Francisco</u>	<u>Business</u>	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<u>120</u>		<u>BS</u>	<u>1995</u>
B) <u>John F Kennedy University</u>	<u>Org'l Transformation</u>	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<u>60</u>		<u>MA</u>	<u>1997</u>
C) <u>Professional School of Psychology</u>	<u>Doctor of Psychology</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>40</u>			
D) Other schools / training completed:	Course Studied	Hours Completed	Certificate Awarded:			
<u>Institute for Certification of Computer Professionals</u>	<u>computer systems, hardware - software</u>	<u>as required</u>	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			

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Page 1 of 3



6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve as the County Clerk-Recorder. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<p>A) Dates (Month, Day, Year)</p> <p>From <u>12/4/10</u> To <u>Present</u></p> <p>Total: Yrs. <u>2</u> Mos. <u>1</u></p> <p>Hrs. per week <u>40</u> . Volunteer <input type="checkbox"/></p>	<p>Title</p> <p><u>Vice-Mayor</u></p> <p>Employer's Name and Address</p> <p><u>City of Pleasant Hill</u>  <u>100 Gregory Ln</u>  <u>Pleasant Hill CA 94523</u></p>	<p>Duties Performed</p> <ul style="list-style-type: none"> <li>-City Council member</li> <li>-Director, Contra Costa Central Transit Authority</li> <li>-Representative, ABAG</li> <li>-Representative, League of California Cities</li> </ul>
<p>B) Dates (Month, Day, Year)</p> <p>From <u>1995</u> To <u>Present</u></p> <p>Total: Yrs. <u>17</u> Mos. <u></u></p> <p>Hrs. per week <u>50</u> . Volunteer <input type="checkbox"/></p>	<p>Title</p> <p><u>Principal - Owner</u></p> <p>Employer's Name and Address</p> <p><u>Change for the Better</u>  <u>Consultancy</u>  <u>31 Banbridge Pl</u>  <u>Pleasant Hill CA 94523</u></p>	<p>Duties Performed</p> <p>CEO; principal consultant and project manager; business consulting and information systems projects</p>
<p>C) Dates (Month, Day, Year)</p> <p>From <u>Jan 03</u> To <u>Jun 03</u></p> <p>Total: Yrs. <u></u> Mos. <u>7</u></p> <p>Hrs. per week <u>50</u> . Volunteer <input type="checkbox"/></p>	<p>Title</p> <p><u>Chief Technology Officer</u></p> <p>Employer's Name and Address</p> <p><u>SAGE Electrical, Inc</u>  <u>1221 N. Market Blvd</u>  <u>Sacramento, CA 95834</u></p>	<p>Duties Performed</p> <p>Responsible for development and operation of all computer and information systems.</p>
<p>D) Dates (Month, Day, Year)</p> <p>From <u>1997</u> To <u>2002</u></p> <p>Total: Yrs. <u>5</u> Mos. <u></u></p> <p>Hrs. per week <u>50</u> . Volunteer <input type="checkbox"/></p>	<p>Title</p> <p><u>CEO</u></p> <p>Employer's Name and Address</p> <p><u>Toward Better Systems, Inc</u>  <u>31 Banbridge Pl</u>  <u>Pleasant Hill, CA 94523</u></p>	<p>Duties Performed</p> <p>Founder and CEO; responsible for business development, contract negotiation and project management oversight</p>

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7. Do you have any financial relationships with the County such as grants, contracts, or other economic relations?

No ☒ Yes ☐

If Yes, please identify the nature of the relationship:

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to appointment as the County Clerk-Recorder.

Sign Name: Jack Shin Date: January 24, 2013

#### Important Information

1. This application is a public document and is subject to the California Public Records Act (CA Gov. Code §6250-6270).
2. By 5:00 P.M. on Friday, January 25, 2013, deliver the completed application and supplemental questionnaire to the Office of the Clerk of the Board: 651 Pine Street, Room 106, Martinez, CA 94553 or email to [Tiffany.Lennear@cob.cccounty.us](mailto:Tiffany.Lennear@cob.cccounty.us).
3. A résumé or other relevant information may be submitted with this application. Attach pages for Supplemental Questionnaire.

#### Supplemental Questionnaire

1. Are you a United States citizen? yes
2. Are you registered to vote? yes
3. Are you a resident of Contra Costa County? yes *Please see separate sheets and resume.*
4. Please identify and describe by title, salary and length of time, those specific public service or private sector positions you have held which you believe best qualify you for the position of County Clerk-Recorder. Briefly indicate major accomplishments in each position.
5. The past incumbent was long serving and etched a strong image upon the department. Recognizing there are strengths and weaknesses in every person, what are your strengths and how would you propose to imprint your strengths upon the organization? What do you see as your weaknesses? What about the timing of change if you see the need?
6. What have you done to familiarize yourself with the various codes, regulations, and practices that dictate how the Clerk/Recorder/Registrar of Voters Office operates?
7. Are you prepared to seek re-election to this office in June, 2014?
8. Do you consider this job to be full time or part time?
9. In addition to the foregoing, please indicate any special qualifications, skills, training or achievements you possess which are relevant to consideration for this position.

THIS FORM IS A PUBLIC DOCUMENT

**Application – Contra Costa County Clerk-Recorder;**  
**Supplemental Questionnaire; Jack Weir**

1. Are you a United States citizen? YES
2. Are you registered to vote? YES
3. Are you a resident of Contra Costa County? YES
4. Describe those public or private sector positions which best qualify you for the County Clerk-Recorder position:
  - a. Council Member, City of Pleasant Hill; stipend \$7K annually; 2 years; successfully planned and executed first-time election campaign; top vote-getter; serving as vice-mayor currently; hearing and resolving resident concerns and complaints, working with city staff and fellow council members; represent city on various government agencies, including Central Contra Costa Transit Authority, ABAG, League of California Cities; Economic Development, Nominating, Flood Control, City Attorney Services city council committees; familiar with development and application of ordinances, codes; application of state laws; hearing appeals
  - b. Long-time local elections officer serving as Inspector and Clerk; never turned a voter away; never missed a clean closing. Operated with zero tolerance for sloppy work; every vote was counted.
  - c. Chief Technology Officer, SASCO Electrical, Inc.; \$125K plus \$50K guaranteed bonus; 6 months in 2003; responsible for development of new information and communications systems, construction and implementation of new state-of-the-art computer center; executive level management over departments and teams of information systems and communications technicians and managers
  - d. Founder and Principal Consultant (retired), CHANGE FOR THE BETTER Consultancy; \$50-100K per annum; 1995 to 2007; designed and managed projects to achieve positive change in various for-profit and non-profit organizations, using visioning, strategic planning, team-building, communications and systems analysis techniques; certified Future Search Facilitator
  - e. Co-Founder and CEO (retired), TOWARD BETTER SYSTEMS, Inc.; \$125-150K; 5 years; negotiated contracts with large clients for new information systems software; managed teams of developers to define and implement new systems; designed quality testing standards
  - f. Director of Data Systems (retired), Pacific Telesis Group, Inc.; \$100K; 1983-1996; responsible for development, implementation and management of all information systems for new Holding Company, including system security
  - g. Manager of Property Records, Pacific Telephone, \$100K; 4 years; responsible for management and accounting for all property records for Pac Tel in Northern California – poles, wire, cable, motor vehicles; constructed new computer center for regional processing of all disbursement accounting property, employee and payroll records.



5. I am quite familiar with the long service provided by the incumbent, and have discussed issues involved with the office and departments for years as fellow professionals. The incumbent deserves to be proud of the reputation of the office. There are opportunities to continue the process of improvement, an area in which I am very accomplished.

a. Strengths:

- i. I am very experienced and capable in a wide range of organizational issues, including strategic visioning and goal-setting, specific action plans and targets, team-building and leadership development, mentoring, performance evaluation and redirection, compensation and reward administration, vendor and union contract negotiation.
- ii. I possess strong experience in data processing and information systems development and management. I am very familiar with digitization of data, and development and management of data classification and retrieval functions. I understand the entire life cycle of software development and underlying methodologies. I am a Certified Data Processing Professional (CDP), who has contributed to the certification examinations conducted by the Institute for the Certification of Computer professionals (ICCP).
- iii. Very experienced in business continuity - disaster prevention and data recovery planning and execution. Developed and implemented "hot site" facilities and measures that allowed Pacific Telesis Group to recover and resume critical computer systems within hours of Loma Prieta shutting down San Francisco. I fully understand the importance of protecting the county's records, and being able to recover from any disaster with minimum loss of time or resources.
- iv. I am a very strong leader, both on terms of organizational and employee development. I believe in a balance of participative and directive management, encouraging and allowing risk-taking at the lowest practical level, with safeguards in place to reduce disaster. People like working for me, and are very loyal. I earn their respect by my actions, rather than by my position in the organization.
- v. I am a listener, and am very skilled at facilitating communications at the "meaning" rather than rhetorical level. I don't let ego (mine or others) interfere with the possibility of high quality outcomes, even if they don't align perfectly with my own views. Being effective is more important than being right.
- vi. I delegate readily, agreeably and successfully. Our solutions don't have to be my idea. I praise and distribute credit for success very generously. I take full responsibility for failure immediately and without qualm. I do not seek or expect perfection in others.

b. Weaknesses:

- i. I have to guard against taking on too much. I'm interested in almost everything around me, but I have only so many hours a day available to do work.
  - ii. I have to strive to balance work and private time. I won't let even a full-time job take over my life.
- c. Timing of Change:
  - i. If appointed, I will assess the organization, hopefully with the assistance of the incumbent, and if any significant near-term change seems necessary and is not already planned, I will assemble a team of department heads and key personnel to lay out plans.
  - ii. My basic approach is to build an organizational climate of constant process improvement, which I know can work very successfully with and for all stakeholders – clients, customers and employees. Over time, my key managers and I will craft an approach that preserves the best of what's already in place, with the possibility of new initiatives.
- 6. Aside from my experience as a local elections officer for years, and my experience as a candidate for public office, and my general experience as a customer of the various services provided by the Clerk/Recorder/Registrar's office, I have years of conversations with the incumbent to inform me. I am also a Deputy Marriage Commissioner, and have performed three ceremonies, a service I take very seriously and enjoy thoroughly. As my decision to apply for this position is fairly recent, I am currently assembling an intensive orientation review program to prepare me to take office April 1<sup>st</sup>. I will consult the secretary of state's department, the Elections Code, the Fair political Practices Act, the California Public Records Act, the Education Code and all other resources appropriate. I will research courses available to jump-start the process, and will give myself a few months time allowance. I will not hesitate to seek helpful information wherever available.
- 7. I am prepared to plan to seek re-election in 2015.
- 8. I do consider this position to be a full-time position, and will resign my city council seat and all other civic assignments if appointed.
- 9. Summary:
  - a. I have a great deal of successful experience, knowledge, skills and abilities that directly apply to this position.
  - b. I am a successful executive level leader, planner, manager and team-builder.
  - c. I am non-partisan in my civic life, and will continue the non-partisan character of this position.
  - d. This position is critically important to our county, and requires a highly capable person.
  - e. I am a highly capable person, and I need a demanding and rewarding position at this stage of my professional life.
  - f. This job and I are a very, very good match. I will make it work well for all involved.

## JACK WEIR, MA, CDP

31 Banbridge Place, Pleasant Hill, CA 94523; Home (925)934-7220; Cell (925)899-4298  
[jwcir39@aol.com](mailto:jwcir39@aol.com)

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### Summary

Experienced senior executive and professional systems consultant, with a strong focus on helping organizations excel in their vision, goals and business system operations. Extensive background in information systems (IS) development; business planning and management; business continuity and security; and organizational leadership development, motivation, and communications efficiency.

### Professional Experience

- **Vice-Mayor and Member, Pleasant Hill City Council; 2010 – Present**
  - Former Chair, Redevelopment Agency; Committees: Economic Development, Flood Control Task Force, Interviews and Nominating; representative to ABAG, League of California Cities, John Muir Community Health Fund, Central Contra Costa Transit Authority, TRANSPAC
- **Principal Consultant and President, CHANGE FOR THE BETTER; California; 1995-Present**
  - Sole Proprietor organizational consultancy; IS and organizational work; Clients include **Oakley Unified School District, Dorris-Eaton School, JFK University, Rocky Mountain Methodist Conference, New Directions Counseling Center, et al**
  - Principal project management consultant for \$60 million mansion construction project, providing planning methodology and team structure; successfully created and incorporated two new subsidiary companies
- **Chief Technology Officer, SASCO Electrical, Inc.; Sacramento; January-July 2003**
  - Developed centralized IS infrastructure for largest sole proprietor electrical contractor in US, \$100M+ firm; developed professional IT organization; designed and constructed state-of-the-art client demonstration computer center
- **Principal and CEO (retired), Toward Better Systems, Inc.; Bay Area; 1997-2002**
  - Business consultancy; IS systems, organizational systems, Y2K; Clients include **SBC Communications, Pacific Bell Wireless, Verizon Wireless, Alameda County Mediation Services, McKesson, Market Search Consultants, et al**
  - **Sample of engagements:**
    - **California Department of Corrections (DOC)** - conducted an assessment of the professional and technical competency of DOC's internal IS staff, at the direction of the California legislature, following the failure of a \$300M computer project; *Client IS management fully supported consultant's report.*
    - **Schlage Locks, Inc.** - conducted an assessment of quality assurance processes, and of the effectiveness of communications between company management and IS technical workers; *management team took the report and recommendations to Schlage's board.*
    - **Mathey-Johnson Precious Metals, Inc.** - performed an assessment of IS goals, mission, systems architecture, customer service function (help desk) and staff organization. Upon acceptance of the assessment report and recommendations, recruited and oriented new IS Technical Manager and staff.
    - **SBC Communications** - wrote corporate "Information Systems Disaster Recovery Policy", embracing all computer systems and data warehouses.
    - **Pacific Bell** - led project team to scope and develop revolutionary new sales compensation software system (COAST), now being rolled-out on SBC corporate basis; *this project has the potential to save SBC tens of millions of dollars.*
- **Director of Data Systems (retired), Pacific Telesis Group (Holding Company); San Francisco; 1983-1996;** provided leadership for and managed the development of computer and information systems (IS) capability for a new post-AT&T divestiture holding company, including:
  - Platform strategy - central storage, client/server schema, network topography. *Start-up computer facilities were scoped, designed, contracted, installed and operational in less than 30 days from formation of new holding company development team, a Hewlett-Packard (vendor) company record.*



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- Computer Center – designed new facility inside existing office high-rise, including physical security, climate control, UPS, fire control. *First ever exemption by SFFD from standing water requirement, due to innovative chemical suppression system. HP site recognition award.*
- Disaster recovery – hot-site, data backup and storage; *following the Loma Prieta earthquake all systems under SLA contract were recovered and fully operational at remote site in less than 30 minute target.*
- Security – physical computers, data access, system access, network access (telecommuting, mobile remote access); *several industrial espionage attempts were detected, identified and referred for prosecution.*
- Hardware standards – desktops, laptops, network components and protocols.
- Software development methodologies, version control, quality assurance; *no user operation was ever disrupted by a software release or hardware upgrade during this tenure.*
- Full service 7-by-24 user help desk, including:
  - Call-in acknowledgement and resolution targets and tracking
  - Multi-tier escalation and management notification process (including vendor management)

(continued)

- Technician dispatch, on-site or remote to satellite or home offices
- User notification in the event of major emergencies, failures or interruptions
- Executive level support process (dedicated), including executive secretaries and home systems; *several affiliate officers chose to become holding company employees to obtain our services*
- User orientation and training, including custom on-line vendor support
- System use policies and rules, including e-mail, data storage and confidentiality and telecommuting guidelines; *successfully conducted first corporate trial of employee telecommuting; implemented first corporate obsolete equipment employee-purchase program*
- Negotiation of Service Level Agreements (SLA) and IS budgets with user departments and divisions. *All user departments were free to obtain IS services elsewhere; all user departments chose internal support, and all renewed SLAs annually every year; customer satisfaction surveys annually reported 95+% positive results; user departments frequently donated extra bonus funds for IS staff.*
- Formed and led the corporate inter-department IS coordination and information council.
- Developed approach for building and maintaining IS staff skills and knowledge, including:
  - Professional positions – software engineer, network designer, data modeler, programmer
  - Technical positions – computer operations, network support, help-desk analyst, PC technician, security administrator, system administrator
  - Qualification (including testing) and compensation program for IS staff
- Developed “overall cost of ownership” model for IS planning and multi-year budgeting for:
  - Hardware acquisition and maintenance
  - Software development and maintenance

### Other Professional Experience

- Responsible for payroll and employee records for 100,000 employees
- Developed critical accounting systems, which ran for many years beyond their intended life
- Introduced software development methodology, and life-cycle framework
- Led design, construction, computer and network installation of stand-alone computer center; responsible for security, power and HVAC systems, recruitment and training of operations staff; *trialed and initiated first 4X10 and 3X13 shift schemes, promoting strong retention*
- Principal in population reform organization, *ThinkPopulation.org*.

### Education/Certifications

- BS, Organizational Behavior, University of San Francisco (with honors)

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- **MA, Organizational Transformation, John F. Kennedy University (with honors)**
- **PsyD Doctoral Program, Professional School of Psychology (on leave)**
- **Certified Data Processor (Senior Management Professional Certification) - ICCP**

### **Other Experience**

- **Adjunct Faculty, John F. Kennedy University, School of Management**
- **Certified Future Search Conference Facilitator**
- **Former Chairman of the Board (pro bono), New Directions Counseling Center, Concord**
- **Former Director, Alameda County Mediation Services Agency**
- **US Army, Military Communications, Cryptography; Army Commendation Medal**



Contra  
Costa  
County

To: Board of Supervisors  
From: Julia R. Bueren, Public Works  
Date: February 12, 2013  
Subject: Functional Classification Change Request for County Roads

**RECOMMENDATION(S):**

ADOPT Resolution No. 2013/86 recommending to the Federal Highway Administration to change the functional classification of 43 roadway segments, as recommended by the Public Works Director, Countywide.

**FISCAL IMPACT:**

No fiscal impact. This action will make these roadway segments eligible for Federal funding.

**BACKGROUND:**

The functional classification of streets and highways categorizes roadways according to the character of service they are intended to provide. Functional classification is used in planning highway systems, determining the jurisdictional responsibility, and developing fiscal planning. It also determines eligibility for Federal funding to maintain and improve roads.

Because functional classification determines eligibility for Federal funding, it is important that the County ensure that the functional classifications of its roads are current. After comparing the Roadway Network Plan in the County General Plan with the functional classification of these same roads in the California Road System maps, and reviewing the current traffic volumes, surrounding land uses

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Angela Villar,  
925-313-2016

By: , Deputy

cc:



BACKGROUND: (CONT'D)

and analyzing these roads' role in their respective region of the County; the Public Works Department is recommending that the functional classification of 43 roadway segments, as presented in Exhibit A, be changed. Functional classification change requests must be submitted to the California Department of Transportation for approval by the Federal Highway Administration.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve the functional classification changes of these County roads could eliminate potential Federal funding sources.

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 02/12/2013 by the following vote:

**AYES:** ☐  
**NOES:** ☐  
**ABSENT:** ☐  
**ABSTAIN:** ☐  
**RECUSE:** ☐



**Resolution No. 2013/86**

IN THE MATTER OF recommending to the Federal Highway Administration to change the functional classification of 43 roadway segments.

WHEREAS, the Federal Highway Administration defines functional classification as the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide; and

WHEREAS, local jurisdictions are responsible for initiating requests for changes to the functional classification of streets and roads under their jurisdiction; and

WHEREAS, the Contra Costa County Public Works Department receives State and Federal road improvement and maintenance funding based on functional classification designation; and

WHEREAS, the Contra Costa County Public Works Department staff has reviewed the roadway network within the unincorporated areas of Contra Costa County; and

WHEREAS, the Public Works Director has determined that the functional classification of 43 roadway segments, as presented in Exhibit A, meets the Federal Highway Administration Guidelines for functional classification changes.

NOW, THEREFORE, BE IT RESOLVED that the Contra Costa County Board of Supervisors approves and authorizes the Public Works Director, or designee, to submit to the California Department of Transportation, a functional classification change request for each of the roadway segments listed in Exhibit A, as described in that exhibit.

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: Angela Villar, 925-313-2016**

**ATTESTED: February 12, 2013**

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

By: , Deputy








**cc:**

## EXHIBIT A

## Functional Classification Change Request Form

Submitted by: Contra Costa County Public Works DepartmentDate: 10/29/12

Click on any column heading for instructions.

Functional Classification Codes		
	Interstate	1
	Other Freeways or Expressways	2
	Other Principal Arterial	3
	Minor Arterial	4
	Major Collector	5
	Minor Collector	6
	Local	7

CRS Map Number	Coordinate	CT District	County	Jurisdiction	Change/ New/ Delete	Road	From	To	(From) Class	(To) New Class	Length (mi)	Number of Through Lanes	AADT
5K52	H7	4	CC	Contra Costa County	New	Arlington Blvd	McBryde Avenue	Bernhard Avenue	7	4	0.06	2	2190
5K52	H7	4	CC	Contra Costa County	New	McBryde Avenue	Park Avenue	Arlington Blvd	7	4	0.10	2	2000
6K54	G9	4	CC	Contra Costa County	New	Balfour Road	Byron Highway	Bixler Road	7	4	0.91	2	5184
6L14	C1	4	CC	Contra Costa County	New	Sellers Avenue	Brentwood Boulevard/State Route 4	Marsh Creek Road	7	4	0.94	2	2976
5K43	E7	4	CC	Contra Costa County	New	7th Street	Parker Avenue	California Street	7	5	0.57	2	2488
6K54/6L14	H8/H3	4	CC	Contra Costa County	New	Bixler Road	Balfour Road	State Route 4	7	5	2.28	2	6590
5K55/5K45	C1/C10	4	CC	Contra Costa County	New	Blum Road	Pacheco Boulevard	Imhoff Drive	7	5	0.28	2	8019
5K52	D5	4	CC	Contra Costa County	New	Brookside Drive	Fred Jackson Way	Richmond City Limits	7	5	0.45	2	1711
5K43	E7	4	CC	Contra Costa County	New	California Street	Hawthorne Drive	Viewpointe Boulevard	7	5	0.33	2	1500
6K54	C9	4	CC	Contra Costa County	New	Chestnut Street	Sellers Avenue	Byron Highway	7	5	1.84	2	2776
6K54	D4	4	CC	Contra Costa County	New	Delta Road	Knightesen Avenue	Byron Highway	7	5	1.16	2	3558
6L14	K4	4	CC	Contra Costa County	New	Discovery Bay Boulevard	State Route 4	Riverlake Road	7	5	0.90	4	14347
6K	G8	4	CC	Contra Costa County	New	Gateway Road	Bethel Island Road	North Stone Road	7	5	1.53	2	4249
6L22	E7	4	CC	Contra Costa County	New	Highland Road	Camino Tassajara	Alameda County Line	7	5	4.69	2	3968
5K55/5K45	D1/E10	4	CC	Contra Costa County	New	Imhoff Drive	Solano Way	Blum Road	7	5	1.21	2	2552
6K54	D2	4	CC	Contra Costa County	New	Knightesen Avenue	East Cypress Road	Delta Road	7	5	5.58	2	3817
5K55	E9	4	CC	Contra Costa County	New	Las Juntas Way	Oak Road	Del Hombre Lane	7	5	0.24	2	3901
5L15	J6	4	CC	Contra Costa County	New	Livorna Road	Miranda Lane	Stonegate Drive	7	5	0.35	2	3703
5K44	B8	4	CC	Contra Costa County	New	McEwen Road	Franklin Canyon Road	Carquinez Scenic Drive	7	5	2.40	2	1200
5K53	B5	4	CC	Contra Costa County	New	Olinda Road	Valley View Road	Castro Ranch Road	7	5	0.77	2	2570
5K52	D5	4	CC	Contra Costa County	New	Pittsburg Avenue	Richmond Parkway	Fred Jackson Way	7	5	0.34	2	1966
5L15	K8	4	CC	Contra Costa County	New	Roundhill Road	Stone Valley Road	Miranda Avenue	7	5	1.14	2	3874



# EXHIBIT A

CRS Map Number	Coordinate	CT District	County	Jurisdiction	Change/ New/ Delete	Road	From	To	(From) Class	(To) New Class	Length (mi)	Number of Through Lanes	AADT
6K54	C6	4	CC	Contra Costa County	New	Sunset Road	Brentwood City Limits	Eden Plains Road	7	5	1.23	2	2890
5K43	E8	4	CC	Contra Costa County	New	Viewpointe Boulevard	Willow Avenue	California Street	7	5	0.78	2	3736
5K55	A8	4	CC	Contra Costa County	New	Withers Avenue	Reliez Valley Road	Pleasant Hill Road	7	5	1.00	2	3310
6K53	C9	4	CC	Contra Costa County	Change	Balfour Road	Deer Valley Road/Antioch City Limits	Brentwood City Limits	5	4	1.13	2	10647
6K54	C9	4	CC	Contra Costa County	Change	Balfour Road	Sellers Avenue/Brentwood City Limits	Byron Highway	5	4	1.83	2	5184
6K	G8	4	CC	Contra Costa County	Change	Bethel Island Road	Sandmound Boulevard	Piper Slough @ Franks Tract	5	4	3.54	4	5849
6K54/6L14	F4/G1	4	CC	Contra Costa County	Change	Byron Highway	Delta Road	State Route 4	5	4	3.65	2	4184
6L14/6L	F6/F2	4	CC	Contra Costa County	Change	Camino Diablo	Marsh Creek Road	Byron Highway	5	4	5.16	2	8333
6K53/6L	C7/E1	4	CC	Contra Costa County	Change	Deer Valley Road	Marsh Creek Road	Antioch City Limits	5	4	4.44	2	9419
6K41	A9	4	CC	Contra Costa County	Change	Evora Road	Willow Pass Road	End in cul de sac (west end)	5	4	2.43	2	2878
5K52	D6	4	CC	Contra Costa County	Change	Fred Jackson Way	Chesley Avenue	Parr Boulevard	5	4	0.93	2	3119
5K52	D5	4	CC	Contra Costa County	Change	Market Avenue	Fred Jackson Way	Richmond City Limits	5	4	0.42	2	2960
6L	C1	4	CC	Contra Costa County	Change	Marsh Creek Road	Clayton City Limits	Vasco Road/State Route 4	5	4	14.21	2	6129
6K54/6L14	C4/C3	4	CC	Contra Costa County	Change	Sellers Avenue	Brentwood Boulevard/State Route 4	Delta Road	5	4	3.58	2	2976
6K54	C4	4	CC	Contra Costa County	Change	Delta Road	Sellers Avenue/Oakley City Limits	Knightesen Avenue	6	5	0.67	2	3214
6K54	E6	4	CC	Contra Costa County	Change	Eden Plains Road	Knightesen Avenue	Sunset Road	6	5	0.68	2	2230
6K54	E6	4	CC	Contra Costa County	Change	Knightesen Avenue	Delta Road	Eden Plains Road	6	5	0.33	2	3817
6K54	E6	4	CC	Contra Costa County	Change	Sunset Road	Eden Plains Road	Byron Highway	6	5	0.92	2	3723
6L14	G2	4	CC	Contra Costa County	Change	Point of Timber Road	Byron Highway	Bixler Road	6	5	0.90	2	3333
5L15	H6	4	CC	Contra Costa County	Change	Livorna Road	Miranda Avenue	Miranda Lane	4	5	1.56	2	3703
5L13	H5	4	CC	Contra Costa County	Change	Lomas Cantadas	Orinda City Limits	Grizzly Peak Boulevard	4	5	0.27	2	515



Contra  
Costa  
County

To: Board of Supervisors  
From: Julia R. Bueren, Public Works  
Date: February 12, 2013

Subject: APPROVE Main Street Sidewalk Improvements Project, Byron area

**RECOMMENDATION(S):**

APPROVE the Main Street Sidewalk Improvements Project and AUTHORIZE the Public Works Director, or designee, to advertise the project.

ADOPT Resolution No. 2013/89 to APPROVE and AUTHORIZE the Public Works Director, or designee, to submit a 2013/2014 Transportation Development Act (TDA) Grant Application to the Metropolitan Transportation Commission in the total amount of \$100,000 for Fiscal Year 2013/2014 for the Main Street Sidewalk Improvements Project.

FIND the project is a California Environmental Quality Act (CEQA), Class 2(c) Categorical Exemption, pursuant to Article 19, Section 15302(c) of the CEQA Guidelines; and

DIRECT the Director of Conservation and Development to file the Notice of Exemption with the County Clerk; and

AUTHORIZE the Public Works Director to arrange for payment of \$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.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Mary Halle, 925-313-2327

By: , Deputy

cc:

FISCAL IMPACT:

If awarded TDA funding, the project will be funded approximately 25% TDA Grant funds and 75% local road funds.

BACKGROUND:

Applying for and obtaining grants allows the County to construct more improvements than would be possible without obtaining these grants.

The Main Street Sidewalk Improvements Project was submitted to the Countywide Bicycle Advisory Committee (CBAC) for their review and comment and the CBAC found it to be a worthy project.

The Main Street Sidewalk Improvements Project includes construction and reconstruction of approximately 760 feet of sidewalk on the west side of Main Street between Camino Diablo and Holway Drive. The community has requested the project be constructed in order to replace cracked and failing concrete sidewalk and to extend the sidewalk to Camino Diablo.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve the submission of this application will eliminate a potential funding source.

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 02/12/2013 by the following vote:

**AYES:** ☐

**NOES:** ☐

**ABSENT:** ☐

**ABSTAIN:** ☐

**RECUSE:** ☐



**Resolution No. 2013/89**

IN THE MATTER OF APPROVING and AUTHORIZING the Public Works Director, or designee, to submit a 2013/2014 Transportation Development Act Grant Application to the Metropolitan Transportation Commission in the total amount of \$100,000, for the Main Street Sidewalk Improvements Project, Byron area.

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99400 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 875, Revised, entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 875, Revised requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the COUNTY OF CONTRA COSTA desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists;

NOW, THEREFORE, BE IT RESOLVED:

RESOLVED, that the COUNTY OF CONTRA COSTA declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code, and furthermore, be it

RESOLVED, that there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the COUNTY OF CONTRA COSTA to carry out the project; and furthermore, be it

RESOLVED, that the COUNTY OF CONTRA COSTA attests to the accuracy of and approves the statements in Attachment A to this resolution; and furthermore, be it

RESOLVED, that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of CONTRA COSTA COUNTY for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

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: Mary Halle, 925-313-2327**

**ATTESTED: February 12, 2013**

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

By: , Deputy

cc:



Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year **2013/2014** Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

**Findings**

Page 1 of 1

1. That the **COUNTY of CONTRA COSTA** is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the **COUNTY of CONTRA COSTA** legally impeded from undertaking the project(s) described in “Attachment B” of this resolution.
2. That the **COUNTY of CONTRA COSTA** has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the **COUNTY of CONTRA COSTA** within the prior five fiscal years.
8. That the project(s) described in Attachment B which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in Attachment B that is a “Class I Bikeway,” meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Attachment B are ready to commence implementation during the fiscal year of the requested allocation.
11. That the **COUNTY of CONTRA COSTA** agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

### TDA Article 3 Project Application Form

Fiscal Year of this Claim: 2013/14      Applicant: Contra Costa County Public Works Department

Contact person: Mary Halle

Mailing Address: 255 Glacier Drive, Martinez, CA 94553

E-Mail Address: mhall@pw.cccounty.us      Telephone: 925-313-2327

Secondary Contact (in event primary not available) Chris Lau

E-Mail Address: clau@pw.cccounty.us      Telephone: 925-313-2293

**Short Title Description of Project:** Main Street Sidewalk Improvements, Byron

Amount of claim: \$100,000

**Functional Description of Project:**

The proposed project includes improvements to the pedestrian facilities along Main Street in downtown Byron by constructing 760 feet of 8-foot wide sidewalk between Camino Diablo Road and Holway Drive. The sidewalk will provide access to the only bus stop in town and other local destinations along Main Street such as the US Post Office, the Byron Community Library, Byron Museum, and the Water District office. Improvements include concrete sidewalk, curb and gutter, driveways, accessible curb ramp, and any drainage modifications that may be required.

**Financial Plan:**

List the project elements for which TDA funding is being requested (e.g., planning, environmental, engineering, right-of-way, construction, inspection, contingency, audit). Use the table below to show the project budget. Include prior and proposed future funding of the project. If the project is a segment of a larger project, include prior and proposed funding sources for the other segments.

**Project Elements: Planning, Design, and Construction**

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		\$100,000			\$100,000
list all other sources:					
1. Local Road Funds		\$287,000			\$287,000
2.					
3.					
4.					
<b>Totals</b>		\$387,000			\$387,000

Project Eligibility:	YES?/NO?
<b>A.</b> Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	YES
<b>B.</b> Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	NO
<b>C.</b> For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: <a href="http://www.dot.ca.gov">http://www.dot.ca.gov</a> ).	N/A
<b>D.</b> Has the project been reviewed by a Bicycle Advisory Committee? (If "NO," provide an explanation).	YES
<b>E.</b> Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	YES
<b>F.</b> Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) Summer 2015	YES
<b>G.</b> Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	YES

## **Purpose and Need**

The project will improve the pedestrian facilities along the west side of Main Street between Camino Diablo Road and the US Post Office on Main Street near Holway Drive in the community of Byron, East Contra Costa County. The residents of Byron, the Byron Municipal Advisory Committee, and the District 3 Supervisor's Office have voiced their concerns with the lack of pedestrian accessibility along Main Street.

The proposed sidewalk is 760 feet long and 8-feet wide. It will provide access to the Byron U.S. Post Office, Byron Community Library, Byron Bethany Irrigation Water District, and other local businesses. The new sidewalk and a curb ramp at the corner of Camino Diablo and Main Street will provide pedestrian and ADA access to the only bus stop in town. This bus route connects Byron residents to Discovery Bay and Brentwood. Additionally, this route takes commuters to the Brentwood Park and Ride where additional bus routes are available for their commute. The easy access to the bus stop will encourage local residents of Byron to take the bus to their destination. The project would also provide ADA accessibility for all users, uplift the downtown area and attract other businesses to Byron's Main Street.

Excelsior Middle School along Byron Highway is approximately 0.4 miles from the project site. Students who live south or southeast of the project site may prefer to use a calmer Main Street for their route to school instead of the busier Byron Highway.

## **Project Description**

### **Project Length = 760 feet**

This project will consist of constructing approximately 760 linear feet of 8 foot wide sidewalk and concrete curb and gutter along Main Street in downtown Byron between Camino Diablo Road and Holway Drive. The resulting path will be ADA compliant to provide accessibility to all people using this route in Byron.

Existing utility poles will remain along the curb side of the proposed 8-foot wide sidewalk. Utility boxes will be adjusted to the new sidewalk grade to eliminate tripping hazards. Driveway conforms will be installed per current standards and allow for ADA access. Accessibility to the existing buildings will also be coordinated with the new sidewalk grade. A section of existing roadway asphalt will be removed and replaced to provide the roadway cross slope needed to facilitate the installation of a 6-inch curb and to improve drainage.

The existing storm drain inlet at the corner of Main Street and Camino Diablo Road is located within the roadway. When the curb, gutter and sidewalk is installed, the inlet will be relocated to be aligned with the proposed curb and gutter in a more traditional configuration.

**The Construction Process Includes:**

- Clear and grubbing
- Removal or grind of asphalt along proposed gutter
- Asphalt leveling course to improve drainage and reduce ponding
- Install curb, gutter and sidewalk
- Conforms at driveways
- Curb ramp
- Drainage modifications as necessary



**Contra  
Costa  
County**

**PUBLIC WORKS DEPARTMENT  
INITIAL STUDY OF  
ENVIRONMENTAL SIGNIFICANCE**

PROJECT # **0667-6P1025**  
CP# **13-01**

PROJECT NAME: **Main Street Bryon Sidewalk Project**

PREPARED BY: **Kimani Birden**

DATE: **January 17, 2013**

APPROVED BY: 

DATE: **Jan. 17, 2013**

**RECOMMENDATIONS:**

☒ **Categorical Exemption (Class 15302(c))**

☐ **Negative Declaration**

☐ **Environmental Impact Report Required**

☐ **Mitigated Negative Declaration**

**The project will not have a significant effect on the environment. The recommendation is based on the following:** The project consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; pursuant to section 15302(c) of the CEQA guidelines.

**What changes to the project would mitigate the identified impacts:** N/A

**USGS Quad Sheet:**  
**Byron Hot Springs**

**Base Map Sheet #:**  
**Q-27**

**Parcel #:**  
**n/a**

**GENERAL CONSIDERATIONS:**

**1. Location:** The project is located in unincorporated East Contra Costa County in community of Byron. (Figs. 1-3)

**2. Project Description:** Contra Costa County Public Works Department (County) is proposing the replacement of 630 feet of existing damaged sidewalk, curb, and gutter between Camino Diablo Road and Holway Drive along Main Street in the community of Byron and extension of sidewalk approximately 130 feet to the south, beyond the existing sidewalk, to extend to Camino Diablo Road. The sidewalk extension will be located where a gravel shoulder currently exists. The sidewalk replacement is necessary due to significant sidewalk deterioration (cracking, crumbling, etc.) that has affected a 760 foot stretch of the south side of Main Street in Bryon. The completed project will provide improved access to local businesses, public transit, and the Bryon Post Office. The completed project will also provide students attending Excelsior Middle School (approximately .4 miles north of the project location) with an additional improved route from home to the school. The project will consist of grinding down or removing the existing asphalt along the proposed gutter to create a 6-inch curb, adjusting existing asphalt berms to improve drainage and reduce ponding, installation of Americans with Disabilities Act (ADA) compliant curb ramps and the installation of 760 feet of new 8-foot wide sidewalk and gutters. If funding is available, the existing gravel shoulder will be replaced by a improved pedestrian facilities approximately 120 feet to extend to Holway Drive. Additional drainage modifications may be made as necessary. Existing utility poles will not be moved and any utility boxes located in the project area will be adjusted to the height of the new sidewalk to prevent tripping hazards. The new ADA compliant sidewalk will conform to existing driveways and buildings access points (doorways, garage doors) that fall within the project site. An existing inlet and storm drain lateral at the corner of Main Street and Camino Diablo Road will be modified for the future inclusion of curb and gutter facilities. One lane will remain open during construction activities to maintain general access. Emergency vehicles will have access at all times. Real property transactions may be necessary in support of this project. Limited tree and shrub trimming may occur throughout the project area. No tree removal will be necessary.

**3. Does it appear that any feature of the project will generate significant public concern?**

☐ yes ☒ no ☐ maybe (Nature of concern):

**4. Will the project require approval or permits by other than a County agency?**

☐ yes ☒ no (Agency Name/s):

**5. Is the project within the Sphere of Influence of any city?** No

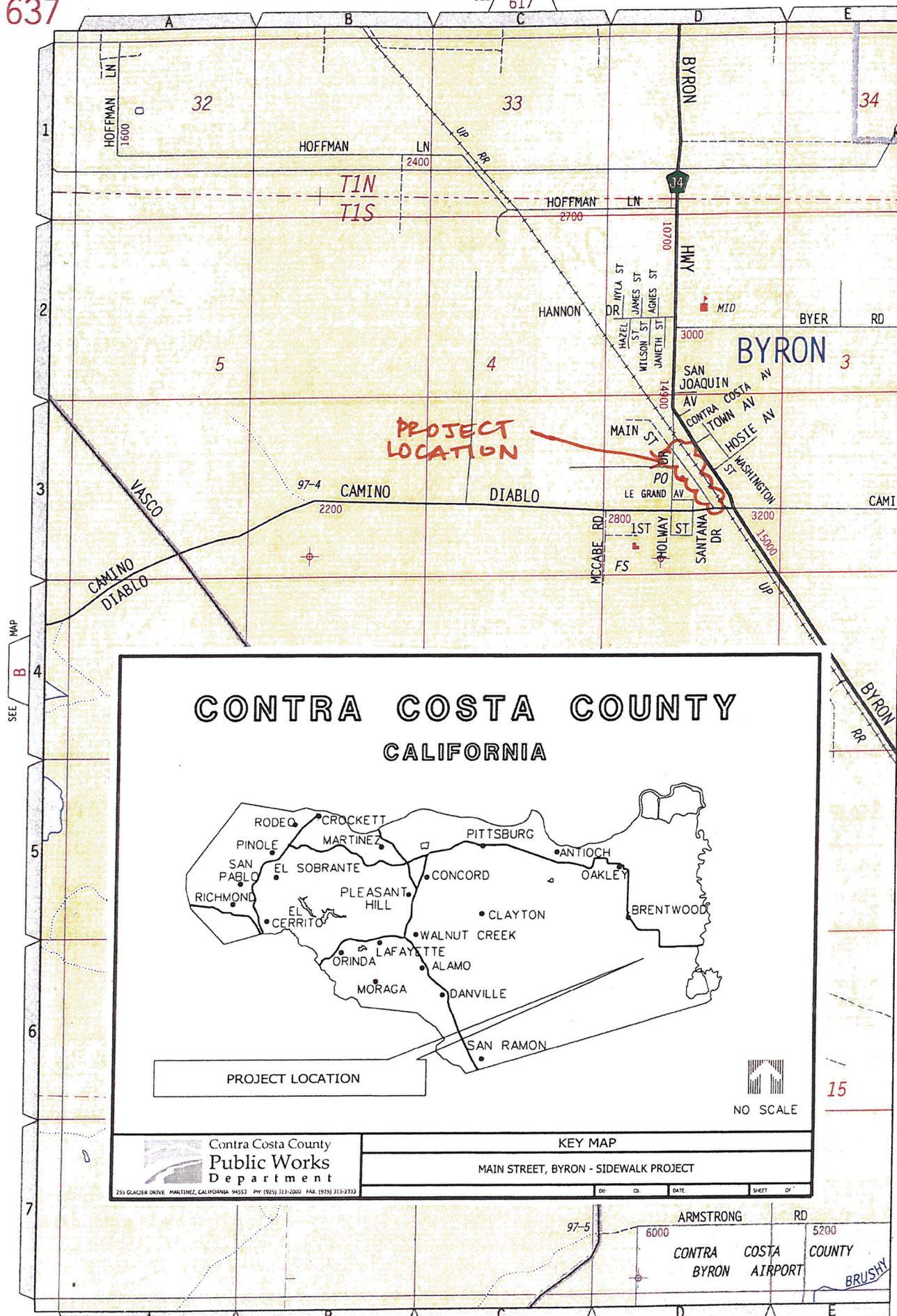


637

SEE 617 MAP

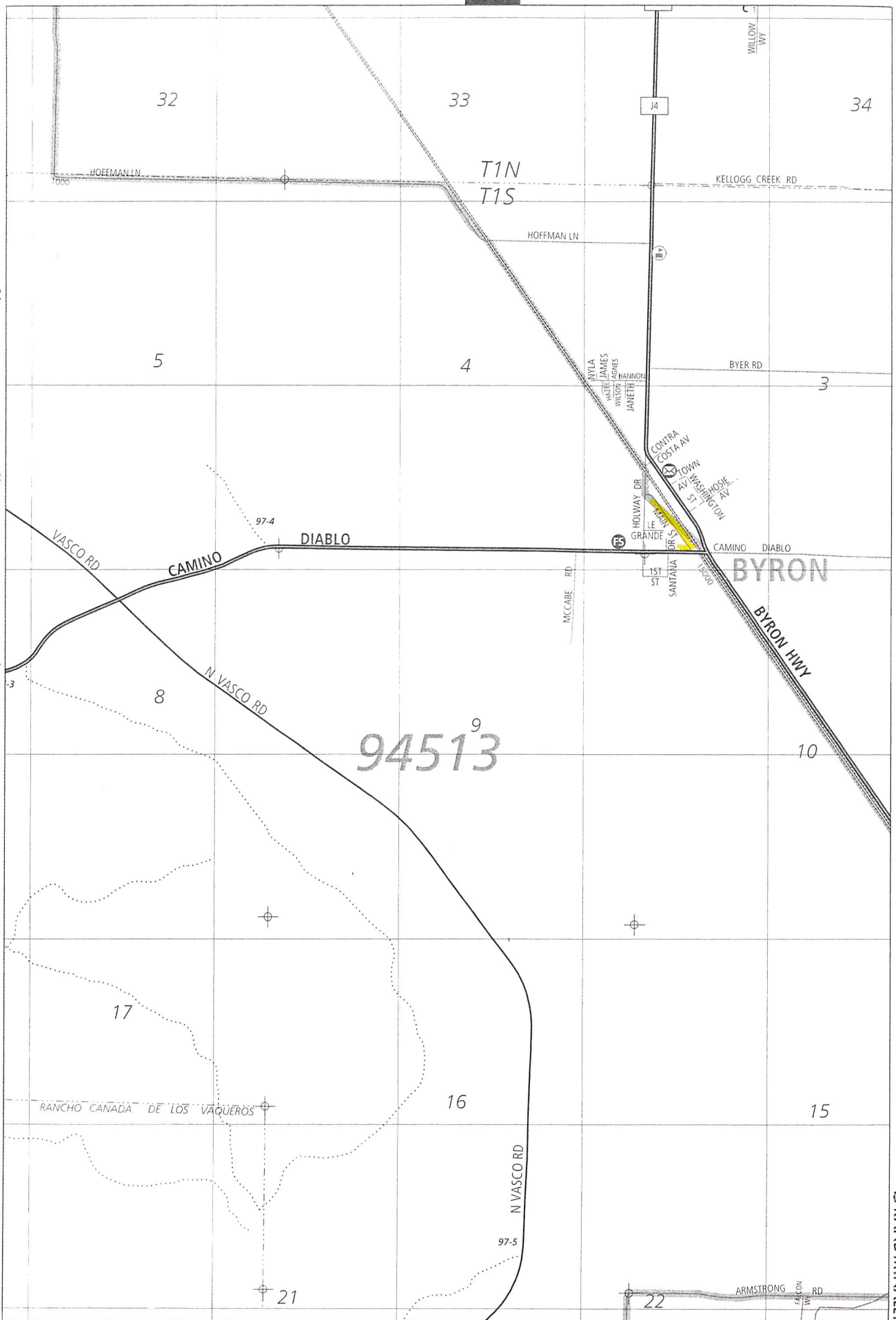
CONTRA COSTA

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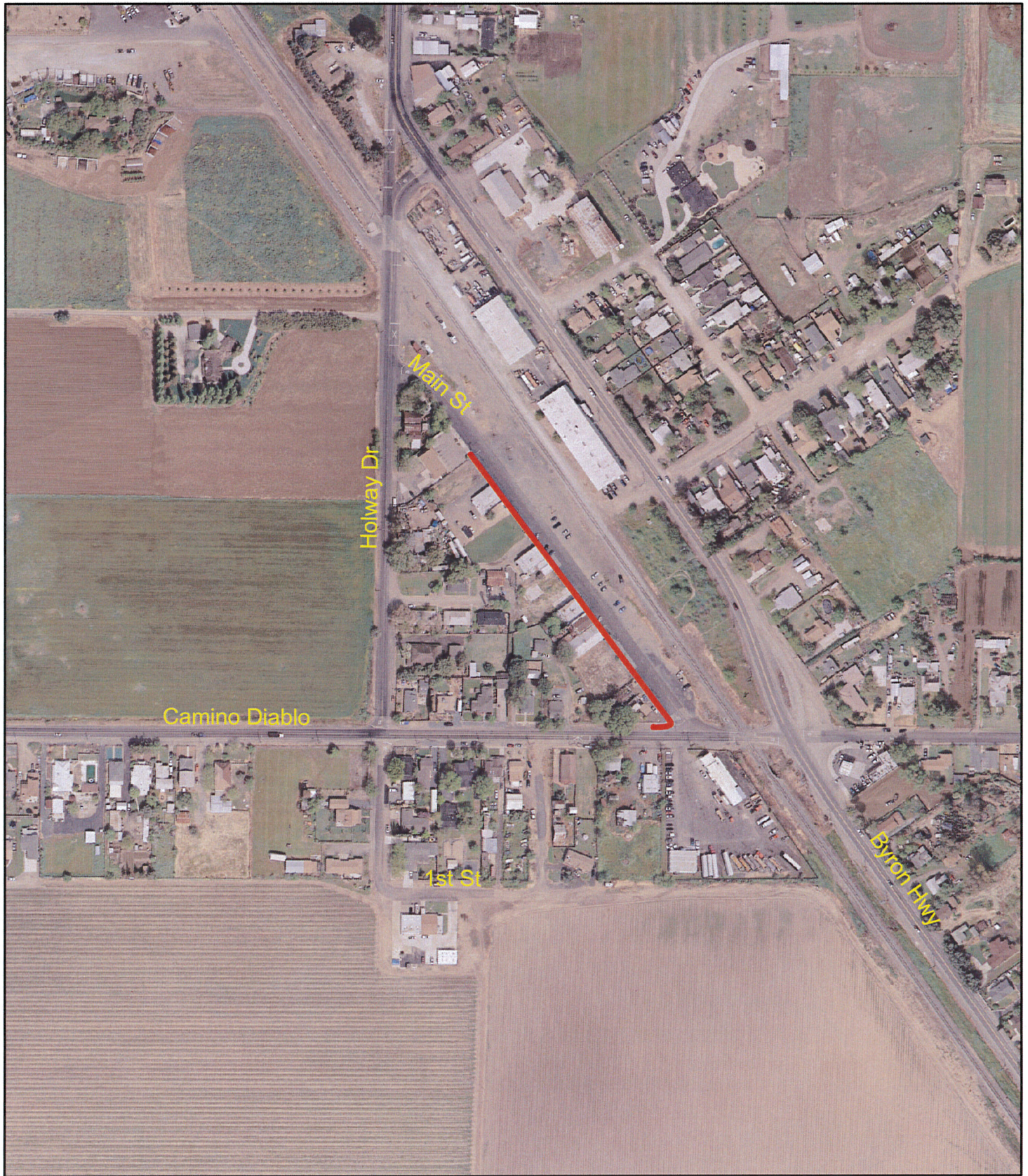
CONTRA COSTA

SEE 636 MAP





# Main Street Byron Sidewalk Project



■ Project Location

0 205 410 820 Feet





CALIFORNIA ENVIRONMENTAL QUALITY ACT
Notice of Exemption

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: Contra Costa
From: Contra Costa County
Dept. of Conservation & Development
30 Muir Road
Martinez, CA 94553

Project Title: Main Street Bryon Sidewalk Project
Project Applicant: Contra Costa County Public Works Department, Project No. 0667-6P1025, County File: CP# 13-01
Project Location – Specific: The project is located in unincorporated East Contra Costa County in community of Byron.
Project Location – Byron
Project Location – County: Contra Costa

Description of Nature, Purpose and Beneficiaries of Project: Contra Costa County Public Works Department (County) is proposing the replacement of existing damaged sidewalk, curb, and gutter between Camino Diablo Road and Holway Drive along Main Street in the community of Byron. The sidewalk replacement is necessary due to significant sidewalk deterioration (cracking, crumbling, etc.) that has affected a 760 foot stretch of the south side of Main Street in Bryon. The completed project will provide improved access to local businesses, public transit, and the Bryon Post Office. The completed project will also provide students attending Excelsior Middle School (approximately .4 miles north of the project location) with an additional improved route from home to the school. The project will consist of grinding down or removing the existing asphalt along the proposed gutter to create a 6-inch curb, adjusting existing asphalt berms to improve drainage and reduce ponding, the installation of Americans with Disabilities Act (ADA) complaint curb ramp and the installation of a new 8-foot sidewalk and new gutters. Additional drainage modifications may be made as necessary. Existing utility poles will not be moved and any utility boxes located in the project area will be adjusted to the height of the new sidewalk to prevent tripping hazards. The new ADA compliant sidewalk will conform to existing driveways and buildings access points (doorways, garage doors) that fall within the project site. An existing inlet and storm drain lateral at the corner of Main Street and Camino Diablo Road will be modified to for the future inclusion of curb and gutter. One lane will remain open during construction activities to maintain general access. Emergency vehicles will have access at all times. Real property transactions may be necessary in support of this project. Limited tree and shrub trimming may occur throughout the project area. No tree removal will be necessary.

Name of Public Agency Approving Project: Contra Costa County
Name of Person or Agency Carrying Out Project: Contra Costa County Public Works Department

Exempt Status:
[ ] Ministerial Project (Sec. 21080(b) (1); 15268;
[ ] Declared Emergency (Sec. 21080(b)(3); 15269(a));
[ ] Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption, Type and section no.: (Class 15302(c))
[ ] Other Statutory Exemption, Code no.:
[ ] General Rule of Applicability

Reasons why project is exempt: The project consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; pursuant to section 15302(c) of the CEQA guidelines.

Lead Agency Contact Person: Kimani Birden
Area Code/Telephone/Extension: 925-313-2190

If filed by applicant:
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [X] Yes [ ] No

Signature:
Date:
Title:
[ ] Signed by Lead Agency [ ] Signed by Applicant

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:
Name
Address
Department
Department of Fish and Game Fees Due
[ ] EIR - \$2,995.25
[ ] Neg. Dec. - \$2,156.25
[ ] DeMinimis Findings - \$0
[X] County Clerk - \$50
[X] Conservation & Development - \$25
Total Due: \$ 75.00
Total Paid \$
Receipt #:



Contra  
Costa  
County

To: Board of Supervisors  
From: Julia R. Bueren, Public Works  
Date: February 12, 2013

Subject: APPROVE the Walnut Boulevard Pedestrian and Bicycle Improvement Project, Walnut Creek area

**RECOMMENDATION(S):**

APPROVE the Walnut Boulevard Pedestrian and Bicycle Improvement Project and AUTHORIZE the Public Works Director, or designee, to advertise the project.

ADOPT Resolution No. 2013/88 to APPROVE and AUTHORIZE the Public Works Director, or designee, to submit a 2013/2014 Transportation Development Act (TDA) Grant Application to the Metropolitan Transportation Commission in the total amount of \$100,000 for Fiscal Year 2013/2014 for the Walnut Boulevard Pedestrian and Bicycle Improvement Project.

FIND the project is a California Environmental Quality Act (CEQA), Class 3 Categorical Exemption, pursuant to Article 19, Section 15303(d) of the CEQA Guidelines; and

DIRECT the Director of Conservation and Development to file the Notice of Exemption with the County Clerk; and

AUTHORIZE the Public Works Director to arrange for payment of \$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.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Mary Halle, 925-313-2327

By: , Deputy

cc:

FISCAL IMPACT:

If awarded TDA funding, this project will be funded approximately 10% TDA funds and 90% Central County Area of Benefit funds.

BACKGROUND:

Applying for and obtaining grants allows the County to construct more improvements than would be possible otherwise.

The Countywide Bicycle Advisory Committee (CBAC) reviewed the candidate projects and recommended this project as a worthy candidate.

The Walnut Boulevard Pedestrian and Bicycle Improvement Project consists of construction of 2400 feet of Pedestrian path from Walnut Heights Elementary School to Clarkin Court to join the existing sidewalk. It also includes signage for a class III bike route from the Walnut Heights Elementary School to Mountain View Boulevard. Several community meetings have been conducted during project scoping and the project is supported by the Walnut Heights PTA, and Walnut Creek School District.

CONSEQUENCE OF NEGATIVE ACTION:

Delay in approving the project may jeopardize funding.

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 02/12/2013 by the following vote:

**AYES:** ☐

**NOES:** ☐

**ABSENT:** ☐

**ABSTAIN:** ☐

**RECUSE:** ☐



**Resolution No. 2013/88**

IN THE MATTER OF APPROVING and AUTHORIZING the Public Works Director, or designee, to submit a 2013/2014 Transportation Development Act Grant Application to the Metropolitan Transportation Commission in the total amount of \$100,000 for the Walnut Boulevard Pedestrian and Bicycle Improvement Project, Walnut Creek area.

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99400 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 875, Revised, entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 875, Revised requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the COUNTY OF CONTRA COSTA desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists;

NOW THEREFORE BE IT RESOLVED:

RESOLVED, that the COUNTY OF CONTRA COSTA declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code, and furthermore, be it

RESOLVED, that there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the COUNTY OF CONTRA COSTA to carry out the project; and furthermore, be it

RESOLVED, that the COUNTY OF CONTRA COSTA attests to the accuracy of and approves the statements in Attachment A to this resolution; and furthermore, be it

RESOLVED, that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of CONTRA COSTA COUNTY for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

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: Mary Halle, 925-313-2327**

**ATTESTED: February 12, 2013**

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

By: , Deputy

cc:

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year **2013/2014** Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

**Findings**

Page 1 of 1

1. That the **COUNTY of CONTRA COSTA** is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the **COUNTY of CONTRA COSTA** legally impeded from undertaking the project(s) described in “Attachment B” of this resolution.
2. That the **COUNTY of CONTRA COSTA** has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the **COUNTY of CONTRA COSTA** within the prior five fiscal years.
8. That the project(s) described in Attachment B which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in Attachment B that is a “Class I Bikeway,” meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Attachment B are ready to commence implementation during the fiscal year of the requested allocation.
11. That the **COUNTY of CONTRA COSTA** agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

Resolution No. **INSERT NUMBER**  
**Attachment B**  
page **INSERT PAGE NUMBER** of **INSERT TOTAL PAGE NUMBERS**

**TDA Article 3 Project Application Form**

Fiscal Year of this Claim: 2013/14      Applicant: Contra Costa County Public Works Department

Contact person: Mary Halle

Mailing Address: 255 Glacier Drive, Martinez, CA 94553

E-Mail Address: mhall@pw.cccounty.us      Telephone: 925-313-2327

Secondary Contact (in event primary not available) Chris Lau

E-Mail Address: clau@pw.cccounty.us      Telephone: 925-313-2293

**Short Title Description of Project: Walnut Boulevard Pedestrian & Bicycle Improvement Project**

Amount of claim: \$100,000

**Functional Description of Project:**

Install a pedestrian path on the north easterly side of Walnut Boulevard from Walnut Heights Elementary School to Clarkin Court to join the existing sidewalk improvements. Install a class III bike route from Walnut Heights Elementary School to Mountain View Boulevard. The project will install 2400 feet of pedestrian path that will connect to an existing pedestrian facility. The project will also include installation of curb ramps and driveways, utility relocation, minor grading, drainage modifications, and installation of bike route signage. The project is supported by the Walnut Heights School Community.

**Financial Plan:**

List the project elements for which TDA funding is being requested (e.g., planning, environmental, engineering, right-of-way, construction, inspection, contingency, audit). Use the table below to show the project budget. Include prior and proposed future funding of the project. If the project is a segment of a larger project, include prior and proposed funding sources for the other segments.

**Project Elements: Planning, Design, and Construction**

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		\$100,000			\$100,000
list all other sources:					
1. Central County AOB		\$995,000			\$995,000
2.					
3.					
4.					
<b>Totals</b>		\$1,095,000			\$1,095,000

Project Eligibility:	YES?/NO?
<b>A.</b> Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	YES
<b>B.</b> Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	NO
<b>C.</b> For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: <a href="http://www.dot.ca.gov">http://www.dot.ca.gov</a> ).	YES
<b>D.</b> Has the project been reviewed by a Bicycle Advisory Committee? (If "NO," provide an explanation).	YES
<b>E.</b> Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	YES
<b>F.</b> Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) <u>Fall 2014</u>	YES
<b>G.</b> Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	YES

## **Purpose and Need**

The purpose of this project is to provide a pedestrian path to extend approximately 2,400 feet on the northeasterly side of Walnut Boulevard from Walnut Heights Elementary School to join the existing sidewalk at Clarkin Court. Pedestrian facilities currently do not exist in this area and pedestrians currently walk within the traveled way or within the gravel shoulder or ditch. There is an enthusiastic community of walkers that walk to school as well as for recreation and to improve quality of life. The proposed project will shift pedestrians from the travel lanes to a separate path, safe from motorists. The attached photos demonstrate the project need as it is sometimes difficult to see students on the shoulder amongst shadows and roadside vegetation.

The project also includes signage of a Class III bike route to join the Class III bike route in the City of Walnut Creek on either side of the project limits.

The project was initially suggested by community members at a neighborhood meeting to discuss road safety in 2010. Two additional community meetings were held to discuss the project scope. Installation of pedestrian facilities and bike lanes on both sides of the street was initially considered, but the resulting preferred alternative is to install a path on only the northeasterly side to minimize impact to trees and to stretch funding so that the pedestrian improvements can extend farther and connect to an existing sidewalk. This will complete a 1.5 mile continuous path.

It is anticipated that construction of the project will increase the number of students walking or biking to school in the morning and afternoon commutes and will reduce congestion. In addition, the path will comply with the requirements according to the Americans with Disabilities Act (ADA) to make the area accessible for all users.

Support letters are included from the following groups, Districts, officials, and individuals:

- California Senator, Mark DeSaulnier
- California Assemblymember, Joan Buchanan
- Contra Costa Board of Supervisors
- Walnut Creek School Board
- Walnut Heights Elementary School Parent Teacher Association (PTA)
- Walnut Heights Elementary School Principal
- Michelle Panacci, community parent with limited mobility
- Contra Costa Health Services Department
- Petition signed by approximately 120 parents from the Walnut Heights community



## **Project Description**

### **Project Length = 2,400 feet**

This project will consist of constructing approximately 2,400 linear feet of pedestrian path from Walnut Heights Elementary School to Clarkin Court. In addition, the project scope also includes installation of a Class III bike route to extend 3,500 feet from Walnut Heights Elementary School to Mountain View Boulevard. The scope consists of installation of the following: five foot wide asphalt path, asphalt berm to separate motorists from pedestrians, concrete curb, gutter, and/or sidewalk as necessary to match existing improvements, curb ramps, bike route signage, "share the road" signage, minor drainage modifications, curb ramps, two foot high retaining wall where necessary, driveway conform grading, relocate utilities, and remove approximately nine trees to include eucalyptus and native saplings. Preparation for construction will include a nesting bird survey if work occurs between March and July and consultation with a certified arborist to assure proper treatments for any necessary root trimming.

### **The Construction Process Includes:**

- Clear and grubbing
- Minor Grading
- Construct asphalt path
- Install curb and gutter and sidewalk to match existing
- Install separated berm to separate pedestrians from motorists
- Driveways
- Curb ramp
- Construct approximately 2' high timber retaining walls
- Drainage modifications as necessary
- Install bike route and "share the road" signage

PUBLIC WORKS DEPARTMENT  
INITIAL STUDY  
OF ENVIRONMENTAL SIGNIFICANCE

PROJECT WO# 0662-6R4176

CP# 12-50

PROJECT NAME: Walnut Boulevard Pedestrian and Bicycle Improvement Project

PREPARED BY: Claudia Gemberling *LC*

DATE: 1/7/2013

APPROVED BY: *Jackie Coon*

DATE: 1/15/13

RECOMMENDATIONS:

- ☒ (X) Categorical Exemption (Section 15303(d) (Class 3))      ☐ ( ) Negative Declaration  
☐ ( ) Environmental Impact Report Required      ☐ ( ) Conditional Negative Declaration

The project consists of construction of limited numbers of new, small facilities or structures.

What changes to the project would mitigate the identified impacts? N/A

USGS Quad Sheet: Walnut Creek      Base Map Sheet # N-14, 15; P-15      Parcel # N/A

GENERAL CONSIDERATIONS:

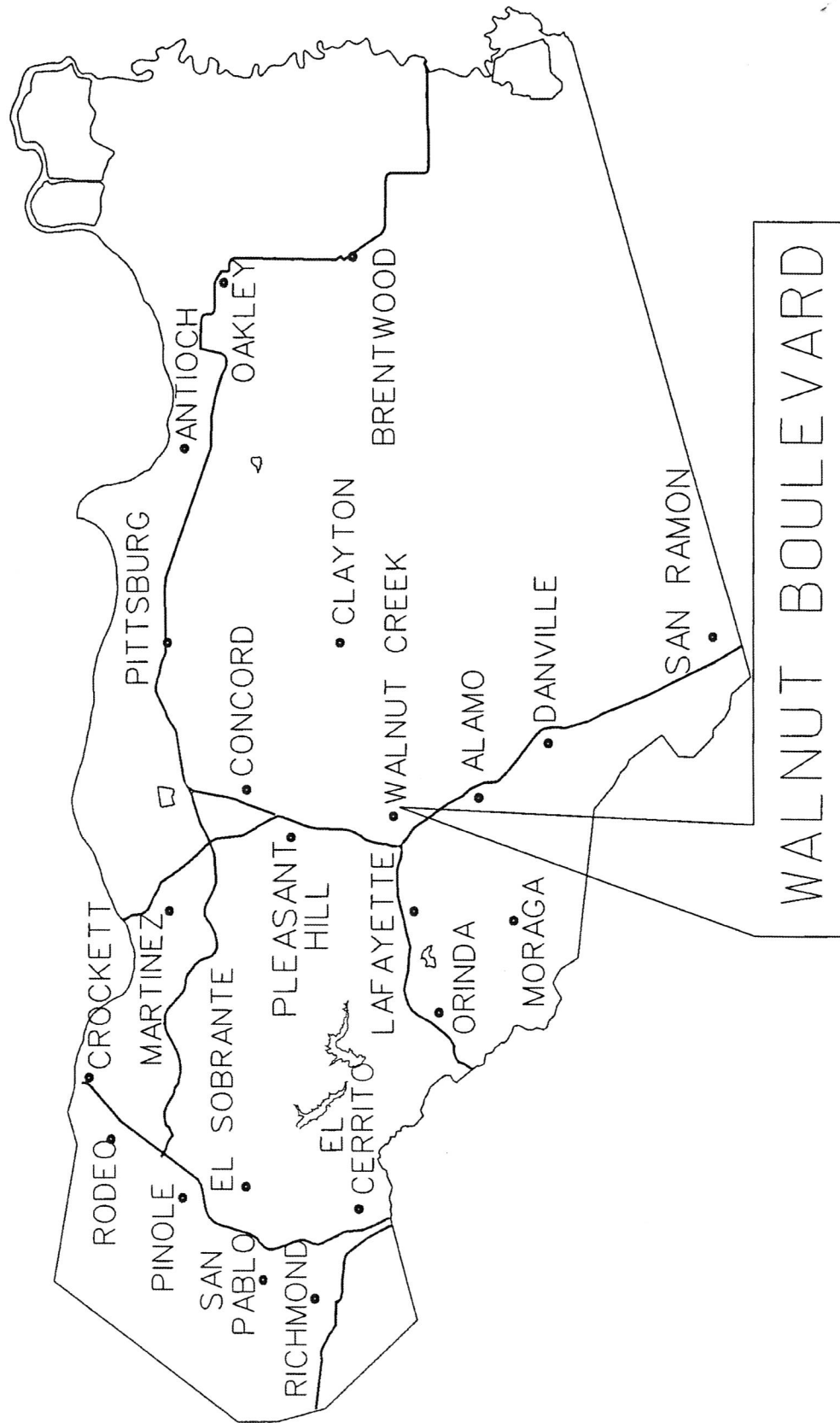
1. **Location:** The project is located in an unincorporated area of Walnut Creek (Figures 1 and 2).
2. **Project Description:** Contra Costa County Public Works Department (CCCPWD) proposes to construct an approximately 2,400-foot long pedestrian path and associated facilities from Walnut Heights Elementary School to Clarkin Court. In addition, an approximately 3,500-foot long Class III bike route will be designated from the school to Mountain View Boulevard to join the planned bike route in the City of Walnut Creek on both sides of the project limits. Residents and students walk or bike within the travel lanes of Walnut Boulevard due to the lack of pedestrian facilities. An American Disabilities Act (ADA)-compliant pedestrian path is needed to provide an accessible path of travel. Most of the road section has no curb and gutter. The proposed improvements include construction of a 5-foot wide asphalt path, an asphalt berm to separate motorists from pedestrians, concrete curb, gutter, and/or sidewalk as necessary to match existing improvements; curb ramps, bike route signage, minor drainage modifications including a headwall at an existing culvert, two-foot high retaining wall where necessary, driveway conform grading, and utility relocations. The improvements will result in the need to remove approximately nine trees that include eucalyptus and native oak saplings. Preparation for construction will include a nesting bird survey if work occurs between March and July and consultation with a certified arborist to ensure proper treatments for any necessary root trimming.

Real property transactions may be necessary in support of the project.

3. **Does it appear that any feature of the project will generate significant public concern?**  
☐ [ ] Yes ☒ [X] No ☐ [ ] Maybe (Nature of concern):
4. **Will the project require approval or permits by other than a County agency?**  
☐ [ ] Yes ☒ [X] No
5. **Is the project within the Sphere of Influence of any city?** Yes (Walnut Creek)

# CONTRA COSTA COUNTY

CALIFORNIA

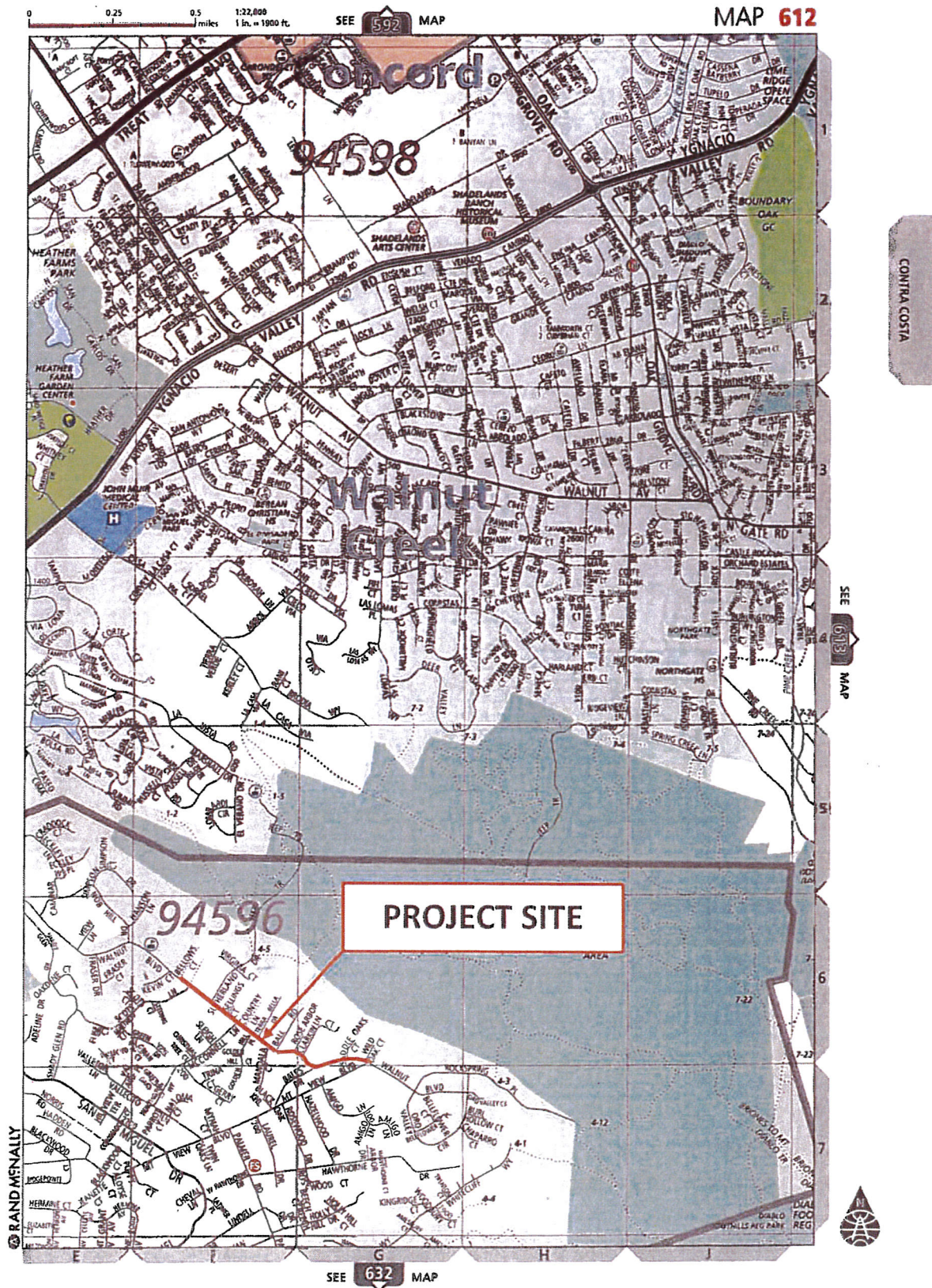


LOCATION MAP: WALNUT BOULEVARD PEDESTRIAN AND BICYCLE PROJECT

FIGURE 1



# WALNUT BOULEVARD PEDESTRIAN AND BICYCLE PROJECT



## VICINITY MAP



CALIFORNIA ENVIRONMENTAL QUALITY ACT

Notice of Exemption

To: Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk  
County of: Contra Costa

From: Contra Costa County  
Dept. of Conservation & Development  
30 Muir Road  
Martinez, CA 94553

Project Title: Walnut Boulevard Pedestrian and Bicycle Improvement Project, WO#4176, CP# 12-50

Project Applicant: Contra Costa County Public Works Department, 255 Glacier Drive, Martinez, CA 94553

Project Location – Specific: Walnut Boulevard between Bellows Court and Mountain View Boulevard

Project Location - City: Walnut Creek                      Project Location – County: Contra Costa

1. **Description of Nature, Purpose and Beneficiaries of Project:** Contra Costa County Public Works Department proposes to construct an approximately 2,400-foot long pedestrian path and associated facilities from Walnut Heights Elementary School to Clarkin Court. In addition, an approximately 3,500-foot long Class III bike route will be designated from the school to Mountain View Boulevard to join the planned bike route in the City of Walnut Creek on both sides of the project limits. Residents and students walk or bike within the travel lanes of Walnut Boulevard due to the lack of pedestrian facilities. An American Disabilities Act (ADA)-compliant pedestrian path is needed to provide an accessible path of travel. Most of the road section has no curb and gutter. The proposed improvements include construction of a 5-foot wide asphalt path, an asphalt berm to separate motorists from pedestrians, concrete curb, gutter, and/or sidewalk as necessary to match existing improvements; curb ramps, bike route signage, minor drainage modifications including a headwall at an existing culvert, two-foot high retaining wall where necessary, driveway conform grading, and utility relocations. The improvements will result in the need to remove approximately nine trees that include eucalyptus and native oak saplings. Preparation for construction will include a nesting bird survey if work occurs between March and July and consultation with a certified arborist to ensure proper treatments for any necessary root trimming.

Real property transactions may be necessary in support of the project.

Name of Public Agency Approving Project: Contra Costa County  
Name of Person or Agency Carrying Out Project: Contra Costa County Public Works Department

**Exempt Status:**

☐ Ministerial Project (Sec. 21080(b) (1); 15268

☒ Categorical Exemption: 15303(d)

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a))

☐ Other Statutory Exemption, Code no.:

☐ Emergency Project (Sec. 21080(b)(4); 15269(b))

☐ General Rule of Applicability

**Reasons why project is exempt:** The project consists of construction of limited numbers of new, small facilities or structures.

Lead Agency Contact Person: Claudia Gemberling    Area Code/Telephone/Extension: (925) 313-2192

If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project?    ☐ Yes    ☐ No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

☐ Signed by Lead Agency    ☐ Signed by Applicant

**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:**  
Contra Costa County Public Works Department  
255 Glacier Drive  
Martinez, CA 94553  
Attn: Claudia Gemberling  
Environmental Division  
Phone: (925) 313-2192

**Department of Fish and Game Fees Due**  
☐ EIR - \$2,995.25  
☐ Neg. Dec. - \$2,156.25  
☐ DeMinimis Findings - \$0  
☒ County Clerk - \$50  
☒ Conservation & Development - \$25

Total Due: \$ 75.00  
Total Paid \$ \_\_\_\_\_  
Receipt #: \_\_\_\_\_



Contra  
Costa  
County

To: Board of Supervisors

From: Julia R. Bueren, Public Works

Date: February 12, 2013

Subject: APPROVE the May Road Sidewalk Extension Project, El Sobrante area

**RECOMMENDATION(S):**

APPROVE the May Road Sidewalk Extension Project and AUTHORIZE the Public Works Director, or designee, to advertise the project. (0676-6P1025)

ADOPT Resolution No. 2013/87 to APPROVE and AUTHORIZE the Public Works Director, or designee, to submit a 2013/2014 Transportation Development Act (TDA) Grant Application to the Metropolitan Transportation Commission in the total amount of \$100,000 for Fiscal Year 2013/2014 for the May Road Sidewalk Extension Project.

FIND the project is a California Environmental Quality Act (CEQA), Class 1(c) Categorical Exemption, pursuant to Article 19, Section 15301(c) of the CEQA Guidelines; and

DIRECT the Director of Conservation and Development to file the Notice of Exemption with the County Clerk; and

AUTHORIZE the Public Works Director to arrange for payment of \$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.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Mary Halle, 925-313-2327

By: , Deputy

cc:

FISCAL IMPACT:

This project is funded approximately 56% TDA Grant funds and 44% local road funds.

BACKGROUND:

Applying for and obtaining grants allows the County to construct more improvements than would be possible otherwise.

The Countywide Bicycle Advisory Committee (CBAC) reviewed the candidate projects and recommended this project as a worthy candidate.

The project was initially suggested by the El Sobrante Municipal Advisory Council (ESMAC) during a meeting in 2010. The purpose of this project is to provide a sidewalk extension along May Road from a pedestrian crosswalk that gives access to Sheldon Elementary School and connects to a bus stop approximately 250 feet south of the pedestrian crosswalk. The proposed project would provide continuous safe access for students walking to school from the south. In addition, the project will comply with the requirements according to the Americans with Disabilities Act (ADA) to make the area accessible for all users.

CONSEQUENCE OF NEGATIVE ACTION:

Delay in approving the project will result in a delay of design and construction and may jeopardize funding.

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 02/12/2013 by the following vote:

**AYES:** ☐

**NOES:** ☐

**ABSENT:** ☐

**ABSTAIN:** ☐

**RECUSE:** ☐



**Resolution No. 2013/87**

IN THE MATTER OF APPROVING and AUTHORIZING the Public Works Director, or designee, to submit a 2013/2014 Transportation Development Act Grant Application to the Metropolitan Transportation Commission in the total amount of \$100,000 for the May Road Sidewalk Extension Project, El Sobrante area.

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99400 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 875, Revised, entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 875, Revised requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the COUNTY OF CONTRA COSTA desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists;

NOW THEREFORE BE IT RESOLVED:

RESOLVED, that the COUNTY OF CONTRA COSTA declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code, and furthermore, be it

RESOLVED, that there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the COUNTY OF CONTRA COSTA to carry out the project; and furthermore, be it

RESOLVED, that the COUNTY OF CONTRA COSTA attests to the accuracy of and approves the statements in Attachment A to this resolution; and furthermore, be it

RESOLVED, that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of CONTRA COSTA COUNTY for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

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: Mary Halle, 925-313-2327**

**ATTESTED: February 12, 2013**

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

By: , Deputy

cc:



Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year **2013/2014** Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

**Findings**

Page 1 of 1

1. That the **COUNTY of CONTRA COSTA** is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the **COUNTY of CONTRA COSTA** legally impeded from undertaking the project(s) described in “Attachment B” of this resolution.
2. That the **COUNTY of CONTRA COSTA** has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the **COUNTY of CONTRA COSTA** within the prior five fiscal years.
8. That the project(s) described in Attachment B which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in Attachment B that is a “Class I Bikeway,” meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Attachment B are ready to commence implementation during the fiscal year of the requested allocation.
11. That the **COUNTY of CONTRA COSTA** agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

Resolution No. **INSERT NUMBER**  
Attachment B  
page **1** of **INSERT TOTAL PAGE NUMBERS**  
**TDA Article 3 Project Application Form**

Fiscal Year of this Claim: 2013/2014      Applicant: Contra Costa County Public Works Department

Contact person: Mary Halle

Mailing Address: 255 Glacier Drive

E-Mail Address: mhall@pw.cccounty.us      Telephone: (925) 313-2327

Secondary Contact (in event primary not available) Chris Lau

E-Mail Address: clau@pw.cccounty.us      Telephone: (925) 313-2293

**Short Title Description of Project:** May Road Sidewalk Extension Project

Amount of claim: \$100,000

**Functional Description of Project:**

The project includes construction of approximately 250 feet of sidewalk on May Road just north of San Pablo Dam Road across from Sheldon Elementary School. This sidewalk construction will extend the pedestrian path on May Road to connect the existing pedestrian crosswalk to the existing sidewalk south of the school on the east side of May Road. The construction will include curb, gutter, sidewalk, and curb ramps.

**Financial Plan:**

List the project elements for which TDA funding is being requested (e.g., planning, environmental, engineering, right-of-way, construction, inspection, contingency, audit). Use the table below to show the project budget. Include prior and proposed future funding of the project. If the project is a segment of a larger project, include prior and proposed funding sources for the other segments.

**Project Elements:** Engineering & Construction

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		\$100,000			\$100,000
list all other sources:					
1. Local Road Funds		\$108,000			\$108,000
2.					
3.					
4.					
<b>Totals</b>		\$208,000			\$208,000

Project Eligibility:	YES?/NO?
<b>A.</b> Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	Yes
<b>B.</b> Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	No
<b>C.</b> For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: <a href="http://www.dot.ca.gov">http://www.dot.ca.gov</a> ).	N/A
<b>D.</b> Has the project been reviewed by a Bicycle Advisory Committee? (If "NO," provide an explanation).	Yes
<b>E.</b> Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	Yes
<b>F.</b> Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) October, 2015_____	Yes
<b>G.</b> Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	Yes

## **Purpose & Need**

The purpose of this project is to provide a sidewalk extension along May Road from a bus stop approximately 200 feet north of Bruno Road to the pedestrian crosswalk that gives access to Sheldon Elementary School. There is an existing sidewalk that connects the bus stop to Bruno Road. Currently the sidewalk terminates 250 feet short of the school crosswalk and parents and students must walk on the shoulder of the road. A hillside on the east side of the project site limits sight distance along May Road immediately south of the school. The proposed project would provide continuous safe access for students walking to school from the south.

The existing shoulder where the sidewalk is proposed is clear and accessible. The students at Sheldon Elementary would benefit from the proposed pedestrian improvements as residents walk to school. In addition, the project will comply with the requirements according to the Americans with Disabilities Act (ADA) to make the area accessible for all users.

The project was initially suggested by the El Sobrante Municipal Advisory Council (ESMAC) during a meeting in 2010. The reason for the suggestion was to improve safety in the area of Sheldon School due to lack of sidewalks and curvature of the road that limit visibility. A letter from the ESMAC is included.

## **Project Description**

### **Project Length = 500 feet**

The project includes construction of approximately 250 feet of curb, gutter, and sidewalk, and two curb ramps on each end of the existing crosswalk on May Road at Sheldon Elementary School. The sidewalk will extend 250 feet from the crosswalk in front of Sheldon Elementary School to join the existing sidewalk on May Road south of the crosswalk. The County will need to obtain a permit from the City of Richmond to install the curb ramp on the west side of May Road to update the access to the pedestrian crosswalk.

The project scope includes removal of a portion of the existing asphalt and asphalt berm along the east side of May Road. The project will also require re-striping of May Road. The current pavement width is wider than necessary for the travel lanes. Reducing lane width to a standard 12 foot lane will provide room for the sidewalk without impacting the adjacent retaining wall. The restriping will extend approximately 500 feet to smoothly transition lane striping. The back of the sidewalk will be at the location of the existing edge of pavement. The project design will consider any drainage improvements necessary with the installation of curb and gutter. Additional pedestrian safety improvements such as a rapid flashing beacon or bulb outs will be implemented at the crosswalk location.

The alternative to the proposed layout is to place the sidewalk with the face of curb coincident with the existing edge of pavement and therefore having to install a retaining wall to replace the existing terraced retaining structure. Installation of a retaining wall with this option would significantly increase the cost of the project. For this reason, the preferred alternative which includes restriping a segment of the roadway is more cost efficient and may provide traffic calming as a result of narrowing the road width.

### **The Construction Process Includes:**

- Minor clearing and grubbing
- Remove asphalt and asphalt berm
- Concrete removal
- Install curb and gutter and sidewalk to match existing
- Driveway conform
- Install curb ramps
- Re-stripe May Road within project limits
- Minor grading
- Drainage modifications as necessary



PUBLIC WORKS DEPARTMENT  
INITIAL STUDY OF  
ENVIRONMENTAL SIGNIFICANCE

PROJECT NUMBER# 0676-6P1025  
CP# 13 -02

PROJECT NAME: May Road Sidewalk Extension Project

PREPARED BY: Avé Brown *AB*

DATE: January 15, 2013

APPROVED BY: *[Signature]*

DATE: 1-17-13

RECOMMENDATIONS:

☒ **Categorical Exemption** [*Class 1(c)*]

☐ Negative Declaration

☐ Environmental Impact Report Required

☐ Conditional Negative Declaration

**The project will not have a significant effect on the environment. The recommendation is based on the following:** The project consists of operation, repair, maintenance, or minor alteration of existing public structures or facilities, involving negligible or no expansion of an existing use. The project will not result in the removal of any scenic resource; pursuant to section **15301 (c)** of the CEQA guidelines.

**What changes to the project would mitigate the identified impacts:** N/A

<b>USGS Quad Sheet: Richmond</b>	<b>Base Map Sheet #: J-6</b>	<b>Parcel #: 431-060-010, 431-124-005</b>
----------------------------------	------------------------------	---

GENERAL CONSIDERATIONS:

- 1. Location:** The project is located in west Contra Costa County (County) in the unincorporated community of El Sobrante along May Road in front of Sheldon Elementary School (Figures 1, 2, and 3).
- 2. Project Description:** The purpose of this project is to provide a sidewalk extension along the east side of May Road. The sidewalk extension would connect the end of existing sidewalk north of Bruno Road to an existing crosswalk that provides access across May Road to Sheldon Elementary School (Figure 3).

The project will construct approximately 250 feet of curb, gutter, and sidewalk along the east side of May Road. An Americans with Disabilities Act (ADA) curb ramp will be installed at each end of the existing crosswalk. A permit from the City of Richmond will be necessary to install the ADA curb ramp at the west end of the crosswalk. In addition, two existing advanced warning signals may be modified. The current roadway is wider than necessary for travel lanes. Reducing the lane width to a standard 12-foot lane will provide room for the sidewalk within currently paved areas without impacting an adjacent retaining wall. The road will then be re-striped to provide a 12-foot travel lane. The restriping will extend approximately 500 feet to smoothly transition the new striping with the existing striping. Project implementation will require removal of a low asphalt berm that runs along the edge of the pavement in the area that the new sidewalk will be located. Minor driveway conforms may be necessary. Areas of existing damaged concrete around one advanced warning signal may be replaced. Construction is anticipated to take place when school is not in session. The project design will maintain the existing roadway drainage. Storm drain improvements are not anticipated however; project design will consider any drainage improvements necessary with the installation of curb and gutter. The project may include relocation of existing roadside features (such as signs) and possibly eliminate some on-street parking.

Vegetation trimming may be required. Any roots exposed during excavation will be cut cleanly and tree branches may be trimmed. Some low growing shrubs around the base of the southern advanced warning

signal may need to be removed. Tree trimming will be done outside of the nesting bird season or a nesting bird survey will be done prior to trimming to avoid impacts to nesting birds. Real property transactions including temporary construction easements may be necessary in support of this project. Although not anticipated, utility relocations or adjustments may be necessary. At least one lane of traffic will be open at all times during construction activities. Emergency vehicles and property owners will have access at all times.

**3. Does it appear that any feature of the project will generate significant public concern?**

☐ yes ☒ no ☐ maybe (Nature of concern):

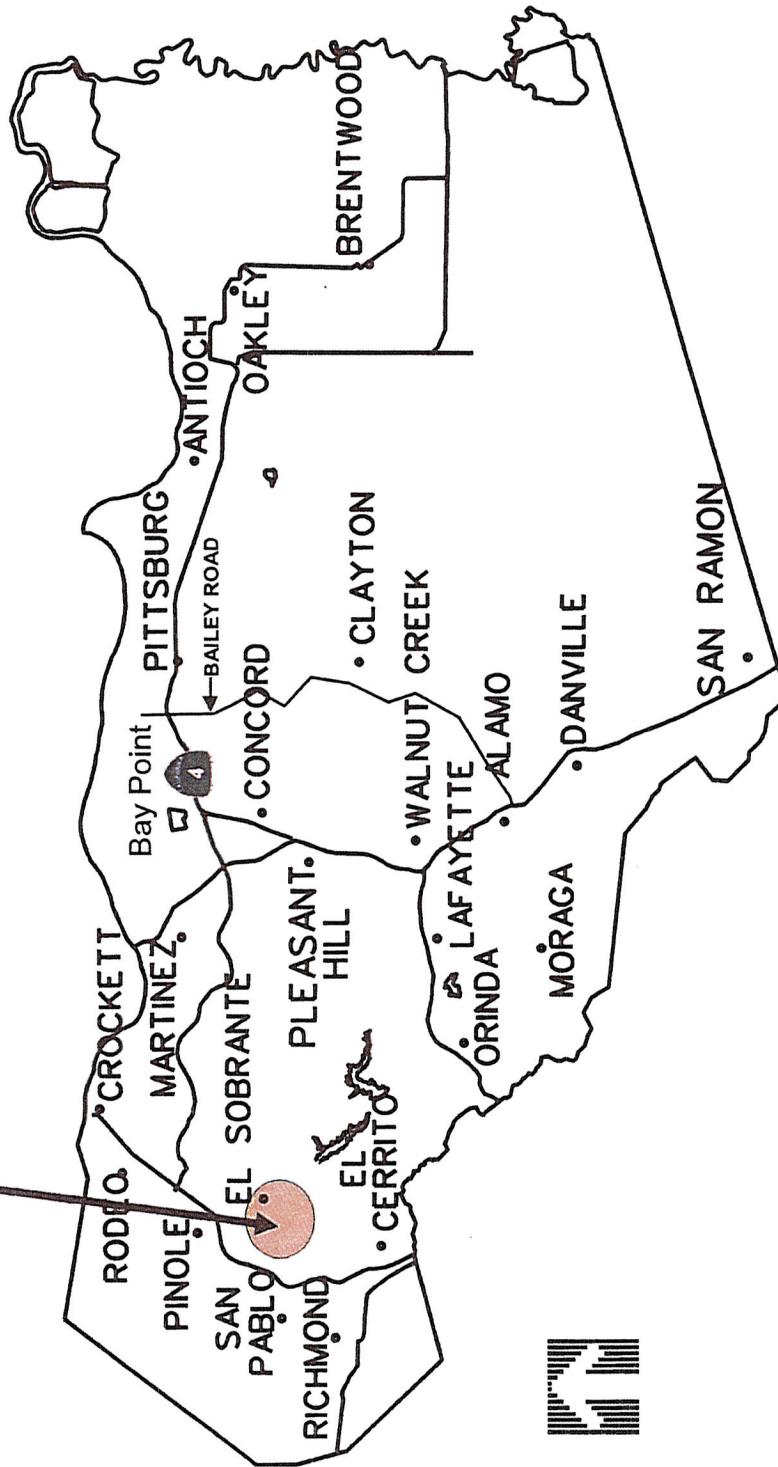
**4. Will the project require approval or permits by other than a County agency?**

☒ yes ☐ no The City of Richmond

**5. Is the project within the Sphere of Influence of any city? Yes, Richmond**

# CONTRA COSTA COUNTY CALIFORNIA

## PROJECT LOCATION



Contra Costa County  
Public Works  
Department

255 GLACIER DRIVE, MARTINEZ, CA 94553 PH: (925)313-2000 FAX: (925)313-2333

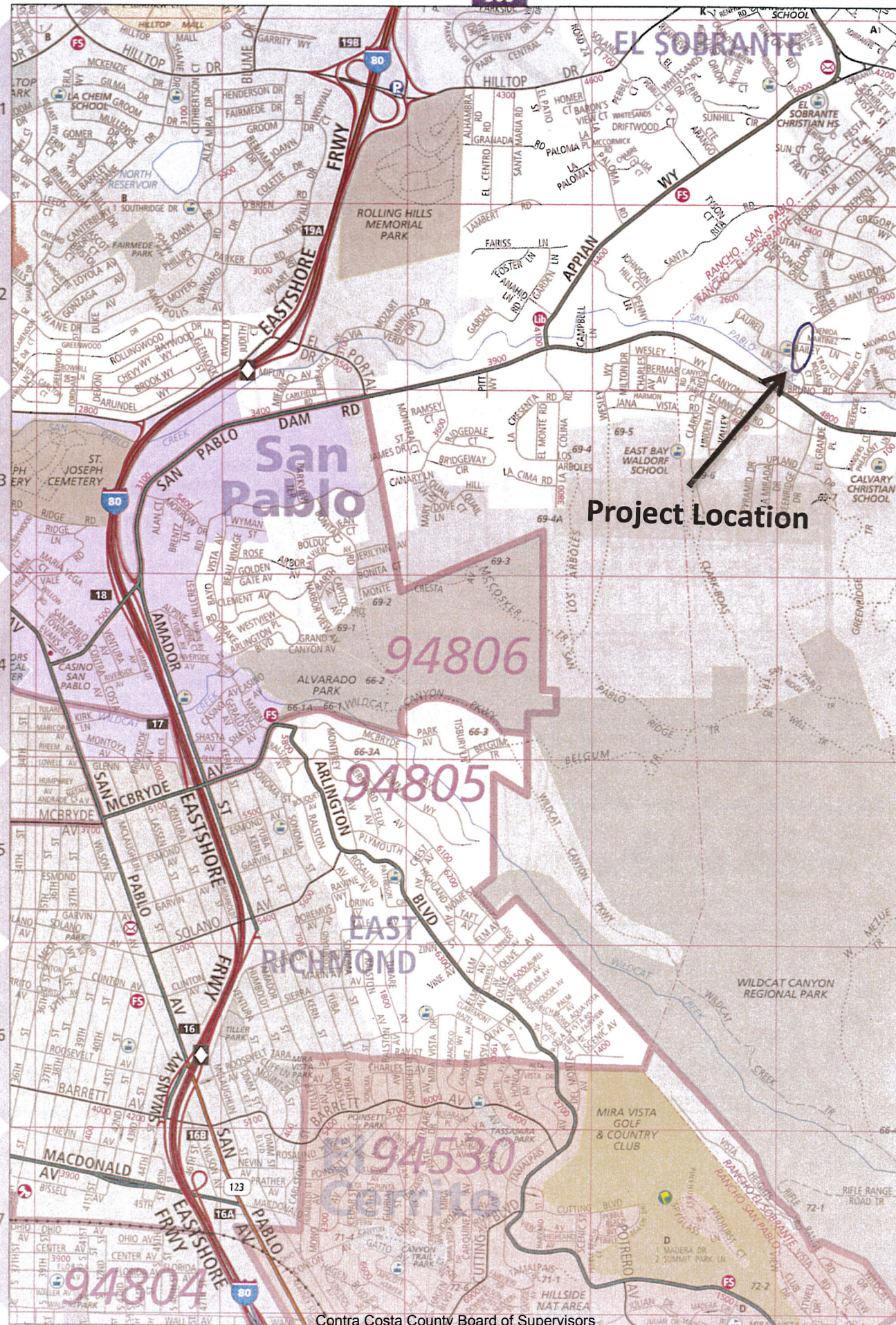
## PROJECT LOCATION MAP

### May Road Pedestrian Improvement Project

\\PW-DATA\grpd\transeng\GRANTS\TDA\TDA 13-14\Preliminary Applications\West County\May Rd  
SUBMITTING PROJECT LOCATION MAP - MAY ROAD IMPROVEMENTS

DB: JS CB: DATE: NOV 12 SHEET 1 OF 1

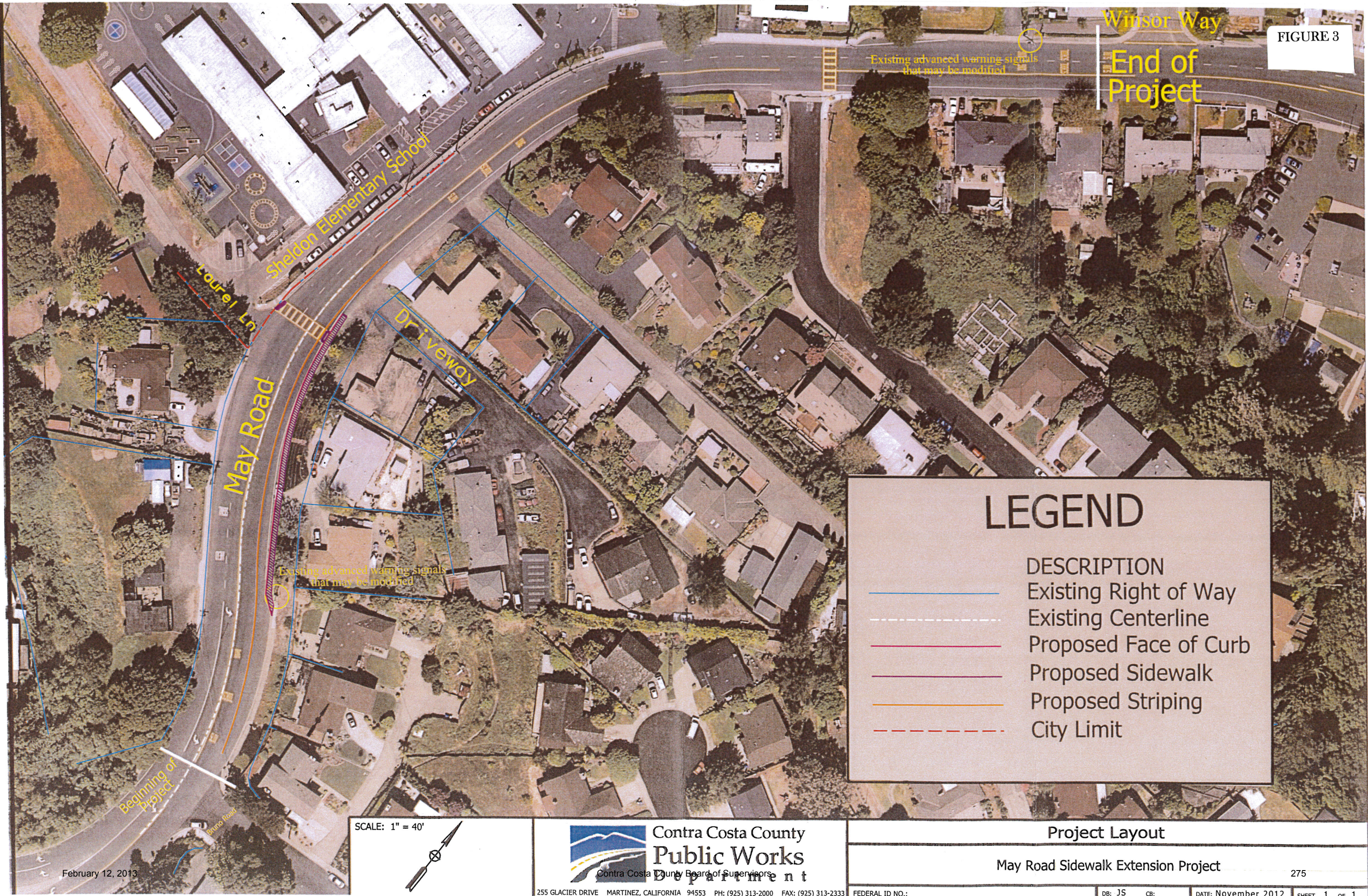




CONTRA COSTA

SEE 588 MAP



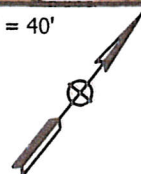


# LEGEND

## DESCRIPTION

- Existing Right of Way
- Existing Centerline
- Proposed Face of Curb
- Proposed Sidewalk
- Proposed Striping
- City Limit

SCALE: 1" = 40'



Contra Costa County  
Public Works  
Department

255 GLACIER DRIVE MARTINEZ, CALIFORNIA 94553 PH: (925) 313-2000 FAX: (925) 313-2333

## Project Layout

May Road Sidewalk Extension Project



CALIFORNIA ENVIRONMENTAL QUALITY ACT  
**Notice of Exemption**

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

**From:** Contra Costa County  
Dept. of Conservation & Development  
30 Muir Road  
Martinez, CA 94553

County Clerk  
County of: Contra Costa

**Project Title:** May Road Sidewalk Extension Project No. 0676-6P1025, CP#13 -02

**Project Applicant:** Contra Costa County Public Works Department, 255 Glacier Dr., Martinez, CA 94553

**Project Location – Specific:** The project is located in west Contra Costa County (County) in the unincorporated community of El Sobrante along May Road (just north of Bruno Road).

**Project Location – City:** El Sobrante (unincorporated)

**Project Location – County:** Contra Costa

**Description of Nature, Purpose and Beneficiaries of Project:** The project is located in west Contra Costa County (County) in the unincorporated community of El Sobrante along May Road in front of Sheldon Elementary School (Figures 1, 2, and 3). The purpose of this project is to provide a sidewalk extension along the east side of May Road. The sidewalk extension would connect the end of existing sidewalk north of Bruno Road to an existing crosswalk that provides access across May Road to Sheldon Elementary School (Figure 3). The project will construct approximately 250 feet of curb, gutter, and sidewalk along the east side of May Road. An Americans with Disabilities Act (ADA) curb ramp will be installed at each end of the existing crosswalk. A permit from the City of Richmond will be necessary to install the ADA curb ramp at the west end of the crosswalk. In addition, two existing advanced warning signals may be modified. The current roadway is wider than necessary for travel lanes. Reducing the lane width to a standard 12-foot lane will provide room for the sidewalk within currently paved areas without impacting an adjacent retaining wall. The road will then be re-stripped to provide a 12-foot travel lane. The restriping will extend approximately 500 feet to smoothly transition the new striping with the existing striping. Project implementation will require removal of a low asphalt berm that runs along the edge of the pavement in the area that the new sidewalk will be located. Minor driveway conforms may be necessary. Areas of existing damaged concrete around one advanced warning signal may be replaced. Construction is anticipated to take place when school is not in session. The project design will maintain the existing roadway drainage. Storm drain improvements are not anticipated however; project design will consider any drainage improvements necessary with the installation of curb and gutter. The project may include relocation of existing roadside features (such as signs) and possibly eliminate some on-street parking. Vegetation trimming may be required. Any roots exposed during excavation will be cut cleanly and tree branches may be trimmed. Some low growing shrubs around the base of the southern advanced warning signal may need to be removed. Tree trimming will be done outside of the nesting bird season or a nesting bird survey will be done prior to trimming to avoid impacts to nesting birds. Real property transactions including temporary construction easements may be necessary in support of this project. Although not anticipated, utility relocations or adjustments may be necessary. At least one lane of traffic will be open at all times during construction activities. Emergency vehicles and property owners will have access at all times.

General Plan Conformance is necessary/will be obtained from the City of Richmond.

**Name of Public Agency Approving Project:** Contra Costa County

**Name of Person or Agency Carrying Out Project:** Contra Costa County Public Works Department

**Exempt Status:**

- |   |  |
|---|--|
| <input type="checkbox"/> Ministerial Project (Sec. 21080(b) (1); 15268;     | <input checked="" type="checkbox"/> Categorical Exemption, Class 1(c)          |
| <input type="checkbox"/> Declared Emergency (Sec. 21080(b)(3); 15269(a));   | <input type="checkbox"/> Other Statutory Exemption, Code No.:                  |
| <input type="checkbox"/> Emergency Project (Sec. 21080(b)(4); 15269(b)(c)); | <input type="checkbox"/> General Rule of Applicability [Section 15061 (b) (3)] |

**Reasons why project is exempt:** The project consists of operation, repair, maintenance, or minor alteration of existing public structures or facilities, involving negligible or no expansion of an existing use. The project will not result in the removal of any scenic resource; pursuant to section 15301(c) of the CEQA guidelines.

**Lead Agency Contact Person:** Avé Brown

**Area Code/Telephone/Extension:** (925) 313-2311

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☒ Yes ☐ No

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Title:** \_\_\_\_\_

☐ Signed by Lead Agency ☐ Signed by Applicant

**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

<b>Applicant:</b> Contra Costa County Public Works Department 255 Glacier Drive, Martinez, CA 94553 Attn: <u>Avé Brown</u> Environmental Section Phone: (925) 313-2311	<b>Department of Fish and Game Fees Due</b> <input type="checkbox"/> EIR - \$2,995.25 <input type="checkbox"/> Neg. Dec. - \$2,156.25 <input type="checkbox"/> DeMinimis Findings - \$0 <input checked="" type="checkbox"/> <b>County Clerk - \$50</b> <input checked="" type="checkbox"/> <b>Dept. of Conservation &amp; Development (DCD) - \$25</b>	<b>Total Due: \$ 75.00</b> Total Paid \$ _____ Receipt #: _____
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Contra  
Costa  
County

To: Board of Supervisors  
From: Julia R. Bueren, Public Works  
Date: February 12, 2013

Subject: Parking restriction on the east side of Colusa Avenue (Road No. 1452) near intersection of Berkeley Park Boulevard (Road No. 1655E), Kensington area

**RECOMMENDATION(S):**

ADOPT Traffic Resolution 2013/4376 to prohibit parking at all times (red curb) on the east side of Colusa Avenue (Road No. 1452), Kensington, beginning at a point 198 feet north of the east curb line of Berkeley Park Boulevard (Road No. 1655E), and extending northerly a distance of 30 feet, as recommended by the Public Works Director, Kensington area.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The parking restriction will improve visibility of pedestrians using the existing crosswalk.

**CONSEQUENCE OF NEGATIVE ACTION:**

Unable to use the local authorities' power to enforce the California Vehicle Code.

**CHILDREN'S IMPACT STATEMENT:**

Not applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Monish Sen, 925-313-2187

By: , Deputy

cc:

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA**

Adopted this Traffic Resolution on February 12, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**TRAFFIC RESOLUTION NO. 2013/4376**  
**Supervisory District I**

---

SUBJECT: Prohibit parking at all times (red curb) on the east side of Colusa Avenue (Road No. 1452), Kensington area.

The Contra Costa County Board of Supervisors RESOLVES that:

Based on the recommendations by the County Public Works Department's Transportation Engineering Division and pursuant to County Ordinance Code Sections 46-2.002 – 46-2.012, the following traffic regulation is established:

Pursuant to Section 22507 of the California Vehicle Code, parking is hereby declared to be prohibited at all times (red curb) on the east side of Colusa Avenue (Road No. 1452), Kensington, beginning at a point 198 feet north of the east curb line of Berkeley Park Boulevard (Road No. 1655E) and extending northerly a distance of 30 feet, Kensington area.

FV:kh

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Orig. Dept.: Public Works (Traffic)  
Contact: Monish Sen (313-2187)  
c: California Highway Patrol  
Sheriff's Department  
Kensington Police Dept.

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: \_\_\_\_\_  
DAVID TWA, Clerk of the Board of Supervisors and  
County Administrator

By \_\_\_\_\_,  
Deputy





Contra  
Costa  
County

To: Board of Supervisors  
From: Julia R. Bueren, Public Works  
Date: February 12, 2013

Subject: Parking restriction on the east side of Colusa Avenue (Road No. 1452) near intersection of Ocean View Avenue (Road 1655D), Kensington area

**RECOMMENDATION(S):**

ADOPT Traffic Resolution 2013/4377 to prohibit parking at all times (red curb) on the east side of Colusa Avenue (Road No. 1452), Kensington, beginning at the end of the southerly curb return of the intersection with Ocean View Avenue (Road No. 1655D), and extending southerly a distance of 20 feet, Kensington area.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The parking restriction will improve visibility of pedestrians using the existing crosswalk and sight lines for vehicles entering the roadway.

**CONSEQUENCE OF NEGATIVE ACTION:**

Unable to use the local authorities' power to enforce the California Vehicle Code.

**CHILDREN'S IMPACT STATEMENT:**

Not applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Monish Sen, 925-313-2187

By: , Deputy

cc:

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA**

Adopted this Traffic Resolution on February 12, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**TRAFFIC RESOLUTION NO. 2013/4377**  
**Supervisory District I**

---

SUBJECT: Prohibit parking at all times (red curb) on the east side of Colusa Avenue (Road No. 1452), Kensington area.

The Contra Costa County Board of Supervisors RESOLVES that:

Based on the recommendations by the County Public Works Department's Transportation Engineering Division and pursuant to County Ordinance Code Sections 46-2.002 – 46-2.012, the following traffic regulation is established:

Pursuant to Section 22507 of the California Vehicle Code, parking is hereby declared to be prohibited at all times (red curb) on the east side of Colusa Avenue (Road No. 1452), Kensington, beginning at the end of the southerly curb return of the intersection with Ocean View Avenue (Road No. 1655D), and extending southerly a distance of 20 feet, Kensington area.

FV:kh  
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Orig. Dept.: Public Works (Traffic)  
Contact: Monish Sen (313-2187)  
c: California Highway Patrol  
Sheriff's Department  
Kensington Police Department

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: \_\_\_\_\_  
DAVID TWA, Clerk of the Board of Supervisors and  
County Administrator

By \_\_\_\_\_,  
Deputy

**TRAFFIC RESOLUTION NO. 2013/4377**



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Julia R. Bueren, Public Works  
Date: February 12, 2013

Subject: Increase Contingency Fund and ACCEPTANCE & Giving Notice of Completion of Contract - Arlington Avenue Curb Ramp Project, Kensington area.

**RECOMMENDATION(S):**

APPROVE the Arlington Avenue Curb Ramp project contingency fund increase of \$6,000, for a new contingency fund total of \$21,200, and new payment limit of \$173,202, effective February 12, 2013; and

ADOPT Resolution No. 2013/83 accepting as complete the contracted work performed by Sposeto Engineering, Inc. for the Arlington Avenue Curb Ramp project, as recommended by the Public Works Director, Kensington area. (Project No. 0662-6R4207)

**FISCAL IMPACT:**

Project was funded by 100% Local Road funds.

**BACKGROUND:**

The contingency fund increase is necessary to compensate the contractor for required extra work. The Public Works Director reports that said work has been inspected and complies with the approved plans, special provisions and standard specifications and recommends its acceptance as complete as of February 1, 2013.

**CONSEQUENCE OF NEGATIVE ACTION:**

The contractor will not be paid and acceptance notification will not be recorded.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Kevin Emigh,  
925-313-2233

By: , Deputy

cc: J. Dowling, S. Reed, P. Denison



CHILDREN'S IMPACT STATEMENT:

Not applicable.

Recorded at the request of: Clerk of the Board

Return To: Public Works Department, Design/Construction Division

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

Adopted this Resolution on 02/12/2013 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐

Resolution No. 2013/83

In the Matter of Accepting and Giving Notice of Completion of Contract for the Arlington Avenue Curb Ramp project, Kensington area, Project No. 0662-6R4207.

WHEREAS the Board of Supervisors of Contra Costa County RESOLVES that on August 21, 2012, the County contracted with Sposeto Engineering, Inc. for the work generally consisting of removing existing curb, sidewalk, traffic stripes and pavement markings, constructing new curb, sidewalk, curb ramps, retaining walls in compliance with the Americans with Disabilities Act, and placing new traffic stripes and pavement markings in the Kensington area, with The Gray Insurance Company as surety, for work to be performed on the grounds of the County; and

The Public Works Director reports that said work has been inspected and complies with the approved plans, special provisions and standard specifications and recommends its acceptance as complete as of February 1, 2013.

NOW, THEREFORE, BE IT RESOLVED that said work is ACCEPTED as complete on said date, and the Clerk shall file with the County Recorder a copy of this resolution and Notice as a Notice of Completion for said contract.

Contact: Kevin Emigh, 925-313-2233

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: February 12, 2013**

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

By: , Deputy

cc: J. Dowling, S. Reed, P. Denison



Contra  
Costa  
County

To: Board of Supervisors  
From: Julia R. Bueren, Public Works  
Date: February 12, 2013

Subject: Approving the Road Improvement Agreement for Boulevard Way for land use permit LP 08-2034 (cross-reference minor subdivision MS 09-0008) Walnut Creek

**RECOMMENDATION(S):**

ADOPT Resolution No. 2013/84 approving the Road Improvement Agreement for Boulevard Way for land use permit LP 08-2034 (cross-reference minor subdivision MS 09-0008), for a project being developed by Sufism Reoriented, Walnut Creek area. (District II)

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The Road Improvement Agreement is required to guarantee installation of necessary improvements to Boulevard Way. Improvements are required by Conditions of Acceptance for land use permit LP 08-2034 (cross-reference minor subdivision MS 09-0008).

**CONSEQUENCE OF NEGATIVE ACTION:**

The Road Improvement Agreement to guarantee installation of necessary improvements will not be approved.

**CHILDREN'S IMPACT STATEMENT:**

Not applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: J. LaRocque,  
925-313-2315

By: , Deputy



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 02/12/2013 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐

Resolution No. 2013/84

IN THE MATTER OF approving the Road Improvement Agreement for Boulevard Way for land use permit LP 08-2034 (cross-reference minor subdivision MS 09-0008), for a project being developed by Sufism Reoriented, Walnut Creek area. (District II)

WHEREAS, the following document was presented for Board approval for Boulevard Way for land use permit LP 08-2034 (cross-reference minor subdivision MS 09-0008), a property located in the Walnut Creek area, Supervisorial District II.

A Road Improvement Agreement with Sufism Reoriented, principal, whereby said principal agrees to complete all improvements, as required in said road improvement agreement, within two year(s) from the date of said agreement. Improvements generally consist of roadway and drainage improvements.

Said document was accompanied by security to guarantee the completion of road improvements, as required by Title 9 of the County Ordinance Code, as follows:

I. Cash Bond Performance Amount: \$4,070  
DP 618681 Date: November 29, 2012  
Submitted by: Sufism Reoriented

II. Surety Bond (Cash) Auditor's Deposit Permit No.: DP 618681 Date: November 29, 2012  
Performance Amount: \$403,930  
Labor & Materials Amount: \$203,500  
Principal: Sufism Reoriented

NOW, THEREFORE, BE IT RESOLVED that said road improvement agreement is APPROVED.

All deposit permits are on file with the Public Works Department.

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: February 12, 2013**

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

Contact: J. LaRocque, 925-313-2315

By: , Deputy

**cc:** Originator, ES, J. LaRocque, Engineering Services, PWD, Design/Construction, WPD, Finance, T 11-12-13

ROAD IMPROVEMENT AGREEMENT

Developer: Sufism Reoriented

Effective Date: \_\_\_\_\_

Development: LP08-2034

Completion Period: 2 years

Road: Boulevard Way

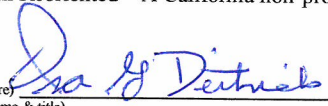
SEE ATTACHED  
CALIFORNIA  
NOTARIAL CERTIFICATE

THESE SIGNATURES ATTEST TO THE PARTIES' AGREEMENT HERETO:

CONTRA COSTA COUNTY  
Julia R. Bueren, Public Works Director

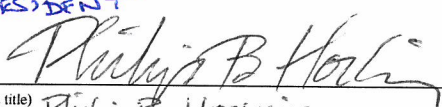
DEVELOPER  
Sufism Reoriented – A California non-profit religious corporation

By: \_\_\_\_\_

(signature)   
(print name & title)  
IRA G. DEITRICK  
PRESIDENT

RECOMMENDED FOR APPROVAL

By:   
Engineering Services Division

(signature)   
(print name & title)  
Philip B. Hocking  
Secretary

FORM APPROVED: Victor J. Westman, County Counsel

(NOTE: All signatures to be acknowledged. If Subdivider is incorporated, signatures must conform with the designated representative groups pursuant to Corporations Code §313.)

1. PARTIES & DATE. Effective on the above date, the County of Contra Costa, California, hereinafter called "County," and the above-mentioned Developer, mutually promise and agree as follows concerning this development:

2. IMPROVEMENTS. Developer agrees to install certain road improvements (both public and private), drainage improvements, signs, street lights, fire hydrants, landscaping, and such other improvements (including appurtenant equipment) as required in the improvement plans for this development as reviewed and on file with the Contra Costa County Public Works Department and in conformance with the Contra Costa County Ordinance Code (including future amendments thereto).

Developer shall complete said work and improvements (hereinafter called "work") within the above completion period from date hereof in a good workmanlike manner, in accordance with accepted construction practices and in a manner equal or superior to the requirements of the County Ordinance Code and rulings made thereunder; and where there is a conflict between the improvement plans and the County Ordinance Code, the stricter requirements shall govern.

3. IMPROVEMENT SECURITY. Upon executing this Agreement, the Developer shall, pursuant to the County Ordinance Code, provide as security to the County:

A. For Performance and Guarantee: \$4,070.00 cash, plus additional security, in the amount of \$402,930.00 which together total one hundred percent (100%) of the estimated cost of the work. Such additional security is presented in the form of:

- ☒ X Cash, certified check or cashiers check.  
☐ Acceptable corporate surety bond.  
☐ Acceptable irrevocable letter of credit.

With this security, the Developer guarantees performance under this Agreement and maintenance of the work for one year after its completion and acceptance against any defective workmanship or materials or any unsatisfactory performance.

B. For Payment: Security in the amount of \$ 203,500.00, which is fifty percent (50%) of the estimated cost of the work. Such security is presented in the form of:

- ☒ X Cash, certified check, or cashier's check  
☐ Acceptable corporate surety bond.  
☐ Acceptable irrevocable letter of credit.

With this security, the Developer guarantees payment to the contractor, to his subcontractors, and to persons renting equipment or furnishing labor or materials to them or to the Developer. Upon acceptance of the work as complete by the Board of Supervisors and upon request of the Developer, the amount securities may be reduced in accordance with S94-4.406 and S94-4.408 of the Ordinance Code.

4. GUARANTEE AND WARRANTY OF WORK. Developer guarantees that said work shall be free from defects in material or workmanship and shall perform satisfactorily for a period of one-year from and after the Board of Supervisors accepts the work as complete in accordance with Article 96-4.6, "Acceptance," of the Ordinance Code. Developer agrees to correct, repair, or replace, at his expense, any defects in said work.



The guarantee period does not apply to road improvements for private roads which are not to be accepted into the County road system.

5. PLANT ESTABLISHMENT WORK. Developer agrees to perform establishment work for landscaping installed under this agreement. Said plant establishment work shall consist of adequately watering plants, replacing unsuitable plants, doing weed, rodent and other pest control and other work determined by the Public Works Department to be necessary to insure establishment of plants. Said plant establishment work shall be performed for a period of one-year from and after the Board of Supervisors accepts the work as complete.

6. IMPROVEMENT PLAN WARRANTY. Developer warrants the improvement plans for the work are adequate to accomplish the work as promised in Section 2 and as required by the Conditions of Approval for the development. If, at any time before the Board of Supervisors accepts the work as complete or during the one-year guarantee period, said improvement plans prove to be inadequate in any respect, Developer shall make whatever changes are necessary to accomplish the work as promised.

7. NO WAIVER BY COUNTY. Inspection of the work and/or materials, or approval of work and/or materials or statement by any officer, agent or employee of the County indicating the work or any part thereof complies with the requirements of this Agreement, or acceptance of the whole or any part of said work and/or materials, or payments, therefor, or any combination or all of these acts, shall not relieve the Developer of his obligation to fulfill this agreement as prescribed; nor shall the County be thereby be stopped from bringing any action for damages arising from the failure to comply with any of the terms and conditions hereof.

8. INDEMNITY: Developer shall hold harmless and indemnify the indemnitees from the liabilities as defined in this section:

A. The indemnities benefitted and protected by this promise are the County, and its special district, elective and appointive boards, commissions, officers, agents, and employees.

B. The liabilities protected against are any liability or claim for damage of any kind allegedly suffered, incurred or threatened because of actions defined below, and including personal injury, death, property damage, inverse condemnation, or any combination of these, and regardless of whether or not such liability, claim or damage was unforeseeable at any time before the County reviewed said improvement plans or accepted the work as complete, and including the defense of any suit(s), action(s), or other proceeding(s) concerning said liabilities and claims.

C. The actions causing liability are any act or omission (negligent or non-negligent) in connection with the matters covered by this Agreement and attributable to the Developer, contractor, subcontractor, or any officer, agent, or employee of one or more of them;

D. Non-Conditions: The promise and agreement in this section are not conditioned or dependent on whether or not any Indemnitee has prepared, supplied, or approved any plan(s) or specification(s) in connection with this work, or has insurance or other indemnification covering any of these matters, or that the alleged damage resulted partly from any negligent or willful misconduct of any Indemnity.

9. COSTS: Developer shall pay when due, all the costs of the work, including inspections thereof and relocating existing utilities required thereby.

10. NON-PERFORMANCE AND COSTS: If Developer fails to complete the work within the time specified in this Agreement, and subsequent extensions, or fails to maintain the work, the County may proceed to complete and/or maintain the work by contract or otherwise, and Developer agrees to pay all costs and charges incurred by the County (including, but not limited to: engineering, inspection, surveys, contract, overhead, etc.) immediately upon demand.

Developer hereby consents to entry on the development property by the County and its forces, including contractors, in the event the County proceeds to complete and/or maintain the work.

Once action is taken by County to complete or maintain the work, Developer agrees to pay all costs incurred by the County, even if Developer subsequently completes the work.

Should County sue to compel performance under this Agreement or to recover costs incurred in completing or maintaining the work, Developer agrees to pay all attorney's fees, and all other expenses of litigation incurred by County in connection therewith, even if Developer subsequently proceeds to complete the work.

11. INCORPORATION/ANNEXATION. If, before the Board of Supervisors accepts the work as complete, the development is included in territory incorporated as a city or is annexed to an existing city, the County's rights under this agreement and/or any deposit, bond, or letter of credit securing said rights shall be transferred to the new or annexing city. Such city shall have all the rights of a third party beneficiary against Developer, who shall fulfill all the terms of this agreement as though Developer had contracted with the city originally.

12. CONSIDERATION. In consideration hereof:

(Check applicable section(s))

- ☒ County shall allow Developer to obtain building permits for said development, assuming it fully complies with other applicable regulations.  
☒ County agrees to accept the road(s) into the County-maintained road system, after the improvements are complete.  
☐ Other (requires County Counsel approval)

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Contra Costa

On 11/20/2012 before me, CAITLYN RAE Tankersley, Notary Public  
(Here insert name and title of the officer)

personally appeared Ira G. Deitrick

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.

CAITLYN RAE Tankersley  
Signature of Notary Public

(Notary Seal)



## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

Road Improvement

(Title or description of attached document)

Agreement

(Title or description of attached document continued)

Number of Pages 2 Document Date 11/20/12

(Additional information)

### CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)  
☐ Corporate Officer

(Title)

- ☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_

### INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is /are ) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

Acknowledgement of Individual

STATE OF MARYLAND

COUNTY OF Montgomery

Personally appeared before me, a Notary Public, in and for said county and state, on this

23 day of November, 2012, the within named

Philip Bruce Hocking, known to me, or satisfactorily proven, to be the person

whose name is subscribed to the within instrument and who acknowledges that he/she/they (strike one) executed the same for the purposes therein contained.

  
\_\_\_\_\_

NOTARY PUBLIC

Print Name: BEREKET TENWELDE

My Commission Expires:

**My Commission Expires on  
July 6, 2013**





Contra  
Costa  
County

To: Board of Supervisors  
From: Julia R. Bueren, Public Works  
Date: February 12, 2013

Subject: Accepting completion of warranty period and release of cash deposit under the Road Improvement Agreement for RA 05-01199  
San Ramon (Dougherty Valley)

**RECOMMENDATION(S):**

ADOPT Resolution No. 2013/85 accepting completion of warranty period and release of cash deposit under the Road Improvement Agreement for road acceptance RA 05-01199 (cross-reference subdivision SD 03-08508), for a project being developed by Windemere BLC Land Company, LLC, as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (District II)

**FISCAL IMPACT:**

The funds to be released are developer fees that have been held on deposit.

**BACKGROUND:**

The road improvements have met the guarantee performance standards for the warranty period following completion and acceptance of the improvements.

**CONSEQUENCE OF NEGATIVE ACTION:**

The developer will not receive a refund of their cash deposit, the Road Improvement Agreement and performance surety bond will not be exonerated, and the billing account will not be liquidated and closed.

**CHILDREN'S IMPACT STATEMENT:**

Not applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: J. LaRocque, 925-313-2315

By: , Deputy

cc: Originator Engineering Services, J. LaRocque, Engineering Services, Design/Construction, DCD, Windemere BLC 6111 Bollinger Cnyn, #550, SR 94583, Arch Insur. Co. 865 S. Figueroa St, Ste. 2700, LA 90017

Recorded at the request of: **BOARD OF SUPERVISORS**

Return To: **PUBLIC WORKS DEPT. 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 02/12/2013 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐

---

Resolution No. 2013/85

IN THE MATTER OF accepting completion of warranty period and release of cash deposit under the Road Improvement Agreement for road acceptance RA 05-01199 (cross-reference subdivision SD 03-08508), for a project being developed by Windemere BLC Land Company, LLC, as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (District II)

WHEREAS on July 8, 2008, this Board resolved that the improvements for road acceptance RA 05-01199 (cross-reference subdivision SD 03-08508) were completed as provided in the Road Improvement Agreement with Windemere BLC Land Company, LLC, and now on the recommendation of the Public Works Director;

The Board hereby FINDS that the improvements have satisfactorily met the guaranteed performance standards for the period following completion and acceptance.

NOW, THEREFORE, BE IT RESOLVED that the Public Works Director is AUTHORIZED to:

REFUND the \$3,100 cash deposit (Auditor's Deposit Permit No. 467598, dated July 20, 2006) plus interest in accordance with Government Code Section 53079, if appropriate, to Windemere BLC Land Company, LLC, pursuant to the Road Improvement Agreement and Ordinance Code Section 94 4.406.

BE IT FURTHER RESOLVED that the warranty period has been completed and the Road Improvement Agreement and performance/maintenance surety bond issued by Arch Insurance Company, Bond No. SU 5020560, dated July 5, 2006, are EXONERATED.

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: February 12, 2013**

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

By: , Deputy

cc: Originator Engineering Services, J. LaRocque, Engineering Services, Design/Construction, DCD, Windemere BLC 6111 Bollinger Cnyn, #550, SR 94583, Arch Insur. Co. 865 S. Figueroa St, Ste. 2700, LA 90017



Contra  
Costa  
County

To: Board of Supervisors  
From: Tiffany Lennear, Clerk of the Board  
Date: February 12, 2013  
Subject: CLAIMS

**RECOMMENDATION(S):**

DENY claims filed by Joseph C. Brock & Jennifer O'Dell, Enterprise Rent-A-Car, O'Grady Paving Inc., and Daniel Rodriguez.

**FISCAL IMPACT:**

Not applicable.

**BACKGROUND:**

\*

**CHILDREN'S IMPACT STATEMENT:**

Not applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: T. Lennear, (925)  
335-1900

By: , Deputy

cc:





**Contra  
Costa  
County**

To: Board of Supervisors  
From: Sharon L. Anderson, County Counsel  
Date: February 12, 2013

Subject: Public report of litigation settlement agreements that became final during the period of January 1, 2013 through January 31, 2013.

**RECOMMENDATION(S):**

RECEIVE public report of litigation settlement agreements that became final during the period of January 1, 2013 through January 31, 2013, as recommended by County Counsel.

**FISCAL IMPACT:**

Settlement amounts are listed below.

**BACKGROUND:**

One agreement to settle pending litigation, as defined in Government Code section 54956.9, became final during the period of January 1, 2013 through January 31, 2013.

County of Contra Costa v. Bank of America, N.A., et al, (In re Municipal Derivatives Litigation – Case No. MDL 1950 (S.D.N.Y.)). This is a consolidated case involving numerous public agencies and financial institutions concerning allegations the financial institutions rigged bids and/or fixed prices in connection with yields paid on municipal derivative investments. Under a settlement reached between JP Morgan Chase and various state Attorneys General, Chase agreed to pay \$65.5 million in total restitution to public entities. Under the settlement, Chase will pay Contra Costa County \$187,828 in exchange for the County terminating its lawsuit against Chase. The Board of Supervisors authorized settlement

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Thomas Geiger, 335-1800

By: , Deputy

cc: Thomas Geiger, Supervising Deputy County Counsel, Sharon Hymes-Offord, Risk Manager

BACKGROUND: (CONT'D)

on July 24, 2012 in closed session, by a 3-0 vote, Supervisors Gioia and Andersen absent. The settlement became final on January 14, 2013.

This report includes final settlements of litigation matters handled by the Office of the County Counsel. This report does not include litigation settlements that were reported by the Risk Management Division of the County Administrator's Office as a consent item on the Board's open session agenda.

CONSEQUENCE OF NEGATIVE ACTION:

The report would not be accepted.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: Tiffany Lennear, Clerk of the Board  
Date: February 12, 2013

Subject: ACCEPT Board Member Meeting Reports for January 2013

**RECOMMENDATION(S):**

ACCEPT Board Member Meeting Reports for January 2013.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

Government Code Section 53232.3(d) requires that members of legislative bodies report on meetings attended for which there has been expense reimbursement (mileage, meals, lodging, et cetera). The attached reports were submitted by Board of Supervisors members in satisfaction of this requirement.

**CONSEQUENCE OF NEGATIVE ACTION:**

The Contra Costa County Board of Supervisors will fail to meet the requirements of Government Code Section 53232.3(d).

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: T. Lennear, (925)  
335-1900

By: , Deputy

cc:



**Supervisor John Gioia**  
**January – 2013 Monthly Meeting Report**

<u>Date</u>	<u>Meeting</u>	<u>Location</u>
8	B.O.S. Reorganization Meeting	Martinez
8	B.O.S. Reorganization Lunch	Antioch
10	Partnership for Children & Youth Annual Board Retreat	Oakland
10	JPC Executive Cmte. Meeting	Oakland
11	ABAG Adm. & MTC Planning Cmte.	Oakland
15	B.O.S. Meeting	Martinez
17	BCDC Meeting	Oakland
17	ABAG Finance Cmte. Meeting	Oakland
18	JPC Regional Planning Meeting	Oakland
19	Remarks/MLK Residents Event	Richmond
19	Presentation/El Sobrante Chamber Installation Dinner	El Sobrante
21	Remarks/Annual El Cerrito MLK Program	El Cerrito
22	B.O.S. Meeting	Martinez
23	Speaker/Richmond Chamber Breakfast	Richmond
23	BCDC Strategic Planning Workshop	Richmond
23	S.F. Bay Restoration Authority Gov. Board	Oakland
24	W.C. Mayors & Sups Meeting	Richmond
24	Remarks/Contra Costa College MLK Event	San Pablo
25	WCCTAC Board of Directors Meeting	San Pablo
25	Earn It. Keep It. Save It Kick Off News Conference	Richmond
26	Remarks/Foster Care Youth Conference	Richmond
28	JCC/PAC Committees	Martinez
29	B.O.S. Retreat Meeting	Martinez
30	United Way's Ending Poverty Steering Cmte. Meeting	Oakland

**Voice: 925-957-8860**  
**Fax: 925-820-3785**



**Supervisor Candace Andersen**  
**Contra Costa County Board of Supervisors District Two**  
**January 2013 Monthly Meeting Report**

[illegible]

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**Supervisor Mary Nejedly Piepho - January 2013 AB1234 Report**  
*(Government Code Section 53232.3(d) requires that members of legislative bodies report on meetings attended for which there has been expense reimbursement (mileage, meals, lodging, etc)).*

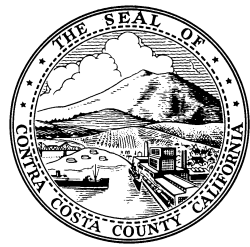
Date	Meeting Name	Location	Purpose
7-Jan	Constituent Meeting	Brentwood	Community Outreach
7-Jan	Meeting with PG&E	Brentwood	Business Meeting
8-Jan	Board of Supervisors Meeting	Martinez	Business Meeting
8-Jan	Board of Supervisors Reorg Luncheon	Antioch	Community Outreach
9-Jan	Meeting with Chevron	Martinez	Business Meeting
9-Jan	LAFCO Meeting	Martinez	Business Meeting
9-Jan	Meeting with District Attorney, Mark Peterson	Martinez	Business Meeting
10-Jan	Meeting with Deputy Sheriff's Association, Ken Westerman	Danville	Business Meeting
10-Jan	Meeting with Blackhawk GHAD	Danville	Business Meeting
10-Jan	Meeting with Supervisor Andersen and ENGEO	Danville	Business Meeting
10-Jan	Speaking at the East Bay EDA Legislative Reception	Hayward	Community Outreach
15-Jan	Board of Supervisors Meeting	Martinez	Business Meeting
16-Jan	* Bay Area Air Quality Management District	San Jose	Business Meeting
17-Jan	Sexual Harrassment Prevention Training	Martinez	Business Meeting
17-Jan	* Delta Conservancy Meeting	Walnut Grove	Business Meeting
18-Jan	* Bay Area Air Quality Management District	Oakland	Business Meeting
18-Jan	Supervisor Reagan Event	Vacaville	Community Outreach
22-Jan	Board of Supervisors Meeting	Martinez	Business Meeting
23-Jan	East Bay EDA Retreat	Oakland	Business Meeting
23-Jan	Constituent Meeting	Antioch	Community Outreach



23-Jan	Tri Delta Transit	Antioch	Business Meeting
24-Jan	* Bay Area Air Quality Management District	San Francisco	Business Meeting
24-Jan	Contra Costa USA Event	Concord	Community Outreach
26-Jan	CHP 11-99 Foundation Event	Livermore	Community Outreach
28-Jan	Contra Costa Regional Medical Center Committee Meeting	Martinez	Business Meeting
28-Jan	Meeting with CCTV	Brentwood	Business Meeting
28-Jan	Meeting with County Staff	Brentwood	Business Meeting
29-Jan	Board of Supervisors Retreat	Pittsburg	Business Meeting
30-Jan	Orin Allen Sewer Pipe Replacement Project Tour	Byron	Business Meeting
30-Jan	Rehabilitation Facility Library Expansion Celebration	Byron	Community Outreach
30-Jan	Meeting with Save Mt. Diablo	Brentwood	Business Meeting
30-Jan	Constituent Meeting	Brentwood	Community Outreach
30-Jan	Meeting with American Medical Response	Brentwood	Business Meeting
31-Jan	Meeting with Rural/Metro Ambulance	Brentwood	Business Meeting
31-Jan	Oakland Children's Hospital Tour	Oakland	Business Meeting
31-Jan	East Bay EDA Innovation Awards Event	Oakland	Business Meeting

\* Reimbursement may come from an agency other than Contra Costa County

TO: BOARD OF SUPERVISORS  
FROM: Supervisor Federal D. Glover, District V  
DATE: February 12, 2013  
SUBJECT: MEETING ATTENDANCE REPORT FOR  
THE MONTH OF JANUARY, 2013



# Contra Costa County

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

**RECOMMENDATION:**

ACCEPT the Meeting Attendance Report for the month of January, 2013 from Supervisor Glover as required for compliance with Government Code Section 53232.3(d).

**BACKGROUND:**

Meeting Attendance Report

Government Code Section 53232.3(d) requires that members of legislative bodies report on meetings attended for which there has been expense reimbursement (mileage, meals, lodging, etc).

The following report on meetings attended by Supervisor Federal D. Glover during the month of January, 2013 is submitted in compliance with the requirement.

Date	Meeting Name	Location	Purpose
01/09/13		Antioch	Monthly
1/15/13	Delta Diablo	Martinez	Weekly
01/18/13	BOS Meeting	Antioch	Annual
01/22/13	Delta Assoc Lunch	Martinez	Weekly
01/23/13	BOS Meeting	Antioch	Monthly
01/24/13	TriDelta	Pittsburg	Monthly
01/28/13	Meeting	Antioch	As Needed
01/29/13	Pitts RDA Mtg	Pittsburg	Annual
01/30/13	Ant Annex Mtg	Pittsburg	Quarterly
	BOS Retreat		
	Reentry Mtg		

VOTE OF SUPERVISORS

\_\_\_\_\_ UNANIMOUS (ABSENT \_\_\_\_\_)

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

MEDIA CONTACT:

ORIGINATING DEPARTMENT:

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.

TTESTED \_\_\_\_\_  
DAVID TWA, CLERK OF THE BOARD OF SUPERVISORS  
AND COUNTY ADMINISTRATOR

BY \_\_\_\_\_, DEPUTY

## Meeting Attendance Report

Government Code Section 53232.3(d) requires that members of legislative bodies report on meetings attended for which there has been expense reimbursement (mileage, meals, lodging, etc).

The following report on meetings attended by Supervisor Federal D. Glover during the month of January, 2013 is submitted in compliance with the requirement.

<u>Date</u>	<u>Meeting Name</u>	<u>Location</u>	<u>Purpose</u>
<u>01/09/13</u>	Delta Diablo	Antioch	Monthly
<u>1/15/13</u>	BOS Meeting	Martinez	Weekly
<u>01/18/13</u>	Delta Assoc Lunch	Antioch	Annual
<u>01/22/13</u>	BOS Meeting	Martinez	Weekly
<u>01/23/13</u>	TriDelta Meeting	Antioch	Monthly
<u>01/24/13</u>	Pitts RDA Mtg	Pittsburg	Monthly
<u>01/28/13</u>	Ant Annex Mtg	Antioch	As Needed
<u>01/29/13</u>	BOS Retreat	Pittsburg	Annual
<u>01/30/13</u>	Reentry Mtg	Pittsburg	Quarterly



Contra  
Costa  
County

To: Board of Supervisors

From: John Gioia, Board of Supervisors District I

Date: February 12, 2013

Subject: Declaring February as Teen Dating Abuse Awareness Month

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Devorah Levine,  
925-313-1524

By: , Deputy

cc:



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

In the matter of:

**Resolution No. 2013/94**

**Proclaiming February 2013, as “Teen Dating Violence Awareness and Prevention Month.”**

Whereas, teen dating violence, also known as teen dating abuse, is a serious and growing problem in Contra Costa County; and

Whereas, teen dating violence is defined as a pattern of destructive behaviors used to exert power and control over a current or former partner, including actual or threatened acts of physical, sexual, emotional, and/or verbal abuse; and

Whereas one in three teens report knowing a friend or peer who has been hit, punched, kicked, choked or physically hurt by their partner; and

Whereas, approximately 10 percent of adolescents nationwide reported being the victim of physical violence and 20 to 30 percent reported being verbally or psychologically abused by a romantic partner in the previous year, translating into an estimated 10,000 Contra Costa County adolescents who were victims of physical violence and between 20,000 and 30,000 adolescents verbally or psychologically abused by a romantic partner in the previous year; and

Whereas, teen dating abuse has been linked to other forms of violence and aggression against peers, including, bullying, sexual harassment, sexual violence and physical violence; and

Whereas, victims of teen dating abuse are at increased risk for low academic performance, truancy, dropout, harmful behaviors such as use of alcohol, tobacco and other drugs, eating disorders, teen pregnancy and suicidality; and

Whereas, students who are victims in high school are at higher risk for victimization during college, and adolescent perpetrators of dating violence are more likely to abuse their intimate partners as adults; and

Whereas, all adolescents should feel safe in their relationships; and experience the characteristics of healthy relationships including respect, safety, support, individuality, fairness, equality, acceptance, honesty and trust; and

Whereas, protective factors and conditions in the environments of an adolescents home, school, community, family and peer groups serve to promote resilience, positive youth development and protect adolescents from abuse in relationships; and

Whereas, protective factors and conditions include caring relationships with adults and peers, high and positive expectations and support, and meaningful opportunities to participate and contribute; and

Whereas, when adolescents feel connected to their school, or delay the onset of dating relationships, incidence of teen dating violence greatly declines; and

Whereas, coordinated intervention and prevention efforts can address warning signs of dating abuse before behaviors escalate, protect the safety of teens and help ensure a positive climate and safe environment for all teens; and

Whereas, efforts such as the international campaign “One Billion Rising”, to end violence against the one billion women and girls estimated to become victims, are opportunities to increase awareness and encourage action; and

Whereas, the One Billion Rising campaign invites women and men to organize dance events, volunteer with local violence prevention service agencies, and say no to violence against women and girls; and

Whereas, on February 14th, teens in this county will join with the One Billion Rising campaign to bring greater awareness about violence against women and girls; and

Whereas, Families Thrive, a project of the county’s Zero Tolerance for Domestic Violence Initiative, is committed to eliminating teen dating violence and children’s exposure to violence by partnering with numerous public and private agencies and school districts to raise awareness, implement prevention efforts and provide support to teens who have experienced dating violence; and

Whereas the establishment of Teen Dating Violence Awareness and Prevention Month will benefit schools, communities, families, and all youth.

Now, therefore be it resolved that the Board of Supervisors of Contra Costa County does hereby proclaim February, 2013 as “Teen Dating Violence Awareness and Prevention Month”; and proclaims February 14th as One Billion Rising Day of action and urges all residents to raise awareness about the dynamics of teen dating violence and to support and empower teens to develop healthy and violence-free relationships throughout their lives.

---

**FEDERAL D. GLOVER**

Chair,

District V Supervisor

\_\_\_\_\_  
**JOHN GIOIA**  
District I Supervisor

\_\_\_\_\_  
**CANDACE ANDERSEN**  
District II Supervisor

\_\_\_\_\_  
**MARY N. PIEPHO**  
District III Supervisor

\_\_\_\_\_  
**KAREN MITCHOFF**  
District IV 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: February 12, 2013

David J. Twa,

By: \_\_\_\_\_, Deputy



Contra  
Costa  
County

To: Board of Supervisors  
From: Federal D. Glover, Board of Supervisors District V  
Date: February 12, 2013  
Subject: 2012 Counties Care Holiday Food Fight Results

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Kate Sibley, 335-1032

By: , Deputy

cc:

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

In the matter of:

Resolution No. 2013/90

**RECOGNIZING THE  
EMPLOYEES OF CONTRA COSTA COUNTY  
AND THE 2012 COUNTIES CARE HOLIDAY FOOD FIGHT**

**WHEREAS**, with the true spirit of public servants, Contra Costa County departments and employees decisively rose to the annual challenge to raise funds for the Food Bank of Contra Costa and Solano during the 2012 holiday season; and  
**WHEREAS**, the 10th Annual Contra Costa County Cares Challenge has become integral to the Food Bank of Contra Costa and Solano’s successful holiday fundraising program and, with fewer employees, many of whom are themselves facing greater need, raised funds in the astonishing amount of \$101,508.72, and  
**WHEREAS**, the 2012 Counties Care Holiday Food Fight far exceeded the two-county goal of One Million Dollars raised since the challenge began in 2004; and  
**WHEREAS**, because departments and team leaders entered the annual competition with enthusiasm despite their own financial challenges, we salute the following stellar standouts:

**“MINI” DEPARTMENTS:** AGRICULTURE, BETH SLATE AND LARRY YOST, TEAM LEADERS;  
**SMALL DEPARTMENTS:** COUNTY COUNSEL, MICHIELLE MAURER, ERIC SUITOS, WANDA MCADOO, TEAM LEADERS;  
**MIDSIZED DEPARTMENTS:** DISTRICT ATTORNEY, DANA FILKOWSKI, TEAM LEADER;  
**LARGE DEPARTMENTS:** PUBLIC WORKS, DAVID GOULD, DIANE FAVERO, JULIE HANCOCK, TEAM LEADERS;  
**SUPERVISORS’ OFFICES:** DISTRICT V, FEDERAL GLOVER, SUPERVISOR; and

**WHEREAS**, all County departments and team leaders showed special ingenuity and energy by raising copious funds and earning kudos and various special awards as determined by Food Fight organizers, including:

**GAYLE B. UILKEMA GOOD EGGS:** SHARON ANDERSON, COUNTY COUNSEL; LORI LARKS, EHSD  
**MOST IMPROVED:** INFORMATION TECHNOLOGY, WITH A TOP-NOTCH TEAM OF LEADERS  
**BARREL RACE:** SHERIFF-CORONER, RALPH BROWN AND JODY SICHENEDER, SUPER TEAM LEADERS  
**ADDITIONAL RECOGNITION:** KRISTIE HIRSCHENBERGER HEART AND SOUL, MOST CREATIVE, 100%(& PLUS) CLUB, TEAM SPIRIT, ETC.; and

**WHEREAS**, this outstanding, over-the-top, year-round generosity was shown by employees of both Contra Costa and Solano counties, who raised a total of over \$129,000 which will help the Food Bank of Contra Costa and Solano to provide more than 258,000 meals to approximately 149,000 low-income residents of both counties throughout the months to come;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Contra Costa County hereby applauds all of the tireless department team leaders and congratulates all participating Contra Costa County departments, department heads, and employees for their inspired and inspiring efforts on behalf of their community and those in need; and **BE IT FURTHER RESOLVED** that the Board of Supervisors of Contra Costa County thanks all County employees and residents who participated in the 2012 Counties Care Holiday Food Fight and urges all citizens of Contra Costa County and their communities to recognize and match the generosity and public spirit of County employees by giving generously to the Food Bank of Contra Costa and Solano regularly and often, including the 2013 Counties Care Holiday Food Fight.

\_\_\_\_\_  
**FEDERAL D. GLOVER**  
Chair,  
District V Supervisor

\_\_\_\_\_  
**JOHN GIOIA**  
District I Supervisor

\_\_\_\_\_  
**CANDACE ANDERSEN**  
District II Supervisor



**MARY N. PIEPHO**  
District III Supervisor

**KAREN MITCHOFF**  
District IV 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: February 12, 2013

David J. Twa,

By: \_\_\_\_\_, Deputy



Contra  
Costa  
County

To: Board of Supervisors

From: Candace Andersen, Board of Supervisors District II

Date: February 12, 2013

Subject: Resolution honoring William F. Snider as Moraga Business Person of the  
Year

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Lauri 957-8860

By: , Deputy

cc:

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

In the matter of:

**Resolution No. 2013/95**

**Honoring William "Bill" Snider as Moraga Business Person of the Year**

Whereas, Bill Snider and his family settled in Moraga in 1990 and quickly became part of the community;  
and

Whereas, Bill purchased Moraga Hardware & Lumber in 2000 and across the way in 2002, expanding the  
product line into the lifestyle arena; and

Whereas, Bill Snider currently serves on the Board of Directors of the Moraga Chamber of Commerce and  
was previously on the Board from 2000-2002, he was also one of the original founder of the Shop Moraga  
First campaign; and

Whereas, Bill has frequently volunteered at the local schools and supports many charities and service  
organizations.

Now, Therefore, Be It Resolved that the Board of Supervisors of Contra Costa County does hereby honor and thank William  
"Bill" Flindt Snider for his many years of dedicated service to the citizens of Moraga.

\_\_\_\_\_  
**FEDERAL D. GLOVER**

Chair,  
District V Supervisor

\_\_\_\_\_  
**JOHN GIOIA**

District I Supervisor

\_\_\_\_\_  
**CANDACE ANDERSEN**

District II Supervisor

\_\_\_\_\_  
**MARY N. PIEPHO**

District III Supervisor

\_\_\_\_\_  
**KAREN MITCHOFF**

District IV 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: February 12, 2013

David J. Twa,

By: \_\_\_\_\_, Deputy



Contra  
Costa  
County

To: Board of Supervisors  
From: Ted Cwiek, Human Resources  
Date: February 12, 2013

Subject: Adopt Ordinance No. 2013-03 to Exempt the classifications of Deputy County Counsel- Deep Class- Exempt

**RECOMMENDATION(S):**

ADOPT Ordinance No. 2013-03 amending Section 33-5.410 of the County Ordinance Code to Exempt from the Merit System the classification of Deputy County Counsel- Deep Class- Exempt, as requested by the Office of County Counsel.

**FISCAL IMPACT:**

There is no cost associated with this action.

**BACKGROUND:**

The purpose of this action is to adopt Ordinance No. 2013-03, authorizing the amending of the County Ordinance Code to exempt from the merit system the classification of Deputy County Counsel - Exempt.

**CONSEQUENCE OF NEGATIVE ACTION:**

The current recruitment and hiring processes do not allow the Office of the County Counsel to target and recruit attorneys with specialized training and/or experience in those areas of civil law that are practiced in the Office of the County Counsel. Adopting the amended Ordinance will allow the County Ordinance Code to exempt this class from the merit system and allow this office to hire, when needed, those specialized attorneys without significant delay, to the benefit of County clients.

**CHILDREN'S IMPACT STATEMENT:**

No impact.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Wanda McAdoo, (925)  
335-1811

By: , Deputy

cc: Wanda McAdoo, Roxana Mendoza, MJ Saepharn



**ORDINANCE NO. 2013-03**

(Excluding the deep class of Deputy County Counsel-Exempt from the merit system and deleting senior financial counsel-exempt from the list of excluded classes)

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

**SECTION I:** Section 33-5.410 of the County Ordinance Code is amended to exclude from the merit system the deep class of Deputy County Counsel-Exempt and to delete senior financial counsel-exempt, to read:

**33-5.410 County Counsel.**

- (a) Assistant county counsels-exempt are excluded and are appointed by the county counsel.
- (b) Chief assistant county counsel-exempt is excluded and is appointed by the county counsel.
- (c) Deputy county counsels-exempt are excluded and are appointed by the county counsel.  
(Ords. 2013-03 ' 1, 99-14, 98-18.)

**SECTION II: EFFECTIVE DATE.** This ordinance becomes effective 30 days after passage, and within 15 days of passage shall be published once with the names of the supervisors voting for and against it in the Contra Costa Times, a newspaper published in this County.

PASSED ON \_\_\_\_\_ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: DAVID TWA, Clerk of  
the Board and County Administrator

\_\_\_\_\_  
Board Chair

By: \_\_\_\_\_  
Deputy

[SEAL]

VLD:

**ORDINANCE NO. 2013-03**

# POSITION ADJUSTMENT REQUEST

NO. 21232  
DATE 1/28/2013

Department County Counsel

Department No./  
Budget Unit No. 0030 Org No. 1700 Agency No. 17

Action Requested: ADOPT Resolution No. 2013/76 to establish the deep class of Deputy County Counsel - Exempt; and establish the terms of that deep class; ADD one full time position to the deep class of Deputy County Counsel - Exempt; and CANCEL vacant position #12653 in the deep class of Deputy County Counsel. (No Fiscal Impact.)

Proposed Effective Date: 2/1/2013

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 \$0.00

Net County Cost \$0.00

Total this FY \$0.00

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Budgeted

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Sharon Anderson

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Lisa Driscoll

2/6/2013

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/28/2013

ADOPT Ordinance No. 2013-03 amending Section 33-5.410 of the County Ordinance Code to Exempt from the Merit System the classification of Deputy County Counsel- Deep Class- Exempt, as requested by the Office of County Counsel.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ \_\_\_\_\_(Date)

Ted Cwiek

2/6/2013

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE \_\_\_\_\_

☐ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: \_\_\_\_\_

(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 2/7/2013

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: Candace Andersen, Board of Supervisors District II  
 Date: February 12, 2013



Contra  
Costa  
County

Subject: REAPPOINTMENT TO THE CONTRA COSTA COMMISSION FOR WOMEN

**RECOMMENDATION(S):**

REAPPOINT the following individual to the District II Seat of the Contra Costa Commission for Women for a three-year term with an expiration date of February 28, 2016, as recommended by Supervisor Andersen:

Judy Carney  
 3203 Lucas Drive  
 Lafayette, CA 94549

**FISCAL IMPACT:**

None.

**BACKGROUND:**

The Commission for Women was established to identify major economic, educational, and social concerns of women in Contra Costa County, and to reach and inform all women on a variety of issues. The Commission consists of 26 members: one member from each Supervisorial District, 20 At Large members, and 1 Alternate At Large member. The IO Committee reviews nominations to the 20 At Large seats and their Alternate. Terms for all Commission seats are three years.

Supervisor Andersen is pleased with the work that Judy Carney has been doing with the Commission and would like her to continue for another term.

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Jill Ray, 925-957-8860

By: , Deputy

cc: District 2 Supervisor, Maddy Book, Commission, Appointee



CONSEQUENCE OF NEGATIVE ACTION:

The District II Seat will become vacant.

CHILDREN'S IMPACT STATEMENT:

None.



Contra  
Costa  
County

To: Board of Supervisors  
From: Candace Andersen, Board of Supervisors District II  
Date: February 12, 2013  
Subject: REAPPOINTMENT TO THE FISH & WILDLIFE COMMITTEE

**RECOMMENDATION(S):**

REAPPOINT the following individual to the District II Seat of the Fish & Wildlife Committee for a two-year term with an expiration date of February 28, 2015, as recommended by Supervisor Andersen:

Ms. Susan Heckly  
301 W. Prospect Avenue  
Danville, CA 94526

**FISCAL IMPACT:**

None.

**BACKGROUND:**

The Fish and Wildlife Committee advises the Contra Costa County Board of Supervisors on fish and wildlife issues that may affect the County. It makes recommendations to the Board for the expenditure of funds from the Fish and Wildlife Propagation Fund pursuant to Fish and Game Code Section 13103. It addresses issues surrounding the enforcement of fish and game laws and regulations in the County.

The Fish and Wildlife Committee has ten regular positions, five nominated by individual members of the Board of Supervisors, four "At-Large" positions and

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Jill Ray, 925-957-8860

By: , Deputy

cc: District 2 Supervisor, Maddy Book, Commission, Appointee

**BACKGROUND: (CONT'D)**

one "Alternate to At-Large" position nominated by the Internal Operations Committee of the Board of Supervisors. The Internal Operations Committee considers applications from all interested individuals even when an existing At-Large member or an existing Alternate to At-Large member seeks reappointment. The Internal Operations Committee requests recommendations from the Fish and Wildlife Committee on appointments to At-Large and Alternate to At-Large positions.

Supervisor Andersen has been pleased with the work Ms. Heckly has done and would like her to continue for another term.

**CONSEQUENCE OF NEGATIVE ACTION:**

The seat will become vacant.

**CHILDREN'S IMPACT STATEMENT:**

None.



Contra  
Costa  
County

To: Board of Supervisors

From: Candace Andersen, Board of Supervisors District II

Date: February 12, 2013

Subject: APPOINTMENT TO THE ALCOHOL & OTHER DRUGS ADVISORY BOARD

**RECOMMENDATION(S):**

APPOINT the following individual to the District II-A Seat of the Alcohol & Other Drugs Advisory Board for a three-year term with an expiration date of June 30, 2015, as recommended by Supervisor Andersen:

David R. Maurer  
1234 Crown Court  
Walnut Creek, CA 94597

**FISCAL IMPACT:**

None.

**BACKGROUND:**

The Alcohol & Other Drugs Advisory Board was created in 1992 by the Board of Supervisors. Their mission is to assess family and community needs regarding treatment and prevention of alcohol and drug abuse problems, and to report the findings and recommendations to the Health Services Department, the Board of Supervisors and the communities that they serve.

The Alcohol & Other Drugs Advisory Board is comprised of twenty members and one alternate. Members shall have a professional interest in, or personal commitment to, alleviating problems related

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Jill Ray, 925-957-8860

By: , Deputy

cc: District 2 Supervisor, Maddy Book, AOD Board, Appointee



BACKGROUND: (CONT'D)

to drug abuse and inappropriate alcohol use in their community. The alternate member can sit and vote for any of the five At-large seats on the advisory board. If a vacancy occurs, the alternate will automatically assume the vacant at-large seat. The membership breakdown is as follows:

- Three representatives to be nominated by each member of the Board of Supervisors.
- Five at-large members to be nominated by the Internal Operations Committee to ensure geographic, racial, and ethnic diversity on the Advisory Board.
- One alternate member to be nominated by the Internal Operations Committee.

Members serve for three-year terms.

Supervisor Andersen has advertised the vacant District 2 Seat for several months. Mr. Maurer submitted an application, Supervisor Andersen met with him and feels he will be a positive addition to the advisory board.

CONSEQUENCE OF NEGATIVE ACTION:

The District II-A Seat will remain vacant.

CHILDREN'S IMPACT STATEMENT:

None.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D.  
Date: February 12, 2013

Subject: Medical Staff Appointments and Reappointments – January 2013

**RECOMMENDATION(S):**

Approve the new medical staff members, advancements to permanent staff, biennial reappointments, biennial renewal of privileges, and resignations as recommended by the Medical Executive Committee at their January 28, 2013 Meeting, and by the Health Services Director.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

The Joint Commission on Accreditation of Healthcare Organizations has requested that evidence of Board of Supervisors approval for each Medical Staff member will be placed in his or her Credentials File. The above recommendations for appointment/reappointment were reviewed by the Credentials Committee and approved by the Medical Executive Committee.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this action is not approved, Contra Costa Regional Medical and Contra Costa Health Centers' medical staff would not be appropriately credentialed and not be in compliance with the Joint Commission on Accreditation of Healthcare Organizations.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Anna Roth, 370-5101

By: , Deputy

cc: T Scott, D Gary, Joanna Fon

CHILDREN'S IMPACT STATEMENT:

Not applicable.

**A. New Medical Staff Members**

Jill Antoine, MD	Anesthesia
Nancy Ciau, MD	Pathology

**B. Advance to Non-Provisional**

Suzhanna Elam, MD	Psychiatry/Psychology	A
Meltem Karatepe, MD	Pediatrics	A
Trang Lehman, MD	Family Medicine	A
Roobal Sekhon, DO	Psychiatry/Psychology	A
Aditya Sharma, MD	Family Medicine	A
Blair Thedinger, MD	Internal Medicine	A

**C. Biennial Reappointments**

Gloria Asuncion, MD	Pathology	C
Grace Cavallaro, MD	Ob/Gyn	A
Alex Espinoza, MD	Pediatrics	C
Susan Feierabend, MD	Ob/Gyn	A
Imtiaz Ghori, MD	Pediatrics	A
Alexander Gorodetsky, MD	Psychiatry/Psychology	C
Michael Gynn, MD	Surgery	A
Estela Hernandez, MD	Emergency Medicine	A
Paul Kwok, DO	Anesthesia	A
William Peterson, MD	Emergency Medicine	A
Michael Price, MD	Diagnostic Imaging	C
Paul Reif, MD	Internal Medicine	A.
Charles Saldanha, MD	Psychiatry/Psychology	A
Vinod Sharma, MD	Psychiatry/Psychology	A
Lisa Wang, MD	Psychiatry/Psychology	A
Matthew White, MD	Psychiatry/Psychology	A
Mark Wille, MD	Internal Medicine	A
Peter Won, MD	Diagnostic Imaging	A

**D. Biennial Renewal of Privileges**

Phyllis Howard, NP	Family Medicine	Aff
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**E. Voluntary Resignations**

Scott Barber, DDS	Dental
Peter Barry, MD	Surgery
Charles Barton, MD	Psychiatry/Psychology
Charita Dagcuta, MD	Psychiatry/Psychology
Joanna Eveland, MD	Family Medicine
Brian Hertz, MD	Family Medicine
Mark Isaacs, MD	Family Medicine
Ho-Yin Li, MD	Anesthesia
Nalini Madiraju, MD	Pathology
Cheryl Uberman, NP	Psychiatry/Psychology





Contra  
Costa  
County

To: Board of Supervisors

From: Family and Human Services Committee

Date: February 12, 2013

Subject: Appointments to the Art and Culture Commission of Contra Costa County

**RECOMMENDATION(S):**

APPOINT Y'Anad Burrell to the At-Large 1 seat Geoffrey Meredith to the Alternate seat on the Arts and culture Commission of Contra Costa County with expiration dates of June 30, 2015, as recommended by the County Administrator.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

The Arts and Culture Commission of Contra Costa County was established in December 1994 to advise the Board of Supervisors in matters and issues relevant to Arts and Culture, to advance the arts in a way that promotes communication, education, appreciation and collaboration throughout Contra Costa County; to preserve, celebrate, and share the arts and culture of the many diverse ethnic groups who live in Contra Costa County; to create partnerships with business and government; to increase communications and understanding between all citizens through art. Most importantly, the Commission will promote arts and culture as a vital element in the quality of life for all of the citizens of Contra Costa County.

The Commission has eight members, one from each Supervisorial

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☒ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Dorothy Sansoe,  
925-335-1009

By: , Deputy

cc:

BACKGROUND: (CONT'D)

District, two at-large members and one alternate. Each seat has a four year term.

The Commission is recommending the appointments of Y'Anad Burrell to the At-Large 1 seat Geoffrey Meredith to the Alternate seat with expiration dates of June 30, 2015.

Y'Anad Burrell  
2519 Duke Avenue  
Richmond, CA 94806

Geoffrey Meredith  
3517 Eagle Point Road  
Lafayette, CA 94549

The applicants were interviewed by the Arts and Culture Commission of Contra Costa County and recommended to the Family and Human Services Committee for appointment. The Family and Human Service Committee was unable to meet and review these applications. To prevent a delay in the appointment of these individuals which would hamper the work of the Commission due to lack of a quorum, the Family and Human Services Committee has asked that the recommendations be forwarded directly to the Board of Supervisors for approval.

CONSEQUENCE OF NEGATIVE ACTION:

The Commission will not have a quorum and will be unable to meet.

CHILDREN'S IMPACT STATEMENT:

Not Applicable.



Contra  
Costa  
County

To: Board of Supervisors

From: David Twa, County Administrator

Date: February 12, 2013

Subject: APPOINTMENT TO THE CONTRA COSTA COMMISSION FOR WOMEN

**RECOMMENDATION(S):**

REAPPOINT the following individuals to seats on the Contra Costa Commission for Women for a term with an expiration date of February 28, 2016, as recommended by the County Administrator:

**At Large Seat 3**

Katherine Reed  
1000 Chianti Court  
Brentwood, CA 94513

**At Large Seat 8**

Julianna Hynes  
1638 Freed Circle  
Pittsburg, CA 94565

**FISCAL IMPACT:**

None.

**BACKGROUND:**

The Commission for Women was established to identify major economic, educational, and social

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☒ 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: February 12, 2013

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

Contact: Dorothy Sansoe,  
925-335-1009

By: , Deputy

cc:

BACKGROUND: (CONT'D)

concerns of women in Contra Costa County, and to reach and inform all women on a variety of issues. The Commission consists of 26 members: one member from each Supervisorial District, 20 At-Large members, and 1 Alternate At-Large member. The Internal Operations Committee reviews nominations to the 20 At-Large and one Alternate-At Large seats.

Terms for all Commission seats are three years.

The Family and Human Services Committee was scheduled to meet in February to discuss the two recommended re-appointments. However, that meeting was cancelled and the applications could not be reviewed. Due to timing, the fact that these individuals are currently serving and recommended by the Contra Costa Commission for Women for re-appointment, and the need to fill the positions expeditiously, the recommendations are being forwarded to the Board of Supervisors for review.

CONSEQUENCE OF NEGATIVE ACTION:

The seats will remain vacant and the Commission may not be able to meet.

CHILDREN'S IMPACT STATEMENT:

None.





---

## CONTRA COSTA COMMISSION FOR WOMEN

P.O. Box 6695

Concord, CA 94520

E-Mail: [womenscommission@gmail.com](mailto:womenscommission@gmail.com)

---

DATE: January 25, 2013  
TO: Family and Human Services Committee

FROM: Julianna Hynes, Contra Costa Commission for Women

SUBJECT: Recommended Appointments to the Contra Costa Commission for Women

---

The purpose of this memorandum is to forward to you the following recommendation from the Contra Costa Commission for Women (CCCW):

- Re-appoint Kathi Reed to At Large Seat 3 on the CCCW
- Re-appoint Julianna Hynes to At Large Seat 8 on the CCCW

### **Background**

The Contra Costa Commission for Women was formed to educate the community and advise the Contra Costa County Board of Supervisors and other entities on the issues relating to the changing social and economic conditions of women in the County, with particular emphasis on the economically disadvantaged.

The Committee consists of 25 members and one alternate, including:

- Five district representatives; (one from each supervisorial; districts)
- Twenty at large members; and
- One at large alternate.

The five district representatives are nominated for a three year term by each other the five members of the Board of Supervisors. The twenty at large members and one at large alternate are nominated by the CCCW membership committee and forwarded to the full CCCW. All nominated appointments to the CCCW are reviewed by the Internal Operations Committee (IOC) and referred to the Board of Supervisors for approval. CCCW terms are for three years and they are staggered across the membership. A current CCCW roster, as of November 19, 2012, is attached for your information (Attachment A).

### **Current Status of Appointments**

The CCCW has been recruiting applicants on an ongoing basis to fill the vacant seats.

The membership committee unanimously approved the above recommendation.

As of January 9, 2013 there are 12 at large vacancies. The at large Alternate is also vacant.

If the appointment recommended in this memorandum is ultimately approved, one at large seat will be filled. The vacancies remaining after approval would be 12 at large seats, the District I seat and one alternate.

Since May 2004, the CCCW has had extremely limited staff support and no budget provided by the County. However, the CCCW membership committee is continuing its recruiting efforts and plans to fill the remaining vacancies within the next few months.

cc without attachment :           CCCW Membership Committee  
  Dorothy Sansoe, CAO



Contra  
Costa  
County

For Office Use Only

Date Received:

For Reviewers Use Only:

Accepted

Rejected

## BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

**MAIL OR DELIVER TO:**

Contra Costa County

CLERK OF THE BOARD

651 Pine Street, Rm. 106

Martinez, California 94553-1292

**PLEASE TYPE OR PRINT IN INK**

(Each Position Requires a Separate Application)

BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:

Commission for Women

PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION

At-Large Member

PRINT EXACT SEAT NAME (if applicable)

1. Name: Reed (Last Name) Katherine (First Name) Elaine (Middle Name)

2. Address: 1000 Chianti Ct (No.) Brentwood (Street) CA (City) 94513 (State) (Zip Code)

3. Phones: 925-240-8382 (Home No.) 925-642-0557 (Work No.) (Cell No.)

4. Email Address: Kathi@Kathireed.com

5. **EDUCATION:** Check appropriate box if you possess one of the following:

High School Diploma ☒ G.E.D. Certificate ☐ California High School Proficiency Certificate ☐

Give Highest Grade or Educational Level Achieved 16

Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) <u>JFK University</u>	<u>Business Admin</u>	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			<u>BA</u>	<u>1983</u>
B)		Yes No <input type="checkbox"/> <input type="checkbox"/>				
C)		Yes No <input type="checkbox"/> <input type="checkbox"/>				
D) Other schools / training completed:	Course Studied	Hours Completed	Certificate Awarded: Yes No <input type="checkbox"/> <input type="checkbox"/>			



6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<p>A) Dates (Month, Day, Year)  <u>From</u>      <u>To</u>  <u>2005</u>      <u>Present</u></p> <p>Total: <u>Yrs.</u>      <u>Mos.</u>  <u>8</u></p> <p>Hrs. per week <u>Varies</u>. Volunteer <input checked="" type="checkbox"/></p>	<p>Title  <u>Board member 2005-2009</u>  <u>President 2008</u>  <u>Ambassador 2010-Present</u></p> <p>Employer's Name and Address  <u>Brentwood Chamber</u>  <u>of Commerce</u>  <u>8440 Brentwood Blvd</u>  <u>Brentwood, CA 94513</u></p>	<p>Duties Performed  <u>Board duties overseeing</u>  <u>budgets, staff, member-</u>  <u>ship, fundraising efforts</u>  <u>including annual</u>  <u>Brentwood Corn Fest,</u>  <u>Hometown Halloween,</u>  <u>and Holiday Parade</u></p>
<p>B) Dates (Month, Day, Year)  <u>From</u>      <u>To</u>  <u>2007</u>      <u>Present</u></p> <p>Total: <u>Yrs.</u>      <u>Mos.</u>  <u>5</u></p> <p>Hrs. per week <u>20+</u>. Volunteer <input type="checkbox"/></p>	<p>Title  <u>Independent Group Leader</u>  <u>Wine Consultant</u></p> <p>Employer's Name and Address  <u>Wine Shop at Home</u>  <u>607 Airport Rd</u>  <u>Napa, CA 94558</u></p>	<p>Duties Performed  <u>Leadership and</u>  <u>Training of independent</u>  <u>wine consultants;</u>  <u>Knowledge of wine</u>  <u>and food pairing;</u>  <u>marketing and</u>  <u>business management</u>  <u>skills</u></p>
<p>C) Dates (Month, Day, Year)  <u>From</u>      <u>To</u>  <u>1996</u>      <u>2007</u></p> <p>Total: <u>Yrs.</u>      <u>Mos.</u>  <u>12</u></p> <p>Hrs. per week <u>40+</u>. Volunteer <input type="checkbox"/></p>	<p>Title  <u>Independent Sales</u>  <u>Manager/Fashion Coord.</u></p> <p>Employer's Name and Address  <u>Weekenders USA</u>  <u>Vernon Hills, IL</u></p>	<p>Duties Performed  <u>Leadership and</u>  <u>Training of independent</u>  <u>Sales force of up to</u>  <u>60 fashion consultants;</u>  <u>Knowledge of fashion</u>  <u>trends, marketing</u>  <u>and business</u>  <u>management skills.</u></p>
<p>D) Dates (Month, Day, Year)  <u>From</u>      <u>To</u>  <u>1988</u>      <u>1996</u></p> <p>Total: <u>Yrs.</u>      <u>Mos.</u></p> <p>Hrs. per week <u>50+</u>. Volunteer <input type="checkbox"/></p>	<p>Title  <u>Vice President/</u>  <u>Principal</u></p> <p>Employer's Name and Address  <u>Pacific Hydro</u>  <u>Consulting Group</u>  <u>Alameda, CA 94501</u></p>	<p>Duties Performed  <u>Assisted public and</u>  <u>private utilities in</u>  <u>relicensing hydroelectric</u>  <u>projects including</u>  <u>developing software</u>  <u>program to track</u>  <u>compliance with</u>  <u>myriad regulatory</u>  <u>and environmental laws.</u></p>



6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<p>A) Dates (Month, Day, Year)  <u>From</u>      <u>To</u>  <u>1971</u>      <u>1988</u></p> <p>Total: <u>Yrs.</u>    <u>Mos.</u>  <u>17</u></p> <p>Hrs. per week <u>40+</u>. Volunteer <input type="checkbox"/></p>	<p>Title  <i>Paralegal/Compliance Analyst</i></p> <p>Employer's Name and Address  <i>Pacific Gas &amp; Electric  77 Beale Street  San Francisco, CA</i></p>	<p>Duties Performed  <i>Assisted attorneys in legal issues associated with hydroelectric facilities, gas operations and Federal rate cases.</i></p>
<p>B) Dates (Month, Day, Year)  <u>From</u>      <u>To</u>  <u>1982</u>      <u>2000</u></p> <p>Total: <u>Yrs.</u>    <u>Mos.</u>  <u>18</u></p> <p>Hrs. per week <u>10+</u>. Volunteer <input checked="" type="checkbox"/></p>	<p>Title  <i>Bethel Guardian, Deputy Grand Guardian</i></p> <p>Employer's Name and Address  <i>International Order of Job's Daughters</i></p>	<p>Duties Performed  <i>Adult advisor to teenage girls active in this Masonic youth organization.</i></p>
<p>C) Dates (Month, Day, Year)  <u>From</u>      <u>To</u></p> <p>Total: <u>Yrs.</u>    <u>Mos.</u></p> <p>Hrs. per week _____. Volunteer <input type="checkbox"/></p>	<p>Title</p> <p>Employer's Name and Address</p>	<p>Duties Performed</p>
<p>D) Dates (Month, Day, Year)  <u>From</u>      <u>To</u></p> <p>Total: <u>Yrs.</u>    <u>Mos.</u></p> <p>Hrs. per week _____. Volunteer <input type="checkbox"/></p>	<p>Title</p> <p>Employer's Name and Address</p>	<p>Duties Performed</p>

7. How did you learn about this vacancy?

☐ CCC Homepage    ☐ Walk-In    ☐ Newspaper Advertisement    ☐ District Supervisor    ☒ Other Commission Member

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/55, attached): No ☒ Yes ☐

If Yes, please identify the nature of the relationship: \_\_\_\_\_

9. Do you have any financial relationships with the County such as grants, contracts, or other economic relations?

No ☒ Yes ☐

If Yes, please identify the nature of the relationship: \_\_\_\_\_

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a Board, Committee, or Commission in Contra Costa County.

Sign Name: Katherine E Reed Date: 11/1/12

### Important Information

1. This application is a public document and is subject to the California Public Records Act (CA Gov. Code §6250-6270).
2. Send the completed paper application to the Office of the Clerk of the Board at: **651 Pine Street, Room 106, Martinez, CA 94553.**
3. A résumé or other relevant information may be submitted with this application.
4. All members are required to take the following training: 1) The Brown Act, 2) The Better Government Ordinance, and 3) Ethics Training.
5. Members of boards, commissions, and committees may be required to: 1) file a Statement of Economic Interest Form also known as a Form 700, and 2) complete the State Ethics Training Course as required by AB 1234.
6. Advisory body meetings may be held in various locations and some locations may not be accessible by public transportation.
7. Meeting dates and times are subject to change and may occur up to two days per month.
8. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.

*4/4*





Contra  
Costa  
County

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Date Received:

For Reviewers Use Only:

Accepted

Rejected

## BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

**MAIL OR DELIVER TO:**

Contra Costa County  
CLERK OF THE BOARD  
651 Pine Street, Rm. 106  
Martinez, California 94553-1292  
**PLEASE TYPE OR PRINT IN INK**  
(Each Position Requires a Separate Application)

**BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:**

Contra Costa Commission for Women

8

PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION

PRINT EXACT SEAT NAME (if applicable)

1. **Name:** Hynes, Julianna King  
(Last Name) (First Name) (Middle Name)
2. **Address:** 1638 Freed Circle, Pittsburg, CA 94565  
(No.) (Street) (Apt.) (City) (State) (Zip Code)
3. **Phones:** 925-207-1578  
(Home No.) (Work No.) (Cell No.)
4. **Email Address:** jkinghynes@xlence.org

5. **EDUCATION:** Check appropriate box if you possess one of the following:

High School Diploma ☐ G.E.D. Certificate ☐ California High School Proficiency Certificate ☐

Give Highest Grade or Educational Level Achieved PhD

Names of colleges / universities attended	Course of Study / Major	Degree Awarded Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) Alliant International University	Organizational Psychology	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	PhD
B) JFK University	Consulting Psychology	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	MA
C) UC Davis	Psychology	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	BS
D) Other schools / training completed:	Course Studied	Hours Completed	Certificate Awarded: Yes No <input type="checkbox"/> <input type="checkbox"/>			
<input type="text"/>	<input type="text"/>	<input type="text"/>				

6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<p>A) Dates (Month, Day, Year)</p> <p>From <u>          </u> To <u>          </u></p> <p>2003 <u>          </u> Present <u>          </u></p> <p>Total: Yrs. <u>          </u> Mos. <u>          </u></p> <p>10 <u>          </u> <u>          </u></p> <p>Hrs. per week <u>40</u> . Volunteer <input type="checkbox"/></p>	<p>Title</p> <p>Principal</p> <p>Employer's Name and Address</p> <p>Julianna Hynes &amp; Associates</p>	<p>Duties Performed</p> <p>Consultant - Strategic Planning, Executive Coaching</p>
<p>B) Dates (Month, Day, Year)</p> <p>From <u>          </u> To <u>          </u></p> <p>2003 <u>          </u> Present <u>          </u></p> <p>Total: Yrs. <u>          </u> Mos. <u>          </u></p> <p><u>          </u> <u>          </u></p> <p>Hrs. per week <u>10</u> . Volunteer <input type="checkbox"/></p>	<p>Title</p> <p>Faculty</p> <p>Employer's Name and Address</p> <p>University of Phoenix</p>	<p>Duties Performed</p> <p>Instructor</p>
<p>C) Dates (Month, Day, Year)</p> <p>From <u>          </u> To <u>          </u></p> <p>2005 <u>          </u> Present <u>          </u></p> <p>Total: Yrs. <u>          </u> Mos. <u>          </u></p> <p><u>          </u> <u>          </u></p> <p>Hrs. per week <u>20</u> . Volunteer <input type="checkbox"/></p>	<p>Title</p> <p>Executive Coach</p> <p>Employer's Name and Address</p> <p>Lee Hecht Harrison</p>	<p>Duties Performed</p> <p>Coaching of Executives, Leadership Development, Career Transition Coach</p>
<p>D) Dates (Month, Day, Year)</p> <p>From <u>          </u> To <u>          </u></p> <p>2000 <u>          </u> 2003 <u>          </u></p> <p>Total: Yrs. <u>          </u> Mos. <u>          </u></p> <p><u>          </u> <u>          </u></p> <p>Hrs. per week <u>40</u> . Volunteer <input type="checkbox"/></p>	<p>Title</p> <p>Jack in the Box Corporation</p> <p>Employer's Name and Address</p> <p>Training and Development Specialists</p>	<p>Duties Performed</p> <p>Facilitate Training Classes</p>



7. How did you learn about this vacancy?

☐ CCC Homepage ☐ Walk-In ☐ Newspaper Advertisement ☐ District Supervisor ☒ Other CCCW Webpage

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/55, attached): No ☐ Yes ☒

If Yes, please identify the nature of the relationship:

9. Do you have any financial relationships with the County such as grants, contracts, or other economic relations? No ☐ Yes ☒

If Yes, please identify the nature of the relationship:

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a Board, Committee, or Commission in Contra Costa County.

Sign Name: \_\_\_\_\_

Date: 1/25/12

### Important Information

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2. Send the completed paper application to the Office of the Clerk of the Board at: **651 Pine Street, Room 106, Martinez, CA 94553.**
3. A résumé or other relevant information may be submitted with this application.
4. All members are required to take the following training: 1) The Brown Act, 2) The Better Government Ordinance, and 3) Ethics Training.
5. Members of boards, commissions, and committees may be required to: 1) file a Statement of Economic Interest Form also known as a Form 700, and 2) complete the State Ethics Training Course as required by AB 1234.
6. Advisory body meetings may be held in various locations and some locations may not be accessible by public transportation.
7. Meeting dates and times are subject to change and may occur up to two days per month.
8. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.



Contra  
Costa  
County

To: Board of Supervisors  
From: INTERNAL OPERATIONS COMMITTEE  
Date: February 12, 2013

Subject: REAPPOINTMENT TO PUBLIC LAW LIBRARY BOARD OF TRUSTEES

**RECOMMENDATION(S):**

RE-APPOINT David R. Del Simone to the Board of Trustees of the Public Law Library, Member of the Bar Seat, to a one-year term ending December 31, 2013

David Del Simone  
6371 Florio Street  
Oakland, CA 94618

**FISCAL IMPACT:**

No fiscal impact

**BACKGROUND:**

The Public Law Library Board of Trustees was established pursuant to State law and County Ordinance to maintain a law library in Martinez and a branch library in Richmond. The Board of Trustees is the governing body for the Law Library with the authority to determine personnel, fiscal, and administrative policies to fulfill the legal information needs of the community.

The Internal Operations Committee annually reviews the appointment to the Member of the Bar seat, which

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☒ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☒ 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: February 12, 2013

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

Contact: Timothy Ewell,  
925-335-1036

By: , Deputy

cc:

BACKGROUND: (CONT'D)

term expires each December 31. The Internal Operations Committee approved the nomination of Mr. Del Simone at its February 11, 2013 meeting and recommends to the Board his re-appointment.

CONSEQUENCE OF NEGATIVE ACTION:

The Member of the Bar Seat will remain vacant until the Board of Supervisors makes a permanent appointment.

CHILDREN'S IMPACT STATEMENT:

No impact.



Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: February 12, 2013

Subject: 2013 State Legislative Platform, as amended by the Board of Supervisors

**RECOMMENDATION(S):**

ACCEPT the adopted 2013 State Legislative Platform, as amended by the Board of Supervisors at their January 22, 2013 meeting.

**FISCAL IMPACT:**

No fiscal impact to Contra Costa County from this action.

**BACKGROUND:**

At their January 22, 2013 meeting, the Board of Supervisors reviewed the Proposed 2013 State Legislative Platform. The Board adopted the Platform with an amendment to policy #43 which addresses locally-approved special taxes. This item is a transmittal of the Adopted 2013 State Legislative Platform (see attached), as amended by the Board of Supervisors.

The Proposed policy #43 was:

*"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 improves health, education and economic outcomes and reduces crime and poverty."*

The Adopted policy #43 is:

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: L. DeLaney, 925-335-1097

By: , Deputy

cc:



**"SUPPORT a reduction in the 2/3rd vote requirement for locally-approved special taxes that fund health, education,**

BACKGROUND: (CONT'D)

economic, stormwater and/or public safety programs and services."

Although the Board of Supervisors supported the inclusion of "stormwater" in the amended policy position, they indicated that Contra Costa County would not sponsor legislation related to this effort and expressed a preference for such a change to be "bundled" with other policy-matters regarding the 2/3rd vote threshold for special taxes.

CONSEQUENCE OF NEGATIVE ACTION:

CHILDREN'S IMPACT STATEMENT:



# ADOPTED 2013 STATE LEGISLATIVE PLATFORM

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Contra Costa County

As amended  
January 22, 2013



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## 2013 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 (as needed), legislative or regulatory advocacy priorities for the year, and policies that provide direction and guidance for identification of bills which would affect the services, programs or finances of Contra Costa County.*

### **LEGISLATIVE/REGULATORY ADVOCACY PRIORITIES**

*Each year, issues emerge through the legislative process that are of importance to the County and require advocacy efforts. For 2013, it is anticipated that critical issues requiring legislative advocacy will include the following:*

**1. State Budget** – The state’s continuing economic recovery, prior budget cuts, and the additional, temporary taxes provided by Proposition 30 have combined to bring the State Budget to a much improved financial condition. The Legislative Analyst’s Office is now indicating that the state has reached a point where its underlying expenditures and revenues are “roughly in balance.” Specifically, the Governor proposes \$138.6 billion in General Fund and special fund spending in 2013-14, up 4.5 percent from 2012-13. The Administration forecasts that the state’s General Fund budgetary balance will be \$1 billion at the end of 2013-14 under the Governor’s plan. However, this optimistic prognosis is dependent on growth in the economy and the stock market, and the budget faces considerable risks from federal fiscal policy and revenue volatility. Any of these factors could derail the plan for out-year operating surpluses.

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 state has been creative in its efforts to include counties as part of its budget balancing solution and may do so again through additional program realignment and/or revenue reductions.

Of particular concern to counties is the inadequate reimbursement for our ever-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 play a critical role 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, The Patient Protection and Affordable Care Act (ACA).

The optional Medi-Cal Expansion, to take effect on Jan. 1, 2014, is likely to be part of the State Budget process, while a Special Session on Health Care Reform – expected to be called by the Governor sometime this month – will address Health Care Exchange issues and the required Medi-Cal expansion. (The mandatory expansion includes changes to eligibility and enrollment for populations currently eligible for Medicaid and is estimated to cost the state General Fund \$350 million.) The ACA required states to expand Medicaid programs to allow childless adults at or below 138 percent of poverty to be eligible for Medicaid (known as Medi-Cal in California). The Supreme Court struck down that mandate but allowed it to be an option for states, which California has exercised. The Governor’s Budget provides two options for that optional expansion: a “state option” and a “county option.” Both options, which will need to be vetted by the Legislature, will have fiscal implications for counties. The implementation of the ACA through the health benefits exchange (“Covered California”) and with a proposed “Medi-Cal Bridge” program (a basic health program that would bridge between Medi-Cal and the Exchange) dovetail with the Medi-Cal expansion. The outcome of these issues will have a major impact on Contra Costa’s health care delivery system.

In the coming year, the County will continue to work on the implementation of required health care reform measures to maximize federal revenue. The County will support efforts to provide counties with the necessary tools to implement health care reform which may include performing eligibility and enrollment, preserving existing county resources from 1991 Realignment, providing for a smooth transition in 2014 for the various operational systems, and supporting legislation to ensure that low-income families are covered under the Affordable Care Act. In addition, the County will continue to work to reduce uncompensated health care costs.

**3. Water and Levees / The Sacramento-San Joaquin Delta** – The enactment of the Delta Reform Act (2009), a package of bills that established the 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 pair of massive tunnels under the Delta--will bring significant, large-scale change to the Delta as we know it. The scope and content of these changes, as well as enduring political battles between north and south over water, will continue to guide 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 delayed from 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 2013 include, but are not limited to, the ongoing development of the tunnel project, the impacts of Delta plans on local land use authority, efforts to expedite state bond funding for levee improvement projects, and the development of flow standards that will impact water quality and ecosystem health. The County's adopted Delta Water Platform, as well as the Strategic and Action Plans, are incorporated in this Platform by reference.

**4. Realignment Implementation** – The battle for constitutional protections for 2011 Realignment concluded successfully on November 6, 2012 when Proposition 30 was passed by the voters. Proposition 30 provides constitutional guarantees to the funding that supports Realignment and safeguards against future program expansion without accompanying funding. With these provisions in place, Contra Costa County can continue to implement the array of programs transferred under 2011 Realignment, confident that funding is secure and programmatic responsibilities are defined.

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. The County will also oppose efforts that limit county flexibility in implementing programs and services realigned in 2011 or infringe upon our ability to innovate locally.

The County resolves to remain accountable to our local constituents in delivering high-quality programs that efficiently and effectively respond to local needs. Further, we support counties' development of appropriate measures of local outcomes and dissemination of best practices.

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 have received 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 have received 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 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. The County will also continue to support efforts to ensure that the receipt of Local Community Corrections Funds matches the amounts anticipated from the state, without undue delay.

## **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. This includes support for efforts by the Department of Boating and Waterways to secure multi-year permits for eradication of multiple species of invasive weeds in the Delta.*
5. *SUPPORT the CSAC policy statement regarding revisions to the California Conservation Act of 1965 (the Williamson Act) to support legislative changes that preserve the integrity of the Williamson Act, eliminate abuses resulting in unjustified and premature conversions of contracted land for development, and to fully restore Williamson Act subventions. The state subventions to counties also must be revised to recognize all local tax losses.*



## **Animal Services Issues**

6. 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.*
7. 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.*
8. 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.*
9. 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.*
10. 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.*
11. 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**

12. 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.*
13. 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.*
14. 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.*
15. 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.*
16. 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**

17. 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.*
18. 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.
19. *SUPPORT legislative or administrative efforts that favor allocation of funding from the California Greenhouse Gas Cap and Trade Program to jurisdictions that are the largest emitters of greenhouse gas.*

## **Elections Issues**

20. 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.*
21. 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.*
22. 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**

23. SUPPORT legislation that would give local agencies more authority to train volunteers and help clean-up oil spills without taking on additional legal liability.
24. 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.
25. SUPPORT legislation that would require responses to future oil spills in a shorter timeframe, with a more regional approach.
26. 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.
27. SUPPORT legislation or other measures requiring the creation *or utilization* 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.
28. *SUPPORT legislation or other measures that will enable the Department of Water Resources to easily and quickly enter into contracts with local entities that need assistance in planning for emergency response.*

### **Eminent Domain Issues**

29. 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.
30. 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**

31. 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.*

32. SUPPORT efforts to provide local agencies with more flexibility and options to fund **stormwater** programs. Stormwater **permit** requirements issued by the Regional Water Quality Control Boards are becoming more and more expensive, yet there is no funding. Stormwater **services, encompassing both water quality and drainage/flood control**, should be structured like a utility with the ability to set rates similar to the other two key water services: drinking water and wastewater.
33. 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.*
34. **SUPPORT efforts to require the Department of Water Resources (DWR) to provide 200 year flood plain mapping for all areas in the legal Delta. SB 5 requires the County and cities in the Delta to insure certain development projects must have 200 year level of protection and to make certain related findings. DWR has revisited developing zoning flood plain mapping, and if they do, only working in areas protected by project levees which does not include any areas within Contra Costa County.**

### **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.*

35. 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.
36. 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 lags behind property tax growth.)*
37. OPPOSE efforts to limit local authority over transient occupancy taxes (TOT).

38. 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.
39. 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.*
40. 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.
41. 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.
42. SUPPORT efforts to relieve California of the federal Child Support penalties without shifting the cost of the penalties to the counties.
43. SUPPORT a reduction in the 2/3rd vote requirement for locally-approved special taxes that fund health, education, economic, stormwater and/or public safety programs and services.
44. 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.*
45. 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.
46. 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.*

47. SUPPORT state actions that maximize Federal and State revenues for county-run services and programs.
48. SUPPORT legislative compliance with both the intent and language of Proposition 1A.
49. SUPPORT the provisions of Proposition 22 that would protect County revenues, particularly as related to transportation revenues and excluding those provisions related to redevelopment funds.
50. SUPPORT full State funding of all statewide special elections, including recall elections.
51. 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.*
52. 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.*
53. 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.*
54. 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.*
55. SUPPORT legislation that provides constitutional protections and guaranteed funding to counties under Realignment.

## **Health Care Issues**

*The County remains concerned about the implementation of any health care reform measures that could transfer responsibility to counties, without commensurate financing structures or in a manner not compatible with the County's system. The County supports a concept of universal health coverage for all Californians. Toward that end, the County urges 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, the County urges 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.*

56. 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.
57. SUPPORT Medi-Cal reimbursement rate increases to incentivize providers to participate in the program.
58. 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.
59. 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).
60. 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 (or multiple) diagnoses. Approaches could be modeled after current programs in place in safety net systems.
61. 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.*

62. 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.
63. SUPPORT efforts to clearly define and adequately fund remaining county responsibilities.
64. 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 (*including recovery facilities*), and that they can remain viable after health reform.
65. SUPPORT efforts to provide adequate financing for reforms to succeed.
66. SUPPORT measures that maximize federal reimbursement from Medicaid and S-CHIP.
67. 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.
68. 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.
69. 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.
70. SUPPORT efforts to increase revenues and to contain mandated costs in the County's hospital and clinics system.
71. SUPPORT efforts to obtain a fair-share of any state funds in a distribution of funding for the integration of IHSS and managed care.
72. SUPPORT efforts to increase the availability of health care (*including alcohol and other drugs recovery*) to the uninsured in California, whether employed or not.

73. 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.
74. 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.
75. *SUPPORT efforts that allow counties to draw down federal Medicaid funds for providing confidential alcohol and drug screening and brief intervention services to pregnant women and women of childbearing age who also qualify for Medi-Cal benefits.*
76. 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.
77. SUPPORT efforts to give incentives to providers to establish more youth-driven treatment facilities within the community.
78. 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.*
79. SUPPORT county efforts in the promotion of partnerships that provide integrated responses to the needs of alcohol and *other* drugs populations, including criminal justice, perinatal and youth as well as those populations with co-occurring disorders.
80. SUPPORT and encourage the development of strategies that include alcohol and other drugs services in the provision of all culturally appropriate health care services.
81. 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 other drugs 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

82. 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.*
83. 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 family members’ employment status.*
84. 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.*
85. 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.*
86. 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.

87. 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 **may** 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.
88. 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.*
89. 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.*
90. 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.*
91. 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.*
92. 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, Proposition 10 in 1998 and Proposition 99 in 1988.

93. 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.
94. 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.
95. 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.*

96. SUPPORT efforts to ensure that counties who have existing or proposed Class II Indian gaming facilities receive the Special Distribution Funds.
97. 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.
98. 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.
99. SUPPORT State authority to tighten up the definition of a Class II machine.

100. 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**

101. SUPPORT efforts to promote economic incentives for "smart growth," *in Priority Development Areas* 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" and Sustainable Community Strategy principles.*
102. 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.*
103. 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.*
104. SUPPORT efforts to obtain a CEQA exemption or to utilize CEQA streamlining provisions for infill development *or Priority Development Areas, including* in unincorporated areas. Section 15332 of the CEQA Guidelines is a Categorical Exemption for infill development projects but only within cities or unincorporated areas of a certain size surrounded by cities. *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.*
105. 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.
106. OPPOSE efforts to limit the County's ability to exercise local land use authority.

107. 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.*
108. 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 Wildlife. *Support efforts to streamline implementation of NCCPs including exemptions from unnecessary regulatory oversight such as the Delta Plan Covered Actions process administered by the Delta Stewardship Council.*
109. 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, *blight removal* and promoting smart growth and affordable housing development, while balancing the impacts on revenues for health and safety programs.
110. OPPOSE legislation that would create substantial uncertainty over the tax allocation bonds issued by redevelopment agencies and possible negative credit impact.
111. *SUPPORT legislation that would resolve the administrative funding gap for agencies serving as the Successor Housing Agency. Such legislation should not have a negative impact on the localities' general fund. The Redevelopment Dissolution Act allows Successor Agencies a modest allowance of tax increment funds to support Successor Agency administrative costs. There is no such carve out for Housing Successors. However, unlike Successor Agencies, Housing Successors have an ongoing obligation to monitor existing affordable housing developments. These obligations will continue for up to 55 years.*
112. *SUPPORT legislative and regulatory efforts that streamline compliance with the California Environmental Quality Act (CEQA) by integrating it with other environmental protection laws and regulations, modifying the tiering of environmental reviews, expanding the application of prior environmental reviews, focusing areas of potential CEQA litigation, and enhancing public disclosure and accountability.*

- 113. *OPPOSE CEQA reform efforts that reduce environmental protections for projects that cross county or city boundaries.*
- 114. *SUPPORT efforts to improve or streamline CEQA for efficiency without losing sight of its ultimate goal to thoroughly identify environmental impacts and mitigations.*
- 115. *OPPOSE efforts to change CEQA solely to accommodate one particular infrastructure project or set of projects.*
- 116. *SUPPORT legislation that amends Section 20133 of the Public Contract Code to 1) delete the existing sunset date of July 1, 2014 for design-build authority granted to counties, and 2) eliminate the current project cost threshold of \$2.5 million required for the use of the design-build method.*

### **Law and Justice System Issues**

- 117. 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.
- 118. 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.*
- 119. OPPOSE legislative proposals to realign additional program responsibility to counties without adequate funding and protections.
- 120. OPPOSE legislation that would shift the responsibility of parolees from the state to the counties without adequate notification, documentation and funding.
- 121. 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.

122. 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.*
123. 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.
124. 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% 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. 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.

125. 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.
126. 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.*
127. 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**

128. 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.
129. 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.
130. 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**

131. 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.*
132. 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**

133. 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.

134. 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.*
135. 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.*
136. 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.*
137. 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.*

138. 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 preserving the authority of Public Works over County roads by way of ensuring the Board of Supervisors' control over County roads as established in the Streets & Highways Code (Ch2 §940) is not undermined. This includes strongly opposing any action by a non-local entity that would ultimately dilute current Board of Supervisors discretion relative to road design and land use.*
139. SUPPORT efforts to coordinate 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. *The County supports the California Department of Education's current effort to better leverage school facilities in developing sustainable communities. Related to this effort, the County supports reform of school siting practices by way of legislative changes related to any new statewide school construction bond authorization. The County takes the position that reform components should include bringing school siting practices in to alignment with local growth management policies, safe routes to school best practices, State SB 375 principles, and the State Strategic Growth Council's "Health in All Policies Initiative."*
140. 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.
141. 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

142. SUPPORT legislation that establishes producer responsibility for management of their products, *including pharmaceuticals*, at the end of their useful life.
143. SUPPORT efforts to increase the development of markets for recycled materials.
144. SUPPORT legislative and regulatory efforts to allow third parties, under specific circumstances and conditions, to collect and transport household hazardous waste to collection facilities.
145. SUPPORT legislation that seeks to remedy the environmental degradation and solid waste management problems on a State-wide basis of *polystyrene containers and* single-use plastic bags typically given away for free at grocery, retail and other establishments.
146. SUPPORT legislation that does not require increased diversion from landfills without out an adequate funding mechanism.
147. 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.*
148. *SUPPORT legislation that relieves counties with privately-operated landfills from the state requirement for maintaining a 15-year supply of disposal capacity for waste generated within each county. In 1989, Contra Costa County amended its general plan to accommodate construction of Keller Canyon Landfill. Due to the difficulty in siting landfills and the requirements of Public Resources Code 47100 – Countywide Siting Element, the County maintained authority to control the amount of waste disposed at this facility from outside the county. Despite Contra Costa County's opposition, AB 845 will become law on January 1, 2013 and prohibit any jurisdiction from regulating the amount of waste disposed at a privately-operated landfill based on its place of origin.*

*Because local jurisdictions can no longer control importation of waste to privately-operated landfills, the host County will have a greater need to undertake the difficult task of identifying new disposal capacity pursuant to the Countywide Siting Element requirement. Since the state believes there is no need for local jurisdictions to regulate disposal of solid waste by place of origin, the state should remove existing statutes that require each County with privately-operated landfills to identify sufficient disposal capacity for the waste generated by the jurisdictions within that County.*

149. *SUPPORT legislation that can reduce the amount of harmful pharmaceuticals that ultimately enter waste water treatment facilities and landfills.*
150. *SUPPORT legislative and regulatory efforts to restrict payments from the Beverage Container Recycling Program Fund for redemption of beverage containers sold out of state. Fraudulent redemption of these beverage containers is costing the Fund from \$40 million to \$200 million annually. This fraud combined with loans to the General Fund to reduce the State budget deficit has significantly reduced the availability of funds for increasing recycling as intended under the law.*
151. *SUPPORT legislative and regulatory efforts that correct the imbalance between the County's regulatory authority to control the collection and disposal of solid waste generated within the unincorporated areas and our exposure to state penalties for failing to meet state mandates for diverting solid waste generated within these areas as a result of Appellate Court decisions. These decision awarded solid waste franchise authority to the Rodeo Sanitary District and Mountain View Sanitary District while the County remains exposed to state penalties for failing to meet state mandates for reducing solid waste generated in these areas.*





To: Board of Supervisors  
 From: Ted Cwiek  
 Date: February 12, 2013

Contra  
 Costa  
 County

Subject: Add one Safety Services Specialist-Level B position in Risk Management

**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No. 21233 to add one permanent Safety Services Specialist-Level B (represented) position in the Risk Management Division of the County Administrator's Office.

**FISCAL IMPACT:**

This action is projected to result in an annual cost of \$91,629. The current contract with EORM will be reduced by \$125,000 to fund this position, resulting in a savings of \$33,000.

**BACKGROUND:**

The reinstatement of this position will allow Risk Management to address loss trends in order to yield long term reduction in workers' compensation and liability claims savings and reduce the need to use contractors as supplemental backup to the Assistant Risk Manager/Loss Control. It is preferable to have a County employee assist the Assistant Risk Manager/Loss with the increased training that has been required on newly mandated programs.

**CONSEQUENCE OF NEGATIVE ACTION:**

Potential of increased penalty fees and/or legal and indemnity costs to County.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Sharon Hymes-Offord  
 925.335.1453

By: , Deputy

cc: Roxana Mendoza, Sharon Hymes-Offord, Sharon Brown, Marta Goc

CHILDREN'S IMPACT STATEMENT:

No impact.

# POSITION ADJUSTMENT REQUEST

NO. 21233  
DATE 1/25/13

Department CAO-Risk Management

Department No./

Budget Unit No. 0150 Org No. 1505 Agency No. 03

Action Requested: Add one (1) Safety Services Specialist - Level B (AJWH) in the Risk Management Department

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: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$91,629.00

Net County Cost \$0.00

Total this FY \$38,179.0

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% Self Insurance Trust Funds & reduced contract costs

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

\_\_\_\_\_  
Deputy County Administrator

\_\_\_\_\_  
Date

## HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE \_\_\_\_\_

Add one (1) permanent 40/40 Safety Services Specialist -Level B (AJWH) represented at salary level ZA2 1526 (\$4850.55-\$5909.92) in the Risk Management Department.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ \_\_\_\_\_(Date)

Marta Goc

1/28/2013

\_\_\_\_\_  
(for) Director of Human Resources

\_\_\_\_\_  
Date

## COUNTY ADMINISTRATOR RECOMMENDATION:

DATE \_\_\_\_\_

☐ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: \_\_\_\_\_

\_\_\_\_\_  
(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 CAO-Risk Management

Date 2/7/2013

No. \_\_\_\_\_

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





Contra  
Costa  
County

To: Board of Supervisors  
From: Ted Cwiek, Human Resources  
Date: February 12, 2013  
Subject: Deputy County Counsel - Exempt

**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No. 21241 to add one (1) full time Deputy County Counsel- Standard-Exempt (2ET2) (unrepresented) at salary level B82 2097 (\$8,537.43 - \$10,148.32) and cancel Deputy County Counsel- Advanced (2ETK) (unrepresented) vacant position #5777 at salary level B82 2297 (\$10,407.08 - \$11,774.66) in the County Counsel's Office.

**FISCAL IMPACT:**

Upon approval, this action will result in an annual savings of approximately \$21,073.

**BACKGROUND:**

The purpose of this action is to enable the Office of the County Counsel to hire an attorney who has the specialized training and/or expertise in specified areas of civil law, so that the Office can efficiently and effectively satisfy the County's legal needs.

**CONSEQUENCE OF NEGATIVE ACTION:**

County Counsel will be unable to recruit and hire an attorney into this deep class, to the detriment of County clients.

**CHILDREN'S IMPACT STATEMENT:**

Not applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Wanda McAdoo, (925)  
335-1811

By: , Deputy

cc: MJ Saepharn, Rozana Mendoza, Wanda McAdoo

# POSITION ADJUSTMENT REQUEST

NO. 21241  
DATE 2/12/2013

Department County Counsel

Department No./  
Budget Unit No. 0030 Org No. 1700 Agency No. 17

Action Requested: Add one (1) full time Deputy County Counsel- Standard- Exempt (2ET2) and cancel Deputy County Counsel- Advanced (2ETK) vacant position #5777 in the County Counsel's Office.

Proposed Effective Date: 2/27/2013

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 (\$21,073.00)

Net County Cost (\$21,073.00)

Total this FY (\$7,024.00)

N.C.C. this FY (\$7,024.00)

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Cost Savings

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Sharon Anderson

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Lisa Driscoll

1/31/2013

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE \_\_\_\_\_

Add one (1) full time Deputy County Counsel- Standard- Exempt (2ET2) (unrepresented) at salary level B82 2097 (\$8,537.43 - \$10,148.32) and cancel Deputy County Counsel- Advanced (2ETK) (unrepresented) vacant position #5777 at salary level B82 2297 (\$10,407.08 - \$11,774.66) in the County Counsel's Office.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ \_\_\_\_\_(Date)

Ted Cwiek

2/6/13

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE \_\_\_\_\_

☐ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: \_\_\_\_\_

(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 2/7/2013

No. 21241

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



Contra  
Costa  
County

To: Board of Supervisors

From: Ted Cwiek, Human Resources

Date: February 12, 2013

Subject: Cancel Two Clerk- Experienced Level Positions and Add One Medical Records Technician Position in the Health Services Department

**RECOMMENDATION(S):**

Adopt Position Adjustment Resolution No. 21237 to cancel two (2) Clerk- Experienced Level (JWXB) positions, at salary level 3RH 0750 (\$2608.38 - \$3236.32), and add one (1) Medical Records Technician (VNTB) position, at salary level 3RX 1119 (\$3138.41 - \$4007.88), in the Health Services Department.

**FISCAL IMPACT:**

100% Enterprise Fund I. Upon approval, this action will result in an annual cost savings of approximately \$590.50, and pension costs of \$3,029.21.

**BACKGROUND:**

In July of 2012, the Health Services Department implemented an electronic health record system (ccLink), which has changed the staffing needs of the Pittsburg Health Information Management (HIM) unit. Some duties such as pulling, transporting and duplicating medical records are no longer needed since these processes are now automated through the ccLink system. Although there has been a decrease in clerical duties, the automated process has created additional steps for Medical Records Technician authorizations for medical releases of information. Therefore, the Health Services Department is requesting to cancel two clerical positions and add one Medical Records Technician position in the Pittsburg HIM unit.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Enid Mendoza, 957-5263

By: , Deputy

cc:



CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the department will not be able to appropriately staff the Health Information Management unit, which will impact patients and providers receiving medical records requests timely.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

# POSITION ADJUSTMENT REQUEST

NO. 21237  
DATE 1/30/2013

Department Health Services- Hospital Enterprise Department No./  
Budget Unit No. 0540 Org No. 6517 Agency No. A18

Action Requested: CANCEL two (2) Clerk-Experienced Level (JWXB) positions, at salary level 3RH 0750 (\$2608.38 - \$3236.32), and ADD one (1) Medical Records Technician (VNTB) position, at salary level 3RX 1119 (\$3138.41 - \$4007.88), in the Health Services Department.

Proposed Effective Date: 2/13/2013

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 (\$590.00)

Net County Cost \$0.00

Total this FY (\$221.00)

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Cost Savings

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Enid Mendoza

\_\_\_\_\_  
(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

2/4/2013

\_\_\_\_\_  
Deputy County Administrator

\_\_\_\_\_  
Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE \_\_\_\_\_

Exempt from 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 2/4/2013

☒ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: Approve as requested by Department

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:

## REQUEST FOR PROJECT POSITIONS

Department \_\_\_\_\_

Date 2/4/2013

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



Contra  
Costa  
County

To: Board of Supervisors  
From: Ted Cwiek, Human Resources  
Date: February 12, 2013

Subject: Add one Health Services Administrator - B position and one Accountant III position in the Health Services Department.

**RECOMMENDATION(S):**

Adopt Position Adjustment Resolution No. 21240 to add one Health Services Administrator - Level B position (VANG) at salary level ZB2 1323 (\$3967.34 - 6187.69) and one Accountant III position (SATA) at salary level ZB5 1576 (\$4947.09 - 6013.22) in the Health Services Department.

**FISCAL IMPACT:**

Upon approval, this action will result in an annual cost of approximately \$243,532, including pension costs of \$51,975, and will be fully Enterprise I funded.

**BACKGROUND:**

Both of these new positions will be assigned to the Finance Division and are needed to address increased workload. The Accountant III position will be responsible for preparing financial reports and responding to informational requests as mandated by the California Department of Managed Health Care and related agencies. The position will also be responsible for preparing budget, cost accounting, and forecasting models as needed for the Contra Costa Health Plan and Contra Costa Regional Medical Center and Health Centers. The Health Services Administrator position will

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Terrina C. Manor,  
957-5248

By: , Deputy

cc:



BACKGROUND: (CONT'D)

interpret regulatory language for use in creating accurate financial forecasting models. The position will also analyze internal and external financial reports, validate assumptions, and identify and explain trends and significant variances. Other duties will include overseeing the process of obtaining financial incentives for implementing electronic health record technology.

CONSEQUENCE OF NEGATIVE ACTION:

If these positions are not added, the department will not have sufficient staff to perform state mandated functions.

CHILDREN'S IMPACT STATEMENT:

not applicable

# POSITION ADJUSTMENT REQUEST

NO. 21240  
DATE 1/30/2013

Department HEALTH SERVICES - Finance

Department No./

Budget Unit No. 0540 Org No. 6567 Agency No. A18

Action Requested: Add one Health Services Administrator - Level B position (VANG) at salary level ZB2 1323 (\$3967.34 - 6187.69) and one Accountant III position (SATA) at salary level ZB5 1576 (\$4947.09 - 6013.22) in the Health Services Department.

Proposed Effective Date: 2/13/2013

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 \$243,532.00

Net County Cost \$0.00

Total this FY \$101,471.00

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Enterprise Fund I

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

2/4/2013

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE \_\_\_\_\_

Exempt from 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 2/4/2013

☐ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☒ Other: Approve as requested by department

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  
 Date: February 12, 2013



Contra  
 Costa  
 County

Subject: Cancel one Account Clerk Supervisor position and add one Clerical Supervisor position in the Health Services Department.

**RECOMMENDATION(S):**

Adopt Position Adjustment Resolution No. 21239 to cancel Account Clerk Supervisor position #7042 and add one Clerical Supervisor position (JWHF) at salary level K6X 1290 (\$3717.42 - 4747.30) in the Health Services Department.

**FISCAL IMPACT:**

Upon approval, this action will result in a cost savings of \$4250 annually.

**BACKGROUND:**

Due to the implementation of Electronic Medical Records and the shift in skill sets needed, the Patient Billing department will be increasing the number of clerical positions and decreasing the number of Account Clerk positions in its unit. As such, an appropriate supervisory classification is needed. The Clerical Supervisor position will supervise, plan, assign and review the work of subordinate clerical staff, as well as evaluate clerical work procedures and train employees on work procedures and activities. The Account Clerk Supervisor position is vacant and is being cancelled as cost offset.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
 COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Terrina C. Manor,  
 957-5248

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the division will not have the appropriate classification for the duties that need to be performed.

CHILDREN'S IMPACT STATEMENT:

not applicable.



## POSITION ADJUSTMENT REQUEST

NO. 21239  
DATE 1/30/2013

Department No./

Department HEALTH SERVICES - Finance/Patient Bill Budget Unit No. 0540 Org No. 6569 Agency No. A18

Action Requested: Cancel Account Clerk Supervisor position # 7042 and add one Clerical Supervisor position (JWHF) at salary level K6X 1290 (\$3717.42 - 4747.30) in the Health Services Department.

Proposed Effective Date: 2/13/2013

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 \$0.00

Net County Cost \$0.00

Total this FY \$0.00

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Cost Savings

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

2/4/2013

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE \_\_\_\_\_

Exempt from 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 2/4/2013

☐ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☒ Other: Approve as requested by Department

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: Kathy Gallagher, Employment & Human Services  
 Date: February 12, 2013



Contra  
 Costa  
 County

Subject: Memorandum of Understanding with WestEd, PBS Games Home Study

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a Memorandum of Understanding (MOU) with WestEd to pay County up to \$6,000 for participation in the WestEd Public Broadcasting System (PBS) Games Home Study for the period from the date of MOU execution through September 30, 2013.

**FISCAL IMPACT:**

County to receive up to \$6,000 from WestEd PBS Games Home Study.

**BACKGROUND:**

The WestEd Public Broadcasting System (PBS) Games Home Study (Study) addresses the efficacy of four (4) PBS transmedia suites in increasing preschoolers' mathematics skills and their parents ability to support their young child's mathematics learning in the home environment. The Study will focus on how parent facilitators can be trained to facilitate parent meetings related to the suites at the Head Start programs. The Study will take place over a 10-week period in homes recruited from the program and involve students' and parents' use of four (4) mathematic-focused transmedia suites created by PBS: Cat in the Hat, Dinosaur Train, Curious George, and Sid the Science

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
 COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Camilla Rand 313-1771

By: , Deputy

cc:

BACKGROUND: (CONT'D)

Kid.

The Employment and Human Services Department (EHSD), Community Services Bureau (CSB) will work with WestEd to recruit families to take part in the Study. The program's teachers will distribute and gather parent consent forms, prepared by WestEd and reviewed and approved by EHSD CSB, from interested parents.

WestEd will provide participating parents with stipends totaling \$300-\$850 over the course of the Study. WestEd will provide each lead teacher of a classroom with a participating child/children a stipend of \$300. Stipend payments will be made from WestEd directly to the lead teacher and to the parents.

This is the second cycle of the WestEd PBS Games Home Study in which CSB has participated.

CONSEQUENCE OF NEGATIVE ACTION:

Without funding Employment and Human Services, Community Services Bureau, would be unable to continue participation in the WestEd, PBS Games Home Study program.

CHILDREN'S IMPACT STATEMENT:

The MOU will support two of the community outcomes established in the Children's Report Card, (1) "Children Ready For and Succeeding in School" and (2) "Children and Youth Healthy and Preparing for Productive Adulthood" by participation in a study to increase preschooler's mathematic skills and their parents ability to support their young child's mathematic learning.



Contra  
Costa  
County

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services  
Date: February 12, 2013  
Subject: Authorization to submit mini-grant to Ezra Jack Keats Foundation

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment & Human Services Director, or designee to apply for and accept funding from Ezra Jack Keats Foundation in an amount not to exceed \$8,500 for literacy programs to be conducted at various County childcare centers during the term June 1, 2013 through June 30, 2014.

**FISCAL IMPACT:**

None  
100% private grant funding  
No County match

**BACKGROUND:**

The Ezra Jack Keats Foundation was incorporated in 1964 and in 1983, the Foundation was directed to use the royalties from his books to support programs helpful to humanity. The Foundation designs and implements programs to support educators in their efforts to foster literacy and a love of learning. These programs are extended to schools, libraries, universities, museums theaters, music schools and other organizations.

The Community Services Bureau of the Employment & Human Services Department seeks to submit a grant application to the Ezra Jack Keats Foundation

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: C. Youngblood, 313-1712

By: , Deputy

cc: Cassandra Youngblood, Kristin Cooke



**BACKGROUND: (CONT'D)**

for 17 mini-grants of \$500 each for a total of \$8,500. If awarded, the grants will be used at 16 County childcare centers and 1 home educator program to supplement literacy programs currently in operation.

**CONSEQUENCE OF NEGATIVE ACTION:**

If not approved, Department will not receive potential funding to supplement literacy programs.

**CHILDREN'S IMPACT STATEMENT:**

The Employment & Human Services Department Community Services Bureau supports three of Contra Costa County's community outcomes - Outcome 1: "Children Ready for and Succeeding in School," Outcome 3: "Families that are Economically Self-sufficient," and, Outcome 4: "Families that are Safe, Stable, and Nurturing." These outcomes are achieved by offering comprehensive services, including high quality early childhood education, nutrition, and health services to low-income children throughout Contra Costa County.



Contra  
Costa  
County

To: Board of Supervisors

From: Julia R. Bueren, Public Works

Date: February 12, 2013

Subject: APPROVE and AUTHORIZE Contract with Quality Clean LLC, Countywide.

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract with Quality Clean LLC, in an amount not to exceed \$600,000, for carpet cleaning, blind cleaning and emergency custodial work for the period from January 1, 2013 through December 31, 2015, Countywide.

**FISCAL IMPACT:**

This cost is to be funded through Facilities 12/13, 13/14 and 14/15 maintenance budgets.

**BACKGROUND:**

Public Works Facilities Maintenance is responsible for Custodial Services. We are requesting a contract to provide sublet carpet cleaning, blinds cleaning and emergency custodial services to County facilities. The County has over 2 million square feet of adhesive backed carpet in their buildings. Cleaning this vast amount of carpet sometimes overwhelms our Custodial work staff and sublet vendors must be used. Emergency Custodial services are required occasionally when our custodial staff is not available. Sometimes this is after hours, or during weekends and holidays. As met and conferred and agreed upon with Local One, and originally bid on Bidsync #0610-003 (06/05/2012), Quality Clean LLC was one of two (2) vendors awarded this type of work. We are requesting that a contract be approved for a period covering the next three (3) years.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Stan Burton 925-313-7077

By: , Deputy

cc: GSD Fiscal Officer, GSD Accounting, CAO, GSD Purchasing, GSD Purchasing, Auditor Controller, GSD Materials Management

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, carpet cleaning, blind cleaning and emergency custodial work will not be performed.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

1. **Contract Identification.**

Department: Public Works

Subject: Carpet and Blind Cleaning

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: Quality Clean LLC

Capacity: Limited Liability Corporation

Address: 2420 Sand Creek Road Suite # 209, Brentwood, CA 94513

3. **Term.** The effective date of this Contract is January 1, 2013. It terminates on December 31, 2015 unless sooner terminated as provided herein.

4. **Payment Limit.** County's total payments to Contractor under this Contract shall not exceed \$ 600,000.00.

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:

N/A



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

<b>BOARD OF SUPERVISORS</b>	<b>ATTEST: Clerk of the Board of Supervisors</b>
By _____ Chair/Designee	By _____ Deputy

CONTRACTOR

Name of business entity: Quality Clean LLC	Name of business entity: Quality Clean LLC
By <u><i>Anthony Lee Youngblood</i></u> (Signature of individual or officer)	By <u><i>Cassandra Renee Youngblood</i></u> (Signature of individual or officer)
<u><i>Anthony Lee Youngblood Member Vice-President</i></u> (Print name and title A, if applicable)	<u><i>Cassandra Renee Youngblood Member / Secretary</i></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 )

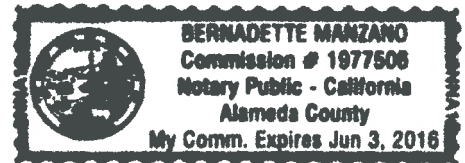
COUNTY OF CONTRA COSTA )

On Dec 8, 2012, before me, Bernadette Manzano  
(insert name and title of the officer), personally appeared Anthony Lee Youngblood &  
Cassandra Renee Youngblood 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.

Bernadette Manzano  
Signature



(Seal)

ACKNOWLEDGMENT (by Corporation, Partnership, or Individual)  
(Civil Code §1189)

APPROVALS

RECOMMENDED BY DEPARTMENT

By: [Signature]  
Designee

FORM APPROVED  
COUNTY COUNSEL

By: [Signature]  
Deputy County Counsel  
Eric Gelston

APPROVED: COUNTY ADMINISTRATOR

By: \_\_\_\_\_  
Designee

**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: As described in Section E (Compensation) of the Service Plan.

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:   MB    
Contractor

  JWB    
County Dept.

**SERVICE PLAN OUTLINE  
(Purchase of Services - Long Form)**

Number

**SERVICE PLAN**

**A. GENERAL:** Contractor shall provide carpet cleaning, window blind cleaning and emergency cleaning services at County facilities under the terms of this Contract. Contractor shall provide all labor, equipment, transportation, and supervision necessary to provide carpet cleaning, blinds cleaning and emergency cleaning service for County as directed by the Contra Costa County Public Works Custodial Staff. Contractor shall perform the work required by County in a manner that complies with this service plan. No work other than carpet cleaning, window blind cleaning and emergency cleaning service shall be performed under this Contract.

**B. DELINEATION OF RESPONSIBILITIES:**

**1. Responsibilities of Contractor:**

**a. Carpet Cleaning.** Contractor shall perform carpet cleaning service for County upon request by County staff, in the manner described in this Contract. This work shall include steam, chemical and encapsulation types of carpet cleaning and dirt extraction, and Emergency Cleaning as defined in paragraph 1(c) (Emergency Cleaning Services), below. Miscellaneous items of work and materials necessary to complete carpet cleaning services shall be provided by Contractor whether or not mentioned in this Service Plan.

**b. Window Blind Cleaning.** Contractor shall perform window blind cleaning service for County upon request by County's Custodial Manager, or designee, in the manner described in this Contract. This work shall be defined as removing dust and soil from window blinds, without causing damage.

**c. Emergency Cleaning Services.** If County, in its sole discretion determines that it needs Contractor's services under this Contract due to an immediate risk to safety, health, life, property or the environment, (an "Emergency Cleaning"), County's Custodial Manager, or an authorized designee, will notify Contractor of the need for Emergency Cleaning services. Contractor will have two (2) hours to respond to County's representative with an action plan to initiate corrective action or assistance. If Contractor cannot respond in the time specified by County, County may take any other action including engaging the services of other vendors to perform the cleaning services. Contractor can be contacted 24 hours a day, seven days a week at the telephone number set for in Section D (Points of Contact), below.

**d. Work Proposal.**

**i.** When County requests Contractor's carpet cleaning services, before commencing any carpet cleaning services under this Contract (except for Emergency Cleaning), Contractor shall provide County's Custodial Manager, or designee, a written estimate that specifies:

- a)** Square footage of carpet to be cleaned by Contractor; and
- b)** Schedule and estimated cost of providing the cleaning.

Initials:           *MB*            
Contractor

          *BNS*            
County Dept.



ii. When County requests Contractor's window blind cleaning services, before commencing any window blind cleaning service under this Contract, Contractor shall provide County's Custodial Manager, or designee, a written estimate that specifies the estimated cost of providing such cleaning.

When a proposal is requested by County, Contractor shall not commence any Services pursuant to any proposal until County's Custodial Manager, or designee, has authorized Contractor to proceed.

e. **Locations.** Services shall be provided by Contractor, upon County's request, at any of the County sites listed on Attachment A, attached hereto and incorporated herein.

f. **Invoices.** After completing any Services, Contractor shall provide County's Custodial Manager invoices for the work in accordance with the Payment Provisions of this Contract and Section E (Compensation) below. Each invoice shall identify the amount of square footage or number of window blinds cleaned and include a brief description of services rendered. In addition, invoices must show the address of the work site for which the services were performed.

Each original invoice is to be presented to:

**County of Contra Costa  
2467 Waterbird Way  
Martinez CA 94553**

g. **Standards.** Contractor shall perform carpet cleaning as recommended by the manufacturer of the carpet. Contractor shall be familiar with and able to execute the manufacturer recommendations for cleaning of County's carpet. Contractor shall be responsible for training and educating Contractor's staff with these recommendations and any Technical Service Bulletins distributed by the manufacturer.

h. **Extra Charges.** Contractor will be paid at a square foot rate, as set forth in Section E (Compensation) of this Service Plan, for all services performed under this Contract and will not be paid for travel charges, trip charges or fuel surcharges.

i. **Contractor's Employees.** Contractor shall submit, at the commencement of this Contract, a current list of the names, addresses and Social Security numbers of all employees who will perform work under this Contract. Changes in the employment list shall be reported to County within 24 hours of any change. The employment list and changes shall be submitted to County's Custodial Manager at 2467 Waterbird Way, Martinez CA 94553. No employee shall be allowed on the job site until the requested documentation has been provided and the employee has been approved by County. County may request changes to the employee list which Contractor shall not unreasonably refuse to make.

i. **Bondable.** All employees of Contractor must be bondable and proof of such employees' bonding shall be submitted as set forth above.

ii. **Employee Training.** To ensure competent and safe performance of the work under this Contract, Contractor shall provide appropriate training to employees prior to the beginning of service under this Contract. Contractor shall provide, when submitting names of employees, documentation of type and amount of training received by each employee including any OSHA required training.

Initials:           *RM*            
Contractor

          *BR*            
County Dept.

**iii. Work Requirements.** Each of Contractor's employee's that performs work under this Contract shall be legally entitled to work in the United States. Contractor shall provide County documentation to confirm any employee's entitlement to work in the United States upon request by County.

**iv. Language Skills.** All employees and representatives of Contractor must be proficient in the English language and to be able to read and understand manufacturer repair instructions, safety materials, etc, as well as converse intelligibly with County regarding the emergency repair and maintenance work to be performed under this Contract. Contractor's Supervisor must be fluent in the English language.

**v. Consistent Key Personnel.** Contractor agrees that, once assigned to work under this Contract, key personnel (Supervisors) shall not be removed or replaced without written notice to County, unless County requests removal for unsatisfactory performance, or the personnel are replaced as specified in paragraph B(1)(i)(vi) (Replacement of Key Personnel), below. Upon execution of this Contract, Contractor must provide County with a list of Supervisors who will work under this Contract.

**vi. Replacement of Key Personnel.** If Supervisors are not available for work under this Contract for a continuous period exceeding thirty (30) calendar days, or are expected to devote substantially less effort to the work than initially anticipated, Contractor shall immediately notify County, and shall, subject to the concurrence of County, replace each personnel with personnel of substantially equal ability and qualifications.

**vii. Contractor's Supervisor.** Contractor's supervisor shall be responsible for the conduct and performance of Contractor's employees, and compliance with the following rules:

- a) No loud or boisterous conduct will be permitted (including radios).
- b) Only personnel employed by Contractor shall be allowed on any job site.

**viii. Reporting Problems.** Contractor shall report any County property or equipment found not to be in serviceable or operating condition, or any damage, vandalism, graffiti, etc. to County's Custodial Manager by the end of the workday following discovery of said damage.

**xi. Licenses.** Contractor is required to possess and maintain all applicable licenses required to perform work under this Contract including but not limited to carpet cleaning service issues. Contractor will also need to obtain a County Business License. All licenses shall be kept current with copies provided to County.

## 2. Responsibilities of County:

**a. Information.** County shall make available to Contractor all information in County's possession that will be necessary to complete the work required by this Contract. Under this Contract, however, it will remain Contractor's responsibility to gather and verify all necessary data.

**b. Invoicing.** County will pay invoices submitted in conformance with this Contract in the manner specified in the Payment Provision of this Contract, but no more than once per month. Contractor shall

Initials: MS  
Contractor

BWB  
County Dept.

not be allowed to pick up checks. Checks will be sent via US Mail to the address designated by Contractor.

**C. OSHA GUIDELINES HAZARDOUS COMMUNICATIONS:** Contractor shall comply with the OSHA Hazardous Communications Standard set forth at Title 29 of the Code of Federal Regulations, Part 1910.1200 as it pertains to the training, safety, and equipment needed for all employees engaged in carpet cleaning service throughout the term of this Contract and shall provide proof of such compliance to County's Custodial Manager.

- 1. Material Data Safety Sheets:** Contractor shall furnish to County copies of Material Safety Data Sheets for all products used prior to beginning service in any facility.
- 2. Labeling of Hazardous Materials:** Contractor shall comply with the OSHA Guidelines, Title 29 of the Code of Federal Regulation, Part 1910.1200, Paragraph F, concerning the labeling of all chemical containers.
- 3. Pest Control:** County participates in an integrated pest management system, which handles pest control problems without the use of poisons or insecticides. Contractor shall make itself informed of this County policy. Contractor shall not use sprays or poisons to control insects.

**D. POINTS OF CONTACT:**

The points of contact during this Contract are as follows:

For County: Custodial Manager	Derrick West	925-313-7052
Materials Supervisor	Stan Burton	925-313-7077
Purchasing Buyer	Von Honey	925-313-7321
Accounting	Ann Kretz	925-313-7154

For Contractor:

Quality Clean (Anthony Youngblood) 24 hour Call Center 925-997-5028

**E. COMPENSATION:**

- 1. Rates:** Contractor will be paid a flat rate of \$0.185 per square foot for carpet cleaning. Contractor will be paid \$75.00 per labor hour for all other services scheduled or non-scheduled, that Contractor performs at request by County, Monday through Friday, 8:00am to 5:00pm, (Normal Time). Contractor will be paid \$100.00 per labor hour for work performed outside of Normal Time, Monday through Friday, 5:01 pm to 7:59 am; Saturday, Sunday and holidays.
- 2. Prevailing Wages:** Contractor shall pay its employees and any subcontractors prevailing wages as required under the California Labor Code.

Initials: MB  
Contractor

BMB  
County Dept.

**SPECIAL CONDITIONS**  
**(Purchase of Services - Long Form)**

1. Section 19(d) (Additional Insurance Provisions) of the General Conditions is hereby deleted in its entirety and replaced with the following:

"(d) Additional Insurance Provisions: Contractor shall promptly furnish to the Contra Costa County Public Works Department (Department) certificates of insurance evidencing the coverage required herein. Additionally, no later than five days after Contractor's receipt of (i) a notice of cancellation or a notice of an intention to cancel any of Contractor's insurance coverage required by this Contract, or (ii) a notice of a material change to Contractor's insurance coverage required by this Contract, Contractor will provide Department a copy of such notice of cancellation, or notice of intention to cancel, or notice of material change. Contractor's failure to provide Department the notice as required by the preceding sentence is a default under this Contract. If Contractor renews any of the insurance policies or acquires any new insurance policies or amends the coverage through an endorsement to any policy at any time during the term of this Contract, then Contractor shall provide current certificates to Department."



**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.

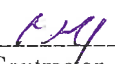
a. **Retention of Records.** Contractor must retain all documents pertaining to this Contract for five years from the date of submission of Contractor's final payment demand or final Cost Report; for any further period that is required by law; and until all federal/state audits are complete and exceptions 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.

  
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Contractor

  
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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.

**GENERAL CONDITIONS**  
**(Purchase of Services - Long Form)**

**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,

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Contractor

        GMB          
County Dept.

**GENERAL CONDITIONS**  
**(Purchase of Services - Long Form)**

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



**GENERAL CONDITIONS**  
**(Purchase of Services - Long Form)**

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

**GENERAL CONDITIONS**  
**(Purchase of Services - Long Form)**

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.

**GENERAL CONDITIONS**  
**(Purchase of Services - Long Form)**

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.



Contra  
Costa  
County

To: Board of Supervisors  
From: Stephen L. Weir, Clerk Recorder  
Date: February 12, 2013  
Subject: Records Preservation  
Services

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Clerk-Recorder, or designee, to execute a contract with Kofile Preservation, Inc. to restore and preserve official county historical records. The term of this contract is from November 1, 2012 through December 31, 2014 and the cost will not exceed \$364,000 for phase 1 and \$381,440 for phase 2, for a total of \$745,360 over two years.

**FISCAL IMPACT:**

The cost of the project will not exceed \$745,360 and will be spread over two budget years. This project is completely funded by Recorder Vital Record Improvement dedicated funds and Recorder Modernization dedicated funds. The cost of this project is budgeted in the budgets for the current year and next year. There is no General Fund impact.

**BACKGROUND:**

The Clerk-Recorder Department is responsible for maintaining the official records of the county on a permanent basis. Over time, historical records disintegrate as acids in the ink or from people's hands break down and damage the documents,

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Fred Garcia 335-7928

By: , Deputy

cc:



BACKGROUND: (CONT'D)

as well as the natural process of oxidation. The Clerk-Recorder has an ongoing program to restore and seal records to prevent decay and disintegration. It is a costly and time consuming process, so records are selected based on their condition and completed in a phased approach. With the assistance of the County Purchasing Division, the department went through the Request for Proposal (RFP) process to identify and select a contractor to perform this highly specialized service. After careful analysis, Kofile was selected as the best choice for quality and cost reasons.

Phase 1 restores and preserves historical vital record books of births and deaths.

Phase 2 restores and preserves historical deed books that date from 1850 to 1910.

CONSEQUENCE OF NEGATIVE ACTION:

These records are currently in a state of suspended deterioration. This project is intended to address the worst cases of deterioration. Failure to restore and preserve these records could result in those records being further damaged or destroyed. In some cases, these are the only records available for legal and research purposes.

CHILDREN'S IMPACT STATEMENT:

None.



Contra  
Costa  
County

To: Board of Supervisors  
From: Robert Campbell, Auditor-Controller  
Date: February 12, 2013

Subject: DISTRIBUTION OF STATE HIGHWAY PROPERTY RENTAL REVENUE

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Auditor-Controller, or designee, to distribute the 2011-12 State Highway property rental revenue in the amount of \$48,946.56 to the County Road Fund and to eligible cities pursuant to the provisions of Section 104.10 of the Streets and Highways Code, as follows:

County Road Fund	\$ 45,706.56
City of Lafayette	<u>\$ 3,240.00</u>
<b>TOTAL</b>	<b>\$ 48,946.56</b>

**FISCAL IMPACT:**

This action has no impact on the General Fund; the County Road Fund will receive \$ 45,706.56.

**BACKGROUND:**

Section 104.6 of the Streets and Highways Code authorizes the State Department of Transportation to lease any lands it holds which are not presently

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Jay Wilverding (925)  
646-1403

By: , Deputy

cc: Bob Campbell, Elizabeth Verigin, Jay Wilverding

BACKGROUND: (CONT'D)

needed for State Highway purposes and provides that 24 percent of such rental revenue shall be allocated pursuant to Section 104.10. Section 104.13 provides that all funds distributed to the County shall be deemed to be in full or partial payment of the possessory interest taxes due on such leased properties. The recommended distribution is in accordance with these State laws.

CONSEQUENCE OF NEGATIVE ACTION:

The funds will not be distributed.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

DISTRIBUTION OF 2011-12 HIGHWAY PROPERTY RENTAL REVENUE  
(Right of Way Rental Income)

County Road Fund	\$45,706.56
City of Lafayette	<u>\$3,240.00</u>
<b>TOTAL</b>	<u><u>\$48,946.56</u></u>





Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D.  
Date: February 12, 2013

Subject: Contract #26-306-21 with Per Diem Staffing Systems, Inc.

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-306-21 with Per Diem Staffing Systems, Inc., a corporation, in an amount not to exceed \$365,000, to provide temporary respiratory therapist services at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from February 1, 2013 through January 31, 2014.

**FISCAL IMPACT:**

This Contract is funded 100% by Enterprise Fund I. (No rate increase)

**BACKGROUND:**

On May 3, 2011, the Board of Supervisors approved Contract #26-306-19 (as amended by Contract Amendment Agreement 26-306-20) with Per Diem Staffing Systems, Inc., for the period from February 1, 2012 through January 31, 2013, for the provision of temporary respiratory therapist services to cover employee sick leaves, vacations and workers compensation leaves, at Contra Costa Regional Medical Center and Contra Costa Health Centers. Approval of Contract #26-306-21 will allow the Contractor to continue providing temporary respiratory therapist services through January 31, 2014.

☒ APPROVE

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☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Anna Roth 372-5101

By: , Deputy

cc: D Gary, K Cyr

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, Contra Costa Regional Medical and Contra Costa Health Centers would not have appropriate respiratory therapists to provide coverage during temporary staff absences, therefore patients would go untreated.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors

From: William Walker, M.D.

Date: February 12, 2013

Subject: Contract #26-847-19 with Michael S. Baker, M.D.

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-847-19 with Michael S. Baker, M.D., a self-employed individual, in an amount not to exceed \$175,000, to provide general surgery services at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from January 1, 2013 through December 31, 2013.

**FISCAL IMPACT:**

This Contract is funded 100% by Enterprise Fund I. (No rate increase)

**BACKGROUND:**

On February 14, 2012, the Board of Supervisors approved Contract #26-847-18 with Michael Baker, M.D., for the period from January 1, 2012 through December 30, 2012, for the provision of general surgery services for Contra Costa Regional Medical Center and Contra Costa Health Centers.

Approval of Contract #26-847-19 will allow Contractor to continue providing general surgery services, including acting as the medical director of General Surgery at Contra Costa Regional Medical Center and Contra Costa Health Centers, through December 31, 2013.

☒ APPROVE

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☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: David Goldstein, MD,  
372-5525

By: , Deputy

cc: Tasha Scott, D Gary

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring these medical services at Contra Costa Regional Medical and Contra Costa Health Centers would experience longer wait times and possibly go untreated.

CHILDREN'S IMPACT STATEMENT:

Not applicable.





Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services  
Date: February 12, 2013

Subject: Contract #27-773-2 with Manoj Desai, M.D.

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #27-773-2 with Manoj Desai, M.D., in an amount not to exceed \$180,000, to provide professional pediatric primary care services for the Contra Costa Health Plan for the period from February 1, 2013 through January 31, 2015.

**FISCAL IMPACT:**

This Contract is funded 100% by Contra Costa Health Plan (Health Plan) member premiums. Costs depend upon utilization. (No rate increase)

**BACKGROUND:**

The Health Plan has an obligation to provide certain specialized professional health care services for its members under the terms of their Individual and Group Health Plan membership contracts with the County. In April 2011, the County Administrator approved and the Purchasing Services Manager executed Contract #27-773-1 with Manoj Desai, M.D., for the period from February 1, 2011 through January 31, 2013, to provide professional pediatric primary care services.

Approval of Contract #27-773-2 will allow the Contractor to continue to provide professional pediatric primary care services through January 31, 2015.

☒ APPROVE

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☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Patricia Tanquary  
313-6004

By: , Deputy

cc: Demetria Gary, Charlotte Rucker

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, certain specialized professional health care services for its members under the terms of their Individual and Group Health Plan membership contracts with the County will not be provided.

CHILDREN'S IMPACT STATEMENT:

Not Applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D.  
Date: February 12, 2013

Subject: Change Order to Purchase Order with Central Admixtures Pharmacy Services, Inc.

**RECOMMENDATION(S):**

Approve and authorize the Purchasing Agent, on behalf of Health Services Department, to execute a change order to Purchase Order #37086 with Central Admixture Pharmacy Services, Inc. (CAPS), to add \$200,000 to a new total of \$500,000, for compounding of Total Parenteral Nutrition (TPN) and Peripheral Parenteral Nutrition (PPN) intravenous (IV) solutions at Contra Costa Regional Medical Center, for the period October 1, 2012 to March 31, 2014.

**FISCAL IMPACT:**

100% Enterprise Fund I.

**BACKGROUND:**

Contra Costa Regional Medical Center Pharmacy Department has been using CAPS since May 2005. TPN and PPN IV solutions are not made in the Inpatient Pharmacy and must be purchased from CAPS. The request for additional funds is to cover expected purchases through March 31, 2014.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this purchase order is not approved, the lack of products such as TPN's and

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Anna Roth, 370-5101

By: , Deputy

cc: T Scott, D Gary, M Cabida

CONSEQUENCE OF NEGATIVE ACTION: (CONT'D)

PPN's, as well as various IV solution compounds, needed for treating our patients will have a negative impact in maintaining compliance with our patient population.

CHILDREN'S IMPACT STATEMENT:

Not applicable.





Contra  
Costa  
County

To: Board of Supervisors  
From: Stephen L. Weir, Clerk Recorder  
Date: February 12, 2013

Subject: APPROVE AND AUTHORIZE the Clerk-Recorder, or designee to execute a contract with Independent Printing Company for printing and related services.

**RECOMMENDATION(S):**

APPROVE AND AUTHORIZE the Clerk-Recorder, or designee, to execute a contract with Independent Printing Company (IPCO), in an amount not to exceed \$6,500,000, to provide printed election materials, for election materials collection, inserting and mailing services for the period January 1, 2013 through December 31, 2014.

**FISCAL IMPACT:**

The total contract is for \$6,500,000. This amount is funded with the Election Division budget over the two years (Fiscal Year 2012-2013 and 2013-2014).

**BACKGROUND:**

California Administrative Code, Title 2, Division 7, Section 20220 provides that printers must be certified by the Secretary of State's Office in order to print official ballots for a particular voting system. Independent Printing Company (IPCO) is headquartered in Martinez and is certified to print official ballots for our election ballot tabulation system.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYES \_\_\_\_\_ NOES \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

RECUSE \_\_\_\_\_

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ATTESTED: February 12, 2013

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

Contact: Candy Lopez,  
925-335-7808

By: , Deputy

cc: Jeanine Mangewala, Candy Lopez

CONSEQUENCE OF NEGATIVE ACTION:

Accurate printing of election ballots and related materials; including timely production and mailing of ballots and election materials are critical components of conducting successful elections. Failure to accurately print or distribute election materials could jeopardize our mandated function to conduct elections in a fair and accurate manner. Due to potential error or omission, the department could be forced to conduct an election again at a substantial cost to the County.

CHILDREN'S IMPACT STATEMENT:

None.



Contra  
Costa  
County

To: Board of Supervisors

From: William Walker, M.D.

Date: February 12, 2013

Subject: Amendment #23-325-15 with Wilson Consulting, Inc.

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #23-325-15 with Wilson Consulting, Inc., a corporation, effective November 1, 2012, to amend Contract #23-325-10 (as amended by Amendments #23-325-11 through 23-325-14), to increase the payment limit by \$200,000, from \$985,000 to a new payment limit of \$1,185,000, with no change in the original term of January 1, 2011 through December 31, 2012.

**FISCAL IMPACT:**

This amendment is funded 100% by Medicare & Medicaid Electronic Health Records Incentive Program of the American Recovery and Reinvestment Act. (No rate increase)

**BACKGROUND:**

On January 20, 2011, the County Administrator approved and Purchasing Agent executed Contract #23-325-10 (as amended by Amendment Agreements #23-325-11 through #23-325-14) with Wilson Consulting, Inc. for the period from January 1, 2011 through December 31, 2012, for the provision of technical support services for County's Patient Accounting System, including custom reporting for the

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Patrick Godley, 957-5410

By: , Deputy

cc: A Down, D Gary

BACKGROUND: (CONT'D)

Keane system, technical support for the "HL7" interface, and assistance with regard to implementing the Department's appointment system.

Approval of Contract Amendment Agreement #23-325-15 will allow the Contractor to provide additional hours of service through December 31, 2012.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, the Department will not have access to Contractor's expertise with regard to County's Keane computer system, while the Contra Costa Regional Medical Center and Health Centers continues transitioning to the Epic computer system.

CHILDREN'S IMPACT STATEMENT:

Not Applicable.





Contra  
Costa  
County

To: Board of Supervisors

From: William Walker, M.D., Health Services

Date: February 12, 2013

Subject: Change Order to Purchase Order with Stryker Corporation

**RECOMMENDATION(S):**

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute a change order to Purchase Order #F43394 with Stryker Corporation, to add \$400,000 to a new total of \$750,000, for surgery and reconstruction products for Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period of June 1, 2012 through May 31, 2014.

**FISCAL IMPACT:**

100% Enterprise Fund I.

**BACKGROUND:**

Stryker Corporation is the leading supplier of trauma implants for the surgical treatment of bone fractures, abnormalities and diseases of the hand, arm, hip, pelvis, leg, ankle, and feet. Stryker Corporation provides intramedullary nails, cannulated screws, external fixation devices, plates, and all the equipment and instrumentation necessary for surgeries. In addition Stryker Corporation provides endoscopic equipment and supplies and other general surgical equipment.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Anna Roth, 370-5101

By: , Deputy

cc: Tasha Scott, D Gary, M Harris

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, Stryker Corporation's trauma surgery and reconstruction products cannot be used to repair traumatic bone fractures at Contra Costa Regional Medical Center and Contra Costa Health Centers.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services  
Date: February 12, 2013  
Subject: Approval of Purchase Order with Sanofi Pasteur, Inc.

**RECOMMENDATION(S):**

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute a Purchase Order with Sanofi Pasteur, Inc., in an amount not to exceed \$115,000, for vaccines and injectable medications at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from October 1, 2012 through September 30, 2013.

**FISCAL IMPACT:**

100% Enterprise Fund I.

**BACKGROUND:**

Sanofi Pasteur, Inc. provides Contra Costa Regional Medical Center and Contra Costa Health Centers with vaccines and other injectable medications. The Department has been purchasing vaccines and other injectable medications from Sanofi Pasteur, Inc. since 2007 under a Novation contract.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this purchase order is not approved, needed vaccinations would not be provided to patients in order to prevent disease, as well as prevent the spread of disease.



APPROVE



OTHER



RECOMMENDATION OF CNTY ADMINISTRATOR



RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Anna Roth, 370-5101

By: , Deputy

cc: T Scott, D Gary, Margaret Harris

CHILDREN'S IMPACT STATEMENT:

Not applicable.





Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services  
Date: February 12, 2013

Subject: Amendment/Extension #23-448-2 with Garda CL West, Inc.

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment/Extension Agreement #23-448-2 with Garda CL West, Inc., a corporation, effective January 31, 2013, to amend Contract #23-448 (as amended by Amendment/Extension Agreement #23-448-1), to increase the payment limit by \$20,532, from \$83,560 to a new payment limit of \$104,092, and extend the term from January 31, 2013 through January 31, 2014.

**FISCAL IMPACT:**

This amendment is funded 100% by Enterprise Fund I. (No rate increase)

**BACKGROUND:**

On May 5, 2009, the Board of Supervisors approved Contract #23-448 (as amended by Amendment/Extension Agreement #23-448-1) with Garda CL West, Inc. for the period from February 1, 2009 through January 31, 2013, for the provision of armored transport services.

Approval of Contract Amendment/Extension Agreement #23-448-2 will allow Contractor to provide additional armored transport services through January 31, 2014, under the terms of Contract #23-448, which include modifications

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Patrick Godley, 957-5410

By: , Deputy

cc: A Down, D Gary

BACKGROUND: (CONT'D)

to County's standard indemnification clause and the General Conditions.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, County Health Services Department will not have armored transport services from this vendor.

CHILDREN'S IMPACT STATEMENT:

Not Applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: David O. Livingston, Office of the Sheriff  
Date: February 12, 2013  
Subject: Purchase Order - North River Boats (Metal Shark Aluminum Boat)

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Sheriff-Coroner Marine Patrol Division, a purchase order with North River Boats in the amount of \$274,850 for a Metal Shark Aluminum Boat.

**FISCAL IMPACT:**

No net county costs. 100% included in the 2011 Port Security grant funded by the U.S. Department of Homeland Security. (CFDA No. 97.056)

**BACKGROUND:**

On December 13, 2011, the Board authorized the Sheriff's Office to apply for and accept the 2011 Port Security Grant. The U.S. Department of Homeland Security (DHS) selected the Marine Exchange of the San Francisco Bay Region (SFMS) to serve as the fiscal agent for the 2011 Port Security Grant Program. As a sub-grantee, the Sheriff's Office will use 2011 Port Security Grant funding to purchase equipment and pay for maintenance to further enhance the security capabilities established with the 2006, 2007 and 2010 Port Security Grants.

This vessel will be needed for infrastructure security, port security, rescue operations, marine enforcement as well as regular marine patrol activities. The Metal Shark Boat was chosen for the interoperability with federal partners and

☒ APPROVE

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☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Liz Arbuckle,  
925-335-1529

By: , Deputy

cc:

BACKGROUND: (CONT'D)

training needs. It is the same boat used by the U.S. Coast Guard and FLETC Training Academy for small boat tactics. The Metal Shark Boat is a fast response center console vessel unlike any of the Sheriff's Office current marine vessels. The open helm is preferred for tactical operation and diving so the operator has constant visual on divers.

CONSEQUENCE OF NEGATIVE ACTION:

Negative action on this request will result in the loss of Federal funding designed to significantly increase the safety and security of persons and property within Contra Costa County.

CHILDREN'S IMPACT STATEMENT:

No impact.





Contra  
Costa  
County

To: Board of Supervisors  
From: David O. Livingston, Office of the Sheriff  
Date: February 12, 2013  
Subject: Purchase Order - North River Boats (2 Alamar Boats & Trailers)

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Sheriff-Coroner Marine Patrol Division, a purchase order with North River Boats in the amount of \$548,700 to purchase two (2) Alamar Boats and Trailers.

**FISCAL IMPACT:**

No net county costs. 100% included in the 2011 Port Security grant funded by the U.S. Department of Homeland Security. (CFDA No. 97.056)

**BACKGROUND:**

On December 13, 2011, the Board authorized the Sheriff's Office to apply for and accept the 2011 Port Security Grant. The U.S. Department of Homeland Security (DHS) selected the Marine Exchange of the San Francisco Bay Region (SFMS) to serve as the fiscal agent for the 2011 Port Security Grant Program. As a sub-grantee, the Sheriff's Office will use 2011 Port Security Grant funding to purchase equipment and pay for maintenance to further enhance the security capabilities established with the 2006, 2007 and 2010 Port Security Grants.

The two boats replace retired vessels and will be needed for infrastructure security, port security, rescue operations, marine enforcement as well as regular marine patrol activities.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Liz Arbuckle,  
925-335-1529

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Negative action on this request will result in the loss of Federal funding designed to significantly increase the safety and security of persons and property within Contra Costa County.

CHILDREN'S IMPACT STATEMENT:

No impact.



Contra  
Costa  
County

To: Board of Supervisors  
From: Catherine Kutsuris, Conservation & Development  
Date: February 12, 2013

Subject: Approve Cooperative Agreement for Reimbursable Local Assistance from Caltrans

**RECOMMENDATION(S):**

APPROVE the Cooperative Agreement between the County and the State of California, Department of Transportation (Caltrans), to reimburse Caltrans for review and approval of a Project Initiation Document for the Bailey Road/State Route 4 Interchange Project, Bay Point.; and AUTHORIZE the Director of Conservation and Development to execute the Cooperative Agreement on behalf of the County substantially in the form presented (see attachment).

**FISCAL IMPACT:**

None to the General Fund. Under the Cooperative Agreement, the County will pay to Caltrans an amount not to exceed \$105,000 for the review and approval of a Project Initiation Document for the interchange project. These funds would be drawn from a Contra Costa Transportation Authority Pedestrian, Bicycle and Trail Facilities grant awarded to the County in the amount of \$345,300.

**BACKGROUND:**

In June 2010, the Department of Conservation and Development (DCD) completed the *Bailey Road Pedestrian and Bicycle Improvement Plan* which evaluated the section of Bailey Road

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Jamar Stamps,  
925-674-7832

By: , Deputy

cc: Chris Lau, PWD, Angela Villar, PWD

### BACKGROUND: (CONT'D)

from Willow Pass Road to West Leland Road, near the Pittsburg/Bay Point BART Station, for measures that would make this roadway safer for pedestrian and bicycle use, more efficient for transit and auto traffic, and provide a more aesthetically pleasing corridor. The plan was the result of numerous meetings and discussions with the community, the Municipal Advisory Council, and a Technical Advisory Committee comprised of technical staff from Contra Costa County, the City of Pittsburg, Caltrans, East Bay Regional Park District, Tri Delta Transit, BART, and other concerned individuals. The Board of Supervisors approved the plan on July 10, 2010.

The Bailey Road/State Route 4 Interchange (“Interchange Zone”) was described in the plan as needing the most urgent attention. The Interchange Zone extends from the BART Station Access Road to the Canal Road/State Route 4 on-ramp intersections. It is dominated by the State Route 4 highway overpass, on-ramps, and off-ramps which are in Caltrans jurisdiction. The type of on and off-ramps used at Bailey Road are no longer built by Caltrans in urban areas because they create too many conflicts for pedestrians and bicyclists. The entire Interchange Zone segment presents the most challenges for pedestrians and bicyclists using Bailey Road and therefore merits a redesign in order to meet the goals of the *Bailey Road Pedestrian and Bicycle Improvement Plan*.

The interchange project would:

1. Remove the north-side loop off-ramp and pedestrian tunnel;
2. Improve the westbound off-ramp on the east side of Bailey Road to accommodate north and southbound traffic turning onto Bailey Road;
3. Change the south-side eastbound loop off-ramp to a fully signalized T-intersection at Bailey Road;
4. Eliminate acceleration lanes on Bailey Road to accommodate bicycle lanes and widened sidewalks; and
5. Enhance existing pedestrian crossings at the BART Access Road and Canal Road intersections on Bailey Road.

On December 4, 2012, the Board of Supervisors approved an agreement accepting a \$345,300 grant from the Contra Costa Transportation Authority to begin implementation of the plan's recommendations. DCD and the County Public Works Department (PWD) are preparing to move into the project development phase for the Bailey Road/State Route 4 Interchange revisions called for in the plan, which includes the preparation and completion of a Project Initiation Document (PID). A cooperative agreement (attached) is needed to begin this process with Caltrans. The County would be responsible for work associated with preparing the PID. Caltrans will review and approve the PID. Work done by Caltrans shall be reimbursed by the County pursuant to the cooperative agreement. Funds used to reimburse Caltrans will come from the Contra Costa Transportation Authority grant.

### CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve the Cooperative Agreement would delay implementation of the Bailey Road/State Route 4 Interchange Project recommended by the Bailey Road Pedestrian and Bicycle Improvement Plan, and potentially jeopardize the County's ability to receive future grant funds from the Contra Costa Transportation Authority.

### CHILDREN'S IMPACT STATEMENT:

Some students enrolled in the Bel Air Elementary School on Canal Road must use Bailey Road through the interchange area to go to and from this school.



## **COOPERATIVE AGREEMENT**

### **Project Study Report – Project Development Support (PSR-PDS)**

This Agreement, effective on \_\_\_\_\_, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and:

Contra Costa County, a political subdivision of the State of California, referred to hereinafter as COUNTY.

#### **RECITALS**

1. PARTNERS are authorized to enter into a cooperative agreement for improvements to the state highway system (SHS) per the California Streets and Highways Code sections 114 and 130.
2. COUNTY desires that a project initiation document (PID) is developed for the modification of ramps at the Bailey Road Interchange in Pittsburg/Bay Point within the SHS and is referred to herein as PROJECT.
3. PARTNERS acknowledge that this Agreement is only applicable for a Project Study Report-Project Development Support (PSR-PDS) PID.
4. California Government Code section 65086.5 authorizes CALTRANS to perform as reimbursed work:
  - (i) Preparation of PIDs at the request of local agencies.
  - (ii) Review and approval of PIDs developed by others.
5. COUNTY is willing to develop the PID and is willing to fund one hundred percent (100%) of the PID's costs and fees, including costs to reimburse CALTRANS. If, in the future, CALTRANS is allocated state funds and Personnel Years (PYs) for PID review of this PROJECT, CALTRANS will agree to amend this Agreement to change the reimbursement arrangement for PID review.
6. CALTRANS will review and approve the PID prepared by COUNTY; will provide relevant proprietary information in the form of existing data dumps, spreadsheets, and maps and will actively participate in the project delivery team (PDT) meetings, and will complete any work elements identified in the SCOPE SUMMARY of this Agreement. All CALTRANS' activities will be done as reimbursed work.
7. PARTNERS hereby set forth the terms, covenants, and conditions of this Agreement, under which they will complete the PID.

## ROLES AND RESPONSIBILITIES

8. COUNTY will prepare a PID for PROJECT at its sole cost and expense and at no cost to CALTRANS. The PID shall be signed on behalf of COUNTY by a Civil Engineer registered in the State of California.
  
9. CALTRANS will complete the work elements that are assigned to it on the SCOPE SUMMARY which is attached to and made a part of this Agreement by reference. COUNTY will complete the work elements assigned to it on the SCOPE SUMMARY. Work elements marked with "N/A" on the SCOPE SUMMARY are not included within this Agreement. Work elements are outlined in the *Workplan Standards Guide for the Delivery of Capital Projects* available at  
  
[http://www.dot.ca.gov/hq/projmgmt/documents/wsg/WSG\\_10-2.pdf](http://www.dot.ca.gov/hq/projmgmt/documents/wsg/WSG_10-2.pdf).
  
10. CALTRANS will complete a review of the draft PID and provide its comments to COUNTY within 60 calendar days from the date CALTRANS received the draft PID from COUNTY. COUNTY will address the comments provided by CALTRANS. If any interim reviews are requested of CALTRANS by COUNTY, CALTRANS will complete those reviews within 30 calendar days from the date CALTRANS received the draft PID from COUNTY.
  
11. After COUNTY revises the PID to address all of CALTRANS' comments and submits a revised draft PID and all related attachments and appendices, CALTRANS will complete its review and final determination of the revised draft PID within 30 calendar days from the date CALTRANS received the revised draft PID from COUNTY. Should CALTRANS require supporting data necessary to defend facts or claims cited in the revised draft PID, COUNTY will provide all available supporting data in a reasonable time so that CALTRANS may conclude its review. The 30 day CALTRANS review period will be stalled during that time and will continue to run after COUNTY provides the required data.
  
12. CALTRANS will perform its review and approval in accordance with the provision of the current Project Development Procedures Manual. CALTRANS' review and approval will consist of performing independent quality assurance (IQA) to verify that quality control/quality assurance (QC/QA) meets department standards and determination that the work is acceptable for the next project component. However, CALTRANS' review and approval does not involve any work necessary to actually develop or complete the PID. No liability will be assignable to CALTRANS, its officers and employees by COUNTY under the terms of this Agreement or by third parties by reason of CALTRANS' review and approval of the PID.
  
13. PID preparation, except as set forth in this Agreement, is to be performed by COUNTY. Should COUNTY request CALTRANS to perform any portion of PID preparation work, except as otherwise set forth in this Agreement, COUNTY shall first agree to reimburse CALTRANS for such work and PARTNERS will amend this Agreement.

## INVOICE AND PAYMENT

14. COUNTY agrees to pay CALTRANS, an amount not to exceed \$105,000.
15. CALTRANS will invoice COUNTY for a \$10,000 initial deposit after execution of this Agreement and thirty (30) working days prior to the commencement of PROJECT expenditures.
16. Thereafter, CALTRANS will submit to COUNTY quarterly invoices for estimated quarterly costs based on the prior quarter's expenditures.
17. After PARTNERS agree that all work is complete for the PROJECT, CALTRANS will submit a final accounting for all costs. Based on the final accounting, CALTRANS will refund or invoice as necessary in order to satisfy the financial commitments of this Agreement.
18. If an executed Program Supplement Agreement (PSA) or STIP Planning, Programming, and Monitoring Program Fund Transfer Agreement (PPM) exists for this PROJECT then COUNTY will abide by the billing and payment conditions detailed for the fund types identified in the PSA or PPM.
19. If COUNTY has received Electronic Funds Transfer (EFT) certification from CALTRANS then COUNTY will use the EFT mechanism and follow all EFT procedures to pay all invoices issued from CALTRANS.
20. Except as otherwise provided in this Agreement, PARTNERS will pay invoices within 30 calendar days of receipt of invoice.

## GENERAL CONDITIONS

21. Per Chapter 603, amending item 2660-001-0042 of Section 2.00 of the State Budget Act of 2012, the cost of any engineering services performed by CALTRANS towards any local government agency-sponsored PID project will only include direct costs. Indirect or overhead costs will not be applied during the development of the PID document.
22. The PID shall be prepared in accordance with all State and Federal laws, regulations, policies, procedures, and standards that CALTRANS would normally follow if CALTRANS was to prepare the PID.
23. PARTNERS will not incur costs beyond the funding commitments established in this Agreement.
24. If HM-1 or HM-2 is found within the PROJECT limits, COUNTY will immediately notify CALTRANS.
25. COUNTY, independent of PROJECT, is responsible for any HM-1 found within PROJECT limits and outside the existing SHS right of way. COUNTY will undertake or cause to be

undertaken HM MANAGEMENT ACTIVITIES related to HM-1 with minimum impact to PROJECT schedule.

26. PARTNERS agree to consider alternatives to PROJECT scope and/or alignment, to the extent practicable, in an effort to avoid any known hazardous materials within the proposed PROJECT limits.
27. CALTRANS' acquisition or acceptance of title to any property on which any HM-1 or HM-2 is found will proceed in accordance with CALTRANS' policy on such acquisition.
28. CALTRANS, independent of PROJECT, is responsible for and pays or cause to be paid any HM-1 found within the existing SHS right of way. CALTRANS will undertake or cause to be undertaken HM MANAGEMENT ACTIVITIES related to HM-1 with minimum impact to PROJECT schedule.
29. CALTRANS' obligations under this Agreement are subject to the appropriations of resources by the Legislature, the State Budget Act authority, and the allocation of funds by the California Transportation Commission.
30. Neither COUNTY nor any officer or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by CALTRANS and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CALTRANS or under this Agreement. It is understood and agreed that CALTRANS, to the extent permitted by law, will defend, indemnify, and save harmless COUNTY and all of its officers and employees from all claims, suits, or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation, or other theories or assertions of liability occurring by reason of anything done or omitted to be done by CALTRANS and/or its agents under this Agreement.
31. Neither CALTRANS nor any officer or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by COUNTY and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon COUNTY or under this Agreement. It is understood and agreed that COUNTY, to the extent permitted by law, will defend, indemnify, and save harmless CALTRANS and all of its officers and employees from all claims, suits, or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation, or other theories or assertions of liability occurring by reason of anything done or omitted to be done by COUNTY and/or its agents under this Agreement.
32. If work is done under contract (not completed by COUNTY's own employees) and is governed by the California Labor Code's definitions of a "public works" (section 1720(a)), that COUNTY will conform to sections 1720-1815 of the California Labor Code and all applicable regulations and coverage determinations issued by the Director of Industrial Relations.



33. This Agreement is intended to be PARTNERS' final expression and supersedes all prior oral understanding pertaining to PROJECT.
34. This Agreement will terminate 180 days after PID is signed by PARTNERS or as mutually agreed by PARTNERS in writing. However, all indemnification articles will remain in effect until terminated or modified in writing by mutual agreement.

## **DEFINITIONS**

**HM-1** – Hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law whether it is disturbed by PROJECT or not.

**HM-2** – Hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law only if disturbed by PROJECT.

**HM MANAGEMENT ACTIVITIES** – Management activities related to either HM-1 or HM-2 including, without limitation, any necessary manifest requirements and disposal facility designations.

**PARTNER** – Any individual signatory party to this Agreement.

**PARTNERS** – The term that collectively references all of the signatory agencies to this Agreement. This term only describes the relationship between these agencies to work together to achieve a mutually beneficial goal. It is not used in the traditional legal sense in which one PARTNER's individual actions legally bind the other parties.

**SCOPE SUMMARY** – The attachment in which each PARTNER designates its responsibility for the completion of specific work elements as outlined by the *Workplan Standards Guide for the Delivery of Capital Projects* (previously known as WBS Guide) available at [http://www.dot.ca.gov/hq/projmgmt/documents/wsg/WSG\\_10-2.pdf](http://www.dot.ca.gov/hq/projmgmt/documents/wsg/WSG_10-2.pdf)

## CONTACT INFORMATION

The information provided below indicates the primary contact information for each PARTNER to this Agreement. PARTNERS will notify each other in writing of any personnel or location changes. Contact information changes do not require an amendment to this Agreement.

**The primary Agreement contact person for CALTRANS is:**

Emil Miranda, Project Manager  
111 Grand Avenue  
Oakland, CA 94612

Office Phone: (510) 286-5095  
Email: [emil\\_miranda@dot.ca.gov](mailto:emil_miranda@dot.ca.gov)

**The primary Agreement contact person for COUNTY is:**

Chris Lau, Transportation Engineer  
Public Works Department  
255 Glacier Avenue  
Martinez, CA 94553

Office Phone: 925-313-2293  
Email: [clau@pw.cccounty.us](mailto:clau@pw.cccounty.us)

## SIGNATURES

PARTNERS declare that:

1. Each PARTNER is an authorized legal entity under California state law.
2. Each PARTNER has the authority to enter into this Agreement.
3. The people signing this Agreement have the authority to do so on behalf of their public agencies.

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Helena (Lenka) Culik-Caro  
Deputy District Director, Design

Certified as to funds:

By: \_\_\_\_\_  
Kevin M. Strough  
District Budget Manager

CONTRA COSTA COUNTY

By: \_\_\_\_\_  
Catherine Kutsuris  
Department of Conservation and  
Development, Director

Attest:

By: \_\_\_\_\_  
David Twa  
County Administrator

Approved as to form and procedure:  
Sharon L. Anderson, County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

## **SCOPE SUMMARY**

<b>WORK ELEMENT</b>	<b>CT</b>	<b>CO</b>	<b>N/A</b>
0.100.05.05.xx - Quality Management Plan		X	
0.100.05.05.xx - Risk Management Plan		X	
0.100.05.05.xx - Communication Plan		X	
0.100.05.10.xx - Cooperative Agreement for PA&ED Phase	X		
0.100.05.10.xx - Independent Quality Assurance (IQA)	X		
0.100.05.10.xx - Project Development Team Meetings	X	X	
1.150.05.05 - Review of Existing Reports Studies and Mapping		X	
1.150.05.05.xx - Provision of Existing Reports, Data, Studies, and Mapping	X		
1.150.05.10 - Geological Hazards Review		X	
1.150.05.10.xx - Provision of Existing Geological Information	X		
1.150.05.15 - Utility Search		X	
1.150.05.15.xx - Provision of Existing Utility Information	X		
1.150.05.20 - Environmental Constraints Identification		X	
1.150.05.20.xx - Provision of Environmental Constraints Information	X		
1.150.05.25 - Traffic Forecasts/Modeling		X	
1.150.05.25.xx - Provision of Existing Traffic Forecasts/Modeling Information	X		
1.150.05.30 - Surveys and Maps for PID		X	
1.150.05.30.xx - Provision of Existing Surveys and Mapping	X		
1.150.05.35 - Problem Definition		X	
1.150.05.45 - As-Built Centerline and Existing Right of Way	X		
1.150.05.xx - Provision of Existing District Geotechnical Information	X		
1.150.10.05 - Public/Local Agency Input		X	
1.150.15.05 - Right of Way Data Sheets		X	
1.150.15.10 - Utility Relocation Requirements Assessment		X	
1.150.15.15 - Railroad Involvement Determination		X	
1.150.15.25 - Preliminary Materials Report		X	
1.150.15.35 - Multimodal Review		X	
1.150.15.40 - Hydraulic Review		X	
1.150.15.50 - Traffic Studies		X	
1.150.15.55 - Construction Estimates		X	
1.150.20.05 - Initial Noise Study		X	
1.150.20.10 - Hazardous Waste Initial Site Assessment		X	
1.150.20.15 - Scenic Resource and Landscape Architecture Review		X	
1.150.20.30 - Initial Records and Literature Search for Cultural Resources		X	
1.150.20.50 - Initial Water Quality Studies		X	
1.150.20.60 - Preliminary Environmental Analysis Report Preparation		X	
1.150.20.65 - Initial Paleontology Study		X	
1.150.25.05 - Draft PID		X	
1.150.25.20 - PID Circulation, Review, and Approval	X		
1.150.25.25 - Storm Water Data Report		X	
1.150.35 - Required Permits During PID Development		X	
1.150.40 - Permit Identification During PID Development		X	
1.150.45 - Base Maps and Plan Sheets for PID		X	





Contra  
Costa  
County

To: Board of Supervisors  
From: Mary N. Piepho, Board of Supervisors District III  
Date: February 12, 2013  
Subject: Contra Costa County Participation at the 2013 California State Fair

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE Contra Costa County to participate in the 2013 California State Fair with a Contra Costa County Booth in the County Booth section.

AUTHORIZE the Chair of the Board to sign the 2013 Counties Exhibits Entry Form.

DIRECT District III staff to coordinate with the Contra Costa County Fair Board, Contra Costa County Farm Bureau, Brentwood Chapter of the Future Farmers of America and County 4-H members on the development of a plan for participation and construction of a booth at the 2013 California State Fair.

**FISCAL IMPACT:**

There are potential award monies which would not be available to the Brentwood Chapter of the Future Farmers of America.

**BACKGROUND:**

In order to have a booth at the California State Fair, the County must get approval by their

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Karyn Cornell, 240-7260

By: , Deputy

cc:

BACKGROUND: (CONT'D)

Board of Supervisors. Additionally, the County is required to provide proof of commercial general liability insurance coverage at all times while the County or its agents have access to the Cal Expo grounds.

Participation at the California State Fair is an opportunity to further promote our County's resources from agriculture to business, commerce recreational opportunities and all the amenities Contra Costa County has to offer.

Additionally, County booth participation is an avenue for FFA and 4-H youth to use the skills they have learned in their programs and to contribute back to their community.

There is also a potential for award monies for the County booth. In 2012 the Contra Costa County State Fair Booth received a Silver Award and \$4,015.34, which was designated to the Brentwood Chapter of the Future Farmers of America (FFA).

In recent years the Contra Costa County booth has had great success and was put together by East County resident Deborah Spinola with assistance by FFA and 4-H youth. Mrs. Spinola as again offered to be the lead on the booth and is currently working with the Contra Costa County 4-H and the Brentwood Chapter of the Future Farmers of America (FFA).

CONSEQUENCE OF NEGATIVE ACTION:

The County would not be able to participate in the 2013 California State Fair.

CHILDREN'S IMPACT STATEMENT:

None.



Contra  
Costa  
County

To: Board of Supervisors

From: Kathy Gallagher, Employment & Human Services

Date: February 12, 2013

Subject: Economic Opportunity Council Advisory Board 2012 Annual  
Report

**RECOMMENDATION(S):**

ACCEPT the 2012 Annual Report from the Economic Opportunity Council Advisory Board for the period January 1, 2012 through December 31, 2012, as recommended by the Employment and Human Services Department Director.

**FISCAL IMPACT:**

None

**BACKGROUND:**

On June 18, 2002, the Contra Costa County Board of Supervisors adopted Resolution No. 2002/377, requiring each regular and ongoing board, commission and/or committee annually report to the Board of Supervisors on the activities, accomplishments, membership attendance, required training and certification programs, and proposed work plan/objectives for the following year. The attached report fulfills that requirement for the Economic Opportunity Council Advisory Board.

**CONSEQUENCE OF NEGATIVE ACTION:**

The Economic Opportunity Council Advisory Board would be out of compliance.

**CHILDREN'S IMPACT STATEMENT:**

Not applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Elaine Burres, 313-1717

By: , Deputy

cc:

Advisory Body: Economic Opportunity Council (EOC)

Meeting Time/Location: Every 2nd Thursday of the month/40 Douglas Dr, Martinez, CA

Interim Chair: Kathy Jones, Low-Income Seat 1

Staff Support: Joanne Sanchez-Rosa, Administrative Services Assistant III

Reporting Period: January 2012 – December 2012

## Recommendation

ACCEPT the 2012 Annual Report of the Economic Opportunity Council Advisory Board.

## Activities

- . Onsite monitoring of the recipients of Community Services Block Grant (CSBG) funds and their impact on addressing community needs and access to services:
- . CCC Health Services Department Emergency Youth Shelter
- . City of Richmond Summer Youth Employment Program
- . Contra Costa Clubhouses
- . Opportunity Junction
- . Bay Area Legal Aid

All programs were reported as meeting their contract requirements and fulfilling their contracts for addressing and meeting community needs.

- . EOC members participated in the following community service outreach projects.
  - o Deatra Pope-Sherman, Domingo Delgadillo, Joe McFerran and 2 EOC staff members visited Loaves & Fishes in Pittsburg.
  - o Julie Mason, Deatra Pope-Sherman, 2 EOC staff members, and a Clerical Assistant Trainee visited Monument Crisis Center.
  - o Joe McFerran, 2 EOC staff members, participated in the 2012 Project Homeless Connect 8 in Concord.
  - o Rachelle Gomez, Jelani Killings and 2 EOC staff visited Contra Costa Food Bank in Antioch.

## Accomplishments

- . The BOS Community Action Month presentation occurred on May 8th.
- . 3,880 households were served in the LIHEAP services and 784 homes were weatherized through the Weatherization Program.
- . 19 Clerical Assistant Trainees completed this CSB program. Four obtained employment.

#### Attendance/Representation

- . Nine general business meetings were scheduled in 2012. Eight of the nine general business meetings achieved quorum.
- . Joint meeting of the EOC, Head Start/Early Head Start Policy Council, and Board of Supervisors occurred on April 16th.
- . Joint orientation and training was held with the Head Start/Early Head Start Policy Council in September.

#### Training/Certification

- . 2 EOC members attended the one-day Facilitative Leadership Conference on January 21st.
- . Joint Meeting of the EOC, PC, and the Board of Supervisors was held in April.
- . Chair, Julie Mason, Public Sector 2 member, Deatra Pope-Sherman, and Private/Non-Profit member, Abiud Amaro Diaz, attended the Cal/Neva Learning Institute training on February 23, 2012 in San Francisco.
- . Vice-Chair, Kathy Jones, Public Sector 4 member, Christine Sevier, and EOC staff member attended the Cal/Neva Region IX Annual Conference in March.
- . The EOC and PC joint orientation and training was held on September 29th.
- . EOC members, Abiud Amaro Diaz and Deatra Pope-Sherman and 2 EOC staff members attended the 2012 Annual Advisory Bodies Training.

#### 2013 Proposed Work Plan

- . Hold the Community Action Public Hearing in Spring of 2013. The EOC will receive public input on needed services in the community.

- . The 2014-2015 Community Action Plan will be submitted to Ca Department of Community Services and Development July 2013. The CAP will include results of the Community Assessment, Public Hearing, and Strategic Plan.

- . Increase community involvement and information sharing in the areas of interest identified in the Community Action Plan, which are: violence awareness, unemployment, safety, housing, and access to health care.



. Release Request for Proposals for Community Action service providers to be funded by the Community Services Block Grant in 2014-2015.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services  
Date: February 12, 2013  
Subject: Agreement #26-735 with Kaiser Foundation Hospitals

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Agreement #26-735 with Kaiser Foundation Hospitals, a non-profit corporation, a non-financial agreement, to provide in-house mentoring to County therapists at Contra Costa Regional Medical Center and Contra Costa Health enrolled in Contractor's Advanced Orthopedic Manual Therapy Program, for the period from January 8, 2013 through April 21, 2013.

**FISCAL IMPACT:**

None. This is a non-financial agreement.

**BACKGROUND:**

The purpose of this agreement is to provide County's therapists with the opportunity to learn advanced orthopedic therapy techniques. The Health Services Department can benefit from the students' services to patients.

Approval of Agreement #26-735 will allow Contractor to provide mentoring, training and fieldwork instruction experience for the County's therapists, at Contra Costa Regional Medical Center and Health Centers through April 21, 2013, including mutual indemnification to hold the other party harmless from any claims arising out of the performance of this Contract.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☐ 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: February 12, 2013

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

Contact: Anna Roth, 370-5101

By: , Deputy

cc: Tasha Scott, D Gary

CONSEQUENCE OF NEGATIVE ACTION:

If this Agreement is not approved, the County's therapists will not receive training in advanced therapy techniques and will not be able to provide these services to patients at Contra Costa Regional Medical Center and Contra Costa Health Centers.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Julia R. Bueren, Public Works  
Date: February 12, 2013

Subject: Adopt Resolution of Acceptance and Notice of Completion for Trade Package 4B for the West County Health Center Project, San Pablo

**RECOMMENDATION(S):**

ADOPT Resolution No. 2013/82 accepting as complete the construction contract work performed by Best Contracting Services, Inc. ("Best") for Trade Package 4B, consisting of roofing/waterproofing/architectural sheet metal, for the West County Health Center project, 13601 San Pablo Avenue, San Pablo, for the Health Services Department, as recommended by the Public Works Director.

DIRECT the Clerk of the Board to file with the County Recorder a certified copy of Resolution No. 2013/82 and the attached Notice of Completion no later than fifteen (15) days after adoption.

**FISCAL IMPACT:**

There is no direct fiscal impact resulting from the adoption of the Resolution of Acceptance and Notice of Completion, but the adoption and recording will limit the period for filing stop payment notices and bond claims on this trade contract.

**BACKGROUND:**

The West County Health Center ("WCHC") project involves constructing a new 53,000-square-foot

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☒ 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: February 12, 2013

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

Contact: Rob Lim, 925-313-2000

By: , Deputy

cc: PW Accounting, PW CPM Division Manager, PW CPM Project Manager, PW CPM Clerical, Auditor's Office, County Counsel's Office, County Administrator's Office, County Administrator's Office

BACKGROUND: (CONT'D)

health center plus an adjacent 310 stall-parking structure. On September 20, 2011, the County entered into a trade contract with Best for construction of Trade Package 4B, consisting of roofing/waterproofing/architectural sheet metal, for the WCHC project. The project has been successfully completed and the facilities are in full operation.

The above contract has been completed in accordance with the approved plans and specifications. It is recommended that the work covered by the above contract be accepted by adopting a Resolution of Acceptance and Notice of Completion (Resolution No. 2013/82).

CONSEQUENCE OF NEGATIVE ACTION:

Accepting a construction contract as complete is standard procedure and allows for proper close-out of the contract. If the above trade contract is not accepted as complete, the period for filing stop payment notices and bond claims may be extended.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Recorded at the request of: clerk of the Board of Supervisors

Return To: Capital Projects Management Division

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

Adopted this Resolution on 02/12/2013 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐

Resolution No. 2013/82

IN THE MATTER OF Accepting and Giving Notice of Completion of Trade Contract with Best Contracting Services, Inc. for Trade Package 4B for West County Health Center Project, San Pablo, Authorization No. 0927-WH554B.

WHEREAS, on September 20, 2011, the County (Owner) contracted with Best Contracting Services, Inc. (General Contractor), with The Guarantee Company of North America USA as surety, for Trade Package 4B, consisting of roofing/waterproofing/architectural sheet metal, for work to be performed on the West County Health Center project, on County property located at 13601 San Pablo Avenue, San Pablo, CA, and

WHEREAS, the Public Works Director reports that the contract work for Trade Package 4B has been inspected and complies with the approved plans and specification, and recommends its acceptance as completed as of January 17, 2013.

NOW, THEREFORE, BE IT RESOLVED that:

1. The contract work for Trade Package 4B of the West County Health Center project is accepted as recommended above; and
2. Within fifteen (15) days after adoption of this Resolution, the Clerk of the Board shall file with the County Recorder a certified copy of this Resolution and the attached Notice of Completion for Trade Package 4B.

Contact: Rob Lim, 925-313-2000

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: February 12, 2013

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

By: , Deputy

cc: PW Accounting, PW CPM Division Manager, PW CPM Project Manager, PW CPM Clerical, Auditor's Office, County Counsel's Office, County Administrator's Office, County Administrator's Office

Recorded at the request of:

Contra Costa County Public Works Dept.  
Capital Projects Management Div.

When recorded, return to:

Contra Costa County Public Works Dept.  
Capital Projects Management Div.  
255 Glacier Drive  
Martinez, CA 94553

## **NOTICE OF COMPLETION**

(Civil Code Section 9204)

NOTICE IS GIVEN of completion of the following public work of improvement:

- (1) Project name: Trade Package 4B, consisting of roofing/waterproofing/architectural sheet metal, for West County Health Center Project, 13601 San Pablo Avenue, San Pablo, CA
- (2) Date of completion: January 17, 2013
- (3) Name and address of Owner: Contra Costa County, c/o Contra Costa County Public Works Department, Capital Projects Management Division, 255 Glacier Drive, Martinez, CA 94553
- (4) Name and address of Direct Contractor: Best Contracting Services, Inc., 19027 South Hamilton Avenue, Gardena, CA 90248
- (5) Name and address of Construction Lender: None
- (6) Description of site: West County Health Center, 13601 San Pablo Avenue, San Pablo, CA

I, the undersigned, declare under penalty of perjury under the laws of the State of California that I am the agent of the Owner named above, that I have read this Notice, that I know and understand the contents, that the facts stated in the Notice are true and correct, and that I signed the Notice on the date listed below at Martinez, CA.

Dated: February 12, 2013.

---

Rob Lim  
Contra Costa County Public Works Dept.  
Capital Projects Management Div.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: February 12, 2013

Subject: SAN RAMON VALLEY UNIFIED SCHOOL DISTRICT GENERAL OBLIGATION BONDS, ELECTION OF 2012, SERIES 2013

**RECOMMENDATION(S):**

ADOPT Resolution No. 2013/91 authorizing the issuance and sale of "San Ramon Valley Unified School District General Obligation Bonds, Election of 2012, Series 2013" in an amount not to exceed \$75,000,000 by the San Ramon Valley Unified School District on its own behalf pursuant to Sections 15140 and 15146 of the Education Code, as permitted by Section 53508.7(c) of the Government Code.

**FISCAL IMPACT:**

There is no fiscal impact to the County.

**BACKGROUND:**

The San Ramon Valley Unified School District intends to issue General Obligation bonds to fund capital improvements throughout the District. The District has requested that the Board of Supervisors adopt a resolution authorizing the direct issuance and sale of bonds by the District on its own behalf as authorized by Section 15140(b) of the Education Code.

The District adopted a resolution on January 29, 2013 authorizing the sale and issuance of the bonds (attached). This issuance was approved by the voters as part of a bond measure listed on the November 6, 2012 ballot.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☒ 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: February 12, 2013

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

Contact: Timothy Ewell,  
925-335-1036

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Without the Contra Costa County Board of Supervisors authorization, the School District would not be able to issue the bonds.

CHILDREN'S IMPACT STATEMENT:

Certain capital projects within the San Ramon Valley Unified School District will not be completed.

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

Adopted this Resolution on 02/12/2013 by the following vote:

**AYES:** ☐  
**NOES:** ☐  
**ABSENT:** ☐  
**ABSTAIN:** ☐  
**RECUSE:** ☐



**Resolution No. 2013/91**

**RESOLUTION AUTHORIZING THE SAN RAMON VALLEY UNIFIED SCHOOL DISTRICT TO ISSUE ITS SAN RAMON VALLEY UNIFIED SCHOOL DISTRICT (COUNTY OF CONTRA COSTA, CALIFORNIA), GENERAL OBLIGATION BONDS, ELECTION OF 2012, SERIES 2013 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$75,000,000 WITHOUT FURTHER ACTION OF THE BOARD OF SUPERVISORS OR OFFICERS OF THE COUNTY**

**RESOLVED**, by the Board of Supervisors of the County of Contra Costa, State of California, that:

**WHEREAS**, an election was duly and regularly held in the San Ramon Valley Unified School District (the "District") on November 6, 2012, in accordance with Section 1(b)(3) of Article XIII A of the California Constitution, for the purpose of submitting a bond measure to the qualified electors of the District, authorizing the issuance of general obligation bonds in the aggregate principal amount of \$260,000,000 (the "Bonds"), and more than 55% of the votes cast were in favor of the issuance of the Bonds; and

**WHEREAS**, Sections 53506 and following of the California Government Code (the "Government Code"), including Section 53508.7 thereof, provide that a school district may issue and sell bonds on its own behalf at a private sale pursuant to Section 15140 and 15146 of the California Education Code (the "Education Code"); and

**WHEREAS**, Section 15140(b) of the Education Code provides that the board of supervisors of a county may authorize a school district over which the county superintendent of schools has jurisdiction, and which has not received a qualified or negative certification in its most recent interim report, to issue and sell bonds on its own behalf without further action of the board of supervisors or officers of the county; and

**WHEREAS**, the Board of Education of the District, a school district under the jurisdiction of the Superintendent of Schools of the County of Contra Costa, adopted on January 29, 2013, a resolution (the "District Resolution") providing for the issuance of its "San Ramon Valley Unified School District (County of Contra Costa, California), General Obligation Bonds, Election of 2012, Series 2013," in an aggregate principal amount not to exceed \$75,000,000, in one or more series to be designated by the District (the "Series 2013 Bonds") pursuant to Section 53506 and following of the Government Code and additionally providing for the negotiated sale thereof pursuant to Sections 15140 and 15146 of the Education Code; and

**WHEREAS**, by said District Resolution, the District has requested that this Board of Supervisors (the "Board") of the County of Contra Costa (the "County") authorize the District on its own behalf to issue and sell the Series 2013 Bonds at a negotiated sale, all pursuant to Sections 53506 and following of the Government Code and Section 15140(b) of the Education Code and subject to the terms set forth in the District Resolution, and has represented and warranted to the Board that it has not received a qualified or negative certification in its most recent interim report;

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: February 12, 2013**

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

**Contact: Timothy Ewell, 925-335-1036**

By: , Deputy

**cc:**



**NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** as follows:

**Section 1. Recitals.** All of the above recitals are true and correct.

**Section 2. Authorization of District Issuance and Sale.** The Board hereby authorizes the issuance and private negotiated sale of the Series 2013 Bonds by the District on its own behalf, pursuant to the terms set forth in the District Resolution and as authorized by and in full compliance with all applicable laws, including but not limited to Sections 15140 and 15146 of the Education Code, as permitted by Section 53508.7 of the Government Code, as determined by the District's bond counsel. This authorization shall only apply to the Series 2013 Bonds authorized to be issued by said District Resolution.

**Section 3. Purpose.** The purpose of this action is to permit the District to sell its Series 2013 Bonds in the manner that the District determines is in its best interests and the best interests of its taxpayers, as provided in the District Resolution.

**Section 4. District Responsibilities.** Pursuant to Section 15140(c) of the Education Code, the Board of Education of the District shall transmit the District Resolution and a copy of the final debt service schedule for the Series 2013 Bonds, reflecting the principal amounts and interest rates of such Series 2013 Bonds as determined in the sale thereof, to the Treasurer-Tax Collector of the County (the "County Treasurer") and to the County Controller (the "County Controller"), forthwith after the sale of the Series 2013 Bonds, and in any event no later than the date reasonably requested by such officers, in order to permit the County to establish tax rates and necessary funds or accounts for the Series 2013 Bonds.

**Section 5. County Responsibilities.** (a) The County, including the officers thereof and this Board of Supervisors, assumes no responsibility for any of the proceedings following the adoption of this Resolution which involve or result in the sale and issuance of the Series 2013 Bonds, including but not limited to, any proceedings for the sale and issuance of the Series 2013 Bonds or the validity of the Series 2013 Bonds.

(b) The County shall levy and collect taxes, pay principal and interest on the Series 2013 Bonds when due, and hold the bond proceeds and tax funds for the Series 2013 Bonds that have been duly issued and sold by the District as otherwise required by law.

(c) The County, including the officers and employees thereof and this Board of Supervisors, assumes no responsibility for establishing a tax rate for any new issue of bonds in any year in which the information required by Section 4 hereof to be delivered to the County officers is delivered later than the deadline established by such officers in order to permit compliance with Government Code Section 29100 and following.

(d) Except as otherwise provided by this Resolution and by law, neither the County, this Board or any officers, officials or employees of the County shall have any liability hereunder or by reason hereof or in connection with the transactions contemplated hereby and the Series 2013 Bonds shall be payable solely from tax proceeds and any other moneys of the District available therefor as set forth in this Section 5.

**Section 6. Delegation to County Treasurer.** The County Treasurer, or his/her designee, is hereby authorized and directed to act on behalf of and with the authority of the County to take any official action and to execute and deliver any certificates, receipts, orders, or other documents required or intended to be signed and delivered by the County, which the County Treasurer deems necessary or advisable, in connection with the issuance and delivery of the Series 2013 Bonds.

**Section 7. Indemnification of County.** The County acknowledges and relies upon the fact that the District has represented that it shall indemnify and hold harmless, to the extent permitted by law, the County and its officers and employees ("Indemnified Parties"), against any and all losses, claims, damages or liabilities, joint or several, to which such Indemnified Parties may become subject because of action or inaction related to the adoption of this Resolution, or related to the proceedings for sale, award, issuance and delivery of the Series 2013 Bonds in accordance herewith and with the District Resolution and that the District shall also reimburse any such Indemnified Parties for any legal or other expenses incurred in connection with investigating or defending any such claims or actions.

**Section 8. Limited Responsibility for Official Statement.** Neither this Board of Supervisors nor any officer of the County has prepared or reviewed the official statement of the District describing the Series 2013 Bonds (the "Official Statement"), and this Board of Supervisors and the various officers of the County take no responsibility for the contents or distribution thereof; provided, however, that solely with respect to a section contained or to be contained therein describing the County's investment policy, current portfolio holdings and valuation procedures, as they may relate to funds of the District held by the County Treasurer, the County Treasurer is hereby authorized and directed to prepare and review such information for inclusion in the District's Official Statement and in a preliminary Official Statement, and to certify in writing prior to or upon the issuance of the Series 2013 Bonds that the information contained in such section does not contain any untrue statement of a material fact or omit to state any material fact necessary in order to make the statements made therein, in the light of the circumstances under which they are made, not misleading.

**Section 9. Delivery of Resolution.** The Clerk of the Board of Supervisors is hereby directed to deliver a copy of this Resolution to the Superintendent of the District.

**Section 10. Effective Date:** This Resolution shall take effect from and after its adoption.

\* \* \* \* \*

CLERK'S CERTIFICATE

I, \_\_\_\_\_, Deputy Clerk of the Board of Supervisors (the "Board") of the County of Contra Costa, do hereby certify that the attached is a full, true and correct copy of a resolution and order duly adopted at a regular meeting of the Board duly and regularly and legally held at the regular meeting place thereof on \_\_\_\_\_, 2013, and duly entered in the minutes of said meeting, of which meeting all the members of the Board had due notice and at which a quorum thereof was present.

An agenda of said meeting was posted at least 72 hours before said meeting at 651 Pine Street, Room 107, Martinez, California, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda. A copy of said agenda is attached hereto.

I further certify that I have carefully compared the attached copy with the original minutes of said meeting on file and of record in my office. Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Deputy Clerk of the Board of Supervisors  
County of Contra Costa

## RESOLUTION NO. 35/12-13

**RESOLUTION 35/12-13 AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$75,000,000 AGGREGATE PRINCIPAL AMOUNT OF BONDS OF SAN RAMON VALLEY UNIFIED SCHOOL DISTRICT BY A NEGOTIATED SALE PURSUANT TO A BOND PURCHASE AGREEMENT, PRESCRIBING THE TERMS OF SALE, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE CERTIFICATE, APPROVING THE FORM OF AND AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT FOR THE BONDS, AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS**

**WHEREAS**, an election was duly called and regularly held in the San Ramon Valley Unified School District (the “District”), located in the County of Contra Costa, California (the “County”), on November 6, 2012, at which the following proposition (as abbreviated pursuant to Section 13247 of the California Elections Code) was submitted to the electors of the District (the “Bond Measure”):

*“To improve local elementary, middle and high school classrooms, labs and learning facilities by adding classrooms to prevent school overcrowding; upgrading fire, security and earthquake safety; updating science labs, and instructional technology infrastructure for 21st-century learning; improving energy efficiency; and renovating, constructing and equipping schools, facilities and classrooms, shall San Ramon Valley Unified School District issue \$260 million in bonds, at legal rates, with citizens’ oversight, annual audits, no funds for administrators’ salaries and all funds benefitting local schools?”*

**WHEREAS**, at least 55% of the votes cast on the proposition were in favor of issuing the bonds; and

**WHEREAS**, at this time, the Board of Education (the “Board of Education”) of the District deems it necessary and desirable to authorize and consummate the sale of a portion of the bonds, designated the “San Ramon Valley Unified School District (County of Contra Costa, California) General Obligation Bonds, Election of 2012, Series 2013” (the “Series 2013 Bonds”), with such additional or other series or subseries designations as may be approved as herein provided, in an aggregate principal amount not exceeding \$75,000,000, for purposes of financing projects authorized to be financed under the Bond Measure, according to the terms and in the manner hereinafter set forth; and

**WHEREAS**, Sections 53506 and following of the California Government Code (the “Government Code”), including Section 53508.7 thereof, provide that a school district may issue and sell bonds on its own behalf at a private or negotiated sale pursuant to Sections 15140 and 15146 of the California Education Code (the “Education Code”); and

**WHEREAS**, Section 15140(b) of the Education Code provides that the board of supervisors of a county may authorize a school district in the county to issue and sell its own bonds without the further action of the board of supervisors or officers of the county if said school district has not received a qualified or negative certification in its most recent interim report; and

**WHEREAS**, the District has not received a qualified or negative certification in its most recent interim report; and

**WHEREAS**, the Series 2013 Bonds shall be issued and sold by the District on its own behalf at a negotiated sale pursuant to authorization to be obtained from the Board of Supervisors (the "Board of Supervisors") of the County; and

**WHEREAS**, the Board of Education has determined that securing the timely payment of the principal of and interest on the Series 2013 Bonds by obtaining a municipal bond insurance policy with respect thereto could be economically advantageous to the District; and

**WHEREAS**, a form of Bond Purchase Agreement (the Bond Purchase Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Bond Purchase Agreement") to purchase the Series 2013 Bonds proposed to be entered into with Stifel, Nicolaus & Company, Incorporated, dba Stone & Youngberg, a Division of Stifel Nicolaus, as representative of itself and George K. Baum & Company, as underwriters (the "Underwriters") has been prepared; and

**WHEREAS**, Rule 15c2-12 promulgated under the Securities Exchange Act of 1934 ("Rule 15c2-12") requires that, in order to be able to purchase or sell the Series 2013 Bonds, the Underwriters must have reasonably determined that the issuer or other obligated person has undertaken in a written agreement or contract for the benefit of the holders of the Series 2013 Bonds to provide disclosure of certain financial and operating information and certain enumerated events on an ongoing basis; and

**WHEREAS**, in order to cause such requirement to be satisfied, the District desires to execute and deliver a Continuing Disclosure Certificate (the Continuing Disclosure Certificate, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Continuing Disclosure Certificate"), a form of which has been prepared; and

**WHEREAS**, the Preliminary Official Statement to be distributed in connection with the public offering of the Series 2013 Bonds (such Preliminary Official Statement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Preliminary Official Statement") has been prepared; and

**WHEREAS**, the Board of Education has been presented with the form of each document referred to herein relating to the financing contemplated hereby, and the Board of Education has examined each document and desires to approve, authorize and direct the execution of such documents and the consummation of such financing; and



**WHEREAS**, the District desires that the County levy and collect a tax on all taxable property within the District sufficient to provide for payment of each series of the Series 2013 Bonds, and intends by the adoption of this Resolution to notify the Board of Supervisors of the County, the Auditor-Controller of the County, the Treasurer and Tax Collector of the County and other officials of the County that they should take such actions as shall be necessary to provide for the levy and collection of such a tax and payment of the Series 2013 Bonds, all pursuant to Sections 15250 and 15251 of the Education Code; and

**WHEREAS**, all acts, conditions and things required by the Constitution and laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the actions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the District is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such actions for the purpose, in the manner and upon the terms herein provided;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Education of the San Ramon Valley Unified School District, as follows:

**Section 1. Recitals.** All of the above recitals are true and correct and the Board of Education so finds.

**Section 2. Definitions.** Unless the context clearly otherwise requires, the terms defined in this Section shall, for all purposes of this Resolution, have the meanings specified herein, to be equally applicable to both the singular and plural forms of any of the terms herein defined.

**“Auditor-Controller”** means the Auditor-Controller of the County or any authorized deputy thereof.

**“Authorized Officers”** means the President of the Board of Education, or such other member of the Board of Education as the President may designate, the Superintendent of the District, the Assistant Superintendent, Facilities and Operations of the District, the Chief Business Official, or such other officer or employee of the District as the Superintendent may designate.

**“Board of Education”** means the Board of Education of the District.

**“Board of Supervisors”** means the Board of Supervisors of the County.

**“Bond Purchase Agreement”** means the Bond Purchase Agreement relating to the sale of the Series 2013 Bonds by and between the District and the Underwriters in accordance with the provisions hereof.

**“Cede & Co.”** means Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Series 2013 Bonds.

**“Code”** means the Internal Revenue Code of 1986.

**“Continuing Disclosure Certificate”** means the Continuing Disclosure Certificate executed and delivered by the District relating to the Series 2013 Bonds.

**“County”** means the County of Contra Costa.

**“District”** means the San Ramon Valley Unified School District.

**“DTC”** means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors as securities depository for the Series 2013 Bonds, including any such successor thereto appointed pursuant to Section 9 hereof.

**“Interest Payment Date”** means February 1 and August 1 of each year commencing on August 1, 2013, or such other dates as may be set forth in the Bond Purchase Agreement.

**“Official Statement”** means the Official Statement of the District relating to the Series 2013 Bonds.

**“Opinion of Bond Counsel”** means an opinion of counsel of nationally recognized standing in the field of law relating to municipal bonds.

**“Owner”** means, with respect to any Series 2013 Bond, the person whose name appears on the Registration Books as the registered Owner thereof.

**“Paying Agent”** means The Bank of New York Mellon Trust Company, N.A., or any bank, trust company, national banking association or other financial institution appointed as Paying Agent to act as authenticating agent, bond registrar, transfer agent and paying agent for the Series 2013 Bonds in accordance with Section 8 hereof.

**“Preliminary Official Statement”** means the Preliminary Official Statement of the District relating to the Series 2013 Bonds.

**“Record Date”** means, with respect to any Interest Payment Date for the Series 2013 Bonds, the 15th day of the calendar month immediately preceding such Interest Payment Date, whether or not such day is a business day, or such other date or dates as may be set forth in the Bond Purchase Agreement.

**“Registration Books”** means the books for the registration and transfer of the Series 2013 Bonds maintained by the Paying Agent in accordance with Section 8(d) hereof.

**“Series 2013 Bonds”** means the bonds authorized and issued pursuant to this Resolution, in one or more series or subseries, designated the “San Ramon Valley Unified School District (County of Contra Costa, California) General Obligation Bonds, Election of 2012, Series 2013,” with such additional or other series or subseries designations as may be approved as herein provided.

**“State”** means the State of California.

**“Tax Certificate”** means the Tax Certificate with respect to the Series 2013 Bonds, executed by the District, dated the date of issuance of such Series 2013 Bonds.

**“Tax-Exempt”** means, with respect to interest on any obligations of a state or local government, that such interest is excluded from the gross income of the holders thereof for federal income tax purposes, whether or not such interest is includable as an item of tax preference or otherwise includable directly or indirectly for purposes of calculating other tax liabilities, including any alternative minimum tax or environmental tax under the Internal Revenue Code of 1986 (the “Code”).

**“Taxable Bonds”** means those Series 2013 Bonds the interest on which is not Tax-Exempt.

**“Treasurer”** means Treasurer and Tax Collector of the County or any authorized deputy thereof.

**“Underwriters”** means Stifel, Nicolaus & Company, Incorporated, dba Stone & Youngberg, a Division of Stifel Nicolaus, and George K. Baum & Company, as underwriters.

**Section 3. Authorization and Designation of Bonds.** Subject to the authorization of the District by the Board of Supervisors of the County to issue and sell the Series 2013 Bonds without the further action of the Board of Supervisors pursuant to Sections 15140 and 15146 of the Education Code, as permitted by Section 53508.7 of the Government Code, which authorization is hereby respectfully requested, the Series 2013 Bonds described herein are being issued pursuant to the authority of Article 4.5 of Chapter 3, of Part 1 of Division 2 of Title 5 of the Government Code, and other applicable provisions of law, including applicable provisions of the Education Code. The Board of Education hereby authorizes the issuance and sale of not to exceed \$75,000,000 aggregate principal amount of Series 2013 Bonds. The Series 2013 Bonds may be issued in one or more series or subseries and shall be designated “San Ramon Valley Unified School District (County of Contra Costa, California) General Obligation Bonds, Election of 2012, Series 2013,” with appropriate additional or other series or subseries designations as approved by an Authorized Officer. The proceeds of the Series 2013 Bonds, exclusive of any premium and accrued interest received, shall be applied to finance projects authorized to be financed under the Bond Measure.

**Section 4. Form of Bonds; Execution.** (a) *Form of Series 2013 Bonds.* The Series 2013 Bonds shall be issued in fully registered form without coupons. The Series 2013 Bonds and the certificate of authentication and registration and the forms of assignment to appear on each of them, shall be in substantially the forms attached hereto as Exhibit A, with necessary or appropriate variations, omissions and insertions as permitted or required by this Resolution.

(b) *Execution of Bonds.* The Series 2013 Bonds shall be signed by the manual or facsimile signatures of the President of the Board of Education, and countersigned by the manual or facsimile signature of the Clerk of the Board of Education. The Series 2013 Bonds shall be authenticated by a manual signature of a duly authorized signatory of the Paying Agent.

(c) *Valid Authentication.* Only such of the Series 2013 Bonds as shall bear thereon a certificate of authentication and registration as described in subsection (a) of this Section,

executed by the Paying Agent, shall be valid or obligatory for any purpose or entitled to the benefits of this Resolution, and such certificate of authentication and registration shall be conclusive evidence that the Series 2013 Bonds so authenticated have been duly authenticated and delivered hereunder and are entitled to the benefits of this Resolution.

(d) *Identifying Number.* The Paying Agent shall assign each Series 2013 Bond authenticated and registered by it a distinctive letter, or number, or letter and number, and shall maintain a record thereof at its principal office, which record shall be available to the District and the County for inspection.

**Section 5. Terms of Bonds.** (a) *Date of Series 2013 Bonds.* The Series 2013 Bonds shall be dated the date of their delivery, or such other date as shall be set forth in the Bond Purchase Agreement.

(b) *Denominations.* The Series 2013 Bonds shall be issued in denominations of \$5,000 principal amount or any integral multiple thereof.

(c) *Maturity.* The Series 2013 Bonds shall mature on the date or dates, in each of the years, in the principal amounts and in the aggregate principal amount as shall be set forth in the Bond Purchase Agreement. No Series 2013 Bond shall mature later than the date which is 25 years from the date of the Series 2013 Bonds, to be determined as provided in subsection (a) of this Section. No Series 2013 Bond shall have principal maturing on more than one principal maturity date.

(d) *Interest.* The Series 2013 Bonds shall bear interest at an interest rate not to exceed 12.00% per annum, payable on the Interest Payment Dates in each year computed on the basis of a 360-day year of twelve 30-day months. Each Series 2013 Bond shall bear interest from the Interest Payment Date next preceding the date of authentication thereof, unless it is authenticated as of a date during the period from the Record Date next preceding any Interest Payment Date to such Interest Payment Date, inclusive, in which event it shall bear interest from such Interest Payment Date, or unless it is authenticated on or before the Record Date preceding the first Interest Payment Date, in which event it shall bear interest from its dated date; provided, however, that if, at the time of authentication of any Series 2013 Bond, interest is in default on any outstanding Series 2013 Bonds, such Series 2013 Bond shall bear interest from the Interest Payment Date to which interest has previously been paid or made available for payment on the outstanding Series 2013 Bonds.

(e) Each series of Series 2013 Bonds may be issued such that the interest on such series of Series 2013 Bonds is Tax-Exempt or such that the interest on such series of Series 2013 Bonds is not Tax-Exempt. The Board of Education hereby finds and determines that, pursuant to Section 5903 of the California Government Code, the interest payable on each series of Series 2013 Bonds issued as Taxable Bonds will be subject to federal income taxation under the Code in existence on the date of issuance of such series of Series 2013 Bonds.

**Section 6. Payment of Bonds.** (a) *Request for Tax Levy.* The money for the payment of principal, redemption premium, if any, and interest on the Series 2013 Bonds shall be raised by taxation upon all taxable property in the District and provision shall be made for the levy and

collection of such taxes in the manner provided by law and for such payment out of the interest and sinking fund of the District. The Board of Supervisors and officers of the County are obligated by statute to provide for the levy and collection of property taxes in each year sufficient to pay all principal and interest coming due on the Series 2013 Bonds in such year, and to pay from such taxes all amounts due on the Series 2013 Bonds. The District hereby requests the Board of Supervisors to annually levy a tax upon all taxable property in the District sufficient to redeem the Series 2013 Bonds, and to pay the principal, redemption premium, if any, and interest thereon as and when the same become due.

(b) *Principal.* The principal of the Series 2013 Bonds shall be payable in lawful money of the United States of America to the Owner thereof, upon the surrender thereof at the principal corporate trust office of the Paying Agent.

(c) *Interest; Record Date.* The interest on the Series 2013 Bonds shall be payable on each Interest Payment Date in lawful money of the United States of America to the Owner thereof as of the Record Date preceding such Interest Payment Date, such interest to be paid by check or draft mailed on such Interest Payment Date (if a business day, or on the next business day if the Interest Payment Date does not fall on a business day) to such Owner at such Owner's address as it appears on the Registration Books or at such address as the Owner may have filed with the Paying Agent for that purpose except that the payment shall be made by wire transfer of immediately available funds to any Owner of at least \$1,000,000 of outstanding Series 2013 Bonds who shall have requested in writing such method of payment of interest prior to the close of business on the Record Date immediately preceding any Interest Payment Date.

(d) *Interest and Sinking Fund.* Principal and interest due on the Series 2013 Bonds shall be paid from the interest and sinking fund of the District as provided in Section 15146 of the Education Code.

(e) *Obligation of the District.* No part of any fund or account of the County is pledged or obligated to the payment of the Series 2013 Bonds. The obligation for repayment of the Series 2013 Bonds is the sole obligation of the District.

(f) *Insurance.* The payment of principal of and interest on all or a portion of the Series 2013 Bonds may be secured by a municipal bond insurance policy as shall be described in the Bond Purchase Agreement. The Bond Purchase Agreement may provide that no municipal bond insurance policy shall be obtained. The Authorized Officers are each hereby authorized and directed to qualify the District for municipal bond insurance for the Series 2013 Bonds and authorize that such insurance be obtained if the present value cost of such insurance is less than the present value of the estimated interest savings with respect to the Series 2013 Bonds. The Authorized Officers are each hereby authorized and directed, for and in the name and on behalf of the District, to execute and deliver a contract or contracts for such insurance if such contract is deemed by the Authorized Officer executing the same to be in the best interests of the District, such determination to be conclusively evidenced by such Authorized Officer's execution and delivery of such contract.

**Section 7. Redemption Provisions.** (a) *Optional Redemption.* The Series 2013 Bonds may be subject to redemption, at the option of the District, on the dates and terms as shall be



designated in the Bond Purchase Agreement. The Bond Purchase Agreement may provide that the Series 2013 Bonds shall not be subject to optional redemption.

(b) *Selection.* If less than all of the Series 2013 Bonds, if any, are subject to such redemption and are called for redemption, such Series 2013 Bonds shall be redeemed in inverse order of maturities or as otherwise directed by the District (or as otherwise set forth in the Bond Purchase Agreement), and if less than all of the Series 2013 Bonds of any given maturity are called for redemption, the portions of such bonds of a given maturity to be redeemed shall be determined by lot (or as otherwise set forth in the Bond Purchase Agreement).

(c) *Mandatory Sinking Fund Redemption.* The Series 2013 Bonds, if any, which are designated in the Bond Purchase Agreement as term bonds shall also be subject to redemption prior to their stated maturity dates, without a redemption premium, in part by lot (or as otherwise set forth in the Bond Purchase Agreement), from mandatory sinking fund payments in the amounts and in accordance with the terms to be specified in the Bond Purchase Agreement. Unless otherwise provided in the Bond Purchase Agreement, the principal amount of each mandatory sinking fund payment of any maturity shall be reduced proportionately by the amount of any Series 2013 Bonds of that maturity redeemed in accordance with subsection (a) of this Section prior to the mandatory sinking fund payment date. The Bond Purchase Agreement may provide that the Series 2013 Bonds shall not be subject to mandatory sinking fund redemption. The Auditor-Controller is hereby authorized to create such sinking funds or accounts for the term Series 2013 Bonds as shall be necessary to accomplish the purposes of this Section.

(d) *Notice of Redemption.* Notice of any redemption of the Series 2013 Bonds shall be mailed by the Paying Agent, postage prepaid, not less than 30 nor more than 60 days prior to the redemption date (i) by first class mail to the County and the respective Owners thereof at the addresses appearing on the Registration Books, and (ii) as may be further required in accordance with the Continuing Disclosure Certificate.

Each notice of redemption shall state (i) the date of such notice; (ii) the name of the Series 2013 Bonds and the date of issue of the Series 2013 Bonds; (iii) the redemption date; (iv) the redemption price; (v) the series of Series 2013 Bonds and the dates of maturity or maturities of Series 2013 Bonds to be redeemed; (vi) if less than all of the Series 2013 Bonds of a series of any maturity are to be redeemed, the distinctive numbers of the Series 2013 Bonds of each maturity of such series to be redeemed; (vii) in the case of Series 2013 Bonds of a series redeemed in part only, the respective portions of the principal amount of the Series 2013 Bonds of each maturity of such series to be redeemed; (viii) the CUSIP number, if any, of each maturity of Series 2013 Bonds of a series to be redeemed; (ix) a statement that such Series 2013 Bonds must be surrendered by the Owners at the principal corporate trust office of the Paying Agent, or at such other place or places designated by the Paying Agent; (x) notice that further interest on such Series 2013 Bonds will not accrue after the designated redemption date; and (xi) in the case of a conditional notice, that such notice is conditioned upon certain circumstances and the manner of rescinding such conditional notice.

(e) *Effect of Notice.* A certificate of the Paying Agent that notice of redemption has been given to Owners as herein provided shall be conclusive as against all parties. Neither the failure to receive the notice of redemption as provided in this Section, nor any defect in such

notice shall affect the sufficiency of the proceedings for the redemption of the Series 2013 Bonds or the cessation of interest on the date fixed for redemption.

When notice of redemption has been given substantially as provided for herein, and when the redemption price of the Series 2013 Bonds called for redemption is set aside for the purpose as described in subsection (g) of this Section, the Series 2013 Bonds designated for redemption shall become due and payable on the specified redemption date and interest shall cease to accrue thereon as of the redemption date, and upon presentation and surrender of such Series 2013 Bonds at the place specified in the notice of redemption, such Series 2013 Bonds shall be redeemed and paid at the redemption price thereof out of the money provided therefor. The Owners of such Series 2013 Bonds so called for redemption after such redemption date shall be entitled to payment thereof only from the interest and sinking fund or the trust fund established for such purpose. All Series 2013 Bonds redeemed shall be cancelled forthwith by the Paying Agent and shall not be reissued.

(f) *Right to Rescind Notice.* The District may rescind any optional redemption and notice thereof for any reason on any date prior to the date fixed for redemption by causing written notice of the rescission to be given to the owners of the Series 2013 Bonds so called for redemption. Any optional redemption and notice thereof shall be rescinded if for any reason on the date fixed for redemption moneys are not available in the interest and sinking fund or otherwise held in trust for such purpose in an amount sufficient to pay in full on said date the principal of, interest, and any premium due on the Series 2013 Bonds called for redemption. Notice of rescission of redemption shall be given in the same manner in which notice of redemption was originally given. The actual receipt by the owner of any Series 2013 Bond of notice of such rescission shall not be a condition precedent to rescission, and failure to receive such notice or any defect in such notice shall not affect the validity of the rescission.

(g) *Funds for Redemption.* Prior to or on the redemption date of any Series 2013 Bonds there shall be available in the interest and sinking fund of the District, or held in trust for such purpose as provided by law, monies for the purpose and sufficient to redeem, at the redemption prices as in this Resolution provided, the Series 2013 Bonds designated in the notice of redemption. Such monies shall be applied on or after the redemption date solely for payment of principal of, interest and premium, if any, on the Series 2013 Bonds to be redeemed upon presentation and surrender of such Series 2013 Bonds, provided that all monies in the interest and sinking fund of the District shall be used for the purposes established and permitted by law. Any interest due on or prior to the redemption date shall be paid from the interest and sinking fund of the District, unless otherwise provided to be paid from such monies held in trust. If, after all of the Series 2013 Bonds have been redeemed and cancelled or paid and cancelled, there are monies remaining in the interest and sinking fund of the District or otherwise held in trust for the payment of redemption price of the Series 2013 Bonds, the monies shall be held in or returned or transferred to the interest and sinking fund of the District for payment of any outstanding bonds of the District payable from such fund; provided, however, that if the monies are part of the proceeds of bonds of the District, the monies shall be transferred to the fund created for the payment of principal of and interest on such bonds. If no such bonds of the District are at such time outstanding, the monies shall be transferred to the general fund of the District as provided and permitted by law.

(h) *Defeasance of Bonds.* If at any time the District shall pay or cause to be paid or there shall otherwise be paid to the Owners of any or all of the outstanding Series 2013 Bonds all or any part of the principal, interest and premium, if any, on the Series 2013 Bonds at the times and in the manner provided herein and in the Series 2013 Bonds, or as provided in the following paragraph, or as otherwise provided by law consistent herewith, then such Owners shall cease to be entitled to the obligation of the District as provided in Section 6 hereof, and such obligation and all agreements and covenants of the District and of the County to such Owners hereunder and under the Series 2013 Bonds shall thereupon be satisfied and discharged and shall terminate, except only that the District shall remain liable for payment of all principal, interest and premium, if any, represented by the Series 2013 Bonds, but only out of monies on deposit in the interest and sinking fund or otherwise held in trust for such payment; and provided further, however, that the provisions of subsection (i) of this Section shall apply in all events.

For purposes of this Section, the District may pay and discharge any or all of the Series 2013 Bonds by depositing in trust with the Paying Agent or an escrow agent, selected by the District, at or before maturity, money or non-callable direct obligations of the United States of America (including zero interest bearing State and Local Government Series) or other non-callable obligations the payment of the principal of and interest on which is guaranteed by a pledge of the full faith and credit of the United States of America, in an amount which will, together with the interest to accrue thereon and available monies then on deposit in the interest and sinking fund of the District, be fully sufficient to pay and discharge the indebtedness on such Series 2013 Bonds (including all principal, interest and redemption premiums) at or before their respective maturity dates.

(i) *Unclaimed Monies.* Any money held in any fund created pursuant to this Resolution, or by the Paying Agent or an escrow agent in trust, for the payment of the principal of, redemption premium, if any, or interest on the Series 2013 Bonds and remaining unclaimed for one year after the principal of all of the Series 2013 Bonds has become due and payable (whether by maturity or upon prior redemption) shall be transferred to the interest and sinking fund of the District for payment of any outstanding bonds of the District payable from the fund; or, if no such bonds of the District are at such time outstanding, the monies shall be transferred to the general fund of the District as provided and permitted by law.

**Section 8. Paying Agent.** (a) *Appointment; Payment of Fees and Expenses.* This Board of Trustees does hereby consent to and confirm the appointment of The Bank of New York Mellon Trust Company, N.A., to act as the initial paying agent for the Series 2013 Bonds. All fees and expenses of the paying agent shall be the sole responsibility of the District, and to the extent not paid from the proceeds of sale of the Series 2013 Bonds, or from the interest and sinking fund of the District, insofar as permitted by law, including specifically by Section 15232 of the Education Code, such fees and expenses shall be paid by the District.

(b) *Resignation, Removal and Replacement of Paying Agent.* The Paying Agent initially appointed or any successor Paying Agent may resign from service as Paying Agent and may be removed at any time by the District as provided in the Paying Agent's service agreement. If at any time the Paying Agent shall resign or be removed, the District shall appoint a successor Paying Agent, which shall be any bank, trust company, national banking association or other

financial institution doing business in and having a corporate trust office in California, with at least \$100,000,000 in net assets.

(c) *Principal Corporate Trust Office.* The initial Paying Agent, and any successor Paying Agent, shall designate each place or places where it will conduct the functions of transfer, registration, exchange, payment, and surrender of the Bonds, and any reference herein to the “principal corporate trust office” of the Paying Agent shall mean the office so designated for a particular purpose. If no office is so designated for a particular purpose, such functions shall be conducted at the office of The Bank of New York Mellon Trust Company, N.A., in San Francisco, California, or the principal corporate trust office of any successor Paying Agent.

(d) *Registration Books.* The Paying Agent shall keep or cause to be kept at its principal corporate trust office sufficient books for the registration and transfer of the Series 2013 Bonds, which shall at all times be open to inspection by the District and the County, and, upon presentation for such purpose, the Paying Agent shall, under such reasonable regulations as it may prescribe, register or transfer or cause to be registered or transferred on the Registration Books, Series 2013 Bonds as provided in Sections 9 and 10 hereof. The Paying Agent shall keep accurate records of all funds administered by it and of all Series 2013 Bonds paid and discharged by it. Such records shall be provided, upon reasonable request, to the District in a format mutually agreeable to the Paying Agent and the District.

**Section 9. Transfer Under Book-Entry System; Discontinuation of Book-Entry System.** (a) Unless otherwise specified in the Bond Purchase Agreement, DTC is hereby appointed depository for each series of the Series 2013 Bonds and the Series 2013 Bonds shall be issued in book-entry form only, and shall be initially registered in the name of “Cede & Co.,” as nominee of DTC. One bond certificate shall be issued for each maturity of each series or subseries of the Series 2013 Bonds; provided, however, that if different CUSIP numbers are assigned to Series 2013 Bonds of a series or subseries maturing in a single year or, if Series 2013 Bonds of the same series or subseries maturing in a single year are issued with different interest rates, additional bond certificates shall be prepared for each such maturity. Registered ownership of such Series 2013 Bonds of each such maturity, or any portion thereof, may not thereafter be transferred except as provided in this Section or Section 10 hereof:

(i) To any successor of DTC, or its nominee, or to any substitute depository designated pursuant to clause (ii) of this Section (a “substitute depository”); provided, however that any successor of DTC, as nominee of DTC or substitute depository, shall be qualified under any applicable laws to provide the services proposed to be provided by it;

(ii) To any substitute depository not objected to by the District, upon (1) the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository, or (2) a determination by the District to substitute another depository for DTC (or its successor) because DTC or its successor (or any substitute depository or its successor) is no longer able to carry out its functions as depository; provided, that any such substitute depository shall be qualified under any applicable laws to provide the services proposed to be provided by it; or

(iii) To any person as provided below, upon (1) the resignation of DTC or its successor (or substitute depository or its successor) from its functions as depository; provided that no substitute depository which is not objected to by the District can be obtained, or (2) a determination by the District that it is in the best interests of the District to remove DTC or its successor (or any substitute depository or its successor) from its functions as depository.

(b) In the case of any transfer pursuant to clause (i) or clause (ii) of subsection (a) of this Section, upon receipt of the outstanding Series 2013 Bonds by the Paying Agent, together with a written request of the District to the Paying Agent, a new Series 2013 Bond for each maturity shall be executed and delivered (in the aggregate principal amount of such Series 2013 Bonds then outstanding), registered in the name of such successor or such substitute depository, or their nominees, as the case may be, all as specified in such written request of the District. In the case of any transfer pursuant to clause (iii) of subsection (a) of this Section, upon receipt of the outstanding Series 2013 Bonds by the Paying Agent together with a written request of the District to the Paying Agent, new Series 2013 Bonds shall be executed and delivered in such denominations, numbered in the manner determined by the Paying Agent, and registered in the names of such persons, as are requested in such written request of the District, subject to the limitations of Section 5 hereof and the receipt of such a written request of the District, and thereafter, the Series 2013 Bonds shall be transferred pursuant to the provisions set forth in Section 10 hereof; provided, however, that the Paying Agent shall not be required to deliver such new Series 2013 Bonds within a period of less than 60 days after the receipt of any such written request of the District.

(c) In the case of partial redemption or an advance refunding of the Series 2013 Bonds evidencing all or a portion of the principal amount then outstanding, DTC shall make an appropriate notation on the Series 2013 Bonds indicating the date and amounts of such reduction in principal.

(d) The District and the Paying Agent shall be entitled to treat the person in whose name any Series 2013 Bond is registered as the owner thereof, notwithstanding any notice to the contrary received by the District or the Paying Agent; and the District and the Paying Agent shall have no responsibility for transmitting payments to, communicating with, notifying, or otherwise dealing with any beneficial owners of the Series 2013 Bonds, and neither the District nor the Paying Agent shall have any responsibility or obligation, legal or otherwise, to the beneficial owners or to any other party, including DTC or its successor (or substitute depository or its successor), except for the Owner of any Series 2013 Bonds.

(e) So long as the outstanding Series 2013 Bonds are registered in the name of Cede & Co. or its registered assigns, the District and the Paying Agent shall cooperate with Cede & Co., as sole registered Owner, or its registered assigns in effecting payment of the principal of and interest on the Series 2013 Bonds by arranging for payment in such manner that funds for such payments are properly identified and are made immediately available on the date they are due.

**Section 10. Transfer and Exchange.** (a) *Transfer.* Following the termination or removal of DTC or successor depository pursuant to Section 9 hereof, any Series 2013 Bond



may, in accordance with its terms, be transferred, upon the Registration Books, by the Owner thereof, in person or by the duly authorized attorney of such Owner, upon surrender of such Series 2013 Bond to the Paying Agent for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Paying Agent.

Whenever any Series 2013 Bond or Series 2013 Bonds shall be surrendered for transfer, the designated District officials shall execute and the Paying Agent shall authenticate and deliver, as provided in Section 4 hereof, a new Series 2013 Bond or Series 2013 Bonds, of the same maturity, Interest Payment Date and interest rate (for a like aggregate principal amount). The Paying Agent may require the payment by any Owner of Series 2013 Bonds requesting any such transfer of any tax or other governmental charge required to be paid with respect to such transfer.

No transfer of any Series 2013 Bond shall be required to be made by the Paying Agent (i) during the period established by the Paying Agent for selection of the Series 2013 Bonds for redemption, and (ii) after any Series 2013 Bond has been selected for redemption.

(b) *Exchange.* The Series 2013 Bonds may be exchanged for Series 2013 Bonds of other authorized denominations of the same maturity, Interest Payment Date and interest rate, by the Owner thereof, in person or by the duly authorized attorney of such Owner, upon surrender of such Series 2013 Bond to the Paying Agent for cancellation, accompanied by delivery of a duly executed request for exchange in a form approved by the Paying Agent.

Whenever any Series 2013 Bond or Series 2013 Bonds shall be surrendered for exchange, the designated District officials shall execute and the Paying Agent shall authenticate and deliver, as provided in Section 4 hereof, a new Series 2013 Bond or Series 2013 Bonds of the same maturity and interest payment mode and interest rate (for a like aggregate principal amount). The Paying Agent may require the payment by the Owner requesting such exchange of any tax or other governmental charge required to be paid with respect to such exchange.

No exchange of any Series 2013 Bonds shall be required to be made by the Paying Agent (i) during the period established by the Paying Agent for selection of the Series 2013 Bonds for redemption, and (ii) after any Series 2013 Bond has been selected for redemption.

**Section 11. Bond Purchase Agreement; Sale of Bonds.** The form of Bond Purchase Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, is hereby approved, and the Authorized Officers are each hereby authorized and directed, for and in the name and on behalf of the District, to execute and deliver the Bond Purchase Agreement in substantially said form, with such changes, insertions and omissions therein as the Authorized Officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof; provided, however, that (a) the true interest cost for Series 2013 Bonds shall not be in excess of 5.50%, (b) the interest rate on the Series 2013 Bonds shall not exceed 12.00% per annum, (c) the Underwriters' discount for the sale of Series 2013 Bonds shall not exceed 0.30% of the principal amount of such Series 2013 Bonds exclusive of any costs of issuance the Underwriters contract to pay, and (d) the Series 2013 Bonds shall otherwise conform to the limitations specified herein.

The Bond Purchase Agreement shall recite the aggregate principal amount of the Series 2013 Bonds, and shall recite the date thereof, the maturity dates, principal amounts and annual rates of interest of each maturity thereof, the initial and semiannual Interest Payment Dates thereof, and the terms of optional, extraordinary and mandatory sinking fund redemption thereof, if any.

The Board of Education hereby finds and determines that the sale of the Series 2013 Bonds at negotiated sale as contemplated herein and by the Bond Purchase Agreement will provide more flexibility in the timing of the sale, and ability to implement the sale in a shorter time period, an increased ability to structure the Series 2013 Bonds to fit the needs of particular purchasers, and greater opportunity for the Underwriters to pre-market the Series 2013 Bonds to potential purchasers prior to the sale, all of which will contribute to the District's goal of achieving the lowest overall cost of funds. Estimates of the costs associated with the issuance of the Series 2013 Bonds, including any such costs which the Underwriters may agree to pay pursuant to the Bond Purchase Agreement, are set forth on Exhibit B attached hereto and incorporated herein.

In accordance with Section 15146(g) of the Education Code, to the extent not contracted to be paid by the Underwriters, the Authorized Officers are each hereby authorized to cause to be deposited in a costs of issuance account, which may be held by a bank, national banking association or trust company meeting the qualifications necessary to be a paying agent set forth in Section 8, as cost of issuance administrator, proceeds of sale of the Series 2013 Bonds (exclusive of any premium or accrued interest received) in an amount not exceeding 2.00% of the principal amount of the Series 2013 Bonds sold, as shall be set forth in the Bond Purchase Agreement, for the purposes of paying the costs associated with the issuance of the Series 2013 Bonds.

In accordance with subsection (h) and (i) of Section 15146 of the Education Code, the Authorized Officers are each hereby authorized to cause to be deposited in the interest and sinking fund of the District proceeds of sale of the Series 2013 Bonds (in addition to any premium or accrued interest received) to fund (i) an annual reserve permitted by Section 15250 of the Education Code, and/or (ii) capitalized interest in an amount not exceeding the interest scheduled to become due on the Series 2013 Bonds for a period of two years from the date of issuance of the Series 2013 Bonds, as shall be set forth in the Bond Purchase Agreement, if any such a deposit is deemed by the Authorized Officer executing the same to be in the best interests of the District.

**Section 12. Continuing Disclosure Certificate.** The Continuing Disclosure Certificate, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, is hereby approved, and the Authorized Officers are each hereby authorized and directed, for and in the name and on behalf of the District, to execute and deliver the Continuing Disclosure Certificate in substantially said form, as is necessary to cause the requirements of Rule 15c2-12 to be satisfied, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such determination, requirement or approval to be conclusively evidenced by the execution of the Continuing Disclosure Certificate by such Authorized Officer.

**Section 13. Preliminary Official Statement.** The Preliminary Official Statement to be distributed in connection with the public offering of the Series 2013 Bonds, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, with such changes, insertions and omissions as may be approved by an Authorized Officer, is hereby approved, and the use of such Preliminary Official Statement in connection with the offering and sale of the Series 2013 Bonds is hereby authorized and approved. The Authorized Officers are each hereby authorized to certify on behalf of the District that such Preliminary Official Statement is deemed final as of its date, within the meaning of Rule 15c2-12 (except for the omission of certain final pricing, rating and related information as permitted by Rule 15c2-12).

**Section 14. Official Statement.** The preparation and delivery of an Official Statement with respect to the Series 2013 Bonds, and its use by the Underwriters in connection with the offering and sale of the Series 2013 Bonds, is hereby authorized and approved. Such Official Statement shall be in substantially the form of the Preliminary Official Statement distributed in connection with the public offering of the Series 2013 Bonds with such changes, insertions and omissions as may be approved by an Authorized Officer, such approval to be conclusively evidenced by the execution and delivery thereof. The Authorized Officers are each hereby authorized and directed, for and in the name of and on behalf of the District, to execute the final Official Statement with respect to the Series 2013 Bonds and any amendment or supplement thereto and thereupon to cause such final Official Statement and any such amendment or supplement to be delivered to the Underwriters.

**Section 15. Investment of Proceeds.** (a) All funds held in the interest and sinking fund of the District shall be invested at the discretion of the Treasurer of the County. In the absence of written request from the District, proceeds of the Series 2013 Bonds held in the building fund of the District shall be invested at the sole discretion of the Treasurer of the County pursuant to State law, including Government Code Section 53601 *et. seq.*, as the same may be amended or supplemented from time to time, and the investment policy of the County.

(b) To the extent permitted by law (i) at the written request of an Authorized Officer, each of whom is hereby expressly authorized to make such request, all or any portion of the building fund of the District may be invested on behalf of the District in the Local Agency Investment Fund in the treasury of the State, and (ii) at the written request of an Authorized Officer, each of whom is hereby expressly authorized to make such request, all or any portion of the building fund of the District may be invested on behalf of the District, in investment agreements, including guaranteed investment contracts, float contracts or other investment products (collectively, "Investment Agreements"), which comply with the requirements of each rating agency then rating the Series 2013 Bonds necessary in order to maintain the then-current rating on the Series 2013 Bonds. Pursuant to Section 5922 of the Government Code, the Board of Education hereby finds and determines that the Investment Agreements will reduce the amount and duration of interest rate risk with respect to amounts invested pursuant to the Investment Agreements and are designed to reduce the amount or duration of payment, rate, spread or similar risk or result in a lower cost of borrowing when used in combination with the Series 2013 Bonds or enhance the relationship between risk and return with respect to investments of proceeds of the Series 2013 Bonds and funds held to pay the Series 2013 Bonds.

**Section 16. Tax Covenants.** (a) The District shall not take any action, or fail to take any action, if such action or failure to take such action would adversely affect the exclusion from gross income of the interest payable on a Tax-Exempt series of Series 2013 Bonds under Section 103 of the Code. Without limiting the generality of the foregoing, the District hereby covenants that it will comply with the requirements of the Tax Certificate to be executed by the District on the date of issuance of each Tax-Exempt series of Series 2013 Bonds. The provisions of this subsection (a) shall survive payment in full or defeasance of the Series 2013 Bonds.

(b) In the event that at any time the District is of the opinion that for purposes of this Section it is necessary or helpful to restrict or limit the yield on the investment of any monies held by the Treasurer of the County on behalf of the District, in accordance with this Resolution or pursuant to law, the District shall so request of the Treasurer in writing, and the District shall make its best efforts to ensure that the Treasurer shall take such action as may be necessary in accordance with such instructions.

(c) Notwithstanding any provision of this Section, if the District shall provide to the Treasurer of the County an Opinion of Bond Counsel that any specified action required under this Section is no longer required or that some further or different action is required to maintain the exclusion from federal income tax of interest on Series 2013 Bonds under Section 103 of the Code, the Treasurer may conclusively rely on such Opinion of Bond Counsel in complying with the requirements of this Section and of each Tax Certificate with respect to the Series 2013 Bonds, and the covenants hereunder shall be deemed to be modified to that extent.

**Section 17. Professional Services.** Public Financial Management, Inc. shall serve as financial advisor to the District for the Series 2013 Bonds. Orrick, Herrington & Sutcliffe LLP shall serve as bond counsel and disclosure counsel to the District for the Series 2013 Bonds. Stifel, Nicolaus & Company, Incorporated, dba Stone & Youngberg, a Division of Stifel Nicolaus and George K. Baum & Company shall serve as underwriters for the Series 2013 Bonds.

**Section 18. Delegation of Authority.** The Authorized Officers are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable in order to consummate the transactions herein authorized and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution, including, without limitation negotiating the terms of the insurance policy, if any, referred to herein.

**Section 19. Approval of Actions.** All actions heretofore taken by the officers, employees and agents of the District with respect to the transactions set forth above are hereby approved, confirmed and ratified.

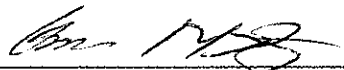
**Section 20. Filing with County.** The Superintendent, or such other officer or employee of the District as the Superintendent may designate, is hereby authorized and directed to report to the Auditor-Controller of the County the final terms of sale of the Series 2013 Bonds, and to file with the Auditor-Controller and with the Treasurer of the County a copy of the executed Bond Purchase Agreement and this Resolution, and the schedule of amortization of the principal of and payment of interest on the Series 2013 Bonds, and to file with the Treasurer of the County a proposed schedule of draws on the building fund of the District, and this Resolution shall serve

as the notice required to be given by Section 15140(c) of the Education Code and as the District's request to the Auditor-Controller of the County and the Board of Supervisors of the County to propose and adopt in each year a tax rate applicable to all taxable property of the District for payment of the Series 2013 Bonds, pursuant to law; and to the other officers of the County to levy and collect said taxes for the payment of the Series 2013 Bonds, to pay in a timely manner to the Paying Agent on behalf of the Owners of the Series 2013 Bonds the principal, interest, and premium, if any, due on the Series 2013 Bonds in each year, and to create in the County treasury to the credit of the District a building fund and an interest and sinking fund pursuant to Section 15146 of the Education Code.

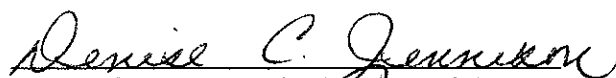
**Section 21. Indemnification of County.** The District shall indemnify and hold harmless, to the extent permitted by law, the County and its officers and employees ("Indemnified Parties"), against any and all losses, claims, damages or liabilities, joint or several, to which such Indemnified Parties may become subject because of action or inaction related to the adoption of any resolution by the Board of Supervisors of the County authorizing the District to issue and sell the Series 2013 Bonds without the further action of the Board of Supervisors pursuant to Sections 15140 and 15146 of the Education Code, as permitted by Section 53508.7 of the Government Code. The District shall also reimburse any such Indemnified Parties for any legal or other expenses incurred in connection with investigating or defending any such claims or actions.

**Section 22. Effective Date.** This Resolution shall take effect from and after its date of adoption.

**PASSED AND ADOPTED** this day, January 29, 2013.

  
\_\_\_\_\_  
President of the Board of Education of the  
San Ramon Valley Unified School District

ATTEST:

  
\_\_\_\_\_  
Clerk of the Board of Education of the San  
Ramon Valley Unified School District



## CLERK'S CERTIFICATE

I, Denise Jennison, Clerk of the Board of Education of the San Ramon Valley Unified School District, County of Contra Costa, California, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Education of said District duly and regularly held at the regular meeting place thereof on January 29, 2013, and entered in the minutes thereof, of which meeting all of the members of the Board of Education had due notice and at which a quorum thereof was present, and that at said meeting the resolution was adopted by the following vote:

AYES: Hurd, Jennison, Marvel, Mintz

NOES: None


ABSTAIN: None

ABSENT: Jewett

An agenda of the meeting was posted at least 72 hours before the meeting at 699 Old Orchard Drive, Danville, California, a location freely accessible to members of the public, and a brief description of the resolution appeared on the agenda.

I further certify that I have carefully compared the same with the original minutes of said meeting on file and of record in my office; the foregoing resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: January 29, 2013

  
Clerk of the Board of Education of San  
Ramon Valley Unified School District

# EXHIBIT A

## FORM OF SERIES 2013 BOND

Number	UNITED STATES OF AMERICA	Amount
R-__	STATE OF CALIFORNIA	\$ _____
	COUNTY OF CONTRA COSTA	

**SAN RAMON VALLEY UNIFIED SCHOOL DISTRICT  
(COUNTY OF CONTRA COSTA, CALIFORNIA)  
GENERAL OBLIGATION BONDS, ELECTION OF 2012, SERIES 2013**

Maturity Date	Interest Rate	Dated as of	CUSIP No.
August 1, 20__	_____%	_____, 2013	_____

Registered Owner: CEDE & CO.

Principal Amount: \_\_\_\_\_ DOLLARS

San Ramon Valley Unified School District, County of Contra Costa, State of California (the "District"), acknowledges itself obligated to and promises to pay to the Registered Owner identified above or registered assigns, on the Maturity Date set forth above or upon prior redemption hereof, the Principal Amount specified above in lawful money of the United States of America, and to pay interest thereon in like lawful money from the interest payment date next preceding the date of authentication of this Bond (unless this bond is authenticated as of a date during the period from the Record Date (as defined herein) next preceding any interest payment date to such interest payment date, inclusive, in which event it shall bear interest from such interest payment date, or unless this Bond is authenticated on or before \_\_\_\_\_ 15, 20\_\_, in which event it shall bear interest from the date hereof) at the Interest Rate per annum stated above, payable commencing on \_\_\_\_\_ 1, 20\_\_, and thereafter on February 1 and August 1 in each year, until payment of the Principal Amount. This Bond is issued pursuant to a Resolution adopted by the Board of Education of the District on January 29, 2013 (the "Resolution"). Capitalized undefined terms used herein have the meanings ascribed thereto in the Resolution.

The principal hereof is payable to the Registered Owner hereof upon the surrender hereof at the principal corporate trust office of the paying agent/registrar and transfer agent of the District (herein called the "Paying Agent"), initially The Bank of New York Mellon Trust Company, N.A.. The interest hereon is payable to the person whose name appears on the bond registration books of the Paying Agent as the Registered Owner hereof as of the close of business on the 15<sup>th</sup> day of the month preceding an interest payment date (the "Record Date"), whether or not such day is a business day, such interest to be paid by check or draft mailed to such Registered Owner at the owner's address as it appears on such registration books, or at such other address filed with the Paying Agent for that purpose. Upon written request, given no later than the Record Date immediately preceding an interest payment date, of the owner of Bonds aggregating at least \$1,000,000 in principal amount, interest will be paid by wire transfer in

immediately available funds to an account maintained in the United States as specified by the Registered Owner in such request. So long as Cede & Co. or its registered assigns shall be the Registered Owner of this Bond, payment shall be made in immediately available funds as provided in the Resolution hereinafter described.

This Bond is one of a duly authorized issue of bonds of like tenor (except for such variations, if any, as may be required to designate varying series, numbers, denominations, interest rates, interest payment modes, maturities and redemption provisions), in the aggregate principal amount of \$\_\_\_\_\_, and designated as "San Ramon Valley Unified School District (County of Contra Costa, California) General Obligation Bonds, Election of 2012, Series 2013" (the "Bonds"). The Bonds were authorized by a vote of at least 55% percent of the voters voting at an election duly and legally called, held and conducted in the District on November 6, 2012. The Bonds are issued and sold by the Board of Education of the District pursuant to and in strict conformity with the provisions of the Constitution and laws of the State, and of the Resolution, and subject to the more particular terms specified in the Bond Purchase Agreement, dated \_\_\_\_\_, 2013 (the "Bond Purchase Agreement"), by and between the District and Stifel, Nicolaus & Company, Incorporated, dba Stone & Youngberg, a Division of Stifel Nicolaus, as representative of itself and George K. Baum & Company, as underwriters.

The Bonds are issuable as fully registered bonds without coupons in the denomination of \$5,000 principal amount or any integral multiple thereof, provided that no Bond shall have principal maturing on more than one principal maturity date. Subject to the limitations and conditions and upon payment of the charges, if any, as provided in the Resolution, Bonds may be exchanged for a like aggregate principal amount of Bonds of the same tenor, interest payment mode, and maturity of other authorized denominations.

This Bond is transferable by the Registered Owner hereof, in person or by attorney duly authorized in writing, at the principal corporate trust office of the Paying Agent, but only in the manner, subject to the limitations and upon payment of the charges provided in the Resolution, and upon surrender and cancellation of this Bond. Upon such transfer, a new Bond or Bonds of authorized denomination or denominations of the same tenor, interest payment mode, and same aggregate principal amount will be issued to the transferee in exchange herefor.

The District and the Paying Agent may treat the registered owner hereof as the absolute owner hereof for all purposes, and the District and the Paying Agent shall not be affected by any notice to the contrary.

The Bonds are subject to redemption on the terms and subject to the conditions specified in the Resolution and the Bond Purchase Agreement. If this Bond is called for redemption and payment is duly provided therefor, interest shall cease to accrue hereon from and after the date fixed for redemption.

The Board of Education of the District hereby certifies and declares that the total amount of indebtedness of the District, including the amount of this Bond, is within the limit provided by law; that all acts, conditions and things required by law to be done or performed precedent to and in the issuance of this Bond have been done and performed in strict conformity with the laws authorizing the issuance of this Bond; and that this Bond is in substantially the form prescribed

by order of the Board of Education duly made and entered on its minutes. The Bonds represent an obligation payable out of the interest and sinking fund of the District, and the money for the payment of principal of, premium, if any, and interest hereon, shall be raised by taxation upon the taxable property of the District.

Unless this Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the Paying Agent for registration of transfer, exchange, or payment, and any Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the Registered Owner hereof, Cede & Co., has an interest herein.

This Bond shall not be entitled to any benefit under the Resolution, or become valid or obligatory for any purpose, until the certificate of authentication and registration hereon endorsed shall have been signed by the Paying Agent.

**IN WITNESS WHEREOF**, the Board of Education of the San Ramon Valley Unified School District, County of Contra Costa, State of California, has caused this bond to be signed by its President and countersigned by the Clerk of said Board, as of the date set forth above.

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President of the Board of Education of the  
San Ramon Valley Unified School District

Countersigned:

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Clerk of the Board of Education of the San  
Ramon Valley Unified School District

**CERTIFICATE OF AUTHENTICATION AND REGISTRATION**

This is one of the Bonds described in the within-mentioned Resolution and authenticated and registered on \_\_\_\_\_.

**THE BANK OF NEW YORK MELLON  
TRUST COMPANY, N.A.**

By: \_\_\_\_\_  
Authorized Officer



## ASSIGNMENT

For value received the undersigned do(es) hereby sell, assign and transfer unto \_\_\_\_\_ the within-mentioned Bond and hereby irrevocably constitute(s) and appoint(s) \_\_\_\_\_ attorney, to transfer the same on the books of the Paying Agent with full power of substitution in the premises.

\_\_\_\_\_  
I.D. Number

\_\_\_\_\_  
Note: The signature(s) on this Assignment must correspond with the name(s) as written on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Dated: \_\_\_\_\_

Signature Guarantee: \_\_\_\_\_  
Note: Signature must be guaranteed by an eligible guarantor institution.

**EXHIBIT B**  
**ESTIMATES OF COSTS OF ISSUANCE**

A)	Underwriter's Discount	\$210,000.00
B)	Credit Enhancement	0.00*
C)	Financial Advisor	57,500.00
D)	Bond Counsel	62,500.00
E)	Disclosure Counsel	25,000.00
F)	Other Expenses	95,000.00

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\* A municipal bond insurance policy with respect to the Series 2013 Bonds will be obtained only if economically advantageous to the District as determined by an Authorized Officer of the District.



Contra  
Costa  
County

To: Board of Supervisors  
From: David O. Livingston, Office of the Sheriff  
Date: February 12, 2013  
Subject: Purchase Order - Surtec, Inc.

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Sheriff-Coroner, a purchase change order with Surtec Inc. to increase the payment limit by \$50,000 to a new payment limit of \$149,000 in order to supply the County's detention facilities with cleaning solutions for special dispensers with locks for the period of March 1, 2012 to February 28, 2013.

**FISCAL IMPACT:**

\$50,000. 100% General Fund; Budgeted

**BACKGROUND:**

Surtec Inc. supplies the solutions for the specialized dispensers with locks, specifically for the jail environment to keep the inmates from having physical contact with the chemicals. This vendor carries the majority of the cleaning solutions used in facilities that keeps the County detention facilities in compliance with the strict requirements of the Board of Corrections' annual facility inspections and of the State's regulations. This change order will accommodate purchases throughout the effective period of 02/28/2013.

**CHILDREN'S IMPACT STATEMENT:**

No impact.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **02/12/2013** ☒ 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: February 12, 2013

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

Contact: Liz Arbuckle,  
925-335-1529

By: , Deputy

cc: Joyce Buendia, Liz Arbuckle, Heike Siewell