

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**

**JOHN GIOIA, CHAIR**, 1ST DISTRICT  
**CANDACE ANDERSEN, VICE CHAIR**, 2ND DISTRICT  
**MARY N. PIEPHO**, 3RD DISTRICT  
**KAREN MITCHOFF**, 4TH DISTRICT  
**FEDERAL D. GLOVER**, 5TH DISTRICT

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

PERSONS WHO WISH TO ADDRESS THE BOARD DURING PUBLIC COMMENT OR WITH RESPECT TO  
AN ITEM THAT IS ON THE AGENDA, WILL BE LIMITED TO THREE (3) MINUTES.

The Board Chair may reduce the amount of time allotted per speaker at the beginning of each item or public comment period depending on the number of speakers and the business of  
the day. Your patience is appreciated.

A lunch break or closed session may be called at the discretion of the Board Chair.

Staff reports related to open session items on the agenda are also accessible on line at [www.co.contra-costa.ca.us](http://www.co.contra-costa.ca.us).

**AGENDA**  
**December 15, 2015**

**9:00 A.M. Convene, Call to Order and Opening Ceremonies**

Inspirational Thought- "Year's end is neither an end nor a beginning but a going on, with all the  
wisdom that experience can instill in us. ~ Hal Borland

**CONSIDER CONSENT ITEMS** (Items listed as C.1 through C.83 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 the Consent Calendar will be  
considered with the Discussion Items.**

**PRESENTATIONS (5 Minutes Each)**

**PR.1** PRESENTATION recognizing Lynn Overcashier upon her retirement.  
(Supervisor Andersen and Supervisor Piepho)

**PR.2** PRESENTATION of the 2015 Chair of the Board Award. (Supervisor Gioia)

**DISCUSSION ITEMS**

**D. 1** CONSIDER Consent Items previously removed.

- D.2** CONSIDER denying the request by Joe Panetta for a General Plan Amendment study for Assessor's Parcel No. 208-240-009, located at the northwest corner of the Crow Canyon Road/Bollinger Canyon Road intersection, San Ramon area, to redesignate the subject parcel from Agricultural Lands to Multiple-Family Residential and Single-Family Residential , as recommended by the Conservation and Development Director. (No fiscal impact) (Will Nelson, Department of Conservation and Development)
- D.3** CONSIDER approving the submission of an application to the *Let's Move!*Cities, Towns and Counties Initiative, DIRECTING the Health Services Department to convene a group of local cities, community partners and county staff to collectively develop a plan of action to accomplish the goals of *Let's Move!*Cities, Towns and Counties Initiative and PROVIDING recognition or acknowledgment to the County and those Cities that accomplish the criteria for *Let's Move!*medal awards. (Supervisors Gioia and Glover)
- D.4** CONSIDER adopting the Contra Costa County Community-wide Climate Action Plan, as recommended by the Conservation and Development Director. (100% Land Development fund) (Will Nelson, Department of Conservation and Development)
- D.5** CONSIDER accepting the report from the Behavioral Health Services Director updating the progress on implementing the Assisted Outpatient Treatment Program (Laura's Law) in Contra Costa County and DIRECT the Behavioral Health Services Director to proceed with the implementation of Assisted Outpatient Treatment in Contra Costa County. (Cynthia Belon, Behavioral Health Services Director)
- D.6** RECEIVE presentation on the California Medical Marijuana Regulation and Safety Act and the potential for an initiative to be placed on the November 2016 state-wide ballot related to recreational use of marijuana; CONSIDER possible Board actions concerning the regulation of medical marijuana. (Jolena Voorhis, Executive Director of the Urban Counties Caucus; John Kopchik, Conservation and Development Director)

D. 7 PUBLIC COMMENT (3 Minutes/Speaker)

D. 8 CONSIDER reports of Board members.

#### **Closed Session**

#### **A. CONFERENCE WITH LABOR NEGOTIATORS**

1. Agency Negotiators: David Twa and Bruce Heid.

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; 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.

Unrepresented Employees: All unrepresented employees.

B. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Gov. Code, § 54956.9(d)(1))

1. *Theresa Orth v. Contra Costa County, et al.*, Contra Costa County Superior Court, Case No. C14-00939.
2. *Sergio de Jesus Garcia v. Contra Costa County, et al.*, Contra Costa County Superior Court, Case No. C14-00484 and United States District Court, Northern District of California, Case No. C 15-00488 MMC (two cases).

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: County Administrator

***ADJOURN***

## **CONSENT ITEMS**

### **Road and Transportation**

- C. 1** APPROVE the Balfour Road Shoulder Widening Project and related actions under the California Environmental Quality Act, and AUTHORIZE the Public Works Director, or designee, to advertise the project, Brentwood area. (100% Discovery Bay Mitigation Fund)

### **Engineering Services**

- C. 2** ADOPT Resolution No. 2015/458 approving the Parcel Map for minor subdivision MS14-00014, for a project being developed by Steve and Brenda Benkly, as recommended by the Public Works Director, Clayton area. (No fiscal impact)
- C. 3** ADOPT Resolution No. 2015/459 accepting completion of improvements for minor subdivision MS04-00013 for a project developed by Ifeoma Adams and Ramonia Hall, as recommended by the Public Works Director, El Sobrante area. (100% Developer Fees)

- C. 4** ADOPT Resolution No. 2015/451 approving the third extension of the Subdivision Agreement for subdivision SD06-08993, for a project being developed by Hofmann Land Development Co., as recommended by the Public Works Director, Discovery Bay area. (No fiscal impact)

### **Special Districts & County Airports**

- C. 5** APPROVE and AUTHORIZE the Director of Airports, or designee, to execute a contract with Kimley-Horn and Associates, Inc., in an amount not to exceed \$300,000 to provide on-call design, engineering, and planning services for the Buchanan Field and Byron Airports for the period April 1, 2016 to March 31, 2021. (100% Airport Enterprise Fund)

### **Claims, Collections & Litigation**

- C. 6** APPROVE and AUTHORIZE the County Risk Manager to execute contracts with specified legal firms for defense of the County in workers' compensation, medical malpractice, and civil rights claims for the period of January 1 through December 31, 2016, in accordance with a specified fee schedule. (100% Self-Insurance Internal Service Funds)
- C. 7** DENY claims filed by Allstate Ins. ASO Juana Godinez, CSAA Ins. for Stephanie Barclay, CSAA Ins. for Karen Mortensen, Barra L.P., Ronald Bell, Daniel Dorsett, Enterprise Damage Recovery Unit, Kevin Guthrie, and Lewis Mathews. DENY Amended Claim Ovilio Barrios.

### **Statutory Actions**

- C. 8** ACCEPT Board members' meeting reports for November 2015.

### **Honors & Proclamations**

- C. 9** ADOPT Resolution No. 2015/450 recognizing Lynn Overcashier upon her retirement as Program Manager for 511 Contra Costa, as recommended by Supervisors Andersen and Piepho.
- C. 10** ADOPT Resolution No. 2015/464 recognizing Don Tatzin of the Lafayette City Council for 30 years of service to Lafayette, as recommended by Supervisor Andersen.

### **Appointments & Resignations**

- C. 11 APPOINT Roni Lee Height to Seat 2 on the Contra Costa Centre Municipal Advisory Council, as recommended by Supervisor Mitchoff.
- C. 12 APPOINT Robert Combs to the District II seat on the Iron Horse Corridor Management Program Advisory Committee, as recommended by Supervisor Andersen.
- C. 13 ACCEPT the resignation of Jessica Hudson, DECLARE vacant the Public Agency 2 seat, Central/South County on the Contra Costa County Local Planning and Advisory Council for Early Care and Education, and DIRECT the Clerk of the Board to post the vacancy, as recommended by the County Office of Education and the Council.

### **Appropriation Adjustments**

- C. 14 Employment and Human Services Department (0503/0504): APPROVE Appropriation Adjustment No. 5023 authorizing the transfer of expenditure appropriations of \$749,728 between the Workforce Services Bureau and the Aging and Adult Services Bureau in the Employment and Human Services Department. (No net change)
- C. 15 Sheriff's Office (0255): APPROVE Appropriation and Revenue Adjustment No. 5025 authorizing new revenue in the Sheriff's Office (0255) in the amount of \$238,549 from the U.S. Department of Justice, 2013 DNA Backlog Reduction Program Grant and appropriating it for the continued funding of personnel and equipment in the Forensic Services Division. (100% Federal)
- C. 16 2011 Local Revenue Fund (115300): APPROVE Appropriations and Revenue Adjustment No. 5026 reducing expenditure appropriations and estimated revenue \$3,778,903 from the State of California related to continued implementation of AB109 Public Safety Realignment for fiscal year 2015/16 with no impact to operating departments or contracting agencies. (100% State AB 109 Public Safety Realignment revenue)

### **Intergovernmental Relations**

- C. 17 ADOPT Resolution No. 2015/457 approving and authorizing the Conservation and Development Director, or designee, to execute a Master Grant Contract with the East Bay Regional Park District, granting to the County the amount of \$3,046,374 for capital parks and recreation projects in the unincorporated areas of the County not located within a County Service Area, Community Services District or other local district that funds parks, for the period December 15, 2015 through December 31, 2018.(East Bay Regional Park District Measure WW Park Bond Extension funds)

## **Personnel Actions**

- C. 18** ADOPT Position Adjustment Resolution No. 21785 to add one Information Systems Programmer Analyst III (represented), one Information Systems Project Manager (represented), and one Web Producer (represented) positions in the Information Technology Division of the Administrative Bureau of Employment and Human Services. (45% Federal, 45% State, 10% County)
- C. 19** ADOPT Position Adjustment Resolution No. 21790 to reclassify one Supply and Distribution Supervisor (represented) position and the incumbent to Materiel Manager (represented) in the Probation Department. (100% General Fund)
- C. 20** ADOPT Position Adjustment Resolution No. 21787 to add one Area Agency on Aging Program Manager (represented) position in the Employment and Human Services Department. (80% Federal, 20% County General Fund)
- C. 21** ADOPT Position Adjustment Resolution No. 21793 to add one Social Service Staff Development Specialist position (represented) in the Employment and Human Services Department. (51% Federal, 34% State, 15% County General Fund)
- C. 22** ADOPT Position Adjustment Resolution No. 21706 to modify the salary schedules of the management classifications of Board of Supervisors Assistant-Chief Assistant, Board of Supervisors Assistant-General Office, Board of Supervisors Assistant-General Secretary, and Board of Supervisors Assistant-Specialist, by adding two additional steps at five percent each, as recommended by Supervisor Gioia. (100% General Fund)
- C. 23** ADOPT Position Adjustment Resolution No. 21797 to add three Health Education Specialist- Project positions (represented) and increase the hours of a Community Health Worker Specialist position (represented) in the Health Services Department. (76% State Grant, 11% Foundation Grants, 13% County General Funds)
- C. 24** ADOPT Position Adjustment Resolution No. 21798 to increase the hours of Mental Health Services Community Support Worker II (represented) position in the Health Services Department. (100% Mental Health Services Act)
- C. 25** ADOPT Position Adjustment Resolution No. 21799 add two Mental Health Community Support Worker I – Project positions (represented) in the Health Services Department. (100% Mental Health Services Act)

- C. 26** ADOPT Position Adjustment Resolution No. 21800 add one Administrative Services Assistant II (represented) and cancel one Administrative Analyst - Project (represented) position in the Health Services Department. (100% Mental Health Services Act)

### **Grants & Contracts**

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

- C. 27** APPROVE and AUTHORIZE the County Librarian, or designee, to apply for and accept a grant in the amount of \$5,000 from the San Pablo Koshland Civic Unity Fellows, part of the San Francisco Foundation's Koshland Civic Unity program, to provide programs and materials to the San Pablo Library for the period January 1 through December 31, 2016. (No Library Fund match)
- C. 28** APPROVE and AUTHORIZE the County Librarian, or designee, to apply for and accept a grant in the amount of \$3,000 from California Center for the Book to provide programs and materials at the Danville Library for the period January 2 through May 31, 2016. (No Library Fund match)
- C. 29** APPROVE and AUTHORIZE the Agricultural Commissioner, or designee, to execute a contract with the Department of Pesticide Regulation, to pay the County an amount not to exceed \$21,599 to implement the "Enforcement Evaluation and Improvement Project" for the period July 1, 2015 through February 29, 2016. (No County match)
- C. 30** APPROVE and AUTHORIZE the Health Services Director, or designee, to accept a grant award from the Department of Health Care Services, Children Medical Services, payable to the County in an amount not to exceed \$1,761,219 for the Child Health and Disability Prevention and the Health Care Program for Children in Foster Care, for the period July 1, 2015 through June 30, 2016. (\$379,851 County General Fund match required)
- C. 31** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with the Mount Diablo Unified School District, to pay the County an amount not to exceed \$533,891 to provide professional school-based mental health services, crisis intervention, and day treatment services for certain special education and regular students for the period July 1, 2015 through June 30, 2016. (No County match)

- C. 32** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with California Department of Community Services and Development, including modified indemnification language, to pay the County an amount not to exceed \$1,926,699 for Low Income Home Energy Assistance Programs for the period January 1, 2016 through January 31, 2017. (No County match)
- C. 33** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with the California Department of Community Services and Development, including modified indemnification language, to pay the County an amount not to exceed \$212,212 to provide Community Services Block Grant program services for the period January 1 through December 31, 2016. (No County match)
- C. 34** APPROVE and AUTHORIZE the Chief Information Officer (Department of Information Technology), or designee, to execute a contract amendment with East Bay Regional Communications System Authority, effective December 1, 2015, to increase the payment limit to the County by \$250,000 to a new payment limit of \$900,000, allowing the Department of Information Technology's Radio Group continue to provide radio and microwave related services for the East Bay Regional Communication System Project 25 Public Safety Communication System, for the period December 4, 2012 through June 30, 2017. (100% East Bay Regional Communications Systems Authority revenue)
- C. 35** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with California Department of Community Services and Development, to increase the payment limit by \$388,873 to a new limit of \$4,603,418 for Low Income Home Energy Assistance Programs, for the period January 1, 2015 through September 30, 2016 (No County match)
- C. 36** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with the California Department of Education to increase the payment limit by \$344,431 to new payment limit of \$1,259,141, with no change to term of July 1, 2015 through June 30, 2016, to provide alternative payment childcare programs operated by the County. (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. 37** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Goodwill Industries of the Greater East Bay, effective November 1, 2015, to extend the term from October 31 through December 31, 2015 and increase the payment limit by \$189,433 to a new payment limit of \$1,917,572 to provide entry-level paid work experience to designated California Work Opportunity and Responsibility to Kids participants. (100% Federal)

- C. 38** APPROVE and AUTHORIZE the Public Defender, or designee, to execute a Field Agency Agreement and accompanying Memoranda of Agreement with University of California Hastings College of Law and Lawyers for America in an amount not to exceed \$102,000 to provide work experience for two law students for the Lawyers of America program for the period August 15, 2015 through September 15, 2017. (100% General Fund)
- C. 39** APPROVE and AUTHORIZE the Purchasing Agent or designee to execute, on behalf of the Public Works Director, a purchase order with Neopost, Inc., in the amount of \$346,798 for a DS-1200 Intelligent Inserting System for use by Print and Mail Services. (100% Department User Fees)
- C. 40** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Walnut Creek Surgical Associates, Inc., effective September 1, 2015, to increase the payment limit by \$1,050,000 to a new payment limit of \$2,400,000 to provide additional surgery services at Contra Costa Regional Medical and Health Centers, with no change in the original term of January 1, 2015 through December 31, 2017. (100% Hospital Enterprise Fund I)
- C. 41** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Monica L. Wood (dba Pinnacle Mental Wellness Group), in an amount not to exceed \$150,000 to provide outpatient psychotherapy services to Contra Costa Health Plan (CCHP) members, for the period January 1, 2016 through December 31, 2017. (100% CCHP Enterprise Fund II)
- C. 42** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Bay Area Executive Search, Inc., in an amount not to exceed \$150,000 to provide recruitment for pharmacist candidates, and specialized registered nurses for the Safety and Performance Improvement Department, for the period November 1, 2015 through October 31, 2016. (100% Hospital Enterprise Fund I)
- C. 43** APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a contract amendment with Alta Planning & Design to extend the term from December 31, 2015 through December 31, 2016 with no change to the payment limit of \$278,873, to complete the planning study of the Olympic Corridor Trail Connector. (100% Measure J Return to Source funds)
- C. 44** APPROVE and AUTHORIZE the Purchasing Agent or designee to execute, on behalf of the Public Works Director, a purchase order with Sam Clar Office Furniture Inc./Allsteel, in the amount of \$201,449 for office furniture for the Renovations and Remodeling at the Contra Costa County Finance Building, 625 Court Street, Martinez Project. (100% General Fund)

- C. 45** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with BAS Resources, Inc. (dba BAS Healthcare), in an amount not to exceed \$116,000 to provide psychiatric recruitment services for the Behavioral Health Services Division/Mental Health Psychiatric Program, for the period July 1, 2015 through June 30, 2016. (100% Mental Health Realignment)
- C. 46** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with UHS Surgical Services, Inc., in an amount not to exceed \$158,000 to provide medical lasers, equipment and certified technicians to operate lasers in the Surgical Unit at Contra Costa Regional Medical and Health Centers, for the period September 1, 2015 through August 31, 2017. (100% Hospital Enterprise Fund I)
- C. 47** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Victor Kogler in an amount not to exceed \$125,938 to provide consultation, technical assistance and operational support to the Behavioral Health Services Division/Alcohol and Other Drugs Services, for the period January 1 through December 31, 2016. (70% Federal Funds; 30% State Funds)
- C. 48** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Alternative Family Services, Inc., in an amount not to exceed \$722,437 to provide multidimensional treatment foster care services to seriously emotionally disturbed youth and their families for the period July 1, 2015 through June 30, 2016, with a six-month automatic extension through December 31, 2016 in an amount not to exceed \$361,219. (50% Federal Financial Participation; 50% County Mental Health Realignment)
- C. 49** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Seneca Family of Agencies in an amount not to exceed \$6,801,137, to provide mobile crisis response and school- and community-based children's specialty mental health services for the period July 1, 2015 through June 30, 2016, with a six-month automatic extension through December 31, 2016 in an amount not to exceed \$3,400,569. (48% Federal Financial Participation; 47% Mental Health Realignment; 5% Mental Health Services Act)
- C. 50** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Richard D. Baldwin, M.D., in an amount not to exceed \$220,800 to provide geriatric psychiatric services for seriously and persistently mentally ill older adults, for the period January 1 through December 31, 2016. (100% Mental Health Realignment Fund)

- C. 51** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Crestwood Behavioral Health, Inc., including modified indemnification language, in an amount not to exceed \$1,326,585 to provide mental health services to severely and persistently mentally ill adults, for the period January 1 through December 31, 2016. (44% Federal Financial Participation; 26% State Mental Health Services Act; 30% Mental Health Realignment)
- C. 52** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Telecare Corporation in an amount not to exceed \$1,352,909, to provide gero-psychiatric services and subacute mental health care services to severely and persistently mentally ill clients for the period July 1, 2015 through June 30, 2016, with a six-month automatic extension through December 31, 2016 in an amount not to exceed \$676,455. (76% Mental Health Realignment; 24% Hospital Utilization Review)
- C. 53** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Youth Homes, Inc., in an amount not to exceed \$3,628,466 to provide residential treatment and therapeutic behavioral services for County-referred youth for the period July 1, 2015 through June 30, 2016, with a six-month automatic extension through December 31, 2016 in an amount not to exceed \$1,814,233. (50% Federal Financial Participation; 50% Mental Health Realignment)
- C. 54** APPROVE and AUTHORIZE the Public Works Director, or designee, to execute contract amendments with Kava Massih Architects and The Ratcliff Architects, effective December 15, 2015, to increase the payment limits of each by \$500,000 to new payment limits of \$900,000, and to extend the terms to September 10, 2018 with a one-year extension option, for as-needed architectural services, Countywide. (100% Various Funds)
- C. 55** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with DocuStream, Inc., including modified indemnification language, in an amount not to exceed \$647,000 to provide the claims processing services for Behavioral Health Services Department and continue to provide claims processing services for Contra Costa Health Plan, for the period November 1, 2015 through October 31, 2016. (86% CCHP Enterprise Fund II; 14% Mental Health Realignment)
- C. 56** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a purchase order with Smith and Nephew, Inc., in the amount of \$250,000 for instruments and supplies for the Orthopedic and Gynecologic Departments at the Contra Costa Regional Medical Center for the period January 1, 2016 through December 31, 2018. (100% Hospital Enterprise Fund I)

- C. 57** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Elsevier, Inc., in an amount not to exceed \$389,110 for license renewal for their Learning Management System, for the period December 30, 2015 through December 31, 2018. (100% Hospital Enterprise Fund I)
- C. 58** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a purchase order with Sanofi Pasteur, Inc., in the amount of \$225,000 for the purchase of vaccines and injectable medications for the Contra Costa Regional Medical Center and the Contra Costa Health Centers, for the period January 1 through December 31, 2016.
- C. 59** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with the Mt. Diablo Unified School District in an amount not to exceed \$2,841,143 to provide school-based mental health services to seriously emotionally disturbed students in the Mt. Diablo Unified School District for the period July 1, 2015 through June 30, 2016, with a six-month automatic extension through December 31, 2016 in an amount not to exceed \$1,420,572. (48% Federal Financial Participation; 48% Mental Health Realignment; 4% Mt. Diablo Unified School District)
- C. 60** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with the San Ramon Valley Fire Protection District in an amount not to exceed \$100,900 to provide electronic patient care records hosting and support services for certain County fire agencies, for the period November 1, 2015 through October 31, 2016. (100% Measure H Funds)
- C. 61** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with the San Ramon Valley Fire Protection District in an amount not to exceed \$125,000 for Fire Services-EMS Medical Director services, for the period July 1, 2015 through June 30, 2016. (100% Measure H Funds)
- C. 62** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Valerie Gulyash in an amount not to exceed \$140,000 to provide consulting and technical assistance to the department for the Keane Chargemaster Billing and EPIC Electronic Medical Record Systems used at Contra Costa Regional Medical Center, for the period January 1 through December 31, 2016. (100% Hospital Enterprise Fund I)
- C. 63** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Verisk Health, Inc., in an amount not to exceed \$305,000 to provide software and consultation services for the period November 1, 2015 through October 31, 2018. (100% Contra Costa Health Plan Enterprise Fund II)

- C. 64** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with East Bay Medical Oncology/Hematology Medical Associates, Inc., in an amount not to exceed \$6,500,000 to provide Hematology/Oncology services to Contra Costa Health Plan (CCHP) members, for the period December 1, 2015 through November 30, 2017. (100% CCHP Enterprise Fund II)
- C. 65** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Elham Yavarian, MFT, in an amount not to exceed \$150,000 to provide Medi-Cal specialty mental health services, for the period January 1, 2016 through June 30, 2017. (50% Mental Health Realignment; 50% Federal Medi-Cal)
- C. 66** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Cypress Women's Cancer Treatment Center, A Medical Corporation, in an amount not to exceed \$360,000 to provide gynecology oncology services for the period January 1, 2016 through December 31, 2017. (100% Contra Costa Health Plan Enterprise Fund II)
- C. 67** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with PerformRx, LLC, effective December 1, 2015, to increase the payment limit by \$20,000,000 to a new payment limit of \$85,000,000 to provide additional pharmacy program administration services, with no change in the original term of May 1, 2015 through April 30, 2016. (100% Contra Costa Health Plan Enterprise Fund II)
- C. 68** APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a building use agreement with the Bethel Island Municipal Improvement District for use of their office located at 3085 Stone Road in Bethel Island, for the Bethel Island Municipal Advisory Council meetings, at a rental fee of \$200 per meeting beginning January 1, 2016 and continuing on a month to month basis, under the terms and conditions set forth in the agreement, Bethel Island area. (100% General Fund)
- C. 69** APPROVE and AUTHORIZE the Auditor-Controller to pay California Ambulance the amount of \$90,669.92 for services rendered during the period October 1, 2013 through June 30, 2015, as recommended by the Health Services Director. (100% Hospital Enterprise Fund I)
- C. 70** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Healthsparq, Inc., in an amount not to exceed \$110,000 to provide a hosted solution to automate certain health plan provider network operations and related services, for the period November 1, 2015 through October 31, 2016. (100% CCHP Enterprise Fund II)

- C. 71** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with the County of San Mateo, in an amount not to exceed \$252,951, to provide after-hours call coverage for the Behavioral Health Access Line, for the period from October 1, 2015 through June 30, 2017. (100% County General Fund)
- C. 72** RECIND the board order which was approved by the Board of Supervisors on July 7, 2015, Agenda Item C.148 and APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Pro Transport-1 LLC, in an amount, not to exceed \$225,000, to provide non-emergency patient transportation services for Contra Costa Regional Medical Center and Health Centers for the period from July 1, 2015, through May 31, 2016. (100% Hospital Enterprise I)
- C. 73** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Wilson Consulting, Inc., effective November 1, 2015, to extend the term from December 31, 2015 through December 31, 2016 and increase the payment limit by \$600,000 to a new payment limit of \$1,860,000, to provide continuing technical support services for Health Services Department's Patient Accounting System. (100% Enterprise Fund I)
- C. 74** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with First Baptist Church of Pittsburg in an amount not to exceed \$2,052,356 to provide Head Start Delegate Agency childcare services for the period January 1 through December 31, 2016. (100% Federal)
- C. 75** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Contra Costa Child Care Council, to increase the payment limit by \$145,497 to a new payment limit of \$639,497 to provide Early Head Start Program Enhancement services, with no change to the term January 1, 2015 through June 30, 2016. (100% Federal)

### **Other Actions**

- C. 76** ACCEPT the assignment of promissory notes and deeds of trust from Neighborhood House North Richmond in connection with the First Time Homebuyer Program for the Fifth and Giaramita Street Development properties, and APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to correct the promissory notes to conform to the terms previously approved by the County Board of Supervisors. (100% Community Development Block Grant funds)
- C. 77** ADOPT Resolution No. 2015/461 approving the issuance of Multifamily Housing Revenue Bonds in an amount not to exceed \$21,000,000 to finance the acquisition and rehabilitation of Casa Montego Apartments located at 1485 Verdana Street, City of Walnut Creek, and authorize other related actions, as recommended by the Conservation and Development Director. (100% Special Revenue Funds)

- C. 78** ACCEPT status report on the clean-up of the Mount Diablo Mercury Mine Project, as recommended by the Chief Engineer, Flood Control & Water Conservation District, Countywide. (No fiscal impact)
- C. 79** ACCEPT the North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Planning Committee's Annual Report for 2015, as recommended by the Conservation and Development Director. (No fiscal impact)
- C. 80** DECLARE as surplus and AUTHORIZE the Purchasing Agent, or designee, to dispose of fully depreciated vehicles and equipment no longer needed for public use, as recommended by the Public Works Director, Countywide. (No fiscal impact)
- C. 81** ACCEPT the 2015 Advisory Body Annual Report for the Affordable Housing Finance Committee, as recommended by the Conservation and Development Director. (No fiscal impact)
- C. 82** RESCIND Board action (C.103) of April 9, 2013 regarding the payment of training costs for notary public services due to inconsistencies with California Government Code sections 8200-8230, as recommended by the County Administrator.
- C. 83** CONTINUE the emergency action originally taken by the Board of Supervisors on November 16, 1999 regarding the issue of homelessness in Contra Costa County, as recommended by the Health Services Director. (No fiscal impact)

### **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 96 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.

Subscribe to receive to the weekly Board Agenda by calling the Office of the Clerk of the Board, (925) 335-1900 or using the County's on line subscription feature at the County's Internet Web Page, where agendas and supporting information may also be viewed:

[www.co.contra-costa.ca.us](http://www.co.contra-costa.ca.us)

## STANDING COMMITTEES

The **Airport Committee** (Karen Mitchoff and Supervisor Mary N. Piepho) meets quarterly on the second Monday of the month at 10:30 a.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 second Monday of the month at 10:30 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Finance Committee** (Supervisors Mary N. Piepho and Federal D. Glover) meets on the first Monday of the month at 10:30 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Hiring Outreach Oversight Committee** (Supervisors Federal D. Glover and Karen Mitchoff) meets on the first Thursday of the month at 1:00 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Internal Operations Committee** (Supervisors Karen Mitchoff and John Gioia) meets on the second Monday of the month at 2:30 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Legislation Committee** (Supervisors Karen Mitchoff and Federal D. Glover) meets on the

first Thursday of the month at 10:30 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 1:00 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Transportation, Water & Infrastructure Committee** (Supervisors Candace Andersen and Mary N. Piepho) meets on the first Monday of the month at 1:00 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

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

**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  
**CCCPCFD (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 (CCCPCFD)** 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  
**DSRIP** Delivery System Reform Incentive Program  
**EBMUD** East Bay Municipal Utility District  
**ECCPCFD** 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  
**HOME** Federal block grant to State and local governments designed exclusively to create affordable housing for low-income households  
**HOPWA** Housing Opportunities for Persons with AIDS Program

**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)  
**TRANSPLAN** Transportation Planning Committee (East County)  
**TRE** or **TTE** Trustee  
**TWIC** Transportation, Water and Infrastructure Committee  
**UASI** Urban Area Security Initiative  
**VA** Department of Veterans Affairs

**vs.** versus (against)

**WAN** Wide Area Network

**WBE** Women Business Enterprise

**WCCTAC** West Contra Costa Transportation Advisory Committee



Contra  
Costa  
County

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: December 15, 2015

Subject: General Plan Amendment Study Request for Panetta Property

---

**RECOMMENDATION(S):**

DENY the request for a General Plan Amendment (GPA) study for Assessor's Parcel No. 208-240-009, located at the northwest corner of the Crow Canyon Road/Bollinger Canyon Road intersection, San Ramon area, to redesignate the subject parcel from Agricultural Lands (AL) to Multiple-Family Residential and Single-Family Residential, as proposed by Joe Panetta.

**FISCAL IMPACT:**

None. If authorization is granted, the applicant will pay fees to cover the cost for a GPA study.

**BACKGROUND:**

The Department of Conservation and Development is in receipt of a July 2, 2015 letter from Joe Panetta (Attachment A), on behalf of the Panetta Family, requesting a GPA study involving one parcel located at the northwest corner of the Crow Canyon Road/Bollinger Canyon Road intersection in the San Ramon area. The subject parcel is 2.52+/- acres, inside the Urban Limit Line, and within the City of San Ramon's Sphere of Influence (SOI). The San Ramon city limit runs along the parcel's southern and eastern boundaries. Access is currently gained via a driveway on the Bollinger Canyon Road frontage. Surrounding land uses include agricultural land to the north and west, single-family residences to the south across Crow Canyon Road, and multiple-family residences to the east across Bollinger Canyon Road. The site is used as a corporation yard and has been for many years. Dense stands of mature trees are located around the site's edges and Bollinger Creek runs through the northern portion.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Will Nelson (925)  
674-7791

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

By: , Deputy

cc:

## BACKGROUND: (CONT'D)

Mr. Panetta's letter requests a change in the parcel's General Plan land use designation from Agricultural Lands (AL; 0.2 units/net acre) to Multiple-Family Residential - Very High Special Density (MS; 45.0-99.9 units/net acre) and Single-Family Residential - High Density (SH; 5.0-7.2 units/net acre) for the purpose of constructing 48 condominium units in four two-story buildings and three single-family residences. However, the conceptual site plan (Attachment B) reflects a less-dense layout that would likely fall into either the Multiple-Family Residential - High Density (MH; 22.0-29.9 units/net acre) or Multiple-Family Residential - Very High Density (MV; 30.0-44.9 units/net acre) designation. Attached for the Board's consideration under Attachment D are maps and aerial photos of the site and its surroundings, showing the existing and proposed General Plan land use designations. If the Board authorized the GPA study, then the applicant would also file applications for a rezoning [most likely to Planned-Unit (P-1) District], major subdivision, and final development plan.

Staff recommends, however, that the Board deny the request for a GPA study for the proposed project for two reasons, as follows:

First, in accordance with its voter-approved General Plan, the City of San Ramon has adopted the Northwest Specific Plan (NWSP) for a 354-acre area along both sides of Bollinger Canyon Road, north of Crow Canyon Road (see Attachment C - Northwest Specific Plan Land Use Plan). The subject parcel lies in a 64-acre sub-area west of Bollinger Canyon Road designated "Neighborhood E," which is planned for up to 44 single-family residential lots (approximately 20,000 square feet each). The land use plan for Neighborhood E designates the subject parcel as a park. The proposed project would not only exceed the unit count envisioned for all of Neighborhood E, it would be inconsistent with the unit type envisioned (multiple-family vs. single-family), as well as remain inconsistent with the "Parks" land use designation.

The Panettas and the owners of the adjacent Hsientein (Chang) property to the north, which is also within San Ramon's SOI and covered by the NWSP, both filed "concept review" applications with the city, which were reviewed at a joint study session of the City Council and Planning Commission on February 17, 2015. The Hsientein owners envision 50 single-family units and a 100-unit elderly residential care facility on their property. Both property owners were advised that their projects required amendments to the city's General Plan (see Attachment E, the staff report for the study session).

Second, access to the project site appears to be especially problematic. County Public Works staff indicated, and San Ramon Planning staff agreed, that the existing driveway off Bollinger Canyon Road could not be used as the access to the multiple-family portion of the project because it is too close to the intersection (approximately 20 feet away from the intersection where a minimum of 150 feet is normally required). Access from Crow Canyon Road is precluded by a steep grade. The conceptual site plan indicates that access for the multiple-family units would be gained through the neighboring Hsientein (Chang) property. However, the NWSP Land Use Plan does not provide a vehicular connection through the Hsientein parcel to the subject parcel.

Additionally, in this area, both adjacent rights-of-way are within and under the jurisdiction of the City of San Ramon, meaning permits and approvals from the city would be required for access to the Panetta and Hsientein parcels. Since both projects are inconsistent with the city's General Plan and the NWSP, it is unlikely that the city would issue the permits necessary to implement either.

Since the proposed project is inconsistent with the City of San Ramon's General Plan and NWSP, and obtaining vehicular access to the subject site is problematic, staff recommends that authorization for a GPA study be denied.

## CONSEQUENCE OF NEGATIVE ACTION:

If the request for a GPA study is authorized, then the applicant would be allowed to submit, and the County would process at the applicant's expense, applications for the land use proposal.

## ATTACHMENTS

Attachment A - Letter from J. Panetta Requesting General Plan Amendment Study

Attachment B - Conceptual Site Plan

Attachment C - Northwest Specific Plan Area Land Use Plan

Attachment D - General Plan Maps and Aerial Photo

Attachment E - City of San Ramon Study Session Staff Report

P.O. Box 1072 • San Ramon, California 94583

CONTRA COSTA  
COUNTY

2015 JUL -2 P 2: 32

July 2, 2015

DEPARTMENT OF  
CONSERVATION  
AND DEVELOPMENT  
GP15-0001

John Kopchik, Director  
Contra Costa County  
Conservation and Development Department  
30 Muir Road  
Martinez, CA 94553

RE: Panetta Property, 2.52± acres, (APN 208-240-009-0)  
Corner of Crow Canyon Road and Bollinger Canyon Road  
“San Ramon Area”  
Contra Costa County, California

Dear John,

Please accept this letter as a formal request of the Board of Supervisors to authorize a General Plan Amendment Study of my 2.52± acre property located at the corner of Crow Canyon road and Bollinger Canyon Road in the “San Ramon Area” of unincorporated Contra Costa County.

The site is situated at the corner of Crow Canyon Road and Bollinger Canyon Road with frontages on both roads. The site is currently being used as a corporation yard and has been for many years. The site takes access from Bollinger Canyon Road.

The site is essentially flat, but generally drains toward the northeast into Bollinger Creek which bisects the site creating two distinct areas for development on the property.

The current land use designation in the County General Plan is AL (Agricultural Lands). The current County zoning is A-2 (General Agricultural District).

We respectfully request a new General Plan land use designation of MM (Multi-Family Residential – Very High Special Density) with an allowable density range of 45.0 to 99.9 units per net acre and a corresponding re-zoning of P-1.

The purpose for this requested land use designation is to allow for the development of 48 “for sale” condominium units. The 48 units would be presented in four detached buildings with 12 units in each of the four buildings.

## Panetta Family

---

P.O. Box 1072 • San Ramon, California 94583

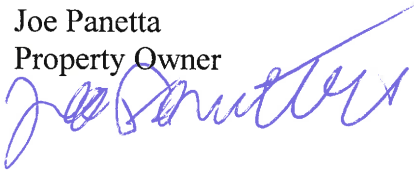
The protection of Bollinger Creek necessarily reduces the net developable overall area of the site. In order to properly cluster the four proposed buildings on the southwest side of Bollinger Creek, a higher multi-family density range is requested.

The second land use designation of Single Family Residential-High Density is requested to allow for the development of three (3) single family homes on the northeast side of Bollinger Creek. This land use designation allowing 5.0 to 7.2 single-family units per net acre would allow for the development of three single-family homes.

Thank you for your consideration. If there is any further information you need, please do not hesitate to contact me at (925) 640-5580.

Respectfully,

Joe Panetta  
Property Owner



pc: Frank Panetta

# PANETTA PROPERTY

"SAN RAMON AREA", CONTRA COSTA COUNTY, CALIFORNIA

## CONCEPTUAL SITE PLAN

JANUARY 28, 2015



RECEIVED  
CONTRA COSTA COUNTY  
JUL - 2 2015  
Dept of Conservation & Development

GP15-0001

**PA** Design Resources, Inc.  
Planning • Engineering • Surveying  
3021 Citrus Circle, Suite 150  
Walnut Creek, California 94598-2635 TEL (925) 210-9300

**NOTE:**  
THIS IS A PROPOSED SINGLE FAMILY DETACHED HOUSING AND ACCESS CONNECTION. THE PROPOSED HOUSING AND ACCESS CONNECTIONS, PARKING SPACES, WALKWAYS, LANDSCAPING AND ALL AMENITIES SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY AND MAY NOT REPRESENT THE FINAL SIZES AND CONFIGURATION.

**IMPORTANT NOTES**

1. TOPOGRAPHY AND AERIAL PHOTOGRAPHY SHOWN HEREON IS THE AVAILABLE CONTRA COSTA COUNTY GIS DATA.

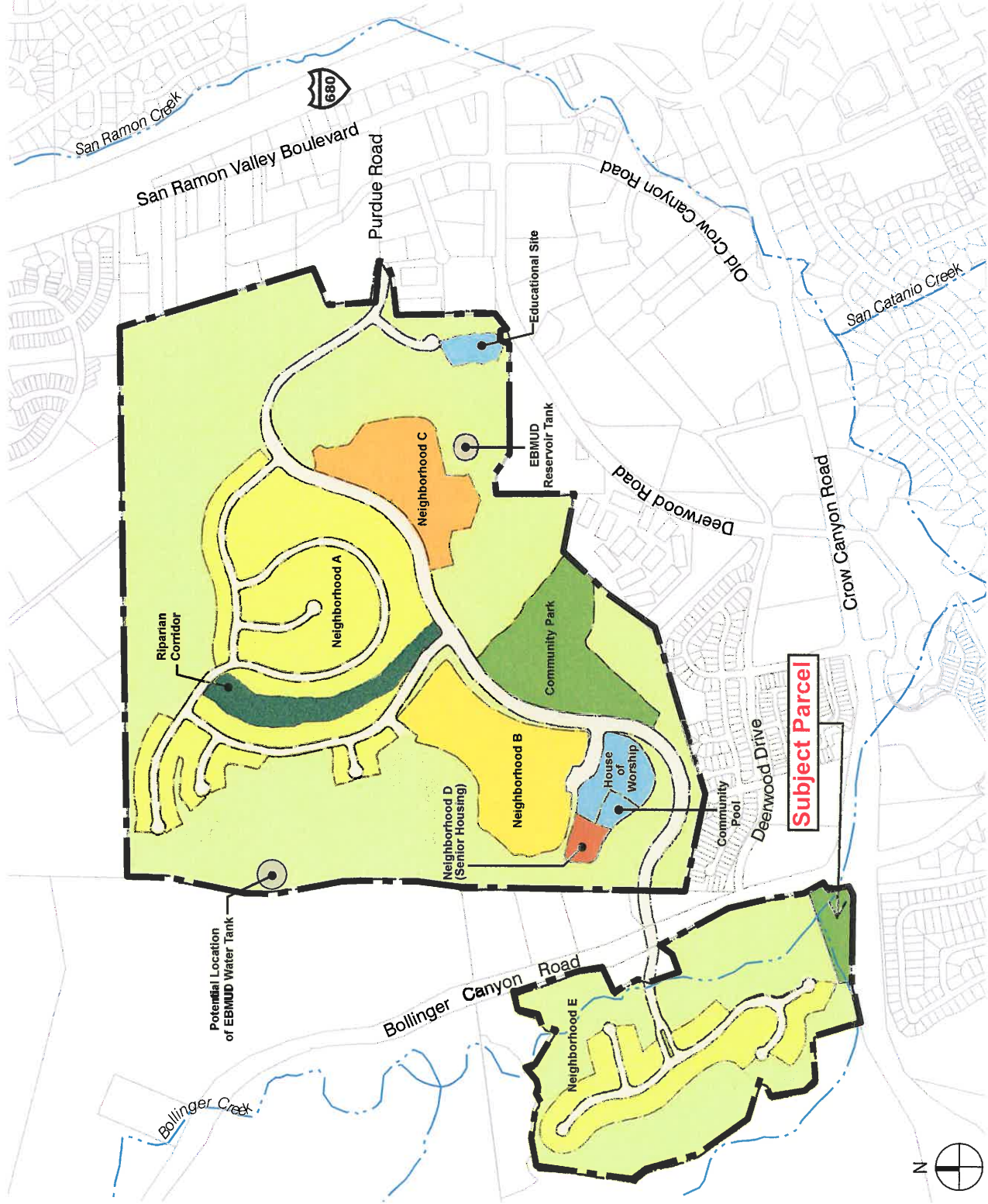
2. PROPOSED USE: 3 SINGLE FAMILY DETACHED HOMES, 48 MULTIFAMILY ATTACHED RESIDENTIAL UNITS, 141 3-STORY BUNGALOWS - 9 UNITS EACH.

3. THE BOUNDARY SHOWN HEREON IS NOT BASED ON A SURVEY. THE BOUNDARY IS BASED ON A COMPILED FROM AVAILABLE PUBLIC RECORD DATA.

**1" = 30'**

**Legend**

- Hillside Residential (0.2 - 2 du/ac)
- Medium Density Residential (6-14 du/ac)
- Multifamily High Density Residential (14-30 du/ac)
- Multifamily Very High Density Residential (30-50 du/ac)
- Community Facilities
- Parks
- Open Space
- Riparian Corridor
- Specific Plan Boundary
- Creeks



**Land Use Plan**  
**Figure 2-1**



# NW Corner of Crow Canyon Road/Bollinger Canyon Road General Plan Amendment Study (GP15-0001)

AL (Agricultural Lands)

SITE

Current General Plan

Proposed General Plan

AL (Agricultural Lands)

SITE

MS

Project Site

Parcels

**General Plan**

AL (Agricultural Lands) 5 Acre Minimum Parcel Size

MS (Multiple Family Residential - Very High Special)



0 170 340 680 Feet

Map Created 11/19/2015  
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

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.



# NW Corner of Crow Canyon Road/Bollinger Canyon Road General Plan Amendment Study (GP15-0001)



0 55 110 220 Feet

Map Created 11/19/2015  
by Contra Costa County Department of  
Conservation and Development, GIS Group  
30 Muir Road, Martinez, CA 94553  
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# JOINT CITY COUNCIL/PLANNING COMMISSION STUDY SESSION STAFF REPORT



**DATE:** February 17, 2015

**TO:** City Council/City Manager

**FROM:** Phil Wong, Planning/Community Development Director  
By: Cindy Yee, Associate Planner

**SUBJECT:** Study Session—Hsientein (Chang) Residential Development Conceptual Plan Review and Panetta Residential Development Conceptual Plan Review

## **RECOMMENDED ACTION:**

Receive the presentation and provide comments to staff and the project proponents on the two proposed residential development conceptual plans. This study session will serve as a forum for the project applicants to introduce their proposed plans to the City Council, Planning Commission, and public as well as to receive input on their conceptual site plan. **No decisions concerning the project will be made at this meeting.**

## **BACKGROUND/DISCUSSION**

### Location

The Hsientein and Panetta properties are located west of Bollinger Canyon Road and north of Crow Canyon Road, just outside the City limit line but within the Northwest Specific Plan Area and Urban Growth Boundary. The two properties are referred to as “Neighborhood E” in the NWSP (APNs: 208-240-039 and 208-240-009).

### Northwest Specific Plan Background

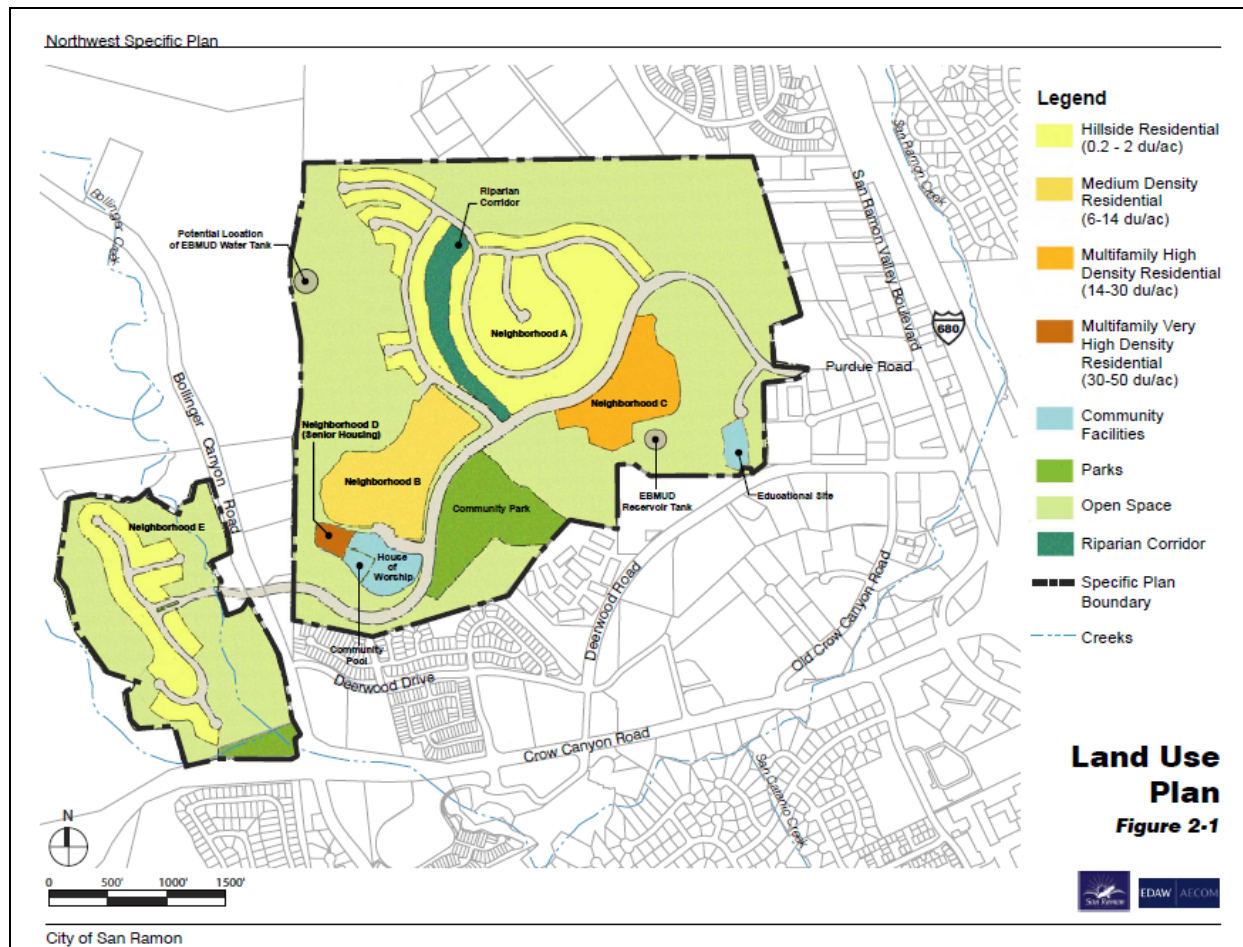
In the early 2000s, the City’s General Plan Review Commission (GPRC) studied and recommended inclusion of the Northwest Specific Plan (NWSP) area to be part of the General Plan 2020 (GP 2020). In March 2002, San Ramon voters approved GP 2020 which included a land use policy directing the City to prepare the NWSP to guide the future development of the project area into “compact neighborhoods offering a mix of housing types, including workforce housing, public and semipublic uses, and significant park and open space areas.”

Between 2004 and 2006, the City prepared and processed the NWSP and the Project Environmental Impact Report (EIR) applications along with the review of the Faria Preserve Development located

**AGENDA #**

on the eastern side of the plan area. In November 2006, the City Council adopted the NWSP, certified the Project EIR, and approved the Faria Preserve Development. As shown in Figure 1 below, the NWSP land use plan established a range of residential neighborhoods, community facilities, and open space within the 354-acre Specific Plan area. While the NWSP details the boundary areas and general development parameters for the western side of Bollinger Canyon Road (Neighborhood E), no development applications have been made or approved for the Hsientein (aka Chang) and Panetta properties since the adoption of the NWSP in 2006.

**Figure 1: Adopted NWSP Land Use Plan (2006)**



### Neighborhood E

The identified land uses in Neighborhood E include Hillside Residential, Open Space, and Park. The NWSP describes the vision of Neighborhood E as providing “large lot single family homes (approximately 20,000 sq. ft. lots), which will help to include a wide range of residential options within the Plan Area.” Neighborhood E is meant to “consist[ing] of up to 44 residential lots” (inclusive of a density bonus to meet the neighborhood’s affordable housing requirements) with one of the lots reserved for the Panetta property. The design characteristic of this neighborhood is a hillside residential community with large estate homes nestled into the existing topography of rolling hills. A small neighborhood park (approximately 2-acres) is envisioned as being integrated into the

community design of Neighborhood E.

The NWSP restricts a minimum of 75% of the site for non-residential development. With a specific plan boundary area of 64-acres in Neighborhood E, this would limit residential development on a maximum of 16-acres. In order to reach the maximum development potential of 43 homes in the Hillside Residential zone, lots may be clustered on 12,500 square feet minimum lots.

#### Hsientein (Chang) Conceptual Development Plan Proposal

On October 31, 2014, the Hsientein (also known as Chang) property owners filed a concept review application for 50 single-family dwelling units and a 100-unit Residential Care Facility for the Elderly (RCFE) on their 198-acre parcel north of the Panetta property. The property is located approximately 400 feet northwest of the intersection of Bollinger Canyon Road and Crow Canyon Road. The proposed entrance into the development would occur at the intersection of Deerwood Drive and Bollinger Canyon Road. Adjacent to the entrance and parallel to Bollinger Canyon Road is where the 100 unit RCFE would be located. West of the RCFE and crossing Bollinger Creek would be the location of the 50-unit single-family lots. Based on staff's preliminary review of the concept plan, in order to move forward with the current proposed development, the property owners would need to file a Specific Plan Amendment and General Plan Amendment for 1) a land use change from open space to residential to allow the RCFE, 2) for grading outside of the City's Urban Growth Boundary to remediate a landslide area in order to develop on the northern portion of the property, 3) to expand the NWSP boundary line at the southern portion of the site to accommodate additional single-family residential lots, 4) to exceed the maximum number of lots identified in the Specific Plan from 43 units to 50 units, and 5) to exceed the maximum residential development area from 25% to approximately 40% of the property. The applicant will need to also file a Development Plan Amendment, Subdivision Map, Architectural Review and Environmental Review applications for the residential development.

#### Panetta Conceptual Development Plan Proposal

On January 28, 2015, Joe Panetta, the property owner of 18897 Bollinger Canyon Road (208-240-009) filed a concept review application. The concept plan identifies a 48-unit multi-family residential development in four three-story buildings and three single-family detached custom dwelling units. The proposal would require an amendment of the Northwest Specific Plan's land use designation from the existing "Park" designation to a residential zone (high density residential and single-family residential) to allow for 51 units on the 2.52 acre parcel. The lower portion of the proposed multi-family development straddles the shared property line of Mr. Panetta and the City of San Ramon's right-of-way on Crow Canyon Road. In order to move forward with the current proposed development, staff's preliminary review has determined that a Specific Plan Amendment and General Plan Amendment would be required for the land use change, a Development Plan Amendment, Subdivision Map, Architectural Review and Environmental Review applications for the residential development proposal, and an agreement secured with the City to allow for residential development within the City's Crow Canyon Road right-of-way.

Staff has been working to facilitate site visits to the project sites since the concept review applications were filed and the joint session was announced. Due to rain, not all the site visits were able to be accommodated.

At this time, application completeness has not been fully completed for the two projects. The concept review provides an opportunity for the applicant to hear comments and concerns regarding their development concept. Should the applicants decide to proceed with filing of a formal development application, a detailed analysis will need to be completed to determine how the projects align with the NWSP development standards and what, if any Specific Plan Amendments will be required.

### **FISCAL ANALYSIS**

A conceptual plan review fee of \$500 per application was received at the time of application; should the applicants proceed with filing of the necessary development applications, all applications would be processed based on a time and materials fee structure.

### **NEXT STEPS**

Upon receiving comments at the study session, the applicants will evaluate the feedback and determine if/when they will file a formal development application.

### **ATTACHMENTS**

Attachment A: NWSP excerpt, Neighborhood E and Land Use Map

Attachment B: Hsientein Conceptual Development Plan, date received October 31, 2014

Attachment C: Panetta Conceptual Development Plan, date received January 28, 2015



Contra  
Costa  
County

To: Board of Supervisors  
From: Supervisors John Gioia and Federal D. Glover  
Date: December 15, 2015

Subject: Application to the Let's Move! Cities, Towns and Counties Initiative

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**RECOMMENDATION(S):**

1. Approve submission of an application to the Let's Move! Cities, Towns and Counties Initiative
2. Direct the Health Services Department to convene a group of local cities, community partners and county staff to collectively develop a plan of action to accomplish the goals of Let's Move Cities, Towns and Counties Initiative.
3. Offer recognition or acknowledgement to the County and those Cities that accomplish the criteria for Let's Move! medal awards.

**FISCAL IMPACT:**

In the long term, there will be savings to the health care delivery system as rates of obesity decrease and more residents eat healthy food and engage in more physical activity.

**BACKGROUND:**

Chronic diseases such as cancer, heart disease, stroke, and diabetes are the leading causes of preventable morbidity and premature mortality in Contra Costa County and indeed, the rest of the country. Obesity, which has increased so rapidly throughout the United States that it is considered a public health crisis, is directly linked to the onset of chronic diseases.

Poor diet and lack of physical activity are key risk factors for obesity and for chronic diseases, which impact the everyday lives of families living in Contra Costa communities. The California Health Interview Survey (CHIS) shows that among adults in Contra Costa, 10.8% have been diagnosed with diabetes (2014); 5.6 % have been diagnosed with heart disease (2012-2014); and 28.9 % have been diagnosed with high blood pressure (2014).

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Tracey Rattray,  
925-313-6835

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

By: , Deputy

cc:

## BACKGROUND: (CONT'D)

>

Local elected officials have an opportunity to address risk factors for obesity and chronic diseases through *Let's Move!* Cities, Towns, and Counties, which is a comprehensive initiative that was launched by the First Lady in 2010. The National League of Cities (NLC) is working in partnership with *Lets Move!* and the U.S. Department of Health and Human Services to provide cities, towns and counties with the tools they need to build healthy communities. NLC provides technical assistance to local elected officials to develop long-term, sustainable, and holistic strategies that reduce rates of obesity by improving nutrition and increasing physical activity in their communities. The goals of *Let's Move!* are consistent with the statewide Let's Get Healthy campaign and the California Wellness Plan. In addition, the *Let's Move!* initiative compliments efforts imbedded with the 1115 Waiver and within the Contra Costa Health System to improve population health and contain health care cost.

Developed with the role of local elected officials in mind, the five pillars listed below are designed to promote and improve the health of local constituents: They include:

1. **Start Early, Start Smart:** To provide children with a healthier start, local elected officials commit to helping early care and education program providers incorporate best practices for nutrition, physical activity and screen time into their programs.
2. **MyPlate, Your Place:** To empower parents and caregivers, local officials commit to prominently displaying MyPlate, which illustrates the 5 healthy food groups in a daily meal, in all municipally- or county-owned or operated venues that offer or sell food/beverages.
3. **Smart Servings for Students:** To provide healthy food to children and youth, local officials commit to expanding access to meal programs before, during and after the school day, and/or over the summer months.
4. **Model Food Service:** To improve access to healthy, affordable foods, local elected officials commit to implementing healthy and sustainable food service guidelines that are aligned with the *Dietary Guidelines for all Americans* in all municipally- or county-owned or operated venues that offer or sell food/beverages.
5. **Active Kids at Play:** To promote physical activity, local elected officials commit to mapping local play spaces, completing a needs assessment, developing an action plan and launching a minimum of three recommended policies, programs or initiatives.

Combining this comprehensive approach with the support of cities, towns, and counties can provide parents with information and foster environments that support healthy choices; provide healthier foods in our schools; ensure that every family has access to healthy affordable food; and help kids become more physically active.

Cities, towns, and counties participating in the *Let's Move!* Initiative are awarded bronze, silver and gold medals for achieving specific benchmarks in each of the five pillars, and have the opportunity to be recognized monthly; gain access to technical assistance from experts; have a variety of opportunities to learn what works at the local level; share success stories and discuss challenges with peers in other communities; and participate in a national movement to build healthy communities for a healthy future. A summary of steps required to earn bronze, silver and gold medals for each goal is attached (Attachment 1).

Within the Bay Area, the counties that are participating in the *Lets Move!* Initiative include: Alameda, San Mateo, Santa Clara, and Solano County. In addition, the cities of Daly City, Emeryville, Mountain View, Oakland, Palo Alto, Redwood City, San Francisco, San Jose, San Leandro, San Pablo, Saratoga, and South San Francisco are also participating in the movement.

Contra Costa County has the opportunity to join the movement with other participating cities and counties. With direction from the Board of Supervisors, Contra Costa Health Services will convene the *Lets Move!* partners within the county and develop an action plan. The City of San Pablo is an official Let's Move City and many other agencies, school districts, and cities are engaged in activities that are aligned in the Let's Move Campaign.

Signing up for this initiative requires a local elected official or his/her designee to fill out and submit an application that will be reviewed by the *Let's Move!* Cities, Towns and Counties (LMCTC). LMCTC will then send a survey asking about work that has already been accomplished locally that qualifies for Let's Move medals. The elected official will complete the medal status survey and identify a plan of action for achieving the goals required to receive additional medals. A survey has already been started to assess activities taking place county-wide that will qualify for medals and is attached (Attachment 2).

## Local Data

Local data in Contra Costa County data supports the development of a Let's Move Campaign. In Contra Costa, low-income communities, especially those of color, disproportionately qualify for food assistance programs like the United State Department of Agriculture's (USDA) Supplemental Nutrition Assistance Program Education (SNAP-ED). Twenty two percent of individuals living in Contra Costa are eligible for SNAP-ED. Of these, 41% identify as Hispanic; 30% as White; 15% as African American; 11% as Asian; 0.3% as American Indian/Alaskan Native; 0.6% as Native Hawaiian/Other Pacific Islander; 3% as multiracial; and 0.5% identify as another race.

In relationship to diet, data from the California Health Interview Survey (CHIS) in 2011/2012 shows that when asked how many servings of fruits and vegetables the survey taker had eaten the day before, 64% of Contra Costa children (2-11 years) reported that they had eaten five or more servings of fruits and vegetables; and 30% of adults reported that they had eaten three servings of fruits and vegetables the day prior to the survey. The data also shows that 29% of children and teens (ages 2-17) and 21% of adults consumed one or more sugar sweetened beverages a day. The SNAP ED Program also reports that the prevalence of adults who identify as overweight or obese that qualify for the Program was 73%. Fitness gram data collected at schools in 2010 revealed that 33% of 5<sup>th</sup>, 7<sup>th</sup>, and 9<sup>th</sup> grade students in Contra Costa were overweight or obese.

In addition to good nutrition, physical activity plays a large role in maintaining a healthy weight for both adults and children, and rates of physical activity is one way to measure a community's ability to engage in regular exercise every day. According to the 2011/2012 CHIS data, when asked how often they engaged in physical activity, 34% of adults reported they engaged in regular walking activity within the past week. Other physical activity data as indicated by the 2013/2014 California Physical Fitness Report for Contra Costa County school-aged children states that 25% of 5<sup>th</sup> graders need improvement in their aerobic capacity; this is data that is measured by running, either pacer or mile runs. Prevalence rates for children who walk to school in Contra Costa County are not known, however we do know that 86% of children and teens (ages 2-17) reported that they live within walking distance to a park or open space, though we do not have data on conditions of all parks in Contra Costa County in terms of amenities or safety. The number of recreational facilities for the County is low. According to the Robert Wood Johnson Foundation's County Health Rankings and Road Maps for 2010, there are only 11 recreational facilities per 100,000 people.

This data helps to paint a picture of the existing community needs and demonstrates the importance of providing nutrition education, access to healthy food, physical activity promotion and safe places where residents can be physically active. These types of obesity prevention interventions will improve the health of all Contra Costa County residents.

### CONSEQUENCE OF NEGATIVE ACTION:

Contra Costa County will not participate in the *Let's Move!* Cities and Counties campaign.

### CHILDREN'S IMPACT STATEMENT:

Children and their families will have more access to nutrition education, healthy food and opportunities to be physically active.

## ATTACHMENTS

Attachment 1 - Let's Move Goal Requirements

Attachment 2 - Let's Move chart



## GOAL I START EARLY, START SMART

**Goal I: To provide children with a healthier start, local elected officials commit to helping early care and education program providers incorporate best practices for nutrition, physical activity and screen time into their programs.\***



The LMCTC site is participating in an active interagency collaboration on early care and education programs.



Participation in *Let's Move!* Child Care is promoted among early care and education providers using at least three approaches; plus Bronze benchmark.



Each of the five goals of *Let's Move!* Child Care has been integrated into at least one professional development training offered annually to early care and education providers; plus Bronze and Silver benchmarks.

### GOAL I START EARLY, START SMART

#### WHAT ARE EARLY CARE AND EDUCATION (ECE) PROGRAMS?

WHY SHOULD LOCAL ELECTED OFFICIALS COLLABORATE WITH ECE PROVIDERS?

STEPS TO SUCCESS

RECOGNITION

GOING BEYOND GOLD

RESOURCES

GOAL II MYPLATE, YOUR PLACE

GOAL III SMART SERVINGS FOR STUDENTS

GOAL IV MODEL FOOD SERVICE

GOAL V ACTIVE KIDS AT PLAY

LOCAL ELECTED OFFICIALS:  
SIGN UP & GET STARTED

## WHAT ARE EARLY CARE AND EDUCATION (ECE) PROGRAMS?

Early care and education (ECE) programs include family and center-based child care, Head Start programs, preschools and pre-kindergarten programs.

## WHY SHOULD LOCAL ELECTED OFFICIALS COLLABORATE WITH ECE PROVIDERS?

One in five children in the U.S. is overweight or obese by the age of six. Encouraging healthy eating and physical activity early in life is vital to reversing the childhood

obesity epidemic within a generation. ECE programs exist in every community and are an ideal place to reach young children and help them develop healthy behaviors that can last a lifetime. As a local elected official, you have a powerful opportunity to support and recognize ECE providers in your community as they make improvements in their centers and homes to prevent childhood obesity, support children's healthy development, and prevent early onset of chronic disease.

Did you know? *Let's Move!* Child Care (*LM* Child Care) is a voluntary initiative to encourage early care and education providers and parents to adopt a set of best practices for obesity prevention. *LM* Child Care has [five key goals](#). ECE providers can take the *LM* Child Care Checklist quiz to see which best practices they are already implementing and create an action plan to make improvements in the care they provide with respect to nutrition, physical activity and screen time. [Learn more and access free tools and resources](#).

## STEPS TO SUCCESS:

To achieve this goal, take action by following the steps below.

1. **BRONZE:** Participate in an active interagency collaboration on early care and education programs. This collaboration can help you promote participation in *LM* Child Care and ensure that at least one professional development training offered annually to ECE providers integrates the goals of *LM* Child Care.
  - This collaboration could include: health and human services agencies, child welfare organizations, parks and recreation agencies, community and faith-based organizations, parent organizations, child care commissions, state or local child care resource and referral agencies and ECE providers.
  - Consider whether the interagency collaboration:
    - Capitalizes on relationships with your city's, town's, or county's staff in family and child services agencies.
    - Includes vocational schools, community colleges or universities in your community that offer certification or degree programs in early care and education.
    - Engages the following in collaborating and coordinating training and technical assistance for ECE providers:
      - Your local or state [child care resource and referral agencies](#) (CCR&Rs)
      - Extension services. Find your [local cooperative extension staff](#)
      - Your state's American Academy of Pediatrics [chapter child care contact](#)
      - Local pediatric medical community
      - [Head Start State Collaboration Directors](#)
      - Local Head Start Health Services Advisory Council
  - Builds upon an existing coalition of ECE providers in your community. If one exists, have you reached out to this coalition to discuss partnership opportunities?
  - Leverages your city's, town's or county's *Let's Move!* Task Force. If one exists, does a representative of the ECE community participate in this task force?

- Engages your local, county or state public health department. Does this department have obesity prevention initiatives that target children in ECE settings?
- Partners with nonprofit agencies in your area that support childhood obesity prevention in ECE settings.

2. **SILVER:** Promote participation in *LM* Child Care to ECE providers in your community through at least three approaches.

- Establishing new or enhancing existing approaches to reach ECE providers can include incorporating messages about *LM* Child Care into:
  - The city's, town's or county's website.
  - Your city's, town's or county's public service agency's newsletter.
  - A local elected official's press announcement.
  - A state of the city or state of the county address by a mayor or county executive, or a city/county council meeting.
  - City or county official statements supporting *LM* Child Care and encouraging participation by ECE providers.
  - Local media stories and ads (television, newspapers, radio)
  - Visits made to local ECE providers.
  - Community events and other opportunities for ECE providers to sign up for *LM* Child Care.
  - Opportunities for public recognition of ECE providers who are implementing *LM* Child Care best practices.

3. **GOLD:** Integrate each of the [five \*LM\* Child Care goals](#) into at least one professional development training offered annually to ECE providers. You are encouraged to work with your interagency collaborators to determine the steps needed to engage organizations and providers that offer professional development and training. Consider the following:

- Take an inventory of the professional development training opportunities in your city, town, county or state. This is an excellent opportunity for CCR&Rs to partner with Child & Adult Care Food Program sponsors, health consultants, extension offices, community colleges and others.
  - Check with your state or local [child care resources and referral agency](#) to see if they provide professional development for ECE providers.
- Identify aspects of the *LM* Child Care initiative that can be incorporated into existing training provided to ECE providers.
  - [Access resources for trainers](#), including sample training materials and slide sets.

You can receive a report on the number of ECE providers in your zip code(s) that have signed up to participate in *LM* Child Care and achieved the five *LM* Child Care goals.

To receive reports, please contact [LMCCHelp@cdc.gov](mailto:LMCCHelp@cdc.gov).

4. Report your progress by updating your medal status survey. In order to earn bronze, silver and gold medals when benchmarks are reached, you *must* update your progress using your survey link. Sites received their survey link in their confirmation sign up email, however if it has been misplaced, please send an email to [lmctc@nlc.org](mailto:lmctc@nlc.org) to request the link.

## GOAL I WEBINAR:

A webinar on Goal I was held in November 2012 and demonstrated how local elected officials through LMCTC can provide children with a healthier start by helping early care and education program providers incorporate best practices for nutrition, physical activity and screen time into their programs.

[Watch a recording of this webinar](#)

## RECOGNITION:

A **bronze medal** will be earned when the LMCTC site is participating in an active interagency collaboration on early care and education programs.

A **silver medal** will be earned when participation in *Let's Move!* Child Care is promoted among early care and education providers using at least three approaches; plus Bronze benchmark.

A **gold medal** will be earned when each of the five goals of *Let's Move!* Child Care have been integrated into at least one professional development training offered annually to early care and education providers; plus Bronze and Silver benchmarks.

## GOING BEYOND GOLD

*After you have completed all five goals, keep up the momentum by signing up for LMCTC All-Stars, which offers a set of eight advanced strategies for cities, towns and counties to pursue. More information about LMCTC All-Stars is available [here](#).*

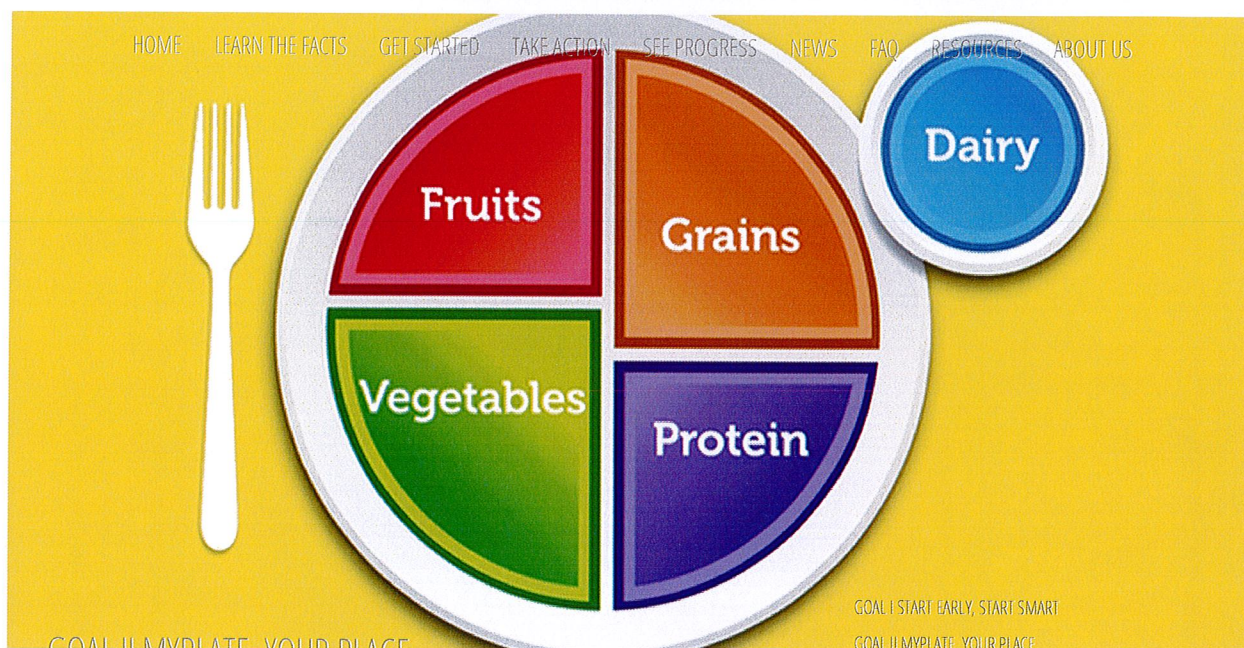
## RESOURCES:

To access resources to help you succeed in accomplishing the medal achievements, please [click here](#).

*Still need help? Contact [lmctc@nlc.org](mailto:lmctc@nlc.org) to receive additional assistance and connect with expert federal staff.*

*\*To better illustrate how the medal benchmarks build upon each other (i.e. the silver benchmark includes the bronze benchmark), in March 2014, the medal benchmarks were re-formatted to illustrate this more directly. No changes have been made to the goal benchmarks themselves; they were only reformatted.*

U.S. Department of Agriculture, the National Association of Counties and other nonprofit organizations to assist local elected officials who join *Let's Move!* Cities, Towns and Counties (LMCTC) as they implement policy and environmental changes to prevent childhood obesity.



## GOAL II MYPLATE, YOUR PLACE

**Goal II: To empower parents and caregivers, local elected officials commit to prominently displaying MyPlate in all municipally- or county-owned or operated venues that offer or sell food/beverages.**



At least 51% of municipally- or county-owned or operated venues that offer or sell food/beverages prominently display MyPlate, and the *Let's Move!* Cities, Towns and Counties (LMCTC) site is registered to be a MyPlate Community Partner.



At least 75% of municipally- or county-owned or operated venues that offer or sell food/beverages prominently display MyPlate, and the *Let's Move!* Cities, Towns and Counties (LMCTC) site is registered to be a MyPlate Community Partner.



100% of municipally- or county-owned or operated venues that offer or sell food/beverages prominently display MyPlate, and the *Let's Move!* Cities, Towns and Counties (LMCTC) site is registered to be a MyPlate Community Partner.

Municipally- or county-owned or operated venues that offer or sell food/beverages may include vending machines, cafeterias, concession stands, recreation facilities, libraries, police departments or fire stations, public medical facilities/clinics or areas served by food distribution programs.

## WHAT IS MYPLATE?



MyPlate is the U.S. Department of Agriculture

GOAL I START EARLY, START SMART

GOAL II MYPLATE, YOUR PLACE

WHAT IS MYPLATE?

WHAT ROLES CAN LOCAL ELECTED OFFICIALS PLAY IN PROMINENTLY DISPLAYING MY PLATE?

STEPS TO SUCCESS

RECOGNITION

GOING BEYOND GOLD

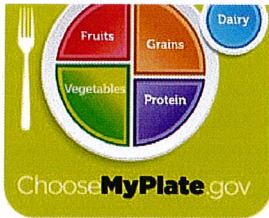
RESOURCES

GOAL III SMART SERVINGS FOR STUDENTS

GOAL IV MODEL FOOD SERVICE

GOAL V ACTIVE KIDS AT PLAY

LOCAL ELECTED OFFICIALS:  
SIGN UP & GET STARTED



(USDA) icon that replaced the food pyramid. MyPlate is a powerful visual reminder to choose healthier foods at meal times, and to make healthier choices among the food groups. It is supported by *Dietary Guidelines for Americans* messages, with tools and resources available at [ChooseMyPlate.gov](http://ChooseMyPlate.gov).

## WHAT ROLES CAN LOCAL ELECTED OFFICIALS PLAY IN PROMINENTLY DISPLAYING MYPLATE?

Healthy eating is influenced by access to healthy, safe and affordable foods/beverages, as well as by individuals' knowledge, attitudes and culture. As a local elected official, you can provide information and tools to support healthy eating. Easy-to-understand nutrition information, like MyPlate, at the point of purchase can help your employees, residents and visitors make healthy food/beverage choices.

### STEPS TO SUCCESS:

To achieve this goal, take action by following the steps below.

1. Become a MyPlate Community Partner and receive free information and materials about MyPlate. [Sign up to become a MyPlate Community Partner](#)
2. Identify all municipally- or county-owned or operated venues that offer or sell food/beverages in your city, town, or county. These venues may include vending machines, cafeterias, concession stands, parks and recreation facilities, libraries, police departments or fire stations, public medical facilities/clinics, or areas served by food distribution programs.
3. Download MyPlate posters for all identified venues.
  - [MyPlate graphic resources](#) and [MyPlate printable materials](#).
  - You can also request MyPlate posters from your [Let's Move! Advisor](#).
4. Disseminate MyPlate materials to all municipally- or county-owned or operated venues that offer or sell food/beverages.
5. Confirm that MyPlate is prominently displayed.

Consider using the [MyPlate Community Toolkit](#), which is designed to promote community engagement in reversing childhood obesity.

6. Report your progress by updating your medal status survey. In order to earn bronze, silver and gold medals when associated benchmarks are reached, you *must* update your progress using your survey link. Sites received their survey link in their confirmation sign up email, however if it has been misplaced, please send an email to [lmctc@nlc.org](mailto:lmctc@nlc.org) to request the link.

### GOAL II WEBINAR:

A webinar on Goal II was held in January 2013 and demonstrated how local elected officials through LMCTC can prominently display MyPlate in all municipally- or county-owned or operated venues that offer or sell food/beverages. Attendees were

provided information on how their community can sign up to be a MyPlate community partner and utilize the free resources available at [chooseMyPlate.gov](http://chooseMyPlate.gov).

The slides from this webinar are available [here](#).

## RECOGNITION:

A **bronze medal** will be earned when at least 51% of municipally- or county-owned or operated venues that offer or sell food/beverages prominently display MyPlate and the LMCTC site is registered to be a MyPlate Community Partner.

A **silver medal** will be earned when at least 75% of municipally- or county-owned or operated venues that offer or sell food/beverages prominently display MyPlate and the LMCTC site is registered to be a MyPlate Community Partner.

A **gold medal** will be earned when 100% of municipally- or county-owned or operated venues that offer or sell food/beverages prominently display MyPlate and the LMCTC site is registered to be a MyPlate Community Partner.

## GOING BEYOND GOLD

*After you have completed all five goals, keep up the momentum by signing up for LMCTC All-Stars, which offers a set of eight advanced strategies for cities, towns and counties to pursue. More information about LMCTC All-Stars is available [here](#).*

## RESOURCES:

To access resources to help you succeed in accomplishing this goal, please [click here](#).

*Still need help? Contact [lmctc@nlc.org](mailto:lmctc@nlc.org) to receive additional assistance and connect with expert federal staff.*

The National League of Cities (NLC) is working in partnership with the U.S. Department of Health and Human Services, and with the support of the U.S. Department of Agriculture, the National Association of Counties and other nonprofit organizations to assist local elected officials who join *Let's Move!* Cities, Towns and Counties (LMCTC) as they implement policy and environmental changes to prevent childhood obesity.

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## GOAL III SMART SERVINGS FOR STUDENTS

**Goal III: To provide healthy food to children and youth, local elected officials commit to expanding access to meal programs before, during and after the school day, and/or over the summer months.\***



The LMCTC site is participating in an active collaboration involving the city/town/county, schools and other partners to expand access to programs that offer healthy food before, during and after the school day, and/or over the summer months.



At least two actions are taken to expand children's access to programs that offer healthy food before, during and after the school day, and/or over the summer months; plus Bronze benchmark.



At least four approaches are used to publicize the availability of programs that offer healthy food before, during and after the school day, and/or over the summer months to make them more accessible to children; plus Bronze and Silver benchmarks.

*\*These benchmarks were revised in June 2014 to reflect what is currently listed, based on feedback from cities, towns and counties regarding the jurisdictional challenges to achieving the original bronze, silver and gold medals.*

## WHAT ARE MEAL PROGRAMS?

GOAL I START EARLY, START SMART

GOAL II MY PLATE, YOUR PLACE

GOAL III SMART SERVINGS FOR STUDENTS

WHAT ARE MEAL PROGRAMS?

WHY ARE THESE PROGRAMS IMPORTANT?

WHAT ROLE CAN LOCAL ELECTED OFFICIALS PLAY IN EXPANDING ACCESS TO PROGRAMS THAT OFFER HEALTHY FOOD?

FOR MORE INFORMATION ABOUT MEAL PROGRAMS

STEPS TO SUCCESS

RECOGNITION

REFERENCES

GOING BEYOND GOLD

RESOURCES

GOAL IV MODEL FOOD SERVICE

GOAL V ACTIVE KIDS AT PLAY

LOCAL ELECTED OFFICIALS:  
SIGN UP & GET STARTED

Meal programs help fight hunger and obesity by reimbursing organizations such as schools and cities/towns/counties for providing nutritious meals to children. These meal programs include the School Breakfast Program (SBP), the National School Lunch Program (NSLP), afterschool programs through the Child and Adult Care Food Program (CACFP) or NSLP and the Summer Food Service Program (SFSP). Cities and counties may also provide meals and snacks not reimbursed through federal nutrition programs as part of city or county-managed afterschool or summer programs.

## WHY ARE THESE PROGRAMS IMPORTANT?

Childhood obesity in the U.S. has more than doubled in children and tripled in adolescents in the past 30 years.<sup>1,2</sup> Providing healthy meals and snacks to children at school is important for the millions of children who rely on school meals and snacks throughout the year. Participation in federally-funded child nutrition programs is associated with improved weight-related outcomes (e.g., reduced obesity risk or lower BMI) among school-age children and adolescents. Furthermore, over the course of a year, nutrition assistance programs reach one in four people in the United States<sup>3</sup> and provide opportunities to improve diets and overall health, and can improve educational achievement. The SBP provides a nutritious breakfast every morning for many children who would otherwise go without one. Research has shown that students who eat breakfast increase their math and reading scores and improve their speed and memory in cognitive tests.<sup>4</sup> According to USDA research, children who participate in the NSLP have greater nutritional intakes compared to those who do not participate.<sup>5</sup> Afterschool and summer programs that serve healthy meals draw children and youth to programs that also include physical activity and academic enrichment opportunities.

About 31 million children receive free and reduced-price school lunch during an average school day.<sup>6</sup> But when school is not in session, many children from low-income families who rely on school meals go hungry. The SFSP and the Seamless Summer Option ([learn more](#)) provide free, nutritious summer meals to children in areas with high concentrations of children from low-income families. Unfortunately, these summer meals reach only about 15 percent of eligible children nationally.<sup>7</sup>

## WHAT ROLE CAN LOCAL ELECTED OFFICIALS PLAY IN EXPANDING ACCESS TO PROGRAMS THAT OFFER HEALTHY FOOD?

By supporting efforts to expand access to meal programs, local elected officials can ensure that students receive at least two healthy meals every school day and during the summer months when school is not in session. Communities where local elected officials have expressed strong support for the summer meal programs have shown increases in summer meal participation.<sup>6</sup> Local elected officials are trusted sources of information and have a clear understanding of the specific needs of families in their communities. As a result, they can be great advocates for meal programs in their community.

## FOR MORE INFORMATION ABOUT MEAL PROGRAMS

Use the following links to learn additional background information, including how to start these programs:

1. School Breakfast Program (SBP)
  - [U.S. Department of Agriculture](#)
  - [Food Research and Action Center](#)
2. National School Lunch Program (NSLP):

- [U.S. Department of Agriculture](#)
- [Food Research and Action Center](#)

3. Afterschool Nutrition Program:

- [U.S. Department of Agriculture](#)
- [Food Research and Action Center](#)

4. Summer Food Service Program (SFSP):

- [U.S. Department of Agriculture](#)
- [Food Research and Action Center](#)

## STEPS TO SUCCESS:

Do your city/town/county, your schools and other partners participate in an active collaboration to expand access to programs that offer healthy food before, during and after the school day, and/or over the summer months? Has your city/town/county taken two actions to expand children's access to programs that offer healthy food before, during and after the school day, and/or over summer months? Have you used at least four approaches to publicize the availability of these programs?

*Programs include the School Breakfast Program, the National School Lunch Program, the Afterschool Meal Program offered through the Child and Adult Care Food Program, and the Summer Food Service Program.*

To achieve this goal, take action by following the steps below.

1. **BRONZE:** To provide healthy food to children and youth, do you participate in an active collaboration involving the city/town/county, schools and other partners to expand access to programs that offer healthy food before, during and after the school day, and/or over the summer months? Note: this does not have to be a stand-alone partnership and can be incorporated into an existing city/town/county and school partnership. This partnership can help students in your municipality/county receive healthy meals before, during and after the school day, and/or over the summer months.
  - Representatives of this collaboration could include: elected officials, school superintendents, school board, principals and school nutrition directors, city or county agency directors/staff (including health departments and parks and recreation departments), parent teacher associations (PTAs), youth, businesses, hospitals, museums, food banks, faith-based organizations, civic organizations, restaurants, food vendors and other non-traditional partners who can play important roles in helping to provide healthy food to children and youth.
  - Consider whether you have existing task forces or committees already doing this work that could incorporate these activities within their mission. For example, could your community's existing school wellness committee, healthy eating committee or food policy council address this goal?
  - Consider whether this collaboration:
    - Capitalizes on relationships with your city's/town's/county's staff in human services, family and child services agencies, health

departments, parks and recreation departments and neighborhood services agencies.

- Includes elementary, middle and high schools in your community that offer meal programs.
- Includes existing afterschool and summer enrichment programs that currently serve or may be interested in serving meals and/or snacks. These programs could be run by schools, parks and recreation departments, YMCAs, Campfire USA and/or Boys and Girls Clubs.
- Includes summer meal programs.
- Leverages your city's/town's/county's *Let's Move!* Task Force. If one exists, does a representative familiar with healthy meal programs participate in this task force?
- Has a shared vision among all the stakeholders on child- and youth-centered programs that offer healthy food.
- Includes organizations that could serve or are already serving as meal sponsors for summer meals. [Learn more about sponsors.](#)

2. **SILVER:** With schools and other partners, take two actions to expand children's access to programs that offer healthy food before, during and after the school day, and/or over the summer months. Such actions can include the city/town/county:

- Serving as a sponsor for a healthy summer meal program. (Sponsors are organizations that manage Summer Food Service Program feeding sites. [Learn more](#))
- Serving as a feeding site, with another organization serving as a sponsor, providing healthy summer meals to children in city facilities, including parks, schools and recreation centers or during city-operated summer programs.
- Providing healthy meals and/or snacks at city/town/county afterschool programs.
- Collaborating with the private sector, nonprofits and/or faith-based organizations to expand the number of healthy afterschool meal and/or snack programs or summer meal programs.
- Playing a role with schools increasing participation rates in school breakfast and school lunch programs. This could include building partnerships and working relationships with school officials, fostering connections between schools and local businesses/nonprofits and/or encouraging enrollment in the SBP and NSLP among families participating in other local government programs (e.g., low-income home energy assistance).

While developing healthy meal programs offered after school or during the summer, consider incorporating nutrition education and physical activity elements.

If you are a city and these programs are being provided by your county, do not feel you need to duplicate efforts; instead be at the table to discuss strategies to expand access to these programs.

3. **GOLD:** Use at least four approaches to publicize the availability of programs that offer healthy food before, during and after the school day, and/or over the summer months to make these meal programs more accessible to children. Approaches to publicize the availability of these programs can include:
  - The city's/town's/county's website.
  - The city's/town's/county's public service agency newsletter or parks and recreation program guide.
  - A local elected official's press announcement.
  - A state of the city/county address by a mayor/county executive or announcement at city/county council meeting.
  - Official statements by the city/town/ county supporting the availability and participation of students in these programs.
  - Media stories and ads (television, local public access channel, newspaper and radio).
  - Social media (e.g., Facebook and/or Twitter).
  - Ads, banners, or billboards.
  - A resource guide for parents and caregivers on the availability of these programs.
  - Visits made to schools or program sites by local elected official.
  - Community events and other opportunities for parents, caregivers and students to be informed of these opportunities for healthy meals.
  - Distribute information about nutrition programs at recreation centers, community centers, local housing authorities and Head Start programs, as well as WIC, SNAP and other human service offices that serve residents. (The Special Supplemental Nutrition Program for Women, Infants & Children – known as WIC – is a preventive program providing low-income pregnant women, new mothers, infants and children with nutritious foods, nutrition education, and improved access to health care in order to prevent nutrition-related health problems in pregnancy, infancy and early childhood. The SNAP/Food Stamp Program is the largest nutrition assistance program administered by the United States Department of Agriculture (USDA).)
  - Seek authentic community input on these programs and opportunities to expand access of these programs.
  - Opportunities for public recognition by local elected official(s) for schools and programs sites who are maximizing participation in these programs.
4. Report your progress by updating your *Let's Move! Cities, Towns and Counties* (LMCTC) medal status survey. In order to earn bronze, silver and gold medals when associated benchmarks are reached, a site must update their progress using their survey link to update their information. Sites received their survey link in their confirmation sign up email. If it has been misplaced, please send an email to [lmctc@nlc.org](mailto:lmctc@nlc.org) to request the link.

## GOAL III WEBINAR:

A webinar on Goal III was held in July 2014 and demonstrated how local elected officials through LMCTC can achieve medals in the enhanced Goal III by expanding access to meal programs before, during and after the school day, and/or over the summer months.

[Watch a recording](#) of this webinar or [download slides](#) from the webinar.

## RECOGNITION:

A **bronze medal** will be earned when the LMCTC site participates in an active collaboration involving the city/town/county, schools and other partners to expand access to programs that offer healthy food before, during and after the school day, and/or over the summer months.

A **silver medal** will be earned when at least two actions are taken to expand children's access to programs that offer healthy food before, during and after the school day, and/or over the summer months; plus Bronze benchmark.

A **gold medal** will be earned when at least four approaches are used to publicize the availability of programs that offer healthy food before, during and after the school day, and/or over the summer months to make these meals more accessible to children; plus Bronze and Silver benchmarks.

## REFERENCES:

<sup>1</sup>Ogden CL, Carroll MD, Kit BK, Flegal KM. Prevalence of obesity and trends in body mass index among US children and adolescents, 1999-2010. *Journal of the American Medical Association* 2012;307(5):483-490.

<sup>2</sup>National Center for Health Statistics. Health, United States, 2011: With Special Features on Socioeconomic Status and Health. Hyattsville, MD; U.S. Department of Health and Human Services; 2012.

<sup>3</sup><http://www.fns.usda.gov/fns/about/FY2013-priorities.pdf#page=4>

<sup>4</sup><http://frac.org/federal-foodnutrition-programs/school-breakfast-program/>

<sup>5</sup><http://frac.org/federal-foodnutrition-programs/national-school-lunch-program/>

<sup>6</sup><http://www.fns.usda.gov/sites/default/files/NSLPFactSheet.pdf>

<sup>7</sup>[http://www.fns.usda.gov/sites/default/files/mayors\\_flyer.pdf](http://www.fns.usda.gov/sites/default/files/mayors_flyer.pdf)

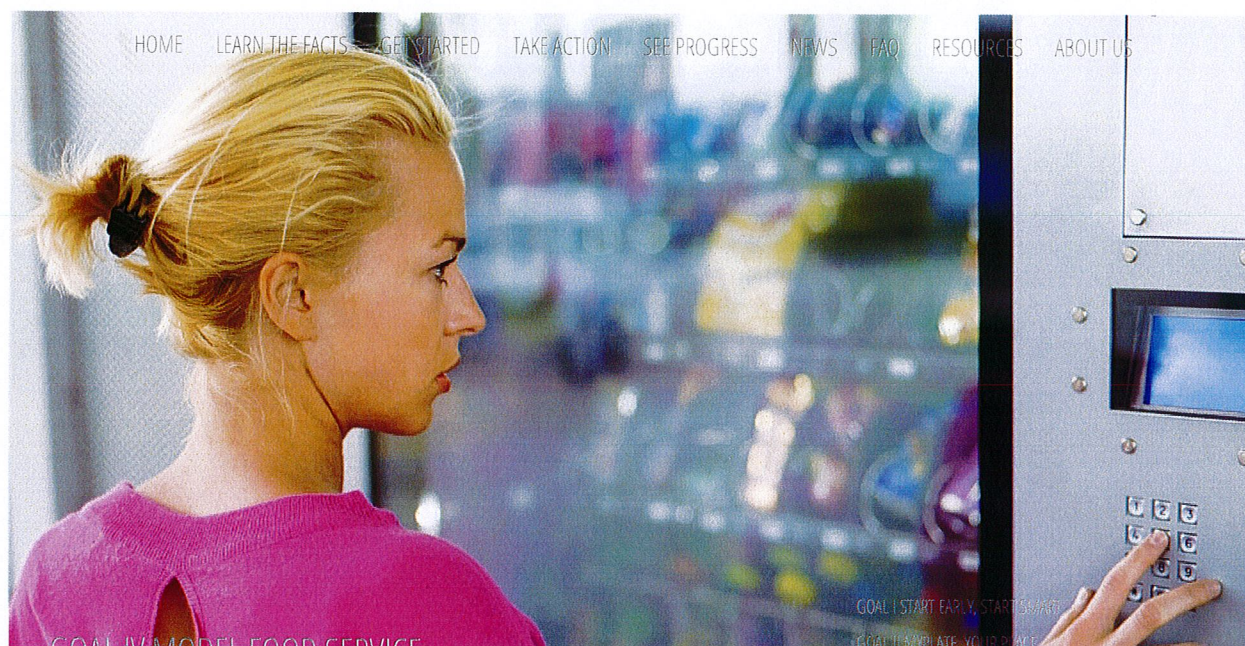
## GOING BEYOND GOLD

*After you have completed all five goals, keep up the momentum by signing up for LMCTC All-Stars, which offers a set of eight advanced strategies for cities, towns and counties to pursue. More information about LMCTC All-Stars is available [here](#).*

## RESOURCES:

To access resources to help you succeed in accomplishing this goal, please [click here](#).

and Human Services, and with the support of the U.S. Department of Agriculture, the National Association of Counties and other nonprofit organizations to assist local elected officials who join *Let's Move!* Cities, Towns and Counties (LMCTC) as they implement policy and environmental changes to prevent childhood obesity.



## GOAL IV MODEL FOOD SERVICE

**Goal IV: To improve access to healthy, affordable foods, local elected officials commit to implementing healthy and sustainable food service guidelines that are aligned with the Dietary Guidelines for Americans in all municipally- or county-owned or operated venues that offer or sell food/beverages.\***



All vendors and contractors for municipally- or county-owned or operated venues that offer or sell food/beverages are identified, along with the dates when their contracts can be amended or renegotiated.



A policy for healthy and sustainable food service guidelines aligned with the *Dietary Guidelines for Americans* is adopted for municipally- or county-owned or operated venues that offer or sell food/beverages; plus Bronze benchmark.



At least 30% of municipally- or county-owned or operated venues that offer or sell food/beverages have implemented the policy for healthy and sustainable food service guidelines aligned with the *Dietary Guidelines for Americans*; plus Bronze and Silver benchmarks.

Municipally- or county-owned or operated venues that offer or sell food/beverages may include vending machines, cafeterias, concession stands, recreation facilities, libraries, police departments or fire stations, public medical facilities/clinics or areas served by food distribution programs.

## WHY ARE HEALTHY AND SUSTAINABLE FOOD SERVICE GUIDELINES IMPORTANT?

GOAL I START EARLY, START SMART

GOAL II MEDIATE YOUR PLAN

GOAL III SMART SERVINGS FOR STUDENTS

GOAL IV MODEL FOOD SERVICE

WHY ARE HEALTHY AND SUSTAINABLE FOOD SERVICE GUIDELINES IMPORTANT?

WHAT CAN CITIES AND COUNTIES DO TO IMPLEMENT HEALTHY AND SUSTAINABLE FOOD SERVICE GUIDELINES?

STEPS TO SUCCESS

RECOGNITION

GOING BEYOND GOLD

RESOURCES

GOAL V ACTIVE KIDS AT PLAY

LOCAL ELECTED OFFICIALS:  
SIGN UP & GET STARTED

Healthy and sustainable food service guidelines can make healthy choices more accessible, appealing and affordable. They are not designed to restrict choices. Healthy and sustainable food service guidelines can also influence constituents' food choices, improve the nutritional quality of food consumed and serve as a model for the private sector.

First published in 1980, the *Dietary Guidelines for Americans* (DGA) are mandated by Congress to be reviewed, updated, and released by the U.S. Department of Agriculture and the U.S. Department of Health and Human Services every five years. The DGA contain the latest, science-based nutrition and dietary guidance for the general public. All federal nutrition assistance programs are based on these guidelines. The latest version of the DGA was released in January 2011. [Dietary Guidelines for Americans website](#)

## WHAT CAN CITIES AND COUNTIES DO TO IMPLEMENT HEALTHY AND SUSTAINABLE FOOD SERVICE GUIDELINES?

Your city or county can include food service guidelines in all food service contracts and permits. Food service guidelines can be used in all settings where food is offered or sold, such as vending machines, snack shops or concessions. Given the many city/county employees, constituents and visitors who access your facilities, adopting healthy and sustainable guidelines is a critical strategy for improving your constituents' access to healthy foods and beverages.

### STEPS TO SUCCESS:

Do you currently use healthy and sustainable food service guidelines that align with the *Dietary Guidelines for Americans* in municipally- or county-owned or operated venues that offer or sell food/beverages? To achieve the goal of using these food service guidelines in at least 30% of these municipally- or county-owned or operated venues, you can take action by following the steps below.

1. **BRONZE:** Identify all municipally- or county-owned or operated venues that offer or sell food/beverages and determine the type of legal agreements (e.g., contracts) established for food service. Identify vendors by locating the current contracts, checking for a company name and contact number on vending machines, or by talking with concession or cafeteria staff. Consider all city/county government buildings that contain food venues, including vending machines.
  - If healthy and sustainable food service guidelines are currently being used, can they be applied to all contracts and bids? If so, proceed to step three.
  - If healthy and sustainable food service guidelines are not currently being used, proceed to step two.
2. **SILVER:** Develop and adopt a policy for healthy and sustainable food service guidelines to be used in contracts, proposals and bids for all municipally- or county-owned or operated venues that offer or sell food/beverages. There is no one-size-fits-all approach to policy development and adoption. An executive order by a mayor or county executive, a policy passed by a city council or board of supervisors or departmental regulation are all options. [Sample policies.](#)
  - *Define "healthy":* It can be difficult to define what qualifies as a healthy food or beverage. A common approach is to follow existing national standards, such as the Health and Sustainability Guidelines for Federal Concessions and Vending Operations, the U.S. Department of Agriculture (USDA) Smart Snacks Standards, or the American Heart Association:

Recommended Nutrition Standards for Procurement of Foods and Beverages Offered in the Workplace.

- *Do what works:* It may not be feasible for your city or county to adopt guidelines that require 100% healthy foods and beverages. You may want to consider a phased-in approach where the percentage of healthy items increases over time.
  
- 3. **GOLD:** Incorporate and implement your policy into all food service and vending contracts and bids for all venues owned or operated by your municipality or county. Developing good relationships with your vendors is key. Going over your food service guidelines, sharing product lists of items that meet the guidelines and listening to and addressing vendors' concerns can help develop good relationships. Additional partners to consider involving can include employee wellness committees, departmental heads, nutritionists, local public health organizations and your purchasing director. Consider the following options:
  - Designate a point person in each department or food service venue.
  - Develop a campaign to educate employees and constituents on the new food service guidelines.
  - Develop a timeline for renegotiating contracts and issuing new bids.
  - Determine what staffing or training will be needed for implementation.
  - If you are not starting with 100% healthy options, consider pricing healthy options as reasonably as possible so they are able to compete with less-healthy food and beverage options.
  
- 4. Ensure that your policy is being implemented as planned, and that healthier food options are being offered in your municipally- or county-owned or operated venues.
  - Determine who is responsible for ensuring the policy for healthy and sustainable food service guidelines is incorporated and implemented into contracts and bids.
  - Determine who is responsible for compliance with the policy onsite at food service venues.
  - Develop a reporting process for compliance as part of your contracts.
  
- 5. Report your progress by updating your medal status survey. In order to earn bronze, silver and gold medals when associated benchmarks are reached, a site *must* update their progress using their survey link to update their information. Sites received their survey link in their confirmation sign up email, however if it has been misplaced, please send an email to [lmctc@nlc.org](mailto:lmctc@nlc.org) to request the link.

## GOAL IV WEBINAR:

A webinar on Goal IV was held in March 2013 and demonstrated how local elected officials through LMCTC can improve access to healthy, affordable foods by implementing healthy and sustainable food service guidelines that are aligned with the *Dietary Guidelines for Americans* at municipally- or county-owned or operated venues that offer or sell food/beverages. Attendees learned how to identify these venues and heard from an LMCTC site about their process for developing and implementing a policy for healthy and sustainable food service guidelines.

[Download](#) the slides from the webinar. [View the recording](#) of the webinar.

## RECOGNITION:

**A bronze medal** will be earned when all vendors and contractors for municipally- or county-owned or operated venues that offer or sell food/beverages are identified, along with dates when their contracts can be amended or renegotiated.

**A silver medal** will be earned when a policy for healthy and sustainable food service guidelines aligned with the *Dietary Guidelines for Americans* is adopted for municipally- or county-owned or operated venues that offer or sell food/beverages; plus Bronze benchmark.

**A gold medal** will be earned when at least 30% of municipally- or county-owned or operated venues that offer or sell food/beverages have implemented the policy for healthy and sustainable food service guidelines aligned with the *Dietary Guidelines for Americans*; plus Bronze and Silver benchmarks.

## GOING BEYOND GOLD

*After you have completed all five goals, keep up the momentum by signing up for LMCTC All-Stars, which offers a set of eight advanced strategies for cities, towns and counties to pursue. More information about LMCTC All-Stars is available [here](#).*

## RESOURCES:

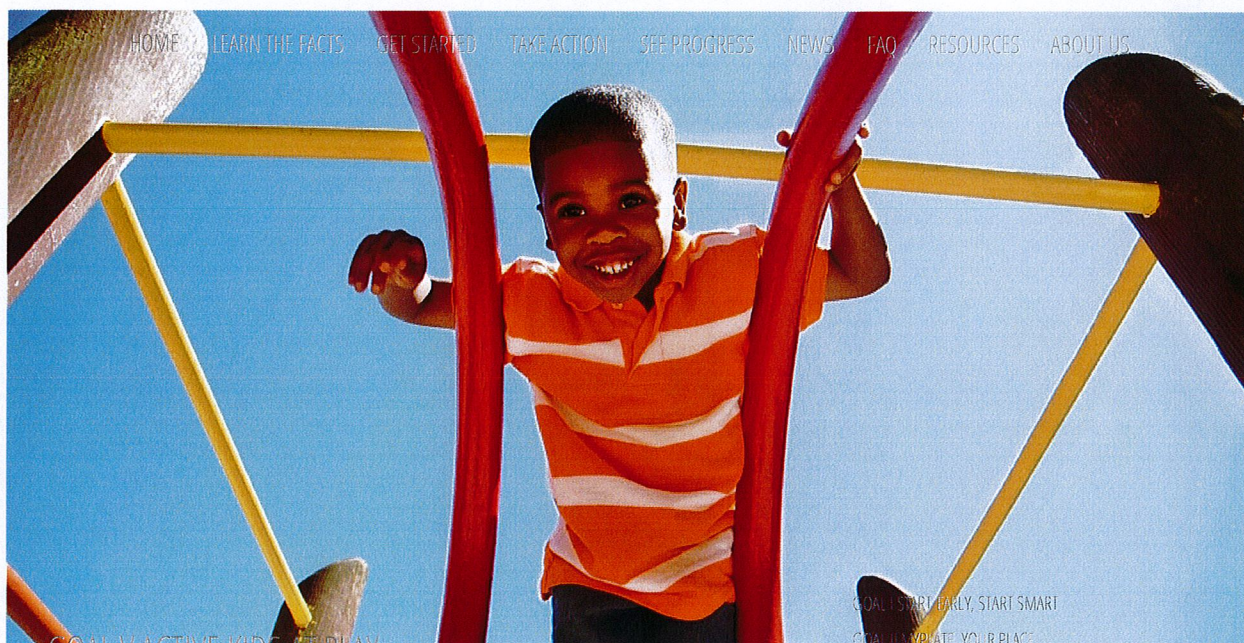
To access resources to help you succeed in accomplishing the medal achievements, please [click here](#).

*Still need help? Contact [lmctc@nlc.org](mailto:lmctc@nlc.org) to receive additional assistance and connect with expert federal staff.*

*\*To better illustrate how the medal benchmarks build upon each other (i.e. the silver benchmark includes the bronze benchmark), on March 21, 2014, the medal benchmarks were re-formatted to illustrate this more directly. No changes have been made to the goal benchmarks themselves; they were only reformatted.*

The National League of Cities (NLC) is working in partnership with the U.S. Department of Health and Human Services, and with the support of the U.S. Department of Agriculture, the National Association of Counties and other nonprofit organizations to assist local elected officials who join *Let's Move! Cities, Towns and Counties* (LMCTC) as they implement policy and environmental changes to prevent childhood obesity.

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## GOAL V ACTIVE KIDS AT PLAY

**Goal V: To increase physical activity, local elected officials commit to mapping local playspaces, completing a needs assessment, developing an action plan and launching a minimum of three recommended policies, programs or initiatives.\***



All playspaces are mapped.



A needs assessment of playspaces is completed and an action plan is developed; plus Bronze benchmark.



At least three recommended policies, programs or initiatives from the action plan are launched to increase access to physical activity; plus Bronze and Silver benchmarks.

## WHAT ARE PLAYSPACES?

Playspaces are where children and youth can play and be physically active. Playspaces can include publicly accessible playgrounds, indoor and outdoor recreational facilities, skate parks, parks, fields, trails and greenways.

## WHAT DOES IT MEAN FOR PLAYSPACES TO BE INACCESSIBLE?

There are multiple ways to define lack of access, including but not limited to the following definitions:

GOAL I START EARLY, START SMART

GOAL II WHAT'S YOUR PLACE?

GOAL III SMART SERVINGS FOR STUDENTS

GOAL IV MODEL FOOD SERVICE

GOAL V ACTIVE KIDS AT PLAY

WHAT ARE PLAYSPACES?

WHAT DOES IT MEAN FOR PLAYSPACES TO BE ACCESSIBLE?

WHAT DOES IT MEAN FOR PLAYSPACES TO BE SAFE?

WHY ARE PLAYSPACES IMPORTANT?

WHAT ROLES CAN LOCAL ELECTED OFFICIALS PLAY IN PROMOTING PHYSICAL ACTIVITY?

STEPS TO SUCCESS

RECOGNITION

REFERENCES

GOING BEYOND GOLD

RESOURCES

LOCAL ELECTED OFFICIALS:  
SIGN UP & GET STARTED

- There are no playspaces in the neighborhood.
- There are limited playspaces in the neighborhood.
- The playspaces available to constituents are not safe and determined inaccessible.
- Constituents in the area of need cannot walk a reasonable distance (approx. ½ mile), or travel by car or mass transit to available safe playspaces.

There are other research-based definitions for lack of access. Local elected officials can determine which definition best fits the needs of their city, town or county and can use this information when assessing lack of access to playspaces in their community.

## WHAT DOES IT MEAN FOR PLAYSPACES TO BE SAFE?

There are multiple ways to define safe playspaces. Definitions may include components of injury prevention, crime statistics and/or environmental concerns. For example, a safe playspace could mean one in which youth or adults are less likely to be physically injured while using the playspaces. A safe playspace also could have few incidences of crime in and/or around it. Finally, a safe playspace could mean limited exposure to environmental hazards, such as air or water pollutants. A community may choose components of one or all of these definitions to define safe playspaces. Tools to assess safety can be found on the [Resources page](#).

## WHY ARE PLAYSPACES IMPORTANT?

Creating and enhancing access to safe playspaces can provide opportunities for children and youth to be active. Regular physical activity during childhood and adolescence improves strength and endurance, helps build healthy bones and muscles, helps control weight, reduces anxiety and stress, increases self-esteem, and may improve blood pressure and cholesterol levels. <sup>1</sup> Yet the majority of American children and youth are not meeting the recommended levels of physical activity. <sup>2</sup> Children who don't have neighborhood access to a park or playground are 26% more likely to be obese. <sup>3</sup> Research has shown that children who are physically active and fit tend to perform better in the classroom, and physical activity can improve cognitive performance and classroom behavior. <sup>4</sup> As rates of obesity and related diseases continue to rise across the country, local elected officials can expect to see a range of associated financial and social impacts across their cities, towns and counties, including direct medical costs, lost productivity, absenteeism and disability.

Are you currently a KaBOOM! Playful City USA? You may be well on your way to achieving LMCTC's Goal V! Playful City USA is a free national recognition program of KaBOOM! that spotlights cities and towns that make physical activity and play a priority and use innovative practices to get children and families active and healthy. You can [apply now](#) to become a Playful City USA.

## WHAT ROLES CAN LOCAL ELECTED OFFICIALS PLAY IN PROMOTING PHYSICAL ACTIVITY?

As a local elected official, you play an important role in promoting public health by removing barriers, increasing opportunities and providing information to increase physical activity. Furthermore, active communities provide opportunities that can benefit the local economy, deter crime and support the local environment. Among other steps, you can expand opportunities for physical activity by ensuring that your constituents have access to safe, open venues (e.g., public parks, trails, playgrounds and indoor/outdoor recreational facilities) that are conveniently located for all youth and families.

## STEPS TO SUCCESS:

Has your city, town, or county mapped public playspaces, conducted a needs assessment, identified gaps in access and developed an action plan to close these gaps?  
Has your city, town or county launched at least three recommended practices from the action plan to increase access to safe, convenient places for physical activity?

To achieve this goal, you can take action by following the steps below. Consider engaging other stakeholders, such as parks and recreation departments, city planning officials, transportation officials, businesses, local architects, parents' groups, youth and other community members.

1. **BRONZE:** Map the location of existing public playspaces in your community and assess the quality of the playspaces and their accessibility and safety for constituents. Your map should include publicly accessible playgrounds, indoor and outdoor recreational facilities, skate parks, parks, fields, trails, greenways and other public spaces designed for physical activity. Methods to help you map parks and recreation facilities include but are not limited to:
  - Encouraging the community to use KaBOOM!'s [free mobile website](#) to report the location of publicly accessible parks or recreational facilities in your community.
  - Partnering with a local college, university, or health department's geographical information system (GIS) experts to determine the latitude and longitude or address of a park or recreational facility to illustrate existing offerings which can be used with corresponding population data and indicate where gaps to access may exist.
  - Using existing resources from local parks and recreation departments to determine the location of the parks or recreational facilities that are maintained for public use by your community. This [information](#) may be available to you for free.
  - Determining the location of recreational facilities in your county by using the [Census Bureau's County Business Pattern Database](#). Please note some recreational facilities located in this database may not be publically accessible.
2. **SILVER:** Using the map of local playspaces, complete a needs assessment to identify neighborhoods in your city, town or county where there are gaps in access to safe and convenient spaces for play and physical activity. Consider areas where playspaces are not accessible and safe, and policies or initiatives that may be needed to improve accessibility of those playspaces. Develop an action plan using the information from your needs assessment.
3. **GOLD:** Using your action plan, launch at least three recommended practices to increase access to safe, convenient places to play and be physically active in your city, town or county. Such practices can include:
  - Creating joint use agreements with community partners, including businesses, schools, churches and indoor and outdoor recreation facilities. (A joint use agreement, also called a shared use agreement, is an agreement between two parties agreeing to terms and conditions for the shared use of property. Property could be a pool, school grounds, open space on private property, etc.).
  - Working on a recess policy in local schools.
  - Changes to zoning ordinances to promote physical activity, such as promoting parks and recreation or requiring sidewalks.
  - Developing or expanding safe routes to schools, or implementing additional strategies for walking or biking to school or work.
  - Expanding multi-modal transportation options.
  - Revitalizing existing places for play and physical activity by enhancing the safety and accessibility of playgrounds, parks, trails, greenways and public recreation facilities.
  - Increasing the number of playgrounds or other places for play and physical activity.

- Implementing a sustainable play streets program or open streets program. (Play Streets programs close specific streets to traffic on a routine basis and open that space to the community to encourage physical activity.)
  - Implementing physical activity requirements for city- or county-funded youth programs, such as afterschool programs or summer camps.
  - Incorporating provisions to encourage walking and biking in the city/county master plan (also called a general plan or a comprehensive plan).
4. Report your progress by updating your medal status survey. In order to earn bronze, silver and gold medals when associated benchmarks are reached, a site *must* update their progress using their survey link to update their information. Sites received their survey link in their confirmation sign up email, however if it has been misplaced, please send an email to [lmctc@nlc.org](mailto:lmctc@nlc.org) to request the link.

## GOAL V WEBINARS:

Webinars on Goal V were held in April and May 2013 and demonstrated how local elected officials through LMCTC can make progress on Goal V: Active Kids at Play by mapping their playspaces, creating a needs assessment, developing an action plan and launching policies, programs and initiatives that increase access to play.

The Goal V Part 1 webinar focused on mapping and assessing the safety and accessibility of playspaces, creating an action plan to promote physical activity. To download slides from the Goal V Part 1 webinar, click [here](#). To view a recording of the webinar, click [here](#).

The Goal V Part 2 webinar focused on identifying strategies to encourage physical activity in your community, including joint use agreements, safe routes to school programs, revitalizing playgrounds, and enhancing active transportation. To download slides from the Goal V Part 2 webinar, click [here](#). To view a recording of the webinar, click [here](#).

## RECOGNITION:

A **bronze medal** will be earned when all playspaces are mapped.

A **silver medal** will be earned when a needs assessment is conducted and an action plan is developed; plus Bronze benchmark.

A **gold medal** will be earned when at least three recommended policies, programs or initiatives from the action plan are launched to increase access to physical activity; plus Bronze and Silver benchmarks.

## REFERENCES:

<sup>1</sup>Division of Adolescent and School Health, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention. (November 2008). Physical activity and the health of young people – [View PDF](#).

<sup>2</sup>Centers for Disease Control and Prevention. [Youth Risk Behavior Surveillance – United States, 2011]. MMWR 2012;61(No. SS-4):[1-162]. [View PDF](#).

<sup>3</sup>Singh GK, Siahpush M, and MD Kogan. "Neighborhood Socioeconomic Conditions, Built Environments and Childhood Obesity" *Health Affairs* 29, no.3 (2010):503-512. [View PDF](#).

<sup>4</sup>Trost S. Active Education: Physical Education, Physical Activity and Academic Performance. A Research Brief. Princeton, NJ: Active Living Research, a National Program of the Robert Wood Johnson Foundation. Summer 2009. [View PDF](#).

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## RESOURCES:

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**Contra Costa Health Services- Community Wellness and Prevention Program (CW&PP)**

*Let's Move! Contra Costa County Collaborative Partners and Programs*

August 5, 2015

Agency Name	Area of Service Provided	Let's Move! Pillar #1 Help Parents Make Healthy Family Choices	Let's Move! Pillar #2 Create Healthy Schools	Let's Move! Pillar #3 Provide Access to Healthy and Affordable Food	Let's Move! Pillar #4 Promote Physical Activity
1. Bay Area Community Resources ( BACR)	Richmond		<ul style="list-style-type: none"><li>The Youth Nutrition Advisory Coalition (YNAC), which is coordinated by BACR, empowers high school students to conduct research projects related to nutrition. Currently the project is focusing on various aspects of school lunch.</li></ul> <p>The YNAC developed a survey to collect data on the fruits and vegetables that elementary school students are most likely to eat. This data was used to support the Richmond Food Policy Council Elementary Salad Bar Initiative.</p> <ul style="list-style-type: none"><li>Coordinates school garden program at Helms Middle School.</li><li>Provides nutrition and urban agriculture education.</li></ul>	<ul style="list-style-type: none"><li>BACR partners with the Richmond Food Policy Council to support the <i>Healthy School Foods Campaign</i>, which provides access to fresh fruits and vegetables at lunchtime for students.</li></ul>	<ul style="list-style-type: none"><li>BACR offers Yoga classes to youth and community partners.</li></ul>

# Contra Costa Health Services- Community Wellness and Prevention Program (CW&PP)

Let's Move! Contra Costa County Collaborative Partners and Programs

August 5, 2015

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2. City of San Pablo	San Pablo	<ul style="list-style-type: none"> <li>The City of San Pablo's Childhood Obesity Task Force has a <i>Community Action Plan</i> that focuses on increasing physical activity levels; Increasing access to healthy foods and beverages and limiting access to unhealthy foods and beverages; changing messages about nutrition and physical activity, including limiting marketing of junk food to children; working with health care providers, insurers, and employers; and improving nutrition and physical activity in schools.</li> <li>The Childhood Obesity Task Force supports physical activity at the park, and cooking and nutrition classes for families and their children.</li> <li>The City of San Pablo hosts a variety of community events and partners with community agencies such as Head Start, Contra Costa Health Services and Weigh of Life to provide nutrition and physical activity information and resources.</li> </ul>	<ul style="list-style-type: none"> <li>In 2012 City of San Pablo passed a resolution that all schools within San Pablo will become Full Service Community Schools. Helms Middle School is serving as the model site in the community.</li> </ul>	<ul style="list-style-type: none"> <li>All community events offer healthy food options.</li> <li>The City of San Pablo provides access of fresh fruits and vegetables through their weekly Farmers' Market.</li> </ul>	<ul style="list-style-type: none"> <li>San Pablo's Park and Recreation department provides a host of physical activities for all ages.</li> <li>The City sponsors community events that promote physical activity such as the Nutrition Olympics and Bike to Work Day.</li> <li>The City was awarded a grant to promote the <i>Let's Move! Campaign</i>.</li> </ul>

# Contra Costa Health Services- Community Wellness and Prevention Program (CW&PP)

*Let's Move! Contra Costa County Collaborative Partners and Programs*

August 5, 2015

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3. Contra Costa Child Care Council (CCCC)	County-wide	<ul style="list-style-type: none"> <li>CCCC provides nutrition education and resources to parents at 48 child care sites throughout the County.</li> <li>CCCC provides support to child care centers to improve the quality of care provided to young children with respect to nutrition, breastfeeding support, physical activity, and screen time.</li> </ul>	<ul style="list-style-type: none"> <li>Currently focusing on increasing the number of programs meeting the <i>Let's Move!! Child Care Best Practices</i>.</li> <li>CCCC's Food Program ensures that their sites serve meals that meet the USDA nutrition guidelines.</li> </ul>		<ul style="list-style-type: none"> <li>CCCC Child Health and Nutrition Specialists support in-home child care sites and provides educational materials on physical activity for the children at those sites.</li> <li>Distributes monthly parent newsletter to all 48 sites that features current information on physical activities for children.</li> </ul>
4. Contra Costa Health Services Black Infant Health Program (Black Infant Health)	East and West County	<ul style="list-style-type: none"> <li>Black Infant Health provides a 10 week program for pregnant and postpartum women which includes nutrition education and physical activity promotion. The curriculum specifically highlights portions of the <i>Let's Move! Campaign's Healthy and Active Families Activities</i>.</li> <li>All Black Infant Health support groups provide healthy snacks and recipes for participants.</li> </ul>		<ul style="list-style-type: none"> <li>Food and nutrition resources are shared with the clients as part of their clinical case management. Resources often include information on CalFresh, the Food Bank of Contra Costa, local Farmers' Markets and WIC.</li> </ul>	<ul style="list-style-type: none"> <li>Yoga as well as other forms of movement are included as part of the nutrition classes for pregnant women.</li> </ul>

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5. <b>Contra Costa Health Services Community Wellness and Prevention Program (CW&amp;PP)Nutrition and Physical Activity Promotion Project</b>	County-wide	<ul style="list-style-type: none"> <li>CW&amp;PP provides single and series nutrition and physical activity classes for parents and their families.</li> <li>CW&amp;PP sponsors and supports community events where resources and materials that promote physical activity and healthy eating are disseminated.</li> </ul>	<ul style="list-style-type: none"> <li>CW&amp;PP partners with schools districts to promote nutrition education and physical activity at an array of events including Summer Meal Programs, Parent Nights, Back to School Nights, and Walk to School Day.</li> </ul>	<ul style="list-style-type: none"> <li>Distributes materials that provides resources for healthy and affordable foods (i.e., CalFresh, Food Bank and WIC s, local Farmers' Markets in all educational classes and community events.</li> </ul>	<ul style="list-style-type: none"> <li>Materials that promote physical activity are disseminated at community events, through classes and workshops. Physical activity is often conducted as part of the classes and workshops.</li> </ul>
6. <b>Contra Costa Health Services Reducing Health Disparities Program (RHD) – Promotoras and African American Health Conductors</b>	Pittsburg and Richmond	<ul style="list-style-type: none"> <li>RHD Promotoras co-facilitate Medical Group Visits at County clinics in Pittsburg and Richmond, which provide education for parents and their children on the importance of healthy cooking, eating and physical activity.</li> <li>The African American Health Conductors (AAHC) provide nutrition education and physical activity promotion for adult participants in their Soul 2 Soul Program.</li> <li>Fall 2015 the AAHC will begin co-facilitating an African American group that provides education for parents and their children about the importance of healthy cooking, eating and physical activity.</li> </ul>		<ul style="list-style-type: none"> <li>The AAHC and the Promotoras provide community resources including CalFresh, Food Pantries, and organizes groups that go to the local Farmers Market.</li> <li>Healthy refreshments are served at all Medical Group Visits facilitated by the Promotoras and the AAHC.</li> <li>The AAHC also facilitates support groups for the re-entry population where health foods are served.</li> </ul>	<ul style="list-style-type: none"> <li>The AAHC and Promotoras promote physical activity as part of their Medical Group Visits.</li> </ul>

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<b>7. Contra Costa Health Services Safe Routes to School (SRTS)</b>	Select West Contra Costa Unified School District elementary schools (i.e., Hercules, Pinole, San Pablo, Richmond, El Cerrito and the unincorporated areas of West Contra Costa)	<ul style="list-style-type: none"> <li>SRTS staff plan and attend elementary school parent meetings and events to provide information and resources to promote their children's safety both in school neighborhoods and on campus. These resources include pedestrian and bike safety workshops to ensure children are street smart when traveling on their own, parent-led walking school bus and safety patrol training and coordination to promote daily walking and improve safety, school neighborhood walk audits to identify barriers to safety and recommended routes to school; and free bike helmet fitting and distribution,</li> </ul>	<ul style="list-style-type: none"> <li>SRTS staff plan and conduct in-class and assembly-format leadership activities to empower elementary school students to promote healthier decision making to increase their overall safety and well-being. Students learn from the "Leadership for Positive Change" curriculum that emphasizes improving their campus climate by promoting physical activity and wellness, improved nutrition, anti-bullying efforts, recycling, increasing respect and accountability among students and teachers and reducing substance abuse, gangs and violence. These modules culminate in a student-led "March for Change" Walk to School Day event that promotes physical activity and positive change.</li> </ul>	<ul style="list-style-type: none"> <li>SRTS staff conduct workshops on the importance of healthy eating and physical activity and how the environment and other social determinants of health impact our access to both.</li> </ul>	<ul style="list-style-type: none"> <li>SRTS staff work directly with parents, students, school staff, law enforcement, youth-serving agencies, city engineers and elected officials to improve the environment for safe walking and biking and collaboratively plan short- and long-term solutions to increase daily walking and biking as as part of a healthy and active lifestyle. We implement the 5 E's approach to SRTS which are: <u>Education</u> on the benefits of walking and biking on our physical and mental health but also the environment; <u>Engineering</u> streets and sidewalks to promote safety; <u>Enforcement</u> efforts to improve traffic safety and reduce crime in school zones; <u>Encouragement</u> activities, to create excitement around physical activity, and <u>Evaluation</u> of our efforts to create sustainability of our momentum and modify the program as needed with the input of our participants and partners.</li> </ul>

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<b>8. Contra Costa Health Services WIC (Women, Infants and Children) Program</b>	County-wide	<ul style="list-style-type: none"> <li>WIC provides nutrition and health education for pregnant women, postpartum women, and their children under the age of 5.</li> </ul>		<ul style="list-style-type: none"> <li>WIC provides women with food vouchers to assist them in purchasing healthy foods for their children.</li> <li>WIC offers breastfeeding support and resources for postpartum women.</li> </ul>	<ul style="list-style-type: none"> <li>Physical activity information, resources, and incentives such as CDs are provided in WIC classes to promote physical activity.</li> </ul>
<b>9. Contra Costa Regional Medical Center and Clinic Services (CCRMC)</b>	County-wide	<ul style="list-style-type: none"> <li>CCRMC Registered Dietitians provide nutrition education through one-on-one consultations in the hospitals and clinics.</li> </ul>		<ul style="list-style-type: none"> <li>Registered Dietician consultations with clients include information about food resources (i.e., CalFresh, the Food Bank, Farmers' Markets and the WIC program).</li> </ul>	<ul style="list-style-type: none"> <li>Registered Dietitians encourage clients to be physically active as part of the promotion of a healthy lifestyle.</li> </ul>
<b>10. Cooking Matters/18 Reasons</b>	County-wide	<ul style="list-style-type: none"> <li>Cooking Matters provides nutrition education classes and food demonstrations in a variety of settings (CBO', faith-based organizations, schools, etc.).</li> <li>Teaches parents how to cook healthy meals for their families.</li> </ul>		<ul style="list-style-type: none"> <li>Educates parents on how to shop for healthy and affordable foods.</li> </ul>	
<b>11. First 5</b>	County-wide	<ul style="list-style-type: none"> <li>First 5 provides parents and children under 5 years of age with information and tips about nutrition, breastfeeding as well as engaging in physical activity.</li> <li>Classes such as We Can Cook, Gymsters, and Edible Art are offered for parents and children.</li> </ul>		<ul style="list-style-type: none"> <li>First 5 serves healthy meals and snacks daily and information about food resources are available to the parents.</li> </ul>	<ul style="list-style-type: none"> <li>Active play and movement are a major part of the programs. The First 5 Regional Group partners with local city park and recreation departments to offer low cost sports classes for young children.</li> </ul>

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<b>12. Food Bank of Contra Costa and Solano</b>	County-wide	<ul style="list-style-type: none"> <li>The Food Bank's Food for Children Program and the Community Produce Program provides nutrition education and recipes for families.</li> </ul>	<ul style="list-style-type: none"> <li>Through the Farm 2 Kids Program every week, the Food Bank distributes 3-5 pounds of fresh produce per child through after school programs in low-income schools.</li> <li>The School Pantry Program provides items to high schools and middle schools where 50% or more of the students receive free or reduced lunch.</li> </ul>	<ul style="list-style-type: none"> <li>The Food Bank has seven different distribution programs and partners with over 180 area nonprofits to increase accessibility of fruits and vegetables to those in need.</li> <li>CalFresh Eligibility Case Workers are available at each distribution center to assist families with enrolling into the CalFresh program. The case workers also provide additional resources for affordable food outlets for those in need.</li> </ul>	
<b>13. Grace Bible Fellowship of Antioch (GBF)</b>	Antioch/Pittsburg	<ul style="list-style-type: none"> <li>GBF distributes nutrition education materials to parishioners and to the community at events in the Antioch and Pittsburg areas.</li> <li>GBF facilitates nutrition education workshops for adults.</li> </ul>		<ul style="list-style-type: none"> <li>Provides Cal Fresh information at workshops and at community events.</li> </ul>	<ul style="list-style-type: none"> <li>GBF sponsors Zumba classes for parishioners and community members.</li> </ul>

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14. Head Start	County-wide	<ul style="list-style-type: none"> <li>Head Start conducts monthly parent meetings with nutrition education and physical activity, as one of several topics offered regularly.</li> </ul>	<ul style="list-style-type: none"> <li>Head Start facilitates a nutrition curriculum that promotes physical activity and healthy eating habits.</li> <li>Harvest of the Month, a program designed to motivate and empower students to increase consumption of fruits and vegetables and to engage in physical activity every day, is also incorporated into the child care menus.</li> <li>In the FFY 15-16, increasing physical activity in the classroom will specifically be a focus.</li> </ul>	<ul style="list-style-type: none"> <li>Information about food resources such as the Food Bank, WIC, Farmers' Markets and CalFresh is available to the parents.</li> </ul>	
15. John Muir Health	Pittsburg/Concord		<ul style="list-style-type: none"> <li>Provides nutrition education for children in the classroom setting.</li> </ul>		
16. La Clinica	Concord (Monument) East County (Pittsburg) Far East County (Oakley)	<ul style="list-style-type: none"> <li>La Clinica's <i>Healthy Body, Healthy Mind</i> is a 5 class workshop series that focuses on nutrition and physical activity.</li> </ul>		<ul style="list-style-type: none"> <li>All sites provide outreach and education for CalFresh enrollment.</li> </ul>	<ul style="list-style-type: none"> <li>The <i>Healthy Body, Healthy Mind</i> curriculum has a physical activity and mental health component that offers Yoga and Thai Chi.</li> <li>Physical activity classes (i.e., Zumba and Yoga) are offered free to the community.</li> </ul>

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<b>17. Meals on Wheels (MOW)</b>	County- wide			<ul style="list-style-type: none"> <li>MOW provides meals to the home bound elderly population and oversees the Contra Costa Café which is a congregate meal program for seniors.</li> <li>MOW offers nutrition education and food resources for seniors.</li> </ul>	<ul style="list-style-type: none"> <li>MOW facilitates Tai Chi classes for seniors.</li> </ul>
<b>18. Monument Crisis Center (MCC)</b>	Concord	<ul style="list-style-type: none"> <li>MCC distributes nutrition education materials and offers nutrition workshops for adults and youth receiving services at the center.</li> </ul>		<ul style="list-style-type: none"> <li>MCC offers a Food Pantry for their clients.</li> </ul>	<ul style="list-style-type: none"> <li>MCC provides weekly physical activity opportunities for clients and the community at large.</li> </ul>
<b>19. Monument Impact (MI)</b>	Concord	<ul style="list-style-type: none"> <li>MI partners with Cooking Matters Program, to provide nutrition education and teach cooking skills to families utilizing MI services.</li> </ul>	<ul style="list-style-type: none"> <li>MI partners with Meadow Homes Elementary to promote nutrition and physical activity and supports their School Wellness Policy.</li> </ul>	<ul style="list-style-type: none"> <li>Information about food resources such as the Food Bank, Farmers' Markets and CalFresh are available in Cooking Matters classes and through MI sponsored community events such as the <i>Carnival of Health Fair</i>.</li> </ul>	<ul style="list-style-type: none"> <li>MI offers Zumba classes, walking clubs, and a Junior Giants baseball program as part of their service network.</li> </ul>

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20. Mt. Diablo Unified School District CARES Afterschool Program	Concord/ Bay Point	<ul style="list-style-type: none"> <li>MT. Diablo -CARES After School Program provides monthly nutrition education classes to parents that focus on Harvest of the Month, Re-Think Your Drink, and increasing fruits and vegetable consumption.</li> </ul>		<ul style="list-style-type: none"> <li>Provides fresh fruits and vegetables to students and their families on a weekly basis.</li> </ul>	<ul style="list-style-type: none"> <li>Promotes physical activity throughout the school year by providing daily sports activities</li> </ul>
21. Mt. Diablo Unified School District Nutrition Department	Concord/Bay Point		<ul style="list-style-type: none"> <li>Mt. Diablo Unified School District is proud to be part of the California Thursdays Network. California Thursdays is a collaboration between the Center for Ecoliteracy, participating school districts, and allied organizations to serve healthy, freshly prepared school meals made from scratch.</li> <li>Salad bars are available at the majority of middle school sites.</li> <li>Culinary competitions are held every year for fourth graders. This friendly competition offers students the opportunity to work with the nutrition staff to learn of the culinary skills and new recipes to cook.</li> </ul>	<ul style="list-style-type: none"> <li>Families and their children have access to a healthy dinner at 14 school sites.</li> </ul>	

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22. Pacific Coast Farmers Market	County- wide	<ul style="list-style-type: none"><li>The Pacific Coast Farmers Market offers healthy cooking classes for adults.</li></ul>		<ul style="list-style-type: none"><li>Partners with the Food Stamp Program’s Market Match to increase accessibility of fresh produce to families.</li><li>Teaches adults how to shop for healthy and affordable food.</li><li>Their mobile farmers market, “Freshest Cargo”, travels to various low-income neighborhoods throughout the County and sells produce to those living in the community.</li></ul>	

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23. Pittsburg Unified School District (PUSD)	Pittsburg	<ul style="list-style-type: none"> <li>PUSD disseminates nutrition information to parents and students through a monthly newsletter that highlights the Harvest of the Month (HOTM). HOTM is a program designed to motivate and empower students and parents to increase consumption of fruits and vegetables and to engage in physical activity every day.</li> <li>Provides food tastings to children and parents at school events</li> </ul>	<ul style="list-style-type: none"> <li>PUSD has a school garden program at 8 sites. Produce from the school gardens are offered to the students at lunch time.</li> <li>PUSD participates in California Thursdays.</li> <li>Hydration Stations have been installed at several schools</li> <li>School vending machines offer healthy beverages</li> <li>Cafeteria staff have received training on nutrition education.</li> <li>The afterschool program is implementing the SPARK curriculum.</li> </ul>	<ul style="list-style-type: none"> <li>PUSD partners with Fresh Approach increasing accessibility of fresh produce for students and their families.</li> <li>Partners with the Food Bank to distribute produce at schools</li> <li>Offers a Food Pantry for students and their families.</li> <li>Produce grown at school sites are available at a local farmer's market.</li> <li>Provides meals to children at Summer Feeding sites</li> </ul>	<ul style="list-style-type: none"> <li>Information about and physical activity demonstrations are available at school events.</li> <li>Gardening as a form of physical activity is offered to students and families.</li> </ul>

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<b>24. Richmond Food Policy Council (RFPC)</b>	Richmond	<ul style="list-style-type: none"> <li>RFPC encourages parent participation in the council itself and on the various health committees coordinated by the council.</li> <li>Encourages community members to collaborate with local food policy groups to ensure that California's food system reflects the needs of all of its communities.</li> </ul>	<ul style="list-style-type: none"> <li>RFPC launched the <i>Healthy School Food</i> campaign which is a community-driven campaign that identifies and implements strategies for bringing fresh healthy meals, including locally grown produce and salad bars to schools in the City of Richmond. Social media (Facebook, Instagram) are being utilized to promote the campaign.</li> <li>RFPC has created a youth committee to incorporate the youth voice in the Healthy School Food campaign.</li> </ul>	<ul style="list-style-type: none"> <li>Partnered with WCCUSD to implement salad bars at Peres, Lincoln, Grant, Nystrom elementary schools and the Lavonya Dejean Middle School.</li> <li>Promotes school gardens.</li> </ul>	
<b>25. RYSE Center</b>	Richmond	<ul style="list-style-type: none"> <li>RYSE provides nutrition and cooking classes to youth and their families.</li> <li>Uses social media (e.g.- Facebook and Instagram)to promote wellness classes and community health events for youth and their families.</li> </ul>		<ul style="list-style-type: none"> <li>RYSE'S urban garden offers "Tasty Tuesdays" classes to teach students how to cook healthy meals using the ingredients from the garden.</li> </ul>	<ul style="list-style-type: none"> <li>Offers dance classes for youth.</li> </ul>

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<b>26. UC Cooperative Extension (UCCE)</b>	County-wide	<ul style="list-style-type: none"> <li>UCCE teaches families in person and online healthful ways of eating; where food comes from; how to stretch food dollars; and how to prepare simple, healthful meals.</li> </ul>	<ul style="list-style-type: none"> <li>UCCE facilitates classroom presentations and food tastings at school-wide nutrition education events.</li> </ul>	<ul style="list-style-type: none"> <li>UCCE provides information about food resources through classes, online, and at community events.</li> </ul>	<ul style="list-style-type: none"> <li>The <i>Eating Smart Being Active Program</i> promotes and engages participants in physical activity.</li> </ul>
<b>27. Urban Tilth</b>	Richmond/ San Pablo	<ul style="list-style-type: none"> <li>Urban Tilth encourages community members to participate in local gardening and farming projects.</li> <li>Offers community members a safe community recreational space and education opportunities to learn how to grow fresh fruits and vegetables.</li> </ul>	<ul style="list-style-type: none"> <li><i>The Urban Agriculture Institute</i>, an initiative of Urban Tilth at Richmond High School, is a student-driven "farm, classroom, and community" program. This program offers an urban ecology and American Food systems course, and hands-on gardening opportunities.</li> </ul>	<ul style="list-style-type: none"> <li><i>The Urban Agriculture Institute</i> distributes about 10,000 lbs of produce annually to students and their families.</li> </ul>	
<b>28. Weigh of Life</b>	West County	<ul style="list-style-type: none"> <li>Weight of Life provides 15-minute mini nutrition classes to participants. Topics include healthy eating, food demonstrations, cooking tips, and information about balanced diets.</li> </ul>	<ul style="list-style-type: none"> <li>Zumba classes are held at Helms Middle School in San Pablo.</li> </ul>	<ul style="list-style-type: none"> <li>Fresh fruits and vegetables are given to participants during each class, promoting healthy eating and diet awareness.</li> <li>Information about food resources such as the Food Bank, Farmers' Markets and CalFresh are available in classes.</li> </ul>	<ul style="list-style-type: none"> <li>High-impact aerobic fitness classes are offered every week at community centers in Richmond and San Pablo. Classes include including Zumba, step aerobics, and kickboxing. Child supervision has 30-60 minutes of outdoor physical activity.</li> </ul>

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29. West Contra Costa Unified School District Food Services Department (WCCUSD Food Services )	West County	<ul style="list-style-type: none"> <li>WCCUSD Food Services disseminates Harvest of the Month and other nutrition information parents through newsletters and the monthly school menus.</li> <li>Nutrition and physical activity information is also disseminated at events such as the annual <i>Health and Nutrition Festival</i> and <i>Spring and Summer Meal Barbeques</i>.</li> </ul>	<ul style="list-style-type: none"> <li>WCCUSD Food Services supports student academic success and promotes healthful eating habits that lead to lifelong positive nutrition practices. During school testing time, eating a healthy breakfast is especially encouraged.</li> <li>School meals are served to students under the National School Lunch Program and the School Breakfast Program Meals.</li> <li>There are salad bars in seven schools with plans for expanding that provide another avenue for education and access to fruits and vegetables.</li> <li>WCCUSD Food Services participates in the California Thursdays program.</li> </ul>	<ul style="list-style-type: none"> <li>The Seamless Summer Feeding Program offers food when school is not in session.</li> </ul>	<ul style="list-style-type: none"> <li>At the Annual Health and Nutrition Festival, multiple forms of physical activity are provided for the students such as Zumba, relays, and double-dutch. Physical activity is also part of the Summer Meals Kick Off.</li> </ul>

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August 5, 2015

Agency Name	Area of Service Provided	Let's Move! Pillar #1 Help Parents Make Healthy Family Choices	Let's Move! Pillar #2 Create Healthy Schools	Let's Move! Pillar #3 Provide Access to Healthy and Affordable Food	Let's Move! Pillar #4 Promote Physical Activity
<b>30. Youth Enrichment Strategies (YES)</b>	Richmond	<ul style="list-style-type: none"> <li>YES Family Camp- "increase people's appreciation of and access to nature, help build cross-cultural relationships between diverse neighbors, and highlight relevant community issues and wellness practices in a safe, supportive atmosphere." It teaches the families the benefits of physical activity, nutrition, mindfulness, and other wellness and conservation practices.</li> </ul>	<ul style="list-style-type: none"> <li>YES Wellness program- utilizes peer-led leadership models to develop leadership skills, including facilitation, advocacy, and school wellness policy trainings.</li> </ul>	<ul style="list-style-type: none"> <li>Youth Engagement Team- receives nutrition education/career development workshops</li> <li>Partners with Richmond Food Policy Council to support the Healthy School Foods Campaign.</li> </ul>	<ul style="list-style-type: none"> <li>Camp-to-Community (C2C) facilitates monthly outdoor teen leadership activities in partnership with East Bay Regional Parks ( EBRP)</li> <li>YES family Camp- provides access to nature for Central and North Richmond families to enjoy a weekend of camp activities and enriched community-building under the redwoods.</li> </ul>
<b>31. YMCA -Kennedy High Health Center (YMCA)</b>	Richmond	<ul style="list-style-type: none"> <li>Provides "healthy living" education to students, their families, and community residents. Topics include: diabetes prevention, health, well-being and fitness courses.</li> </ul>	<ul style="list-style-type: none"> <li>YMCA's Youth Advisory Board and Wellness team provides peer education coordination with King, Stege and Coronado elementary after-school programs using the "Power of Choice" curriculum.</li> <li>Administered breakfast participation surveys to fifth grade classes at Stege, Coronado, Nystrom and King elementary schools in Richmond.</li> <li>Nutrition education is provided to the youth in the wellness center and Kennedy High School students.</li> </ul>	<ul style="list-style-type: none"> <li>YMCA's youth groups facilitated community taste tests at the elementary, middle and high school levels as well as the local farmers market with the goal of increasing fruit and vegetable consumption.</li> <li>YMCA collaborates with a local Safeway to display <i>Champions for Change</i> recipes in the store and provides community taste testings.</li> <li>Hydration stations have been installed at Kennedy High School through the advocacy and efforts of YMCA.</li> </ul>	<ul style="list-style-type: none"> <li>Provides recreation programs for community residents of all ages.</li> <li>Summer camps provide physical activity programs for youth.</li> </ul>

**Contra Costa Health Services- Community Wellness and Prevention Program (CW&PP)**

*Let's Move! Contra Costa County Collaborative Partners and Programs*

August 5, 2015



Contra  
Costa  
County

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: December 15, 2015

Subject: Adoption of Community-wide Climate Action Plan

---

**RECOMMENDATION(S):**

1. OPEN the public hearing on the Contra Costa County Community-wide Climate Action Plan (CCAP) and accept public testimony.
2. CLOSE the public hearing.
3. FIND that on the basis of the whole record before it, there is no substantial evidence that the project will have a significant effect on the environment, the proposed Negative Declaration reflects the County's independent judgment and analysis, and the proposed Negative Declaration was prepared in accordance with the State and County guidelines for implementation of the California Environmental Quality Act (CEQA); and ADOPT the proposed Negative Declaration as adequate for compliance with CEQA.
4. ADOPT the CCAP.
5. DIRECT the Department of Conservation and Development (DCD) to file a CEQA Notice of Determination with the County Clerk.

**FISCAL IMPACT:**

Finalization of the CCAP is being funded 100% from Land Development Fund, FY 2015/16 Budget.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Will Nelson (925)  
674-7791

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

By: , Deputy

cc:

## BACKGROUND:

On November 3, 2015, the Board accepted an update from DCD and Health Services Department staff on their progress toward completing the County's CCAP (Attachment A). The Board Order for that hearing (Attachment B) detailed the County's efforts to-date to complete the CCAP and highlighted some of the document's important elements. Staff also gave a PowerPoint presentation (Attachment C) that described the regulatory setting in California related greenhouse gas (GHG) emissions and their reduction [Assembly Bill (AB) 32, Executive Order S-3-05, etc.], and described the CCAP in more detail.

The primary purpose of the November 3 hearing was to provide the Board with an opportunity to review and to become familiarized with the draft CCAP, as well as provide input prior to DCD bringing the final document before the Board for adoption.

## Board Comments at the November 3 Hearing

Board members made several comments on the draft CCAP, which are restated below along with staff's responses:

1. Supervisor Andersen indicated that the community of Canyon was not included in the list of unincorporated communities to which the CCAP would be applicable.

*Staff Response: Canyon was added to the version of the CCAP that was posted on-line for public review and is listed in the final version of the CCAP that is before the Board for adoption.*

2. Supervisor Andersen asked staff to verify whether the statement on page 7 of the CCAP that the median income in Contra Costa County has declined since 2012, remains accurate.

*Staff Response: Staff reviewed the latest data from the U.S. Department of Housing and Urban Development, which indicates that the median income in Contra Costa County decreased in 2013 and 2014, but has risen in 2015. The text of the CCAP has been revised accordingly.*

3. Supervisor Andersen asked for clarification of Table 3.7 on page 34 of the CCAP, which indicates that there would be a zero percent change in agricultural emissions from 2005-2035.

*Staff Response: The CCAP provides agriculture inventories for the 2005 baseline year and the 2013 GHG emissions update. Because of the small size of the agricultural sector relative to the overall inventory and the variability/uncertainty that comes with agricultural forecasts using best available methods, our consultants advocated holding agricultural emissions constant through future years.*

4. Supervisor Andersen suggested adding text to the CCAP regarding Community Choice Aggregation, reflecting that the County is examining the opportunities afforded by this method of purchasing electricity.

*Staff Response: The following action item has been added to the CCAP under Reduction Measure Renewable Energy 3 - Alternative Energy Financing: Continue exploring options for implementing Community Choice Aggregation within the unincorporated area of the County.*

5. Supervisor Andersen suggested adding an action item under Reduction Measure Land Use and Transportation (LUT) 4 - Vehicle Miles Traveled Reduction, supporting continuation of a County policy to encourage Priority Economic Development Areas in residential communities.

*Staff Response: The following action item has been added to the CCAP under Reduction Measure LUT 4: Continue the County's policy of encouraging the establishment of Priority Economic Development Areas in residential communities.*

6. Supervisor Andersen asked for additional details on the Bay Area Regional Outreach Campaign (BAROC) referenced on page 64 of the CCAP.

*Staff Response: BAROC is a consortium of Bay Area cities and counties who pool resources to pay for regional media outreach regarding waste prevention, such as informational radio spots, that each could not afford individually. For example, in 2015 and 2016 BAROC is providing outreach regarding food waste. The County contributed \$3,000 in 2015 and will contribute the same amount in 2016. The contributions are paid for with money collected from solid waste franchise fees. BAROC has a steering committee, on which the County sits, that decides how the pooled resources will be utilized.*

7. Supervisor Gioia indicated that the CCAP should provide a better explanation of the link between a climate action plan and the Bay Area's Sustainable Communities Strategy (SCS).

*Staff Response: The Sustainable Communities Strategy (SCS) discussion on page 19 of the CCAP had previously stated only that each SCS is required to demonstrate how the region will achieve the GHG emissions reduction target set by the California Air Resources Board for 2020 and 2035. The discussion has been revised to provide a more in-depth explanation of the relationship between the County's CCAP and the SCS for the Bay Area.*

8. Supervisor Gioia asked how many cities in Contra Costa County have adopted a climate action plan.

*Staff Response: According to the Contra Costa County Climate Leader's Climate Action Planning Map, six cities in the county have adopted CAPs: Danville (2009), Martinez (2009), Antioch (2011), San Ramon (2011), Walnut Creek (2012), and Concord (2013). Twelve other cities are at various stages of completing a CAP.*

#### Public/CEQA Review of the CCAP

On October 29, 2015, DCD released the CCAP and a CEQA Initial Study/Negative Declaration (Attachment D) for a dual public/environmental review. The CEQA document was submitted to the Governor's Office of Planning and Research/State Clearinghouse for distributing amongst State agencies and notification of the review period for the CCAP and CEQA document was sent to an extensive list of recipients (Attachment E). The review period ended November 30, 2015. The County received comment letters from three agencies: Delta Protection Commission, Central Valley Regional Water Quality Control Board (RWQCB), and Mt. View Sanitary District (Attachment F).

The Delta Protection Commission and Mt. View Sanitary District letters were supportive of the CCAP and the County's efforts to reduce GHG emissions. The RWQCB's letter states that the environmental document should evaluate potential impacts to surface and groundwater quality; however, because the CCAP is a policy-level document that does not involve any type of physical development or any particular project site, there are no such impacts to evaluate. Water quality impacts are already evaluated through the review process for individual projects. The RWQCB letter was otherwise neutral. No revisions to the CCAP or CEQA document are necessary based on the written comments received.

Re-reviewing the Draft CCAP, staff realized Measure LUT 5 on page 65 (Agricultural Land Uses - Provide opportunities to grow, sell and purchase local food) includes a list of means to accomplish this goal but does not mention the value of retaining agricultural land. The recommended CCAP includes a new item 7 under Measure LUT 5 which says, "Encourage retention of agricultural land to maintain the County's agricultural base and enable long-term carbon sequestration."

#### Conclusion

The CCAP provides the County with a roadmap for reducing GHG emissions in accordance with AB 32 and Executive Orders issued by Governors Schwarzenegger and Brown. The draft CCAP has been revised in response to comments provided by the Board at the November 3, 2015 hearing. The draft CCAP was released for a public/environmental review and three comments were received, all of which were either supportive or neutral. Therefore, staff recommends that the Board adopt the final CCAP (Attachment A).

#### CONSEQUENCE OF NEGATIVE ACTION:

If the Board votes not to adopt the CCAP, then the County will lack a cohesive plan to reduce GHG emissions from non-County government sources in the unincorporated area. Though some of the GHG reduction measures listed in the CCAP are already authorized and would continue to be implemented, without approval of the full suite of measures it would not be possible for the County to meet the Assembly Bill 32 target of reducing GHG emissions to 1990 levels by 2020. The County also would not be on a trajectory to meet State GHG reduction goals for 2030 and 2050.

#### CHILDREN'S IMPACT STATEMENT:

Many of the GHG reduction measures in the CCAP have co-benefits for the community. For example, retrofitting energy-inefficient buildings will add comfort to homes and save on future utility costs, planting additional trees will beautify urban areas, replacing gas-powered gardening equipment with electric equipment will reduce pollution and noise, and improving pedestrian and bicycle infrastructure will facilitate more active and healthy lifestyles. Thus, the CCAP will support at least three of the community outcomes established in the Children's Report Card: 2) Children and Youth Healthy and Preparing for Productive Adulthood, 3) Families that are Economically Self-Sufficient, and 5) Communities that are Safe and Provide a High Quality of Life for Children and Families.

#### ATTACHMENTS

Attachment A - Contra Costa County CCAP

Attachment B - November 3, 2015, Board Order on Community-wide Climate Action Plan

Attachment C - CCAP PowerPoint Presentation

Attachment D - CEQA Initial Study and Negative Declaration

Attachment E - Notice of CEQA/Public Review and Notification List

Attachment F - CAP CEQA Comment Letters



# CONTRA COSTA COUNTY

## CLIMATE ACTION PLAN



*Los Vaqueros Reservoir, Contra Costa County*



**CONTRA COSTA COUNTY  
CLIMATE ACTION PLAN  
PUBLIC HEARING DRAFT  
DECEMBER 2015**





# Acknowledgements



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## U.S. DEPARTMENT OF ENERGY



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Special acknowledgment for providing assistance to the health co-benefit evaluation goes to Jennifer Lifshay, Martin Lynch, Joanne Genet, and the members of the Public and Environmental Health Advisory Board (PEHAB)

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Matthew Slattengren, Assistant Agricultural Commissioner



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## PURPOSE AND SCOPE

Climate change is expected to have significant adverse impacts locally, throughout California, and worldwide unless considerable steps are taken to reduce greenhouse gas (GHG) emissions. This Climate Action Plan (CAP) demonstrates Contra Costa County's (County) commitment to addressing the challenges of climate change by reducing local GHG emissions while improving community health. Additionally, this CAP meets the California Environmental Quality Act (CEQA) requirements for developing a qualified GHG reduction strategy, and is consistent with the Bay Area Air Quality Management District's (BAAQMD) guidance on preparing a qualified GHG reduction strategy. A qualified reduction strategy provides CEQA tiering, or streamlining, benefits to subsequent development projects that are consistent with the CAP. **Appendix B** outlines BAAQMD's guidance and describes how this CAP is consistent.

### Assembly Bill (AB) 32

The California Global Warming Solutions Act of 2006 represents California's effort to reduce GHG emissions and combat global climate change.

This CAP identifies how the County will achieve the AB 32 GHG emissions reduction target of 15% below baseline levels by the year 2020, in addition to supporting other public health, energy efficiency, water conservation, and air quality goals identified in the County's General Plan and other policy documents. In addition to reducing GHG emissions, this CAP includes actions that improve public health and result in additional benefits to the community such as lower energy bills and enhanced quality of life. The CAP also lays the groundwork for achieving long-term state GHG reduction goals for 2035. Specifically, this CAP:

- Provides the scientific, regulatory, and public health framework for addressing climate change and GHGs at the local level (**Chapter 2**).
- Identifies sources of GHG emissions within the unincorporated areas of the county and estimates how these emissions may change over time (**Chapter 3**).

# Introduction

- Provides energy use, transportation, land use, water use, and solid waste strategies to reduce community-wide GHG emissions consistent with AB 32, BAAQMD guidance, and Public Resources Code Section 21083.3 (CEQA) (**Chapter 4**).
- Proposes an approach to addressing climate change-related public health issues, which increases the county's resiliency to climate change, establishes priorities for improving public health, and identifies public health benefits that are expected to result from implementing the CAP (**Chapter 4**).
- Presents an implementation program to assist with monitoring and prioritization of the reduction strategies and public health goals through 2020 (**Chapter 5**).

## PLAN AREA

This CAP inventories emissions from, provides GHG reduction measures for, and is applicable to all unincorporated areas of Contra Costa County, including the unincorporated communities identified in **Table 1.1**. Incorporated cities are responsible for preparing and implementing their own climate action plans.

Table 1.1. Unincorporated Places in Contra Costa County

Acalanes Ridge	Clyde	North Gate
Alamo	Contra Costa Centre	North Richmond
Alhambra Valley	Crockett	Pacheco
Bay Point	Diablo	Port Costa
Bayview	Discovery Bay	Reliez Valley
Bethel Island	East Richmond Heights	Rodeo
Blackhawk	El Sobrante	Rollingwood
Briones	Kensington	San Miguel
Byron	Knightsen	Saranap
Camino Tassajara	Montalvin Manor	Shell Ridge
Canyon	Mountain View	Tara Hills
Castle Hill	Norris Canyon	Vine Hill

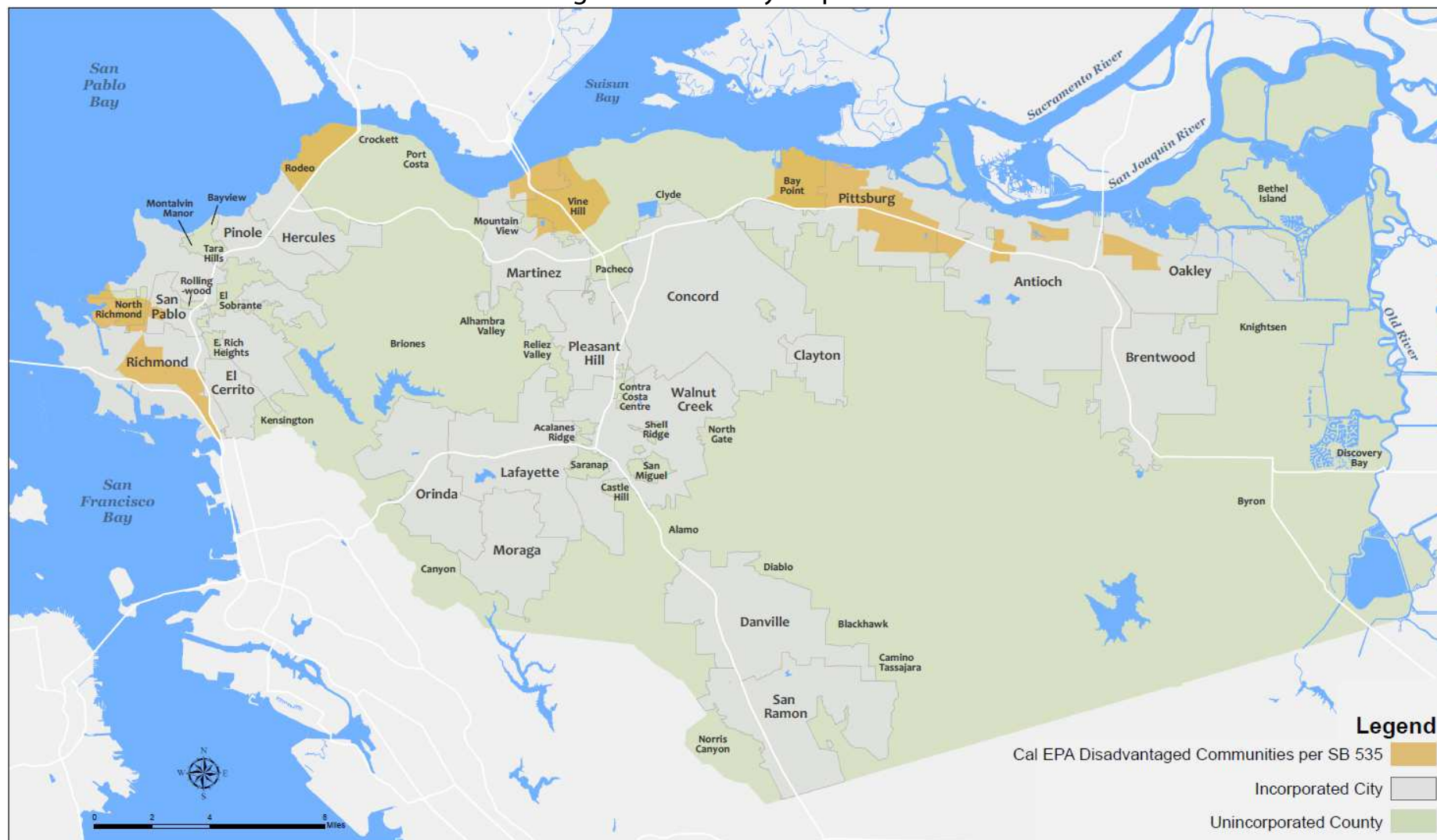
Source: Contra Costa County General Plan Housing Element

**Figure 1.1** displays the jurisdictional boundaries of Contra Costa County, its incorporated cities, and the unincorporated area. In cases where the County lacks direct regulatory authority to require GHG emissions reductions, staff will collaborate with local, county, state, and/or federal agencies to promote the emission reduction goals in this CAP beyond the unincorporated area. **Figure 1.1** also displays disadvantaged communities, which are eligible for climate change–related funding. For more information, see the Public Health section in this chapter.

# Introduction

#1

Figure 1.1. County Map





## LOCAL SETTING

Contra Costa County is one of the original 27 counties in the state of California, incorporated in 1850 with the City of Martinez as the county seat. The county is located in the East Bay region of the San Francisco Bay Area. It is bounded on the northwest and north by the San Pablo Bay and the Sacramento-San Joaquin Delta, respectively; on the east by the Middle River and San Joaquin County; on the south by Alameda County; and on the west by Alameda County and the San Francisco Bay.

## PHYSICAL GEOGRAPHY

Contra Costa County's physical geography is dominated by its extensive waterfront on the San Francisco and San Pablo Bays and the Sacramento-San Joaquin Delta. These waterfront areas are home to heavy industry, including active oil refineries and power plants. The other dominant geographic feature is Mount Diablo, a 3,849-foot peak near the county's geographic center. The summit of Mount Diablo is the origin of the Mount Diablo Meridian and the basis for many of the California and western Nevada surveys. Lesser topographic features, such as the Diablo Range and the Oakland/Berkeley Hills, are also important elements of the natural landscape.

## LOCAL CLIMATE

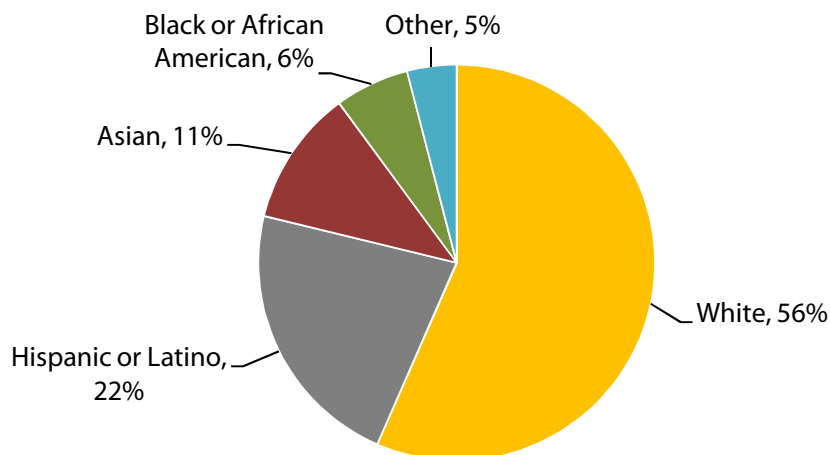
The climate varies greatly depending on location in the county. Areas closer to the coast have moderate temperatures year-round with mild, wet, and frostless winters and fog conditions in the cool summer months. Along the bay shore, the fog and marine air create a moderate climate with mild winters and summers. Inland valleys have less humidity and tend to experience colder winters and hotter summers.

## DEMOGRAPHICS

According to the Association of Bay Area Governments' (ABAG) 2013 regional projections, in 2010, the unincorporated portion of Contra Costa County had approximately 159,780 residents living in approximately 57,706 households. As reported in the 2014 General Plan Housing Element, and illustrated in **Figure 1.2**, approximately 56% of the population was white, 22% was Hispanic or Latino, 11% was Asian, 6% was black or African American, and 5% were "other." Racial composition varies greatly by community in the unincorporated county.

# Introduction

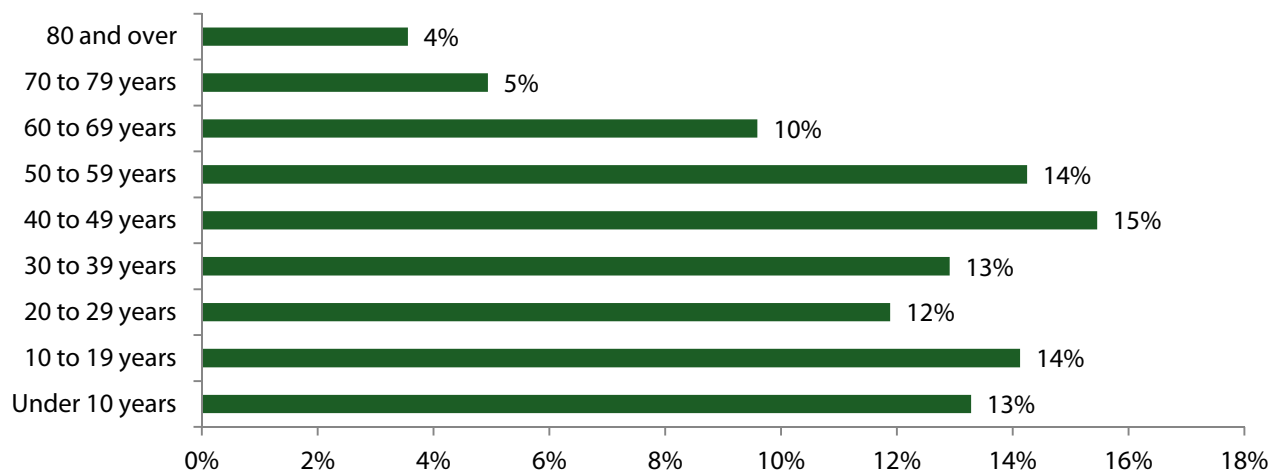
Figure 1.2. Race and Ethnic Composition of Unincorporated Contra Costa County, 2014



Source: Contra Costa County General Plan 2014

As shown in **Figure 1.3**, the majority of Contra Costa County's residents are working adult age. Children and young adults age 19 and younger make up approximately 27% of the population and seniors (70 and older) make up approximately 9% of the population. Like race and ethnicity, the general population age characteristics belie the great diversity in age compositions that exist across the different communities in the county.

Figure 1.3. Age Composition of Contra Costa County Residents, 2010



Source: US Census 2010

The US Department of Housing and Urban Development establishes median incomes annually. In 2015, the median household income in the Oakland – Fremont HUD Municipal Area (which includes Contra Costa County) was \$92,900, down slightly from the 2012 median of \$93,500 but up from the 2014 median of \$88,500 (HUD 2015). Contra Costa’s median income is higher than California statewide averages and higher than neighboring Alameda and Solano Counties.<sup>1</sup>

## HOUSING

As noted by the 2014 Contra Costa Housing Element, single-family homes are the dominant housing type in the county. In unincorporated areas of the county, single-family units comprise nearly 80% of the entire housing stock. Multifamily units and mobile homes comprise 14% and 6% of total housing units, respectively. Adequate affordable housing is a challenge in the county, with an estimated 45% of households (74% of extremely-low income, 65% of very low-income, and 48% of low-income households) spending more than one-third of their incomes on housing. Both rental costs and home prices have increased in recent years due to low vacancy rates and increasing regional housing demand (Contra Costa County 2014).

## CAP CHALLENGES FOR CONTRA COSTA COUNTY

Contra Costa County is home to emissions from refineries, power plants, and other stationary source facilities. Although these emissions are largely regulated at a state and federal level, Contra Costa County is working to understand these sources and to address public health-related climate change issues stemming from these facilities.

## STATIONARY SOURCES

As illustrated in **Table 1.2**, Contra Costa County is home to some of the largest GHG-emitting stationary source facilities in the state of California. Stationary sources are non-moving, fixed-site producers of pollution such as power plants, chemical plants, oil refineries, manufacturing facilities, and other industrial facilities (EPA 2010). In 2013, the unincorporated areas of Contra Costa County had 20 stationary source facilities that were required to report emissions to the California Air Resources Board (CARB), including the second, ninth, thirteenth, and fifteenth largest emitters in the state. Emissions from stationary source facilities and from the energy used by those facilities and other major industrial sites accounted for 93% of all emissions within the unincorporated county in the baseline year of 2005 and 92% in 2013. **Table 1.3** illustrates the 2005 baseline GHG inventory and the 2013 GHG inventory update with stationary source emissions included. Acknowledging that local governments have little influence or control over energy use at or emissions from large stationary sources, the state of California has developed a market-based program created through the AB 32 2006 Scoping Plan, often referred to as the “cap-and-trade” program, designed to reduce those emissions. In order to identify a GHG reduction target attainable through local action, stationary source emissions and emissions from energy used at stationary source facilities were excluded from the baseline GHG inventory and forecasts used in this CAP.

---

<sup>1</sup> According to the 2014 Housing Element, the income profile of the unincorporated county is similar to the incorporated cities in the county; therefore, countywide data is used as a proxy for the unincorporated county.

# Introduction

Table 1.2. Largest GHG Emitting Stationary Sources, Unincorporated Contra Costa County

Facility	Total 2005 Emissions (MTCO <sub>2</sub> e)	Total 2013 Emissions (MTCO <sub>2</sub> e)	Facility Type
Shell Oil Products US, Martinez Refinery	3,619,640	4,190,690	Refinery
Tesoro Refining and Marketing Co., Golden Eagle Refinery	2,097,140	2,443,970	Refinery
Philips 66 (Conoco Phillips) Refinery at Rodeo	1,866,110	1,363,290	Refinery
PG&E Gateway Generating Station	0	1,238,540	Power Plant
Air Liquide	0	884,930	Gas Manufacturing
Crockett Cogeneration Plant	678,010	735,330	Power Plant
Martinez Cogen Limited Partner	412,100	386,220	Power Plant
GWF Power Systems, LP (site 5)	200,690	0	Power Plant
GWF Power Systems, LP (site 4)	190,640	0	Power Plant
GWF Power Systems, LP (site 3)	181,520	0	Power Plant

Source: Environmental Protection Agency 2012

Table 1.3. Unincorporated Contra Costa GHG Emissions including Stationary Sources and Major Industrial Energy Use

	Total 2005 Emissions (MTCO <sub>2</sub> e)	Total 2013 Emissions (MTCO <sub>2</sub> e)
Stationary sources	13,983,030	11,873,500
Energy use of major industrial facilities	3,344,000	5,026,560
Total of excluded sectors	17,327,030	16,900,060
Emissions from included sectors	1,403,610	1,392,450
Total of included and excluded sectors	18,730,640	18,292,510
Percent of emissions from excluded sectors	93%	92%

Source: Michael Baker International 2015

## PUBLIC HEALTH

Stationary source emissions have a significant impact on public health in Contra Costa County. Although the County has limited power to influence stationary source emissions, public health impacts may be partially mitigated through cap-and-trade funding. Some of the revenue generated through the cap-and-trade program is designated to be returned to communities where the emissions occur to fund climate change- or pollution-related projects. In addition to reducing GHG emissions, the County is also using this CAP to support public health goals. The Contra Costa County CAP includes:

- Indicators that examine the public health benefits of GHG mitigation strategies.
- Healthy community strategies that support County efforts to address potential public health impacts from climate change.
- Recommendations to further public health goals during CAP implementation.

**Chapter 4** provides a summary of public health recommendations.

## PREPARATION OF THE CAP

The CAP has built upon early work of the County to plan for climate change, including the *Contra Costa County Climate Protection Report* released in 2005, which provided an initial GHG inventory, reported existing County operations and projects to reduce GHGs emissions, and recommended County operations and actions that could reduce GHGs emissions in the future.

In 2009, the County was awarded a \$3.57 million Energy Efficiency and Conservation Block Grant (EECBG) from the US Department of Energy. In 2011, the County dedicated a portion of its EECBG funds to prepare a CAP. In support of this effort, the County updated its GHG inventory and forecasts and developed draft measures to achieve a Year 2020 GHG reduction target consistent with AB 32.

The 2011 effort relied on a comprehensive public participation strategy to engage residents, business owners, and other stakeholders in identifying and refining goals, programs, activities, and projects to reduce emissions. The public participation process included two rounds of County-sponsored community workshops. The first round was hosted in Rodeo, Oakley, and Richmond in June and July 2012, and the second round was hosted in Richmond, Concord, and Oakley in September 2012. The County maintained a project website to provide access to all workshop and meeting notices and materials, links to resources, and a forum to submit comments and questions to staff. The County

### Disadvantaged Communities

Funds received by the State from the distribution of emissions allowances as part of the cap-and-trade program are deposited in the Greenhouse Gas Reduction Fund. Upon appropriation by the Legislature, this fund must be used to further reduce emissions of greenhouse gases. Senate Bill 535 (Leon 2012) directed that, in addition to reducing greenhouse gas emissions, a quarter of the proceeds from the Greenhouse Gas Reduction Fund must also go to projects that provide a benefit to disadvantaged communities and a minimum of 10% of the funds must be for projects located within those communities. The legislation gives the California Environmental Protection Agency responsibility for identifying those communities. As previously mentioned, Figure 1-1 illustrates the areas identified as disadvantaged communities in Contra Costa County.

# Introduction

released the public draft CAP for public review in December 2012; however, budget and staffing constraints at the time prevented a final CAP from being adopted by the Board of Supervisors.

In January 2015, the County reengaged the CAP project. County staff and the project consultant assessed the 2012 public draft CAP for consistency with state regulations and guidance, current County operations and procedures, and industry best practices for GHG emissions inventories and climate action plans. The County also convened an interdepartmental staff working group to assist with review and update of the draft CAP. The working group included representatives from departments that ultimately would be responsible for implementing the CAP. The group met three times between April and August 2015 to review preliminary drafts of the CAP to ensure that it was representative of current community needs, consistent with existing local actions, and feasible for implementation across County departments.



*Participants provide feedback on reduction measures during the first round of open houses at public outreach events.*

On September 14, 2015, County staff presented a draft CAP to the Board of Supervisors Ad Hoc Committee on Sustainability. Comments from the committee were incorporated into the public draft CAP released in October 2015.

The County conducted an environmental review of the 2015 draft CAP pursuant to CEQA and the results are presented in the initial study and negative declaration that were circulated for public review with the draft CAP from October 29, 2015, to November 30, 2015. The draft CAP and CEQA document were submitted to the State Clearinghouse for distribution to state agencies and a notice of the documents' availability was mailed to a list of nearly 130 recipients including, but not limited to, government agencies, utility providers, business interests, and environmental organizations.

On November 3, 2015, County staff presented the draft CAP to the Board of Supervisors so that board members could familiarize themselves with the document and provide comments prior to the CAP coming before the board for adoption. The final CAP, incorporating comments received at the November 3 hearing, was adopted by the Board of Supervisors on December 15, 2015.

## USING THIS CAP

This CAP serves as the County's qualified GHG reduction strategy. This CAP provides a GHG emissions inventory, GHG forecast, GHG reduction target, and a set of strategies to respond to local contributions to climate change. The CAP focuses especially on the beneficial effects of reducing GHG emissions on public health. The primary objective of this CAP is to identify the County's strategy for addressing climate change locally.

## GHG REDUCTION MEASURES

The GHG reduction strategy consists of GHG reduction measures and actions to reduce GHG emissions from community-wide sources. Reduction measures are organized by key issue or goal area. Each reduction measure is presented with a set of actions, a summary or description of the measure, an implementation table, and a summary of reductions and co-benefits.

Emissions reduction measures have been quantified to indicate the contribution that a measure will have on overall GHG reductions. This number is presented in metric ton equivalents of carbon dioxide (MTCO<sub>2</sub>e) reduced per year. In some cases, the GHG reduction benefit is included in another strategy. In other instances, measures may not have a direct GHG reduction benefit, but are critical to the success of other reduction strategies. In addition to reducing GHG emissions, many measures will provide numerous co-benefits to the community while furthering the sustainability goals of the County. The ancillary public health benefits of CAP measures are analyzed in Chapters 4 and 5, and Appendices A and D.

### What Is a Metric Ton?

The international reporting standard for carbon dioxide (CO<sub>2</sub>) emissions is in metric tons. There are 2,204 pounds per metric ton.

Reducing 10 metric tons (MT) CO<sub>2</sub> is equivalent to:

- Saving 1,125 gallons of gasoline
- Taking 2.1 passenger vehicles off the road
- 1.4 homes' worth of electricity for one year

Implementation details are compiled in a summary implementation table in **Chapter 5**. The implementation table identifies the GHG reduction of each measure. In addition, the table includes:

- **Responsible Department(s):** Responsible departments are identified for each measure. In some cases, involvement from multiple departments may be required to effectively implement the measure.
- **Implementation Time Frame:** The implementation time frame indicated for each measure will assist with budgetary and decision-making processes and ensure that measures are implemented in a logical order and timely manner.
- **Performance Indicators:** Indicators provide a quantitative measurement of the progress of each reduction measure. The progress indicators in the implementation plan are used to demonstrate how participation in a particular program is related to reaching the GHG reduction target. The progress indicators used in this CAP rely on data that is already tracked by the County through annual reporting or would be readily available through partner agencies or data requests to utility providers.

# Introduction

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In order to make meaningful and effective decisions regarding greenhouse gas (GHG) reductions, it is important to understand the scientific and regulatory framework under which this Climate Action Plan (CAP) has been developed. This chapter provides a brief summary of climate change and its implications, as well as an overview of federal, state, regional, and local regulations that provide guidance and inform the development of this CAP. This chapter also explains climate change-related public health impacts; **Chapter 4, GHG Reduction Strategy**, provides a path to a more resilient and healthy Contra Costa County through CAP measures.

## CLIMATE CHANGE OVERVIEW

Scientific consensus holds that human activity is increasing atmospheric GHG concentrations to levels far above what would be expected given natural variability. These gases are released as byproducts of fossil fuel combustion, waste disposal, energy use, land use changes, and other human activities. GHGs, such as carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O), create a blanket around the earth that allows light to pass through but traps heat at the surface, preventing its escape into space. While this is a naturally occurring process known as the greenhouse effect, human activities have accelerated the generation of GHGs beyond natural levels. The overabundance of GHGs in the atmosphere has led to an unexpected warming of the earth and has already started impacting the earth's climate system.

## CLIMATE CHANGE IMPACTS

### GLOBAL IMPACTS

The Intergovernmental Panel on Climate Change's (IPCC) Fifth Assessment Report summarizes current scientific understanding of global climate change and projects future climate change using the most comprehensive set of recognized global climate models (2013). As asserted in the IPCC Fifth Assessment Report, if trends remain

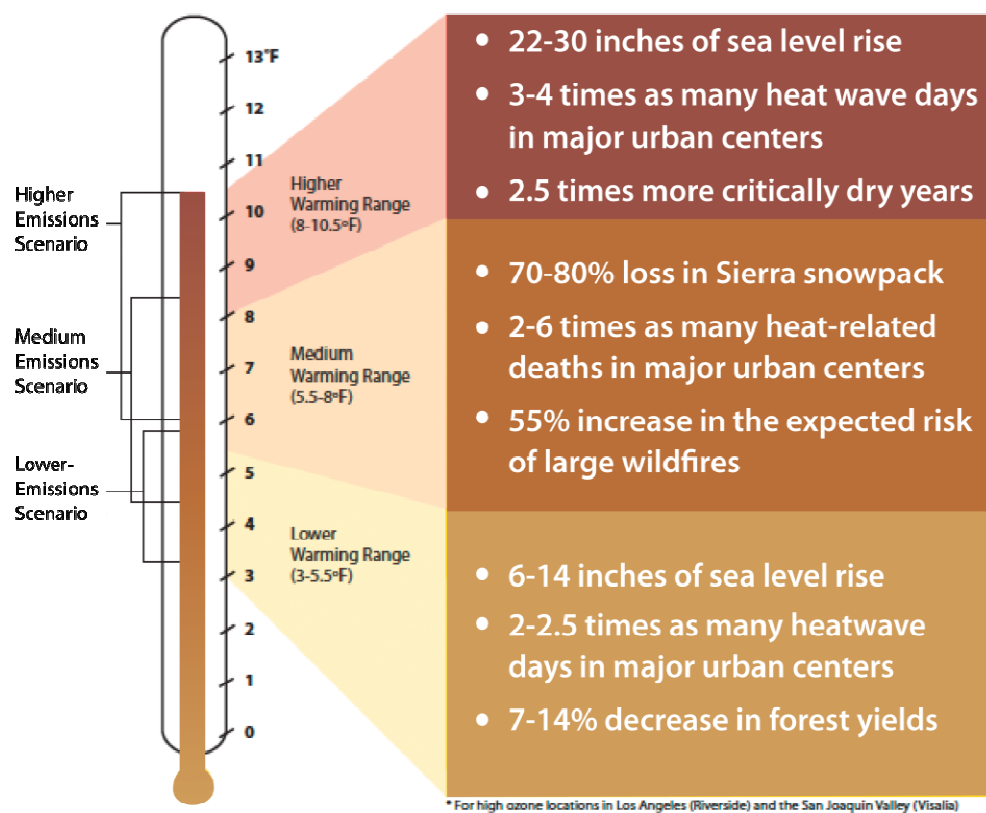
# Scientific & Regulatory Setting

unchanged, continued GHG emissions above current rates will induce further warming changes in the global climate system and pose even greater risks than those currently witnessed.

## CLIMATE CHANGE IMPACTS IN CALIFORNIA

Research suggests that as a result of climate change, California will experience hotter and drier conditions, reductions in winter snow, increases in winter rains, sea level rise, significant changes to the water cycle, and an increased occurrence of extreme weather events. Such compounded impacts will affect economic systems throughout the state. The California Climate Adaptation Strategy estimates that failing to take action to address the potential impacts of climate change will lead to economic losses of “tens of billions of dollars per year in direct costs” and “expose trillions of dollars of assets to collateral risk” (California Natural Resources Agency 2009). An abridged list of potential impacts in California due to climate change is presented in **Figure 2.1**.

Figure 2.1. Climate Change Impacts, 2070-2099



Source: California Energy Commission

## CLIMATE CHANGE IMPACTS IN CONTRA COSTA COUNTY

Due to the diverse geographical conditions of California, potential impacts to ecosystems, the built environment, and human activities will vary. This CAP focuses on impacts that are most relevant to Contra Costa County, particularly as they relate to public health. The county will likely experience more extreme heat events, reduced air quality, changes in sea level, less predictable water supply, and increases in storm severity and frequency of flood events. Even with significant efforts to mitigate GHG emissions today, future climate projections anticipate significant effects on California and Contra Costa County's precipitation, temperature, and weather patterns, which in turn will have dramatic impacts on public health.

### More Extreme Heat

The State of California Climate Action Team Biennial Report predicts that higher temperatures will increase in frequency (2009). Higher temperatures can decrease the water supply through increased evaporation rates and irrigation demand, and lead to an increased incidence of wildfires.

Extreme heat events also have dramatic human health impacts. For example, a heat wave in 2006 directly resulted in over 140 deaths in California and may have been indirectly responsible for upwards of 600 deaths in the 17-day period following the event (Margolis et al. 2008). Although the majority of casualties occurred in high temperature areas, there are health affects due to heat waves in both inland and coastal areas, demonstrating that Contra Costa County as a whole is at risk. During the 2006 heat wave, residents of Contra Costa County experienced negative health outcomes (CCHS 2015). According to the Centers for Disease Control and Prevention (CDC), increased temperatures and more frequent and severe heat events produce increased risks of heat-related illness and death. Extreme temperature can exacerbate the following health risks:

- Heat aggravating chronic cardiovascular and respiratory disease.
- Heat increasing lung injury due to higher ground-level ozone concentrations and increasing the severity of respiratory diseases (e.g., asthma and chronic obstructive pulmonary disease).
- Higher temperatures leading to increased demand for energy, which can strain the electric grid and increase energy prices. Increases to cost of living can negatively impact the ability of low-income residents to adapt to higher temperatures, especially from reduced access to air conditioning.

### Air Quality

According to Mahmud et al. (2008), the warming climate will increase ozone levels in California's major air basins, leading to upwards of 6 to 30 more days per year with ozone concentrations that exceed federal clean air standards. Cost-effective measures to reduce GHG emissions and protect public health are important for local governments. The Mahmud study also provides evidence of what is becoming known as the "climate penalty," where rising temperatures increase ground-level ozone and airborne health-damaging particles, despite the reductions achieved by programs targeting smog-forming emissions from cars, trucks, and industrial sources. This is especially true in eastern Contra Costa County, where ozone levels are highest due to regional wind patterns.

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## Decreased Supply of Fresh Water

The state's water supply is already under stress and is anticipated to shrink under even the most conservative climate change scenario. Warmer average global temperatures cause more rainfall than snowfall, making the winter snowfall season shorter and accelerating the rate at which the snowpack melts in the spring. The Sierra snowpack is estimated to experience a 25-40% reduction from its current average by 2050. With rain and snow events becoming less predictable and more variable, the rate of flooding could increase and California's ability to store and transport fresh water for consumption could decrease. Furthermore, warmer weather will lead to longer growing seasons and increased agricultural demand for water (California Natural Resources Agency 2009).

The East Bay Municipal Utility District (EBMUD) and Contra Costa Water District (CCWD) are the main providers of water to unincorporated Contra Costa County. EBMUD's primary water supply comes from the Mokelumne River watershed on the western slope of the Sierra Nevada; CCWD's primary water supply comes from the Central Valley Project, which is supplied by the Sacramento-San Joaquin Delta. Both sources of water have the potential to be impacted by climate change.

## Increased Storm Severity and Frequency of Flood Events

Climate change models predict more intense rainfall events, more frequent or extensive runoff, and more frequent and severe flood events. Localized flood events may increase in periods of heavy rain. As explained by the Climate Adaptation Strategy, California's water system is structured and operated to balance between water storage for dry months and flood protection during rainy seasons (California Natural Resources Agency 2009). Although climate change is likely to lead to a drier climate overall, risks from regular, more intense rainfall events can generate more frequent and/or more severe flooding that upsets this managed balance between storage and protection. Additionally, erosion may increase and water quality may decrease as a result of increased rainfall amounts.

## Rising Sea Levels

Sea level rise occurs as a result of rising average ocean temperatures, thermal expansion, and melting of snow and ice. While many different climate change effects will impact Contra Costa County, sea level rise has been extensively researched and quantified, allowing for a clearer geographic understanding of its effects. The rate and amount of sea level rise will be influenced by rising average temperatures and the speed of melting glacial ice. There is a degree of uncertainty in many projections, and the present rate of sea level rise is faster than many previous projections have estimated. On average, it is projected that Contra Costa County will experience a 40% increase in acreage vulnerable to a 100-year flood event between 2000 and 2100 (Cal-Adapt 2015).

## CLIMATE CHANGE AND PUBLIC HEALTH

The climate change impacts detailed above are likely to have a substantial negative effect on public health outcomes, including respiratory illnesses from decreased air quality, communicable disease from new vectors, and heat stroke from extreme heat events, demonstrated in **Table 2.1** (California Natural Resources Agency 2009). While climate change is likely to impact the health of all Contra Costa residents, many aspects will affect some vulnerable groups—such as low-income people, older people, children, agricultural workers, and others already suffering from poor health—more than others. Many communities with high concentrations of these vulnerable groups already suffer an increased burden of chronic disease and are especially vulnerable to the negative health effects of climate change. For a more extensive discussion on the public health impacts of climate change and how this CAP addresses those impacts, refer to **Appendix A, Health Co-Benefit Evaluation**.

Table 2.1. Human Health Effects of Climate Change in California

Climate Change Impacts	Health Impacts	Population Most Affected
All Impacts	<p>Mental health disorders (e.g., depression, anxiety, post-traumatic stress disorder, substance abuse) and other conditions caused by:</p> <ul style="list-style-type: none"> <li>• Disruption, displacement, and migration</li> <li>• Loss of home, lives, and livelihood</li> </ul> <p>Healthcare impacts:</p> <ul style="list-style-type: none"> <li>• Increased rates of illness and disease, emergency room use, and related costs borne by employers, health plans, and residents</li> <li>• Damage to health facilities</li> </ul>	<p>All populations</p> <p>Low income</p> <p>Healthcare staff</p>
Agricultural Changes	<p>Changing patterns and yields of crops, pests, and weed species, resulting in higher prices for food and food insecurity, hunger, and malnutrition</p> <p>Changes in agriculture/forestry, leading to lost or displaced jobs and unemployment</p>	<p>Agricultural workers</p> <p>Rural communities</p> <p>Low income</p> <p>Elderly</p> <p>Children</p>
Air Quality/Air Pollution	<p>Increased asthma, allergies, chronic obstructive pulmonary disease (COPD) and other cardiovascular and respiratory diseases</p>	<p>Children</p> <p>Elderly</p> <p>People with respiratory diseases</p> <p>Low income</p> <p>Those active outdoors</p>
Drought	<p>Hunger and malnutrition caused by disruption in food and water supply and increased costs</p> <p>Food- and water-borne disease</p> <p>Emergence of new contagions and vector-borne disease</p>	<p>Low income</p> <p>Elderly</p> <p>Children</p>

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Climate Change Impacts	Health Impacts	Population Most Affected
Extreme Heat	Premature death Cardiovascular stress and failure Heat-related illnesses such as heat stroke, heat exhaustion, and kidney stones	Elderly Children Diabetics Low-income urban residents People with respiratory diseases Agricultural workers Those active outdoors
Increased Average Temperature	Cardiovascular disease Increased number and range of: <ul style="list-style-type: none"> <li>• Vector-borne disease, such as West Nile virus, malaria, hantavirus, or plague</li> <li>• Water-borne disease, such as cholera and E. coli</li> <li>• Food-borne disease, such as salmonella poisoning</li> <li>• Allergies caused by pollen, and rashes from plants such as poison ivy or stinging nettle</li> <li>• Vulnerability to wildfire and air pollution</li> </ul>	Children Elderly Agricultural workers Those active outdoors People with respiratory disease People with acute allergies
Severe Weather, Extreme Rainfall, Floods, Water Issues	Population displacement, loss of home and livelihood Death from drowning Injuries Damage to potable water, wastewater, and irrigation systems resulting in decrease in quality/quantity of water supply and disruption to agriculture Water- and food-borne diseases from sewage overflow	Coastal residents and residents in flood prone areas Elderly Children Low income
Wildfires	Injuries and death from burns and smoke inhalation Eye and respiratory illnesses due to air pollution Exacerbation of asthma, allergies, COPD, and other cardiovascular and respiratory diseases Risk from erosion and land slippage after wildfires Displacement and loss of homes	People with respiratory diseases

Source: California Department of Public Health

All of these climate change impacts are important public health issues in Contra Costa County. Due to industrial activity in the county and high-volume transportation corridors, air quality is a particularly pressing public health issue. The following section provides an expanded discussion on air quality and its relation to climate change and public health.

## AIR QUALITY AND CRITERIA POLLUTANTS

As noted in the Bay Area 2010 Clean Air Plan (BAAQMD 2010), air quality and GHG emissions are closely related. Many of the activities that produce GHGs, including vehicle use, electricity production, burning natural gas, and industrial processes, also produce what the Environmental Protection Agency (EPA) and Bay Area Air Quality Management District (BAAQMD) refer to as criteria air pollutants.

Criteria air pollutants include particulate matter smaller than 2.5 microns ( $PM_{2.5}$ ), particulate matter smaller than 10 microns ( $PM_{10}$ ), carbon monoxide (CO), nitrogen oxides ( $NO_x$ ), sulfur dioxide ( $SO_2$ ), and ground-level ozone. Ground-level ozone is created when  $NO_x$  and reactive organic gases interact with sunlight. Although ozone levels in the Bay Area have been steadily declining, the nine-county San Francisco Bay Area region is designated as a nonattainment area for ozone as well as for  $PM_{2.5}$ —meaning that the region does not meet state and federal standards. **Table 2.2** explains the public health problems and source of each criteria air pollutant.

Table 2.2. Criteria Air Pollutants

Criteria Air Pollutant	Explanation and Health Impact	Source
$PM_{2.5}$ and $PM_{10}$	Particle pollution is made up of a number of components, including acids (such as nitrates and sulfates), organic chemicals, metals, and soil or dust particles that are small enough to pass through the throat and nose and enter the lungs. Once inhaled, these particles can affect the heart and lungs and cause serious health effects.	Dust, motor vehicles, combustion processes, industrial processes
CO	CO can cause harmful health effects by reducing oxygen delivery to the body's organs (like the heart and brain) and tissues.	Combustion processes, motor vehicles
$NO_x$	$NO_x$ is the sum of nitric oxide (NO) and nitrogen dioxide ( $NO_2$ ). In addition to combining with TOG to contribute to the formation of ground-level ozone and fine particle pollution, $NO_2$ is linked with a number of adverse effects on the respiratory system. Studies also show a connection between breathing elevated short-term $NO_2$ concentrations, and increased visits to emergency departments and hospital admissions for respiratory issues, especially asthma.	Electricity production, industrial processes, motor vehicles (near-roadway [within about 50 meters] concentrations of $NO_2$ have been measured to be approximately 30 to 100% higher than concentrations away from roadway)
$SO_2$	Current scientific evidence links short-term exposures to $SO_2$ , ranging from 5 minutes to 24 hours, with an array of adverse respiratory effects including broncho-constriction and increased asthma symptoms. Studies also show a connection between short-term exposure and increased visits to emergency departments and hospital admissions for respiratory illnesses, particularly in at-risk populations including children, the elderly, and asthmatics.	Industrial processes, motor vehicles
Ozone	Ground-level ozone is created by chemical reactions between reactive organic compounds and $NO_x$ in the presence of sunlight. Breathing ozone can aggravate asthma and other respiratory diseases, irritate the eyes, reduce visibility, and damage vegetation.	Industrial facilities, electric utilities, motor vehicle exhaust, chemical solvents, gasoline vapors

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Ozone is at the center of the climate change, air quality, and public health issue. Children, the elderly, people with lung diseases such as asthma, and people who work or exercise outside are at risk for adverse effects from ozone. These effects include reduction in lung function and increased respiratory symptoms as well as respiratory-related emergency department visits, hospital admissions, and possibly premature deaths. These effects may lead to increased school absences, medication use, visits to doctors and emergency rooms, and hospital admissions. Research also indicates that ozone exposure may increase the risk of premature death from heart or lung disease.

Ozone is more likely to reach unhealthy levels on hot sunny days in urban environments. However, ozone can also be transported long distances by wind; even rural areas can experience high ozone levels. The warming climate will increase ozone levels in California's major air basins, causing 6 to 30 more days per year with ozone concentrations that exceed federal clean air standards (Mahmud et al. 2008). It is estimated that in 2020, California will have nearly 443,000 additional annual cases of acute respiratory symptoms leading to a \$729 million increase in healthcare expenditures as a result of climate change exacerbating ground-level ozone (Perera and Sanford 2011).

## Populations at Risk

While climate change will impact the health of all Contra Costa residents, its effects are likely to affect some groups—such as low-income people, older people, children, agricultural workers, and others already suffering from poor health—far more than others (CCHS 2015). Due to longstanding inequities in health risks and resource distribution, these vulnerable groups also have the fewest resources to adapt to a changing climate. Attention, strategies, and resources are required to address the disproportionate impacts of climate change in vulnerable communities.

## REGULATORY SETTING

California established itself as a national climate leader when it adopted GHG emissions reduction targets in 2006 under Assembly Bill (AB) 32. Although AB 32 is the key piece of legislation guiding this CAP, there are numerous other state and local influences. This section highlights the state and local legislative framework guiding the preparation and implementation of this CAP.

### California Framework

California legislation related to climate change includes AB 32 and Senate Bill (SB) 375, which direct the state and relevant local agencies to reduce GHG emissions. In addition, state agencies are guided by executive orders that direct GHG emissions reductions statewide, prioritize climate change adaptation, and provide an overarching executive framework to address climate change.

### California Global Warming Solutions Act (AB 32)

AB 32, known as the California Global Warming Solutions Act, requires the California Air Resources Board (CARB) to develop regulatory and market mechanisms that will reduce GHG emissions to 1990 levels by 2020 (BAAQMD 2010). Actions include:

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- Items that can be quickly implemented to achieve GHG reductions through regulating landfill operations, motor vehicle fuels, car refrigerants, and port operations.
- A Scoping Plan that identifies the most technologically feasible and cost-effective measures to achieve emissions reductions. The Scoping Plan employs direct regulations, alternative compliance mechanisms, incentives, voluntary actions, and market-based approaches like a cap-and-trade program, and must be updated by CARB every five years. The Scoping Plan identifies local governments as strategic partners to achieving the state goal and translates the reduction goal to a 15% reduction of current emissions by 2020.
- Regulations to require the state's largest industrial emitters of GHG to report and verify their GHG emissions on an annual basis.

CARB issued its first Scoping Plan in 2009, and the first Scoping Plan update in 2014. This most recent update identifies progress made to date, recommends additional actions to meet the statewide reduction goal, and states the need for establishing a GHG emissions reduction goal beyond 2020, although a post-2020 goal is not set by this update. The updated Scoping Plan also revises the method used to quantify GHG emissions, relying on more recent scientific data concerning the potency of different GHGs by determining their global warming potential (GWP).

## Sustainable Communities Strategy (SB 375)

SB 375 aims to reduce GHG emissions by linking transportation funding to land use planning, with an aim to minimize vehicle miles traveled. It requires metropolitan planning organizations, like the Association of Bay Area Governments (ABAG), to create sustainable communities strategies (SCS) in their regional transportation plans for the purpose of reducing urban sprawl. Each SCS is required to demonstrate how the region will achieve the GHG emissions reduction target set by CARB for 2020 and 2035. In 2013, the Metropolitan Transportation Commission (MTC) and ABAG adopted the final Plan Bay Area, which includes the region's SCS and the 2040 Regional Transportation Plan.

Plan Bay Area highlights Contra Costa County as an important hub for future job and population growth in the Bay Area. Plan Bay Area identifies Priority Development Areas (PDA). Generally, PDAs are areas of at least 100 acres where there is local commitment to developing housing, amenities, and services to meet the needs of residents in a pedestrian-friendly environment served by transit. There are five PDAs in unincorporated Contra Costa County. Three of these PDAs, Contra Costa Centre, Pittsburg/Bay Point BART, and West Contra Costa Transportation Advisory Committee San Pablo Avenue Corridor, are already planned. Two other potential PDAs, North Richmond and Downtown El Sobrante, are located in the planning area (ABAG 2015). These PDAs concentrate growth in mixed-use, transit-oriented corridors, allowing for reduced emissions, healthier communities, and more land preserved for conservation. This CAP includes policies that support the transit- and pedestrian-oriented developments identified by the region's SCS.

In addition to AB 32 and SB 375, the state has enacted legislation related to transportation and vehicle efficiencies, energy-efficient building and appliances, renewable energy portfolios, renewable energy access, water conservation, and solid waste reduction and recycling.

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## Executive Order (EO) S-3-05

EO S-3-05 establishes the following greenhouse gas emissions reduction targets:

- By 2010, reduce greenhouse gas emissions to 2000 levels.
- By 2020, reduce greenhouse gas emissions to 1990 levels.
- By 2050, reduce greenhouse gas emissions to 80 percent below 1990 levels.

In addition to AB 32 and SB 375, the state has enacted legislation related to transportation and vehicle efficiencies, energy-efficient buildings and appliances, renewable energy portfolios, renewable energy access, water conservation, and solid waste reduction and recycling (**Table 2.3**).

**Table 2.3. California Regulatory Framework**

Law	Year Passed	Description	Topic
AB 1493	2002	Requires CARB to achieve passenger vehicles and light-duty trucks GHG reductions	Transportation and Vehicle Efficiencies
EO S-1-07	2007	Establishes Low Carbon Fuel Standard	Transportation and Vehicle Efficiencies
SB 375	2008	Requires CARB to set regional GHG reduction targets for passenger vehicles	Transportation and Vehicle Efficiencies
SB 1078	2002	Establishes the California Renewables Portfolio Standard Program	Energy and Renewables
SB 1368	2006	Limits long-term investments in power plants that exceed emissions standards	Energy and Renewables
Title 24 Updates	2010 & 2012	Increases energy and water efficiency in the state building code	Energy and Renewables
SB X-1-2	2011	Codifies CARB's 33% Renewables Portfolio Standard	Energy and Renewables
AB 1881	2006	Mandates landscaping water conservation for new and existing development	Water Conservation
AB 1420	2007	Requires urban water suppliers to implement water demand management measures	Water Conservation
SB X7.7	2009	Sets reduction targets for per capita urban water use	Water Conservation
SB 407	2009	Sets water-efficiency standards during retrofit	Water Conservation
AB 939	1989 & 2011	Creates the Integrated Waste Management Board; requires local jurisdictions to meet waste diversion goals	Waste and Recycling
SB 1016	2008	Changes statutory waste diversion mandates progress measurement from absolute to per capita	Waste and Recycling

### Cap-and-Trade

Emissions from oil refineries and power plants are regulated at the regional and state levels. This regulatory environment makes it difficult for the County to control or influence the sector that produces the majority of GHG emissions except through participating in the cap-and-trade programs administered by the state or through conditions and mitigation measures placed in land-use permits. Cap-and-trade is a market-based approach to reducing GHG emissions. In California, the Cap-and-Trade Program sets an enforceable limit, or the cap, on the amount of emissions that can be produced by large industrial emitters. The program then authorizes a number of permits that allow additional emissions that can then be traded, bought, or sold.

Cap-and-trade programs enable industrial emitters to reduce overall emissions and to invest in cleaner fuels and energy efficiency. The AB 32 Scoping Plan update identifies California's Cap-and-Trade Program as a key component in reaching the state's near- and long-term GHG emissions targets. California's Cap-and-Trade Program has been designed by CARB in conjunction with stakeholders through a multiyear process and calls for a statewide limit on the sources that create 85% of California's GHG emissions including electricity generation, large industrial sources, transportation fuels, and residential and commercial use of natural gas. Starting in 2013, the CARB program began regulating utilities and large industrial facilities with a cap 2% below 2012 emissions levels. Starting in 2015, fuel distributors were also brought under the cap. CARB estimates that the Cap-and-Trade Program will generate about \$1 billion in state revenue from the auction of emissions allowances for 2012-13, and possibly up to \$10 billion annually by 2020.

Several pieces of legislation, including AB 1532 and SB 535, seek to allocate cap-and-trade revenue for programs that reduce pollution in disproportionately impacted communities. AB 1532, the California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund, addresses how funds related to market-based compliance mechanisms, such as cap-and-trade, can be used. The bill requires administering agencies to allocate these funds to measures and programs that meet specific criteria, including:

- Areas that are in close proximity to sources that produce toxic air levels, pollution, and other hazards that can lead to negative public health effects.
- Areas that contain or produce materials that pose a significant hazard to human health and safety.
- Areas with a concentration of people that experience low income, high unemployment, low levels of homeownership, high-rent burden, and other socioeconomic challenges.
- The bill also stipulates that the California Environmental Protection Agency must develop a method for the identification of priority communities for investment opportunities based on a variety of geographic, socioeconomic, and environmental factors. SB 535 builds off AB 1532 and requires 25% of the available funds to go to projects that provide benefits to disadvantaged communities, and that 10% of the available funds go to projects located within disadvantaged communities. These funds may be allocated to disadvantaged communities through projects that reduce pollution and develop clean energy. In addition to identifying strategies to reduce local emissions, this CAP includes policies to support local programs that could be funded by potential cap-and-trade revenue.

## CEQA Guidelines

SB 97 was adopted in 2007 and directed the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to address GHG emissions. The CEQA Guidelines prepared by OPR were adopted in December 2009 and went into effect March 18, 2010. The updated guidelines include provisions for local governments to use adopted plans for the reduction of GHG emissions to address the cumulative impacts of individual future projects on GHG emissions (see State CEQA Guidelines Section 15183.5(b)(1)). In order to benefit from the streamlining provisions of the updated CEQA Guidelines, a CAP for the reduction of GHG emissions must accomplish the following:

- Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area.
- Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable.
- Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area.
- Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level.
- Establish a mechanism to monitor the plan's progress toward achieving the specified level and to require an amendment if the plan is not achieving specified levels.
- Be adopted in a public process following environmental review.

## BAAQMD Guidance

In response to the updated CEQA Guidelines, BAAQMD has adopted thresholds of significance for GHG emissions. These thresholds are used by local governments in the environmental review process for plans and projects and may streamline the environmental review process.

The BAAQMD CEQA Air Quality Guidelines were updated in 2010 to include guidance on assessing GHG and climate change impacts as required under CEQA Section 15183.5(b) and to establish thresholds of significance for impacts related to GHG emissions. These thresholds can be used to determine that a project's impact on GHG emissions is less than significant if it is in compliance with a Qualified GHG Reduction Strategy. Air districts such as BAAQMD do not officially certify Qualified GHG Reduction Strategies, but they play a critical role in providing support to local communities.

This CAP follows both the CEQA Guidelines and the BAAQMD guidelines by incorporating the standard elements of a Qualified GHG Reduction Strategy. **Appendix B** describes in detail how the County's CAP satisfies BAAQMD's requirements for a Qualified GHG Reduction Strategy and will allow the County to determine that a development project has a less than significant impact on GHG emissions if it complies with the CAP.

## EXISTING EFFORTS IN CONTRA COSTA COUNTY

In 2005 the County established a Climate Change Working Group to coordinate County efforts to respond to climate change, and to guide practices that result in more sustainable actions. Many County policies and initiatives support this CAP, including:

- The 2007 Municipal Climate Action Plan.
- Energy conservation policies and programs designed to reduce energy demand through a home weatherization programs and green building guidelines.
- Alternative energy policies that will reduce GHG emissions through supporting appropriate renewable energy projects and encouraging energy recovery projects.
- A comprehensive approach to water conservation.
- Transportation policies that support a balanced transportation system including bicycle, pedestrian, transit, and carpooling facilities, transportation and parking demand management, and support for rail and bus transit.
- Waste reduction strategies that reduce landfill disposal by supporting recycling and waste diversion.
- Land use policies that encourage transit-oriented, mixed-use, and infill development, and support local agricultural operations and production.
- Participation in regional energy efficiency efforts, such as the Bay Area Regional Energy Network (BayREN).

A more detailed list of existing County policies and practices that support the reduction of GHG emissions from community-wide sources are identified in **Appendix C**.

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## INTRODUCTION

The greenhouse gas emissions (GHG) inventory identifies the major sources of GHG emissions from activities occurring within unincorporated Contra Costa County. This chapter presents the results of 2005 inventory, which will serve as a baseline against which future progress can be measured, and a 2013 inventory, which will assist with the assessment of measure interim progress toward future GHG reduction targets. The chapter also presents the results of the forecasts of GHG emissions for the years 2020 and 2035. Specifically, this chapter:

- Presents GHG emissions from community-wide activities in the calendar years of 2005 and 2013.
- Identifies GHG emissions from activities which the County can reasonably influence, and excludes all other sources that are primarily regulated by other agencies (e.g., major industrial facilities).
- Summarizes GHG emissions by sector to compare the relative impact between sectors.
- Provides forecasts of how emissions will grow in the community under various scenarios.
- Provides County decision-makers and the community with adequate baseline and forecast information to inform policy decisions.

## INVENTORY BACKGROUND

As recommended by the Governor's Office of Planning and Research, many communities in California use the *US Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions* (the US Community Protocol) to identify and assess GHG emissions. This protocol provides guidance on how to measure and report community-wide GHG emissions, including identification of relevant sources or activities and methods used to calculate emissions. The Bay Area Air Quality Management District (BAAQMD) has also issued a GHG Plan Level Quantification Guidance document, which provides guidance for Bay Area communities to develop GHG inventories. The 2005 and 2013 inventories are consistent with the recommended practices in these two documents. In accordance with the US

# Climate Action Plan

Community Protocol and BAAQMD guidance, these inventories include emissions from the following sources, or sectors:

- **Residential energy:** Electricity and natural gas used in residential buildings.
- **Nonresidential energy:** Electricity and natural gas used in nonresidential buildings, including offices, retail stores, government facilities, institutional facilities, and some industrial buildings.
- **Solid waste:** Emissions from waste produced in the county for the inventory year.
- **Landfills:** Emissions from the decomposition of waste deposited in landfills from prior years.
- **On-road transportation:** On-road vehicle trips, including cars and trucks.
- **Off-road equipment:** Portable equipment and vehicles not used for transportation on roads, including construction and landscaping equipment.
- **Water and wastewater:** Energy used to pump and treat water and wastewater, and emissions from the processing of wastewater.
- **BART:** Energy used by BART trips beginning or ending in the unincorporated area.
- **Agriculture:** Emissions from fertilizer use, farming equipment, and the digestive processes of livestock.

In addition to the above activities and GHG sources, the County identified GHG emissions from the following sources as informational items:

- **Stationary Source GHG Emissions**—Direct process emissions and energy used by industrially classified uses including petroleum refineries, power plants, chemical manufacturing plants, and wastewater treatment plants in the unincorporated county.
- **Energy Use by Major Industrial Facilities**—Electricity and natural gas use by refineries, chemical facilities, and major manufacturing plants in the unincorporated county.

## Stationary Sources

Contra Costa County is home to some of the largest GHG-emitting stationary source facilities in the state of California. Stationary sources are nonmoving sources, fixed-site producers of pollution such as power plants, chemical plants, oil refineries, manufacturing facilities, and other industrial facilities. Emissions from stationary source facilities and from the energy required to power those facilities accounted for the majority of all emissions within the unincorporated county.

Acknowledging that local governments have little influence over energy use at or emissions from stationary sources, the state of California has developed a market-based program created through the Assembly Bill (AB) 32 2006 Scoping Plan, often referred to as the “cap-and-trade” program. In order to identify a GHG reduction target attainable through local action, stationary source emissions and emissions from energy used at stationary source facilities were not included in the baseline inventory used in this CAP.



*Stationary sources, such as this refinery near Martinez, are some of the biggest GHG emitters in the county.*

The stationary source totals identified by BAAQMD for facilities in unincorporated Contra Costa County, as well as the electricity and natural gas used by these facilities, have been excluded from the County's GHG inventory as they are existing sources regulated by BAAQMD and the California Air Resources Board (CARB). For a more detailed discussion of how these sources were analyzed and excluded from the baseline inventory, see **Appendix C**.

## DATA COLLECTION METHODS AND ANALYSIS

The GHG emissions inventory starts with collecting activity data for each sector listed above, such as the kilowatt-hours (kWh) of electricity used or therms of natural gas used for the residential, commercial, and industrial energy sectors, the vehicle miles traveled (VMT) for the transportation sector, or million gallons of water used by the community in a single calendar year. These activities are converted into GHG emissions using an emissions factor or coefficient. These emissions factors are supplied by the energy provider or emissions modeling software and indicate the GHGs that are emitted for every kWh produced, mile traveled, or ton of waste disposed.

The inventory measures three primary GHG emissions: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O). These GHGs are then converted to carbon dioxide equivalents (CO<sub>2</sub>e), enabling the County to consider different GHGs in comparable terms. The conversion is done by comparing the global warming potential (GWP) of each gas relative to CO<sub>2</sub>. For example, a single metric ton (MT) of methane traps 28 times as much heat over a 100-year time frame as a ton of CO<sub>2</sub>, meaning that the GWP of methane is 28. As a result, a single MT of methane is equal to 28 MTCO<sub>2</sub>e. Similarly, nitrous oxide has a GWP of 265, and so a single MT of nitrous oxide is equal to 265 MTCO<sub>2</sub>e. The values of GWPs change as a result of improved scientific research and understanding. The GWPs used in this inventory are from the Intergovernmental Panel on Climate Change's Fifth Assessment Report (IPCC).

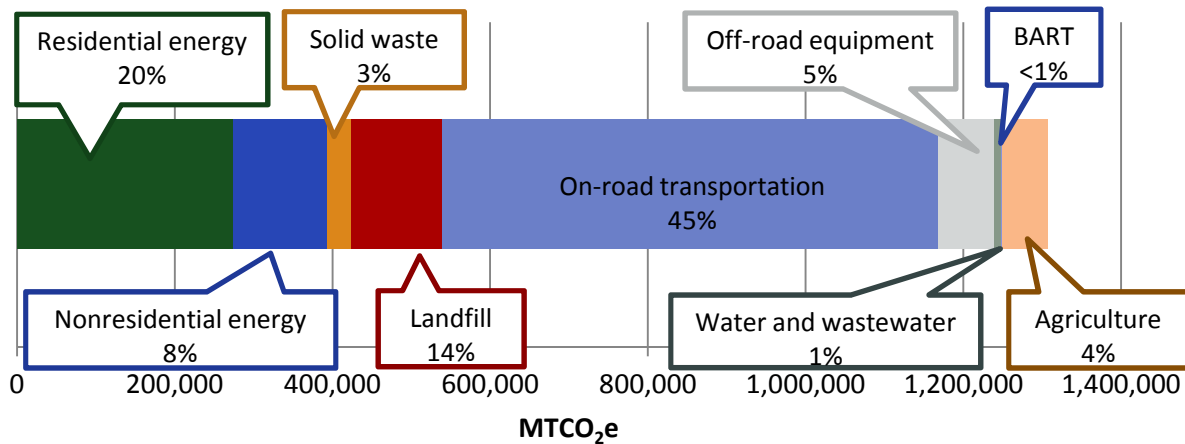
## 2005 BASELINE INVENTORY RESULTS

This section provides a brief overview of the 2005 baseline GHG emissions for unincorporated Contra Costa County. For a more detailed explanation of how each sector of GHG emissions was calculated, see **Appendix C**. In 2005, activities in the unincorporated county and within the County's jurisdictional land use control generated approximately 1,403,610 metric tons of carbon dioxide equivalents (MTCO<sub>2</sub>e).

On-road transportation was the largest source of 2005 GHG emissions in Contra Costa County, contributing approximately 628,200 MTCO<sub>2</sub>e, or 45% of emissions. The next-largest source of emissions, residential energy use, contributed approximately 274,960 MTCO<sub>2</sub>e, or 20% of emissions. Landfills were the third-largest sector, contributing 193,950 MTCO<sub>2</sub>e or 14% of emissions. The nonresidential energy use sector was the fourth-largest emissions source, contributing 118,740 MTCO<sub>2</sub>e (8%); off-road emissions were the fifth-largest emissions source (71,880 MTCO<sub>2</sub>e, or 5%); agriculture was the sixth-largest emissions source (57,320 MTCO<sub>2</sub>e, or 4%). The solid waste, water and wastewater, and BART sectors represented 3%, 1%, and less than 1% of emissions, respectively. **Figure 3.1** shows 2005 emissions by sector, while **Table 3.1** shows 2005 activity data and emissions by sector and subsector.

# Climate Action Plan

Figure 3.1. 2005 GHG Emissions by Sector



Source: Michael Baker International 2015

Table 3.1. 2005 Activity Data and GHG Emissions by Sector and Subsector

Sector	Subsector	Activity Data	Unit	MTCO <sub>2</sub> e	Total MTCO <sub>2</sub> e	Percent of Total MTCO <sub>2</sub> e
Residential energy	Residential electricity	488,236,740	kWh	110,120	274,690	20%
	Residential natural gas	30,919,160	Therms	164,570		
Nonresidential energy	Nonresidential electricity	284,558,070	kWh	64,180	118,740	8%
	Nonresidential natural gas	10,251,360	Therms	54,560		
Solid waste	Waste disposed	170,780	Tons disposed	48,450	48,450	3%
Landfill	Waste in place	34,455,010	Tons in place	193,9500	193,950	14%
On-road transportation	On-road transportation	1,291,819,230	Annual VMT	628,200	628,200	45%
Off-road equipment	Lawn and garden equipment	-	None	3,820	71,880	5%
	Construction equipment	-	None	68,060		
Water and wastewater	Indirect water use	26,443,770	kWh	5,960	8,080	1%
	Indirect wastewater use	6,199,120	kWh	1,400		
	Direct wastewater emissions	-	None	720		
BART	BART trips	38,111,050	Passenger miles	2,300	2,300	<1%
Agriculture	Fertilizer application	200,980	Crop acres	3,920	57,320	4%
	Agriculture equipment	-	None	23,960		
	Livestock	16,500	Heads of livestock	29,440		
<b>TOTAL</b>					<b>1,403,610</b>	<b>100%</b>

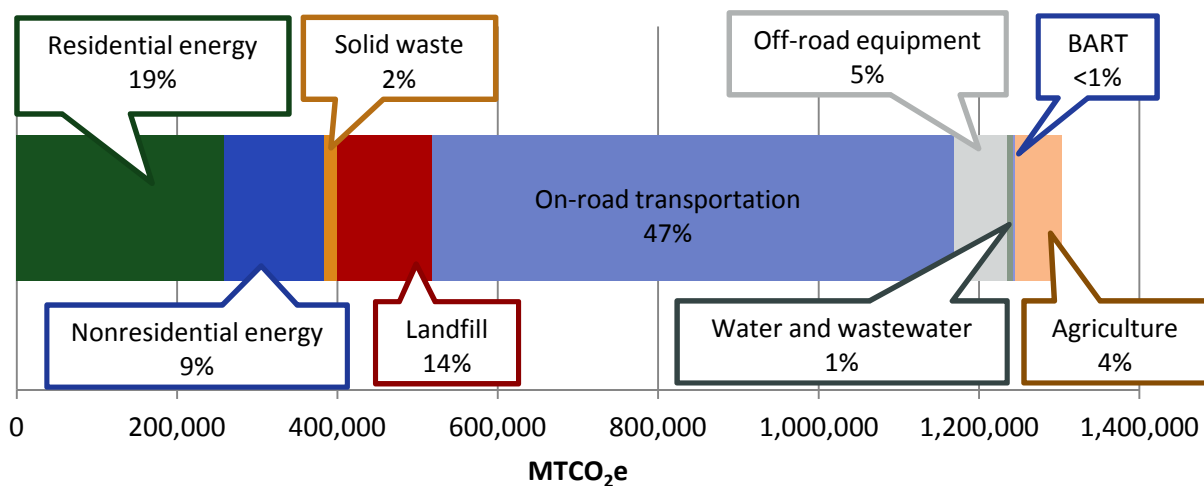
Source: Michael Baker International 2015

## 2013 INVENTORY UPDATE

The 2013 inventory provides an interim update toward the 2020 GHG reduction target and identifies how sources of emissions have changed since 2005, which can help direct future GHG reduction policies. In 2013, activities in the unincorporated areas of Contra Costa County within the County's jurisdictional control resulted in 1,392,450 MTCO<sub>2</sub>e, a 1% decrease from 2005 levels.

The on-road emissions sector was again the largest, contributing 651,130 MTCO<sub>2</sub>e, or 47% of the county's emissions. Residential energy was the second-largest source of emissions with approximately 258,420 MTCO<sub>2</sub>e or 19% of emissions, followed by landfills with approximately 196,500 MTCO<sub>2</sub>e or 14% of emissions. Nonresidential energy was the fourth-largest source of emissions with approximately 125,350 MTCO<sub>2</sub>e (9%); off-road equipment contributed approximately 66,230 MTCO<sub>2</sub>e (5%) and agriculture contributed approximately 58,200 MTCO<sub>2</sub>e (4%). The smallest sources of emissions, solid waste, water and wastewater, and BART, were responsible for 2%, 1%, and less than 1% of emissions, respectively. 2013 emissions by sector are shown in **Figure 3.2**, and activity data and emissions by subsector for 2013 are shown in **Table 3.2**. **Table 3.3** shows the difference in emissions by sector between 2005 and 2013.

Figure 3.2. 2013 GHG Emissions by Sector



Source: Michael Baker International 2015

# Climate Action Plan

Table 3.2. 2013 Activity Data and GHG Emissions by Sector and Subsector

Sector	Subsector	Activity Data	Unit	MTCO <sub>2</sub> e	Total MTCO <sub>2</sub> e	Percent of Total MTCO <sub>2</sub> e
Residential energy	Residential electricity	478,219,710	kWh	93,380	258,420	19%
	Residential natural gas	31,007,110	Therms	165,040		
Nonresidential energy	Nonresidential electricity	266,216,660	kWh	51,980	125,350	9%
	Nonresidential natural gas	13,784,410	Therms	73,370		
Solid waste	Waste disposed	92,780	Tons disposed	26,540	26,540	2%
Landfill	Waste in place	41,785,650	Tons in place	196,500	196,500	14%
On-road transportation	On-road transportation	1,349,279,980	Annual VMT	651,130	651,130	47%
Off-road equipment	Lawn and garden equipment	-	None	3,180	66,230	5%
	Construction equipment	-	None	63,050		
Water and wastewater	Indirect water use	28,004,290	kWh	5,470	7,400	1%
	Indirect wastewater use	6,198,590	kWh	1,210		
	Direct wastewater emissions	-	None	720		
BART	BART trips	44,417,320	Passenger miles	2,680	2,680	<1%
Agriculture	Fertilizer application	204,030	Crop acres	4,280	58,200	4%
	Agriculture equipment	-	None	18,910		
	Livestock	19,110	Heads of livestock	35,010		
<b>TOTAL</b>					<b>1,392,450</b>	<b>100%</b>

Source: Michael Baker International 2015

Table 3.3. Comparison of 2005 and 2013 GHG Emissions by Sector

Sector	2005 MTCO <sub>2</sub> e	2013 MTCO <sub>2</sub> e	Percent Change, 2005–2013
Residential energy	274,690	258,420	-6%
Nonresidential energy	118,740	125,350	6%
Solid waste	48,450	26,540	-45%
Landfill	193,950	196,500	1%
On-road transportation	628,200	651,130	4%
Off-road equipment	71,880	66,230	-8%
Water and wastewater	8,080	7,400	-8%
BART	2,300	2,680	17%
Agriculture	57,320	58,200	2%
<b>Total</b>	<b>1,403,610</b>	<b>1,392,450</b>	<b>-1%</b>

## GHG EMISSIONS FORECAST

A GHG emissions forecast is an estimate of how emissions will change in the future based on anticipated population and jobs growth in the unincorporated areas of Contra Costa County, absent of any actions taken at the federal, state, regional, or local level to reduce emissions. This forecast is often referred to as a business-as-usual forecast. A GHG emissions forecast allows elected officials, County staff, and community members to determine the volume of reductions needed to meet GHG reduction goals.

Consistent with state and regional guidance, as well as widely accepted forecasting methods including the Association of Environmental Professionals white paper on GHG forecasts, the GHG emissions forecast for Contra Costa County assumes that per capita activity data remains constant at 2005 baseline levels. Association of Bay Area Governments (ABAG) demographic growth projections is the primary data source used to forecast GHG emissions. These growth projections are given in **Table 3.4**.

Table 3.4. ABAG Projections for Unincorporated Contra Costa County, 2005–2035

	2005	2013	2020	2035	2005–2035 Change
Population	159,650	162,230	166,100	173,500	6%
Households	57,980	58,550	59,720	61,740	9%
Jobs	41,270	43,210	47,670	50,330	22%
Service Population	200,920	205,440	213,770	223,830	11%

Source: Association of Bay Area Governments 2009, 2013

The anticipated growth scenario identified by ABAG for unincorporated Contra Costa County provides the basis for the County's GHG emissions forecast for the years 2020 and 2035. Emissions in 2020 are forecasted to increase to 1,483,720 MTCO<sub>2</sub>e, a 6% increase from 2005 levels. Emissions in 2035 are projected to rise to 1,545,980 MTCO<sub>2</sub>e, a 10% increase from 2005 levels. **Table 3.5** shows emissions by sector for the 2005 baseline inventory and the two forecasted years.

Table 3.5. GHG Emissions by Sector, 2005–2035

Sector	2005 MTCO <sub>2</sub> e	2013 MTCO <sub>2</sub> e	2020 MTCO <sub>2</sub> e	2035 MTCO <sub>2</sub> e	Percent Change, 2005–2035
Residential energy	274,690	258,420	282,930	292,500	6%
Nonresidential energy	118,740	125,350	137,150	144,810	22%
Solid waste	48,450	26,540	51,550	53,970	11%
Landfill	193,950	196,500	204,560	218,560	13%
On-road transportation	628,200	651,130	662,820	687,370	9%
Off-road equipment	71,880	66,230	76,340	79,890	11%
Water and wastewater	8,080	7,400	8,600	9,000	11%
BART	2,300	2,680	2,450	2,560	11%
Agriculture	57,320	58,200	57,320	57,320	0%
<b>TOTAL</b>	<b>1,403,610</b>	<b>1,392,450</b>	<b>1,483,720</b>	<b>1,545,980</b>	<b>10%</b>
<b>Percent Change from 2005</b>	-	-1%	6%	10%	-

Source: Michael Baker International 2015

Emissions associated with energy, water, wastewater, BART, solid waste, and off-road equipment are anticipated to grow linearly with household, employment, and service population growth. Emissions from the landfill subsector were forecasted using the landfill modeling software developed by CARB to estimate net fugitive methane emissions in 2020 and 2035, based on the total amount of waste disposed in the landfills located in the unincorporated county. On-road VMT in the GHG forecast were modeled using the Contra Costa Transportation Authority's Travel Demand Forecasting Model and include regional transportation improvements identified in the Comprehensive Transportation Project List.

## EXISTING STATE GHG REDUCTION PROGRAMS

The state of California has been proactive in reducing GHG emissions. Several regulations and efforts at the state level will lessen Contra Costa County's future GHG emissions, including vehicle standards, building standards, and the renewable energy content of electricity. As a result, an initial step in the assessment of GHG reductions in the unincorporated county is to apply the potential effects of these activities on Contra Costa County's forecasted emissions. The state programs analyzed are limited to those programs that have been formally adopted the state legislature and governor and implemented by state agencies, except as noted. These results are detailed in **Table 3.6**. The state programs evaluated in the forecast are briefly discussed below, and explained in more detail in **Appendix C**.

# GHG Inventory & Forecast

#3

## *California's Renewables Portfolio Standard (RPS)*

Governor Jerry Brown established a goal to increase the RPS, which is the percentage of electricity delivered in California generated by renewable sources like solar, wind, and geothermal, to 50% by 2030. On September 11, 2015, the California legislature passed Senate Bill 350 to codify the governor's executive order. The forecast in this Plan assumes the RPS goal of 50% by 2030.

## *AB 1493 Clean Car Standards and the Low Carbon Fuel Standard*

California's Clean Car Standards were established by AB 1493 in 2002, requiring new passenger vehicles to reduce tailpipe GHG emissions from 2009 to 2020. These standards are also often referred to as the Pavley standards, after State Senator Fran Pavley, who authored AB 1493 when she was a member of the state assembly. A related program, the Low Carbon Fuel Standard (LCFS), establishes a goal of a 10% reduction in carbon intensity in transportation fuels. Reductions from the Clean Car Standards and the LCFS were calculated using the EMFAC2011 modeling software created by CARB.

## *Title 24, Energy Efficiency Standards*

California's Title 24 (CalGreen) energy standards are updated every few years (the most recent update went into effect on July 1, 2014). These are statewide standards applied at the local level by city and county agencies through project review. The California Energy Commission (CEC) provides information on the energy efficiency of each new set of Title 24 standards relative to the previous standards. The calculation of CalGreen energy reductions assumes that all development occurring after 2005 will comply with the version of the Title 24 standards which apply at the time of construction. It also assumes that all growth in natural gas and electricity sectors is from new construction.

**Table 3.6. Expected GHG Reductions from State Policies, 2020 and 2035**

State Policy or Program	2020 (MTCO <sub>2</sub> e)	2035 (MTCO <sub>2</sub> e)
Renewables Portfolio Standard	-41,620	-78,030
Clean Car Standard and LCFS	-173,480	-236,270
Title 24 Standards	-2,840	-7,970
<b>TOTAL</b>	<b>-217,940</b>	<b>-322,270</b>

Source: Michael Baker International 2015

The regulations implemented by the state will have a profound impact on Contra Costa's GHG emissions. As shown in **Table 3.7**, reductions from state activities are expected to reduce emissions below baseline levels by 2020, and to continue to decrease emissions by 2035 despite population growth.

# Climate Action Plan

Table 3.7. GHG Emissions with State Reduction Actions, 2005–2035

Sector	2005 (MTCO <sub>2</sub> e)	2013 (MTCO <sub>2</sub> e)	2020 (MTCO <sub>2</sub> e)	2035 (MTCO <sub>2</sub> e)	Percent Change, 2005–2035
Residential energy	274,690	258,420	257,310	242,280	-12%
Nonresidential energy	118,740	125,350	119,980	112,170	-6%
Solid waste	48,450	26,540	51,550	53,970	11%
Landfill	193,950	196,500	204,560	218,560	13%
On-road transportation	628,200	651,130	489,340	451,100	-28%
Off-road equipment	71,880	66,230	76,340	79,890	11%
Water and wastewater	8,080	7,400	6,930	5,860	-27%
BART	2,300	2,680	2,450	2,560	11%
Agriculture	57,320	58,200	57,320	57,320	0%
<b>TOTAL</b>	<b>1,403,610</b>	<b>1,392,450</b>	<b>1,265,620</b>	<b>1,223,170</b>	<b>-13%</b>
<b>Percent Change from 2005</b>	-	-1%	-10%	-13%	-

Source: Michael Baker International 2015

## GHG REDUCTION TARGETS

The California Environmental Quality Act (CEQA) Guidelines require that a Qualified GHG Reduction Strategy contain a goal for substantive GHG reductions. The CEQA Guidelines do not identify GHG reduction targets or reduction target years; the State's GHG reduction targets and target years are established through executive order and statute and codified in state codes, regulations, and implementation programs. The key targets and target years are noted in Assembly Bill (AB) 32, Executive Order (EO) 1-03-05, and EO B-30-15.

- EO S-03-05, signed by former Governor Schwarzenegger in 2005, establishes a statewide GHG reduction goal of 80% below 1990 levels by 2050.
- The California Global Warming Solutions Act (AB 32) established a statewide GHG reduction goal of returning to 1990 levels by 2020. The AB 32 Scoping Plan provides the State's strategy to achieve the AB 32 reduction goal and documents progress toward the goal through updates. The first Scoping Plan, released in 2008 and approved in 2011, recommends a greenhouse gas emissions target for local government municipal and community-wide emissions of a 15% reduction from current levels by 2020 to parallel the State's target. Best practice for local climate action planning has interpreted "current" year to be a baseline year of 2005, 2006, or 2007, with 2005 being the most commonly used year.
- EO-B-30-15, signed by Governor Brown in 2015, establishes a statewide GHG reduction goal of 40% below 1990 levels by 2030.

This Plan presents a 2020 GHG reduction target consistent with AB 32 and the AB 32 Scoping Plan, which is to reduce community-wide emissions 15% below 2005 levels by 2020. The Plan also provides a set of GHG reduction measures to achieve the 2020 reduction target.

In addition, the CAP forecasts the potential GHG emissions and estimated GHG reductions from proposed measures through 2035. A potential option for the County's 2035 goal is one that reduces emissions to the level specified in EO B-30-15 by 2030 and then continues to reduce on a trajectory that would meet the 2050 target. For 2035, such a goal is equal to 50% below 1990 levels, or approximately 57% below baseline levels. **Table 3.8** and **Figure 3.3** show the difference between the baseline, forecast, and forecast with state reductions relative to the recommended goals, along with the volume of GHG reductions needed from local activities. **Chapter 4** provides a GHG reduction strategy to achieve the goals identified in this chapter.

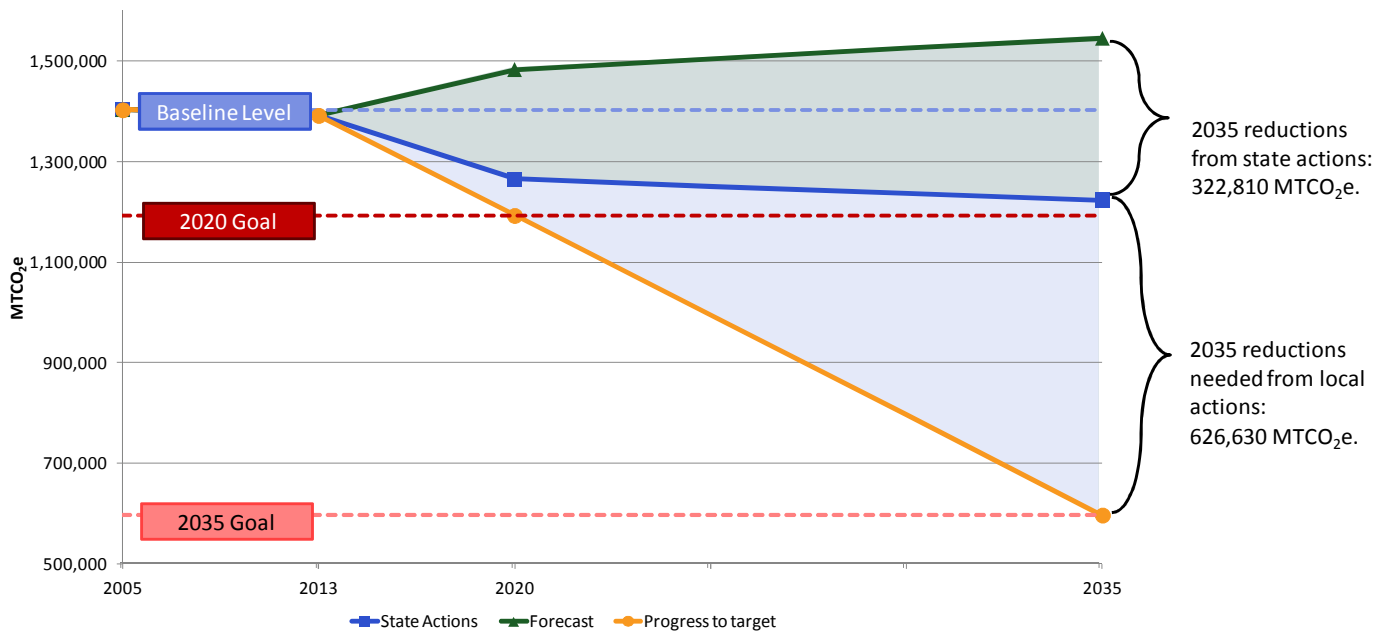
# Climate Action Plan

Table 3.8. Baseline GHG Emissions, Forecasts, and Reduction Goals

	2020 MTCO <sub>2</sub> e	2035 MTCO <sub>2</sub> e
2005 Baseline Emissions	1,403,610	1,403,610
Forecasted Emissions	1,483,720	1,545,980
Forecasted Emissions Minus Estimated Statewide Reductions	1,265,620	1,223,170
Reduction Target	1,193,070	596,540
<b>Local Reductions Needed</b>	<b>-72,550</b>	<b>-626,630</b>

Source: Michael Baker International 2015

Figure 3.3. Baseline GHG Emissions, Forecasts, and Reduction Goals





This chapter details actions and policies that Contra Costa County can use to achieve necessary greenhouse gas (GHG) reductions. Additionally, this chapter identifies how the suggested reduction measures will also increase public health in Contra Costa County. The reduction measures in this Climate Action Plan (CAP) provide a diverse mix of programs for both new and existing development. The reduction measures also aim to reduce GHG emissions from each sector to avoid reliance on any one strategy or sector to achieve the target.

## REDUCTION STRATEGY STRUCTURE

In order to achieve the state-recommended reduction target of 15% below 2005 emissions levels by 2020, Contra Costa County will implement the goals, policies, and actions set forth in this chapter. The County's strategy is structured around the following six topic areas:

1. • Energy Efficiency and Conservation
2. • Renewable Energy
3. • Land Use and Transportation
4. • Solid Waste
5. • Water Conservation
6. • Government Operations

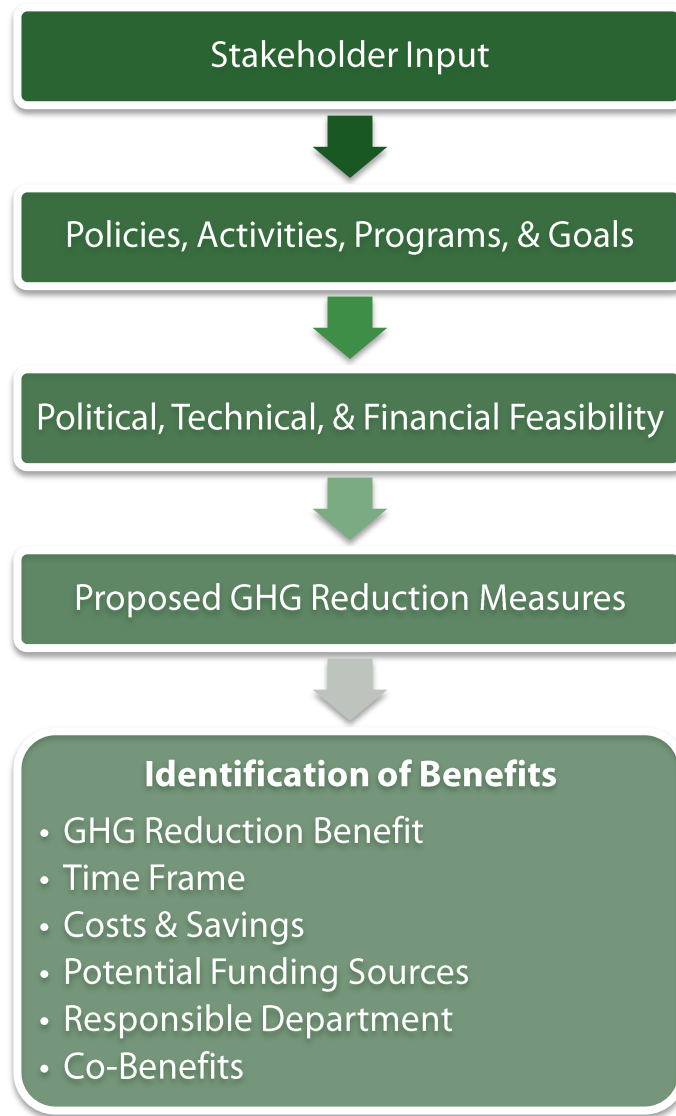
Each topic area has a corresponding goal, reduction measures, and supporting actions necessary for implementation.

# GHG Reduction Strategy

## GHG REDUCTION MEASURE DEVELOPMENT AND METHODS

The process for developing GHG reduction measures includes a review of existing policies, activities, and programs, identification of topic areas or goals, and preliminary reduction measure language with performance targets and indicators. Preliminary measures are then refined and evaluated for political, technical, and financial feasibility (see **Figure 4.1**). Finally, a path to the successful implementation of each GHG reduction measure is identified by determining the GHG reduction benefit, the time frame for implementation, potential sources of funding, the department responsible for implementation, and the additional benefits, or co-benefits that may occur from the implementation of each measure.

Figure 4.1. GHG Reduction Measure Development Process



# GHG Reduction Strategy

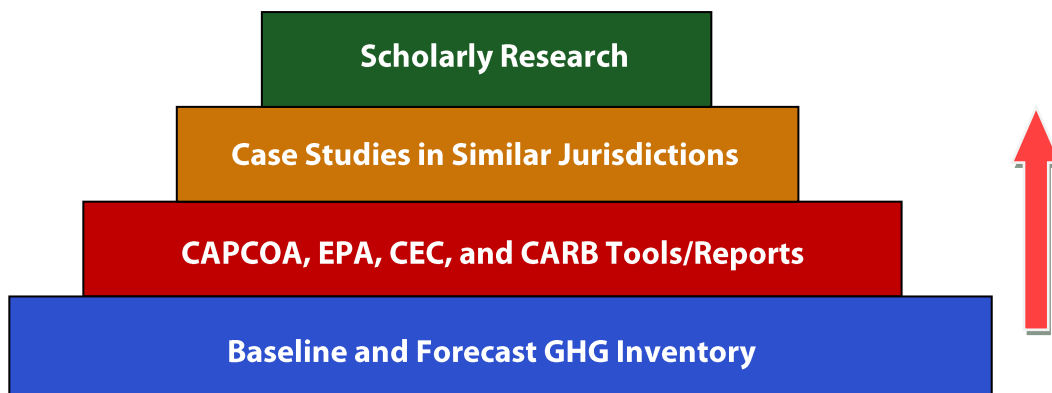
#4

The GHG reduction benefit of each measure is determined by changes in operation, activity, or efficiency. In general, there are three types of reductions in climate action plans: (1) avoided emissions (e.g., walk instead of drive), (2) greater efficiency (e.g., drive an electric vehicle), and (3) sequestration (e.g., increase carbon storage through planting trees). GHG reduction estimates are identified for 2020 and 2035.

The information used to estimate GHG emissions reductions is summarized in **Figure 4.2**. The baseline GHG inventory and forecast serves as the foundation for quantifying the County's GHG reduction measures. Activity data from the inventory (e.g., vehicle miles traveled and kilowatt-hours (kWh) of electricity) is combined with the performance targets and indicators identified in this CAP to calculate the GHG reduction benefit of each measure. This approach ensures that the County's GHG reductions are tied to the baseline and future activities in Contra Costa County.

Whenever possible, emissions reduction estimates are based on tools and reports provided by government agencies such as the US Environmental Protection Agency (EPA), California EPA, California Energy Commission (CEC), California Air Resources Board (CARB), California Air Pollution Control Officers Association (CAPCOA), and local air districts. If accurate reduction estimates are not available through these tools, a case study with comparable characteristics may be used. Finally, for long-range reduction measures that lack on-the-ground testing or analysis, current scholarly and peer-reviewed research is combined with knowledge of existing County practices to create a defensible estimate of future emissions reductions.

Figure 4.2. GHG Quantification Sources and Tools



To demonstrate the types of information and performance indicators that go into quantifying each measure, a detailed example calculation is provided in **Table 4.1**.

# GHG Reduction Strategy

Table 4.1. Example Measure Quantification

Example Measure: Implement residential energy efficiency program.			
	Quantification Data	Year: 2020	Data Source
A	Total residential electricity use (kWh)	485,212,670	Example GHG Inventory Forecast
B	Total households	64,190	ABAG
C	Average electricity use per household	7,070	Calculation = A/B
D	Percentage of households participating in program	10%	Measure goal
E	Total households participating in program	6,420	Calculation = B*D
F	Average electricity savings per participant	5%	Case studies from cities A and B
G	Total electricity savings (kWh)	2,270,000	Calculation = C*E*F
H	Metric ton of CO <sub>2</sub> e per kWh	0.0002	Example County GHG Inventory
I	Emissions reduction (MTCO <sub>2</sub> e)	300	Calculation = G*H

The method for determining the GHG reduction benefit from each measure is detailed in the GHG Technical **Appendix D**, which summarizes the sources and assumptions used to estimate the GHG reductions from each measure.

## EVALUATION CRITERIA

In order to ensure successful implementation and evaluation of the GHG reduction measures included in this CAP, the following criteria have been identified in this CAP or the associated implementation matrix (**Chapter 5**).

**GHG Reductions (MTCO<sub>2</sub>e)** are estimated, as explained above, and reported for 2020 and 2035.

**Supportive Measures** are measures without identified GHG reductions. Measures that are not quantified because their implementation directly supports other measures are labeled “Supportive of (Measure Title).” Measures that are not quantified because no defensible quantification method exists for unincorporated Contra Costa County are labeled “Supportive of Overall GHG Reductions.” These measures may become quantifiable as research, technology, and methods progress.

# GHG Reduction Strategy

#4

**Implementation Time Frame** is identified for each measure based on community priorities, local goals, and the availability of technological innovations to implement each measure. Time frames will be presented as a range similar to the following:

Time Frame	Year Range
Ongoing	Existing effort that will continue to be implemented
Near-Term	Implemented between 2015 and 2018
Mid-Term	Implemented no later than 2020
Long-Term	Implemented by 2035

**Implementing Department/Responsible Agencies** will identify the County department that will be responsible for implementing each measure, securing funding resources, reporting on annual progress, and coordinating with the supporting agencies.

**Supporting Agencies** are the public and private local and regional entities that will be a partner or lead in the implementation of certain actions. Examples of supporting agencies to Contra Costa County include the Bay Area Air Quality Management District (BAAQMD), the Metropolitan Transportation Commission (MTC), the Association of Bay Area Governments (ABAG), the Contra Costa Transportation Authority (CCTA), Contra Costa County Climate Leaders, and other municipal organizations in the county.

**Community Co-Benefits** will be included to identify the ancillary benefits that each measure may have for the community. Potential co-benefits will be identified if the policy (1) conserves energy, (2) improves air quality, (3) supports local economy, (4) reduces water use, (5) provides educational opportunities, (6) saves money, (7) improves mobility, (8) improves community livability, (9) conserves resources, (10) improves public health, or (11) improves community resiliency to climate change.

**Public Health Priority Benefits** will be included to demonstrate where the community would experience a positive impact on healthy living. These measures include elements determined by Contra Costa Health Services (CCHS) to provide the highest benefit to human health in the county.

## HEALTHY COMMUNITY STRATEGIES

In this CAP, reduction measures and public health measures are closely tied. Many of the GHG reduction measures reduce GHG emissions and have public health co-benefits. Healthy community measures, identified in **Chapter 5**, address the public health impacts of a changing climate, but do not have GHG emissions reductions as the primary goal. Public health measures of this type are commonly referred to as “adaptive measures” because they help the county adapt to a changing climate.

This chapter explains the actions already taken to encourage a more resilient and healthy Contra Costa County and proposes seven additional measures to ensure that climate change-related public health responses are adequately incorporated into future planning efforts.

## PUBLIC HEALTH CONSIDERATIONS

While this CAP focuses on reducing GHG emissions, many of the proposed policies have secondary benefits to public health. By including health considerations in the CAP, the County has the ability to target implementation efforts to realize potential health benefits. To paraphrase from Perera and Sanford (2011), the good news is that both health-harming air pollution and climate change are generally caused by the same activities: human beings burning fossil fuels to generate energy and run their vehicles. Similarly, many solutions to reduce GHG emissions involve activities with positive public health outcomes. Working with the Public and Environmental Health Advisory Board (PEHAB), CCHS has led an effort to ensure that the public health impacts of climate change are identified and addressed in this CAP by establishing health indicators against which County actions could be measured and using them to identify priority areas that will have the greatest benefit on public health, and discussing the potential effect of GHG reduction measures on criteria pollutants (**Chapter 2** and **Appendix A**).

## PUBLIC HEALTH PRIORITY BENEFITS

Health indicators were developed in consultation with PEHAB and refined to reflect input from community workshops. The indicators were used to evaluate the relative public health benefit of goals and policies that would reduce GHG emissions by determining whether there is a primary link between the action and the health indicator. Because the relative value of a health benefit involves subjective determinations, ratings were not quantified but rather were used to provide structure for assessing the relative merit of the various actions. Based on the evaluation of the potential health benefits of the CAP's reduction measures, CCHS has determined four types of reduction measures that provide the highest benefit to human health. These reduction measures significantly promote the following outcomes: Increased Walking & Biking, Increased Public Transportation, Increased Infill Development, and Health Equity.

Throughout this chapter, public health priority benefits will be indicated alongside GHG reduction measures. This section provides descriptions of each priority benefit. For an expanded discussion of public health and GHG reduction measures, see **Appendices A and D**.

### 1. Increased Walking and Biking

The CCHS evaluation found walking and biking improvement measures to be associated with multiple health indicators. These improvements enhance physical activity and make it safer, by making walking and biking easier and increasing the number of people doing so. By replacing some vehicle trips, bicycle and pedestrian improvements can increase air quality. While these improvements are sometimes targeted toward recreation, they can also facilitate access to goods and services by making it easier and safer to walk or bike to jobs, schools, healthcare, family, transit stops, or other destinations. Also, since lower-income people may be more dependent on walking (and to a lesser extent, biking) to get around, investments in walking and biking have the potential to contribute to health equity.

## 2. Increased Public Transportation

CCHS identified a wide range of health indicators associated with transit improvement measures. First, public transit encourages physical activity because transit users usually walk or bike to their stop, an effect which is likely to have a significant impact on human health. On average, transit users spend 19 minutes a day walking to their public transportation stop. Of these users, 29% met the Surgeon General's recommendation of 30 minutes of daily physical activity as a result of walking to public transportation (Besser and Dannenberg 2005). As shown above, increasing physical activity is expected to lead to positive public health outcomes. Public transit can also help create an urban environment where it is possible to live without an automobile, and can significantly improve air quality by shifting trips from cars. By creating a viable alternative to using a car, public transportation can help improve access to jobs, healthcare, and other essential goods and services. Increased access to shopping, jobs, schools, and other key destinations is especially important for Contra Costa households with zero or one vehicles (6% and 29%, respectively). A number of researchers have found that accessible and reliable transportation is essential to finding and keeping jobs, which in turn, facilitates the economic well-being that is essential for good health (Kawabata 2002; Ong and Houston 2002). Similarly, public transportation (not school district buses) currently carries 6% of Contra Costa County students to school (Contra Costa County Safe Routes to School Master Plan 2009).

## 3. Increased Infill Development

CCHS found infill development measures to be associated with four health indicators. Dense neighborhoods have been consistently found to increase physical activity by bringing people closer to destinations, making it easier to travel by foot or by bike. Higher-density development also improves access to essential destinations, such as grocery store, schools, and jobs, particularly for those without cars (Ewing and Cervero 2010; Walker 2011). Similarly, higher-density neighborhoods improve regional air quality by discouraging car trips. Additionally, by focusing growth in defined centers rather than outward sprawl, infill development can help to preserve open space, which can preserve local character and improve air quality.

While changes to urban form often take decades to solidify, infill development is likely to have significant positive long-term impacts on human health. In a comprehensive analysis of the existing literature, Ewing and Cervero (2010) found that, on average, density yields a 7% increase in walking and a 5% decrease in vehicle miles traveled. This suggests that long-term changes to Contra Costa County's built environment are likely to yield real, if modest, increases in physical activity and decreases in air pollution.

In conjunction with other policies, such as enhanced transit service and bicycle and pedestrian improvements, increasing infill development can also help to alter the long-term patterns of automobile dependence and sprawl that exact high societal health costs such as air pollution, accidents/injuries, diabetes and obesity, cardiovascular disease, urban heat island effects, poor mental health, and exclusion from opportunity (Frumppkin 2001). Encouraging infill development is consistent with the goals and strategy of CCHS's Injury Prevention and Physical Activity Promotion Project, and related measures received moderate to high public support during the open house process (managing parking was a notable exception).

## 4. Health Equity

Unlike the other priority measure types, which focus on single issues, a wide variety of measures may influence health equity by placing the emphasis on the most vulnerable populations in the county. These may include young children, the elderly and disabled, low-income residents, and minorities. The reduction measures in the CAP that directly contribute to improving health equity do so through targeted job creation, increased access to goods and services, economic incentives for sustainable behavior, and programs that protect vulnerable populations from indoor and outdoor air pollution.

The root causes of most health disparities are the broader, more historic inequalities within society, such as poverty and discrimination. Health disparities are often called health inequities because they result from these broader inequities within society. Poverty and discrimination lead to stress, greater exposure to environmental toxins and poor air quality, and less access to high-quality goods and services including education, health services, transportation, food, and recreation. Health studies have shown that these inequalities and injustices are strongly related to higher rates of injury, illness, and premature death. Therefore, prioritizing measures that counter the effects of these social inequities can help change the underlying conditions that contribute to poor health.

In April 2003, after extensive review and discussion, CCHS adopted a department-wide plan called Reducing Health Disparities: Diversity and Cultural and Linguistic Competence in Contra Costa Health Services. One goal of this plan for reducing health disparities is to engage and partner with other public entities to support healthier environments. In response to this element of the CCHS mission, each GHG reduction measure in the CAP was evaluated for its potential to reduce health inequities. This is especially appropriate since many of the impacts of climate change that are associated with air pollution, such as increased death, disease, and injury from heat waves, floods, storms, and fires, decreased food quality and security, and increased morbidity and mortality—are predicted to disproportionately affect those who are socially and economically disadvantaged. “Reducing health disparities” received extremely high support during the open house process and from PEHAB.

## EXISTING LOCAL ACTIONS

### EXISTING GHG REDUCTION ACTIONS

Contra Costa County has already taken strides to reduce energy use and promote sustainability in the community. The County's actions, specifically the success of the California Solar Initiative (CSI) and the Bay Area Regional Energy Network (BayREN), have led to measureable reduction in GHG emissions since 2005. These reductions are applied to the overall emissions reduction to avoid double-counting.

#### EA 1: California Solar Initiative (CSI)

The CSI allows the California Public Utilities Commission (PUC) to provide incentives to install renewable energy technologies on existing homes and businesses in PG&E territory. Participation in the CSI program by Contra Costa County residents has increased the amount of renewable solar power available in the community. By displacing demand for fossil-based power, these installations will lead to reductions through 2035.

##### **MEASURE EA 1**

###### **2020 GHG Reduction**

1,980 MTCO<sub>2</sub>e

###### **2035 GHG Reduction**

1,540 MTCO<sub>2</sub>e

###### **Co-Benefits**

Conserves Energy, Provides  
Educational Opportunities, Saves  
Money

#### EA 2: Bay Area Regional Energy Network (BayREN)

BayREN is a collaboration of the nine counties that make up the San Francisco Bay Area. Led by ABAG, BayREN hosts energy saving programs on a regional level, including in Contra Costa County. Since BayREN program implementation began in Contra Costa County in 2013, nearly 30 residences have received incentives to increase home energy efficiency. On average, these projects have saved over 200 therms and 1,500 kWh per home. BayREN will continue to play an important role in encouraging home and business owners in Contra Costa County to implement improvements to decrease energy consumption.

##### **MEASURE EA 2**

###### **2020 GHG Reduction**

30 MTCO<sub>2</sub>e

###### **2035 GHG Reduction**

30 MTCO<sub>2</sub>e

###### **Co-Benefits**

Conserves Energy, Provides  
Educational Opportunities, Saves  
Money, Adaptive Measure

## EXISTING PUBLIC HEALTH ACTIONS

The County has begun to address vulnerable populations in its overall emergency planning efforts, including those related to climate change. Additionally, the County has adopted, or is in the process of completing, several public health and climate change-related strategic plans, including the following:

- Contra Costa County Operational Area Excessive Heat Emergency Plan (2010) amends the County's Emergency Operations Plan to include specific extreme heat event strategies.
- Contra Costa County Hazard Mitigation Plan (2011) addresses climate change as a subset, or secondary impact, for each identified hazard of concern.
- Regional Health Risk Assessment (in progress) will establish a coordinated and synchronized community preparedness planning effort in the region, conduct a regional public health risk assessment, identify the specific health threats and risks that will be addressed by the region, propose strategies and activities designed to reduce and/or mitigate the threats and risks, and develop a regional risk mitigation plan to specifically address the health needs and risks of the community, including vulnerable populations (Cox 2012).

## GHG REDUCTION STRATEGIES

### GOAL 1: ENERGY EFFICIENCY

**Increase energy efficiency in residential and commercial building stock, and reduce community-wide electricity and natural gas use.**

Residential and nonresidential buildings in the county depend on electricity and natural gas for lighting, heating, cooling, and running appliances. Energy efficiency is a key component of any strategy that seeks to reduce energy use. According to the 2014 Contra Costa County Housing Element, approximately “60 percent of the housing stock in unincorporated areas is thirty years or older, the age when most homes begin to have major repair or updating needs.” Older homes also tend to be less energy efficient than new homes and provide significant opportunities to reduce energy consumption.

Energy efficiency has the potential to affect public health by reducing the energy cost burden experienced by low-income families and by allowing for a more affordable comfortable indoor climate. With expected increases in severe weather, including increased extreme heat days, the ability for all families to affordably and efficiently maintain a comfortable climate in their homes is critical. Additionally, reductions in electricity and natural gas use have direct impacts on the amount of criteria air pollutants being released into the environment. As demonstrated in **Chapter 2**, reducing the amount of criteria pollutants in a community’s atmosphere can increase public health, especially for vulnerable populations such as the elderly, children, and those with existing respiratory illnesses.

# GHG Reduction Strategy

## Measure EE 1: Energy-Efficient Retrofits – Residential Buildings

**Provide opportunities for residential buildings to become more energy efficient.**

Action items:

1. Continue and expand single-family participation in established energy efficiency rebate programs, including BayREN and East Bay Energy Watch.
  - Collaborate with local organizations like Contra Costa County Climate Leaders and PG&E to develop comprehensive and appropriate outreach efforts that effectively reach all segments of the community.
  - Monitor participation in energy efficiency programs.
2. Continue and expand multi-family participation in established energy efficiency rebate programs, including BayREN and East Bay Energy Watch.
3. Increase participation in the existing low-income weatherization program and seek additional program funding.
4. Identify disadvantaged individuals and households for increased participation in energy efficiency programs.
5. Work with PG&E to advertise and promote a residential appliance rebate program with a focus on properties with potential high appliance energy use (e.g., homes with pools would receive a flyer about available pool pump rebates and return on investment information).
6. Participate in one or more Property Assessed Clean Energy (PACE) financing programs.

### MEASURE EE 1

#### 2020 GHG Reduction

2,140 MTCO<sub>2</sub>e

#### 2035 GHG Reduction

3,160 MTCO<sub>2</sub>e

#### Responsible Department(s)

Conservation & Development

#### Co-Benefits

Conserves Energy, Provides Educational Opportunities, Saves Money, Improves Public Health, Adaptive Measure

#### Public Health Priority Benefits

Health Equity

### MEASURE EE 1 COMMUNITY BENEFITS

In addition to helping Contra Costa homeowners save money on their utility bills, increasing a home's efficiency can have health benefits for residents. Simple actions, such as adding insulation, sealing leaky ducts, or adding energy-efficient heating, ventilation, and air-condition systems, can improve indoor air quality and manage the home's temperature. While a home that more efficiently warms up in cold winter weather and cools down in summer heat adds comfort for all residents, it can be essential for people with health conditions or those who are more vulnerable to extreme temperatures. Seniors, children, and people with respiratory illnesses can avoid illness and injury by living in a home that is safe, healthy, and comfortable.

## Measure EE 2: Energy-Efficient Retrofits – Nonresidential Buildings

**Provide opportunities for nonresidential buildings to become more energy efficient.**

### Action Items:

1. Continue expanding nonresidential participation in energy efficiency rebate and financing programs, including East Bay Energy Watch, BayREN, low-interest California Energy Commission (CEC) loans, and PG&E on-bill financing opportunities. Create a prioritized list of energy-intense facilities to target for additional education and/or financial support for energy efficiency improvements, while complying with existing privacy regulations.
2. Provide focused outreach to local businesses describing PACE program opportunities, constraints, and benefits.
3. Develop outreach materials that explain the opportunities for financing energy efficiency retrofits such as a PACE program, low-interest energy efficiency loans through the CEC, integration of energy efficiency retrofit projects into capital lease structures, and mortgage refinancing.
4. Identify staffing and a revenue stream to develop a shared landlord-tenant program to support the financing of energy efficiency retrofits to renter-occupied buildings.
5. Inform nonresidential building owners about the savings potentials from retrocommissioning, retrofits, and deep retrofits.
6. Inform the business community about the monetary benefits associated with energy-efficient appliances.
7. Collaborate with local organizations like 4CL and PG&E to develop and implement the outreach approaches outlined in this measure.

### MEASURE EE 2

#### 2020 GHG Reduction

4,630 MTCO<sub>2</sub>e

#### 2035 GHG Reduction

9,310 MTCO<sub>2</sub>e

#### Responsible Department(s)

Conservation & Development

#### Co-Benefits

Conserves Energy, Supports Local Economy, Provides Educational Opportunities, Saves Money, Improves Public Health

#### Public Health Priority Benefits

None

# GHG Reduction Strategy

## Measure EE 3: Energy Conservation Awareness

**Provide education and outreach highlighting the benefits of energy conservation.**

Action Items:

1. Engage with PG&E to provide multilingual and culturally relevant educational material to residents and businesses to increase the community's awareness and utilization of real-time energy consumption data available through the SmartMeter program.
2. Work with the Bay Area Green Business Program to highlight examples of energy-efficient local businesses.

### **MEASURE EE 3**

#### **2020 GHG Reduction**

430 MTCO<sub>2</sub>e

#### **2035 GHG Reduction**

810 MTCO<sub>2</sub>e

#### **Responsible Department(s)**

Conservation & Development, Health Services

#### **Co-Benefits**

Conserves Energy, Supports Local Economy, Provides Educational Opportunities, Saves Money

#### **Public Health Priority Benefits**

Potential Health Equity

### **MEASURE EE 3 COMMUNITY BENEFITS**

The Contra Costa Green Business Program has certified over 580 green businesses in Contra Costa since it started in 1998, and 335 are still recognized and operating. Businesses and organizations certified include auto body and repair shops, business and home maintenance services, landscapers, printers, grocery and hardware stores, public offices and facilities, and solar panel installers. Certified green businesses adopt the principles of sustainability and make an effort to eliminate or reduce the use of hazardous materials, waste generated, and air and wastewater discharges, and to use energy and water as efficiently as possible. These waste reduction and energy conservation measures have also resulted in a conservative estimate of 25 million pounds of carbon dioxide emissions reductions since the program started.

## Measure EE 4: Urban Forestry and Paving and Roofing Materials

**Reduce urban heat islands through vegetation management and cool surfaces.**

### Action Items:

1. Encourage multi-family residential and nonresidential development to increase use of higher-albedo materials for surfaces including roofs, parking areas, driveways, roads, and sidewalks.
2. Encourage developments with parking lot areas to shade these areas with vegetation or solar panels when appropriate.
3. Continue to promote the use of low-impact development (LID) strategies and reduction in impervious surface area of new development.
4. Encourage increased use of cool roof materials on new and existing buildings to reduce the urban heat island effect and corresponding cooling energy consumption.
5. Support various programs to plant and maintain trees in urban and rural areas.

### **MEASURE EE 4**

#### **2020 GHG Reduction**

20 MTCO<sub>2</sub>e

#### **2035 GHG Reduction**

40 MTCO<sub>2</sub>e

#### **Responsible Department(s)**

Conservation & Development, Public Works

#### **Co-Benefits**

Conserves Energy, Improves Air Quality, Saves Money, Improves Community Livability, Improves Public Health, Adaptive Measure

#### **Public Health Priority Benefits**

Increased Walking & Biking, Potential Health Equity

# GHG Reduction Strategy

## Measure EE 5: Energy Efficiency Capacity Building

**Increase Contra Costa County's capacity for energy efficiency through financing opportunities and workforce training.**

Action Items:

1. Monitor grants from cap-and-trade revenue and other funding sources, and inform applicable County agencies.
2. Create a framework for revenues from cap-and-trade offsets or allocations to fund energy efficiency and resource conservation programs, such as those proposed in this CAP, to be used locally, particularly within recognized impacted communities or areas.
3. Work with the Contra Costa Community College District and the Contra Costa Workforce Development Board to encourage and develop workforce training programs for green jobs, including energy efficiency audits, energy retrofits, and renewable energy installation.

### **MEASURE EE 5**

#### **2020 GHG Reduction**

Supportive of Overall GHG Reductions

#### **2035 GHG Reduction**

Supportive of Overall GHG Reductions

#### **Responsible Department(s)**

Conservation and Development,  
Health Services, Public Works;  
additional departments, depending on  
grant resource.

#### **Co-Benefits**

Conserves Energy, Supports Local  
Economy, Provides Educational  
Opportunities, Saves Money, Improves  
Public Health

#### **Public Health Priority Benefits**

Health Equity

## Measure EE 6: Energy-Efficient New Buildings

**Support the statewide transition to net zero energy construction for new residential buildings by 2020 and new nonresidential buildings by 2030.**

### Action Items:

1. Identify and remove barriers to zero net energy construction in the County's regulatory framework.
2. Work with developers, property owners, and financial donors to construct and publicize example zero net energy homes prior to the adoption of zero net energy building codes by the California Energy Commission.
3. Provide information about zero net energy buildings at public events, on the County website, and in the development review process, including publicizing information about the cost effectiveness of zero net energy buildings. Include information about zero net energy buildings in other energy efficiency education efforts.
4. Explore making new and significantly retrofitted County buildings zero net energy.

### **MEASURE EE 6**

#### **2020 GHG Reduction**

290 MTCO<sub>2</sub>e

#### **2035 GHG Reduction**

680 MTCO<sub>2</sub>e

#### **Responsible Department(s)**

Conservation & Development, Public Works

#### **Co-Benefits**

Conserves Energy, Provides Educational Opportunities, Saves Money, Conserves Resources

#### **Public Health Priority Benefits**

None

# GHG Reduction Strategy

## GOAL 2: RENEWABLE ENERGY

**Increase the production of renewable energy from small-scale and commercial-scale renewable energy installations.**

The County provides a diverse mix of opportunities for renewable energy resource installations. This goal seeks to shift a portion of energy production and consumption away from electricity and natural gas to renewable energy sources. Both natural gas and electricity can be offset with renewable sources of energy that are profitable, yield cost savings to users, and spur local energy independence. Through this goal, the county will reduce GHG emissions from traditional electricity production and natural gas by promoting the production of local, on-site renewable energy for both residential and nonresidential uses. Renewable energy sources such as wind and solar do not emit criteria air pollutants and therefore have the positive health impact of reducing the amount of criteria air pollutants released into the local environment. Programs that incentivize renewable energy installation on low-income residences can help households save money. Job training programs can also increase the community's economic health and providing viable employment for Contra Costa residents.

### Measure RE 1: Alternative Energy Installations

**Promote installation of alternative energy facilities on homes and businesses.**

Action Items:

1. Amend the County Zoning Code to designate areas and development standards that are appropriate for and supportive of small- and medium-sized alternative energy and energy storage installations not covered by AB 2188.
2. Train planning staff to provide guidance and information on the streamlined process and available incentives.
3. Create development standards allowing for the ministerial approval of rooftop energy systems on commercial buildings, with a focus on warehouses and other structures with large surface area roofs.
4. Encourage participation in PG&E's green tariff program.

#### **MEASURE RE 1**

##### **2020 GHG Reduction**

8,820 MTCO<sub>2</sub>e

##### **2035 GHG Reduction**

14,840 MTCO<sub>2</sub>e

##### **Responsible Department(s)**

Conservation & Development

##### **Co-Benefits**

Supports Local Economy, Provides Educational Opportunities, Conserves Resources, Adaptive Measure

##### **Public Health Priority Benefits**

None

## Measure RE 2: Alternative Energy Facilities

**Promote installation of alternative energy facilities on public land.**

Action Items:

1. Continue to install alternative energy facilities (e.g., photovoltaic panels and electric vehicle charging stations) on public buildings and lands in the unincorporated county
2. Continue to participate in the Regional Renewable Energy Procurement Project or similar bulk purchasing programs to purchase solar photovoltaic systems for on-site generation at public facilities.
3. Work with East Bay Municipal Utility District and other wastewater processors to install cogeneration infrastructure on wastewater treatment facilities.

### **MEASURE RE 2**

#### **2020 GHG Reduction**

270 MTCO<sub>2</sub>e

#### **2035 GHG Reduction**

630 MTCO<sub>2</sub>e

#### **Responsible Department(s)**

Conservation & Development, Public Works

#### **Co-Benefits**

Supports Local Economy, Provides Educational Opportunities, Conserves Resources

#### **Public Health Priority Benefits**

None

# GHG Reduction Strategy

## Measure RE 3: Alternative Energy Financing

### Lower barriers to entry for the installation of alternative energy systems.

#### Action Items:

1. Improve participation in existing and planned financing mechanisms for renewable energy and energy storage systems, such as PACE and BayREN.
2. Connect low-income homeowners with renewable energy rebate and financing programs.
3. Work with local governments in Contra Costa County and neighboring areas to participate in a regional solar photovoltaic energy systems bulk-buying program.
4. Connect business owners with available finance and rebate programs.
5. Work with PG&E to identify areas where grid capacity may be insufficient to accommodate an increase in renewable energy capacity, and encourage PG&E to upgrade such areas to reduce barriers.
6. Continue exploring options for implementing Community Choice Aggregation within the unincorporated area of the county.

#### MEASURE RE 3

##### 2020 GHG Reduction

Supportive of Overall GHG Reductions

##### 2035 GHG Reduction

Supportive of Overall GHG Reductions

##### Responsible Department(s)

Conservation & Development

##### Co-Benefits

Conserves Energy, Supports Local Economy, Provides Educational Opportunities, Saves Money

##### Public Health Priority Benefits

Health Equity

## GOAL 3: LAND USE AND TRANSPORTATION

### Reduce transportation emissions.

The intent of this goal is to reduce transportation emissions, primarily through improvements in vehicle efficiency, reduction in single-occupant vehicle use, and support of mixed-use communities (where appropriate) throughout the unincorporated county and in identified “priority development areas.” This goal promotes the location of homes in close proximity to schools, employment centers, transit centers, and shops, while protecting the unique characteristics of the county’s neighborhoods and rural areas. Policies and actions for mobility and connectivity in new development build on these strategies, developed to respect the specific challenges and opportunities of the county’s unincorporated communities.



*This low-income senior housing project in Crockett is an example of infill development. Residents are within walking distance of the city's senior center.*

In addition to lowering criteria air pollutants associated with automobiles, this goal facilitates active transportation and reduced vehicle dependence, both of which have documented public health benefits. By strategically locating people closer to services and revising development standards to create pedestrian-oriented streetscapes, this goal also helps improve community health by encouraging walking and bicycling.

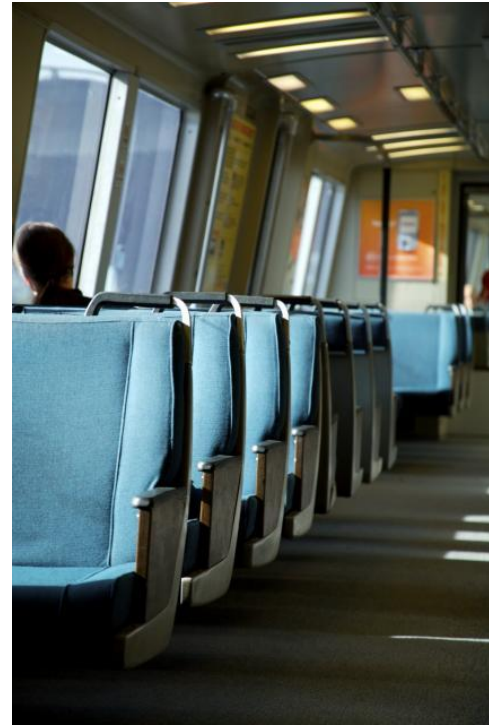
Physical activity has been shown to have powerful influence on a variety of health outcomes including lower mortality, lower risk of cardiovascular diseases, lower risk of diabetes, lower risk of some cancers, improved mental health, and healthier bones, muscles and joints. A recent study (Maizlish et al. 2011) estimated the potential cost savings from the health benefits of dramatically increasing Bay Area physical activity at \$34 billion annually. Improving walking and biking safety can also have a significant effect on injury rates. As of 2007, traffic accidents (involving cars, bikes, and people) were the leading cause of injury deaths in Contra Costa County (CCHS 2010). Investments in bike and pedestrian safety can dramatically reduce these rates.

In baseline year 2005, on-road and off-road vehicles emitted 628,200 MTCO<sub>2</sub>e. While policies that seek to reduce vehicle miles traveled are necessary and useful, the quickest way to reduce transportation emissions is by operating cleaner, more efficient vehicles and equipment. This goal seeks to reduce emissions associated from on-road and off-road vehicles by encouraging the use of less carbon-intensive fuel sources such as electricity.

As mentioned in **Chapter 2**, climate change is expected to have a direct impact on public health through increases of urban ozone levels. Decreasing emissions typically associated with carbon-intensive vehicles and equipment would reduce the amount of criteria air pollutants that exacerbate ozone-related public health issues.

# GHG Reduction Strategy

In conjunction with other policies, such as infill development and bicycle and pedestrian improvements, improving transit service can also help to alter the long-term patterns of automobile dependence and sprawl that exact high societal health costs such as air pollution, accidents/injuries, diabetes and obesity, cardiovascular disease, urban heat island effects, poor mental health, and exclusion from opportunity. Improving public transit is consistent with the goals and strategy of CCHS's Injury Prevention and Physical Activity Promotion Project and related measures received extremely high public support during the open house process (Frumppkin 2001).



*Public transportation, including BART and local buses, provides access to goods and services for residents without vehicles*

## Measure LUT 1: Mobility and Land Uses

**Maintain and expand access to goods, services, and other destinations through increased transportation alternatives (mobility improvements) and improved proximity (land use improvements).**

### Action Items:

1. Collaborate with local transportation, land use agencies, nonprofits, and other stakeholders to expand bicycle and pedestrian facilities and existing public transportation (BART, Amtrak, AC Transit, County Connection, and Tri Delta Transit).
2. Assist with Safe Routes to School program implementation.
3. Work with the Contra Costa Transportation Authority, local school districts, and advocacy organizations such as the East Bay Bicycle Coalition to encourage bicycle safety classes in all schools.
4. Update County road standards, as opportunities arise, to accommodate all modes of transportation in local street designs (i.e., complete streets). Implement standards as part of routine maintenance and striping.
5. Through periodic updates to the Contra Costa Transportation Authority's Countywide Bicycle and Pedestrian Plan, identify opportunities to improve access to community-wide bicycle and pedestrian networks by closing gaps in the network, removing barriers, and providing additional bike- and pedestrian-oriented infrastructure.
6. Cooperate with the Contra Costa Transportation Authority and adjoining jurisdictions in updating and implementing the Countywide Bicycle and Pedestrian Plan and local plans.
7. Revise the County CEQA guidelines to reflect implementation of Senate Bill 743.
8. Establish a 2020 mode share goal for bicycling by a Board of Supervisors resolution, identify specific actions to reach the goal, integrate the goal into future General Plan updates, and appeal to other agencies to adopt the same goal.
9. Identify funding sources to support increased walking and bicycling activity.

### MEASURE LUT 1

#### 2020 GHG Reduction

910 MTCO<sub>2</sub>e

#### 2035 GHG Reduction

2,680 MTCO<sub>2</sub>e

#### Responsible Department(s)

Conservation & Development, Health Services, Public Works

#### Co-Benefits

Improves Air Quality, Improves Mobility, Improves Community Livability, Improves Public Health

#### Public Health Priority Benefits

Increased Walking & Biking, Increased Public Transportation, Health Equity

# GHG Reduction Strategy

## Measure LUT 2: Alternative-Fuel Infrastructure

**Expand the use of alternative fuels in vehicle travel.**

Action Items:

1. As opportunities arise, include alternative-fuel use goals in franchise agreements for waste hauling and contracts with other vehicle fleets.
2. Support development of alternative-fuel vehicle infrastructure such as biofuel and electric vehicle (EV) charging stations and designated parking spots with chargers, including amending parking design and layout section (82-16-404) of the County Zoning Code to locate alternative fuel vehicle infrastructure in areas of high visibility and easy access.
3. Pursue grant funding opportunities to install public EV chargers or other alternative fuel charging stations.

### **MEASURE LUT 2**

#### **2020 GHG Reduction**

7,630 MTCO<sub>2</sub>e

#### **2035 GHG Reduction**

11,670 MTCO<sub>2</sub>e

#### **Responsible Department(s)**

Conservation & Development, Public Works; additional departments depending on grant resources

#### **Co-Benefits**

Improves Air Quality, Conserves Resources, Improves Public Health

#### **Public Health Priority Benefits**

Health Equity

# GHG Reduction Strategy

#4

## Measure LUT 3: Off-Road Vehicles and Equipment

**Reduce emissions from off-road vehicles and equipment.**

Action Items:

1. Work with BAAQMD to incentivize the use of battery-powered lawn and garden equipment.
2. Provide support for BAAQMD's voluntary exchange program for residential lawn mowers.
3. Work with BAAQMD to increase the use of alternatively fueled equipment in agricultural operations through education, incentives, or revisions to existing regulations.
4. Consider an amendment to the County Building Code that would prohibit unnecessary idling of off-road and heavy equipment.

### **MEASURE LUT 3**

#### **2020 GHG Reduction**

10 MTCO<sub>2</sub>e

#### **2035 GHG Reduction**

10 MTCO<sub>2</sub>e

#### **Responsible Department(s)**

Agriculture, Conservation & Development

#### **Co-Benefits**

Improves Air Quality, Conserves Resources, Improves Public Health

#### **Public Health Priority Benefits**

Health Equity

### **MEASURE LUT 3 COMMUNITY BENEFITS**

Gas-powered lawn and garden equipment isn't just loud; it pollutes the air and creates greenhouse gas carbon dioxide. The workers using it are also at increased risk because they are so close to the source. In 2015, Contra Costa Health Services teamed up with BAAQMD to implement a pilot grant program for school districts and local jurisdictions to exchange old gas-powered lawn and garden equipment for new battery-powered equipment. Not only does the battery-powered equipment pollute less, but it is quieter, produces less vibration, and weighs less than gas-powered, backpack-style equipment. Since it is quieter, school districts are also able to use it during school hours. If this pilot is successful, funding could be sought to expand it to commercial landscaping businesses.

# GHG Reduction Strategy

## Measure LUT 4: Vehicle Miles Traveled Reduction

### Reduce vehicle miles traveled.

#### Action Items:

1. Collaborate with BART and other transit providers to increase ridership in the county.
2. Partner with waste haulers and other fleets with regular routes to reduce the frequency of routes where possible.
3. Support and increase the use of carpooling services such as rideshare or casual carpool.
4. Continue to promote voluntary trip reduction programs such as school buses, Rideshare, Spare-the-Air Days, Bike to Work Day, employer shuttles, and alternative work schedules.
5. Work to increase densities within half a mile of BART and Amtrak stations, and within a quarter of a mile of stops for express bus routes.
6. Prioritize alternative mode access to BART and other transit stations.
7. Continue to explore funding transit with development applications and other alternative transportation finance methods.
8. Continue the County's policy of encouraging the establishment of Priority Economic Development Areas in residential communities.

#### MEASURE LUT 4

##### 2020 GHG Reduction

4,080 MTCO<sub>2</sub>e

##### 2035 GHG Reduction

9,020 MTCO<sub>2</sub>e

##### Responsible Department(s)

Conservation & Development

##### Co-Benefits

Improves Air Quality, Provides Educational Opportunities, Improves Mobility, Improves Community Livability, Improves Public Health

##### Public Health Priority Benefits

Increased Walking & Biking, Increased Public Transportation, Increased Infill Development, Health Equity

## Measure LUT 5: Agricultural Land Uses

**Provide opportunities to grow, sell, and purchase local food.**

Action Items:

1. Continue to support local farmers markets, local community gardens, school gardens, and other urban agricultural practices, including in areas with poor food access.
2. Amend the Zoning Code to allow urban agriculture in appropriate areas.
3. Amend the General Plan to add a policy that encourages community gardens in new residential developments as appropriate.
4. Encourage partnerships between local food growers and local food retailers.
5. Encourage partnerships between local food growers and local institutions such as schools, hospitals, colleges, and correctional facilities.
6. Continue to discourage schools being sited in agricultural areas.
7. Encourage retention of agricultural land to maintain the County's agricultural base and enable long-term carbon sequestration.

### **MEASURE LUT 5**

#### **2020 GHG Reduction**

Supportive of Overall GHG Reductions

#### **2035 GHG Reduction**

Supportive of Overall GHG Reductions

#### **Responsible Department(s)**

Agriculture, Conservation & Development, County Administrator's Office

#### **Co-Benefits**

Supports Local Economy, Provides Educational Opportunities, Improves Community Livability, Improves Public Health

#### **Public Health Priority Benefits**

Infill Development Potential, Health Equity

## GOAL 4: SOLID WASTE

### Reduce waste disposal.

Both the consumption and the disposal of resources require energy and emit GHGs. Most waste is sent to the landfill, decomposes, and emits methane gas over time. By providing additional opportunities to recycle and compost, the amount of waste disposed can be reduced, thereby reducing GHG emissions associated with waste disposal. Additionally, the impact of collecting and transporting waste from homes and businesses by waste fleet vehicles can be reduced through increased diversion and cleaner vehicle fleets. A reduction in emissions from refuse trucks and landfills in Contra Costa County may lead to a decrease in criteria air pollutants, thus increasing public health.

### Reduction Measure W 1: Waste Reduction and Recycling

#### Develop a waste reduction strategy to increase recycling and reuse of materials.

##### Action Items:

1. Achieve a local 75% waste diversion rate, in support of the 2020 state target diversion rate of 75%, as identified in AB 341.
  - Establish new and enhanced programs to collect organic material from businesses and residents in order to recover their material, energy, and nutrient values.
2. Increase public outreach to promote participation in existing waste diversion and prevention programs.
  - Continue promoting and supporting proper backyard composting, grass-cycling, and low-maintenance gardening programs, and greater participation in other recycling and composting programs. Consider outreach campaigns targeted to low-income or non-English-speaking residents.
  - Continue participating in the Bay Area Regional Outreach Campaign by serving on the steering committee and contributing funding.
  - Continue to offer and promote the Environmental Action Program for Schools as a way to achieve waste prevention reduction and recycling in K–12 schools.
3. Work with private owners and operators of solid waste transfer stations and landfills, as well as with publicly owned wastewater treatment plants, to establish anaerobic digesters to treat and recover energy from food waste and other organic waste.
4. Update the County's Source Reduction and Recycling Element, Household Hazardous Waste Element, and other relevant components of the Countywide Integrated Waste Management Plan to include an updated list of measures, actions, and programs supportive of this CAP.
5. Identify best practices and reduce the amount of wastewater treatment sludge (biosolids) that is disposed of in landfills.

#### MEASURE W 1

##### 2020 GHG Reduction

25,780 MTCO<sub>2</sub>e

##### 2035 GHG Reduction

37,780 MTCO<sub>2</sub>e

##### Responsible Department(s)

Conservation & Development

##### Co-Benefits

Improves Air Quality, Provides Educational Opportunities, Conserves Resources

##### Public Health Priority Benefits

Health Equity

## Measure W 2: Landfill Management

**Reduce fugitive methane emissions and other greenhouse gas emissions from solid waste landfills.**

Action Items:

1. Annually verify compliance with the California Air Resource Board's landfill methane control measures.
2. Request that landfill operators consider implementing additional reduction actions, including but not limited to:
  - Reducing landfilled materials with high methane-generation potential.
  - Reducing idling time for diesel equipment.
  - Encouraging adequate maintenance of rolling stock.
  - Establishing standards beyond those required by regulation for landfill gas collection system leak detection and prevention.
  - Excluding the use of green waste as a material for alternative daily cover (ADC), consistent with AB 1594.
3. Amend the General Plan and Zoning Code to allow renewable energy generation, such as solar and wind, on closed landfill areas. Market renewable energy on closed landfill areas to potential stakeholders (energy providers and landfill owners).

### **MEASURE W 2**

#### **2020 GHG Reduction**

29,500 MTCO<sub>2</sub>e

#### **2035 GHG Reduction**

41,650 MTCO<sub>2</sub>e

#### **Responsible Department(s)**

Conservation & Development, Health Services

#### **Co-Benefits**

Improves Air Quality, Provides Educational Opportunities, Conserves Resources, Improves Public Health

#### **Public Health Priority Benefits**

Health Equity

## GOAL 5: WATER CONSERVATION

### Conserve Water

Water consumption requires energy to pump, treat, distribute, collect, and discharge water as it is used by the community, which results in GHG emissions. GHG emissions also occur as a direct process from wastewater treatment. Despite a fragmentation of water service providers throughout the unincorporated county, conservation and more efficient use of water are both important strategies to reducing GHG emissions from water use. Water reductions also prepare the County to adapt to the reduced water availability that may occur due to a changing climate.

This goal identifies opportunities to reduce energy-intensive water consumption from both new construction projects and existing development. Through the implementation of water efficiency measures and increased use of recycled water, the need to procure additional water sources in the future will be reduced. Climate change impacts, such as extreme drought conditions, are expected to impact low-income communities first. Conservation of water resources helps ensure sustained access for all members of the community.

### Measure WE 1: Water Conservation

#### Reduce water demand.

1. Continue to reduce potable water use by at least 20% by 2020 through conservation efforts in new and existing development.
2. Continue to enforce water conservation requirements in new developments per the State Model Water Efficient Landscape Ordinance.

#### MEASURE WE 1

##### 2020 GHG Reduction

1,210 MTCO<sub>2</sub>e

##### 2035 GHG Reduction

940 MTCO<sub>2</sub>e

##### Responsible Department(s)

Conservation & Development

##### Co-Benefits

Conserves Energy, Reduces Water Use,  
Provides Educational Opportunities,  
Saves Money, Conserves Resources

##### Public Health Priority Benefits

None

# GHG Reduction Strategy

#4

## Measure WE 2: Alternative Water Supplies

**Provide alternative water resources for irrigation in residential and nonresidential areas.**

1. Promote rainwater collection for irrigation purposes.
2. Update the Dual Water Systems Ordinance to allow the use of recycled water for irrigation in residential and nonresidential areas.

### **MEASURE WE 2**

#### **2020 GHG Reduction**

Supportive of Measure WE 1

#### **2035 GHG Reduction**

Supportive of Measure WE 1

#### **Responsible Department(s)**

Conservation & Development

#### **Co-Benefits**

Conserves Energy, Reduces Water Use,  
Saves Money, Conserves Resources

#### **Public Health Priority Benefits**

None

## GOAL 6: GOVERNMENT OPERATIONS

### Conserve Resources

The 2007 Municipal Climate Action Plan illustrates the County's leadership in GHG reductions. The 2007 Municipal Climate Action Plan offered a suite of municipal strategies including existing measures, planned measures, and potential measures. Potential measures are similar to the types of measures in this CAP. The development of this CAP provides an opportunity for the County to add to its "potential measures" list. The Government Operations measures in this CAP should be seen as supportive of and in addition to the 2007 Municipal Climate Action Plan.

### Measure GO 1: Government Operations – Public Lighting

#### Save energy used for public lighting.

#### Action Items:

1. Complete LED upgrade of traffic signals, street lighting, and other public lighting located in the unincorporated areas of the county.

#### MEASURE GO 1

#### 2020 GHG Reduction

580

#### 2035 GHG Reduction

450

#### Responsible Department(s)

Public Works

#### Co-Benefits

Conserves Energy, Saves Money

#### MEASURE GO 1 COMMUNITY BENEFITS

**Streetlights:** In 2015, Contra Costa County embarked on an endeavor to replace high-pressure sodium vapor streetlights with light-emitting diode (LED) lights. By the end of 2015, over 4,000 lights will have been replaced and resident feedback so far has been very positive. Light replacements have been done by PG&E under a PUC-approved program for PG&E-owned lights, and under an agreement with the County for a turnkey project for County-owned lights. (Work has been done in conjunction with PG&E's replacement of lights in the county's cities.) Once all replacements have been made throughout the unincorporated areas of the county, a total of 7,210 lights will have been replaced with LEDs. In addition to using 50-75% less energy, LEDs provide a more natural-looking and evenly distributed light, resulting in greater visibility for pedestrians and drivers. As an additional benefit, LED technology keeps most of its light output up to four times longer; the new lights are not expected to burn out for up to 20 years, keeping maintenance costs reduced. Using less energy per light reduces GHG emissions and helps the County reach its long-term energy goals.

**County Facilities:** The County has been introducing LED lighting to various County facilities, including office space and public access areas and building exteriors. Earlier this year, the County completed a project at the Contra Costa Regional Medical Center to convert more than 1,300 lights to LED. The project was funded 85% with rebate incentives, resulting in a reduced cost to the County to complete the project. This project will save the County in lighting and maintenance costs, and project excellent lighting to both staff and the public.

# GHG Reduction Strategy

#4

## Measure GO 2: Government Operations – Energy Efficiency

**Promote energy-saving tools and practices.**

Action Items:

1. Continue to conduct audits of existing and recently acquired facilities, prioritize improvements, and upgrade facilities to save energy.
2. Increase solar electricity use for County and agency operations.
3. Develop policies related to powering off lights and appliances after hours and after dark.
4. Site facilities that have more than 50 personnel in close proximity to infrastructure and services that support alternative commute modes.

### **MEASURE GO 2**

#### **2020 GHG Reduction**

Supportive of Overall GHG Reductions

#### **2035 GHG Reduction**

Supportive of Overall GHG Reductions

#### **Responsible Department(s)**

County Administrator's Office, Public Works

#### **Co-Benefits**

Conserves Energy, Saves Money,  
Improves Mobility

#### **Public Health Priority Areas**

Increased Walking & Biking, Increased  
Public Transportation, Health Equity

### **MEASURE GO 2 COMMUNITY BENEFITS**

The County is currently wrapping up six new solar sites at various County facilities as part of the Regional Renewable Energy Procurement (RREP) Project. This multi-agency project brought together 19 agencies to procure solar bids on projects throughout the various jurisdictions. This partnership produced excellent bids and the County purchased the solar equipment being installed. The systems will provide energy to various departments as well as carport shade structures to large portions of the areas where they have been installed. In addition, during the construction of the solar infrastructure, the County provided conduits to install EVSEs (electric vehicle supply equipment). The County is currently in the process of starting installation of EVSEs at several County sites.

# GHG Reduction Strategy

## Measure GO 3: Government Operations – Water Conservation

### Conserve water.

#### Action Items:

1. Continue to install water-efficient landscaping on County properties.
2. Where possible, remove turf from County-owned facilities.

### MEASURE GO 3

#### 2020 GHG Reduction

Supportive of Overall GHG Reductions

#### 2035 GHG Reduction

Supportive of Overall GHG Reductions

#### Responsible Department(s)

Public Works

#### Co-Benefits

Reduces Water Use, Provides Educational Opportunities, Saves Money

### MEASURE GO 3 COMMUNITY BENEFITS

The County has embarked on an effort to reduce water use at its facilities and public landscape areas. In July 2015, the County completed a turf replacement project at the Pittsburg Health Center, converting a large portion of turf to drought-tolerant landscaping, including native plant materials. It is estimated that that County will save approximately 1 million gallons of water a year by this conversion, saving money in water costs and maintenance while also saving a valuable resource. This model is also being explored for use in other areas of the county.

In addition, the Public Works Department completed a Storm Water Treatment Demonstration Project in the County's Administration Building parking lot. Two treatment basins have been completed to treat stormwater runoff in the parking lot, thus reducing pollution and toxins. This project will provide an opportunity to research these kinds of facilities.

## Measure GO 4: Government Operations – Waste Reduction

### Reduce waste.

#### Action Items:

1. Develop a recycling and composting program for County facilities.
2. Educate and train staff to recycle and compost appropriately.
3. Develop interim waste diversion/reduction goals.
4. Achieve zero-waste operations by 2035.

### MEASURE GO 4

#### 2020 GHG Reduction

Supportive of Overall GHG Reductions

#### 2035 GHG Reduction

Supportive of Overall GHG Reductions

#### Responsible Department(s)

Public Works

#### Co-Benefits

Provides Educational Opportunities, Conserves Resources,

## Measure GO 5: Government Operations – CAP Implementation Support

**Establish budgeting and administration practices to support the Climate Action Plan.**

Action Items:

1. Ensure that the Environmental Purchasing Policy includes:
  - Green office supplies: Purchase energy-efficient appliances and recycled/recyclable and compostable supplies.
  - Green fleet and equipment: Evaluate progress of hybrid and compressed natural gas (CNG) fleet measures in the 2007 Municipal Climate Action Plan. Create purchase orders for replacing less efficient vehicles with fuel-efficient vehicles (e.g., hybrids, electric vehicles, and biofuel vehicles) and old office machines with energy-efficient machines.
2. Reduce County fleet use of traditional fuels 25% by the year 2020.
3. Evaluate progress of Measure 13 from the 2007 Municipal Climate Action Plan (30% of employees telecommuting two days a week). If the target has not been achieved, establish policies to further support telecommuting and flexible work hours for employees. If the target has been achieved, consider increasing the target to 40% employee participation.
4. Develop a process for sharing information on government operations' energy and water use and efficiency and conservation measures with the public as an educational tool.
5. Advocate for regional, state, and federal activities that support GHG emissions in the county, including but not limited to the following:
  - Work with BAAQMD to support reductions in process emissions from industrial entities.
  - Where appropriate, adopt language in the County's state and federal legislative platforms that directs support and lobbying for local GHG reductions.
  - Advocate for additional transit funding sources concurrently with the development of priority development areas.

### **MEASURE GO 5**

#### **2020 GHG Reduction**

Supportive of Overall GHG Reductions

#### **2035 GHG Reduction**

Supportive of Overall GHG Reductions

#### **Responsible Department(s)**

County Administrator's Office, Public Works

#### **Co-Benefits**

Conserves Energy, Reduces Water Use, Provides Educational Opportunities, Improves Mobility, Improves Air Quality

#### **Public Health Priority Areas:**

Increased Walking & Biking, Increased Public Transportation, Health Equity

### **MEASURE GO 5 COMMUNITY BENEFITS**

The County Fleet operations have implemented green fleet standards for some time, but the Public Works Department has recently been adding to these efforts. The County fleet consists of many fuel-efficient vehicles including hybrids, CNG, and electric vehicles. The County has recently purchased additional electric vehicles for use by various departments, identified EVSE locations, and embarked on installation of some of those sites. The County's Fleet Services Division has completed a poll of various department staff to help identify interest in electric vehicles and perceived impediments to their use.

# GHG Reduction Strategy

## GHG REDUCTION SUMMARY

This CAP identifies a clear path to allow the County to reach the community-wide GHG reduction target of 15% below baseline levels by 2020 to ensure the County can utilize the CAP as a Qualified GHG Reduction Strategy for use in environmental review of projects for new development.

The reduction measures included in this CAP are a diverse mix of regulatory and incentive-based programs for both new and existing development. The reduction measures also aim to reduce GHG emissions from each source to avoid reliance on any one strategy or sector to achieve the target. In total, existing actions, state programs, and GHG reduction measures in this CAP will reduce GHG emissions in the unincorporated areas of Contra Costa County by 86,300 MTCO<sub>2</sub>e in 2020 (see **Table 4.2**).

Table 4.2. GHG Reduction Summary by Topic (MTCO<sub>2</sub>e)

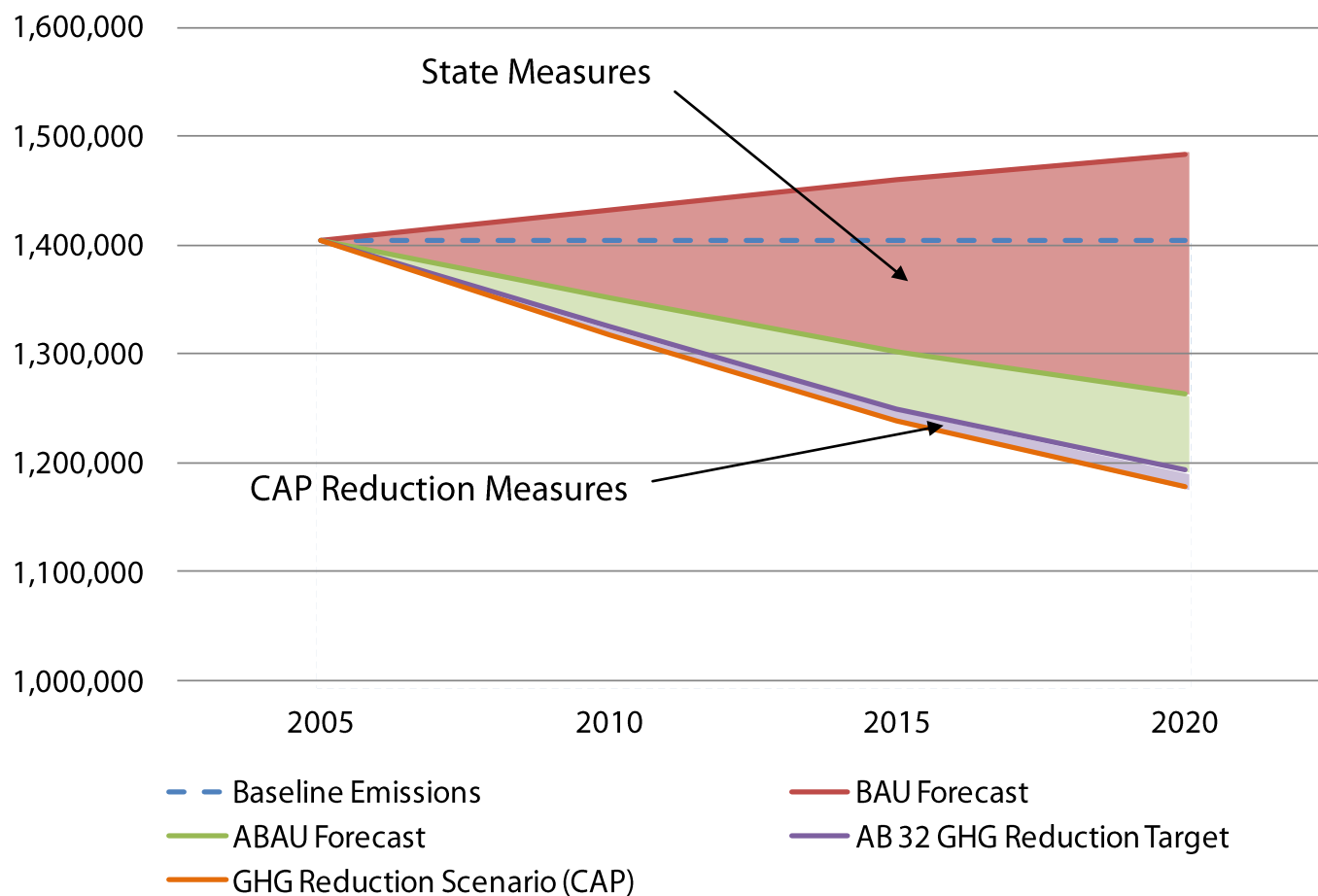
Topic	2020	2035
Energy Efficiency	7,510	14,000
Renewable Energy	9,090	15,470
Land Use and Transportation	12,630	23,380
Solid Waste	55,280	79,430
Water	1,210	940
Government Operations	580	450
<b>Total</b>	<b>86,300</b>	<b>133,670</b>

Complete implementation of this CAP will allow the County to achieve a 16% reduction of GHG emissions below 2005 levels by 2020 and will set the County on a trajectory to achieve the state GHG reduction target set by Executive Order S-3-05 of reducing GHG emissions 80% below 1990 levels by 2050. **Figure 4.3** illustrates the County's anticipated progress toward achieving the GHG reduction target of 15% below baseline through the implementation of this CAP.

# GHG Reduction Strategy

#4

Figure 4.3. GHG Reduction Summary (MTCO<sub>2</sub>e)



# GHG Reduction Strategy

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This chapter outlines a path for the County to implement the Climate Action Plan (CAP) and reduce greenhouse gas (GHG) emissions at least 15% below 2005 baseline levels by 2020. Additionally, this chapter outlines the ways in which the County can incorporate the public health priority areas identified in Chapter 4 into implementation efforts. This ensures that public health benefits are considered during CAP implementation.

## IMPLEMENTATION POLICIES

CAP implementation will require County leadership to execute these measures and report on the progress of their implementation. This CAP identifies the responsible department for each measure and offers time frames and cost estimates for implementing each strategy. To assist with implementation, a development checklist that verifies a project's consistency with the CAP is included in **Appendix E**. Lastly, successful implementation requires regular reporting. Staff will monitor the CAP's implementation progress on an annual basis and report to the Board of Supervisors on the progress made each year. The following policies are presented to ensure the County is successful in implementing the CAP.

## GREENHOUSE GAS REDUCTION STRATEGIES

### Implementation Measure 1: Monitoring

Annually monitor and report the County's progress toward achieving the greenhouse gas (GHG) reduction target.

#### Action Items:

**Implementation Action 1.1.** Facilitate implementation of measures and actions related to municipal operations.

**Implementation Action 1.2.** Prepare an annual implementation progress report for review and consideration by the Board of Supervisors with direction to:

# Implementation

- Modify or strengthen actions if expected results aren't being achieved.
- Initiate CAP revisions, as necessary, to respond to significant changes to the regulatory framework (at the regional, state, or national level) or other unforeseen events that render the CAP ineffective or obsolete.

**Implementation Action 1.3.** Utilize the implementation matrix and reduction measure workbook to assist with annual reports.

**Implementation Action 1.4.** Identify key staff, such as members of the Climate Action Plan Interdepartmental Working Group, responsible for annual reporting and monitoring.

## Implementation Measure 2: Update Greenhouse Gas Inventory and Climate Action Plan

**Update the baseline GHG inventory and CAP at a minimum every five years.**

Action Items:

**Implementation Action 2.1.** Inventory 2018 GHG emissions no later than 2020.

**Implementation Action 2.2.** Update the CAP no later than 2020 to incorporate new technology, programs, and policies to reduce GHG emissions.

**Implementation Action 2.3.** Consider updating and amending the CAP should the County find that specific reduction measures are not meeting intended GHG reductions.

## Implementation Measure 3: Collaborative Partnerships

**Continue to develop partnerships that support implementation of the CAP.**

Action Items:

**Implementation Action 3.1.** Continue formal memberships and participation in local and regional organizations that provide tools and support for energy efficiency, energy conservation, GHG emissions reductions, adaptation, education, and implementation of this CAP.

## Implementation Measure 4: Funding Sources

**Secure necessary funding to implement the Climate Action Plan.**

Action Items:

**Implementation Action 4.1.** Participate in cap-and-trade implementation to ensure that funds are returned to areas where GHG emissions are generated and used to fund projects and programs that benefit the communities impacted by emissions.

**Implementation Action 4.2.** Identify funding sources for reduction measures as part of annual reporting.

**Implementation Action 4.3.** As identified in Reduction Measure GO 5, ensure implementation through the inclusion of emissions reduction and adaptation measures in department budgets, the capital improvement program, and other plans as appropriate.

**Implementation Action 4.4.** Pursue local, regional, state, and federal grants as appropriate to support CAP implementation.

## HEALTHY COMMUNITY STRATEGIES

To ensure climate change-related public health responses are adequately incorporated into future planning efforts, the following measures have been provided to guide County staff involvement in coordinating, preparing for, and educating the public on the potential impacts that climate change may have on community health.

### Healthy Community Measure 1: Cap-and-Trade Funding

Promote health equity by applying Greenhouse Gas Reduction Fund (GGRF) grants and other sources of funding to vulnerable communities.

#### Action Items:

**Healthy Community Action 1.1.** Identify areas with a disproportionate health burden and, when appropriate, prioritize projects that would be eligible for and benefit from cap-and-trade and other grant funding.

### Healthy Community Measure 2: Regional Coordination

Participate in regional efforts to analyze and prepare for the impacts of climate change in the Bay Area.

#### Action Items:

**Healthy Community Action 2.1.** Continue participation in regional adaptation and resiliency task forces such as those of the San Francisco Bay Area Conservation and Development Commission and the Bay Area Regional Collaborative (formerly Joint Policy Committee).

**Healthy Community Action 2.2.** Continue participation in regional meetings focusing on adaptation and resilience, and ensure that relevant information is conveyed to the Board of Supervisors and appropriate staff.

### Healthy Community Measure 3: Preparedness

Ensure that Contra Costa County is prepared for potential environmental risks and hazards related to climate change, with a special emphasis on vulnerable populations.

## Action Items:

**Healthy Community Action 3.1.** Explore preparing a climate adaptation plan or similar analysis to assess potential climate change impacts and identify responses.

**Healthy Community Action 3.2.** Update the 2016 County Local Multi-Hazard Mitigation Plan and other applicable documents such as long-range capital improvement plans to include climate change issues and best practices during required revisions/updates and as funding allows.

Healthy Community Action 3.3. Monitor climate change science and policy to inform implementation of the CAP.

## Healthy Community Measure 4: Adaptation Integration

Consider potential climate change impacts in local planning documents and processes.

## Action Items:

**Healthy Community Action 4.1.** During the development review process, consider possible impacts of climate change on the project or plan area.

**Healthy Community Action 4.2.** Consider integrating climate change adaptation into future updates of the Zoning Code, General Plan, and other related documents.

## Healthy Community Measure 5: Public Health

Update or expand County planning tools to support implementation of measures that address public health issues.

## Action Items:

**Healthy Community Action 5.1.** Expand vulnerability assessments of the public health infrastructure, facilities, and services to evaluate needs given anticipated changes to the climate.

**Healthy Community Action 5.2.** Continue Contra Costa Health Services efforts to create a geographic database identifying areas that are vulnerable to health impacts associated with climate change, with emphasis on health equity.

## Healthy Community Measure 6: Community Engagement

**Engage the community in preparing for climate change through distribution of information and promotion of Climate Action Plan measures.**

## Action Items:

**Healthy Community Action 6.1.** Explore utilizing the County's website and local media channel to:

- Provide information on climate change and promote GHG reduction and energy efficiency programs.
- Allow the public to follow implementation of the CAP.
- Provide media communication that is linguistically and culturally appropriate to vulnerable populations.

**Healthy Community Action 6.2.** Promote sustainability education in schools through green competitions that encourage recycling, walking, and biking.

**Healthy Community Action 6.3.** Target outreach to areas projected to be most impacted by climate change.

**Healthy Community Action 6.4.** Expand partnerships with community-based organizations to implement GHG reduction and climate change adaptation programs.

## Healthy Community Measure 7: Health Equity

**Ensure that actions to address climate change are equitably applied throughout the county and take special care to protect vulnerable populations.**

### Action Items:

**Healthy Community Action 7.1.** Incorporate the needs of vulnerable populations in the design and implementation of projects and programs addressing climate change. Vulnerable populations include the following:

- Low-income households
- Seniors
- People with disabilities
- Linguistically, culturally, or historically disadvantaged groups
- Communities exposed to unsafe conditions as exhibited by high crime, accident, and hospitalization rates
- Residents with limited access to vehicles
- Communities exposed to climate change impacts as identified in a vulnerability assessment

**Healthy Community Action 7.2.** Work to minimize possible negative health impacts from implementation of the CAP. For examples, bicycle and pedestrian safety must be optimized when designing and installing bicycle and pedestrian improvements, and indoor air-quality impacts should be minimized when locating housing near comparatively high vehicle emissions (e.g., transportation corridors and facilities).

**Healthy Community Action 7.3.** Employ culturally appropriate, multilingual training and communication tools to support participation by low-income and historically disadvantaged communities.

**Healthy Community Action 7.4.** As healthy community strategies are implemented, consider prioritizing projects and programs that conserve and/or construct green spaces.

**Healthy Community Action 7.5.** Work to minimize potential neighborhood destabilization and displacement resulting from infill development.

# Implementation

## IMPLEMENTATION MATRIX

This matrix contains the information regarding GHG reduction, performance target, implementation time frame, and the responsible and supporting agencies for the year 2020. This matrix allows County staff to effectively integrate these actions into budgets, other programs, and projects. The County will use the implementation matrix to track, monitor, and update the CAP. As the County reports on progress in implementing the CAP, staff will evaluate the effectiveness of each measure to ensure that the anticipated GHG reductions are occurring. In the event that GHG reductions do not occur as expected, the County will be able to modify and add policies to the CAP.

Policy Language		2020 GHG Reductions (MTCO <sub>2</sub> e)	2020 Performance Targets		Implementation Time Frame	Responsible Agencies
EE 1	Provide opportunities for residential buildings to become more energy efficient.	2,140	3,000	Single-family homes receiving basic retrofits	Mid-Term (by 2020)	Conservation & Development
			210	Single-family homes receiving advanced retrofits		
			700	Multi-family homes receiving retrofits		
			150	Single-family homes receiving pool pump upgrades		
			2,010	Homes receiving appliance upgrades		
EE 2	Provide opportunities for nonresidential buildings to become more energy efficient.	4,630	240	Businesses receiving retrocommissioning	Mid-Term (by 2020)	Conservation & Development
			120	Businesses receiving standard retrofits		
			30	Businesses receiving deep retrofits		

# Implementation

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Policy Language		2020 GHG Reductions (MTCO <sub>2</sub> e)	2020 Performance Targets		Implementation Time Frame	Responsible Agencies
			300	Businesses receiving appliance upgrades		
EE 3	Provide education and outreach highlighting the benefits of energy conservation.	430	2,900	Participating homes	Near-Term (by 2018)	Conservation & Development, Health Services
			60	Participating businesses		
EE 4	Reduce urban heat islands through vegetation management and cool surfaces.	20	1,790	Existing homes completing cool roof retrofits	Near-Term (by 2018)	Conservation & Development, Public Works
			9	Existing businesses completing cool roof retrofits		
			500	New shade trees		
EE 5	Increase Contra Costa County's capacity for energy efficiency through financing opportunities and workforce training.	Supportive of Overall GHG Reductions	Supportive	n/a	Mid-Term (by 2020)	Conservation & Development, Health Services, Public Works; additional departments, depending on grant resources

# Implementation

Policy Language		2020 GHG Reductions (MTCO <sub>2</sub> e)	2020 Performance Targets		Implementation Time Frame	Responsible Agencies
EE 6	Support the statewide transition to net zero energy construction for new residential buildings by 2020 and new nonresidential buildings by 2030.	290	30	New ZNE homes	Mid-Term (by 2020)	Conservation & Development, Public Works
			3	New ZNE businesses		
			12	Retrofitted ZNE homes		
			1	Retrofitted ZNE businesses		
RE 1	Promote installation of alternative energy facilities on homes and businesses.	8,820	50	New homes with solar arrays	Mid-Term (by 2020)	Conservation & Development
			2,500	Existing homes with solar arrays		
			10	New businesses with solar arrays		
			60	Existing businesses with solar arrays		
			3,740	kW supplied by PG&E Green Tariff program		
RE 2	Promote installation of alternative energy facilities on public land.	270	1	MW of solar installed at public facilities in the unincorporated area	Near-Term (by 2018)	Conservation & Development, Public Works
RE 3	Lower barriers to entry for the installation of alternative energy systems.	Supportive of Overall GHG Reductions	Supportive	n/a	Mid-Term (by 2020)	Conservation & Development

# Implementation

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Policy Language		2020 GHG Reductions (MTCO <sub>2</sub> e)	2020 Performance Targets		Implementation Time Frame	Responsible Agencies
LUT 1	Maintain and expand access to goods, services, and other destinations through increased transportation alternatives (mobility improvements) and improved proximity (land use improvements).	910	33,630	Average countywide bike trips per weekday	Mid-Term (by 2020)	Conservation & Development, Health Services, Public Works
LUT 2	Expand the use of alternative fuels in vehicle travel.	7,630	4,700	Annual VMT per public charging station	Mid-Term (by 2020)	Conservation & Development, Public Works; additional departments, depending on grant resources
			14,220	VMT per EV		
			4,830	Electricity use per EV		
			1,790	Households with an EV		
LUT 3	Reduce emissions from off-road vehicles and equipment.	10	50	Lawnmowers traded in	Near-Term (by 2018)	Agriculture, Conservation & Development
LUT 4	Reduce vehicle miles traveled.	4,080	54,400	BART extension trips taken by unincorporated County residents	Long-Term (by 2035)	Conservation & Development
			32,740,820	New bus ridership miles taken by unincorporated county residents		
			1,202,980	New BART ridership miles taken by unincorporated county residents		
			1,170,070	Estimated decrease in VMT from HOV lanes		

# Implementation

Policy Language		2020 GHG Reductions (MTCO <sub>2</sub> e)	2020 Performance Targets		Implementation Time Frame	Responsible Agencies
LUT 5	Provide opportunities to grow, sell, and purchase local food.	Supportive of Overall GHG Reductions	Supportive	n/a	Mid-Term (by 2020)	Agriculture, Conservation & Development, County Administrator's Office
W 1	Develop a waste reduction strategy to increase recycling and reuse of materials.	25,780	90,850	Tons of waste reduced	Mid-Term (by 2020)	Conservation & Development
W 2	Reduce fugitive methane emissions and other greenhouse gas emissions from solid waste landfills.	29,500	29,500	Increase in captured landfilled gas (MTCO <sub>2</sub> e)	Mid-Term (by 2020)	Conservation & Development, Health Services
WE 1	Reduce water demand.	1,210	20%	Reduction from 2013 water use	Mid-Term (by 2020)	Conservation & Development
WE 2	Provide alternative water resources for irrigation in residential and nonresidential areas.	Supportive of Measure WE 1	Supportive	n/a	Mid-Term (by 2020)	Conservation & Development
GO 1	Save energy used for public lighting.	580	7,210	Number of lightbulbs replaced with LED bulbs	Near-Term (by 2018)	Public Works
GO 2	Promote energy-saving tools and practices.	Supportive of Overall GHG Reductions	Supportive	n/a	Mid-Term (by 2020)	County Administrator's Office, Public Works
GO 3	Conserve water.	Supportive of Overall GHG Reductions	Supportive	n/a	Near-Term (by 2018)	Public Works

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Policy Language		2020 GHG Reductions (MTCO <sub>2</sub> e)	2020 Performance Targets		Implementation Time Frame	Responsible Agencies
GO 4	Reduce waste.	Supportive of Overall GHG Reductions	Supportive	n/a	Long-Term (by 2035)	Public Works
GO 5	Establish budgeting and administration practices to support the Climate Action Plan.	Supportive of Overall GHG Reductions	Supportive	n/a	Mid-Term (by 2020)	County Administrator's Office, Public Works



# Glossary



**Adjusted Business-as-Usual:** A projection that includes expected reductions from state regulations and programs in the greenhouse gas emissions forecast.

**Air Basin:** A land area with generally similar meteorological and geographic conditions throughout. To the extent possible, air basin boundaries are defined by the California Air Resources Board along political boundary lines and include both the source and receptor areas. California is currently divided into 15 air basins. Contra Costa County is in the San Francisco Bay Area Air Basin.

**Air Pollutants:** Amounts of foreign and/or natural substances occurring in the atmosphere that may result in adverse effects to humans, animals, vegetation, and/or materials.

**Alternative Energy:** See “Renewable Energy.”

**Assembly Bill (AB) 32, California Global Warming Solutions Act of 2006:** Establishes a comprehensive program of regulatory and market mechanisms to achieve real, quantifiable, cost-effective reductions of greenhouse gases for the state of California. AB 32 designates the California Air Resources Board as the responsible agency for monitoring and reducing statewide greenhouse gas emissions to reduce emissions to 1990 levels by 2020. AB 32 requires the California Air Resources Board to develop a Scoping Plan that describes the approach California will take to reduce greenhouse gases (GHG) to achieve the goal of reducing emissions to 1990 levels by 2020. The Scoping Plan was first considered by the California Air Resources Board in 2008 and must be updated every five years. The California Air Resources Board approved the First Update to the Climate Change Scoping Plan on May 22, 2014.

**Association of Bay Area Governments (ABAG):** The regional planning agency for the nine counties and 101 incorporated cities in the San Francisco Bay Area.

**Build-out:** Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations.

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**Business-as-Usual (BAU):** A business-as-usual projection forecasts greenhouse gas emissions without regulatory or technical intervention to reduce greenhouse gas emissions.

**California Air Resources Board:** A division of the California Environmental Protection Agency charged with protecting public health, welfare, and ecological resources through the reduction of air pollutants.

**California Environmental Quality Act (CEQA):** A state law requiring state and local agencies to regulate activities with consideration for environmental protection. If a proposed activity has the potential for a significant adverse environmental impact, an environmental impact report (EIR) must be prepared and certified as to its adequacy before action can be taken on the proposed project. General plans require the preparation of a program EIR.

**California Green Building Standards Code (CALGreen):** The 2013 California Green Building Standards Code, commonly referred to as the CALGreen code, is a statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the Department of Housing and Community Development. The CALGreen standards require new residential and commercial buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality. CALGreen also provides voluntary tiers and measures that local governments may adopt that encourage or require additional measures in the five green building topics.

**California Solar Initiative:** Allows the California Public Utilities Commission to provide incentives to install solar technology on existing residential, commercial, nonprofit, and governmental buildings if they are customers of the state's investor-owned utilities.

**Cap and Trade:** Refers to a market based regulation that is designed to reduce greenhouse gases (GHGs) from multiple sources. Cap-and-trade sets a firm limit or cap on GHGs and minimize the compliance costs of achieving AB 32 goals.

**Carbon Dioxide (CO<sub>2</sub>):** A colorless, odorless gas that occurs naturally in the earth's atmosphere. Significant quantities are also emitted into the air by fossil fuel combustion.

**Carbon Dioxide Equivalent (CO<sub>2</sub>e):** A metric measure used to compare the emissions from various greenhouse gases based on their global warming potential (GWP). The carbon dioxide equivalent for a gas is derived by multiplying the tons of the gas by the associated GWP.

**Carbon Sequestration:** The process through which agricultural and forestry practices remove carbon dioxide (CO<sub>2</sub>) from the atmosphere. The term "carbon sinks" is also used to describe agricultural and forestry lands that absorb CO<sub>2</sub>.

**Car Sharing:** A type of car rental where people rent cars for short periods of time, often by the hour.

# Glossary

**Clean Air Act:** Requires the US Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards for six common air pollutants, known as "criteria pollutants," that are found all over the United States: particle pollution (particulate matter), ground-level ozone, carbon monoxide, sulfur oxides, nitrogen oxides, and lead. The EPA regulates the pollutants by developing human health-based and/or environmentally based criteria (science-based guidelines) for setting permissible levels.

**Clean Car Fuel Standards (AB 1493, Pavley):** Signed into law in 2002 and commonly referred to as Pavley standards. Requires carmakers to reduce greenhouse gas emissions from new passenger cars and light trucks beginning in 2011. The California Air Resources Board anticipates that the Pavley standards will reduce greenhouse gas emissions from new California passenger vehicles by about 22% in 2012 and about 30% in 2016, all while improving fuel efficiency and reducing motorists' costs.

**Climate Action Plan:** Strategic plans that establish policies and programs for reducing (or mitigating) a community's greenhouse gas emissions and adapting to the impacts of climate change.

**Climate Change (also referred to as global climate change):** The term "climate change" is sometimes used to refer to all forms of climatic inconsistency, but because the earth's climate is never static, the term is more properly used to imply a significant change from one climatic condition to another. In some cases, climate change has been used synonymously with the term "global warming"; scientists, however, tend to use the term in the wider sense to also include natural changes in climate.

**Climate Change Adaptation:** The adjustment in natural or human systems to respond to actual or expected climate changes to minimize harm or take advantage of beneficial opportunities.

**Climate Change Mitigation:** A technical or behavioral intervention to reduce the sources of greenhouse gas emissions in order to reduce the potential effects of climate change.

**Climate Zone:** The California Energy Commission (CEC) has classified the distinct climates throughout California by climate zone to recognize the variability in energy use based on local weather patterns. The CEC uses these climate zones to determine energy budgets for new and renovated buildings and prescriptive packages for each climate zone to ensure that it meets the state's Title 24 energy efficiency standards.

**Co-Benefits:** An additional benefit occurring from the implementation of a greenhouse gas reduction measure that is not directly related to reducing greenhouse gas emissions.

**Community Choice Aggregation (CCA):** CCA allows communities or groups of communities to procure electricity for customers within their boundaries, often with the intention of providing a higher percentage of power from renewable sources. This provides an option for customers to purchase energy from the CCA rather than their existing utility. The existing utility is still responsible and able to charge for utility services, including delivering energy, maintaining the grid, and billing customers.

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**Complete Streets:** Complete streets policies ensure that transportation planners and engineers consistently design and operate the entire roadway with all potential users in mind. This includes private vehicles, bicyclists, public transportation vehicles and riders, and pedestrians of all ages and abilities. In 2007, the state of California adopted AB 1358, which directs the legislative body of a city or county, upon revision of the circulation element of its general plan, to identify how the jurisdiction will provide for the routine accommodation of all users.

**Compressed Natural Gas (CNG):** A fossil fuel substitute for gasoline, diesel, or propane that can be used in passenger and heavy-duty vehicles.

**Conservation:** Planned management of a natural resource to prevent exploitation, destruction, or neglect.

**Construction and Demolition Waste (C&D):** C&D materials consist of the waste generated during the construction, demolition, or renovation of buildings, roads, and other construction projects. C&D materials may include heavy, bulky materials such as concrete, glass, wood, and metal, among other materials.

**Criteria Air Pollutant:** The Clean Air Act requires the Environmental Protection Agency to set National Ambient Air Quality Standards for six common air pollutants, commonly referred to as “criteria air pollutants”. The criteria air pollutants are particle pollution (often referred to as particulate matter), ground-level ozone, carbon monoxide, sulfur oxides, nitrogen oxides, and lead. **Disadvantaged Communities:** For the purposes of cap and trade funding, “disadvantaged communities” refers to communities disproportionately burdened by and vulnerable to multiple sources of pollution. Disadvantaged communities in California are specifically targeted for investment of proceeds from the State’s cap-and-trade program. These investments are aimed at improving public health, quality of life and economic opportunity in California’s most burdened communities at the same time they’re reducing pollution that causes climate change.

**Distributed Energy Resources (DER):** Small, modular, energy generation and storage technologies that provide electric capacity or energy located where it’s needed. DERs typically produce fewer than 10 megawatts of power and include wind turbines, photovoltaic, fuel cells, micro turbines, reciprocating engines, combustion turbines, cogeneration, and energy storage systems. DER systems may be either connected to the local electric power grid or isolated from the grid in stand-alone applications.

**Emissions Standard:** The maximum amount of pollutant legally permitted to be discharged from a single source, either mobile or stationary.

**Energy Conservation:** Reducing energy waste, such as turning off lights, heating, and motors when not needed.

**Energy Efficiency:** Doing the same or more work with less energy, such as replacing incandescent lightbulbs with compact fluorescent light bulbs or buying an Energy Star appliance to use less energy for the same or greater output.

**Energy Efficiency and Conservation Block Grant (EECBG):** The EECBG program was funded through the American Recovery and Reinvestment Act and is managed by the US Department of Energy to assist cities, counties, states, and territories to develop, promote, and implement energy efficiency and conservation programs and projects.

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**Energy Efficiency Standards (Title 24, Part 6):** Title 24 standards were first adopted in 1978 and established minimum energy efficiency standards for residential and nonresidential buildings. These standards are updated continually by providing more stringent energy budgets for new buildings in an effort to reduce California's energy consumption.

**Environment:** In the California Environmental Quality Act, "the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, mineral, flora, fauna, noise, and objects of historic or aesthetic significance."

**Environmental Impact Report (EIR):** A report required by the California Environmental Quality Act that assesses all the environmental characteristics of an area and determines what effects or impacts will result if the area is altered or disturbed by a proposed action or project. See California Environmental Quality Act.

**Environmentally Preferable Purchasing (EPP):** California law requires state government to practice environmentally preferable purchasing, which is the procurement of goods and services that have a reduced impact on human health and the environment as compared to other goods and services serving the same purpose.

**Feasible:** Capable of being accomplished in a successful manner within a reasonable time taking into account economic, environmental, social, and technological factors.

**Feed-In Tariff:** A market mechanism designed to encourage the installation of renewable energy by setting a fixed rate for excess energy generated through local renewable energy systems and fed back into the grid for distribution and other uses.

**Fossil Fuel Facilities:** Include, but are not limited to, oil and gas wells, separators, and petroleum refineries.

**Global Warming Potential (GWP):** An index used to translate the level of emissions of various gases into a common measure in order to compare the relative potency of different gases without directly calculating the changes in atmospheric concentrations. Greenhouse gases are expressed in terms of carbon dioxide equivalent. GWPs are expressed in terms relative to carbon dioxide, which has a GWP of 1.

**Green Building:** Sustainable or "green" building is a holistic approach to design, construction, and demolition that minimizes the building's impact on the environment, the occupants, and the community. See the California Green Building Standards Code for green building regulations in California.

**Greenhouse Gas/Gases (GHGs):** Gases which cause heat to be trapped in the atmosphere, warming the earth. GHGs are necessary to keep the earth warm, but increasing concentrations of these gases are implicated in global climate change. Greenhouse gases include all of the following: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. The majority of greenhouse gases come from natural sources, although human activity is also a major contributor.

**Greenhouse Gas Inventory:** A greenhouse gas (GHG) inventory provides estimates of the amount of GHGs emitted to and removed from the atmosphere by human activities. A city or county that conducts an inventory looks at both

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community emissions sources and emissions from government operations. A base year is chosen and used to gather all data from that year. Inventories include data collection from such things as vehicle miles traveled, energy usage from electricity and gas, and waste. Inventories include estimates for carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).

**Green Tariff:** A program provided by PG&E that allows customers to pay a monthly premium to receive 50% to 100% renewable energy.

**Green Waste:** Refers to lawn, garden, or park plant trimmings and materials and can be used in home composters or picked up curbside by municipal waste haulers.

**Greywater:** Wastewater collected from showers, bathtubs, bathroom sinks, and clothes washing machines that is reused on site for irrigation purposes.

**Indicator:** Types of data or information that can be used to determine the progress or success of each reduction measure.

**Infill Development:** Refers to development occurring in unused and underutilized lands within existing development patterns, typically but not exclusively in urban areas.

**Investor Owned Utility:** Refers to private electricity and natural gas providers. The California Public Utilities Commission has broad constitutional and statutory powers to regulate investor owned utilities. **LEED:** Leadership in Energy and Environmental Design, a standard established by the US Green Building Council.

**Life-Cycle Costing (LCC):** The process of evaluating the total overall costs and benefits of buildings or equipment over time, including initial costs of design and construction; operating costs; long-term costs of maintenance, repair, and replacement; and other environmental or social costs over its full life, rather than simply based on purchase cost alone.

**Light-Emitting Diode (LED):** A lower-energy consuming and longer-lasting alternative to incandescent and compact fluorescent lightbulbs.

**Low Carbon Fuel Standard (S-1-07):** An executive order from former Governor Schwarzenegger, the Low Carbon Fuel Standard established the goal of reducing the carbon intensity of transportation fuels in California by 10% by 2020.

**Low Impact Development (LID):** An innovative stormwater management approach with a basic principle to design the built environment to remain a functioning part of an ecosystem rather than exist apart from it. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source.

**Metropolitan Planning Organization (MPO):** A federally funded transportation planning organization comprising representatives from local government agencies and transportation authorities. See Association of Bay Area Governments for more information on the local MPO.

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**Mixed Use:** Properties on which various uses such as office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A single site may include contiguous properties.

**National Ambient Air Quality Standards:** The prescribed level of pollutants in the outside air that cannot be exceeded legally during a specified time in a specified geographical area.

**Native Species:** A species within its natural range or natural zone of dispersal, i.e., within the range it would or could occupy without direct or indirect introduction and/or care by humans.

**Neighborhood Electric Vehicle (NEV):** Small, battery-powered, low-speed electric vehicles. NEVs are typically limited to streets with a posted speed limit of 25 mph or less. NEVs are classified by the California Air Resources Board as zero-emissions vehicles, as they do not produce any tailpipe emissions.

**Nonattainment:** The condition of not achieving a desired or required level of performance. Frequently used in reference to air quality.

**Nonrenewable Energy:** Energy from sources that use a nonrenewable natural resource such as uranium or fossil fuels such as coal, oil, or natural gas.

**Operations and Maintenance:** Refers to the activities related to the routine, preventive, predictive, scheduled, and unscheduled actions aimed at preventing equipment failure or decline with the goal of increasing efficiency, reliability, and safety.

**Ordinance:** A law or regulation set forth and adopted by a governmental authority, usually a city or county.

**Ozone:** Produced when gases or vapors created by cars, solvents, factories, and pesticides mix and react in the presence of sunlight. This results in certain health effects such as breathing difficulties, lung damage, coughing, and chest pains.

**Particulate Matter (PM<sub>10</sub>) and Fine Particulate Matter (PM<sub>2.5</sub>):** Fine mineral, metal, smoke, soot, and dust particles suspended in the air. In addition to reducing visibility, particulate matter can lodge in the lungs and cause serious, long-term respiratory illness and other health problems. The smaller the size of the particle, the deeper it can penetrate into the lungs and the more difficult it is to expel.

**Preservation:** To keep safe from injury, harm, or destruction.

**Property Assessed Clean Energy (PACE):** Refers to a financing method of providing loans to property owners to finance permanent energy efficiency improvements on real property. A property owner who obtains a PACE loan repays the loan by entering into an agreement that allows an assessment to be levied on the property. These assessments are known as voluntary contractual assessments.

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**Recycled Water:** Wastewater from tubs, toilets, and sinks inside homes and offices that is cleaned through a treatment process, producing nonpotable water that is safe for landscapes, raw vegetable crops, and agricultural crops.

**Reduction Measure:** A goal, strategy, program, or set of actions that target and reduce a specific source of greenhouse gas emissions.

**Regional Transportation Plan (RTP):** A long-term blueprint of the region's transportation systems. The RTP is a federally mandated comprehensive long-range regional planning document that identifies the region's transportation needs, sets forth an action plan of projects, determines actions and programs to address the needs and issues, and documents the financial resources needed to implement the RTP.

**Renewable Energy:** Energy from sources that regenerate and are less damaging to the environment, such as solar, wind, biomass, and small-scale hydroelectric power.

**Renewables Portfolio Standard:** A regulation requiring utility companies in California to increase the production of renewable energy from solar, wind, or biomass, or geothermal sources.

**Safe Routes to School (SR2S or SRTS):** A national movement aimed at providing safe environments to encourage walking and bicycling surrounding local schools through engineering, enforcement, education, encouragement, and evaluation. Safe Routes to School programs are typically funded through federal, state, and local grants. SR2S is the California program; SRTS is the national program.

**Safeguarding California Plan:** Summarizes the best-known science on climate change impacts to California and provides recommendations on how to manage the risks. This plan is an update to the 2009 California Climate Adaptation Strategy.

**Senate Bill (SB) X7-7:** Passed in 2009, SB X7-7 requires the state to achieve a 20% reduction in per capita water use by 2020. This law also requires local water providers to set an interim 2015 and a final 2020 community-wide target and demonstrate that projected water use is in compliance with that target; otherwise funding will be affected.

**Senate Bill (SB) 97:** Requires lead agencies to analyze greenhouse gas emissions and climate change impacts under the California Environmental Quality Act.

**Senate Bill (SB) 375:** Directs the metropolitan planning organizations in California to create a Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan. The SCS will demonstrate how the region will achieve the 2020 and 2035 greenhouse gas reduction targets for the region set by the California Air Resources Board.

**Senate Bill (SB) 407:** Adopted in 2010, SB 407 requires inefficient indoor plumbing fixtures be replaced with more efficient models by 2014. Starting in 2017 for single-family property sales and 2019 for multi-family sales, the seller must disclose inefficient indoor plumbing fixtures at the time of sale.

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**Senate Bill (SB) 610 (Chaptered at Water Code 10910):** Requires proposed projects subject to the California Environmental Quality Act to include a water supply assessment that proves adequate water exists for the project.

**Senate Bill (SB) 1016:** Adopted in 2008, SB 1016 establishes per capita waste disposal rate requirements and goals for local agencies in California. The requirements are expressed in a pounds-per-person-per-day measurement.

**Smart Grid:** The smart grid delivers electricity from suppliers to consumers using two-way digital communications. The smart grid is envisioned to overlay the ordinary electrical grid with an information and net metering system, which includes smart meters. Smart meters will allow consumers to become more aware of their energy use and in the future will allow smart grid-enabled appliances to be preprogrammed to operate at a time when electricity costs are lowest.

**Stationary Sources:** Nonmoving sources, fixed-site producers of pollution such as power plants, chemical plants, oil refineries, manufacturing facilities, and other industrial facilities.

**Sustainability:** Community use of natural resources in a way that does not jeopardize the ability of future generations to live and prosper.

**Sustainable Communities Strategy (SCS):** The land use element of each metropolitan planning organization's Regional Transportation Plan as required by Senate Bill 375. The SCS will demonstrate how the region will achieve the 2020 and 2035 vehicle miles traveled and greenhouse gas reduction targets for the region set by the California Air Resources Board.

**Sustainable Development:** Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

**Transit-Oriented Development (TOD):** A mixed-use residential or commercial area designed to maximize access to transit options.

**Transportation Demand Management (TDM) Plan:** A voluntary or mandatory program developed by local agencies, large employers, or high-traffic commercial services to limit the amount of congestion and pollution related to transportation demand. TDM plans may include incentives, regulations, and education about transportation alternatives.

**Urban Heat Island:** The term "heat island" describes built-up areas that are hotter than nearby rural areas. On a hot, sunny summer day, roof and pavement surface temperatures can be 50–90°F (27–50°C) hotter than the air, while shaded or moist surfaces remain close to air temperatures. These surface urban heat islands, particularly during the summer, have multiple impacts and contribute to atmospheric urban heat islands. Heat islands can affect communities by increasing summertime peak energy demand, air conditioning costs, air pollution and greenhouse gas emissions, heat-related illness and mortality, and water quality.

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**Vehicle Miles Traveled (VMT):** A key measure of overall street and highway use. Reducing VMT is often a major objective in efforts to reduce vehicular congestion and achieve regional air quality goals.

**Volatile Organic Compounds (VOC):** A variety of chemicals with both short- and long-term adverse health effects. VOCs are emitted as gases from a wide array of products such as paints, lacquers, cleaning supplies, markers, and office equipment and furnishings.

**Vulnerable Populations:** There are three primary segments of vulnerable populations: those at risk to adverse climate change impacts due to exposure, sensitivity, or adaptive capacity.

**Exposure:** Physical conditions may put particular populations at risk to the impacts of climate change. For instance, populations living in low-lying or coastal areas may be more exposed to flooding events and sea level rise, while those who work outside may suffer from health-related issues due to increased temperatures and decreased air quality.

**Sensitivity:** Certain populations, including young children and those over the age of 65, are physiologically more sensitive to extreme temperatures and increased instances of air pollution.

**Adaptive Capacity:** The adaptive capacity of lower-income and institutionalized populations can be limited due to lower access to the resources necessary to prepare for or react to the long-term impacts of climate change and the increased frequency of disasters.

**Water Conservation:** Reducing water use, such as by turning off taps, shortening shower times, and reducing outdoor irrigation demand.

**Water-Efficient Landscape:** Native or low-water-using landscapes. Water-efficient landscapes are required by law in all cities and counties in California to conserve water.

**Water Use Efficiency:** Replacing older technologies and practices in order to accomplish the same results with less water, for example, by replacing toilets with new high efficiency models and by installing “smart controllers” in irrigated areas.

**Zero-Emissions Vehicle (ZEV):** A vehicle that does not emit any tailpipe emissions from the on-board source of power. Both electric and hydrogen fuel cell vehicles are classified as ZEVs.

**Zero Net Energy (ZNE):** A ZNE building has a ZNE consumption, meaning that the energy the building uses each year is equal to the amount of renewable energy that the building generates. In 2007, the California Public Utilities Commission adopted the goals that all new residential construction in California will be zero net energy by 2020, and all new commercial construction in California will be zero net energy by 2030.

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# Appendix A: Health Co-Benefit Evaluation

A



## INTRODUCTION

In the coming years, scientists predict dramatic changes to take place in the world's climate, changes that are likely to have significant consequences for the health and economy of Contra Costa County (see Chapter 2 of the Climate Action Plan for more details). Specifically, these changes are predicted to cause increases in droughts, heat waves, sea level rise, degraded air quality, infectious disease and allergies, and extreme weather events.<sup>1</sup> The County prepared its Climate Action Plan (CAP) to reduce the emissions of greenhouse gases (GHG) from the unincorporated areas of Contra Costa County to help slow, and eventually reduce, these impacts.

While successful implementation of the CAP will allow Contra Costa County to do its part to help reduce climate change on a global scale, it will not directly or immediately impact local weather or conditions. However, implementing the individual GHG reduction actions contained in the CAP does have the potential to directly and immediately improve the health of Contra Costa County residents by making changes to the built environment and to the social, economic, and ecological conditions that affect health.<sup>2</sup> These potentially better health outcomes are referred to in this analysis as health co-benefits.

### What is a health “co-benefit”?

Strategies to prevent further climate changes that also have a beneficial effect on human health and quality of life.

—California Department of  
Public Health

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1 CDPH (California Department of Public Health). 2012. Climate Action for Health: Integrating Public Health into Climate Action Planning.

2 “The built environment includes all of the physical parts of where we live and work (e.g., homes, buildings, streets, open spaces, and infrastructure).”—Centers for Disease Control and Prevention <http://www.cdc.gov/nceh/publications/factsheets/impactofthebuiltenvironmentonhealth.pdf>

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Contra Costa Health Services (CCHS) undertook this analysis to identify these health co-benefits in order to give policy-makers and the general public a richer understanding of the proposed GHG reduction actions beyond their potential to reduce GHG emissions, and to identify which actions should be prioritized for implementation based on their potential to improve public health.

Additionally, this analysis is intended to support health equity in Contra Costa County. While CCHS works to improve the health of all county residents, not all groups of people experience similar health outcomes. Indeed, significant differences (or “health inequities”) in illness, injury, life expectancy, and cause of death exist among different groups of people. Often these inequities occur by race/ethnicity, income, gender, sexual orientation, or neighborhood—mirroring and exacerbating already existing societal inequalities.<sup>3</sup> CCHS has an important role in reducing health inequities, and has adopted a mission to eliminate health inequities by caring for and improving the health of all who live in Contra Costa County.<sup>4</sup> Toward this end, this evaluation specifically considered the impact of implementing the GHG reduction actions on reducing health inequities. This is especially appropriate since many of the impacts of climate change—such as increased death, disease and injury from heat waves, floods, storms, and fires; decreased food quality and security; and increased morbidity and mortality—associated with air pollution are predicted to disproportionately affect those who are socially and economically disadvantaged.<sup>5</sup>

## METHODS

### Overall Approach

This analysis was designed to qualitatively identify the health co-benefits that could result from the GHG reduction actions contained in the CAP. No attempt was made to quantify the amount of health benefits that might result from the implementation of these GHG reduction actions, in either sickness avoided, lives saved, or dollars saved. While other studies have attempted to conduct this type of quantification<sup>6,7</sup> it was both outside the scope of this analysis to do so, and considered to be potentially misleading given the limited research linking GHG reduction actions to

<sup>3</sup> Wilkinson R., Marmot, M. (Eds.) 2003. *Social Determinants of Health: The Solid Facts*, 2nd Edition. Copenhagen: World Health Organization.

<sup>4</sup> Contra Costa Health Services. 2005. *Reducing Health Disparities Initiative Progress Report and Plan for 2005 and 2006*.

[http://cchealth.org/groups/rhdi/pdf/rhdi\\_report\\_2005\\_09.pdf](http://cchealth.org/groups/rhdi/pdf/rhdi_report_2005_09.pdf)

<sup>5</sup> California Office of Environmental Health Hazard Assessment. 2010. *Indicators of Climate Change in California: Environmental Justice Impacts*.

<sup>6</sup> Maizlish, Neil, James Woodcock, Sean Co, Bart Ostro, Amir Fanai, and David Fairley. 2011. *Health Co-Benefits in Transportation-Related Reductions in Greenhouse Gas Emissions in the Bay Area: Technical Report*. Richmond, CA: Center for Chronic Disease Prevention and Health Promotion, California Department of Public Health. [http://www.cdph.ca.gov/programs/CCDPPH/Documents/ITHIM\\_Technical\\_Report11-21-11.pdf](http://www.cdph.ca.gov/programs/CCDPPH/Documents/ITHIM_Technical_Report11-21-11.pdf)

<sup>7</sup> ICF International. 2012. *Evaluation of the Air Quality Co-Benefits of Local Greenhouse Gas Reduction Measures: A Case Study of San Francisco*. San Francisco, Calif.: Prepared for US Environmental Protection Agency Region 9.

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quantifiable health outcomes. There is, however, precedent to conduct a qualitative assessment of the health co-benefits of a CAP.<sup>8</sup>

Additionally, the actual health benefits that will result from the implementation of any of the GHG reduction actions in this CAP will depend on many factors including the extent of action implementation, the geographic area or population targeted by the action, the timing of action implementation, and the duration of action implementation. Despite these qualifications, this analysis has attempted to prioritize the actions based on their potential to provide health benefits as explained below.

## Health Indicators

The first step in this analysis was to select the health indicators by which each GHG reduction action would be evaluated. Health indicators are defined as changes in the natural environment, built environment, or social and economic conditions that are linked with positive health benefits. Based on a review of the literature and consultation with staff of the Public Health Division of CCHS, the public in the community open houses, and the County's Public and Environmental Health Advisory Board, nine health indicators were selected to be used in the evaluation. These indicators were chosen because of their potentially significant link to health benefits, and because they may potentially be affected by the GHG reduction strategies proposed in this document.

Because there is little chance that this plan will affect other aspects of human health that are high priorities for CCHS—such as smoking prevention, immunization, or violence reduction—many potential health indicators were not included in this analysis.

The nine health indicators selected for this evaluation are defined below. The link between each health indicator and the health benefits it provides is documented in the next section.

1. **Healthy Food:** Does the action increase the availability of affordable, healthy food to Contra Costa neighborhoods—particularly in areas currently without adequate access?
2. **Physical Activity, Walkability, and Bikeability:** Does the action make it more likely, easier, or safer to walk/bicycle for exercise or transportation?
3. **Outdoor Air Quality:** Does the action directly or indirectly reduce regional air pollution?
4. **Indoor Air Quality:** Does the action improve indoor air quality?
5. **Improved Access:** Does the action make it easier to reach jobs, services, and other necessities—either by making travel easier, or by placing housing and destinations closer together?
6. **Green Space:** Does the action encourage the planting of vegetation, or create or preserve open space or parks?
7. **Job Creation:** Does the action directly increase opportunities for new job creation for Contra Costa residents?

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<sup>8</sup> City of Eugene. 2010. *A Community Climate and Energy Action Plan for Eugene*. <http://www.eugene-or.gov/DocumentCenter/Home/View/565>

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8. Climate Risk Reduction (Adaptation): Does the action help deal with the impacts of climate change such as extreme heat, drought, sea level rise, degraded air quality, flooding, increases in infectious disease and allergies, and extreme weather events?
9. Health Equity: Does the action directly contribute to reducing health inequities by race, income, age, neighborhood or other factors?

## LITERATURE REVIEW: LINKING HEALTH INDICATORS AND HEALTH BENEFITS

### Healthy Food

Definition—Greenhouse gas reduction actions that increase the availability of affordable, healthy food to Contra Costa neighborhoods—particularly in areas currently without adequate access.

### The Link to Health Benefits

Healthy food has long been understood to be essential for human health, and has been linked to diabetes, cardiovascular disease, cancer, and obesity prevention.<sup>9</sup> To an extent, eating a nutritious diet is a personal choice. However, many communities lack access to nutritious food altogether—making healthy eating impossible. A growing body of research has documented these so-called “food deserts” and noted their disproportionate occurrence in low-income neighborhoods and communities of color.<sup>10,11,12,13</sup> There is a strong base of evidence for a correlation between unhealthy food environments and unhealthy diets.<sup>14</sup> However, the evidence causally linking food deserts to diet, and in turn to health outcomes, is considerably less robust. Few studies have yet attempted to draw these links.<sup>15</sup> While the evidence base is sparse and evolving, it is nonetheless highly plausible that the availability of healthy food does, to some degree, shape health outcomes through diet. It is therefore prudent to seek GHG reduction actions that promote healthy food availability.

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<sup>9</sup> Ploeg, Michele, Vince Breneman, Tracey Farrigan, Karen Hamrick, David Hopkins, Phillip Kaufman, Biing-Hwan Lin, Mark Nord, Travis A. Smith, Ryan Williams, Kelly Kinnison, Carol Olander, Anita Singh, and Elizabeth Tuckermanty. 2009. *Access to Affordable and Nutritious Food: Measuring and Understanding Food Deserts and Their Consequences*. Washington, DC: US Department of Agriculture. <http://www.ers.usda.gov/Publications/AP/AP036/AP036.pdf>.

<sup>10</sup> Ibid. 18-20.

<sup>11</sup> Beaulac, Julie Kristjansson and Steven Cummins. 2009. “A Systematic Review of Food Deserts, 1966- 2007.” *Preventing Chronic Disease: Public Health Research, Practice and Policy* 6(3): 1-10.

<sup>12</sup> Larson, Nicole, Mary Story and Melissa Nelson. 2009. “Neighborhood Environments Disparities in Access to Healthy Foods in the U.S.” *American Journal of Preventative Medicine* 36(1): 74-81.

<sup>13</sup> Nayga, Rodolpho and Zy Weinberg. 1999. “Supermarket Access in the Inner Cities.” *Journal of Retailing and Consumer Services* 6(3):141-145.

<sup>14</sup> Ploeg, et al. 2009.

<sup>15</sup> Ploeg, et al. 2009.

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## Physical Activity, Walkability, and Bikeability

Definition—Greenhouse gas reduction actions that increase physical activity, including both intentional exercise and walking and biking for transportation.

### The Link to Health Benefits

There is a large body of evidence linking physical activity to health. In 1996, the Surgeon General considered hundreds of studies evaluating the links between physical activity and health outcomes.<sup>16</sup> While most studies considered were cross-sectional, the report nonetheless found sufficient evidence to conclude that there is a clear causal pathway between physical activity and a variety of outcomes, including:

- Lower mortality, longer life spans.
- Reduced risk of premature death from cardiovascular diseases.
- Reduced risk of developing non-insulin-dependent diabetes.
- Reduced risk of high blood pressure or hypertension.
- Reduced risks of developing colon and breast cancers.
- Slowed development of osteoarthritis and osteoporosis.
- Reduced fall-related injuries.
- Help maintaining a healthy weight.
- Increased bone, muscle, and joint health.
- Reduced depression and anxiety and better physiological well-being.

These findings are reinforced by Warburton, Nicol, and Bredin's more recent (2006) review of the literature. The authors found "irrefutable evidence" that physical activity is effective in reducing all-cause mortality and in the primary and secondary prevention of many of the diseases identified by the Surgeon General's study.<sup>17</sup>

Based on an analysis of 40 population-based studies, Williams<sup>18</sup> cautions that the effects of moderate amounts of physical activity on coronary heart disease and cardiovascular diseases are likely overstated in many studies, since

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<sup>16</sup> US Department of Health and Human Services. 1996. Physical activity and health: a report of the Surgeon General. Atlanta, Georgia: US Department of Health and Human Services, Public Health Service, CDC, National Center for Chronic Disease Prevention and Health Promotion.

<sup>17</sup> Warburton, Darren, Crystal Nicol and Shannon Bredin. 2006. "Health Benefits of Physical Activity: The Evidence." *Canadian Medical Journal*. 174(6):801-809.

<sup>18</sup> Williams, Paul. 2001. "Physical Fitness and Activity as Separate Heart Disease Risk Factors: A Meta-Analysis." *Med Sci Sports Exerc*. 33(5): 754-61.

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many researchers conflate physical activity with physical fitness.<sup>19</sup> While it is important to note this qualification, the overwhelming bulk of evidence nonetheless supports a strong link between physical activity and health.

More recently, other authors have specifically examined the health co-benefits of climate change mitigation strategies designed to increase biking and walking. In synthesis of systematic reviews of the medical literature, Woodcock et al. found that moderate levels of physical activity reduced rates of cardiovascular disease, colon and breast cancers, diabetes, dementia, lung cancer and respiratory diseases.<sup>20</sup> Building on Woodcock's analysis, Maizlich estimated the potential health benefits of GHG reduction strategies in the Bay Area, suggesting that bringing walking and biking rates from 2% to 15% would yield approximately 2,000 fewer deaths and 22,000 years of life gained annually.<sup>21</sup>

## Outdoor Air Quality

**Definition**—Greenhouse gas reduction actions that reduce the amount of air pollutants, other than greenhouse gases, being emitted, either directly or indirectly.

### The Link to Health Benefits

Carbon dioxide, the main greenhouse gas, is formed during the combustion of fossil fuels such as gasoline, diesel fuel and natural gas in cars, trucks, construction equipment, power plants and other sources. Also formed during the combustion of these fuels are byproducts such as volatile organic compounds, nitrous oxides, sulfur oxides, particulate matter, and carbon monoxide. They are considered air pollutants because they have all been found to have acute and/or long-term health impacts. The burning of fossil fuels also creates toxic air contaminants—pollutants that may cause serious effects, such as cancer, with long-term low levels of exposure. Also, when landfills generate methane (a potent greenhouse gas) from the decomposition of garbage, other volatile hydrocarbons that are toxic are also generated.

There is a large body of evidence linking air pollutants to health impacts.<sup>22</sup> Both federal and state laws have set ambient air quality standards for many air pollutants at levels intended to adequately protect the health of the public, including infants and children, with an adequate margin of safety.<sup>23</sup> These standards have been set for ozone, two forms of particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), carbon monoxide, nitrogen dioxide, sulfur dioxide, lead, sulfates,

<sup>19</sup> Physical activity shows a linear relationship, while physical fitness exhibits a non-linear response in which increases at lower levels of fitness show greater responses than those at higher levels of fitness.

<sup>20</sup> Woodcock, James, Phil Edwards, Cathryn Tonne, Ben Armstrong, Olu Ashiru, David Banister, Sean Beevers, Zaid Chalabi, Zohir Chowdhury, Aaron Cohen, Oscar H Franco, Andy Haines, Robin Hickman, Graeme Lindsay, Ishaan Mittal, Dinesh Mohan, Geetam Tiwari, Alistair Woodward and Ian Roberts. 2009. "Public Health Benefits of Strategies to Reduce Greenhouse-Gas Emissions: Urban Land Transport." *The Lancet* 374(9705): 1930-1943.

<sup>21</sup> Maizlich, 2011.

<sup>22</sup> California Air Resources Board. 2012. *Health Effects of Air Pollution*. <http://www.arb.ca.gov/research/health/health.htm>.

<sup>23</sup> Ibid.

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hydrogen sulfide, vinyl chloride, and visibility-reducing particles. The major pollutants of concern associated with the burning of fossil fuels are ozone, particulate matter, nitrogen dioxide, and sulfur dioxide. Ozone itself isn't generated by the combustion of fossil fuels, but the volatile organic hydrocarbons and nitrous oxides generated from the combustion process, known as precursors, react in the air with sunlight to form ozone. Some of the major health impacts of these pollutants are<sup>24, 25</sup>:

- Particulate matter—Increased respiratory disease, lung damage, cancer, premature death
- Ozone—breathing difficulties, lung tissue damage
- Nitrogen dioxide—lung irritation and damage
- Sulfur dioxide—increased lung disease, breathing problems for asthmatics

The Bay Area is currently out of attainment with the state and federal ozone and particulate matter health-based standards.<sup>26</sup> Ambient air quality-monitoring stations in Concord and Bethel Island have some of the highest values for ozone in the Bay Area, and these stations violated health-based standards for both ozone and particulate matter in 2011.<sup>27</sup>

Since Contra Costa County is home to five major fossil fuel-based power plants and a number of other smaller power plants,<sup>28</sup> any reduction in electrical use can potentially reduce levels of ozone precursors and particulate in the county, and can potentially help bring the Bay Area closer to attainment with these health-based standards. The complexities of the power production grid make it extremely difficult to determine from which energy source air pollution reductions will occur due to local energy conservation actions.<sup>29</sup> However, local reductions in pollution emissions from cars, industries, and landfills resulting from implementation of the CAP will directly contribute to improving local air quality.

The major toxic air contaminants created by the burning of fossil fuels in cars, trucks power plants, and industrial facilities are diesel particulate matter; 1,3 butadiene; benzene; formaldehyde; and acrolein. Health risks posed by these compounds include cancer risks; chronic, non-cancer risks, such as diseases of the lungs, liver, and kidneys; and acute risks, such as eye and respiratory irritations. The Office of Environmental Health Hazard Assessment has

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<sup>24</sup> California Air Resources Board. 2012. *ARB Fact Sheet, Air Pollution and Health*. <http://www.arb.ca.gov/research/health/fs/fs1/fs1.htm>.

<sup>25</sup> California Air Resources Board. 2012. *ARB Fact Sheet: Air Pollution Sources, Effects and Control*. <http://www.arb.ca.gov/research/health/fs/fs2/fs2.htm>.

<sup>26</sup> Bay Area Air Quality Management District. 2012. *Air Quality Standards and Attainment Status*. [http://192.69.142.5/pln/air\\_quality/ambient\\_air\\_quality.htm](http://192.69.142.5/pln/air_quality/ambient_air_quality.htm).

<sup>27</sup> Bay Area Air Quality Management District. 2011. *Bay Area Air Pollution Summary*. [http://www.baaqmd.gov/~media/Files/Communications%20and%20Outreach/Annual%20Bay%20Area%20Air%20Quality%20Summaries/pollsum11\\_rev2.ashx](http://www.baaqmd.gov/~media/Files/Communications%20and%20Outreach/Annual%20Bay%20Area%20Air%20Quality%20Summaries/pollsum11_rev2.ashx).

<sup>28</sup> California Energy Commission. 2012. *Annual Energy Generation by County*. [http://energyalmanac.ca.gov/electricity/web\\_qfer/Annual\\_Generation-County.php](http://energyalmanac.ca.gov/electricity/web_qfer/Annual_Generation-County.php).

<sup>29</sup> I. Rhyne, California Energy Commission., telephone interview, September 2012.

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conducted complete reviews of the toxic properties of these compounds.<sup>30</sup> The Bay Area Air Quality Management District has developed an emissions model for these contaminants, ozone and particulates to determine the cancer and non-cancer risk to communities in the Bay Area. Typically, these risks are highest in close proximity to major sources such as highways and ports, and in the eastern portions of the County for ozone. The Bay Area Air Quality Management District has established seven high priority areas in the Bay Area based on risk and demographic factors. Three of these areas, portions of Richmond, Antioch/Pittsburg/Bay Point and Concord, are in Contra Costa County. Therefore, any emissions reduction of these pollutants resulting from implementation of the CAP will help lessen the toxic burden from these contaminants, including in these already overburdened areas of the county.<sup>31</sup>

## Indoor Air Quality

Definition—Greenhouse gas reduction actions that improve indoor air quality.

## The Link to Health Benefits

Some of the air pollutants that are created when fossil fuels are burned can affect indoor air quality, particularly nitrogen dioxide and particulate matter.<sup>32</sup> Of particular concern is a subset of particulate that is formed from the combustion of diesel fuel in trucks, buses, ships, trains, construction equipment, and generators called diesel particulate matter (DPM).

Many studies have documented the health impacts of DPM.<sup>33</sup> The California Air Resources Board (CARB) declared diesel particulate matter a toxic air contaminant in 1998 based on these health risks.<sup>34</sup> Exposure to diesel exhaust can have immediate health effects. CARB estimates that about 70% of the cancer risk to the average Californian from breathing toxic air pollutants is from diesel particulate matter. Exposure to diesel exhaust can irritate the eyes, nose, throat and lungs, and it can cause coughs, headaches, light-headedness, and nausea. In studies with human volunteers, diesel exhaust particles made people with allergies more susceptible to the materials to which they are allergic, such as dust and pollen. Exposure to diesel exhaust also causes inflammation in the lungs, which may

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<sup>30</sup> California Office of Environmental Health Hazard Assessment. *Toxics Air Contaminants Reports*. 2012. [http://www.oehha.ca.gov/air/toxic\\_contaminants/tactable.html](http://www.oehha.ca.gov/air/toxic_contaminants/tactable.html).

<sup>31</sup> Bay Area Air Quality Management District. 2014. *Improving Air Quality & Health in Bay Area Communities. Community Air Risk Evaluation Program Retrospective & Path Forward (2004-2013)*.

<sup>32</sup> Suh, Helen, Petros Koutrakis and Stephanie Ebelt. 2004. *Detailed characterization of indoor and personal particulate matter concentration*. Boston, MA: Final report contract no. 00-302 prepared for the California Air Resources Board.

<sup>33</sup> California Air Resources Board. 2012. *Diesel and Health Research*. <http://www.arb.ca.gov/research/diesel/diesel-health.htm>.

<sup>34</sup> California Air Resources Board. 2012. *Rulemaking Identification of Particulate Emissions from Diesel-Fueled Engines as a Toxic Air Contaminant*. <http://www.arb.ca.gov/regact/diesltac/diesltac.htm>.

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aggravate chronic respiratory symptoms and increase the frequency or intensity of asthma attacks. Other research has suggested that diesel exhaust may even cause asthma.<sup>35</sup>

Diesel engines are a major source of fine-particle pollution. The elderly and people with emphysema, asthma, and chronic heart and lung disease are especially sensitive to fine-particle pollution. Numerous studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems. Because children's lungs and respiratory systems are still developing, they are also more susceptible than healthy adults to fine particles. Exposure to fine particles is associated with increased frequency of childhood illnesses and can also reduce lung function in children.<sup>36</sup>

Because of the physical properties of DPM, the exposure risks significantly diminish a short distance from the source. Many studies have documented greater health impacts to people living near sources of air pollution, such as DPM.<sup>37,38</sup> For this reason, CARB has issued guidelines for how close sensitive receptors such as homes, schools, and hospitals should be located to sources of pollution.<sup>39</sup> GHG reduction actions in the CAP that either reduce the emissions of DPM and nitrogen dioxide or mitigate the impacts of these pollutants on indoor environments will lessen the health impacts of these pollutants.

## Improved Access

Definition—Greenhouse gas reduction actions that make it easier to reach jobs, services, and other necessities. This includes actions which make traveling a given distance easier, as well as those that reduce the distance between destinations (i.e., infill development). While access to jobs and services is important to all people, this criteria is particularly important for people with disabilities, elderly people, those with few resources or no cars, and others for whom travel may be difficult or prohibitively expensive.

## The Link to Health Benefits

Access contributes to health by allowing people to reach the basic necessities of a healthy life, such as healthcare, food, economic opportunity, and social/familial interaction. Few if any studies attempt to link access overall to health outcomes. Rather, researchers in a variety of fields have assessed the health effects of access to specific categories of services. These are briefly elaborated below.

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<sup>35</sup> Pandya, Robert, Gina Solomon, Amy Kinner and John Balmes. 2002. "Diesel Exhaust and Asthma: Hypotheses and Molecular Mechanisms of Action". *Environmental Health Perspectives* 110 (Sup 1):103 -111.

<sup>36</sup> California Office of Environmental Health Hazard Assessment and the American Lung Association. Undated. Health Effects of Diesel Exhaust Factsheet.

<sup>37</sup> Health and Clean Air. Spring-Summer. 2004. Health and Clean Air Newsletter. <http://www.healthandcleanair.org/newsletters/issue6.pdf>

<sup>38</sup> Kim, Janice, Svetlana Smorodinsky, Michael Lipsett, Brett Singer, Alfred Hodgson and Bart Ostro. 2004. "Traffic-related Air Pollution near Busy Roads, the East Bay Children's Respiratory Health Study". *American Journal of Respiratory and Critical Care Medicine* (170): 520-526.

<sup>39</sup> California Air Resources Board. 2005. Air Quality and Land Use Handbook: A Community Health Perspective. <http://www.arb.ca.gov/ch/handbook.pdf>

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While there is an intuitive link between geographic access to healthcare and health outcomes—patients cannot be treated if they cannot reach healthcare providers—there is sparse literature documenting this link. The few reviews published have largely reported on the state of the practice and have not offered conclusions about the relationship between access to healthcare and health outcomes.<sup>40,41,42,43</sup>

However, a number of individual studies do suggest that lack of access can significantly contribute to poor healthcare and health. Baker, for instance, found that long transportation times were associated with increased reliance on the emergency room<sup>44</sup>, while Meden found them to change cancer treatment choices.<sup>45</sup> In this county, patients in evening clinics reported that 24% of their missed appointments were due to transportation difficulties.<sup>46</sup> These difficulties are often exacerbated for those without cars; Rask found low-income patients who depend on transit or their feet to be less likely to receive consistent, timely care.<sup>47</sup>

As discussed in the healthy food section above, many neighborhoods—especially low-income neighborhoods and communities of color—are not adequately served by affordable, healthy food retailers. This situation is often exacerbated by poor transportation access. As the Centers for Disease Control and Prevention notes, “A poor transportation system cuts off access to many food outlets—especially for those who do not own a car or have no access to reliable and affordable public transportation.”<sup>48</sup> This statement is echoed by several reviews of the food access literature, which conclude that healthy food access is mediated by transportation availability and affordability.<sup>49,50</sup>

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<sup>40</sup> McLafferty, Sara. 2003. “GIS and Health Care”. *Annual Review of Public Health* (24):25-42.

<sup>41</sup> Higgs, Gary. 2004. “A Literature Review of the Use of GIS-Based Measures of Access to Health Care Services.” *Health Services and Outcome Research Methodology* (5): 125-145.

<sup>42</sup> Graves, Barbara. 2008. “Integrative Literature Review: A Review of Literature Related to Geographical Information Systems, Healthcare Access, and Health Outcomes.” *Perspectives in Health Information Management* 5(11).

<sup>43</sup> Nykiforuk Candace and Laura Flaman. 2011. “Geographic Information Systems (GIS) for Health Promotion and Public Health: A Review.” *Health Promotion Practice* 12(1):63–73

<sup>44</sup> Baker, David, Carl Stevens and Robert Brook. 1996. “Determinants of Emergency Department Use: Are Race and Ethnicity Important?” *Annals of Emergency Medicine* 28(6):667-682.

<sup>45</sup> Meden, Terry. Celeste St John-Larkin, Deborah Hermes and Stephen Sommershield. 2002. “Relationship between Travel Distance and Utilization of Breast Cancer Treatment in Rural Northern Michigan.” *Journal of the American Medical Association* 287(1):111.

<sup>46</sup> Butrick, Elizabeth. 1999. “Factors in Nonattendance in Extended Evening Clinics in Contra Costa County,” Unpublished paper for Contra Costa Health Services. This study examined the reasons patients missed appointments at CCHS’s Extended Evening Clinics located in Richmond, Martinez, and Pittsburg.

<sup>47</sup> Rask, Kimberly, Mark Williams, Ruth Parker, and Sally McNagny. 1994. “Obstacles Predicting Lack of a Regular Provider and Delays in Seeking Care for Patients at an Urban Public Hospital.” *Journal of the American Medical Association* 1(24):1931-3.

<sup>48</sup> Centers for Disease Control and Prevention. 2010. Transportation and Food Access. <http://www.cdc.gov/healthyplaces/healthtopics/healthyfood/transportation.htm>

<sup>49</sup> Beaulac, Julie Kristjansson and Steven Cummins. 2009. “A Systematic Review of Food Deserts, 1966- 2007.” *Preventing Chronic Disease: Public Health Research, Practice and Policy* 6(3): 1-10.

<sup>50</sup> Nayga, Rodolpho and Zy Weinberg. 1999. “Supermarket Access in the Inner Cities.” *Journal of Retailing and Consumer Services* 6(3):141-145.

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Access is also a primary factor in determining economic opportunity, which in turn is linked to health outcomes. There is a large body of planning literature on the so-called spatial mismatch hypothesis, which suggests that proximity to jobs is a strong predictor of employment, earnings, and job security.<sup>51,52,53,54</sup> More recently, scholars have proposed a “modal mismatch” faced by carless workers and dispersed employment opportunity, finding strong evidence that low access to automobiles shapes economic outcomes.<sup>55</sup> These socioeconomic outcomes have, in turn, a strong and well-documented link to health.<sup>56,57,58</sup>

## Green Space

Definition—Greenhouse gas reduction actions that encourage the planting of trees or vegetation, or create or preserve open space or parks.

## The Link to Health Benefits

A number of studies have drawn links between green space and health outcomes. In general, researchers have identified statistically significant associations between green spaces and health, although the exact causal pathways remain somewhat murky. That said, the links between green space and physical activity, and to corresponding improvements in health, are relatively clear and well established.<sup>59</sup> Green space is also thought to increase perceptions of safety, attractiveness, and calm,<sup>60</sup> and most studies do find positive, self-reported mental health benefits such as increased relaxation, attention, energy, and feelings of well-being.<sup>61</sup> There is less evidence for physiological effects such as reduced blood pressure or lower cortisol levels, although research is, as yet, underdeveloped.<sup>62</sup> Green spaces may also improve health outcomes by mitigating the harmful effects of noise, heat,

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<sup>51</sup> Holzer, Harry J. 1991. “The Spatial Mismatch Hypothesis: What Has the Evidence Shown?” *Urban Studies* 28 (1): 105-22.

<sup>52</sup> Ihlanfeldt, Keith and David Sjoquist. 1998. The Spatial Mismatch Hypothesis: A Review of Recent Studies and their Implications for Welfare Reform. *Housing Policy Debate* 9 (4): 849-92.

<sup>53</sup> Kain, John. 1992. The Spatial Mismatch Hypothesis: Three Decades Later. *Housing Policy Debate* 3 (2): 371-460.

<sup>54</sup> Preston, Valerie, and Sara McLafferty. 1999. Spatial Mismatch Research in the 1990s: Progress and Potential. *Papers in Regional Science* 28:387-402.

<sup>55</sup> Blumenberg, Evelyln and Manville, Michael. 2004. “Beyond the Spatial Mismatch: Welfare Recipients and Transportation Policy.” *Journal of Planning Literature* 19(2): 182-205.

<sup>56</sup> Marmot Michael, Manolis Kogevinas and Mary Ann Elston. 1987. “Social/economic Status and Disease.” *Annual Review of Public Health* 8:111–135.

<sup>57</sup> Feinstein JS. 1993. The relationship between socioeconomic status and health: a review of the literature. *Milbank Q.* 71:279–322.

<sup>58</sup> Yen IH, Syme SL. 1999. The social environment and health: a discussion of the epidemiologic literature. *Annu Rev Public Health* 20:287–308.

<sup>59</sup> Lee, Andrew and Maheswaren, Ravi. 2011. “The Health Benefits of Urban Green Spaces: A Review of the Evidence.” *Journal of Public Health* 22(2):212-222. <http://jpubhealth.oxfordjournals.org/content/33/2/212.full>.

<sup>60</sup> Ibid.

<sup>61</sup> Bowler, et al. 2010. “A Systemic Review of Evidence for the Added Benefits to Health of Exposure to Natural Environments.” *BMC Public Health* 10: 456. <http://www.biomedcentral.com/1471-2458/10/456>

<sup>62</sup> Ibid.

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and air and water pollution.<sup>63</sup> In particular, research suggests that green space can help cool urban heat islands, a role that will increase in importance as the climate continues to change.<sup>64,65,66</sup>

## Job Creation

Definition—Greenhouse gas reduction actions that directly increase opportunities for new job creation for Contra Costa residents.

## The Link to Health Benefits

Because they are essential to economic security in this country, jobs are an essential precondition of good health. A wide range of research has established the links between employment and health. Overall, researchers have consistently found a strong relationship between socioeconomic status and health.<sup>67,68,69</sup> More specifically, increases in income are associated with better health outcomes, particularly near the bottom of the income scale.<sup>70</sup> Furthermore, a recent meta-analysis found that income inequality negatively impacted both self-rated health and overall mortality risk, implying that it might be particularly important to create jobs for low-income individuals and communities.<sup>71</sup> Research also suggests that job insecurity is associated with increased risk of poor health, and that unemployment is associated with decreased mental health.<sup>72,73</sup>

## Climate Risk Reduction (Adaptation)

Definition—Greenhouse gas reduction actions that help communities deal with the impacts of climate change such as extreme heat, drought, sea level rise, degraded air quality, flooding, and increases in infectious disease and allergies.

<sup>63</sup> [http://www.hiaconnect.edu.au/files/Guide\\_to\\_HIA\\_of\\_Greenspace.pdf](http://www.hiaconnect.edu.au/files/Guide_to_HIA_of_Greenspace.pdf)

<sup>64</sup> Department of Transport Local Government and Regions. 2002. Green spaces, better places: final report of the Urban Green Spaces Taskforce: Department of Transport Local Government and Regions.

<sup>65</sup> Countryside and Community Research Unit University of Gloucester. 2003. Community forestry delivering sustainable regeneration project evaluation. Edinburgh: Forestry Commission.

<sup>66</sup> Environmental Protection Agency. 2008. Reducing Urban Heat Islands: Compendium of Strategies: Trees and Vegetation. <http://www.epa.gov/hiri/resources/compendium.htm>

<sup>67</sup> Marmot MG, Kogevinas M, Elston MA. 1987. Social/economic status and disease. *Annual Review of Public Health* 8:111–135.

<sup>68</sup> Feinstein JS. 1993. The relationship between socioeconomic status and health: a review of the literature. *Milbank Q.* 71:279–322.

<sup>69</sup> Yen IH, Syme SL. 1999. The social environment and health: a discussion of the epidemiologic literature. *Annual Rev Public Health* 20:287–308.

<sup>70</sup> Bhatia, Rajiv and Katz, Mitchell. 2001. "Estimation of Health Benefits from a Local Living Wage Ordinance." *American Journal of Public Health* 91(9): 13987-1402.

<sup>71</sup> Kondo, N., Sembaje G., Kawachi, I., van Dam R.M., Subramanian, S.V. and Yamagata, Z. 2009. "Income Inequality, Mortality, and Self Rated Health: A Meta-Analysis of Multilevel Studies." *BMJ* Nov 10;339:b4471.

<sup>72</sup> László, Kristina, Pihart, Hynek, Kopp, Mária, Bobak, Martin, Pajak, Andrezej, Malyutina, Sofia, Gyöngyvér Salavecz, and Michael Marmot. 2010. "Job insecurity and health: a study of 16 European countries." *Social Science Medicine* 70: 867–874.

<sup>73</sup> McKee-Ryan, Frances; Song, Zhaoli; Wanberg, Connie R.; Kinicki, Angelo J. 2005. "Psychological and Physical Well-Being During Unemployment: A Meta-Analytic Study." *Journal of Applied Psychology* 90(1), 53-76.

## The Link to Health Benefits

As detailed in Chapters 2 and 4 of the CAP, the changing climate is projected to have wide-ranging negative impacts that will affect public health. These include negative impacts on air quality; increases in extreme heat, average temperature, and severe weather events such as flooding and wildfires; and risks to food security from drought, and changing patterns and yields of crops.<sup>74</sup> Therefore, any action could potentially help reduce the health risks from climate change by addressing any one of these impacts.

Actions that directly reduce outdoor air pollution are those that reduce the use of cars, trucks, or other sources that burn fossil fuels, or reduce the emissions of air pollutants from sources at the same time as reducing their GHG emissions through control technologies or efficiency, such as at landfills or industrial sources. Indirect reductions occur when the implementation of an action reduces the need to generate electricity through conservation or energy efficiency actions, or creates alternative sources of energy that do not burn fossil fuels. Increased levels of air pollution are predicted because of hotter temperatures driving up ozone levels and additional pollution generated by the increased need for electricity to cool homes during extreme heat events.<sup>75</sup> The links to health benefits from reducing air pollution are detailed in the Outdoor Air Quality section above.

Increasing energy conservation through better insulation and weatherization practices can have the added benefit of keeping homes and commercial buildings without air conditioners cooler during extreme heat events and make it more cost-effective to cool building with air conditioners. A broad spectrum of health impacts have been associated with exposure to heat, ranging from mild heat cramps to severe, life-threatening heat stroke. Children and the elderly, socially isolated populations, outdoor workers, the poor, the chronically ill, and the medically underserved are more vulnerable to the effects of heat than the general population.<sup>76</sup> Heat waves are expected to occur more frequently and grow longer and more intense, posing particular risk to the most vulnerable.<sup>77</sup> One study of the 2003 heat wave in France that killed thousands of people found that an inefficient amount of building insulation was one factor associated with death.<sup>78</sup>

Reducing the risk from extreme heat has been identified as an important steps to counter the heat island effect.<sup>79,80</sup> On a hot, sunny summer day, roof and pavement surface temperatures can be 50–90°F (27–50°C) hotter than the air,

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<sup>74</sup> California Department of Public Health. 2012. Climate Action for Health: Integrating Public Health into Climate Action Planning.

<sup>75</sup> California Climate Change Center. 2006. Public Health-related Impacts of Climate Change in California. CEC-500-2005-197-SF

<sup>76</sup> California Department of Public Health. 2007. Public Health Impacts of Climate Change in California: Community Vulnerability Assessments and Adaptation Strategies. Report No. 1: Heat-Related Illness and Mortality. [Http://www.ehib.org/paper.jsp?paper\\_key=Climate\\_change\\_2008](http://www.ehib.org/paper.jsp?paper_key=Climate_change_2008)

<sup>77</sup> California Climate Change Center. 2012. Our Changing Climate 2012 Vulnerability & Adaptation to the Increasing Risks from Climate Change in California - Brochure. Publication # CEC-500-2012-007.

<sup>78</sup> Vandentorren S, Bretin P, Zeghnoun A, Mandereau-Bruno L, Croisier A, Cochet C, Ribéron J, Siberan I, Declercq B, Ledrans M. 2003. "Heat wave in France: risk factors for death of elderly people living at home." *Eur J Public Health*. 16(6):583-91. Epub 2006 Oct 6.

<sup>79</sup> California Department of Public Health. 2007. Public Health Impacts of Climate Change in California: Community Vulnerability Assessments and Adaptation Strategies. Report No. 1: Heat-Related Illness and Mortality. [Http://www.ehib.org/paper.jsp?paper\\_key=Climate\\_change\\_2008](http://www.ehib.org/paper.jsp?paper_key=Climate_change_2008)

<sup>80</sup> EPA. Heat Island Effect web site. <http://www.epa.gov/heatisld/mitigation/index.htm>

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while shaded or moist surfaces—often in more rural surroundings—remain close to air temperatures.<sup>81</sup> These surface urban heat islands, particularly during the summer, have multiple impacts and contribute to atmospheric urban heat islands. Air temperatures in cities, particularly after sunset, can be as much as 22°F (12°C) warmer than the air in neighboring, less developed regions.<sup>82</sup>

Increasing water conservation or improving access to locally grown food reduces the risk from drought. Climate change is projected to reduce freshwater supplies. As surface water supplies are reduced, groundwater pumping is expected to increase, resulting in potentially lower water tables and adverse impacts on water quality. Drought conditions may lead to increased concentrations of contaminants in drinking water supplies.<sup>83</sup> In addition, drought could lead to hunger and malnutrition caused by disruption in food and water supply, increased cost and conflict over food and water, food and water-borne disease, and the emergence of new contagious and vector-borne disease.<sup>84</sup> The state's climate change adaptation strategy for addressing projected impacts on water supply calls for aggressive conservation and efficiency strategies.<sup>85</sup>

## Health Equity

Definition—Greenhouse gas reduction actions that directly reduce health inequities by race, income, gender, disability, age, neighborhood, or other factors.

## The Link to Health Benefits

The vision for Healthy People 2020, the official document that defines the nation's goals for health,<sup>86</sup> is a society in which **all** (emphasis added) people live long, healthy lives. Two of the four main goals of Healthy People 2020 are:

- Achieving health equity, eliminating disparities, and improving the health of all groups.
- Creating social and physical environments that promote good health for all.

Therefore, implementing actions that will help reduce health inequities will move the county closer to meeting these national health goals. Unequal access to healthy food, jobs, services, and opportunities for physical activity, and unequal exposure to indoor and outdoor air pollution all contribute to health inequity.<sup>87</sup>

<sup>81</sup> Berdahl P. and S. Bretz. 1997. Preliminary survey of the solar reflectance of cool roofing materials. *Energy and Buildings* 25:149-158.

<sup>82</sup> Akbari, H. 2005. Energy Saving Potentials and Air Quality Benefits of Urban Heat Island Mitigation (PDF) (19 pp, 251K). Lawrence Berkeley National Laboratory.

<sup>83</sup> California Office of Environmental Health Hazard Assessment. 2010. Indicators of climate change in California: Environmental Justice Impacts. <http://www.oehha.ca.gov/multimedia/epic/epic123110.html>

<sup>84</sup> California Department of Public Health. 2012. Climate Action for Health: Integrating Public Health into Climate Action Planning.

<sup>85</sup> California Department of Water Resources. 2008. Managing an Uncertain Future: Climate Change Adaptation Strategies for California's Water. <http://www.water.ca.gov/climatechange/docs/ClimateChangeWhitePaper.pdf>

<sup>86</sup> Federal Interagency Working Group. Undated. *Healthy People 2020 Framework*. <http://www.healthypeople.gov/2020/Consortium/HP2020Framework.pdf>

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Contra Costa County suffers from serious health inequity. The Public Health Division of Contra Costa Health Services publishes a periodic report detailing health outcomes in the county.<sup>88</sup> According to this report, 29% of the poorest adults self-reported their health as fair or poor, while only 8% of those in the highest category reported their health as fair or poor. Life expectancy in the wealthiest census tracts in the county was 81.4 years, while in the poorest census tracts it was 74.9 years. Only 5.3% of adults with at least a master's degree or professional degree self-reported poor or fair health while 22.6% of adults with a high school diploma or less self-reported poor or fair health. For the best-educated census tracts the life expectancy is 84 years, while those census tracts with the lowest levels of education have a life expectancy of 74.6 years. Health expectancy also differs by race in the county. Life expectancy for Asian/Pacific Islanders is 86 years, while for Hispanics it is 85.7 years; for whites it is 84 years, and for African Americans it is 73.1 years.

In addition, health outcomes varied by race. African Americans have significantly higher rates than the county as a whole for risk of death from heart disease, cancer, diabetes, stroke, and homicide, unintentional injury, fetal and infant death, childhood asthma hospitalization, being overweight and obese, assault hospitalization, low birth weight, teen births and AIDS. Hispanics have significantly higher rates than the county as a whole for risk of teen birth. People living in certain cities also have higher risks than the county as a whole for certain health outcomes. As an example, San Pablo residents have a higher risk than the county as a whole for death from heart disease, cancer, stroke, and homicide, overweight and obese fifth-graders, and teen births. In addition, Contra Costa County as a whole has a worse rate of homicide, cases of all types of cancer, and childhood asthma hospitalizations than the California average.

## EVALUATION OF GREENHOUSE GAS REDUCTION MEASURES

The second step in the process was to evaluate each proposed GHG reduction measure in the CAP to determine if they were likely to affect each health indicator. This evaluation was made through a review of the literature, and in consultation with staff of the Public Health Division of Contra Costa Health Services and the County's Public and Environmental Health Advisory Board.

The following criteria for evaluating each GHG reduction measure were developed:

- 1) The measures themselves were individually evaluated, not the sub-actions or goals.
- 2) There had to be a primary link between the measure and the health indicator for there to be considered a positive effect.

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<sup>87</sup> Bay Area Regional Health Inequities Initiative. 2008. Health Inequities in the Bay Area. [http://www.barhii.org/press/download/barhii\\_report08.pdf](http://www.barhii.org/press/download/barhii_report08.pdf).

<sup>88</sup> Community Health Indicators for Contra Costa County. 2010. Community Health Assessment, Planning and Evaluation (CHAPE) Unit of Contra Costa Health Services' Public Health Division. [http://cchealth.org/health-data/hospital-council/2010/pdf/2010\\_community\\_health\\_indicators\\_report\\_complete.pdf](http://cchealth.org/health-data/hospital-council/2010/pdf/2010_community_health_indicators_report_complete.pdf)

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- 3) The number of health indicators positively affected by each measure was not totaled because this would give the false impression that a measure affecting multiple health indicators necessarily provided more health benefits than a measure which affected fewer health indicators.
- 4) For a measure to positively affect the equity health indicator, the implementation of the measure as described had to have an explicit benefit to a vulnerable or disproportionately impacted population.
- 5) For a measure to have a positive effect on any health indicator, the health benefit derived from the implementation of the measure had to occur within Contra Costa County. Outdoor air quality was considered an exception because the complexities of the power production grid make it extremely difficult to determine from which energy source air pollution reductions will occur due to local energy conservation actions.<sup>89</sup>

GHG reduction measures that met the above criteria for a given health indicator were considered to have a positive effect on that indicator. GHG reduction measures could have an effect on more than one health indicator. If a measure could potentially affect a health indicator, but did not explicitly do so as written, it was marked as P (for potential). Measures that could have potential negative impacts on health were marked as PN for that category. Notes were provided as to how measures could be modified so that potential positive effects could be changed to positive effects and potential negative impacts could be addressed.

## RESULTS

This section summarizes the results of the evaluation of the 93 greenhouse gas reduction measures contained in the CAP. All of the measures had a positive effect on the health indicators to a varying degree. **Table A.1** summarizes the measures that affected each health indicator. These effects are described below.

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<sup>89</sup> I. Rhyne, California Energy Commission, telephone interview, September 2012.

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Table A.1. Summary of Measures by Health Criteria

Health Indicator	Healthy Food	Physical Activity, Walkability, Bikeability	Outdoor Air Quality	Indoor Air Quality	Improved Access	Green Space	Job Creation	Climate Risk Adaptation	Health Equity
Reduction Measures	LUT 5.1	EE 4.1	ALL	EE 1.1	LUT 1.1	EE 4.1	EE 5.3	EE 1.1	EE 1.3
	LUT 5.2	EE 4.5		EE 1.2	LUT 1.4	EE 4.5		EE 1.2	EE 1.4
	LUT 5.3	LUT 1.1		EE 1.3	LUT 1.5	LUT 5.1		EE 1.3	EE 5.2
	LUT 5.4	LUT 1.2		EE 1.4	LUT 1.6	LUT 5.2		EE 1.4	RE 3.2
	LUT 5.5	LUT 1.3		EE 1.6	LUT 1.8	LUT 5.3		EE 1.6	LUT 1.2
	LUT 5.6	LUT 1.4		EE 2.1	LUT 4.1	LUT 5.4		EE 2.1	LUT 1.7
		LUT 1.5		EE 2.2	LUT 4.5	LUT 5.5		EE 2.2	LUT 2.1
		LUT 1.6		EE 2.3		LUT 5.6		EE 2.3	LUT 3.1
		LUT 1.7		EE 2.4				EE 2.4	LUT 3.3
		LUT 1.8		EE 2.5				EE 2.5	LUT 4.2
		LUT 4.1		EE 2.6				EE 2.6	W 1.5
		LUT 4.4		EE 2.7				EE 2.7	W 2.1
		LUT 4.5		EE 3.1				EE 3.1	W 2.2
		LUT 4.6		EE 3.2				EE 3.2	GO 5.5
		GO 2.4		EE 5.3				EE 4.1	
				RE 3.1				EE 4.2	
				RE 3.2				EE 4.3	
				LUT 2.1				EE 4.4	
				LUT 3.1				EE 4.5	
				LUT 3.2				EE 5.3	
				LUT 3.3				RE 3.1	
				LUT 3.4				RE 3.2	
				LUT 4.2				LUT 5.1	
				LUT 4.4				LUT 5.2	
				W 1.5				LUT 5.3	
				W 2.2				LUT 5.4	
				GO 2.1				LUT 5.5	
								WE 1.1	
								WE 1.2	
								WE 2.1	
								WE 2.2	
								GO 2.1	
								GO 3.1	
								GO 3.2	

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**Measures that Increased the Availability of Healthy Food**—Only six measures explicitly increased the availability of healthy food. These measures call on the county to support farmers markets, community and school gardens, and other agricultural practices; create partnerships and discourage schools from being sited in agricultural areas.

**Measures that Promote Physical Activity, Walkability and Bikeability**—Fifteen of the measures promoted physical activity, walkability, and bikeability. Some measures did so directly, by providing safer and more convenient sidewalks, streets, and paths on which to walk and bike. Some measures recommend improving transit service which can also increase physical activity because transit users must walk or bike to transit stops, and because good transit can make it possible to live without a car. Other measures increased physical activity in less intuitive, but no less powerful ways. Some measures, for instance, recommended increasing density near public transportation which can increase physical activity by allowing more people to live within walking distance of transit stops.

Eight measures that promoted physical activity, walkability, and bikeability also had the potential to have a negative health impact. By increasing the number of walkers and bikers these actions also increased the risk of accidents, especially between bikers and walkers, and cars. This potential negative impact could be mitigated by ensuring that proper actions are taken to improve bike and pedestrian safety.

**Measures that Improved Outdoor Air Quality**—All of the proposed measures reduced outdoor air pollution, either directly or indirectly. Measures that directly reduce outdoor air pollution are those that reduce the use of cars, trucks or other sources that burn fossil fuels, or reduce the emission of air pollutants from sources at the same time as reducing their GHG emissions through control technologies or efficiency, such as at landfills or industrial sources. Indirect reductions occur when the implementation of a measure reduces the need to generate electricity through conservation or energy efficiency actions, or creates alternative sources of energy that do not burn fossil fuels. Since much of the electricity used in Contra Costa County is currently generated by the burning of fossil fuels, increasing energy conservation, increasing efficiency, or creating alternative sources of electricity will result in the reduction of the pollution associated with the burning of fossil fuels.

Two measures had the potential to increase outdoor air quality risks by possibly creating new sources of outdoor air pollution within the county. Two other measures had the potential to increase outdoor and indoor air quality health risks by encouraging housing and work production in areas potentially located too close to sources of air pollution. These risks could be minimized by limiting development close to sources of air pollution, and/or through appropriate mitigation measures (see Priority Measures 3 for more details).

**Measures that Improved Indoor Air Quality**—Twenty seven of the measures improved indoor air quality. Seventeen of these measures would help improve energy efficiency in buildings which can also help prevent the intrusion of particulate matter. Ten of the measures reduced sources of particulate matter near residential areas, which will help reduce indoor levels of these pollutants.

Two measures had the potential to increase indoor air quality health risks by encouraging housing and commercial production in areas potentially located too close to sources of air pollution.

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**Measures that Improved Access to Jobs, Services, and Other Necessities**—Seven measures improved access to jobs, services, and other necessities. There are two types of measures that increase access to jobs and services. The first type includes actions that increase mobility. In other words, these measures make it easier for Contra Costa residents to travel to their destinations. Some of the measures proposed in the CAP, particularly those in the Land Use and Transportation section, help to increase mobility—for instance, by providing more transit options and establishing walking and biking connections, or enabling “virtual mobility” through telecommuting.

Other recommended measures increase access by reducing the distance to destinations. Jobs, housing, healthcare, or other services are far easier to reach when they are clustered near housing. This clustering is particularly important for people without cars, who must depend on transit, bicycles, carpools, or their own feet to reach destinations. A number of the actions included in this plan help to achieve this result by increasing densities and infill development, ensuring that housing and services are co-located.<sup>90</sup>

**Measures that Increased Green Space**—Eight measures increased green space. One measure recommended creating greener urban spaces, sidewalks, and streets by increasing shading vegetation. Several measures promoted community gardens and other agricultural spaces. A third measure promoted infill development which can preserve green spaces by diverting development that would otherwise be built on “greenfield” lots. Four other measures had the potential to increase green space, primarily by ensuring that development plans specifically address the development of green space.

**Measures that Promoted Job Creation**—One energy-efficiency measure in the CAP had a job creation element in it. This measure calls for programs to train local residents in energy-efficiency retrofits, weatherization, and green building careers. Three other measures had the potential to promote job creation if they were modified to include job training and development programs.

**Measures that Addressed Climate Risk Reduction**—Thirty four measures addressed climate risk reduction. As detailed in Chapter 2 of the CAP, the changing climate is projected to have wide-ranging negative public health impacts. These include negative impacts on air quality; increases in extreme heat, average temperature, severe weather events such as flooding and wildfires; and risks to food security from drought, and changing patterns and yields of crops. Therefore, a measure could help reduce the health risks of climate change by addressing any one of these impacts.

All of the proposed measures reduced outdoor air pollution, either directly or indirectly, as discussed in the Outdoor Air Quality section above. This will be most beneficial for reducing the predicted increases in ozone pollution caused by hotter weather. (See Chapter 2 of the CAP for more details.) Seventeen measures included elements to reduce building energy use through better insulation and weatherization practices. This can help keep homes and commercial buildings without air conditioners cooler during extreme heat events, and lower the cost of cooling for those buildings with air conditioners. Two measures encouraged the shading of buildings and pavement with vegetation, and two measures encouraged the increased use of cool roofs and cool pavement materials in order to

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<sup>90</sup> Shoup, Donald. 2011. The High Cost of Free Parking. Chicago, IL: American Planning Association.

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reduce the urban heat island effect. All of these measures will help keep internal building temperatures lower during extreme heat events. Eleven measures encouraged water conservation or urban agriculture, which will help reduce the impacts of drought.

**Measures that Improved Health Equity**— Fourteen of the measures improved health equity. Five of these measures specifically benefited low-income populations, and eight targeted air quality improvements for low-income, minority populations,

Twenty five measures had the potential to improve health equity if they were modified appropriately, primarily by targeting the benefit of the action more specifically to a vulnerable population or area. These modifications included such factors as targeting training programs specifically in low-income areas, targeting built environment improvements for vulnerable populations, emphasizing increased bus ridership, and incorporating crime prevention actions and targeting outreach in culturally appropriate ways in multiple languages. Two measures were also identified as having the potential to increase health inequity by increasing air pollution in already impacted predominately low-income, minority communities.

## PRIORITY MEASURES AND RECOMMENDATIONS

Based on the above evaluation of the potential health benefits of the CAP's GHG reduction measures, CCHS has concluded that four types of measures provided the highest benefit to human health. These were measures that significantly promoted the following outcomes:

- Increased Walking and Biking
- Increased Public Transportation
- Increased Infill Development
- Health Equity

In prioritizing these types of measures, CCHS considered several factors:

**Health Indicators:** In the evaluation above, did measures show the potential to positively affect a number of health indicators?

**Significant Impact:** Where the evaluation found the measures had potential positive effects, were these effects likely to have a significant impact on human health?

**Structural Change:** Will the effects of the measures be wide-scale and long-lasting, and will they help to change the underlying conditions that contribute to poor health?

**Public Health Mission Consistency:** Do the measures match CCHS's policies, mission, and mandate?

**Community Input:** Were the measures supported by Contra Costa residents during community workshops and by the Public and Environmental Health Advisory Board?

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This section outlines why these outcomes are priorities. It also lists the individual measures which promoted each outcome. It is the intention of this document to help guide Contra Costa County in the adoption and implementation of its CAP. Toward this end, this section also makes recommendations about how these measures can best support health and safety. **Table A.2** identifies priority measures for each of the priority outcomes.

Table A.2. Measures to Achieve Priority Outcome

Walking and Biking	Public Transportation	Infill Development	Health Equity
EE 4.1	LUT 1.1	LUT 4.5	EE 1.3
EE 4.5	LUT 1.7	LUT 5.6	EE 1.4
LUT 1.1	LUT 4.1	GO 2.4	LUT 1.7
LUT 1.2	LUT 4.5	GO 5.5	EE 5.2
LUT 1.3	LUT 4.6		RE 3.2
LUT 1.4	GO 5.5		LUT 1.2
LUT 1.5			LUT 2.1
LUT 1.6			LUT 3.1
LUT 1.7			LUT 3.3
LUT 1.8			LUT 4.2
LUT 4.1			W 1.5
LUT 4.4			W 2.1
LUT 4.5			W 2.2
LUT 4.6			GO 5.5
GO 2.4			
GO 5.5			

## 1. Increased Walking and Biking

### Health Indicators

This evaluation found the walking and biking improvement measures to be associated with four health indicators. By their nature, these actions improve physical activity, as well as make such activity safer. By shifting some trips from cars, bike and pedestrian improvements can also improve air quality. While these improvements are sometimes targeted toward recreation, they can also facilitate access to goods and services by making it easier and safer to walk or bike to jobs, schools, healthcare, family, transit stops, or other destinations. Finally, since lower-income people must often depend on walking (and to a lesser extent biking) to get around, investments in walking and biking have the potential to contribute to health equity.

### Significant Impact

Physical activity has been shown to have a powerful influence on a variety of health outcomes including lower mortality, lower risk of cardiovascular diseases, lower risk of diabetes, lower risk of some cancers, improved mental

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health, and healthier bones, muscles and joints (see Section III for more details). A recent study estimated the potential cost savings from the health benefits of dramatically increasing Bay Area physical activity at \$34 billion annually.<sup>91</sup>

Improving walking and biking safety can also have a significant effect on injury rates. As of 2007, traffic accidents (involving cars, bikes, and pedestrians) were the leading cause of injury deaths in Contra Costa County.<sup>92</sup> Investments in bike and pedestrian safety can dramatically reduce these rates.

## Structural Change

In conjunction with other policies, such as infill development and transit service, improving walking and biking conditions can also help to alter the long-term patterns of automobile dependence and sprawl that exact high societal health costs such as air pollution, accidents/injuries, diabetes and obesity, cardiovascular disease, urban heat island effects, poor mental health, and exclusion from opportunity.<sup>93</sup>

## Contra Costa Health Services Mission Consistency

Improving biking and walking conditions is consistent with the goals and strategies of the Community Wellness and Prevention Program's Injury Prevention and Physical Activity Promotion Project.<sup>94</sup>

## Community Input

"Diverse, low-cost transportation options" received extremely high public support during the open house process, as did "bicycle and pedestrian improvements" specifically.

## Priority Walking and Biking Measures

EE 4.1 - Encourage multi-family residential and nonresidential development to increase use of higher-albedo materials for surfaces including roofs, parking areas, driveways, roads, and sidewalks.

EE 4.5 - Support community programs to plant and maintain trees in urban and rural areas.

LUT 1.1 - Collaborate with local transportation, land use agencies, nonprofits, and other stakeholders to expand bicycle and pedestrian facilities and existing public transportation (Bay Area Rapid Transit, Amtrak, AC Transit, County Connection, and Tri Delta Transit).

LUT 1.2 - Identify funding sources and assist with Safe Routes to School Program implementation.

LUT 1.3 - Work with the Contra Costa Transportation Authority, local school districts, and advocacy organizations such as the East Bay Bicycle Coalition to encourage bicycle safety classes in all schools.

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<sup>91</sup> Maizlish, Niel. 2011. Health Co-Benefits in Transportation-Related Reductions in Greenhouse Gas Emissions in the Bay Area: Technical Report. Richmond, Ca: Center for Chronic Disease Prevention and Health Promotion, California Department of Public Health.

<sup>92</sup> Contra Costa Health Services. [http://cchealth.org/health-data/hospital-council/2010/pdf/40\\_fatal\\_and\\_nonfatal\\_injury.pdf](http://cchealth.org/health-data/hospital-council/2010/pdf/40_fatal_and_nonfatal_injury.pdf).

<sup>93</sup> Frumpkin, Howard. 2001. "Urban Sprawl and Public Health" *Public Health Reports* 117.

<sup>94</sup> See for instance: [http://cchealth.org/injury-prevention/pdf/life\\_cycle.pdf](http://cchealth.org/injury-prevention/pdf/life_cycle.pdf)

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LUT 1.4 - Update County road standards, as opportunities arise, to accommodate all modes of transportation in local street designs (i.e., complete streets). Implement standards as part of routine maintenance and striping.

LUT 1.5 - Through periodic updates to the Contra Costa Transportation Authority's Countywide Bicycle and Pedestrian Plan, identify opportunities to improve access to community-wide bicycle and pedestrian networks by closing gaps in the network, removing barriers, and providing additional bike- and pedestrian-oriented infrastructure.

LUT 1.6 - Cooperate with the Contra Costa Transportation Authority and adjoining jurisdictions in updating and implementing the Countywide Bicycle and Pedestrian Plan and local plans.

LUT 1.7 - Revise the County CEQA guidelines to reflect implementation of Senate Bill 743.

LUT 1.8 - Establish a 2020 mode share goal for bicycling by a Board of Supervisors resolution, identify specific actions to reach the goal, integrate the goal into future General Plan updates, and appeal to other agencies to adopt the same goal.

LUT 4.1 - Collaborate with BART and other transit providers to increase ridership in the county.

LUT 4.4 - Continue to promote voluntary trip reduction programs such as school buses, Rideshare, Spare-the-Air Days, Bike to Work Day, employer shuttles, and alternative work schedules.

LUT 4.5 - Work to increase densities within half a mile of BART and Amtrak stations, and within a quarter of a mile of stops for express bus routes.

LUT 4.6 - Prioritize alternative mode access to BART and other transit stations.

GO 2.4 - Site facilities that have more than 50 personnel in close proximity to infrastructure and services that support alternative commute modes.

GO 5.5 - Advocate for regional, state, and federal activities that support GHG emissions in the county, including but not limited to the following:

- Work with BAAQMD to support reductions in process emissions from industrial entities.
- Where appropriate, adopt language in the County's state and federal legislative platforms that directs support and lobbying for local GHG reductions.
- Advocate for additional transit funding sources concurrently with the development of priority development areas.

## Implementation Recommendations to Best Support Health and Safety

There are a number of ways in which bike and pedestrian improvement measures can be implemented in such a way as to improve health and safety in Contra Costa County. Specifically, these measures should target areas where low rates of car-ownership, high biking and walking rates, and inappropriate infrastructure yield high injury rates. Improvements should also be targeted and designed to facilitate access for seniors and people with disabilities who might otherwise be unable to navigate their neighborhoods. Additionally, as more people begin to walk and bike, more people will be exposed to potential injury by automobiles. Therefore, GHG reduction measures should be implemented in a manner that makes it safer, as well as easier, to walk and bike. Finally, Contra Costa County should take every opportunity to provide additional green space when implementing bike and pedestrian plans, particularly in areas with few parks.

## 2. Increased Public Transportation

### Health Indicators

This evaluation identified a wide range of health indicators associated with transit improvement measures. Specifically, public transit encourages physical activity because transit users usually walk or bike to their stop and helps to create an urban environment where it is possible to live without an automobile. Transit can also significantly improve air quality by shifting trips from cars. Perhaps most importantly, public transportation can help to improve access to jobs, healthcare and other services. Since transit often provides access to these necessities to those without cars or with limited mobility, it can also help to improve health equity.

### Significant Impact

The effects above are likely to have a significant impact on human health. A 2005 study found that transit users spend an average of 19 minutes a day walking to transit, and that 29% met the Surgeon General's recommendation of 30 minutes of daily physical activity simply by riding transit.<sup>95</sup> As illustrated in the section above, increasing physical activity is expected to yield especially large health dividends.

Transit service can also have a large impact on health by providing access to essential goods and services. This is particularly true for Contra Costa households with no (6%) or only one (29%) household vehicle<sup>96</sup> (see Figure A.13). A number of researchers have found that good transportation is essential to finding and keeping jobs, facilitating the economic well-being that is essential for good health.<sup>97,98</sup> Similarly, public buses (as opposed to yellow school buses) currently carry 6% of Contra Costa County students to school.<sup>99</sup>

While many Contra Costa residents also depend on public transit to get to healthcare services and healthy food, significant improvements are needed. In a study of low-income Bay Area neighborhoods, researchers found that only 20% of Contra Costa neighborhoods studied had transit access to a hospital, and only 33% had access to a clinic.<sup>100</sup> These numbers are confirmed by another study that found that 24% of missed appointments at Contra Costa County

<sup>95</sup> Besser, L and Dannenberg, A. 2005. "Walking to Public Transit: Steps to Help Meet Physical Activity Recommendations." *American Journal of Preventative Medicine* 29(4),273-280.

<sup>96</sup> United States Census Bureau, 2006-2010 American Community Survey.

<sup>97</sup> Kawabata, M. 2002. "Job accessibility by travel mode in U.S. metropolitan areas." *Papers and Proceedings of the Geographic Information Systems Association*. Vol. 11, p115-120,

<sup>98</sup> Ong, P., D. Houston. 2002. "Transit, employment, and women on welfare." *Urban Geography* Vol. 23, p344-364.

<sup>99</sup> Contra Costa County Transportation Authority. 2012. *Contra Costa County Draft Safe Routes to School Master Plan*.

<sup>100</sup> Center for Third World Organizing, People United for a Better Oakland, and the Transportation and Land Use Coalition. 2002. *Roadblocks to Health*. Oakland, CA: Transportation and Land Use Coalition. <http://transformca.org/files/reports/roadblocks-to-health.pdf>.

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evening clinics were due to transportation difficulties.<sup>101</sup> Similarly, many Contra Costa County neighborhoods have few affordable, healthy stores, forcing residents to shop at stores with higher prices and less healthy foods.<sup>102</sup>

## Structural Change

In conjunction with other policies, such as infill development and bike and pedestrian improvements, improving transit service can also help to alter the long-term patterns of automobile dependence and sprawl that exact high societal health costs such as air pollution, accidents/injuries, diabetes and obesity, cardiovascular disease, urban heat island effects, poor mental health, and exclusion from opportunity.<sup>103</sup>

## Contra Costa Health Services Mission Consistency

Improving public transit is consistent with the goals and strategies of the Community Wellness and Prevention Program's Injury Prevention and Physical Activity Promotion Project.<sup>104</sup>

## Community Input

"Diverse, low-cost transportation options" received extremely high public support during the open house process.

## Priority Public Transit Measures

LUT 1.1 - Collaborate with local transportation, land use agencies, nonprofits, and other stakeholders to expand bicycle and pedestrian facilities and existing public transportation (Bay Area Rapid Transit, Amtrak, AC Transit, County Connection, and Tri-Delta Transit).

LUT 1.7 - Revise the County CEQA guidelines to reflect implementation of Senate Bill 743.

LUT 4.1 - Collaborate with BART and other transit providers to increase ridership in the county.

LUT 4.5 - Work to increase densities within half a mile of BART and Amtrak stations, and within a quarter of a mile of stops for express bus routes.

LUT 4.6 - Prioritize alternative mode access to BART and other transit stations.

GO 5.5 - Advocate for additional transit funding sources concurrently with the development of priority development areas.

## Implementation Recommendations to Best Support Health and Safety

This evaluation suggests that improving public transit has the potential to dramatically improve the health of Contra Costa residents. However, these potential benefits will only be realized if these measures are implemented

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<sup>101</sup> Butrick, Elizabeth. 1999. "Factors in Nonattendance in Extended Evening Clinics in Contra Costa County." Unpublished paper for Contra Costa Health Services. This study examined the reasons patients missed appointments at CCHS's Extended Evening Clinics located in Richmond, Martinez, and Pittsburg.

<sup>102</sup> Morland, Kimberly, et al. 2002. "Access to Healthy Foods Limited in Poor Neighborhoods." *American Journal of Preventative Health*.

<sup>103</sup> Frumpkin, Howard. 2001. "Urban Sprawl and Public Health." *Public Health Reports* 117.

<sup>104</sup> [http://cchealth.org/injury-prevention/pdf/planning\\_healthy\\_communities.pdf](http://cchealth.org/injury-prevention/pdf/planning_healthy_communities.pdf)

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strategically and with an attention to health. In order to accomplish this goal, CCHS suggests public transit measures be implemented with the following considerations in mind:

- First, the health benefits of public transit accrue only to the extent that people use it. Therefore, the County should prioritize cost-effective transit service (such as basic bus service) that maximizes patronage for a minimum investment.
- Second, since transit improves health largely by increasing access, investments should be focused on areas with low access—where car ownership is low (see Figure A.13) and where people with disabilities and seniors are concentrated (see Figure A-10).
- Third, the potential negative health effects of public transit also deserve consideration. By its nature, transit encourages walking or biking, exposing more people to automobile traffic. Transit improvements should therefore be accompanied by investments in bike and pedestrian safety. While many transit vehicles produce no or few emissions, many still burn diesel fuel. Every effort should be made to encourage clean fuel use, and to assign cleaner vehicles to areas already overburdened by poor air quality.<sup>105</sup>

## 3. Increased Infill Development

### Health Indicators

This evaluation found the infill development measures to be associated with four health indicators. Dense neighborhoods have been consistently found to increase physical activity by bringing people closer to destinations, making it easier to travel by foot or by bike,<sup>106</sup> and improving access,<sup>107</sup> particularly for those without cars. In the same way, these neighborhoods discourage car trips, improving regional air quality. Finally, by focusing growth in defined centers rather than sprawling outward, infill development can help to preserve open space.

### Significant Impact

While changes to urban form often take decades to solidify, infill development is likely to have a significantly positive long-term impact on human health. In an exhaustive analysis of existing literature, Ewing and Cervero found that doubling density yields, on average, a 7% increase in walking and a 5% decrease in vehicle miles traveled.<sup>108</sup> This suggests that long-term changes to Contra Costa County's built environment are likely to yield significant, if modest, increases in physical activity and decreases in air pollution.

<sup>105</sup> See for instance: Muni's Clean Air Programs : <http://www.sfmta.com/cms/rclean/cleanairb.htm>

<sup>106</sup> Ewing, Reid and Robert Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 6(3) 265-294.

<sup>107</sup> Walker, Jarrett. 2011. *Human Transit*. Island Press, Washington.

<sup>108</sup> Ewing, Reid and Robert Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 6(3) 265-294.

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## Structural Change

In conjunction with other policies, such as enhanced transit service and bike and pedestrian improvements, increasing infill development can also help to alter the long-term patterns of automobile dependence and sprawl that exact high societal health costs such as air pollution, accidents/injuries, diabetes and obesity, cardiovascular disease, urban heat island effects, poor mental health, and exclusion from opportunity.<sup>109</sup>

## Contra Costa Health Services Mission Consistency

Encouraging infill development is consistent with the goals and strategy of the Community Wellness and Prevention Program's Injury Prevention and Physical Activity Promotion Project.<sup>110</sup>

## Community Input

Most measures encouraging infill development received moderate to high public support during the open house process.

### Priority Infill Development Actions

LUT 4.5 - Work to increase densities within half a mile of BART and Amtrak stations, and within a quarter of a mile of stops for express bus routes.

LUT 5.6 - Continue to discourage schools being sited in agricultural areas.

GO 2.4 - Site facilities that have more than 50 personnel in close proximity to infrastructure and services that support alternative commute modes.

GO 5.5 - Advocate for additional transit funding sources concurrently with the development of priority development areas.

### Implementation Recommendations to Best Support Health and Safety

While infill development has the potential to dramatically improve the health of Contra Costa County residents, it can also negatively impact health if implemented without proper protections. When cities are successful in attracting new, dense, walkable, mixed-use neighborhoods, lower-income residents—those most vulnerable to health problems—are often pushed out by new, unaffordable housing and rising rents. These residents are therefore not able to benefit from the new, healthier environment. They may be separated from jobs, schools, healthcare, healthy food access, social and familial networks, and are often displaced to a neighborhood or community with its own specific health risks. Dislocation itself may also expose former residents to isolation, stress, injuries, violence, and other health impacts. As the risks of displacement are well documented in the Bay Area,<sup>111</sup> Contra Costa County should be careful to implement infill development in low-income neighborhoods only when accompanied by

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<sup>109</sup> Frumpkin, 2001

<sup>110</sup> See for instance: [http://cchealth.org/injury-prevention/pdf/planning\\_healthy\\_communities.pdf](http://cchealth.org/injury-prevention/pdf/planning_healthy_communities.pdf).

<sup>111</sup> Cravens, M., et al. 2009. Development Without Displacement, Development with Diversity. Oakland, CA: Association of Bay Area Governments.

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measures to stabilize renters and homeowners, and to encourage the development of housing affordable to all income levels—especially current residents.

Care must also be taken to mitigate the potential for infill development to increase exposure to air pollution. While infill development has been shown to decrease regional vehicle travel and emissions, by placing more people close to streets, highways, transit and freight lines, it can increase local exposure to pollutants.<sup>112, 113</sup> Several of the unincorporated areas currently designated for infill development (Priority Development Areas, or PDAs) such as North Richmond are already considered by the Bay Area Air Quality Management District to be burdened by high air pollution.<sup>114</sup> Nearly all other PDAs in Contra Costa County are adjacent to freeways, industrial uses, and/or freight facilities. Further analysis should be conducted to evaluate the relative risks in these areas and determine areas appropriate for development. In the absence of such detailed analysis, the County should require developers to use appropriate mitigation measures when building within 500 feet of freeways or designated truck routes, 1,000 feet of distribution centers or rail yards, or adjacent to ports, refineries or similar facilities, as per CARB's recommendations.<sup>115</sup>

## 4. Health Equity

### Health Indicators

Unlike the other priority measure types discussed above, which focused on single issues, a wide variety of measures may influence health equity by placing the emphasis on the most vulnerable populations in the county. These may include young children, the elderly and disabled, the poor, and minorities. The 13 measures in the CAP that directly contributed to improving health equity did so through programs that protected vulnerable populations from indoor and outdoor air pollution and targeted job creation. However, 25 other measures had the potential to improve health equity if they were modified appropriately, primarily by targeting the benefit of the action more specifically to a vulnerable population or area. These modifications include such factors as targeting training programs specifically in low-income areas, targeting built environment improvements toward vulnerable populations, emphasizing increased bus ridership, and incorporating crime prevention measures.

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<sup>112</sup> Schweitzer, Lisa and Jiangping Zhou. 2010. "Neighborhood Air Quality, Respiratory Health, and Vulnerable Populations in Compact and Sprawled Regions." *Journal of the American Planning Association* 76( 3) 363-371.

<sup>113</sup> Downs, A. 2004. "Remedies that increase residential densities." In A. Downs (ed.), *Still stuck in traffic: Coping with peak-hour traffic congestion* (pp. 200-227). Washington, D.C.: Brookings Institution Press.

<sup>114</sup> Garzón, Catalina and The Ditching Dirty Diesel Freight Transport Committee. 2011. *At a Crossroads in Our Region's Health: Freight Transport and the Future of Community Health in the San Francisco Bay Area*. Oakland, CA: Pacific Institute.

<sup>115</sup> See: <http://www.arb.ca.gov/ch/handbook.pdf>

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## Significant Impact

The Bay Area Regional Health Inequities Initiative has created a model for understanding that health inequities are primarily caused by social and environmental conditions, called the social determinants of health.<sup>116</sup> Social determinants of health are conditions in the environments in which people are born, live, learn, work, play, worship, and age that affect a wide range of health, functioning, and quality-of-life outcomes and risks. Conditions (e.g., social, economic, and physical) in these various environments and settings (e.g., school, church, workplace, and neighborhood) have been referred to as “place.” In addition to the more material attributes of “place,” the patterns of social engagement and sense of security and well-being are also affected by where people live. Resources that enhance quality of life can have a significant influence on population health outcomes. Examples of these resources include safe and affordable housing, access to education, public safety, availability of healthy foods, local emergency/health services, and environments free of life-threatening toxins.<sup>117</sup> Therefore, prioritizing actions that address these resources can have a significant impact on reducing health inequity.

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<sup>116</sup> Bay Area Regional Health Inequities Initiative. 2008. Health Inequities in the Bay Area. [http://www.barhii.org/press/download/barhii\\_report08.pdf](http://www.barhii.org/press/download/barhii_report08.pdf).

<sup>117</sup> US Department of Health and Human Services. Healthy People 2020. <http://www.healthypeople.gov/2020/topicsobjectives2020/overview.aspx?topicid=39>.

## Structural Change

The root causes of most health disparities are the broader, long-term inequalities within society including poverty and discrimination. Health disparities are often called health inequities, because they result from these broader inequities within society. Poverty and discrimination lead to stress, greater exposure to environmental toxins and poor air quality and less access to high-quality goods and services including education, health services, transportation, food and recreation. Health studies have shown that these inequalities and injustices are strongly related to higher rates of injury, illness, and premature death.<sup>118</sup> Therefore, prioritizing measures that counter the effects of these social inequities can help change the underlying conditions that contribute to poor health.

## Contra Costa Health Services Mission Consistency

In April 2003, after extensive review and discussion, CCHS adopted a department-wide plan called Reducing Health Disparities: Diversity and Cultural and Linguistic Competence in Contra Costa Health Services.<sup>119</sup> CCHS is committed to eliminating health disparities because its mission is to care for and improve the health of all who live in Contra Costa County with special attention to those who are most vulnerable to health problems. Disparities based on race, ethnicity, language, socioeconomic status, or other reasons are inconsistent with the CCHS mission.<sup>120</sup> One of the goals of this plan for reducing health disparities is to engage and partner with other public entities to support healthier environments.<sup>121</sup> The evaluation of each GHG reduction measure in the CAP for its potential to reduce health inequities was added as a health indicator in response to this element of CCHS' mission. This is especially appropriate since many of the impacts of climate change such as increased death, disease and injury from heat waves, floods, storms, and fires; decreased food quality and security; and increased morbidity and mortality associated with air pollution are predicted to disproportionately affect those who are socially and economically disadvantaged.<sup>122</sup>

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<sup>118</sup> Contra Costa Health Services, Health Disparities Working Group: [http://cchealth.org/groups/rhdi/pdf/health\\_disparities\\_in\\_cc.pdf](http://cchealth.org/groups/rhdi/pdf/health_disparities_in_cc.pdf)

<sup>119</sup> Reducing Health Disparities: Diversity and Cultural and Linguistic Competence in Contra Costa Health Service. 2003. [http://cchealth.org/groups/rhdi/pdf/reducing\\_health\\_disparities\\_article\\_nov03.pdf](http://cchealth.org/groups/rhdi/pdf/reducing_health_disparities_article_nov03.pdf).

<sup>120</sup> Contra Costa County Health Services. 2006. *Reducing Health Disparities Initiative Progress Report and Plan for 2005 and 2006*. [http://cchealth.org/groups/rhdi/pdf/rhdi\\_report\\_2005\\_09.pdf](http://cchealth.org/groups/rhdi/pdf/rhdi_report_2005_09.pdf)

<sup>121</sup> Contra Costa County Health Services. 2007. Overview of Five-year Plan for Reducing Health and Health Care Disparities, 2007-2012. [http://cchealth.org/groups/rhdi/pdf/5\\_year\\_plan\\_pullout\\_2007.pdf](http://cchealth.org/groups/rhdi/pdf/5_year_plan_pullout_2007.pdf)

<sup>122</sup> California Office of Environmental Health Hazard Assessment. 2010. Indicators of Climate Change in California: Environmental Justice Impacts.

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## Community Input

“Reducing health disparities” received extremely high support during the open house process and from the Public and Environmental Health Advisory Board.

### Priority Health Equity Actions

EE 1.3 - Increase participation in the existing low-income weatherization program and seek additional program funding.

EE 1.4 - Identify disadvantaged individuals and households for increased participation in energy efficiency programs.

EE 5.2 - Create a framework for revenues from cap-and-trade offsets or allocations to fund energy efficiency and resource conservation programs, such as those proposed in this CAP, to be used locally, particularly within recognized impacted communities or areas.

RE 3.2 - Connect low-income homeowners with renewable energy rebate and financing programs.

LUT 1.2 - Identify funding sources and assist with Safe Routes to School Program implementation.

LUT 1.7 - Revise the County CEQA guidelines to reflect implementation of Senate Bill 743.

LUT 2.1 - As opportunities arise, include alternative-fuel use goals in franchise agreements for waste hauling and contracts with other vehicle fleets.

LUT 3.1 - Work with BAAQMD to incentivize the use of battery-powered lawn and garden equipment.

LUT 3.3 - Work with BAAQMD to increase the use of alternatively fueled equipment in agricultural operations through education, incentives, or revisions to existing regulations.

LUT 4.2 - Partner with waste haulers and other fleets with regular routes to reduce the frequency of routes where possible.

W 1.5 - Identify best practices and reduce the amount of wastewater treatment sludge (biosolids) that is disposed of in landfills.

W 2.1 - Annually verify compliance with the California Air Resource Board’s landfill methane control measures.

W 2.2 - Request that landfill operators consider implementing additional reduction actions, including but not limited to:

- Reducing landfilled materials with high methane-generation potential.
- Reducing idling time for diesel equipment.

# Health Co-Benefit Evaluation

- Encouraging adequate maintenance of rolling stock.
- Establishing standards beyond those required by regulation for landfill gas collection system leak detection and prevention.
- Excluding the use of green waste as a material for alternative daily cover (ADC), consistent with AB 1594.

GO 5.5 - Work with BAAQMD to support reductions in process emissions from industrial entities.

## Implementation Recommendations to Best Support Health and Safety

Health inequities in Contra Costa County are significant, and will only be exacerbated by the effects of climate change. County government should take steps in all of its plans and programs to address these increased pressures on health inequities, including in this CAP. The state of California has embarked upon a similar process called Health in All Policies.<sup>123</sup>

To enable the GHG reduction actions in this plan to more thoroughly address health inequities in the unincorporated portions of the county to which the plan applies, steps need to be taken to better document those inequities, identify vulnerable populations, and prioritize actions that can have the greatest benefit. The Contra Costa Health Services Department has been a recipient of the California Department of Public Health BRACE (Building Resilience Against Climate Change Effects) grant. Through this grant, the department produced a report describing heat vulnerability in the County and the potential health risks of excessive heat and high heat days predicted in Climate Change. Through BRACE, the County is encouraged to begin an adaptation planning process.

The analysis carried out by CCHS on vulnerability to heat employs biological, socio-economic, medical and living condition indicators to assess heat vulnerability at the census tract and city/place level. Several unincorporated places rank high for vulnerability to heat, including, North Richmond, Bay Point, and Bethel Island. These areas rank highly for biological and socio-economic vulnerabilities which indicate that other climate change effects will impact these populations as well. However, a more thorough analysis to expand to all climate change impacts and specific to health disparities and vulnerable populations is necessary for the rest of the unincorporated parts of the county. While it is beyond the scope of this document to conduct this analysis, it can begin to lay the groundwork for further study. Toward this end, the maps at the end of this report illustrate some of the areas with characteristics making them particularly susceptible to the impacts of climate change. Poverty, low educational attainment, race, age, social isolation, housing quality, and linguistic isolation are characteristics that have been identified as being vulnerable to the impacts of climate change.<sup>124, 125</sup> Once a better understanding of the populations and areas most vulnerable to

<sup>123</sup> Health in All Policies Task Force. 2010. Health in All Policies Task Force Report to the Strategic Growth Council Executive Summary, Sacramento, CA.

<sup>124</sup> Climate Change: Mastering the Public Health Role. 2011. American Public Health Association pp. 79.

<sup>125</sup> Joint Center for Political and Economic Studies. 2012. Climate Change, Environmental Challenges and Vulnerable Communities: Assessing Legacies of the Past, Building Opportunities for the Future. [http://www.jointcenter.org/docs/Climate\\_Change\\_Full\\_Report.pdf](http://www.jointcenter.org/docs/Climate_Change_Full_Report.pdf)

# Health Co-Benefit Evaluation

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the impacts of climate change and health inequities is established, actions can be modified to address these populations and areas.

**Figure A.1** identifies the percent of individuals living below two times the federal poverty level for the census tracts in the unincorporated areas of the county. **Figure A.2** identifies the percent of the population over 25 years old with less than a high school education in the census tracts of the unincorporated areas of the county. **Figures A.3 through A.6** identify the percent of individuals that are non-Hispanic white, non-Hispanic black, non-Hispanic Asian/Pacific Islanders and Hispanic respectively by census tract in the unincorporated areas of the county.

**Figure A.7** identifies the percent of population under 5 years old by census tract in the unincorporated areas of the county. **Figure A.8** identifies the percent of population age 60 and older by census tract in the unincorporated areas of the county. **Figure A.9** identifies the percent of household with individuals 65 years and older living alone by census tract in the unincorporated areas of the county. **Figure A.10** identifies the percent of the population 65 years and older living alone by census tract in the unincorporated areas of the county.

**Figure A.11** identifies the percent of population in renter-occupied housing by census tract in the unincorporated areas of the county. **Figure A.12** identifies median home values by census tract in the unincorporated areas of the county. **Figure A.13** identifies the percent of occupied housing units with at least one vehicle available by census tract in the unincorporated areas of the county. **Figure A.14** identifies percent of the population 5 years and older in linguistically isolated households by census tract in the unincorporated areas of the county.

Transportation access has also been identified as an indicator of vulnerability to the impacts of climate change,<sup>126</sup> but creating this map for the unincorporated portions of the county was outside the scope of this report.

## CONCLUSIONS AND NEXT STEPS

This CAP represents an opportunity to contribute to the global effort to slow and reduce climate change. It is also an opportunity to improve the short- and long-term health of county residents. By carefully considering and integrating health concerns into the actions proposed above, the County can maximize these opportunities.

This evaluation sought to meet this goal by identifying and prioritizing actions with the highest health co-benefits, and by working alongside planners to integrate a health focus into as many actions as possible. Health-promoting actions were identified based on their capacity to influence any of the nine health indicators, as described in the methods section. These health indicators each have a demonstrable link to improved health benefits. The detailed results of this analysis were presented in **Table A.1** at the end of this report. Additionally, this evaluation identified four types of actions (Increased Walking and Biking, Increased Public Transportation, Increased Infill Development, and Health Equity) with particularly high health co-benefits. Since many health benefits follow only from careful implementation, this analysis also suggests strategies the County should follow to ensure these benefits.

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<sup>126</sup> ASTHO Climate Change Population Vulnerability Screening Tool. California Department of Public Health. [http://www.ehib.org/projects/ehss01/Climate%20change%20vulnerability%20report\\_ASTHO.pdf](http://www.ehib.org/projects/ehss01/Climate%20change%20vulnerability%20report_ASTHO.pdf)

# Health Co-Benefit Evaluation

Unfortunately, however successful Contra Costa County is in reducing regional GHG emissions and maximizing health co-benefits, the fact is that the climate will nonetheless change. Decreased air quality, increased average and extreme temperatures, severe weather events such as flooding and wildfires, increased risks to food security from drought, and changing patterns and yields of crops are all likely as climate change unfolds.<sup>127</sup> The County will need to take strong steps and adapt to these impacts. A number of efforts are already underway. Already the County has a heat plan<sup>128</sup> in place and is in the process of developing a heat monitoring checklist. The heat checklist will incorporate addressing vulnerable populations. The County's Hazard Mitigation Plan addresses climate change as a subset, or secondary impact, for each identified hazard of concern<sup>129</sup> and updates to that plan will continue to consider climate change.

These efforts will need to be augmented by efforts to specifically understand the threats posed by climate change and to identify strategies to minimize these threats. The California Department of Public Health has published guidelines for developing local adaptations plans for climate change<sup>130</sup> and the County should use this guide to participate in regional adaptation efforts currently getting underway,<sup>131</sup> and to develop its own specific adaptation plan.

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<sup>127</sup> California Department of Public Health. 2012. Climate Action for Health: Integrating Public Health into Climate Action Planning.

<sup>128</sup> Contra Costa County Office of the Sheriff, Emergency Services Division. 2010. Contra Costa County Operational Area Excessive Heat Emergency Plan.

<sup>129</sup> Contra Costa County Hazard Mitigation Plan update, Vol. 1 Planning area wide updates. 2011. Prepared by Tetra Tech, Project #135-23736-08-090.

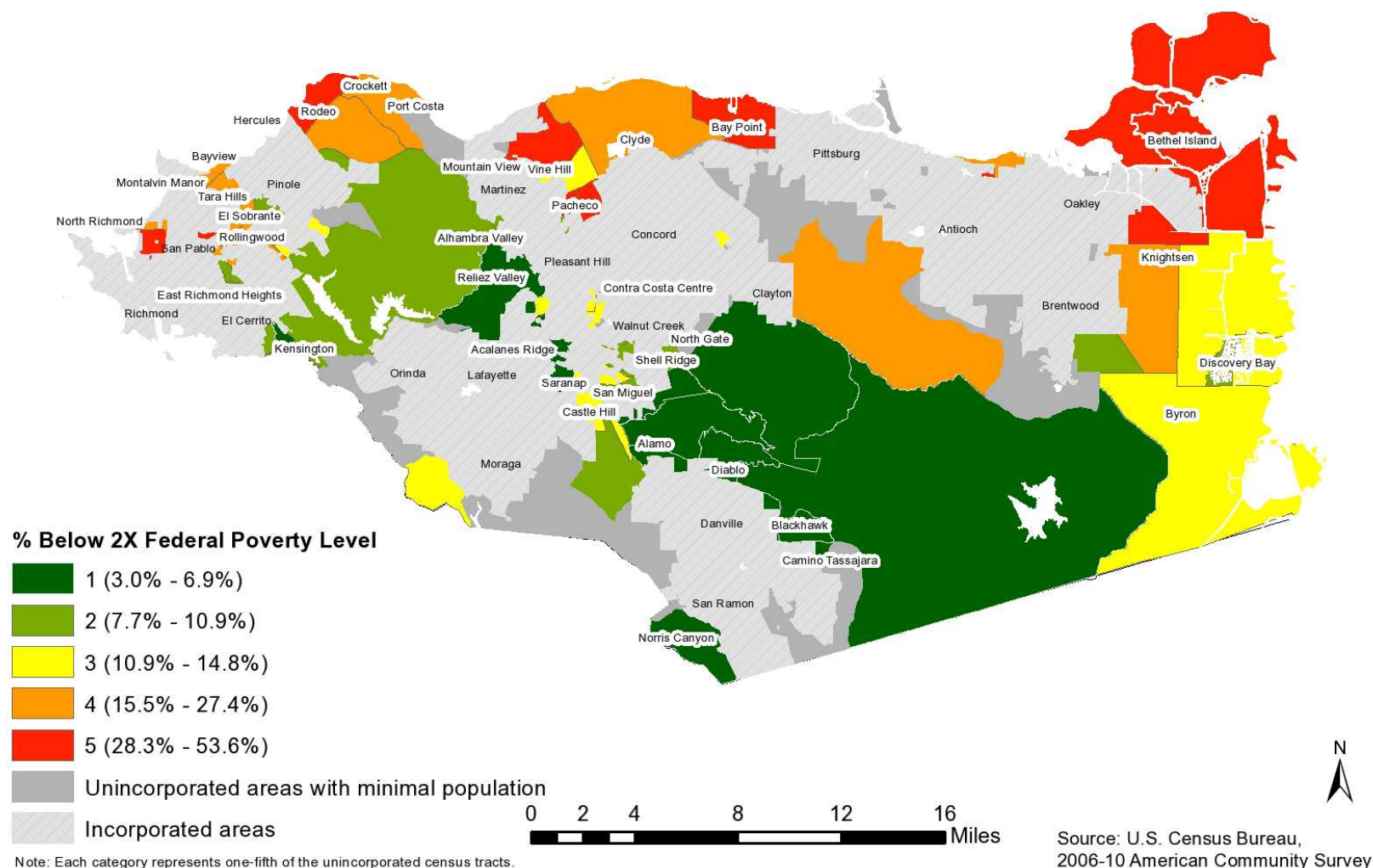
<sup>130</sup> California Adaptation Planning Guide. 2012.  
[http://www.resources.ca.gov/climate\\_adaptation/local\\_government/adaptation\\_policy\\_guide.html](http://www.resources.ca.gov/climate_adaptation/local_government/adaptation_policy_guide.html).

<sup>131</sup> Bay Area Joint Policy Committee, Bay Area Climate & Energy Resilience Project. <http://www.abag.ca.gov/jointpolicy/projects.html#climate>.

# Health Co-Benefit Evaluation

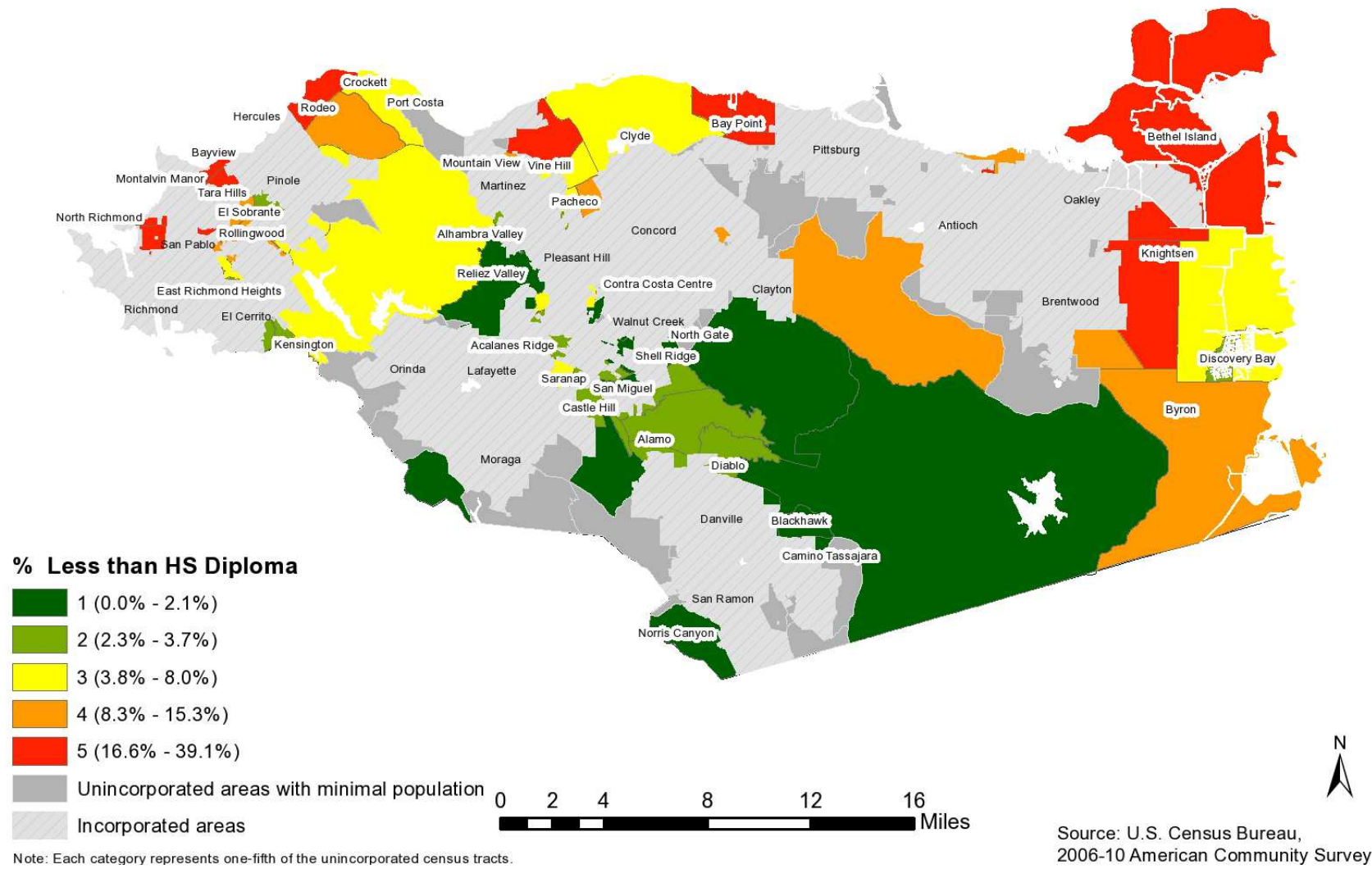
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Figure A.1. Percent of Individuals Living Below Two Times the Federal Poverty Level, 2006-2010



# Health Co-Benefit Evaluation

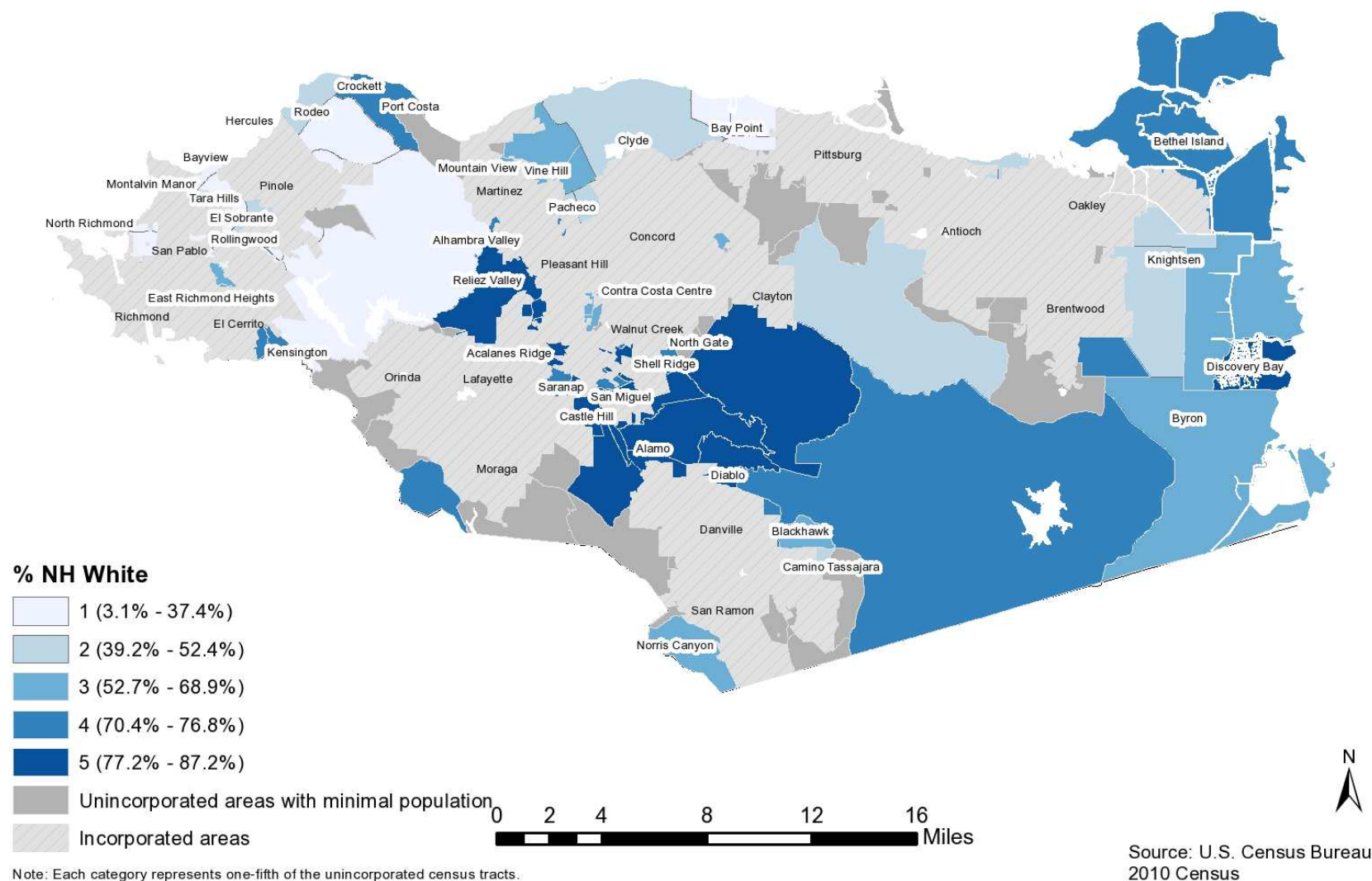
Figure A.2. Percent of Individuals over 25 Years with Less than a High School Education, 2006-2010



# Health Co-Benefit Evaluation

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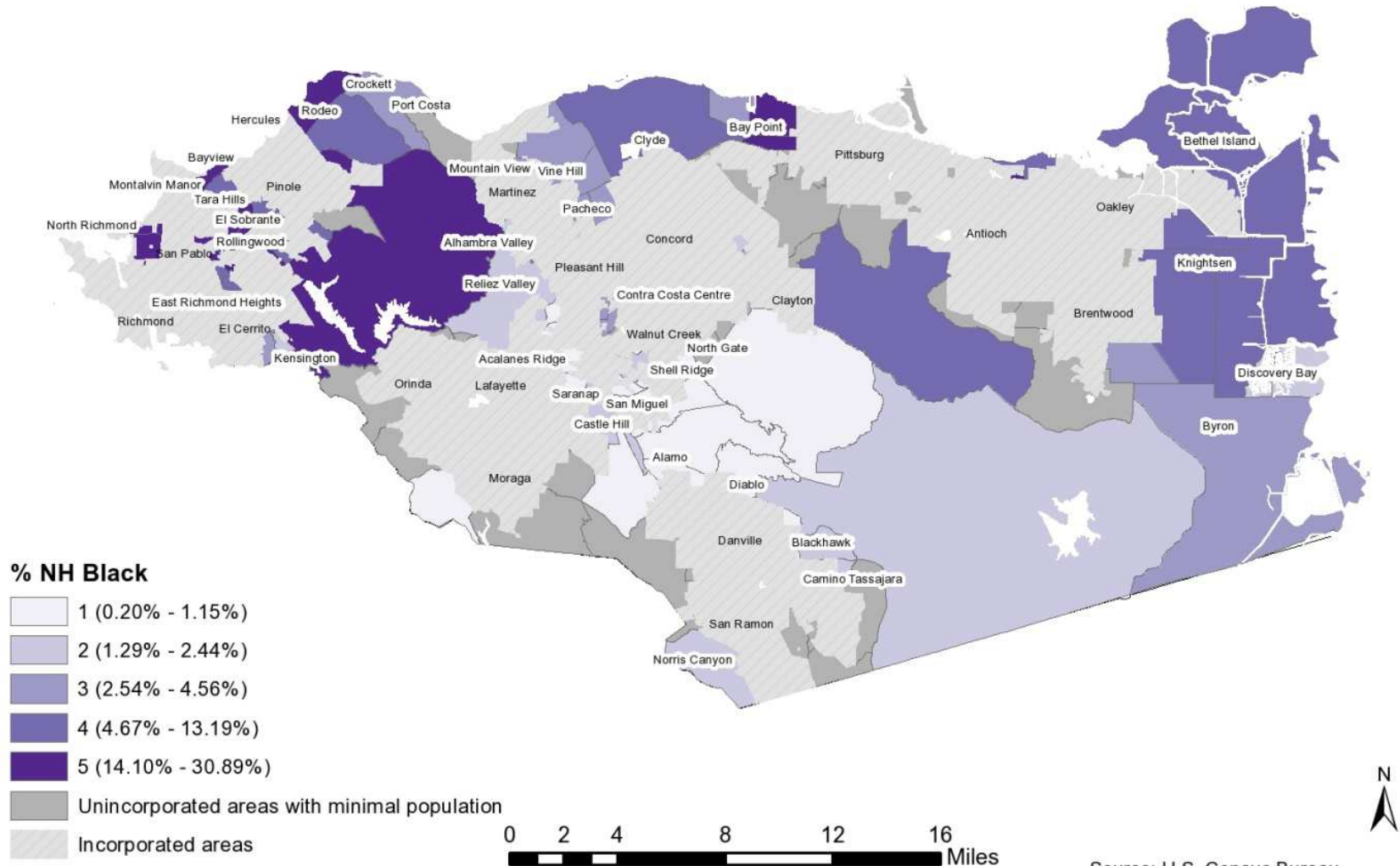
Figure A.3. Percent of Non-Hispanic White, 2010



Note: Each category represents one-fifth of the unincorporated census tracts.

# Health Co-Benefit Evaluation

Figure A.4. Percent of Non-Hispanic Black, 2010

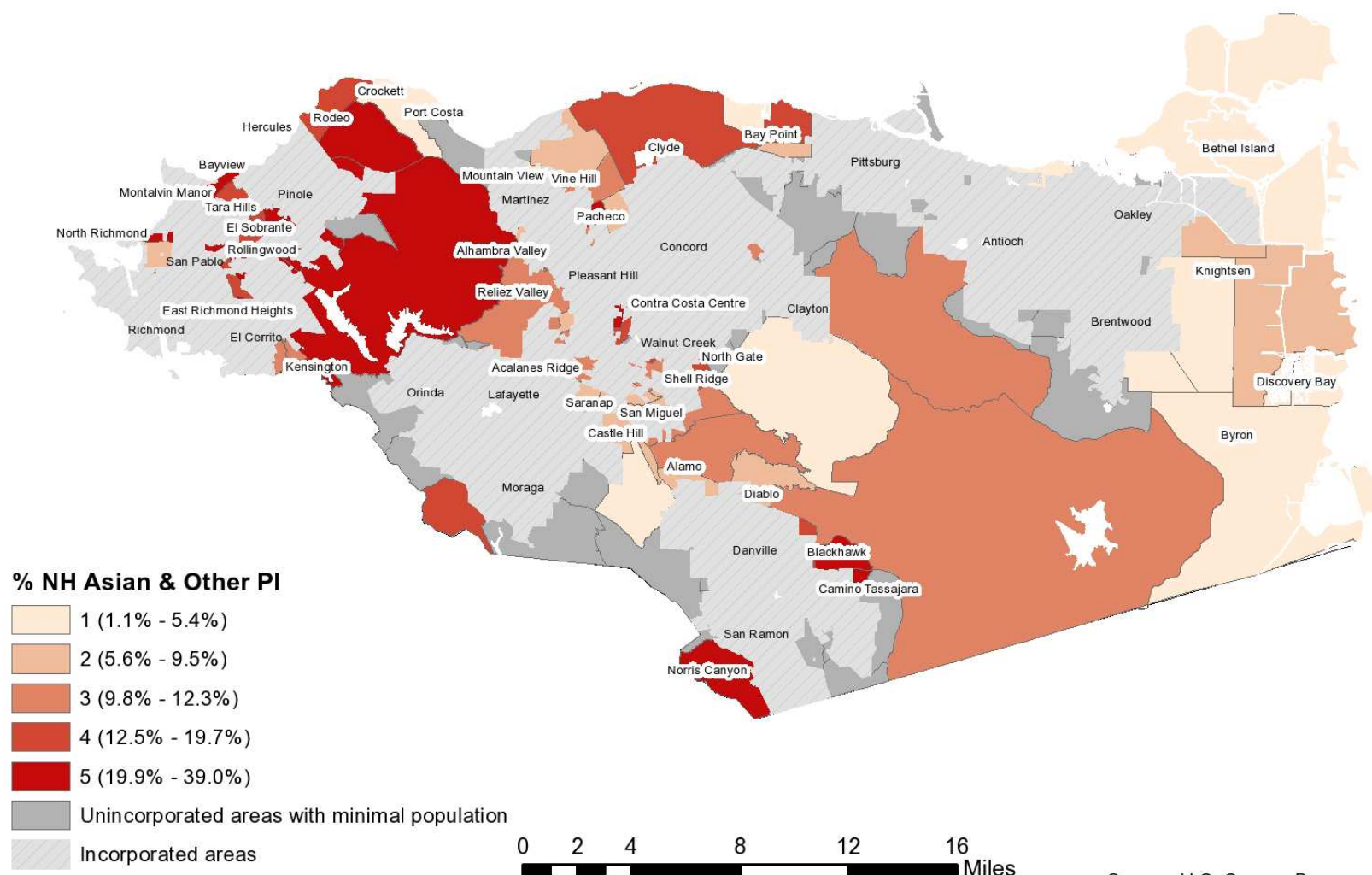


Note: Each category represents one-fifth of the unincorporated census tracts.

# Health Co-Benefit Evaluation

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Figure A.5. Percent of Non-Hispanic Asian/Pacific Islander, 2010

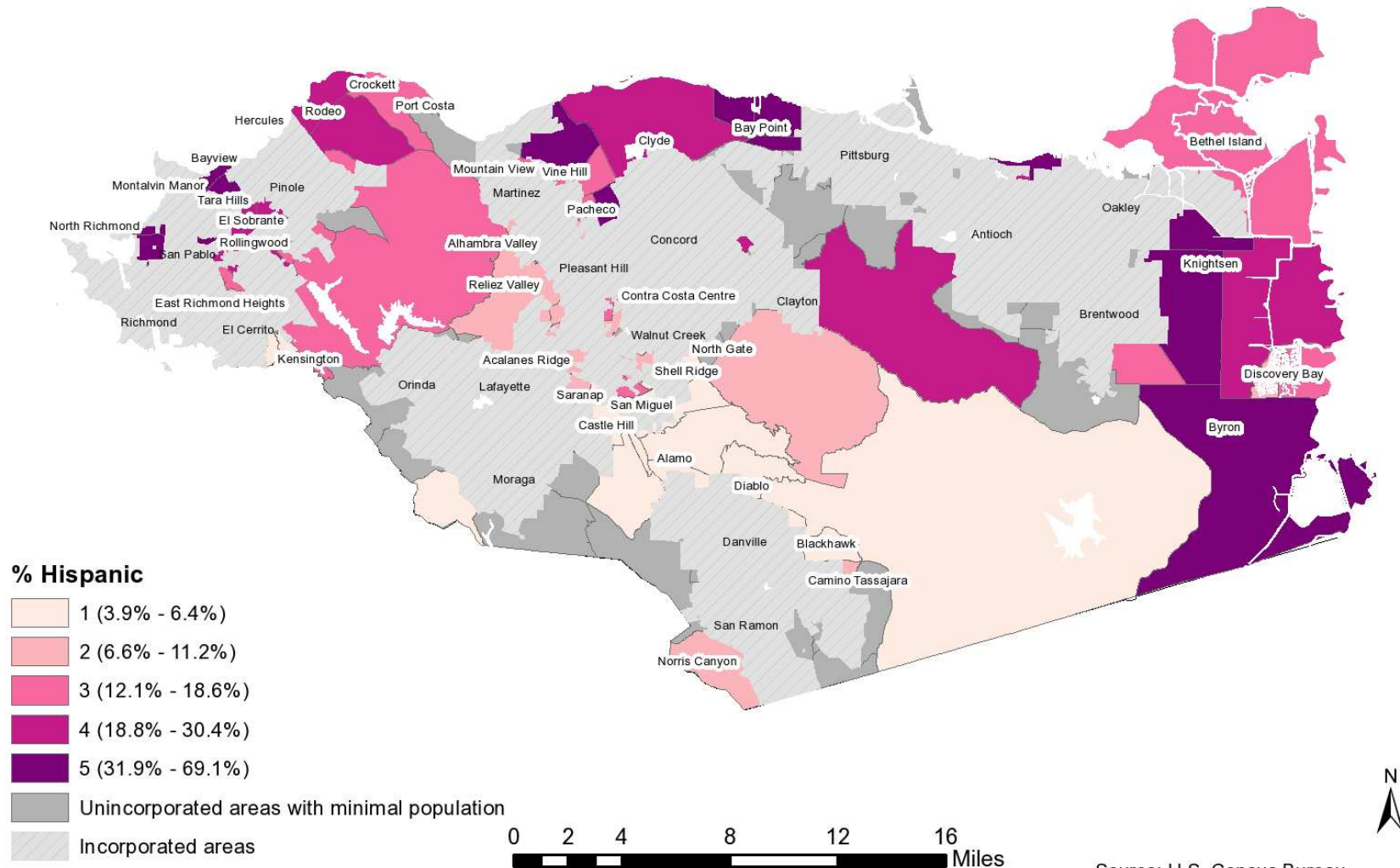


Note: Each category represents one-fifth of the unincorporated census tracts.

Source: U.S. Census Bureau, 2010 Census

# Health Co-Benefit Evaluation

Figure A.6. Percent of Hispanic, 2010

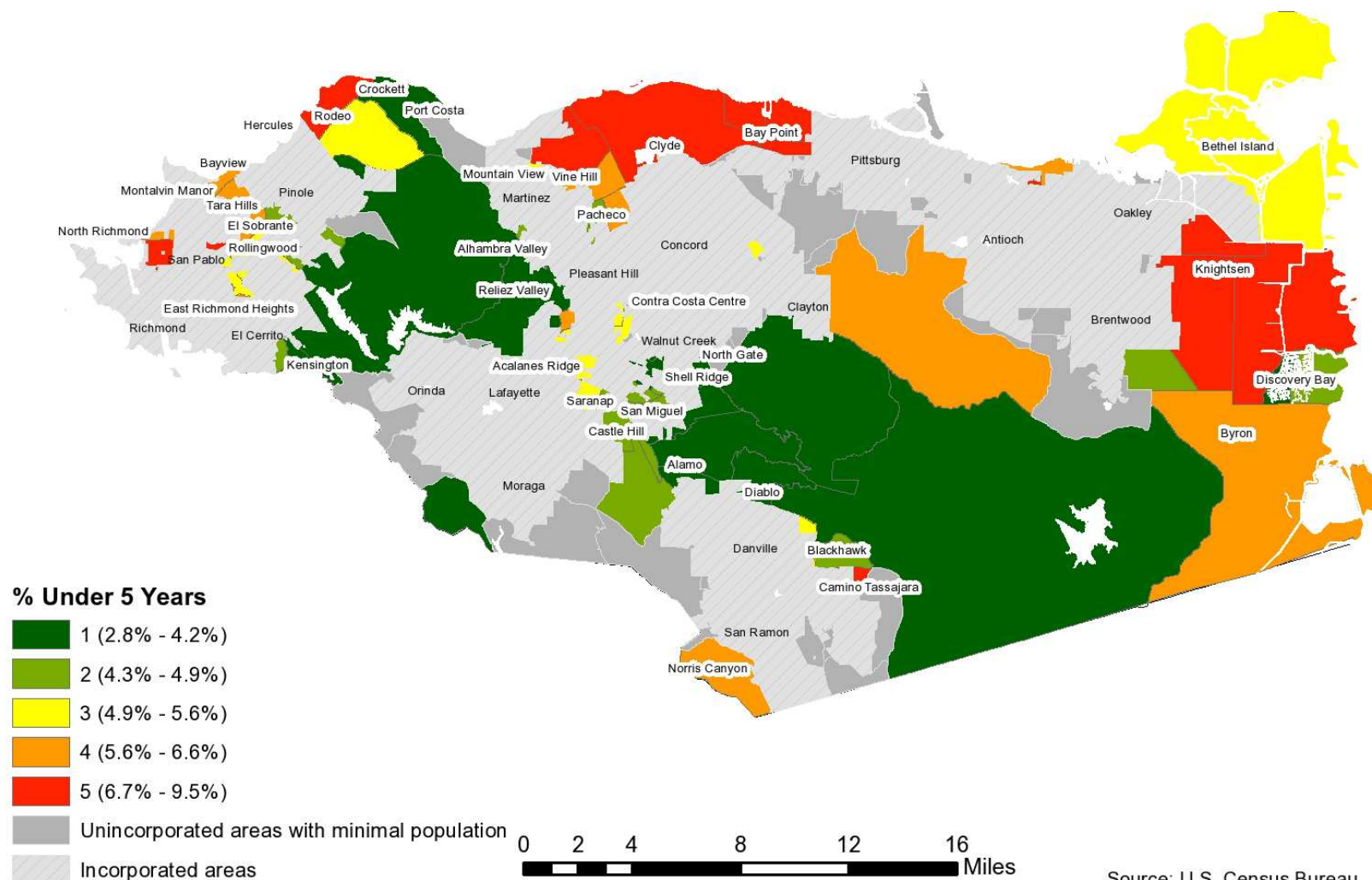


Note: Each category represents one-fifth of the unincorporated census tracts.

# Health Co-Benefit Evaluation

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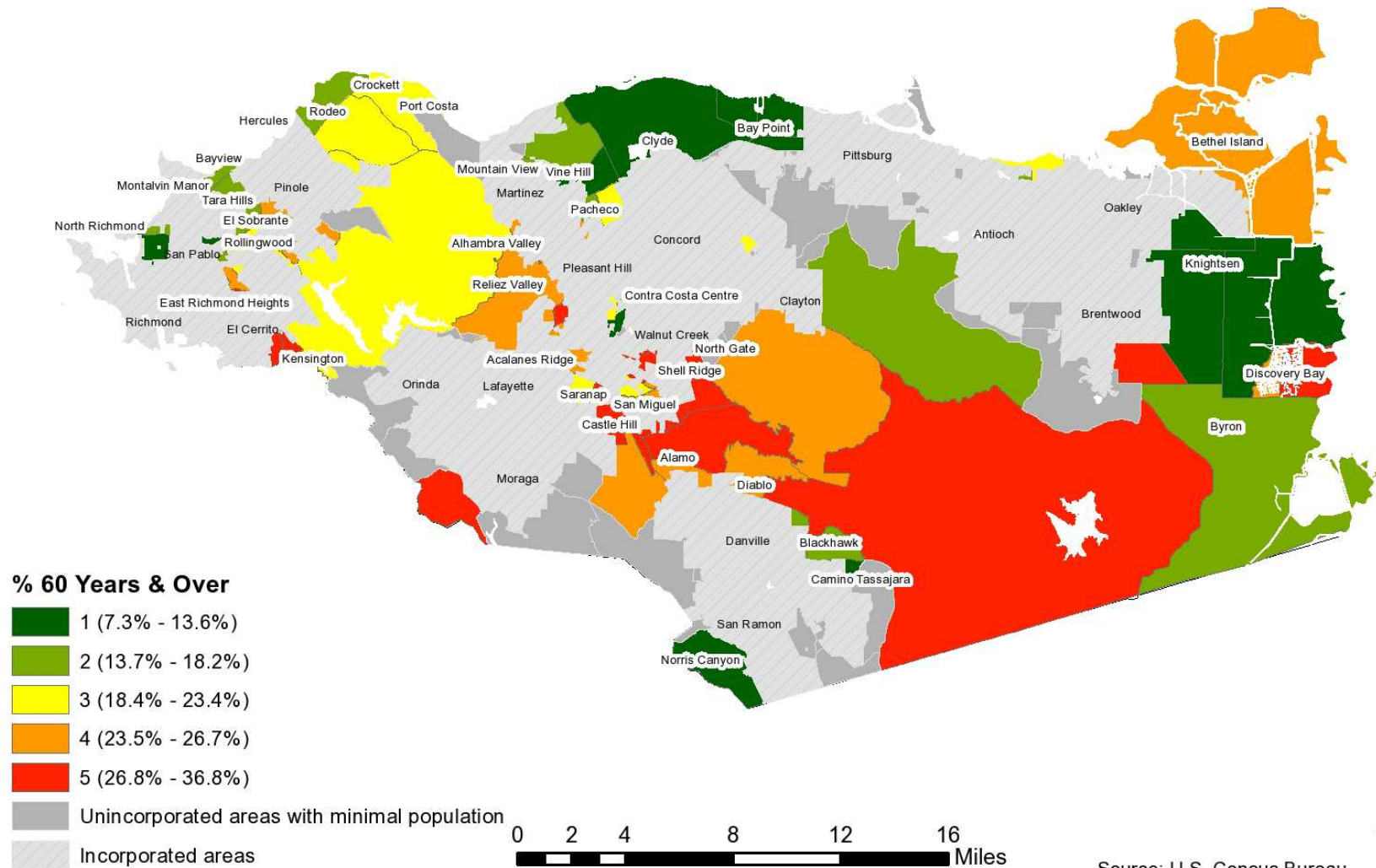
Figure A.7. Percent of Population Under 5 Years Old, 2010



Note: Each category represents one-fifth of the unincorporated census tracts.

# Health Co-Benefit Evaluation

Figure A.8. Percent of Population 60 Years and Older, 2010

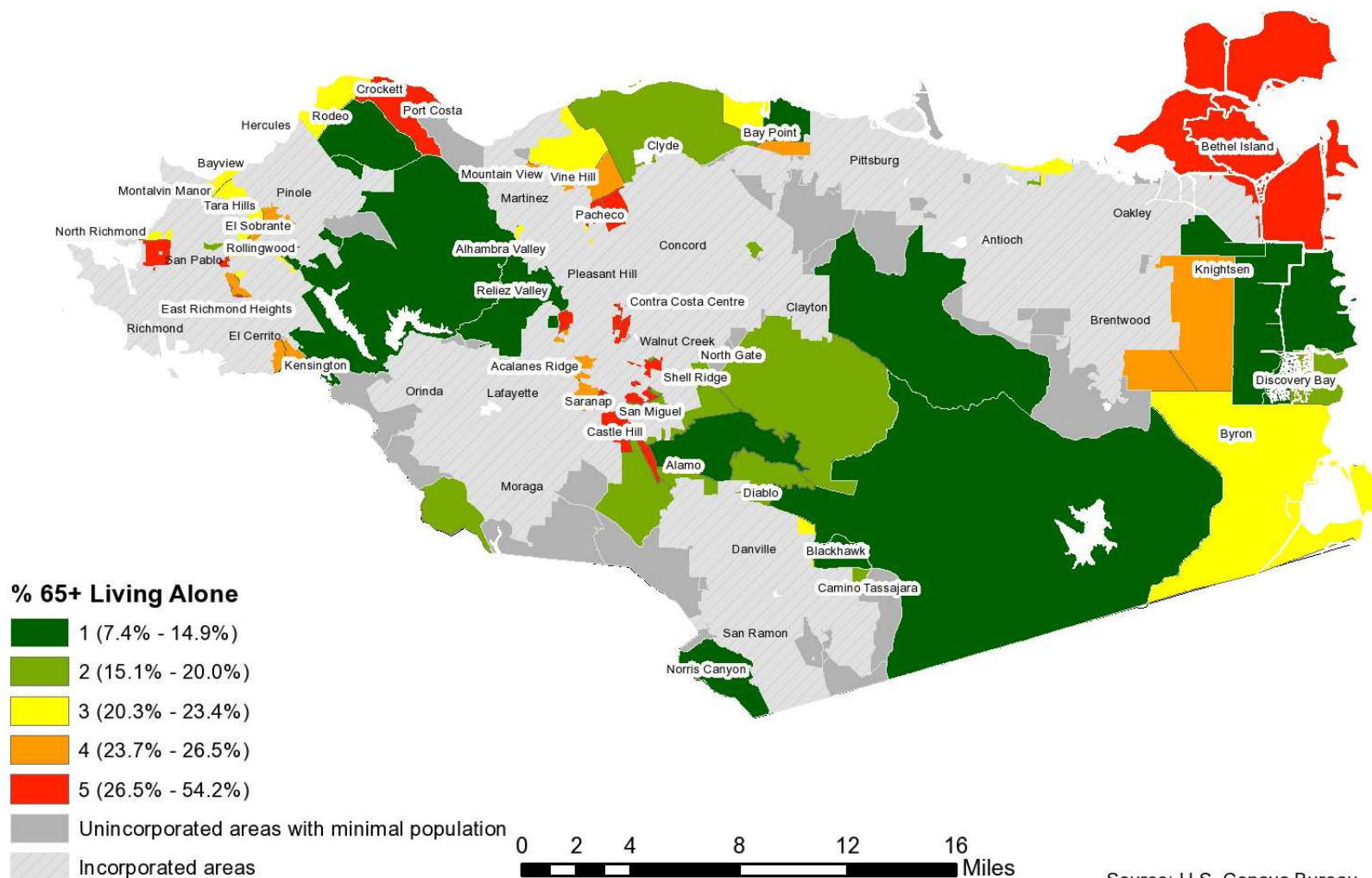


Note: Each category represents one-fifth of the unincorporated census tracts.

# Health Co-Benefit Evaluation

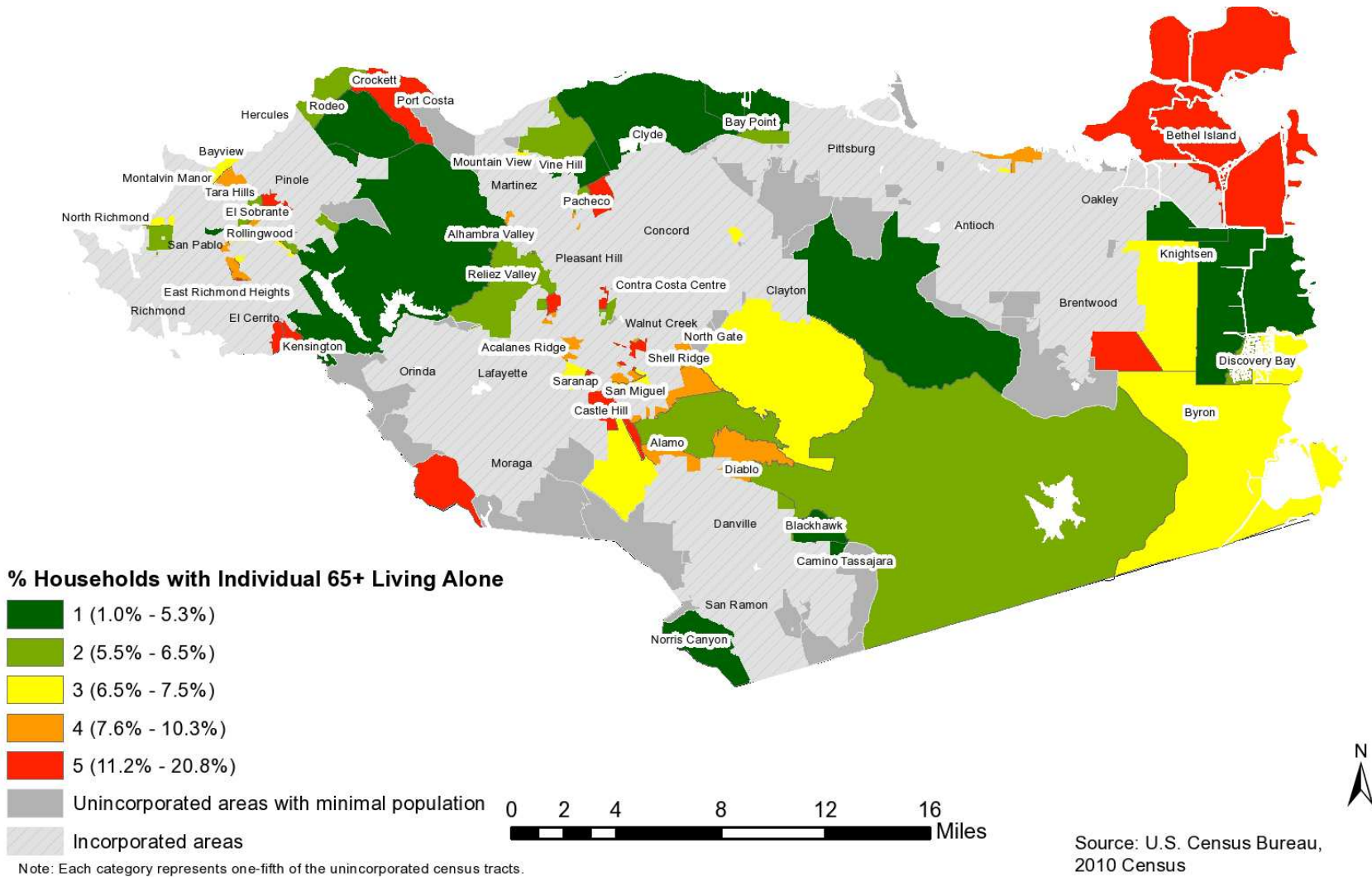
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Figure A.9. Percent of Households with Individuals 65 Years and Older Living Alone, 2010



Note: Each category represents one-fifth of the unincorporated census tracts.

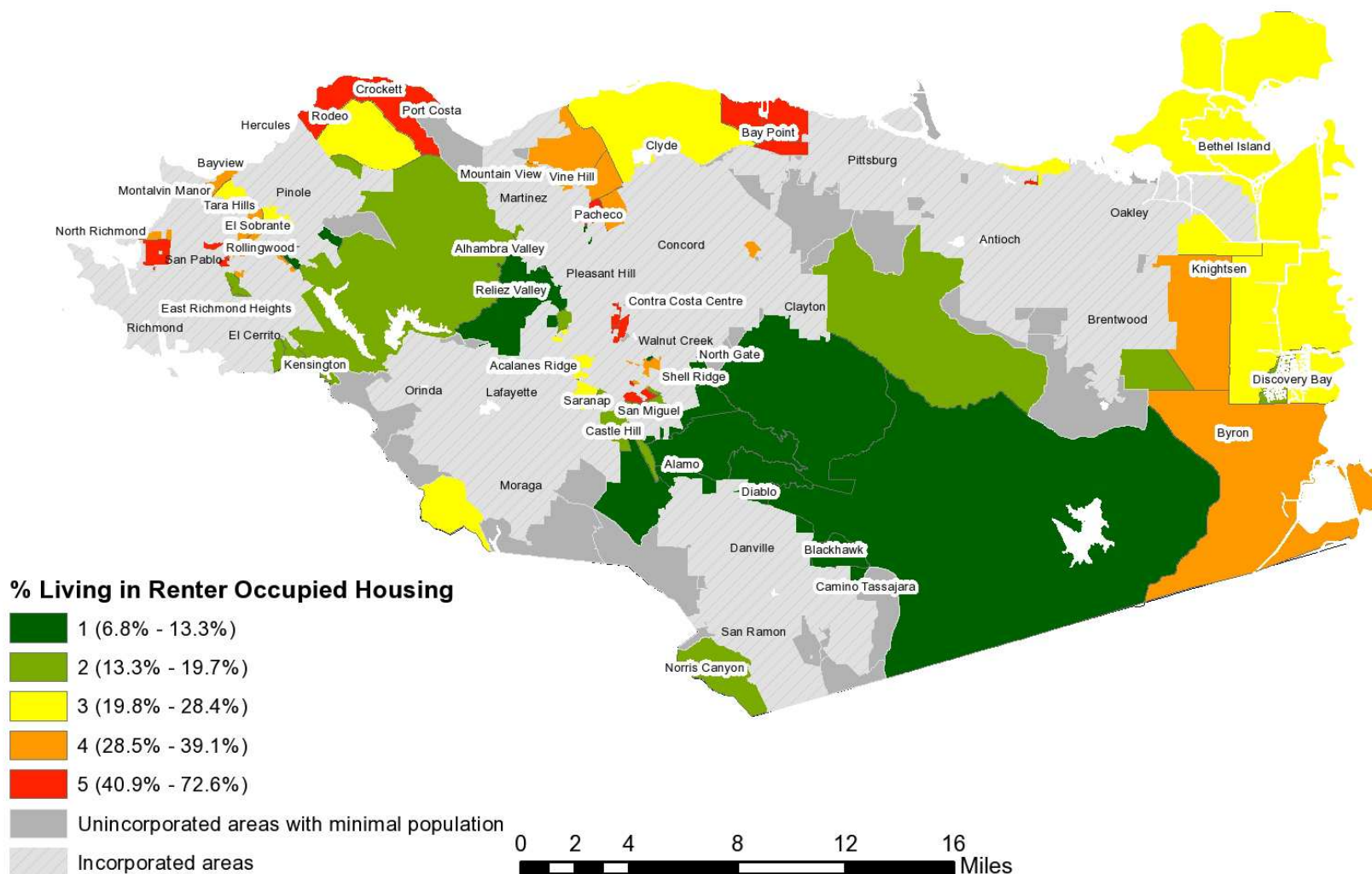
# Health Co-Benefit Evaluation



# Health Co-Benefit Evaluation

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Figure A.11. Percent of Population in Renter-Occupied Housing, 2010

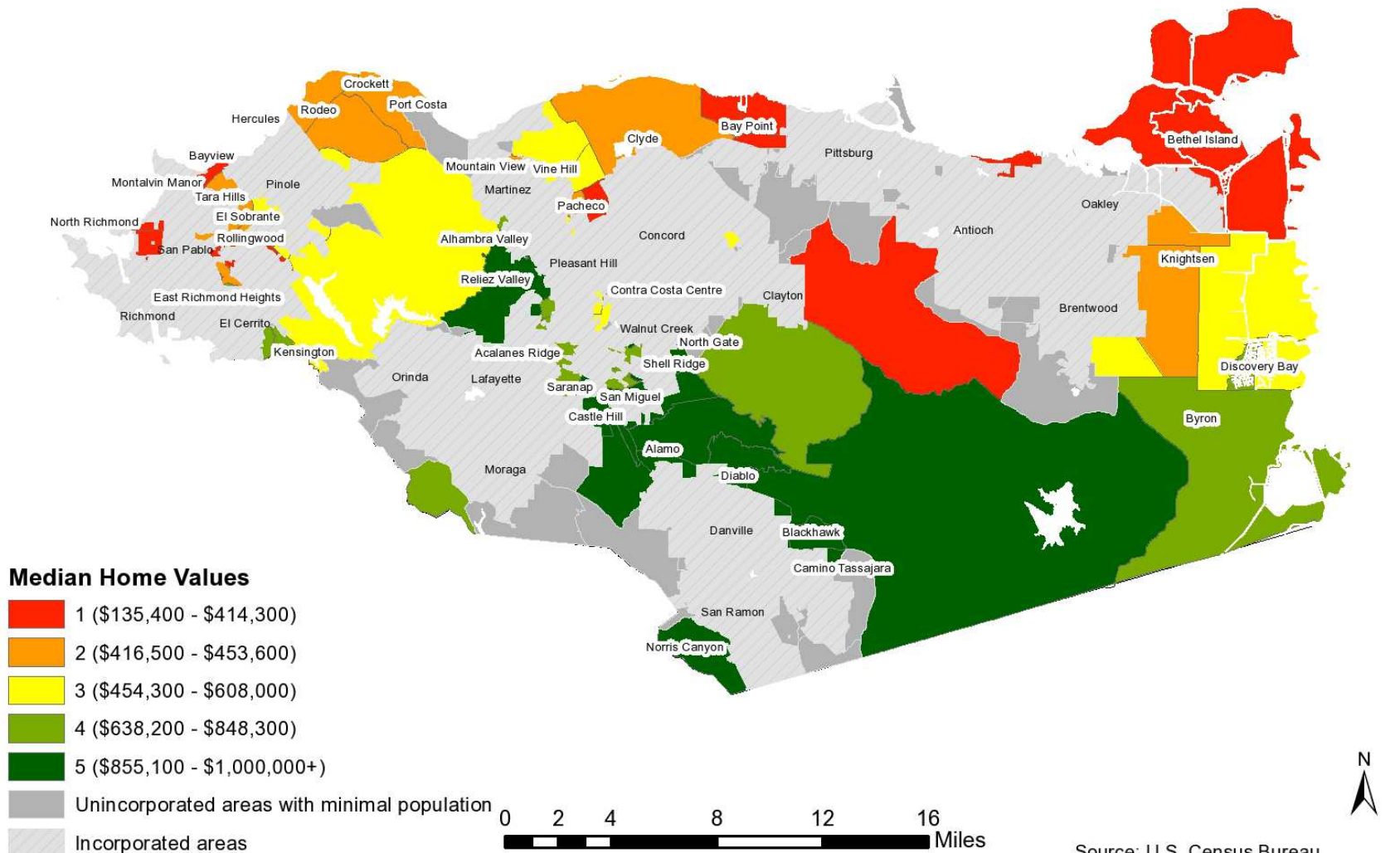


Note: Each category represents one-fifth of the unincorporated census tracts.

Source: U.S. Census Bureau, 2010 Census

# Health Co-Benefit Evaluation

Figure A.12. Median Home Values, 2006-2010

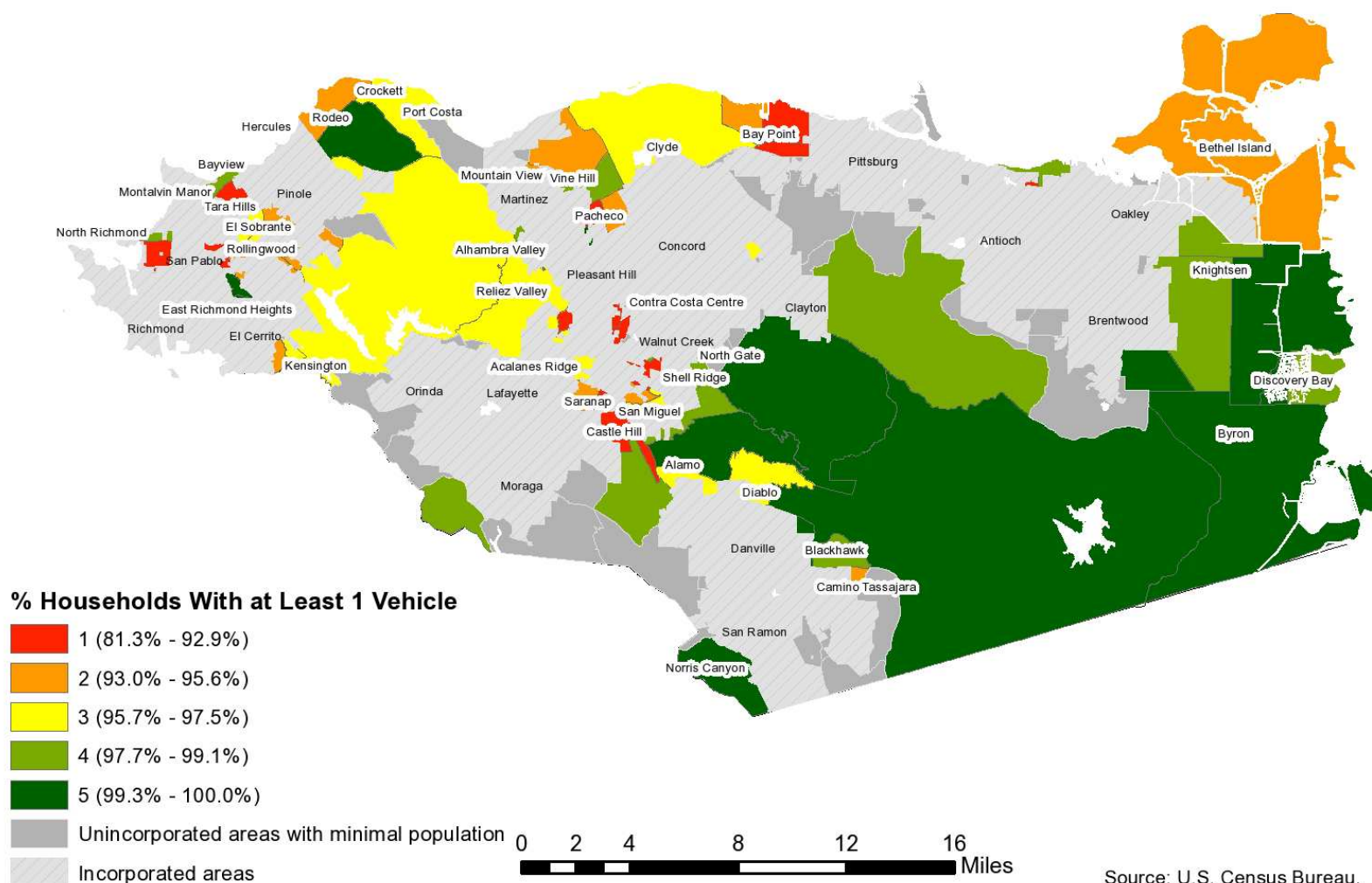


Note: Each category represents one-fifth of the unincorporated census tracts.

# Health Co-Benefit Evaluation

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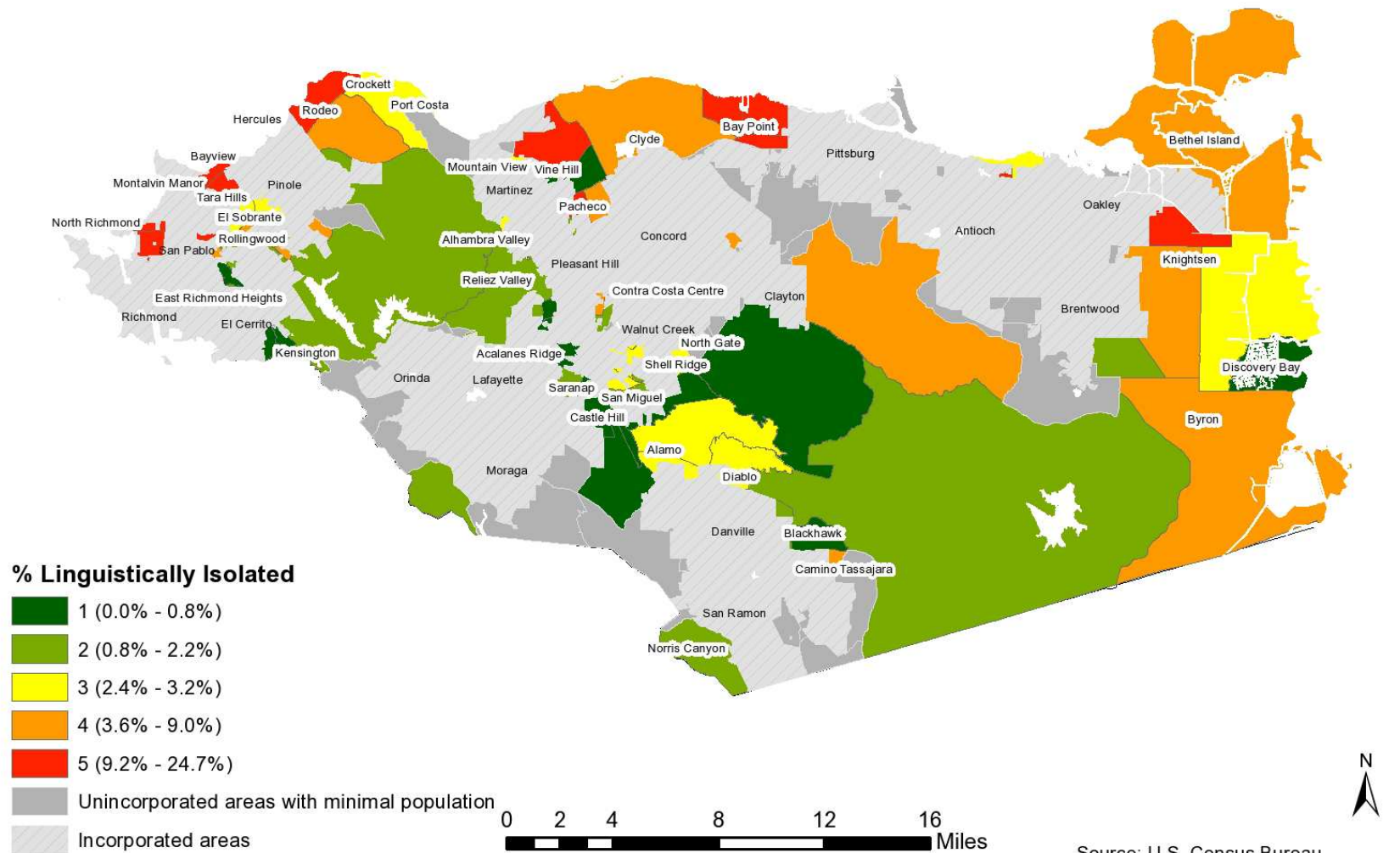
Figure A.13. Percent of Occupied Housing Units with at Least One Vehicle Available, 2006-2010



Note: Each category represents one-fifth of the unincorporated census tracts.

# Health Co-Benefit Evaluation

Figure A.14. Percent of Population 5 Years and Older in Linguistically Isolated Households, 2006-2010



Note: Each category represents one-fifth of the unincorporated census tracts.

# Appendix B: BAAQMD Appendix

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Contra Costa County developed this Climate Action Plan (CAP) to meet the requirements of the Bay Area Air Quality Management District's (BAAQMD) criteria for a Qualified Greenhouse Gas Reduction Strategy as defined in the BAAQMD's California Environmental Quality Act (CEQA) Air Quality Guidelines. The CEQA Air Quality Guidelines were updated in 2010 in response to the state of California's amendment to the State CEQA Guidelines through Senate Bill (SB) 97. SB 97 requires all projects subject to CEQA to analyze and mitigate the greenhouse gas (GHG) emissions that will occur.

The purpose of the BAAQMD CEQA Air Quality Guidelines is to assist lead agencies in evaluating the air quality impacts of proposed projects and plans within the San Francisco Bay Area Air Basin. The guidelines were updated to establish thresholds of significance for impacts related to GHG emissions to be consistent with the requirements of CEQA. These thresholds can be used to assess plan-level and project-level impacts and allow a lead agency to determine that a project's impact on GHG emissions is less than significant if it is in compliance with a Qualified Greenhouse Gas Reduction Strategy.

The County's CAP follows both the State CEQA Guidelines (Section 15183.5(b)) and BAAQMD's guidelines by incorporating the standard elements of a Qualified Greenhouse Gas Reduction Strategy into the CAP. The standard elements of a Qualified Greenhouse Gas Reduction Strategy include the following steps:

- Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic range.
- Establish a level, based on substantial evidence below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable.
- Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area.

- Specify measures or a group of measures, including performance standards that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level.
- Monitor the plan's progress.
- Adopt the greenhouse gas reduction strategy in a public process following environmental review.

This appendix describes in detail how the County's CAP has been developed to satisfy the requirements of BAAQMD's guidelines on the standard elements of a Qualified Greenhouse Gas Reduction Strategy.

## GHG EMISSIONS INVENTORY

The first component of a Qualified Greenhouse Gas Reduction Strategy is to inventory GHG emissions within a specified geographic boundary. Contra Costa County's GHG inventory utilizes a baseline year of 2005 to inventory carbon dioxide (CO<sub>2</sub>), nitrous oxide (N<sub>2</sub>O), and methane (CH<sub>4</sub>) generated from activities by Contra Costa County community members in unincorporated areas of the county.

The emissions sources calculated in the baseline GHG inventory include commercial, residential, and industrial electricity and natural gas use, on-road transportation, solid waste disposal, energy use related to water and wastewater, agricultural off-road equipment and emissions associated with fertilizer application, and off-road equipment use for construction and lawn and garden activities. GHG emissions from these activities were calculated from activity data such as kilowatt hours of electricity (kWh), therms of natural gas, tons of waste disposed, and vehicle miles traveled (VMT) from trips with an origin or destination in Contra Costa County.

To comply with updates to the regulatory structure and incentives to address GHG emissions since the creation of this initial inventory, changes have been incorporated in the 2005 inventory to comply with the US Community Protocol, BAAQMD's suggested guidelines for a Qualified Greenhouse Gas Reduction Strategy, and the state CEQA Guidelines Section 15185.5(b). The 2005 inventory has been updated to include the following:

- New emissions sources not previously inventoried (off-road equipment, BART, water and wastewater, and agriculture).
- Emissions from direct access customers in the commercial/industrial sector as reported by Pacific Gas and Electric Company (PG&E).
- Analysis of stationary source emissions (note that these emissions are analyzed, but not included in the baseline inventory).
- Calculation of waste emissions using the California-specific 2009 Landfill Emissions Tool developed by the California Air Resources Board (CARB).
- Updates to the global warming potentials (GWP) of emissions to account for the most recent scientific understanding.

# BAAQMD Appendix

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- Integration of improved emissions factors from the US Community Protocol and the Local Government Operations Protocol.

Additionally, the County prepared a 2013 inventory to provide an interim update on GHG emissions in unincorporated Contra Costa County, approximately halfway between the 2005 baseline year and the target year of 2020. It includes all of the same sectors as the 2005 inventory and uses the same methods. Like the 2005 inventory, the 2013 inventory is consistent with the US Community Protocol and with BAAQMD guidance. Emissions from the 2005 inventory are shown below in **Table B.1** and **Figure B.1** and emissions from the 2013 inventory are shown in **Table B.2** and **Figure B.2**.

Table B.1. 2005 Community-Wide Baseline Emissions by Sector

Sector	Metric Tons CO <sub>2</sub> e/year	Percentage of Total
Residential Energy	274,690	20%
Nonresidential Energy	118,740	8%
Solid Waste	48,450	3%
Landfill	193,950	14%
On-road Transportation	628,200	45%
Off-Road Equipment	71,880	5%
Water and Wastewater	8,080	1%
BART	2,300	<1%
Agriculture	57,320	4%
<b>TOTAL</b>	<b>1,403,610</b>	<b>100%</b>

\* Due to rounding, the total may not be the sum of component parts.

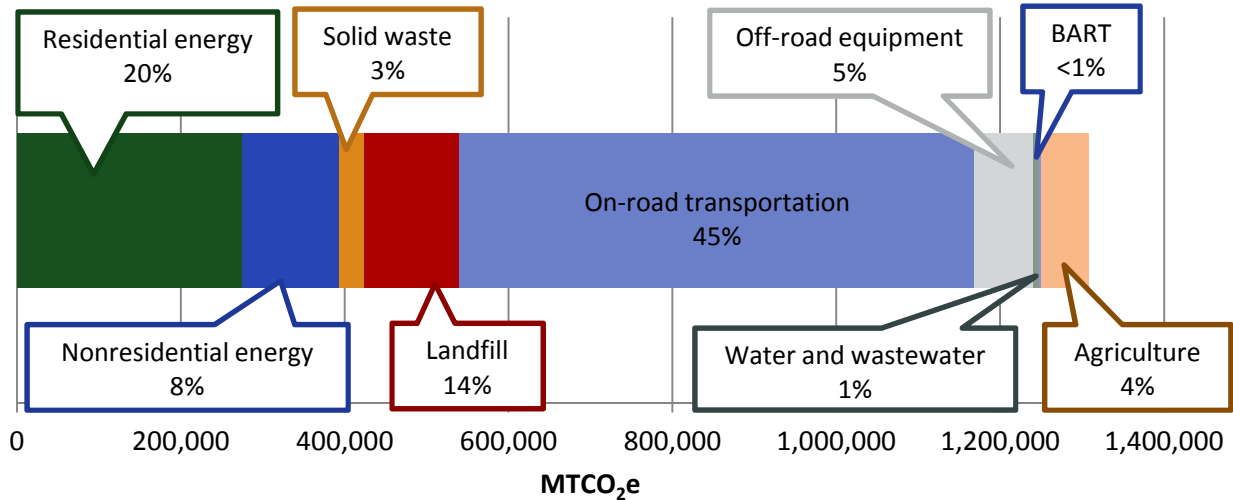
Table B.2. 2013 Community-Wide Baseline Emissions by Sector

Sector	Metric Tons CO <sub>2</sub> e/year	Percentage of Total
Residential Energy	258,420	19%
Nonresidential Energy	125,350	9%
Solid Waste	26,540	2%
Landfill	196,500	14%
On-road Transportation	651,130	47%
Off-Road Equipment	66,230	5%
Water and Wastewater	7,400	1%
BART	2,680	<1%
Agriculture	58,200	4%
<b>TOTAL</b>	<b>1,392,450</b>	<b>100%</b>

\* Due to rounding, the total may not be the sum of component parts.

# BAAQMD Appendix

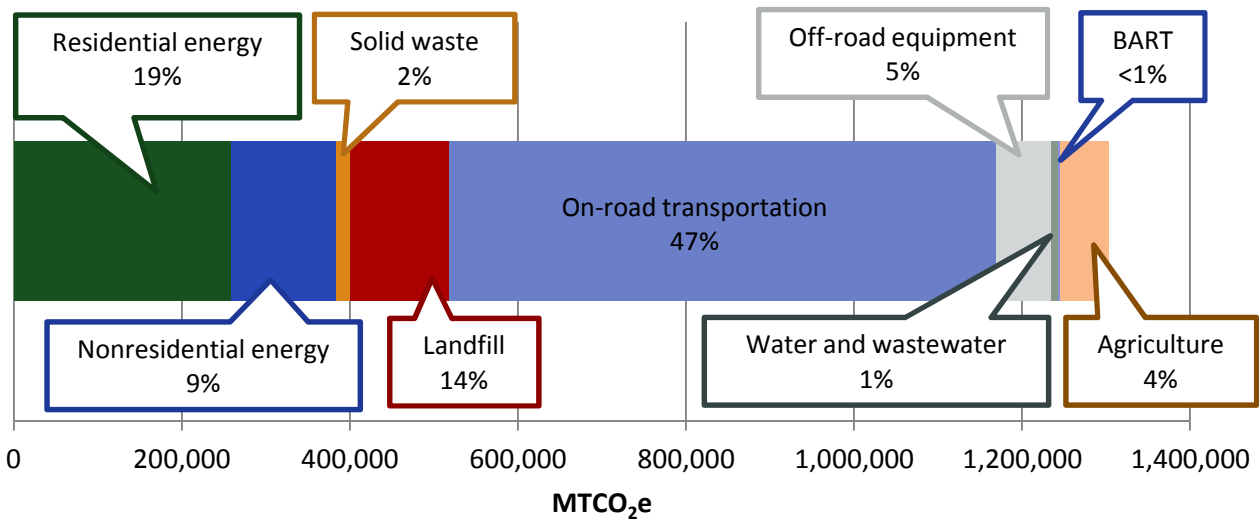
Figure B.1. 2005 Community-Wide Baseline Emissions by Sector\*



Source: Michael Baker International 2015

\*Due to rounding, the total may not equal the sum of component parts.

Figure B.2. 2013 Community-Wide Baseline Emissions by Sector\*



Source: Michael Baker International 2015

\*Due to rounding, the total may not equal the sum of component parts.

# BAAQMD Appendix

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Reflecting the unique characteristics of the unincorporated county, the inventory excludes several emissions sources as described below:

- **Stationary Source GHG Emissions**—Direct process emissions and energy used by industrially classified uses including refineries, power plants, chemical manufacturing plants, and wastewater treatment plants in the unincorporated county.
- **Energy Use by Power Plants and Refineries**—Electricity and natural gas use by power generation plants or refineries in the unincorporated county.

Refinery and power-generating facilities in Contra Costa County use electricity and natural gas in response to market demand for petroleum and electricity. The power-generating facilities in Contra Costa County primarily utilize natural gas to generate electricity, resulting in much higher than average natural gas use in the jurisdictions where these facilities are located.

When including stationary sources and all electricity and natural gas, the GHG emissions from all other sectors are overshadowed, as shown in **Table B.3**, and total roughly 18.7 million MTCO<sub>2</sub>e annually from the unincorporated county.

Table B.3. Emissions from Excluded Sectors

	2005 (MTCO <sub>2</sub> e)	2013 (MTCO <sub>2</sub> e)
Stationary sources	13,983,030	11,873,500
Energy use of major industrial facilities	3,344,000	5,026,560
Total of excluded sectors	17,327,030	16,900,060
Included sectors	1,403,610	1,392,450
Total of included and excluded sectors	18,730,640	18,292,510
Percent of emissions from excluded sectors	93%	92%

There are several factors outside of the County's control that influence the energy use at these facilities. The County has therefore elected to exclude the energy use at these facilities from consideration of a GHG reduction target for the following reasons:

- These facilities are regulated primarily through the Federal Energy Regulatory Commission and the California Energy Commission, and are subject to air quality and emissions standards set forth by the Environmental Protection Agency, California Air Resources Board, and BAAQMD.
- The energy used at these facilities fluctuates from year to year, making it difficult to accurately forecast, depending on the demand for resources and the availability of other electricity-generating sources such as hydropower or renewable resources.
- The County has limited jurisdictional authority to reduce GHG emissions from these sources as they will be subject to cap and trade regulations set forth by the California Air Resources Board.

- Inclusion of these facilities, without an accurate reflection of how emissions will be reduced through cap-and-trade regulation, would make it difficult for the County to set an achievable GHG reduction target to comply with Assembly Bill (AB) 32 and SB 97 and use the CAP for future CEQA tiering or streamlining.
- The approach to excluding energy from sources that are outside of the County's jurisdictional control is consistent with ICLEI's Draft Community-wide Protocol.

The resultant jurisdictional inventory more accurately reflects the natural gas use from nonresidential customers in unincorporated Contra Costa County and allows the County to focus on actions that are within its control. **Appendix C** provides further justification for excluding these sources.

## GHG EMISSIONS PROJECTIONS

The basis for all growth scenarios is a business-as-usual (BAU) projection. The BAU scenario forecasts emissions to reflect the County's growth projections without regulatory or technical intervention to reduce GHG emissions. The BAU forecast for all other sectors rely on the demographic projections from the Association of Bay Area Governments (ABAG) 2013 regional forecasts (see **Table B.4**).

Table B.4. Unincorporated Contra Costa County Growth Indicators, 2005-2035

	2005	2013	2020	2035	2005–2035 Change
Population	159,650	162,230	166,100	173,500	6%
Households	57,980	58,550	59,720	61,740	9%
Jobs	41,270	43,210	47,670	50,330	22%
Service Population	200,920	205,440	213,770	223,830	11%

Source: Association of Bay Area Governments 2009, 2013

Under the growth projections identified by ABAG, emissions in the unincorporated area are forecasted to increase to 1,483,720 MTCO<sub>2</sub>e by 2020, a 6% increase from 2005 levels. Emissions in 2035 are projected to rise to 1,545,980 MTCO<sub>2</sub>e, a 10% increase from 2005 levels. **Table B.5** and **Figure B.3** show emissions by sector for the 2005 baseline inventory and the two forecasted years.

# BAAQMD Appendix

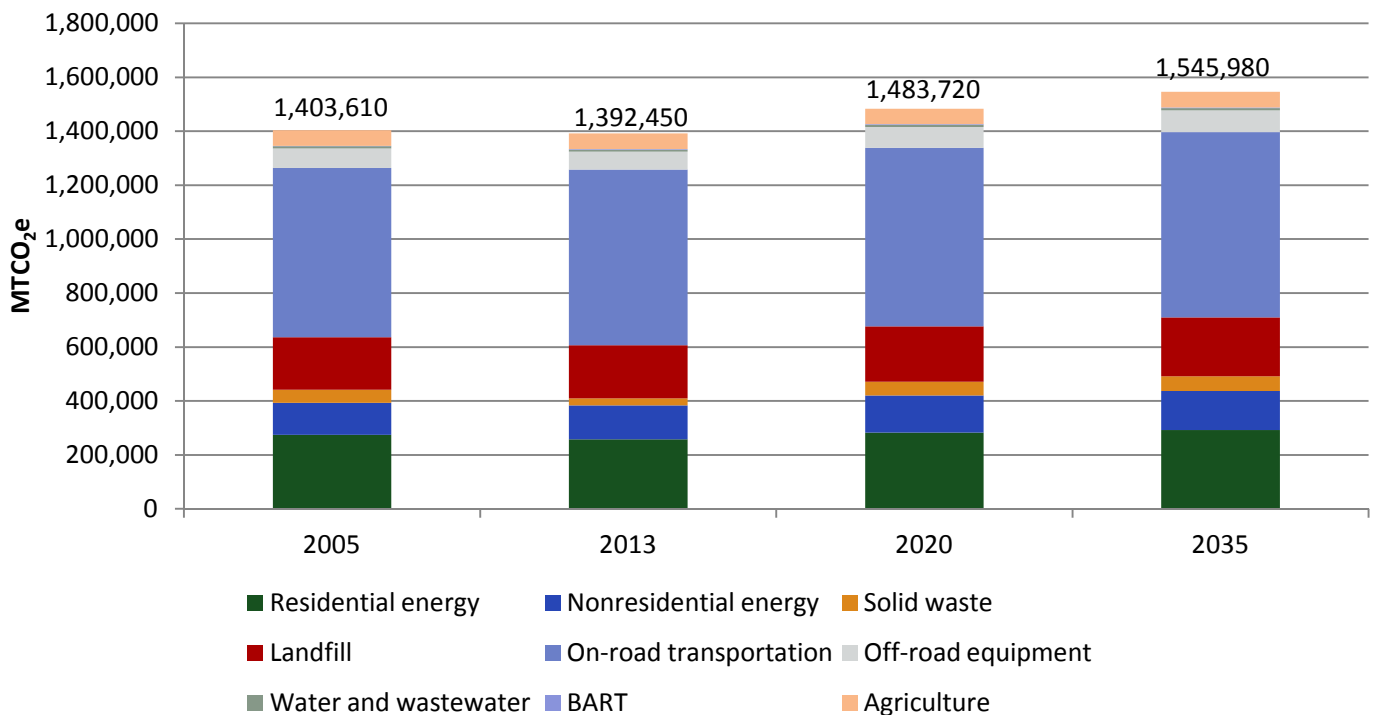
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Table B.5. Contra Costa Community GHG Emissions Forecast

Sector	2005 MTCO <sub>2</sub> e	2013 MTCO <sub>2</sub> e	2020 MTCO <sub>2</sub> e	2035 MTCO <sub>2</sub> e	Percent Change, 2005–2035
Residential energy	274,690	258,420	282,930	292,500	6%
Nonresidential energy	118,740	125,350	137,150	144,810	22%
Solid waste	48,450	26,540	51,550	53,970	11%
Landfill	193,950	196,500	204,560	218,560	13%
On-road transportation	628,200	651,130	662,820	687,370	9%
Off-road equipment	71,880	66,230	76,340	79,890	11%
Water and wastewater	8,080	7,400	8,600	9,000	11%
BART	2,300	2,680	2,450	2,560	11%
Agriculture	57,320	58,200	57,320	57,320	0%
<b>TOTAL</b>	<b>1,403,610</b>	<b>1,392,450</b>	<b>1,483,720</b>	<b>1,545,980</b>	<b>10%</b>
<b>Percent Change from 2005</b>	-	-1%	6%	10%	-

Source: Michael Baker International 2015

Figure B.3. Business-As-Usual GHG Forecast 2005–2035



Source: Michael Baker International 2015

# BAAQMD Appendix

In addition to AB 32, California has adopted and started to implement several state-level programs that will impact local GHG emissions. In order to effectively determine the emissions reductions that will need to be implemented at the local level to meet the County's emissions reduction target, the impact of state-level programs has been incorporated into an adjusted BAU forecast. The state-level programs included in this adjusted forecast include the Renewables Portfolio Standard (RPS), updates to Title 24 Energy Efficiency Standards, Low Carbon Fuel Standards, and the implementation of the Clean Car Fuel Standard, commonly referred to as the Pavley standards. The impact of these state programs (shown in **Table B.6**) will play a critical role in helping Contra Costa achieve the emissions reduction target.

Table B.6. State Reductions Summary, 2020 and 2035

State Policy or Program	2020 (MTCO <sub>2</sub> e)	2035 (MTCO <sub>2</sub> e)
Renewables Portfolio Standard	-41,620	-78,030
Clean Car Standard and LCFS	-173,480	-236,270
Title 24 Standards	-2,840	-7,970
<b>TOTAL</b>	<b>-217,940</b>	<b>-322,270</b>

The regulations implemented by the state will help further reduce Contra Costa's GHG emissions. As shown in **Table B.7**, reductions from state activities are expected to reduce emissions below baseline levels by 2020, and to continue to decrease emissions by 2035 despite population growth.

Table B.7. State Reductions Summary, 2020 and 2035

Sector	2005 (MTCO <sub>2</sub> e)	2013 (MTCO <sub>2</sub> e)	2020 (MTCO <sub>2</sub> e)	2035 (MTCO <sub>2</sub> e)	Percent Change, 2005–2035
Residential energy	274,690	258,420	257,310	242,280	-12%
Nonresidential energy	118,740	125,350	119,980	112,170	-6%
Solid waste	48,450	26,540	51,550	53,970	11%
Landfill	193,950	196,500	204,560	218,560	13%
On-road transportation	628,200	651,130	489,340	451,100	-28%
Off-road equipment	71,880	66,230	76,340	79,890	11%
Water and wastewater	8,080	7,400	6,930	5,860	-27%
BART	2,300	2,680	2,450	2,560	11%
Agriculture	57,320	58,200	57,320	57,320	0%
<b>TOTAL</b>	<b>1,403,610</b>	<b>1,392,450</b>	<b>1,265,780</b>	<b>1,223,710</b>	<b>-13%</b>
<b>Percent Change from 2005</b>	<b>-</b>	<b>-1%</b>	<b>-10%</b>	<b>-13%</b>	<b>-</b>

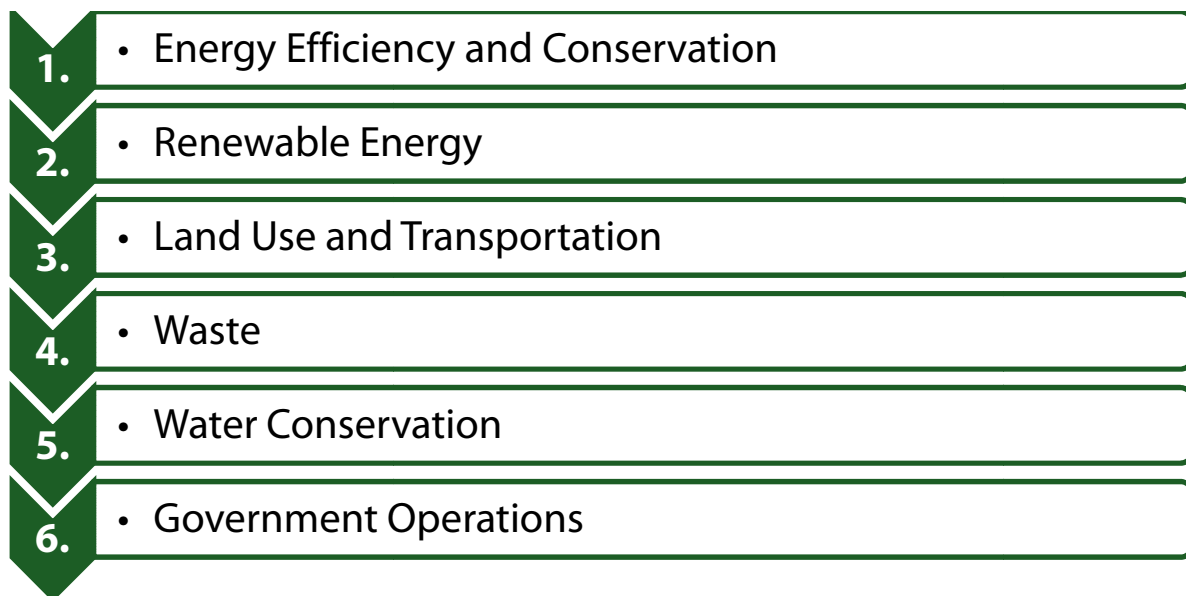
Source: Michael Baker International 2015

## GHG EMISSIONS REDUCTION TARGET

Contra Costa is following state guidelines by seeking to achieve a GHG emissions reduction target of 15% below 2005 baseline levels by 2020.

The GHG reduction measures included in this CAP demonstrate the County's ability to reach the GHG reduction target of 15% below 2005 levels by 2020. Emissions reductions were quantified for two different years: 2020 and 2035. The 2020 and 2035 emissions reductions are the potential reductions that will be achieved through the implementation of these measures. The GHG reduction strategies are separated by goal or topic area to correspond with the sectors and sources of GHG emissions, as identified in **Figure B.4**.

Figure B.4. GHG Reduction Topics



It is important to identify how the County will meet or exceed the minimum GHG reduction target of 15% below baseline levels by 2020 to ensure the County can utilize the CAP as a Qualified Greenhouse Gas Reduction Strategy for use in environmental review of projects. This plan identifies a clear path to allow the County to reach the community-wide GHG reduction target of 15% below baseline levels which, in turn, meets the state targets as well.

The CAP contains a diverse mix of incentive-based reduction measures. The reduction measures aim to reduce GHG emissions from each source to avoid reliance on any one strategy or sector to achieve the target. As shown in **Table B-8**, after state reductions, local measures must reduce 72,550 MTCO<sub>2</sub>e by 2020. Table B-9 demonstrates that the measures detailed in this CAP are expected to reduce 86,300 MTCO<sub>2</sub>e by 2020, achieving the target of 15% below baseline by 2020. Achievement of the County's adopted target by 2020 will meet state recommendations and BAAQMD threshold requirements for developing a Qualified Greenhouse Gas Reduction Strategy.

Table B.8. Baseline GHG Emissions, Forecast, and Reduction Goals

	2020 MTCO <sub>2</sub> e	2035 MTCO <sub>2</sub> e
2005 Baseline Emissions	1,403,610	1,403,610
Forecasted Emissions	1,483,720	1,545,980
Emissions with Statewide Reductions	1,265,620	1,223,170
Reduction Target	1,193,070	596,540
<b>Local Reductions Needed</b>	<b>-72,550</b>	<b>-626,630</b>

Source: Michael Baker International 2015

Table B.9. GHG Reduction Summary by Topic (MTCO<sub>2</sub>e)

Topic	2020	2035
Energy Efficiency	7,510	14,000
Renewable Energy	9,090	15,470
Land Use and Transportation	12,630	23,380
Solid Waste	55,280	79,430
Water	1,210	940
Government Operations <sup>1</sup>	580	450
<b>Total</b>	<b>86,300</b>	<b>133,670</b>

<sup>1</sup>Not quantified; supportive goal topic

In addition to quantifying the emissions reductions associated with each strategy in the CAP, BAAQMD guidance recommends that the County clearly specify the measures within the CAP applicable to new construction projects to demonstrate compliance with the County's GHG emissions reduction strategy and determine that the project's GHG emissions are less than significant. To ensure that each new construction project complies with the County's CAP, a checklist has been developed to be submitted by an applicant for each new development project (**Appendix E**).

## IMPLEMENTATION AND MONITORING

To ensure the timely implementation of the CAP, the County will identify staff to coordinate implementation of GHG reduction strategies and progress toward GHG reduction targets (see Implementation Action Item 1.4 in **Chapter 5**) and prepare annual reports to the Board of Supervisors on CAP implementation and progress. To assist in this reporting, the CAP contains an implementation matrix that identifies actions necessary to implement the CAP, the responsible agency, and the implementation time frame. The CAP implementation chapter also outlines the necessary procedures to update the inventory and reduction measures every 3–5 years. The implementation matrix,

combined with the reduction measure workbook, will serve as the primary instrument in measuring the County's progress toward achieving emissions reduction targets and to ensure timely implementation occurs.

## **PUBLIC PROCESS AND ENVIRONMENTAL REVIEW**

The final component of a Qualified Greenhouse Gas Reduction Strategy is to adopt the plan through a public hearing process following environmental review. The County has involved numerous stakeholders throughout the development of the CAP. The CAP will undergo environmental review as part of the public hearing and adoption process.



# Appendix C: Inventory & Forecast Report

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The greenhouse gas emissions (GHG) inventory identifies the major sources of GHG emissions from activities occurring within the unincorporated areas of Contra Costa County in 2005 and 2013, and provides a baseline against which future progress can be measured. Specifically, the inventory:

- Presents GHG emissions from community-wide activities in the calendar years of 2005 and 2013.
- Identifies GHG emissions from activities which the County can reasonably influence, and excludes all other sources that are primarily regulated by other agencies (e.g., major industrial facilities).
- Summarizes GHG emissions by sector to compare the relative impact between sectors.
- Provides forecasts of how emissions will grow in the community under various scenarios.
- Provides County decision-makers and the community with adequate baseline and forecast information to inform policy decisions.

## INVENTORY BACKGROUND

In California, and as recommended by the Governor's Office of Planning and Research, many communities use the *US Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions* (the US Community Protocol) to identify and assess GHG emissions. This protocol provides guidance on how to measure and report community-wide GHG emissions, including identification of relevant sources or activities and methods used to calculate emissions. The Bay Area Air Quality Management District (BAAQMD) has issued a GHG Plan Level Quantification Guidance document, which also provides recommendations for Bay Area communities to develop GHG inventories. The 2005 and 2013 inventories are consistent with the recommended practices in these two documents. The 2005 and 2013 inventories also assist in allowing this Climate Action Plan (CAP) to function as a Qualified GHG Reduction Strategy for Contra Costa County, allowing for the streamlining of the environmental review process for projects located in the

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unincorporated area, in accordance with the standards identified in the state California Environmental Quality Act (CEQA) Guidelines Section 15183.5(b). Under these guidelines, a qualified strategy must meet the following requirements:

- Quantify GHG emissions, both existing and forecast over a set time period, from activities within a defined geographic area.
- Establish a level below which GHG emissions from activities covered by the plan are not cumulatively considerable, based on substantive evidence.
- Identify and analyze the GHG emissions as a result of specific actions or categories of actions anticipated within the defined geographic area.
- Specify measures or a group of measures, including performance standards, which would collectively achieve the specified emissions level if implemented on a project-by-project basis, as demonstrated by substantive evidence.
- Establish a mechanism to monitor the plan's progress toward achieving the level and to require revisions to the plan if it is not achieving the specified levels.
- Be adopted in a public process following environmental review.

The 2005 and 2013 inventories discussed in this appendix meet the first of the three requirements identified above. In accordance with the US Community Protocol and BAAQMD guidance, these inventories include emissions from the following sources, or sectors:

- **Residential energy:** Electricity and natural gas used in residential buildings.
- **Nonresidential energy:** Electricity and natural gas used in nonresidential buildings, including offices, retail stores, government facilities, institutional facilities, and some industrial buildings.
- **Solid waste:** Emissions from waste produced in the county for the inventory year.
- **Landfills:** Emissions from the decomposition of waste deposited in landfills from prior years.
- **On-road transportation:** On-road vehicle trips, including cars and trucks.
- **Off-road equipment:** Portable equipment and vehicles not used for transportation on roads, including construction and landscaping equipment.
- **Water and wastewater:** Energy used to pump and treat water and wastewater, and emissions from the processing of wastewater.
- **BART:** Energy used by BART trips beginning or ending in the unincorporated area.
- **Agriculture:** Emissions from fertilizer use, farming equipment, and the digestive processes of livestock.

# Inventory & Forecast Report

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## DATA COLLECTION METHODS AND ANALYSIS

The GHG emissions inventory starts with collecting activity data for each sector listed above. Activity data includes the amounts of electricity used (measured in kilowatt-hours or kWh), vehicle miles traveled (VMT), or gallons of water used. This information is for all activities occurring within the unincorporated areas of Contra Costa County and comes from multiple sources, including private utilities, local governments, and state and regional agencies. The activity data is converted into GHG emissions using an emissions factor, which is a numerical constant that describes how many GHGs are emitted per unit of activity data (for example, how many GHGs per kWh of electricity used). Utility companies or other providers of activity data may also provide emissions factors for their data. Alternatively, state or federal agencies or the US Community Protocol may recommend specific emissions factors in their guidance documents. The emissions factors include the three primary GHGs: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O).

These GHGs have different global warming potentials (GWPs), which refers to how much heat each gas can trap over a 100-year period, relative to CO<sub>2</sub>. For example, methane traps 28 times as much heat as CO<sub>2</sub>, and so methane has a GWP of 28. GHG emissions are presented as units of carbon dioxide equivalent (CO<sub>2</sub>e), which accounts for the varying GWPs of each gas type. A metric ton (MT) of methane will trap 28 times as much heat as an MT of CO<sub>2</sub>, and so one MT of methane is equal to 28 MTCO<sub>2</sub>e. The GWPs in the 2005 and 2013 inventories are from the Intergovernmental Panel on Climate Change's (IPCC) Fifth Assessment Report.

In keeping with best practices and recommended guidance, the 2005 and 2013 inventories include emissions resulting from activities occurring within the unincorporated areas of Contra Costa County, even if the emissions themselves do not occur in the unincorporated areas. For example, if a home in Bay Point uses electricity, the power plant that provides the electricity may not be located within the unincorporated areas, and so any emissions from generating the electricity (e.g., the burning of natural gas to run the generators) may occur in a distant community. However, because the activity resulting in these emissions occurred within the unincorporated areas of Contra Costa County, it is included in the County's GHG inventory.

## 2005 INVENTORY

This Inventory builds on an inventory prepared by the County evaluating 2005 community-wide GHG emissions for the unincorporated areas of Contra Costa County. Changes to the regulatory structure and incentives to address GHG emissions since the creation of this initial inventory have been incorporated in this Inventory to comply with the US Community Protocol, BAAQMD's suggested guidelines for a Qualified GHG Reduction Strategy, and the state CEQA Guidelines Section 15185.5(b). The 2005 inventory has been updated to include the following:

- New emissions sources not previously inventoried (off-road equipment, BART, water and wastewater, and agriculture).
- Emissions from direct access customers in the commercial/industrial sector as reported by Pacific Gas and Electric Company (PG&E).

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- Analysis of stationary source emissions (note that these emissions are analyzed, but not included in the baseline inventory).
- Calculation of waste emissions using the California-specific 2009 Landfill Emissions Tool developed by the California Air Resources Board (CARB).
- Updates to the GWPs of emissions to account for the most recent scientific understanding.
- Integration of improved emissions factors from the US Community Protocol and the Local Government Operations Protocol.

## 2013 INVENTORY

The County prepared the 2013 inventory to provide an interim update on GHG emissions in unincorporated Contra Costa County, approximately halfway between the 2005 baseline year and the target year of 2020. It includes all of the same sectors as the 2005 inventory and uses the same methods. Like the 2005 inventory, the 2013 inventory is also consistent with the US Community Protocol and with state and regional guidance.

## EXCLUDED SECTORS

The inventories were developed with the best available tools, data, and methods; however, as with any GHG inventory, there are limitations to representing all sources of emissions in a local jurisdiction. There are two emissions sources which were analyzed for Contra Costa County and are presented here for informational purposes, but are not included in the official inventory:

- **Stationary Source GHG Emissions**—Direct process emissions and energy used by industrially classified uses including petroleum refineries, power plants, chemical manufacturing plants, and wastewater treatment plants in the unincorporated county.
- **Energy Use by Major Industrial Facilities**—Electricity and natural gas use by refineries, chemical facilities, and major manufacturing plants in the unincorporated county.

The stationary source totals identified by BAAQMD for facilities in unincorporated Contra Costa County, as well as the electricity and natural gas used by these facilities, have been excluded from the County's GHG Inventory.

When deciding which sectors to include in an inventory for a local community, the US Community Protocol recommends including those which are subject to "significant local government influence." There are five criteria for determining this influence; a source which satisfies at least one of these criteria is deemed subject to significant local government influence and so should be included in the inventory:

- Ownership (does the local government own the emissions source?)
- Operational control (does the local government operate or manage the emissions source?)
- Regulatory authority (does the local government have the authority to enact regulations, incentive programs, or other mechanisms that could reduce emissions?)

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- Enforcement authority (does the local government enforce regulations that could reduce emissions?)
- Budgetary authority (does the local government have monetary influence over the emissions source?)

Most sectors included in the 2005 and 2013 inventories are subject to regulatory and enforcement authority by Contra Costa County, even if the County chooses not to enact policies to reduce emissions from these sources. However, the stationary sources and major industrial facilities are primarily subject to regulation by other agencies, including CARB, BAAQMD, and the US Environmental Protection Agency (EPA), and so fall generally outside of the County's regulatory and enforcement authority.

Exclusion of these emission sources allows the County to prepare a CAP that focuses on actions within its control. Emissions from many of these facilities are being reduced under California's statewide cap and trade program.

## Stationary Sources

BAAQMD provided emissions from stationary sources for the 2005 inventory; CARB provided stationary source emissions data for the 2013 inventory. The list of facilities included in the 2005 stationary source data do not match those in the 2013 data, as facilities open and close and regulatory standards change.

## Major Industrial Activities

PG&E provided information on energy use by major industrial facilities. Although PG&E was unable to provide data on the specific amounts of energy used by major industrial facilities, it did provide information on the relative amount of energy used by various types of nonresidential facilities. The County used this information to identify the proportion of nonresidential electricity and natural gas used by major industrial activities, including petroleum refining, chemical and mineral processing, and manufacturing. This information was used in conjunction with PG&E data on total nonresidential energy use in the unincorporated areas to identify the energy use of major industrial facilities. The percent of nonresidential energy use used by major industrial activities is shown in **Table C.1**.

Table C.1. Energy Use of Major Industrial Facilities

	2005		2013	
	Electricity (kWh)	Natural Gas (therms)	Electricity (kWh)	Natural Gas (therms)
All nonresidential activities	675,513,630	621,939,360	741,594,630	940,717,040
Major industrial activities	390,955,560	611,688,000	475,377,970	926,932,630
All other nonresidential activities	284,558,070	10,251,360	266,216,660	13,784,410
Percent from major industrial activities	58%	98%	64%	99%

Source: Michael Baker International 2015

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The emissions from stationary sources and energy use of major industrial facilities, relative to the emissions of all other included activities, is shown in **Table C.2**.

**Table C.2. Emissions from Excluded Sectors**

	2005 (MTCO <sub>2</sub> e)	2013 (MTCO <sub>2</sub> e)
Stationary sources	13,983,030	11,873,500
Energy use of major industrial facilities	3,344,000	5,026,560
Total of excluded sectors	17,327,030	16,900,060
Included sectors	1,403,610	1,392,450
Total of included and excluded sectors	18,730,640	18,292,510
Percent of emissions from excluded sectors	93%	92%

Source: Michael Baker International 2015

## Additional Activities

Emissions from some additional sectors were not analyzed, and so cannot be included. These sectors were excluded because their emissions cannot be accurately analyzed using available data and/or methods, or because emissions from these sectors are negligible in the unincorporated areas of Contra Costa County. The exclusion of these additional sectors is consistent with the US Community Protocol and with state and regional guidance:

- **Propane use:** Propane is occasionally used by homes (and, more rarely, by nonresidential buildings) as a fuel, typically as a substitute for natural gas for heating and cooking purposes. Although propane is largely unregulated and so data on its sales and use are not tracked, methods do exist to estimate emissions from propane use. However, US Census data indicates that propane is not widely used in Contra Costa County to any significant degree. As emissions from this source likely have a minimal contribution to community-wide emissions, propane-related emissions were not estimated.
- **Refrigerants:** Refrigerants are materials commonly used in machinery designed to keep people and equipment cool, such as air conditioning units in buildings and vehicles. There are numerous types of refrigerants, including CFCs (chlorofluorocarbons, now being phased out due to the damage they cause to the ozone layer), HFCs (hydrofluorocarbons), and PFCs (perfluorocarbons). Even in normal conditions, a small amount of refrigerant material leaks from the equipment it is used in or from the containers it is stored in, creating what are called “fugitive emissions.” Refrigerants often have very high GWPs (thousands of times as potent as CO<sub>2</sub> in some instances) and these fugitive emissions contribute to climate change; approximately 4% of California’s 2013 GHG emissions were from refrigerants. However, refrigerants are not generally regulated in California, and no reliable data source exists to estimate fugitive refrigerant emissions in Contra Costa County.

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- Life cycle emissions: Industry protocol at this time does not recommend inclusion of life-cycle emissions in community-wide local government GHG inventories. A protocol for estimating life-cycle emissions is under development. Life-cycle emissions are emissions associated with the production and disposal of items consumed by a community (i.e., “cradle-to-grave”). For instance, a life-cycle assessment of vehicle emissions would include those from designing, extracting raw materials, producing, delivering, and disposing of each car in the county. In contrast, this analysis only captures how much that car is driven in the county consistent with standard protocol.
- Other sources: Other GHG emissions sectors have been excluded from the 2005 and 2013 inventories, as they are negligible in size or relevance. Amtrak operates within Contra Costa County but only passes through unincorporated areas briefly along its route, and there are no stations located within the unincorporated areas. Considering the amount of time and effort it would take to quantify these emissions with marginal impact in the baseline emissions inventory and limited control over Amtrak operations, these emissions have been omitted. Emissions from air travel are also currently excluded from countywide inventories due to lack of accepted methodology and data to apportion the emissions to the county and its residents.

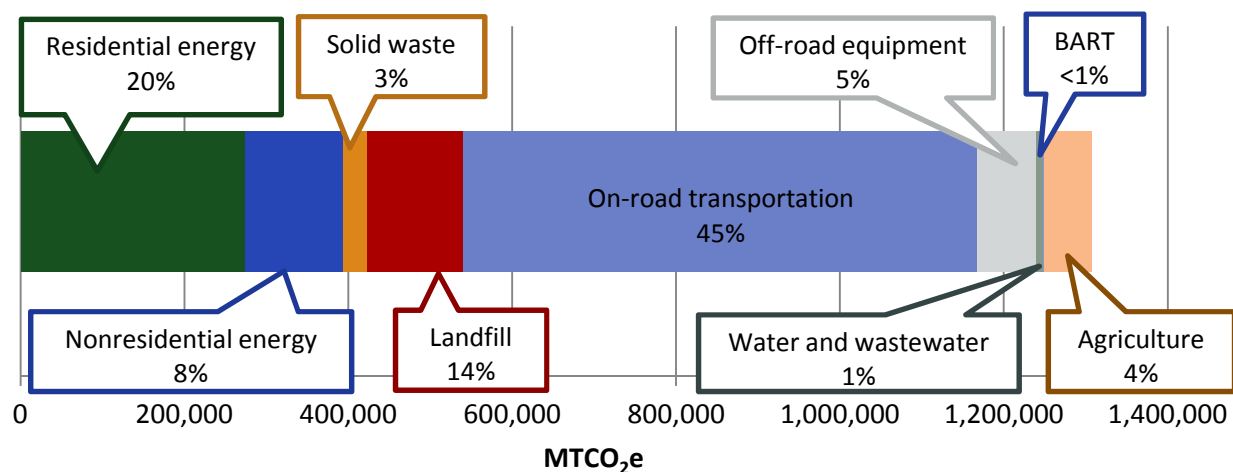
## INVENTORY RESULTS

### 2005 INVENTORY

This section provides a brief overview of the baseline GHG emissions for unincorporated Contra Costa County. In 2005, activities in the unincorporated county and within the County’s jurisdictional land use control generated approximately 1,403,610 metric tons of carbon dioxide equivalents (MTCO<sub>2</sub>e). On-road transportation was the largest source of 2005 GHG emissions in Contra Costa County, contributing approximately 628,200 MTCO<sub>2</sub>e, or 45% of emissions. The next largest source of emissions, residential energy use, contributed approximately 274,690 MTCO<sub>2</sub>e, or 20% of emissions. Landfills were the third-largest sector, contributing 193,950 MTCO<sub>2</sub>e or 14% of emissions. The nonresidential energy use sector was the fourth-largest emissions source, contributing 118,740 MTCO<sub>2</sub>e (8%); off-road emissions were the fifth-largest emissions source (71,880 MTCO<sub>2</sub>e, or 5%); agriculture was the sixth-largest emissions source (57,320 MTCO<sub>2</sub>e, or 4%). The solid waste, water and wastewater, and BART sectors represented 3%, 1%, and less than 1% of emissions, respectively. 2005 emissions by sector are shown in **Figure C.1**, and **Table C.3** shows 2005 activity data and emissions by sector and subsector.

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Figure C.1. 2005 GHG Emissions by Sector



Source: Michael Baker International 2015

Table C.3. 2005 Activity Data and GHG Emissions by Sector and Subsector

Sector	Subsector	Activity Data	Unit	MTCO <sub>2</sub> e	Total MTCO <sub>2</sub> e	Percent of Total MTCO <sub>2</sub> e
Residential energy	Residential electricity	488,236,740	kWh	110,120	274,690	20%
	Residential natural gas	30,919,160	Therms	164,570		
Nonresidential energy	Nonresidential electricity	284,558,070	kWh	64,180	118,740	8%
	Nonresidential natural gas	10,251,360	Therms	54,560		
Solid waste	Waste disposed	170,780	Tons disposed	48,450	48,450	3%
Landfill	Waste in place	34,455,010	Tons in place	193,950	193,950	14%
On-road transportation	On-road transportation	1,291,819,230	Annual VMT	628,200	628,200	45%
Off-road equipment	Lawn and garden equipment	-	None	3,820	71,880	5%
	Construction equipment	-	None	68,060		
Water and wastewater	Indirect water use	26,443,770	kWh	5,960	8,080	1%
	Indirect wastewater use	6,199,120	kWh	1,400		
	Direct wastewater emissions	-	None	720		
BART	BART trips	38,111,050	Passenger miles	2,300	2,300	<1%
Agriculture	Fertilizer application	200,980	Crop acres	3,920	57,320	4%
	Agriculture equipment	-	None	23,960		
	Livestock	16,500	Heads of livestock	29,440		
<b>TOTAL</b>					<b>1,403,610</b>	<b>100%</b>

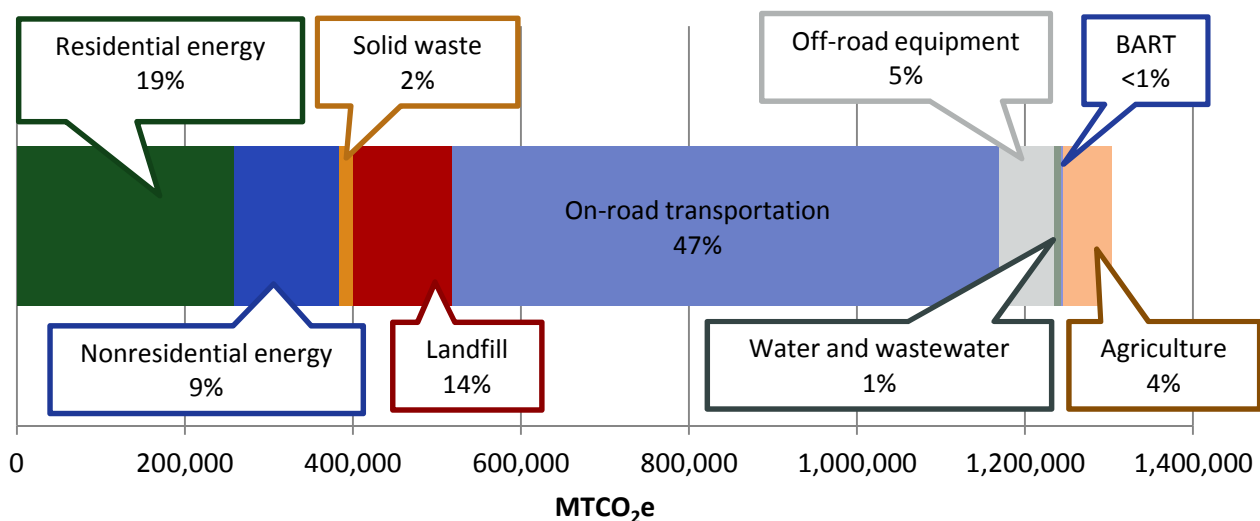
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## 2013 INVENTORY

In 2013, activities in the unincorporated areas of Contra Costa County within the County's jurisdictional control resulted in 1,392,450 MTCO<sub>2</sub>e, a 1% decrease from 2005 levels. The on-road emissions sector was again the largest, contributing 651,130 MTCO<sub>2</sub>e, or 47% of the county's emissions. Residential energy was the second-largest source of emissions with approximately 258,420 MTCO<sub>2</sub>e or 19% of emissions, followed by landfills with approximately 196,500 MTCO<sub>2</sub>e or 14% of emissions. Nonresidential energy was the fourth-largest source of emissions with approximately 125,350 MTCO<sub>2</sub>e (9%); off-road equipment contributed approximately 66,230 MTCO<sub>2</sub>e (5%) and agriculture contributed approximately 58,200 MTCO<sub>2</sub>e (4%). The smallest sources of emissions, solid waste, water and wastewater, and BART, were responsible for 2%, 1%, and less than 1% of emissions, respectively. 2013 emissions by sector are shown in **Figure C.2**, and activity data and emissions by subsector for 2013 are shown in **Table C.4**. **Table C.5** shows the difference in emissions by sector between 2005 and 2013.

Figure C.2. 2013 GHG Emissions by Sector



Source: Michael Baker International 2015

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Table C.4. 2013 Activity Data and GHG Emissions by Sector and Subsector

Sector	Subsector	Activity Data	Unit	MTCO <sub>2</sub> e	Total MTCO <sub>2</sub> e	Percent of Total MTCO <sub>2</sub> e
Residential energy	Residential electricity	478,219,710	kWh	93,380	258,420	19%
	Residential natural gas	31,007,110	Therms	165,040		
Nonresidential energy	Nonresidential electricity	266,216,660	kWh	51,980	125,350	9%
	Nonresidential natural gas	13,784,410	Therms	73,370		
Solid waste	Waste disposed	92,780	Tons disposed	26,540	26,540	2%
Landfill	Waste in place	41,785,650	Tons in place	196,500	196,500	14%
On-road transportation	On-road transportation	1,349,279,980	Annual VMT	651,130	651,130	47%
Off-road equipment	Lawn and garden equipment	-	None	3,180	66,230	5%
	Construction equipment	-	None	63,050		
Water and wastewater	Indirect water use	28,004,290	kWh	5,470	7,400	1%
	Indirect wastewater use	6,198,590	kWh	1,210		
	Direct wastewater emissions	-	None	720		
BART	BART trips	44,417,320	Passenger miles	2,680	2,680	<1%
Agriculture	Fertilizer application	204,030	Crop acres	4,280	58,200	4%
	Agriculture equipment	-	None	18,910		
	Livestock	19,110	Heads of livestock	35,010		
<b>TOTAL</b>					<b>1,392,450</b>	<b>100%</b>

Source: Michael Baker International 2015

Table C.5. Comparison of 2005 and 2013 GHG Emissions by Sector

Sector	2005 MTCO <sub>2</sub> e	2013 MTCO <sub>2</sub> e	Percent Change, 2005–2013
Residential energy	274,690	258,420	-6%
Nonresidential energy	118,740	125,350	6%
Solid waste	48,450	26,540	-45%
Landfill	193,950	196,500	1%
On-road transportation	628,200	651,130	4%
Off-road equipment	71,880	66,230	-8%
Water and wastewater	8,080	7,400	-8%
BART	2,300	2,680	17%
Agriculture	57,320	58,200	2%
<b>Total</b>	<b>1,403,610</b>	<b>1,392,450</b>	<b>-1%</b>

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## GHG EMISSIONS ANALYSIS BY SECTOR ACTIVITY

### RESIDENTIAL AND NONRESIDENTIAL ENERGY

The residential and nonresidential energy use sectors include the natural gas and electricity consumed by residents and various nonresidential facilities (excluding major industrial facilities) in the unincorporated county. Both electricity and natural gas services are provided in Contra Costa County by PG&E. PG&E provided both the activity data and the emissions factors for the residential and nonresidential energy sectors.

PG&E also supplied data on the relative amount of nonresidential energy used in petroleum refining, chemical processing, and manufacturing; the 2005 and 2013 inventories exclude energy used by these three sectors, as previously discussed. **Table C.6** shows activity data for the residential and nonresidential energy sectors, while **Table C.7** shows emissions from these activities.

Table C.6. Residential and Nonresidential Energy Activity Data, 2005 and 2013

Subsector	2005	2013	Units	Percent Change, 2005–2013
Residential electricity	488,236,740	478,219,710	kWh	-2%
Nonresidential electricity	284,558,070	266,216,660	kWh	-6%
Residential natural gas	30,919,160	31,007,110	Therms	<1%
Nonresidential natural gas	10,251,360	13,784,410	Therms	34%

Source: Michael Baker International 2015

Table C.7. Residential and Nonresidential Energy GHG Emissions, 2005 and 2013

Subsector	2005 (MTCO <sub>2</sub> e)	2013 (MTCO <sub>2</sub> e)	Percent Change, 2005–2013
Residential electricity	110,120	93,380	-15%
Nonresidential electricity	64,180	51,980	-19%
Residential natural gas	164,570	165,040	<1%
Nonresidential natural gas	54,560	73,370	34%
<b>Total</b>	<b>393,430</b>	<b>383,770</b>	<b>-2%</b>

Source: Michael Baker International 2015

## SOLID WASTE

Solid waste refers to all material thrown away in the unincorporated area of Contra Costa County during the inventory year that is deposited in a landfill. As organic material decomposes in a landfill, it produces methane, some of which escapes into the atmosphere. These emissions may occur anywhere the community sends its waste, whether it is in the unincorporated areas of Contra Costa County or not. These emissions occur over the lifetime of the waste, not only in the calendar year of the inventory, but they are included in the inventory because the activity responsible for these emissions occurred in the specific calendar year (2005 or 2013).

The California Department of Resources Recycling and Recovery provided data on the amount of solid waste generated in Contra Costa County. CARB's publicly available landfill modeling tool was used to calculate emissions resulting from this waste. In accordance with guidance from CARB and EPA, it is assumed that 25% of the methane generated by a landfill escapes to the atmosphere (the rest is captured and used for energy). **Table C.8** shows activity data and emissions for solid waste.

**Table C.8. Solid Waste Activity Data and GHG Emissions, 2005 and 2013**

	2005	2013	Units	Percent Change, 2005–2013
Activity data	170,780	92,780	Tons disposed	-46%
Emissions	48,450	26,540	MTCO <sub>2</sub> e	-45%

Source: Michael Baker International 2015

## LANDFILL

Landfill emissions are also emissions resulting from the decomposition of organic material in a landfill, although they differ from solid waste emissions in a few regards. Landfill emissions include all emissions at landfills in the unincorporated area of Contra Costa County, regardless of where the waste in the landfills came from. Additionally, these emissions occur in a specific calendar year regardless of when the waste creating the emissions was originally deposited in the landfill (by contrast, solid waste emissions occur over the lifetime of all decomposing waste deposited in the landfill during a specific calendar year).

The landfill sector includes emissions from the two remaining operating landfills located within the unincorporated county, Keller Canyon Landfill and Acme Landfill, as well as from the West Contra Costa Sanitary Landfill, which ceased accepting waste in 2006 but which continues to generate emissions as the waste decomposes. The California Department of Resources Recycling and Recovery provided data on the amount of waste deposited in these landfills; in some instances, this data had to be estimated based on the best available information on the total volume of waste-in-place, or based on the amount disposed in particular years which was used to estimate annual disposal amounts back to the date that the landfill first began accepting waste (or was known to accept waste).

Future projections of disposed waste are based on recent disposal levels, assumed rates of increase, and the estimated closure date for the remaining operating landfills. Disposed waste volumes used as model inputs included

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those materials used as alternative daily cover that generate methane, including green waste, compost, and sewage sludge (biosolids). CARB's landfill model was used to calculate emissions from all waste deposited in the landfills, again assuming 25% of all emissions enter the atmosphere in accordance with EPA and CARB recommendations.

**Table C.9** shows activity data and emissions for the landfill sector.

**Table C.9. Landfill Activity Data and GHG Emissions, 2005 and 2013**

	2005	2013	Units	Percent Change, 2005–2013
Activity data	34,455,010	41,785,650	Tons in place	21%
Emissions	193,950	196,500	MTCO <sub>2</sub> e	1%

Source: Michael Baker International 2015

## ON-ROAD TRANSPORTATION

On-road transportation generates GHG emissions from the combustion of gasoline and diesel fuel use by vehicles operating on roads within Contra Costa County. The Contra Costa Transportation Authority's Travel Demand Model was used to calculate activity data for on-road transportation; this model generated three types of vehicle trips:

- Internal-Internal: Vehicle trips that remained in the unincorporated county.
- Internal-External and External-Internal: Vehicle trips that have an ending or a beginning in the unincorporated and another within an incorporated city or outside of Contra Costa County.
- External-External: Vehicle trips with neither end of the trip beginning or ending in the unincorporated county.

In accordance with best industry practice, all internal-internal trips and half of the internal-external/external-internal are included in these inventories. External-external trips are excluded because the County cannot directly influence these activities, even though part of the trip occurs within the unincorporated area. CARB provided the emissions factors through the EMFAC 2011 emissions database, which provides these factors based on the unique vehicle composition of each county in California. Weekday VMT and emissions are converted to annual figures using a conversion factor of 347 days/year to account for lessened travel on weekends, per the Assembly Bill (AB) 32 Technical Appendix. Individual GHGs such as carbon dioxide, methane, and nitrous oxide are converted to CO<sub>2</sub>e by multiplying the CO<sub>2</sub> emissions by a conversion factor of 100/95. Activity data and emissions for on-road transportation are shown in **Table C.10**.

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Table C.10. On-Road Transportation Activity Data and GHG Emissions, 2005 and 2013

	2005	2013	Units	Percent Change, 2005–2013
Activity data	1,291,819,230	1,349,279,980	Annual VMT	4%
Emissions	628,200	651,130	MTCO <sub>2</sub> e	4%

Source: Michael Baker International 2015

## OFF-ROAD EQUIPMENT

Off-road equipment includes vehicles and portable equipment used for construction and lawn and garden activities (agricultural off-road equipment is included in the agriculture sector). There is no activity data for off-road equipment. CARB provides countywide emissions using the OFFROAD2007 software. In accordance with the Community Protocol, BAAQMD guidance, and best practices, a portion of the countywide emissions was attributed to the unincorporated areas using the following methods:

- Countywide construction equipment emissions were accredited to the unincorporated county using the proportion of the service population in the unincorporated county compared to the entire county using data provided by the Association of Bay Area Governments (ABAG).
- Total County lawn and garden emissions were attributed to the unincorporated county using the proportion of existing households within the unincorporated county compared to the entire county, according to ABAG figures.

Table C.11 shows the emissions from off-road equipment in 2005 and 2013.

Table C.11. Off-Road Equipment Emissions, 2005 and 2013

Subsector	2005 (MTCO <sub>2</sub> e)	2013 (MTCO <sub>2</sub> e)	Percent Change, 2005–2013
Lawn and garden equipment	3,820	3,180	-17%
Construction equipment	68,060	63,050	-7%
<b>Total</b>	<b>71,880</b>	<b>66,230</b>	<b>-8%</b>

Source: Michael Baker International 2015

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## WATER AND WASTEWATER

The water and wastewater sector includes three subsectors: (1) indirect water emissions, (2) indirect wastewater emissions, and (3) direct wastewater emissions. Indirect water emissions result from the energy used to transport and process water, while indirect wastewater emissions occur as a result of the energy used to transport and process wastewater. Direct wastewater emissions occur at the wastewater treatment plant as a result of the decomposition of organic materials in the wastewater.

Water providers supplied information on the amount of water used in the unincorporated areas and the sources of this water, while the California Energy Commission (CEC) provided information on the amount of energy used per gallon depending on the source. CEC data was used to calculate indirect wastewater energy used, based on estimates of wastewater volume that were calculated from water usage figures. PG&E provided the emissions factors to convert energy use factors into emissions. Direct wastewater emissions were calculated from information provided by wastewater service providers and data in the US Community Protocol. **Table C.12** shows activity data for indirect water and wastewater emissions (there is no activity data for direct emissions), while **Table C.13** shows GHG emissions for the water and wastewater sectors.

Table C.12. Water and Wastewater Activity Data, 2005 and 2013

Subsector	2005	2013	Units	Percent Change, 2005–2013
Indirect water	26,443,770	28,004,290	kWh	6%
Indirect wastewater	6,199,120	6,198,590	kWh	-<1%

Source: Michael Baker International 2015

Table C.13. Water and Wastewater GHG Emissions, 2005 and 2013

Subsector	2005 (MTCO <sub>2</sub> e)	2013 (MTCO <sub>2</sub> e)	Percent Change, 2005–2013
Indirect water	5,960	5,470	-8%
Indirect wastewater	1,400	1,210	-14%
Direct wastewater	720	720	0%
<b>Total</b>	<b>8,080</b>	<b>7,400</b>	<b>-8%</b>

Source: Michael Baker International 2015

## BART

Emissions from BART (the Bay Area Rapid Transit District's mass transit system) occur as a result of the energy used to power the trains and operate the system's facilities. Activity data for BART is measured in passenger miles, which BART publishes monthly. Although there are ten BART stations in Contra Costa County, only the Pleasant Hill/Contra Costa Centre station is located within the unincorporated area. In accordance with best practices, only half of all passenger miles from trips beginning or ending at this station are included in the 2005 and 2013 inventories; the other half are attributed to the other station where the trip began/ended. BART also supplied an emissions factor for

trips on the system, and although this factor has not been updated since 2007, it has been verified by BAAQMD and remains the most accurate available factor. Activity data and emissions for BART are shown in **Table C.14**.

**Table C.14. BART Activity Data and GHG Emissions, 2005 and 2013\***

	2005	2013	Units	Percent Change, 2005–2013
Activity data	38,111,050	44,417,320	Passenger miles	17%
Emissions	2,300	2,680	MTCO <sub>2</sub> e	17%

Source: Michael Baker International 2015

\*Note: Activity data is for the Pleasant Hill/Contra Costa Centre station only

## AGRICULTURE

The agriculture sector includes an analysis of the GHG emissions occurring from fertilizer application on crops, the use of agricultural equipment, and from livestock, which produce methane and N<sub>2</sub>O through digestive processes.

The Contra Costa County Agriculture Department provided information on crop acreage and heads of livestock in the unincorporated area. The University of California Cooperative Extension provided information on the amounts of fertilizer applied to various types of crops, while the US Community Protocol supplied additional data needed to calculate emissions from fertilizer use. CARB, the EPA, and the IPCC supplied information on the amounts of GHGs produced per head of livestock due to digestive processes. CARB's OFFROAD2007 software supplied emissions for agricultural equipment; there is no activity data for agricultural equipment. Activity data for agricultural activities is shown in **Table C.15** and GHG emissions for agricultural activities are included in **Table C.16**.

**Table C.15. Agriculture Activity Data, 2005 and 2013**

Subsector	2005	2013	Units	Percent Change, 2005–2013
Fertilizer application	200,980	204,030	Crop acres	2%
Livestock	16,500	19,110	Heads of livestock	16%

Source: Michael Baker International 2015

**Table C.16. Agriculture GHG Emissions, 2005 and 2013**

Subsector	2005 (MTCO <sub>2</sub> e)	2013 (MTCO <sub>2</sub> e)	Percent Change, 2005–2013
Fertilizer application	3,920	4,280	9%
Agriculture equipment	23,960	18,910	-21%
Livestock	29,440	35,010	19%
<b>Total</b>	<b>57,320</b>	<b>58,200</b>	<b>2%</b>

Source: Michael Baker International 2015

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## GHG EMISSIONS FORECAST

A GHG emissions forecast is an estimate of how emissions will change in the future based on anticipated population and jobs growth in the unincorporated areas of Contra Costa County, absent of any actions taken at the federal, state, regional, or local level to reduce emissions. This forecast is often referred to as a business-as-usual forecast. A GHG emissions forecast allows elected officials, County staff, and community members to determine the volume of reductions needed to meet GHG reduction goals.

Consistent with state and regional guidance, as well as widely accepted forecasting methods including the Association of Environmental Professionals white paper on GHG forecasts, the GHG emissions forecast for Contra Costa County assumes that per capita activity data remains constant at 2005 baseline levels. Association of Bay Area Governments (ABAG) demographic growth projections is the primary data source used to forecast GHG emissions. These growth projections are given in **Table C.17**.

Table C.17. ABAG Projections for Unincorporated Contra Costa County, 2005–2035

	2005	2013	2020	2035	2005–2035 Change
Population	159,650	162,230	166,100	173,500	6%
Households	57,980	58,550	59,720	61,740	9%
Jobs	41,270	43,210	47,670	50,330	22%
Service Population	200,920	205,440	213,770	223,830	11%

Source: Association of Bay Area Governments 2009, 2013

Under the growth projections identified by ABAG, emissions in the unincorporated area are forecasted to increase to 1,483,720 MTCO<sub>2</sub>e by 2020, a 6% increase from 2005 levels. Emissions in 2035 are projected to rise to 1,545,980 MTCO<sub>2</sub>e, a 10% increase from 2005 levels. **Table C.18** and **Figure C.3** show emissions by sector for the 2005 baseline inventory and the two forecasted years.

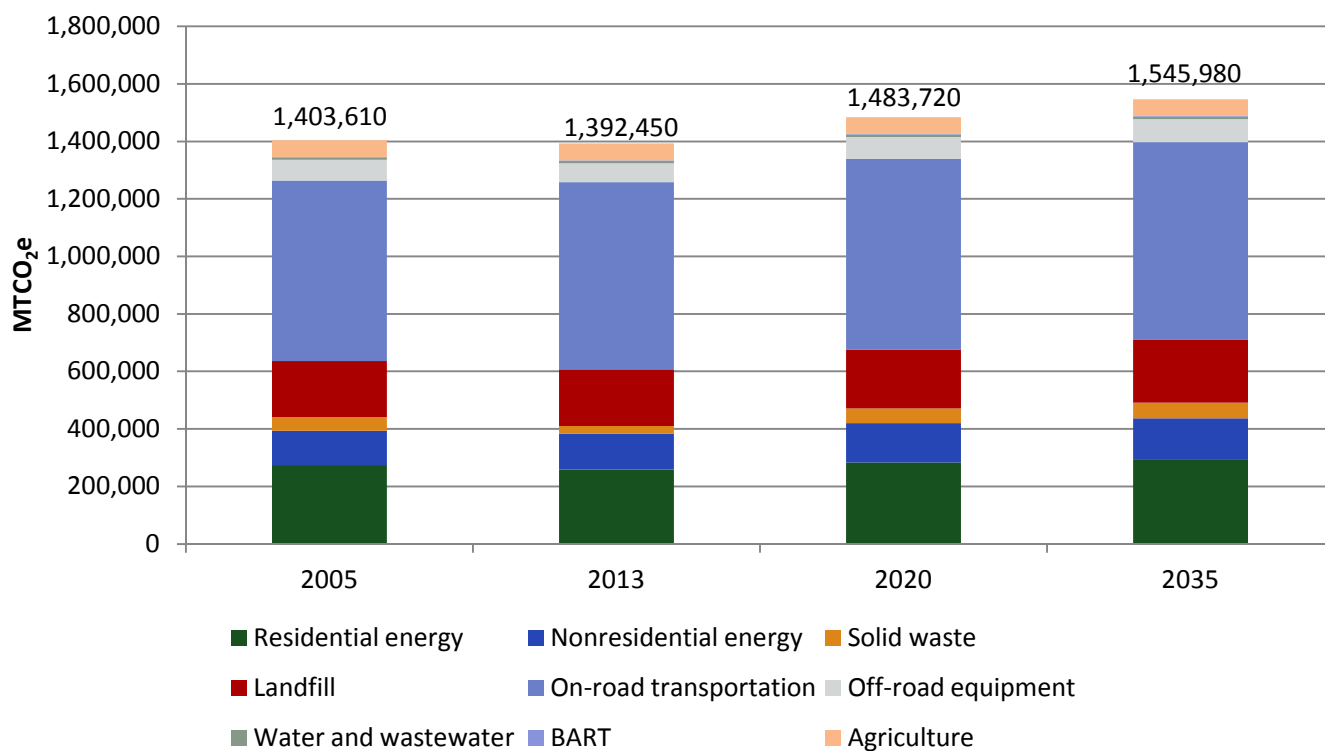
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Table C.18. GHG Emissions by Sector, 2005–2035

Sector	2005 MTCO <sub>2</sub> e	2013 MTCO <sub>2</sub> e	2020 MTCO <sub>2</sub> e	2035 MTCO <sub>2</sub> e	Percent Change, 2005–2035
Residential energy	274,690	258,420	282,930	292,500	6%
Nonresidential energy	118,740	125,350	137,150	144,810	22%
Solid waste	48,450	26,540	51,550	53,970	11%
Landfill	193,950	196,500	204,560	218,560	13%
On-road transportation	628,200	651,130	662,820	687,370	9%
Off-road equipment	71,880	66,230	76,340	79,890	11%
Water and wastewater	8,080	7,400	8,600	9,000	11%
BART	2,300	2,680	2,450	2,560	11%
Agriculture	57,320	58,200	57,320	57,320	0%
<b>TOTAL</b>	<b>1,403,610</b>	<b>1,392,450</b>	<b>1,483,720</b>	<b>1,545,980</b>	<b>10%</b>
<b>Percent Change from 2005</b>	-	-1%	6%	10%	-

Source: Michael Baker International 2015

Figure C.3. GHG Emissions by Sector, 2005–2035



Source: Michael Baker International 2015

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Emissions associated with energy, water, wastewater, BART, solid waste, and off-road equipment are anticipated to grow linearly with household, employment, and service population growth. Emissions from the landfill subsector were forecasted using the landfill modeling software developed by CARB to estimate net fugitive methane emissions in 2020 and 2035, based on the total amount of waste disposed in the landfills located in the unincorporated county. On-road VMT in the GHG forecast were modeled using the Contra Costa Transportation Authority's Travel Demand Forecasting Model and include regional transportation improvements identified in the Comprehensive Transportation Project List. The forecast assumes that agricultural activities (including off-road agricultural equipment) do not change from baseline levels.

## EXISTING STATE GHG REDUCTION PROGRAMS

The state of California has been proactive in reducing GHG emissions. Several regulations and efforts at the state level will lessen Contra Costa County's future GHG emissions, including vehicle standards, building standards, and the renewable energy content of electricity. As a result, an initial step in the assessment of GHG reductions in the unincorporated county is to apply the potential effects of these activities on Contra Costa County's forecasted emissions. The state programs analyzed are limited to those programs that have been formally adopted by the state legislature and governor and implemented by state agencies, except as noted. These results are detailed in **Table C.19**.

### *California's Renewables Portfolio Standard (RPS)*

One of the most ambitious renewable energy standards in the country, RPS mandates that 33% of electricity delivered in California be generated by renewable sources like solar, wind, and geothermal by 2020. The California RPS was first codified in 2002 by Senate Bill (SB) 1078 (requiring 20% renewable electricity mix by 2010) and further strengthened in April 2011 with the adoption of SB X 1-2 (requiring 33% renewable electricity mix by 2020). The RPS intended to boost the economy and establish California as a center for the development and use of renewable energy.

Governor Jerry Brown established a goal to increase the RPS to 50% by 2030, and on September 11, 2015, the California legislature passed Senate Bill 350 to codify the governor's executive order. This forecast assumes the RPS goal of 50% by 2030.

### *AB 1493 Clean Car Standards and the Low Carbon Fuel Standard*

California's Clean Car Standards were established by AB 1493 in 2002, requiring new passenger vehicles to reduce tailpipe GHG emissions from 2009 to 2020. These standards are also often referred to as the Pavley standards, after State Senator Fran Pavley who authored AB 1493 when she was a member of the state assembly. A related program, the Low Carbon Fuel Standard (LCFS), establishes a goal of a 10% reduction in carbon intensity in transportation fuels. Reductions from the Clean Car Standards and the LCFS were calculated using the EMFAC2011 modeling software created by CARB, which provides an emissions coefficient that accounts for the impact of these state policies. Emissions reductions per model year and vehicle class were applied to Contra Costa County's transportation emissions.

Emissions reductions per model year and vehicle class were applied to Contra Costa County's transportation emissions.

## *Title 24, Energy Efficiency Standards*

California's Title 24 (CalGreen) energy standards are updated every few years (the most recent update went into effect on July 1, 2014). These are statewide standards applied at the local level by city and county agencies through project review. The CEC provides information on the energy efficiency of each new set of Title 24 standards relative to the previous standards. The calculation of CalGreen energy reductions assumes that all development occurring after 2005 will comply with the version of the Title 24 standards which apply at the time of construction. It also assumes that all growth in natural gas and electricity sectors is from new construction. As a conservative estimate and to avoid creating additional uncertainty in the forecast, reductions from Title 24 assume that the requirements do not become stricter after the 2022 standards go into effect.

**Table C.19. GHG Reductions from State Policies, 2020 and 2035**

State Policy or Program	2020 (MTCO <sub>2</sub> e)	2035 (MTCO <sub>2</sub> e)
Renewables Portfolio Standard	-41,620	-78,030
Clean Car Standard and LCFS	-173,480	-236,270
Title 24 Standards	-2,840	-7,970
<b>TOTAL</b>	<b>-217,940</b>	<b>-322,270</b>

Source: Michael Baker International 2015

The regulations implemented by the state will have a profound impact on Contra Costa's GHG emissions. As shown in **Table C.20**, reductions from state activities are expected to reduce emissions below baseline levels by 2020, and to continue to decrease emissions by 2035 despite population growth.

**Table C.20. GHG Emissions with State Reduction Actions, 2005–2035**

Sector	2005 (MTCO <sub>2</sub> e)	2013 (MTCO <sub>2</sub> e)	2020 (MTCO <sub>2</sub> e)	2035 (MTCO <sub>2</sub> e)	Percent Change, 2005–2035
Residential energy	274,690	258,420	257,310	242,280	-12%
Nonresidential energy	118,740	125,350	119,980	112,170	-6%
Solid waste	48,450	26,540	51,550	53,970	11%
Landfill	193,950	196,500	204,560	218,560	13%
On-road transportation	628,200	651,130	489,340	451,100	-28%
Off-road equipment	71,880	66,230	76,340	79,890	11%
Water and wastewater	8,080	7,400	6,930	5,860	-27%
BART	2,300	2,680	2,450	2,560	11%
Agriculture	57,320	58,200	57,320	57,320	0%
<b>TOTAL</b>	<b>4,403,610</b>	<b>1,392,450</b>	<b>1,265,620</b>	<b>1,223,170</b>	<b>-13%</b>

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Sector	2005 (MTCO <sub>2</sub> e)	2013 (MTCO <sub>2</sub> e)	2020 (MTCO <sub>2</sub> e)	2035 (MTCO <sub>2</sub> e)	Percent Change, 2005–2035
Percent Change from 2005	-	-1%	-10%	-13%	-

Source: Michael Baker International 2015

## GHG REDUCTION TARGETS

The CEQA Guidelines require that a Qualified GHG Reduction Strategy contain a goal for substantive GHG reductions. The California Global Warming Solutions Act (AB 32) established a statewide GHG reduction goal of returning to 1990 levels by 2020. The AB 32 Scoping Plan, which lays out the strategy to achieve the AB 32 reduction goal, identifies a goal of 15% below baseline levels by 2020 for local communities as being comparable to the 1990 statewide goal for GHG reductions. Executive Order (EO) S-03-05, signed by former Governor Schwarzenegger in 2005, establishes a statewide GHG reduction goal of 80% below 1990 levels by 2050. A 2015 executive order by Governor Brown, EO B-30-15, establishes a statewide reduction goal of 40% below 1990 levels by 2030; legislation codifying both goals is currently being considered by the state legislature. No current or pending legislation would create a statewide goal for 2035. A potential option for a 2035 goal is one that reduces emissions to the level specified in EO B-30-15 by 2030, then continues to reduce emissions on a trajectory that would meet the 2050 target. For 2035, such a goal is equal to 50% below 1990 levels, or approximately 57% below baseline levels. **Table C.21** and **Figure C.4** show the difference between the baseline, forecast, and forecast with state reductions relative to the recommended goals, along with the volume of GHG reductions needed from local activities.

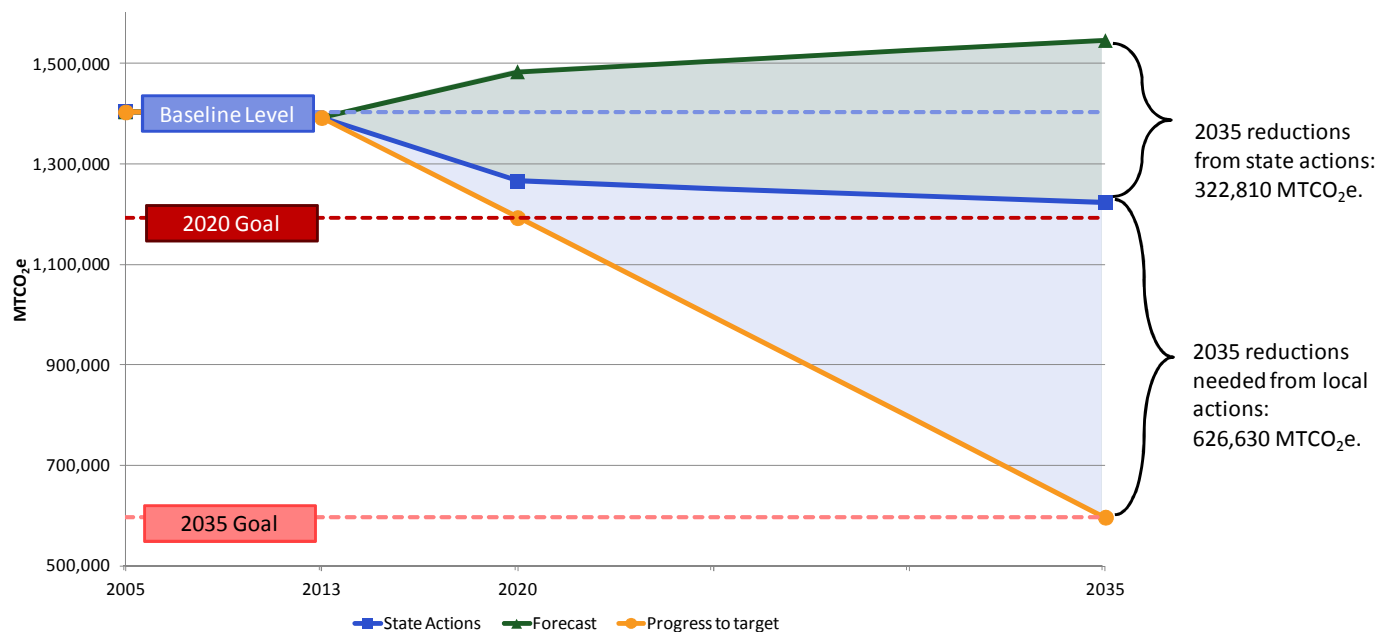
Table C.21. Baseline GHG Emissions, Forecasts, and Reduction Goals

	2020 MTCO <sub>2</sub> e	2035 MTCO <sub>2</sub> e
2005 Baseline Emissions	1,403,610	1,403,610
Forecasted Emissions	1,483,720	1,545,980
Emissions with Statewide Reductions	1,265,620	1,223,170
Reduction Target	1,193,070	596,540
<b>Local Reductions Needed</b>	<b>-72,550</b>	<b>-626,630</b>

Source: Michael Baker International 2015

# Climate Action Plan

Figure C.4. Baseline GHG Emissions, Forecasts, and Reduction Goals



Source: Michael Baker International 2015

# Appendix D: GHG Reduction Tech Appendix

D



This technical appendix provides a summary of the data sources, assumptions, and performance metrics used in this Climate Action Plan (CAP) for the County of Contra Costa to quantify estimated greenhouse gas (GHG) reductions. The sources and metrics are organized by policy and rely on four primary types of data and research: (1) the County's GHG emissions inventory and forecast, (2) government agency tools and reports, (3) case studies in similar jurisdictions, and (4) scholarly research. The approach to quantification is consistent with the guidance provided by the Bay Area Air Quality Management District (BAAQMD) for the development of a Qualified GHG Reduction Strategy.

The baseline GHG inventory and forecast serve as the foundation for the quantification of the County's GHG reduction measures. Activity data from the inventory forms the basis of measure quantification, including vehicle miles traveled, kilowatt-hours (kWh) of electricity or therms of natural gas consumed, and tons of waste disposed. Activity data was combined with the performance targets and indicators identified by the County and Michael Baker International staff. Together, the metrics of activity data and performance targets and indicators were used throughout the quantification process to calculate the GHG reduction benefit of each measure. This approach ensures that the County's GHG reductions are tied to the baseline and future activities that are actually occurring within Contra Costa County. The approach to quantification is further described in **Chapter 4**.

## Measure EE 1: Energy-Efficient Retrofits – Residential Buildings

**Policy Language: Provide opportunities for residential buildings to become more energy efficient.**

GHG Reduction Action items:

1. Continue and expand single-family participation in established energy efficiency rebate programs, including BayREN and East Bay Energy Watch.
  - Collaborate with local organizations like Contra Costa County Climate Leaders and PG&E to develop comprehensive and appropriate outreach efforts that effectively reach all segments of the community.
  - Monitor participation in energy efficiency programs.
2. Continue and expand multi-family participation in established energy efficiency rebate programs, including BayREN and East Bay Energy Watch.
3. Increase participation in the existing low-income weatherization program and seek additional program funding.
4. Identify disadvantaged individuals and households for increased participation in energy efficiency programs.
5. Work with PG&E to advertise and promote a residential appliance rebate program with a focus on properties with potential high appliance energy use (e.g., homes with pools would receive a flyer about available pool pump rebates and return on investment information).
6. Participate in one or more Property Assessed Clean Energy (PACE) financing programs.

# GHG Reduction Tech Appendix

D

## Measure EE 1 Continued

### Participation Assumptions:

	2020	2035
SFR basic retrofit participation rate	7%	10%
SFR advanced retrofit participation rate	0.5%	1%
MFR retrofit participation rate	5%	10%
Homes undergoing appliance upgrades	5%	10%
Home appliance upgrade infiltration rate	25%	25%

### Performance Targets:

	2020	2035
Number of single -family homes receiving basic retrofits	3,000 (average reduction of 840 kWh and 50 therms per home)	4,290 (average reduction of 840 kWh and 50 therms per home)
Number of single-family homes receiving advanced retrofits	210 (average of 3,370 kWh and 210 therms per home)	430 (average of 3,370 kWh and 210 therms per home)
Number of multi-family homes receiving retrofits	700	1,400
Number of single-family homes receiving pool pump upgrades	150	150
Number of homes receiving appliance upgrades	2,010	4,030

# GHG Reduction Tech Appendix

## Measure EE 1Continued

2020 GHG Reductions (MTCO <sub>2</sub> e)	2,140
2035 GHG Reductions (MTCO <sub>2</sub> e)	3,160
GHG Method:	Reductions are based on expected increases in energy efficiency as a result of residential participation in educational and incentive programs. Reductions were applied to forecasted energy usage. Reduction rates for low-income weatherization, whole-house retrofits, and energy-efficient appliances were identified from case studies and program-specific information. These reductions were applied to participating households, which were identified by applying target participation rates to relevant residential building types. The sum of these reductions was then converted to MTCO <sub>2</sub> e.
GHG Sources:	<p>BayREN. 2015. Advanced Home Upgrade Assessment Incentive. <a href="https://www.bayareaenergyupgrade.org/sites/default/files/BayRenAdvancedHomeUpgradeInfov9.pdf">https://www.bayareaenergyupgrade.org/sites/default/files/BayRenAdvancedHomeUpgradeInfov9.pdf</a></p> <p>Brown, Rich, Sam Borgeson, Jon Koomey, and Peter Biermayer. 2008. U.S. Building-Sector Energy Efficiency Potential. Ernest Orlando Lawrence Berkeley National Laboratory, University of California. <a href="http://enduse.lbl.gov/info/LBNL-1096E.pdf">http://enduse.lbl.gov/info/LBNL-1096E.pdf</a></p> <p>Energy Upgrade CA. 2013. Bay Area Multifamily Program. <a href="http://multifamily.energyupgradeca.org/#bayarea">http://multifamily.energyupgradeca.org/#bayarea</a></p> <p>KEMA, Inc. 2010. 2009 California Residential Appliance Saturation Study, Volume 2: Results. CEC-200-2010-004 <a href="http://www.energy.ca.gov/appliances/rass/">http://www.energy.ca.gov/appliances/rass/</a></p> <p>Pacific Gas and Electric Company and Sempra Energy. 2007. Draft Report: Residential Swimming Pools. <a href="http://www.energy.ca.gov/title24/2008standards/prerulemaking/documents/2007-02-26-27_workshop/supporting/PGE-DRAFT_REPORT_RESIDENTIAL_SWIMMING_POOL.PDF">http://www.energy.ca.gov/title24/2008standards/prerulemaking/documents/2007-02-26-27_workshop/supporting/PGE-DRAFT_REPORT_RESIDENTIAL_SWIMMING_POOL.PDF</a></p>
Implementation Time Frame:	Mid-Term (by 2020)
Responsible Agencies:	Conservation & Development
Community Co-Benefit 1:	Conserves Energy
Community Co-Benefit 2:	Provides Educational Opportunities
Community Co-Benefit 3:	Saves Money
Community Co-Benefit 4:	Improves Public Health
Community Co-Benefit 5:	Adaptive Measure

# GHG Reduction Tech Appendix

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## Measure EE 2: Energy-Efficient Retrofits – Nonresidential Buildings

**Policy Language: Provide opportunities for nonresidential buildings to become more energy efficient.**

### Action Items:

1. Continue expanding nonresidential participation in energy efficiency rebate and financing programs, including East Bay Energy Watch, BayREN, low-interest California Energy Commission (CEC) loans, and PG&E on-bill financing opportunities. Create a prioritized list of energy-intense facilities to target for additional education and/or financial support for energy efficiency improvements, while complying with existing privacy regulations.
2. Provide focused outreach to local businesses describing PACE program opportunities, constraints, and benefits.
3. Develop outreach materials that explain the opportunities for financing energy efficiency retrofits such as a PACE program, low-interest energy efficiency loans through the CEC, integration of energy efficiency retrofit projects into capital lease structures, and mortgage refinancing.
4. Identify staffing and a revenue stream to develop a shared landlord-tenant program to support the financing of energy efficiency retrofits to renter-occupied buildings.
5. Inform nonresidential building owners about the savings potentials from retrocommissioning, retrofits, and deep retrofits.
6. Inform the business community about the monetary benefits associated with energy-efficient appliances.
7. Collaborate with local organizations like 4CL and PG&E to develop and implement the outreach approaches outlined in this measure.

### Participation Assumptions:

	2020	2035
Percent of existing businesses undergoing retrocommissioning	8%	15%
Percent of existing businesses undergoing standard retrofits	4%	10%
Percent of existing businesses undergoing deep retrofits	1%	3%
Businesses completing appliance upgrades	10%	20%
Appliance upgrade infiltration rate	25%	25%

# GHG Reduction Tech Appendix

## Measure EE 2 Continued

### Performance Targets:

	2020	2035
Number of businesses receiving retrocommissioning	240 (average of 23,190 kWh and 840 therms per business)	450 (average of 23,190 kWh and 840 therms per business)
Number of businesses receiving standard retrofits	120 (average of 39,280 kWh and 1420 therms per business)	300 (average of 39,280 kWh and 1420 therms per business)
Number of businesses receiving deep retrofits	30 (average of 49,690 kWh and 1,790 therms per business)	90 (average of 49,690 kWh and 1,790 therms per business)
Number of businesses receiving appliance upgrades	300 (average of 2,560 kWh and 90 therms per business)	600 (average of 2,560 kWh and 90 therms per business)

<b>2020 GHG Reductions (MTCO<sub>2</sub>e)</b>	<b>4,630</b>
2035 GHG Reductions (MTCO <sub>2</sub> e)	9,310
GHG Method:	Reductions are based on expected increases in energy efficiency as a result of nonresidential participation in educational and incentive programs. Reductions were applied to forecasted energy usage.
GHG Sources:	<p>Brown, Rich, Sam Borgeson, Jon Koomey, and Peter Biermayer. 2008. U.S. Building-Sector Energy Efficiency Potential. Ernest Orlando Lawrence Berkeley National Laboratory, University of California. <a href="http://enduse.lbl.gov/info/LBNL-1096E.pdf">http://enduse.lbl.gov/info/LBNL-1096E.pdf</a></p> <p>Itron, Inc. 2007. California Commercial End-use Survey - Results Page. <a href="http://capabilities.itron.com/CeusWeb/Chart.aspx">http://capabilities.itron.com/CeusWeb/Chart.aspx</a></p> <p>Pacific Northwest National Laboratory. 2011. Advanced Energy Retrofit Guide - Practical Ways to Improve Energy Performance: Office Buildings. <a href="http://www.pnnl.gov/main/publications/external/technical_reports/PNNL-20761.pdf">http://www.pnnl.gov/main/publications/external/technical_reports/PNNL-20761.pdf</a></p>
Implementation Time Frame:	Mid-Term (by 2020)
Responsible Agencies:	Conservation & Development
Community Co-Benefit 1:	Conserves Energy
Community Co-Benefit 2:	Supports Local Economy
Community Co-Benefit 3:	Provides Educational Opportunities
Community Co-Benefit 4:	Saves Money
Community Co-Benefit 5:	Improves Public Health

# GHG Reduction Tech Appendix

D

## Measure EE 3: Energy Conservation Awareness

**Policy Language:** Provide education and outreach highlighting the benefits of energy conservation.

### Action Items:

1. Engage with PG&E to provide multilingual and culturally relevant educational material to residents and businesses to increase the community's awareness and utilization of real-time energy consumption data available through the SmartMeter program.
2. Work with the Bay Area Green Business Program to highlight examples of energy-efficient local businesses.

### Participation Assumptions:

	2020	2035
Residential Participation Rate	5%	10%
Commercial Participation Rate	2%	5%
Residential energy reduction rate	3%	3%
Nonresidential energy reduction rate	2.5%	2.5%

### Performance Targets:

	2020	2035
Number of participating homes	2,900 (annual average of 250 kWh and 20 therms per home)	5,800 (annual average of 250 kWh and 20 therms per home)
Number of participating businesses	60 (average of 2,370 kWh and 90 therms per business)	150 (average of 2,370 kWh and 90 therms per business)

# GHG Reduction Tech Appendix

## Measure EE 3 Continued

<b>2020 GHG Reductions (MTCO<sub>2</sub>e)</b>	<b>430</b>
2035 GHG Reductions (MTCO <sub>2</sub> e)	810
GHG Method:	A participation rate was applied to baseline kWh. Studies of energy reductions from energy use awareness campaigns for both residential and nonresidential buildings were used to guide estimate reductions.
GHG Sources:	<p>Green, J. &amp; Skumatz, L. 2000. "Evaluating the Impacts of Education/Outreach Programs: Lessons of Impacts, Methods, and Optimal Education." <a href="http://aceee.org/files/proceedings/2000/data/papers/SS00_Panel8_Paper10.pdf">http://aceee.org/files/proceedings/2000/data/papers/SS00_Panel8_Paper10.pdf</a></p> <p>US Department of Energy. 2013. "Leading by Example: Better Buildings Challenge Partners Cut Energy Use". <a href="http://energy.gov/articles/leading-example-better-buildings-challenge-partners-cut-energy-use">http://energy.gov/articles/leading-example-better-buildings-challenge-partners-cut-energy-use</a></p>
Implementation Time Frame:	Near-Term (by 2018)
Responsible Agencies:	Conservation & Development, Health Services
Community Co-Benefit 1:	Conserves Energy
Community Co-Benefit 2:	Supports Local Economy
Community Co-Benefit 3:	Provides Educational Opportunities
Community Co-Benefit 4:	Saves Money

# GHG Reduction Tech Appendix

D

## Measure EE 4: Urban Forestry and Paving and Roofing Materials

**Policy Language:** Reduce urban heat islands through vegetation management and cool surfaces.

### Action Items:

1. Encourage multi-family residential and nonresidential development to increase use of higher-albedo materials for surfaces including roofs, parking areas, driveways, roads, and sidewalks.
2. Encourage developments with parking lot areas to shade these areas with vegetation or solar panels when appropriate.
3. Continue to promote the use of low-impact development (LID) strategies and reduction in impervious surface area of new development.
4. Encourage increased use of cool roof materials on new and existing buildings to reduce the urban heat island effect and corresponding cooling energy consumption.
5. Support various programs to plant and maintain trees in urban and rural areas.

### Participation Assumptions:

	2020	2035
Percent of existing houses adding a cool roof	3%	5%
Percent of existing nonresidential buildings adding a cool roof	2%	4%
Number of new shade trees planted	500	1,000

### Performance Targets:

	2020	2035
Number of existing homes completing cool roof retrofits	1,790 (average of 10 kWh per home)	3,090 (average of 10 kWh per home)
Number of existing businesses completing cool roof retrofits	9 (average of 1,450 kWh per business)	17 (average of 1,450 kWh per business)
Number of new shade trees	500 (average of 200 kWh per tree)	1,000 (average of 200 kWh per tree)

# GHG Reduction Tech Appendix

## Measure EE 4 Continued

2020 GHG Reductions (MTCO <sub>2</sub> e)	20
2035 GHG Reductions (MTCO <sub>2</sub> e)	40
GHG Method:	Reductions associated with lowering electricity for cooling use was applied to a proportion of homes and businesses retrofitting their buildings with cool roofs and surfaces. The Brown et al. and California End Use Survey (CEUS) studies were used to determine the percentage of residential and nonresidential energy used for cooling. These reductions were applied to households and businesses in 2020 and 2030. CAAPA 1.5 was used to determine the kWh saved from cooling as a result of planting shade trees.
GHG Sources:	California Energy Commission. 2012. Cool Roofs. <a href="http://www.energy.ca.gov/2012publications/CEC-400-2012-003/CEC-400-2012-003-BR.pdf">http://www.energy.ca.gov/2012publications/CEC-400-2012-003/CEC-400-2012-003-BR.pdf</a>  ICLEI – Local Governments for Sustainability. n.d. "Climate and Air Pollution Planning Assistant v 1.5."
Implementation Time Frame:	Near-Term (by 2018)
Responsible Agencies:	Conservation & Development, Public Works
Community Co-Benefit 1:	Conserves Energy
Community Co-Benefit 2:	Improves Air Quality
Community Co-Benefit 3:	Saves Money
Community Co-Benefit 4:	Improves Community Livability
Community Co-Benefit 5:	Improves Public Health
Community Co-Benefit 6:	Adaptive Measure

# GHG Reduction Tech Appendix

D

## Measure EE 5: Energy Efficiency Capacity Building

**Policy Language:** Increase Contra Costa County's capacity for energy efficiency through financing opportunities and workforce training.

Action Items:

1. Monitor grants from cap-and-trade revenue and other funding sources, and inform applicable County agencies.
2. Create a framework for revenues from cap-and-trade offsets or allocations to fund energy efficiency and resource conservation programs, such as those proposed in this CAP, to be used locally, particularly within recognized impacted communities or areas.
3. Work with the Contra Costa Community College District and the Contra Costa Workforce Development Board to encourage and develop workforce training programs for green jobs, including energy efficiency audits, energy retrofits, and renewable energy installation.

### Participation Assumptions and Performance Targets:

Supportive Measure

2020 GHG Reductions (MTCO <sub>2</sub> e)	Supportive of Overall GHG Reductions
2035 GHG Reductions (MTCO <sub>2</sub> e)	Supportive of Overall GHG Reductions
GHG Method:	Supportive, not quantified
GHG Sources:	Supportive, not quantified
Implementation Time Frame:	Mid-Term (by 2020)
Responsible Agencies:	Conservation & Development, Health Services, Public Works; additional departments depending on grant resources
Community Co-Benefit 1:	Conserves Energy
Community Co-Benefit 2:	Supports Local Economy
Community Co-Benefit 3:	Provides Educational Opportunities
Community Co-Benefit 4:	Saves Money
Community Co-Benefit 5:	Improves Public Health

# GHG Reduction Tech Appendix

## Measure EE 6: Energy-Efficient New Buildings

**Policy Language: Support the statewide transition to net zero energy construction for new residential buildings by 2020 and new nonresidential buildings by 2030.**

### Action Items:

1. Identify and remove barriers to zero net energy construction in the County's regulatory framework.
2. Work with developers, property owners, and financial donors to construct and publicize example zero net energy homes prior to the adoption of zero net energy building codes by the California Energy Commission.
3. Provide information about zero net energy buildings at public events, on the County website, and in the development review process, including publicizing information about the cost effectiveness of zero net energy buildings. Include information about zero net energy buildings in other energy efficiency education efforts.
4. Explore making new and significantly retrofitted County buildings zero net energy.

### Participation Assumptions:

	2020	2035
ZNE retrofits - nonresidential	0.02%	0.04%
ZNE new construction - nonresidential	1.00%	3.00%
ZNE retrofits - residential	0.02%	0.04%
ZNE new construction - residential	3.00%	10.00%

### Performance Targets:

	2020	2035
Number of new ZNE homes	30	100
Number of new ZNE businesses	3	10
Number of retrofitted ZNE homes	12	23
Number of retrofitted ZNE businesses	1	1

# GHG Reduction Tech Appendix

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## Measure EE 6 Continued

2020 GHG Reductions (MTCO <sub>2</sub> e)	290
2035 GHG Reductions (MTCO <sub>2</sub> e)	680
GHG Method:	Reduction rates for zero net energy (ZNE) retrofits and construction were identified from program-specific information, namely projections of GHG reductions per home or business based on existing and future use. These reductions were applied to participating households and businesses which were identified by applying target participation rates to relevant residential and nonresidential building types. The sum of these reductions was then converted to MTCO <sub>2</sub> e. Because ZNE depends on renewable energy generation, RE measures were adjusted to avoid double counting.
GHG Sources:	California Energy Commission and California Public Utilities Commission. 2015. California Zero Net Energy Residential Action Plan. <a href="http://www.californiaznehomes.com/">http://www.californiaznehomes.com/</a> California Public Utilities Commission. 2015. "Zero Net Energy Buildings." <a href="http://www.cpuc.ca.gov/PUC/energy/Energy+Efficiency/Zero+Net+Energy+Buildings.htm">http://www.cpuc.ca.gov/PUC/energy/Energy+Efficiency/Zero+Net+Energy+Buildings.htm</a>
Implementation Time Frame:	Mid-Term (by 2020)
Responsible Agencies:	Conservation & Development, Public Works
Community Co-Benefit 1:	Conserves Energy
Community Co-Benefit 2:	Provides Educational Opportunities
Community Co-Benefit 3:	Saves Money
Community Co-Benefit 4:	Conserves Resources

# GHG Reduction Tech Appendix

## Measure RE 1: Alternative Energy Installations

**Policy Language:** Promote installation of alternative energy facilities on homes and businesses.

### Action Items:

1. Amend the County Zoning Code to designate areas and development standards that are appropriate for and supportive of small- and medium-sized alternative energy and energy storage installations not covered by AB 2188.
2. Train planning staff to provide guidance and information on the streamlined process and available incentives.
3. Create development standards allowing for the ministerial approval of rooftop energy systems on commercial buildings, with a focus on warehouses and other structures with large surface area roofs.
4. Encourage participation in PG&E's green tariff program.

### Participation Assumptions:

	2020	2035
Percent of new houses with solar arrays	5%	12%
Percent of existing houses with solar arrays	4%	8%
Percent of new businesses with solar arrays	3%	10%
Percent of existing businesses with solar arrays	2%	5%
Participation multiplier for PG&E Green Tariff program	1.5	1.5

### Performance Targets:

	2020	2035
Number of new homes with solar arrays	50 (average of 7 kW per array)	350 (average of 7 kW per array)
Number of existing homes with solar arrays	2,500 (average of 7 kW per array)	4,690 (average of 7 kW per array)
Number of new businesses with solar arrays	10 (average of 154 kW per array)	50 (average of 154 kW per array)
Number of existing businesses with solar arrays	60 (average of 154 kW per array)	160 (average of 154 kW per array)
Number of kW supplied by PG&E Green Tariff program	3,740	3,740

# GHG Reduction Tech Appendix

D

## Measure RE 1 Continued

<b>2020 GHG Reductions (MTCO<sub>2</sub>e)</b>	<b>8,820</b>
2035 GHG Reductions (MTCO <sub>2</sub> e)	14,840
GHG Method:	Forecasted residential and nonresidential solar installations as a result of the California Solar Initiative and BayREN programs were used to identify solar installations in 2020 and 2035. The county identified a target increase from that number and reductions were estimated based on average kW by installation type. Green tariff reductions are based on expected increases in renewable energy as a result of residential and nonresidential participation in educational and incentive programs. Reductions were applied to forecasted energy usage. These reductions were applied to participating households and businesses, which were identified by applying target participation rates to relevant building types. The sum of these reductions was then converted to MTCO <sub>2</sub> e.
GHG Sources:	<p>California Public Utilities Commission. 2015. Decision Approving Green Tariff Shared Renewables Program for San Diego Gas and Electric Company, Pacific Gas and Electric Company, and Southern California Edison Company Pursuant to Senate Bill 43.  <a href="http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M146/K250/146250314.PDF">http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M146/K250/146250314.PDF</a></p> <p>California Solar Initiative. 2014. Annual Program Assessment.  <a href="http://www.cpuc.ca.gov/NR/rdonlyres/9FBE11AB-1120-4BE1-8C66-8C239E36A641/0/CASolarInitiativeReport2014_0701.pdf">http://www.cpuc.ca.gov/NR/rdonlyres/9FBE11AB-1120-4BE1-8C66-8C239E36A641/0/CASolarInitiativeReport2014_0701.pdf</a></p> <p>Go Solar California. 2015. "Current Working Dataset – California Solar Initiative."  <a href="http://www.californiasolarstatistics.ca.gov/current_data_files/">http://www.californiasolarstatistics.ca.gov/current_data_files/</a></p> <p>National Renewable Energy Laboratory. 2015. PVWatts Calculator. <a href="http://pvwatts.nrel.gov/">http://pvwatts.nrel.gov/</a></p>
Implementation Time Frame:	Mid-Term (by 2020)
Responsible Agencies:	Conservation & Development
Community Co-Benefit 1:	Supports Local Economy
Community Co-Benefit2:	Provides Educational Opportunities
Community Co-Benefit3:	Conserves Resources
Community Co-Benefit4:	Adaptive Measure

# GHG Reduction Tech Appendix

## Measure RE 2: Alternative Energy Facilities

**Policy Language:** Promote installation of alternative energy facilities on public land.

Action Items:

1. Continue to install alternative energy facilities (e.g., photovoltaic panels and electric vehicle charging stations) on public buildings and lands in the unincorporated county.
2. Continue to participate in the Regional Renewable Energy Procurement Project or similar bulk purchasing programs to purchase solar photovoltaic systems for on-site generation at public facilities.
3. Work with East Bay Municipal Utilities District and other wastewater processors to install cogeneration infrastructure on wastewater treatment facilities.

**Participation Assumptions:**

	2020	2035
MW at public facilities in the unincorporated area	1	3

**Performance Targets:**

	2020	2035
MW at public facilities in the unincorporated area	1	3

2020 GHG Reductions (MTCO <sub>2</sub> e)	270
2035 GHG Reductions (MTCO <sub>2</sub> e)	630
GHG Method:	Assumptions of future solar photovoltaic installations on public land and facilities was applied to future energy use, demonstrating a reduction in kWh used from nonrenewable sources. These kWh savings were then converted into MTCO <sub>2</sub> e.
GHG Sources:	National Renewable Energy Laboratory. 2015. PVWatts Calculator. <a href="http://pvwatts.nrel.gov/">http://pvwatts.nrel.gov/</a>
Implementation Time Frame:	Near-Term (by 2018)
Responsible Agencies:	Conservation & Development, Public Works
Community Co-Benefit 1:	Supports Local Economy
Community Co-Benefit 2:	Provides Educational Opportunities
Community Co-Benefit 3:	Conserves Resources

# GHG Reduction Tech Appendix

D

## Measure RE 3: Alternative Energy Financing

**Policy Language: Lower barriers to entry for the installation of alternative energy systems.**

Action Items:

1. Improve participation in existing and planned financing mechanisms for renewable energy and energy storage systems, such as PACE and BayREN.
2. Connect low-income homeowners with renewable energy rebate and financing programs.
3. Work with local governments in Contra Costa County and neighboring areas to participate in a regional solar photovoltaic energy systems bulk-buying program.
4. Connect business owners with available finance and rebate programs.
5. Work with PG&E to identify areas where grid capacity may be insufficient to accommodate an increase in renewable energy capacity, and encourage PG&E to upgrade such areas to reduce barriers.
6. Continue exploring options for implementing Community Choice Aggregation within the unincorporated area of the county.

**Participation Assumptions and Performance Targets:**

Supportive Measure

2020 GHG Reductions (MTCO <sub>2</sub> e)	Supportive of Overall GHG Reductions
2035 GHG Reductions (MTCO <sub>2</sub> e)	Supportive of Overall GHG Reductions
GHG Method:	<u>Supportive, not quantified</u>
GHG Sources:	<u>Supportive, not quantified</u>
Implementation Time Frame:	Mid-Term (by 2020)
Responsible Agencies:	Conservation and Development
Community Co-Benefit 1:	Conserves Energy
Community Co-Benefit 2:	Supports Local Economy
Community Co-Benefit 3:	Provides Educational Opportunities
Community Co-Benefit 4:	Saves Money

## Measure LUT 1: Mobility and Land Uses

**Policy Language:** Maintain and expand access to goods, services, and other destinations through increased transportation alternatives (mobility improvements) and improved proximity (land use improvements).

### Action Items:

1. Collaborate with local transportation, land use agencies, nonprofits, and other stakeholders to expand bicycle and pedestrian facilities and existing public transportation (BART, Amtrak, AC Transit, County Connection, and Tri Delta Transit).
2. Assist with Safe Routes to School program implementation.
3. Work with the Contra Costa Transportation Authority, local school districts, and advocacy organizations such as the East Bay Bicycle Coalition to encourage bicycle safety classes in all schools.
4. Update County road standards, as opportunities arise, to accommodate all modes of transportation in local street designs (i.e., complete streets). Implement standards as part of routine maintenance and striping.
5. Through periodic updates to the Contra Costa Transportation Authority's Countywide Bicycle and Pedestrian Plan, identify opportunities to improve access to community-wide bicycle and pedestrian networks by closing gaps in the network, removing barriers, and providing additional bike- and pedestrian-oriented infrastructure.
6. Cooperate with the Contra Costa Transportation Authority and adjoining jurisdictions in updating and implementing the Countywide Bicycle and Pedestrian Plan and local plans.
7. Revise the County CEQA guidelines to reflect implementation of Senate Bill 743.
8. Establish a 2020 mode share goal for bicycling by a Board of Supervisors resolution, identify specific actions to reach the goal, integrate the goal into future General Plan updates, and appeal to other agencies to adopt the same goal.
9. Identify funding sources to support increased walking and bicycling activity.

### Performance Targets:

	2020	2035
Number of average countywide bike trips per weekday	33,630 (average of 3.3 vehicle miles replaced daily per trip)	67,260 (average of 3.3 vehicle miles replaced daily per trip)

# GHG Reduction Tech Appendix

D

## Measure LUT 1 Continued

2020 GHG Reductions (MTCO <sub>2</sub> e)	910
2035 GHG Reductions (MTCO <sub>2</sub> e)	2,680
GHG Method:	Projected vehicle miles traveled (VMT) based on increased transit, bicycling, and walking commuting was subtracted from adjusted business as usual VMT forecasts to identify VMT reductions as a result of this policy. Existing County Bicycle and Pedestrian Plan policies were used to guide estimates of VMT reductions.
GHG Sources:	Contra Costa Transportation Authority. 2009. Contra Costa Countywide Bicycle and Pedestrian Plan. <a href="http://www.ccta.net/about/download/5297adc44d334.pdf">www.ccta.net/about/download/5297adc44d334.pdf</a>
Implementation Time Frame:	Mid-Term (by 2020)
Responsible Agencies:	Conservation & Development, Health Services, Public Works
Community Co-Benefit 1:	Improves Air Quality
Community Co-Benefit2:	Improves Mobility
Community Co-Benefit3:	Improves Community Livability
Community Co-Benefit4:	Improves Public Health

# GHG Reduction Tech Appendix

## Measure LUT 2: Alternative-Fuel Infrastructure

**Policy Language:** Expand the use of alternative fuels in vehicle travel.

Action Items:

1. As opportunities arise, include alternative-fuel use goals in franchise agreements for waste hauling and contracts with other vehicle fleets.
2. Support development of alternative-fuel vehicle infrastructure such as biofuel and electric vehicle (EV) charging stations and designated parking spots with chargers, including amending parking design and layout section (82-16-404) of the County Zoning Code to locate alternative fuel vehicle infrastructure in areas of high visibility and easy access.
3. Pursue grant funding opportunities to install public EV chargers or other alternative fuel charging stations.

### Participation Assumptions:

	2020	2035
Number of public EV charging stations	20	50
EV ownership rate	3%	5%
Percent of trips made by an EV among EV-owning households	62%	60%

### Performance Targets:

	2020	2035
Annual VMT per public charging station	4,700	4,070
VMT per EV	14,220	13,800
Electricity use per EV	4,830	4,690
Number of households with an EV	1,790	3,090

# GHG Reduction Tech Appendix

D

## Measure LUT 2 Continued

2020 GHG Reductions (MTCO <sub>2</sub> e)	7,630
2035 GHG Reductions (MTCO <sub>2</sub> e)	11,670
GHG Method:	Used CAAPA v. 1.5 and EMFAC to determine emissions savings from conversion to EV. Conservative behavioral estimates were used, including assuming no increase in EV capacity or efficiency and that EV owners are not more inclined to use their EV more than their other vehicle(s).
GHG Sources:	<p>California Air Resources Board. 2015. EMFAC Emissions Database. <a href="http://www.arb.ca.gov/emfac/">http://www.arb.ca.gov/emfac/</a></p> <p>Davies, J. 2014. "How Assumptions About Consumers Influence Estimates of Electric Vehicle Miles Traveled of Plug-in Hybrid Electric Vehicles." UC Davis Institute of Transportation Studies. <a href="http://www.its.ucdavis.edu/wp-content/themes/ucdavis/pubs/download_pdf.php?id=2036">http://www.its.ucdavis.edu/wp-content/themes/ucdavis/pubs/download_pdf.php?id=2036</a></p> <p>ICLEI – Local Governments for Sustainability. n.d. "Climate and Air Pollution Planning Assistant v 1.5."</p> <p>US Environmental Protection Agency. 2012. "Fuel Economy and Environment Labels – Electric Vehicles." <a href="http://www.epa.gov/carlabel/electriclabelreadmore.htm">http://www.epa.gov/carlabel/electriclabelreadmore.htm</a></p>
Implementation Time Frame:	Mid-Term (by 2020)
Responsible Agencies:	Conservation & Development, Public Works, Additional departments depending on grant resources
Community Co-Benefit 1:	Improves Air Quality
Community Co-Benefit 2:	Conserves Resources
Community Co-Benefit 3:	Improves Public Health

# GHG Reduction Tech Appendix

## Measure LUT 3: Off-Road Vehicles and Equipment

**Policy Language:** Reduce emissions from off-road vehicles and equipment.

**Action Items:**

1. Work with the BAAQMD to incentivize the use of battery-powered lawn and garden equipment.
2. Provide support for the BAAQMD's voluntary exchange program for residential lawn mowers.
3. Work with the BAAQMD to increase the use of alternatively fueled equipment in agricultural operations through education, incentives, or revisions to existing regulations.
4. Consider an amendment to the County Building Code that would prohibit unnecessary idling of off-road and heavy equipment.

**Participation Assumptions:**

	2020	2035
Percent of lawn mowers traded in for electric models	5%	10%

**Performance Targets:**

	2020	2035
Number of lawn mowers traded in	50 (average reduction of 0.15 MTCO <sub>2</sub> e and average increase of 60 kWh per lawn mower)	100 (average reduction of 0.15 MTCO <sub>2</sub> e and average increase of 60 kWh per lawn mower)

# GHG Reduction Tech Appendix

D

## Measure LUT 3 Continued

2020 GHG Reductions (MTCO <sub>2</sub> e)	10
2035 GHG Reductions (MTCO <sub>2</sub> e)	10
GHG Method:	Estimated GHGs from lawn mowers reported by OFFROAD2007 for 2020, and applied assumed participation rates and kWh/electric mowers. 2035 lawn mowers were extrapolated from 2020 data.
GHG Sources:	<p>California Air Resources Board. 2011. OFFROAD model. <a href="http://www.arb.ca.gov/msei/categories.htm">http://www.arb.ca.gov/msei/categories.htm</a></p> <p>Salem Electric. n.d. "Home Energy Use Guide". <a href="https://www.salemelectric.com/sites/default/files/downloads/HomeEnergyUseGuide_0.pdf">https://www.salemelectric.com/sites/default/files/downloads/HomeEnergyUseGuide_0.pdf</a></p> <p>US Environmental Protection Agency. 2009. Potential for Reducing Greenhouse Gas Emissions in the Construction Sector. <a href="http://www.epa.gov/sectors/pdf/construction-sector-report.pdf">http://www.epa.gov/sectors/pdf/construction-sector-report.pdf</a></p>
Implementation Time Frame:	Near-Term (by 2018)
Responsible Agencies:	Agriculture, Conservation & Development
Community Co-Benefit 1:	Improves Air Quality
Community Co-Benefit 2:	Conserves Resources
Community Co-Benefit 3:	Improves Public Health

## Measure LUT 4: Vehicle Miles Traveled Reduction

**Policy Language: Reduce vehicle miles traveled.**

### Action Items:

1. Collaborate with BART and other transit providers to increase ridership in the county.
2. Partner with waste haulers and other fleets with regular routes to reduce the frequency of routes where possible.
3. Support and increase the use of carpooling services such as rideshare or casual carpool.
4. Continue to promote voluntary trip reduction programs such as school buses, Rideshare, Spare-the-Air Days, Bike to Work Day, employer shuttles, and alternative work schedules.
5. Work to increase densities within half a mile of BART and Amtrak stations, and within a quarter of a mile of stops for express bus routes.
6. Prioritize alternative mode access to BART and other transit stations.
7. Continue to explore funding transit with development applications and other alternative transportation finance methods.
8. Continue the County's policy of encouraging the establishment of Priority Economic Development Areas in residential communities.

### Participation Assumptions:

	2020	2035
Increase in per capita bus ridership from 2005 levels	10%	20%
Increase in BART ridership from 2005 levels (independent of East Contra Costa Extension)	15%	30%
Number of new homes within 1/2 mile of a BART or Amtrak station, or within 1/4 mile of a bus stop	230	1,120
Estimated HOV lane cost per mile	\$0.22	\$0.22

### Performance Targets:

	2020	2035
Number of BART extension trips taken by unincorporated county residents	54,400 (average of 40 miles per trip)	143,310 (average of 40 miles per trip)
Number of new bus ridership miles taken by unincorporated county residents	3,274,820	9,728,220
Number of new BART ridership miles taken by unincorporated county residents	1,202,980	4,112,830
Estimated decrease in VMT from HOV lanes	1,170,070	2,678,280

# GHG Reduction Tech Appendix

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## Measure LUT 4 Continued

2020 GHG Reductions (MTCO <sub>2</sub> e)	4,080
2035 GHG Reductions (MTCO <sub>2</sub> e)	9,020
GHG Method:	VMT reductions are identified based on the County's single-occupancy vehicle mode share target. Countywide AC Transit and BART data was used to estimate increased ridership.
GHG Sources:	<p>Bay Area Rapid Transit District. 2008. East Contra Costa BART Extension Draft EIR, Summary. <a href="http://www.bart.gov/sites/default/files/docs/000_Summary.pdf">http://www.bart.gov/sites/default/files/docs/000_Summary.pdf</a></p> <p>California Air Pollution Control Officers Association. 2010. "Quantifying Greenhouse Gas Mitigation Measures."</p> <p>Federal Transit Administration. 2009. Public Transportation's Role in Responding to Climate Change. <a href="http://www.fta.dot.gov/documents/PublicTransportationsRoleInRespondingToClimateChange.pdf">http://www.fta.dot.gov/documents/PublicTransportationsRoleInRespondingToClimateChange.pdf</a></p> <p>ICLEI - Local Governments for Sustainability USA. 2012. US Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions. <a href="http://icleiusa.org/publications/us-community-protocol/">http://icleiusa.org/publications/us-community-protocol/</a></p> <p>Metropolitan Transportation Commission. 2015. "Express Lanes." <a href="http://mtcexpresslanes.org/projects/express_lanes/">http://mtcexpresslanes.org/projects/express_lanes/</a></p> <p>National Transit Database. 2006. Alameda-Contra Costa Transit District. <a href="http://www.actransit.org/wp-content/uploads/2005.pdf">http://www.actransit.org/wp-content/uploads/2005.pdf</a></p> <p>US Census Bureau. 2010. US 2010 Census, Table DP-1 [data table].</p>
Implementation Time Frame:	Long-Term (by 2035)
Responsible Agencies:	Conservation & Development
Community Benefits 1:	Improves Public Health
Community Benefits 2:	Improves Air Quality
Community Benefits 3:	Improves Mobility
Community Benefits 4:	Provides Educational Opportunities
Community Benefits 5:	Improves Community Livability

## Measure LUT 5: Agricultural Land Uses

**Provide opportunities to grow, sell, and purchase local food.**

Action Items:

1. Continue to support local farmers markets, local community gardens, school gardens, and other urban agricultural practices, including in areas with poor food access.
2. Amend the Zoning Code to allow urban agriculture in appropriate areas.
3. Amend the General Plan to add a policy that encourages community gardens in new residential developments as appropriate.
4. Encourage partnerships between local food growers and local food retailers.
5. Encourage partnerships between local food growers and local institutions such as schools, hospitals, colleges, and correctional facilities.
6. Continue to discourage schools being sited in agricultural areas.
7. Encourage retention of agricultural land to maintain the County's agricultural base and enable long-term carbon sequestration.

**Participation Assumptions:**

Supportive Measure

**Performance Targets:**

Supportive Measure

# GHG Reduction Tech Appendix

D

## Measure LUT 5 Continued

2020 GHG Reductions (MTCO <sub>2</sub> e)	Supportive of Overall GHG Reductions
2035 GHG Reductions (MTCO <sub>2</sub> e)	Supportive of Overall GHG Reductions
GHG Method:	Supportive, not quantified
GHG Sources:	Supportive, not quantified
Implementation Time Frame:	Mid-Term (by 2020)
Responsible Agencies:	Agriculture, Conservation & Development, County Administrator's Office
Community Co-Benefit 1:	Supports Local Economy
Community Co-Benefit 2:	Provides Educational Opportunities
Community Co-Benefit 3:	Improves Community Livability
Community Co-Benefit 4:	Improves Public Health

## Reduction Measure W 1: Waste Reduction and Recycling

**Policy Language: Develop a waste reduction strategy to increase recycling and reuse of materials.**

### Action Items:

1. Achieve a local 75% waste diversion rate, in support of the 2020 state target diversion rate of 75%, as identified in AB 341.
  - Establish new and enhanced programs to collect organic material from businesses and residents in order to recover their material, energy, and nutrient values.
2. Increase public outreach to promote participation in existing waste diversion and prevention programs.
  - Continue promoting and supporting proper backyard composting, grass-cycling, and low-maintenance gardening programs, and greater participation in other recycling and composting programs. Consider outreach campaigns targeted to low-income or non-English-speaking residents.
  - Continue participating in the Bay Area Regional Outreach Campaign by serving on the steering committee and contributing funding.
  - Continue to offer and promote the Environmental Action Program for Schools as a way to achieve waste prevention reduction and recycling in K–12 schools.
3. Work with private owners and operators of solid waste transfer stations and landfills, as well as with publicly owned wastewater treatment plants, to establish anaerobic digesters to treat and recover energy from food waste and other organic waste.
4. Update the County's Source Reduction and Recycling Element, Household Hazardous Waste Element, and other relevant components of the Countywide Integrated Waste Management Plan to include an updated list of measures, actions, and programs supportive of this CAP.
5. Identify best practices and reduce the amount of wastewater treatment sludge (biosolids) that is disposed of in landfills.

### Participation Assumptions:

	2020	2035
Target diversion rate	75%	85%

# GHG Reduction Tech Appendix

**D**

## Measure W 1 Continued

### Performance Targets:

	2020	2035
Tons of waste reduced	90,850 (average of 0.42 tons of waste reduced per person)	133,180 (average of 0.59 tons of waste reduced per person)

<b>2020 GHG Reductions (MTCO<sub>2</sub>e)</b>	<b>25,780</b>
2035 GHG Reductions (MTCO <sub>2</sub> e)	37,780
GHG Method:	Waste stream diversion reductions were based on County-identified targets. Existing improvements to waste diversion rates in the county were incorporated to avoid double counting.
GHG Sources:	California Department of Resources Recycling and Recovery. 2015. Jurisdiction Diversion/Disposal Rate Summary. <a href="http://www.calrecycle.ca.gov/LGCentral/reports/diversionprogram/JurisdictionDiversion.aspx">http://www.calrecycle.ca.gov/LGCentral/reports/diversionprogram/JurisdictionDiversion.aspx</a>
Implementation Time Frame:	Mid-Term (by 2020)
Responsible Agencies:	Conservation & Development
Community Co-Benefit 1:	Improves Air Quality
Community Co-Benefit 2:	Provides Educational Opportunities
Community Co-Benefit 3:	Conserves Resources

## Measure W 2: Landfill Management

**Policy Language:** Reduce fugitive methane emissions and other greenhouse gas emissions from solid waste landfills.

Action Items:

1. Annually verify compliance with the California Air Resource Board's (ARB) landfill methane control measures.
2. Request that landfill operators consider implementing additional reduction actions, including but not limited to:
  - Reducing landfilled materials with high methane-generation potential.
  - Reducing idling time for diesel equipment.
  - Encouraging adequate maintenance of rolling stock.
  - Establishing standards beyond those required by regulation for landfill gas collection system leak detection and prevention.
  - Excluding the use of green waste as a material for alternative daily cover (ADC), consistent with AB 1594.
3. Amend the General Plan and Zoning Code to allow renewable energy generation, such as solar and wind, on closed landfill areas. Market renewable energy on closed landfill areas to potential stakeholders (energy providers and landfill owners).

### Participation Assumptions:

	2020	2035
Landfill methane capture rate	85%	85%

### Performance Targets:

	2020	2035
Increase in captured landfilled gas (MTCO <sub>2</sub> e)	29,500	41,650

# GHG Reduction Tech Appendix

D

## Measure W 2 Continued

2020 GHG Reductions (MTCO <sub>2</sub> e)	29,500
2035 GHG Reductions (MTCO <sub>2</sub> e)	41,650
GHG Method:	Fugitive emissions capture targets were identified and converted to GHG reductions.
GHG Sources:	California Air Resources Board. 2014. Landfill Gas Emissions Tool Version 1.3. <a href="http://www.arb.ca.gov/cc/landfills/landfills.htm">http://www.arb.ca.gov/cc/landfills/landfills.htm</a>
Implementation Time Frame:	Mid-Term (by 2020)
Responsible Agencies:	Conservation & Development, Health Services
Community Co-Benefit 1:	Improves Air Quality
Community Co-Benefit 2:	Provides Educational Opportunities
Community Co-Benefit 3:	Conserves Resources
Community Co-Benefit 4:	Improves Public Health

## Measure WE 1: Water Conservation

**Policy Language: Reduce water demand.**

1. Continue to reduce potable water use by at least 20% by 2020 through conservation efforts in new and existing development.
2. Continue to enforce water conservation requirements in new developments per the State Model Water Efficient Landscape Ordinance.

**Participation Assumptions:**

	2020	2035
Reduction from 2013 water use	20%	20%

2020 GHG Reductions (MTCO <sub>2</sub> e)	1,210
2035 GHG Reductions (MTCO <sub>2</sub> e)	940
GHG Method:	Applied the 20% reduction target to the 2013 actual MG water use in Contra Costa County.
GHG Sources:	California Department of Water Resources. 2015. The Water Conservation Act of 2009. <a href="http://www.water.ca.gov/wateruseefficiency/sb7/">http://www.water.ca.gov/wateruseefficiency/sb7/</a>  ———. 2015. Water Efficient Landscape Ordinance. <a href="http://www.water.ca.gov/wateruseefficiency/landscapeordinance">http://www.water.ca.gov/wateruseefficiency/landscapeordinance</a>
Implementation Time Frame:	Mid-Term (by 2020)
Responsible Agencies:	Conservation & Development
Community Co-Benefit 1:	Conserves Energy
Community Co-Benefit 2:	Reduces Water Use
Community Co-Benefit 3:	Provides Educational Opportunities
Community Co-Benefit 4:	Saves Money
Community Co-Benefit 5:	Conserves Resources

# GHG Reduction Tech Appendix

D

## Measure WE 2: Alternative Water Supplies

**Policy Language:** Provide alternative water resources for irrigation in residential and nonresidential areas.

1. Promote rainwater collection for irrigation purposes.
2. Update the Dual Water Systems Ordinance to allow the use of recycled water for irrigation in residential and nonresidential areas.

**Participation Assumptions:**

Supportive Measure

**Performance Targets:**

Supportive Measure

2020 GHG Reductions (MTCO <sub>2</sub> e)	Supportive of Measure WE 1
2035 GHG Reductions (MTCO <sub>2</sub> e)	Supportive of Measure WE 1
GHG Method:	Supportive, not quantified
GHG Sources:	Supportive, not quantified
Implementation Time Frame:	Mid-Term (by 2020)
Responsible Agencies:	Conservation & Development
Community Co-Benefit 1:	Conserves Energy
Community Co-Benefit 2:	Reduces Water Use
Community Co-Benefit 3:	Saves Money
Community Co-Benefit 4:	Conserves Resources

# GHG Reduction Tech Appendix

## Measure GO 1: Government Operations – Public Lighting

**Policy Language:** Save energy used for public lighting.

Action Items:

1. Complete LED upgrade of traffic signals, street lighting, and other public lighting located in the unincorporated area of the County.

**Participation Assumptions:**

	2020	2035
Hours of Use Per Day	12	12

**Performance Targets:**

	2020	2035
Number of light bulbs replaced	7,210 (average of 100 watts per replaced bulb, or 450 kWh annually)	7,210 (average of 100 watts per replaced bulb, or 450 kWh annually)

2020 GHG Reductions (MTCO <sub>2</sub> e)	580
2035 GHG Reductions (MTCO <sub>2</sub> e)	450
GHG Method:	Expected wattage saving estimates were converted to kWh, allowing for annual kWh savings and MTCO <sub>2</sub> e reductions to be calculated.
GHG Sources:	Balbas, Brian M. 2015. Deputy Public Works Director, County of Contra Costa. Personal correspondence to Chris Read, Michael Baker International senior planner.
Implementation Time Frame:	Near-Term (by 2018)
Responsible Agencies:	Public Works
Community Co-Benefit 1:	Conserves Energy
Community Co-Benefit 2:	Saves Money

# GHG Reduction Tech Appendix

D

## Measure GO 2: Government Operations – Energy Efficiency

**Policy Language:** Promote energy-saving tools and practices.

Action Items:

1. Continue to conduct audits of existing and recently acquired facilities, prioritize improvements, and upgrade facilities to save energy.
2. Increase solar electricity use for County and agency operations.
3. Develop policies related to powering off lights and appliances after hours and after dark.
4. Site facilities that have more than 50 personnel in close proximity to infrastructure and services that support alternative commute modes.

**Participation Assumptions:**

Supportive Measure

**Performance Targets:**

Supportive Measure

2020 GHG Reductions (MTCO <sub>2</sub> e)	Supportive of Overall GHG Reductions
2035 GHG Reductions (MTCO <sub>2</sub> e)	Supportive of Overall GHG Reductions
GHG Method:	Supportive, not quantified
GHG Sources:	Supportive, not quantified
Implementation Time Frame:	Mid-Term (by 2020)
Responsible Agencies:	County Administrator's Office, Public Works
Community Co-Benefit 1:	Conserves Energy
Community Co-Benefit 2:	Saves Money
Community Co-Benefit 3:	Improves Mobility

## Measure GO 3: Government Operations – Water Conservation

**Policy Language:** Conserve water.

Action Items:

1. Continue to install water-efficient landscaping on County properties.
2. Where possible, remove turf from County-owned facilities.

**Participation Assumptions:**

Supportive Measure

**Performance Targets:**

Supportive Measure

2020 GHG Reductions (MTCO <sub>2</sub> e)	Supportive of Overall GHG Reductions
2035 GHG Reductions (MTCO <sub>2</sub> e)	Supportive of Overall GHG Reductions
GHG Method:	Supportive, not quantified
GHG Sources:	Supportive, not quantified
Implementation Time Frame:	Near-Term (by 2018)
Responsible Agencies:	Public Works
Community Co-Benefit 1:	Reduces Water Use
Community Co-Benefit 2:	Provides Educational Opportunities
Community Co-Benefit 3:	Saves Money

# GHG Reduction Tech Appendix

D

## Measure GO 4: Government Operations – Waste Reduction

**Policy Language:** Reduce waste.

Action Items:

1. Develop a recycling and composting program for County facilities.
2. Educate and train staff to recycle and compost appropriately.
3. Develop interim waste diversion/reduction goals.
4. Achieve zero-waste operations by 2035.

**Participation Assumptions:**

Supportive Measure

**Performance Targets:**

Supportive Measure

2020 GHG Reductions (MTCO <sub>2</sub> e)	Supportive of Overall GHG Reductions
2035 GHG Reductions (MTCO <sub>2</sub> e)	Supportive of Overall GHG Reductions
GHG Method:	Supportive, not quantified
GHG Sources:	Supportive, not quantified
Implementation Time Frame:	Long-Term (by 2035)
Responsible Agencies:	Public Works
Community Co-Benefit 1:	Provides Educational Opportunities
Community Co-Benefit 2:	Conserves Resources

## Measure GO 5: Government Operations – CAP Implementation Support

**Policy Language:** Establish budgeting and administration practices to support the Climate Action Plan.

### Action Items:

1. Ensure that the Environmental Purchasing Policy includes:
  - Green office supplies: Purchase energy-efficient appliances and recycled/recyclable and compostable supplies.
  - Green fleet and equipment: Evaluate progress of hybrid and CNG fleet measures in the 2007 Municipal Climate Action Plan. Create purchase orders for replacing less efficient vehicles with fuel-efficient vehicles (e.g., hybrids, electric vehicles, and biofuel vehicles) and old office machines with energy-efficient machines.
2. Reduce County fleet use of traditional fuels 25% by the year 2020.
3. Evaluate progress of Measure 13 from the 2007 Municipal Climate Action Plan (30% of employees telecommuting two days a week). If the target has not been achieved, establish policies to further support telecommuting and flexible work hours for employees. If the target has been achieved, consider increasing the target to 40% employee participation.
4. Develop a process for sharing information on government operations' energy and water use and efficiency and conservation measures with the public as an educational tool.
5. Advocate for regional, state, and federal activities that support GHG emissions in the county, including but not limited to the following:
  - Work with the BAAQMD to support reductions in process emissions from industrial entities.
  - Where appropriate, adopt language in the County's State and Federal legislative platforms that directs support and lobbying for local GHG reductions.
  - Advocate for additional transit funding sources concurrently with the development of priority development areas.

### Participation Assumptions:

Supportive Measure

### Performance Targets:

Supportive Measure

# GHG Reduction Tech Appendix

D

## Measure GO 5 Continued

2020 GHG Reductions (MTCO <sub>2</sub> e)	Supportive of Overall GHG Reductions
2035 GHG Reductions (MTCO <sub>2</sub> e)	Supportive of Overall GHG Reductions
GHG Method:	Supportive, not quantified
GHG Sources:	Supportive, not quantified
Implementation Time Frame:	Mid-Term (by 2020)
Responsible Agencies:	County Administrator's Office, Public Works
Community Co-Benefit 1:	Conserves Energy
Community Co-Benefit 2:	Improves Air Quality
Community Co-Benefit 3:	Reduces Water Use
Community Co-Benefit 4:	Provides Educational Opportunities
Community Co-Benefit 5:	Improves Mobility



# Appendix E: Development Checklist

E



The development checklist (**Table E.1**) was created to help both project applicants and County staff determine where a proposed new development project is consistent with Contra Costa County's Climate Action Plan (CAP). This checklist should be filled out for each new project subject to discretionary review. The County will work with applicants on a project-by-project basis to identify appropriate measures to integrate with the project through conditions of approval or project design, or other techniques as applicable. This approach allows the County to ensure that new projects are consistent with and do not compromise the County's ability to attain the greenhouse gas (GHG) reduction targets outlined in this CAP. To assist with implementation, the checklist provides descriptions and performance criteria that explain how individual projects can comply with requirements. The individual project criterion clarifies implementation of the CAP, providing additional information that is consistent with the assumptions identified in **Appendix D**.

# Development Checklist

## DEVELOPMENT CHECKLIST

### Project Description Characteristics

Please identify the applicable land uses included in the proposed project and provide a brief description of the proposed project (or the project description to be used for the associated environmental document).

- 1) What is the size of the project (in acres)?:

- 2) Identify the applicable land uses:

- ☐ Residential
- ☐ Commercial
- ☐ Industrial
- ☐ Manufacturing
- ☐ Other

- 3) If there is a residential component to the project, how many units are being proposed?

<b>SINGLE-FAMILY RESIDENCES:</b>	
<b>MULTI-FAMILY RESIDENCES:</b>	

- 4) Please provide a brief project description:

- 5) Does the project require any amendments to the General Plan or specific plans?

☐ Yes    ☐ No

If yes, please explain:

# Development Checklist

E

6) Is the project located in a specific plan area?

☐ Yes ☐ No

If yes, which one?

7) Please complete the following table to identify project compliance with any applicable CAP measures.

Table E.1. Standards for CAP Consistency – New Development

Reduction Measure and Applicable Standard	Does the Project Comply?	Notes & Comments
<b>EE 1 &amp; EE 6. New residential development</b> will install high-efficiency appliances and insulation to prepare for the statewide transition to zero net energy.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Additional Notes:
<b>EE 1. New nonresidential development</b> will install high-efficiency appliances and insulation.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Additional Notes:
<b>RE 1. New residential and nonresidential development</b> will meet the standards to be solar ready as defined by the California Building Standards Code.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If yes, how many kW of solar will be installed?  Additional Notes:
<b>LUT 2. New single-family houses and multi-family units with private attached garages or carports</b> will provide rewiring for EV charging stations inside the garage or carport.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If yes, how many spaces are rewired?  Additional Notes:
<b>LUT 2. New multi-family (greater than five units) and nonresidential (greater than 10,000 square feet) developments</b> will provide EV charging stations in designated parking spots.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If yes, how many spaces are rewired?  Additional Notes:
<b>LUT 4. New residential and nonresidential development</b> will be located within one half-mile of a BART or Amtrak station, or within one quarter-mile of bus station.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If yes, what is the vehicle miles traveled reduction from the project?  Additional Notes:



*Los Vaqueros Reservoir, Contra Costa County*



**Contra  
Costa  
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: November 3, 2015

Subject: Climate Action Plan Update

---

**RECOMMENDATION(S):**

1. ACCEPT the report on the status of the Community-wide Climate Action Plan (CCAP).
2. PROVIDE comments on the draft CCAP and any necessary direction to Department of Conservation and Development (DCD) staff.

**FISCAL IMPACT:**

Finalization of the CCAP is being funded from 100% Land Development fund, FY 2015/16 Budget.

**BACKGROUND:**

On April 17, 2012, the Board of Supervisors directed DCD to prepare a CCAP to address climate change by reducing greenhouse gas emissions (GHGs) in the unincorporated area. This directive to prepare a CCAP built upon previous climate change initiatives by the Board dating back to 2008, when the Board accepted a report and recommendation from the County's Climate Action Working Group to approve the Municipal Climate Action Plan (MCAP).

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

---

Action of Board On: **11/03/2015** ☐ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes:

See Addendum

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Mary N. Piepho, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: November 3, 2015

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

By: June McHuen, Deputy

Contact: Will Nelson (925)  
674-7791

cc:

The purpose of the MCAP was to quantify the GHG emissions from County government operations, identify GHG emission reduction measures for County operations, and prioritize implementation of these reduction measures. The MCAP was developed in large part by an interdepartmental working group convened by DCD. The purpose of the CCAP is to address GHG emissions from non-governmental sources and activities.

## BACKGROUND: (CONT'D)

>

Responding to the Board's April 2012 direction, DCD retained Pacific Municipal Consultants (PMC), conducted public outreach, and worked with other County departments to prepare a CCAP that would serve as the County's roadmap for reducing GHG emissions within the unincorporated areas. Measures in the CCAP to reduce GHG emissions included, but were not limited to, energy retrofits for older buildings, installation of residential alternative energy systems (solar, wind, etc.), conserving water, reducing waste, and providing public information regarding energy efficiency. On December 26, 2012, DCD released a draft CAP for public review. Concurrent with that review, and in accordance with the requirements of the California Environmental Quality Act (CEQA), DCD issued an Initial Study/Negative Declaration. However, a final CAP was never prepared or adopted. Staff recognized that the draft CCAP needed refinement to be more practical to implement, but the federal grant funds used for the draft CCAP were depleted and DCD was not in a position to complete the document due to constrained budget and staff.

In January 2015, in preparation for reporting to the Ad Hoc Sustainability Committee<sup>1</sup> on the status of the CCAP, DCD reengaged PMC and the Bay Area Air Quality Management District with the intention of completing the CCAP in 2015. On March 23, 2015, DCD staff went before the Ad Hoc Committee on Sustainability to provide an update on the CCAP and receive direction.

On April 28, 2015, DCD reconvened the interdepartmental working group consisting of County departments anticipated to be responsible for implementing the CCAP's GHG reduction measures. The group consists of DCD, the County Administrator's Office, Public Works Department, Agriculture Department, and Health Services Department. The meeting included review of the statutes related to GHG reduction efforts in California, discussion of the continued applicability of the GHG reduction measures identified in the 2012 draft CCAP, and discussion of the County's current GHG reduction efforts.

On May 11, 2015, DCD staff again went before the Ad Hoc Committee to provide an update on the CCAP.

On May 28 and August 19 DCD hosted additional meetings of the interdepartmental working group. The purpose of these meetings was to identify GHG reduction measures and efforts implemented by the County since the 2012 draft CCAP was written and formulate new measures. These meetings resulted in a revised draft CCAP (see Attachment A), highlights of the which include:

- Proposed GHG reduction measures that will allow the County to meet the Assembly Bill 32 target of reducing GHG emissions to 1990 levels by 2020.

- A GHG emissions inventory that has been updated with information from 2013 (the 2012 draft CCAP included information only from 2005).
- Community health-related content that has been integrated more thoroughly. In the 2012 draft CCAP the health-related information was contained in its own chapter and appendix and was not well integrated into document. The 2015 draft CCAP integrates the community health information throughout the document.
- For ease of understanding, each GHG reduction measure includes a summary box indicating the measure's anticipated 2020 and 2035 GHG reductions; the County departments responsible for implementation; the co-benefits, such as improved public health, energy conservation, money savings, etc.; and public health priority benefits, such as health equity and increased walking and biking.
- Select GHG reduction measures include a text box explaining that measure's community benefits so that the public can easily understand the tangible benefits of the CCAP.

The draft CCAP was brought to the Ad Hoc Committee on September 14 for review and comment. After incorporating comments received at that meeting, staff released the draft CCAP for CEQA/public review and comment in late October. Comments and suggestions from the Board would be appreciated. The public review period ends in late November, and staff intends to place the CCAP on the Board's agenda for consideration in December.

*I The Ad Hoc Committee on Sustainability is composed of Supervisors John Gioia and Federal D. Glover. Note that Supervisor Glover was not in attendance at the March-September meetings.*

#### CONSEQUENCE OF NEGATIVE ACTION:

None. The purpose of this report is to provide an update to the Board of Supervisors.

#### CHILDREN'S IMPACT STATEMENT:

Many of the GHG reduction measures in the CCAP have co-benefits for the community. For example, retrofitting energy-inefficient buildings will add comfort to homes and save on future utility costs, planting additional trees will beautify urban areas, replacing gas-powered gardening equipment with electric equipment will reduce pollution and noise, and improving pedestrian and bicycle infrastructure will facilitate more active and healthy lifestyles. Thus, the CCAP will support at least three of the community outcomes established in the Children's Report Card: 2) Children and Youth Healthy and Preparing for Productive Adulthood, 3) Families that are Economically Self-Sufficient, and 5) Communities that are Safe and Provide a High Quality of Life for Children and Families.

## CLERK'S ADDENDUM

*Will Nelson, Department of Conservation and Development, presented the staff report. Supervisor Andersen requested language be added to the CCAP to reflect the County's exploration of community choice aggregation program possibilities, the County's support for Priority Economic Development Area's in residential areas to achieve lower vehicle miles traveled, and additional information on who the Bay Area Outreach Campaign is and how the County contributes to it. Chair Gioia requested information on how many cities have adopted a CCAP.*

*The CCAP is out for public and CEQA review/commentary. The review period will come to a close on November 30 2015. Staff will incorporate all commentary received from those and today's input from the Board in its next report to the Board at the end of the year. **ACCEPTED** the report; and **DIRECTED** staff to return with the amendments and informational requests made today.*

## ATTACHMENTS

Draft Climate Action Plan

Presentation: Contra Costa County Climate Action Plan

# Contra Costa County



## Climate Action Plan



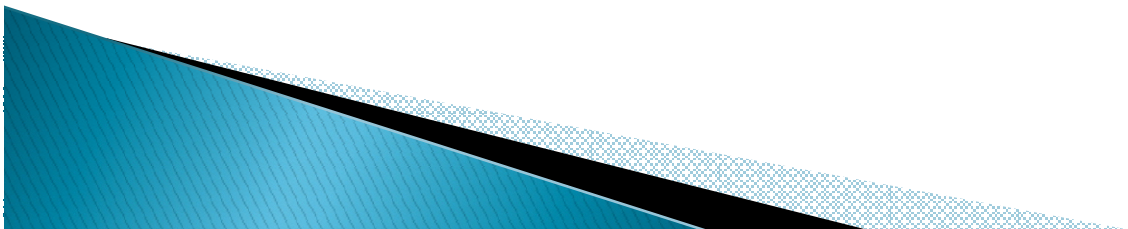
# Purpose of a Climate Action Plan (CAP)

- ▶ Assembly Bill (AB) 32, enacted in 2006, sets a statewide goal of reducing greenhouse gas (GHG) emissions to 1990 levels by 2020.
- ▶ Executive Order S-3-05 establishes a statewide goal of reducing GHG emissions to 80% below 1990 levels by 2050.
- ▶ The County adopted a Municipal CAP in 2007 to address GHG emissions from government operations.
- ▶ The proposed community-wide CAP would address GHG emissions from most non-governmental sources and activities in the unincorporated area.
- ▶ The CAP will also be used to streamline certain environmental reviews.

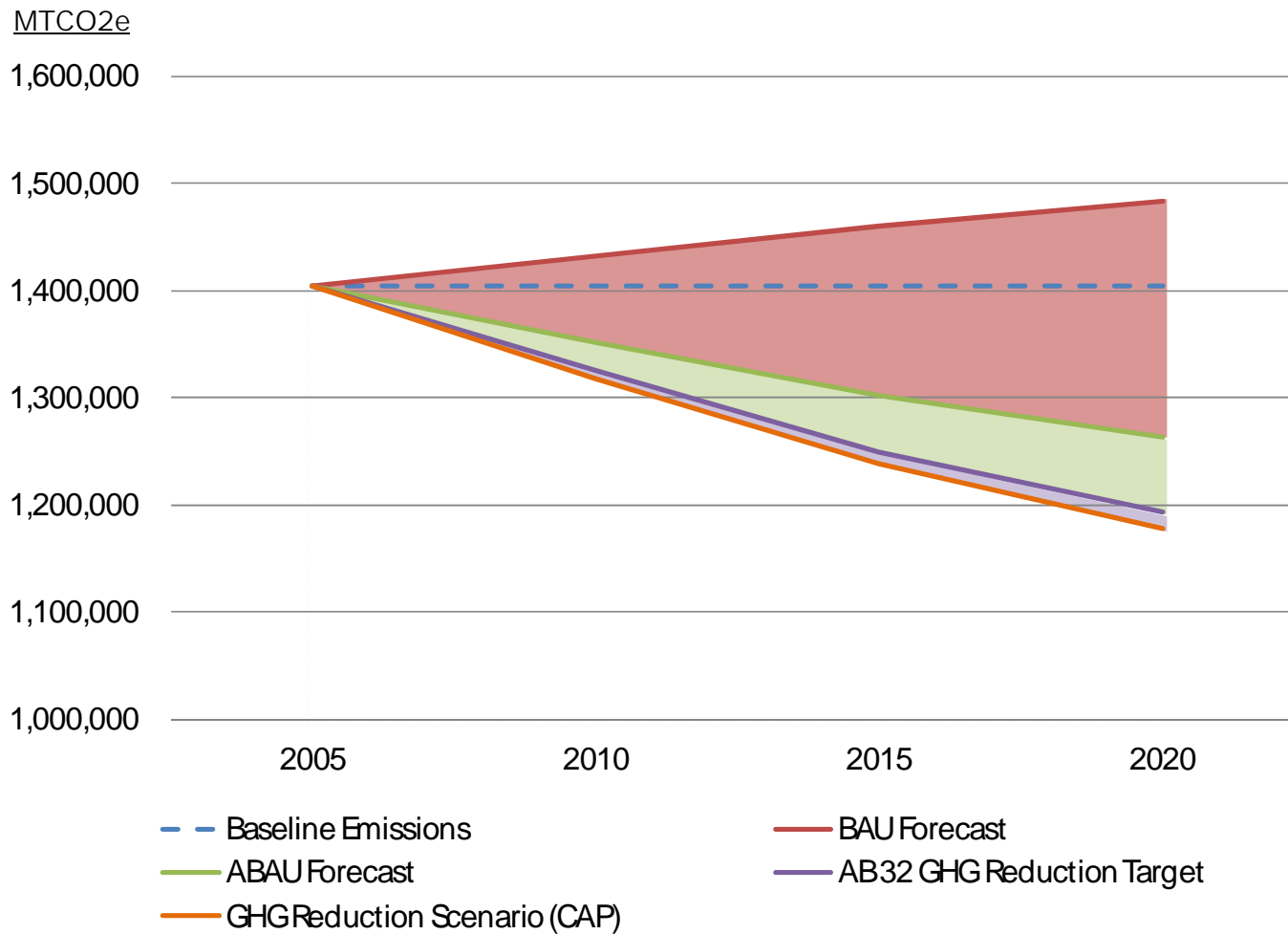


# Major Sections of the CAP

- ▶ Scientific and Regulatory Setting
- ▶ GHG Inventory and Forecast
- ▶ GHG Reduction Strategy
- ▶ Implementation
- ▶ Health Co-Benefit Evaluation

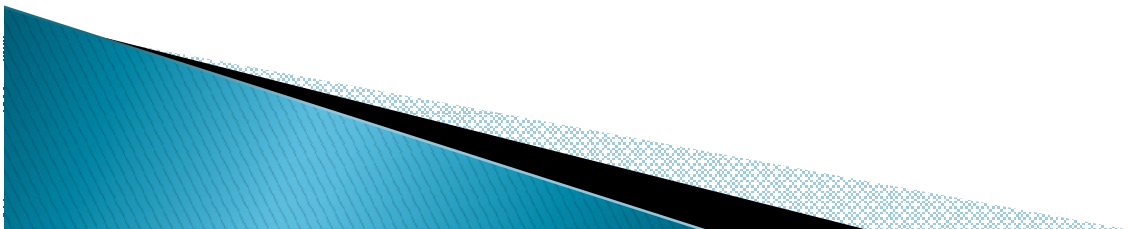


# GHG Reduction Summary



# GHG Inventory

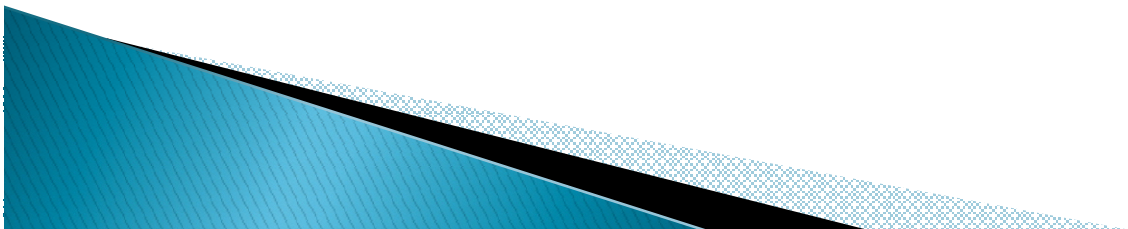
- ▶ Identifies nine broad sources/sectors of GHG emissions that are within the County's jurisdictional control, such as Residential, Nonresidential, On-road Transportation, and Agriculture.
- ▶ Stationary sources, such as refineries, power plants, and chemical plants are excluded because these facilities are primarily subject to regulation by agencies other than the County.
- ▶ 2005 is the baseline year for quantifying GHG emissions. To return to 1990 levels, emissions must drop at least 15% below 2005 levels.
- ▶ In order to track the trend in emissions in the County, the CAP includes a 2013 inventory update.



# GHG Reduction Strategy

The GHG reduction strategy focuses on six topic areas:

- ▶ Energy Efficiency and Conservation
- ▶ Renewable Energy
- ▶ Land Use and Transportation
- ▶ Solid Waste
- ▶ Water Conservation
- ▶ Government Operations



# Health Co-Benefits

Reduce vehicle miles traveled



- Increase physical activity
- Reduce chronic disease
- Improve mental health

Reduce emissions through land use changes



- Increase local access to essential services
- Enhance safety

Reduce residential building energy use



- Reduce household energy costs
- Promote healthy homes
- Create local green jobs

Urban greening

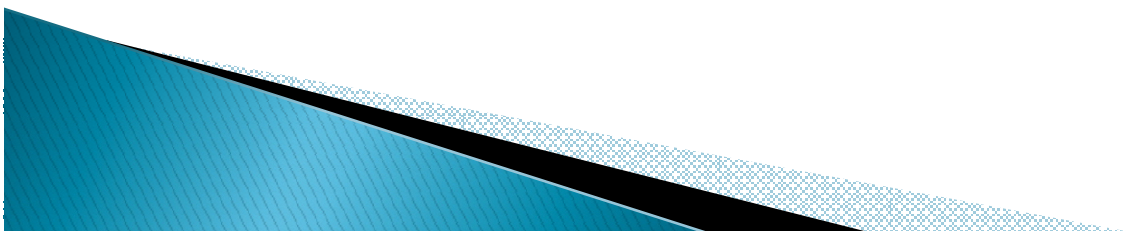


- Reduce temperature and urban heat island health effects
- Reduce air pollution and noise

More sustainable local food systems



- Increase access to healthy, fresh foods
- Reduce cardiovascular disease
- Increase local social cohesion
- Increase resilience



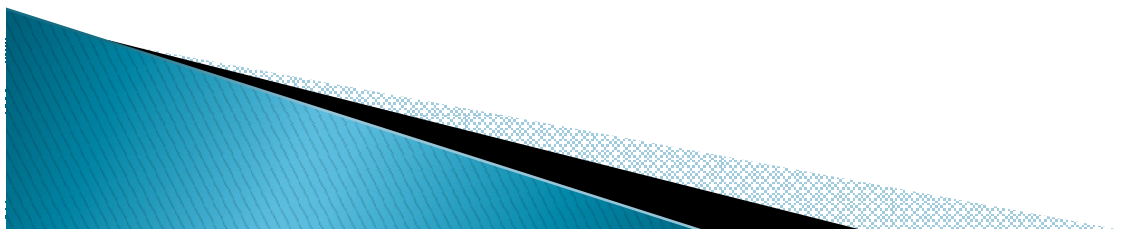
# Health Co-Benefit Methodology

## Health Criteria

- ▶ Healthy Food
- ▶ Physical Activity
- ▶ Outdoor Air Quality
- ▶ Indoor Air Quality
- ▶ Climate Risk Adaptation
- ▶ Improved Access
- ▶ Green Space
- ▶ Job Creation
- ▶ Health Equity

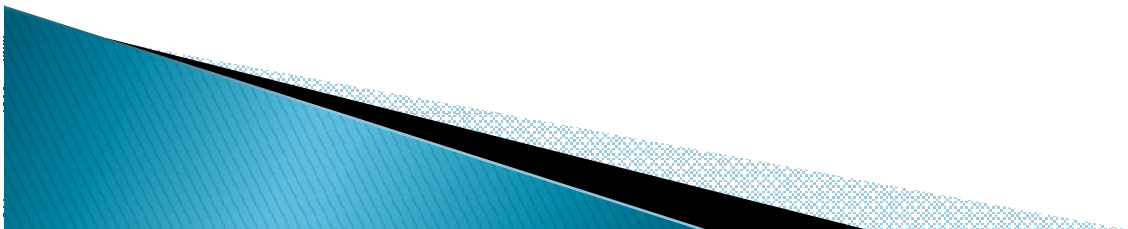
## Priority Outcomes

Walking and Biking  
Public Transportation  
Infill Development  
Health Equity



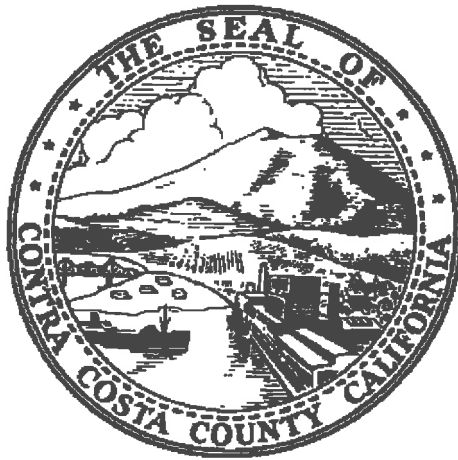
# Implementation

- ▶ Various departments will be responsible for implementing the GHG reduction measures.
- ▶ The Interdepartmental Working Group will continue to meet to review progress and make adjustments.
- ▶ Implementation will be facilitated by the County Sustainability Coordinator.



**Contra Costa County**  
**Climate Action Plan**  
**INITIAL STUDY/NEGATIVE DECLARATION**

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**October 2015**

## **ENVIRONMENTAL CHECKLIST FORM**

**1. Project Title:**

Contra Costa County Climate Action Plan

**2. Lead Agency Name and Address:**

Contra Costa County  
Department of Conservation and Development  
30 Muir Road  
Martinez, CA 94553

**3. Contact Person and Phone Number:**

Will Nelson, Principal Planner  
(925) 674-7791

**4. Project Location:**

The Climate Action Plan (CAP) inventories emissions from, provides greenhouse gas (GHG) reduction measures for, and is applicable to all unincorporated areas of Contra Costa County, including, but not limited to the following communities:

Acalanes Ridge	Clyde	North Gate
Alamo	Contra Costa Centre	North Richmond
Alhambra Valley	Crockett	Pacheco
Bay Point	Diablo	Port Costa
Bayview	Discovery Bay	Reliez Valley
Bethel Island	East Richmond Heights	Rodeo
Blackhawk	El Sobrante	Rollingwood
Briones	Kensington	San Miguel
Byron	Knightsen	Saranap
Camino Tassajara	Montalvin Manor	Shell Ridge
Canyon	Mountain View	Tara Hills
Castle Hill	Norris Canyon	Vine Hill

The 19 incorporated cities in the county are each responsible for preparing and implementing their own CAPs.

**5. Project Sponsor's Name and Address:**

Contra Costa County  
Department of Conservation and Development  
30 Muir Road  
Martinez, CA 94553

**6. General Plan Designation:**

The project is application to all General Plan designations in the unincorporated areas of Contra Costa County.

**7. Zoning:**

The project is application to all zoning designations in the unincorporated areas of Contra Costa County.

**8. Description of Project:**

The proposed project consists of adoption and implementation of the Contra Costa County CAP. The CAP identifies how the County will achieve the Assembly Bill (AB) 32 greenhouse gas (GHG) emissions reduction target of 15 percent below baseline (year 2005) levels by the year 2020, in addition to supporting other public health, energy efficiency, water conservation, and air quality goals identified in the County's General Plan and other policy documents. The CAP also lays the groundwork for achieving long-term State GHG reduction goals for 2035. Specifically, the CAP:

- Provides the scientific, regulatory, and public health framework for addressing climate change and GHGs at the local level (**Chapter 2**).
- Identifies sources of GHG emissions within the unincorporated areas of the county and estimates how these emissions may change over time (**Chapter 3**).
- Provides energy use, transportation, land use, water use, and solid waste strategies to reduce community-wide GHG emissions consistent with AB 32, Bay Area Air Quality Management District (BAAQMD) guidance, and Public Resources Code Section 21083.3 [California Environmental Quality Act (CEQA)] (**Chapter 4**).
- Proposes an approach to addressing climate change-related public health issues, which increases the county's resiliency to climate change, establishes priorities for improving public health, and identifies public health benefits that are expected to result from implementing the CAP (**Chapter 4**).
- Presents an implementation program to assist with monitoring and prioritization of the reduction strategies and public health goals through 2020 (**Chapter 5**).

The CAP and supporting documents can be found at: [www.cccounty.us/CAP](http://www.cccounty.us/CAP)

In addition to achieving the AB 32 GHG reduction target, the CAP is intended to streamline future environmental reviews in accordance with CEQA Guidelines Section 15183.5, Tiering and Streamlining the Analysis of Greenhouse Gas Emissions, which in part states:

Lead agencies may analyze and mitigate the significant effects of greenhouse gas emissions at a programmatic level, such as in...a separate plan to reduce greenhouse gas emissions. Later project-specific environmental documents may tier from and/or incorporate by reference that existing programmatic review.

This Initial Study provides programmatic-level analysis of the proposed CAP, as the CAP does not include any specific development proposals and would not result in direct physical environmental impacts.

In concert with streamlining future CEQA reviews, the CAP is intended to meet the BAAQMD's expectations for a Qualified GHG Reduction Strategy.

The GHG reduction strategy contained in Chapter 4 of the CAP consists of the following six topic areas, referred to in the document as goals:

- Energy Efficiency
- Renewable Energy
- Land Use and Transportation
- Solid Waste
- Water Conservation
- Government Operations

Each goal is divided into reduction measures, each of which contains several action items intended to reduce GHG emissions. For example, Goal 1 (Energy Efficiency) is to increase energy efficiency in residential and commercial building stock, and reduce community-wide electricity and natural gas use. This goal contains several reduction measures, such as Energy Retrofits in Residential Buildings and Energy Conservation Awareness. Together the Energy Efficiency reduction measures contain 27 specific action items. It is important to note that all of the action items identified in the CAP could be undertaken by the County whether or not the CAP was adopted.

Relative to CEQA review, the action items can be grouped into three categories:

1. Those which do not qualify as "projects" under CEQA, such as public outreach, pursuing funding for various GHG reduction programs, developing a recycling program at County facilities, and conducting energy audits.

2. Those which are ministerial actions and therefore statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15268. Items such as installing residential alternative energy systems [photovoltaic (PV) panels, small wind energy systems, etc.] and weatherizing buildings fall into this category.
3. Those which are discretionary and would be subject to full environmental review prior to their implementation. General Plan amendments, zoning ordinance revisions, mixed-use and multi-family development, and public infrastructure improvements fall into this category.

Most of the CAP's action items fall into the first two categories. Future projects that are subject to CEQA review would be required to demonstrate consistency with the goals and actions of the CAP for project-level greenhouse gas (GHG) impacts to be deemed less than significant.

## **9. Surrounding Land Uses and Setting:**

The Climate Action Plan would be implemented throughout unincorporated Contra Costa County. As shown in Figure 1, Contra Costa County is located in the East Bay region of the San Francisco Bay Area. The County covers approximately 805 square miles of land and water and is bounded on the northwest and north by the San Pablo Bay and the Sacramento-San Joaquin Delta, respectively; on the east by the Middle River and San Joaquin County; on the south by Alameda County; and on the west by Alameda County and the San Francisco Bay.

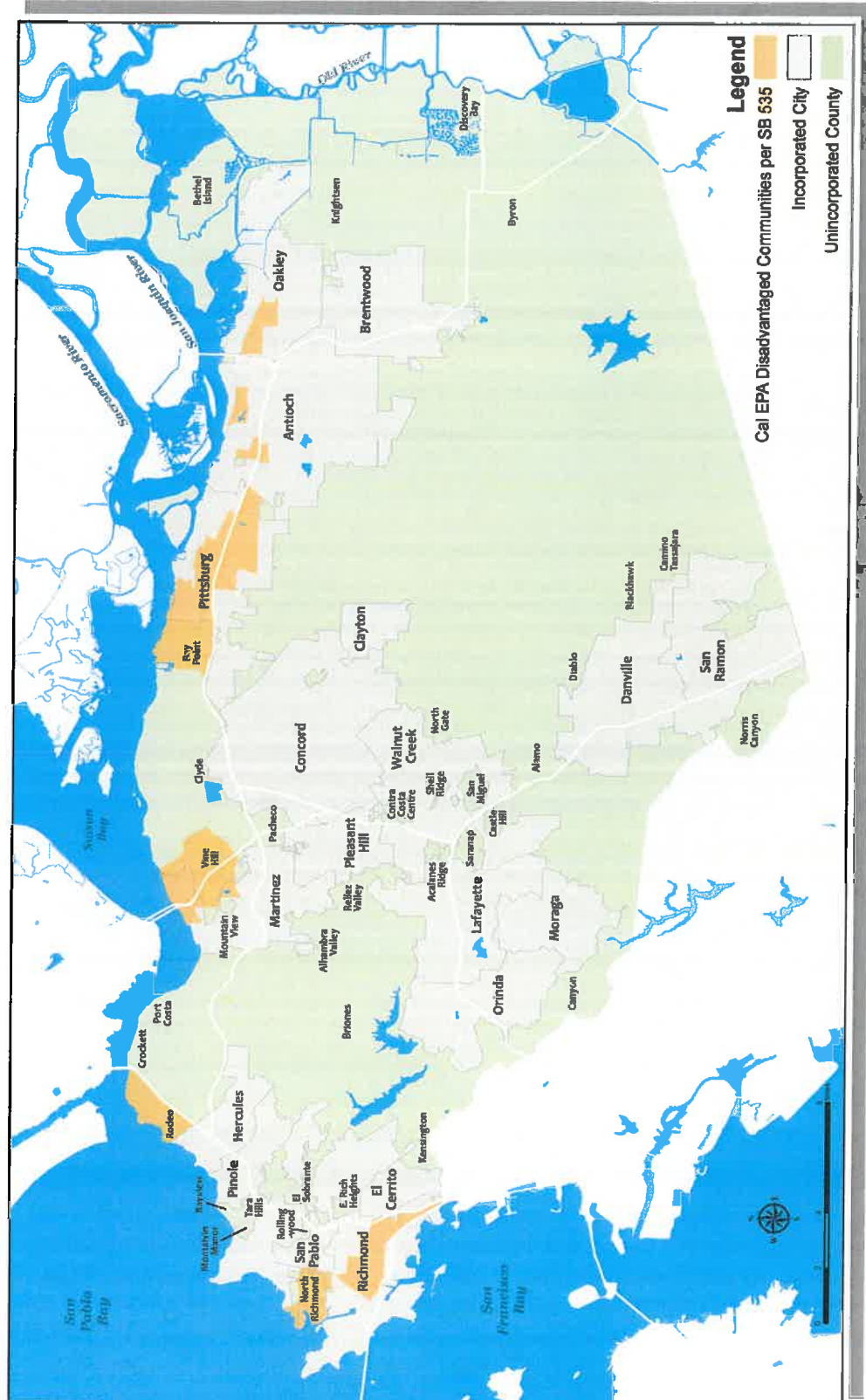
The County's physical geography is dominated by its extensive waterfront on the San Francisco and San Pablo Bays and the Sacramento-San Joaquin Delta. The other dominant geographic feature is Mount Diablo, a 3,849-foot peak near the county's geographic center. Lesser topographic features, such as the Diablo Range and the Oakland/Berkeley Hills, are also important elements of the natural landscape.

The hills that generally run north-south divide the County into three distinct geographic subareas: West, Central, and East. The West and Central areas are more urban and suburban in character and are home to the majority of the County's residents. East Contra Costa, while home to several growing cities and unincorporated communities, is largely rural and agriculture in character. The waterfront areas are home to heavy industry, including active oil refineries and power plants.

## **10. Other Public Agencies Whose Approval is Required (e.g., permits, financing approval, or participation agreement):**

Adoption and implementation of the CAP would not require action by any other agencies.

**Figure 1**  
**County Map**



### **Environmental Factors Potentially Affected**

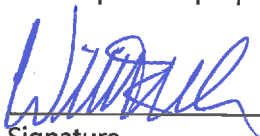
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forestry 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"/> Mandatory Findings of Significance | <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/Services Systems |

### **Environmental Determination**

On the basis of this initial evaluation:

- ☒ 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 revisions in the project have been made by or agreed to by the project proponent. 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 "potentially significant impact" or "potentially significant unless mitigated" impact 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. 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

10/29/15  
Date

William R. Nelson, Principal Planner  
Contra Costa County  
Department of Conservation and Development

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>1. AESTHETICS – <i>Would the project:</i></b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b><u>Analysis</u></b></p> <p><b>a) <i>Less than Significant Impact</i></b></p> <p>The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development that would potentially degrade the aesthetic quality of the environment. As a policy document, the CAP would have no direct impact on visual resources.</p> <p>The CAP does contain GHG reduction measures that promote physical changes to the built environment, such as increasing density near transit stops and along bus routes, maximizing infill development, installing PV panels and other alternative energy sources, planting street trees, and using higher-albedo materials for surfaces such as roofs and parking areas.</p> <ul style="list-style-type: none"> <li>• <b><u>Higher density near transit:</u></b> State policy promotes increased density in proximity to transit as a way of reducing vehicle miles traveled, thereby reducing GHG emissions. The CAP is consistent with this policy. Under the County's zoning, individual projects would still require discretionary approvals, which are subject to review under CEQA. Potential aesthetic impacts would be addressed as part of the project-level environmental review.</li> <li>• <b><u>Installation of PV panels/alternative energy sources:</u></b> State policy promotes installation of alternative energy systems. The CAP is consistent with this policy. California Government Code Section 65850.5 requires local governments to administratively approve solar energy systems unless there would be an impact to public health and safety. Local governments cannot deny a permit for a solar system based on aesthetic impacts.</li> </ul> <p>Wind energy conversion systems (wind turbines) are regulated by County Ordinance Code Chapter 88-3 and the CAP would not alter this ordinance. In order to limit their</p>				

visual impacts, residential (small scale) systems are already limited to 100 feet in height and restricted to agricultural parcels. Commercial and utility-scale wind energy systems require discretionary approvals, which are subject to CEQA review. Potential aesthetic impacts would be addressed as part of the project level environmental review.

- Planting street trees: Street trees and other ornamental vegetation are generally considered to have positive aesthetic impacts. Most zoning ordinances, including the County's, already require landscaping for new developments.
- Use of higher-albedo materials: The CAP encourages use of higher-albedo materials in order to reduce the "heat island" effect. Light-colored materials and finishes are already used extensively in construction and a gradual transition to additional use of such materials, which would occur over decades, would likely go unnoticed.

***b) Less than Significant Impact***

The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development that would potentially damage scenic resources including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. As explained above, the CAP promotes physical changes that are consistent with State policy for reducing GHG emissions. These changes would either be subject to environmental review of their own, are already regulated by existing ordinances, or would occur so gradually that they likely would not be perceived.

***c) Less than Significant Impact***

The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development. As explained above, the CAP promotes physical changes that are consistent with State policy for reducing GHG emissions. These changes would either be subject to environmental review of their own, are already regulated by existing ordinances, or would occur so gradually that they likely would not be perceived.

***d) Less than Significant Impact***

Implementation of the CAP measures would not result in development of new major sources of light. Promoting the use of higher-albedo materials and installation of solar panels may result in more glare during daylight hours. As explained above, the County has no authority to deny permits for solar energy systems based on aesthetic impacts and an extremely gradual conversion to lighter-colored building materials and finishes is unlikely to be perceived.

2. **AGRICULTURAL AND 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 agriculture 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 regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. *Would the project:*

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?

☐ ☐ ☐ ☒

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

☐ ☐ ☐ ☒

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))?

☐ ☐ ☐ ☒

d) Involve or result in the loss of forest land or conversion of forest land to non-forest use?

☐ ☐ ☐ ☒

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?

☐ ☐ ☐ ☒

#### Analysis

#### ***a) – b): No Impact***

The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development that would potentially impact agriculture or forest land resources. The CAP would have no direct impact on the conversion of farmland to non-agricultural use; however, it does discourage establishment of schools in agricultural areas. None of the CAP measures conflict with existing zoning for agricultural use or Williamson Act contracts.

**c) – d): No Impact**

Neither forest land nor timberland, as defined, exists within Contra Costa County.

**e): No Impact**

The CAP encourages infill development and densification of existing developed areas, which theoretically should reduce pressure to convert agricultural areas located along the existing urban fringe.

**3. 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:***

a) Conflict with or obstruct implementation of the applicable air quality plan? ☐ ☐ ☐ ☒

b) Violate any air quality standards or contribute substantially to an existing or projected air quality violation? ☐ ☐ ☐ ☒

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? ☐ ☐ ☐ ☒

d) Expose sensitive receptors to substantial pollutant concentrations? ☐ ☐ ☐ ☒

e) Create objectionable odors affecting a substantial number of people? ☐ ☐ ☐ ☒

**Analysis**

**a) – d): No Impact**

The CAP is a policy-level document intended to reduce GHG emissions for unincorporated Contra Costa County. The CAP provides energy use-, transportation-, land use-, water use-, and solid waste-related measures and strategies to reduce community-wide GHG emissions consistent with AB 32 and BAAQMD guidance. Many of the measures designed to reduce GHGs have the co-benefit of helping to reduce criteria air pollutants. For example, clustering development near transit would reduce vehicle miles traveled by car, thereby reducing emissions of CO<sub>2</sub> and ozone precursors. Installing alternative energy systems such as photovoltaic panels, and improving energy efficiency in buildings would reduce demand for electricity produced by burning fossil fuels. These co-benefits of the CAP support efforts to reduce pollutants in general, including criteria pollutants.

**e): No Impact**

The CAP does not propose strategies or measures that would directly or indirectly result in the creation of objectionable odors that would affect a substantial number of people; therefore, there would be no impact.

**4. BIOLOGICAL RESOURCES – *Would the project:***

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 Department of Fish and Game or U.S. Fish and Wildlife Service?

☐☐☐☒

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 Department of Fish and Game or U.S. Fish and Wildlife Service?

☐☐☐☒

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?

☐☐☐☒

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 wildlife nursery sites?

☐☐☐☒

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

☐☐☐☒

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?

☐☐☐☒

### Analysis

#### **a) – e): No Impact**

The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development that would potentially impact biological resources. The CAP does not promote new development. Instead, it encourages development to occur in a manner that would reduce GHG emissions (e.g., in proximity to public transit) and promotes actions to improve energy efficiency in new and existing buildings. As the CAP does not require, or even suggest, that development occur at any specific location or in a biologically-sensitive area, location-specific impacts cannot be assessed. All development would still be subject to the myriad federal, State, and local regulations enacted for the purpose of protecting biological resources.

The CAP contains actions that are potentially beneficial to biological resources, such as encouraging infill of already-developed areas (as opposed to developing "greenfields"), discouraging conversion of agricultural land to urban uses, and encouraging planting of additional trees.

#### **f): No Impact**

There are no conflicts between the provisions of the CAP and the East Contra Costa Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). Most of the land included in the HCP/NCCP is agricultural. The CAP is supportive of the HCP/NCCP because it discourages conversion of agricultural lands to urban use.

### **5. CULTURAL RESOURCES – *Would the project:***

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

### Analysis

#### **a) – d): No Impact**

Since cultural resources tend to exist in fixed locations, such as a historic building or district or sacred site, impacts to cultural resources are highly dependent on the location and design of a particular project. The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development that

would potentially impact cultural resources. The CAP does not promote new development. Primarily, it encourages development to occur in a manner that would reduce GHG emissions (e.g., in proximity to public transit) and encourages actions to improve energy efficiency in new and existing buildings. As the CAP does not require, or even suggest, that development occur at any specific location, assessment of location-specific impacts would be speculative, if not impossible.

**6. GEOLOGY AND SOILS – *Would the project:***

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

i) 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.

☐ ☐ ☐ ☒

ii) Strong seismic ground shaking?

☐ ☐ ☐ ☒

iii) Seismic-related ground failure, including liquefaction?

☐ ☐ ☐ ☒

iv) Landslides?

☐ ☐ ☐ ☒

b) Result in substantial soil erosion or the loss of topsoil?

☐ ☐ ☐ ☒

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 on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

☐ ☐ ☐ ☒

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

☐ ☐ ☐ ☒

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

☐ ☐ ☐ ☒

**Analysis**

***a) – e): No Impact***

Impacts related to geology and soils are highly dependent on the location and design of a

particular project, as geologic conditions change from site to site. The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development that would potentially impact geology and soils. As the CAP does not require, or even suggest, that development occur at any specific location, an assessment of location-specific impacts would be highly speculative. Additionally, all development in unincorporated Contra Costa County must comply with the California Building Code and the County's grading ordinance, which require designs that are appropriate for a site's specific geologic characteristics and conditions, thereby mitigating potential impacts.

**7. Greenhouse Gas Emissions – *Would the project:***

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

☐ ☐ ☐ ☒

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

☐ ☐ ☐ ☒

**Analysis**

***a) – b): No Impact***

Implementation of the CAP would allow the County to achieve a 15 percent reduction in GHG emissions below 2005 levels by 2020 consistent with AB 32, and will set the County on a trajectory to achieve the state GHG reduction target set by Executive Order S-3-05 of reducing GHG emissions 80 percent below 1990 levels by 2050. The CAP would not cause a direct or indirect increase in GHG emissions and would support policies and regulations adopted for the purpose of reducing GHGs.

**8. HAZARDS AND HAZARDOUS MATERIALS – *Would the project:***

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

☐ ☐ ☐ ☒

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?

☐ ☐ ☐ ☒

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

☐ ☐ ☐ ☒

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Analysis

##### *a) – d): **No Impact***

The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development that would result in the routine handling, generation, transportation, emission or release of hazardous materials. As the CAP does not require, or even suggest, that development occur at any specific location, an assessment of location-specific impacts related to hazardous materials would be highly speculative. All development must comply with extensive hazardous materials regulations, which are codified in Titles 8, 22, and 26 of the California Code of Regulations, and their enabling legislation set forth in Chapter 6.95 of the California Health and Safety Code. The purpose of these regulations is to minimize impacts related to hazardous materials.

##### *e) – f): **No Impact***

Contra Costa County has two general aviation airports: Buchanan Field in Concord and Byron (East County) Airport located south of the community of Byron. Several private airfields are located throughout the County as well. The CAP does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development in the vicinity of any public airport or private airfield. Development in and around County airports must be

consistent with the General Plan and zoning, as well as the Contra Costa County Airport Land Use Compatibility Plan, the primary purpose of which is to safeguard public safety by ensuring compatibility between the airports and nearby land uses. There are no conflicts between the CAP and the Compatibility Plan.

**g): No Impact**

The CAP does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development that could interfere with any emergency response or evacuation plans. The CAP is a policy-level document and none of the policies in the CAP conflict with the aforementioned plans.

**h): No Impact**

The CAP would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. The California Department of Forestry and Fire Protection has designated Fire Hazard Severity Zones and Very High Fire Hazard Severity Zones within unincorporated areas of the County. The CAP does not include site-specific designs or proposals, nor does it grant entitlements or permits for development in proximity to the fire hazard zones. However, the CAP does encourage infill development as opposed to development along the existing urban-rural interface where wildfires are more likely to occur.

**9. HYDROLOGY AND WATER QUALITY – *Would the project:***

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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 level (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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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 which would result in substantial erosion or siltation on- or off-site?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 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 runoff in a manner, which would result in flooding on- or off-site?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Analysis

##### **a), c) – f): *Less than Significant Impact***

Impacts related to hydrology and water quality are highly dependent on the location, design, and use of a particular project. The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development that would potentially impact water quality or drainage patterns, or increase runoff. The CAP encourages, but does not require, certain types of development, such as higher densities near transit and construction of bicycle and pedestrian facilities. Projects/improvements encouraged by the CAP could alter drainage patterns, increase runoff, and/or impact water quality. However, these projects would be subject to existing federal, State, and local regulations related to drainage and water quality, such as the National Pollutant Discharge Elimination System (NPDES) and the County's grading ordinance. Most, if not all of these projects would be subject to environmental review under CEQA. Through that process, project-specific impacts related drainage patterns, runoff, and pollution would be addressed.

##### **b): *No Impact***

The CAP includes water conservation measures intended to reduce water demand in general. The CAP does not include measures that would require additional draw on groundwater supplies or interfere with groundwater recharge.

##### **g) – j): *No Impact***

Portions of unincorporated Contra Costa County are within 100-year floodplains and/or could flood as a result of a levee or dam failure. However, none of the CAP's reduction measures address development within such areas. Development in areas subject to flooding

would occur whether or not the CAP was adopted and would be subject to General Plan, zoning, and California Building Code requirements. The State and its reclamation districts, as well as the U.S. Army Corps of Engineers in some instances, are responsible for inspecting dams and levees and ensuring their safety. The CAP has no bearing on these functions.

As the CAP does not grant approvals for development at any specific location, it would not increase the likelihood of a new project being inundated by flood, seiche, tsunami or mudflow.

Because climate changes resulting from GHG emissions are expected to cause a rise in sea levels, the CAP would be expected to have a beneficial incremental impact on potential impacts from tsunamis and seiches by delaying the rise in sea level through reductions in GHG emissions.

#### 10. LAND USE AND PLANNING – *Would the project:*

a) Physically divide an established community? ☐ ☐ ☐ ☒

b) Conflict with any applicable land use plan, policy, or 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? ☐ ☐ ☐ ☒

c) Conflict with any applicable habitat conservation plan or natural communities conservation plan? ☐ ☐ ☐ ☒

#### Analysis

##### **a): No Impact**

Physical division of an established community most often occurs as a result of constructing barriers to easy and frequent travel between two or more parts of a community. For example, a freeway with few crossings could effectively split a community. The CAP does not propose any actual development or changes to the existing General Plan or zoning that could eventually lead to physical division of an established community. In fact, certain measures in the CAP encourage improved connectivity within the county, such as by closing gaps in pedestrian and bicycle networks and implementing Complete Streets concepts into right-of-way design.

##### **b) No Impact**

The purpose of the CAP is to achieve a 15 percent reduction in GHG emissions below 2005 levels by 2020, consistent with AB 32, and set the County on a trajectory to achieve the State GHG reduction target set by Executive Order S-3-05 of reducing GHG emissions 80 percent below 1990 levels by 2050. The CAP is a policy-level document designed to complement and support existing plans and regulations, such as the County General Plan and zoning. The CAP

does not change the General Plan, zoning, or any other plan or regulation in any way. The CAP includes measures that encourage, but not require, development to occur in ways that reduce GHG emissions. For example, the CAP promotes higher densities in proximity to public transit, improvements to the county's bicycle and pedestrian circulation system, energy retrofits for existing residential buildings, and water conservation. All of these could occur with or without adoption of the CAP and are in fact reflective of existing State and local policies. Certain actions, such as residential energy retrofits, can be accomplished solely through issuance of building permits, which are ministerial and exempt from CEQA. In instances where a project necessitates a change to the General Plan or zoning, the environmental impacts would be evaluated through a project-level CEQA review.

**c) No Impact**

The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant any entitlements or permits for development that would have the potential to degrade the quality of the environment or adversely affect the East Contra Costa HCP/NCCP. Most of the land included in the HCP/NCCP is agricultural. The CAP is supportive of the HCP/NCCP because it discourages conversion of agricultural lands to urban use.

**11. MINERAL RESOURCES – Would the project:**

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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?                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis

**a) – b): No Impact**

The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development that could adversely impact mineral resources in the County. None of the GHG reduction measures in the CAP pertain directly to mineral resources or quarrying operations. GHG Reduction Measure LUT 3 does include an Action Item to consider amending the County Building Code to prohibit unnecessary idling of off-road and heavy equipment of the type used at quarries. However, an amendment to the County Building Code would be a project under CEQA and would require its own environmental review.

**12. NOISE – Would the project:**

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

b) Exposure of persons to or generation of excessive ground-borne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Analysis

##### ***a) – d): Less than Significant Impact***

The CAP is a policy-level document that does not include any site-specific designs or proposals, or grant any entitlements or permits for development. As a policy document, the CAP would have no direct impact related to noise or vibration. Future projects undertaken to implement the CAP's GHG reduction measures could result in noise and vibration. Minor projects such as building retrofits, installation of PV panels, and installation of EV charging stations would result in minimal, temporary construction-related noise impacts. Most, if not all of these projects would be ministerial and therefore categorically exempt from CEQA. Furthermore, these projects can move forward, and have, without the CAP being adopted. Major projects, such as high-density/mixed-use developments and public right-of-way improvements to accommodate alternate modes of transportation, would be subject to full environmental review. Noise impacts associated with such projects would be addressed, and mitigated if necessary, through a project-level CEQA evaluation.

##### ***e) – f) No Impact***

As noted above, there are two airports in the county, Buchanan and Byron. Development near each is subject to the Contra Costa County Airport Land Use Compatibility Plan, which includes provisions regarding noise compatibility. Any project implementing CAP measures in the vicinity of either airport must comply with the Compatibility Plan and therefore would not result in a significant noise impact.

Several private airfields are located throughout the County. The CAP does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development in the vicinity of any of these private airfields. Ministerial projects that implement the CAP, such as installation of PV panels, would not be expected to expose people to additional noise associated with these airfields. Discretionary projects would require CEQA review, at which time project-specific noise impacts would be addressed.

**13. POPULATION AND HOUSING – *Would the project:***

a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?

☐ ☐ ☐ ☒

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

☐ ☐ ☐ ☒

c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?

☐ ☐ ☐ ☒

**Analysis**

***a) – c): No Impact***

The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development that would lead to population growth or displacement of housing or residents. The CAP does not promote new development. Instead, it encourages development to occur in a manner that reduces GHG emissions, such as by infilling and increasing density in proximity to transit stations as opposed to building on greenfields. As the CAP does not require, or even suggest, that development occur at any specific location, an assessment of location-specific impacts, such as displacement of existing housing units or residents, would be highly speculative. While the CAP encourages certain development patterns such as higher densities near public transit, implementing projects would require approval of discretionary permits such as rezonings, subdivisions, and development plans, all of which are subject to environmental review under CEQA. Project-specific impacts would be addressed during the CEQA process.

**14. Public Services – Would the project 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:**

a) Fire Protection? ☐ ☐ ☐ ☒

b) Police Protection? ☐ ☐ ☐ ☒

c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Analysis

#### *a) – e): No Impact*

In 2007 the County adopted a Municipal Climate Action Plan (MCAP) to address GHG emissions resulting from County government operations. The proposed CAP includes GHG reduction measures related to County government operations, but these are supportive and do not impact the MCAP in any way.

The CAP does not include any site-specific designs or proposals, grant any entitlements or permits for development, or propose to change existing land use designations or zoning. There would be no increase in population or employment as a result of the CAP. Therefore, the CAP would have no impact on service ratios, response times, or other performance standards or objectives related to public services.

### 15. RECREATION

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Analysis

#### *a) – b): No Impact*

Implementing the CAP would not lead to population or employment growth that could result in increased physical deterioration of parks and recreational facilities. The CAP does promote increased walking and bicycling activities and development of the necessary infrastructure to support those activities. However, as the CAP does not identify specific projects or locations, attempting to assess these impacts would be highly speculative. Additionally, infrastructure projects, whether undertaken in support of the CAP or not, are themselves subject to CEQA. Potential impacts associated with those projects would be addressed through a project-level environmental review. Accordingly, the CAP would have no impact on parks or other recreational facilities.

16. TRANSPORTATION/TRAFFIC – *Would the project:*

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?

☐ ☐ ☐ ☒

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?

☐ ☐ ☐ ☒

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?

☐ ☐ ☐ ☒

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

☐ ☐ ☐ ☒

e) Result in inadequate emergency access?

☐ ☐ ☐ ☒

f) Conflict with adopted policies, plans or programs supporting alternate transportation (e.g., bus turnouts, bicycle racks)?

☐ ☐ ☐ ☒

Analysis

*a) – b): **No Impact***

The primary purpose of the CAP is to reduce GHG emissions, and a large component of the anticipated reductions is a reduction in emissions from transportation sources, primarily single-occupant vehicles. The CAP encourages mixed land uses and transit-oriented development; improved pedestrian and bicycle facilities; carpooling and other voluntary trip reduction programs; collaboration with BART and other transit providers to increase ridership; and other actions intended to reduce vehicle trips and vehicle miles traveled. These measures are intended to help alleviate existing and projected traffic congestion throughout the county. As each of these measures would have a beneficial effect with regard to the performance of the county's circulation system, there would be no negative impact.

**c): No Impact**

The CAP is a policy document that would have no direct effect on air traffic. None of the GHG reduction measures in the CAP relate to air traffic. Projects occurring in the vicinity of either County airport must be consistent with the safety and compatibility policies in the Contra Costa County Airport Land Use Compatibility Plan, whether or not they are undertaken in support of the CAP. Additionally, it is highly likely that any project having the potential to impact air traffic would be subject to its own project-level CEQA review.

**d) – e): No Impact**

The CAP is a policy-level document that does not include any site-specific designs or proposals, grant any entitlements or permits for development, or change existing land use or zoning designations. As the CAP does not permit any development or require construction of any specific projects, its adoption would not increase in hazards or obstruct emergency access. One of the goals of the CAP is to improve mobility by providing safe facilities for pedestrians and bicycles. Projects undertaken in support of this goal would have a beneficial impact on public safety. Furthermore, such infrastructure improvements are subject to review under CEQA. Any unforeseen impacts regarding hazards or access would be addressed through the project-level environmental review.

**f) No Impact**

The CAP promotes transit-oriented development, improvements to bicycle/pedestrian facilities, prioritizing alternative mode access to BART and other transit stations, and other actions and programs aimed at decreasing vehicle miles traveled. The CAP is therefore consistent with policies and ordinances supporting alternative transportation.

**17. UTILITIES AND SERVICE SYSTEMS – *Would the project:***

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

e) Result in a determination by the wastewater treatment provider, which 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Analysis

##### *a) – b), d) – e): **No Impact***

The CAP would not increase population or employment, or result in development of land uses that would increase demand for water supplies, water treatment and conveyance, and wastewater treatment and conveyance. One of the goals of the CAP is to decrease water consumption, which would reduce GHG emissions by requiring less energy to pump, treat, collect, and discharge water. With reduced demand for water, the demand for wastewater treatment capacity and conveyance infrastructure would also be expected to decrease. No new treatment capacity or conveyance lines would be necessary. As there would be no new discharge resulting from the CAP, the treatment requirements of the San Francisco Bay Regional Water Quality Control Board would not be exceeded.

##### *c): **Less than Significant Impact***

As explained under *Hydrology and Water Quality* above, because the CAP is a policy document that does not propose any specific projects, it would not result in development that could potentially impact drainage patterns or increase surface runoff. Therefore, there would be no need to provide new or expanded stormwater drainage facilities as a result of the CAP's adoption. Projects undertaken in support of the CAP that are ministerial in nature would be required to comply with the Municipal Regional Stormwater NPDES permit and the County's grading ordinance. Discretionary projects would be required to comply with these regulations and also would be subject to project-level CEQA review, wherein any potential impacts would be identified and mitigated.

##### *f) – g): **No Impact***

The CAP is a policy document that would not directly result in development of housing or other land uses that would generate solid waste. The CAP includes numerous action items aimed at reducing solid waste generation, increasing recycling and composting, and improving landfill management. The CAP would be supportive of the County's Integrated Waste Management Plan and the AB 341 statewide goal of achieving 75 percent disposal reduction by 2020.

## 18. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or 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 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, which will cause substantial adverse effects on human beings, either directly or indirectly?

☐ ☐ ☐ ☒

### Analysis / Conclusion

#### **a): *Less than Significant Impact***

As stated throughout this Initial Study, the CAP is a policy-level document that does not include any site specific designs or proposals, nor does it grant any entitlements or permits for development that would have a direct impact on the physical environment. Every action item specified in the CAP could be implemented whether or not the CAP was adopted. Most of the action items either would not qualify as "projects" under CEQA or would be exempt from CEQA because they would be ministerial under the County Ordinance Code. The remaining action items would be subject to their own CEQA reviews upon implementation and any project-specific impacts would be addressed through those processes.

As explained in the *Biological Resources* section, the CAP would have no direct negative impact on biological resources and future projects would continue to be subject to applicable federal, State, and local regulations that protect such resources. The CAP includes action items that would be beneficial to biological resources, such as planting additional trees and preserving agricultural land.

Similarly, as explained under *Cultural Resources*, the CAP would have no direct impact on cultural resources. Such resources tend to exist in fixed locations, such as a historic building or district, or a sacred site and the CAP does not require, or even suggest, that development

occur at any specific location, particularly one that is culturally significant. Existing regulations and processes intended to protect cultural resources would be unaffected by adoption of the CAP.

**b): *Less than Significant Impact***

The CAP is a policy document that would not directly result in any development, so there would be no direct physical effects that could combine with the physical effects of other projects in the region to result in "cumulatively considerable" impacts. The CAP does not alter the intended build-out or overall density envisioned in the County General Plan. Every action item specified in the CAP could be implemented whether or not the CAP was adopted. Most of the action items either would not qualify as "projects" under CEQA or would be exempt from CEQA because they would be ministerial under the County Ordinance Code. The remaining action items would be subject to their own CEQA reviews upon implementation and any cumulatively-considerable impacts would be addressed through those processes.

**c): *No Impact***

The CAP would not result in any impacts to the physical environment that could result in adverse impacts on human beings. As explained above, every action item specified in the CAP could be implemented whether or not the CAP was adopted. Most of the action items would either not qualify as "projects" under CEQA or would be exempt from CEQA because they would be ministerial under the County Ordinance Code. The remaining action items would be subject to their own CEQA reviews upon implementation and potentially significant impacts would be addressed through those processes.

The purpose of the CAP is to incrementally reduce impacts and environmental degradation associated with climate change. In this broad context, implementation of the CAP would be beneficial to human beings. At the local level, the CAP benefits humans by supporting healthier environments and lifestyles. For example, the CAP supports construction of additional pedestrian and bicycle facilities, which in turn would encourage more exercise, and encourages planting of more trees, which would beautify urban environments and improve air quality. The CAP also includes a health co-benefits analysis, which demonstrates how many of the CAP's action items would result in indirect benefits to people, such as lower utility bills and more livable/comfortable residences and workplaces. For these reasons, the CAP would have positive effects on human beings.

Source Documents

Bay Area Air Quality Management District, *Bay Area 2010 Clean Air Plan*

California Department of Conservation, *Contra Costa County Important Farmland Map 2012*

California Department of Forestry and Fire Protection, *Fire Hazard Severity Zone Maps*

California, State of, *Government Code Section 65850.5*

California, State of, *Government Code Titles 8, 22, and 26*

California, State of, *Health and Safety Code Chapter 6.95*

Contra Costa County, *Airport Land Use Compatibility Plan*

Contra Costa County, *County Ordinance Code, Titles 7 (Building Regulations), 8 (Zoning), 9 (Subdivisions), and 10 (Public Works and Flood Control)*

Contra Costa County, *Climate Action Plan (Proposed)*

Contra Costa County, *East Contra Costa Habitat Conservation Plan / Natural Community Conservation Plan*

Contra Costa County, *General Plan 2005-2020*

**Department of  
Conservation and  
Development**

30 Muir Road  
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Phone: 1-855-323-2626

**Contra  
Costa  
County**



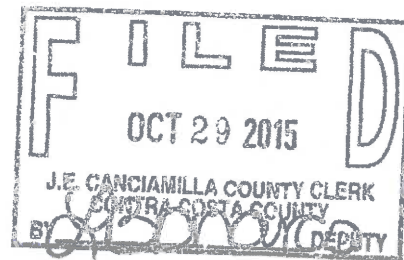
**John Kopchik**  
Director

**Aruna Bhat**  
Deputy Director

**Jason Crapo**  
Deputy Director

**Maureen Toms**  
Deputy Director

October 29, 2015



**NOTICE OF AVAILABILITY AND PUBLIC REVIEW OF THE  
CONTRA COSTA COUNTY CLIMATE ACTION PLAN  
AND  
NOTICE OF INTENT TO ADOPT A PROPOSED NEGATIVE DECLARATION**

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 Contra Costa County Department of Conservation and Development has prepared an Initial Study on the following project:

**Project Description:** The proposed project is the adoption of the Contra Costa County Climate Action Plan (CAP), a document that provides policies and identifies actions intended to reduce greenhouse gas (GHG) emissions within unincorporated Contra Costa County, consistent with Assembly Bill (AB) 32 and Executive Order S-3-05. The CAP identifies how the County will achieve the AB 32 GHG emissions reduction target of 15 percent below baseline (2005) levels by the year 2020. In addition to reducing GHG emissions, the CAP includes policies and actions that improve public health and result in additional benefits to the community such as lower energy bills and enhanced quality of life. The CAP also lays the groundwork for achieving long-term State GHG reduction goals for 2035 and 2050.

**Project Location:** The CAP is a policy-level document that would be applicable to all unincorporated areas of Contra Costa County.

**Environmental Determination:** Based on the analysis in the Initial Study, the proposed CAP will not result in significant environmental impacts.

Copies of the Initial Study/Negative Declaration and all documents referenced therein may be reviewed at the office of the Department of Conservation and Development, located at 30 Muir Road in Martinez, CA, during normal business hours.

The CAP and Initial Study/Negative Declaration are also posted on the Department of Conservation and Development's CAP webpage: [www.cccounty.us/CAP](http://www.cccounty.us/CAP).

**Public Comment Period:** The period for providing comments on the adequacy of the Initial Study/Negative Declaration, as well as general comments on the Contra Costa County CAP, closes at **5:00 P.M., Monday, November 30, 2015**. Any comments should be in writing and submitted to the following address:

Contra Costa County  
Department of Conservation and Development  
30 Muir Road  
Martinez, CA 94553  
Attn: William Nelson

Comments may also be submitted by e-mail to: [william.nelson@dcd.cccounty.us](mailto:william.nelson@dcd.cccounty.us).

It is anticipated that the CAP and Negative Declaration will be considered for adoption at a meeting of the County Board of Supervisors in December 2015. The public hearing will be held in Room 107 (Board Chambers) of the County Administration Building, 651 Pine Street, Martinez, CA.

If you have any questions, please do not hesitate to contact me at (925) 674-7791 or [william.nelson@dcd.cccounty.us](mailto:william.nelson@dcd.cccounty.us).

Sincerely,



William R. Nelson  
Principal Planner

cc: County Clerk's Office (2 copies)

Knightsen TAC  
Attn: Linda Weeks, Chairwoman  
P.O. Box 170  
Knightsen, CA 94548

Golden State Water District  
53B Manor Drive  
Bay Point, CA 94565

Crockett Community Services District  
P.O. Box 578  
Crockett, CA 94525

Byron Bethany Irrigation District  
7995 Bruns Rd.  
Byron, CA 94514

East Contra Costa Irrigation District  
1711 Sellers Ave  
Brentwood, CA 94513-4106

El Sobrante MAC  
ATTN: BARBARA PENDERGRASS – CHAIR  
3769 – B San Pablo Dam Road  
El Sobrante, CA 94803

**\*\*INTEROFFICE\*\***  
**KNIGHTSEN TAC**  
**c/o ALICIA NUCHOLS-DISTRICT III**  
**Supervisor Piepho's Office**

Castle Rock County Water District  
1001 Castle Rock Road  
Walnut Creek, CA 94598

Knightsen Community Services District  
P. O. Box 763  
Knightsen, CA 94548

Town of Discovery Bay  
Community Services District  
1800 Willow Lake Road  
Discovery Bay, CA 94505

Dublin San Ramon Services District  
7051 Dublin Boulevard  
Dublin, CA 94568

East Bay Leadership Council  
1355 Willow Way #253  
Concord, CA 94520

Diablo Community Services District  
P.O. Box 702  
Diablo, CA 94528

**\*\*INTEROFFICE MAIL\*\***  
**RODEO MAC**  
c/o Paul Adler, District V  
Supervisor Glover's Office

CONTRA COSTA CENTRE MAC  
ATTN: Brian Amador  
2151 Salvio Street, Suite R  
CONCORD, CA 94520

PACHECO MAC  
ATTN: OLIVER FONTANA-CHAIR  
5800 Pacheco Blvd.  
Pacheco, CA 94553

**\*\*INTEROFFICE MAIL\*\***  
**Public Works Department**  
**Attn: Victoria Skerritt, Special Districts**  
**County Service Area M-28**

Workforce Development Board  
of Contra Costa County  
300 Ellinwood Way  
Pleasant Hill, CA 94523

TransForm  
436 14th Street, Suite 600  
Oakland, CA 94612

**\*\*INTEROFFICE MAIL\*\***  
**ALAMO MAC**  
**Supervisor Candace Andersen**  
**DANVILLE OFFICE**

BAY POINT MAC  
3105 Willow Pass Road  
Bay Point, CA 94565

BETHEL ISLAND MAC  
ATTN: Ken Quick – Chair  
PO Box 1388  
Bethel Island, CA 94511

North Richmond MAC  
ATTN: DON GILMORE – CDHC  
1535 Fred Jackson Way  
Richmond, CA 94801

DIABLO MAC  
ATTN: RICHARD BREITWIESER, Secretary  
PO BOX 711  
DIABLO, CA 94528

KENSINGTON MAC  
Patrick Tahara, CHAIR  
15 Arlmont  
Kensington, CA 94707

City of Martinez  
Public Works Department  
Attn: County Sanitation District No. 6  
525 Henrietta Street  
Martinez, CA 94553

Association of Bay Area Governments  
101 - 8th St  
Oakland CA 94607

City of Pittsburg  
65 Civic Ave.  
Pittsburg, CA 94565

City of Pinole  
2131 Pear Street  
Pinole, CA 94564

City of San Pablo  
13831 San Pablo Ave.  
San Pablo, CA 94806

City of Oakley  
3231 Main Street  
Oakley, CA 94561

City of Lafayette  
3675 Mt. Diablo Blvd., Suite 210  
Lafayette, CA 94549

City of Richmond  
450 Civic Center Plaza  
Richmond, CA 94804

City of Walnut Creek  
1666 North Main Street  
Walnut Creek, CA 94596

City of Martinez  
525 Henrietta St.  
Martinez, CA 94553

City of Antioch  
P.O. Box 5007  
Antioch, CA 94531

City of Clayton  
6000 Heritage Trail  
Clayton, CA 94517

City of Hercules  
111 Civic Drive  
Hercules, CA 94547

Town of Danville  
510 La Gonda Way  
Danville, CA 94526

City of Brentwood  
150 City Park Way  
Brentwood, CA 94513

Town of Moraga  
329 Rheem Blvd.  
Moraga, CA 94556

City of Concord  
1950 Parkside Dr.  
Concord, CA 94519

City of El Cerrito  
10890 San Pablo Avenue  
E Cerrito, CA 94530

City of Orinda  
22 Orinda Way  
Orinda, CA 94563

Ed Shaffer, Co-Chair  
Land Use Task Force/Contra Costa Council  
c/o Archer Norris  
2033 North Main Street, Suite 800  
Walnut Creek, CA 94596

City of Pleasant Hill  
100 Gregory Lane  
Pleasant Hill, CA 94523

City of San Ramon  
2401 Crow Canyon Road  
San Ramon, CA 94583

George Smith, Co-Chair  
Environmental Task Force/Contra Costa Council  
c/o GBR Smith Group, LLC  
2351 Dapplegray Lane, Suite 100  
Walnut Creek, CA 94596

Bay Point MAC  
Attn: Charles Tremaine, Chair  
P.O. Box 5038  
Bay Point, CA 94565

Byron MAC  
P.O. Box 268  
Byron, CA 94514

Diablo MAC  
Attn: Jeff Haug, Chair  
P.O. Box 321  
Diablo, CA 94528

Bethel Island MAC  
Attn: David Graas, Chair  
P.O. Box 1388  
Bethel Island, CA 94511

Alamo MAC  
Attn: Steve Dexter  
Supervisor District 2 Office  
Danville Office

Kensington MAC  
Patrick Tahara, Chair  
15 Arlmont  
Kensington, CA 94708

Pacheco MAC  
Attn: Olivier Fontana, Chair  
5800 Pacheco Blvd.  
Pacheco, CA 94553

North Richmond MAC  
Attn: Willie Payne  
515 Silver Avenue  
North Richmond, CA 94801

El Sobrante MAC  
Attn: Barbara Pendergrass, Chair  
3769 – B San Pablo Dam Road  
El Sobrante, CA 94803

Contra Costa Centre MAC  
Attn: Brian Amador  
2151 Salvio Street, Suite R  
Concord, CA 94520

Rodeo MAC  
Attn: Marina Ramos, Chairwoman  
P.O. Box 438  
Rodeo, CA 94572

<p>Allied Waste 441 N Buchanan Circle Pacheco, CA 94553</p>	<p>Contra Costa Transfer &amp; Recovery Station 951 Waterbird Way Martinez, CA 94553</p>	<p>Golden Bear Transfer Station 1 Parr Blvd. Richmond, CA 94801</p>
<p>Garaventa Enterprises 4080 Mallard Dr. Concord, CA 94518</p>	<p>Bay View Refuse &amp; Recycling 2525 Garden Tract Road Richmond, CA 94801</p>	<p>Acme Landfill P.O. Box 1108 Martinez, CA 94553</p>
<p>Keller Canyon Landfill 901 Bailey Road Pittsburg, CA 94565</p>	<p>Richmond Sanitary Services 3260 Blume Drive, Ste. 100 Richmond, CA 94806</p>	<p>Bay Area Building Industry Association 101 Ygnacio Valley Road, Suite #210 Walnut Creek, CA 95596</p>
<p>Industrial Association of Contra Costa County 3377 Deer Valley Rd. PMB 139 Antioch, CA 94509</p>	<p>Contra Costa Centre Association 1350 Treat Boulevard, Suite 180 Walnut Creek, CA 94597</p>	<p>Contra Costa Association of Realtors 1870 Olympic Blvd. Suite 200 Walnut Creek, CA 94596</p>
<p>California Alliance for Jobs 928 Second Street, Ste.200 Sacramento, CA 95814</p>	<p>Contra Costa Economic Partnership 1355 Willow Way, Suite 253 Concord, CA 94520</p>	<p>Tesoro Refinery 150 Solano Way, Martinez, CA 94553</p>
<p>Western States Petroleum Association 1200 Oak Knoll Drive Concord, CA 94521</p>	<p>Pittsburg Recycling Center &amp; Transfer Station 1300 Loveridge Rd. Pittsburg, CA 94565</p>	<p>Pacific Gas &amp; Electric Co. 1850 Gateway Blvd., 6<sup>th</sup> Flr. Concord, CA 94520</p>
<p>Pacific Gas &amp; Electric Co. Mail Code N6G P.O. Box 777000 San Francisco, CA 94177</p>	<p>Quest Energy Service &amp; Technology 2001 Addison Street, Suite 300 Berkeley, CA 94704</p>	<p>GWF Power System Company 4300 Railroad Avenue Pittsburg, CA 94565</p>
<p>GenOn Energy, Inc. P.O. Box 192 Pittsburg, CA 94565</p>	<p>Crockett Cogeneration, Inc. 550 Loring Avenue Crockett, CA 94525-1232</p>	<p>Phillips 66 San Francisco Refinery 1380 San Pablo Avenue Rodeo, CA 94572</p>
<p>Shell Refinery 3485 Pacheco Blvd. Martinez, CA 94553</p>	<p>California Energy Commission 1516 Ninth Street, MS-29 Sacramento, CA 95814-5512</p>	<p>Chevron Richmond Refinery 841 Chevron Way Richmond, CA 94801</p>
<p>California Air Resources Board P.O. Box 2815 Sacramento, CA 95812</p>	<p>Central Valley Regional Water Quality Control Board Sacramento Office 11020 Sun Center Drive, Suite 200 Rancho Cordova, CA 95670-6114</p>	<p>San Francisco Regional Water Quality Control Board 1515 Clay Street, Suite 1400 Oakland, CA 94612</p>
<p>San Francisco Bay Conservation and Development Commission 50 California Street, Suite 2600 San Francisco, California 94111</p>	<p>Bay Area Air Quality Management District 939 Ellis St. San Francisco, CA 94109</p>	<p>Metropolitan Transportation Commission 101 - 8th St Oakland CA 94607</p>

Contra Costa Transportation Authority  
2999 Oak Road  
Walnut Creek, CA 94597

AC Transit  
1600 Franklin Street  
Oakland, CA 94612

Western Contra Costa Transit Authority  
601 Walter Avenue  
Pinole, CA, 94564

County Connection  
2477 Arnold Industrial Way  
Concord, CA 94520

Tri Delta Transit  
801 Wilbur Avenue  
Antioch, CA 94509

511 Contra Costa  
P.O. Box 23675,  
Pleasant Hill, CA 94523

Sustainable Contra Costa  
2156 Stewart Avenue  
Walnut Creek, CA 94596

Contra Costa Climate Leaders  
PO Box 6993  
Moraga, CA 94570

West County Toxics Coalition  
305 Chesley Ave.  
Richmond, CA 94801

Communities for a Better Environment  
1904 Franklin Street, Ste 600  
Oakland, CA 94612

Greenbelt Alliance  
1601 N Main St., Suite 105  
Walnut Creek, CA 94596

Brentwood Agricultural Land Trust  
P.O. Box 2046  
Brentwood, CA 94513

Save Mount Diablo  
1901 Olympic Blvd, Suite 320  
Walnut Creek CA 94596

Muir Heritage Land Trust  
P.O. Box 2452  
Martinez, CA 94553

Contra Costa Resource  
Conservation District  
5552 Clayton Road  
Concord CA, 94521

Sierra Club  
San Francisco Bay Chapter  
2530 San Pablo Ave. Suite I  
Berkeley, CA 94702-2000

Community Focus  
1440 Broadway, Suite 714  
Oakland, CA 94612

Agricultural - Natural Resources  
Trust of Contra Costa County  
5554 Clayton Rd. #2  
Concord, CA 94521

Contra Costa County Farm Bureau  
5554 Clayton Road  
Concord, CA 94521

East Bay Regional Park District  
2950 Peralta Oaks Court  
P.O. Box 5381  
Oakland, CA 94605-0381

Delta Diablo Sanitation District  
2500 Pittsburg-Antioch Highway  
Antioch, CA 94509

East Bay Municipal Utility District  
P.O. Box 24055,  
Oakland, CA 94623

West County Wastewater District  
2910 Hilltop Drive  
Richmond, CA 94806

Ironhouse Sanitary District  
450 Walnut Meadows Drive  
Oakley, CA 94561

Contra Costa Water District  
1331 Concord Ave.  
Concord, CA 94520

Central Contra Costa Sanitary District  
5019 Imhoff Place  
Martinez, CA 94453

Rodeo Sanitary District  
800 San Pablo Avenue  
Rodeo, CA 94572

Stege Sanitary District  
7500 Schmidt Ln.  
El Cerrito, CA 94530

Mt. View Sanitary District  
3800 Arthur Rd.  
P.O. Box 2757  
Martinez, CA 94553

Byron Sanitary District  
7995 Bruns Rd.  
Byron, CA 94514

Diablo Water District  
P.O. Box 127  
Oakley, CA 94561-0127

Central Contra Costa  
Solid Waste Authority  
1850 Mt. Diablo Blvd., Ste. 320  
Walnut Creek, CA 94596

RecycleMore/ West Contra Costa  
Integrated Waste Management Authority  
(WCCIWMA)  
One Alvarado Square  
San Pablo, CA 94806

**DELTA PROTECTION COMMISSION**

2101 Stone Blvd., Suite 210  
West Sacramento, CA 95691  
Phone (916) 375-4800 / FAX (916) 376-3962  
[www.delta.ca.gov](http://www.delta.ca.gov)



*Mary N. Piepho, Chair*  
Contra Costa County  
Board of Supervisors

*Skip Thomson, Vice Chair*  
Solano County  
Board of Supervisors

*Don Nottoli*  
Sacramento County  
Board of Supervisors

*Bob Elliott*  
San Joaquin County  
Board of Supervisors

*Oscar Villegas*  
Yolo County  
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*Norman Richardson*  
Cities of Contra Costa and  
Solano Counties

*Christopher Cabaldon*  
Cities of Sacramento and  
Yolo Counties

*Susan Lofthus*  
Cities of San Joaquin County

*Michael Scriven*  
Central Delta  
Reclamation Districts

*Justin van Loben Sels*  
North Delta Reclamation Districts

*Robert Ferguson*  
South Delta Reclamation Districts

*Brian Kelly*  
CA State Transportation Agency

*Karen Ross*  
CA Department of Food and  
Agriculture

*John Laird*  
CA Natural Resources Agency

*Brian Bunsch*  
CA State Lands Commission

Ex Officio Members

*Honorable Jim Frazier*  
California State Assembly

*Honorable Cathleen Galgiani*  
California State Senate

November 30, 2015

William R. Nelson, Principal Planner  
Contra Costa County Department of Conservation and Development  
30 Muir Road  
Martinez, CA 94553

RE: Initial Study/Negative Declaration for the Contra Costa County Climate  
Action Plan

Dear Mr. Nelson:

Delta Protection Commission (Commission) staff have reviewed the Initial Study/Negative Declaration (IS/NegDec) for the Contra Costa County Climate Action Plan (CAP). The CAP inventories emissions from and provides reductions for greenhouse gases (GHGs) in unincorporated portions of Contra Costa County. Although the CAP is a policy level document that does not include any specific development proposals, the Commission staff reviewed the IS/NegDec for potential impacts of CAP policies on the Delta's Primary Zone.

The Commission's staff supports CAP strategies for reducing GHGs in Contra Costa County that would help to achieve the Commission's goal for the Delta—namely, avoiding the loss of agricultural lands. We believe that CAP strategies calling for increased infill development, coupled with increased bicycle and pedestrian facilities and greater use of public transit, would benefit the Delta by reducing pressure to convert agricultural lands to urban uses.

Thank you for the opportunity to comment on the IS/NegDec for the CAP.

Sincerely,

Erik Vink  
Executive Director

cc: Mary N. Piepho, Commission Chair and Contra Costa County Supervisor

Central Valley Regional Water Quality Control Board

23 November 2015

Will Nelson  
Contra Costa County  
Department of Conservation and Development  
30 Muir Road  
Martinez, CA 94553

CERTIFIED MAIL  
91 7199 9991 7035 8420 8915

**COMMENTS TO REQUEST FOR REVIEW FOR THE NEGATIVE DECLARATION,  
CONTRA COSTA COUNTY CLIMATE ACTION PLAN (CAP) PROJECT, SCH# 2015102088,  
CONTRA COSTA COUNTY**

Pursuant to the State Clearinghouse's 30 October 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Negative Declaration* for the Contra Costa County Climate Action Plan (CAP) Project, located in Contra Costa County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**I. Regulatory Setting**

**Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources

Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:

[http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit

requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

#### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

#### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

#### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

**Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board’s website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/app\\_approval/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml); or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

#### **Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

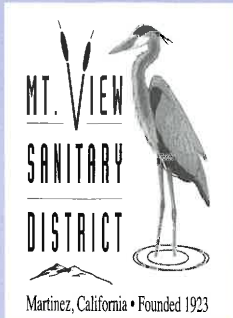
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

If you have questions regarding these comments, please contact me at (916) 464-4644 or [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).



Stephanie Tadlock  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento



#### BOARD OF DIRECTORS

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DISTRICT MANAGER

Sheri L. Riddle

BOARD SECRETARY

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J. Daniel Adams

LEGAL COUNSEL

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Randolph W. Leptien

ENGINEER

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VIA EMAIL: [WILLIAM.NELSON@DCD.CCCOUNTY.US](mailto:WILLIAM.NELSON@DCD.CCCOUNTY.US)

November 25, 2015

Contra Costa County  
Department of Conservation & Development  
Attn: William Nelson  
30 Muir Rd.  
Martinez, CA 94553

CONTRA COSTA COUNTY  
NOV 30 P 5:42

DEPARTMENT OF CONSERVATION  
AND DEVELOPMENT

RE: Draft Contra Costa County Climate Action Plan

Dear Mr. Nelson,

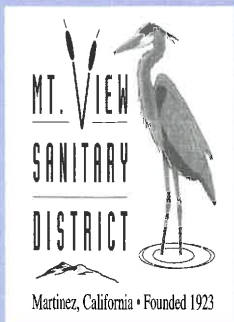
Thank you for providing the Mt. View Sanitary District (District) with the opportunity to comment on the Draft Contra Costa County Climate Action Plan (CAP). The District owns and operates a publicly-owned treatment works (POTW) and wastewater collection system which provides sanitary service to approximately 18,500 residents in the City of Martinez and the surrounding unincorporated neighborhoods of Vine Hill and Mountain View.

The District is governed by five (5) elected officials and managed by a professional staff who are committed to protecting the environment and maintaining public health by providing efficient and effective wastewater collection, treatment and disposal services. The District also franchises refuse collection and disposal services within the unincorporated area and joined with Central Contra Costa Sanitary District (CCCSD) in the establishment of the Household Hazardous Waste Collection Facility within the District near the CCCSD treatment plant.

Long a supporter of the environment, the District pioneered the use of reclaimed wastewater for the creation and enhancement of wetlands in northern California in the 1970s. The District is committed to:

- Continuing its efforts to develop partnerships with Contra Costa Water District (CCWD), CCCSD, and Shell Martinez Refinery to achieve a mutually beneficial reclaimed Water Project.
- Evaluation of alternatives for the treatment of biosolids to enhance energy recovery above that currently achieved and to improve opportunities for the beneficial reuse of the residual solids.

Mt. View Sanitary District  
3800 ARTHUR ROAD  
P.O. BOX 2757  
MARTINEZ, CA 94553  
925-228-5635  
FAX: 925-228-7585



- Investigating opportunities to capture and treat wastewater flows upstream of the treatment plant for localized municipal and/or commercial re-use.
- Evaluation of existing and emerging technologies to recover and/or produce sustainable energy, with the long term goal of becoming at least energy neutral.

The District supports the CAP and applauds the County's efforts to decrease greenhouse gas emissions. We have reviewed the document, the Notice of Intent to adopt a Negative Declaration and the Initial Statement and take no exceptions. Please do not hesitate to contact me at 925.228.5635 ext. 32 or at [nallen@mvsd.org](mailto:nallen@mvsd.org) should you have any questions.

Sincerely,

Mt. View Sanitary District

Neal B. Allen  
District Manager

NBA/LC/RL

cc: Randy Leptien, District Engineer

**Contra  
Costa  
County**



To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Update on Implementation of Assisted Outpatient Treatment (Laura's Law) in Contra Costa County

---

**RECOMMENDATION(S):**

ACCEPT an report from the Behavioral Health Services Director that updates the progress on implementing the Assisted Outpatient Treatment Program (Laura's Law) in Contra Costa County.

DIRECT the Behavioral Health Services Director to proceed with the implementation of Assisted Outpatient Treatment in Contra Costa County.

**FISCAL IMPACT:**

Adoption of the progress report would incur the funding obligations specified in Board Resolution No. 2015/9, dated February 3 2015; namely:

*Health Services Mental Health:*

No County General Fund impact; \$2.25 million per year in Mental Health Services Act funding is contained within the Health Services Department for the next three years without reducing existing voluntary mental health program services.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Cynthia Belon,  
957-5501

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

By: , Deputy

cc:

### FISCAL IMPACT: (CONT'D)

#### Public Defender:

\$133,500 in County General Funds is estimated for one part-time Public Defender III position and a part-time Legal Assistant position. The Department would need to monitor the workload and make adjustments either up or down after the first year.

#### *County Counsel:*

\$157,000 in County General Funds is estimated for one half-time Senior Deputy Counsel and one half-time Senior Clerk position. The Department would need to monitor the workload and make adjustments either up or down after the first year.

#### *Superior Court*

\$128,000 in County General Funds is estimated for 1.5 full-time equivalent staff positions required to support the estimated workload associated with 37 cases as an extension of the current Lanterman Petris Short (LPS) court calendar. The Board of Supervisors has authorized the budget to support this staffing level for one year only in order to more accurately determine workload

### BACKGROUND:

On February 3d 2015 Contra Costa Board of Supervisors adopted resolution No. 2015/9 to direct the implementation of Assisted Outpatient Treatment (Laura's Law) for a three year period and directed the Health Services Department to develop a program design with stakeholder participation, and comply with MHSA statutory requirements for a community program planning process.

On June 16 2015 Contra Costa Board of Supervisors accepted the recommended Assisted Outpatient Treatment Program Design of the Behavioral Health Services Director for implementation of Assisted Outpatient Treatment (Laura's Law) in Contra Costa County and authorized and directed the Behavioral Health Services Director to proceed with implementation. The recommended program design adheres to the Board's program and funding parameters that were provided in the February 3d Board resolution, and calls for up to \$2.25 million annually in MHSA funds for outreach and engagement, assessment and Assertive Community Treatment, or ACT, for up to 75 individuals. The program design follows statutory procedures as specified in Welfare and Institutions Code (WIC) Sections 5345-9.

In July, August and September 2015 county positions were requested and filled to provide AOT assessment and eligibility, proposals were solicited from prospective contractors to provide outreach and engagement and ACT program services, and planning meetings were conducted with the Health Services Communications Office, and leadership from County Counsel, Sheriff's Office, Public Defender and Superior Court.

Mental Health Systems, Inc. was selected as the provider for outreach, engagement and ACT treatment services, and started on contract in October 2015. Via competitive bid process Resource Development Associates was selected as the evaluator for the AOT program, and started on contract November 2015.

Contra Costa Behavioral Health Services is proceeding with fidelity to the approved AOT Program Design, and is meeting regularly with all participating entities in order to develop day-to-day working relationships and work flow protocols. Currently Mental Health Systems, Inc. is in the process of hiring and training their multi-disciplinary team and the Health Services' Communications Office is finalizing web designs and brochures.

An Assisted Outpatient Treatment (AOT) Workgroup consisting of community stakeholder representatives has met throughout 2015 to assist in providing input in both the construction of the program design, and to weigh in on key decision points. The AOT Workgroup last met in November 2015 to receive an update on implementation progress, provide input on program communication materials, and to consider various factors that influence program initiation.

The Contra Costa Behavioral Health Services Director now estimates that the AOT program will start accepting referrals and provide care by early 2016.

CONSEQUENCE OF NEGATIVE ACTION:

The Board of Supervisors and the public will not receive an update on the progress being made toward implementing Laura's Law.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: December 15, 2015

Subject: California Medical Marijuana Regulation and Safety Act (MMRSA) Update

---

**RECOMMENDATION(S):**

A. ACCEPT presentation by Jolena Voorhis, Executive Director of the Urban Counties Caucus, on the California Medical Marijuana Regulation and Safety Act (MMRSA) and the potential for an initiative to be placed on the November 2016 state-wide ballot related to recreational use of marijuana.

B. DIRECT the Department of Conservation and Development, in consultation with County Counsel, to take either of the following actions with regard to medical marijuana regulation:

1. PREPARE and present to the Board an interim urgency ordinance prohibiting the cultivation and delivery of medical marijuana in unincorporated areas of Contra Costa County. Adoption of an interim ordinance by the Board would provide staff the time to analyze and provide a future report to the Board on the following long-term options in response to the MMRSA:

a. Potential adoption of a permanent land use ordinance that would prohibit the cultivation and/or delivery of medical marijuana throughout the unincorporated areas of the County; or

b. Potential adoption of a permanent land use ordinance to establish County requirements that would apply to any or all of the following commercial medical marijuana activities: cultivation, delivery, dispensing, manufacturing, distribution, and/or transport of medical marijuana; or

c. The option of adopting no new regulations in response to the MMRSA.; OR

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Ruben Hernandez,  
925-674-7785

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

By: , Deputy

cc:

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

>

2. TAKE NO ACTION in response to the MMRSA. The result of taking no action would be the following:

- a. Beginning March 1, 2016, the State would be the sole entity authorized to license the cultivation of medical marijuana in the unincorporated areas of the County.
- b. Mobile deliveries of medical marijuana would be allowed in the unincorporated areas of the County.
- c. Medical marijuana dispensaries, which are currently prohibited under the County Ordinance Code, would continue to be prohibited in the unincorporated areas of the County.
- d. The manufacturing, distribution, and transport of medical marijuana would not be authorized in the unincorporated areas of the County.

## FISCAL IMPACT:

No long term fiscal impact if the Board wishes to strengthen the ordinance and prohibit the cultivation and delivery of medical marijuana. The cost of preparing an urgency ordinance is expected to be around \$5,000. The cost of preparing the ordinance depending on the complexity of the proposed permanent ordinance, it is estimated to be \$20,000 to \$30,000. If the Board of Supervisors decides to adopt an ordinance to license the cultivation of medical marijuana, under SB 643, the County could levy fees and taxes for the cultivation of medical marijuana, resulting in potential additional revenue source for the County General Fund.

## BACKGROUND:

### Existing State Medical Marijuana Laws and County Ordinance

Ms. Jolena Voorhis, Executive Director of the Urban Counties Caucus, will be making a presentation to the Board on the California Medical Marijuana Regulation and Safety Act (MMRSA) and the potential for an initiative to be placed on the November 2016 state-wide ballot related to recreational use of marijuana. A copy of her slides is attached. The remainder of this Board order pertains only to the potential regulation of medical marijuana in the unincorporated areas of the County. It does not discuss the issue of recreational marijuana, which, as of this date, is still illegal in California.

In 1996, voters approved Proposition 215, the Compassionate Use Act. The purpose of the Compassionate Use Act is to enable persons who are in need of marijuana for specified medical purposes to obtain and use marijuana under limited circumstances. The Compassionate Use Act (Health and Safety Code (HSC) § 11362.5) established a limited defense for qualified patients and their primary caregivers to the crimes of possessing or cultivating marijuana. A “qualified patient” is a person who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician. (HSC § 11362.5(d).) A “primary caregiver” is the individual designated by a qualified patient who has consistently assumed responsibility for the housing, health, or safety of that qualified patient. (HSC § 11362.5(e).) A primary caregiver is authorized to possess or cultivate marijuana for the personal medical purposes of a qualified patient upon the written or oral recommendation or approval of a physician. (HSC § 11362.5(d).)

In 2003, the Legislature enacted the Medical Marijuana Program. (HSC §§ 11362.7-11362.83.) The Medical Marijuana Program established regulations and procedures regarding the issuance of identification cards to patients qualified to use medical marijuana. The Medical Marijuana Program also established a defense to criminal liability for the collective or cooperative cultivation of marijuana. (HSC § 11362.775.) Medical marijuana dispensaries began opening throughout the state as medical marijuana collectives under the Compassionate Use Act and the Medical Marijuana Program.

In 2006, the Board of Supervisors adopted an urgency interim ordinance prohibiting the establishment of medical marijuana dispensaries in the unincorporated area of Contra Costa County. The urgency ordinance was adopted to give staff and the County's Medical Marijuana Task Force time to study and make recommendations regarding the regulation of medical marijuana dispensaries. The interim ordinance was renewed twice in 2006 as the issue continued to be studied.

In 2008, the Board of Supervisors adopted Ordinance No. 2008-05 to prohibit the establishment of medical marijuana dispensaries in the unincorporated area of Contra Costa County. The ordinance added section 82-4.292 to the Ordinance Code to define a "medical marijuana dispensary" as follows:

"Medical marijuana dispensary" means any facility or location, stationary or mobile, where marijuana is made available, sold, transmitted, given, distributed to, or otherwise provided by or to a primary caregiver, qualified patient, or a person with an identification card, in accordance with the state Compassionate Use Act of 1996 (Health and Safety Code section 11362.5). A "medical marijuana dispensary" does not include the following uses, as long as their location is otherwise regulated by this code or applicable law and as long as their use complies strictly with applicable law including but not limited to Health and Safety Code section 11362.5: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

The ordinance also added section 82-2.022 to the Ordinance Code. Section 82-2.022 states:

The following land uses are prohibited at all locations in all zoning districts in the County:

- (a) Any use that violates state or federal law.
- (b) Medical marijuana dispensary.

Since 2008, Department of Conservation and Development staff has interpreted subsection (a) of section 82-2.022 to completely prohibit land uses associated with medical marijuana, including cultivation. Under the federal Controlled Substances Act, it is illegal to manufacture, distribute, dispense, or possess any controlled substance, including marijuana. However, in 2014 Congress barred the use of federal funds to prevent states from implementing medical marijuana laws. Section 538 of the Consolidated and Further Continuing Appropriations Act of 2015 prohibits the federal Department of Justice from expending funds in connection with the enforcement of any law that prevents California and several other states "from implementing their own State laws that authorize the use, distribution, possession, or cultivation of medical marijuana." With the recent adoption of MMRSA, continued reliance on subsection (a) of section 82-2.022 to prohibit cultivation of medical marijuana may not have the same effect as it did in 2008.

#### Medical Marijuana Regulation and Safety Act

The Medical Marijuana Regulation and Safety Act (MMRSA) was approved by the Governor and filed with the Secretary of State on October 9, 2015. The MMRSA consisted of three bills: AB 243, AB 266, and SB 643. The purpose of the MMRSA is to regulate the cultivation, dispensing, manufacturing, distribution, and transportation of medical marijuana. Under the MMRSA, to conduct any of these activities, a person or business needs a license from the state. A person or business will also need a local permit to conduct any of these activities, since the MMRSA expressly allows counties and cities to regulate these activities. A county or city may establish a permitting program to allow any or all of these activities. A county or city may also prohibit the cultivation and/or deliveries of medical marijuana, and may effectively prohibit other commercial medical marijuana activities by not establishing a permitting program for those activities.

## Cultivation (AB 243)

AB 243 established a regulatory and licensing structure for indoor and outdoor cultivation sites. “Cultivation” means “any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.” (Business and Professions Code (BPC) § 19300.5(l).) AB 243 placed the California Department of Food and Agriculture in charge of licensing and regulating cultivation sites, and created a Medical Cannabis Cultivation Program within the department.

AB 243 established standards for determining when persons and businesses need to obtain a State license to cultivate marijuana. AB 243 established 10 different types of cultivation licenses, which will be issued depending on the size, type, and location of medical marijuana cultivation. (BPC § 19300.7.) AB 243 also established two exemptions from the cultivation license requirement for qualified patients and primary caregivers that meet certain requirements.

**Qualified Patient Exemption.** A qualified patient who cultivates marijuana is not required to obtain a State license if the area he or she uses to cultivate marijuana does not exceed 100 square feet and if he or she cultivates marijuana for his or her personal medical use and does not sell, distribute, donate, or provide marijuana to any other person or entity. (HSC § 11362.777(g).)

**Primary Caregiver Exemption.** A primary caregiver who cultivates marijuana is not required to obtain a State license if the area he or she uses to cultivate marijuana does not exceed 500 square feet and if he or she cultivates marijuana exclusively for the personal medical use of no more than five specified qualified patients, and receives no remuneration other than reasonable costs and expenses. (HSC § 11362.777(g).)

## Commercial Medical Marijuana Activities (AB 266 and SB 643)

AB 266 and SB 643 established regulations for commercial medical marijuana activities. “Commercial cannabis activity” includes the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis product. Commercial cannabis activity does not include activity by qualified patients who only use the medical cannabis for personal medical use and by primary caregivers that do not receive remuneration other than for reasonable costs and expenses and do not provide medical cannabis to more than five qualified patients. (BPC § 19319.)

State licenses are expected to be issued starting January 1, 2018. Any facility operating in compliance with local zoning ordinances and other state and local requirements may continue its operations until its application for a State license is approved or denied. (BPC § 19321(c).)

## Differences between commercial medical marijuana activities

The MMRSA distinguishes among the delivery, dispensing, distribution, and transport of medical marijuana:

**Dispensing.** “Dispensing” means “any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.” (BPC § 19300.5(o).) “Dispensary” means “a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to express authorization by local ordinance, medical cannabis and medical cannabis products as part of a retail sale.” (BPC § 19300.5(n).)

**Delivery.** “Delivery” means the commercial transfer of medical cannabis or products from a dispensary to a primary caregiver or qualified patient, or a testing laboratory. (BPC § 19340 (m).)

**Distribution.** “Distribution” means “the procurement, sale, and transport of medical cannabis and medical cannabis products” between entities that have a State license. (BPC § 19340 (p).)

**Transport.** “Transport” means “the transfer of medical cannabis or medical cannabis products from the permitted

business location of one licensee to the permitted business location of another licensee,” for the purposes of conducting commercial cannabis activity. (BPC § 19340 (am).)

### County Regulation of Commercial Medical Marijuana Activities

The MMRSA affirmed the authority of counties and cities to regulate the commercial medical marijuana activities described above through the adoption of land use ordinances.

**Local Regulation of Cultivation.** The County may regulate or ban the cultivation of medical marijuana. If the County does not ban cultivation or establish cultivation regulations by March 1, 2016, the State will be the sole licensing authority for medical marijuana cultivation applicants in the unincorporated area of the County. (H&S 11372.777(c)(4).)

**Local Regulation of Mobile Deliveries.** Deliveries by dispensaries are permitted with a State license unless a city or county explicitly prohibits delivery of “medical marijuana” and “medical cannabis products.” (BPC §§ 19340(a), 19340(b)(1).) However, even if a local jurisdiction prohibits deliveries within its boundaries, the jurisdiction may not take any action to prevent a person with a State license from carrying medical marijuana on public roads located in the jurisdiction. (BPC § 19340(f).)

**Local Regulation of Other Commercial Activities.** Under the MMRSA, in order to obtain a State license for dispensing, distribution, transport, or manufacturing activities, a person must also have a local license. If there is no local license or permit, or ordinance providing for such, then a marijuana business may not obtain a State license, and may not operate a business performing commercial cannabis activity. (BPC § 19320(a).)

### Taxes and Fees

Under AB 266, the County retains the power to assess taxes (with voter approval) and fees on facilities that are licensed to engage in commercial cannabis activity and the business activities of the licensees. (BPC § 19320 (d).) SB 643 further recognizes local authority to charge fees and to levy taxes on the privilege of cultivating, dispensing, producing, processing, preparing, storing, providing, donating, selling, or distributing medical cannabis or medical cannabis products by a licensee. (BPC § 19348.)

### Options

As stated in the recommendation section above, the Board may wish to consider the following options for responding to the MMRSA.

**Option 1.** Option 1 is to prepare an interim urgency ordinance prohibiting the cultivation and delivery of medical marijuana. An urgency ordinance becomes effective immediately upon adoption. This would provide staff the time to analyze and provide a future report to the Board on the following long-term options in response to the MMRSA:

- a. Potential adoption of a permanent land use ordinance that would prohibit the cultivation and/or mobile delivery of medical marijuana throughout the unincorporated areas of the County.
- b. Potential adoption of a permanent land use ordinance to establish County requirements that would apply to any or all of the following commercial medical marijuana activities: cultivation, mobile deliveries, dispensing, manufacturing, distribution, and/or transport of medical marijuana.
- c. The option of adopting no new regulations in response to the MMRSA.

If the Board adopts an interim ordinance, it would be effective for 45 days from the date of adoption under Government Code section 65858. To adopt an interim ordinance, the Board must make findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of permits or other entitlements would result in that threat to the public health, safety, or welfare. The Board may extend the interim ordinance for 10 months and 15 days after a noticed public hearing, and may extend it a second time for one year

after notice and a hearing. No more than two extensions may be adopted. Adoption of the ordinance and any extensions requires a four-fifths vote. In addition, ten days before the ordinance expires, and before any extension expires, the Board must issue a written report describing the measures taken to alleviate the conditions that led to the adoption of the ordinance.

**Option 2.** Option 2 is to take no action in response to the MMRSA. The result of taking no action would be the following:

- a. Beginning March 1, 2016, the State would be the sole entity authorized to license the cultivation of medical marijuana in the unincorporated areas of the County.
- b. Delivery of medical marijuana from dispensaries to patients or laboratories would be allowed in the unincorporated areas of the County.
- c. Medical marijuana dispensaries, which are currently prohibited under the County Ordinance Code, would continue to be prohibited in the unincorporated areas of the County.
- d. The manufacturing of medical marijuana products and the distribution and transport of medical marijuana would not be authorized in the unincorporated areas of the County. By not establishing a permitting program for these activities, the County would effectively be prohibiting these activities.

**CONSEQUENCE OF NEGATIVE ACTION:**

If no action is taken by the Board, the following may occur: 1) the County would forego its ability to be a licensing agent for the cultivation of medical marijuana if an ordinance providing for the licensing of marijuana cultivation is not adopted by March 1, 2016; 2) marijuana dispensaries would remain prohibited; 3) marijuana cultivation might become activities permitted and licensed by the State.

**ATTACHMENTS**

MMRSA Webinar

Medical Marijuana Legislation Briefing\_Urban Counties Caucus

Text of AB 243

Text of AB 266

Text of SB 643

# Informational Webinar:

## Medical Marijuana Regulation and Safety Act

- This is the first of at least two webinars designed to educate our members on the three bills comprising the Medical Marijuana Regulation and Safety Act (MMRSA). Its goals are to:
  - Explain how this legislation protects local control;
  - Review the details of what each bill does;
  - Highlight specific regulatory issues that require immediate attention from local governments;
  - Discuss timelines for implementation
  - Field your questions

Note: Some of the provisions of the new laws discussed in this webinar are not included in the Medical Marijuana Regulation and Safety Act.

# Medical Marijuana Regulation and Safety Act

- Presenters:

- Tim Cromartie, Legislative Representative, League of California Cities
- Lauren Michaels, Legislative Affairs Manager, California Police Chiefs Association
- Steve McEwen, Attorney at Law; Partner with Burke, Williams & Sorensen, LLP

# Medical Marijuana Regulation and Safety Act

## ● Medical Marijuana: Schedule of Events

### ● Webinar Dates:

- Tuesday, October 20
- Thursday, November 12

●

### ● Informational Briefings

- San Leandro - Monday, November 9
- Eureka - Monday, November 16
- Sacramento - Wednesday, January 13
- Pasadena - Thursday, January 14
- Riverside - Friday, January 15
- Fresno - Monday, January 25
- San Luis Obispo - Thursday, January 28
- San Diego - Tuesday, February 9

# Medical Marijuana Regulation and Safety Act

- The Medical Marijuana Regulation and Safety Act consists of three discrete pieces of legislation:
- **AB 266 (Bonta, Cooley, Jones-Sawyer, Lackey, Wood)** – Establishes dual licensing structure requiring state license and a local license or permit. Department of Consumer Affairs heads overall regulatory structure imposing health and safety and testing standards.
- **AB 243 (Wood)**– Establishes a regulatory and licensing structure for cultivation sites under the Department of Food and Agriculture.
- **SB 643 (McGuire)** - Establishes criteria for licensing of medical marijuana businesses, regulates physicians, and recognizes local authority to levy taxes and fees.

# Medical Marijuana Regulation and Safety Act

- This legislation protects local control in the following ways:
- **Dual licensing**: A requirement in statute that all marijuana businesses must have **both** a state license, and a local license or permit, to operate legally in California. Jurisdictions that regulate or ban medical marijuana will be able to retain their regulations or ban.
- **Effect of Local Revocation of a Permit or License**: Revocation of a local license or permit terminates the ability of a marijuana business to operate in that jurisdiction under its state license.
- **Enforcement**: Local governments may enforce state law in addition to local ordinances, if they request that authority and if it is granted by the relevant state agency.
- **State law penalties for unauthorized activity**: Provides for civil penalties for unlicensed activity, and applicable criminal penalties under existing law will continue to apply.
- Expressly protects local licensing practices, zoning ordinances, and local actions taken under the constitutional police power.

# Key State Medical Marijuana Laws Following AB 243, AB 266, and SB 643

- Medical Marijuana Regulation and Safety Act (Business and Profession Code section 19300 through 19360). Governs the licensing and control of all medical marijuana businesses in the state and provides criminal immunity for licensees.
- Compassionate Use Act of 1996 (Health and Safety Code section 11362.5). Provides criminal immunity for patients and primary caregivers for possession and cultivation of marijuana if a doctor has recommended the marijuana for medical use.
- Medical Marijuana Program (Health and Safety Code section 11362.7 through 11362.9). Establishes voluntary program for identification cards for qualified patients and primary caregivers and provides criminal immunity to qualified patients and primary caregivers for certain activities involving medical marijuana.

# Medical Marijuana Regulation and Safety Act

Two areas will require immediate attention from local governments:

- **Deliveries and mobile dispensaries:** Jurisdictions that currently ban, or that may wish to ban, deliveries or mobile dispensaries should be aware that under AB 266, they will need to have an ordinance in place that affirmatively identifies and prohibits this activity.
- **Cultivation ordinances:** AB 243 contains a provision stating that cities that do not have an ordinance regulating or prohibiting cultivation by March 1, 2016 will lose the authority to regulate or ban cultivation within their city limits. The state will become the sole licensing authority. The author has agreed to fix this via clean-up legislation, but to be safe, cities are advised to enact emergency ordinances by the end of February to protect themselves.

# Medical Marijuana Regulation and Safety Act

- **AB 266 Medical Marijuana – what the bill does:**
  - Establishes a statewide regulatory scheme with the Bureau of Medical Marijuana Regulation (BMMR) within the Department of Consumer Affairs (DCA) at its head.
  - Provides for dual licensing: both a state license, and a local permit or license, *issued according to local ordinances*, are required.
  - Caps total cultivation for a single licensee at 4 acres statewide, subject to local ordinances.
  - Creates four licensing categories: Dispensary, Distributor, Transport, and Special Dispensary Status for licensees who have a maximum of three dispensaries. Specifies various sub-categories of licensees (indoor cultivation, outdoor cultivation, etc.)
  - Limits cross-licensing: Operators may hold one state license in up to two separate license categories. Prohibits medical marijuana licensees from also holding licenses to sell alcohol.

# Medical Marijuana Regulation and Safety Act

- **AB 266 Medical Marijuana – what the bill does:**
- Grandfathers in vertically integrated businesses (i.e. businesses that operate and control their own cultivation, manufacturing, and dispensing operations) if a local ordinance allowed or required such a business model and it was enacted on or before July 1, 2015. Requires businesses to operate in compliance with local ordinances, and to have been engaged in all the specified activities on July 1, 2015.
- Requires establishment of uniform state minimum health and safety standards, testing standards, and security requirements at dispensaries and during transport of the product. Product testing is mandatory.
- Specifies a standard for certification of testing labs, and specified minimum testing requirements. Prohibits testing lab operators from being licensees in any other category, and from holding a financial or ownership interest in any other category of licensed business.

# Medical Marijuana Regulation and Safety Act

- **AB 266 Medical Marijuana – what the bill does:**
  - Labor Peace: Includes a labor peace agreement under which unions agree not to engage in strikes, work stoppages, etc. and employers agree to provide unions reasonable access to employees for the purpose of organizing them. Specifies that such an agreement does not mandate a particular method of election.
  - Specifies that patients and primary caregivers are exempt from the state licensing requirement, and provides that their information is not to be disclosed and is confidential under the California Public Records Act.
  - Phases out the existing model of marijuana cooperatives and collectives one year after DCA announces that state licensing has begun.

# Medical Marijuana Regulation and Safety Act

- **AB 243 Medical Marijuana – what the bill does:**
  - Places the Dept. of Food and Agriculture (DFA) in charge of licensing and regulation of indoor and outdoor cultivation sites.
  - Mandates the Dept. of Pesticide Regulation (DPR) to develop standards for pesticides in marijuana cultivation, and maximum tolerances for pesticides and other foreign object residue.
  - Mandates the Dept. of Public Health to develop standards for production and labelling of all edible medical cannabis products.
  - Assign joint responsibility to DFA, Dept. of Fish and Wildlife, and the State Water Resources Control Board (SWRCB) to prevent illegal water diversion associated with marijuana cultivation from adversely affecting California fish population.

# Medical Marijuana Regulation and Safety Act

- **AB 243 Medical Marijuana – what the bill does:**
- Specifies that DPR, in consultation with SWRCB, is to develop regulations for application of pesticides in all cultivation.
- Specifies various types of cultivation licenses.
- Directs the multi-agency task force headed by the Dept. of Fish and Wildlife and the SWRCB to expand its existing enforcement efforts to a statewide level to reduce adverse impacts of marijuana cultivation, including environmental impacts such as illegal discharge into waterways and poisoning of marine life and habitats.

# Medical Marijuana Regulation and Safety Act

- **SB 643 Medical Marijuana – what the bill does:**
- Directs California Medical Board to prioritize investigation of excessive recommendations by physicians;
- Imposes fines (\$5000.00) vs. physicians for violating prohibition against having a financial interest in a marijuana business;
- Recommendation for cannabis without a prior examination constitutes unprofessional conduct;
- Imposes restrictions on advertising for physician recommendations;

# Medical Marijuana Regulation and Safety Act

- **SB 643 Medical Marijuana – what the bill does:**
- Places Dept. of Food and Agriculture in charge of cultivation regulations and licensing, and requires a track and trace program;
- Codifies dual licensing (state license and local license or permit), and itemizes disqualifying felonies for state licensure;
- Places DPR in charge of pesticide regulation; DPH in charge of production and labelling of edibles;
- Upholds local power to levy fees and taxes.

# Medical Marijuana Regulation and Safety Act

- **Delivery of Medical Marijuana (AB 266)**
- “Delivery” means the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the bureau to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health & Safety Code, or a testing laboratory.
- “Delivery” also includes the use by a dispensary or any technology platform owned and controlled by the dispensary or independently licensed under this chapter that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products. (Business & Professions Code 19300.5(m))

# Medical Marijuana Regulation and Safety Act

- **Delivery of Medical Marijuana (AB 266)**
- *“Deliveries” can only be made by a dispensary and in a city, county, or city and county that does not **explicitly prohibit** it by local ordinance. Business & Professions Code 19340(a). See also Section 19340(b)(1).*
- Therefore, if your city wishes to prohibit delivery of medical marijuana within your city, an ordinance must be adopted to explicitly prohibit deliveries.
- Timing: State licenses are expected to be issued starting January 1, 2018. A facility or entity that is operating in compliance with local zoning ordinances and other state and local requirements may continue its operations until its application for licensure is approved or denied effective January 1, 2018 (Business & Professions 19321(c)).
- Ordinance explicitly prohibiting deliveries should include (1) an amendment to the zoning code prohibiting “delivery” (as defined in AB 266) in any zoning district; or (2) an amendment to the Municipal Code relating to business operations prohibiting “delivery” of ‘medical marijuana’ and “medical cannabis products” (as defined in AB 266) as a business within the city.

# Medical Marijuana Regulation and Safety Act

## ● Cultivation (AB 243)

- AB 243 (Wood) prohibits cultivation of medical marijuana without first obtaining both a local license/permit/other entitlement for use and a state license. A person may not apply for a state license without first receiving a local license/permit/other entitlement for use.
- A person may not submit an application for a state license if proposed cultivation will violate provisions of local ordinance or regulation or if medical marijuana is prohibited by city, county, or city and county either expressly or otherwise under principles of permissive zoning (Health & Safety 11372.777(b)).

# Medical Marijuana Regulation and Safety Act

- **Cultivation (AB 243)**

- **However...** If a city, county, or city and county does not have land use regulations or ordinances regulating or prohibiting the cultivation of marijuana, *either expressly or otherwise under the principles or permissive zoning*, or chooses not to administer a conditional permit program pursuant to this section, then commencing March 1, 2016, the state is the sole licensing authority for medical marijuana cultivation applicants (Health & Safety 11372.777(c)(4)).
- 
- Under a “permissive” zoning code, “any use not enumerated in the code is presumptively prohibited.” *City of Corona v. Naulis* (2008) 166 Cal.App.4<sup>th</sup> 418, 425 cited in *County of Sonoma v. Superior Court* (2010) 190 Cal.App.4<sup>th</sup> 1312, FN. 3

# Medical Marijuana Regulation and Safety Act

- **Cultivation (AB 243) – Examples:**
- City #1: Municipal Code that expressly prohibits cultivation of marijuana or expressly prohibits medical marijuana: No need to take any action.
- City #2: Municipal Code that expressly regulates (requires a permit or license or other entitlement) to cultivate medical marijuana: No need to take any action.
- City #3: Municipal Code that does not expressly prohibit nor expressly regulates (requires a permit or license or other entitlement) to cultivate medical marijuana and is not a “permissive zoning” code. ***Need to take action (see next slide)***
- City #4: Municipal Code that is a “permissive zoning” code and does not enumerate cultivation of medical marijuana as a permitted or conditional use: **Need to take action (see next slide).**

# Medical Marijuana Regulation and Safety Act

- **Cultivation (AB 243) – Examples:**
- **City #3 : What needs to be done before March 1, 2016?**
- **City #3:** The Department of Food and Agriculture will be the sole licensing authority for the cultivation of medical marijuana within City #3 *if City #3 does not have an ordinance either expressly prohibiting or expressly regulating the cultivation of medical marijuana before March 1, 2016.* (Health & Safety Code 11362.777(c)(4). Second reading of an ordinance must occur by January 29, 2016 or a city may consider adopting an urgency ordinance pursuant to Government Code 36937).

# Medical Marijuana Regulation and Safety Act

- **Cultivation (AB 243) – Examples:**
- **City #4 : What needs to be done before March 1, 2016?**
- **City #4:** If City #4 prohibits the cultivation of medical marijuana “under principles of permissive zoning,” then the Department of Food and Agriculture may not issue a state license to cultivate medical marijuana within City #4. (Health & Safety Code 11362.777(b)(3)).

# Medical Marijuana Regulation and Safety Act

- **Cultivation - General Guidelines for Cities**
- Check and confirm that your city's zoning code is adopted and implemented under the principles of permissive zoning. If not, take action recommended for City #3.
- If confirmed that your city's zoning code is adopted and implemented under the principles of permissive zoning: Adopt a resolution that includes the following provisions:
  - (1) States that H & S 11362.777(b)(3) states that Department of Food and Agriculture may not issue a state license to cultivate medical marijuana within a city that prohibits cultivation under principles of permissive zoning;
  - (2) Re-affirms and confirms that the Zoning Code is adopted and operates under the principles of permissive zoning;
  - (3) States this means that cultivation of marijuana is not allowed within City #4 because it is not expressly permitted and,
  - (4) Therefore, the State is not allowed to issue a license for the cultivation of medical marijuana within City #4.

# Medical Marijuana Regulation and Safety Act

- Timeline for Implementation
  - None of the bills specify a timeline for implementation
  - This is partly due to various departments being at different stages in terms of their readiness
  - The rough timeline we have been given for state licensing to begin is January 2018
  - The more immediate timeline for locals to bear in mind is March 2016 regarding your cultivation ordinances

# Medical Marijuana Regulation and Safety Act

- Questions?

# Medical Marijuana Legislation

UCC Briefing  
2015

# Three Bill Package

- ▶ **AB 243 (Wood)**

Primarily contains provisions related to medical marijuana cultivation and environmental provisions.

- ▶ **AB 266 (Bonta)**

The main vehicle for much of the year and contains dual licensing structure, local control and regulatory provisions.

- ▶ **SB 643 (McGuire)**

Regulatory provisions, county taxing authority.

# CSAC, UCC, RCRC Principles

Three organizations had the following common principles for a licensing/regulatory structure:

- ▶ Preserving local control
- ▶ Explicit taxing authority
- ▶ Ending the collective model
- ▶ Addressing environmental impacts

# AB 243 Key Provisions

- ▶ Labeling and standards for edible products.
- ▶ Unique identifier procedures.
- ▶ State grant program.
- ▶ Medical cannabis is defined as an agricultural product.
- ▶ Medical Cannabis Cultivation Program which includes zip tie program.
- ▶ Local control related to cultivation; permissive zoning; local license must be obtained first.

# AB 266 – Key Provisions

- ▶ Defines delivery to include technology platforms owned and controlled by the dispensary or independently licensed.
- ▶ Provides local control language to provide that nothing in the bill can be interpreted to supersede or limit existing local authority, and allows cities and counties to adopt ordinances to establish additional standards on cannabis activity.
- ▶ Requires a local license or permit prior to receiving a state license in order to commence cannabis activity.

# AB 266 – Continued

- ▶ Allows for existing businesses operating in compliance with local zoning and prior to January 1, 2018, to continue its operations until its application is approved or denied. The licensing authority shall prioritize any facility that can demonstrate that it was in good standing with the local jurisdiction prior to January 1, 2016.
- ▶ Requires explicit prohibition on mobile deliveries by a city or county otherwise deliveries are allowed.
- ▶ Provision for labeling edible products by DPH.
- ▶ Elimination of the collective model.

# SB 643 – Key Provisions

- ▶ Creates the Bureau of Medical Marijuana Regulation within the Department of Consumer Affairs.
- ▶ Provides an exemption for personal medical purposes.
- ▶ State and Local license provisions.
- ▶ Licensed cultivation sites including cross-licensing provisions.
- ▶ Unique Identifier and Track and Trace Program.
- ▶ Licensed transporters including provisions related to transportation on public roads.
- ▶ Provides for permissive County Taxing Authority.

# Key Aspects of the Package

## Preserving Local Control (AB 266)

- ▶ Nothing in this chapter shall be interpreted to supersede or limit existing local authority for law enforcement activity, enforcement of local zoning requirements or local ordinances, or enforcement of local permit or licensing requirements.
- ▶ Other local control provisions B&P 19316 (a); B&P 19316 (c).

# Key Aspects of the Package

## Dual Licensing

- ▶ Critical to the cities to obtain dual licensing – locals go first.
- ▶ Exemptions for personal grows and for patient caregivers (Proposition 215).
- ▶ In order to be eligible for a state license, a licensee must first obtain a local license.

# Key Aspects of Package

## Mobile Deliveries Ordinance

- ▶ Allows for mobile deliveries including technology platforms (apps) to operate in California.
- ▶ Mobile deliveries are allowed unless specifically prohibited by a local ordinance.
- ▶ Mobile deliveries must originate from a licensed dispensary.

# Key Aspects of the Package

## Cities have the option to Enforce (AB 266)

- ▶ Upon approval of the state, cities can assume enforcement role.
- ▶ Counties have no liability and cities must cover county costs if contracted.
- ▶ City contracts with counties must be honored.
- ▶ Counties do not have explicit authority to enforce.

# Key Aspects of Package

## Background Checks / License Restrictions (SB 643)

- ▶ Licensees must submit to DOJ background checks.
- ▶ Previous criminal violations that could trigger failure to obtain state license.

# Key Aspects of Package

## Environmental Enforcement

- ▶ Fine and penalty monies dedicated to state and local environmental enforcement efforts.
- ▶ Bureau of Marijuana Regulation must establish a grant program for regulation and enforcement assistance.
- ▶ Water diversion protections.

# Key Aspects of Package

## Status of (c) (4) in AB 243

- ▶ Currently AB 243 provides that if a city or county does not have land use regulations or ordinances regulating or prohibiting the cultivation of marijuana, either expressively or otherwise under principles of permissive zoning or chooses not to administer a conditional permit program, then starting March 1, 2016, the Division shall be the sole licensing authority for medical marijuana cultivation applicants in that city or county.

# Key Aspects of Package

- ▶ AB 243 provides that exemption from the requirements of this section (for personal grows and patients) does not limit or prevent a city or county from regulating or banning the cultivation, storage, manufacture, transport, provision, or other activity by the exempt person, or impair the enforcement of that regulation or ban.
- ▶ Future of this section -- H&S 11362.77 (g) could be at risk.

# Other Provisions

- ▶ Employer Restrictions
- ▶ Ending Collective Model
- ▶ Transportation standards
- ▶ Cross-Ownership restrictions
- ▶ Environmental Enforcement
- ▶ No reference to drug as unadulterated food product

# Pending in 2016

- ▶ Clean-up to AB 243 to remove March 1, 2016 date.
- ▶ AB 1548 and AB 1549 by Assemblymember Wood to do a cultivation tax and to establish a state bank.
- ▶ Other clean up bills.
- ▶ Ballot measures.

# Key Takeaways for Counties

- ▶ If your county has an adopted ordinance on medical marijuana including a ban, this will still be protected under the Legislation.
- ▶ If your county has not prohibited mobile deliveries you may want to consider updating your ordinance.
- ▶ With the establishment of dual licensing, your county will need to start to establish a local licensing framework.
- ▶ If AB 243 is not fixed quickly you may need to pass an ordinance on cultivation or your authority will be given to the State.

# Recreational Initiatives

- ▶ Main ballot initiative is the Adult Use of Marijuana Act which is sponsored by Sean Parker and Gavin Newsom.
- ▶ While other ballot initiatives have been filed – the Parker initiative is the one that is funded and the one which is gaining the most traction.
- ▶ The Adult Use of Marijuana Act would allow for the recreational use of marijuana for those 21 of age or older.

# Adult Use of Marijuana – 12/7 Version

- ▶ Adds county taxing authority provisions to the initiative.
- ▶ Removes the provisions that would have required a vote of the people for any local government ban.
- ▶ Keeps provisions that require county public health department to issue medical identification. The initiative provides that reimbursement for this new mandate would be provided by the Legislature upon request of the counties.

# Adult Use of Marijuana

- ▶ Dual licensing restored as requested by the League of California Cities.
- ▶ Cross Ownership of Licenses – Defers to state regulatory agencies.
- ▶ Has medical provisions and non-medical provisions.
- ▶ Recreational provisions would allow for the possession, transport, purchase to persons 21 years or older of not more than 28.5 grams of marijuana.

# Questions?

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**AB-243 Medical marijuana.** (2015-2016)

**Assembly Bill No. 243**

**CHAPTER 688**

An act to add Article 6 (commencing with Section 19331), Article 13 (commencing with Section 19350), and Article 17 (commencing with Section 19360) to Chapter 3.5 of Division 8 of the Business and Professions Code, to add Section 12029 to the Fish and Game Code, to add Sections 11362.769 and 11362.777 to the Health and Safety Code, and to add Section 13276 to the Water Code, relating to medical marijuana, and making an appropriation therefor.

[ Approved by Governor October 09, 2015. Filed with Secretary of State  
October 09, 2015. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 243, Wood. Medical marijuana.

Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 5, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law enacted by the Legislature requires the establishment of a program for the issuance of identification cards to qualified patients so that they may lawfully use marijuana for medical purposes, and requires the establishment of guidelines for the lawful cultivation of marijuana grown for medical use. Existing law provides for the licensure of various professions by boards or bureaus within the Department of Consumer Affairs. Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of food, drugs, devices, and cosmetics, as specified. A violation of that law is a crime.

This bill would require the Department of Food and Agriculture, the Department of Pesticide Regulation, the State Department of Public Health, the Department of Fish and Wildlife, and the State Water Resources Control Board to promulgate regulations or standards relating to medical marijuana and its cultivation, as specified. The bill would also require various state agencies to take specified actions to mitigate the impact that marijuana cultivation has on the environment. By requiring cities, counties, and their local law enforcement agencies to coordinate with state agencies to enforce laws addressing the environmental impacts of medical marijuana cultivation, and by including medical marijuana within the Sherman Act, the bill would impose a state-mandated local program.

This bill would require a state licensing authority to charge each licensee under the act a licensure and renewal fee, as applicable, and would further require the deposit of those collected fees into an account specific to that licensing authority in the Medical Marijuana Regulation and Safety Act Fund, which this bill would establish. This bill would impose certain fines and civil penalties for specified violations of the Medical Marijuana Regulation and Safety Act, and would require moneys collected as a result of these fines and civil penalties to be deposited into the Medical Cannabis Fines and Penalties Account, which this bill would establish within the fund. Moneys in the fund and each account of the fund would be available upon appropriation of the Legislature.

This bill would authorize the Director of Finance to provide an initial operating loan from the General Fund to the Medical Marijuana Regulation and Safety Act Fund of up to \$10,000,000, and would appropriate \$10,000,000 from the Medical Marijuana Regulation and Safety Act Fund to the Department of Consumer Affairs to begin the

activities of the bureau.

This bill would provide that its provisions are severable.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would become operative only if AB 266 and SB 643 of the 2015–16 Regular Session are enacted and take effect on or before January 1, 2016.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Article 6 (commencing with Section 19331) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

### **Article 6. Licensed Cultivation Sites**

**19331.** The Legislature finds and declares all of the following:

(a) The United States Environmental Protection Agency has not established appropriate pesticide tolerances for, or permitted the registration and lawful use of, pesticides on cannabis crops intended for human consumption pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(b) The use of pesticides is not adequately regulated due to the omissions in federal law, and cannabis cultivated in California for California patients can and often does contain pesticide residues.

(c) Lawful California medical cannabis growers and caregivers urge the Department of Pesticide Regulation to provide guidance, in absence of federal guidance, on whether the pesticides currently used at most cannabis cultivation sites are actually safe for use on cannabis intended for human consumption.

**19332.** (a) The Department of Food and Agriculture shall promulgate regulations governing the licensing of indoor and outdoor cultivation sites.

(b) The Department of Pesticide Regulation, in consultation with the Department of Food and Agriculture, shall develop standards for the use of pesticides in cultivation, and maximum tolerances for pesticides and other foreign object residue in harvested cannabis.

(c) The State Department of Public Health shall develop standards for the production and labeling of all edible medical cannabis products.

(d) The Department of Food and Agriculture, in consultation with the Department of Fish and Wildlife and the State Water Resources Control Board, shall ensure that individual and cumulative effects of water diversion and discharge associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability.

(e) The Department of Food and Agriculture shall have the authority necessary for the implementation of the regulations it adopts pursuant to this chapter. The regulations shall do all of the following:

(1) Provide that weighing or measuring devices used in connection with the sale or distribution of medical cannabis are required to meet standards equivalent to Division 5 (commencing with Section 12001).

(2) Require that cannabis cultivation by licensees is conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, agricultural discharges, and similar matters. Nothing in this chapter, and no regulation adopted by the department, shall be construed to supersede or limit the authority of the State Water Resources Control Board, regional water quality control boards, or the

Department of Fish and Wildlife to implement and enforce their statutory obligations or to adopt regulations to protect water quality, water supply, and natural resources.

(3) Establish procedures for the issuance and revocation of unique identifiers for activities associated with a cannabis cultivation license, pursuant to Article 8 (commencing with Section 19337). All cannabis shall be labeled with the unique identifier issued by the Department of Food and Agriculture.

(4) Prescribe standards, in consultation with the bureau, for the reporting of information as necessary related to unique identifiers, pursuant to Article 8 (commencing with Section 19337).

(f) The Department of Pesticide Regulation, in consultation with the State Water Resources Control Board, shall promulgate regulations that require that the application of pesticides or other pest control in connection with the indoor or outdoor cultivation of medical cannabis meets standards equivalent to Division 6 (commencing with Section 11401) of the Food and Agricultural Code and its implementing regulations.

(g) State cultivator license types issued by the Department of Food and Agriculture include:

(1) Type 1, or "specialty outdoor," for outdoor cultivation using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.

(2) Type 1A, or "specialty indoor," for indoor cultivation using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises.

(3) Type 1B, or "specialty mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of less than or equal to 5,000 square feet of total canopy size on one premises.

(4) Type 2, or "small outdoor," for outdoor cultivation using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(5) Type 2A, or "small indoor," for indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(6) Type 2B, or "small mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(7) Type 3, or "outdoor," for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(8) Type 3A, or "indoor," for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(9) Type 3B, or "mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(10) Type 4, or "nursery," for cultivation of medical cannabis solely as a nursery. Type 4 licensees may transport live plants.

**19333.** An employee engaged in commercial cannabis cultivation activity shall be subject to Wage Order 4-2001 of the Industrial Welfare Commission.

**SEC. 2.** Article 13 (commencing with Section 19350) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

**Article 13. Funding**

**19350.** Each licensing authority shall establish a scale of application, licensing, and renewal fees, based upon the cost of enforcing this chapter, as follows:

(a) Each licensing authority shall charge each licensee a licensure and renewal fee, as applicable. The licensure and renewal fee shall be calculated to cover the costs of administering this chapter. The licensure fee may vary depending upon the varying costs associated with administering the various regulatory requirements of this chapter as they relate to the nature and scope of the different licensure activities, including, but not limited to, the track and trace program required pursuant to Section 19335, but shall not exceed the reasonable regulatory costs to the licensing authority.

(b) The total fees assessed pursuant to this chapter shall be set at an amount that will fairly and proportionately generate sufficient total revenue to fully cover the total costs of administering this chapter.

(c) All license fees shall be set on a scaled basis by the licensing authority, dependent on the size of the business.

(d) The licensing authority shall deposit all fees collected in a fee account specific to that licensing authority, to be established in the Medical Marijuana Regulation and Safety Act Fund. Moneys in the licensing authority fee accounts shall be used, upon appropriation of the Legislature, by the designated licensing authority for the administration of this chapter.

**19351.** (a) The Medical Marijuana Regulation and Safety Act Fund is hereby established within the State Treasury. Moneys in the fund shall be available upon appropriation by the Legislature. Notwithstanding Section 16305.7 of the Government Code, the fund shall include any interest and dividends earned on the moneys in the fund.

(b) (1) Funds for the establishment and support of the regulatory activities pursuant to this chapter shall be advanced as a General Fund or special fund loan, and shall be repaid by the initial proceeds from fees collected pursuant to this chapter or any rule or regulation adopted pursuant to this chapter, by January 1, 2022. Should the initial proceeds from fees not be sufficient to repay the loan, moneys from the Medical Cannabis Fines and Penalties Account shall be made available to the bureau, by appropriation of the Legislature, to repay the loan.

(2) Funds advanced pursuant to this subdivision shall be appropriated to the bureau, which shall distribute the moneys to the appropriate licensing authorities, as necessary to implement the provisions of this chapter.

(3) The Director of Finance may provide an initial operating loan from the General Fund to the Medical Marijuana Regulation and Safety Act Fund that does not exceed ten million dollars (\$10,000,000).

(c) Except as otherwise provided, all moneys collected pursuant to this chapter as a result of fines or penalties imposed under this chapter shall be deposited directly into the Medical Marijuana Fines and Penalties Account, which is hereby established within the fund, and shall be available, upon appropriation by the Legislature to the bureau, for the purposes of funding the enforcement grant program pursuant to subdivision (d).

(d) (1) The bureau shall establish a grant program to allocate moneys from the Medical Cannabis Fines and Penalties Account to state and local entities for the following purposes:

(A) To assist with medical cannabis regulation and the enforcement of this chapter and other state and local laws applicable to cannabis activities.

(B) For allocation to state and local agencies and law enforcement to remedy the environmental impacts of cannabis cultivation.

(2) The costs of the grant program under this subdivision shall, upon appropriation by the Legislature, be paid for with moneys in the Medical Cannabis Fines and Penalties Account.

(3) The grant program established by this subdivision shall only be implemented after the loan specified in this section is repaid.

**19352.** The sum of ten million dollars (\$10,000,000) is hereby appropriated from the Medical Marijuana Regulation and Safety Act Fund to the Department of Consumer Affairs to begin the activities of the Bureau of Medical Marijuana Regulation. Funds appropriated pursuant to this section shall not include moneys received from fines or penalties.

**SEC. 3.** Article 17 (commencing with Section 19360) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

## **Article 17. Penalties and Violations**

**19360.** (a) A person engaging in cannabis activity without a license and associated unique identifiers required by this chapter shall be subject to civil penalties of up to twice the amount of the license fee for each violation, and the department, state or local authority, or court may order the destruction of medical cannabis associated with that violation. Each day of operation shall constitute a separate violation of this section. All civil penalties imposed and collected pursuant to this section shall be deposited into the Marijuana Production and Environment Mitigation Fund established pursuant to Section 31013 of the Revenue and Taxation Code.

(b) If an action for civil penalties is brought against a licensee pursuant to this chapter by the Attorney General, the penalty collected shall be deposited into the General Fund. If the action is brought by a district attorney or county counsel, the penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney or city prosecutor, the penalty collected shall be paid to the treasurer of the city or city and county in which the judgment was entered. If the action is brought by a city attorney and is adjudicated in a superior court located in the unincorporated area or another city in the same county, the penalty shall be paid one-half to the treasurer of the city in which the complaining attorney has jurisdiction and one-half to the treasurer of the county in which the judgment is entered.

(c) Notwithstanding subdivision (a), criminal penalties shall continue to apply to an unlicensed person or entity engaging in cannabis activity in violation of this chapter, including, but not limited to, those individuals covered under Section 11362.7 of the Health and Safety Code.

**SEC. 4.** Section 12029 is added to the Fish and Game Code, to read:

**12029.** (a) The Legislature finds and declares all of the following:

(1) The environmental impacts associated with marijuana cultivation have increased, and unlawful water diversions for marijuana irrigation have a detrimental effect on fish and wildlife and their habitat, which are held in trust by the state for the benefit of the people of the state.

(2) The remediation of existing marijuana cultivation sites is often complex and the permitting of these sites requires greater department staff time and personnel expenditures. The potential for marijuana cultivation sites to significantly impact the state's fish and wildlife resources requires immediate action on the part of the department's lake and streambed alteration permitting staff.

(b) In order to address unlawful water diversions and other violations of the Fish and Game Code associated with marijuana cultivation, the department shall establish the watershed enforcement program to facilitate the investigation, enforcement, and prosecution of these offenses.

(c) The department, in coordination with the State Water Resources Control Board, shall establish a permanent multiagency task force to address the environmental impacts of marijuana cultivation. The multiagency task force, to the extent feasible and subject to available Resources, shall expand its enforcement efforts on a statewide level to ensure the reduction of adverse impacts of marijuana cultivation on fish and wildlife and their habitats throughout the state.

(d) In order to facilitate the remediation and permitting of marijuana cultivation sites, the department shall adopt regulations to enhance the fees on any entity subject to Section 1602 for marijuana cultivation sites that require remediation. The fee schedule established pursuant to this subdivision shall not exceed the fee limits in Section 1609.

**SEC. 5.** Section 11362.769 is added to the Health and Safety Code, to read:

**11362.769.** Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of Fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.

**SEC. 6.** Section 11362.777 is added to the Health and Safety Code, to read:

**11362.777.** (a) The Department of Food and Agriculture shall establish a Medical Cannabis Cultivation Program to be administered by the secretary, except as specified in subdivision (c), shall administer this section as it pertains to the cultivation of medical marijuana. For purposes of this section and Chapter 3.5 (commencing with Section 19300) of the Business and Professions Code, medical cannabis is an agricultural product.

(b) (1) A person or entity shall not cultivate medical marijuana without first obtaining both of the following:

(A) A license, permit, or other entitlement, specifically permitting cultivation pursuant to these provisions, from the city, county, or city and county in which the cultivation will occur.

(B) A state license issued by the department pursuant to this section.

(2) A person or entity shall not submit an application for a state license issued by the department pursuant to this section unless that person or entity has received a license, permit, or other entitlement, specifically permitting cultivation pursuant to these provisions, from the city, county, or city and county in which the cultivation will occur.

(3) A person or entity shall not submit an application for a state license issued by the department pursuant to this section if the proposed cultivation of marijuana will violate the provisions of any local ordinance or regulation, or if medical marijuana is prohibited by the city, county, or city and county in which the cultivation is proposed to occur, either expressly or otherwise under principles of permissive zoning.

(c) (1) Except as otherwise specified in this subdivision, and without limiting any other local regulation, a city, county, or city and county, through its current or future land use regulations or ordinance, may issue or deny a permit to cultivate medical marijuana pursuant to this section. A city, county, or city and county may inspect the intended cultivation site for suitability prior to issuing a permit. After the city, county, or city and county has approved a permit, the applicant shall apply for a state medical marijuana cultivation license from the department. A locally issued cultivation permit shall only become active upon licensing by the department and receiving final local approval. A person shall not cultivate medical marijuana prior to obtaining both a permit from the city, county, or city and county and a state medical marijuana cultivation license from the department.

(2) A city, county, or city and county that issues or denies conditional licenses to cultivate medical marijuana pursuant to this section shall notify the department in a manner prescribed by the secretary.

(3) A city, county, or city and county's locally issued conditional permit requirements must be at least as stringent as the department's state licensing requirements.

(4) If a city, county, or city and county does not have land use regulations or ordinances regulating or prohibiting the cultivation of marijuana, either expressly or otherwise under principles of permissive zoning, or chooses not to administer a conditional permit program pursuant to this section, then commencing March 1, 2016, the division shall be the sole licensing authority for medical marijuana cultivation applicants in that city, county, or city and county.

(d) (1) The secretary may prescribe, adopt, and enforce regulations relating to the implementation, administration, and enforcement of this part, including, but not limited to, applicant requirements, collections, reporting, refunds, and appeals.

(2) The secretary may prescribe, adopt, and enforce any emergency regulations as necessary to implement this part. Any emergency regulation prescribed, adopted, or enforced pursuant to this section shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and, for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of the regulation is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare.

(3) The secretary may enter into a cooperative agreement with a county agricultural commissioner to carry out the provisions of this chapter, including, but not limited to, administration, investigations, inspections, licensing and assistance pertaining to the cultivation of medical marijuana. Compensation under the cooperative agreement shall be paid from assessments and fees collected and deposited pursuant to this chapter and shall provide reimbursement to the county agricultural commissioner for associated costs.

(e) (1) The department, in consultation with, but not limited to, the Bureau of Medical Marijuana Regulation, the State Water Resources Control Board, and the Department of Fish and Wildlife, shall implement a unique identification program for medical marijuana. In implementing the program, the department shall consider issues, including, but not limited to, water use and environmental impacts. In implementing the program, the department shall ensure that:

(A) Individual and cumulative effects of water diversion and discharge associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability.

(B) Cultivation will not negatively impact springs, riparian wetlands, and aquatic habitats.

(2) The department shall establish a program for the identification of permitted medical marijuana plants at a cultivation site during the cultivation period. The unique identifier shall be attached at the base of each plant. A unique identifier, such as, but not limited to, a zip tie, shall be issued for each medical marijuana plant.

(A) Unique identifiers will only be issued to those persons appropriately licensed by this section.

(B) Information associated with the assigned unique identifier and licensee shall be included in the trace and track program specified in Section 19335 of the Business and Professions Code.

(C) The department may charge a fee to cover the reasonable costs of issuing the unique identifier and monitoring, tracking, and inspecting each medical marijuana plant.

(D) The department may promulgate regulations to implement this section.

(3) The department shall take adequate steps to establish protections against fraudulent unique identifiers and limit illegal diversion of unique identifiers to unlicensed persons.

(f) (1) A city, county, or city and county that issues or denies licenses to cultivate medical marijuana pursuant to this section shall notify the department in a manner prescribed by the secretary.

(2) Unique identifiers and associated identifying information administered by a city or county shall adhere to the requirements set by the department and be the equivalent to those administered by the department.

(g) This section does not apply to a qualified patient cultivating marijuana pursuant to Section 11362.5 if the area he or she uses to cultivate marijuana does not exceed 100 square feet and he or she cultivates marijuana for his or her personal medical use and does not sell, distribute, donate, or provide marijuana to any other person or entity. This section does not apply to a primary caregiver cultivating marijuana pursuant to Section 11362.5 if the area he or she uses to cultivate marijuana does not exceed 500 square feet and he or she cultivates marijuana exclusively for the personal medical use of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 and does not receive remuneration for these activities, except for compensation provided in full compliance with subdivision (c) of Section 11362.765. For purposes of this section, the area used to cultivate marijuana shall be measured by the aggregate area of vegetative growth of live marijuana plants on the premises. Exemption from the requirements of this section does not limit or prevent a city, county, or city and county from regulating or banning the cultivation, storage, manufacture, transport, provision, or other activity by the exempt person, or impair the enforcement of that regulation or ban.

**SEC. 7.** Section 13276 is added to the Water Code, to read:

**13276.** (a) The multiagency task force, the Department of Fish and Wildlife and State Water Resources Control Board pilot project to address the Environmental Impacts of Cannabis Cultivation, assigned to respond to the damages caused by marijuana cultivation on public and private lands in California, shall continue its enforcement efforts on a permanent basis and expand them to a statewide level to ensure the reduction of adverse impacts of marijuana cultivation on water quality and on fish and wildlife throughout the state.

(b) Each regional board shall, and the State Water Resources Control Board may, address discharges of waste resulting from medical marijuana cultivation and associated activities, including by adopting a general permit, establishing waste discharge requirements, or taking action pursuant to Section 13269. In addressing these discharges, each regional board shall include conditions to address items that include, but are not limited to, all of the following:

- (1) Site development and maintenance, erosion control, and drainage features.
- (2) Stream crossing installation and maintenance.
- (3) Riparian and wetland protection and management.
- (4) Soil disposal.
- (5) Water storage and use.
- (6) Irrigation runoff.
- (7) Fertilizers and soil.
- (8) Pesticides and herbicides.
- (9) Petroleum products and other chemicals.
- (10) Cultivation-related waste.
- (11) Refuse and human waste.
- (12) Cleanup, restoration, and mitigation.

**SEC. 8.** The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

**SEC. 9.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**SEC. 10.** This measure shall become operative only if both Assembly Bill 266 and Senate Bill 643 of the 2015–16 Regular Session are enacted and become operative.



**Assembly Bill No. 266**

**CHAPTER 689**

An act to amend Sections 27 and 101 of, to add Section 205.1 to, and to add Chapter 3.5 (commencing with Section 19300) to Division 8 of, the Business and Professions Code, to amend Section 9147.7 of the Government Code, to amend Section 11362.775 of the Health and Safety Code, to add Section 147.5 to the Labor Code, and to add Section 31020 to the Revenue and Taxation Code, relating to medical marijuana.

[ Approved by Governor October 09, 2015. Filed with Secretary of State  
October 09, 2015. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 266, Bonta. Medical marijuana.

(1) Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 5, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law enacted by the Legislature requires the establishment of a program for the issuance of identification cards to qualified patients so that they may lawfully use marijuana for medical purposes, and requires the establishment of guidelines for the lawful cultivation of marijuana grown for medical use. Existing law provides for the licensure of various professions by boards or bureaus within the Department of Consumer Affairs. Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of food, drugs, devices, and cosmetics, as specified. A violation of that law is a crime.

This bill, among other things, would enact the Medical Marijuana Regulation and Safety Act for the licensure and regulation of medical marijuana and would establish within the Department of Consumer Affairs the Bureau of Medical Marijuana Regulation, under the supervision and control of the Director of Consumer Affairs. The bill would require the director to administer and enforce the provisions of the act.

This bill would also require the Board of Equalization, in consultation with the Department of Food and Agriculture, to adopt a system for reporting the movement of commercial cannabis and cannabis products.

This bill would impose certain fines and civil penalties for specified violations of the act, and would require moneys collected as a result of these fines and civil penalties to be deposited into the Medical Cannabis Fines and Penalties Account.

(2) Under existing law, certain persons with identification cards, who associate within the state in order collectively or cooperatively to cultivate marijuana for medical purposes, are not solely on the basis of that fact subject to specified state criminal sanctions.

This bill would repeal these provisions upon the issuance of licenses by licensing authorities pursuant to the Medical Marijuana Regulation and Safety Act, as specified, and would instead provide that actions of licensees with the relevant local permits, in accordance with the act and applicable local ordinances, are not offenses subject to arrest, prosecution, or other sanction under state law.

(3) This bill would provide that its provisions are severable.

(4) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(6) The bill would provide that it shall become operative only if SB 643 and AB 243 of the 2015–16 Regular Session are also enacted and become operative.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 27 of the Business and Professions Code is amended to read:

**27.** (a) Each entity specified in subdivisions (c), (d), and (e) shall provide on the Internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of his or her home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as his or her address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the Internet.

(b) In providing information on the Internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs' guidelines for access to public records.

(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(3) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation shall disclose information on its licensees and registrants, including major appliance repair dealers, combination dealers (electronic and appliance), electronic repair dealers, service contract sellers, and service contract administrators.

(4) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, and funeral directors.

(5) The Professional Fiduciaries Bureau shall disclose information on its licensees.

(6) The Contractors' State License Board shall disclose information on its licensees and registrants in

accordance with Chapter 9 (commencing with Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

(7) The Bureau for Private Postsecondary Education shall disclose information on private postsecondary institutions under its jurisdiction, including disclosure of notices to comply issued pursuant to Section 94935 of the Education Code.

(8) The California Board of Accountancy shall disclose information on its licensees and registrants.

(9) The California Architects Board shall disclose information on its licensees, including architects and landscape architects.

(10) The State Athletic Commission shall disclose information on its licensees and registrants.

(11) The State Board of Barbering and Cosmetology shall disclose information on its licensees.

(12) The State Board of Guide Dogs for the Blind shall disclose information on its licensees and registrants.

(13) The Acupuncture Board shall disclose information on its licensees.

(14) The Board of Behavioral Sciences shall disclose information on its licensees, including licensed marriage and family therapists, licensed clinical social workers, licensed educational psychologists, and licensed professional clinical counselors.

(15) The Dental Board of California shall disclose information on its licensees.

(16) The State Board of Optometry shall disclose information regarding certificates of registration to practice optometry, statements of licensure, optometric corporation registrations, branch office licenses, and fictitious name permits of its licensees.

(17) The Board of Psychology shall disclose information on its licensees, including psychologists, psychological assistants, and registered psychologists.

(d) The State Board of Chiropractic Examiners shall disclose information on its licensees.

(e) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(f) The Bureau of Medical Marijuana Regulation shall disclose information on its licensees.

(g) "Internet" for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

**SEC. 2.** Section 101 of the Business and Professions Code is amended to read:

**101.** The department is comprised of the following:

(a) The Dental Board of California.

(b) The Medical Board of California.

(c) The State Board of Optometry.

(d) The California State Board of Pharmacy.

(e) The Veterinary Medical Board.

(f) The California Board of Accountancy.

(g) The California Architects Board.

(h) The Bureau of Barbering and Cosmetology.

(i) The Board for Professional Engineers and Land Surveyors.

- (j) The Contractors' State License Board.
- (k) The Bureau for Private Postsecondary Education.
- (l) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation.
- (m) The Board of Registered Nursing.
- (n) The Board of Behavioral Sciences.
- (o) The State Athletic Commission.
- (p) The Cemetery and Funeral Bureau.
- (q) The State Board of Guide Dogs for the Blind.
- (r) The Bureau of Security and Investigative Services.
- (s) The Court Reporters Board of California.
- (t) The Board of Vocational Nursing and Psychiatric Technicians.
- (u) The Landscape Architects Technical Committee.
- (v) The Division of Investigation.
- (w) The Bureau of Automotive Repair.
- (x) The Respiratory Care Board of California.
- (y) The Acupuncture Board.
- (z) The Board of Psychology.
- (aa) The California Board of Podiatric Medicine.
- (ab) The Physical Therapy Board of California.
- (ac) The Arbitration Review Program.
- (ad) The Physician Assistant Committee.
- (ae) The Speech-Language Pathology and Audiology Board.
- (af) The California Board of Occupational Therapy.
- (ag) The Osteopathic Medical Board of California.
- (ah) The Naturopathic Medicine Committee.
- (ai) The Dental Hygiene Committee of California.
- (aj) The Professional Fiduciaries Bureau.
- (ak) The State Board of Chiropractic Examiners.
- (al) The Bureau of Real Estate.
- (am) The Bureau of Real Estate Appraisers.
- (an) The Structural Pest Control Board.
- (ao) The Bureau of Medical Marijuana Regulation.
- (ap) Any other boards, offices, or officers subject to its jurisdiction by law.

**SEC. 3.** Section 205.1 is added to the Business and Professions Code, to read:

**205.1.** Notwithstanding subdivision (a) of Section 205, the Medical Marijuana Regulation and Safety Act Fund is

a special fund within the Professions and Vocations Fund, and is subject to subdivision (b) of Section 205.

**SEC. 4.** Chapter 3.5 (commencing with Section 19300) is added to Division 8 of the Business and Professions Code, to read:

**CHAPTER 3.5. Medical Marijuana Regulation and Safety act**  
**Article 1. Definitions**

**19300.** This act shall be known and may be cited as the Medical Marijuana Regulation and Safety Act.

**19300.5.** For purposes of this chapter, the following definitions shall apply:

(a) "Accrediting body" means a nonprofit organization that requires conformance to ISO/IEC 17025 requirements and is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement for Testing.

(b) "Applicant," for purposes of Article 4 (commencing with Section 19319), means the following:

(1) Owner or owners of a proposed facility, including all persons or entities having ownership interest other than a security interest, lien, or encumbrance on property that will be used by the facility.

(2) If the owner is an entity, "owner" includes within the entity each person participating in the direction, control, or management of, or having a financial interest in, the proposed facility.

(3) If the applicant is a publicly traded company, "owner" means the chief executive officer or any person or entity with an aggregate ownership interest of 5 percent or more.

(c) "Batch" means a specific quantity of medical cannabis or medical cannabis products that is intended to have uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.

(d) "Bureau" means the Bureau of Medical Marijuana Regulation within the Department of Consumer Affairs.

(e) "Cannabinoid" or "phytocannabinoid" means a chemical compound that is unique to and derived from cannabis.

(f) "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

(g) "Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency. An edible medical cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

(h) "Caregiver" or "primary caregiver" has the same meaning as that term is defined in Section 11362.7 of the Health and Safety Code.

(i) "Certificate of accreditation" means a certificate issued by an accrediting body to a licensed testing laboratory, entity, or site to be registered in the state.

(j) "Chief" means Chief of the Bureau of Medical Marijuana Regulation within the Department of Consumer Affairs.

(k) "Commercial cannabis activity" includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis

product, except as set forth in Section 19319, related to qualifying patients and primary caregivers.

(l) "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(m) "Delivery" means the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the bureau to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code, or a testing laboratory. "Delivery" also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed under this chapter, that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.

(n) "Dispensary" means a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to express authorization by local ordinance, medical cannabis and medical cannabis products as part of a retail sale.

(o) "Dispensing" means any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.

(p) "Distribution" means the procurement, sale, and transport of medical cannabis and medical cannabis products between entities licensed pursuant to this chapter.

(q) "Distributor" means a person licensed under this chapter to engage in the business of purchasing medical cannabis from a licensed cultivator, or medical cannabis products from a licensed manufacturer, for sale to a licensed dispensary.

(r) "Dried flower" means all dead medical cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

(s) "Edible cannabis product" means manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum. An edible medical cannabis product is not considered food as defined by Section 109935 of the Health and Safety Code or a drug as defined by Section 109925 of the Health and Safety Code.

(t) "Fund" means the Medical Marijuana Regulation and Safety Act Fund established pursuant to Section 19351.

(u) "Identification program" means the universal identification certificate program for commercial medical cannabis activity authorized by this chapter.

(v) "Labor peace agreement" means an agreement between a licensee and a bona fide labor organization that, at a minimum, protects the state's proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the applicant's business. This agreement means that the applicant has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the applicant's employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the applicant's employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.

(w) "Licensing authority" means the state agency responsible for the issuance, renewal, or reinstatement of the license, or the state agency authorized to take disciplinary action against the license.

(x) "Cultivation site" means a facility where medical cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, that holds a valid state license pursuant to this chapter, and that holds a valid local license or permit.

(y) "Manufacturer" means a person that conducts the production, preparation, propagation, or compounding of manufactured medical cannabis, as described in subdivision (ae), or medical cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or medical cannabis products or labels or relabels its container, that holds a valid state license pursuant to this chapter, and that holds a valid local license or permit.

(z) "Testing laboratory" means a facility, entity, or site in the state that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state.

(2) Registered with the State Department of Public Health.

(aa) "Transporter" means a person issued a state license by the bureau to transport medical cannabis or medical cannabis products in an amount above a threshold determined by the bureau between facilities that have been issued a state license pursuant to this chapter.

(ab) "Licensee" means a person issued a state license under this chapter to engage in commercial cannabis activity.

(ac) "Live plants" means living medical cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.

(ad) "Lot" means a batch, or a specifically identified portion of a batch, having uniform character and quality within specified limits. In the case of medical cannabis or a medical cannabis product produced by a continuous process, "lot" means a specifically identified amount produced in a unit of time or a quantity in a manner that ensures its having uniform character and quality within specified limits.

(ae) "Manufactured cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.

(af) "Manufacturing site" means a location that produces, prepares, propagates, or compounds manufactured medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.

(ag) "Medical cannabis," "medical cannabis product," or "cannabis product" means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code. For the purposes of this chapter, "medical cannabis" does not include "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

(ah) "Nursery" means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis.

(ai) "Permit," "local license," or "local permit" means an official document granted by a local jurisdiction that specifically authorizes a person to conduct commercial cannabis activity in the local jurisdiction.

(aj) "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

(ak) "State license," "license," or "registration" means a state license issued pursuant to this chapter.

(al) "Topical cannabis" means a product intended for external use. A topical cannabis product is not considered a drug as defined by Section 109925 of the Health and Safety Code.

(am) "Transport" means the transfer of medical cannabis or medical cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to this chapter.

**19300.7.** License classifications pursuant to this chapter are as follows:

(a) Type 1 = Cultivation; Specialty outdoor; Small.

(b) Type 1A = Cultivation; Specialty indoor; Small.

(c) Type 1B = Cultivation; Specialty mixed-light; Small.

- (d) Type 2 = Cultivation; Outdoor; Small.
- (e) Type 2A = Cultivation; Indoor; Small.
- (f) Type 2B = Cultivation; Mixed-light; Small.
- (g) Type 3 = Cultivation; Outdoor; Medium.
- (h) Type 3A = Cultivation; Indoor; Medium.
- (i) Type 3B = Cultivation; Mixed-light; Medium.
- (j) Type 4 = Cultivation; Nursery.
- (k) Type 6 = Manufacturer 1.
- (l) Type 7 = Manufacturer 2.
- (m) Type 8 = Testing.
- (n) Type 10 = Dispensary; General.
- (o) Type 10A = Dispensary; No more than three retail sites.
- (p) Type 11 = Distribution.
- (q) Type 12 = Transporter.

## **Article 2. Administration**

**19302.** There is in the Department of Consumer Affairs the Bureau of Medical Marijuana Regulation, under the supervision and control of the director. The director shall administer and enforce the provisions of this chapter.

**19303.** Protection of the public shall be the highest priority for the bureau in exercising its licensing, regulatory, and disciplinary functions under this chapter. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

**19304.** The bureau shall make and prescribe reasonable rules as may be necessary or proper to carry out the purposes and intent of this chapter and to enable it to exercise the powers and duties conferred upon it by this chapter, not inconsistent with any statute of this state, including particularly this chapter and Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. For the performance of its duties, the bureau has the power conferred by Sections 11180 to 11191, inclusive, of the Government Code.

**19305.** Notice of any action of the licensing authority required by this chapter to be given may be signed and given by the director or an authorized employee of the department and may be made personally or in the manner prescribed by Section 1013 of the Code of Civil Procedure.

**19306.** (a) The bureau may convene an advisory committee to advise the bureau and licensing authorities on the development of standards and regulations pursuant to this chapter, including best practices and guidelines to ensure qualified patients have adequate access to medical cannabis and medical cannabis products. The advisory committee members shall be determined by the chief.

(b) The advisory committee members may include, but not be limited to, representatives of the medical marijuana industry, representatives of medical marijuana cultivators, appropriate local and state agencies, appropriate local and state law enforcement, physicians, environmental and public health experts, and medical marijuana patient advocates.

**19307.** A licensing authority may make or cause to be made such investigation as it deems necessary to carry out its duties under this chapter.

**19308.** For any hearing held pursuant to this chapter, the director, or a licensing authority, may delegate the power to hear and decide to an administrative law judge. Any hearing before an administrative law judge shall

be pursuant to the procedures, rules, and limitations prescribed in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

**19309.** In any hearing before a licensing authority pursuant to this chapter, the licensing authority may pay any person appearing as a witness at the hearing at the request of the licensing authority pursuant to a subpoena, his or her actual, necessary, and reasonable travel, food, and lodging expenses, not to exceed the amount authorized for state employees.

**19310.** The department may on its own motion at any time before a penalty assessment is placed into effect and without any further proceedings, review the penalty, but such review shall be limited to its reduction.

### **Article 3. Enforcement**

**19311.** Grounds for disciplinary action include:

(a) Failure to comply with the provisions of this chapter or any rule or regulation adopted pursuant to this chapter.

(b) Conduct that constitutes grounds for denial of licensure pursuant to Chapter 3 (commencing with Section 490) of Division 1.5.

(c) Any other grounds contained in regulations adopted by a licensing authority pursuant to this chapter.

(d) Failure to comply with any state law, except as provided for in this chapter or other California law.

**19312.** Each licensing authority may suspend or revoke licenses, after proper notice and hearing to the licensee, if the licensee is found to have committed any of the acts or omissions constituting grounds for disciplinary action. The disciplinary proceedings under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director of each licensing authority shall have all the powers granted therein.

**19313.** Each licensing authority may take disciplinary action against a licensee for any violation of this chapter when the violation was committed by the licensee's agent or employee while acting on behalf of the licensee or engaged in commercial cannabis activity.

**19313.5.** Upon suspension or revocation of a license, the licensing authority shall inform the bureau. The bureau shall then inform all other licensing authorities and the Department of Food and Agriculture.

**19314.** All accusations against licensees shall be filed by the licensing authority within five years after the performance of the act or omission alleged as the ground for disciplinary action; provided, however, that the foregoing provision shall not constitute a defense to an accusation alleging fraud or misrepresentation as a ground for disciplinary action. The cause for disciplinary action in such case shall not be deemed to have accrued until discovery, by the licensing authority, of the facts constituting the fraud or misrepresentation, and, in such case, the accusation shall be filed within five years after such discovery.

**19315.** (a) Nothing in this chapter shall be interpreted to supersede or limit existing local authority for law enforcement activity, enforcement of local zoning requirements or local ordinances, or enforcement of local permit or licensing requirements.

(b) Nothing in this chapter shall be interpreted to require the Department of Consumer Affairs to undertake local law enforcement responsibilities, enforce local zoning requirements, or enforce local licensing requirements.

(c) Nothing in this chapter shall be interpreted to supersede or limit state agencies from exercising their existing enforcement authority under the Fish and Game Code, the Water Code, the Food and Agricultural Code, or the Health and Safety Code.

**19316.** (a) Pursuant to Section 7 of Article XI of the California Constitution, a city, county, or city and county may adopt ordinances that establish additional standards, requirements, and regulations for local licenses and permits for commercial cannabis activity. Any standards, requirements, and regulations regarding health and safety, testing, security, and worker protections established by the state shall be the minimum standards for

all licensees statewide.

(b) For facilities issued a state license that are located within the incorporated area of a city, the city shall have full power and authority to enforce this chapter and the regulations promulgated by the bureau or any licensing authority, if delegated by the state. Notwithstanding Sections 101375, 101400, and 101405 of the Health and Safety Code or any contract entered into pursuant thereto, or any other law, the city shall further assume complete responsibility for any regulatory function relating to those licensees within the city limits that would otherwise be performed by the county or any county officer or employee, including a county health officer, without liability, cost, or expense to the county.

(c) Nothing in this chapter, or any regulations promulgated thereunder, shall be deemed to limit the authority or remedies of a city, county, or city and county under any provision of law, including, but not limited to, Section 7 of Article XI of the California Constitution.

**19317.** (a) The actions of a licensee, its employees, and its agents that are (1) permitted pursuant to both a state license and a license or permit issued by the local jurisdiction following the requirements of the applicable local ordinances, and (2) conducted in accordance with the requirements of this chapter and regulations adopted pursuant to this chapter, are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law.

(b) The actions of a person who, in good faith, allows his or her property to be used by a licensee, its employees, and its agents, as permitted pursuant to both a state license and a local license or permit following the requirements of the applicable local ordinances, are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law.

**19318.** (a) A person engaging in commercial cannabis activity without a license required by this chapter shall be subject to civil penalties of up to twice the amount of the license fee for each violation, and the court may order the destruction of medical cannabis associated with that violation in accordance with Section 11479 of the Health and Safety Code. Each day of operation shall constitute a separate violation of this section. All civil penalties imposed and collected pursuant to this section by a licensing authority shall be deposited into the Medical Cannabis Fines and Penalties Account established pursuant to Section 19351.

(b) If an action for civil penalties is brought against a licensee pursuant to this chapter by the Attorney General on behalf of the people, the penalty collected shall be deposited into the Medical Cannabis Fines and Penalties Account established pursuant to Section 19351. If the action is brought by a district attorney or county counsel, the penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney or city prosecutor, the penalty collected shall be paid to the treasurer of the city or city and county in which the judgment was entered. If the action is brought by a city attorney and is adjudicated in a superior court located in the unincorporated area or another city in the same county, the penalty shall be paid one-half to the treasurer of the city in which the complaining attorney has jurisdiction and one-half to the treasurer of the county in which the judgment is entered.

(c) Notwithstanding subdivision (a), criminal penalties shall continue to apply to an unlicensed person engaging in commercial cannabis activity in violation of this chapter, including, but not limited to, those individuals covered under Section 11362.7 of the Health and Safety Code.

#### **Article 4. Licensing**

**19320.** (a) Licensing authorities administering this chapter may issue state licenses only to qualified applicants engaging in commercial cannabis activity pursuant to this chapter. Upon the date of implementation of regulations by the licensing authority, no person shall engage in commercial cannabis activity without possessing both a state license and a local permit, license, or other authorization. A licensee shall not commence activity under the authority of a state license until the applicant has obtained, in addition to the state license, a license or permit from the local jurisdiction in which he or she proposes to operate, following the requirements of the applicable local ordinance.

(b) Revocation of a local license, permit, or other authorization shall terminate the ability of a medical cannabis business to operate within that local jurisdiction until the local jurisdiction reinstates or reissues the local license, permit, or other required authorization. Local authorities shall notify the bureau upon revocation of a

local license. The bureau shall inform relevant licensing authorities.

(c) Revocation of a state license shall terminate the ability of a medical cannabis licensee to operate within California until the licensing authority reinstates or reissues the state license. Each licensee shall obtain a separate license for each location where it engages in commercial medical cannabis activity. However, transporters only need to obtain licenses for each physical location where the licensee conducts business while not in transport, or any equipment that is not currently transporting medical cannabis or medical cannabis products, permanently resides.

(d) In addition to the provisions of this chapter, local jurisdictions retain the power to assess fees and taxes, as applicable, on facilities that are licensed pursuant to this chapter and the business activities of those licensees.

(e) Nothing in this chapter shall be construed to supersede or limit state agencies, including the State Water Resources Control Board and Department of Fish and Wildlife, from establishing fees to support their medical cannabis regulatory programs.

**19321.** (a) The Department of Consumer Affairs, the Department of Food and Agriculture, and the State Department of Public Health shall promulgate regulations for implementation of their respective responsibilities in the administration of this chapter.

(b) A license issued pursuant to this section shall be valid for 12 months from the date of issuance. The license shall be renewed annually. Each licensing authority shall establish procedures for the renewal of a license.

(c) Notwithstanding subdivision (a) of Section 19320, a facility or entity that is operating in compliance with local zoning ordinances and other state and local requirements on or before January 1, 2018, may continue its operations until its application for licensure is approved or denied pursuant to this chapter. In issuing licenses, the licensing authority shall prioritize any facility or entity that can demonstrate to the authority's satisfaction that it was in operation and in good standing with the local jurisdiction by January 1, 2016.

(d) Issuance of a state license or a determination of compliance with local law by the licensing authority shall in no way limit the ability of the City of Los Angeles to prosecute any person or entity for a violation of, or otherwise enforce, Proposition D, approved by the voters of the City of Los Angeles on the May 21, 2013, ballot for the city, or the city's zoning laws. Nor may issuance of a license or determination of compliance with local law by the licensing authority be deemed to establish, or be relied upon, in determining satisfaction with the immunity requirements of Proposition D or local zoning law, in court or in any other context or forum.

#### **Article 5. Medical Marijuana Regulation**

**19326.** (a) A person other than a licensed transporter shall not transport medical cannabis or medical cannabis products from one licensee to another licensee, unless otherwise specified in this chapter.

(b) All licensees holding cultivation or manufacturing licenses shall send all medical cannabis and medical cannabis products cultivated or manufactured to a distributor, as defined in Section 19300.5, for quality assurance and inspection by the Type 11 licensee and for a batch testing by a Type 8 licensee prior to distribution to a dispensary. Those licensees holding a Type 10A license in addition to a cultivation license or a manufacturing license shall send all medical cannabis and medical cannabis products to a Type 11 licensee for presale inspection and for a batch testing by a Type 8 licensee prior to dispensing any product. The licensing authority shall fine a licensee who violates this subdivision in an amount determined by the licensing authority to be reasonable.

(c) (1) Upon receipt of medical cannabis or medical cannabis products by a holder of a cultivation or manufacturing license, the Type 11 licensee shall first inspect the product to ensure the identity and quantity of the product and then ensure a random sample of the medical cannabis or medical cannabis product is tested by a Type 8 licensee prior to distributing the batch of medical cannabis or medical cannabis products.

(2) Upon issuance of a certificate of analysis by the Type 8 licensee that the product is fit for manufacturing or retail, all medical cannabis and medical cannabis products shall undergo a quality assurance review by the Type 11 licensee prior to distribution to ensure the quantity and content of the medical cannabis or medical cannabis product, and for tracking and taxation purposes by the state. Licensed cultivators and manufacturers shall package or seal all medical cannabis and medical cannabis products in tamper-evident packaging and use a unique identifier, as prescribed by the Department of Food and Agriculture, for the purpose of identifying and

tracking medical cannabis or medical cannabis products. Medical cannabis and medical cannabis products shall be labeled as required by Section 19347. All packaging and sealing shall be completed prior to medical cannabis or medical cannabis products being transported or delivered to a licensee, qualified patient, or caregiver.

(3) This section does not limit the ability of licensed cultivators, manufacturers, and dispensaries to directly enter into contracts with one another indicating the price and quantity of medical cannabis or medical cannabis products to be distributed. However, a Type 11 licensee responsible for executing the contract is authorized to collect a fee for the services rendered, including, but not limited to, costs incurred by a Type 8 licensee, as well as applicable state or local taxes and fees.

(d) Medical cannabis and medical cannabis products shall be tested by a registered testing laboratory, prior to retail sale or dispensing, as follows:

(1) Medical cannabis from dried flower shall, at a minimum, be tested for concentration, pesticides, mold, and other contaminants.

(2) Medical cannabis extracts shall, at a minimum, be tested for concentration and purity of the product.

(3) This chapter shall not prohibit a licensee from performing on-site testing for the purposes of quality assurance of the product in conjunction with reasonable business operations. On-site testing by the licensee shall not be certified by the State Department of Public Health.

(e) All commercial cannabis activity shall be conducted between licensees, when these are available.

**19327.** (a) A licensee shall keep accurate records of commercial cannabis activity.

(b) All records related to commercial cannabis activity as defined by the licensing authorities shall be maintained for a minimum of seven years.

(c) The bureau may examine the books and records of a licensee and inspect the premises of a licensee as the licensing authority or a state or local agency deems necessary to perform its duties under this chapter. All inspections shall be conducted during standard business hours of the licensed facility or at any other reasonable time.

(d) Licensees shall keep records identified by the licensing authorities on the premises of the location licensed. The licensing authorities may make any examination of the records of any licensee. Licensees shall also provide and deliver copies of documents to the licensing agency upon request.

(e) A licensee or its agent, or employee, that refuses, impedes, obstructs, or interferes with an inspection of the premises or records of the licensee pursuant to this section has engaged in a violation of this chapter.

(f) If a licensee or an employee of a licensee fails to maintain or provide the records required pursuant to this section, the licensee shall be subject to a citation and fine of thirty thousand dollars (\$30,000) per individual violation.

**19328.** (a) A licensee may only hold a state license in up to two separate license categories, as follows:

(1) Type 1, 1A, 1B, 2, 2A, or 2B licensees may also hold either a Type 6 or 7 state license.

(2) Type 6 or 7 licensees, or a combination thereof, may also hold either a Type 1, 1A, 1B, 2, 2A, or 2B state license.

(3) Type 6 or 7 licensees, or a combination thereof, may also hold a Type 10A state license.

(4) Type 10A licensees may also hold either a Type 6 or 7 state license, or a combination thereof.

(5) Type 1, 1A, 1B, 2, 2A, or 2B licensees, or a combination thereof, may also hold a Type 10A state license.

(6) Type 10A licensees may apply for Type 1, 1A, 1B, 2, 2A, or 2B state license, or a combination thereof.

(7) Type 11 licensees shall apply for a Type 12 state license, but shall not apply for any other type of state license.

(8) Type 12 licensees may apply for a Type 11 state license.

(9) A Type 10A licensee may apply for a Type 6 or 7 state license and hold a 1, 1A, 1B, 2, 2A, 2B, 3, 3A, 3B, 4 or combination thereof if, under the 1, 1A, 1B, 2, 2A, 2B, 3, 3A, 3B, 4 or combination of licenses thereof, no more than four acres of total canopy size of cultivation by the licensee is occurring throughout the state during the period that the respective licenses are valid. All cultivation pursuant to this section shall comply with local ordinances. This paragraph shall become inoperative on January 1, 2026.

(b) Except as provided in subdivision (a), a person or entity that holds a state license is prohibited from licensure for any other activity authorized under this chapter, and is prohibited from holding an ownership interest in real property, personal property, or other assets associated with or used in any other license category.

(c) (1) In a jurisdiction that adopted a local ordinance, prior to July 1, 2015, allowing or requiring qualified businesses to cultivate, manufacture, and dispense medical cannabis or medical cannabis products, with all commercial cannabis activity being conducted by a single qualified business, upon licensure that business shall not be subject to subdivision (a) if it meets all of the following conditions:

(A) The business was cultivating, manufacturing, and dispensing medical cannabis or medical cannabis products on July 1, 2015, and has continuously done so since that date.

(B) The business has been in full compliance with all applicable local ordinances at all times prior to licensure.

(C) The business is registered with the State Board of Equalization.

(2) A business licensed pursuant to paragraph (1) is not required to conduct all cultivation or manufacturing within the bounds of a local jurisdiction, but all cultivation and manufacturing shall have commenced prior to July 1, 2015, and have been in full compliance with applicable local ordinances.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

**19329.** A licensee shall not also be licensed as a retailer of alcoholic beverages pursuant to Division 9 (commencing with Section 23000).

**19330.** This chapter and Article 2 (commencing with Section 11357) and Article 2.5 (commencing with Section 11362.7) of Chapter 6 of Division 10 of the Health and Safety Code shall not interfere with an employer's rights and obligations to maintain a drug and alcohol free workplace or require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of cannabis in the workplace or affect the ability of employers to have policies prohibiting the use of cannabis by employees and prospective employees, or prevent employers from complying with state or federal law.

#### **Article 7. Licensed Distributors, Dispensaries, and Transporters**

**19334.** (a) State licenses to be issued by the Department of Consumer Affairs are as follows:

(1) "Dispensary," as defined in this chapter. This license shall allow for delivery pursuant to Section 19340.

(2) "Distributor," for the distribution of medical cannabis and medical cannabis products from manufacturer to dispensary. A Type 11 licensee shall hold a Type 12, or transporter, license and register each location where product is stored for the purposes of distribution. A Type 11 licensee shall not hold a license in a cultivation, manufacturing, dispensing, or testing license category and shall not own, or have an ownership interest in, a facility licensed in those categories other than a security interest, lien, or encumbrance on property that is used by a licensee. A Type 11 licensee shall be bonded and insured at a minimum level established by the licensing authority.

(3) "Transport," for transporters of medical cannabis or medical cannabis products between licensees. A Type 12 licensee shall be bonded and insured at a minimum level established by the licensing authority.

(4) "Special dispensary status" for dispensers who have no more than three licensed dispensary facilities. This license shall allow for delivery where expressly authorized by local ordinance.

(b) The bureau shall establish minimum security requirements for the commercial transportation and delivery of medical cannabis and products.

(c) A licensed dispensary shall implement sufficient security measures to both deter and prevent unauthorized

entrance into areas containing medical cannabis or medical cannabis products and theft of medical cannabis or medical cannabis products at the dispensary. These security measures shall include, but not be limited to, all of the following:

(1) Preventing individuals from remaining on the premises of the dispensary if they are not engaging in activity expressly related to the operations of the dispensary.

(2) Establishing limited access areas accessible only to authorized dispensary personnel.

(3) Storing all finished medical cannabis and medical cannabis products in a secured and locked room, safe, or vault, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes, samples, or immediate sale.

(d) A dispensary shall notify the licensing authority and the appropriate law enforcement authorities within 24 hours after discovering any of the following:

(1) Significant discrepancies identified during inventory. The level of significance shall be determined by the bureau.

(2) Diversion, theft, loss, or any criminal activity involving the dispensary or any agent or employee of the dispensary.

(3) The loss or unauthorized alteration of records related to cannabis, registered qualifying patients, primary caregivers, or dispensary employees or agents.

(4) Any other breach of security.

#### **Article 9. Delivery**

**19340.** (a) Deliveries, as defined in this chapter, can only be made by a dispensary and in a city, county, or city and county that does not explicitly prohibit it by local ordinance.

(b) Upon approval of the licensing authority, a licensed dispensary that delivers medical cannabis or medical cannabis products shall comply with both of the following:

(1) The city, county, or city and county in which the licensed dispensary is located, and in which each delivery is made, do not explicitly by ordinance prohibit delivery, as defined in Section 19300.5.

(2) All employees of a dispensary delivering medical cannabis or medical cannabis products shall carry a copy of the dispensary's current license authorizing those services with them during deliveries and the employee's government-issued identification, and shall present that license and identification upon request to state and local law enforcement, employees of regulatory authorities, and other state and local agencies enforcing this chapter.

(c) A county shall have the authority to impose a tax, pursuant to Article 11 (commencing with Section 19348), on each delivery transaction completed by a licensee.

(d) During delivery, the licensee shall maintain a physical copy of the delivery request and shall make it available upon request of the licensing authority and law enforcement officers. The delivery request documentation shall comply with state and federal law regarding the protection of confidential medical information.

(e) The qualified patient or primary caregiver requesting the delivery shall maintain a copy of the delivery request and shall make it available, upon request, to the licensing authority and law enforcement officers.

(f) A local jurisdiction shall not prevent carriage of medical cannabis or medical cannabis products on public roads by a licensee acting in compliance with this chapter.

#### **Article 10. Licensed Manufacturers and Licensed Laboratories**

**19341.** The State Department of Public Health shall promulgate regulations governing the licensing of cannabis manufacturers and testing laboratories. Licenses to be issued are as follows:

(a) "Manufacturing level 1," for manufacturing sites that produce medical cannabis products using nonvolatile

solvents.

(b) "Manufacturing level 2," for manufacturing sites that produce medical cannabis products using volatile solvents. The State Department of Public Health shall limit the number of licenses of this type.

(c) "Testing," for testing of medical cannabis and medical cannabis products. Testing licensees shall have their facilities licensed according to regulations set forth by the division. A testing licensee shall not hold a license in another license category of this chapter and shall not own or have ownership interest in a facility licensed pursuant to this chapter.

**19342.** (a) For the purposes of testing medical cannabis or medical cannabis products, licensees shall use a licensed testing laboratory that has adopted a standard operating procedure using methods consistent with general requirements for the competence of testing and calibration activities, including sampling, using standard methods established by the International Organization for Standardization, specifically ISO/IEC 17020 and ISO/IEC 17025 to test medical cannabis and medical cannabis products that are approved by an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement.

(b) An agent of a licensed testing laboratory shall obtain samples according to a statistically valid sampling method for each lot.

(c) A licensed testing laboratory shall analyze samples according to either of the following:

(1) The most current version of the cannabis inflorescence monograph published by the American Herbal Pharmacopoeia.

(2) Scientifically valid methodology that is demonstrably equal or superior to paragraph (1), in the opinion of the accrediting body.

(d) If a test result falls outside the specifications authorized by law or regulation, the licensed testing laboratory shall follow a standard operating procedure to confirm or refute the original result.

(e) A licensed testing laboratory shall destroy the remains of the sample of medical cannabis or medical cannabis product upon completion of the analysis.

**19343.** A licensed testing laboratory shall not handle, test, or analyze medical cannabis or medical cannabis products unless the licensed testing laboratory meets all of the following:

(a) Is registered by the State Department of Public Health.

(b) Is independent from all other persons and entities involved in the medical cannabis industry.

(c) Follows the methodologies, ranges, and parameters that are contained in the scope of the accreditation for testing medical cannabis or medical cannabis products. The testing lab shall also comply with any other requirements specified by the State Department of Public Health.

(d) Notifies the State Department of Public Health within one business day after the receipt of notice of any kind that its accreditation has been denied, suspended, or revoked.

(e) Has established standard operating procedures that provide for adequate chain of custody controls for samples transferred to the licensed testing laboratory for testing.

**19344.** (a) A licensed testing laboratory shall issue a certificate of analysis for each lot, with supporting data, to report both of the following:

(1) Whether the chemical profile of the lot conforms to the specifications of the lot for compounds, including, but not limited to, all of the following:

(A) Tetrahydrocannabinol (THC).

(B) Tetrahydrocannabinolic Acid (THCA).

(C) Cannabidiol (CBD).

(D) Cannabidiolic Acid (CBDA).

(E) The terpenes described in the most current version of the cannabis inflorescence monograph published by the American Herbal Pharmacopoeia.

(F) Cannabigerol (CBG).

(G) Cannabinol (CBN).

(H) Any other compounds required by the State Department of Public Health.

(2) That the presence of contaminants does not exceed the levels that are the lesser of either the most current version of the American Herbal Pharmacopoeia monograph or the State Department of Public Health. For purposes of this paragraph, contaminants includes, but is not limited to, all of the following:

(A) Residual solvent or processing chemicals.

(B) Foreign material, including, but not limited to, hair, insects, or similar or related adulterant.

(C) Microbiological impurity, including total aerobic microbial count, total yeast mold count, *P. aeruginosa*, *aspergillus* spp., *s. aureus*, aflatoxin B1, B2, G1, or G2, or ochratoxin A.

(D) Whether the batch is within specification for odor and appearance.

(b) Residual levels of volatile organic compounds shall be below the lesser of either the specifications set by the United States Pharmacopeia (U.S.P. Chapter 467) or those set by the State Department of Public Health.

**19345.** (a) Except as provided in this chapter, a licensed testing laboratory shall not acquire or receive medical cannabis or medical cannabis products except from a licensed facility in accordance with this chapter, and shall not distribute, sell, deliver, transfer, transport, or dispense medical cannabis or medical cannabis products, from which the medical cannabis or medical cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.

(b) A licensed testing laboratory may receive and test samples of medical cannabis or medical cannabis products from a qualified patient or primary caregiver only if he or she presents his or her valid recommendation for cannabis for medical purposes from a physician. A licensed testing laboratory shall not certify samples from a qualified patient or caregiver for resale or transfer to another party or licensee. All tests performed by a licensed testing laboratory for a qualified patient or caregiver shall be recorded with the name of the qualified patient or caregiver and the amount of medical cannabis or medical cannabis product received.

(c) The State Department of Public Health shall develop procedures to ensure that testing of cannabis occurs prior to delivery to dispensaries or any other business, specify how often licensees shall test cannabis and that the cost of testing shall be borne by the licensed cultivators, and require destruction of harvested batches whose testing samples indicate noncompliance with health and safety standards promulgated by the State Department of Public Health, unless remedial measures can bring the cannabis into compliance with quality assurance standards as promulgated by the State Department of Public Health.

(d) The State Department of Public Health shall establish a licensing fee, and laboratories shall pay a fee to be licensed. Licensing fees shall not exceed the reasonable regulatory cost of the licensing activities.

**19347.** (a) Prior to delivery or sale at a dispensary, medical cannabis products shall be labeled and in a tamper-evident package. Labels and packages of medical cannabis products shall meet the following requirements:

(1) Medical cannabis packages and labels shall not be made to be attractive to children.

(2) All medical cannabis product labels shall include the following information, prominently displayed and in a clear and legible font:

(A) Manufacture date and source.

(B) The statement "SCHEDULE I CONTROLLED SUBSTANCE."

(C) The statement "KEEP OUT OF REACH OF CHILDREN AND ANIMALS" in bold print.

(D) The statement "FOR MEDICAL USE ONLY."

- (E) The statement "THE INTOXICATING EFFECTS OF THIS PRODUCT MAY BE DELAYED BY UP TO TWO HOURS."
- (F) The statement "THIS PRODUCT MAY IMPAIR THE ABILITY TO DRIVE OR OPERATE MACHINERY. PLEASE USE EXTREME CAUTION."
- (G) For packages containing only dried flower, the net weight of medical cannabis in the package.
- (H) A warning if nuts or other known allergens are used.
- (I) List of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, servings per package, and the THC and other cannabinoid amount in milligrams for the package total.
- (J) Clear indication, in bold type, that the product contains medical cannabis.
- (K) Identification of the source and date of cultivation and manufacture.
- (L) Any other requirement set by the bureau.
- (M) Information associated with the unique identifier issued by the Department of Food and Agriculture pursuant to Section 11362.777 of the Health and Safety Code.
- (b) Only generic food names may be used to describe edible medical cannabis products.

#### **Article 14. Reporting**

**19353.** Beginning on March 1, 2023, and on or before March 1 of each following year, each licensing authority shall prepare and submit to the Legislature an annual report on the authority's activities and post the report on the authority's Internet Web site. The report shall include, but not be limited to, the following information for the previous fiscal year:

- (a) The amount of funds allocated and spent by the licensing authority for medical cannabis licensing, enforcement, and administration.
- (b) The number of state licenses issued, renewed, denied, suspended, and revoked, by state license category.
- (c) The average time for processing state license applications, by state license category.
- (d) The number and type of enforcement activities conducted by the licensing authorities and by local law enforcement agencies in conjunction with the licensing authorities or the bureau.
- (e) The number, type, and amount of penalties, fines, and other disciplinary actions taken by the licensing authorities.

**19354.** The bureau shall contract with the California Marijuana Research Program, known as the Center for Medicinal Cannabis Research, authorized pursuant to Section 11362.9 of the Health and Safety Code, to develop a study that identifies the impact that cannabis has on motor skills.

#### **Article 15. Privacy**

**19355.** (a) Information identifying the names of patients, their medical conditions, or the names of their primary caregivers received and contained in records kept by the office or licensing authorities for the purposes of administering this chapter are confidential and shall not be disclosed pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), except as necessary for authorized employees of the State of California or any city, county, or city and county to perform official duties pursuant to this chapter, or a local ordinance.

(b) Information identifying the names of patients, their medical conditions, or the names of their primary caregivers received and contained in records kept by the bureau for the purposes of administering this chapter shall be maintained in accordance with Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code, Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code, and other state and federal laws relating to confidential patient information.

(c) Nothing in this section precludes the following:

- (1) Employees of the bureau or any licensing authorities notifying state or local agencies about information submitted to the agency that the employee suspects is falsified or fraudulent.
- (2) Notifications from the bureau or any licensing authorities to state or local agencies about apparent violations of this chapter or applicable local ordinance.
- (3) Verification of requests by state or local agencies to confirm licenses and certificates issued by the regulatory authorities or other state agency.
- (4) Provision of information requested pursuant to a court order or subpoena issued by a court or an administrative agency or local governing body authorized by law to issue subpoenas.
- (d) Information shall not be disclosed by any state or local agency beyond what is necessary to achieve the goals of a specific investigation, notification, or the parameters of a specific court order or subpoena.

**SEC. 5.** Section 9147.7 of the Government Code is amended to read:

**9147.7.** (a) For the purpose of this section, "eligible agency" means any agency, authority, board, bureau, commission, conservancy, council, department, division, or office of state government, however denominated, excluding an agency that is constitutionally created or an agency related to postsecondary education, for which a date for repeal has been established by statute on or after January 1, 2011.

(b) The Joint Sunset Review Committee is hereby created to identify and eliminate waste, duplication, and inefficiency in government agencies. The purpose of the committee is to conduct a comprehensive analysis over 15 years, and on a periodic basis thereafter, of every eligible agency to determine if the agency is still necessary and cost effective.

(c) Each eligible agency scheduled for repeal shall submit to the committee, on or before December 1 prior to the year it is set to be repealed, a complete agency report covering the entire period since last reviewed, including, but not limited to, the following:

- (1) The purpose and necessity of the agency.
- (2) A description of the agency budget, priorities, and job descriptions of employees of the agency.
- (3) Any programs and projects under the direction of the agency.
- (4) Measures of the success or failures of the agency and justifications for the metrics used to evaluate successes and failures.
- (5) Any recommendations of the agency for changes or reorganization in order to better fulfill its purpose.

(d) The committee shall take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed. An eligible agency shall be eliminated unless the Legislature enacts a law to extend, consolidate, or reorganize the eligible agency. No eligible agency shall be extended in perpetuity unless specifically exempted from the provisions of this section. The committee may recommend that the Legislature extend the statutory sunset date for no more than one year to allow the committee more time to evaluate the eligible agency.

(e) The committee shall be comprised of 10 members of the Legislature. The Senate Committee on Rules shall appoint five members of the Senate to the committee, not more than three of whom shall be members of the same political party. The Speaker of the Assembly shall appoint five members of the Assembly to the committee, not more than three of whom shall be members of the same political party. Members shall be appointed within 15 days after the commencement of the regular session. Each member of the committee who is appointed by the Senate Committee on Rules or the Speaker of the Assembly shall serve during that committee member's term of office or until that committee member no longer is a Member of the Senate or the Assembly, whichever is applicable. A vacancy on the committee shall be filled in the same manner as the original appointment. Three Assembly Members and three Senators who are members of the committee shall constitute a quorum for the conduct of committee business. Members of the committee shall receive no compensation for their work with the committee.

(f) The committee shall meet not later than 30 days after the first day of the regular session to choose a chairperson and to establish the schedule for eligible agency review provided for in the statutes governing the

eligible agencies. The chairperson of the committee shall alternate every two years between a Member of the Senate and a Member of the Assembly, and the vice chairperson of the committee shall be a member of the opposite house as the chairperson.

(g) This section shall not be construed to change the existing jurisdiction of the budget or policy committees of the Legislature.

(h) This section shall not apply to the Bureau of Medical Marijuana Regulation.

**SEC. 6.** Section 11362.775 of the Health and Safety Code is amended to read:

**11362.775.** (a) Subject to subdivision (b), qualified patients, persons with valid identification cards, and the designated primary caregivers of qualified patients and persons with identification cards, who associate within the State of California in order collectively or cooperatively to cultivate cannabis for medical purposes, shall not solely on the basis of that fact be subject to state criminal sanctions under Section 11357, 11358, 11359, 11360, 11366, 11366.5, or 11570.

(b) This section shall remain in effect only until one year after the Bureau of Medical Marijuana Regulation posts a notice on its Internet Web site that the licensing authorities have commenced issuing licenses pursuant to the Medical Marijuana Regulation and Safety Act (Chapter 3.5 (commencing with Section 19300) of Division 8 of the Business and Professions Code), and is repealed upon issuance of licenses.

**SEC. 7.** Section 147.5 is added to the Labor Code, to read:

**147.5.** (a) By January 1, 2017, the Division of Occupational Safety and Health shall convene an advisory committee to evaluate whether there is a need to develop industry-specific regulations related to the activities of facilities issued a license pursuant to Chapter 3.5 (commencing with Section 19300) of Division 8 of the Business and Professions Code.

(b) By July 1, 2017, the advisory committee shall present to the board its findings and recommendations for consideration by the board. By July 1, 2017, the board shall render a decision regarding the adoption of industry-specific regulations pursuant to this section.

**SEC. 8.** Section 31020 is added to the Revenue and Taxation Code, to read:

**31020.** The board, in consultation with the Department of Food and Agriculture, shall adopt a system for reporting the movement of commercial cannabis and cannabis products throughout the distribution chain. The system shall not be duplicative of the electronic database administered by the Department of Food and Agriculture specified in Section 19335 of the Business and Professions Code. The system shall also employ secure packaging and be capable of providing information to the board. This system shall capture, at a minimum, all of the following:

(a) The amount of tax due by the designated entity.

(b) The name, address, and license number of the designated entity that remitted the tax.

(c) The name, address, and license number of the succeeding entity receiving the product.

(d) The transaction date.

(e) Any other information deemed necessary by the board for the taxation and regulation of marijuana and marijuana products.

**SEC. 9.** The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

**SEC. 10.** The Legislature finds and declares that Section 4 of this act, which adds Section 19355 to the Business and Professions Code, thereby imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The limitation imposed under this act is necessary for purposes of compliance with the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Sec. 1320d et seq.), the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code), and the Insurance Information and Privacy Protection Act (Article 6.6 (commencing with Section 791) of Part 2 of Division 1 of the Insurance Code).

**SEC. 11.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**SEC. 12.** This act shall become operative only if Senate Bill 643 and Assembly Bill 243 of the 2015–16 Regular Session are also enacted and become operative.



**Senate Bill No. 643**

**CHAPTER 719**

An act to amend Sections 144, 2220.05, 2241.5, and 2242.1 of, to add Sections 19302.1, 19319, 19320, 19322, 19323, 19324, and 19325 to, to add Article 25 (commencing with Section 2525) to Chapter 5 of Division 2 of, and to add Article 6 (commencing with Section 19331), Article 7.5 (commencing with Section 19335), Article 8 (commencing with Section 19337), and Article 11 (commencing with Section 19348) to Chapter 3.5 of Division 8 of, the Business and Professions Code, relating to medical marijuana.

[ Approved by Governor October 09, 2015. Filed with Secretary of State  
October 09, 2015. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 643, McGuire. Medical marijuana.

(1) Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 6, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law enacted by the Legislature requires the establishment of a program for the issuance of identification cards to qualified patients so that they may lawfully use marijuana for medical purposes, and requires the establishment of guidelines for the lawful cultivation of marijuana grown for medical use. Existing law provides for the licensure of various professions by the Department of Consumer Affairs. Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of food, drugs, devices, and cosmetics, as specified. A violation of that law is a crime.

This bill would, among other things, set forth standards for a physician and surgeon prescribing medical cannabis and require the Medical Board of California to prioritize its investigative and prosecutorial resources to identify and discipline physicians and surgeons that have repeatedly recommended excessive cannabis to patients for medical purposes or repeatedly recommended cannabis to patients for medical purposes without a good faith examination, as specified. The bill would require the Bureau of Medical Marijuana to require an applicant to furnish a full set of fingerprints for the purposes of conducting criminal history record checks. The bill would prohibit a physician and surgeon who recommends cannabis to a patient for a medical purpose from accepting, soliciting, or offering any form of remuneration from a facility licensed under the Medical Marijuana Regulation and Safety Act. The bill would make a violation of this prohibition a misdemeanor, and by creating a new crime, this bill would impose a state-mandated local program.

This bill would require the Governor, under the Medical Marijuana Regulation and Safety Act, to appoint, subject to confirmation by the Senate, a chief of the Bureau of Medical Marijuana Regulation. The act would require the Department of Consumer Affairs to have the sole authority to create, issue, renew, discipline, suspend, or revoke licenses for the transportation and storage, unrelated to manufacturing, of medical marijuana, and would authorize the department to collect fees for its regulatory activities and impose specified duties on this department in this regard. The act would require the Department of Food and Agriculture to administer the provisions of the act related to, and associated with, the cultivation, and transportation of, medical cannabis

and would impose specified duties on this department in this regard. The act would require the State Department of Public Health to administer the provisions of the act related to, and associated with, the manufacturing and testing of medical cannabis and would impose specified duties on this department in this regard.

This bill would authorize counties to impose a tax upon specified cannabis-related activity.

This bill would require an applicant for a state license pursuant to the act to provide a statement signed by the applicant under penalty of perjury, thereby changing the scope of a crime and imposing a state-mandated local program.

This bill would set forth standards for the licensed cultivation of medical cannabis, including, but not limited to, establishing duties relating to the environmental impact of cannabis and cannabis products. The bill would also establish state cultivator license types, as specified.

(2) This bill would provide that its provisions are severable.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(4) Existing constitutional provisions require that a statute that limits the right of access to the meeting of public bodies or the writings of public bodies or the writings of public officials and agencies be adopted with finding demonstrating the interest protected by the limitation and the need for protecting that interest. The bill would make legislative findings to that effect.

(5) The bill would become operative only if AB 266 and AB 243 of the 2015–16 Regular Session are enacted and take effect on or before January 1, 2016.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** Section 144 of the Business and Professions Code is amended to read:

**144.** (a) Notwithstanding any other provision of law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following:

- (1) California Board of Accountancy.
- (2) State Athletic Commission.
- (3) Board of Behavioral Sciences.
- (4) Court Reporters Board of California.
- (5) State Board of Guide Dogs for the Blind.
- (6) California State Board of Pharmacy.
- (7) Board of Registered Nursing.
- (8) Veterinary Medical Board.
- (9) Board of Vocational Nursing and Psychiatric Technicians.

- (10) Respiratory Care Board of California.
- (11) Physical Therapy Board of California.
- (12) Physician Assistant Committee of the Medical Board of California.
- (13) Speech-Language Pathology and Audiology and Hearing Aid Dispenser Board.
- (14) Medical Board of California.
- (15) State Board of Optometry.
- (16) Acupuncture Board.
- (17) Cemetery and Funeral Bureau.
- (18) Bureau of Security and Investigative Services.
- (19) Division of Investigation.
- (20) Board of Psychology.
- (21) California Board of Occupational Therapy.
- (22) Structural Pest Control Board.
- (23) Contractors' State License Board.
- (24) Naturopathic Medicine Committee.
- (25) Professional Fiduciaries Bureau.
- (26) Board for Professional Engineers, Land Surveyors, and Geologists.
- (27) Bureau of Medical Marijuana Regulation.

(c) For purposes of paragraph (26) of subdivision (b), the term "applicant" shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category.

**SEC. 2.** Section 2220.05 of the Business and Professions Code is amended to read:

**2220.05.** (a) In order to ensure that its resources are maximized for the protection of the public, the Medical Board of California shall prioritize its investigative and prosecutorial resources to ensure that physicians and surgeons representing the greatest threat of harm are identified and disciplined expeditiously. Cases involving any of the following allegations shall be handled on a priority basis, as follows, with the highest priority being given to cases in the first paragraph:

- (1) Gross negligence, incompetence, or repeated negligent acts that involve death or serious bodily injury to one or more patients, such that the physician and surgeon represents a danger to the public.
- (2) Drug or alcohol abuse by a physician and surgeon involving death or serious bodily injury to a patient.
- (3) Repeated acts of clearly excessive prescribing, furnishing, or administering of controlled substances, or repeated acts of prescribing, dispensing, or furnishing of controlled substances without a good faith prior examination of the patient and medical reason therefor. However, in no event shall a physician and surgeon prescribing, furnishing, or administering controlled substances for intractable pain consistent with lawful prescribing, including, but not limited to, Sections 725, 2241.5, and 2241.6 of this code and Sections 11159.2 and 124961 of the Health and Safety Code, be prosecuted for excessive prescribing and prompt review of the applicability of these provisions shall be made in any complaint that may implicate these provisions.
- (4) Repeated acts of clearly excessive recommending of cannabis to patients for medical purposes, or repeated acts of recommending cannabis to patients for medical purposes without a good faith prior examination of the patient and a medical reason for the recommendation.
- (5) Sexual misconduct with one or more patients during a course of treatment or an examination.

(6) Practicing medicine while under the influence of drugs or alcohol.

(b) The board may by regulation prioritize cases involving an allegation of conduct that is not described in subdivision (a). Those cases prioritized by regulation shall not be assigned a priority equal to or higher than the priorities established in subdivision (a).

(c) The Medical Board of California shall indicate in its annual report mandated by Section 2312 the number of temporary restraining orders, interim suspension orders, and disciplinary actions that are taken in each priority category specified in subdivisions (a) and (b).

**SEC. 3.** Section 2241.5 of the Business and Professions Code is amended to read:

**2241.5.** (a) A physician and surgeon may prescribe for, or dispense or administer to, a person under his or her treatment for a medical condition dangerous drugs or prescription controlled substances for the treatment of pain or a condition causing pain, including, but not limited to, intractable pain.

(b) No physician and surgeon shall be subject to disciplinary action for prescribing, dispensing, or administering dangerous drugs or prescription controlled substances in accordance with this section.

(c) This section shall not affect the power of the board to take any action described in Section 2227 against a physician and surgeon who does any of the following:

(1) Violates subdivision (b), (c), or (d) of Section 2234 regarding gross negligence, repeated negligent acts, or incompetence.

(2) Violates Section 2241 regarding treatment of an addict.

(3) Violates Section 2242 or 2525.3 regarding performing an appropriate prior examination and the existence of a medical indication for prescribing, dispensing, or furnishing dangerous drugs or recommending medical cannabis.

(4) Violates Section 2242.1 regarding prescribing on the Internet.

(5) Fails to keep complete and accurate records of purchases and disposals of substances listed in the California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code) or controlled substances scheduled in the federal Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Sec. 801 et seq.), or pursuant to the federal Comprehensive Drug Abuse Prevention and Control Act of 1970. A physician and surgeon shall keep records of his or her purchases and disposals of these controlled substances or dangerous drugs, including the date of purchase, the date and records of the sale or disposal of the drugs by the physician and surgeon, the name and address of the person receiving the drugs, and the reason for the disposal or the dispensing of the drugs to the person, and shall otherwise comply with all state recordkeeping requirements for controlled substances.

(6) Writes false or fictitious prescriptions for controlled substances listed in the California Uniform Controlled Substances Act or scheduled in the federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

(7) Prescribes, administers, or dispenses in violation of this chapter, or in violation of Chapter 4 (commencing with Section 11150) or Chapter 5 (commencing with Section 11210) of Division 10 of the Health and Safety Code.

(d) A physician and surgeon shall exercise reasonable care in determining whether a particular patient or condition, or the complexity of a patient's treatment, including, but not limited to, a current or recent pattern of drug abuse, requires consultation with, or referral to, a more qualified specialist.

(e) Nothing in this section shall prohibit the governing body of a hospital from taking disciplinary actions against a physician and surgeon pursuant to Sections 809.05, 809.4, and 809.5.

**SEC. 4.** Section 2242.1 of the Business and Professions Code is amended to read:

**2242.1.** (a) No person or entity may prescribe, dispense, or furnish, or cause to be prescribed, dispensed, or furnished, dangerous drugs or dangerous devices, as defined in Section 4022, on the Internet for delivery to any person in this state, without an appropriate prior examination and medical indication, except as authorized by Section 2242.

(b) Notwithstanding any other provision of law, a violation of this section may subject the person or entity that has committed the violation to either a fine of up to twenty-five thousand dollars (\$25,000) per occurrence pursuant to a citation issued by the board or a civil penalty of twenty-five thousand dollars (\$25,000) per occurrence.

(c) The Attorney General may bring an action to enforce this section and to collect the fines or civil penalties authorized by subdivision (b).

(d) For notifications made on and after January 1, 2002, the Franchise Tax Board, upon notification by the Attorney General or the board of a final judgment in an action brought under this section, shall subtract the amount of the fine or awarded civil penalties from any tax refunds or lottery winnings due to the person who is a defendant in the action using the offset authority under Section 12419.5 of the Government Code, as delegated by the Controller, and the processes as established by the Franchise Tax Board for this purpose. That amount shall be forwarded to the board for deposit in the Contingent Fund of the Medical Board of California.

(e) If the person or entity that is the subject of an action brought pursuant to this section is not a resident of this state, a violation of this section shall, if applicable, be reported to the person's or entity's appropriate professional licensing authority.

(f) Nothing in this section shall prohibit the board from commencing a disciplinary action against a physician and surgeon pursuant to Section 2242 or 2525.3.

**SEC. 5.** Article 25 (commencing with Section 2525) is added to Chapter 5 of Division 2 of the Business and Professions Code, to read:

**Article 25. Recommending Medical Cannabis**

**2525.** (a) It is unlawful for a physician and surgeon who recommends cannabis to a patient for a medical purpose to accept, solicit, or offer any form of remuneration from or to a facility issued a state license pursuant to Chapter 3.5 (commencing with Section 19300) of Division 8, if the physician and surgeon or his or her immediate family have a financial interest in that facility.

(b) For the purposes of this section, "financial interest" shall have the same meaning as in Section 650.01.

(c) A violation of this section shall be a misdemeanor punishable by up to one year in county jail and a fine of up to five thousand dollars (\$5,000) or by civil penalties of up to five thousand dollars (\$5,000) and shall constitute unprofessional conduct.

**2525.1.** The Medical Board of California shall consult with the California Marijuana Research Program, known as the Center for Medicinal Cannabis Research, authorized pursuant to Section 11362.9 of the Health and Safety Code, on developing and adopting medical guidelines for the appropriate administration and use of medical cannabis.

**2525.2.** An individual who possesses a license in good standing to practice medicine or osteopathy issued by the Medical Board of California or the Osteopathic Medical Board of California shall not recommend medical cannabis to a patient, unless that person is the patient's attending physician, as defined by subdivision (a) of Section 11362.7 of the Health and Safety Code.

**2525.3.** Recommending medical cannabis to a patient for a medical purpose without an appropriate prior examination and a medical indication constitutes unprofessional conduct.

**2525.4.** It is unprofessional conduct for any attending physician recommending medical cannabis to be employed by, or enter into any other agreement with, any person or entity dispensing medical cannabis.

**2525.5.** (a) A person shall not distribute any form of advertising for physician recommendations for medical cannabis in California unless the advertisement bears the following notice to consumers:

NOTICE TO CONSUMERS: The Compassionate Use Act of 1996 ensures that seriously ill Californians have the right to obtain and use cannabis for medical purposes where medical use is deemed appropriate and has been

recommended by a physician who has determined that the person's health would benefit from the use of medical cannabis. Recommendations must come from an attending physician as defined in Section 11362.7 of the Health and Safety Code. Cannabis is a Schedule I drug according to the federal Controlled Substances Act. Activity related to cannabis use is subject to federal prosecution, regardless of the protections provided by state law.

(b) Advertising for attending physician recommendations for medical cannabis shall meet all of the requirements in Section 651. Price advertising shall not be fraudulent, deceitful, or misleading, including statements or advertisements of bait, discounts, premiums, gifts, or statements of a similar nature.

**SEC. 6.** Section 19302.1 is added to the Business and Professions Code, to read:

**19302.1.** (a) The Governor shall appoint a chief of the bureau, subject to confirmation by the Senate, at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director and at the pleasure of the Governor.

(b) Every power granted to or duty imposed upon the director under this chapter may be exercised or performed in the name of the director by a deputy or assistant director or by the chief, subject to conditions and limitations that the director may prescribe. In addition to every power granted or duty imposed with this chapter, the director shall have all other powers and duties generally applicable in relation to bureaus that are part of the Department of Consumer Affairs.

(c) The director may employ and appoint all employees necessary to properly administer the work of the bureau, in accordance with civil service laws and regulations.

(d) The Department of Consumer Affairs shall have the sole authority to create, issue, renew, discipline, suspend, or revoke licenses for the transportation, storage unrelated to manufacturing activities, distribution, and sale of medical marijuana within the state and to collect fees in connection with activities the bureau regulates. The bureau may create licenses in addition to those identified in this chapter that the bureau deems necessary to effectuate its duties under this chapter.

(e) The Department of Food and Agriculture shall administer the provisions of this chapter related to and associated with the cultivation of medical cannabis. The Department of Food and Agriculture shall have the authority to create, issue, and suspend or revoke cultivation licenses for violations of this chapter. The State Department of Public Health shall administer the provisions of this chapter related to and associated with the manufacturing and testing of medical cannabis.

**SEC. 7.** Section 19319 is added to the Business and Professions Code, to read:

**19319.** (a) A qualified patient, as defined in Section 11362.7 of the Health and Safety Code, who cultivates, possesses, stores, manufactures, or transports cannabis exclusively for his or her personal medical use but who does not provide, donate, sell, or distribute cannabis to any other person is not thereby engaged in commercial cannabis activity and is therefore exempt from the licensure requirements of this chapter.

(b) A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 of the Health and Safety Code, but who does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Section 11362.765 of the Health and Safety Code, is exempt from the licensure requirements of this chapter.

**SEC. 8.** Section 19320 is added to the Business and Professions Code, to read:

**19320.** (a) Licensing authorities administering this chapter may issue state licenses only to qualified applicants engaging in commercial cannabis activity pursuant to this chapter. Upon the date of implementation of regulations by the licensing authority, no person shall engage in commercial cannabis activity without possessing both a state license and a local permit, license, or other authorization. A licensee shall not commence activity under the authority of a state license until the applicant has obtained, in addition to the state license, a license or permit from the local jurisdiction in which he or she proposes to operate, following

the requirements of the applicable local ordinance.

(b) Revocation of a local license, permit, or other authorization shall terminate the ability of a medical cannabis business to operate within that local jurisdiction until the local jurisdiction reinstates or reissues the local license, permit, or other required authorization. Local authorities shall notify the bureau upon revocation of a local license. The bureau shall inform relevant licensing authorities.

(c) Revocation of a state license shall terminate the ability of a medical cannabis licensee to operate within California until the licensing authority reinstates or reissues the state license. Each licensee shall obtain a separate license for each location where it engages in commercial medical cannabis activity. However, transporters only need to obtain licenses for each physical location where the licensee conducts business while not in transport, or any equipment that is not currently transporting medical cannabis or medical cannabis products, permanently resides.

(d) In addition to the provisions of this chapter, local jurisdictions retain the power to assess fees and taxes, as applicable, on facilities that are licensed pursuant to this chapter and the business activities of those licensees.

(e) Nothing in this chapter shall be construed to supersede or limit state agencies, including the State Water Resources Control Board and Department of Fish and Wildlife, from establishing fees to support their medical cannabis regulatory programs.

**SEC. 9.** Section 19322 is added to the Business and Professions Code, to read:

**19322.** (a) A person or entity shall not submit an application for a state license issued by the department pursuant to this chapter unless that person or entity has received a license, permit, or authorization by a local jurisdiction. An applicant for any type of state license issued pursuant to this chapter shall do all of the following:

(1) Electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and arrests, and information as to the existence and content of a record of state or federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance, pending trial or appeal.

(A) The Department of Justice shall provide a response to the licensing authority pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(B) The licensing authority shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for applicants.

(C) The Department of Justice shall charge the applicant a fee sufficient to cover the reasonable cost of processing the requests described in this paragraph.

(2) Provide documentation issued by the local jurisdiction in which the proposed business is operating certifying that the applicant is or will be in compliance with all local ordinances and regulations.

(3) Provide evidence of the legal right to occupy and use the proposed location. For an applicant seeking a cultivator, distributor, manufacturing, or dispensary license, provide a statement from the owner of real property or their agent where the cultivation, distribution, manufacturing, or dispensing commercial medical cannabis activities will occur, as proof to demonstrate the landowner has acknowledged and consented to permit cultivation, distribution, manufacturing, or dispensary activities to be conducted on the property by the tenant applicant.

(4) If the application is for a cultivator or a dispensary, provide evidence that the proposed location is located beyond at least a 600-foot radius from a school, as required by Section 11362.768 of the Health and Safety Code.

(5) Provide a statement, signed by the applicant under penalty of perjury, that the information provided is complete, true, and accurate.

(6) (A) For an applicant with 20 or more employees, provide a statement that the applicant will enter into, or demonstrate that it has already entered into, and abide by the terms of a labor peace agreement.

(B) For the purposes of this paragraph, "employee" does not include a supervisor.

(C) For purposes of this paragraph, "supervisor" means an individual having authority, in the interest of the licensee, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(7) Provide the applicant's seller's permit number issued pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code or indicate that the applicant is currently applying for a seller's permit.

(8) Provide any other information required by the licensing authority.

(9) For an applicant seeking a cultivation license, provide a statement declaring the applicant is an "agricultural employer," as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law.

(10) For an applicant seeking licensure as a testing laboratory, register with the State Department of Public Health and provide any information required by the State Department of Public Health.

(11) Pay all applicable fees required for licensure by the licensing authority.

(b) For applicants seeking licensure to cultivate, distribute, or manufacture medical cannabis, the application shall also include a detailed description of the applicant's operating procedures for all of the following, as required by the licensing authority:

(1) Cultivation.

(2) Extraction and infusion methods.

(3) The transportation process.

(4) Inventory procedures.

(5) Quality control procedures.

**SEC. 10.** Section 19323 is added to the Business and Professions Code, to read:

**19323.** (a) The licensing authority shall deny an application if either the applicant or the premises for which a state license is applied do not qualify for licensure under this chapter.

(b) The licensing authority may deny the application for licensure or renewal of a state license if any of the following conditions apply:

(1) Failure to comply with the provisions of this chapter or any rule or regulation adopted pursuant to this chapter, including but not limited to, any requirement imposed to protect natural resources, instream flow, and water quality pursuant to subdivision (a) of Section 19332.

(2) Conduct that constitutes grounds for denial of licensure pursuant to Chapter 2 (commencing with Section 480) of Division 1.5.

(3) A local agency has notified the licensing authority that a licensee or applicant within its jurisdiction is in violation of state rules and regulation relating to commercial cannabis activities, and the licensing authority, through an investigation, has determined that the violation is grounds for termination or revocation of the license. The licensing authority shall have the authority to collect reasonable costs, as determined by the licensing authority, for investigation from the licensee or applicant.

(4) The applicant has failed to provide information required by the licensing authority.

(5) The applicant or licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the licensing authority determines that the applicant or licensee is otherwise suitable to be issued a license and granting the license would not compromise public safety, the licensing authority shall conduct a thorough review of the

nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant or licensee to be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the licensing authority shall include, but not be limited to, the following:

- (A) A felony conviction for the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance.
- (B) A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.
- (C) A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.
- (D) A felony conviction involving fraud, deceit, or embezzlement.
- (6) The applicant, or any of its officers, directors, or owners, is a licensed physician making patient recommendations for medical cannabis pursuant to Section 11362.7 of the Health and Safety Code.
- (7) The applicant or any of its officers, directors, or owners has been subject to fines or penalties for cultivation or production of a controlled substance on public or private lands pursuant to Section 12025 or 12025.1 of the Fish and Game Code.
- (8) The applicant, or any of its officers, directors, or owners, has been sanctioned by a licensing authority or a city, county, or city and county for unlicensed commercial medical cannabis activities or has had a license revoked under this chapter in the three years immediately preceding the date the application is filed with the licensing authority.
- (9) Failure to obtain and maintain a valid seller's permit required pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code.

**SEC. 11.** Section 19324 is added to the Business and Professions Code, to read:

**19324.** Upon the denial of any application for a license, the licensing authority shall notify the applicant in writing. Within 30 days of service of the notice, the applicant may file a written petition for a license with the licensing authority. Upon receipt of a timely filed petition, the licensing authority shall set the petition for hearing. The hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director of each licensing authority shall have all the powers granted therein.

**SEC. 12.** Section 19325 is added to the Business and Professions Code, to read:

**19325.** An applicant shall not be denied a state license if the denial is based solely on any of the following:

- (a) A conviction or act that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made for which the applicant or licensee has obtained a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.
- (b) A conviction that was subsequently dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

**SEC. 13.** Article 6 (commencing with Section 19331) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

**Article 6. Licensed Cultivation Sites**

**19331.** The Legislature finds and declares all of the following:

- (a) The United States Environmental Protection Agency has not established appropriate pesticide tolerances for, or permitted the registration and lawful use of, pesticides on cannabis crops intended for human consumption pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).
- (b) The use of pesticides is not adequately regulated due to the omissions in federal law, and cannabis cultivated in California for California patients can and often does contain pesticide residues.

(c) Lawful California medical cannabis growers and caregivers urge the Department of Pesticide Regulation to provide guidance, in absence of federal guidance, on whether the pesticides currently used at most cannabis cultivation sites are actually safe for use on cannabis intended for human consumption.

**19332.** (a) The Department of Food and Agriculture shall promulgate regulations governing the licensing of indoor and outdoor cultivation sites.

(b) The Department of Pesticide Regulation, in consultation with the Department of Food and Agriculture, shall develop standards for the use of pesticides in cultivation, and maximum tolerances for pesticides and other foreign object residue in harvested cannabis.

(c) The State Department of Public Health shall develop standards for the production and labeling of all edible medical cannabis products.

(d) The Department of Food and Agriculture, in consultation with the Department of Fish and Wildlife and the State Water Resources Control Board, shall ensure that individual and cumulative effects of water diversion and discharge associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability.

(e) The Department of Food and Agriculture shall have the authority necessary for the implementation of the regulations it adopts pursuant to this chapter. The regulations shall do all of the following:

(1) Provide that weighing or measuring devices used in connection with the sale or distribution of medical cannabis are required to meet standards equivalent to Division 5 (commencing with Section 12001).

(2) Require that cannabis cultivation by licensees is conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, agricultural discharges, and similar matters. Nothing in this chapter, and no regulation adopted by the department, shall be construed to supersede or limit the authority of the State Water Resources Control Board, regional water quality control boards, or the Department of Fish and Wildlife to implement and enforce their statutory obligations or to adopt regulations to protect water quality, water supply, and natural resources.

(3) Establish procedures for the issuance and revocation of unique identifiers for activities associated with a cannabis cultivation license, pursuant to Article 8 (commencing with Section 19337). All cannabis shall be labeled with the unique identifier issued by the Department of Food and Agriculture.

(4) Prescribe standards, in consultation with the bureau, for the reporting of information as necessary related to unique identifiers, pursuant to Article 8 (commencing with Section 19337).

(f) The Department of Pesticide Regulation, in consultation with the State Water Resources Control Board, shall promulgate regulations that require that the application of pesticides or other pest control in connection with the indoor or outdoor cultivation of medical cannabis meets standards equivalent to Division 6 (commencing with Section 11401) of the Food and Agricultural Code and its implementing regulations.

(g) State cultivator license types issued by the Department of Food and Agriculture include:

(1) Type 1, or "specialty outdoor," for outdoor cultivation using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.

(2) Type 1A, or "specialty indoor," for indoor cultivation using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises.

(3) Type 1B, or "specialty mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of less than or equal to 5,000 square feet of total canopy size on one premises.

(4) Type 2, or "small outdoor," for outdoor cultivation using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(5) Type 2A, or "small indoor," for indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(6) Type 2B, or "small mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square

feet, inclusive, of total canopy size on one premises.

(7) Type 3, or "outdoor," for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(8) Type 3A, or "indoor," for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(9) Type 3B, or "mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(10) Type 4, or "nursery," for cultivation of medical cannabis solely as a nursery. Type 4 licensees may transport live plants.

**19332.5.** (a) Not later than January 1, 2020, the Department of Food and Agriculture in conjunction with the bureau, shall make available a certified organic designation and organic certification program for medical marijuana, if permitted under federal law and the National Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.)), and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code.

(b) The bureau may establish appellations of origin for marijuana grown in California.

(c) It is unlawful for medical marijuana to be marketed, labeled, or sold as grown in a California county when the medical marijuana was not grown in that county.

(d) It is unlawful to use the name of a California county in the labeling, marketing, or packaging of medical marijuana products unless the product was grown in that county.

**19333.** An employee engaged in commercial cannabis cultivation activity shall be subject to Wage Order 4-2001 of the Industrial Welfare Commission.

**SEC. 14.** Article 7.5 (commencing with Section 19335) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

**Article 7.5. Unique Identifier and Track and Trace Program**

**19335.** (a) The Department of Food and Agriculture, in consultation with the bureau, shall establish a track and trace program for reporting the movement of medical marijuana items throughout the distribution chain that utilizes a unique identifier pursuant to Section 11362.777 of the Health and Safety Code and secure packaging and is capable of providing information that captures, at a minimum, all of the following:

(1) The licensee receiving the product.

(2) The transaction date.

(3) The cultivator from which the product originates, including the associated unique identifier, pursuant to Section 11362.777 of the Health and Safety Code.

(b) (1) The Department of Food and Agriculture shall create an electronic database containing the electronic shipping manifests which shall include, but not be limited to, the following information:

(A) The quantity, or weight, and variety of products shipped.

(B) The estimated times of departure and arrival.

(C) The quantity, or weight, and variety of products received.

(D) The actual time of departure and arrival.

(E) A categorization of the product.

(F) The license number and the unique identifier pursuant to Section 11362.777 of the Health and Safety Code issued by the licensing authority for all licensees involved in the shipping process, including cultivators, transporters, distributors, and dispensaries.

(2) (A) The database shall be designed to flag irregularities for all licensing authorities in this chapter to investigate. All licensing authorities pursuant to this chapter may access the database and share information related to licensees under this chapter, including social security and individual taxpayer identifications notwithstanding Section 30.

(B) The Department of Food and Agriculture shall immediately inform the bureau upon the finding of an irregularity or suspicious finding related to a licensee, applicant, or commercial cannabis activity for investigatory purposes.

(3) Licensing authorities and state and local agencies may, at any time, inspect shipments and request documentation for current inventory.

(4) The bureau shall have 24-hour access to the electronic database administered by the Department of Food and Agriculture.

(5) The Department of Food and Agriculture shall be authorized to enter into memoranda of understandings with licensing authorities for data sharing purposes, as deemed necessary by the Department of Food and Agriculture.

(6) Information received and contained in records kept by the Department of Food and Agriculture or licensing authorities for the purposes of administering this section are confidential and shall not be disclosed pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), except as necessary for authorized employees of the State of California or any city, county, or city and county to perform official duties pursuant to this chapter or a local ordinance.

(7) Upon the request of a state or local law enforcement agency, licensing authorities shall allow access to or provide information contained within the database to assist law enforcement in their duties and responsibilities pursuant to this chapter.

**19336.** (a) Chapter 4 (commencing with Section 55121) of Part 30 of Division 2 of the Revenue and Taxation Code shall apply with respect to the bureau's collection of the fees, civil fines, and penalties imposed pursuant to this chapter.

(b) Chapter 8 (commencing with Section 55381) of Part 30 of Division 2 of the Revenue and Taxation Code shall apply with respect to the disclosure of information under this chapter.

**SEC. 15.** Article 8 (commencing with Section 19337) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

**Article 8. Licensed Transporters**

**19337.** (a) A licensee authorized to transport medical cannabis and medical cannabis products between licenses shall do so only as set forth in this chapter.

(b) Prior to transporting medical cannabis or medical cannabis products, a licensed transporter of medical cannabis or medical cannabis products shall do both of the following:

(1) Complete an electronic shipping manifest as prescribed by the licensing authority. The shipping manifest must include the unique identifier, pursuant to Section 11362.777 of the Health and Safety Code, issued by the Department of Food and Agriculture for the original cannabis product.

(2) Securely transmit the manifest to the bureau and the licensee that will receive the medical cannabis product. The bureau shall inform the Department of Food and Agriculture of information pertaining to commercial cannabis activity for the purpose of the track and trace program identified in Section 19335.

(c) During transportation, the licensed transporter shall maintain a physical copy of the shipping manifest and make it available upon request to agents of the Department of Consumer Affairs and law enforcement officers.

(d) The licensee receiving the shipment shall maintain each electronic shipping manifest and shall make it

available upon request to the Department of Consumer Affairs and any law enforcement officers.

(e) Upon receipt of the transported shipment, the licensee receiving the shipment shall submit to the licensing agency a record verifying receipt of the shipment and the details of the shipment.

(f) Transporting, or arranging for or facilitating the transport of, medical cannabis or medical cannabis products in violation of this chapter is grounds for disciplinary action against the license.

**19338.** (a) This chapter shall not be construed to authorize or permit a licensee to transport or cause to be transported cannabis or cannabis products outside the state, unless authorized by federal law.

(b) A local jurisdiction shall not prevent transportation of medical cannabis or medical cannabis products on public roads by a licensee transporting medical cannabis or medical cannabis products in compliance with this chapter.

**SEC. 16.** Article 11 (commencing with Section 19348) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

**Article 11. Taxation**

**19348.** (a) (1) A county may impose a tax on the privilege of cultivating, dispensing, producing, processing, preparing, storing, providing, donating, selling, or distributing medical cannabis or medical cannabis products by a licensee operating pursuant to this chapter.

(2) The board of supervisors shall specify in the ordinance proposing the tax the activities subject to the tax, the applicable rate or rates, the method of apportionment, if necessary, and the manner of collection of the tax. The tax may be imposed for general governmental purposes or for purposes specified in the ordinance by the board of supervisors.

(3) In addition to any other method of collection authorized by law, the board of supervisors may provide for the collection of the tax imposed pursuant to this section in the same manner, and subject to the same penalties and priority of lien, as other charges and taxes fixed and collected by the county. A tax imposed pursuant to this section is a tax and not a fee or special assessment. The board of supervisors shall specify whether the tax applies throughout the entire county or within the unincorporated area of the county.

(4) The tax authorized by this section may be imposed upon any or all of the activities set forth in paragraph (1), as specified in the ordinance, regardless of whether the activity is undertaken individually, collectively, or cooperatively, and regardless of whether the activity is for compensation or gratuitous, as determined by the board of supervisors.

(b) A tax imposed pursuant to this section shall be subject to applicable voter approval requirements imposed by law.

(c) This section is declaratory of existing law and does not limit or prohibit the levy or collection of any other fee, charge, or tax, or a license or service fee or charge upon, or related to, the activities set forth in subdivision (a) as otherwise provided by law. This section shall not be construed as a limitation upon the taxing authority of a county as provided by law.

(d) This section shall not be construed to authorize a county to impose a sales or use tax in addition to the sales and use tax imposed under an ordinance conforming to the provisions of Sections 7202 and 7203 of the Revenue and Taxation Code.

**SEC. 17.** The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

**SEC. 18.** The Legislature finds and declares that Section 14 of this act, which adds Section 19335 to the Business and Professions Code, thereby imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The limitation imposed under this act is necessary for purposes of compliance with the federal Health Insurance

Portability and Accountability Act of 1996 (42 U.S.C. Sec. 1320d et seq.), the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code), and the Insurance Information and Privacy Protection Act (Article 6.6 (commencing with Section 791) of Part 2 of Division 1 of the Insurance Code).

**SEC. 19.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**SEC. 20.** This act shall become operative only if Assembly Bill 266 and Assembly Bill 243 of the 2015–16 Session are enacted and take effect on or before January 1, 2016.



Contra  
Costa  
County

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: December 15, 2015

Subject: APPROVE the Balfour Road Shoulder Widening Project and related actions under the California Environmental Quality Act, Brentwood area.

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**RECOMMENDATION(S):**

APPROVE the Balfour Road Shoulder Widening Project (Project) and AUTHORIZE the Public Works Director, or designee, to advertise the Project, Brentwood area. [Project No. 0662-6R4002] DCD-CP# 15-06 (District III), and

FIND, on the basis of the Initial Study/Mitigated Negative Declaration and all comments received and staff responses contained herein, that there is no substantial evidence the Project may have significant effect on the environment, and

ADOPT the Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program in compliance with the California Environmental Quality Act (CEQA), pursuant to Article 6, Section 15070(a), (the custodian of which is the Department of Conservation and Development Director who is located at 30 Muir Road, Martinez, CA), and

DIRECT the Director of Conservation and Development to file a Notice of Determination with the County Clerk, and

AUTHORIZE the Public Works Director to arrange for payment of \$2,210 for California Department of Fish and Wildlife fees, a \$50 fee to the County Clerk for filing the Notice of Determination, and a \$25 fee to Department of Conservation and Development for processing.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Leigh Chavez (925)  
313-2366

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

By: , Deputy

cc: L. Mangabay, Public Works Finance Division, C. Gemberling, Public Works, Environmental Division, A. Huerta, Public Works, Design/Construction Division

### FISCAL IMPACT:

100% Discovery Bay Mitigation Fund.

### BACKGROUND:

The project will widen Balfour Road from Sellers Avenue in Brentwood to Bixler Road in Discovery Bay to bring the shoulders up to current design standard to provide a driver recovery area and a bike lane. The project segment is approximately three miles long and is a narrow, substandard two-lane road that receives substantial traffic at high speeds. It is used as a thoroughfare between Brentwood and Discovery Bay as well as a commuter route to State Route 4.

The project consists of widening the existing 18 to 20-foot pavement width to 36 feet wide (two 12-foot wide travel lanes with 6-foot wide paved shoulders/bike lanes and two-foot wide shoulder backing on each side). The project does not increase the number of travel lanes and will, therefore, not increase the capacity of the roadway. The majority of the widening will occur along the south side of Balfour Road. The segment between Sellers Avenue and Byron Highway will require adding 16 to 28 feet of asphalt pavement along the south side. The segment between Byron Highway and Bixler Road will require adding 16 to 18 feet of asphalt pavement primarily along the south side of the road. Left turn pocket lanes will be added on the east and west legs of Balfour Road at Byron Highway, and a left turn pocket lane will be added on the west leg of Balfour Road at Bixler Road. A drainage system consisting of an open roadside ditch and underground pipe along the south side of the road will be installed to collect and convey roadside runoff.

Utility relocations include Pacific Gas & Electric (PG&E) poles and at-grade vaults, AT&T telephone manholes and poles, East Contra Costa Irrigation District (ECCID) underground irrigation pipes and channel crossing headwalls, and TV cable lines. The utility relocations will occur primarily along the north side of the road and will be placed between the proposed edge of road and proposed right-of-way (ROW). The ECCID holds easements and fee titles within some of the parcels where they have their canal and underground pipe facilities.

The existing County road ROW varies from 40 to 100 feet. CCCPWD will need to acquire strips of land along parcel frontages where the existing ROW cannot accommodate the shoulder widening and utility relocations. The strips of land to be acquired vary between 5 to 15 feet along the north side of Balfour Road from various parcels and between 5 to 44 feet from various parcels along the south side of the road which total approximately 12.7 acres. Residential landscape trees and shrubs (approximately 27) and fences within the proposed ROW will be removed, and mailboxes will be relocated. Temporary construction easements will also be needed from some of the parcels for construction staging areas. Therefore, real property transactions will be necessary in support of the project.

Construction is anticipated to occur in 2017 and will take approximately six months to complete. Signs announcing the construction start date will be posted in the project vicinity seven days prior to start of construction. Standard construction equipment will be used, including but not limited to: excavators, graders, loaders, sweepers/scrubbers, plate compactors, rollers, backhoes, and pavers. Construction activities will be generally limited to the hours between 7:00 a.m. to 5:00 p.m. Traffic control will be in place for westbound traffic to accommodate morning commute traffic, whereas eastbound traffic will be directed to a posted detour route which is anticipated to occur up to 18 weeks.

### CONSEQUENCE OF NEGATIVE ACTION:

Delay in approving the project may result in a delay of design, construction, and may jeopardize funding.

### CHILDREN'S IMPACT STATEMENT:

### ATTACHMENTS

Notice of Determination

CEQA Packet

CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF DETERMINATION

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

State Clearinghouse Number: 2015052041
Project Title: Balfour Road Shoulder Widening
CP#: 15-06; WO#: 0662-6R4002

Project Applicant: Contra Costa County Public Works Department

Project Location: Sellers Avenue (Brentwood) to Bixler Road (Discovery Bay), East Contra Costa County (Figure 1)

Project Description: Contra Costa County Public Works Department (CCCPWD) plans to widen Balfour Road to bring the shoulders up to current design standard to provide a driver recovery area and a bike lane. The project segment is approximately three miles long and is a narrow, two-lane road that receives substantial traffic as it is used as a thoroughfare between Brentwood and Discovery Bay as well as a commuter route to State Route 4. The project consists of widening the existing 18- to 20-foot pavement width to 36 feet wide (two 12-foot wide travel lanes with 6-foot wide paved shoulders/bike lanes and 2-foot wide shoulder backing on each side). The project does not increase the number of travel lanes and will therefore not increase the capacity of the roadway. The majority of the widening will occur along the south side of Balfour Road. The segment between Byron Highway and Bixler Road will require adding 16 to 18 feet of asphalt pavement primarily along the south side of the road. The segment between Sellers Avenue and Byron Highway will require adding 16 to 28 feet of asphalt pavement along the south side. Left turn lane pockets will be added on the east and west legs of Balfour Road at Byron Highway and a left turn pocket lane will be added on the west leg of Balfour Road at Bixler Road. A drainage system consisting of an open roadside ditch and underground pipe will be installed to collect and convey roadside runoff. The existing County road ROW varies from 40 feet to 100 feet. CCCPWD will need to acquire strips of land in those areas where the existing ROW cannot accommodate the shoulder widening, and utility relocations. The strips of land to be acquired vary between 5 to 15 feet along the north side of Balfour Road from various parcels and between 5 to 44 feet from various parcels along the south side of the road. The ECCID holds easements and fee titles within some of the parcels where they have their canal and underground pipe facilities. Residential landscape trees and fences located within the proposed ROW will need to be removed. Temporary construction easements will also be needed for construction staging areas. Construction of the project is anticipated to start in 2017 and take approximately six months to complete.

The project was approved on:

- 1. The project [ ] will [X] will not have a significant effect on the environment.
- 2. [ ] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [X] A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- 3. Mitigation measures [X] were [ ] were not made a condition of the approval of the project.
- 4. A mitigation reporting or monitoring plan [X] was [ ] was not adopted for this project.
- 5. A statement of Overriding Considerations [ ] was [X] was not adopted for this project.
- 6. Findings [X] were [ ] were not made pursuant to the provisions of CEQA.

Notice of Determination was sent to Office of Planning and Research.\*

This is to certify that the final Mitigated Negative Declaration with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at:

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

Signature (Contra Costa County): Title:

Date: Date Received for filing at OPR:

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:

Table with 3 columns: Applicant, Department of Fish and Game Fees Due, and Total Due. Applicant: Public Works Department, 255 Glacier Drive, Martinez, CA 94553, Attn: Claudia Gemberling, Environmental Services Division, Phone: (925) 313-2192. Department of Fish and Game Fees Due: EIR - \$3,069.75, Neg. Dec. - \$2,210.00, DeMinimis Findings - \$0, County Clerk - \$50, Conservation & Development - \$25. Total Due: \$2,285.00, Total Paid \$, Receipt #.

\*Notice of Determination may be sent by fax to (916) 323-3018, if followed up with a duplicate mailed copy.

**Department of  
Conservation and  
Development**

30 Muir Road  
Martinez, CA 94553

Phone: 1-855-323-2626

**Contra  
Costa  
County**



November 5, 2015

**John Kopchik**  
Director

**Aruna Bhat**  
Deputy Director

**Jason Crapo**  
Deputy Director

**Maureen Toms**  
Deputy Director



**NOTICE OF PUBLIC REVIEW AND INTENT  
TO ADOPT A PROPOSED MITIGATED NEGATIVE DECLARATION**

**County File No. CP 15-06**

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 and Development of Contra Costa County has prepared an Initial Study for the following project:

**PROJECT NAME:** Balfour Road Shoulder Widening

**LEAD AGENCY:** Contra Costa County Department of Conservation and Development

**APPLICANT:** Contra Costa County Public Works Department

**LOCATION:** Between Sellers Avenue (Brentwood) to Bixler Road (Discovery Bay), East Contra Costa County

**ZONING:** A-4, 40 (Agricultural Preserve)

**DESCRIPTION:** Contra Costa County Public Works Department (CCCPWD) plans to widen Balfour Road from Sellers Avenue in Brentwood to Bixler Road in Discovery Bay in an unincorporated area of East Contra Costa County to bring the shoulders up to current design standard and provide a driver recovery area and a bike lane (Figures 1 and 2). The project segment is approximately three miles long and is a narrow, substandard two-lane road that receives substantial traffic at high speeds. The project segment serves as a thoroughfare between Brentwood and Discovery Bay as well as a commuter route to State Route 4.

The project consists of widening the existing 18- to 20-foot pavement width to 36 feet wide (two 12-foot wide travel lanes with 6-foot wide paved shoulders/bike lanes and 2-foot wide shoulder backing on each side). The project does not increase the number of

travel lanes and will therefore not increase the capacity of the roadway. The majority of the widening will occur along the south side of Balfour Road. The segment between

Sellers Avenue and Byron Highway will require adding 16 to 28 feet of asphalt pavement along the south side. The segment between Byron Highway and Bixler Road will require adding 16 to 18 feet of asphalt pavement primarily along the south side of the road. Left turn pocket lanes will be added on the east and west legs of Balfour Road at Byron Highway and a left turn pocket lane will be added on the west leg of Balfour Road at Bixler Road (Figure 3). A drainage system consisting of an open roadside ditch and underground pipe along the south side of the road will be installed to collect and convey roadside runoff.

Utility relocations include Pacific Gas & Electric (PG&E) poles and at-grade vaults, AT&T telephone manholes and poles, East Contra Costa Irrigation District (ECCID) underground irrigation pipes and channel crossing headwalls, and TV cable lines. The utility relocations will occur primarily along the north side of the road and will be placed between the proposed edge of road and proposed right-of-way (ROW). The ECCID holds easements and fee titles within some of the parcels where they have their canal and underground pipe facilities.

The existing road ROW varies from 40 to 100 feet. CCCPWD will need to acquire strips of land along parcel frontages where the existing ROW cannot accommodate the shoulder widening and utility relocations. The strips of land to be acquired vary between 5 to 15 feet along the north side of Balfour Road from various parcels and between 5 to 44 feet from various parcels along the south side of the road which total approximately 12.7 acres (Figure 3). Residential landscape trees and shrubs (approximately 27) and fences within the proposed ROW will be removed; mailboxes will be relocated. Temporary construction easements will also be needed from some parcels for construction staging areas (Figure 3). Therefore, real property transactions will be necessary in support of the project.

Construction is anticipated to occur in 2017 and will take approximately six months to complete. Signs announcing the construction start date will be posted in the project vicinity seven days prior to start of construction. Standard construction equipment will be used, including but not limited to: excavators, graders, loaders, sweepers/scrubbers, plate compactors, rollers, backhoes, and pavers. Construction activities will be generally limited to the hours between 7:00 a.m. to 5:00 p.m. Traffic control will be in place for westbound traffic to accommodate morning commute traffic whereas eastbound traffic will be directed to a posted detour route which is anticipated to occur up to 18 weeks (Figure 2).

**ENVIRONMENTAL EFFECTS:** The Initial Study (IS) for the proposed project identified potentially significant impacts in the environmental area of Agricultural Resources and Biological Resources. Environmental analysis determined that measures were available to mitigate potential adverse impacts to insignificant levels. As a result, a Mitigated Negative Declaration (MND) has been prepared pursuant to Public Resources Code Section 21080(c), 21063.5, and Article 6 of the California Environmental Quality Act (CEQA) Guidelines.

Pursuant to the requirements of CEQA (CEQA Guidelines Section 15071) the Initial Study/Mitigated Negative Declaration (IS/MND) describes the proposed project; identifies, analyzes, and evaluates the potential significant environmental impacts, which may result from the proposed project; and identifies measures to mitigate adverse environmental impacts. Mitigations identified in this document designed for the proposed project will ensure that the project will not cause a significant impact on the environment.

A copy of the IS/MND may be reviewed at the Contra Costa County Public Works Department, 255 Glacier Drive, Martinez, during normal business hours. You may also view the IS/MND on the County's webpage: <http://www.co.contra-costa.ca.us> (Click on Government, Departments H-Z, Public Works, Public Notices and/or Department of Conservation and Development, Projects). All documents referenced in the IS/MND are available on request.

**PUBLIC COMMENT PERIOD:** The 30-day public comment period for accepting comments on the adequacy of the environmental document is from **November 6, 2015 to December 7, 2015**. Any comments should be in writing and submitted to the following address and/or mail address:

Claudia Gemberling, Environmental Analyst II  
Contra Costa County Public Works Department  
255 Glacier Drive  
Martinez, CA 94553  
[claudia.gemberling@pw.cccounty.us](mailto:claudia.gemberling@pw.cccounty.us)

It is anticipated that the proposed IS/MND will be considered for adoption at the County Board of Supervisors meeting on **December 8, 2015**. To confirm the Board date, please contact Claudia Gemberling at (925) 313-2192.

Attachments: Figure 1: Project Location  
Figure 2: Location of Project Area  
Figure 3: Project Overview

PUBLIC WORKS DEPARTMENT  
INITIAL STUDY OF  
ENVIRONMENTAL SIGNIFICANCE

PROJECT NUMBER: 0662-6R4002

CP# 15-06

PROJECT NAME: Balfour Road Shoulder Widening

PREPARED BY: Claudia Gemberling, Environmental Analyst II

DATE: November 5, 2015

APPROVED BY: [Signature]

DATE: 11/5/2015

**RECOMMENDATIONS:**

☐ Categorical Exemption [Class ]

☐ 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: There is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment pursuant to **Section 15063 (b) (2)** of the CEQA Guidelines.

What changes to the project would mitigate the identified impacts: N/A

USGS Quad Sheet: Brentwood, Woodward Island	Base Map Sheet #: M27	Parcel #: N/A
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**GENERAL CONSIDERATIONS:**

- Location:** The project is located on Balfour Road between Sellers Avenue in Brentwood and Bixler Road in Discovery Bay, east Contra Costa County (Figure 1).
- Project Description:** Contra Costa County Public Works Department (CCCPWD) plans to widen Balfour Road from Sellers Avenue in Brentwood to Bixler Road in Discovery Bay in an unincorporated area of East Contra Costa County to bring the shoulders up to current design standard and provide a driver recovery area and a bike lane (Figures 1 and 2). The project segment is approximately three miles long and is a narrow, substandard two-lane road that receives substantial traffic at high speeds. The project segment serves as a thoroughfare between Brentwood and Discovery Bay as well as a commuter route to State Route 4.

The project consists of widening the existing 18- to 20-foot pavement width to 36 feet wide (two 12-foot wide travel lanes with 6-foot wide paved shoulders/bike lanes and 2-foot wide shoulder backing on each side). The project does not increase the number of travel lanes and will therefore not increase the capacity of the roadway. The majority of the widening will occur along the south side of Balfour Road. The segment between Sellers Avenue and Byron Highway will require adding 16 to 28 feet of asphalt pavement along the south side. The segment between Byron Highway and Bixler Road will require adding 16 to 18 feet of asphalt pavement primarily along the south side of the road. Left turn pocket lanes will be added on the east and west legs of Balfour Road at Byron Highway and a left turn pocket lane will be added on the west leg of Balfour Road at Bixler Road (Figure 3). A drainage system consisting of an open roadside ditch and underground pipe along the south side of the road will be installed to collect and convey roadside runoff.

Utility relocations include Pacific Gas & Electric (PG&E) poles and at-grade vaults, AT&T telephone manholes and poles, East Contra Costa Irrigation District (ECCID) underground irrigation pipes and channel crossing headwalls, and TV cable lines. The utility relocations will occur primarily along the north side of the road and will be placed between the proposed edge of road and proposed right-of-way (ROW). The ECCID holds easements and fee titles within some of the parcels where they have their canal and underground pipe facilities.

# Contra Costa County

The existing road ROW varies from 40 to 100 feet. CCCPWD will need to acquire strips of land along parcel frontages where the existing ROW cannot accommodate the shoulder widening and utility relocations. The strips of land to be acquired vary between 5 to 15 feet along the north side of Balfour Road from various parcels and between 5 to 44 feet from various parcels along the south side of the road which total approximately 12.7 acres (Figure 3). Residential landscape trees and shrubs (approximately 27) and fences within the proposed ROW will be removed; mailboxes will be relocated. Temporary construction easements will also be needed from some parcels for construction staging areas (Figure 3). Therefore, real property transactions will be necessary in support of the project.

Construction is anticipated to occur in 2017 and will take approximately six months to complete. Signs announcing the construction start date will be posted in the project vicinity seven days prior to start of construction. Standard construction equipment will be used, including but not limited to: excavators, graders, loaders, sweepers/scrubbers, plate compactors, rollers, backhoes, and pavers. Construction activities will be generally limited to the hours between 7:00 a.m. to 5:00 p.m. Traffic control will be in place for westbound traffic to accommodate morning commute traffic whereas eastbound traffic will be directed to a posted detour route which is anticipated to occur up to 18 weeks (Figure 2).

Evaluation of the project has determined that the project will not have a significant impact on the environment or to humans. There are no natural or historic resources of importance that will be impacted due to absence in the project area or implementation of mitigation and avoidance and minimization measures described in the Agricultural Resources, Biological Resources, and Cultural Resources sections. The project will not significantly impact humans and associated environments as impacts will be limited and avoidance and minimization measures will be implemented as described in the Air Quality, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation/Traffic sections. Other known projects in the area would not result in significant cumulative impacts as they are limited and would provide beneficial improvements to the community as described in the Mandatory Findings of Significance section.

**3. Does it appear that any feature of the project will generate significant public concern?**

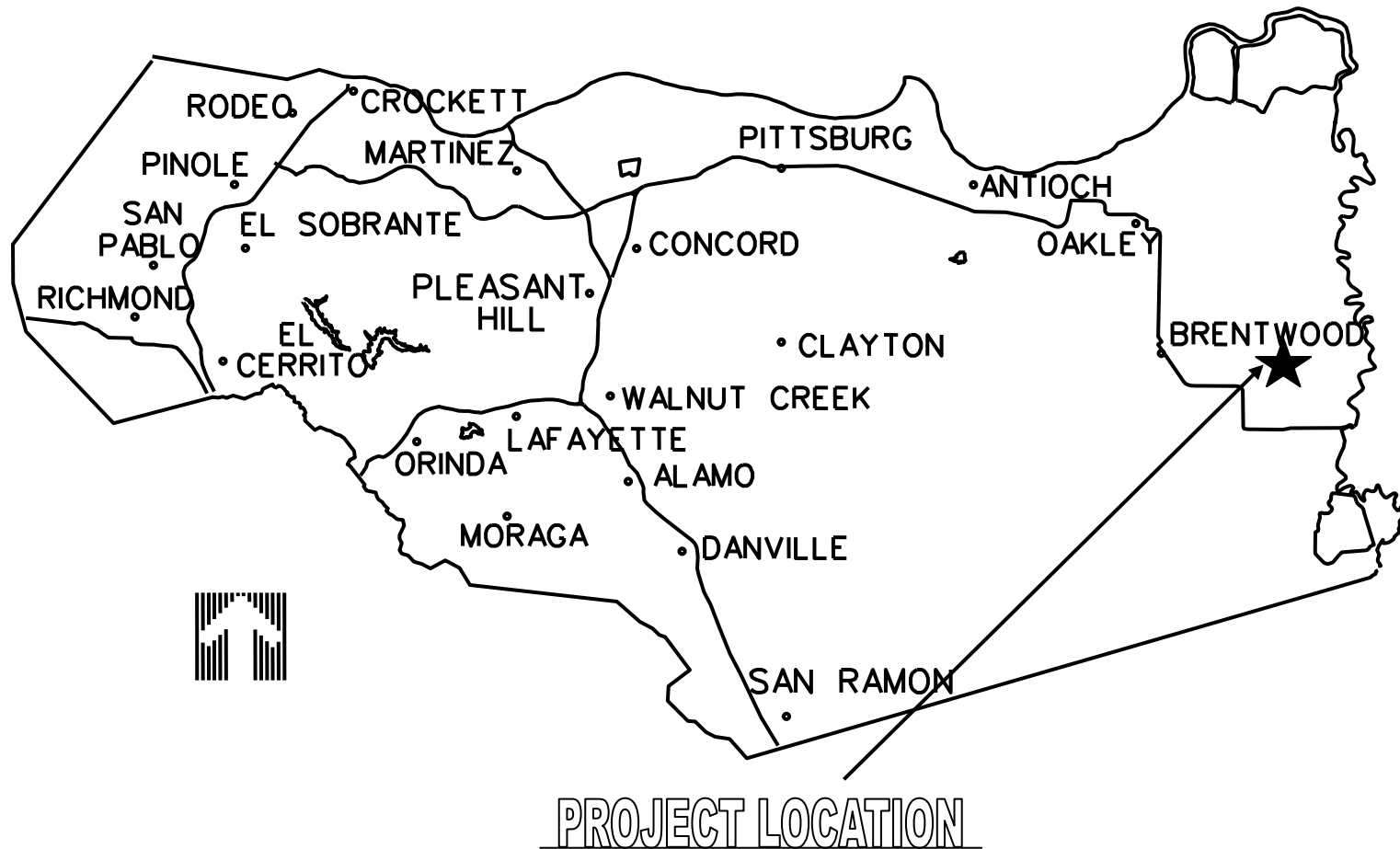
☐ Yes ☒ No ☐ Maybe (Nature of concern):

**4. Will the project require approval or permits by other than a County agency?**

☒ Yes ☐ No

**5. Is the project within the Sphere of Influence of any city? No**

# CONTRA COSTA COUNTY CALIFORNIA



**FIGURE 1**

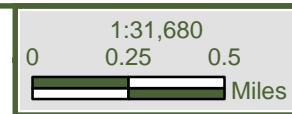


November 2015

Legend

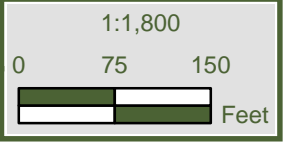
Project Area

**Figure 2**  
**Location of the Project Area**  
 Balfour Road Shoulder Widening Project  
 Contra Costa County Public Works Department

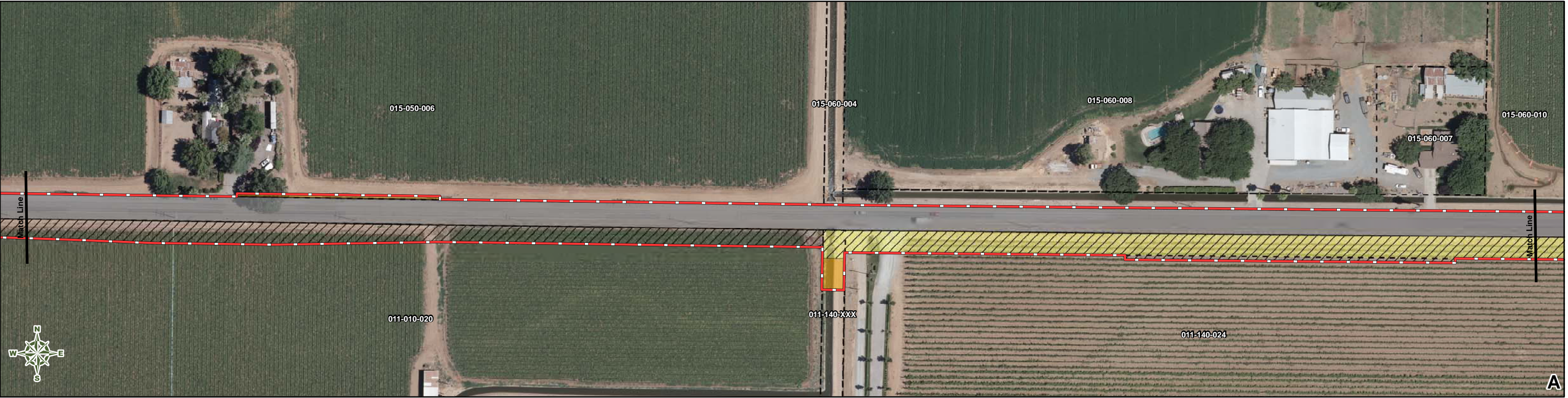




November 2015



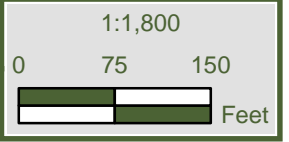
**Figure 3 (Sheet 1 of 4)**  
**Project Overview**  
 Balfour Road Shoulder Widening Project  
 Contra Costa County Public Works Department



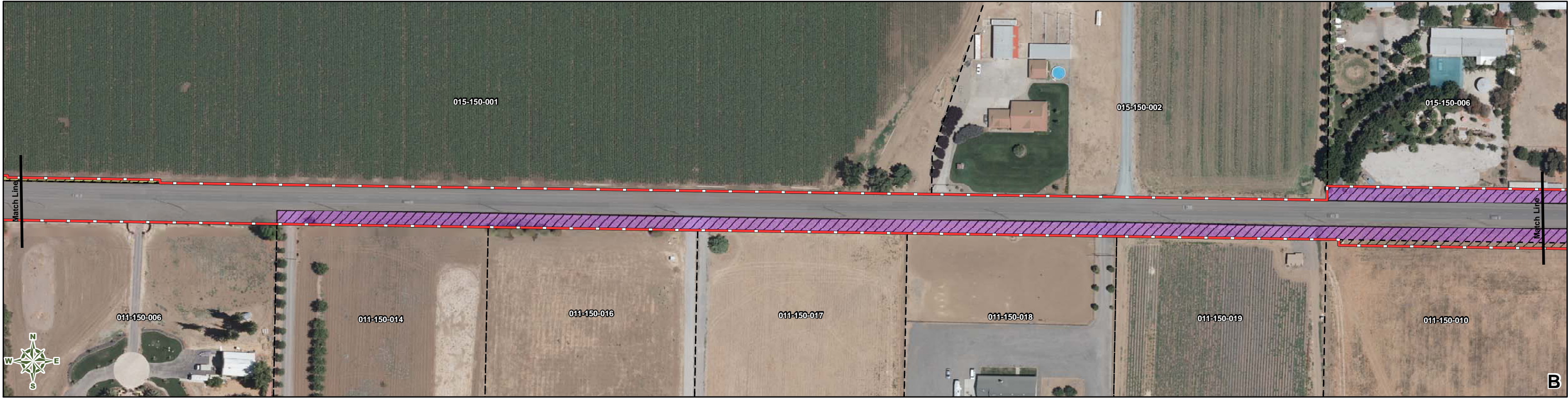
November 2015

Legend

Project Area (28.00 acres)
 Existing Right-of-Way (15.31 acres)
 Proposed Right-of-Way (12.69 acres)
 Accepted Offer of Dedication (4.27 acres)
 East Contra Costa Irrigation District Fee Title/Easements (2.89 acres)
 Proposed Temporary Construction Easement (0.40 acre)
 Parcel Boundaries



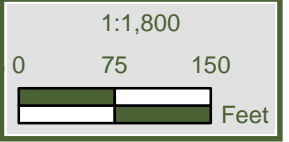
**Figure 3 (Sheet 2 of 4)**  
**Project Overview**  
 Balfour Road Shoulder Widening Project  
 Contra Costa County Public Works Department



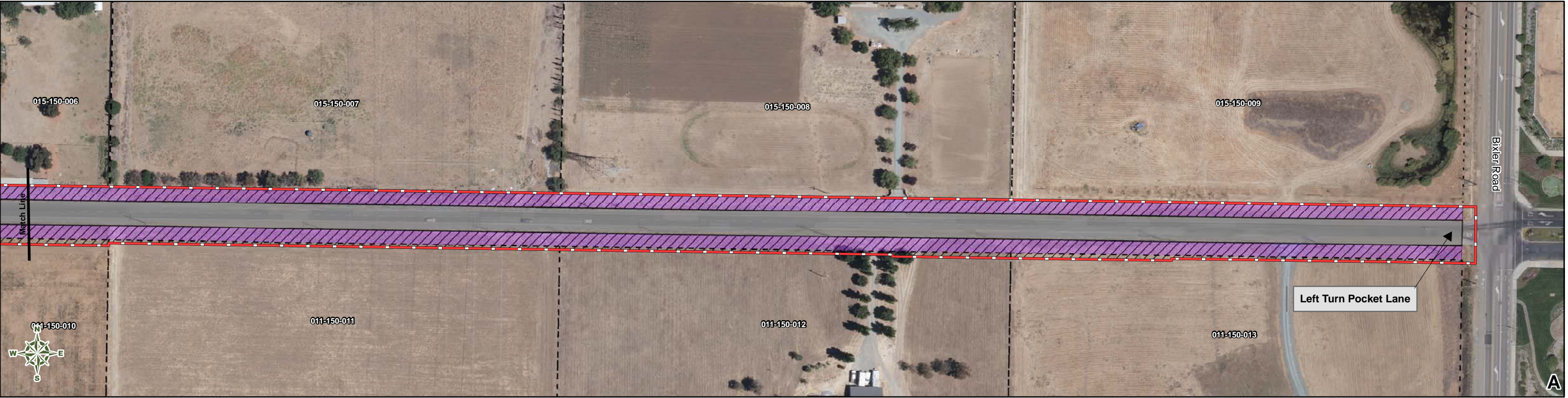
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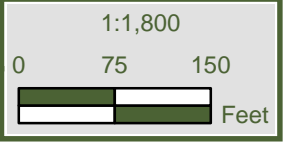
**Figure 3 (Sheet 3 of 4)**  
**Project Overview**  
 Balfour Road Shoulder Widening Project  
 Contra Costa County Public Works Department



November 2015

Legend	
	Project Area (28.00 acres)
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	Parcel Boundaries

**Figure 3 (Sheet 4 of 4)**  
**Project Overview**  
Balfour Road Shoulder Widening Project  
Contra Costa County Public Works Department



## Environmental Checklist Form

1. **Project Title:**  
Balfour Road Shoulder Widening (Sellers Avenue to Bixler Road)
2. **Lead Agency Name and Address:**  
Contra Costa County Department of Conservation and Development  
30 Muir Road, Martinez, CA 94553
3. **Contact Person and Phone Number:**  
Claudia Gemberling, Environmental Analyst II, (925) 313-2192  
Contra Costa County Public Works Department
4. **Project Location:**  
Between Brentwood and Discovery Bay, East Contra Costa County (Figure 1)
5. **Project Sponsor's Name and Address:**  
Contra Costa County Public Works Department  
255 Glacier Drive, Martinez CA 94553
6. **General Plan Designation:**  
AL (Agricultural Lands)
7. **Zoning:**  
A-4, 40 (Agricultural Preserve)
8. **Project Description:**  
Contra Costa County Public Works Department (CCCPWD) plans to widen Balfour Road from Sellers Avenue in Brentwood to Bixler Road in Discovery Bay to bring the shoulders up to current design standard to provide a driver recovery area and a bike lane. The project segment is approximately three miles long and is a narrow, substandard two-lane road that receives substantial traffic at high speeds. It is used as a thoroughfare between Brentwood and Discovery Bay as well as a commuter route to State Route 4 (Figure 2).

The project consists of widening the existing 18- to 20-foot pavement width to 36 feet wide (two 12-foot wide travel lanes with 6-foot wide paved shoulders/bike lanes and 2-foot wide shoulder backing on each side). The project does not increase the number of travel lanes and will therefore not increase the capacity of the roadway. The majority of the widening will occur along the south side of Balfour Road. The segment between Sellers Avenue and Byron Highway will require adding 16 to 28 feet of asphalt pavement along the south side. The segment between Byron Highway and Bixler Road will require adding 16 to 18 feet of asphalt pavement primarily along the south side of the road. Left turn pocket lanes will be added on the east and west legs of Balfour Road at Byron Highway and a left turn pocket lane will be added on the west leg of Balfour Road at Bixler Road (Figure 3). A drainage system consisting of an open roadside ditch and underground pipe along the south side of the road will be installed to collect and convey roadside runoff.

Utility relocations include Pacific Gas & Electric (PG&E) poles and at-grade vaults, AT&T telephone

manholes and poles, East Contra Costa Irrigation District (ECCID) underground irrigation pipes and channel crossing headwalls, and TV cable lines. The utility relocations will occur primarily along the north side of the road and will be placed between the proposed edge of road and proposed right-of-way (ROW). The ECCID holds easements and fee titles within some of the parcels where they have their canal and underground pipe facilities.

The existing County road ROW varies from 40 to 100 feet. CCCPWD will need to acquire strips of land along parcel frontages where the existing ROW cannot accommodate the shoulder widening and utility relocations. The strips of land to be acquired vary between 5 to 15 feet along the north side of Balfour Road from various parcels and between 5 to 44 feet from various parcels along the south side of the road which total approximately 12.7 acres. Residential landscape trees and shrubs (approximately 27) and fences within the proposed ROW will be removed; mailboxes will be relocated. Temporary construction easements will also be needed from some of the parcels for construction staging areas (Table 1, Figure 3). Therefore, real property transactions will be necessary in support of the project.

**Table 1: Proposed ROW Acquisitions and Permanent and Temporary Easements**

Address <sup>1</sup>	Assessor Parcel Number <sup>1</sup>	ROW Acquisition	ECCID Fee Title/Easement	Temporary Construction Easement
5651 Balfour Road	015-050-002	X	X <sup>2</sup>	-
6101 Balfour Road	015-050-018	X	X <sup>2</sup>	-
6425 Balfour Road	015-050-006	-	-	X
(N/L) Chestnut Street	015-060-010	X	X <sup>3</sup>	X
2791 Chestnut Street	015-060-009	X	-	-
(N/L) Byron Highway	015-150-001	X	X	X
8001 Balfour Road	015-150-002	-	-	-
8001 Balfour Road	015-150-006	X <sup>4</sup>	-	-
8037 Balfour Road	015-150-007	X <sup>4</sup>	-	-
8061 Balfour Road	015-050-008	X <sup>4</sup>	-	-
8091 Balfour Road	015-050-009	X <sup>4</sup>	-	-
6110 Balfour Road	011-010-003	X	X	-
5730 Balfour Road	011-010-006	-	-	-
5500 Balfour Road	011-010-009	X	X	X
5930 Balfour Road	011-010-012	X <sup>4</sup>	-	X
5730 Balfour Road	011-010-018	X	-	-
(N/L) Balfour Road	011-010-020	X	-	-
N/L	011-140-XXX	X <sup>2</sup>	-	X
7170 Balfour Road	011-140-013	X	-	-
6760 Balfour Road	011-140-020	X	X <sup>2</sup>	-
6700 Balfour Road	011-140-024	X	X <sup>2</sup>	-
7540 Balfour Road	011-150-005	X	-	-
7800 Balfour Road	011-150-014	X <sup>4</sup>	-	-
7900 Balfour Road	011-150-016	X <sup>4</sup>	-	-
7930 Balfour Road	011-150-017	X <sup>4</sup>	-	-
7960 Balfour Road	011-150-018	X <sup>4</sup>	-	-
7990 Balfour Road	011-150-019	X <sup>4</sup>	-	-
8000 Balfour Road	011-150-010	X; X <sup>4</sup>	-	-
8030 Balfour Road	011-150-011	X; X <sup>4</sup>	-	-
8060 Balfour Road	011-150-012	X; X <sup>4</sup>	-	-
8090 Balfour Road	011-150-013	X; X <sup>4</sup>	-	-

<sup>1</sup>Source: Contra Costa County Mapping Information Center; N/L: Address not listed; <sup>2</sup>Existing ECCID fee title/easement

<sup>3</sup>Proposed ECCID fee title/easement; <sup>4</sup>Accepted Offer of Dedication – portions of parcels that have been dedicated to and accepted by the County for the purpose of public right-of-way improvements to accommodate future area development.

Construction is anticipated to occur in 2017 and will take approximately six months to complete. Signs announcing the construction start date will be posted in the project vicinity seven days prior to start of construction. Standard construction equipment will be used, including but not limited to: excavators, graders, loaders, sweepers/scrubbers, plate compactors, rollers, backhoes, and pavers. Construction activities will be generally limited to the hours between 7:00 a.m. to 5:00 p.m. Traffic control will be in place for westbound traffic to accommodate morning commute traffic whereas eastbound traffic will be directed to a posted detour route which is anticipated to occur up to 18 weeks (Figure 2).

9. **Surrounding Land Uses and Setting:**

Surrounding land uses are primarily agricultural including vineyards, orchards, cropland, pasturelands, vacant fields, and rural residential development. Aboveground concrete-lined ECCID irrigation canals and underground irrigation pipes primarily cross and line both sides of Balfour Road.

10. **Other public agencies whose approval is required** (e.g. permits, financing, approval, or participation agreement):

**State Water Resources Control Board (SWRCB)**

*National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2012-0006-DWQ) (Construction General Permit [CGP])*

Projects that disturb one or more acres of soil are required to obtain coverage under this permit which requires a fee and submittal of a Stormwater Pollution Prevention Plan to be submitted to the SWRCB (SWRCB 2015a). At this time, it is anticipated that the project will disturb approximately 28 acres of soil. Therefore, CCCPWD will obtain coverage.

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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 checked="" type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input checked="" 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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ 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 revisions in the project have been made by or agreed to by the project proponent. 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 "potentially significant impact" or "potentially significant unless mitigated" impact 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. 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, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigations measures that are imposed upon the proposed project, nothing further is required.



Signature

Contra Costa County Department of Conservation and Development



Date

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## EVALUATION OF ENVIRONMENTAL IMPACTS:

### I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Contra Costa County has two main scenic resources in addition to many localized scenic features: (1) scenic ridges, hillsides, and rock outcroppings; and (2) the San Francisco Bay/Delta estuary system. Throughout much of the County, there are significant topographic variations in the landscape. The largest and most prominent of these are the hills that form the backdrop for much of the developed portions of the area. Views of these major ridgelines help to reinforce the rural feeling of the County's rapidly growing communities. These major ridges provide an important balance to current and planned development (Contra Costa County 2005a).

a) *Would the project have a substantial adverse effect on a scenic vista?*

The rolling hills and Mount Diablo ridgelines to the west provide a rural scenic backdrop from the project area. The project will not have a substantial adverse effect on a scenic vista as the project will primarily be limited to ground impacts. The utility pole and line relocations to the north side of the road will not obstruct the view beyond what occurs with the existing utility poles and lines along the south of the road. Therefore, the project will have **no impact**.

b) *Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

The project site is not located within a state scenic highway or an officially designated county scenic highway, and is not a County Scenic Route (Caltrans 2015a; Contra Costa County 2005a). The project will require removal of some roadside trees but they are not considered scenic resources as they are associated with residential landscaping and not considered trees of local significance. Further, there are no designated or eligible cultural, historical or natural resources that could be considered important scenic resources within the project area (Condor Country Consulting, Inc. 2009; JRP Historical Consulting 2009; Nomad Ecology 2009, 2015a). Therefore, project impacts will be **less than significant**.

- c) *Would the project substantially degrade the existing visual character or quality of the site and its surroundings?*

The constructed project will not substantially degrade the existing visual character or quality of the site and its surroundings as the project will primarily be limited to ground impacts and the utility pole relocations to the north side of the road from the south side of the road will not introduce additional obstructions beyond what occurs with the existing utility poles and lines along the south of the road. Project construction activities may degrade the visual character of this area but it will be temporary. Therefore, project impacts will be **less than significant**.

- d) *Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?*

The constructed project will not introduce a new source of light or glare. Construction of the project will take place during the daylight hours and therefore, will not create additional nighttime light source. Therefore, the project will have **no impact**.

## II. AGRICULTURE AND FOREST RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 <u>or</u> conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### ***Regulatory Background***

The Farmland Mapping and Monitoring Program (FMMP) was established in 1982 in response to a critical need for assessing the location, quality, and quantity of agricultural lands and conversion of these lands over time. FMMP is a non-regulatory program that provides a consistent and impartial analysis of agricultural land use and land use changes throughout California (California Department of Conservation 2015).

In order to be shown on FMMP's Important Farmland Maps as Prime Farmland and Farmland of Statewide Importance the land must have been used for irrigated agricultural production at some time during the four years prior to the Important Farmland Map date and must meet physical and chemical soil criteria as determined by the Natural Resource Conservation Service. Prime Farmland has the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Farmland of Statewide Importance is similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Unique Farmland is of lesser quality soils used for the production of the state's leading agricultural crops; this land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California (California Department of Conservation 2015).

In addition, land may be enrolled under the 'Prime Agricultural Land' designation under the state's Williamson Act if it meets certain economic or production criteria. The California Land Conservation Act of 1965, commonly known as the Williamson Act, created a program to help counties preserve agricultural land

and open space by offering a tax incentive to property owners. The Williamson Act provides an arrangement where private landowners voluntarily restrict their land to agricultural and compatible open space uses under a contract with the County (Contra Costa County Department of Conservation and Development [CCCDCD] 2015).

CEQA Guidelines address farmland conversion impacts directly in two ways; first, cancellation of Williamson Act contracts for parcels exceeding 100 acres is an action considered to be of “statewide, regional, or area-wide significance, and thus subject to CEQA review (CEQA Guidelines Section 15206(b)(3)). Second, a project that would convert prime agricultural land to non-agricultural use or impair the agricultural productivity would normally have a significant effect on the environment.” No set acreage of prime farmland conversion has been determined by case law or regulatory framework which would constitute a significant impact (California Natural Resources Agency 2015).

- a) *Would the project 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?*

Prime Farmland, Farmland of Local Importance, and Grazing Land occur within the project area (California Department of Conservation 2012). As noted above, Prime Farmland has the best combination of physical and chemical features able to sustain long-term agricultural production. Farmland of Local Importance contains lands that are capable of producing dryland grain on a two-year summer fallow or longer rotation with volunteer hay and pasture. Grazing Land is land on which existing vegetation is suited to the grazing of livestock (California Department of Conservation 2015).

The project will require sliver right-of-way (ROW) acquisitions and permanent and temporary construction easements from various parcels along Balfour Road to accommodate the road improvements and utility relocations. Right-of-way acquisitions will include approximately 7.86 acres of mapped Prime Farmland of which approximately three acres are actively farmed. The project will also require ROW acquisitions from approximately 3.10 acres of mapped Farmland of Local Importance however none of this farmland is being actively farmed.

The project is located within the County’s Agricultural Preserve District (A-4, A-40) which consists of approximately 11,000 acres (Contra Costa County 2015b; City of Brentwood 2015). The County zoning ordinance for Agricultural Preserve land uses allows only commercial agricultural production. While the project will convert some land to non-agricultural use, the conversion will be considerably less than 1% which includes areas that occur immediately adjacent to the existing road. Further, the project is consistent with the Agricultural Resources goals and policies in the Conservation Element of the County General Plan as the project will provide a circulation system appropriate to rural development to support land uses and economic activity as the widened shoulders will allow for motorists and farm equipment to safely share the road and is consistent with the Transportation and Circulation Element to improve existing roads to eliminate design deficiencies (Contra Costa County 2005b). Therefore, project impacts will be **less than significant**.

- b) *Would the project conflict with existing zoning for agricultural use, or a Williamson Act Contract?*

As noted above, the project area is located within the Agricultural Preserve District. Some parcels located within this District that will be impacted are also protected under a Williamson Act Contract or Brentwood Agricultural Land Trust (BALT) conservation easements (Contra Costa County Mapping Center 2015; pers. comm. Lyddan 2015). Williamson Act Contract parcels include 015-050-006 and 011-010-009;

acquisition of a total of approximately 0.7 acre will be required from these parcels. The BALT conservation easement parcels include 015-050-018, 015-060-010, 011-140-013, and 011-140-024; acquisition of a total of approximately four acres will be required from these parcels.

#### *Williamson Act Contract*

The project will require acquisitions of sliver portions of these parcels that occur immediately adjacent to the road for the new ROW to accommodate the improvements. California Government Code Section 51292(b) allows for public improvements if no other land outside the agricultural preserve is reasonably feasible to locate the public improvement (CDC 2015a, b). However, public agencies are required to advise the CDC Director and the local governing body responsible for the administration of the agricultural preserve of its intention to consider the location of a public improvement within the preserve. In accordance with the requirement, the CCCPWD will notify both the CDC and the Contra Costa County Department of Conservation and Development (local agency administering Williamson Act Program) of its intent to locate public improvements within a parcel currently under a Williamson Act contract and a subsequent notification within 10 working days upon completion of the acquisition (CDC 2015a, b). The purpose of the project is to improve the safety of the roadway, which is consistent with the Traffic and Circulation Element of the County General Plan goals and policies as the project will eliminate structural and geometric design deficiencies (Contra Costa County 2005b).

#### *BALT Conservation Easements*

Acquisition of the BALT-protected parcels, which include both active and non-active farm land considering entire parcels are encumbered by conservation easements will be mitigated at a ratio mutually agreed upon by CCCPWD and BALT.

### **IMPACT AGR-1: CONVERSION OF PROTECTED FARMLAND**

The project will convert approximately four acres of farmland protected by conservation easement to non-agricultural use. The following mitigation measure will offset this protected farmland loss.

#### **MITIGATION MEASURE AGR-1:**

The loss of protected farmland will be mitigated by an in-lieu fee payment based upon an appropriate mitigation ratio for public infrastructure improvements to the BALT which funds agricultural conservation easements within the Agricultural Preserve District. Therefore, the project will have a **less than significant impact with mitigation incorporated**.

- c) *Would the project 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))?*

The project will not 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)) as no forest land or timberland is present within or adjacent to the project area. Therefore, the project will have **no impact**.

- d) *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

The project will not result in the loss of forest land or conversion of forest land to non-forest use because forest land is not present within or adjacent to the project area. Therefore, the project will have **no impact**.

- e) *Would the project involve other changes in the existing environment, which due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?*

The project will not result in other changes that would result in conversion of farmland or forest land other than what was discussed above. Therefore, project impacts will be **less than significant**.

### III. AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### **Regulatory Background**

The federal Clean Air Act (CAA) requires the U. S. Environmental Protection Agency (USEPA) to set National Ambient Air Quality Standards (NAAQS) for six common criteria air pollutants: particulate matter, ground-level ozone, carbon monoxide, sulfur oxides, nitrogen oxides, and lead. Of the six pollutants, particle pollution and ground-level ozone are the most widespread health threats. The CAA requires the USEPA to designate areas as meeting (attainment) or not meeting (nonattainment) the standards (USEPA 2015). In addition, the California Health and Safety Code requires the California Air Resources Board (CARB), a division of the California EPA, to establish and periodically review area designation criteria for state standards, which are more stringent than federal standards. The project is located within the San Francisco Bay Area Air Basin which is currently designated as nonattainment for national and state ozone and particulate matter standards (Bay Area Air Quality Management District [BAAQMD] 2015a,b).

The CAA also requires states to develop a general plan to attain and maintain the NAAQS and a specific plan to attain the standards for each nonattainment area. The CARB and the BAAQMD periodically prepare and update these plans in cooperation with regional agency partners. These plans usually define control strategies to reduce air pollutant emissions from industrial facilities, commercial processes, motor vehicles, and other sources which are typically implemented through a combination of regulations enforced by the BAAQMD, grant and incentive programs, public education and outreach, and partnerships with other agencies and stakeholders. The current air quality plan is the 2010 Clean Air Plan which includes the most recent ozone attainment plan and focuses on reduction of ozone, particulate matter, and greenhouse gases (GHGs) (BAAQMD 2010a).

In order to address GHGs, which include criteria air pollutants (regional pollutants) and toxic air contaminants (local pollutants), the BAAQMD adopted CEQA thresholds of significance and updated its 1999 CEQA Air Quality Guidelines in 2010 to assist lead agencies in evaluating air quality impacts to

determine if a project's individual emissions would be cumulatively considerable. Various modeling tools are used to estimate emissions based on the type of project (i.e., land use developments, linear transportation and utility projects) (BAAQMD 2010b, 2011). However, the BAAQMD's 2010 adopted thresholds were challenged in a lawsuit and in March 2012 the Alameda County Superior Court issued a judgment finding that the BAAQMD had failed to comply with CEQA when it adopted the 2010 thresholds of significance. As such, the 2010 thresholds are not formally in place pending CEQA review and have been pulled from the 2011 CEQA Guidelines which were updated in 2012 to omit the thresholds to reflect this ruling (BAAQMD 2012). In the interim, while the BAAQMD has indicated that Lead Agencies may rely on BAAQMD's updated CEQA Guidelines for assistance in calculating air pollution emissions, obtaining information regarding health impacts of air pollutants, and identifying potential mitigation measures, the BAAQMD suggests that Lead Agencies determine appropriate thresholds for each project, and consider the 1999 thresholds along with the evidence in record for the project to determine air quality impacts. The deferral of the 2010 thresholds was based on a procedural action and not on the scientific merits of the thresholds. For this reason, and in this case, the 2010 thresholds were used to determine the project impacts. The 1999 and 2012 CEQA Guidelines were also consulted (BAAQMD 1999, 2010b, 2012).

In addition to criteria air pollutants, naturally-occurring asbestos (NOA), a toxic air contaminant, is also an air pollutant of concern. It can cause lung cancer and mesothelioma which is dependent upon the type of asbestos fibers inhaled and exposure levels. NOA is typically associated with serpentinite and ultramafic rocks formed in high-temperature environments below the surface of the earth when metamorphic conditions are right for the formation of asbestos. The BAAQMD requires that projects implement the best available dust control measures where NOA is likely to be found in order to reduce dust emissions as well as notification to the BAAQMD (BAAQMD 2015c, CARB 2015). The project area is not located within an area identified as having rocks associated with NOA (CDC 2000).

a) *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

There will be no operational air quality impacts as the project will not increase capacity of the road and thus will not contribute to an increase of air pollutant emissions. However, construction of the project will result in temporary increases of air pollutant emissions generated from construction equipment and truck diesel exhaust, soil movement during excavation and grading activities (fugitive dust), and off-gas emissions from paving activities. Construction equipment and truck emissions include carbon monoxide (CO), sulfur dioxides (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), reactive organic gases (ROG), and suspended particulate matter (PM) of 10 and 2.5 microns (fugitive dust). Fugitive dust emissions would depend on soil moisture, silt content of soil, wind speed, and the number of equipment pieces operating on-site. Larger dust particles (PM<sub>10</sub>) would settle near the source, while fine particles (PM<sub>2.5</sub>) would be dispersed over greater distances from the construction site. Therefore, in accordance with the BAAQMD CEQA Air Quality Guidelines anticipated construction emissions such as areas of disturbance, vehicle and truck trips, construction equipment to be used, duration of use, and other features were quantified using the Road Construction Emissions Model (RoadMod) (version 7.1.5.1) developed by the Sacramento Metropolitan Air Quality Management District (approved for use by the BAAQMD) to determine if project-related construction emissions would exceed the BAAQMD 2010 significance thresholds (LSA Associates 2014).

RoadMod results are estimated in terms of maximum daily emissions and total emissions. Total emissions were averaged across the six-month construction period to determine average daily emissions for comparison to BAAQMD's average daily emissions threshold. The anticipated types of construction equipment that will be used include excavators, graders, loaders, sweepers/scrubbers, plate compactors,

rollers, backhoes, and pavers (although would not be used during all construction phases). Approximately 13,943 cubic yards of soil will be excavated and off-hauled from the project site.

**Table 2: Project Construction Emissions Analysis<sup>1</sup>**

Construction Phases	ROG (lbs/day)	CO (lbs/day)	NO <sub>x</sub> (lbs/day)	PM <sub>10</sub> Exhaust (lbs/day)	PM <sub>2.5</sub> Exhaust (lbs/day)	CO <sub>2</sub> (lbs/day)	Fugitive Dust	
							PM <sub>10</sub> (lbs/day)	PM <sub>2.5</sub> (lbs/day)
Grubbing/Land Clearing	4.3	17.8	32.1	2.0	1.8	3,142.4	6.0	1.8
Grading/Excavation	4.4	19.4	34.4	5.1	2.1	3,555.1	3.0	1.9
Drainage/Utilities/ Sub-Grade	5.5	24.8	41.6	2.6	2.4	4,387.2	3.0	0.6
Paving	5.2	28.1	39.0	2.5	2.3	4,836.5	-	-
<b>Maximum (lbs/day)</b>	<b>5.5</b>	<b>28.1</b>	<b>41.6</b>	<b>2.6</b>	<b>2.4</b>	<b>4,836.5</b>	<b>6.0</b>	<b>1.2</b>
<b>Average Daily Emissions</b>	<b>3.9</b>	<b>17.3</b>	<b>28.6</b>	<b>1.3</b>	<b>1.3</b>	<b>3,190.6</b>	<b>2.6</b>	<b>0</b>
<b>BAAQMD Average Daily Emission Thresholds<sup>2</sup></b>	<b>54</b>	<b>NA</b>	<b>54</b>	<b>82</b>	<b>54</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>
Less than Threshold?	Yes		Yes	Yes	Yes			

<sup>1</sup>Sacramento Metropolitan Air Quality Management District Road Construction Emissions Model (RoadMod) (version 7.1.5.1)

<sup>2</sup>BAAQMD 2011

NA: Not applicable – BAAQMD has no formal guidance for evaluation of construction emissions for these pollutants given that volumes necessary to result in a health-based impact are rarely reached due to construction traffic for CO, NO<sub>2</sub> and implementation of BMPs for PM<sub>10</sub> and PM<sub>2.5</sub> (BAAQMD 2009); ROG: reactive organic gases; CO: carbon monoxide; NO<sub>x</sub>: nitrogen oxides; PM<sub>10</sub>: particulate matter (10 microns or less); PM<sub>2.5</sub>: particulate matter (2.5 microns or less); CO<sub>2</sub>: carbon dioxide.

The results of the model (as shown in Table 4) indicate that estimated project construction emissions would not exceed thresholds. The project will not conflict with or obstruct implementation of the Clean Air Plan as project-related emissions were estimated in accordance with the BAAQMD Air Quality Guidelines and determined to be below thresholds. Therefore, project impacts would be **less than significant**. While construction emissions would not exceed thresholds, project contract specifications require implementation of best management practices (BMPs) to minimize air pollutant emissions as follows:

- 1) Active unpaved construction areas (e.g., parking areas, staging areas, soil stockpiles, graded area, and unpaved access roads) will be watered at least twice daily.
- 2) Haul trucks transporting soil, sand, or other loose material off-site will be covered.
- 3) Visible mud or dirt track-out onto paved areas (i.e., roads, access roads, staging areas) will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- 4) Vehicle speeds on unpaved roads will be limited to 15 mph.
- 5) Equipment idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes.
- 6) Construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications.
- 7) Signs will be posted at the construction site with a contact name and phone number for construction

emission complaints.

- b) *Would the project violate any air quality standard or contribute to an existing or projected air quality violation?*

The project will not violate any air quality standard or contribute to an existing or projected air quality violation as estimated project-related emissions were determined not to exceed the average daily construction-related thresholds as discussed above in item (a). Further, the project will comply with project contract requirements for air pollution control practices as outlined above. Therefore, project impacts will be **less than significant**.

- c) *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*

The project is located within the San Francisco Bay Area Air Basin which is currently designated as nonattainment for national and state ozone and particulate matter standards (BAAQMD 2015b). The project will not result in a cumulatively considerable net increase of any criteria pollutant as estimated project-related emissions were determined not to exceed the daily construction-related thresholds as discussed above in item (a). Further, the project will comply with project contract requirements for air pollution control practices as outlined above. Therefore, impacts will be **less than significant**.

- d) *Would the project expose sensitive receptors to substantial pollutant concentrations?*

Sensitive receptors are locations of human populations such as residences, hospitals, schools, day care centers, retirement homes, and convalescence facilities where there is reasonable expectation of continuous human exposure to poor air quality standards (CARB 2005). Construction-related emissions can expose sensitive receptors to toxic air contaminants (TAC), including diesel particulate matter emissions which are considered to be the most significant potential TAC for construction projects (BAAQMD 2010b). Individuals particularly vulnerable to diesel particulate matter are children and the elderly.

Various residences are located along the project segment, with distances ranging from 70 to 600 feet from the project construction area. Residents could be temporarily exposed to diesel engine exhaust during the construction period from operation of construction equipment (LSA Associates 2014). Based on the construction emissions analysis, the maximum amount of fine particulate matter exhaust (PM<sub>2.5</sub>) per day is estimated to be 2.4 lbs/day as shown in Table 4 which is far less than the BAAQMD CEQA threshold of 54 lbs/day. The BAAQMD CEQA significance threshold for potential effects of diesel particulate matter applies to the hypothetical exposure of a person continuously for 70 years. The duration of the construction period is anticipated to be approximately six months, which is relatively short when compared to the 70-year risk exposure period. Additionally, the project duration would account for construction of the entire three-mile length of the project, therefore emission concentrations at any one receptor location and the dispersion of project construction emissions, health risk impacts associated with project construction would be **less than significant**. Further, implementation of the BMPS outlined above in item (a) would greatly reduce fine particulate matter.

- e) *Would the project create objectionable odors affecting a substantial number of people?*

The operational aspects of the project will not generate any objectionable odors. However, construction equipment exhaust and asphalt paving operations may create objectionable odors but will be short term as

described above. Further, implementation of the project air pollution control requirements outlined above in item (a) will minimize construction-related odors. Therefore, project impacts will be **less than significant**.

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#### IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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 Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### ***Regulatory Background***

In 1973, the federal Endangered Species Act (ESA) was passed by Congress to protect ecosystems supporting special-status species to be administered by the U. S. Fish and Wildlife Service (USFWS). The California Endangered Species Act was passed as a parallel act to be administered by the California Department of Fish and Wildlife (CDFW). Special-status plant and wildlife species are defined as those species listed as Endangered, Threatened, or Proposed for listing or are designated as Fully Protected species under one or more of the following regulatory status:

- Federal Endangered Species Act, as amended (Code of Federal Regulations, Title 50, Section 17);
- California Endangered Species Act (California Code of Regulations Title 14, Section 670.5);
- California Fish and Game Code (Section 1901, 2062, 2067, 3511, 4700, 5050, and 5515);
- Species considered to be rare or endangered under the conditions of Section 15380 of the CEQA Guidelines such as those identified in the *Inventory of Rare and Endangered Vascular Plants of California* by the California Native Plant Society (CNPS) (Native Plant Protection Act of 1977); and
- Other species that are considered sensitive or of special concern due to limited distribution or lack of adequate information to permit listing, or rejection for state or federal status such as Species of Special Concern (SSC) designated by the CDFW as well as locally rare species defined by CEQA Guidelines 15125(c) and 15380, which may include species that are designated as sensitive, declining, rare, locally endemic or as having limited or restricted distribution by various federal, state, and local agencies, organizations, and watchlists such as those identified in the CDFW California Natural Diversity Database; as well as birds and raptors protected under the Federal Migratory Bird Treaty Act (16 U.S.C. 703-711) (Executive Order 13186).

### **East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan**

The project is located within the HCP/NCCP inventory area and is a covered activity. The HCP/NCCP is intended to provide an effective framework to protect natural resources and special-status species recovery in eastern Contra Costa County while improving and streamlining the environmental permitting process for impacts on these species and associated habitats. The HCP/NCCP complies with Section 10(a)(1)(B) of the federal ESA and California Natural Community Conservation Planning Act of 2003 and as such covered activities are authorized incidental take of HCP/NCCP-covered special-status species subject to mitigation fees for both permanent and temporary impacts to species habitats and implementation of specific conditions and conservation measures to avoid or minimize potential effects to species and/or its habitats. The HCP/NCCP requires reporting and fee payment to the HCP/NCCP Implementing Entity, the East Contra Costa County Habitat Conservancy (Habitat Conservancy), a joint exercise of powers authority formed by the Cities of Brentwood, Clayton, Oakley and Pittsburg and Contra Costa County (Jones & Stokes 2006).

### ***Environmental Setting***

Qualified biologists conducted habitat assessments to identify habitats within and around the project area (20 feet) (study area) to determine if sensitive habitats, natural communities, and wetlands and waters of the U.S. occur as well as potential presence of special-status wildlife and plant species. Habitat assessments were initially conducted in February and April 2009 and followed up in July 2015 to determine if there have been any habitat changes (Nomad Ecology 2015a,b; 2009a,b).

The majority of the surrounding area is rural and contains farmland including row crops and vineyard, fallow crop fields, several residences, a horse boarding facility, and a helicopter facility. Residential subdivisions are present west of Sellers Avenue and east of Bixler Avenue (Figure 1). Balfour Road crosses two concrete aqueducts that deliver irrigation water north from the Main Canal which parallels Balfour Road one-half mile to the south. Land cover types in the project area include ruderal, urban, cropland, vineyard, and aqueduct.

A number of plant and wildlife species from the region were considered and either determined to have the potential to occur within the project vicinity or not based on lack of suitable habitat within the project area. No special-status plant or fish species have the potential to occur within the project area. The wildlife species in Table 5 were determined to have the potential to occur in the project vicinity.

**Table 3: Special-Status Species that Have the Potential to Occur in Project Vicinity**

SPECIES	LISTING STATUS*	HCP/NCCP STATUS	POTENTIAL FOR OCCURRENCE
<b>Reptiles</b>			
Giant garter snake	Fed: FT CA: ST	Covered	Possible
<b>Birds</b>			
Swainson's hawk	Fed: None CA: SE	Covered	Present
Burrowing owl	Fed: None CA: SSC	Covered	Possible
Cooper's hawk	Fed: None CA: WL	—	Possible
Sharp-shinned hawk	Fed: None CA: WL	—	Possible
Grasshopper sparrow	Fed: none CA: SSC	—	Possible
Ferruginous hawk	Fed: None CA: WL	—	Possible
White-tailed kite	Fed: None CA: FP	No-Take	Possible
Merlin	Fed: None CA: WL	—	Possible
Loggerhead shrike	Fed: None CA: SSC	—	Present
Allen's hummingbird	Fed: None CA: SA	—	Possible
<b>Mammals</b>			
Western red bat	Fed: None CA: SSC, WBWG	—	Possible
<b>Invertebrates</b>			
Curved-foot hygrotus diving beetle	Fed: None CA: SA	—	Possible

(E) Endangered; (T) Threatened; (SSC) Special Species of Concern; (MBTA) Migratory Bird Treaty Act; (FP) Fully Protected; (SA) California Department of Fish and Wildlife Special Animal list; (WBWG) Western Bat Working Group

- a) *Would the project 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 Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

The project will impact habitats that support special-status species as identified in the table above and may impact special-status species if present during construction. Project impacts and the measures to mitigate and avoid impacts are described below (Nomad Ecology 2015a).

## **IMPACT BIO-1: HCP/NCCP HABITATS**

The project will result in permanent impacts to approximately 12.22 acres (cropland, vineyard, ruderal land cover types) and temporary impacts to approximately 0.37 acre (cropland and ruderal land cover types). The following mitigation measure will be implemented to offset impacts to undeveloped habitats. Therefore, project impacts will be **less than significant with mitigation incorporated**.

### **MITIGATION MEASURE BIO-1:**

The project will mitigate permanent and temporary impacts to undeveloped habitats by fee payment to the Habitat Conservancy regardless of whether sensitive habitats and/or species are present. The fee is based on the impact acreage to undeveloped habitats. The development impact fee per acre for permanent and temporary impacts is \$12,926.75; the temporary impact fee is discounted considering the project will occur once during the HCP/NCCP permit term. The project will result in permanent and temporary impacts to approximately 12.59 acres. Therefore, approximately \$158,283.75 will be paid to the Habitat Conservancy. In addition, a planning survey report identifying the impact acreages and species-specific avoidance and minimization measures described below as provided in the HCP/NCCP will also be prepared. Since no wetlands or waters will be impacted no wetland mitigation fee will be required.

## **POTENTIAL IMPACT BIO-2: GIANT GARTER SNAKE**

The giant garter snake is a large, dull-colored snake endemic to the valley floor wetlands of Sacramento and San Joaquin Valleys of California. Coloration varies from dark brown to olive dorsally, with a lighter-colored ventral surface. Cream, yellow, or orange-colored dorsal and lateral stripes are separated by black-checked spots; however, some individuals may completely lack these characteristics. The giant garter snake can obtain a length of 65 inches and has a wide, elongated head. Giant garter snakes are highly aquatic and inhabit freshwater marshes, low-gradient streams, drainage canals, and irrigation ditches, especially those associated with rice farming from Butte County to Fresno County. Currently, 13 populations of giant garter snakes are recognized throughout the Central Valley.

Giant garter snakes feed primarily on aquatic prey, including small fish and amphibians, and are active from early spring to mid-fall. Breeding season begins following emergence from overwintering habitat from March to May. Females give birth to live young from July through September. Giant garter snakes spend the majority of their active period within or adjacent to aquatic habitats and begin seeking winter retreats in October in adjacent upland burrows and soil crevices above the flood plain. Retreats with sunny aspects along south and west facing slopes are generally preferred and are typically located within 820 feet from aquatic habitat. Basking sites consisting of protective banks and waterside vegetation, as well as abundant cover and upland refugia, are key habitat elements.

The study area is located outside the species' known range; however, it is located within the Mid Valley Recovery Unit which includes the Central Valley and eastern portion of Contra Costa County. Five occurrences have been reported approximately 8 to 10 miles to the north in the Delta islands. While the ECCID concrete-lined irrigation canals do not provide key habitat features, this species could occur in the irrigation canals and associated tailwater ponds when inundated.

The project requires modifications to the ECCID irrigation canals and associated headwalls which could result in the direct mortality, injury or harassment of individual giant garter snakes during construction activities or disrupt movement and dispersal if present.

## **AVOIDANCE MEASURE BIO-2:**

The HCP/NCCP provides the following conservation measures to avoid take of giant garter snake:

### **1. Preconstruction Survey**

Prior to any ground disturbance, a USFWS/CDFG-approved biologist will conduct a preconstruction survey in areas identified in the planning surveys as having suitable habitat and 200 feet of adjacent uplands, measured from the outer edge of each bank. The surveys will delineate suitable habitat and document any sightings of giant garter snake.

### **2. Avoidance and Minimization Measures**

To the maximum extent practicable, impacts to giant garter snake habitat as a result of covered activities will be avoided. If feasible, in areas near construction activities, a buffer of 200 feet from suitable habitat will be delineated within which vegetation disturbance or use of heavy equipment is prohibited.

If impacts on giant garter snake habitat as a result of covered activities are not avoided, the following measures will be implemented. These measures are based on USFWS's *Standard Avoidance and Minimization Measures during Construction, Activities in Giant Garter Snake Habitat* (USFWS 1999b).

- a. Limit construction activity that disturbs habitat to the period between May 1 and September 30. This is the active period for giant garter snake, and direct mortality is minimized because snakes are more likely to independently move away from disturbed area. If activities are necessary in giant garter snake habitat between October 1 and April 30, the USFWS Sacramento Field Office shall be contacted to determine if additional measures beyond those described below are necessary to minimize and avoid take.
- b. In areas where construction is to take place, dewater all irrigation ditches, canals or other aquatic habitat between April 15 and September 30 to remove habitat of garter snakes. Dewatered areas must remain dry, with no puddled water remaining, for at least 15 consecutive days prior to the excavation or filling of that habitat. If a site cannot be completely dewatered, netting and salvage of prey items may be necessary.

### **3. Construction Monitoring**

If suitable habitat for giant garter snake cannot be avoided between October 1 and April 30, the USFWS Sacramento Field Office shall be contacted to determine if additional measures beyond those described below are necessary, and the following actions will be performed.

- a. A USFWS-approved biologist will conduct a construction survey no more than 24 hours before construction in suitable habitat and will be on site during construction activities in potential aquatic and upland habitat to ensure that individuals of giant garter snake encountered during construction will be avoided. The biologist will provide USFWS with a field report form documenting the monitoring efforts within 24 hours of commencement of construction activities. The monitor will be available thereafter.
- b. If a snake is encountered during construction activities, the monitor shall have the authority to stop construction activities until appropriate corrective measures have been completed or it is determined that the snake will not be harmed. Giant garter snakes encountered during construction activities should be allowed to move away from the construction area on their own. Only personnel

with a USFWS recovery permit pursuant to Section 10(a)(1)(A) of the ESA will have the authority to capture and/or relocate giant garter snakes that are encountered in the construction area.

- c. The project shall be reinspected whenever a lapse in construction activity of 2 weeks or more has occurred.
- d. To ensure that construction equipment and personnel do not affect nearby aquatic habitat for giant garter snakes outside construction areas, silt fencing will be erected to clearly define the aquatic habitat to be avoided; restrict working areas, spoils, and equipment storage and other project activities to areas outside of aquatic or wetland habitat; and maintain water quality and limit construction runoff into wetland areas through the use of fiber bales, filter fences, vegetation buffer strips, or other appropriate methods.
- e. Fill or construction debris may be used by giant garter snakes as over-wintering sties. Therefore, upon completion of construction activities, any temporary fill or construction debris must be removed from the site.
- f. Construction personnel will be trained to avoid harming giant garter snakes. A qualified biologist, approved by USFWS, shall inform all construction personnel about the life history of giant garter snakes; the importance of irrigation canals, marshes/wetlands, and seasonally flooded areas such as rice fields to giant garter snakes; and the terms and conditions of the HCP/NCCP related to avoiding and minimizing impacts on giant garter snake.

### **POTENTIAL IMPACT BIO-3: SWAINSON'S HAWK NEST SITES**

This species is a gregarious summer resident in California that inhabits open grasslands, shrublands, woodlands, and agricultural areas throughout the Central Valley and the valleys of the Sierra Nevada in Inyo and Mono counties. Central Contra Costa County is the westernmost extent of their current range. Their nests are built in a variety of trees and shrubs often in the vicinity of waterways in areas with abundant prey. Their breeding season occurs from March to August and they are single brooded. Swainson's hawks prey on small mammals, typically California ground squirrels, California meadow voles, Botta's pocket gophers, and deer mice, and seasonally feeding on grasshoppers and crickets.

Suitable nesting habitat is present among the large, mature trees along Balfour Road. The entire study area provides suitable foraging habitat for this species, and several fallow and ruderal fields exhibited moderate ground squirrel activity. Two active Swainson's hawk nests were observed in April 2009: (1) nest located approximately 400 feet south of Balfour Road in a large cottonwood tree on a private residence among a small stand of eucalyptus and other ornamental trees; (2) nest located approximately 0.54-mile north of Balfour Road in a large sycamore tree on a private residence. Land cover types providing suitable nesting habitat for the Swainson's hawk include trees within ruderal grasslands, cropland and urban.

The project will result in removal of landscape trees immediately adjacent to the project area however it is not anticipated that these trees will contain Swainson's hawks nests due to their location next to a busy road and their relatively short height. The nest trees observed during habitat assessments in 2009 were located on private property outside of the project footprint. However, construction activities could disrupt nesting activities, resulting in abandonment or failure of the nest and the death of eggs, nestlings or fledglings as well as foraging activities.

### **AVOIDANCE MEASURE BIO-3:**

The HCP/NCCP provides the following conservation measures to avoid take of nesting Swainson's hawk:

#### **1. Preconstruction Survey**

Prior to any ground disturbance related to covered activities that occurs during the nesting season (March 15–September 15), a qualified biologist will conduct a preconstruction survey no more than 1 month prior to construction to establish whether Swainson's hawk nests within 1,000 feet of the project site are occupied. If potentially occupied nests within 1,000 feet are off the project site, then their occupancy will be determined by observation from public roads or by observations of Swainson's hawk activity (*e.g.*, foraging) near the project site. If nests are occupied, minimization measures and construction monitoring are required (see below).

#### **2. Avoidance and Minimization Measures and Construction Monitoring**

- a. During the nesting season (March 15–September 15), covered activities within 1,000 feet of occupied nests or nests under construction will be prohibited to prevent nest abandonment. If site-specific conditions or the nature of the covered activity (*e.g.*, steep topography, dense vegetation, and limited activities) indicate that a smaller buffer could be used, the Habitat Conservancy will coordinate with CDFW/USFWS to determine the appropriate buffer size.
- b. If young fledged prior to September 15, covered activities can proceed normally. If the active nest site is shielded from view and noise from the project site by other development, topography, or other features, the project applicant can apply to the Habitat Conservancy for a waiver of this avoidance measure. Any waiver must also be approved by USFWS and CDFW. While the nest is occupied, activities outside the buffer can take place.
- c. All active nest trees will be preserved on site, if feasible. Nest trees, including non-native trees, lost to covered activities will be mitigated by the project proponent according to the requirements below.

#### **3. Mitigation for Loss of Nest Tree**

The loss of non-riparian Swainson's hawk nest trees will be mitigated by the project proponent by:

- a. If feasible on-site, planting 15 saplings for every tree lost, with the objective of having at least 5 mature trees established for every tree lost according to the requirements listed below.

AND either

1. Pay the Habitat Conservancy an additional fee to purchase, plant, maintain, and monitor 15 saplings on the HCP/NCCP Preserve System for every tree lost according to the requirements listed below, OR
2. Plant, maintain, and monitor 15 saplings for every tree lost at a site to be approved by the Habitat Conservancy (*e.g.*, within an HCP/NCCP Preserve or existing open space linked to HCP/NCCP preserves), according to the requirements listed below.

The following requirements will be met for all planting options:

- b. Tree survival shall be monitored at least annually for 5 years, then every other year until year 12. All trees lost during the first 5 years will be replaced. Success will be reached at the end of 12 years if at least 5 trees per tree lost survive without supplemental irrigation or protection from

herbivory. Trees must also survive for at least three years without irrigation.

- c. Irrigation and fencing to protect from deer and other herbivores may be needed for the first several years to ensure maximum tree survival.
- d. Native trees suitable for this site should be planted. When site conditions permit, a variety of native trees will be planted for each tree lost to provide trees with different growth rates, maturation, and life span, and to provide a variety of tree canopy structures for Swainson's hawk. This variety will help to ensure that nest trees will be available in the short term (5-10 years for cottonwoods and willows) and in the long term (*e.g.*, Valley oak, sycamore). This will also minimize the temporal loss of nest trees.
- e) Riparian woodland restoration conducted as a result of covered activities (*i.e.*, loss of riparian woodland) can be used to offset the nest tree planting requirement above, if the nest trees are riparian species.
- f) Whenever feasible and when site conditions permit, trees should be planted in clumps together or with existing trees to provide larger areas of suitable nesting habitat and to create a natural buffer between nest trees and adjacent development (if plantings occur on the development site).
- g) Whenever feasible, plantings on the site should occur closest to suitable foraging habitat outside the urban development area (UDA).
- h) Trees planted in the HCP/NCCP preserves or other approved offsite location will occur within the known range of Swainson's hawk in the inventory area and as close as possible to high-quality foraging habitat.

#### **4. Additional Recommended Avoidance and Minimization Measures**

If tree removal, pruning, or grubbing activities are necessary, such activities will be conducted between October and February – outside of the breeding season – and preferably during the fall, prior to the onset of the rainy season, to avoid impacts to nesting Swainson's hawks.

#### **POTENTIAL IMPACT BIO-4: NESTING BURROWING OWL AND HABITAT**

Burrowing owls range throughout the Central Valley, the inner and outer Coastal regions, portions of the San Francisco Bay Area, the southern California Coast, from southern California to the Mexican Border, the Imperial Valley, and in portions of the desert and high desert habitats in southeastern and northeastern California. Burrowing owls require habitat with three basic attributes: open, well drained terrain; short, sparse vegetation; and underground burrows or burrow facsimiles. Throughout their range, burrowing owls occupy grasslands, deserts, sagebrush scrub, agricultural areas (including pastures and untilled margins of cropland), earthen levees and berms, coastal uplands, urban vacant lots, and the margins of airports, golf courses, and roads. Burrowing owls rely on burrows excavated by fossorial mammals or reptiles, including prairie dogs, ground squirrels, badgers, skunks, armadillos, woodchucks, foxes, coyotes, and gopher tortoises. Where the number and availability of natural burrows is limited (for example, where burrows have been destroyed or ground squirrels eradicated), owls will occupy drainage culverts, cavities under piles of rubble, discarded pipe, and other tunnel-like structures. Like other owls, burrowing owls breed once each year in an extended reproductive period, during which most adults mate monogamously. Both sexes reach sexual maturity at one year of age. Clutch sizes vary, and the number of eggs laid is proportionate to prey abundance. The breeding season occurs from February 1 to August 31, but peaks between late April and July in most years.

Four burrowing owl occurrences have been reported within one-mile of the study area: (1) in 2007, burrowing owls were reported breeding in an undeveloped field near the intersection of Chestnut Street and Oak Street, approximately ½ mile to the northwest; (2) in 2004, an adult owl was observed using a burrow just west of the Highway 4/Balfour Road intersection, approximately 0.6-mile to the west; (3) in 2004, burrowing owls were reported breeding west of the Highway 4/Balfour Road intersection approximately 0.7-mile to the west; and (4) in 2007, three adult and two juvenile burrowing owls were reported north of Chestnut Street approximately 0.5-mile east of Sellers Avenue and 0.5-mile north of the project footprint. No burrowing owls or sign of their presence was observed during the site visits; however, they could use the site for denning, breeding and foraging at any time of the year. Suitable habitat is present within the fallow fields, ruderal areas and the vicinity of rural residences within the study area. Ground squirrel burrows were observed scattered throughout the ruderal and fallow fields and along the concrete aqueducts.

The project could result in direct mortality or injury to breeding, resident or transient burrowing owls or harassment from noise, vibration, light, or increased human activity. Burrowing owls could be indirectly affected by loss of breeding, foraging and denning habitat, temporary displacement, nest abandonment, and reduced reproductive success due to stress.

#### **AVOIDANCE MEASURE BIO-4:**

The HCP/NCCP provides the following conservation measures to avoid take of burrowing owl:

##### **1. Preconstruction Survey**

- a. Prior to any ground disturbance related to covered activities, a USFWS/CDFW-approved biologist shall conduct a preconstruction survey in areas identified in the planning surveys as having potential burrowing owl habitat. The surveys will establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by owls in accordance with CDFW survey guidelines.
- b. On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership will not be surveyed. Surveys should take place near sunrise or sunset in accordance with CDFW guidelines. All burrows or burrowing owls will be identified and mapped. Surveys will take place no more than 30 days prior to construction. During the breeding season (February 1 – August 31), surveys will document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1 – January 31), surveys will document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results will be valid only for the season (breeding or nonbreeding) during which the survey is conducted.

##### **2. Avoidance and Minimization Measures and Construction Monitoring**

- a. If burrowing owls are found during the breeding season (February 1 – August 31), the project proponent will avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance will include establishment of a non-disturbance buffer zone (described below). Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied burrows have fledged. During the nonbreeding season (September 1 – January 31), the project proponent should

avoid the owls and the burrows they are using, if possible. Avoidance will include the establishment of a buffer zone (described below).

- b. If occupied burrows for burrowing owls are not avoided, passive relocation will be implemented for non-nesting owls. Owls should be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors should be in place for 48 hours prior to excavation. The project area should be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation (CDFG 1995). Plastic tubing or a similar structure should be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.

### **3. Construction Monitoring**

During the breeding season, buffer zones of at least 250 feet in which no construction activities can occur will be established around each occupied burrow (nest site). Buffer zones of 160 feet will be established around each burrow being used during the nonbreeding season. The buffers will be delineated by highly visible, temporary construction fencing.

### **POTENTIAL IMPACT BIO-5: OTHER NESTING BIRDS AND RAPTORS**

The following birds and raptors have the potential to breed and forage within the project vicinity due to the presence of medium to large mature trees, ruderal grassland, and farmland habitats: Cooper's hawk, ferruginous hawk, sharp-shinned hawk, white-tailed kite, loggerhead shrike, merlin, grasshopper sparrow, and Allen's hummingbird; loggerhead shrike was observed during the 2009 habitat assessment perched on a concrete stand pipe and foraging in a recently disked field within the study area. All of these species are protected by the Migratory Bird Treaty Act (MBTA); some with additional protection as noted in Table 5. Construction of the project will require removal of trees and shrubs located within the frontages of residential properties along Balfour Road. The general avian nesting season is February 1 – August 31 (Swainson's hawk: March 15 – September 15). Therefore, the project may directly or indirectly impact listed and/or MBTA-protected nesting birds and/or raptors if present. The project is not anticipated to impact these species with implementation of the following avoidance measures.

### **AVOIDANCE MEASURE BIO-5:**

1. If tree removal, pruning, or grubbing activities are necessary, such activities will be conducted between October and February – outside of the breeding season – and preferably during the fall, prior to the onset of the rainy season, to avoid impacts to nesting migratory birds.
2. If project construction begins during the breeding season (February 1 to August 31), preconstruction surveys will be conducted within the project footprint and a 300-foot buffer for raptors and a 50-foot buffer for all other nesting birds, by a qualified biologist no more than two weeks prior to staging, pruning/grubbing or surface-disturbing activities. If no active nests are found within the project footprint and a 300-foot buffer, no further measures need to be implemented.
3. If active nests (i.e. nests in the egg laying, incubating, nestling or fledgling stages) are found within 300 feet of the project footprint, non-disturbance buffers will be established at a distance sufficient to minimize disturbance based on the nest location, topography, cover, the nesting pair's tolerance to disturbance and the type/duration of potential disturbance. Sufficient buffers are generally 300 feet for raptors and 50 feet for other nesting birds. No work will occur within the non-disturbance buffers until the young have fledged, as determined by a qualified biologist. Buffer size will be determined in

cooperation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service Migratory Bird Permit Office. If buffers are established and it is determined that project activities are resulting in nest disturbance, work will cease immediately and the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service Migratory Bird Permit Office should be contacted for further guidance.

#### **POTENTIAL IMPACT BIO-6: WESTERN RED BAT**

In general, bats exhibit a wide range of habitat usage depending on the species, season, time of day, resource availability, level of disturbance, and other such factors, but often exhibit a high site fidelity and specificity for roost selection. Roost sites consist of maternity (nursery colonies), bachelor, day, night and feeding sites within caves, mines, cliffs, rock crevices, tree hollows, stumps, foliage, under exfoliating bark, and in man-made structures such as buildings and bridges, among others. Some species require a complex network of habitat characteristics that fulfill foraging, water intake, shelter, and thermoregulatory requirements which vary seasonally. The survey effort necessary to document presence of some species, particularly those that roost and forage high off the ground, may require several weeks of monitoring based on a species roost selection, solitary roosting and foraging behaviors during non-breeding periods, rarity within the region, and current limitations of monitoring methods. Given these parameters, bat species and their habitat should be managed on a temporal and spatial scale that accounts for each species' specific habitat requirements, resource availability, and sensitivity to disturbance.

Primarily a riparian obligate species, western red bats are widely distributed throughout the western Americas, from British Columbia to Argentina. They are ubiquitous throughout most of California except the northern Great Basin region. The red bat is easily distinguished by its distinctive reddish coloration. Roosting typically occurs individually in dense clumps of tree foliage in riparian areas, especially willows, cottonwoods and sycamores, and within orchards and suburban areas in trees and shrubs. Roosts are often hidden from view and only accessed from below. Red bats are primarily moth specialists, but individuals will forage for a variety of other insects. Individuals have been observed foraging around street lamps and flood lights in suburban areas. The western red bat migrates long distances, but has been reported to overwinter in the Bay Area with interspersed winter foraging bouts on warm days.

Suitable roost habitat is present among mature trees within the study area, particularly within cottonwoods and other dense leafy ornamental trees. The project could result in the direct mortality or injury of individual western red bats or could indirectly affect the species by loss of roosting and foraging habitat.

#### **AVOIDANCE MEASURE BIO-6:**

The following are recommended measures to avoid and minimize impacts to western red bat.

1. Preconstruction surveys will be conducted for all areas that provide suitable bat roosting habitat including man-made structures, snags, rotten stumps, mature trees with broken limbs, trees with exfoliating bark, bole cavities or hollows, dense foliage, etc. Sensitive habitat areas and roost sites will be avoided to the maximum extent practicable.
2. If potential roost sites (trees, snags, etc.) are to be removed or trimmed, limbs smaller than 3 inches in diameter will be cut and the tree left overnight to allow any bats that may be using the tree/snag time locate another roost. A biological monitor will be present during the trimming or removal of trees/snags.

3. Structures or trees will be removed between September and March, outside of the breeding season to avoid disturbance to maternal colonies.

### POTENTIAL IMPACT BIO-7: CURVED-FOOTED HYGROTUS DIVING BEETLE

This species inhabits slow-moving freshwater streams, side channel and backwater pools, and freshwater marshes. Suitable habitat is present within drainage ditches, irrigation canals and tailwater ponds within the study area. Three occurrences have been reported within five miles of the study area, the closest approximately 4 miles to the south were within a roadside ditch.

### AVOIDANCE MEASURE BIO-7:

If present, the construction activities could result in the direct mortality or injury of individuals of this species or could be indirectly affected by the removal of aquatic habitat, decreased habitat or water quality, changes in the flow or runoff regime, and increased sedimentation and erosion. The following measures will avoid impacts.

1. Prior to the start of surface-disturbing activities, a qualified biologist will conduct a survey to determine if curved-footed hygrotus diving beetles are present within the impact area. If no individuals are found, no further avoidance and minimization measures are necessary. If individuals are found in the impact area, they will be collected and relocated to suitable areas outside the impact area or as otherwise directed by the California Department of Fish and Wildlife. Collection and translocation of these species will be conducted by a biologist in possession of a valid State Scientific Collecting Permit with expressed approval to handle these species by the California Department of Fish and Wildlife.

The attached Mitigation and Monitoring Reporting Plan (MMRP) identifies when these measures will be implemented, the parties that are responsible for ensuring implementation of these measures, and verification that the measures were implemented (Appendix A).

The project is not anticipated to substantially impact any special-status species with implementation of the mitigation and avoidance measures described above. Therefore, project impacts will be **less than significant with mitigation incorporated**.

- b) *Would the project 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 Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

No state or federally regulated sensitive natural communities or uncommon vegetation or uncommon landscape features as listed in the HCP/NCCP occur within the project area. Therefore, the project will have **no impact**.

- c) *Would the project 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?*

Three features within the study area were investigated for their potential to be waters of the U.S. and state, and found to be non-jurisdictional as described below: the two aqueducts that cross the Balfour Road and the drainage ditch that parallels Bixler Road, south of Balfour Road (Nomad Ecology 2009b, 2015b). Therefore, the project will have **no impact**.

### *Aqueducts*

The two aqueducts that cross Balfour Road were determined to be non-jurisdictional because they are non-tidal irrigation ditches excavated on dry land. These features would qualify as “ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands” which are clearly defined as not a waters of the U.S. in 33 CFR §328.3 of the 2015 Clean Water Rule, even if they eventually drain to a tributary and could affect the chemical, physical, or biological integrity of the tributary.

An analysis of an historical topographic map and 1939 aerial imagery served by Google Earth was used to determine if the ditches were constructed in wetlands to drain them or in dry lands to deliver water. The original ECCID water system was built in 1911. Historical photographs that show this area prior to the construction of the ditches were not available. The historical 1916 U.S. Geologic Survey topographic map shows only one wetland feature in the area: an unnamed creek in the vicinity of Byron Highway north of Balfour Road that is well away from the aqueducts. Therefore it is assumed the aqueduct is not excavated in a tributary.

Water is actively pumped into the aqueducts at Fallman Slough and transport water in the summer months for irrigation. The concrete aqueducts are dry in the winter months, which imply they are not functioning to drain wetlands. A portion of the aqueduct eventually drains to Marsh Creek (a jurisdictional tributary) but the aqueduct itself would not be considered a jurisdictional feature.

The location of the unnamed creek shown in the 1916 USGS topographic map was investigated for evidence of wetlands. There is currently an irrigation ditch present near the location of the historic creek that is visible on the aerial photograph. This irrigation ditch was shallow and appeared to be recently dug, and was dry at the time of the site visit. No wetland indicators were observed at the location where the historic creek crossed Balfour Road.

### *Roadside Drainage Ditch*

The north-south drainage ditch that parallels Bixler Road did not show any evidence of scour in the northern portion of the ditch near the project area. The channel was choked with upland ruderal vegetation and did not appear to regularly carry water. This drainage ditch contained three box drains approximately 650 feet south of the intersection of Bixler Road and Balfour Road. The box drains feed into three culverts which cross Bixler Road and discharge into Fallman Canal, approximately 2,600' south of the intersection. The portion of the ditch near the box drains contained cattails and other wetland vegetation. At the time of the site visit, the box drains were draining water flowing from the south, fed by a large pond and wetland ringed with willows. The portion of this ditch in the vicinity of the box drains and south would be considered jurisdictional. North of the box drains, the ditch is characterized by upland ruderal vegetation, with no evidence of an ordinary high water mark, and is not considered jurisdictional.

- d) *Would the project 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?*

The project area is situated approximately 13 miles northeast of Mt. Diablo proper and lies approximately 2.5 miles northeast of the undeveloped foothills comprising Deer Valley, Briones Valley, Round Valley, Byron Hot Springs and Los Vaqueros Watershed. This undeveloped stretch of

land is part of the northwestern-most extent of the Diablo Mountain Range, which functions as a regional movement corridor. This regional corridor extends from the eastern foothills of Mt. Diablo and Black Diamond Mines Regional Park southeast toward the Altamont Pass. This land tract promotes the dispersal and gene flow between a variety of plant and animal subpopulations occurring within the region. The valley bottom in which the project area is located comprises part of the Sacramento-San Joaquin River Delta floodplain and is predominantly farmed.

The intensive agriculture use, network of rural and heavily-used county roads, and residences have limited the successful dispersal and movement from occupied lands to the southwest. However, the various irrigation canals, fallow and ruderal fields, and scattered aquatic features and trees provide a potential means for some species, such as giant garter snake, burrowing owl, and Swainson's hawk, to disperse and move through the area in addition to common wildlife. The project will not result in permanent disruption to movement of wildlife species. However, activities associated with construction of the project may temporarily inhibit dispersal, migration, and daily movement. This disruption is limited and short term in nature (Nomad Ecology 2015a). Therefore, project impacts will be **less than significant**.

- e) *Would the project conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?*

The project will not conflict with any local policies or ordinances protecting biological resources as potential impacts and anticipated impacts will be avoided where feasible and where not feasible will be mitigated through the HCP/NCCP which is consistent with the policies for protection of biological resources included in the Conservation Element section of the County General Plan (Contra Costa County 2005d). The project is not subject to the County Tree Ordinance (Contra Costa County Code [CCCC] Title 8, Chapter 816-6.10(6)) as tree trimming and clearing will occur within the County ROW. Therefore, the project will have **no impact**.

- f) *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?*

The project is consistent with the HCP/NCCP as mitigation fees will be paid to offset impacts and the required surveys and required avoidance and minimization measures will be implemented as described above. Therefore, the project will have **no impact**.

## V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in §21074?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **Regulatory Background**

CEQA requires lead agencies to determine if a project will have an adverse impact on a significant cultural resource (includes historical and archaeological) (Public Resources Code Sections 21084, 21084.1, 21083.2). A resource is considered significant if it 1) is listed in or has been determined eligible for listing in the California Register of Historic Resources (CRHR); 2) is included in a local register of historical resources, as defined in Public Resources Code 5020.1(k); 3) has been identified as significant in an historical resources survey, as defined in Public Resources Code 5024.1(g); or 4) is determined to be historically significant by the CEQA lead agency [CCR Title 14, Section 15064.5(a)]. The following CRHR eligibility criteria need to be considered when making a significance determination.

1. Associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Associated with the lives of persons important in our past;
3. 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
4. Has yielded, or may be likely to yield, information important in prehistory or history.

If a significant resource will be impacted, the Lead Agency must determine whether there is "substantial evidence" in the administrative record to support a finding of significant effect (Section 21080(e)). CEQA requires examination of mitigation measures or feasible project alternatives that would avoid or minimize any impacts or potential impacts.

### ***Tribal Cultural Resources***

Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to mandate consultation with California Native American tribes during the CEQA process to determine whether or not the proposed project may have a significant impact on a Tribal Cultural Resource, and that this consideration be made separately from cultural and paleontological resources.

Section 21073 of the Public Resources Code defines California Native American tribes as “a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004.” This includes both federally and non-federally recognized tribes.

Section 21074(a) of the Public Resource Code defines Tribal Cultural Resources for the purpose of CEQA as:

- 1) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are any of the following:
  - A. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or
  - B. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
  - C. a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria A and B also meet the definition of a Historical Resource under CEQA, a Tribal Cultural Resource may also require additional consideration as a Historical Resource. Tribal Cultural Resources may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their tribal cultural resources and heritage, AB 52 requires that CEQA lead agencies carry out consultation with tribes at the commencement of the CEQA process to identify Tribal Cultural Resources. Furthermore, because a significant effect on a Tribal Cultural Resource is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures. Consultation is concluded when either the lead agency and tribes agree to appropriate mitigation measures to mitigate or avoid a significant effect, if a significant effect exists, or when a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (21080.3.2[b]), whereby the lead agency uses its best judgement in requiring mitigation measures that avoid or minimize impact to the greatest extent feasible.

### ***Cultural and Historical Resource Assessment***

In order to determine if the project area contains potential significant cultural and/or historical resources, a qualified cultural resource specialists conducted research of recorded sites and surveys within one mile of the project area and also reviewed historic maps and literature at the Northwest Information Center at California State University, Sonoma, and various libraries (Condor Country

Consulting, Inc. 2009, JRP Historical Consulting 2009). The CCCPWD Environmental Services Division requested a Sacred Lands File search from the Native American Heritage Commission (NAHC) to determine if any recorded Native American sites occur within the project area and also contacted Native American tribal representatives provided by the NAHC that may have knowledge of unrecorded sites (Native American Heritage Commission 2009, Contra Costa County Public Works Department [CCCPWD] 2009a).

The CCCPWD has received only one letter to date requesting formal notification. On August 24, 2015, the County received a notification letter from the Wilton Rancheria requesting formal notification of proposed projects within their geographic area of traditional and cultural affiliation.

### ***Environmental Setting***

The project area and surrounding land uses consists of the road and associated gravel shoulders and active farmland and ranchettes. The greatest land changes in the project vicinity are related to early settlement by Euroamericans in the 1800s with introduction of agriculture and livestock which constituted one of the principal reasons for the disappearance of the California grasslands. Another significant land change was the diking of the Delta for the conversion of tule marsh into viable farmland and the construction of the East Contra Costa Irrigation District canals in 1913. The expansion of the City of Brentwood and spread of suburban development in the mid-1990s through 2000s have had the greatest land change in the surrounding. The project area and immediately adjacent area has been subject to extensive landform modification, including construction of ditches along Balfour Road, and ongoing crop tilling (Condor Country Consulting 2009).

a) *Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

The records search and field survey did not identify the presence of recorded or unrecorded historical resources within the project area. However, the main canal of the East Contra Costa Irrigation District (ECCID) located approximately ½ mile south of the project area was determined to be eligible for listing to the National Register of Historic Places (NRHP) and California Register of Historic Resources (CRHR). The canal was constructed from 1913 through 1930 and is of recognized local historical importance (Condor Country Consulting 2009). Considering that the ECCID lateral canal structures occur within the project area and will require modifications to accommodate the road shoulder widening, a qualified architectural historian evaluated the ECCID lateral canal structures to determine if it meets the criteria for listing on the NRHP and CRHR. It was determined that the ECCID lateral canal structures that would be impacted do not appear to meet either criteria. Further, the ECCID structures have not been identified as Contra Costa County landmarks (JRP Historical Consulting 2009).

The project will require excavations of up to 8 feet below existing grade for drainage inlets and irrigation drain pipes, up to 3.5 feet for the drainage ditches, and up to 6.5 feet for the driveway culvert crossings (pers. comm. Yip 2015). While the records search and field survey did not identify the presence of historical resources, the project may unearth unanticipated historic or pre-historic Native American period resources. The project contract specifications require the contractor to implement the following measures to avoid and minimize potential impacts. Therefore, project impacts will be **less than significant**.

1. Project contract specifications will identify the types of historic and pre-historic Native American period resources that may be encountered.

2. If an inadvertent discovery is made, the construction contractor will cease all ground-disturbing activities in the area of the discovery.
3. The construction contractor will immediately notify the CCCPWD Resident Engineer who will then request the appropriate specialist to evaluate the finding(s).
4. If the finding(s) is determined to be potentially significant, the specialist in consultation with the appropriate agency and cultural resource representative, if applicable, will develop a research design and treatment plan outlining management of the resource, analysis, and reporting of the find.

*b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

The records search and field survey did not identify archaeological resources within the project area. Further, the NAHC and Native American tribal representatives did not identify native lands, plant gathering areas, archaeological deposits, or traditional cultural properties within the project area (CCCPWD 2009). However, the project will require excavations up to eight feet and therefore while the records search and field survey did not identify the presence of resources, the project may unearth unanticipated historic or pre-historic Native American period resources. Implementation of the above measures provided in above will minimize potential impacts. Therefore, project impacts will be **less than significant**.

*c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?*

The project is not anticipated to destroy any unique paleontological resources or sites because the project is underlain primarily by alluvium soil deposits which are not considered formations that include unique paleontological features (Contra Costa County 2005d). However, the project will require excavations up to seven feet and therefore should unanticipated paleontological resources are unearthed, implementation of the above measures will minimize potential impacts. Therefore, project impacts will be **less than significant**.

*d) Would the project disturb any human remains, including those interred outside of formal cemeteries?*

The project will not impact any formal or informal cemeteries because none are present within or adjacent to the project area. In order to determine if there are any unrecorded burial grounds and/or sacred land sites in the vicinity of the project area, the NAHC was contacted to check their Sacred Lands File of recorded sites. While no recorded sites were found, the NAHC provided a list of Native American tribal representatives for the region to be notified for unrecorded sites. The listed Native American representatives were notified of the project via certified mail and follow up emails or phone calls. None of the representatives who provided responses expressed any concerns relating to this project (CCCPWD 2009). However, the project will require excavations up to eight feet and therefore should unanticipated human remains be discovered, the project contract specifications require the contractor to implement the following measures to minimize potential impacts. Therefore, project impacts will be **less than significant**.

1. Stop work in the area of any discovery and immediately notify CCCPWD Resident Engineer who will then contact the County Coroner, NAHC, and a qualified archeologist to determine how to appropriately deal with the remains in accordance with the California Health and Safety Code (Health and Safety Code Section 7050.5[b]).

- e) *Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in §21074?*

On September 1, 2015, CCCPWD sent out a notice of opportunity to consult letter. A brief description of the project and its location, and the lead agency contact information was provided, along with notification that the tribe had 30 days to request consultation. The letter was signed as received on September 2, 2015. The 30-day response period concluded on October 1, 2015. No response was received. The project will not cause a substantial adverse change in the significance of a Tribal Cultural Resource as no response was received from the only tribe that has requested formal notification. Therefore, the project will have **no impact**.

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## VI. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2 Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3 Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4 Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### *Environmental Setting*

#### *Geology*

The project area is located within the Westside Alluvial Fans and Terraces subsection of the Great Valley Section. Westside Alluvial Fans and Terraces comprise terraces and alluvial fans along the western edge of the San Joaquin Valley, adjacent to the Coast Ranges. This is a subsection of very gently to gently sloping terraces and alluvial fans with few large streams that drain across the terraces and alluvial fans on the west side of the San Joaquin Valley. Elevations range from sea-level to 1,500 feet. Fluvial erosion and deposition are the main geomorphic processes here. Westside Alluvial Fans and Terraces contain mostly Quaternary alluvium, and some Plio-Pleistocene sediments. The alluvium is predominantly from sedimentary rock sources in the Coast Ranges. There are small areas of Eocene, Miocene, and Pliocene sedimentary rocks (Nomad Ecology 2015a).

#### *Soil*

The soil types in the project area consists of Brentwood clay loam, Brentwood clay loam wet, Capay clay (0-2% slopes), Capay clay, wet (0-2% slopes). The Brentwood soil series are on nearly level to gently sloping

fans and formed in valley fill from sedimentary rocks. These soils are well- to moderately-well drained with very slow to medium runoff and moderately slow permeability. Capay soils are on alluvial fans, alluvial flats, interfan basins and basin rims. These soil series consists of very deep, moderately well-drained soils that formed in moderately fine and fine textured alluvium derived from mostly sandstone and shale with negligible to high runoff and slow to very slow permeability. Some areas are subject to rare, occasional or frequent flooding ((Nomad Ecology 2015a).

a) *Would the project 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.*

Contra Costa County is located within a region of high seismicity; the San Francisco Bay Region has been impacted by severe earthquakes during historic time (Contra Costa County 2005e). In order to provide safety of structures for human occupancy, the Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazards. The law requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults and to issue appropriate maps (Association of Bay Area Governments [ABAG] 2015).

The closest faults are the Greenville located approximately 10 miles to the southwest and the Concord-Green Valley located approximately 25 miles to the west. The Greenville fault would result in strong seismic shaking in the project vicinity and the Concord-Green Valley fault would result in moderate shaking (ABAG 2015). The project is not expected to expose people or structures to potential substantial adverse effects from a rupture of a known earthquake fault as the project does not include features that would increase risk to people or structures as it is primarily limited to shoulder widening of an existing road. Nevertheless, the project design and construction will incorporate measures that are in accordance with applicable state and local design practice and guidelines to ensure the project will withstand seismic activity as defined in the Caltrans Highway Design Manual (Caltrans 2015b). Therefore, project impacts will be **less than significant**.

2 *Strong seismic ground shaking?*

As discussed above, while the project area is located in an area of moderate to strong seismic shaking, the project is not expected to expose people or structures to potential substantial adverse effects from strong seismic ground shaking as the project does not include features that would increase risk to people or structures as it is primarily limited to shoulder widening of an existing roadway. Further, the project design and construction will incorporate measures that are in accordance with applicable state and local design practices and guidelines to ensure that the project will withstand seismic activity. Therefore, project impacts will be **less than significant**.

3 *Seismic-related ground failure, including liquefaction?*

The project area is located within a moderate to high liquefaction potential (Contra Costa County 2005e, ABAG 2015). The project design and construction will incorporate measures that are in accordance applicable state and local design practice and guidelines to ensure that the project will withstand seismic-related failures. Therefore, project impacts will be **less than significant**.

#### 4 Landslides?

The project area is not located within a potential landslide area (Contra Costa County 2005e: Figure 10-6). Therefore, the project will have **no impact**.

*b) Would the project result in substantial soil erosion or the loss of topsoil?*

The project will not result in substantial soil erosion or the loss of topsoil because minor grading and excavation associated with the road improvements will result in a negligible change in topography. Construction of the project will temporarily increase the exposure of soils to wind erosion from grading and excavation activities. However, standard dust and erosion control practices will be implemented as outlined in discussion item (a) of the Air Quality section during construction to minimize impacts. Therefore, project impacts will be **less than significant**.

*c) Would the project 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 on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

As discussed above, the project area is not located within an area subject to landslides but within a moderate to high potential for liquefaction. The project design and construction will incorporate measures in accordance with state and local design practice and guidelines as defined in the Caltrans Highway Design Manual to ensure that the project will withstand seismic activity and liquefaction. Further, the project is limited to shoulder widening of an existing road and will not introduce new land uses that could be impacted by unstable soils. Therefore, project impacts will be **less than significant**.

*d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

The Quaternary Alluvium geological formation that occurs beneath the project area consists of consolidated and unconsolidated sediments which can cause localized problems for building due to expansive clays, hillside earth flows and unstable cut slopes (Contra Costa County 2005e: Figure 10-1). Expansive soils swell when they absorb water and shrink as they dry. The basic cause of expansion is the attraction and absorption of water in the expandable crystal structures of clays. These areas must be recognized because they can cause cracking to foundations during wet or dry periods (Contra Costa County 2005e).

As noted above, the project area is located on clay type soils. The project will not create a substantial risk to life or property as the project is limited to shoulder widening of an existing road. Nevertheless, the project will be engineered according to standard industry practice, which includes design considerations for soil type. Therefore, project impacts will be **less than significant**.

*e) Would the project 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?*

The constructed project and project construction will not require septic or other waste disposal systems. Therefore, the project will have **no impact**.

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## VII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### ***Regulatory Background***

Climate change refers to any significant change in measures of climate, such as average temperature, precipitation, or wind patterns over a period of time. There is a general scientific consensus that global climate change is occurring, caused in whole or in part by increased emissions of greenhouse gases (GHGs) that keep the earth's surface warm by trapping heat in the atmosphere. Climate change may result from natural factors, natural processes, and human activities that change the composition of the atmosphere and alter the surface and features of the land (California Office of Planning and Research [OPR] 2008b).

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, recognized that California is the source of substantial amounts of GHG emissions which poses a serious threat to the economic well-being, public health, natural resources, and the environment of California (OPR 2008b). Potential adverse impacts of global warming include severe air quality problems, a reduction in the quality and supply of water from the Sierra snowpack, a rise in sea levels causing the displacement of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems (OPR 2008b). This bill directed the California Air Resources Board (CARB) to begin developing discrete early actions to reduce GHGs to reach the GHG reduction goals by 2020.

As discussed in the air quality section, in order to address global climate change associated with air quality impacts, CEQA statutes were amended to require evaluation of GHG emissions (global pollutants) which includes criteria air pollutants (regional pollutants) and toxic air contaminants (local pollutants). As a result, the BAAQMD adopted CEQA thresholds of significance for criteria air pollutants and GHGs, and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project's individual emissions would be cumulatively considerable. Various modeling tools are used to estimate emissions based on the type of project (i.e., land use developments, linear transportation and utility projects) (BAAQMD 2010a). While the BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions, sources of construction-related GHGs include exhaust (carbon dioxide, nitrous oxide) for which the same detailed guidance as described for criteria air pollutants and precursors should be followed (BAAQMD 2010b).

- a) *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

The constructed project would not result in an increase of GHG emissions as no additional travel lanes will be created; however, construction activities will generate GHGs from construction equipment and vehicle exhaust. While the BAAQMD does not have an adopted threshold of significance for construction related-GHG emissions Lead Agencies should quantify and disclose GHG emissions that would occur during construction, and make a determination on the significance of these construction-generated impacts. As discussed in the Air Quality section, estimated project construction emissions were determined to be below the thresholds of significance. Further, project contract specifications will require implementation of air pollution control practices. Therefore, project impacts will be **less than significant**.

- b) *Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The project will not conflict with an applicable plan, policy or regulation as project emissions were estimated and determined to be below the thresholds of significance in accordance with BAAQMD air quality plans. Further, project contract specifications will require implementation of air pollution control practices. Therefore, project impacts will be **less than significant**.

## VIII. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### ***Regulatory Background***

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or if it has characteristics defined as hazardous by such an agency. The release of hazardous materials into the environment could potentially contaminate soils, surface water, and groundwater supplies. The California Environmental Protection Agency (Cal/EPA) which consists of the Air Resources Board, Department of Pesticides Regulation, Department of Resources and Recycling and Recovery, Department of Toxic Substance Control (DTSC), Office of Environmental Health Hazard Assessment, and State Water Resources Control Board (SWRCB) regulates hazardous materials and waste. Under Government Code Section 65962.5, the DTSC maintains a list of hazardous substance sites (Cortese List) which includes leaking underground storage tank sites, hazardous material sites, and landfills with evidence of groundwater

contamination (Cal/EPA 2015). The Contra Costa County Health Services, Hazardous Materials Program (2015) serves area residents by responding to emergencies and monitoring hazardous materials.

- a) *Would the project create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?*

The project will not create a significant hazard to the public or the environment because once constructed, the project would not result in routine transport, use or disposal of hazardous materials other than what already occurs by the traveling public. Therefore, project impacts will be **less than significant**.

- b) *Would the project 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?*

As discussed above, the project will not create a significant hazard to the public or the environment because once constructed, the project would not result in accident conditions of hazardous materials other than what already occurs by the traveling public. However, there is the potential for a release of hazardous substances from construction equipment operations (e.g., accidental petroleum spills) during construction. Project contract specifications will require that the contractor prepare a Stormwater Pollution Prevention Plan to identify best management practices (BMPs) (i.e., placement of drip pans under stationary equipment, routine equipment inspections, and on-site spill cleanup materials) to prevent accidental releases to the environment and workers. In addition, project contract specifications will require the contractor to contact Underground Service Alert (USA) prior to conducting any ground-disturbing work that could potentially impact utilities. Therefore, project impacts will be **less than significant**.

- c) *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?*

There are no existing or proposed schools within 1/4 mile of the project area. The constructed project will not emit hazardous emissions or handle hazardous or acutely hazardous materials or substances. While construction equipment exhaust will generate an increase in air pollutant concentrations, it would be temporary and effects would be negligible as estimated emissions were determined to be less than the BAAQMD thresholds of significance as discussed in the Air Quality section. Further, project contract specification requirements for air and water pollution control pollution practices will be implemented. Therefore, the project will have **no impact**.

- d) *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The project area and surrounding properties were not identified on any lists compiled pursuant to Government Code 65962.5 (Cortese List) or any lists maintained by the CalEPA, California DTSC, or CCHS, Hazardous Materials Program databases (SWRCB 2015b, DTSC 2015). Field observations noted an adjacent parcel occupied by Mid-Valley Agricultural Supply Services which stores and sells farm-related chemicals such as herbicides and pesticides, however this business was not listed on any databases and no evidence of contamination was observed of the property from the road or elsewhere within the project area. Therefore, the project will have **no impact**.

- 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.*

The project area is not located within two miles of a public airport. Therefore, the project will have **no impact**.

- 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?*

The project is not located in the vicinity of a private airstrip. Therefore, the project will have **no impact**.

- g) *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The constructed project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Access for emergency vehicles will be provided at all times during construction. Therefore, project impacts will be **less than significant**.

- h) *Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

The project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires as the project area is not located adjacent to wildlands (CalFire 2007, 2009). Therefore, the project impact will have **no impact**.

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## IX. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### *Environmental Setting*

#### *Hydrological Resources*

Hydrology on site is influenced by many factors, such as precipitation, run-off, geologic stratigraphy, topography, soil permeability, and plant cover. The mean annual precipitation for this region ranges from 8 to 16 inches and nearly all of the precipitation is rainfall. The mean annual temperature is generally between 59 and 62°F and the mean freeze-free period is from 250 to 275 days. Streams in this subsection drain to the

San Joaquin River and all but the larger streams are dry during the summer (Nomad Ecology 2015a). The project area is located within the East County Delta Drainages which is tidally influenced by the Delta and repeated flooding has deposited sediment and created a fertile environment which has attracted agricultural industry to this region. Flood control infrastructure was constructed to protect farmland and irrigation canals were constructed to channel water through the region (Contra Costa County 2003).

The project area is fairly level, with elevations ranging from 60 feet above mean sea level at Sellers Avenue to 10 feet above mean sea level at Bixler Road. As noted in the Geology section, the project vicinity is underlain by Quaternary alluvium, and some Plio-Pleistocene sediments. The soil types in the project area consists of Brentwood clay loam and Capay clay which; Brentwood soils are well- to moderately-well drained with very slow to medium runoff and moderately slow permeability and Capay soils are very deep, moderately well-drained soils with negligible to high runoff and slow to very slow permeability. The surrounding lands appeared to be level and well-drained as observed during site visits (Nomad Ecology 2015a).

The edges of the road are nearly level, and roadside ditches are absent. A north-south running drainage ditch is present on the west side of Bixler Road, just south of the intersection with Balfour Road. This drainage ditch contained three box drains approximately 650 feet south of the intersection. The box drains feed into three culverts which cross Bixler Road and discharge into Fallman Canal, approximately 2,600 feet south of the intersection. The portion of the ditch near the culverts contained cattails and other wetland vegetation. At the time of the site visit, the box drains were draining water flowing from the south, fed by a large pond and wetland ringed with willows. The portion of the ditch in the project area was the northernmost extent of the ditch, was characterized by upland ruderal vegetation, did not contain an ordinary high water mark, and did not appear to regularly carry water (Nomad Ecology 2015a).

Balfour Road crosses two concrete aqueducts that deliver irrigation water north from the Main Canal which parallels Balfour Road one-half mile to the south. The Main Canal is operated by the East Contra Costa Irrigation District (ECCID). The original ECCID water system was built in 1911. Water is pumped into the Main Canal from Indian Slough to the east, immediately north of Discovery Bay. Water is conveyed west along the open, concrete-lined Main Canal to its terminus at Fairview Avenue. A total of seven pump stations are located along the canal. Water is pumped from the Main Canal into several north-south-running irrigation canals along its length. A grid of canals, pipelines, and ditches runs throughout the ECCID (Nomad Ecology 2015a).

The westernmost of the two concrete aqueducts that cross Balfour Road parallels Sellers Avenue in the project area. This aqueduct carries water north from the Main Canal on the east side of Sellers Ave – crossing to the west side of Sellers Avenue near the intersection with Chestnut and continues north to Sunset Road. At Sunset Road, it enters the “boosting station” and travels in pipes until it is discharged into Marsh Creek. The easternmost of the two concrete aqueducts carries water in a single channel north from the Main Canal. After crossing to the north side of Balfour Road, it splits into two concrete aqueducts: one continues north, and the other parallels Balfour Road, heading east for one-quarter mile, then turning northeast. At the time of the July 2015 site visit, all channels that cross Balfour Road were carrying water, presumably for irrigating crops.

#### *Flood Hazard Areas*

Special flood hazard areas are subject to 1% chance of flooding in any given year (100-year flood), also known as the base flood. The Federal Emergency Management Agency (FEMA) conducts flood elevation

studies to determine flood-prone areas which are mapped for local communities to administer floodplain management regulations and mitigate flood damage as well as to determine flood insurance rates. FEMA produces flood insurance rate maps (FIRM) that show areas that have been evaluated which are updated periodically. The project area is not located within a 100-year floodplain zone; the area is located within Zone X which includes areas of 2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than one square mile; and areas protected by levees from 1% annual chance flood (FEMA 2009).

a) *Would the project violate any water quality standards or waste discharge requirements?*

The federal and state Clean Water Acts have promulgated a number of program permits to improve surface and groundwater quality and meet water quality objectives through the National Pollutant Discharge Elimination System (NPDES) permit program. The NPDES *Waste Discharge Requirements for Storm Water Discharges from Municipal Separate Storm Sewer Systems* for jurisdictions in East Contra Costa County (Order No. R5-2010-0102) require new development and redevelopment projects that create more than 10,000 square feet of impervious surface area to construct stormwater treatment systems to treat stormwater runoff (Provision C.3) (Regional Water Quality Control Board 2010). While the project will create approximately 138,300 square feet (3.2 acres) of additional impervious surface area for the road and shoulder improvements, it was determined that the project will not be required to implement Provision C.3 of this waste discharge permit as no additional travel lanes will be constructed that would contribute to additional pollutant runoff, and the additional individual left turn lanes would not exceed 10,000 square feet (CCCPWD 2009b; pers. comm. Swartz 2010).

The NPDES *General Permit for Storm Water Discharges Associated with Construction and Land Disturbances* (Order No. 2012-0006-DWQ) requires that construction projects that disturb more than one acre of soil to seek permit coverage from the State Water Resources Control Board (SWRCB) which requires notification, fees, and preparation of a Stormwater Prevention Pollution Plan (SWPPP) that identifies best management practices (BMPs) to be implemented during and after construction to avoid and minimize polluted runoff from construction sites (SWRCB 2015a).

The project will not violate any water quality standards or waste discharge requirements for the reasons discussed above. Therefore, project impacts will be **less than significant**.

b) *Would the project 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)?*

The project will not require the need for groundwater supply. Therefore, the project will have **no impact**.

c) *Would the project 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 which would result in substantial erosion or siltation on- or off-site?*

The existing drainage pattern consists of sheet flow runoff onto the adjacent farmlands and irrigation ditches. An open roadside ditch will be constructed along the south side of the road with a couple of segments that will be piped underground and connect to an existing drainage inlet at the southwest corner of Balfour Road and Bixler Road intersection where flows will drain south along the west side of Bixler Road within the existing drainage ditch. Open ditches will be piped under existing driveways. Underground cross drain pipes will be installed under the road at several locations throughout the

project segment to collect gravity-fed sheet flow runoff from along the north side of the road. The project will not substantially alter the existing drainage pattern of the area that would result in substantial on-site or off-site erosion or siltation as the project area is fairly level. However, project construction could result in erosion or siltation from soil disturbance. Implementation of applicable BMPs identified in the SWPPP will avoid or minimize on- and off-site erosion and siltation. Therefore, project impacts will be **less than significant**.

- d) *Would the project 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 which would result in flooding on-or off-site?*

The project will create additional impervious surface area for the widened travel lanes, new shoulders, and left turn pocket lanes at Byron Highway intersection. While there will be an increase in impervious area which could potentially increase the amount of surface run-off, this will be negligible considering the substantial undeveloped adjacent acreage, and the proposed drainage improvements described above will reduce on- and off-site flooding. Therefore, project impacts will be **less than significant**.

- e) *Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

As noted above, the constructed project will create additional impervious surface area. While there will be an increase in impervious area which could potentially increase the amount of surface run-off, the proposed drainage improvements described above will not exceed the capacity of the existing drainage system as none exists. The proposed stormwater drainage system will accommodate the additional surface run-off. The project will not contribute to substantial additional sources of polluted runoff as no new through travel lanes will be created. Therefore, project impacts will be **less than significant**.

- f) *Would the project otherwise substantially degrade water quality?*

The constructed project will not otherwise substantially degrade water quality. Further, implementation of applicable BMPs identified in the SWPPP will avoid potential impacts. Therefore, project impacts will be **less than significant**.

- g) *Would the project 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?*

The project is not located within a 100-year flood zone. Further, the project will not create housing. Therefore, the project will have **no impact**.

- h) *Would the project place within a 100-year flood hazard area structures that would impede or redirect flood flows?*

As noted above, the project is not located within a 100-year flood plain zone, and the project will not create any structures which would not impede or redirect flood flows. In addition, while there will be an increase in impervious area for the shoulders closer to residential properties, the proposed drainage improvements (i.e., construction of roadside ditch, installation of storm drain inlets) will improve stormwater flows. Therefore, the project will have **no impact**.

- i) *Would the project 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?*

The project will not expose people or structures to a significant risk of loss, injury or death involving flooding as the project will not create levees or dams and is not located within a dam or levee failure

inundation area (California Department of Water Resources 2015; ABAG 2015). Further, the project involves improvement to an existing road. Therefore, the project will have **no impact**.

- j) *Would the project the expose people or structures to risk of inundation by seiche, tsunami, or mudflow?*  
The project area is not subject to seiche, tsunami, or mudflow (CDC 2009). Therefore, the project will have **no impact**.

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## X. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project is located within unincorporated Contra Costa County. Land use policies are established in the County's General Plan and Zoning Code. In addition, the project is subject to the East Contra Costa County Habitat Conservation Plan and Natural Community Conservation Plan (HCP/NCCP) (Jones and Stokes 2006).

The project area is located outside the Urban Limit Line and within the Agricultural Preserve District (A-4, A-40) which is intended to provide areas that provide 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 (MuniCode, Contra Costa County 2015).

a) *Would the project physically divide an established community?*

The project would not physically divide an established community because the project involves improvement to an existing roadway which will benefit the motorists and farm equipment using the road by providing a safer road. Therefore, the project will have **no impact**.

b) *Would the project 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?*

The project does not conflict with any applicable land use plan, policy or regulation; the project is consistent with the Transportation and Circulation Elements goals and policies of the County General Plan (Contra Costa County 2005g):

- Roadway and Transit Goals #5-A: To provide a safe, efficient and balanced transportation system
- Roadway and Transit Policy #5-9: Existing circulation facilities shall be improved and maintained by eliminating structural and geometric design deficiencies, and
- Roadway and Transit Policy #5-17: The design and the scheduling of improvements to arterials and collectors shall give priority to safety over other factors including capacity

Further, impacts will be mitigated and minimized as discussed in the Agricultural Resources, Biological Resources, and Cultural Resource sections which are consistent with the goals and policies of the Conservation Element of the County General Plan (2005d). Therefore, the project will have **no impact**.

- c) *Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?*

The project is located within the East Contra Costa County HCP/NCCP inventory area and is a covered activity. As such, required mitigation fees will be paid prior to construction and applicable avoidance and minimization measures will be implemented as required by the HCP/NCCP as discussed in the Biological Resources section. Therefore, the project will have **no impact**.

## XI. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Mineral resources such as crushed rock, sand, among other resources, are important minerals in the region as they provide the necessary components for construction materials including asphalt and concrete for current and future development in our region. The most important mineral resources that are currently mined in the County include diabase near Mt. Zion on the north side of Mt. Diablo, which provides crushed rock primarily for roadbase and streambank stabilizations; domestone sandstone, located in the eastern portion of the County just south of Camino Diablo and east of Vasco Road in the Byron area, which is the sole deposit in the state; and shale in the Port Costa area, which has been designated for protection by the County General Plan (Contra Costa County 2005h).

- a) *Would the project 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?*

There are no mapped mineral resource areas in the project area (Contra Costa County 2005h). Therefore, the project will have **no impact**.

- b) *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

There are no mapped mineral resource areas in the project area (Contra Costa County 2005h). As such, the project will not adversely affect the availability of a locally important mineral resource recovery site shown in the General Plan. Therefore, the project will have **no impact**.

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## XII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of, excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **Background**

The effects of noise on people include subjective effects of annoyance, nuisance, and dissatisfaction. Persistent and escalating noise sources can affect one's overall health including stress-related illnesses, high blood pressure, hearing loss, speech interference, sleep disruption, and lost productivity (USEPA 2010). The main contributors to a community noise problem are transportation sources such as highways, railroads, and airport as they are the most pervasive and continual. Other temporary noise sources can add to the noise problem such as a jackhammer at a construction site. The dynamic of the noise problem are based on the relationship between the noise source, the person or place exposed to the noise (receiver or sensitive receptor) and the path the noise will travel from the noise source to the receiver/sensitive receptor. Since the ear is not as sensitive at some frequencies and sound pressure level as at others, several methods of expressing average noise levels over a period of time have been developed (HUD 2010).

Sound intensity is typically measured in decibels (dB) from a range of 0 (threshold of hearing) to 140 (threshold of pain); the higher the decibels, the greater the intensity. For example, a decibel level of 10 is the sound of leaves rustling, a decibel level of 30 is a whisper, a decibel level of 60 is freeway traffic, a decibel of 90 is a noisy urban street, and a decibel level of 140 is a nearby jet engine. Prolonged exposure from at least 75 dB increases tension affecting blood pressure, heart function, and nervous system; prolonged exposure from at least 85 dB causes physical damage to human hearing; above 90 dB results in permanent cell damage, at 140 dB feeling of pain, and 190 dB will rupture the eardrum and

permanently damage the inner ear (HUD 2010).

Section 65302(f) of the California Government Code requires that a noise element be prepared as a part of all city and county general plans. This state law requires that a jurisdiction's noise element identify and work toward mitigation of noise problems in the community and include implementation measures and possible solutions that address any existing and perceivable noise problems. The Contra Costa County General Plan Noise Element follows the guidelines established by the California Department of Health Services entitled *Guidelines for the Preparation and Content of the Noise Element of the General Plan*, which defines noise metrics, discusses the process of noise element development, and present land use compatibility guidelines based on various noise levels and provides goals, policies, and implementation measures for consideration (Contra Costa County 2005i).

### ***Land Use Setting***

The land uses in the surrounding the project area consist of active farms and associated residences. Noise sensitive land uses consist of residences that adjoin the project area.

- a) *Would the project cause 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?*

Contra Costa County does not have a noise ordinance and therefore, does not specify operational or construction noise level limits. The Noise Element does specify that construction activities shall be concentrated during the hours of the day that are not noise-sensitive for adjacent land uses and should be commissioned to occur during normal work hours. Construction activities are generally limited to the hours between 7 a.m. to 5 p.m. (Contra Costa County 2005i).

The existing noise environment in the project area is governed primarily by vehicular traffic traveling on Balfour Road. The Noise Element includes traffic noise contour levels for various roads throughout the County used to guide land uses so that exposure of community residences to excessive noise is minimized. Noise contours are shown in terms of day/night average sound level ( $L_{dn}$ ). There are no traffic noise contours for Balfour Road but there are noise contours for Byron Highway. The traffic noise contour level ranges between 60 and 67 dBA  $L_{dn}$  at 100 feet from the centerline of the road (Contra Costa County 2005i). Balfour Road and Byron Highway have similar traffic conditions however trucks typically use Byron Highway to get to State Route 4 due to the limitations of the narrow width of Balfour Road (pers. comm. Yip 2015).

The constructed project will not increase ambient noise levels above what already exists as no additional travel lanes will be created. However, project construction may temporarily increase the noise level in the project area from construction equipment noise. Standard construction equipment anticipated to be used include excavators, graders, loaders, sweepers/scrubbers, plate compactors, rollers, backhoes, and pavers. In general, these types of construction equipment generate noise levels ranging from about 76 to 83 decibels at 50 feet from the noise source (FHWA 2015).

In addition, based on the Caltrans Standard Specifications Section 14-8.02, Noise Control (2010), which regulates construction noise for activities on state highways, the following rules are applicable to the project's construction activities.

1. Do not exceed 86 dBA at 50 feet from the job site activities from 9:00 p.m. to 6:00 a.m.
2. Equip an internal combustion engine with the manufacturer-recommended muffler. Do not operate an internal combustion engine on the job site without the appropriate muffler.

In accordance with the Noise Element of the General Plan, the project will occur during the daytime which is not the noise sensitive period. Further, project contract specifications will require the contractor to implement the following measures to minimize potential impacts. Therefore, project impacts be **less than significant impact**.

1. Advance written notification to adjacent land owners and occupants of the upcoming project and schedule with contact information of the project manager to address noise concerns;
2. Comply with manufacturer's muffler requirements for construction equipment;
3. Turn off construction equipment when not in use; and
4. Locate stationary equipment as far as practical from noise-sensitive uses.

- b) *Would the project cause exposure of persons to or generation of, excessive ground borne vibration or ground borne noise levels?*

Road traffic is rarely the source of perceptible ground-borne vibration. Exceptions to this occur when there is a significant discontinuity in the roadway surface. Vehicles traveling over a discontinuity can impart energy into the ground that can be perceived as ground-borne vibration (Caltrans 2013). The project will result in a smoother road pavement surface. Therefore, the constructed project is not expected to result in perceptible ground-borne vibration.

Construction activities include operation of large pieces of equipment (e.g., graders, excavators) that may result in the periodic temporary generation of ground-borne vibration. While the project vicinity is rural in nature, there are a quite a few residences near the project segment. Construction of the project will take approximately six months to complete and will not include significant vibrating equipment (i.e., pile drivers). Further, heavy construction equipment will primarily be operated during the clearing/grubbing and grading phases which is anticipated to occur over a three-month period but not continuously at one location as it would move throughout the three-mile project segment. Therefore, project impacts will be **less than significant**.

- c) *Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

The project will not contribute to a substantial permanent increase in the ambient noise levels in the project vicinity above what exists currently as the project will not create additional travel lanes. Further, the road improvements will create a smoother roadway which generally reduces noise levels (Asphalt Pavement Alliance 2015). Therefore, the project will have **no impact**.

- d) *Would the project cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

As discussed above, construction activities will result in a temporary increase in ambient noise levels above what exists currently but will occur during the daytime which is not during the noise sensitive period. Further, BMPs outlined in discussion item (a) above will be implemented to reduce noise. Therefore, the project will have a less than significant impact.

- 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?*

There is no public airport located within two miles of the project area. Therefore, the project will have **no impact**.

- 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?*

The project is not located in the vicinity of a private airstrip. Therefore, the project will have **no impact**.

### XIII. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Section 15126.2(d) of the CEQA Guidelines states that the lead agency shall discuss ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly in the surrounding environment including the removal of obstacles that would encourage population growth. Increases in the population may stress existing community service facilities, requiring construction of new facilities that could cause significant environmental effects (Contra Costa County 2005j).

- a) *Would the project 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)?*

The project is a road safety improvement and does not include new development or creation of new travel lanes or other infrastructure that could induce substantial population growth. Therefore, the project will have **no impact**.

- b) *Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

While the project will require sliver right-of-way acquisitions along the frontage of privately-owned parcels to accommodate the road shoulder improvements, the project will not result in the displacement of existing homes because no homes will be demolished or removed by the project. Therefore, the project will have **no impact**.

- c) *Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

The project will not displace residents because as stated above no residences will be removed or demolished. Therefore, the project would have **no impact**.

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## XIV. PUBLIC SERVICES

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

- a) Would the project 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2 Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3 Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4 Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5 Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) *Would the project 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?

The East Contra Costa Fire Protection District provides fire protection services and emergency services for east Contra Costa County (Contra Costa County 2005k). The constructed project will not increase demand for fire protection services and thus no new government facilities or expansion of existing facilities will be required. However, project construction may spark unintentional fires that may require fire services. Standard practice and Occupational Safety and Health Administration (OSHA) regulations require fire suppressive equipment at construction sites (OSHA 2015). In addition, construction to alleviate any disruption to fire protection services during construction, the contractor will contact local fire protection response services prior to project construction and provide at least one passable lane at all times during construction for fire protection vehicles. Therefore, project impacts will be **less than significant**.

### 2 Police Protection?

The Contra Costa County Sheriff's Department provides general public safety and law enforcement services in unincorporated areas of Contra Costa County (Contra Costa County 2005k). The constructed project will not increase demand for police services and thus no new government facilities or expansion of existing facilities will be required. However, to alleviate any disruption to police protection services during construction, the contractor will contact local police protection response services prior to project construction and provide at least one passable lane at all times during construction for police vehicles. Therefore, project impacts will be **less than significant**.

### *3 Schools?*

The project area is located in the Brentwood, Byron, Knightsen Union School Districts (elementary and middle schools) and Liberty Union High School Unified School District (Contra Costa County 2015). The project will not increase demand for school services and thus no new government facilities or expansion of existing facilities will be required. Therefore, the project will have **no impact**.

### *4 Parks?*

The project area is not located within or near a park. The constructed project will not increase demand for parks and thus no new facilities or expansion of existing facilities will be required. Therefore, the project will have **no impact**.

### *5 Other public facilities?*

There are no other public facilities that would require new or expanded service facilities. Therefore, the project will have **no impact**.

## XV. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- 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?*

The project is a road safety improvement and does not include new development that could increase the use of existing parks or recreational facilities that could result in deterioration of facilities. Therefore, the project will have **no impact**.

- 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?*

As noted above, the project is a road safety improvement and does not include new development that could require construction or expansion of existing recreational facilities. Therefore, the project will have **no impact**.

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## XVI. TRANSPORTATION/TRAFFIC

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### ***Regulatory Background***

The Contra Costa Transportation Authority (CCTA) is a public agency formed to manage the County's transportation sales tax program and to conduct countywide transportation planning. CCTA is responsible for maintaining and improving the County's transportation system by planning, funding, and delivering critical transportation infrastructure projects and programs that connect the communities safely and efficiently including bicycle and pedestrian projects as described in the *2009 Countywide Bike and Pedestrian Plan*. In addition, the Transportation and Circulation Element of the County General Plan includes goals and policies.

### ***Existing Traffic Conditions***

Balfour Road is a narrow two-lane arterial road that connects Brentwood and Discovery Bay in the project area (Contra Costa County 20051). The most recent average daily traffic (ADT) count for this segment is from 1,300 feet west of Byron Highway in 2013. The ADT for the eastbound direction was 114 in the morning and 169 in the evening; the westbound direction was 201 in the morning and 147 in the evening. Morning traffic peaks occurred between 7:30 a.m. and 8:30 a.m. and evening traffic peaks occur between 5:00 p.m. and 6:00 p.m. Balfour Road has a speed limit of 50 miles per hour (CCCPWD 2013a).

- a) *Would the project 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?*

The constructed project will not conflict with applicable plans, ordinances or policies establishing measures of effectiveness for the performance of the circulation system as the purpose of the project is to improve the structural and geometric design of the existing roadway to bring the shoulders up to current design standard to provide recovery areas for motorists and a bike lane (Contra Costa County 2005I, Contra Costa Transportation Authority [CCTA] 2009a,b).

There are no existing or proposed designated bicycle facilities along Balfour Road at this time (CCTA 2009b). Although, the widened paved shoulders will be marked as a bike lane and will provide shared use of the road for bicyclists and motorists within the project area.

Tri-Delta Transit provides public transit for east Contra Costa County. The project segment is not part of the bus route system. Although, Balfour Road within the project area is a designated school bus route (pers. comm. McElhaney 2015).

While the constructed project will improve traffic circulation and will not interfere with other modes of motorized and non-motorized transportation, construction of the project will temporarily disrupt traffic circulation as it will result in traffic congestion and delays from one-way road closures and detour. Construction activities will be generally limited to the hours between 7:00 a.m. to 5:00 p.m. Monday through Friday. Traffic control will be in place for westbound traffic to accommodate morning commute traffic, whereas eastbound traffic will be directed to a detour route. The detour route for eastbound traffic on Balfour Road from Sellers Avenue to Byron Highway would be via Sellers Avenue to the north, to Chestnut Street to the east, and to Byron Highway to the south, and is anticipated for 18 weeks (approximately three miles and five minutes). The detour route for eastbound traffic on Balfour Road from Byron Highway to Bixler Road would be via Byron Highway to the north, to Orwood Road to the east, and Bixler Road to the south, and is anticipated for 10 weeks (approximately three miles and five minutes) (pers. comm. Yip) (Figure 2).

The project contract specifications require the contractor to implement the following measures to minimize potential impacts. Therefore, project impacts will be **less than significant**.

1. Letter notification to local residents seven calendar days in advance of construction and road closure start date(s).
2. Publish press release in local newspapers seven days before construction start date.
3. Placement of portable changeable message signs at various locations in project vicinity with construction start and road closure dates and period at least seven calendar days in advance of start dates.
4. Placement of detour signs along detour route to direct motorists.
5. Provide accessibility to driveways to properties outside the project area throughout the project.

- b) *Would the project 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?*

As noted above, the constructed project will not conflict with a congestion management program as the purpose of the project is to improve the existing roadway to bring the shoulders up to current design standard. While there will be additional traffic generated during project construction from construction-related vehicles and increased traffic flow on proposed detour route roads, the traffic increases are short-term. In addition, there are additional alternate routes other than the proposed detour route. Therefore, project impacts will be **less than significant**.

- c) *Would the project 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?*

The project will not result in a change in air traffic patterns as there will be no increase in traffic levels or change in location that would pose a substantial safety risk. Therefore, the project will have **no impact**.

- d) *Would the project substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?*

The constructed project will not substantially increase hazards due to a design feature as the purpose of the project is to improve design deficiency of the road which will benefit the driving public and farm equipment. However, the construction area could result in driving hazards. The project contract specifications require the contractor to implement the following measures to minimize potential impacts.

1. Traffic control for westbound traffic on Balfour Road to accommodate morning commute traffic and eastbound traffic will be directed to a detour route onto local roads. (Figure 2)
2. Placement of construction zone speed limits

- e) *Would the project result in inadequate emergency access?*

The constructed project would not result in inadequate emergency access. However, project construction could interfere with emergency access. The project contract specifications include the following measures to minimize potential impacts. Therefore, project impacts will be **less than significant**.

1. Advance letter notification to local emergency response services to coordinate alternate routes.
2. Provide full width of the unfinished roadway at the end of each working day.

- f) *Would the project conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

As discussed above, there are no existing or proposed public transit or bicycle or pedestrian facilities for Balfour Road within the project segment. However, while Balfour Road is not designated as a proposed bicycle facility, the widened paved shoulders will provide shared use of the road with motorists which is consistent with the County transportation policies (Contra Costa County 2005l, CCTA 2009a,b). Therefore, the project will have **no impact**.

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## XVIII. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### *Water Supply*

The project area receives domestic water from private groundwater wells and irrigation water from East Contra Costa Irrigation District (ECCID) (Contra Costa County 2005m; Contra Costa LAFCO 2011, 2014; Contra Costa Health Services 2013).

### *Wastewater Treatment*

The project area is not located within a service area due to its location in a rural area beyond city limits, which relies on septic tanks and leach fields (Contra Costa County 2005m; Contra Costa LAFCO 2011, 2014; Contra Costa Health Services 2013).

### *Solid Waste*

Solid waste disposal in the project area is serviced by Garaventa Enterprises (Contra Costa Waste Services, Mt. Diablo Recycling) (per. comm. Carlson 2015).

- a) *Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

The project will not exceed wastewater requirements because the completed project would not result in the need for wastewater treatment. Therefore, the project will have **no impact**.

- b) *Would the project 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?*

The project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities because the completed project will not require or result in the need for water or wastewater services. Therefore, the project will have **no impact**.

- c) *Would the project require or result in the construction of new storm water drainage facilities, the construction of which could cause significant environmental effects?*

The existing drainage pattern in the project area consists of sheet flow runoff onto the adjacent farmlands and irrigation ditches. An open roadside ditch will be constructed along the south side of the road with two segments that will be piped underground and connected to an existing drainage inlet at the southwest corner of Balfour Road and Bixler Road intersection where flows will drain south along the west side of Bixler Road within the existing drainage ditch. Open ditches will be piped under existing driveways. Underground cross drain pipes will be installed under the road at several locations throughout the project segment to collect gravity-fed sheet flow runoff from along the north side of the road. The project will not cause significant environmental effects as it will improve the drainage in the area. Implementation of applicable BMPs identified in the SWPPP will avoid or minimize on- and off-site erosion and siltation. Therefore, project impacts will be **less than significant**.

- d) *Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

The completed project will not require water service, and any water needed during construction activities would be provided by water trucks from off-site water sources. Therefore, the project will have **no impact**.

- e) *Would the project result in a determination by the wastewater treatment provider which 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?*

The completed project will not require wastewater treatment services. Therefore, the project will have **no impact**.

- f) *Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's waste disposal needs?*

The completed project will not require waste disposal needs. Solid waste generated by the project would be limited to construction debris, including vegetative matter and asphalt and concrete, generated by the excavation of existing roadway and construction of associated improvements which will be disposed of by the project construction contractor. Therefore, project impacts will be **less than significant**.

- g) *Would the project comply with federal, state and local statutes and regulations related to solid waste?*

The project specifications will require that the contractor dispose of solid waste generated from construction in accordance with federal, state and local regulations. Therefore, the project will have **no impact**.

## XIX. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- 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?*

The project will not degrade the quality of the environment. There are no natural or historic resources of importance that will be impacted due to absence in the project area or implementation of mitigation and avoidance and minimization measures as described in the Agricultural Resources and Biological Resources sections. Further, measures will be implemented for the Cultural Resources to minimize potential impacts should there be an inadvertent discovery. Therefore, project impacts will be **less than significant with mitigation incorporated**.

- b) *Does the project have impacts that are individually limited, but 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)?*

Primarily the CCCPWD improves existing roads for public safety. The CCCPWD Capital Road Improvement and Preservation Program, updated every odd year, identifies a number of road improvements planned for the next seven years (CCCPWD 2013b). Typically road safety improvement projects do not result in significant cumulative impacts as it is limited to the existing road and impacts

to sensitive habitats are mitigated for and/or measures are implemented to avoid and minimize impacts to people and the environment. Therefore, project impacts will be **less than significant**.

- c) *Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?*

The project will not cause substantial adverse direct or indirect effects on human beings as impacts will be limited and measures will be implemented to offset and minimize impacts as described in the Air Quality, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation/Traffic sections. Therefore, project impacts will be **less than significant**.

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<b>IMPACT</b>	<b>MITIGATION, AVOIDANCE, AND MINIMIZATION MEASURES</b>	<b>IMPLEMENTATION TIMING</b>	<b>IMPLEMENTATION RESPONSIBILITY</b>	<b>VERIFICATION RESPONSIBILITY</b>	<b>COMPLIANCE VERIFICATION DATE</b>
<b>II. AGRICULTURAL RESOURCES</b>					
<b>IMPACT AGR-1 CONVERSION OF PROTECTED FARMLAND</b>	<b>MITIGATION MEASURE AGR-1:</b> The loss of protected farmland will be mitigated by an in-lieu fee payment based upon an appropriate ratio for public infrastructure improvements to the Brentwood Agricultural Land Trust which funds agricultural conservation easements within the Agricultural Core District.	Prior to construction	CCCPWD	CCCPWD Environmental Services Division	
<b>IV. BIOLOGICAL RESOURCES</b>					
<b>IMPACT BIO-1 HCP/NCCP HABITATS</b>	<b>MITIGATION MEASURE BIO-1:</b> The project will mitigate permanent and temporary impacts to undeveloped habitats by fee payment to the Habitat Conservancy regardless of whether sensitive habitats and/or species are present. The fee is based on the impact acreage to undeveloped habitats. The development impact fee per acre for permanent and temporary impacts is \$12,926.75; the temporary impact fee is discounted considering the project will occur once during the HCP/NCCP permit term. The project will result in permanent and temporary impacts to approximately 12.59 acres. Therefore, approximately \$158,283.75 will be paid to the Habitat Conservancy. In addition, a planning survey report identifying the impact acreages and species-specific avoidance and minimization measures described below as provided in the HCP/NCCP will also be prepared. Since no wetlands or waters will be impacted no wetland mitigation fee will be required.	Prior to construction	CCCPWD Environmental Services Division	CCCPWD Environmental Services Division, Contra Costa County Department of Conservation and Development (CCCD CD)	

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<b>POTENTIAL IMPACT BIO-2</b>  <b>GIANT GARTER SNAKE</b>	<b>AVOIDANCE MEASURE BIO-2:</b>  <b>1. Preconstruction Survey</b>  Prior to any ground disturbance, a USFWS/CDFG-approved biologist will conduct a preconstruction survey in areas identified in the planning surveys as having suitable habitat and 200 feet of adjacent uplands, measured from the outer edge of each bank. The surveys will delineate suitable habitat and document any sightings of giant garter snake.	Prior to start of any ground-disturbing activities	Biologist, CCCPWD Environmental Services Division	Biologist, CCCPWD Environmental Services Division, CCCDCD	
	<b>2. Avoidance and Minimization Measures</b>  To the maximum extent practicable, impacts to giant garter snake habitat as a result of covered activities will be avoided. If feasible, in areas near construction activities, a buffer of 200 feet from suitable habitat will be delineated within which vegetation disturbance or use of heavy equipment is prohibited.  If impacts on giant garter snake habitat as a result of covered activities are not avoided, the following measures will be implemented. These measures are based on USFWS's <i>Standard Avoidance and Minimization Measures during Construction, Activities in Giant Garter Snake Habitat</i> (USFWS 1999b).	Prior to start of any ground-disturbing activities	Biologist, CCCPWD Environmental Services Division	Biologist, CCCPWD Environmental Services Division	
	a. Limit construction activity that disturbs habitat to the period between May 1 and September 30. This is the active period for giant garter snake, and direct mortality is minimized because snakes are more likely to independently move away from disturbed	Prior to construction	CCCPWD Design/Construction Division, CCCPWD Environmental Services Division	CCCPWD Environmental Services Division	

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<p>(continued)</p> <p><b>POTENTIAL IMPACT BIO-2</b></p> <p><b>GIANT GARTER SNAKE</b></p>	<p>area. If activities are necessary in giant garter snake habitat between October 1 and April 30, the USFWS Sacramento Field Office shall be contacted to determine if additional measures beyond those described below are necessary to minimize and avoid take.</p>				
	<p>b. In areas where construction is to take place, dewater all irrigation ditches, canals or other aquatic habitat between April 15 and September 30 to remove habitat of garter snakes. Dewatered areas must remain dry, with no puddle water remaining, for at least 15 consecutive days prior to the excavation or filling of that habitat. If a site cannot be completely dewatered, netting and salvage of prey items may be necessary.</p>	<p>During construction</p>	<p>CCCPWD Design/Construction Division, CCCPWD Environmental Services Division, Biologist</p>	<p>CCCPWD Environmental Services Division</p>	
	<p><b>3. Construction Monitoring</b></p> <p>If suitable habitat for giant garter snake cannot be avoided between October 1 and April 30, the USFWS Sacramento Field Office shall be contacted to determine if additional measures beyond those described below are necessary, and the following actions will be performed.</p> <p>a. A USFWS-approved biologist will conduct a construction survey no more than 24 hours before construction in suitable habitat and will be on site during construction activities in potential aquatic and upland habitat to ensure that individuals of giant garter snake encountered during construction will be avoided. The biologist will provide USFWS with a field report form documenting the monitoring efforts</p>	<p>Prior to construction and disturbance to suitable habitat</p>	<p>CCCPWD Environmental Services Division, Biologist</p>	<p>CCCPWD Environmental Services Division, Biologist</p>	

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(continued)  <b>POTENTIAL IMPACT BIO-2</b>  <b>GIANT GARTER SNAKE</b>	within 24 hours of commencement of construction activities. The monitor will be available thereafter.				
	b. If a snake is encountered during construction activities, the monitor shall have the authority to stop construction activities until appropriate corrective measures have been completed or it is determined that the snake will not be harmed. Giant garter snakes encountered during construction activities should be allowed to move away from the construction area on their own. Only personnel with a USFWS recovery permit pursuant to Section 10(a)(1)(A) of the ESA will have the authority to capture and/or relocate giant garter snakes that are encountered in the construction area.	During construction	CCCPWD Resident Engineer, CCCPWD Biologist, CCCPWD Environmental Services Division	CCCPWD Biologist, CCCPWD Environmental Services Division	
	c. The project shall be reinspected whenever a lapse in construction activity of 2 weeks or more has occurred.	During construction	CCCPWD Biologist, CCCPWD Environmental Services Division	CCCPWD Biologist, CCCPWD Environmental Services Division	
	d. To ensure that construction equipment and personnel do not affect nearby aquatic habitat for giant garter snakes outside construction areas, silt fencing will be erected to clearly define the aquatic habitat to be avoided; restrict working areas, spoils, and equipment storage and other project activities to areas outside of aquatic or wetland habitat; and maintain water quality and limit construction runoff into wetland areas through the use of fiber	Prior to construction	CCCPWD Resident Engineer and Contractor, CCCPWD Biologist	CCCPWD Biologist, CCCPWD Environmental Services Division	

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(continued)	bales, filter fences, vegetation buffer strips, or other appropriate methods.				
<b>POTENTIAL IMPACT BIO-2</b>  <b>GIANT GARTER SNAKE</b>	e. Fill or construction debris may be used by giant garter snakes as over-wintering sites. Therefore, upon completion of construction activities, any temporary fill or construction debris must be removed from the site.	During and after construction	CCCPWD Resident Engineer and Contractor	CCCPWD Biologist, CCCPWD Environmental Services Division	
	f. Construction personnel will be trained to avoid harming giant garter snakes. A qualified biologist, approved by USFWS, shall inform all construction personnel about the life history of giant garter snakes; the importance of irrigation canals, marshes/wetlands, and seasonally flooded areas such as rice fields to giant garter snakes; and the terms and conditions of the HCP/NCCP related to avoiding and minimizing impacts on giant garter snake.	Prior to and during construction	CCCPWD Biologist, CCCPWD Environmental Services Division	CCCPWD Biologist, CCCPWD Environmental Services Division	
<b>POTENTIAL IMPACT BIO-3</b>  <b>SWAINSON'S HAWK NEST SITES</b>	<b>AVOIDANCE MEASURE BIO-3:</b>  <b>1. Preconstruction Survey</b>  Prior to any ground disturbance related to covered activities that occurs during the nesting season (March 15–September 15), a qualified biologist will conduct a preconstruction survey no more than 1 month prior to construction to establish whether Swainson's hawk nests within 1,000 feet of the project site are occupied. If potentially occupied nests within 1,000 feet are off the project site, then their occupancy will be determined by observation from public roads or by observations of Swainson's hawk activity	Prior to construction	CCCPWD Biologist, CCCPWD Environmental Services Division	CCCPWD Biologist, CCCPWD Environmental Services Division	

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(continued)  <b>POTENTIAL IMPACT BIO-3</b>  <b>SWAINSON'S HAWK NEST SITES</b>	(e.g., foraging) near the project site. If nests are occupied, minimization measures and construction monitoring are required (see below).				
	<b>2. Avoidance and Minimization Measures and Construction Monitoring</b>  a. During the nesting season (March 15–September 15), covered activities within 1,000 feet of occupied nests or nests under construction will be prohibited to prevent nest abandonment. If site-specific conditions or the nature of the covered activity (e.g., steep topography, dense vegetation, and limited activities) indicate that a smaller buffer could be used, the Implementing Entity will coordinate with CDFW/USFWS to determine the appropriate buffer size.	Prior to and during construction	CCCPWD Biologist, CCCPWD Environmental Services Division	CCCPWD Biologist, CCCPWD Environmental Services Division	
	b. If young fledge prior to September 15, covered activities can proceed normally. If the active nest site is shielded from view and noise from the project site by other development, topography, or other features, the project applicant can apply to the Implementing Entity for a waiver of this avoidance measure. Any waiver must also be approved by USFWS and CDFW. While the nest is occupied, activities outside the buffer can take place.	Prior to and during construction	CCCPWD Biologist, CCCPWD Environmental Services Division	CCCPWD Biologist, CCCPWD Environmental Services Division	
	c. All active nest trees will be preserved on site, if feasible. Nest trees, including non-native trees, lost to covered activities will	Prior to and during construction	CCCPWD Design/Construction Division	CCCPWD Biologist, CCCPWD Environmental Services Division	

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(continued)	be mitigated by the project proponent according to the requirements below.				
<b>POTENTIAL IMPACT BIO-3</b>  <b>SWAINSON'S HAWK NEST SITES</b>	<b>3. Mitigation for Loss of Nest Tree</b>  The loss of non-riparian Swainson's hawk nest trees will be mitigated by the project proponent by:  a. If feasible on-site, planting 15 saplings for every tree lost, with the objective of having at least 5 mature trees established for every tree lost according to the requirements listed below.  AND either	During or after construction	CCCPWD Design/Construction Division, CCCPWD Contractor, CCCPWD Environmental Services Division	CCCPWD Biologist, CCCPWD Environmental Services Division	
	1. Pay the Implementing Entity an additional fee to purchase, plant, maintain, and monitor 15 saplings on the HCP/NCCP Preserve System for every tree lost according to the requirements listed below, OR	Prior to construction	CCCPWD Design/Construction Division, CCCPWD Environmental Services Division	CCCPWD Environmental Services Division	
	2. The project proponent will plant, maintain, and monitor 15 saplings for every tree lost at a site to be approved by the Implementing Entity (e.g., within an HCP/NCCP Preserve or existing open space linked to HCP/NCCP preserves), according to the requirements listed below.	During or after construction	CCCPWD Design/Construction Division, CCCPWD Environmental Services Division	CCCPWD Environmental Services Division	

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<p>(continued)</p> <p><b>POTENTIAL IMPACT BIO-3</b></p> <p><b>SWAINSON'S HAWK NEST SITES</b></p>	<p>The following requirements will be met for all planting options:</p> <p>b. Tree survival shall be monitored at least annually for 5 years, then every other year until year 12. All trees lost during the first 5 years will be replaced. Success will be reached at the end of 12 years if at least 5 trees per tree lost survive without supplemental irrigation or protection from herbivory. Trees must also survive for at least three years without irrigation.</p>	After construction	<p>CCCPWD Design/Construction Division, CCCPWD Maintenance Division, CCCPWD Environmental Services Division</p>	<p>CCCPWD Environmental Services Division</p>	
	<p>c. Irrigation and fencing to protect from deer and other herbivores may be needed for the first several years to ensure maximum tree survival.</p>	After construction	<p>CCCPWD Design/Construction Division, CCCPWD Maintenance Division, CCCPWD Environmental Services</p>	<p>CCCPWD Environmental Services Division</p>	
	<p>d. Native trees suitable for this site should be planted. When site conditions permit, a variety of native trees will be planted for each tree lost to provide trees with different growth rates, maturation, and life span, and to provide a variety of tree canopy structures for Swainson's hawk. This variety will help to ensure that nest trees will be available in the short term (5-10 years for cottonwoods and willows) and in the long term (e.g., Valley oak, sycamore). This will also minimize the temporal loss of nest trees.</p>	Prior to, during, and/or after construction	<p>CCCPWD Design/Construction Division, CCCPWD Contractor, CCCPWD Maintenance Division, CCCPWD Environmental Services Division</p>	<p>CCCPWD Environmental Services Division</p>	

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<p>(continued)</p> <p><b>POTENTIAL IMPACT BIO-3</b></p> <p><b>SWAINSON'S HAWK NEST SITES</b></p>	e. Riparian woodland restoration conducted as a result of covered activities (i.e., loss of riparian woodland) can be used to offset the nest tree planting requirement above, if the nest trees are riparian species.	Prior to, during, and/or after construction	CCCPWD Design/Construction Division, CCCPWD Contractor, CCCPWD Maintenance Division, CCCPWD Environmental Services Division	CCCPWD Environmental Services Division	
	f. Whenever feasible and when site conditions permit, trees should be planted in clumps together or with existing trees to provide larger areas of suitable nesting habitat and to create a natural buffer between nest trees and adjacent development (if plantings occur on the development site).	Prior to, during, and/or after construction	CCCPWD Design/Construction Division, CCCPWD Contractor, CCCPWD Maintenance Division, CCCPWD Environmental Services Division	CCCPWD Environmental Services Division	
	g. Whenever feasible, plantings on the site should occur closest to suitable foraging habitat outside the urban development area (UDA).	Prior to, during, and/or after construction	CCCPWD Design/Construction Division, CCCPWD Contractor, CCCPWD Maintenance Division, CCCPWD Environmental Services Division	CCCPWD Environmental Services Division	
	h. Trees planted in the HCP/NCCP preserves or other approved offsite location will occur within the known range of Swainson's hawk in the inventory area and as close as possible to high-quality foraging habitat.	After construction	CCCPWD	CCCPWD Environmental Services Division	
	<p><b>4. Additional Recommended Avoidance and Minimization Measures</b></p> <p>a. If tree removal, pruning, or grubbing activities are necessary, such activities will be conducted between October and February –</p>	Prior to construction	CCCPWD Design/Construction Division, CCCPWD Contractor, CCCPWD Maintenance Division, CCCPWD	CCCPWD Environmental Services Division	

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	outside of the breeding season – and preferably during the fall, prior to the onset of the rainy season, to avoid impacts to nesting Swainson’s hawks.		Environmental Services Division		
<b>POTENTIAL IMPACT BIO-4</b>  <b>NESTING BURROWING OWL AND HABITAT</b>	<b>AVOIDANCE MEASURE BIO-4:</b> <b>1. Preconstruction Survey</b> a. Prior to any ground disturbance related to covered activities, a USFWS/CDFW-approved biologist shall conduct a preconstruction survey in areas identified in the planning surveys as having potential burrowing owl habitat. The surveys will establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by owls in accordance with CDFW survey guidelines.	Prior to construction	CCCPWD Biologist	CCCPWD Environmental Services Division	
	b. On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership will not be surveyed. Surveys should take place near sunrise or sunset in accordance with CDFW guidelines. All burrows or burrowing owls will be identified and mapped. Surveys will take place no more than 30 days prior to construction. During the breeding season (February 1 – August 31), surveys will document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1 – January 31), surveys will document whether	Prior to construction	CCCPWD Biologist	CCCPWD Environmental Services Division	

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<p>(continued)</p> <p><b>POTENTIAL IMPACT BIO-4</b></p> <p><b>NESTING BURROWING OWL AND HABITAT</b></p>	<p>burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results will be valid only for the season (breeding or nonbreeding) during which the survey is conducted.</p>				
	<p><b>2. Avoidance and Minimization Measures and Construction Monitoring</b></p> <p>a. If burrowing owls are found during the breeding season (February 1 – August 31), the project proponent will avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance will include establishment of a non-disturbance buffer zone (described below). Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied burrows have fledged. During the nonbreeding season (September 1 – January 31), the project proponent should avoid the owls and the burrows they are using, if possible. Avoidance will include the establishment of a buffer zone (described below).</p>	<p>Prior to and during construction</p>	<p>CCCPWD Biologist</p>	<p>CCCPWD Environmental Services Division</p>	
	<p>If occupied burrows for burrowing owls are not avoided, passive relocation will be implemented for non-nesting owls. Owls should be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors should be in place for 48 hours prior to excavation. The</p>	<p>Prior to construction</p>	<p>CCCPWD Biologist</p>	<p>CCCPWD Environmental Services Division</p>	

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<p>(continued)</p> <p><b>POTENTIAL IMPACT BIO-4</b></p> <p><b>NESTING BURROWING OWL AND HABITAT</b></p>	<p>project area should be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation (CDFG 1995). Plastic tubing or a similar structure should be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow. 3. Construction Monitoring</p> <p>b. During the breeding season, buffer zones of at least 250 feet in which no construction activities can occur will be established around each occupied burrow (nest site). Buffer zones of 160 feet will be established around each burrow being used during the nonbreeding season. The buffers will be delineated by highly visible, temporary construction fencing.</p>				
<p><b>POTENTIAL IMPACT BIO-5</b></p> <p><b>OTHER NESTING BIRDS AND RAPTORS</b></p>	<p><b>AVOIDANCE MEASURE BIO-5:</b></p> <p>1. If tree removal, pruning, or grubbing activities are necessary, such activities will be conducted between October and February – outside of the breeding season – and preferably during the fall, prior to the onset of the rainy season, to avoid impacts to nesting migratory birds.</p>	Prior to construction	CCCPWD Design/Construction Division, CCCPWD Maintenance	CCCPWD Environmental Services Division	
	<p>2. If project construction begins during the breeding season (February 1 to August 31), preconstruction surveys will be conducted within the project footprint and a 300-foot buffer for raptors and a 50-foot buffer for all other nesting birds, by a qualified biologist no more than two weeks prior to staging,</p>	Prior to and during construction	CCCPWD Biologist	CCCPWD Environmental Services Division	

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<p align="center">(continued)</p> <p><b>POTENTIAL IMPACT BIO-5</b></p> <p><b>OTHER NESTING BIRDS AND RAPTORS</b></p>	<p>pruning/grubbing or surface-disturbing activities. If no active nests are found within the project footprint and a 300-foot buffer, no further measures need to be implemented.</p>				
	<p>3. If active nests (i.e. nests in the egg laying, incubating, nestling or fledgling stages) are found within 300 feet of the project footprint, non-disturbance buffers will be established at a distance sufficient to minimize disturbance based on the nest location, topography, cover, the nesting pair's tolerance to disturbance and the type/duration of potential disturbance. Sufficient buffers are generally 300 feet for raptors and 50 feet for other nesting birds. No work will occur within the non-disturbance buffers until the young have fledged, as determined by a qualified biologist. Buffer size will be determined in cooperation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service Migratory Bird Permit Office. If buffers are established and it is determined that project activities are resulting in nest disturbance, work will cease immediately and the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service Migratory Bird Permit Office should be contacted for further guidance.</p>	<p align="center">Prior to and during construction</p>	<p align="center">CCCPWD Biologist</p>	<p align="center">CCCPWD Biologist, CCCPWD Environmental Services Division</p>	

**APPENDIX A: MITIGATION AND MONITORING REPORTING PROGRAM (MMRP)**

<b>IMPACT</b>	<b>MITIGATION, AVOIDANCE, AND MINIMIZATION MEASURES</b>	<b>IMPLEMENTATION TIMING</b>	<b>IMPLEMENTATION RESPONSIBILITY</b>	<b>VERIFICATION RESPONSIBILITY</b>	<b>COMPLIANCE VERIFICATION DATE</b>
<b>POTENTIAL IMPACT BIO-6: WESTERN RED BAT</b>	<b>AVOIDANCE MEASURE BIO-6:</b> 1. Preconstruction surveys will be conducted for all areas that provide suitable bat roosting habitat including man-made structures, snags, rotten stumps, mature trees with broken limbs, trees with exfoliating bark, bole cavities or hollows, dense foliage, etc. Sensitive habitat areas and roost sites will be avoided to the maximum extent practicable.	Prior to and during construction	CCCPWD Biologist, CCCPWD Resident Engineer and Contractor	CCCPWD Environmental Services Division	
	2. If potential roost sites (trees, snags, etc.) are to be removed or trimmed, limbs smaller than 3 inches in diameter will be cut and the tree left overnight to allow any bats that may be using the tree/snag time locate another roost. A biological monitor will be present during the trimming or removal of trees/snags.	Prior to and during construction	CCCPWD Resident Engineer and Contractor	CCCPWD Biologist, CCCPWD Environmental Services Division	
	3. If possible, structures or trees will be removed between September and March, outside of the breeding season to avoid disturbance to maternal colonies.	Prior to construction	CCCPWD Design/Construction Division, CCCPWD Maintenance Division	CCCPWD Biologist, CCCPWD Environmental Services Division	

**APPENDIX A: MITIGATION AND MONITORING REPORTING PROGRAM (MMRP)**

IMPACT	MITIGATION, AVOIDANCE, AND MINIMIZATION MEASURES	IMPLEMENTATION TIMING	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY	COMPLIANCE VERIFICATION DATE
<p align="center"><b>POTENTIAL IMPACT BIO-7 CURVED-FOOTED HYGROTUS DIVING BEETLE</b></p>	<p><b>AVOIDANCE MEASURE BIO-7:</b></p> <ol style="list-style-type: none"> <li>1. Prior to the start of surface-disturbing activities, a qualified biologist will conduct a survey to determine if curved-footed hygrotus diving beetles are present within the impact area. If no individuals are found, no further avoidance and minimization measures are necessary. If individuals of either species are found in the impact area, they will be collected and relocated to suitable areas outside the impact area or as otherwise directed by the California Department of Fish and Wildlife. Collection and translocation of these species will be conducted by a biologist in possession of a valid State Scientific Collecting Permit with expressed approval to handle these species by the California Department of Fish and Wildlife.</li> </ol>	<p align="center">Prior to construction</p>	<p align="center">CCCPWD Biologist</p>	<p align="center">CCCPWD Environmental Services Division</p>	

## **ATTACHMENT B**

### **Response to Comments**

**LIST OF COMMENT LETTERS**

1. CONTRA COSTA HEALTH SERVICES (November 13, 2015)
2. CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD (December 1, 2015)
3. CASEY F. RUSH (December 3, 2015)
4. BRENTWOOD AGRICULTURAL LAND TRUST (December 4, 2015)
5. DELTA PROTECTION COMMISSION (December 8, 2015)
6. GOVERNOR'S OFFICE OF PLANNING AND RESEARCH (STATE CLEARINGHOUSE) (December 9, 2015)

WILLIAM B. WALKER, M.D.  
HEALTH SERVICES DIRECTOR

RANDALL L. SAWYER  
CHIEF ENVIRONMENTAL HEALTH & HAZMAT OFFICER

MARILYN C. UNDERWOOD, PH.D. REHS  
DIRECTOR OF ENVIRONMENTAL HEALTH

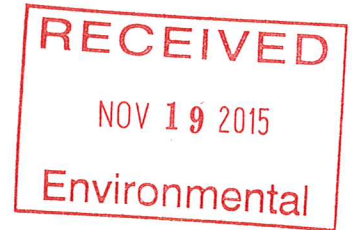


CONTRA COSTA  
ENVIRONMENTAL HEALTH

2120 Diamond Blvd., Suite 200  
Concord, California 94520  
Ph (925) 692-2500  
Fax (925) 692-2502  
www.cchealth.org/eh/

November 13, 2015

Claudia Gemberling  
Contra Costa Public Works Department  
255 Glacier Dr.  
Martinez, CA 94553



RE: Balfour Rd. Shoulder Widening Project (CP 15-06)  
Balfour Rd. (between Sellers Ave. and Bixler Rd.)  
APN Various

Dear Ms. Smyth:

The Contra Costa Environmental Health Division (CCEHD) has received a request for agency comments for the above referenced project. The following are our comments:

1. A permit from CCEHD is required for any well or soil boring prior to commencing drilling activities, including those associated with water supply, environmental investigation and cleanup, or geotechnical investigation.
2. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEHD. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these must be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements.

1-1

These comments do not limit an applicant's obligation to comply with all applicable laws and regulations. If you should have any questions, please feel free to call me at (925) 692-2535.

Sincerely

Joseph G. Doser, R.E.H.S.  
Supervising Environmental Health Specialist

JGD:tf



INITIAL STUDY/MITIGATED NEGATIVE DECLARATION  
CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT  
BALFOUR ROAD SHOULDER WIDENING PROJECT (#0662-6R4002)  
COUNTY CEQA FILE #: CP 15-06

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**COMMENT LETTER #1. CONTRA COSTA HEALTH SERVICES** (November 13, 2015)

**Comment 1-1:** Contra Costa Health Services comments that permits will be required for well or soil boring activities prior to commencing drilling activities and abandoned wells and septic tanks must be destroyed under permit.

**Response:** Comments have been noted and forwarded to the Design/Construction division. No further response is necessary.

Central Valley Regional Water Quality Control Board

1 December 2015

COMMENT LETTER #2

Claudia Gemberling  
Contra Costa County  
Department of Conservation Development  
255 Glacier Drive  
Martinez, CA 94553

CERTIFIED MAIL  
91 7199 9991 7035 8420 8625

**COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE  
DECLARATION, BALFOUR ROAD SHOULDER WIDENING PROJECT,  
SCH# 2015112014, CONTRA COSTA COUNTY**

Pursuant to the State Clearinghouse's 9 November 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Balfour Road Shoulder Widening Project, located in Contra Costa County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

2-1

**I. Regulatory Setting**

**Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources

Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:

[http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

#### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

#### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

#### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/app\\_approval/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml); or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

### **Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

If you have questions regarding these comments, please contact me at (916) 464-4644 or [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).



Stephanie Tadlock  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

**COMMENT LETTER #2. CENTRAL VALLEY REGIONAL WATER QUALITY  
CONTROL BOARD** (December 1, 2015)

**Comment 2-1:** The Central Valley Regional Water Quality Control Board (RWQCB) states that their agency is delegated with the responsibility of protecting the quality of surface and ground waters of the state and as such their comments will address concerns surrounding those issues. The RWQCB identifies various permits that may be required for the project.

**Response:** The Hydrology and Water Quality (IX) section notes that a National Pollutant Discharge Elimination System (NPDES) *General Permit for Storm Water Discharges Associated with Construction and Land Disturbances* [Order No. 2012-0006-DWQ] will be obtained. No further response is necessary.

CASEY F. RUSH

5730 Balfour Road, Brentwood CA 94513

Direct Dial: (925) 337-9340 Email: RushFamily555@yahoo.com

December 3, 2015



*Via Regular Mail &*

*Email [Claudia.Gemberling@pw.cccounty.us](mailto:Claudia.Gemberling@pw.cccounty.us)*

Claudia Gemberling, Environmental Analyst II  
Contra Costa County Public Works Department  
255 Glacier Drive  
Martinez CA 94553

Dear Ms. Gemberling,

Please accept this letter as my formal objections to the Balfour Road Shoulder Widening project (County File No. CP 15-06) and the insufficient Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration, filed on November 5, 2015.

It appears from the aforementioned notice that I received that the Contra Costa County Department of Conservation and Development intends to take a portion of my real property via eminent domain. However, your notice is vague, ambiguous, and fails to provide sufficient notice pursuant to Code of Civil Procedure section § 1245.235. As you know, pursuant to Code of Civil Procedure section § 1240.030, the power of eminent domain may be exercised to acquire property for a proposed project only if all of the following are established: (a) The public interest and necessity require the project; (b) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and (c) The property sought to be acquired is necessary for the project. I am requesting to be heard on these issues, and it is completely unclear from your November 5, 2015 notice if, when, and where these issues will be addressed. Please note that I am hereby objecting to the project on all three grounds of Code of Civil Procedure section § 1240.030. Furthermore, to my knowledge, a resolution of necessity has not yet been adopted, and I therefore object to any taking via eminent domain pursuant to Code of Civil Procedure section § 1240.040. Additionally, I object to any resolution of necessity.

Given the insufficient notice, I am left to guess at what stage the agency is at in the project. Accordingly, I am hereby objecting on the following additional grounds, and reserve my right to raise future objections given the lack of clarity:

1. The agency has not yet complied with any portion of Gov. Code § 7267.2.
2. The agency has not made any effort to acquire expeditiously real property by negotiation, nor has any appraisal occurred. Real property must be appraised before

- the initiation of negotiations, and I desire to accompany the appraiser during his or her inspection of my property. Gov. Code § 7267.1.
3. Furthermore, pursuant to Code of Civil Procedure § 1263.025, I am hereby demanding that the agency pay the reasonable costs for me to employ my own independent appraiser.
  4. Should the aforementioned project proceed, and a portion of my real property is taken for the project, my family and I will suffer significant economic damages. The project is not planned or located in a manner that will be most compatible with the greatest public good and the least private injury, and my real property is unnecessary for the project.

Sincerely,

CASEY F. RUSH

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION  
CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT  
BALFOUR ROAD SHOULDER WIDENING PROJECT (#0662-6R4002)  
COUNTY CEQA FILE #: CP 15-06

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**COMMENT LETTER #3. CASEY F. RUSH** (December 3, 2015)

**Comment 3-1:** Your notice is vague, ambiguous, and fails to provide sufficient notice pursuant to Code of Civil Procedure section § 1245.235.

**Response:** The notice pertains to the intention to adopt the CEQA MND document which does not address the property acquisition or eminent domain process but rather evaluates potential project impacts to environmental resources. The CEQA document needs to be adopted by the County Board of Supervisors prior to notification to property owners of the proposed land acquisitions.

**Comment 3-2:** I am requesting to be heard on these issues, and it is completely unclear from your November 5, 2015 notice if, when, and where these issues will be addressed.

**Response:** As noted in our response above, the notice pertains to the intention to adopt the CEQA MND document which does not address the property acquisition or eminent domain process but rather evaluates potential project impacts to environmental resources. As noted above, the CEQA document needs to be adopted by the County Board of Supervisors prior to notification to property owners of the proposed land acquisitions. The property acquisition process which will include appraising properties necessary for the project will begin after the CEQA document has been adopted.

**Comment 3-3:** Please note that I am hereby objecting to the project on all three grounds of Code of Civil Procedure section § 1240.030.

**Response:** CCCPWD believes the project will improve the roadway for both the driving public considering it is a narrow substandard two-lane road that receives substantial traffic at high speeds. The project will bring the shoulders up to current design standard to provide a driver recovery area and a bike lane which is consistent with the Transportation and Circulation Element of the County General Plan to improve existing roads to eliminate design deficiencies and thus is a necessary project.

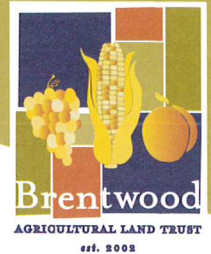
**Comment 3-4:** Given the insufficient notice, I am left to guess at what stage the agency is at in the project.

**Response:** Please refer our responses to Comments 3-1 and 3-2. In addition, you had contacted me by phone on December 8, 2015 to find out when and where the meeting is. As noted in the *Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration* for this project mailed to the property owners along Balfour Road and interested parties, the CEQA MND was scheduled to be brought to the Board of Supervisors meeting on December 8, 2015 at 650 Pine Street, Martinez, but at this time

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION  
CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT  
BALFOUR ROAD SHOULDER WIDENING PROJECT (#0662-6R4002)  
COUNTY CEQA FILE #: CP 15-06

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has been rescheduled to December 15, 2015. The purpose of the meeting is to adopt the CEQA MND and not the land acquisition process. You expressed that you were not clear on what the impacts were to your properties (Assessor Parcel Numbers 011-010-006 and 011-010-018). I informed you that this information can be obtained from the project engineer for whom I provided you the contact name and phone number (Adelina Huerta, 313-2305).



December 4, 2015

Claudia Gemberling, Environmental Analyst II  
Contra Costa County Public Works Department  
255 Glacier Drive  
Martinez, CA 94553

Re: Proposed Mitigated Negative Declaration. County File No. CP 15-06

Dear Ms. Gemberling;

Thank you for the opportunity to comment on the Proposed Mitigated Negative Declaration for the widening of Balfour Road between Sellers Avenue and Bixler Road in the Contra Costa Agricultural Core. As noted in the Mitigated Negative Declaration, the California Farmland Mapping and Monitoring Program has designated the land in the County Agricultural Core as some of the most fertile and important farmland in California. The proposed widening of Balfour Road will result in the loss of 7.86 acres of Prime Farmland (the highest designation for California farmland) and 3.10 acres of Farmland of Local Importance for a total loss of 10.96 acres of irrigated, food-producing farmland.

Because the farmland along Balfour Road is so important, the Brentwood Agricultural Land Trust (BALT) has acquired agricultural conservation easements on four farms along Balfour Road. The widening of Balfour Road will impact all four of BALT's conservation easements. The conservation easements, which were funded by the City of Brentwood and the California Farmland Conservancy Program, represent an investment of public funds of over \$7,290,000.

The Proposed Negative Declaration does not propose to fully mitigate the loss of the 10.96 acres of farmland that will be taken out of production when Balfour Road is widened. Instead, the Proposed Negative Declaration proposes to mitigate for the loss of only four acres of farmland with "*an in-lieu fee payment based upon an appropriate mitigation ratio for public infrastructure improvements.*"

4-1

As evidenced by our efforts to permanently protect the farmland along Balfour Road, we believe that the farmland along Balfour Road is an important resource. The proposed mitigation of four acres does not adequately mitigate for the loss of 10.96

*BALT Letter re Balfour Road Proposed Negative Declaration*  
December 4, 2015

Brentwood Agricultural Land Trust | PO Box 2046 | Brentwood, CA 94513 | (p) 925.634.6738

[www.brentwoodaglandtrust.org](http://www.brentwoodaglandtrust.org)

acres of this important resource. Consequently, the project cannot be deemed to have a less than significant impact as claimed by the Proposed Negative Declaration. Adequate mitigation for the loss of 10.96 acres of farmland requires mitigation sufficient to permanently protect at least 10.96 acres of farmland of equal quality to the land along Balfour Road.

We note that even a one-to-one mitigation of the 10.96 acres will not fully mitigate the cumulative impacts of widening Balfour Road. As the City of Brentwood and Discovery Bay have grown, encroaching on surrounding farmland, urbanization, schools and transportation improvements continue to have cumulative impact on the farming operations. The widening of Highway 4 took acreage out of production, bisected farms and brought additional traffic to the County Agricultural Core. The widening of Balfour Road will similarly take land out of production, increase traffic through the County Agricultural Core and make farming more difficult along the Balfour Road corridor. East Contra Costa farmers have been absorbing these cumulative impacts for decades, and every additional public infrastructure improvement built to support urbanization makes farming more difficult.

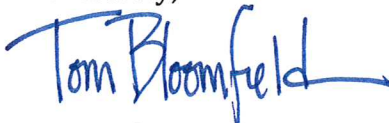
4-2

In summary, the Proposed Negative Declaration for the widening of Balfour Road does not provide adequate mitigation for the loss of agricultural land. For the project to have a less than significant impact, the project must provide at least one-to-one mitigation for all 10.96 acres that will be lost when Balfour Road is widened. The mitigation must be calculated based on the cost of permanently protecting prime farmland of the same quality as the farmland that will be taken out of production along Balfour Road.

4-3

Thank you for an opportunity to comment on the Proposed Negative Declaration. Please do not hesitate to call me (925-550-5540) or Kathryn Lyddan, (925-818-1511) if you have questions or would like additional information.

Sincerely,



Tom Bloomfield

**COMMENT LETTER #4. BRENTWOOD AGRICULTURAL LAND TRUST** (December 4, 2015)

**Comment 4-1:** The Proposed Negative Declaration does not propose to fully mitigate the loss of the 10.96 acres of farmland that will be taken out of production when Balfour Road is widened. Instead, the Proposed Negative Declaration proposes to mitigate for the loss of only four acres of farmland with "*an in-lieu fee payment based upon an appropriate mitigation ratio for public infrastructure improvements.*"

As evidenced by our efforts to permanently protect the farmland along Balfour Road, we believe that the farmland along Balfour Road is an important resource. The proposed mitigation of four acres does not adequately mitigate for the loss of 10.96 acres of this important resource. Consequently, the project cannot be deemed to have a less than significant impact as claimed by the Proposed Negative Declaration. Adequate mitigation for the loss of 10.96 acres of farmland requires mitigation sufficient to permanently protect at least 10.96 acres of farmland of equal quality to the land along Balfour Road.

**Response:** CCCPWD proposed an in-lieu fee payment for impacts to lands under BALT Conservation Easements to recognize the value of and account for impact to lands held in the public trust. CCCPWD intended to compensate impacts based upon an appropriate mitigation ratio for a beneficial public infrastructure improvement since the safety improvements will be for both the driving public and farm-related mobile equipment which is consistent with the Agricultural Resources goals and policies in the Conservation Element of the County General Plan as the project will provide a circulation system appropriate to rural development to support land uses and economic activity and is consistent with the Transportation and Circulation Element to improve existing roads to eliminate design deficiencies.

Further, in the absence of a County farmland mitigation program and no set threshold determined by case law or regulatory framework that would indicate a significant impact for the purposes of CEQA analysis, CCCPWD considered the amount of total impact acreage in relation to the approximately 11,000-acre County Agricultural Preservation District. The impact was determined to be considerably less than 1% (0.001 acre). In addition, most of the areas that will be impacted immediately adjoin the road and are not used for agricultural production or operations. For these reasons the impacts to prime farmland and farmland of local importance were determined to be less than significant.

**Comment 4-2:** We note that even a one-to-one mitigation of the 10.96 acres will not fully mitigate the cumulative impacts of widening Balfour Road. As the City of Brentwood and Discovery Bay have grown, encroaching on surrounding farmland,

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION  
CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT  
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COUNTY CEQA FILE #: CP 15-06

---

urbanization, schools and transportation improvements continue to have cumulative impact on the farming operations. The widening of Highway 4 took acreage out of production, bisected farms and brought additional traffic to the County Agricultural Core. The widening of Balfour Road will similarly take land out of production, increase traffic through the County Agricultural Core and make farming more difficult along the Balfour Road corridor. East Contra Costa farmers have been absorbing these cumulative impacts for decades, and every additional public infrastructure improvement built to support urbanization makes farming more difficult.

**Response:** As noted above, CCCPWD believes the project will improve the road for both the driving public and farm-related mobile equipment which is consistent with the Agricultural Resources goals and policies in the Conservation Element of the County General Plan. Nevertheless, CCCPWD acknowledges the cumulative impacts to farmland in the County Agricultural Preservation District as a result of urbanization and associated improvements. Therefore, CCCPWD proposes to mitigate for impacts to prime farmland and farmland of local importance regardless of whether the land is under Agricultural Conservation Easement at a 1:1 ratio for those lands that will be completely converted to non-agricultural use but mitigate at a lower ratio for those lands that will not be completely converted (i.e., utility easements that will continue to allow agricultural operations) and temporary construction easements that will be returned to pre-project conditions or better upon project completion.

**Comment 4-3:** In summary, the Proposed Negative Declaration for the widening of Balfour Road does not provide adequate mitigation for the loss of agricultural land. For the project to have a less than significant impact, the project must provide at least one-to-one mitigation for all 10.96 acres that will be lost when Balfour Road is widened. The mitigation must be calculated based on the cost of permanently protecting prime farmland of the same quality as the farmland that will be taken out of production along Balfour Road.

**Response:** Please refer to responses to Comments 4-1 and 4-2. In summary, CCCPWD proposes to mitigate at a 1:1 ratio for prime farmland and farmland of local importance that will be completely converted to non-agricultural use (regardless of whether they are under conservation easement), and at a lower ratio for all lands that will be either temporarily impacted by construction but returned to full use following construction, or that will be permanently encumbered by utility easements that allow for restricted agricultural production (e.g., orchard or vineyard restricted but row crops allowed). In addition, the initial impact acreage of 10.96 is an estimate based on current design and may be further refined as we continue with the project design process.

**DELTA PROTECTION COMMISSION**

2101 Stone Blvd., Suite 210  
West Sacramento, CA 95691  
Phone (916) 375-4800 / FAX (916) 376-3962  
[www.delta.ca.gov](http://www.delta.ca.gov)



**Mary N. Piepho, Chair**  
Contra Costa County  
Board of Supervisors

**Skip Thomson, Vice Chair**  
Solano County  
Board of Supervisors

**Don Nottoli**  
Sacramento County  
Board of Supervisors

**Bob Elliott**  
San Joaquin County  
Board of Supervisors

**Oscar Villegas**  
Yolo County  
Board of Supervisors

**Norman Richardson**  
Cities of Contra Costa and  
Solano Counties

**Christopher Cabaldon**  
Cities of Sacramento and  
Yolo Counties

**Susan Lofthus**  
Cities of San Joaquin County

**Michael Scriven**  
Central Delta  
Reclamation Districts

**Justin van Loben Sels**  
North Delta Reclamation Districts

**Robert Ferguson**  
South Delta Reclamation Districts

**Brian Kelly**  
CA State Transportation Agency

**Karen Ross**  
CA Department of Food and  
Agriculture

**John Laird**  
CA Natural Resources Agency

**Brian Bugsch**  
CA State Lands Commission

**Ex Officio Members**

**Honorable Jim Frazier**  
California State Assembly

**Honorable Cathleen Galgiani**  
California State Senate

December 8, 2015

Claudia Gemberling, Environmental Analyst  
Contra Costa County Public Works Department  
2555 Glacier Drive  
Martinez, CA 94553

RE: Initial Study and Proposed Mitigated Negative Declaration for Balfour  
Road Shoulder Widening (SCH No. 2015112014)

Dear Ms. Gemberling:

The staff of the Delta Protection Commission (Commission) has reviewed the Initial Study and Proposed Mitigated Negative Declaration (IS/MND) for widening the shoulder of Balfour Road between Sellers Avenue and Bixler Road in Contra Costa County. Although the project lies outside the Primary Zone of the Delta and therefore does not fall under the Commission's jurisdiction over development projects, we offer these advisory comments for your consideration.

The project consists of widening the existing road to accommodate two 12-foot-wide travel lanes with 6-foot-wide paved shoulders or bike lanes. The IS/MND proposes to mitigate for the loss of approximately four acres of farmland by paying an in-lieu fee to the Brentwood Agricultural Land Trust (BALT) (Mitigation Measure AG-1). BALT may use the fee for acquiring agricultural land conservation easements within the Agricultural Preserve District. To ensure the sustainability of commercial agriculture in the Delta, we encourage you to specify that the appropriate mitigation ratio should be at least 1:1, preferably 2:1 to avoid a net reduction in agricultural lands.

As you may know, the California Public Resources Code directs the Commission to develop and adopt a plan and implementation program for the Great Delta Trail, a continuous regional recreational corridor around the Delta (Sections 5852 – 5855). To this end, the Commission approved two resolutions that support bicycle lanes along State Routes 4, 12, and 160, and along improved Delta levees. Although Balfour Road is not on a levee, we encourage Contra Costa County to include bike lanes, where feasible, in transportation projects throughout the Delta in support of the Great Delta


Ms. Claudia Gemberling, Environmental Analyst  
Contra Costa County Public Works Department  
December 8, 2015  
Page 2 of 2

Trail. We believe that widening the road and creating shoulders that can serve as bike lanes will increase the safety of cyclists and encourage more bicycling in the Delta.

5-2

Thank you for considering our comments. If you have any questions, please do not hesitate to contact Jennifer Ruffolo at (916) 375-4882 or [jennifer.ruffolo@delta.ca.gov](mailto:jennifer.ruffolo@delta.ca.gov).

Sincerely,



Erik Vink  
Executive Director

cc: Mary N. Piepho, Commission Chair and Contra Costa County Supervisor

**COMMENT LETTER #5. DELTA PROTECTION COMMISSION** (December 8, 2015)

**Comment 5-1:** Delta Protection Commission (DPC) commented that the IS/MND proposes to mitigate for the loss of approximately four acres of farmland by paying an in-lieu fee to the Brentwood Agricultural Land Trust (BALT) which may use the fee for acquiring agricultural land conservation easements within the Agricultural Preserve District. To ensure sustainability of commercial agriculture in the Delta, DPC encourages CCCPWD to specify that the appropriate mitigation ratio should be at least 1:1, preferably 2:1 to avoid a net reduction in agricultural lands.

**Response:** CCCPWD acknowledges the cumulative impacts to farmland in the County Agricultural Preservation District as a result of urbanization and associated improvements. Therefore, CCCPWD proposes to mitigate at a 1:1 ratio for prime farmland and farmland of local importance that will be completely converted to non-agricultural use (regardless of whether they are under conservation easement), and at a lower ratio for all lands that will be either temporarily impacted by construction but returned to full use following construction, or that will be permanently encumbered by utility easements that allow for restricted agricultural production (e.g., orchard or vineyard restricted but row crops allowed).

CCCPWD believes that the mitigation ratio is appropriate as CCCPWD considers this a beneficial project as it will improve the roadway for both the driving public and farm-related mobile equipment and is consistent with the Agricultural Resources goals and policies in the Conservation Element of the County General Plan as the project will provide a circulation system appropriate to rural development to support land uses and economic activity and is consistent with the Transportation and Circulation Element to improve existing roads to eliminate design deficiencies.

**Comment 5-2:** We believe that widening the road and creating shoulders that can serve as bike lanes will increase the safety of cyclists and encourage more bicycling in the Delta.

**Response:** Letter in support of this project is acknowledged. No further response is necessary.

**Claudia Gemberling**

---

**From:** OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>  
**Sent:** Wednesday, December 09, 2015 10:23 AM  
**To:** Claudia Gemberling  
**Subject:** RE: SCH# 2015112014 - Balfour Road Shoulder Widening Project

We received 1 comment from Regional Water Quality Control #5. Hopefully you received it as well. A closing letter with comment attached will be mailed today to your attention.


Best,  
Sheila Brown  
Grants Coordinator  
OPR/State Clearinghouse  
1400 Tenth Street, Suite 212  
Sacramento, CA 95814  
916 445-0613

---

**From:** Claudia Gemberling [<mailto:claudia.gemberling@pw.cccounty.us>]  
**Sent:** Tuesday, December 08, 2015 8:41 PM  
**To:** OPR State Clearinghouse  
**Subject:** SCH# 2015112014 - Balfour Road Shoulder Widening Project

Hello, I am checking in to find out if your office has received any comment letters for SCH# 2015112014 - Balfour Road Shoulder Widening Project (IS/MND). The comment period ended today. Please let me know if you need additional information.

Thank you.

*Claudia Gemberling*  
*Environmental Analyst II*  
 Contra Costa County  
Public Works  
Department  
255 Glacier Drive  
Martinez, CA 94553  
(925) 313-2192



[OPR Home](#) > [CEQAnet Home](#) > [CEQAnet Query](#) > [Search Results](#)

**Click Project Title link to display all related documents. Document Type link will display full document description.**

Records Found: 1

[\[First\]](#) [\[Next\]](#) [\[Previous\]](#) [\[Last\]](#)

Page: **1**

Query Parameters: Contra Costa BALFOUR ROAD  
MND

Date Range: 2015-10-01 to 2015-12-31

SCH#	Lead Agency	Project Title	Description	Document Type	Date Received
2015112014	Contra Costa County	<a href="#">Balfour Road Shoulder Widening</a>	Widen Balfour Road to bring the shoulders up to current design standard and provide a driver recovery area and a bike lane. The project segment is approx.3 miles long and is a narrow, substandard two-lane road that receives substantial traffic at high speeds. The Project segment serves as a thoroughfare between Brentwood and Discovery Bay as well as a commuter route to SR 4. The project will widen the existing 18 to 20 foot pavement width to 36 feet wide (two 12-foot wide travel lanes with 6-foot wide paved shoulders/bike lanes and 2 foot wide shoulder backing on each side). The project does not increase the number of travel lanes and will therefore not increase the capacity of the roadway.	<a href="#">MND</a>	11/9/2015

[\[First\]](#) [\[Next\]](#) [\[Previous\]](#) [\[Last\]](#)

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INITIAL STUDY/MITIGATED NEGATIVE DECLARATION  
CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT  
BALFOUR ROAD SHOULDER WIDENING PROJECT (#0662-6R4002)  
COUNTY CEQA FILE #: CP 15-06

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**COMMENT LETTER #6. STATE CLEARINGHOUSE** (December 9, 2015)

**Comment 6-1:** Email from Governor's Office of Planning and Research, State Clearinghouse and Planning Unit stating that one comment was received from the Regional Water Quality Control Board (Comment Letter #2).

**Response:** No further response is necessary.



Contra  
Costa  
County

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: December 15, 2015

Subject: Approving the Parcel Map minor subdivision MS14-00014, Clayton area.

---

**RECOMMENDATION(S):**

ADOPT Resolution No. 2015/458 approving the Parcel Map for minor subdivision MS14-00014, for a project being developed by Steve and Brenda Benkly, as recommended by the Public Works Director, Clayton area. (District IV)

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The Public Works Department has reviewed the conditions of approval for minor subdivision MS14-00014, and has determined that all conditions of approval for the Parcel Map approval have been satisfied.

**CONSEQUENCE OF NEGATIVE ACTION:**

The Parcel Map will not be recorded.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: J. A.B. LaRocque,  
925-313-2315

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

By: , Deputy

## ATTACHMENTS

Resolution No.

2015/458

Parcel Map

Recorded at the request of: **BOARD OF SUPERVISORS**

Return To: **PUBLIC WORKS DEPARTMENT, ENGINEERING SERVICES 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 12/15/2015 by the following vote:

AYE: ☐

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐

---

Resolution No. 2015/458

IN THE MATTER OF approving the Parcel Map for minor subdivision MS14-00014, for a project being developed by Steve and Brenda Benkly, as recommended by the Public Works Director, Clayton area. (District IV)

The following document was presented for Board approval this date:

The Parcel Map of minor subdivision MS14-00014, a property located in the Clayton area, Supervisorial District IV, said map having been certified by the proper officials;

Said documents were accompanied by:

1. Letter from the County Tax Collector stating that there are no unpaid County taxes heretofore levied on the property included in said map and that the 2015-2016 tax lien has been paid in full.

NOW, THEREFORE, BE IT RESOLVED:

1. That said minor subdivision, together with the provisions for its design and improvement, is DETERMINED to be consistent with the County's general and specific plans.
2. That said Parcel Map is APPROVED and this Board does hereby REJECT on behalf of the public any streets, paths, or easements shown thereon as dedicated to public use.

Contact: **J. A.B. 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: December 15, 2015**

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

By: , Deputy

cc: D. Barrios, DCD Planning, Public Works Department, Records Section, Steve & Brenda Benkly-9300 Marsh Creek Road, Clayton, CA 94517, Save Mt. Diablo 1901 Olympic Boulevard, Ste. 320, WC 94596

OWNER'S STATEMENT

THE UNDERSIGNED, BEING THE ONLY PARTIES HAVING A RECORD TITLE INTEREST IN THE LANDS DELINEATED, AND EMBRAILED WITHIN THE HEAVY BLACK LINES UPON THIS MAP, DO HEREBY JOIN IN AND CONSENT TO THE MAKING AND RECORDATION OF THE SAME.

WE HEREBY RELEASE AND RELINQUISH TO THE COUNTY OF CONTRA COSTA THE VEHICULAR AND PEDESTRIAN ACCESS RIGHTS OVER AND ACROSS PORTIONS OF THE NORTHERLY LINES OF SAID PROPERTY ADJUTING MARSH CREEK ROAD AS SHOWN HEREON, BY THIS SYMBOL: \_\_\_\_\_

THIS MAP SHOWS ALL EASEMENTS ON THE PREMISES, OR OF RECORD.

AS OWNERS:

STEVIE BENKLY AND BRENDA BENKLY, HUSBAND AND WIFE, AS JOINT TENANTS

BY: \_\_\_\_\_ BY: \_\_\_\_\_

NAME \_\_\_\_\_ NAME \_\_\_\_\_

ACKNOWLEDGMENT

I, A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE, VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME, \_\_\_\_\_  
NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_  
ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED  
HEREON, AND WHOSE SIGNATURE(S) IS/ARE SUBSCRIBED HEREON, AND THAT THE SIGNATURE(S) IS/ARE  
HIS/HER/THEIR AUTHORIZED CAPACITY(IES) AND THAT I, 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

SIGNATURE: \_\_\_\_\_

PARCEL MAP

SUBDIVISION MS14-0014

PORTION OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 1 EAST,  
MOUNT DIABLO MERIDIAN.

BEING ALL OF THE PARCELS OF LAND DESCRIBED IN THE  
GRANT DEED DOCUMENT 2001-0079879, RECORDED IN THE  
OFFICE OF THE COUNTY RECORDER CONTRA COSTA COUNTY

CONTRA COSTA COUNTY, CALIFORNIA



**SANDIS**  
CIVIL ENGINEERS  
SURVEYORS  
PLANNERS

1700 S. Winchester Blvd | Campbell, CA 95008 | P. 408.638.0900 | F. 408.638.0909 | www.sandis.net

CAMPBELL ROSEVILLE OAKLAND

COUNTY SURVEYOR'S STATEMENT

THIS MAP WAS EXAMINED BY ME, AND IS SUBSTANTIALLY THE SAME AS IT APPEARS ON  
THE TENTATIVE MAP, AND ANY ALTERATIONS THEREOF. ALL PROVISIONS OF THE  
SUBDIVISION MAP ACT AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF  
APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH. I AM SATISFIED THAT  
THE MAP IS TECHNICALLY CORRECT.

JAMES A. STEIN, P.L.S. 6571  
COUNTY SURVEYOR

DATED \_\_\_\_\_

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD  
SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND  
LOCAL ORDINANCE AT THE REQUEST OF STEVE BENKLY ON JUNE 2014. I HEREBY STATE  
THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED  
TENTATIVE MAP, IF ANY, AND IS TRUE AND COMPLETE AS SHOWN.

ALL THE MONUMENTS WILL BE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED,  
AND THEY ARE TO BE SET IN THOSE POSITIONS ON OR BEFORE JANUARY 2016. THE  
MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

ANDREW CHAFER, P.L.S. 8005

DATED \_\_\_\_\_

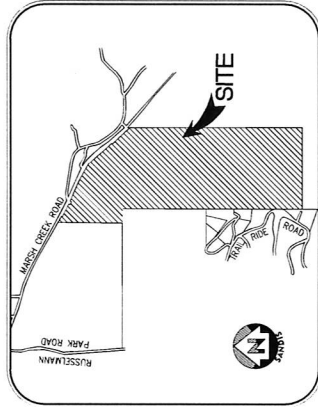


COUNTY RECORDER'S STATEMENT

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, AT \_\_\_\_\_ M.  
IN BOOK \_\_\_\_\_ OF PARCEL MAPS AT PAGE(S) \_\_\_\_\_ AT \_\_\_\_\_  
THE REQUEST OF OLD REPUBLIC TITLE COMPANY.

JOSEPH E. CANDIANILLA  
COUNTY RECORDER IN AND FOR THE COUNTY  
OF CONTRA COSTA, STATE OF CALIFORNIA

DOC NO: \_\_\_\_\_ BY: \_\_\_\_\_  
DEPUTY



VICINITY MAP  
NO SCALE

CLERK OF THE BOARD OF SUPERVISORS CERTIFICATE

STATE OF CALIFORNIA )  
COUNTY OF CONTRA COSTA ) SS

I, DAVID TWA, CLERK OF THE BOARD OF SUPERVISORS AND COUNTY ADMINISTRATOR OF THE COUNTY OF  
CONTRA COSTA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PARCEL  
MAP, PREPARED BY \_\_\_\_\_, A LICENSED SURVEYOR, AND SUBMITTED TO THE BOARD OF SUPERVISORS, AS 20  
PROVIDED BY LAW, AT A REGULAR MEETING THEREOF HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_,  
AND THAT SAID BOARD OF SUPERVISORS DID THEREUPON DULY PASSED AND ADOPTED  
AT SAID MEETING, APPROVE SAID PARCEL MAP AND, BUT DID REJECT ON BEHALF OF THE PUBLIC ALL  
OF THE STREETS, ROADS, AVENUES, OR EASEMENTS SHOWN THEREON AS DEDICATED TO PUBLIC USE.

I FURTHER CERTIFY THAT ALL TAX LIES HAVE BEEN SATISFIED AND THAT ALL BONDS AS REQUIRED BY  
LAW TO ACCOMPANY THE WITHIN MAP HAVE BEEN APPROVED BY THE BOARD OF SUPERVISORS OF  
CONTRA COSTA COUNTY, AND FILED IN MY OFFICE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE OFFICIAL SEAL OF SAID CITY  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

DAVID TWA  
CLERK OF THE BOARD OF SUPERVISORS AND  
COUNTY ADMINISTRATOR OF THE COUNTY OF  
CONTRA COSTA, STATE OF CALIFORNIA

BY: \_\_\_\_\_  
DEPUTY CLERK

SIGNATURES OMITTED STATEMENT

PURSUANT TO SECTION 66436 OF THE SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE  
BEEN OMITTED:

PACIFIC GAS AND ELECTRIC COMPANY  
EASEMENT FOR INSTALLATION, OPERATION, AND MAINTENANCE OF A SINGLE LINE OF POLES, WIRES AND FIXTURES  
AND INCIDENTAL PURPOSES PER DOCUMENT RECORDED MARCH 2, 1937 AS BOOK 425, PAGE 352 AND DOCUMENT  
RECORDED MAY 12, 1937 AS BOOK 433, PAGE 290, CONTRA COSTA COUNTY RECORDS.



# **BASIS OF BEARINGS**

THE BEARINGS SHOWN BETWEEN FOUND MONUMENTS ON MARSH CREEK ROAD AS SHOWN ON THAT CERTAIN MAP FILED SEPTEMBER 29, 1976 IN BOOK 48 OF PARCEL MAPS AT PAGE 36, CONTRA COSTA COUNTY RECORDS WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP. BEARINGS ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM, ZONE III (CCS-27).

## **REFERENCES**

- (R1) BOOK 122 PM 41
- (R2) BOOK 48 PM 36
- (R3) SUBDIVISION 2959, 100 MAPS 1
- (R4) BOOK 14 PM 47
- (R5) BOOK 2001-079879
- (R6) BOOK 26 PM 7



## **GRAPHIC SCALE**

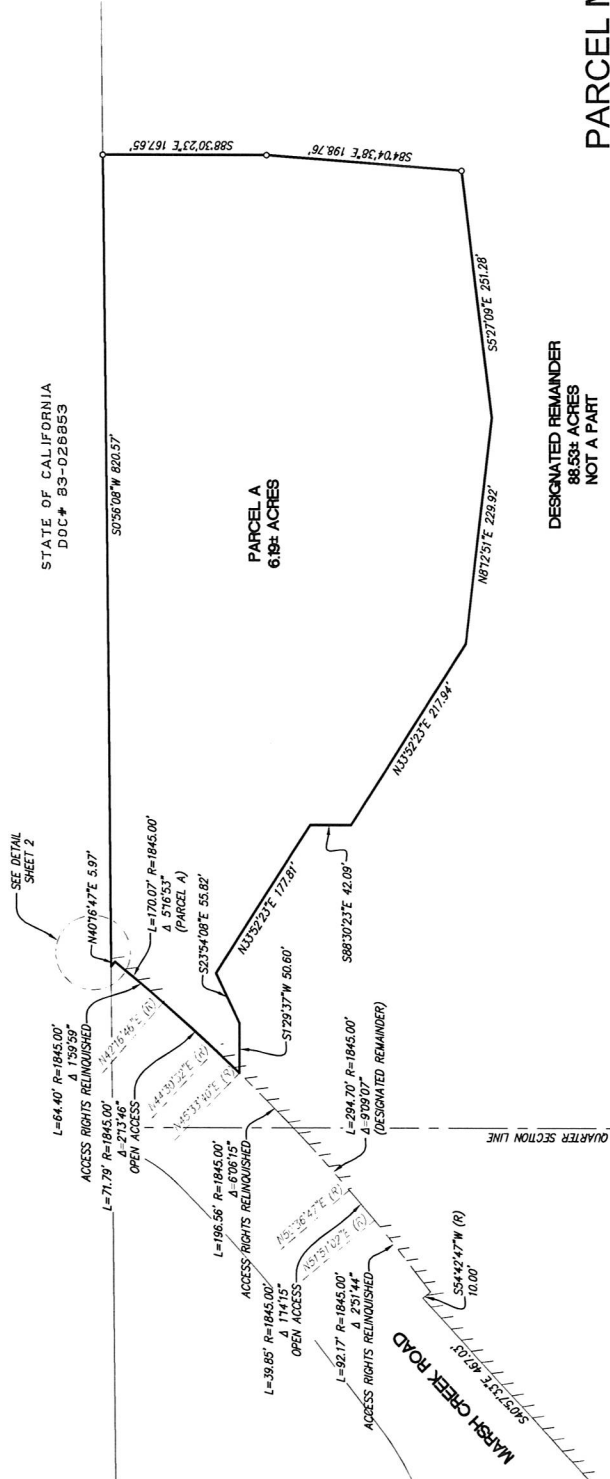


## **LEGEND**

- SUBDIVISION BOUNDARY
- LOT LINE
- EASEMENT LINE
- REINQUISHMENT OF ABUTTERS RIGHTS
- FOUND MONUMENT IN MON. WELL AS NOTED
- FOUND MONUMENT AS NOTED
- SET 3/4" IRON PIPE WITH CAP LS 8005
- SEARCHED FOR, NOT FOUND
- RECORD INFORMATION

## **NOTES:**

- ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
- ALL DISTANCES ARE SHOWN IN GROUND DISTANCES UNLESS OTHERWISE NOTED.
- THE EXTENTS OF THE POOR EASEMENTS DESCRIBED IN THAT CERTAIN MAP FILED SEPTEMBER 29, 1976 IN BOOK 48 OF PARCEL MAPS AT PAGE 36, CONTRA COSTA COUNTY RECORDS WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP. BEARINGS ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM, ZONE III (CCS-27).



## **PARCEL MAP**

SUBDIVISION MS14-0014

PORTION OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 1 EAST, MOUNT DIABLO MERIDIAN, BEING ALL OF THE PARCELS OF LAND DESCRIBED IN THE GRANT DEED DOCUMENT 2001-0079879, RECORDED IN THE OFFICE OF THE COUNTY RECORDER CONTRA COSTA COUNTY CONTRA COSTA COUNTY, CALIFORNIA

**SANDIS**  
CIVIL ENGINEERS  
SURVEYORS  
PLANNERS  
1700 S. Winchester Blvd | Campbell, CA 95008 | P. 408.638.0900 | F. 408.638.0999 | www.sandis.net

OCTOBER 2015 SCALE: 1"=80' JOB NO. 614042 SHEET 3 OF 3

APN 078-270-004

**Tax Collector's Office**  
625 Court Street  
Finance Building, Room 100  
P. O. Box 631  
Martinez, California 94553-0063  
(925) 957-5280  
(925) 957-2898 (FAX)

# Contra Costa County



Date: 11/9/2015

**Russell V. Watts**  
County Treasurer-Tax Collector

**Brice B. Bins**  
Chief Deputy Treasurer-Tax Collector

**Corrie Gideon**  
Tax Operations Supervisor

IF THIS TRACT IS NOT FILED BY DECEMBER 31, 2015, THIS LETTER IS VOID

This will certify that I have examined the map of the proposed subdivision entitled:

Tract / MS #

City

T.R.A.

14-0014

CLAYTON

79081

**Parcel #:**

078-270-004-1

and have determined from the official tax records that there are no unpaid County taxes heretofore levied on the property included in the map.

The 2015-2016 tax lien has been paid in full.

This tract is **not** subject to a 1915 Act Bond.

The amount calculated is void 45 days from the date of this letter.

Subdivision bond must be presented to the County Tax Collector for review and approval of adequacy of security prior to filing with the Clerk of the Board of Supervisors.

RUSSELL V. WATTS  
Treasurer-Tax Collector

By: 



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: December 15, 2015

Subject: Accepting completion of improvements for minor subdivision MS04-00013, El Sobrante area.

---

**RECOMMENDATION(S):**

ADOPT Resolution No. 2015/459 accepting completion of improvements for minor subdivision MS04-00013 for a project developed by Ifeoma Adams and Ramonia Hall, as recommended by the Public Works Director, El Sobrante area. (District I)

**FISCAL IMPACT:**

No fiscal impact to County funds. The funds to be released are developer fees that have been held on deposit.

**BACKGROUND:**

The developer has completed the improvements per the Subdivision Agreement, and in accordance with Title 9 of the County Ordinance Code.

**CONSEQUENCE OF NEGATIVE ACTION:**

The completion of improvements will not be accepted.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: J. A.B. LaRocque,  
925-313-2315

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

By: , Deputy

## ATTACHMENTS

Resolution No.  
2015/459

Recorded at the request of: **BOARD OF SUPERVISORS**

Return To: **PUBLIC WORKS DEPARTMENT, ENGINEERING SERVICES 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 12/15/2015 by the following vote:

AYE: ☐

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐

---

Resolution No. 2015/459

IN THE MATTER OF accepting completion of improvements for minor subdivision MS04-00013, for a project developed by Ifeoma Adams and Ramonia Hall, as recommended by the Public Works Director, El Sobrante area. (District I)

WHEREAS the Public Works Director has notified this Board that the improvements in minor subdivision MS04-00013 have been completed, as provided in the Subdivision Agreement with Ifeoma Adams and Ramonia Hall, heretofore approved by this Board in conjunction with the filing of the Subdivision Map.

NOW THEREFORE BE IT RESOLVED that the improvements have been COMPLETED as of December 15, 2015, thereby establishing the six-month terminal period for the filing of liens in case of action under said Subdivision Agreement:

DATE OF AGREEMENT: August 7, 2007

NAME OF SURETY: Suretec Insurance Company

BE IT FURTHER RESOLVED the payment (labor and materials) surety for \$14,950.00, Bond No. 4360640, issued by the above surety be RETAINED for the six-month lien guarantee period until June 15, 2016, at which time the Board AUTHORIZES the release of said surety less the amount of any claims on file.

BE IT FURTHER RESOLVED that there is no warranty period, and the Public Works Director is AUTHORIZED to refund the \$1,000.00 cash security for performance (Auditor's Deposit Permit No. 486401, dated July 10, 2007) plus interest in accordance with Government Code Section 53079, if appropriate, to Ifeoma Adams and Ramonia Hall pursuant to the requirements of the County Ordinance Code; and the Subdivision Agreement and surety bond, Bond No. 4360640, dated April 30, 2007 are exonerated, except for the six-month lien guarantee period, as provided above.

Contact: **J. A.B. 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: December 15, 2015**

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

By: , Deputy

**cc:** Public Works, Records Division, Public Works, Design/Construction Division, Public Works Maintenance Division, Public Works, Mapping,  
Engineering Services Originator: K. Dahl, Public Works Finance, L. Brown, T - 10-15-2016



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: December 15, 2015

Subject: Approving the third extension of the Subdivision Agreement for subdivision SD06-08993, Discovery Bay area.

---

**RECOMMENDATION(S):**

ADOPT Resolution No. 2015/451 approving the third extension of the Subdivision Agreement for subdivision SD06-08993, for a project being developed by Hofmann Land Development Co., as recommended by the Public Works Director, Discovery Bay area. (District III)

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The terminal date of the Subdivision Agreement needs to be extended. The developer has not completed the required improvements and has requested more time. (Approximately 97% of the work has been completed to date.) By granting an extension, the County will give the developer more time to complete the improvements and keeps the bond current.

**CONSEQUENCE OF NEGATIVE ACTION:**

The terminal date of the Subdivision Agreement will not be extended and the developer will be in default of the agreement, requiring the County to take legal action against the developer and surety to get the improvements installed, or revert the development to acreage.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: J. LaRocque, (925)  
313-2315

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

By: , Deputy

ATTACHMENTS

Resolution No. 2015/451

Third Extension

Notary & Power of Attorney

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 12/15/2015 by the following vote:

AYE: ☐

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐

---

Resolution No. 2015/451

IN THE MATTER OF approving the third extension of the Subdivision Agreement for subdivision SD06-08993 for a project being developed by Hofmann Land Development Co., as recommended by the Public Works Director, Discovery Bay area. (District III)

WHEREAS the Public Works Director having recommended that she be authorized to execute the third agreement extension, which extends the Subdivision Agreement between Hofmann Land Development Co., and the County for construction of certain improvements in subdivision SD06-08993, Discovery Bay area, through December 19, 2015;

- APPROXIMATE PERCENTAGE OF WORK COMPLETE: 97% • ANTICIPATED DATE OF COMPLETION: December 30, 2015
- BOND NO.: 070004755 Date: October 26, 2006
- REASON FOR EXTENSION: Material and supply delays for street light and masonry wall materials.

NOW, THEREFORE, BE IT RESOLVED that the recommendation of the Public Works Director is APPROVED.

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: December 15, 2015**

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

By: , Deputy

**cc:** Engineering Services, J. A. B. LaRocque, Public Works, Design/Construction, Current Planning - DCD, Hofmann Land Development Company P.O. Box 758 Concord, CA 94522, Liberty Mutual Insurance Co. 71 Stevenson Street, Suite 600 San Francisco, 94105

**CONTRA COSTA COUNTY**  
**SUBDIVISION AGREEMENT EXTENSION**

**Development Number:** SD06-08993

**Developer:** Hofmann Land Development Co.

**Original Agreement Date:** December 19, 2006

**Third Extension New Termination Date:** December 19, 2016

**Improvement Security**

**SURETY :** Liberty Mutual Insurance Company

**BOND No.** 070004755

**Date:** December 19, 2006

**Security Type**

**Security Amount**

**Cash:**

\$ 39,555.00 (1% cash, \$1,000 Min.)

**SURETY BOND:**

\$ 3,915,945.00 (Performance)

\$ 1,977,750.00 (Labor & Material)

The Developer and the Surety desire this Agreement to be extended through the above date; and Contra Costa County and said Surety hereby agree thereto and acknowledge same.

Dated: December 13, 2015

Dated: November 6, 2015

FOR CONTRA COSTA COUNTY  
Julia R. Bueren, Public Works Director

Developer's Signature(s)

John E. Amaral, CEO

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

Printed

Developer's Signature(s)

DENNIS M. DREW, CFO

RECOMMENDED FOR APPROVAL:

Printed

By: [Signature]  
(Engineering Services Division)

1380 Galaxy Way, Suite B, Concord, CA 94520

Address

Liberty Mutual Insurance Company

Surety or Financial Institution

71 Stevenson Street #600, San Francisco, CA 94105

Address

**(NOTE: Developer's, Surety's and Financial Institution's Signatures must be Notarized.)**

FORM APPROVED: Victor J. Westman, County Counsel

After Approval Return to Clerk of the Board

[Signature]  
Attorney in Facts Signature

Kathleen Beck, Attorney-in-Fact

Printed

**THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.**

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No. 7068245

American Fire and Casualty Company  
The Ohio Casualty Insurance Company

Liberty Mutual Insurance Company  
West American Insurance Company

**POWER OF ATTORNEY**

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Kathleen Beck; Susan J. Peragallo

all of the city of Concord, state of CA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 24th day of July, 2015.



American Fire and Casualty Company  
The Ohio Casualty Insurance Company  
Liberty Mutual Insurance Company  
West American Insurance Company

By: David M. Carey  
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss  
COUNTY OF MONTGOMERY

On this 24th day of July, 2015, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Teresa Pastella, Notary Public  
Plymouth Twp., Montgomery County  
My Commission Expires March 28, 2017  
Member, Pennsylvania Association of Notaries

By: Teresa Pastella  
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

**ARTICLE IV – OFFICERS** – Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

**ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings.** Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

**Certificate of Designation** – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

**Authorization** – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Gregory W. Davenport, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 10th day of November, 2015.



By: Gregory W. Davenport  
Gregory W. Davenport, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

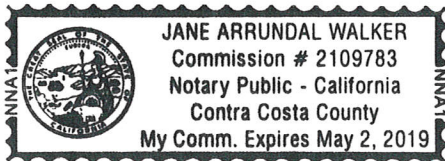
STATE OF CALIFORNIA

County of Contra Costa

On November 6, 2015 before me, Jane Arrundal Walker, Notary Public,  
Date Insert Name of Notary exactly as it appears on the official seal

personally appeared Kathleen Beck

Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature

Signature of Notary Public

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of the form to another document.

### Description of Attached Document

Title or Type of Document: Subdivision Agreement Extension

Document Date: November 6, 2015

Number of Pages: 1

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer(s)

Signer's Name: Kathleen Beck

- ☐ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner ☐ Limited ☐ General  
☒ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

Signer is Representing:  
Liberty Mutual Insurance  
Company

Signer's Name: \_\_\_\_\_

- ☐ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

Signer is Representing: \_\_\_\_\_

## CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

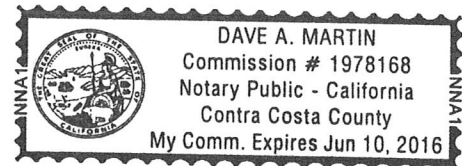
State of California  
County of Contra Costa

On 11/13/2015 before me, Dave A. Martin, Notary Public, personally appeared John E. Amaral and Dennis M. Drew who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Dave A. Martin (Seal)



**THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.**

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No. 7068245

American Fire and Casualty Company  
The Ohio Casualty Insurance Company

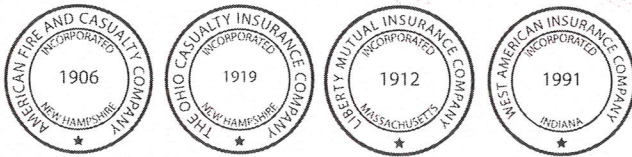
Liberty Mutual Insurance Company  
West American Insurance Company

**POWER OF ATTORNEY**

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Kathleen Beck; Susan J. Peragallo

all of the city of Concord, state of CA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 24th day of July, 2015.



American Fire and Casualty Company  
The Ohio Casualty Insurance Company  
Liberty Mutual Insurance Company  
West American Insurance Company

By: David M. Carey  
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss  
COUNTY OF MONTGOMERY

On this 24th day of July, 2015, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Teresa Pastella, Notary Public  
Plymouth Twp., Montgomery County  
My Commission Expires March 28, 2017  
Member, Pennsylvania Association of Notaries

By: Teresa Pastella  
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

**ARTICLE IV – OFFICERS** – Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

**ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings.** Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

**Certificate of Designation** – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

**Authorization** – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Gregory W. Davenport, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 10th day of November, 2015.



By: Gregory W. Davenport  
Gregory W. Davenport, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.



Contra  
Costa  
County

To: Board of Supervisors  
From: Keith Freitas, Airports Director  
Date: December 15, 2015

Subject: On-Call Contract with Kimley-Horn and Associates, Inc. for the Buchanan Field and Byron Airports

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Director of Airports, or designee, to execute an on-call contract with Kimley-Horn and Associates, Inc. effective April 1, 2016 to March 31, 2021, in an amount not to exceed \$300,000, to provide on-call design, engineering, and planning services for the Buchanan Field and Byron Airports.

**FISCAL IMPACT:**

All costs associated with this on-call contract will not exceed \$300,000 and will be funded 100% by the Airport Enterprise Fund. There will be no impact to the County General Fund.

**BACKGROUND:**

The Airports Division manages the two County airports; Buchanan Field and Byron. As part of this responsibility, contract services are required to augment staff and provide special technical assistance on an on-call basis. After a solicitation process, five consulting firms (Mead & Hunt, Inc., The KPA

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Beth Lee, (925)  
681-4200

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

By: , Deputy

cc:

#### BACKGROUND: (CONT'D)

Group, C & S Engineers, Inc., Stevens + Associates, and Kimley Horn and Associates, Inc.) were selected to provide the design, engineering and planning services.

A Board Order for consideration of the contracts for C & S Engineers, Inc., The KPA Group, Stevens + Associates, and Mead & Hunt, Inc. have been submitted separately.

The proposed list of projects and services include but are not limited to: preparation of Federal Aviation Administration and Caltrans grant funding documents/elements, geotechnical studies, pavement evaluation studies, drainage studies, value engineering, cost estimating, review of airport development proposals, airport master planning, airport layout plan development and changes, terminal area planning, facilities construction, land acquisition, land use planning, environmental planning, updates to airport plans and manuals, lighting analysis and plans, security upgrades, airfield markings and many other professional service needs.

#### CONSEQUENCE OF NEGATIVE ACTION:

Delay in project approval will result in a delay of completing a multitude of airport related projects and may cause inconsistency with current Federal, State and County requirements, policies and standards.

#### ATTACHMENTS

Kimley-Horn CSA

## **CONSULTING SERVICES AGREEMENT**

*(To be used only for Architectural, Engineering or Land Surveying Services.)*

This consulting services agreement ("Agreement") is dated April 1, 2016, and is between the agency and the consultant identified below. The parties agree to each of the terms set forth below (the "Basic Terms") and to each of the terms set forth in the Attachments (as defined below).

1. Parties.

(a) Agency: (check one)

- ☒ Contra Costa County for its Department named below
- ☐ Contra Costa County Flood Control and Water Conservation District
- ☐ Contra Costa County Fire Protection District
- ☐ Housing Authority of the County of Contra Costa
- ☐ Contra Costa County Redevelopment Agency

(i) Department (if applicable): Public Works Department - Airports Division

(ii) Department Head means the individual named below or his or her designee *(check one)*:

- ☐ Director of General Services
- ☒ Public Works Director/Chief Engineer
- ☐ Fire Chief
- ☐ Housing Authority Executive Director
- ☐ Director of Department of Conservation and Development

(iii) Agency Mailing Address: Contra Costa County Public Works  
Buchanan Field Airport  
550 Sally Ride Drive  
Concord, CA 94520  
Attn: Keith Freitas

(b) Consultant's Name & Address: Kimley-Horn and Associates, Inc.  
11919 Foundation Place, Ste. 200  
Gold River, CA 95670  
Attn: Zachary Tate, PE

(i) Type of Business Entity: Corporation  
(e.g., individual, corporation, sole proprietorship, partnership, limited liability company)

If corporation, add State of incorporation: North Carolina

(ii) Federal Taxpayer I.D. or SSN: 56-0885615

(iii) License Number: C65854

2. Project Name, Number, & Location: On Call Airport Engineering, Design/Architectural and Planning

3. Term. The effective date of this Agreement is April 1, 2016. It terminates on March 31, 2021 unless sooner terminated as provided herein.

4. Payment Limit Payments under this Agreement cannot exceed: \$300,000.00.
5. Legal Authority. This Agreement is entered into under and subject to Government Code Section 4525 or Section 31000, or:
- ☐ Health and Safety Code Section 13861 (*Fire Protection District*)  
☐ Health and Safety Code Section 34314 (*Housing Authority*)  
☐ Health and Safety Code Section 33125 (*Redevelopment Agency*)  
☐ Other (*Specify*)
6. Attachments. The following documents are attached to this Agreement (the "Attachments") and are incorporated herein by reference. This Agreement includes the Basic Terms, the signature pages, and all of the Attachments.
- ☒ General Conditions (*always attached*)  
☒ Special Conditions (*optional*)  
☒ Appendix A: Scope of Services (*always attached*)  
☒ Appendix B: Payment Provisions, Project Personnel and Billing Rates (*always attached*)
7. Signatures. The signatures set forth below attest the parties' agreement hereto:

CONSULTANT

SIGNATURE A

Consultant's Name:

.,  
a

SIGNATURE B

By \_\_\_\_\_  
(Signature of individual or officer)  
  
(Print name and title, if applicable)

By \_\_\_\_\_  
(Signature of individual or officer)  
  
(Print name and title, if applicable)

Note to Consultant: If Consultant is a corporation, two officers must sign the Agreement. The first signature (Signature A) must be that of the chairman of the board, president, or vice-president; the second signature (Signature B) must be that of the secretary, assistant secretary, chief financial officer, or assistant treasurer. (Civil Code Section 1190 and Corporations Code Section 313.) The acknowledgment below must be signed by a Notary Public.

ACKNOWLEDGMENT

State of California )  
County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_ (insert name(s) and title(s) of the officer(s) signing on behalf of the Consultant), who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL

\_\_\_\_\_  
Signature

(Notary's Seal)

Signatures. The signatures set forth below attest the parties' agreement hereto:

**CONSULTANT SIGNATURES**

**SIGNATURE A**

Consultant's Name: Kimley-Horn and Assoc., Inc.

By Thomas G. Coppin  
(Signature of individual or officer)  
THOMAS G. COPPIN, VICE PRESIDENT  
(Print name and title, if applicable)

**SIGNATURE B**

Consultant's Name: Kimley-Horn and Assoc., Inc.

By Paul A. Klein  
(Signature of individual or officer)  
PAUL A. KLEIN, ASST. SECRETARY  
(Print name and title, if applicable)

**Note to Consultant:** If Consultant is a corporation, two officers must sign the Agreement. The first signature (Signature A) must be that of the chairman of the board, president, or vice-president; the second signature (Signature B) must be that of the secretary, assistant secretary, chief financial officer, or assistant treasurer. (Civil Code Section 1190 and Corporation Code Section 313.) The acknowledgment below must be signed by a Notary Public.

**ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )

COUNTY OF Sacramento )

On December 1, 2015 (Date),

before me, Cindy Dalen-Slade, Notary Public (Name and Title of Officer),

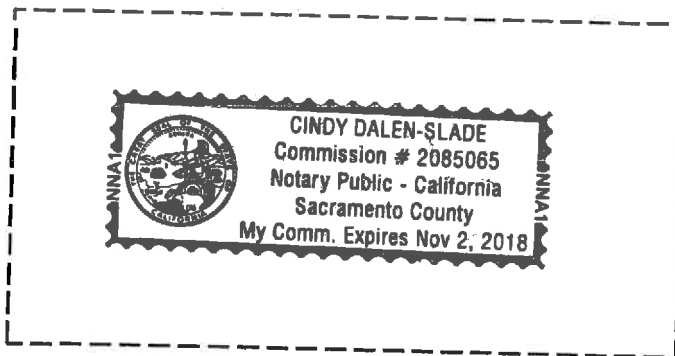
personally appeared, Thomas G. Coppin and Paul A. Klein

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

Cindy Dalen-Slade  
Signature of Notary Public



Place Notary Seal Above

ACKNOWLEDGMENT (by Corporation, Partnership, or Individual)  
(Civil Code §1189)

**AGENCY**

(a) If Agreement is approved by Agency governing body (required if Payment Limit exceeds \$100,000):

AGENCY,

ATTEST: Clerk of the Board of Supervisors

By \_\_\_\_\_  
Board Chair/Designee

By \_\_\_\_\_  
Deputy

(b) If Agreement is approved by County Purchasing Agent:

AGENCY,

By \_\_\_\_\_  
County Purchasing Agent or Designee

**COUNTY APPROVALS**

RECOMMENDED BY DEPARTMENT

By \_\_\_\_\_  
Designee

FORM APPROVED BY COUNTY COUNSEL

By Kathleen M. Andrews  
Deputy County Counsel

APPROVED: COUNTY ADMINISTRATOR

By \_\_\_\_\_  
Designee

**GENERAL CONDITIONS**  
(Consulting Services Agreement)

8. Employment/Scope of Service. Agency hereby employs Consultant, and Consultant accepts such employment, to perform the professional services as described in Appendix A (Scope of Services), upon the terms and in consideration of the payments stated herein.
9. Report Disclosure Section. Pursuant to Government Code Section 7550, Consultant shall include in all documents or written reports completed and submitted to Agency in accordance with this Agreement, 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 only applies if the Payment Limit of this Agreement exceeds \$5,000. If multiple documents or written reports are the subject or product of this Agreement, the disclosure section may also contain a statement indicating that the total Agreement amount represents compensation for multiple documents or written reports.
10. Insurance. Consultant may not commence work under this Agreement until it has furnished evidence of the insurance required herein to the Department Head, and the Department Head has approved it, and may not continue to perform any work under this Agreement if the insurance required herein is no longer in effect.
  - (a) Types and Amount of Insurance: Consultant, at no cost to Agency, shall obtain and maintain during the term hereof: (i) Workers' Compensation Insurance pursuant to state law, including, without limitation, California Labor Code section 3700; (ii) Professional Liability Insurance with a minimum coverage limit of \$1,000,000 for claims made in the aggregate annually and a maximum self-insured retention or self-insured retained limit of liability of \$25,000, for all damages or losses because of errors, omissions or malpractice arising out of the provision of professional services by Consultant and Consultant's subconsultants under this Agreement; and (iii) liability insurance with a minimum coverage limit of \$5,000,000 for claims made in the aggregate annually for all personal injury and property damage, to include liability assumed under this Agreement, the use of any licensed motor vehicle by Consultant or subconsultants, and naming Agency, its governing body, officers and employees as additional insureds. The policies will constitute primary insurance as to Agency and its governing body, officers and employees such that other insurance policies held by them or their self-insurance program(s) are not required to contribute to any loss covered under Consultant's insurance policy or policies.
  - (b) Certificate of Insurance: Prior to the effective date of this Agreement, Consultant shall furnish to the Department Head certificates of insurance evidencing the coverage required herein and requiring 30 days' written notice to Agency of policy lapse, cancellation or material change in coverage. If Consultant renews the insurance policy(ies) or acquires a new insurance policy(ies) or amends the coverage through an endorsement to the policy(ies) at any time during the term of this Agreement, then Consultant shall provide current certificate(s) to the Department Head.
  - (c) Warranty: Consultant represents and warrants that, as of the effective date of this Agreement, Consultant is not aware of any situation that has occurred that could reduce the limits of liability set forth above for claims made under this Agreement.
  - (d) Labor Code Section 1861 Certification: In executing this Agreement, Consultant certifies as follows: "I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."
11. Payment. Agency shall pay Consultant for professional services performed as described in Appendix A at the rates shown in Appendix B, which include all overhead and incidental expenses, for which no additional compensation will be allowed. Notwithstanding the foregoing, Agency shall reimburse those incidental expenses specifically itemized in Appendix B, provided that Consultant submits copies of receipts and, if applicable, a detailed mileage log to the Department Head. In no event may the total amount paid to Consultant exceed the Payment Limit specified in Section 4, Payment Limit, without Agency's prior written approval.
  - (a) Billing Statements: Consultant shall submit billing statements in the manner and form prescribed by the Department Head detailing the work performed and listing, for each item of services, the employee categories, hours and rates. Except as otherwise provided in the Scope of Services, Consultant shall submit the billing statements no later than 30 days from the end of the month in which the services described in the billing statement were actually rendered. Except as provided in subsections (b) – (d) below, Agency will endeavor to pay Consultant within 30 days after receipt of each statement.

**GENERAL CONDITIONS**  
(Consulting Services Agreement)

- (b) Documentation: Consultant shall furnish progress reports with each billing statement at no additional charge. Consultant shall include sufficient detail in each progress report, and shall furnish to the Department Head whatever additional information is necessary, to enable the Department Head to determine whether Consultant is performing all tasks described in the Scope of Services pursuant to the schedule set forth in the Scope of Services.
- (c) Penalty for Late Submission: If Agency is unable to obtain reimbursement from the state or federal government as a result of Consultant's failure to submit to Agency a timely billing statement as set forth above, Agency will not be obligated to pay Consultant for the services included in the late billing statement.
- (d) Right to Withhold: Agency may withhold payment to Consultant following written notice to Consultant that: (i) Consultant has failed to fully perform its obligations under this Agreement (including, without limitation, any failure to submit required deliverable items according to the schedule set forth in the Scope of Services); (ii) Consultant has neglected, failed, or refused to furnish information or cooperate with any inspection, review, or audit of its work or records; or (iii) Consultant has failed to sufficiently itemize or document its billing statement.
- (e) Audit Exceptions: Consultant accepts 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 Agreement. Within 30 days of demand, Consultant shall pay Agency the full amount of Agency's obligation to the state and/or federal government resulting from any audit exceptions that are attributable to Consultant's failure to properly perform any of its obligations under this Agreement.
- (f) Payment Retention: Agency may retain 10% of each billing statement as security for the fulfillment of this Agreement. After Consultant has completed all services as required under this Agreement, submitted final billing, and if the Department Head has determined that the services have been completed in accordance with this Agreement, Agency will release all withheld funds.
- (g) Penalties for False Claims: Any person who commits any of the following acts shall be liable to Agency for three times the amount of damages which Agency sustains because of the act of that person. A person who commits any of the following acts shall also be liable to Agency for the costs of a civil action brought to recover any of those penalties or damages, and may be liable to Agency for a civil penalty of not less than \$5,000 and not more than \$10,000 for each false claim: (a) Knowingly presents or causes to be presented to an officer or employee of Agency a false claim for payment or approval. (b) Knowingly makes, uses, or causes to be made or used a false record or statement to get a false claim paid or approved by Agency. (c) Conspires to defraud Agency by getting a false claim allowed or paid by Agency. (d) Knowingly makes, uses, or causes to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to Agency. (e) Is a beneficiary of an inadvertent submission of a false claim to Agency, subsequently discovers the falsity of the claim, and fails to disclose the false claim to Agency within a reasonable time after discovery of the false claim. Liability under this section shall be joint and several for any act committed by two or more persons.
12. Extra Work. Any work or services in addition to the work or services described in the Scope of Services that Agency deems necessary to properly complete the work or services described in Scope of Services shall be performed by Consultant at the direction of Agency according to the rates or charges listed in Appendix B. In the event that no rate or charge is listed for a particular type of extra work, Consultant will be paid for the extra work at a rate to be mutually agreed on prior to the commencement of the extra work. In no event will Consultant be entitled to compensation for extra work unless, prior to commencement of the extra work, Agency has executed a written amendment describing the extra work and payment terms in accordance with Section 32, Amendments.
13. Time for Completion. Consultant shall complete all services covered by this Agreement no later than the end of the term as set forth above. Notwithstanding the foregoing, to the extent the Scope of Services provides for the phasing of services, Consultant shall complete all services for each phase of the project by the deadlines stated in the Scope of Services.
14. Termination by Agency. At its option, Agency may terminate this Agreement at any time by written notice to Consultant, whether or not Consultant is then in default. Upon such termination, Consultant shall, without delay, deliver to Agency all materials and records prepared or obtained in the performance of this Agreement, and Agency shall pay Consultant, without duplication, all amounts due for the services rendered up to the date of termination.

**GENERAL CONDITIONS**  
(Consulting Services Agreement)

15. Abandonment by Consultant. If Consultant ceases performing services under this Agreement or otherwise abandons the project prior to completing all of the services described in this Agreement, Consultant shall deliver to Agency, without delay, all materials and records prepared or obtained in the performance of this Agreement. Agency shall pay Consultant the amount it determines to be the reasonable value of the services performed up to the time of cessation or abandonment, less a deduction for any damages or additional expenses which Agency incurs as a result of such cessation or abandonment.
16. Ownership of Documents. All materials and records of a finished nature, such as final plans, specifications, reports, and maps, prepared or obtained in the performance of this Agreement, shall be delivered to and become the property of Agency. Consultant shall retain, and make available to Agency in accordance with Section 17, Record Retention and Auditing, all materials of a preliminary nature, such as survey notes, sketches, preliminary plans, computations and other data, prepared or obtained in the performance of this Agreement.
17. Record Retention and Auditing. Except for materials and records delivered to Agency, Consultant shall retain all materials and records prepared or obtained in the performance of this Agreement, including financial records, for a period of at least five years after Consultant's receipt of the final payment under this Agreement. Upon request by Agency, Consultant shall promptly make such materials and records available to Agency, or to authorized representatives of the state and federal governments, at a convenient location within Contra Costa County designated by the Department Head, at no additional charge and without restriction or limitation on their use.
18. Independent Contractor Status. The parties intend that Consultant, in performing the services specified herein, is acting as an independent contractor and that Consultant will control the work and the manner in which it is performed. This Agreement is not intended and may not be construed to create the relationship between the parties of agent, servant, employee, partnership, joint venture or association. Additionally, Consultant is not entitled to participate in any pension plan, workers' compensation plan, health plan, insurance, bonus or similar benefits Agency provides to its employees. In the event that Agency exercises its right to terminate the Agreement, Consultant expressly agrees that it will have no recourse or right of appeal under any rules, regulations, ordinances or laws applicable to employees.
19. Breach. If Consultant fails to perform any of the services described in this Agreement in the manner and timeframe set forth in the Scope of Services or otherwise breaches this Agreement, Agency may pursue all remedies provided by law or equity. Disputes relating to the performance of this Agreement are not subject to non-judicial arbitration.
20. Compliance with Laws. In performing this Agreement, Consultant shall comply with all applicable laws, statutes, ordinances, rules and regulations, whether federal, state, or local in origin, including, but not limited to, licensing and purchasing practices, and wages, hours and conditions of employment, including nondiscrimination and prevailing wage rates and their payment in accordance with California Labor Code Section 1775. If any federal or state regulations or laws touching upon the subject of this Agreement are adopted or revised during the term hereof, this Agreement will be deemed amended and Consultant will comply with such federal or state requirements.
21. Assignment. Consultant may not assign or transfer this Agreement, in whole or in part, whether voluntarily, by operation of law or otherwise; provided, however, Consultant may, subject to any required state or federal approval, enter into subcontracts for the portion of the services for which Consultant does not have the facilities to perform so long as Consultant obtains the Department Head's written consent to such subcontracting prior to execution of this Agreement. The Department Head may withhold consent to any proposed subcontract in his or her sole and absolute discretion. Any purported assignment, transfer or subcontract that does not comply with the terms hereof is void.
22. Endorsement on Plans. Consultant shall endorse all plans, specifications, estimates, reports and other items described in Scope of Services prior to delivering them to Agency, and, where appropriate, indicate his or her registration number.
23. Works Made for Hire; Confidentiality. All reports, original drawings, graphics, plans, studies, and other data and documents, in whatever form or format, assembled or prepared by Consultant or Consultant's subcontractors, consultants, and other agents in connection with this Agreement are "works made for hire" (as defined in the Copyright Act, 17 U.S.C.A., Sections 101 *et seq.*, as amended) for Agency, and Consultant unconditionally and irrevocably transfers and assigns to Agency all right, title, and interest, including all copyrights and other intellectual property rights, in or to the works made for hire. If any of the works made for hire is subject to copyright protection, Agency reserves the right to copyright such works and Consultant agrees not to copyright such works. If any works made for hire are copyrighted, Agency reserves a royalty-free, irrevocable license to reproduce, publish, and

**GENERAL CONDITIONS**  
(Consulting Services Agreement)

use the works made for hire, in whole or in part, without restriction or limitation, and to authorize others to do so. Unless required by law, Consultant shall not publish, transfer, discuss, or disclose any of the above-described works made for hire, or any financial, statistical, personal, technical, or other data or information relative to Agency's operations, which are designated confidential by Agency and made available to Consultant in order to carry out Consultant's work under this Agreement, or any information gathered, discovered, or generated in any way through this Agreement, without Agency's prior express written consent. Permission to disclose information on one occasion or public hearing does not constitute authorization to further disclose such information on any other occasion.

24. **Indemnification.** Consistent with California Civil Code section 2782.8, Consultant shall, to the fullest extent permitted by law, indemnify, protect, defend and hold harmless Agency, and its employees, officials, and agents, from any and all demands, losses, claims, costs, liabilities, and expenses for any damage, injury, or death, including any and all administrative fines, penalties or costs imposed as a result of an administrative proceeding, that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant, its officers, employees, agents, contractors, subconsultants, or any persons under its direction or control. If requested by Agency, Consultant shall defend any such suits at its sole cost and expense. If Agency elects to provide its own defense, Consultant shall reimburse Agency for any expenditures, including reasonable attorneys' fees and costs. Consultant's obligations under this section exist regardless of concurrent negligence or willful misconduct on the part of Agency or any other person; provided, however, that Consultant will not be required to indemnify, including the cost to defend, Agency for the proportion of liability a court determines does not arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant, its officers, employees, agents, contractors, subconsultants, or any persons under its direction or control. This indemnification clause will survive the termination or expiration of this Agreement.
25. **Endorsements.** Consultant may not, in its capacity as a Consultant with Agency, (a) publicly endorse or oppose the use of any particular brand name or commercial product without the prior approval of Agency's governing body, (b) 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 approval of Agency's governing body or (c) participate or appear in any commercially-produced advertisements designed to promote a particular brand name or commercial product, even if Consultant is not publicly endorsing a product, as long as Consultant's presence in the advertisement can reasonably be interpreted as an endorsement of the product by or on behalf of Agency. Notwithstanding the foregoing, Consultant may express its views on products to other consultants, to Agency's governing body or its officers, or to others who may be authorized by Agency's governing body or by law to receive such views.
26. **Project Personnel.** In performing the services authorized under this Agreement, Consultant shall use the personnel listed in Appendix B. Consultant may only make changes in project personnel and authorized subconsultants with the Department Head's prior written consent, and Consultant shall notify the Department Head in writing at least thirty (30) days in advance of any proposed change. Any person proposed as a replacement shall possess training, experience, and credentials comparable to those of the person being replaced.
27. **Inspection.** Authorized representatives of Agency, the State of California and the United States Government may monitor, inspect, review and audit Consultant's performance, place of business and records pertaining to this Agreement. Consultant shall make these items available for inspection upon request.
28. **Conflicts of Interest.** Consultant 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. Consultant further covenants that in the performance of this Agreement, Consultant will employ no person having any such interest. If requested to do so by Agency, Consultant shall complete a "Statement of Economic Interest" form and deliver it to the Department Head and shall require any other person doing work under this Agreement to complete a "Statement of Economic Interest" form and deliver it to the Department Head. Consultant covenants that Consultant, its employees and officials, are not now employed by Agency and have not been so employed by Agency within 12 months immediately preceding this Agreement; 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 Consultant in this Agreement, Consultant shall indemnify, defend and hold Agency harmless from any and all claims, investigations, liabilities or damages resulting from or related to any and all alleged conflicts interest.
29. **Nonrenewal.** Consultant understands and agrees that there is no representation, implication, or understanding that the services provided by Consultant under this Agreement will be purchased by Agency under a new contract following expiration or

**GENERAL CONDITIONS**  
(Consulting Services Agreement)

termination of this Agreement, and Consultant waives all rights or claims to notice or hearing respecting any failure to continue purchasing all or any such services from Consultant.

30. Professional Competence; Licensure. Consultant represents and warrants that it is (i) professionally competent and able to provide the professional services described in this Agreement by reason of Consultant's personal knowledge and skill, and (ii) currently licensed by the State of California, and will remain licensed in good standing at all times during the term of this Agreement, as one or more of the following: (a) an architect pursuant to Chapter 3 (commencing with Section 5500) of Division 3 of the California Business and Professions Code; (b) a landscape architect pursuant to Chapter 3.5 (commencing with Section 5615) of Division 3 of the California Business and Professions Code; (c) a professional engineer pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the California Business and Professions Code; or (d) a professional land surveyor pursuant to Chapter 15 (commencing with Section 8700) of Division 3 of the California Business and Professions Code.
31. Notices. All notices under this Agreement must be in writing, and, except as otherwise provided in the Scope of Services, sent by personal delivery (including overnight courier service) or by certified United States Mail, postage prepaid, to the parties at the addresses designated above, unless changed by written notice to the other party. Consultant shall address all notices to Agency to the Department Head. The effective date of the notice is the date of deposit in the mail or of other delivery, except that the effective date of notice to Agency is the date of receipt by the Department Head.
32. Amendments. This Agreement may be amended only by written agreement signed by both of the parties.
33. Disputes. Disagreements between Agency and Consultant concerning the meaning, requirements or performance of this Agreement are subject to final written determination of the Department Head or in accordance with the applicable procedures (if any) required by state or federal government.
34. Choice of Law and Personal Jurisdiction. This Agreement is made in Contra Costa County and is governed by, and will be construed in accordance with, the laws of the State of California. The parties, to the fullest extent permitted by law, knowingly, intentionally, and voluntarily, with and upon the advice of competent counsel, submit to personal jurisdiction in the State of California over any suit, action or proceeding arising from or relating to the terms of this Agreement.
35. No Implied Waiver. No waiver of any provision of this Agreement by Agency is valid unless it is in writing and signed by Agency. Waiver by Agency at any time of any breach of this Agreement may not be deemed a waiver of or consent to a subsequent breach of the same or any other provision of this Agreement. If Consultant's action requires the consent or approval of Agency, that consent or approval on one occasion may not be deemed a consent to or approval of that action on any later occasion or a consent to or approval of any other action. Subject to Section 33, Disputes, inspections, approvals or statements by any officer, agent or employee of Agency indicating Consultant's performance or any part thereof complies with the requirements of this Agreement, or acceptance of the whole or any part of Consultant's performance, or payments therefor, or any combination of these acts, does not relieve Consultant of its obligation to fulfill this Agreement as prescribed or prevent Agency from bringing an action for damages or enforcement arising from any failure to comply with any of the terms and conditions of this Agreement.
36. Successors and Assigns. Subject to Section 21, Assignment, this Agreement binds Consultant's successors, assigns, heirs, executors and personal representatives.
37. No Third-Party Beneficiaries. This Agreement is intended solely for the benefit of the parties hereto, and no third party has any right or interest in any provision of this Agreement or as a result of any action or inaction of any party in connection therewith.
38. 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 may 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 does not apply to the interpretation of this Agreement.
39. Severability. If any term or provision of this Agreement is, to any extent, held invalid or unenforceable, the remainder of this Agreement will not be affected thereby.

**GENERAL CONDITIONS**  
(Consulting Services Agreement)

40. Entire Agreement. This Agreement, together with all of the attachments listed in Section 6, Attachments, contains all of the terms and conditions agreed upon by the parties regarding the subject matter of this Agreement, and supercedes all previous communications, representations, understandings and agreements, whether verbal, written, express or implied, between the parties.
41. Authorization. Consultant, or the representative(s) signing this Agreement on behalf of Consultant, represents and warrants that Consultant has full power and authority to enter into this Agreement and to perform the obligations set forth herein, and that the representatives signing this Agreement have the authority to execute this Agreement on behalf of Consultant and to bind Consultant to its contractual obligations hereunder.

**The following provisions apply only to projects using US Department of Transportation funds.**

42. Disadvantaged Business Enterprise (DBE) Requirements (Federal aid projects only). Consultant shall comply with all applicable provisions of 49 CFR, Parts 23 and 26, and the Contra Costa County's Disadvantaged Business Enterprise (DBE) Program, which are incorporated into this Agreement by reference. In addition, in performing services under this Agreement, Consultant shall utilize all DBEs listed in Consultant's written response to Agency's request for qualifications or request for proposal and shall pay to the listed DBEs the estimated amounts listed in Appendix B attached to this Agreement. Consultant shall not substitute a listed DBE at any time or decrease the amount to be paid to a listed DBE without the advance, written consent of Agency. If a listed DBE is proposed to be replaced, Consultant shall make a good faith effort to replace the original DBE with another DBE and shall submit to Agency written documentation of such effort.
43. Federal Cost Principles and Procedures (Federal aid projects only). Consultant shall comply with the following provisions, which are incorporated into this Agreement by reference: (a) the cost principles for allowability of individual items of costs set forth in 48 CFR, Chapter 1, Part 31; (b) the administrative procedures set forth in 49 CFR, Part 18; and (c) the administrative procedures for non-profit organizations set forth in OMB Circular A-110, if applicable to Consultant. In the event that payment is made to Consultant for any costs that are determined by subsequent audit to be unallowable under 48 CFR, Chapter 1, Part 31, Consultant shall refund the payment to Agency within 30 days of written request from Agency. Should Consultant fail to do so, and should Agency file legal action to recover the refund, Consultant shall reimburse Agency for all attorneys' fees, costs, and other expenses incurred by Agency in connection with such action.
44. Prohibition of Expending Local Agency State or Federal Funds for Lobbying (Federal aid in excess of \$100,000 only). In executing this Agreement, Consultant makes the following certification, which certification is a material representation of fact relied upon by Agency in entering into this Agreement:
- (a) Certification. To the best of Consultant's knowledge and belief:
- (i) No state, federal or local agency appropriated funds have been paid, or will be paid by or on behalf of Consultant to any person for influencing or attempting to influence an officer or employee of any state or federal agency, a member of the State Legislature or United States Congress, an officer or employee of the Legislature or Congress, or any employee of a member of the Legislature or Congress, in connection with the awarding of any state or federal contract, the making of any state or federal grant, the making of any state or federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any state or federal contract, grant, loan, or cooperative agreement.
- (ii) If any funds other than federal appropriated funds have been paid, or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress, in connection with this federal contract, grant, loan, or cooperative agreement, Consultant shall complete and submit Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- (b) Penalty for Failure to File Disclosure Form. Submission of the disclosure form is a prerequisite for making or entering into this Agreement imposed by Title 31 U.S.C. Section 1352. Any person who fails to file the required disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- (c) Applicability to Subconsultants. In executing this Agreement, Consultant also agrees to require that the language of this

**GENERAL CONDITIONS**  
(Consulting Services Agreement)

Section 44 be included in all contracts with subconsultants that exceed \$100,000, and that all such subconsultants shall certify and disclose accordingly.

45. Compliance with American Recovery and Reinvestment Act ("Recovery Act"). Consultant shall comply with the following provisions, which are incorporated into this Agreement by reference: (a) the statutory provisions contained in Chapter 1 of Title 23 of the United States Code; and (b) the reporting requirements, terms and conditions set forth in Sections 1201 and 1512 of the Recovery Act, and as designated by the State of California. Consultant's failure to comply with these provisions will result in retentions from progress payments due and/or other sanctions.

## Special Conditions (Consulting Services Agreement)

Consultant and Agency agree that the following Special Conditions are part of this Agreement.

As used in this Agreement, the terms "Consultant" and "Contractor" both mean Kimley-Horn and Associates.

As used in this Agreement, the terms "Agency", "Local Agency", "Sponsor" and "County" all mean Contra Costa County.

As used in this Agreement, the term "Contract" has the same meaning as "Agreement" (as defined in the first paragraph of this Agreement).

1. California Labor Code Section 1771.1(a) is hereby incorporated into the Agreement as if fully set forth herein. Subject to the limited exceptions for bid purposes under Labor Code Section 1771.1(a), no contractor or subcontractor may be listed on a bid proposal for a public works project unless currently registered and qualified with the Department of Industrial Relations pursuant to Labor Code section 1725.5, and no contractor or subcontractor may be awarded a contract for public work on a public works project (awarded on or after April 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5. The project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.
2. Section 10(b) (Certificate of Insurance): of the CSA General Conditions is hereby deleted in its entirety and replaced with the following:

"(b) Certificate of Insurance: Prior to the effective date of this Agreement, Consultant shall 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 Consultant's receipt of (i) a notice of cancellation or a notice of an intention to cancel any of Consultant's insurance coverage required by this Agreement, or (ii) a notice of a material change to Consultant's insurance coverage required by this Agreement, Consultant will provide Agency a copy of such notice of cancellation, or notice of intention to cancel, or notice of material change. Consultant's failure to provide Department the notice as required by the preceding sentence is a default under this Agreement. If Consultant 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 Agreement, then Consultant shall provide current certificates to Department."
3. Section 16 (Ownership of Documents): of the CSA General Conditions is hereby deleted in its entirety and replaced with the following:

"16. Ownership of Documents. All materials and records of a finished nature, such as final plans, specifications, reports, and maps, prepared or obtained in the performance of this Agreement, shall be delivered to and become the property of Agency. Consultant shall retain, and make available to Agency in accordance with Section 17 (Record Retention and Auditing) of the General Conditions, all materials of a preliminary nature, such as survey notes, sketches, preliminary plans, computations and other data, prepared or obtained in the performance of this Agreement. Agency's alteration of Consultant's work product or its use by Agency for any purpose not related to this Agreement shall be at the Agency's sole risk, and without liability to Consultant."
4. Section 21 (Assignment) of the CSA General Conditions is hereby deleted in its entirety and replace with the following:

"21. Assignment. Consultant may not assign or transfer this Agreement, in whole or in part, whether voluntarily,

by operation of law or otherwise; provided, however, Consultant may, enter into subcontracts for the portion of the services for which Consultant does not have the facilities to perform so long as Consultant obtains consent to such subcontracting as required by Article X (Subcontracting) below prior to entering into any subcontract. The LOCAL AGENCY'S Contract Administrator may withhold consent to any proposed subcontract in his or her sole and absolute discretion. Any purported assignment, transfer or subcontract that not comply with the terms hereof is void. Notwithstanding the provisions of this Section 21, LOCAL AGENCY hereby consents to Contractor subcontracting with its subcontractors: (i) Cornerstone Earth Group; (ii) CSHQA.; (iii) Telamon Engineering Consultants, Inc.; (iv) (each a "Subcontractor"); provided that no Subcontractor contract will include payment provisions greater than the amounts such Subcontractor is to be paid according to Attachment 1 to Appendix B of this Contract."

5. Federal Funding. Sections 42-44 (as amended herein) of the CSA General Conditions (as modified by these Special Conditions) apply when a Task Order is partially or fully funded by US DOT funds. As each Task Order Form is executed, the Task Order as described and sample attached in Appendix A, Scope of Services, shall identify if a task is partially or fully funded by US DOT funds. If a Task Order is not funded by any US DOT funds, then Sections 42-44 of the General Conditions is not applicable to that Task Order.
6. Contract Assurance (§26.13). The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the County deems appropriate, which may include, but is not limited to: (1) Withholding monthly progress payments; (2) Assessing sanctions; (3) Liquidated damages; and/or (4) Disqualifying the contractor from future bidding as non-responsible.
7. Prompt Payment (§26.29). The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 7 days from the receipt of each payment the prime contractor receives from Agency. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Agency. This clause applies to both DBE and non-DBE subcontractors
8. **ARTICLE IV PERFORMANCE PERIOD (Verbatim)**
  - A. This contract shall go into effect on date specified in Section 3 Term of the Basic Terms, contingent upon approval by LOCAL AGENCY, and CONSULTANT shall commence work after notification to proceed by LOCAL AGENCY'S Contract Administrator. The contract shall end on date specified in Section 3 Term of the Basic Terms, unless extended by contract amendment.
  - B. CONSULTANT is advised that any recommendation for contract award is not binding on LOCAL AGENCY until the contract is fully executed and approved by LOCAL AGENCY.
  - C. The period of performance for each specific project shall be in accordance with the Task Order for that project. If work on a Task Order is in progress on the expiration date of this contract, the terms of the contract shall be extended by contract amendment.
9. **ARTICLE V ALLOWABLE COSTS AND PAYMENTS (Verbatim)** The first paragraph of Section 11 (Payment) of the CSA General Conditions and Section 11(a) (Billing Statements) are hereby deleted in their entirety and replaced with the following:
  - A. CONSULTANT will be reimbursed for hours worked at the hourly rates specified in CONSULTANTs Cost Proposal (Attachment 1 to Appendix B ("Cost Proposal")). The specified hourly rates shall include direct salary costs, employee benefits, overhead, and fee. These rates are not adjustable for the performance period set forth in this Contract.

- B. In addition, CONSULTANT will be reimbursed for incurred (actual) direct costs other than salary costs that are in the cost proposal and identified in the cost proposal and in the executed Task Order.
- C. Specific projects will be assigned to CONSULTANT through issuance of Task Orders.
- D. After a project to be performed under this contract is identified by LOCAL AGENCY, LOCAL AGENCY will prepare a draft Task Order; less the cost estimate. A draft Task Order will identify the scope of services, expected results, project deliverables, period of performance, project schedule and will designate a LOCAL AGENCY Project Coordinator. The draft Task Order will be delivered to CONSULTANT for review. CONSULTANT shall return the draft Task Order within ten (10) calendar days along with a Cost Estimate, including a written estimate of the number of hours and hourly rates per staff person, any anticipated reimbursable expenses, overhead, fee if any, and total dollar amount. After agreement has been reached on the negotiable items and total cost; the finalized Task Order shall be signed by both LOCAL AGENCY and CONSULTANT.
- E. Task Orders may be negotiated for a lump sum (Firm Fixed Price) or for specific rates of compensation, both of which must be based on the labor and other rates set forth in CONSULTANT's Cost Proposal.
- F. Reimbursement for transportation and subsistence costs shall not exceed the rates as specified in the approved Cost Proposal.
- G. When milestone cost estimates are included in the approved Cost Proposal, CONSULTANT shall obtain prior written approval for a revised milestone cost estimate from the Contract Administrator before exceeding such estimate.
- H. Progress payments for each Task Order will be made monthly in arrears based on services provided and actual costs incurred.
- I. CONSULTANT shall not commence performance of work or services until this contract has been approved by LOCAL AGENCY, and notification to proceed has been issued by LOCAL AGENCY'S Contract Administrator. No payment will be made prior to approval or for any work performed prior to approval of this contract.
- J. A Task Order is of no force or effect until returned to LOCAL AGENCY and signed by an authorized representative of LOCAL AGENCY. No expenditures are authorized on a project and work shall not commence until a Task Order for that project has been executed by LOCAL AGENCY.
- K. CONSULTANT will be reimbursed, as promptly as fiscal procedures will permit upon receipt by LOCAL AGENCY'S Contract Administrator of itemized invoices in triplicate. Separate invoices itemizing all costs are required for all work performed under each Task Order. Invoices shall be submitted no later than 45 calendar days after the performance of work for which CONSULTANT is billing, or upon completion of the Task Order. Invoices shall detail the work performed on each milestone, on each project as applicable. Invoices shall follow the format stipulated for the approved Cost Proposal and shall reference this contract number, project title and Task Order number. Credits due LOCAL AGENCY that include any equipment purchased under the provisions of Article XI Equipment Purchase of this contract, must be reimbursed by CONSULTANT prior to the expiration or termination of this contract. Invoices shall be mailed to LOCAL AGENCY's Contract Administrator at the following address:

*Contra Costa County Public Works Department  
Airports Division  
Attention: Beth Lee  
550 Sally Ride Drive  
Concord, CA 94520*

- L. The period of performance for Task Orders shall be in accordance with dates specified in the Task Order. No Task Order will be written which extends beyond the expiration date of this Contract.
  - M. The total amount payable by LOCAL AGENCY for an individual Task Order shall not exceed the amount agreed to in the Task Order, unless authorized by contract amendment.
  - N. If the Consultant fails to satisfactorily complete a deliverable according to the schedule set forth in a Task Order, no payment will be made until the deliverable has been satisfactorily completed.
  - O. Task Orders may not be used to amend this Agreement and may not exceed the scope of work under this Agreement.
  - P. The total amount payable by LOCAL AGENCY for all Task Orders resulting from this contract shall not exceed the amount specified in Section 4 (Payment Limit) of the Basic Terms. It is understood and agreed that there is no guarantee, either expressed or implied that this dollar amount will be authorized under this contract through Task Orders.
  - Q. All subcontracts in excess of \$25,000 shall contain the above provisions.
10. Section 11(f) Payment Retention of the CSA General Conditions is hereby deleted in its entirety and replaced with the following:
- “(f) Payment Retention: Agency will not retain any funds.”
11. **ARTICLE VI TERMINATION (Verbatim).** Section 14 (Termination by Agency) of the CSA General Conditions is hereby deleted in its entirety and replaced with the following:
- “Without in any way limiting County’s rights under Section 38 (Termination of Contract) of these Special Conditions:
- A. LOCAL AGENCY reserves the right to terminate this contract upon thirty (30) calendar days written notice to CONSULTANT with the reasons for termination stated in the notice.
  - B. LOCAL AGENCY may terminate this contract with CONSULTANT should CONSULTANT fail to perform the covenants herein contained at the time and in the manner herein provided. In the event of such termination, LOCAL AGENCY may proceed with the work in any manner deemed proper by LOCAL AGENCY. If LOCAL AGENCY terminates this contract with CONSULTANT, LOCAL AGENCY shall pay CONSULTANT the sum due to CONSULTANT under this contract prior to termination, unless the cost of completion to LOCAL AGENCY exceeds the funds remaining in the contract. In which case the overage shall be deducted from any sum due CONSULTANT under this contract and the balance, if any, shall be paid to CONSULTANT upon demand.
  - C. The maximum amount for which the Government shall be liable if this contract is terminated is \$300,000.00 dollars.”
12. **ARTICLE VII COST PRINCIPLES AND ADMINISTRATIVE REQUIREMENTS (Verbatim).** Section 43 (Federal Cost Principles and Procedures) of the CSA General Conditions is hereby deleted in its entirety and replaced with the following:
- “A. CONSULTANT agrees that the Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31.000 et seq., shall be used to determine the cost allowability of individual items.
  - B. CONSULTANT also agrees to comply with federal procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

- C. Any costs for which payment has been made to CONSULTANT that are determined by subsequent audit to be unallowable under 49 CFR, Part 18 and 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31.000 et seq., are subject to repayment by CONSULTANT to LOCAL AGENCY.
- D. All subcontracts in excess of \$25,000 shall contain the above provisions."

13. **ARTICLE VIII RETENTION OF RECORDS/AUDIT (Verbatim)** Section 17 (Record Retention and Auditing) of the CSA General Conditions is hereby deleted in its entirety and replaced with the following:

"For the purpose of determining compliance with Public Contract Code 10115, et seq. and Title 21, California Code of Regulations, Chapter 21, Section 2500 et seq., when applicable and other matters connected with the performance of the contract pursuant to Government Code 8546.7; CONSULTANT, subconsultants, and LOCAL AGENCY shall maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of the contract, including but not limited to, the costs of administering the contract. All parties shall make such materials available at their respective offices at all reasonable times during the contract period and for three years from the date of final payment under the contract. The state, State Auditor, LOCAL AGENCY, FHWA, or any duly authorized representative of the Federal Government shall have access to any books, records, and documents of CONSULTANT and its certified public accountants (CPA) work papers that are pertinent to the contract and indirect cost rates (ICR) for audit, examinations, excerpts, and transactions, and copies thereof shall be furnished if requested. Subcontracts in excess of \$25,000 shall contain this provision."

14. **ARTICLE IX AUDIT REVIEW PROCEDURES (Verbatim)**

- A. Any dispute concerning a question of fact arising under an interim or post audit of this contract that is not disposed of by agreement, shall be reviewed by LOCAL AGENCY'S Chief Financial Officer.
- B. Not later than 30 days after issuance of the final audit report, CONSULTANT may request a review by LOCAL AGENCY'S Chief Financial Officer of unresolved audit issues. The request for review will be submitted in writing.
- C. Neither the pendency of a dispute nor its consideration by LOCAL AGENCY will excuse CONSULTANT from full and timely performance, in accordance with the terms of this contract.
- D. CONSULTANT and subconsultant contracts, including cost proposals and ICR, are subject to audits or reviews such as, but not limited to, a contract audit, an incurred cost audit, an ICR Audit, or a CPA ICR audit work paper review. If selected for audit or review, the contract, cost proposal and ICR and related work papers, if applicable, will be reviewed to verify compliance with 48 CFR, Part 31 and other related laws and regulations. In the instances of a CPA ICR audit work paper review it is CONSULTANT's responsibility to ensure federal, state, or local government officials are allowed full access to the CPA's work papers including making copies as necessary. The contract, cost proposal, and ICR shall be adjusted by CONSULTANT and approved by LOCAL AGENCY contract manager to conform to the audit or review recommendations. CONSULTANT agrees that individual terms of costs identified in the audit report shall be incorporated into the contract by this reference if directed by LOCAL AGENCY at its sole discretion. Refusal by CONSULTANT to incorporate audit or review recommendations, or to ensure that the federal, state or local governments have access to CPA work papers, will be considered a breach of contract terms and cause for termination of the contract and disallowance of prior reimbursed costs.

The provisional ICR will apply to this contract and all other contracts executed between LOCAL AGENCY and the CONSULTANT, either as a prime or subconsultant, with the same fiscal period ICR

15. **ARTICLE X SUBCONTRACTING (Verbatim)**

- A. Nothing contained in this contract or otherwise, shall create any contractual relation between LOCAL AGENCY and any subconsultant(s), and no subcontract shall relieve CONSULTANT of its responsibilities and obligations hereunder. CONSULTANT agrees to be as fully responsible to LOCAL AGENCY for the acts and

omissions of its subconsultant(s) and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by CONSULTANT. CONSULTANT's obligation to pay its subconsultant(s) is an independent obligation from LOCAL AGENCY'S obligation to make payments to the CONSULTANT.

- B. CONSULTANT shall perform the work contemplated with resources available within its own organization and no portion of the work pertinent to this contract shall be subcontracted without written authorization by LOCAL AGENCY's Contract Administrator, except that, which is expressly identified in the approved Cost Proposal.
- C. CONSULTANT shall pay its subconsultants within ten (10) calendar days from receipt of each payment made to CONSULTANT by LOCAL AGENCY.
- D. Any subcontract in excess of \$25,000 entered into as a result of this contract shall contain all the provisions stipulated in this contract to be applicable to subconsultants.
- E. Any substitution of subconsultant(s) must be approved in writing by LOCAL AGENCY's Contract Administrator prior to the start of work by the subconsultant(s).

**16. ARTICLE XI EQUIPMENT PURCHASE (Verbatim)**

- A. Prior authorization in writing, by LOCAL AGENCY's Contract Administrator shall be required before CONSULTANT enters into any unbudgeted purchase order, or subcontract exceeding \$5,000 for supplies, equipment, or CONSULTANT services. CONSULTANT shall provide an evaluation of the necessity or desirability of incurring such costs.
- B. For purchase of any item, service or consulting work not covered in CONSULTANT's Cost Proposal and exceeding \$5,000 prior authorization by LOCAL AGENCY's Contract Administrator; three competitive quotations must be submitted with the request, or the absence of bidding must be adequately justified.
- C. Any equipment purchased as a result of this contract is subject to the following: "CONSULTANT shall maintain an inventory of all nonexpendable property. Nonexpendable property is defined as having a useful life of at least two years and an acquisition cost of \$5,000 or more. If the purchased equipment needs replacement and is sold or traded in, LOCAL AGENCY shall receive a proper refund or credit at the conclusion of the contract, or if the contract is terminated, CONSULTANT may either keep the equipment and credit LOCAL AGENCY in an amount equal to its fair market value, or sell such equipment at the best price obtainable at a public or private sale, in accordance with established LOCAL AGENCY procedures; and credit LOCAL AGENCY in an amount equal to the sales price. If CONSULTANT elects to keep the equipment, fair market value shall be determined at CONSULTANT's expense, on the basis of a competent independent appraisal of such equipment. Appraisals shall be obtained from an appraiser mutually agreeable to by LOCAL AGENCY and CONSULTANT, if it is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by LOCAL AGENCY." 49 CFR, Part 18 requires a credit to Federal funds when participating equipment with a fair market value greater than \$5,000 is credited to the project.
- D. All subcontracts in excess \$25,000 shall contain the above provisions.

**17. ARTICLE XII STATE PREVAILING WAGE RATES (Verbatim)**

- A. CONSULTANT shall comply with the State of California's General Prevailing Wage Rate requirements in accordance with California Labor Code, Section 1770, and all Federal, State, and local laws and ordinances applicable to the work.
- B. Any subcontract entered into as a result of this contract, if for more than \$25,000 for public works construction or more than \$15,000 for the alteration, demolition, repair, or maintenance of public works, shall contain all of the provisions of this Article.

- C. When prevailing wages apply to the services described in the scope of work, transportation and subsistence costs shall be reimbursed at the minimum rates set by the Department of Industrial Relations (DIR) as outlined in the applicable Prevailing Wage Determination. See <http://www.dir.ca.gov>.

18. **ARTICLE XIII CONFLICT OF INTEREST (Verbatim).** Section 28 (Conflicts of Interest) of the CSA General Conditions is hereby amended by adding the following language to the end of the section:

"A. CONSULTANT shall disclose any financial, business, or other relationship with LOCAL AGENCY that may have an impact upon the outcome of this contract, or any ensuing LOCAL AGENCY construction project. CONSULTANT shall also list current clients who may have a financial interest in the outcome of this contract, or any ensuing LOCAL AGENCY construction project, which will follow.

A. CONSULTANT hereby certifies that it does not now have, nor shall it acquire any financial or business interest that would conflict with the performance of services under this contract.

C. Any subcontract in excess of \$25,000 entered into as a result of this contract, shall contain all of the provisions of this Article.

19. **ARTICLE XIV REBATES, KICKBACKS OR OTHER UNLAWFUL CONSIDERATION (Verbatim)**

CONSULTANT warrants that this contract was not obtained or secured through rebates kickbacks or other unlawful consideration, either promised or paid to any LOCAL AGENCY employee. For breach or violation of this warranty, LOCAL AGENCY shall have the right in its discretion; to terminate the contract without liability; to pay only for the value of the work actually performed; or to deduct from the contract price; or otherwise recover the full amount of such rebate, kickback or other unlawful consideration.

20. **ARTICLE XV PROHIBITION OF EXPENDING LOCAL AGENCY STATE OR FEDERAL FUNDS FOR LOBBYING (Verbatim).** Section 44 (Prohibition of Expending Local Agency State or Federal Funds for Lobbying) of the CSA General Conditions is hereby deleted in its entirety and replaced with the following:

"A. CONSULTANT certifies to the best of his or her knowledge and belief that:

1. No state, federal or local agency appropriated funds have been paid, or will be paid by-or-on behalf of CONSULTANT to any person for influencing or attempting to influence an officer or employee of any state or federal agency; a Member of the State Legislature or United States Congress; an officer or employee of the Legislature or Congress; or any employee of a Member of the Legislature or Congress, in connection with the awarding of any state or federal contract; the making of any state or federal grant; the making of any state or federal loan; the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any state or federal contract, grant, loan, or cooperative agreement.

2. If any funds other than federal appropriated funds have been paid, or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency; a Member of Congress; an officer or employee of Congress, or an employee of a Member of Congress; in connection with this federal contract, grant, loan, or cooperative agreement; CONSULTANT shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

B. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

- C. CONSULTANT also agrees by signing this document that he or she shall require that the language of this certification be included in all lower-tier subcontracts, which exceed \$100,000 and that all such sub recipients shall certify and disclose accordingly.”

## 21. ARTICLE XVI STATEMENT OF COMPLIANCE

- A. CONSULTANT's signature affixed to the contract, and dated, shall constitute a certification under penalty of perjury under the laws of the State of California that CONSULTANT has, unless exempt, complied with, the nondiscrimination program requirements of Government Code Section 12990 and Title 2, California Administrative Code, Section 11102.
- B. During the performance of this Contract, Consultant and its subconsultants shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g., cancer), age (over 40), marital status, and denial of family care leave. Consultant and subconsultants shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Consultant and subconsultants shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated there under (California Code of Regulations, Title 2, Section 11000 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4.1 of Title 2 of the California Code of Regulations, are incorporated into this Contract by reference and made a part hereof as if set forth in full. Consultant and its subconsultants shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.
- C. The Consultant shall comply with regulations relative to Title VI (nondiscrimination in federally-assisted programs of the Department of Transportation – Title 49 Code of Federal Regulations, Part 21 - Effectuation of Title VI of the 1964 Civil Rights Act). Title VI provides that the recipients of federal assistance will implement and maintain a policy of nondiscrimination in which no person in the state of California shall, on the basis of race, color, national origin, religion, sex, age, disability, be excluded from participation in, denied the benefits of or subject to discrimination under any program or activity by the recipients of federal assistance or their assignees and successors in interest.
- D. The Consultant, with regard to the work performed by it during the Agreement shall act in accordance with Title VI. Specifically, the Consultant shall not discriminate on the basis of race, color, national origin, religion, sex, age, or disability in the selection and retention of Subconsultants, including procurement of materials and leases of equipment. The Consultant shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the U.S. DOT's Regulations, including employment practices when the Agreement covers a program whose goal is employment.

## 22. ARTICLE XVII DEBARMENT AND SUSPENSION CERTIFICATION

- A. CONSULTANT's signature affixed to this contract, shall constitute a certification under penalty of perjury under the laws of the State of California, that CONSULTANT has complied with Title 2 CFR, Part 180, “OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement)”, which certifies that he/she or any person associated therewith in the capacity of owner, partner, director, officer, or manager, is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three (3) years; does not have a proposed debarment pending; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years. Any exceptions to this certification must be disclosed to LOCAL AGENCY.

- B. Exceptions will not necessarily result in denial of recommendation for award, but will be considered in determining CONSULTANT responsibility. Disclosures must indicate to whom exceptions apply, initiating agency, and dates of action.
- C. Exceptions to the Federal Government Excluded Parties List System maintained by the General Services Administration are to be determined by the Federal highway Administration.

## 23. ARTICLE XVIII FUNDING REQUIREMENTS

- A. It is mutually understood between the parties that this contract may have been written before ascertaining the availability of funds or appropriation of funds, for the mutual benefit of both parties, in order to avoid program and fiscal delays that would occur if the contract were executed after that determination was made.
- B. This contract is valid and enforceable only, if sufficient funds are made available to LOCAL AGENCY for the purpose of this contract. In addition, this contract is subject to any additional restrictions, limitations, conditions, or any statute enacted by the Congress, State Legislature, or LOCAL AGENCY governing board that may affect the provisions, terms, or funding of this contract in any manner.
- C. It is mutually agreed that if sufficient funds are not appropriated, this contract may be amended to reflect any reduction in funds.
- D. LOCAL AGENCY has the option to void the contract under the 30-day termination clause pursuant to Article VI, or by mutual agreement to amend the contract to reflect any reduction of funds.

## 24. ARTICLE XX DISADVANTAGED BUSINESS ENTERPRISES (DBE) PARTICIPATION

- A. This contract is subject to 49 CFR, Part 26 entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs". Consultants who obtain DBE participation on this contract will assist Caltrans in meeting its federally mandated statewide overall DBE goal.
- B. The goal for DBE participation for this contract is undetermined. *As each Task Order is executed, it will identify if a Task has a DBE goal.* Participation by DBE consultant or subconsultants shall be in accordance with information contained in the Consultant Proposal DBE Commitment (Exhibit 10-O1), or in the Consultant Contract DBE Information (Exhibit 10-O2) attached hereto and incorporated as part of the Contract. If a DBE subconsultant is unable to perform, CONSULTANT must make a good faith effort to replace him/her with another DBE subconsultant, if the goal is not otherwise met.
- C. DBEs and other small businesses, as defined in 49 CFR, Part 26 are encouraged to participate in the performance of contracts financed in whole or in part with federal funds. CONSULTANT or subconsultant shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. CONSULTANT shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of US DOT-assisted agreements. Failure by CONSULTANT to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as LOCAL AGENCY deems appropriate.
- D. Any subcontract entered into as a result of this contract shall contain all of the provisions of this section.
- E. A DBE firm may be terminated only with prior written approval from LOCAL AGENCY and only for the reasons specified in 49 CFR 26.53(f). Prior to requesting LOCAL AGENCY consent for the termination, CONSULTANT must meet the procedural requirements specified in 49 CFR 26.53(f).
- F. A DBE performs a Commercially Useful Function (CUF) when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a CUF, the DBE must also be responsible with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where

applicable) and paying for the material itself. To determine whether a DBE is performing a CUF, evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing, and other relevant factors.

- G. A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, examine similar transactions, particularly those in which DBEs do not participate.
- H. If a DBE does not perform or exercise responsibility for at least thirty percent (30%) of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of the contract than would be expected on the basis of normal industry practice for the type of work involved, it will be presumed that it is not performing a CUF.
- I. CONSULTANT shall maintain records of materials purchased or supplied from all subcontracts entered into with certified DBEs. The records shall show the name and business address of each DBE or vendor and the total dollar amount actually paid each DBE or vendor, regardless of tier. The records shall show the date of payment and the total dollar figure paid to all firms. DBE prime consultants shall also show the date of work performed by their own forces along with the corresponding dollar value of the work.
- J. Upon completion of the Contract, a summary of these records shall be prepared and submitted on the form Entitled, "Final Report-Utilization of Disadvantaged Business Enterprise (DBE), First-Tier Subconsultants" CEM-2402F [Exhibit 17-F, of the LAPM], certified correct by CONSULTANT or CONSULTANT's authorized representative and shall be furnished to the LOCAL AGENCY Contract Administrator with the final invoice. Failure to provide the summary of DBE payments with the final invoice will result in twenty-five percent (25%) of the dollar value of the invoice being withheld from payment until the form is submitted. The amount will be returned to CONSULTANT when a satisfactory "Final Report-Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subconsultants" is submitted to the Contract Administrator.
- K. If a DBE subconsultant is decertified during the life of the contract, the decertified subconsultant shall notify CONSULTANT in writing with the date of decertification. If a subconsultant becomes a certified DBE during the life of the Contract, the subconsultant shall notify CONSULTANT in writing with the date of certification. Any changes should be reported to LOCAL AGENCY's Contract Administrator within 30 days.

LAPM Exhibits 10-I, 10-O1, 10-O2, and 17-F are attached to this Agreement and incorporated herein.

## 25. **ARTICLE XXI CONTINGENT FEE**

CONSULTANT warrants, by execution of this contract that no person or selling agency has been employed, or retained, to solicit or secure this contract upon an agreement or understanding, for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees, or bona fide established commercial or selling agencies maintained by CONSULTANT for the purpose of securing business. For breach or violation of this warranty, LOCAL AGENCY has the right to annul this contract without liability; pay only for the value of the work actually performed, or in its discretion to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.

## 26. **ARTICLE XXVII CLAIMS FILED BY LOCAL AGENCY'S CONSTRUCTION CONTRACTOR**

- A. If claims are filed by LOCAL AGENCY's construction contractor relating to work performed by CONSULTANT's personnel, and additional information or assistance from CONSULTANT's personnel is required in order to evaluate or defend against such claims; CONSULTANT agrees to make its personnel available for consultation with LOCAL AGENCY'S construction contract administration and legal staff and for testimony, if necessary, at depositions and at trial or arbitration proceedings.

- B. CONSULTANT's personnel that LOCAL AGENCY considers essential to assist in defending against construction contractor claims will be made available on reasonable notice from LOCAL AGENCY. Consultation or testimony will be reimbursed at the same rates, including travel costs that are being paid for CONSULTANT's personnel services under this contract.
- C. Services of CONSULTANT's personnel in connection with LOCAL AGENCY's construction contractor claims will be performed pursuant to a written contract amendment, if necessary, extending the termination date of this contract in order to resolve the construction claims.
- D. Any subcontract in excess of \$25,000 entered into as a result of this contract, shall contain all of the provisions of this Article.

27. **ARTICLE XXIX NATIONAL LABOR RELATIONS BOARD CERTIFICATION**

In accordance with Public Contract Code Section 10296, CONSULTANT hereby states under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against CONSULTANT within the immediately preceding two-year period, because of CONSULTANT's failure to comply with an order of a federal court that orders CONSULTANT to comply with an order of the National Labor Relations Board.

28. **ARTICLE XXX EVALUATION OF CONSULTANT**

CONSULTANT's performance will be evaluated by LOCAL AGENCY. A copy of the evaluation will be sent to CONSULTANT for comments. The evaluation together with the comments shall be retained as part of the contract record.

29. Consultant Certification of Contract Costs and Financial Management System. Caltrans Local Assistance Procedures Manual Exhibit 10-K "Consultant Certification of Contract Costs and Financial Management System" is included as an attachment to this Agreement and is incorporated herein.

30. **CIVIL RIGHTS - GENERAL**

The contractor agrees that it will comply with pertinent statutes, Executive Orders and such rules as are promulgated to ensure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any activity conducted with or benefiting from Federal assistance.

This provision binds the contractors from the bid solicitation period through the completion of the contract. This provision is in addition to that required of Title VI of the Civil Rights Act of 1964.

This provision also obligates the tenant/concessionaire/lessee or its transferee for the period during which Federal assistance is extended to the airport through the Airport Improvement Program, except where Federal assistance is to provide, or is in the form of personal property; real property or interest therein; structures or improvements thereon.

In these cases the provision obligates the party or any transferee for the longer of the following periods:

- A. The period during which the property is used by the airport sponsor or any transferee for a purpose for which Federal assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- B. The period during which the airport sponsor or any transferee retains ownership or possession of the property.

31. **CIVIL RIGHTS (1964) - TITLE VI ASSURANCES**

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations. The contractor (hereinafter includes consultants) will comply with **Title VI List of Pertinent Nondiscrimination Statutes and Authorities**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination. The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate either directly or indirectly in the discrimination prohibited by Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment. In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports. The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the sponsor or the Federal Aviation Administration (FAA) to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor will so certify to the sponsor or the FAA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance. In the event of the contractor's noncompliance with the Non-discrimination provisions of this contract, the sponsor will impose such contract sanctions as it or the FAA may determine to be appropriate, including, but not limited to:
  - a. Withholding of payments to the contractor under the contract until the contractor complies, and/or
  - b. Cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions. The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the sponsor or the FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if contractor becomes involved in, or is threatened with litigation with a subcontractor, or supplier as a result of such direction, the contractor may request the sponsor to enter into any litigation to protect the interests of the sponsor. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

#### **Title VI List of Pertinent Nondiscrimination Authorities**

(Source: Appendix E of Appendix 4 of FAA Order 1400.11, Nondiscrimination in Federally-Assisted Programs at the Federal Aviation Administration)

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 CFR part 21 (Non-discrimination In Federally-Assisted Programs of The Department of Transportation—Effectuation of Title VI of The Civil Rights Act of 1964);

- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

## 32. **CLEAN AIR AND WATER POLLUTION CONTROL**

Contractors and subcontractors agree:

- a. That any facility to be used in the performance of the contract or subcontract or to benefit from the contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities;
- b. To comply with all the requirements of Section 114 of the Clean Air Act, as amended, 42 U.S.C. 7401 et seq. and Section 308 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq. relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in Section 114 and Section 308 of the Acts, respectively, and all other regulations and guidelines issued thereunder;
- c. That, as a condition for the award of this contract, the contractor or subcontractor will notify the awarding official of the receipt of any communication from the EPA indicating that a facility to be used for the performance of or benefit from the contract is under consideration to be listed on the EPA List of Violating Facilities;

- d. To include or cause to be included in any professional services agreement, construction contract or subcontract which exceeds \$100,000 the aforementioned criteria and requirements.

### 33. **CONTRACT WORKHOURS AND SAFETY STANDARDS ACT REQUIREMENTS**

1. Overtime Requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic, including watchmen and guards, in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.
2. Violation; Liability for Unpaid Wages; Liquidated Damages. In the event of any violation of the clause set forth in paragraph (1) above, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph 1 above, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph 1 above.
3. Withholding for Unpaid Wages and Liquidated Damages. The Federal Aviation Administration or the Sponsor shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any monies payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph 2 above.
4. Subcontractors. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs 1 through 4 and also a clause requiring the subcontractor to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs 1 through 4 of this Section.

### 34. **CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION**

The bidder/offeror certifies, by submission of this proposal or acceptance of this contract, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. It further agrees by submitting this proposal that it will include this clause without modification in all lower tier transactions, solicitations, proposals, contracts, and subcontracts. Where the bidder/offeror/contractor or any lower tier participant is unable to certify to this statement, it shall attach an explanation to this solicitation/proposal.

### 35. **FEDERAL FAIR LABOR STANDARDS ACT (FEDERAL MINIMUM WAGE)**

All contracts and subcontracts that result from this solicitation incorporate the following provisions by reference, with the same force and effect as if given in full text. The contractor has full responsibility to monitor compliance to the referenced statute or regulation. The contractor must address any claims or disputes that pertain to a referenced requirement directly with the Federal Agency with enforcement responsibilities.

Requirement	Federal Agency with Enforcement Responsibilities
Federal Fair Labor Standards Act (29 USC 201)	U.S. Department of Labor – Wage and Hour Division

### 36. OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

All contracts and subcontracts that result from this solicitation incorporate the following provisions by reference, with the same force and effect as if given in full text. The contractor has full responsibility to monitor compliance to the referenced statute or regulation. The contractor must address any claims or disputes that pertain to a referenced requirement directly with the Federal Agency with enforcement responsibilities.

Requirement	Federal Agency with Enforcement Responsibilities
Occupational Safety and Health Act of 1970 (20 CFR Part 1910)	U.S. Department of Labor – Occupational Safety and Health Administration

### 37. RIGHTS TO INVENTIONS

All rights to inventions and materials generated under this contract are subject to regulations issued by the FAA and the Sponsor of the Federal grant under which this contract is executed.

### 38. TERMINATION OF CONTRACT

Without in any way limiting County's rights under Section 11 (Termination) of these Special Conditions, Contractor agrees to the following:

- A. The Sponsor may, by written notice, terminate this contract in whole or in part at any time, either for the Sponsor's convenience or because of failure to fulfill the contract obligations. Upon receipt of such notice services must be immediately discontinued (unless the notice directs otherwise) and all materials as may have been accumulated in performing this contract, whether completed or in progress, delivered to the Sponsor.
- B. If the termination is for the convenience of the Sponsor, an equitable adjustment in the contract price will be made, but no amount will be allowed for anticipated profit on unperformed services.
- C. If the termination is due to failure to fulfill the contractor's obligations, the Sponsor may take over the work and prosecute the same to completion by contract or otherwise. In such case, the contractor is liable to the Sponsor for any additional cost occasioned to the Sponsor thereby.
- D. If, after notice of termination for failure to fulfill contract obligations, it is determined that the contractor had not so failed, the termination will be deemed to have been effected for the convenience of the Sponsor. In such event, adjustment in the contract price will be made as provided in paragraph 2 of this clause.
- E. The rights and remedies of the sponsor provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

### 39. TRADE RESTRICTION CLAUSE

The contractor or subcontractor, by submission of an offer and/or execution of a contract, certifies that it:

- A. is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms published by the Office of the United States Trade Representative (USTR);
- B. has not knowingly entered into any contract or subcontract for this project with a person that is a citizen or

national of a foreign country on said list, or is owned or controlled directly or indirectly by one or more citizens or nationals of a foreign country on said list;

- C. has not procured any product nor subcontracted for the supply of any product for use on the project that is produced in a foreign country on said list.

Unless the restrictions of this clause are waived by the Secretary of Transportation in accordance with 49 CFR 30.17, no contract shall be awarded to a contractor or subcontractor who is unable to certify to the above. If the contractor knowingly procures or subcontracts for the supply of any product or service of a foreign country on said list for use on the project, the Federal Aviation Administration may direct through the Sponsor cancellation of the contract at no cost to the Government.

Further, the contractor agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification without modification in each contract and in all lower tier subcontracts. The contractor may rely on the certification of a prospective subcontractor unless it has knowledge that the certification is erroneous.

The contractor shall provide immediate written notice to the sponsor if the contractor learns that its certification or that of a subcontractor was erroneous when submitted or has become erroneous by reason of changed circumstances. The subcontractor agrees to provide written notice to the contractor if at any time it learns that its certification was erroneous by reason of changed circumstances.

This certification is a material representation of fact upon which reliance was placed when making the award. If it is later determined that the contractor or subcontractor knowingly rendered an erroneous certification, the Federal Aviation Administration may direct through the Sponsor cancellation of the contract or subcontract for default at no cost to the Government.

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The knowledge and information of a contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001.

#### 40. TEXTING WHEN DRIVING

In accordance with Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving" (10/1/2009) and DOT Order 3902.10 "Text Messaging While Driving" (12/30/2009), FAA encourages recipients of Federal grant funds to adopt and enforce safety policies that decrease crashes by distracted drivers, including policies to ban text messaging while driving when performing work related to a grant or sub-grant.

The Contractor must promote policies and initiatives for employees and other work personnel that decrease crashes by distracted drivers, including policies to ban text messaging while driving. The Contractor must include these policies in each third party subcontract involved on this project.

## Appendix A to Consulting Services Agreement Scope of Services (On Call Design Professional Services)

### 1. OVERVIEW AND GENERAL REQUIREMENTS

A. Agency is involved in the review, design, construction, and maintenance of various public works of improvement throughout Contra Costa County. Projects range from simple maintenance-related projects, such as slurry sealing existing road pavements, to more complex capital road, airport, and flood control channel improvement projects. In executing these projects, Agency, at times, requires additional temporary services from persons specially trained, experienced, expert and competent to perform design professional services, including engineering, architectural, landscape architectural, and land surveying services. For that reason, Agency is entering into this Agreement with Consultant. Under this Agreement, Consultant will provide design professional services on an "on call" basis in support of a variety of road, airport and flood control projects throughout Contra Costa County. Examples of typical Agency projects and typical Consultant services covered by this Agreement are listed in Paragraphs 3 and 4 below.

B. As provided in Section 26 of this Agreement, Project Personnel, subconsultants retained by Consultant must be authorized in advance, in writing, by Agency's Department Head. Consultant shall direct the tasks and activities of its authorized subconsultants and ensure that the tasks, activities and/or products required by this Agreement are completed in a timely manner and in accordance with the applicable standard of care for the given subconsultant. Notwithstanding the authorization for work to be performed by a particular subconsultant, Consultant is solely responsible for the performance of all services and delivery of all products under this Agreement.

C. Work shown or specified in reports, drawings, and specifications must comply with all requirements of the Contra Costa County Ordinance Code, all applicable State and Federal codes and regulations, and all applicable requirements of the local fire district and utility companies or districts having jurisdiction over the project or area in which the project is located.

### 2. TASK ORDER PROCEDURES

#### A. TASK ORDERS

During the term of this Agreement, when Agency has a need for Consultant to provide design professional services, Agency will forward a proposed Task Order to Consultant. Within the timeframe requested by Agency, Consultant will provide Agency with a cost proposal for the services and deliverables specified in the Task Order, including a written estimate of the number of hours per staff person, any anticipated reimbursable expenses, and total dollar amount. Once Agency and Consultant agree to a cost breakdown and commencement date for the services and deliverables identified in the Task Order (with a payment limit for the Task Order that does not cause the total payments under this Agreement to exceed the Payment Limit set forth in Section 4 of this Agreement, Payment Limit), Consultant and Agency (through its Department Head) will execute the final version of the Task Order.

**B. AUTHORIZED REPRESENTATIVES**

During the term of this Agreement, the Department Head, on behalf of Agency, and the individuals listed below, on behalf of Consultant, are authorized to execute Task Orders under this Agreement. Consultant may change the individuals authorized to execute Task Orders upon thirty (30) days advance written notice to Agency.

FOR CONSULTANT: Enda Melvin, P.E., Principal

***Note: A Task Order is of no force or effect until it is signed by the Department Head. Consultant shall not commence work, and no expenditures are authorized, until the Department Head has executed a Task Order for the particular task and products at issue. Notwithstanding anything to the contrary, the Department Head is not authorized to execute a Task Order that causes the total payments under this Agreement to exceed the Payment Limit set forth in Section 4. Payment Limit of this Agreement.***

**3. TYPICAL AGENCY PROJECTS**

During the term of this Agreement, Agency may call upon Consultant to provide services under this Agreement for the types of projects listed below. The actual project on which Consultant will work will be specified in a separate Task Order.

- See Attachment 1 to Appendix A

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4. TYPICAL CONSULTANT SERVICES

During the term of this Agreement, Consultant will perform, at Agency's written request, the following types of services as further specified by Task Order:

- See Attachment 1 to Appendix A
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5. PERFORMANCE STANDARDS

Consultant shall perform services in compliance with the following performance standards:

Consultant shall perform airport engineering, design and planning services in compliance with the latest editions of design standards, including without limitation, Federal Aviation Administration (FAA), California Department of Transportation (Caltrans) Highway Design Manual, State of California Manual on Uniform Traffic Control Devices, American Association of State Highway Transportation Officials' (AASHTO) design standards/policies, Agency design standards, and any additional standards referenced in the Task Order. Consultant represents that it possesses each of the manuals or other documentation detailing the foregoing standards or has the ability to obtain such manuals or other documentation. Consultant shall also comply with Caltrans' format standards for all products, such as preliminary and/or final plans (hardcopy and electronic, CADD files), technical specifications, calculations, and cost estimates as required by each Task Order. Cost considerations will not be deemed justification for breach of sound principles of engineering design. Consultant will remain solely responsible for the adequacy, fitness and correctness of design and all designing work in accordance with sound and accepted engineering principles despite Agency's approval or acceptance of reports, plans, specifications, and any other product prepared by Consultant under this Agreement.

6. PAYMENT DEMANDS

Consultant shall submit a written demand or invoice for the services provided under each Task Order either (i) upon completion of the services described in the Task Order if the services take less than one month to complete; or (ii) monthly, if the services under a Task Order take more than one month to complete. In each case, Consultant shall describe the work performed and list, for each item of services, the employee categories, hours and rates (consistent with the rates shown on Appendix B). All payment demands and payments hereunder are subject to Section 11 of this Agreement, Payment.

7. NON-EXCLUSIVE AGREEMENT

Consultant acknowledges that this Agreement is not exclusive and that Agency may, at any and all times during the term of this Agreement, obtain civil engineering and other types of services from any appropriate source.

8. TIME

Consultant understands and agrees that time is of the essence in this Agreement. Consultant shall perform the services authorized under each Task Order expeditiously and with adequate forces and shall complete the services within the time specified in each Task Order.

## ATTACHMENT 1 TO APPENDIX A

### **Scope of Services**

Consultant to provide on-call airport design, engineering, and planning consulting services for Byron Airport, Byron and Buchanan Field Airport, Concord; both County owned airports.

Typical County projects include, but are not limited to maintenance, construction, reconstruction, and overlay of runways, taxiways, aprons, fences, roads, and parking lots.

Typical Consultant tasks include, but are not limited to the following:

- A. Prepare necessary applications and documentation including cost estimation for Federal Aviation Administration (FAA), State of California Department of Transportation (Caltrans), and Airport Improvement Program (AIP) grant funding. Assist in project coordination with the FAA and the California Division of Aeronautics.
- B. Update Airport Master Plan Exhibit A – Property Map and preparation of Airport Capital Improvements Plan.
- C. Prepare the necessary technical detail and/or analysis and support the preparation of environmental documents that may be required under the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), California Clean Water Act, and any other federal, state or local environmental policies/programs that may be applicable. Prepare the above documents specifically to meet requirements for airports and local conservation plans.
- D. Provide miscellaneous airport planning, design/engineering, construction administration management, and consulting support services as may be required from time to time by the County. These consultant services may include representing the County in discussions with the FAA regarding work program, grant requirements, and project documentation.
- E. Provide design/engineering plans and drawings in accordance with FAA standards and guidelines as outlined in Advisory Circular 150/5370-10, Standards for Specifying Construction of Airports. The consultant will also develop a safety plan for projects in accordance with Advisory Circular 150/5370-2, Operational Safety on Airports during Construction.
- F. Provide airport and aviation-related design and engineering/architectural services as required by the County, which may include, but are not limited to: geotechnical studies, pavement evaluation studies, drainage studies, airport design and engineering, electrical design and engineering, airport terminal area design and engineering, value engineering, cost estimating, development of plans and specifications, bid documents, construction observation, testing and inspection, and project coordination.
- G. Conduct project administration activities, including but not limited to: design, coordination, planning, budgeting, scheduling, monthly progress meetings and reports and updates; submittal review, administering quality assurance and construction support services on an as-needed basis.
- H. Analyze and prepare recommendations regarding airport development proposals.
- I. Provide professional engineering support to the Director of Airports and Airport staff on airport related projects and issues.

- J. Provide airport and aviation related services as required by the County, which may include but are not limited to: airport master planning, airport layout plan development and changes, terminal area planning, facilities construction, land acquisition, land use planning, and environmental planning and documentation.
- K. Design/engineer and plan taxiway, runways, ramps, and roadway improvements.
- L. Design/engineer and manage pavement reconstruction and/or overlay of aircraft parking aprons, taxiways and runways.
- M. Design/engineer and manage subgrade stabilization projects.
- N. Provide environmental and design/engineering of airfield drainage improvements.
- O. Design and make recommendations for airfield lighting, signage improvements and energy efficient retrofitting.
- P. Design and make recommendation for security upgrades including access control, perimeter fencing, CCTV and lighting.
- Q. Review and oversee updates of airfield markings.
- R. Provide review and updates to the Airport Layout Plans, Airport Pavement Maintenance Plans, Airport Security Plan, Airport Emergency Plan and Airport Certification Manual.
- S. Develop, maintain and update FAA Disadvantaged Business Enterprise Program and Document, in accordance with FAA standards and guidelines including regular submittals, forms and filings.
- T. Provide miscellaneous airport planning, engineering, operation and management support services.

Project Name:

Project No.:

**Consulting Services Agreement  
Task Order  
(On Call Architectural, Engineering, or Land Surveying Services)**

Pursuant to Paragraph 2 of Appendix A (Scope of Services) to that certain Consulting Services Agreement entered into as of \_\_\_\_\_, 20\_\_\_\_, between Agency and Consultant, and subject to all of the terms and conditions of the Consulting Services Agreement, Agency and Consultant agree as follows:

TASK ORDER NUMBER:

PROJECT NAME, NUMBER, LOCATION:

CONSULTANT'S NAME:

TASK/DELIVERABLES DESCRIPTION:

DETAILED SCOPE OF SERVICES:

[Insert project specific, detailed descriptions of the services the Consultant will provide under the particular Task Orders. It is best not to combine categories of services. DO NOT USE CONSULTANT'S PROPOSAL AS THE SCOPE OF SERVICES.]

COMMENCEMENT DATE FOR SERVICES:

SCHEDULE FOR SERVICES AND DELIVERABLES:

DEADLINE FOR COMPLETION OF TASK SERVICES AND DELIVERABLES:

PAYMENT LIMIT: \$

<b>AGENCY</b>  By: _____ Department Head  Date: _____	<b>CONSULTANT</b>  By: _____ Authorized Representative  Date: _____
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## Appendix B to Consulting Services Agreement Payment Provisions, Project Personnel and Billing Rates

### I. PAYMENT PROVISIONS

- A. Payment for services will not exceed the billing rates set forth in this Appendix B and will be based on the actual hours worked (by Consultant and authorized subconsultants) and actual approved Other Direct Costs (described below) subject to the Payment Limit specified in Section 4 of this Agreement, Payment Limit. In addition, payments for services (including payments to Consultant for authorized subconsultants) and Other Direct Costs will not exceed the following amounts for each phase or period indicated below unless approved in advance in writing by the Department Head:
1. Not Applicable: \$ ( % of Payment Limit)
  2. Not Applicable: \$ ( % of Payment Limit)
  3. Not Applicable: \$ ( % of Payment Limit)
  4. Not Applicable: \$ ( % of Payment Limit)
- B. Payment to Consultant for subconsultants authorized in advance by Agency in accordance with Section 21 of this Agreement, Assignment, will be the amount equal to Consultant's direct costs, without handling mark ups. Consultant shall submit Subconsultant invoices as part of Consultant's bill for services.
- C. Payments for the extra work specified in Section 12 of this Agreement, Extra Work, shall be computed separately and shall not exceed any limits specified in Agency's written amendment describing the extra work and payment terms for the extra work.
- D. Subject to the Payment Limit in Section 4 of this Agreement, Payment Limit, Agency will reimburse the actual cost (without mark up) of documented expenditures by Consultant and its employees and authorized subconsultants for the Other Direct Costs listed below to the extent such Other Direct Costs were incurred to perform the services described in this Agreement:
- See Attachment 1 to Appendix B for allowable Other Direct Costs.
- E. All other expenses (i.e., those not listed under Paragraph D above) are not reimbursable and are deemed covered by the hourly billing rates set forth in Section II of this Appendix B. When any of the items listed under Paragraph D above are provided for Consultant's own use and not at Agency's request, expenses therefor are not reimbursable and are deemed covered by the hourly billing rates set forth in Section II of this Appendix B. Agency will not pay for Consultant's and its subconsultants' time and expenses for transportation between Consultant's and its subconsultants' various offices. Costs for such transportation are deemed covered by the hourly billing rates set forth in Section II of this Appendix B.

- F. Notwithstanding anything to the contrary in Section 11 of this Agreement, Payment, these Payment Provisions, including billing rates, are subject to a post award audit by the state and/or federal government. After any post award audit cost adjustments are ordered by the state and/or federal government, these Payment Provisions and the billing rates shall be adjusted by Consultant and approved by Agency's Department Head to conform to the audit cost adjustments. Consultant agrees that the individual items of cost identified in the audit report may be incorporated into the Agreement at Agency's sole discretion. Refusal by Consultant to incorporate the post award audit cost adjustments will be considered a breach of the Agreement terms and cause for termination of the Agreement by Agency. Consultant agrees that all invoices after the post award audit will be based on the adjusted Payment Provisions. Any invoices paid prior to the post award audit will be recalculated by Agency in accordance with the post award audit. Any difference in moneys due Consultant as a result of the post award audit cost adjustments will be added to, or deducted from, moneys due the Consultant on subsequent invoices.

## II. PROJECT PERSONNEL AND BILLING RATES

In accordance with Section 26 of this Agreement, Project Personnel, Consultant's personnel assigned to this project and their roles and billing rates are as follows:

See Attachment 1 to Appendix B for Consultant's personnel and rates; authorized subconsultants and rates; and Other Direct Costs.

Consultant may request an increase in the hourly rates set forth in the Attachment 1 to Appendix B, on an annual basis, in January of each calendar year during the term of this Agreement, beginning with January 2017. The proposed increase in hourly rates cannot exceed 5% or the actual increase in the hourly rates (or equivalent to hourly rates based on salary) paid by Consultant to its staff. Consultant shall provide Agency with 30 days advance written notice of a proposed increase. The requested increase is effective after approved in writing by Consultant and Agency's department head and a dated Attachment 1 to Appendix B has been appended to this Agreement to replace the superseded Agreement 1 to Appendix B. An increase in the hourly rates shall not result in any increase in the Payment Limit specified in Section 4 Payment Limit of this Agreement.

Consultant may request changes in the subconsultants set forth in Section 4 of the Special Conditions, as needed. Consultant shall provide County with at least 30 days advance written notice of a proposed change. The requested change is only effective when approved in writing by Consultant and County's department head and a dated Attachment 1 to Appendix B has been appended to this Consulting Services Agreement. Any changes to subconsultants shall not result in any increase in the payment limit specified in Section 4 (Payment Limit) of this Consulting Services Agreement.

Attachment 1 to Appendix B

A. Key Personnel and Rates

1. Kimley-Horn and Associates, Inc.

Title/Classification	Hourly Rate
Administrative Support	\$102
Technician	\$125
Designer	\$145
Analyst I	\$125
Analyst II	\$145
Professional I	\$155
Profesional II	\$195
Professional III	\$222
SeniorProfessional I	\$260
SeniorProfessional II	\$295

\*Hourly rates will be escalated each year on July 1.

2. Reimburseables

Mileage:	at Current IRS Rate
Parking/Tolls:	Cost
Travel/Hotel/Food:	Cost
External Photocopies/Printing:	Cost
Internal Photocopies/Printing:	Included in Hourly Rate
Volume mailings/Courier/Delivery (UPS, Fed Ex etc.)	Cost
Postage/Express Mail:	Included in Hourly Rate

Attachment 1 to Appendix B

A. Key Personnel and Rates

1. Cornerstone Earth Group

Title/Classification	Hourly Rate
Clerical, Accounting, Administrative Assistant	85
Technical Editor	110
Engineering Technician I (prevailing wage)	114
Engineering Technician II (prevailing wage)	120
Supervisory Technician (prevailing wage)	144
Senior Supervisory Technician (Prevailing wage)	168
Principal Construction Services	175
Staff Engineer, Staff Geologist	130
Senior Staff Engineer, Senior Staff Geologist	140
Project Engineer, Project Geologist	165
Senior Project Engineer, Senior Project Geologist	195
Principal Engineer, Principal Geologist	220
Senior Principal Engineer, Senior Principal Geologist	240

2. Reimbursables

Mileage: at Current IRS Rate
Drillers, utility locators, laboratories, contractors, hygienists, and consultants: at Cost
Rented vehicles, public transportation, tolls, and air flights: at Cost
Permits and special fees, insurances and licenses required to perform Work: at Cost
Computer programs and rented field equipment: at Cost
Large volume copying of project documents: at Cost
Maps, photographs, and environmental databases: at Cost
Overnight or same day delivery charges: at Cost
Copying or production of over-sized figures and plans: at Cost

3. Equipment Charges

Vehicle: \$16 per hour
Nuclear Density Gauge: \$9 per test
Slope Inclinator: \$150 per day
GPS Unit: \$30 per day
Hand Auger Equipment: \$45 per day
Power Auger: \$100 per day
PDR-1000 Dust Meter: \$150 per day or \$700 per week
Organic Vapor Meter: \$125 per day or \$600 per week
Air Pump: \$75 per day or \$350 per week
Weather Station: \$75 per day or \$350 per week
Benkelman Beam: \$150 per day or \$700 per week
Double Ring Infiltrometer: \$100 per day

Attachment 1 to Appendix B

3. Equipment Charges (continued)

Dynamic Cone:	\$100 per day
Insulated Sample Carrier:	\$5 per day
Depth Sounder:	\$40 per day
Liner and Two Caps:	\$10 each
Core N One Sampler:	\$40 each triplicate sample
Core N One Handle:	\$50 each
Modeling Software:	\$20 per hour
Plotter:	\$5 per plot
55-gallon Drum:	\$90 each

4. Geotechnical Laboratory Tests

	Tests Run During Normal Workday Hours	Tests Run Outside Workday Hours
Compaction Curve:	\$300 each	\$450 each
Compaction Check Point:	\$150 each	\$225 each
Plasticity Index:	\$220 each	\$330 each
Sieve/Hydrometer:	\$220 each	\$330 each
Moisture Content:	\$6 each	\$9 each
Moisture/Density:	\$25 each	\$38 each
Minus #200 Wash:	\$50 each	\$75 each
Sieve < 3/4 inch Liner (small):	\$115 each	\$170 each
Sieve > 3/4 inch Bucket (large):	\$200 each	\$300 each
Lime Stability:	\$330 each	\$495 Each

Attachment 1 to Appendix B

A. Key Personnel and Rates

1. CSHQA

Title/Classification	Hourly Rate
Administrative Assistant	\$67.00
Structural EIT/Designer	\$95.00
Structural PE	\$135.00
Mechanical EIT/Designer	\$86.00
Mechanical Project Manager	\$97.00
Mechanical PE	\$145.00
Electrical EIT/Designer	\$87.00
Electrical Project Manager	\$110.00
Electrical PE	\$160.00
Landscape Architect	\$125.00
Interior Designer	\$95.00
Senior CADD/Architectural Designer	\$88.00
AIT - Architect-in-Training	\$104.00
Project Manager	\$135.00
Project Architect	\$145.00
Principal	\$163.00

2. Reimbursable

Mileage:	at Current IRS Rate
Parking/Tolls:	Actual Cost
Travel/Hotel/Food:	Actual Cost
Photocopies/Printing:	Actual Cost
Postage/Express Mail:	Actual Cost

Attachment 1 to Appendix B

A: Key Personnel and Rates

1. Subconsultant Name Telamon Engineering Consultants, Inc.

Title/Classification	Hourly Rate
Principal	\$ 220.00
Project Manager	\$ 198.00
Senior Engineer	\$ 175.00
Engineer III	\$ 150.00
Engineer II	\$ 125.00
Engineer I	\$ 105.00
CAD Manager	\$ 135.00
CAD III	\$ 125.00
CAD II	\$ 118.00
CAD I	\$ 96.00
Survey Manager	\$ 198.00
Office Surveyor	\$ 158.00
2-man Crew	\$ 275.00
Surveyor - Party Chief (1-man crew)	\$ 178.00
Surveyor - Field Crew (per person)	\$ 125.00
Laser Scan - Field Crew (per person)	\$ 200.00
Project Assistant	\$ 110.00
Accounting	\$ 110.00
Clerical	\$ 85.00

2. Reimbursables

Mileage:	at Current IRS Rate
Parking/Tolls:	Included in Hourly Rate
Travel/Hotel/Food:	At Cost (if needed)
Photocopies/Printing:	At Cost (additional printing)
Postage/Express Mail:	At Cost

**EXHIBIT 10-I NOTICE TO PROPOSERS DBE INFORMATION**

The Agency has established a DBE goal for this Contract of \_\_\_\_\_%

OR

The Agency has not established a goal for this Contract. However, proposers are encouraged to obtain DBE participation for this contract.

**1. TERMS AS USED IN THIS DOCUMENT**

- The term “Disadvantaged Business Enterprise” or “DBE” means a for-profit small business concern owned and controlled by a socially and economically disadvantaged person(s) as defined in Title 49, Code of Federal Regulations (CFR), Part 26.5.
- The term “Agreement” also means “Contract.”
- Agency also means the local entity entering into this contract with the Contractor or Consultant.
- The term “Small Business” or “SB” is as defined in 49 CFR 26.65.

**2. AUTHORITY AND RESPONSIBILITY**

- A. DBEs and other small businesses are strongly encouraged to participate in the performance of Contracts financed in whole or in part with federal funds (See 49 CFR 26, “Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs”). The Consultant must ensure that DBEs and other small businesses have the opportunity to participate in the performance of the work that is the subject of this solicitation and should take all necessary and reasonable steps for this assurance. The proposer must not discriminate on the basis of race, color, national origin, or sex in the award and performance of subcontracts.
- B. Proposers are encouraged to use services offered by financial institutions owned and controlled by DBEs.

**3. SUBMISSION OF DBE INFORMATION**

If there is a DBE goal on the contract, Exhibit 10-O1 *Consultant Proposal DBE Commitment* must be included in the Request for Proposal. In order for a proposer to be considered responsible and responsive, the proposer must make good faith efforts to meet the goal established for the contract. If the goal is not met, the proposer must document adequate good faith efforts. All DBE participation will be counted towards the contract goal; therefore, all DBE participation shall be collected and reported.

Exhibit 10-O2 *Consultant Contract DBE Information* must be included with the Request for Proposal. Even if no DBE participation will be reported, the successful proposer must execute and return the form.

**4. DBE PARTICIPATION GENERAL INFORMATION**

It is the proposer’s responsibility to be fully informed regarding the requirements of 49 CFR, Part 26, and the Department’s DBE program developed pursuant to the regulations. Particular attention is directed to the following:

- A. A DBE must be a small business firm defined pursuant to 13 CFR 121 and be certified through the California Unified Certification Program (CUCP).

- B. A certified DBE may participate as a prime consultant, subconsultant, joint venture partner, as a vendor of material or supplies, or as a trucking company.
- C. A DBE proposer not proposing as a joint venture with a non-DBE, will be required to document one or a combination of the following:
  - 1. The proposer is a DBE and will meet the goal by performing work with its own forces.
  - 2. The proposer will meet the goal through work performed by DBE subconsultants, suppliers or trucking companies.
  - 3. The proposer, prior to proposing, made adequate good faith efforts to meet the goal.
- D. A DBE joint venture partner must be responsible for specific contract items of work or clearly defined portions thereof. Responsibility means actually performing, managing, and supervising the work with its own forces. The DBE joint venture partner must share in the capital contribution, control, management, risks and profits of the joint venture commensurate with its ownership interest.
- E. A DBE must perform a commercially useful function pursuant to 49 CFR 26.55, that is, a DBE firm must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising the work.
- F. The proposer shall list only one subconsultant for each portion of work as defined in their proposal and all DBE subconsultants should be listed in the bid/cost proposal list of subconsultants.
- G. A prime consultant who is a certified DBE is eligible to claim all of the work in the Contract toward the DBE participation except that portion of the work to be performed by non-DBE subconsultants.

## 5. RESOURCES

- A. The CUCP database includes the certified DBEs from all certifying agencies participating in the CUCP. If you believe a firm is certified that cannot be located on the database, please contact the Caltrans Office of Certification toll free number 1-866-810-6346 for assistance.
- B. Access the CUCP database from the Department of Transportation, Office of Business and Economic Opportunity Web site at: <http://www.dot.ca.gov/hq/bep/>.
  - 1. Click on the link in the left menu titled Disadvantaged Business Enterprise;
  - 2. Click on Search for a DBE Firm link;
  - 3. Click on Access to the DBE Query Form located on the first line in the center of the page.

Searches can be performed by one or more criteria. Follow instructions on the screen.

## 6. MATERIALS OR SUPPLIES PURCHASED FROM DBES COUNT TOWARDS THE DBE GOAL UNDER THE FOLLOWING CONDITIONS:

- A. If the materials or supplies are obtained from a DBE manufacturer, count 100 percent of the cost of the materials or supplies. A DBE manufacturer is a firm that operates or maintains a factory, or establishment that produces on the premises the materials, supplies, articles, or equipment required under the Contract and of the general character described by the specifications.
- B. If the materials or supplies purchased from a DBE regular dealer, count 60 percent of the cost of the materials or supplies. A DBE regular dealer is a firm that owns, operates or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the Contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a DBE regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the

purchase and sale or lease of the products in question. A person may be a DBE regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone or asphalt without owning, operating or maintaining a place of business provided in this section.

- C. If the person both owns and operates distribution equipment for the products, any supplementing of regular dealers' own distribution equipment shall be, by a long-term lease agreement and not an ad hoc or Agreement-by-Agreement basis. Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not DBE regular dealers within the meaning of this section.
- D. Materials or supplies purchased from a DBE, which is neither a manufacturer nor a regular dealer, will be limited to the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on the job site, provided the fees are reasonable and not excessive as compared with fees charged for similar services.

**EXHIBIT 10-K CONSULTANT CERTIFICATION OF CONTRACT COSTS AND FINANCIAL  
MANAGEMENT SYSTEM**

*(Note: If requesting to utilize the Safe Harbor Indirect Cost Rate submit Attachment 1 of  
DLA-OB 13-07 - Safe Harbor Indirect Cost Rate for Consultant Contracts found at  
[http://www.dot.ca.gov/hq/LocalPrograms/DLA\\_OB/DLA\\_OB.htm](http://www.dot.ca.gov/hq/LocalPrograms/DLA_OB/DLA_OB.htm) in lieu of this form.)*

**Certification of Final Indirect Costs:**

Consultant Firm Name: \_\_\_\_\_

Indirect Cost Rate: \_\_\_\_\_ \* for fiscal period \_\_\_\_\_

\*Fiscal period covered for Indirect Cost Rate developed (not the contract period).

Local Government: \_\_\_\_\_

Contract Number: \_\_\_\_\_ Project Number: \_\_\_\_\_

I, the undersigned, certify that I have reviewed the proposal to establish final indirect cost rates for the fiscal period as specified above and to the best of my knowledge and belief:

1. All costs included in this proposal to establish final Indirect Cost Rates are allowable in accordance with the cost principles of the Federal Acquisition Regulations (FAR) of Title 48, Code of Federal Regulations (CFR), Part 31.
2. This proposal does not include any costs which are expressly unallowable under the cost principles of the FAR of 48 CFR, Part 31.

All known material transactions or events that have occurred affecting the firm's ownership, organization, and Indirect Cost Rates have been disclosed as of the date of proposal preparation noted above.

**Certification of Financial Management System:**

I, the undersigned, certify to the best of my knowledge and belief that our Financial Management System meets the standards for financial reporting, accounting records, internal and budget control as set forth in the FAR of Title 49, CFR, Part 18.20 to the extent applicable to Consultant.

**Certification of Dollar Amount for all A&E Contracts:**

I, the undersigned, certify that the approximate dollar amount of all A&E contracts awarded by Caltrans or a California local agency to this firm within the last three (3) calendar years for all State DOT and Local Agencies is \$ \_\_\_\_\_ and the number of states in which the firm does business is \_\_\_\_\_.

**Certification of Direct Costs:**

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are reasonable, allowable and allocable to the contract in accordance with the cost principles of the FAR of Title 48, CFR, Part 31. Allowable direct costs to a Government contract shall be:

1. Compliant with Generally Accepted Accounting Principles (GAAP) and standards promulgated by the Cost Accounting Standards Board (when applicable).
2. Compliant with the terms of the contract and is incurred specifically for the contract.
3. Not prohibited by 23 CFR, Chapter 1, Part 172 – Administration of Engineering and Design Related Service Contracts to the extent requirements are applicable to Consultant.

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files.

**Subconsultants (if applicable)**

Proposed Contract Amount (or amount not to exceed if on-call contract): \$ \_\_\_\_\_

**Prime Consultants (if applicable)**

Proposed **Total** Contract Amount (or amount not to exceed if on-call contract): \$ \_\_\_\_\_

Prime, list all subconsultants and proposed subcontract dollar amounts (attach additional page if necessary):

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

**Consultant Certifying (Print Name and Title):**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Consultant Certification Signature \*\*: \_\_\_\_\_

Date of Certification (mm/dd/yyyy): \_\_\_\_\_

**Consultant Contact Information:**

Email: \_\_\_\_\_

Phone number: \_\_\_\_\_

**\*\*An individual executive or financial officer of the consultant's organization at a level no lower than a Vice President or Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the Indirect Cost Rate proposal submitted in conjunction with the contract.**

*Note: Per 23 U.S.C. 112(b)(2)(B), Subconsultants must comply with the FAR Cost Principles contained in 48 CFR, Part 31. 23 CFR Part 172.3 Definitions state: Consultant means the individual or firm providing engineering and design related services as a party to the contract. Therefore, subconsultants as parties of a contract must complete a certification and send originals to A&I and keep copies in Local Agency Project Files.*

**Distribution:** 1) Original to Caltrans Audits and Investigations  
2) Retained in Local Agency Project Files

**EXHIBIT 10-01 CONSULTANT PROPOSAL DBE COMMITMENT**

1. Local Agency: \_\_\_\_\_ 2. Contract DBE Goal: \_\_\_\_\_  
 3. Project Description: \_\_\_\_\_  
 4. Project Location: \_\_\_\_\_  
 5. Consultant's Name: \_\_\_\_\_ 6. Prime Certified DBE: ☐

7. Description of Work, Service, or Materials Supplied	8. DBE Certification Number	9. DBE Contact Information	10. DBE %
<b>Local Agency to Complete this Section</b>			
17. Local Agency Contract Number: _____ 18. Federal-Aid Project Number: _____ 19. Proposed Contract Execution Date: _____  Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.		<b>11. TOTAL CLAIMED DBE PARTICIPATION</b> %  <b>IMPORTANT:</b> Identify all DBE firms being claimed for credit, regardless of tier. Written confirmation of each listed DBE is required.	
20. Local Agency Representative's Signature _____	21. Date _____	12. Preparer's Signature _____	13. Date _____
22. Local Agency Representative's Name _____	23. Phone _____	14. Preparer's Name _____	15. Phone _____
24. Local Agency Representative's Title _____		16. Preparer's Title _____	

**DISTRIBUTION:** Original – Included with consultant's proposal to local agency.

**INSTRUCTIONS – CONSULTANT PROPOSAL DBE COMMITMENT****CONSULTANT SECTION**

1. **Local Agency** - Enter the name of the local or regional agency that is funding the contract.
2. **Contract DBE Goal** - Enter the contract DBE goal percentage as it appears on the project advertisement.
3. **Project Location** - Enter the project location as it appears on the project advertisement.
4. **Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc.).
5. **Consultant's Name** - Enter the consultant's firm name.
6. **Prime Certified DBE** - Check box if prime contractor is a certified DBE.
7. **Description of Work, Services, or Materials Supplied** - Enter description of work, services, or materials to be provided. Indicate all work to be performed by DBEs including work performed by the prime consultant's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
8. **DBE Certification Number** - Enter the DBE's Certification Identification Number. All DBEs must be certified on the date bids are opened.
9. **DBE Contact Information** - Enter the name, address, and phone number of all DBE subcontracted consultants. Also, enter the prime consultant's name and phone number, if the prime is a DBE.
10. **DBE %** - Percent participation of work to be performed or service provided by a DBE. Include the prime consultant if the prime is a DBE. See LAPM Chapter 9 for how to count full/partial participation.
11. **Total Claimed DBE Participation %** - Enter the total DBE participation claimed. If the total % claimed is less than item "Contract DBE Goal," an adequately documented Good Faith Effort (GFE) is required (see Exhibit 15-H DBE Information - Good Faith Efforts of the LAPM).
12. **Preparer's Signature** - The person completing the DBE commitment form on behalf of the consultant's firm must sign their name.
13. **Date** - Enter the date the DBE commitment form is signed by the consultant's preparer.
14. **Preparer's Name** - Enter the name of the person preparing and signing the consultant's DBE commitment form.
15. **Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
16. **Preparer's Title** - Enter the position/title of the person signing the consultant's DBE commitment form.

**LOCAL AGENCY SECTION**

17. **Local Agency Contract Number** - Enter the Local Agency contract number or identifier.
18. **Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
19. **Proposed Contract Execution Date** - Enter the proposed contract execution date.
20. **Local Agency Representative's Signature** - The person completing this section of the form for the Local Agency must sign their name to certify that the information in this and the Consultant Section of this form is complete and accurate.
21. **Date** - Enter the date the DBE commitment form is signed by the Local Agency Representative.
22. **Local Agency Representative's Name** - Enter the name of the Local Agency Representative certifying the consultant's DBE commitment form.
23. **Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
24. **Local Agency Representative Title** - Enter the position/title of the Local Agency Representative certifying the consultant's DBE commitment form.

## EXHIBIT 10-O2 CONSULTANT CONTRACT DBE COMMITMENT

1. Local Agency: \_\_\_\_\_ 2. Contract DBE Goal: \_\_\_\_\_

3. Project Description: \_\_\_\_\_

4. Project Location: \_\_\_\_\_

5. Consultant's Name: \_\_\_\_\_ 6. Prime Certified DBE: ☐ 7. Total Contract Award Amount: \_\_\_\_\_

8. Total Dollar Amount for ALL Subconsultants: \_\_\_\_\_ 9. Total Number of ALL Subconsultants: \_\_\_\_\_

10. Description of Work, Service, or Materials Supplied	11. DBE Certification Number	12. DBE Contact Information	13. DBE Dollar Amount
<b>Local Agency to Complete this Section</b> 20. Local Agency Contract Number: _____ 21. Federal-Aid Project Number: _____ 22. Contract Execution Date: _____ Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.  23. Local Agency Representative's Signature _____ 24. Date _____ 25. Local Agency Representative's Name _____ 26. Phone _____ 27. Local Agency Representative's Title _____		<b>14. TOTAL CLAIMED DBE PARTICIPATION</b> \$ _____ % _____ IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Written confirmation of each listed DBE is required.  15. Preparer's Signature _____ 16. Date _____ 17. Preparer's Name _____ 18. Phone _____ 19. Preparer's Title _____	

DISTRIBUTION: 1. Original – Local Agency  
 2. Copy – Caltrans District Local Assistance Engineer (DLAE). Failure to submit to DLAE within 30 days of contract execution may result in de-obligation of federal funds on contract.

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

**INSTRUCTIONS – CONSULTANT CONTRACT DBE COMMITMENT****CONSULTANT SECTION**

- 1. Local Agency** - Enter the name of the local or regional agency that is funding the contract.
- 2. Contract DBE Goal** - Enter the contract DBE goal percentage as it appears on the project advertisement.
- 3. Project Location** - Enter the project location as it appears on the project advertisement.
- 4. Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc).
- 5. Consultant's Name** - Enter the consultant's firm name.
- 6. Prime Certified DBE** - Check box if prime contractor is a certified DBE.
- 7. Total Contract Award Amount** - Enter the total contract award dollar amount for the prime consultant.
- 8. Total Dollar Amount for ALL Subconsultants** - Enter the total dollar amount for all subcontracted consultants. SUM = (DBEs + all Non-DBEs). Do not include the prime consultant information in this count.
- 9. Total number of ALL subconsultants** - Enter the total number of all subcontracted consultants. SUM = (DBEs + all Non-DBEs). Do not include the prime consultant information in this count.
- 10. Description of Work, Services, or Materials Supplied** - Enter description of work, services, or materials to be provided. Indicate all work to be performed by DBEs including work performed by the prime consultant's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
- 11. DBE Certification Number** - Enter the DBE's Certification Identification Number. All DBEs must be certified on the date bids are opened.
- 12. DBE Contact Information** - Enter the name, address, and phone number of all DBE subcontracted consultants. Also, enter the prime consultant's name and phone number, if the prime is a DBE.
- 13. DBE Dollar Amount** - Enter the subcontracted dollar amount of the work to be performed or service to be provided. Include the prime consultant if the prime is a DBE. See LAPM Chapter 9 for how to count full/partial participation.
- 14. Total Claimed DBE Participation - \$:** Enter the total dollar amounts entered in the "DBE Dollar Amount" column. **%:** Enter the total DBE participation claimed ("Total Participation Dollars Claimed" divided by item "Total Contract Award Amount"). If the total % claimed is less than item "Contract DBE Goal," an adequately documented Good Faith Effort (GFE) is required (see Exhibit 15-H DBE Information - Good Faith Efforts of the LAPM).
- 15. Preparer's Signature** - The person completing the DBE commitment form on behalf of the consultant's firm must sign their name.
- 16. Date** - Enter the date the DBE commitment form is signed by the consultant's preparer.
- 17. Preparer's Name** - Enter the name of the person preparing and signing the consultant's DBE commitment form.
- 18. Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
- 19. Preparer's Title** - Enter the position/title of the person signing the consultant's DBE commitment form.

**LOCAL AGENCY SECTION**

- 20. Local Agency Contract Number** - Enter the Local Agency contract number or identifier.
- 21. Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
- 22. Contract Execution Date** - Enter the date the contract was executed.
- 23. Local Agency Representative's Signature** - The person completing this section of the form for the Local Agency must sign their name to certify that the information in this and the Consultant Section of this form is complete and accurate.
- 24. Date** - Enter the date the DBE commitment form is signed by the Local Agency Representative.
- 25. Local Agency Representative's Name** - Enter the name of the Local Agency Representative certifying the consultant's DBE commitment form.
- 26. Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
- 27. Local Agency Representative Title** - Enter the position/title of the Local Agency Representative certifying the consultant's DBE commitment form.



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**INSTRUCTIONS – FINAL REPORT-UTILIZATION OF DISADVANTAGED BUSINESS ENTERPRISES (DBE) AND FIRST-TIER SUBCONTRACTORS**

- 1. Local Agency Contract Number** - Enter the Local Agency contract number or identifier.
- 2. Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
- 3. Local Agency** - Enter the name of the local or regional agency that is funding the contract.
- 4. Contract Completion Date** - Enter the date the contract was completed.
- 5. Contractor/Consultant** - Enter the contractor/consultant's firm name.
- 6. Business Address** - Enter the contractor/consultant's business address.
- 7. Final Contract Amount** - Enter the total final amount for the contract.
- 8. Contract Item Number** - Enter contract item for work, services, or materials supplied provided. Not applicable for consultant contracts.
- 9. Description of Work, Services, or Materials Supplied** - Enter description of work, services, or materials provided. Indicate all work to be performed by DBEs including work performed by the prime contractor/consultant's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
- 10. Company Name and Business Address** - Enter the name, address, and phone number of all subcontracted contractors/consultants. Also, enter the prime contractor/consultant's name and phone number, if the prime is a DBE.
- 11. DBE Certification Number** - Enter the DBE's Certification Identification Number. Leave blank if subcontractor is not a DBE.
- 12. Contract Payments** - Enter the subcontracted dollar amount of the work performed or service provided. Include the prime contractor/consultant if the prime is a DBE. The Non-DBE column is used to enter the dollar value of work performed by firms that are not certified DBE or for work after a DBE becomes decertified.
- 13. Date Work Completed** - Enter the date the subcontractor/subconsultant's item work was completed.
- 14. Date of Final Payment** - Enter the date when the prime contractor/consultant made the final payment to the subcontractor/subconsultant for the portion of work listed as being completed.
- 15. Original DBE Commitment Amount** - Enter the "Total Claimed DBE Participation Dollars" from Exhibits 15-G or 10-O2 for the contract.
- 16. Total** - Enter the sum of the "Contract Payments" Non-DBE and DBE columns.
- 17. Contractor/Consultant Representative's Signature** - The person completing the form on behalf of the contractor/consultant's firm must sign their name.
- 18. Contractor/Consultant Representative's Name** - Enter the name of the person preparing and signing the form.
- 19. Phone** - Enter the area code and telephone number of the person signing the form.
- 20. Date** - Enter the date the form is signed by the contractor's preparer.
- 21. Local Agency Representative's Signature** - A Local Agency Representative must sign their name to certify that the contracting records and on-site performance of the DBE(s) has been monitored.
- 22. Local Agency Representative's Name** - Enter the name of the Local Agency Representative signing the form.
- 23. Phone** - Enter the area code and telephone number of the person signing the form.
- 24. Date** - Enter the date the form is signed by the Local Agency Representative.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Sharon Offord Hymes, Risk Manager  
Date: December 15, 2015

Subject: Risk Management Legal Defense Contracts

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Risk Manager to execute contracts with selected legal firms for defense of the County in workers' compensation, medical malpractice and civil rights claims for a period of one year effective January 1, 2016 through December 31, 2016 in accordance with a specified fee schedule for the following: Craddick, Candland & Conti; D'Andre, Peterson, Bobas & Rosenberg; Edrington, Shirmer & Murphy; Hanna, Brophy, MacLean, McAleer & Jensen; Law Offices of John F. Martin; McClellan & Corren; McNamara, Ney, Beatty, Slattery, Borges & Ambacher; Mullen & Filippi; and Thomas, Lyding, Cartier & Gaus.

**FISCAL IMPACT:**

Legal costs are funded through the Workers' Compensation, Liability, and Medical Malpractice Internal Service Funds.

**BACKGROUND:**

Legal firms are selected for their experience and expertise in particular areas of legal defense. Risk Management assigns cases to various firms. The following legal firms selected for defense of claims agree to a one-year contract from January 1, 2016 to December 31, 2016: Craddick, Candland & Conti; D'Andre, Peterson, Bobas & Rosenberg; Edrington, Shirmer & Murphy; Hanna, Brophy, MacLean, McAleer & Jensen; Law Offices of John F. Martin; McClellan & Corren; McNamara, Ney, Beatty, Slattery, Borges & Ambacher; Mullen & Filippi; Thomas, Lyding, Cartier & Gaus.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Sharon Hymes-Offord  
925.335.1450

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

By: , Deputy

cc: Robert Campbell, County Auditor-Controller

CONSEQUENCE OF NEGATIVE ACTION:

The County will not have the benefit of the aforementioned firms' legal expertise.



# Contra Costa County

To: Board of Supervisors  
 From: David Twa, County Administrator  
 Date: December 15, 2015

Subject: claims

---

**RECOMMENDATION(S):**

DENY claims filed by Allstate Ins. ASO Juana Godinez, CSAA Ins. for Stephanie Barclay, CSAA Ins. for Karen Mortensen, Barra L.P., Ronald Bell, Daniel Dorsett, Enterprise Damage Recovery Unit, Kevin Gutherie, and Lewis Mathews. DENY Amended Claim Ovilio Barrios.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Joellen Balbas  
925-335-1906

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

By: , Deputy

cc:



Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: December 15, 2015

Subject: ACCEPT Board Members meeting reports for November 2015

---

**RECOMMENDATION(S):**

ACCEPT Board members meeting reports for November 2015.

**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 ex cetera). The attached reports were submitted by the Board of Supervisors members in satisfaction of this requirement.

**CONSEQUENCE OF NEGATIVE ACTION:**

The Board of Supervisors will not be in compliance with Government Code 53232.3(d).

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Joellen Balbas  
925.335.1906

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

By: , Deputy

cc:

## ATTACHMENTS

District II November 2015 report

District IV November 2015  
Report

District III November 2015 report

## Supervisor Candace Andersen – Monthly Meeting Report *November 2015*

Date	Meeting	Location
<u>2</u>	680 Corridor Meeting	Walnut Creek
<u>2</u>	TWIC	Martinez
<u>2</u>	SWAT	Lafayette
<u>3</u>	Board of Supervisors	Martinez
<u>4</u>	CCCERA	Concord
<u>4</u>	Street Smarts	Danville
<u>5</u>	TEP Ad Hoc	Walnut Creek
<u>6</u>	County Connection	Danville
<u>7</u>	Art Education Awards	Danville
<u>8</u>	Marine Corp Luncheon	Concord
<u>9</u>	Family & Human Services	Martinez
<u>10</u>	Board of Supervisors	Martinez
<u>11</u>	Veterans Day Events	Moraga, WC, Danville
<u>12</u>	Industrial Assoc Luncheon	Pleasant Hill
<u>13</u>	ACCMA	Berkeley
<u>16</u>	Public Works	Danville
<u>17</u>	Board of Supervisors	Martinez
<u>18</u>	Regional Water Board	Oakland
<u>18</u>	LAFCO	Martinez
<u>19</u>	ABAG Exec Bd	Oakland
<u>20</u>	Lafayette Community Meeting	Lafayette
<u>20</u>	Retirement event	Rossmoor
<u>23</u>	Childcare Facilities Roundtable	Pleasant Hill
<u>24</u>	CCCERA	Concord

**Supervisor Karen Mitchoff**  
**November 2015**

<b>DATE</b>	<b>MEETING NAME</b>	<b>LOCATION</b>	<b>PURPOSE</b>
11/3/2015	Board of Supervisors Meeting	Martinez	Decisions on agenda items
11/4/2015	Delta Conservancy Board Meeting	Sacramento	Decisions on agenda items
11/9/2015	Internal Operations	Martinez	Decisions on agenda items
11/10/2015	Board of Supervisors Meeting	Martinez	Decisions on agenda items
11/11/2015	Walnut Creek Veteran's Day Ceremony	Walnut Creek	Community Outreach
11/12/2015	East Bay Leadership Council's Philanthropy Awards Breakfast	Danville	Community Outreach
11/12/2015	TRANSPAC	Pleasant Hill	Decisions on agenda items
11/12/2015	BART Pittsburg Center Station Groundbreaking	Pittsburg	Community Outreach
11/16/2015	Legislation Committee	Martinez	Decisions on agenda items
11/17/2015	Board of Supervisors Meeting	Martinez	Decisions on agenda items
11/18/2015	BAAQMD Board Meeting	San Francisco	Regional Air Quality Issues
11/18/2015	CCTA Board Meeting	Walnut Creek	Decisions on agenda items
11/19/2015	ABAG Executive Board Meeting	Oakland	Decisions on agenda items
11/20/2015	Delta Conservancy Board Meeting	Sacramento	Decisions on agenda items
11/30/2015	CSAC Annual Meeting	Monterey	Annual Conference

**Supervisor Mary Nejedly Piepho –November 2015 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
2-Nov	Meeting with San Ramon Valley Fire, Christine Kiefer	Martinez	Business Meeting
2-Nov	Transporation, Water & Infrastructure Committee Meeting	Martinez	Business Meeting
2-Nov	Phone Meeting with Delta Protection Commission, Delta Conservancy, Supervisor Mitchoff and Agricultural Commissioner, Chad Godoy	Martinez	Business Meeting
2-Nov	Phone Meeting with Supervisor Mitchoff and Contra Costa Water Agency	Martinez	Business Meeting
3-Nov	Board of Supervisors Meeting	Martinez	Business Meeting
3-Nov	Meeting with Department of Conservation and Development Director, John Kopchik	Martinez	Business Meeting
5-Nov	Constituent Meeting	Brentwood	Business Meeting
5-Nov	East County Water Management Association Meeting	Pittsburg	Business Meeting
5-Nov	Waterways, USDA and Reclamation District 800	Brentwood	Business Meeting
5-Nov	Constituent Meeting	Brentwood	Business Meeting
9-Nov	Meeting with Agricultural Commissioner, Chad Godoy	Martinez	Business Meeting
9-Nov	Meeting with County Administrator, David Twa	Martinez	Business Meeting
9-Nov	Constituent Meeting	Martinez	Business Meeting
9-Nov	Meeting with Probation Supervisor, John Ebrahimi	Martinez	Business Meeting
9-Nov	Phone Meeting with Kathy Narasaki, Network System of Services in Probation	Martinez	Business Meeting
9-Nov	BALT's 13th Anniversary Thank You Reception	Brentwood	Community Outreach
10-Nov	Board of Supervisors Meeting	Martinez	Business Meeting
10-Nov	Contra Costa County Fire Protection District Meeting	Martinez	Business Meeting
10-Nov	Housing Authority Meeting	Martinez	Business Meeting

10-Nov	Phone Meeting with Randy Fiorini, Delta Stewardship Council	Martinez	Business Meeting
11-Nov	City of Oakley's 4 Annual Veterans Day Observance Ceremony	Oakley	Community Outreach
12-Nov	Meeting with Sheriff Livingston	Martinez	Business Meeting
12-Nov	Phone Interview with KGO	Martinez	Business Meeting
12-Nov	Speaking Engagement at the Industrial Association of Contra Costa County	Pleasant Hill	Community Outreach
12-Nov	East Contra Costa Regional Fee & Finance Authority Meeting	Antioch	Business Meeting
12-Nov	State Route 4 Bypass Authority	Antioch	Business Meeting
12-Nov	Transplan Meeting	Antioch	Business Meeting
13-Nov	Phone Meeting with County Administrators Office	Brentwood	Business Meeting
16-Nov	* Delta Plan Interagency Implementation Committee, Delta Stewardship Council	Sacramento	Business Meeting
17-Nov	Board of Supervisors Meeting	Martinez	Business Meeting
17-Nov	District 3 Staff Meeting	Clayton	Business Meeting
18-Nov	* Phone Meeting with Delta Stewardship Council	Martinez	Business Meeting
18-Nov	LAFCO Meeting	Martinez	Business Meeting
18-Nov	Constituent Meeting	Clayton	Business Meeting
19-Nov	* Delta Stewardship Council	Sacramento	Business Meeting
19-Nov	Delta Protection Commission	Stockton	Business Meeting
20-Nov	Phone Meeting with Delta Counties Coalition	Brentwood	Business Meeting
20-Nov	Constituent Meeting	Concord	Business Meeting
30-Nov	CSAC Conference	Monterey	Business Meeting

\* Reimbursement may come from an agency other than Contra Costa County



Contra  
Costa  
County

To: Board of Supervisors  
From: Candace Andersen, District II Supervisor  
Date: December 15, 2015

Subject: Resolution recognizing Lynn Overcashier upon her retirement

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

#### VOTE OF SUPERVISORS

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 15, 2015

Contact: Lauri Byers (925)  
957-8860

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

By: , Deputy

cc:

## ATTACHMENTS

Resolution No.

2015/450

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

In the matter of:  
recognizing Lynn Overcashier upon her retirement.

**Resolution No. 2015/450**

Whereas, Lynn Overcashier's career includes over 20 years in transportation planning and transportation demand management; and

Whereas, Lynn is retiring as the Program Manager for 511 Contra Costa, overseeing ten cities in Contra Costa County; and

Whereas, Lynn has overseen the Transportation Demand Management ordinances and implemented programs and projects reducing vehicle miles traveled, improving air quality, and creating safer routes for youth to get to school; and

Whereas, Lynn worked directly with the cities and the County on the implementation of the successful "Street Smarts Diablo" program in Central and East County. The Street Smarts Diablo program includes bicycle/pedestrian education, safety assemblies at the local schools, Challenge Days to promote bicycling, walking, carpooling and transit ridership to schools, and school site assessments and minor site access safety programs; and

Whereas, Lynn's expertise is in program development, implementation and management, specializing in transportation demand management programs while also managing over a dozen projects per year using federal, state and local funding sources; and

Whereas, Lynn has also played a significant role in how the Town of Danville looks today, having served on the Danville Planning Commission since 1991, serving as Chair five times and helped refine development projects, enact ridgeline ordinances, and ensured that Danville would retain its small town atmosphere; and

Whereas, Lynn also served on the Board of Directors and has been a policy committee member for the League of California Cities since 2003, a member of the Institute of Transportation Engineers, and Secretary on the Transportation Research Board's TDM committee.

Now, Therefore, Be It Resolved that the Board of Supervisors of Contra Costa County does hereby thank Lynn Overcashier for her dedication to planning and transportation in Contra Costa County.

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**JOHN GIOIA**

Chair,  
District I Supervisor

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**CANDACE ANDERSEN**  
District II Supervisor

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**MARY N. PIEPHO**  
District III Supervisor

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**KAREN MITCHOFF**  
District IV Supervisor

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**FEDERAL D. GLOVER**  
District V Supervisor

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

ATTESTED: December 15, 2015

David J. Twa,

By: \_\_\_\_\_, Deputy



Contra  
Costa  
County

To: Board of Supervisors

From: Candace Andersen, District II Supervisor

Date: December 15, 2015

Subject: Resolution recognizing Don Tatzin of the Lafayette City Council for 30 years of service to the Town of Lafayette

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

#### VOTE OF SUPERVISORS

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 15, 2015

Contact: Lauri Byers, (925)  
957-8860

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

By: , Deputy

cc:

## ATTACHMENTS

Resolution No.  
2015/464

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

In the matter of:

**Resolution No. 2015/464**

**recognizing Don Tatzin for 30 years of service to the Town of Lafayette.**

Whereas, Don Tatzin started as a community volunteer in 1979 when he joined the Parks and Recreation Commission and served as the chairperson in 1982-83; he went on to serve on the Planning Commission in 1984-85; and

Whereas, Don Tatzin was first elected to the City Council in November 1985 when he was 33 years old; subsequently Don went on to serve as Mayor six times beginning in 1990, again in 1992, 1997, 2002, 2009 and most recently in 2014; and

Whereas, Don's service to Lafayette has been varied and expansive, he has co-chaired a number of Lafayette ballot measure campaigns; been the Council liaison to Youth, Crime Prevention Commissions, and School Districts; served as a Board Member on the Southwest Area Transportation Committee (SWAT), Contra Costa Transportation Authority (CCTA), County Connection, and the Local Area Formation Commission (LAFCO); he continues to serve on the Lafayette Community Foundation and on the Lafayette Library and Learning Center Foundation; along with other committees and commissions; and

Whereas, Don holds a B.S. in Urban Studies and Planning and a B.S. in Economics from Massachusetts Institute of Technology (MIT), and a Master of City Planning, he holds a Master of Economics from the Australian National University, and he is a recipient of a Rotary International Fellowship for study in Australia; and

Whereas, Councilmember Tatzin has been an exceptional agent of the public trust, continuing to serve as a thoughtful, energetic member of an effective council; and

Whereas, Don is a 39-year Lafayette resident where he and his wife Ellen have selflessly given back to their community in many ways.

Now, Therefore, Be It Resolved that the Board of Supervisors of Contra Costa County does hereby honor and thank Don Tatzin *for 30 years of dedication and loyalty to Lafayette and its residents.*

---

**JOHN GIOIA**

Chair,  
District I Supervisor

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**CANDACE ANDERSEN**

District II Supervisor

---

**MARY N. PIEPHO**

District III Supervisor

---

**KAREN MITCHOFF**

District IV Supervisor

---

**FEDERAL D. GLOVER**

District V Supervisor

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

ATTESTED: December 15, 2015

David J. Twa,

By: \_\_\_\_\_, Deputy



Contra  
Costa  
County

To: Board of Supervisors  
From: Karen Mitchoff, District IV Supervisor  
Date: December 15, 2015

Subject: Appointment to the Contra Costa Centre Municipal Advisory Council

---

**RECOMMENDATION(S):**

APPOINT the following individual to fill Seat 2 on the Contra Costa Centre Municipal Advisory Council to a term ending on January 4, 2019, as recommended by Supervisor Mitchoff:

Roni Lee Height  
14 Oak Treat Court  
Walnut Creek, CA 94597

**FISCAL IMPACT:**

None.

**BACKGROUND:**

The Contra Costa Centre Municipal Advisory Council was established to advise the Board of Supervisors on local government services for the community, as requested by the Board; and provide input and reports to the Board, county staff or any county hearing body on issues of concern to the community, and shall advise the Board of Supervisors on land-use planning matters affecting the Contra Costa Centre community, such as land-use designations, General Plan amendments, environmental-impact reports, negative declarations, rezonings, land use permits,

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 12/15/2015 ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Lia Bristol, (925)  
521-7100

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

By: , Deputy

cc:

preliminary and final development plans, variances, etc. The Council shall also represent the community before the County Planning Commission, the Zoning Administrator, and the County Board of Supervisors on such land use, planning, and zoning matters. The Council may not represent the community before other public entities and agencies. It is understood that the Board of Supervisors is the final decision-making authority with respect to issues concerning the Contra Costa Centre community and that the Council shall serve solely in an advisory capacity.

Supervisor Mitchoff recruits for her advisory body seats in numerous ways including notices on the County website and press releases. All eligible candidates were interviewed and Supervisor Mitchoff chose to appoint Roni Lee Height.

**CONSEQUENCE OF NEGATIVE ACTION:**

The seat will remain vacant.

**CHILDREN'S IMPACT STATEMENT:**

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: Candace Andersen, District II Supervisor  
Date: December 15, 2015

Subject: APPOINTMENT TO THE IRON HORSE CORRIDOR MANAGEMENT PROGRAM ADVISORY COMMITTEE

---

**RECOMMENDATION(S):**

APPOINT the following individual to the District II Seat on the Iron Horse Corridor Management Program Advisory Committee for a term with an expiration date of January 1, 2018, as recommended by Supervisor Candace Andersen:

District 2 At-Large  
Robert Combs  
200 Viewpoint Drive  
Danville, CA 94506

**FISCAL IMPACT:**

None.

**BACKGROUND:**

The Iron Horse Corridor Management Advisory Committee was authorized by the Board of Supervisors on July 22, 1997. It was established to assist Contra Costa County in developing a management program for the Iron Horse Corridor. In October of 2000 the Board expanded the Advisory Committee's role to continue implementation and monitoring of the Landscape Element of the Management Program and to assist in completion of the Joint Use Criteria and Standards, Public Information, and Finance elements of the Management Program.

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☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Jill Ray,  
925-957-8860

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

By: , Deputy

cc: District 2 Supervisor, Maddy Book, IHC, Appointee

BACKGROUND: (CONT'D)

Advisory Committee seats include one representative from each jurisdiction or unincorporated community along the corridor, a District II seat, a District IV seat and a seat for the East Bay Regional Park District.

CONSEQUENCE OF NEGATIVE ACTION:

The seat will remain vacant.

CHILDREN'S IMPACT STATEMENT:

None.



# Contra Costa County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: December 15, 2015

Subject: Vacate Seat on the Local Planning Council

---

## **RECOMMENDATION(S):**

ACCEPT the resignation of Jessica Hudson, DECLARE vacant the Public Agency 2 Seat, Central/South County on the Contra Costa County Local Planning and Advisory Council for Early Care and Education, and DIRECT the Clerk of the Board to post the vacancy, as recommended by the County Office of Education and the Council.

## **FISCAL IMPACT:**

None.

## **BACKGROUND:**

The Local Planning and Advisory Council for Early Care and Education was established on March 24, 1998 by the Board of Supervisors to support the five County community outcomes: Children Ready for and Succeeding in School; Children and Youth Health and Preparing for Productive Adulthood; Families That are Economically Self-Sufficient; Families That are Safe, Stable and Nurturing; and Communities That are Safe and Provide High Quality of Life for Children and Families.

The Council consists of 20 members. Terms of office are for three years.

On October 29, 2015 Jessica Hudson submitted her resignation from the Public Agency 2 Seat, Central/South County due to workload issues.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

## **VOTE OF SUPERVISORS**

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 15, 2015

Contact: Dorothy Sansoe,  
925-335-1099

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The seat will not be advertised as vacant and a new member will not be able to be appointed.

CHILDREN'S IMPACT STATEMENT:

The LPC was specifically established to address all five community outcomes for children.



Contra  
Costa  
County

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: December 15, 2015

Subject: Appropriation Adjustment with the Employment and Human Services Department

---

**RECOMMENDATION(S):**

Employment and Human Services Department (0503/0504): APPROVE Appropriation Adjustment No. 5023 authorizing the transfer of expenditure appropriations of \$749,728 between the Workforce Services Bureau and the Aging and Adult Services Bureau in the Employment and Human Services Department.

**FISCAL IMPACT:**

No net county cost increase.

**BACKGROUND:**

The Employment and Human Services Department has restructured the Aging and Adult Services Bureau and the Workforce Services Bureau. The Advocacy/Community Services Block Grant has been reassigned to the Workforce Services Bureau.

**CONSEQUENCE OF NEGATIVE ACTION:**

Appropriations will not be properly allocated.

**CHILDREN'S IMPACT STATEMENT:**

N/A

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Erik Brown,  
925-313-1561

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

By: , Deputy




cc:

## ATTACHMENTS

Appropriation Adjustment #5023

CONTRA COSTA COUNTY APPROPRIATION ADJUSTMENT / ALLOCATION ADJUSTMENT <b>T/C 27</b>			AUDITOR-CONTROLLER USE ONLY	
			FINAL APPROVAL NEEDED BY: <input checked="" type="checkbox"/> BOARD OF SUPERVISORS <input checked="" type="checkbox"/> COUNTY ADMINISTRATOR <input checked="" type="checkbox"/> AUDITOR-CONTROLLER	
ACCOUNT CODING		DEPARTMENT : 0503 Aging & Adult and 0504 Workforce		
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>	INCREASE
5308	1011	PERMANENT SALARIES	471,342 00	
5308	1013	TEMPORARY SALARIES	900 00	
5308	1042	F.I.C.A	36,054 00	
5308	1043	RET EXP-PRE 1997 RETIREES	160,810 00	
5308	1060	EMPLOYEE GROUP INSURANCE	60,120 00	
5308	1063	UNEMPLOYMENT INSURANCE	1,411 00	
5308	1070	WORKERS COMPENSATION INS	19,091 00	
5308	5022	INTRAFUND-TRANS-SERVICES		749,728 00
5458	1011	PERMANENT SALARIES		471,342 00
5458	1013	TEMPORARY SALARIES		900 00
5458	1042	F.I.C.A		36,054 00
5458	1043	RET EXP-PRE 1997 RETIREES		160,810 00
5458	1060	EMPLOYEE GROUP INSURANCE		60,120 00
5458	1063	UNEMPLOYMENT INSURANCE		1,411 00
5458	1070	WORKERS COMPENSATION INS		19,091 00
5458	5022	INTRAFUND-TRANS-SERVICES	749,728 00	
<b>TOTALS</b>			1,499,456 00	1,499,456 00

<p style="text-align: center;"><b>APPROVED</b></p> <p>AUDITOR-CONTROLLER:            BY: <u></u> DATE <u>11/24/15</u></p> <p>COUNTY ADMINISTRATOR:            BY: <u></u> DATE <u>12/7/15</u></p> <p>BOARD OF SUPERVISORS:</p> <p>YES:</p> <p>NO:</p> <p>BY: _____ DATE _____</p>	<p>EXPLANATION OF REQUEST:</p> <p>To Transfer FY15/16 expenditure appropriations for Advocacy Services/Community services Block Grant from Adult &amp; Aging Bureau to Workforce Services Bureau to reflect a restructuring of EHSD Bureau assignments.</p>   <p style="text-align: right;">  10/19/15            SIGNATURE TITLE DATE         </p> <p style="text-align: right;">           APPROPRIATION APOO <u>5023</u>            ADJ. JOURNAL NO.         </p>
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EMPLOYMENT & HUMAN SERVICES  
WORKFORCE SERVICES BUREAU

## EXPENDITURE APPROPRIATION ADJUSTMENTS

Fund	Dept	Org	Obj	Sub	Original	Estimated Expenditures	Adjustment
100300	0503	5308	1000	1011	\$ 471,342.00	\$ -	\$ (471,342.00) Trans to WFS
100300	0503	5308	1000	1013	\$ 900.00	\$ -	\$ (900.00) Trans to WFS
100300	0503	5308	1000	1042	\$ 36,054.00	\$ -	\$ (36,054.00) Trans to WFS
100300	0503	5308	1000	1043	\$ 160,810.00	\$ -	\$ (160,810.00) Trans to WFS
100300	0503	5308	1000	1060	\$ 60,120.00	\$ -	\$ (60,120.00) Trans to WFS
100300	0503	5308	1000	1063	\$ 1,411.00	\$ -	\$ (1,411.00) Trans to WFS
100300	0503	5308	1000	1070	\$ 19,091.00	\$ -	\$ (19,091.00) Trans to WFS
100300	0503	5308	5000	5022	\$ (749,728.00)	\$ -	\$ 749,728.00 Trans to WFS
100300	0504	5458	1000	1011	\$ -	\$ 471,342.00	\$ 471,342.00 Trans from AAA
100300	0504	5458	1000	1013	\$ -	\$ 900.00	\$ 900.00 Trans from AAA
100300	0504	5458	1000	1042	\$ -	\$ 36,054.00	\$ 36,054.00 Trans from AAA
100300	0504	5458	1000	1043	\$ -	\$ 160,810.00	\$ 160,810.00 Trans from AAA
100300	0504	5458	1000	1060	\$ -	\$ 60,120.00	\$ 60,120.00 Trans from AAA
100300	0504	5458	1000	1063	\$ -	\$ 1,411.00	\$ 1,411.00 Trans from AAA
100300	0504	5458	1000	1070	\$ -	\$ 19,091.00	\$ 19,091.00 Trans from AAA
100300	0504	5458	5000	5022	\$ -	\$ (749,728.00)	\$ (749,728.00) Trans from AAA
					\$ -	\$ -	\$ -

re-structuring

To transfer FY15/16 expenditure appropriations for Advocacy Services/Community Services Block Grant from Adult & Aging Bureau to Workforce Services Bureau to reflect a re-organization of EHSD Bureau assignments.



Contra  
Costa  
County

To: Board of Supervisors  
From: David O. Livingston, Sheriff-Coroner  
Date: December 15, 2015

Subject: Appropriation Adjustment - 2013 DNA Backlog Reduction Grant

---

**RECOMMENDATION(S):**

APPROVE Appropriation Adjustment No. 5025 authorizing new revenue in the Sheriff's Office (0255) in the amount of \$238,549 from the U.S. Department of Justice, 2013 DNA Backlog Reduction Grant and appropriating it for the continued funding of personnel and equipment in the Forensic Services Division.

**FISCAL IMPACT:**

No County costs. Revenue: \$238,549, 100% Federal revenue, no County match required. (CFDA #16.714)

**BACKGROUND:**

The Office of the Sheriff has received DNA Backlog Reduction Program Grant funds for many years. These funds have been used in the past to fund DNA analysts and per diem investigators who process DNA samples collected during investigations to aid in criminal prosecutions. The 2013 DNA Backlog Reduction Program Grant will be used to provide County-wide support in the Sheriff's Office Forensic Services Division. The Forensic Services Division provides state-of-the-art forensic DNA testing for law enforcement agencies in the County.

**CONSEQUENCE OF NEGATIVE ACTION:**

The Sheriff's Office will not be able to appropriate the new revenue and anticipated expenditures related to the grant award.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Liz Arbuckle (925)  
335-1529

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

By: , Deputy

cc: Liz Arbuckle, Heike Anderson, Tim Ewell

CHILDREN'S IMPACT STATEMENT:

No impact.

ATTACHMENTS

Appropriations and Revenue Adjustment No. 5025

CONTRA COSTA COUNTY  
ESTIMATED REVENUE ADJUSTMENT  
T/C 24

ACCOUNT CODING		BUDGET UNIT: (0255) Sheriff's Office			
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE		<DECREASE>
2515	9551	FED AID CRIME CONTROL	238,549	00	
TOTALS			238,549	00	0 00

APPROVED

AUDITOR-CONTROLLER:

BY: [Signature]

DATE 12-2-15

COUNTY ADMINISTRATOR:

BY: [Signature]

DATE 12/8/15

BOARD OF SUPERVISORS:

YES:

NO:

EXPLANATION OF REQUEST

To appropriate 2013 DNA Backlog Reduction Grant

[Signature]

SIGNATURE

Fiscal Officer

TITLE

11/30/2015

DATE

BY: \_\_\_\_\_

DATE \_\_\_\_\_

REVENUE ADJ.  
JOURNAL NO.

RAOO

5025

CONTRA COSTA COUNTY  
APPROPRIATION ADJUSTMENT

T/C 27

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

☒ BOARD OF SUPERVISORS  
☐ COUNTY ADMINISTRATOR

ACCOUNT CODING		BUDGET UNIT: Sheriff's Office (0255)			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
2515	1011	PERMANENT SALARIES			17,730 00
2515	1042	F.I.C.A.			672 00
2515	1063	UNEMPLOYMENT INSURANCE			672 00
2515	1070	WORKERS COMPENSATION INS			684 00
2515	2140	MEDICAL & LAB SUPPLIES			56,602 00
2515	2270	MAINTENANCE -EQUIPMENT			8,575 00
2515	2479	OTHER SPECIAL DPMTAL EXP			29,489 00
2515	4948	MISCELLANEOUS EQUIPMENT			87,925 00
2515	4954	MEDICAL & LAB EQUIPMENT			36,200 00
		TOTALS			238,549 00

APPROVED

AUDITOR-CONTROLLER:

BY: [Signature] DATE 12-2-15

COUNTY ADMINISTRATOR:

BY: [Signature] DATE 12/8/15

BOARD OF SUPERVISORS:

YES:

NO:

EXPLANATION OF REQUEST

To appropriate 2013 DNA Backlog Reduction Grant

[Signature]  
SIGNATURE

Fiscal Officer  
TITLE

11/30/2015  
DATE

APPROPRIATION

APOO

5025

ADJ. JOURNAL NO.

BY: \_\_\_\_\_ DATE \_\_\_\_\_



**Contra  
Costa  
County**

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: December 15, 2015

Subject: FY 2015/16 AB109 PUBLIC SAFETY REALIGNMENT BUDGET

---

**RECOMMENDATION(S):**

APPROVE Appropriations and Revenue Adjustment No. 5026 reducing expenditure appropriations and estimated revenue \$3,778,903 from the State of California related to continued implementation of AB109 Public Safety Realignment for fiscal year 2015/16 with no impact to operating departments or contracting agencies.

**FISCAL IMPACT:**

No additional fiscal impact. This action recognizes revenue allocations from the State of California at the FY 2015/16 budget level approved by the Community Corrections Executive Committee and the Board of Supervisors for AB 109 Public Safety Realignment. The expenditure appropriations were approved by the Board of Supervisors in May 2015 as part of the FY 2015/16 County Budget process. Today's action is necessary to update appropriations and revenue formally within the County budget.

**BACKGROUND:**

In 2011, the California Legislature passed and the Governor signed into law the Public Safety Realignment Act (Assembly Bill 109), which transfers responsibility for supervising specific low-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. Assembly Bill 109 (AB 109) took effect on October 1, 2011 and realigns three major areas of the criminal justice system. On a prospective basis, the legislation:

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Vana Tran,  
925-335-1036

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

By: , Deputy

cc: Robert Campbell, County Auditor-Controller

## BACKGROUND: (CONT'D)

Transfers the location of incarceration for lower-level offenders (specified non-violent, non-serious, non-sex offenders) from state prison to local county jail and provides for an expanded role for post-release supervision for these offenders;

- Transfers responsibility for post-release supervision of lower-level offenders (those released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense) from the state to the county level by creating a new category of supervision called Post-Release Community Supervision (PRCS);
- Transfers the housing responsibility for parole and PRCS revocations to local jail custody

AB 109 also tasked the local Community Corrections Partnership (CCP) with recommending to the County Board of Supervisors a plan for implementing criminal justice realignment. The Board of Supervisors adopted the Contra Costa County Realignment Plan on October 4, 2011 (Agenda Item No. D.5), as recommended by the Executive Committee of the CCP. The Executive Committee of the CCP is composed of the County Probation Officer (Chair), Sheriff-Coroner, a Chief of Police (represented by the Richmond Police Chief), District Attorney, Public Defender, Presiding Judge of the Superior Court or designee (represented by the Court Director of Business Planning, Information and Programs), and County Behavioral Health Director.

For fiscal year 2015/16, the CCP-Executive Committee recommended and the Board of Supervisors approved a budget of \$24,011,574, which is composed of \$21,458,315 in various ongoing AB 109 implementation efforts and programming and \$2,553,259 in one-time funding carried forward from FY 2013/14 and 2014/15. Ongoing expenditures are primarily made up of salary and benefit costs for permanent employees and service contract expenditures while one-time expenditures include capital acquisition and/or fixed asset costs.

For fiscal year 2015/16, Contra Costa County anticipates the receipt of \$19,938,497<sup>1</sup> from the community corrections allocation of AB 109 Public Safety Realignment revenue and an additional – a decrease of \$731,182<sup>2</sup> over the fiscal year 2014/15 allocation.

The CCP-Executive Committee approved the 2015/16 AB 109 Public Safety Realignment budget at the January 9, 2015 regular meeting and submitted to the Public Protection Committee for review and approval. On February 9, 2015, the Public Protection Committee accepted the CCP-Executive Committee's recommendations.

On May 12, 2015, the Board of Supervisors formally approved the 2015/16 County Budget, including the AB 109 budget as recommended by the Public Protection Committee. Today's action adjusts revenue and expenditure appropriations based on funding from the State and the Approved AB 109 budget and keeps the 2015/16 County budget balanced.

<sup>1</sup>Based on final recommendation of Realignment Allocation Committee, September 2015

<sup>2</sup>Based on actual revenue collected in fiscal year 2014/15

## CONSEQUENCE OF NEGATIVE ACTION:

Appropriations and estimated revenue currently in the FY 2015/16 County budget will not accurately reflect allocations of AB 109 public safety realignment revenue from the State.

## ATTACHMENTS

Appropriations and Revenue Adjustment No. 5026

CONTRA COSTA COUNTY  
ESTIMATED REVENUE ADJUSTMENT/  
ALLOCATION ADJUSTMENT  
**T/C 24**

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

- ☒ BOARD OF SUPERVISORS  
☐ COUNTY ADMINISTRATOR  
☐ AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT : 0242, 0243, 0300, 115300-0295			
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE		<DECREASE>
		<b>AB109 -CCP</b>			
2588	9951	Reimbursement Gov/Gov			127,128 00
2918	9951	Reimbursement Gov/Gov			1,492 00
2839	9951	Reimbursement Gov/Gov	47,320	00	
		<b>115300 Law Enforcement SVCs</b>			
2982	9263	ST AID RELGNMENT-SALES TAX			3,778,903 00
2983	9263	ST AID RELGNMENT-SALES TAX			1,452 00
2984	9263	ST AID RELGNMENT-SALES TAX			1,452 00
2982	8981	FUND BALANCE AVAILABLE	2,553,259	00	
TOTALS			2,600,579	00	3,910,427 00

APPROVED

AUDITOR-CONTROLLER:

BY: [Signature] DATE 12/3/15

COUNTY ADMINISTRATOR:

BY: [Signature] DATE 12/2/15

BOARD OF SUPERVISORS:

YES:

NO:

EXPLANATION OF REQUEST:

**AB 109-CCP**

To appropriate AB 109 revenue to departments to the 15-16 Budget level approved by the Community Corrections Executive Committee and Board of Supervisors.

**115300 Law Enforcement SVCs**

Decrease 115300-2982 Rev. based on funding from State & Approved Budget.

Decrease 115300-2983&2984 Rev. based on funding from State.  
Increase 115300-2982 Fund Balance Available to fund Sheriff's West County Detention renovation, approved by the Community Corrections Executive Committee and Board of Supervisors for FY 13-14, and to fund Sheriff's West County Detention visit center, approved by the Community Corrections Executive Committee and Board of Supervisors for FY 14-15

Vana Tran

[Signature] Sr. Mgmt Analyst 12/2/15  
SIGNATURE TITLE DATE

REVENUE ADJ. RAOO 5026  
JOURNAL NO.

BY: \_\_\_\_\_ DATE \_\_\_\_\_

CONTRA COSTA COUNTY  
APPROPRIATION ADJUSTMENT /  
ALLOCATION ADJUSTMENT  
**T/C 27**

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

- ☒ BOARD OF SUPERVISORS  
☐ COUNTY ADMINISTRATOR  
☐ AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT : 0242, 0243, 0300, 0308, 115300-0295			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
Dept 0300		<b>Sheriff</b>			
2588	2260	RENTS & LEASES -PROPERTY			4,600 00
2588	2262	BLDG OCCUPANCY COSTS	401	00	
2588	2276	MNTN RADIO-ELECTRON EQUIP	4,199	00	
2588	4951	OFFICE EQUIP & FURNITURE	11,453	00	
2588	4955	RADIO & COMMUNICATN EQUIP	115,675	00	
Dept 0308		<b>Probation</b>			
3085	2100	OFFICE EXPENSE	2,500	00	
3085	2150	FOOD			2,953 00
3085	2315	DATA PROCESSING SERVICE	1,929	00	
3085	2328	ADMINISTRATIVE SERVICE			6,476 00
3085	3611	INTERFUND EXP - GOV/GOV	5,000	00	
Dept 0243		<b>Public Defender</b>			
2918	1011	Permanent Salaries	1,492	00	
Dept 0242		<b>District Attorney</b>			
2839	1011	Permanent Salaries			47,320 00
		<b>115300 Law Enforcement Svcs</b>			
2982	5011	REIMBURSEMENTS-GOV/GOV	3,778,903	00	
2983	5011	REIMBURSEMENTS-GOV/GOV	1,452	00	
2984	5011	REIMBURSEMENTS-GOV/GOV	1,452	00	
2982	5011	REIMBURSEMENTS-GOV/GOV			2,553,259 00
TOTALS			3,924,456	0	2,614,608 0

**APPROVED**

AUDITOR-CONTROLLER:

BY: [Signature] DATE 12-3-15

COUNTY ADMINISTRATOR:

BY: [Signature] DATE 12/2/15

BOARD OF SUPERVISORS:

YES:

NO:

**EXPLANATION OF REQUEST:**

To appropriate expenditures approved by the Community Corrections Partnership and the Board of Supervisors for the CCP 15-16 Fiscal Year budget.

Amounts appropriated will bring each department to the approved funding level for 15-16 for AB109 Criminal Justice Realignment.

Provides DA & PD with appropriations for PRCS /Parole Revocation at funding level to be received from state for FY 15-16.

Provides Sheriff's Office with appropriations for West County Detention facility renovation, approved for the FY 13-14 CCP budget, and approved in FY 14-15 and FY 15-16 for carry forward by the CCP and Board of Supervisors; and for the West County Detention facility visit center, approved for the FY 14-15 CCP budget, and approved in FY 15-16 for carry forward by the CCP and Board of Supervisors.

[Signature] Vana Tran  
SIGNATURE TITLE DATE 12/2/15  
[Signature] Sr. Mgmt Analyst  
SIGNATURE TITLE DATE

APPROPRIATION APOO 5026

ADJ. JOURNAL NO.

BY: \_\_\_\_\_ DATE \_\_\_\_\_



Contra  
Costa  
County

To: Board of Supervisors

From: TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

Date: December 15, 2015

Subject: Execute a Master Grant Contract with East Bay Regional Park District under the Measure WW Park Bond Extension

---

**RECOMMENDATION(S):**

ADOPT Resolution No. 2015/457 approving and authorizing the Conservation and Development Director, or designee, to execute a Master Grant Contract with the East Bay Regional Park District under the Measure WW Park Bond Extension, granting to the County the amount of \$3,046,374 for capital parks and recreation projects in the unincorporated areas of the County not located within a County Service Area, Community Services District or other local district that funds parks, for the period December 15, 2015 through December 31, 2018.

**FISCAL IMPACT:**

No impact to the County General Fund. All project costs will be funded by revenue from local grant funds from East Bay Regional Park District under the Measure WW Park Bond Extension.

**BACKGROUND:**

In November 2008, Alameda and Contra Costa County voters approved the East Bay Regional Park District's (EBRPD) Measure WW Regional Open Space, Wildlife, Shoreline and Parks Bond Extension. From that measure, a total of \$7.93 million is allocated for local park purposes to areas within the unincorporated area of the county. These funds were allocated to specific County Services Areas (CSA) (\$2.49 million), Community Service Districts (CSD) and local Recreation and Park Districts (\$2.39 million), and to unincorporated areas not in a CSA, CSD or local park district (\$3.05 million). The third category, distribution of approximately \$3.05 million to unincorporated areas not in a CSA, CSD or local park district, is the subject of this board order.

---

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☒ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 12/15/2015 ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Kristine Solseng, (925)  
674-7809

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

By: , Deputy

cc:

## BACKGROUND: (CONT'D)

>

If the Board approves Resolution No. 2015/457, the County's designee, the Conservation and Development Director, will be authorized to execute a Master Contract with EBRPD to receive grants from the Measure WW Bond for the total amount of \$3,046,374. The County is designated as "Grantee" and EBRPD as "Grantor." The County agrees to indemnify and defend EBRPD, for any claims, including liabilities arising out of the acquisition, development, construction, operation or maintenance of project properties, unless the liability arises out of the concurrent or sole negligence of EBRPD, its officers, agents, or employees.

Pursuant to the Measure WW, the projects must meet the following standards:

- Insure equitable geographic distribution of the funds.
- Property/facilities funded through Measure WW must be retained for that purpose for at least 25 years and shall be maintained and operated by the County, or a contractor approved by EBRPD, for at least 25 years.
- Provide lands and facilities for recreational activities and services and historic preservation. Capital projects may include acquisition of park land and development of recreational facilities, including renovation of existing facilities.
- Public art projects are eligible as long as they are in or adjacent to a parks and recreation facility.
- Projects must be complete by December, 2018.

The County may transfer the responsibility to maintain and operate the property with EBRPD's approval. If the use of the property or portion of the property is changed to a use that is not for park and recreation, or if the property is sold or otherwise disposed of, an amount equal to the greater of (1) the amount of the grant, (2) the fair market value of the real property, or (3) the proceeds from the sale or other disposition, shall be used by the County for a parks and recreation capital purpose, pursuant to agreement with EBRPD, or shall be reimbursed to the District and be available for appropriation by the EBRPD Board of Directors of an authorized purpose.

The matrix below outlines the proposed projects to be submitted to EBRPD for approval for areas in the unincorporated County not in a CSA or CSD.

<b>Proposed Project</b>	<b>Description</b>	<b>Estimated Amount</b>
District 1 – Urban Tilth	Development of a 3.1 acre site into an agricultural park and riparian learning center in North Richmond. Property is owned by the County and leased to Urban Tilth, a 501(c)3 nonprofit organization.	\$500,000
District 1 – Mira Vista Fields	Improvements to an approximately 8 acre open space park located below Mira Vista Elementary School in East Richmond Heights including, but not limited to, gateway improvements, plantings, new benches, and potential improvements to the pathway. Property is owned by the West Contra Costa Unified School District and will enter into a 25 year agreement with Contra Costa County to meet Measure WW requirements.	\$100,000
District 2 – Tice Valley Linear Park	Acquisition of property and development of a linear park and path near Tice Valley road, including, but not limited to, trail construction, benches, and plantings. Property is owned or will be acquired by the County.	\$600,000
District 3 – Excelsior Middle School Play Fields	Renovation of the play fields and development of an all-abilities playground at Excelsior Middle School in Byron. Property is owned by the Byron Unified school district and will enter into a 25 year agreement with Contra Costa County to meet Measure WW requirements.	\$600,000

District 4 – Iron Horse Trail Improvements	Improvements along the Iron Horse Trail in the Contra Costa Centre area, including, but not limited to, site remediation, plantings, and trail improvement/construction. Sites are owned by Contra Costa County and Contra Costa County Successor Agency.	\$600,000
District 5 – Las Juntas Elementary School Play Fields	Renovation of play fields at Las Juntas Elementary School in unincorporated Martinez. Property is owned by the Martinez School district and will enter in a 25 year agreement with Contra Costa County to meet Measure WW requirements.	\$550,000
District 5 – Pacheco Creekside Park Trail	Improvements along the Pacheco Creekside Trail including, but not limited to, items such as sidewalk ramps, benches, and garbage containers.	\$50,000
Contingency	Funds set aside should a project need additional funding	\$46,374
<b>Total</b>		<b>\$3,046,374</b>

On July 9, 2013 the Board of Supervisors determined that \$600,000 would be allocated to each of the five supervisorial districts, with a \$50,000 contingency fund available as needed. The above named projects are in various stages of development and all are expected to be completed within the three year period allowed by the funding criteria. Staff has worked with each of the District Offices to identify projects that meeting the funding criteria. Given some projects are early in the development phase, there may be some changes to the final project list as we work with EBRPD on implementation. Additionally, staff recommends the funding request to EBRPD include a provision to allow up to 10% of the total contract amount be transferred between projects at the discretion of grant administrator. As these projects are further developed, changes to the master agreement with East Bay Regional Park District may be necessary to shift funds as needed.

Once the County enters into a master contract with EBRPD, each individual project will then go through an application process for Measure WW Bond Extension funds.

#### CONSEQUENCE OF NEGATIVE ACTION:

Without Board approval, the Conservation and Development Director, or designee, will not enter into a Master Grant Contract and would not be able to apply for Measure WW Park Bond Extension funds for park projects within the designed areas.

#### CHILDREN'S IMPACT STATEMENT:

The proposed project will support the following community outcomes established in the Children's Report Card: 1) Children and youth are healthy and preparing for a productive adulthood; 2) Families are safe, stable and nurturing; 3) Communities are safe and provide a high quality of life for children and families.

#### ATTACHMENTS

Resolution No. 2015/457

Master Contract Template

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

Adopted this Resolution on 12/15/2015 by the following vote:

**AYE:** ☐  
**NO:** ☐  
**ABSENT:** ☐  
**ABSTAIN:** ☐  
**RECUSE:** ☐



**Resolution No. 2015/457**

IN THE MATTER OF AUTHORIZING CONTRA COSTA COUNTY TO APPLY FOR LOCAL GRANT FUNDS FROM THE EAST BAY REGIONAL PARK DISTRICT UNDER MEASURE WW PARK BOND EXTENSION.

WHEREAS, the people of the East Bay Regional Park District have enacted the Measure WW Park Bond Extension which provides funds for the acquisition and development of neighborhood, community, regional parks and recreation land and facilities; and

WHEREAS, the East Bay Regional Park District Board of Directors has the responsibility for the administration of the grant program, setting up necessary procedures; and

WHEREAS, said procedures require the Applicant's Governing Body to certify by resolution the approval of the County's ("Applicant's") to apply for the Local grant allocation of funds; and

WHEREAS, the Applicant will enter into Contract with the East Bay Regional Park District;

NOW, THEREFORE, BE IT RESOLVED that the Contra Costa County Board of Supervisors hereby:

1. Approves the execution of a grant contract in the amount of \$3,046,374 million from the Local Grant Program under the East bay Regional Park District Measure WW Park Bond Extension; and
2. Certifies that the County ("Applicant") has or will have sufficient funds to operate and maintain the Projects; and
3. Certified that the Applicant has reviewed, understands and agrees to the General Provisions contained in the Contra shown in the Procedural Guides; and
4. Appoint the Director of Conservation and Development as agent to conduct all negotiations, execute and submit all document including, but not limited to, applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of Projects. Agreements and amendments are subject to approval by the Board of Supervisors.

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: Kristine Solseng, (925) 674-7809**

**ATTESTED: December 15, 2015**

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

By: , Deputy

**cc:**

**EAST BAY REGIONAL PARK DISTRICT  
MEASURE WW PARK BOND EXTENSION  
MASTER CONTRACT - LOCAL GRANT PROGRAM**

**MASTER CONTRACT No.:**\_\_\_\_\_

GRANTEE\_\_\_\_\_

THE PROJECT PERFORMANCE PERIOD is from the date this agreement is signed below by the  
District through December 31, 2018

The Grantee agrees to the terms and conditions of this Contract, and the East Bay Regional Park District, acting through its Board of Directors pursuant to the Measure WW Park Bond Extension, agrees to fund the total Project Grant Amount indicated.

***THESE FUNDS ARE FOR THE ACQUISITION AND DEVELOPMENT OF  
NEIGHBORHOOD, COMMUNITY, AND REGIONAL PARKS AND RECREATION LANDS  
AND FACILITIES.***

***The General Provisions, Local Grant Procedural Guide, Forms and individual Project Applications  
are attached hereto and made a part of and incorporated into the Contract.***

The District anticipates that WW Parks Bonds in the amount of \$\_\_\_\_\_ will be issued for project.

_____ Grantee	EAST BAY REGIONAL PARK DISTRICT
------------------	---------------------------------

By_____ (Signature of Authorized Representative)	By_____ (Signature of Authorized Representative)
---	---

_____ (Print Name of Authorized Representative)	_____ (Print Name of Authorized Representative)
--	--

Title_____	Title_____
------------	------------

Date_____	Date_____
-----------	-----------

**EAST BAY REGIONAL PARK DISTRICT**

**MEASURE WW PARK BOND EXTENSION  
MASTER CONTRACT - LOCAL GRANT PROGRAM**

**MASTER CONTRACT No.:** \_\_\_\_\_

GRANTEE \_\_\_\_\_

**Authorized Representative** – the Applicant/Grantee’s designated position authorized in the Resolution to sign all required grant documents. The Authorized Representative may designate an alternate by informing the District in writing.

The Authorized Representative (Print Name & Title) \_\_\_\_\_ hereby designates the following alternates:

_____ Name / Title	_____ E-mail Address	_____ Phone
_____ Name / Title	_____ E-mail Address	_____ Phone
_____ Name / Title	_____ E-mail Address	_____ Phone
_____ Name / Title	_____ E-mail Address	_____ Phone

## General Provisions

### A. Definitions

1. The term "Measure" as used herein refers to the revenue generated from the sale of bonds for the Program.
2. The term "Application" as used herein refers to the individual Project Application(s) and its required attachments for grants, pursuant to the enabling legislation and/or procedural guidelines.
3. Acquisition: means to obtain fee title or permanent easement for public access rights in real property.
4. The term "District" means the East Bay Regional Park District.
5. The term "Development" means improvements to real property for parks and recreation purposes, including but not limited to construction of new facilities, renovation or additions to existing facilities or historic preservation and protection. WW Local Grant Program funds may only be used for Capital Improvement.
6. The term "Grantee" as used herein means the party described as the Grantee on page I of this Contract. The term "Project" as used herein means the project described in the Brief Description of Project on the Project Application form.

### B. Project Execution

1. Subject to the availability of grant monies in the Measure, the District hereby grants to the Grantee a sum of money (grant monies) not to exceed the amount stated on page I, in consideration of, and on condition that, the sum be expended in carrying out the purposes as set forth in the Measure WW Park Bond Extension Local Grant Procedural Guide, and under the terms and conditions set forth in this Contract.

The Grantee shall assume any obligation to furnish any additional funds that may be necessary to complete the Project. Any modification or alteration in the Project as set forth in the Application on file with the District must be submitted to the District for approval.

2. The Grantee shall complete the Project in accordance within the time of Project Performance set forth on page I, and under the terms and conditions of this Contract.
3. The Grantee shall certify its compliance as lead agency with the California Environmental Quality Act (Public Resources Code, Section 21000, et. seq., Title 14, California Code of Regulations, Section 15000 et. seq.).
4. The Grantee shall comply with all applicable current laws and regulations effecting Development Projects, including, but not limited to, legal requirements for construction Contracts, building codes, health and safety codes, and laws and codes pertaining to individuals with disabilities.

5. The Grantee shall permit periodic site visits, including a final inspection upon Project completion by the District, to determine if Development work is in accordance with the approved Project Scope.
6. Prior to the commencement of any work, the Grantee agrees to submit any significant deviation from the original scope of work in writing to the District.
7. If the Project includes Acquisition of real property, the Grantee agrees to comply with all applicable state and local laws or ordinances effecting relocation and real property acquisition.
8. The Grantee shall provide public access to Project facilities commensurate with the intent of the Project.
9. Grantees shall have (1) fee title, (2) lease hold or (3) other interest to the Project lands and demonstrate to the satisfaction of the District that the proposed Project will provide public benefits that are commensurate with the type and duration of the interest in land that is held by the Grantee, as determined by the District.
10. The Grantee shall maintain and operate the property for a period that is commensurate with the type of Project and the proportion of District funds allocated to the capital costs of the Project. With the approval of the District, the Grantee, or the Grantee's successor in interest in the property, may transfer the responsibility to maintain and operate the property in accordance with this section. The Grantee shall use the property only for the purposes for which the grant was made and shall make no other use, sale or other disposition of the property, except as authorized by specific action of the District Board of Directors. The agreements specified in this section shall not prevent the transfer of the property from the Grantee to a public agency, if the successor public agency assumes the obligations imposed by those agreements. If the use of the property or portion of the property is changed to a use that is not for parks and recreation, or if the property is sold or otherwise disposed of, an amount equal to (1) the amount of the grant, (2) the fair market value of the real property, or (3) the proceeds from the sale or other disposition, whichever is greater, shall be used by the Grantee for a parks and recreation capital purpose, pursuant to agreement with the District as specified in this section, or shall be reimbursed to the District and be available for appropriation by the District Board of Directors only for an authorized purpose.
11. The Grantee shall post and maintain a funding acknowledgement sign at the Project site for three years following receipt of final payment for the project.

C. Project Costs

- I. The District may disburse to the Grantee the grant monies as follows, but not to exceed in any event, the total Grant Amount set forth of page I of this Contract:
  - a. The Grantee may request progress payments up to a total of up to 80% of the approved Project Application amount for eligible expenditures made on the project.

- b. The remaining grant funds shall be paid up to the amount of the Application or the actual Project cost, whichever is less, on completion of the Project and receipt of a Completion Package of Project costs from the Grantee.

D. Project Administration

1. The Grantee shall submit written Project Status Reports to the District every six months. The District shall withhold all payments until all Project Status Reports are properly submitted.
2. The Grantee shall make property and facilities developed pursuant to this Contract available for inspection upon request by the District.

E. Project Termination

1. Any Grant funds that have not been expended by the Grantee prior to the end of the performance period set forth of page I of this Contract shall revert to the District and be available for Appropriation by the District Board of Directors for one or more other projects for parks and recreation purposes.
2. The Grantee may unilaterally rescind this Contract at any time prior to the commencement of a Project. After Project commencement, this Contract may be rescinded, modified or amended only by mutual agreement in writing between the Grantee and the District.
3. Failure by the Grantee to comply with the terms of this Contract or any other Contract under the Measure may be cause for suspension of all obligations of the District hereunder. However, such failure shall not be cause for the suspension of all obligations of the District hereunder if in the judgment of the District such failure was due to no fault of the Grantee. In such case, any amount required to settle at minimum cost any irrevocable obligations properly incurred shall be eligible for reimbursement under this Contract.

F. Hold Harmless

1. The Grantee shall waive all claims and recourse against the District including the right to contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to this Contract except claims arising from the concurrent or sole negligence of the District, its officers, agents, and employees.
2. The Grantee shall indemnify, hold harmless and defend the District, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability costs arising out of the Acquisition, Development, construction, operation or maintenance of the property described as the Project. This includes claims, demands or causes of action that arise under Government Code Section 895.2 or otherwise, except for liability arising out of the concurrent or sole negligence of the District, its officers, agents, or employees.
3. The Grantee agrees that in the event the District is named as codefendant under the provisions of Government Code Section 895 et. seq., the Grantee shall notify the District of such fact and shall represent the District in the legal action, unless the District undertakes to represent itself

as codefendant in such legal action, in which event the District shall bear its own litigation costs, expenses, and attorney's fees.

4. The Grantee and the District agree that in the event of judgment entered against the District and the Grantee because of the concurrent negligence of the District and the Grantee, their officers, agents, or employees, an apportionment of liability to pay such judgment shall be made by a court of competent jurisdiction. Neither party shall request a jury apportionment.
5. The Grantee shall indemnify, hold harmless and defend the District, its officers, agents and employees against any and all claims, demands, costs, expenses or liability costs arising out of legal actions pursuant to items to which the Grantee has certified. The Grantee acknowledges that it is solely responsible for compliance with items to which it has certified.

#### G. Financial Records

1. The Grantee shall maintain satisfactory financial accounts, documents and records for the Project and make them available to the District for auditing at reasonable times. The Grantee also agrees to retain such financial accounts, documents and records until December 31, 2021.

The Grantee and the District agree that during regular office hours each of the parties hereto and their duly authorized representatives shall have the right to inspect and make copies of any books, records or reports of the other party pertaining to this Contract or matters related thereto. The Grantee shall maintain and make available for inspection by the District accurate records of all of its costs, disbursements and receipts with respect to its activities under this Contract.

2. The Grantee shall use a generally accepted accounting system.

#### H. Use of Facilities

1. The Grantee agrees that the Grantee shall use the property developed with grant monies under this Contract only for the purposes for which the District grant monies were requested and no other use of the area shall be permitted except by specific written approval by the District.
2. The Grantee shall maintain and operate the property developed for 25-years after final payment of grant funds. The Grantee shall permit periodic inspection of the project by the District during this period and may be required to submit annual project status reports if requested by the District.

#### I. Nondiscrimination

1. The Grantee shall not discriminate against any person on the basis of sex, race, color, national origin, age, religion, ancestry, sexual orientation, or disability in the use of any property or facility developed pursuant to this Contract.

2. The Grantee shall not discriminate against any person on the basis of residence except to the extent those reasonable differences in admission or other fees may be maintained on the basis of residence and pursuant to law.

J. Procedural Guidelines and Application Incorporation

The Project Application, Procedural Guidelines and Forms and any subsequent change or addition approved by the District is hereby incorporated in this Contract as though set forth in full in this Contract.

K. Severability

If any provision of this Contract or the application thereof is held invalid, that invalidity shall not effect other provisions of the Contract, which can be given effect without the invalid provision or application, and to this end the provisions of this Contract are severable.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: December 15, 2015

Subject: Add one Information Systems Programmer Analyst III and one Information Systems Project Manager and one Web Producer in the Admin Bureau of EHSD

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**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No. 21785 to add one (1) Information Systems Programmer Analyst III (LPTB) (represented) position at Salary Plan and Grade ZA5 1694 (\$5,956-\$7,239), one (1) Information Systems Project Manager (LPNA) (represented) position at Salary Plan and Grade ZA5 1884 (\$7,189-\$8,738), and one (1) Web Producer (LBTF) (represented) position at Salary Plan and Grade ZB5 1543 (\$5,128 - \$6,234) in the Information Technology Division of the Employment and Human Services Department.

**FISCAL IMPACT:**

Upon approval of this position, the annual personnel expense is \$359,628. These positions will be funded 45% Federal revenue, 45% State revenue, and 10% County cost. The annual pension cost is \$125,870.

**BACKGROUND:**

The Information Technology Division provides application development and support to EHSD bureaus and infrastructure. The Information Systems Programmer Analyst III position will be responsible for application development, as well as continue support for 80 critical applications and new applications on an on-going basis. IT Systems Programmers are currently training and developing a workload distribution tool to manage tasks throughout a majority of the department. This resource will assist in the support and development of new and existing tools and help reduce the need for on-going outside contractors.

The Information Technology Division currently has 114 projects in the queue, 82 of which are active projects. This

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Anne Crisp (925)  
313-1527

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

By: , Deputy

cc: EHSD, EHSD, Human Resources, Otilia Parra, James Hicks

excludes small projects that require less than 80 hours of staff time. The Information Systems Project Manager will track all technology projects by monitoring schedules, budgetary performance, compliance with applicable specifications, and deliverables. The Information Systems Project Manager position will ensure project management processes for individual projects are followed, and carried out thoroughly and effectively. The addition of this position will reduce the need for on-going outside contractors.

The department maintains many websites that are used to outreach into the community to inform citizens of the wide range of programs, events and support functions available. The WEB Producer will ensure that the websites are maintained, upgraded and updated with current program information as well as develop new ones as needed. The Web Producer will be responsible for websites design and new web applications. This position will reduce the need for on-going outside contractors.

**CONSEQUENCE OF NEGATIVE ACTION:**

If these positions are not added, the department will have insufficient Information Technology staff to effectively support and provide technological capability for staff. We will need to continue to rely on contracting resources.

**CHILDREN'S IMPACT STATEMENT:**

None

## ATTACHMENTS

P-300 #21785

# POSITION ADJUSTMENT REQUEST

NO. 21785  
DATE 11/18/2015

Department Employment and Human Services Dept Department No./  
Budget Unit No. 0501 Org No. 5101 Agency No. A19  
Action Requested: Add one Information Systems Programmer Analyst III (LPTB), one Information Systems Project Manager (LPNA) and one Web Producer (LBTF) positions in the Information Technology Division in Administratin (AR34663, 34664,35390)

Proposed Effective Date: 12/15/2015

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 \$359,628.00

Net County Cost \$35,963.00

Total this FY \$239,752.00

N.C.C. this FY \$23,975.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 45% Federal, 45% State, 10% County

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Anne Crisp 3-1527

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Kevin J. Corrigan

11/20/2015

Deputy County Administrator

Date

## HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 12/2/2015

Add (1) Information Systems Programmer Analyst III (LPTB) (represented) position at Salary Plan and Grade ZA5 1694 (\$5956-\$7239), (1) Information Systems Project Manager (LPNA) (represented) position at Salary Plan and Grade ZA5 1884 (\$7189-\$8738), (1) Web Producer (LBTF) (represented) position at Salary Plan and Grade (\$5128 - \$6234) in the EHSD-IT Division.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ \_\_\_\_\_(Date)

Otilia Parra

12/7/15

(for) Director of Human Resources

Date

## COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 12/7/2015

☒ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: \_\_\_\_\_

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 12/8/2015

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: Philip F. Kader, County Probation Officer

Date: December 15, 2015

Subject: Reclassify one Supply and Distribution Supervisor (9XHB) (represented) and the incumbent to Materiel Manager (VCGA) (represented)

**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No. 21790 to reclassify one (1) Supply and Distribution Supervisor (9XHB) (represented) position No. 719 at salary plan and grade ZA5 1438 (\$4,622 - \$5,618) and the incumbent to Materiel Manager (VCGA) (represented) position at salary plan and grade ZA5 1604 (\$5,448 - \$6,622) in the Probation Department.

**FISCAL IMPACT:**

This action would result in a cost to the Department of approximately \$7,392 annually; \$2,216 of which is attributable to employer pension costs; 100% General Fund. The proposed increase will be offset by continued salary savings from ongoing vacancies.

**BACKGROUND:**

The Supply and Distribution Supervisor has been performing duties that are equivalent to a Materiel Manager in the Probation Department for the last three years. The incumbent has overall supervision of 12 employees and manages activities that occur in both the field and institutions. The incumbent's largest responsibility involves performing purchasing and procurement functions to maintain as inventory that is used by the entire County including, but not limited

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Danielle Fokkema at  
(925) 313-4195

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

By: , Deputy

cc: Danielle Fokkema, Fina Prak, Cheryl Koch, James Hicks

BACKGROUND: (CONT'D)

to, establishing written procedures for inventory, setting stocking levels and approving stock orders, conducting the annual physical inventory, and managing numerous blanket purchase orders. After reviewing the job tasks, the preponderance of duties have been found to fall within the Materiel Manager classification.

CONSEQUENCE OF NEGATIVE ACTION:

If this reclassification is not approved, the incumbent will not be properly compensated for the work being performed. Additionally, duties and tasks that are essential to the County will have to be removed from the employee to avoid a potential grievance if the employee continues working out of class. Removal of these specialized tasks from the current position would impede the daily functions of the Probation Department.

CHILDREN'S IMPACT STATEMENT:

No impact.

ATTACHMENTS

Position Adjustment Resolution No. 21790

# POSITION ADJUSTMENT REQUEST

NO. 21790  
DATE 10/8/2015

Department Probation

Department No./

Budget Unit No. 0309 Org No. 3120 Agency No. 30

Action Requested: ADOPT Position Adjustment Resolution No. 21790 to reclassify one (1) Supply and Distribution Supervisor (9XHB) (represented) position No. 719 and the incumbent to Materiel Manager (VCGA) (represented) in the Probation Department.

Proposed Effective Date: 11/1/2015

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 \$7,392.00

Net County Cost \$7,392.00

Total this FY \$4,928.00

N.C.C. this FY \$4,928.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% General Fund

Department must initiate necessary adjustment and submit to CAO.

Use additional sheet for further explanations or comments.

Danielle Fokkema

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

VTT for TME

11/23/2015

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 11/23/2015

ADOPT Position Adjustment Resolution No. 21790 to reclassify one (1) Supply and Distribution Supervisor (9XHB) (represented) position No. 719 and the incumbent at salary plan and grade ZA5 1438 (\$4,622 - \$5,618) to Materiel Manager (VCGA) (represented) at salary plan and grade ZA5 (\$5,448 - \$6,622) in the Probation Department.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☐ Day following Board Action.

☒ 11/1/2015(Date)

Fina Prak

(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: \_\_\_\_\_

TME

(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 12/3/2015

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: Kathy Gallagher, Employment & Human Services Director  
Date: December 15, 2015

Subject: Add one Area Agency on Aging Program Manager (XQGD) position in the Adult and Aging Bureau

---

**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No. 21787 to add one (1) Area Agency on Aging Program Manager (XQGD) (represented) position at Salary Plan and Grade ZA2 1841 (\$7,097-\$8,647) in the Adult and Aging Bureau of the Employment and Human Services Department.

**FISCAL IMPACT:**

Upon approval of this position, the annual personnel expense is \$152,124. This position will be funded 80.5% Federal revenue and 19.5% County cost. The annual pension cost is \$54,506.

**BACKGROUND:**

The Employment and Human Services Department requests to add one permanent Area Agency on Aging Program Manager (XQGD) position in the Aging and Adult Services Bureau. In 2008/2009 the Area Agency on Aging Program Manager position was eliminated, and the duties for Adult Protective Services and the Area Agency on Aging were assumed by one EHS Division Manager. The

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Anne Crisp  
313-1527

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

By: , Deputy

cc: EHSD, Human Resources, Otilia Parra, James Hicks

BACKGROUND: (CONT'D)

Area Agency on Aging Program Manager is responsible for the daily management of the Area Agency on Aging and the daily administration of the Contra Costa County Area Plan on Aging as established under the Older Americans Act and Older Californians Act. Additional responsibilities include convening and staffing the Area Agency on Aging Advisory Council, the federally mandated body with forty appointed members; representing the Area Agency on Aging and EHSD; monitoring and assessing senior service programs; negotiating and overseeing service contracts; maintaining budgetary and fiscal controls; and managing staff in multiple programs.

CONSEQUENCE OF NEGATIVE ACTION:

If the Area Agency on Aging Program Manager position is not added the Department will not have the appropriate managerial and administrative oversight for the Area Agency on Aging program to effectively serve the aging and adult population of Contra Costa County.

CHILDREN'S IMPACT STATEMENT:

No impact.

ATTACHMENTS

P-300 #21787

# POSITION ADJUSTMENT REQUEST

NO. 21787  
DATE 11/10/2015

Department Employment and Human Services

Department No./

Budget Unit No. 503 Org No. 5278 Agency No. A19

Action Requested: Add one full time Area Agency on Aging Program Manager (XQGD) position in the Adult and Aging Bureau (AR34282)

Proposed Effective Date: 12/8/2015

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 \$152,124.00

Net County Cost \$29,664.00

Total this FY \$76,062.00

N.C.C. this FY \$14,832.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 80% Fed. and 20% County funds

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Anne Crisp 3-1527

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Kevin Corrigan

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 12/2/2015

Add one (1) Area Agency on Aging Program Manager (XQGD) (represented) position at Salary Plan and Grade ZA2 1841 (\$7,097-\$8,647)-in the Adult and Aging Bureau of the Employment and Human Services Department

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ \_\_\_\_\_(Date)

Otilia Parra

12/7/2015

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 12/7/2015

☒ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: \_\_\_\_\_

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 12/8/2015

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: Kathy Gallagher, Employment & Human Services Director  
Date: December 15, 2015

Subject: Add one (1) Social Services Staff Development Specialist (X4SK) position in Children and Family Services of EHSD

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**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No. 21793 to add one (1) Social Service Staff Development Specialist (X4SK) (represented) position at Salary Plan and Grade KZ5 1642 (\$5,657--\$6,876) in the Children and Families Services Bureau of the Employment and Human Services Department.

**FISCAL IMPACT:**

Upon approval of this position there is an additional annual cost of \$128,879. This position is funded with 51% Federal, 34% State and 15% County revenue. The annual pension costs is approximately \$27,505.

**BACKGROUND:**

The Department requests to add one Social Service Staff Development Specialist (SSSDS) position in the Children and Family Services (CFS) bureau to adequately respond to the increasing training needs and professional development of CFS staff. CFS is currently on a state corrective action plan that must be completed by 6/1/16 and the additional position is needed to train new and current staff.

Since

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Anne Crisp 925  
313 1527

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

By: , Deputy

cc: EHSD, Human Resources, Otilia Parra, James Hicks

### BACKGROUND: (CONT'D)

2014, CFS has hired over 50 new Social Workers and 10 administrative and support staff. All new child welfare social workers and supervisors are mandated to complete California Common Core Training that consist of 26 courses for Social Workers and nine courses for Supervisors within 12 months of hire and maintain 40 hours of annual training thereafter (Reference- Div 14 MPP- Staff Development/Training). California Common Core Training is currently being revised as Core 3.0, which will now require a field instructor to provide 24-30 hours field based training as well as new E-Learning modules to each new Social Worker. The piloting and gradual implementation of Core 3.0 began in March 2015, with a full roll out by 2017. CFS requires one Social Services Staff Development Specialist to provide three cycles of Core training per year.

Additionally, CFS has been without a trainer for the state Child Welfare Services/Case Management System (CWS/CMS) since 2008. The CWS/CMS system provides for public child welfare; missing and incorrect data has adversely affected the state and federal measures and outcomes for CFS. This has impacted compliance, quality control, and services to youth and families.

Lastly, Child Welfare state and federal mandates over the past year and in the upcoming two years require staff training and practice reform. Mandated trainings will include Commercially Sexually Exploited Children, Continuum of Care Reform, Resource Family Approval, and Foster Parent Recruitment, Retention, and Support.

### CONSEQUENCE OF NEGATIVE ACTION:

If the Social Service Staff Development Specialist position is not added Children and Family Service will lack the internal capacity to provide and track the required trainings. CFS and the Department will continue to be at risk of not being in compliance with Federal mandates of State Title IV-B and IV-E program requirements and risk sanctions.

### CHILDREN'S IMPACT STATEMENT:

Without proper training, Child Welfare Social Workers will not have the appropriate skills and knowledge to assess for child risk and safety. Social Workers will also be missing a trauma informed, culturally driven, foundation of services to youth and families. This could lead to children being left in dangerous and life threatening situations or result in children remaining unnecessarily in long term foster care.

Missing and incorrect data in CWS/CMS can affect children's eligibility for federal aid and newly mandated services through initiatives such as Katie A. mental health services, Commercially Sexually Exploited Child (CSEC), and the National Youth in Transition Database (NYTD).

### ATTACHMENTS

P-300 #21793

# POSITION ADJUSTMENT REQUEST

NO. 21793  
DATE 11/17/2015

Department Employment and Human Service Dept Department No./  
Budget Unit No. 502 Org No. 5220 Agency No. A19  
Action Requested: Add one (1) FTE SS Staff Development Specialist (XS4K) in the Children and Family Services Bureau  
Proposed Effective Date: 12/15/2015

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 \$128,879.00

Net County Cost \$19,332.00

Total this FY \$64,440.00

N.C.C. this FY \$9,666.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Federal, State and County funding

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Anne Crisp 313-1527

\_\_\_\_\_  
(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Kevin J. Corrigan

11/30/2015

\_\_\_\_\_  
Deputy County Administrator

\_\_\_\_\_  
Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 12/2/2015

Add one (1) Social Service Staff Development Specialist (X4SK) (represented) position at Salary Plan and Grade KZ5 1642 (\$5,657--\$6,876)

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ \_\_\_\_ (Date)

Gladys Scott Reid

12/7/2015

\_\_\_\_\_  
(for) Director of Human Resources

\_\_\_\_\_  
Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 12/7/2015

☒ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: \_\_\_\_\_

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 12/8/2015

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: John Gioia, District I Supervisor  
Date: December 15, 2015

Subject: P300 No. 21706 to Reallocate Specific Management Classifications on the Salary Schedule

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**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No. 21706 to modify the salary schedules of the management classifications of Board of Supervisor Assistant-Chief Assistant (J995), Board of Supervisor Assistant-General Office (J992), Board of Supervisor Assistant-General Secretary (J993), and Board of Supervisor Assistant-Specialist (J994) by adding two additional steps at the top of the salary range at five percent each.

**FISCAL IMPACT:**

This action has no immediate cost. The maximum potential cost of this action would be approximately \$272,000, including \$65,000 in pension cost.

**BACKGROUND:**

The attached P300 modifies the specific classifications listed by adding two additional steps at the top of the salary range at five percent each: Board of Supervisor Assistant-Chief Assistant (J995); Board of Supervisor Assistant-General Office (J992); Board of Supervisor Assistant-General Secretary (J993); and Board of Supervisor Assistant-Specialist (J994). After reviewing in 2014 the salaries of Board of Supervisor Assistant – Chief Assistant in the following comparable counties: Alameda, Marin, Napa, Sacramento, San Mateo, Santa Clara, Santa Cruz,

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

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

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

By: , Deputy

cc: Lisa Lopez, Assistant Director of Human Resources, Harjit S. Nahal, Assistant County Auditor

#### BACKGROUND: (CONT'D)

>

Sonoma, and Solano Counties, it is recommended that the classes be reallocated on the Salary Schedule to a slightly higher amount to come closer, but still remain below, the median salary of comparable counties. At the time the survey was done in 2014, the salary of the Chief Assistant was 20% below the median of comparable classifications in the above mentioned counties. After the full implementation of both 5% steps, Contra Costa salaries would still be below the median.

#### CONSEQUENCE OF NEGATIVE ACTION:

The County would continue to be detrimentally impacted by the loss of highly-trained personnel and it may become more difficult to attract and recruit candidates.

#### ATTACHMENTS

P-300 No. 21706 - BOS Staff Salaries

# POSITION ADJUSTMENT REQUEST

NO. 21706  
DATE 11/30/2015

Department Board of Supervisors

Department No./

Budget Unit No. 0001 Org No. Multi Agency No. 01

Action Requested: Modify the salary schedules of the management classifications of Board of Supervisor Assistant-Chief Assistant (J995), Board of Supervisor Assistant-General Office (J992), Board of Supervisor Assistant-General Secretary (J993), and Board of Supervisor Assistant-Specialist (J994) by adding two additional steps at five percent each.

Proposed Effective Date: 12/9/2015

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☐ No ☐

Total One-Time Costs (non-salary) associated with request: None

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$272,000.00

Net County Cost \$272,000.00

Total this FY \$136,000.00

N.C.C. this FY \$136,000.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT General Fund

Department must initiate necessary adjustment and submit to CAO.

Use additional sheet for further explanations or comments.

John Gioia, District I Supervisor

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Lisa Driscoll, County Finance Director

11/30/2015

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE \_\_\_\_\_

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☐ Day following Board Action.

☒ 12/1/2015 (Date)

(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 11/30/2015

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: William Walker, M.D., Health Services  
Date: December 15, 2015

Subject: Add 3 Health Education Specialist-Project Positions and Increase the Hours of Community Health Worker Specialist in the Health Services Department.

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**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No. 21797 to add three (3) Health Education Specialist-Project positions (VMW4) at salary level QT5-1207 (\$3,677-\$4,469) and increase the hours of a vacant Community Health Worker Specialist (VKTA) at salary level QT5-1103 (\$3,317-\$4,032) position #14942 from 30/40 to 40/40 in the Health Services Department (represented).

**FISCAL IMPACT:**

Upon approval, this action has an annual cost of approximately \$325,100.23 which includes \$61,421.89 in pension costs. The cost will be funded by State Grants (Nutrition and Physical Activity Program (NEOP), Transportation Development ACT (TDA), Safe Routes to School (SRTS), New Tobacco Grant)-76.54%; Foundation Grants (Kaiser Permanente, and John Muir Settlement)-10.73%; and Public Health County Funds-12.73%

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Arlene J. Lozada  
(925)957-5269

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

By: , Deputy

cc:

### BACKGROUND:

The Community Wellness and Prevention Program (CWPP) is one of the major services in the Health Services Department aiming to improve the environmental, social and economic conditions in Contra Costa County. It supports a quality of life that promotes the health and well-being of all County residents with special attention to those under served. Two of its major services are in Nutrition & Physical Activity and Injury Prevention & Physical Activity. These services have been staffed by individuals through Monument Impact, a contract staffing company. Over the years, funding for the staffing needs were obtained from various grants such as the Nutrition and Physical Activity Program (NEOP), Transportation Development ACT (TDA), Safe Routes to School (SRTS), Kaiser Permanente, and John Muir Settlement.

Adding the three (3) Health Education Specialist-Project positions and increasing the hours of a vacant Community Health Worker Specialist position #14942 from 30 hours to 40 hours will support the goals and services of the Community Wellness and Prevention Program as well as meeting the requirements of the various grant funds. In order to meet current deliverables for NEOP and the CCHS Nutrition and Physical Activity Promotion, the Health Education Specialist will assist with planning, conducting and evaluating the effectiveness of the nutrition education workshops and trainings. The incumbents will also provide technical assistance and program support while researching best practices in the field. The Community Health Worker Specialist will identify community agencies and groups in need of outreach services, promote and disseminate NEOP approved nutrition and physical activity educational materials. The incumbent will lead community efforts on the health benefits associated with proper nutrition and being physically active by coordinating and facilitating workshops and training.

Funds allocated for Monument Impact (contract staffing agency) will be diverted to fund the newly added Health Education Specialist-Project positions and the increased hours of the Community Health Worker Specialist position.

### CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, our ability to have greater control on accountability and efficiencies of program deliverables and requirements is minimized by relying on outside agency contracts for our staffing needs.

### CHILDREN'S IMPACT STATEMENT:

Not applicable.

### ATTACHMENTS

P-300 #21797

# POSITION ADJUSTMENT REQUEST

NO. 21797  
DATE 11/30/2015

Department Health Services

Department No./

Budget Unit No. 0450 Org No. 5779 Agency No. A18

Action Requested: Add 3 Health Education Specialist-Project Positions and Increase the Hours of Community Health Worker Specialist (VKTA) position #14942 in the Health Services Department.

Proposed Effective Date: 12/16/2015

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 \$325,100.23

Net County Cost \$41,385.26

Total this FY \$162,550.11

N.C.C. this FY \$20,692.63

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Grants: State-76%, Foundation-11%; County-12%

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Arlene J. Lozada

\_\_\_\_\_  
(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

12/7/2015

\_\_\_\_\_  
Deputy County Administrator

\_\_\_\_\_  
Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE \_\_\_\_\_

Exempt from Human Resources review under a delegation of authority.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ \_\_\_\_\_(Date)

\_\_\_\_\_  
(for) Director of Human Resources

\_\_\_\_\_  
Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 12/7/2015

☐ 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 12/8/2015

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: William Walker, M.D., Health Services  
Date: December 15, 2015

Subject: Increase the hours of one position in the Health Services Department

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**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No. 21798 to increase the hours of one Mental Health Community Support Worker II (VQVB) at salary level QT5 – 0968 (\$2,902 – 3,528) position #13677 in the Health Services Department. (Represented)

**FISCAL IMPACT:**

Upon approval, this action will result in an annual cost of \$18,842.07 with benefits, including pension cost of \$3,757.34. Cost will be funded by Mental Health Services Act (100%).

**BACKGROUND:**

The Health Services Department is requesting to increase the hours of one permanent Mental Health Community Support Worker II (VQVB) position #13677 from 30/40 to 40/40 as provided by the memorandum of understanding between the County and Public Employees Union Local One. The incumbent has worked the increased hours over the past six months and the Department has determined

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

Contact: Melissa Carofanello -  
melissa.carofanello@hsd.cccounty.us - 925-957-5248

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 15, 2015

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

there is an outstanding need for these increased hours in order to maintain patient care in Central County Mental Health Clinic.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the Central County Mental Health Clinic will not have the appropriate level of staff to provide peer support and linkage services for its consumers.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

P-300 #21798

# POSITION ADJUSTMENT REQUEST

NO. 21798  
DATE 12/2/2015

Department HEALTH SERVICES

Department No./

Budget Unit No. 0467 Org No. 5957 Agency No. A18

Action Requested: Increase the hours of one permanent part-time Mental Health Community Support Worker II (VQWB) position #13677 from 30/40 to 40/40 in the Health Services Department. (Represented)

Proposed Effective Date: 12/16/2015

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 \$18,842.07

Net County Cost \$0.00

Total this FY \$10,991.21

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Mental Health Service Act

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Melissa Carofanello

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

12/7/2015

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE \_\_\_\_\_

Exempt from Human Resources review under a delegation of authority.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ \_\_\_\_\_(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

12/7/15

☐ 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 12/8/2015

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: William Walker, M.D., Health Services  
Date: December 15, 2015

Subject: Add two Mental Health Community Support Worker I – Project positions in the Health Services Department

---

**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No. 21799 to add two full-time Mental Health Community Support Worker I – Project (VQW7) at salary level QT5 – 0875 (#2,647 - \$3,217) in the Health Services Department (represented)

**FISCAL IMPACT:**

Upon approval, this action will result in an annual cost of \$139,787.04 with benefits, including pension cost of \$27,414.46. Cost will be funded by Mental Health Services Act (100%).

**BACKGROUND:**

The Health Services Department is requesting to add two Mental Health Community Support Worker I – Project positions in the Older Adult's Mental Health within the Behavioral Health Division. Mental Health Services Act (MHSA) Innovation's Partners for the

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

Contact: Melissa Carofanello -  
melissa.carofanello@hsd.cccounty.us - 925-957-5248

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 15, 2015

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

Aging Project has proposed and been approved by the Mental Health Services Oversight and Accountability Commission (MHSOAC) the addition of two Mental Health Community Support Worker I Project positions. This is part of the Three Year MHSA plan proposed and approved by the Board of Supervisors. The two new positions would provide peer support and linkage services to older adults served by the IMPACT program and will be 100% funded through MHSA dollars. The Department has determined there is a need for two Mental Health Community Support Worker I – Project positions.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the Older Adult's Mental Health Program will not have the appropriate level of staff to provide peer support and linkage services for its consumers.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

P-300 #21799

# POSITION ADJUSTMENT REQUEST

NO. 21799  
DATE 12/2/2015

Department HEALTH SERVICES

Department No./

Budget Unit No. 0467 Org No. 5868 Agency No. A18

Action Requested: Add two Mental Health Community Support Worker I - Project (VQW7) in the Health Services Department.  
(Represented)

Proposed Effective Date: 12/16/2015

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 \$139,787.04

Net County Cost \$0.00

Total this FY \$81,542.44

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Mental Health Service Act

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Melissa Carofanello

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

12/7/2015

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE \_\_\_\_\_

Exempt from Human Resources review under a delegation of authority.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ \_\_\_\_\_(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 12/7/2015

☐ 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 12/8/2015

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: William Walker, M.D., Health Services  
Date: December 15, 2015

Subject: Add one Administrative Services Assistant II position and cancel one vacant Administrative Analyst position in the Health Services Department

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**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No. 21800 to add one permanent full-time Administrative Services Assistant II (APVA) at salary level 2B5 - 1475 (\$4,795 - \$5,828) and cancel one permanent full Administrative Analyst - Project (APW1) at salary level Z25 - 1277 (\$3,941 - \$4,790) position #14248 in the Health Services Department. (Represented)

**FISCAL IMPACT:**

Upon approval, this action will result in an annual cost of \$18,303.26 with benefits, including pension cost of \$4,420.18. Cost will be funded by Mental Health Services Act (100%).

**BACKGROUND:**

The Health Services Department is requesting to add one Administrative Services Assistant II position and cancel a vacant Administrative Analyst - Project position #14248 in the Behavioral Health Division's Administration. Duties and responsibilities of this new

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

Contact: Melissa Carofanello -  
melissa.carofanello@hsd.cccounty.us - 925-957-5248

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 15, 2015

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

position include planning, organization and supervision of the programs funded by the Mental Health Services Act. The Department has determined the Administrative Services Assistant II is more appropriate than the Administrative Analyst – Project position.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the Behavioral Health Division's administration of the Mental Health Services Act Programs will not have the appropriate level of permanent program management for its mental health programs funded by the Mental Health Services Act.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

P-300 #21800

# POSITION ADJUSTMENT REQUEST

NO. 21800  
DATE 10/20/2015

Department HEALTH SERVICES Department No./  
Budget Unit No. 0467 Org No. 5868 Agency No. A18  
Action Requested: Add one Administrative Services Assistant II (APVA) and cancel one Administrative Analyst - Project (APW1) #14248 in the Health Services Department. (Represented)

Proposed Effective Date: 12/16/2015

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 \$18,303.26

Net County Cost \$0.00

Total this FY \$10,676.90

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Mental Health Services Act

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Melissa Carofanello

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

12/7/2015

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE \_\_\_\_\_

Exempt from Human Resources review under a delegation of authority.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ \_\_\_\_\_(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 12/7/2015

☐ 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 12/8/2015

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: Jessica Hudson, County Librarian  
Date: December 15, 2015

Subject: Grant in the Amount of \$5,000 from the San Pablo Koshland Civic Unity Fellows

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Librarian, or designee, to apply for and accept a grant in the amount of \$5,000 from the San Pablo Koshland Civic Unity Fellows, part of the San Francisco Foundation's Koshland Civic Unity program, to provide programs and materials to the San Pablo Library for the period January 1 through December 31, 2016.

**FISCAL IMPACT:**

No Library Fund match.

**BACKGROUND:**

Grant funds will provide a "Make Her" series of programs to engage San Pablo youth, parents and local volunteers in programs where they can create, explore and innovate within a community setting. In recent years educators and technology employers have become increasingly aware of the tremendous deficit of women in STEM/STEAM fields. Girls and women are avid consumers of technology but are significantly absent in its creation, especially in underserved and minority communities. The Make Her programs will give girls ages 13-18 and their parents the opportunity to work side by side, applying their creativity both to the use of existing tools and the invention of new ones through the use of Maker community mentors.

The San Pablo Koshland Civic Unity Fellows are part of the San Francisco Foundation's Koshland Civic Unity program that recognizes local leaders who work collaboratively to strengthen the assets in their community and address community concerns and needs. The "Make Her" programs support Koshland efforts to create meaningful

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Gail McPartland,  
925-927-3204

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

connection, increase civic engagement and leadership among youth and families in San Pablo. The programs also support the Library's vision stated in the 2014-2017 Strategic Plan, "[to] spark imagination, fuel potential, and connect people and ideas with each other."

CONSEQUENCE OF NEGATIVE ACTION:

If not funded then the "Make Her" programs will not occur.

CHILDREN'S IMPACT STATEMENT:

The San Pablo Library "Make Her" programs support the Children's Report Card objectives of Children Ready for and Succeeding in School; Families that are Safe, Stable and Nurturing; and Communities that are Safe and Provide a High Quality of Life for Children and Families.

By including the target population of girls and parents in programming, the intended programs give the girls a sense of agency: that what they think, their ideas and their voice in the community matters. Too, parent participation will allow them to feel included in the lives of their children and to provide successes that can be built upon. So often parents struggle to find ways to feel helpful and be a part of their children's education, and creating a space where each voice can be heard will build a connection to their child as well as to the community and the library.



Contra  
Costa  
County

To: Board of Supervisors  
From: Jessica Hudson, County Librarian  
Date: December 15, 2015

Subject: Grant in the Amount of \$3,000 from California Center for the Book for the Danville Library

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Librarian, or designee, to apply for and accept a grant in the amount of \$3,000 from California Center for the Book to provide programs and materials at the Danville Library for the period January 2 through May 31, 2016.

**FISCAL IMPACT:**

No Library Fund match.

**BACKGROUND:**

The California Center for the Book provides a reimbursement program called "Book to Action," which encourages communities to read and discuss one book together while engaging participants in a shared volunteer service opportunity. This funding was previously received in 2013 by the Hercules Library for a community garden cleanup project with the selected book of *Animal, Vegetable, Miracle*, by Barbara Kingsolver.

This project will focus on the issue of hunger in America through the book *A Place at the Table, The Crisis of 49 Million Hungry Americans and How to Solve It*. Danville Library Teen Advisory Board members and other teens will take on the roles of community leaders in discussing and examining larger-scale solutions to this issue. The teens will also organize at least two community service projects of harvesting fruit from local residences for needy families and a food drive at the Library and local schools. The project will demonstrate that even teenagers with busy lives can make a positive impact on larger social issues like hunger. Through the Book to Action program, there will be increased engagement on the part of the Danville community in addressing these issues.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Alison McKee  
925-927-3290

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

By: , Deputy

cc:

#### CONSEQUENCE OF NEGATIVE ACTION:

If the proposal is not approved by the California Center for the Book, the library will move forward with a similar, more modestly formatted and funded program for teens.

#### CHILDREN'S IMPACT STATEMENT:

This project supports two of the community outcomes established in the Children's Report Card:

- Children and Youth Healthy and Preparing for Productive Adulthood
- Communities that are Safe and Provide a High Quality of Life for Children and Families

Teens ages 13-18 will take a leadership role in addressing the larger social issue of hunger in America. They will work with their peers as well as parents/guardians and other adults in the community to discuss solutions and organize community service projects to take action locally. By partnering with The Urban Farmers and the Food Bank of Contra Costa and Solano Counties on community service projects such as fruit harvesting and food drives, teen and adult participants will work together to take action and make an impact to their own communities. The goals of “Book to Action” is to inform, engage and bring entire communities together through literature and a shared community service project to improve their towns/cities.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Chad Godoy, Director of Agriculture/Weights & Measures  
Date: December 15, 2015

Subject: #15-C0009 EEIP Agreement with the Department of Pesticide Regulation

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Agricultural Commissioner, or designee, to execute an agreement (15-C0009) with the Department of Pesticide Regulation to pay the County an amount not to exceed \$21,599 to implement the "Enforcement Evaluation and Improvement Project" for the period July 1, 2015 through February 29, 2016.

**FISCAL IMPACT:**

This agreement provides reimbursement for County expenses incurred during this period for enforcement activities performed on behalf of the Department of Pesticide Regulation (DPR) in Contra Costa County up to \$21,599. No County match.

**BACKGROUND:**

The objective of this agreement is to assist DPR in carrying out its Enforcement Evaluation and Improvement Project (EEIP). The EEIP and this agreement will assist DPR in its compliance with the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) statutory requirements pursuant to delegated enforcement authority from the U.S. EPA through the three-party Cooperative Agreement between U.S., EPA, DPR and County Agricultural Commissioners and Sealers Association, and Food and Agriculture Code Section 2281. The activities include: 1. The collection of complete

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF  
SUPERVISORS**

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 15, 2015

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

Contact: 646-5250

By: , Deputy

cc:

BACKGROUND: (CONT'D)

compliance and enforcement data from the CAC for the purpose of evaluating individuals and businesses licensed by the state to determine if enforcement action is warranted 2. The evaluation of compliance and enforcement data to ensure statewide consistency with DPR policies, regulations and laws, and identify trends that will be used to improve outreach and education to licensees; and 3. The improvement of communication and collaboration between DPR and the CAC in the tracking, development, and preparation of enforcement responses as needed to establish and implement County Agricultural Commissioner enforcement. The Department of Agriculture will assist DPR by carrying out its Enforcement Evaluation and Improvement Project (EEIP). DPR will compensate the County Agricultural Department for actual expenditures incurred in accordance with the rate specified in paragraph 4 (Budget and Rates) and that total shall not exceed \$21,599.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to accept Agreement #15-C0009 will mean that the Department will not have the revenue necessary to perform enforcement activities on behalf of the Department of Pesticide Regulation (DPR) and will lose administrative overhead that is of benefit to the department's operational budget.

CHILDREN'S IMPACT STATEMENT:

None

ATTACHMENTS

15-C0009

STATE OF CALIFORNIA  
**STANDARD AGREEMENT**  
STD 213 (Rev 06/03)

AGREEMENT NUMBER

**15-C0009**

REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME

**Department of Pesticide Regulation**

CONTRACTOR'S NAME

**Contra Costa County**

2. The term of this Agreement is: July 1, 2015 or upon final approval by the State, whichever occurs later, through February 29, 2016
3. The maximum amount of this Agreement is: **\$21,599.34**  
**Twenty-one thousand five hundred ninety-nine dollars and thirty-four cents**

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

<b>Exhibit A – Scope of Work</b>	4 Pages
<b>Exhibit B – Budget Detail and Payment Provisions</b>	2 Pages
<b>Exhibit C* – General Terms and Conditions (GTC 610)</b>	*
<b>Exhibit D - Special Terms and Conditions</b>	2 Pages
<b>Attachment 1 – Cooperative Agreement</b>	**
<b>Attachment 2 – California Food and Agricultural Code section 2281</b>	1 Page

Items above shown with an Asterisk (\*), are hereby incorporated by reference and made part of this agreement as if attached hereto. *These documents can be viewed at <http://www.dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx>*

Items shown above with a double Asterisk (\*\*), are hereby incorporated by reference and made part of this agreement as if attached hereto. *These documents can be viewed at [http://www.cdpr.ca.gov/docs/enforce/compend/vol\\_5/cooperative\\_agreement.pdf](http://www.cdpr.ca.gov/docs/enforce/compend/vol_5/cooperative_agreement.pdf)*

**IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.**

**CONTRACTOR**

CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc.)

**Contra Costa County**

BY (Authorized Signature)

DATE SIGNED(Do not type)



**Chad Godoy, Agricultural Commissioner**  
**Director of Weights & Measures**

ADDRESS

2366A Stanwell Circle, Concord, CA 94520

**STATE OF CALIFORNIA**

AGENCY NAME

**Department of Pesticide Regulation**

BY (Authorized Signature)

DATE SIGNED(Do not type)



PRINTED NAME AND TITLE OF PERSON SIGNING

ADDRESS

1001 I Street, Sacramento, CA 95814

**California Department of General  
Services Use Only**

☒ Exempt per:  
Delegation Letter 74.5

**EXHIBIT A**  
STANDARD AGREEMENT

**SCOPE OF WORK**

1. This Agreement is entered into by the Department of Pesticide Regulation, hereinafter referred to as DPR, and Contra Costa County, hereinafter referred to as Contractor.
2. This Agreement will commence on the start date July 1, 2015 as presented herein or upon final approval by the State, whichever is later and no work shall begin before that time. This Agreement is of no effect unless approved by the State. Contractor shall not receive payment for work performed prior to approval of the Agreement and before receipt of noticed to proceed by the Contract Manager. This Agreement shall expire on February 29, 2016. The services shall be provided during normal working hours.

3. The Project Representatives during the term of this Agreement will be:

- A. All official communications, except invoices, from the Contractor to DPR shall be directed to the attention of DPR Contract Manager, Erin Yee, at:

Department of Pesticide Regulation  
Enforcement Branch, MS 3B  
1001 I Street, P.O. Box 4015  
Sacramento, CA 95812-4015

Phone: (916) 445-3913      Fax: (916) 445-3907  
Email: [Erin.Yee@cdpr.ca.gov](mailto:Erin.Yee@cdpr.ca.gov)

- B. All programmatic communications from DPR to the Contractor shall be directed to the attention of Chad Godoy, County Agricultural Commissioner, or designee at the following address and phone/fax numbers:

Contra Costa County Agricultural Commissioner  
2366A Stanwell Circle  
Concord, CA 94520

Phone: (925) 646-5250      Fax: (925) 646-5732

- C. All payments from DPR to the Contractor shall be directed to:

TREAS CONTRA COSTA CNTY/AG COM  
2366A Stanwell Circle  
Concord, CA 94520

- D. The Project Representatives during the term of this Agreement may be changed by mutual written agreement without the necessity of formal amendment to this Agreement.

**EXHIBIT A**  
STANDARD AGREEMENT

**4. Background and Purpose**

The objective of this contract is to assist DPR in carrying out its Enforcement Evaluation and Improvement Project (EEIP).

The EEIP, and this contract, will assist DPR in its compliance with the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) statutory requirements pursuant to delegated enforcement authority from U.S. EPA through the three-party Cooperative Agreement<sup>1</sup> between U.S. EPA, DPR and County Agricultural Commissioners and Sealers Association, and Food and Agriculture Code section 2281<sup>2</sup>.

Over the years, the number of enforcement actions, method of submission, level of interaction between the County Agricultural Commissioner (CAC) and DPR staff, requested detail, and the timing of submission has varied considerably. Recently, DPR has determined there is a need to increase communication and collaboration with the CAC in the tracking, development, and preparation of enforcement responses. DPR review of notice of proposed actions and civil penalty action hearing decisions prior to issuance will support and strengthen enforcement and assist the CACs with difficult or complicated enforcement action decisions. In addition, this collaboration will assist DPR in determining whether enforcement actions are warranted at the state level.

EEIP activities include:

- The collection of complete compliance and enforcement data from the CAC for the purpose of evaluating individuals and businesses licensed by the state to determine if enforcement action is warranted;
- The evaluation of compliance and enforcement data to ensure statewide consistency with DPR policies, regulations and law, and identify trends that will be used to improve outreach and education to licensees; and,
- The improvement of communication and collaboration between DPR and the CAC in the tracking, development, and preparation of enforcement responses as needed to establish and implement county agricultural commissioner enforcement.

The work carried out under this contract includes the collection and submission of historical compliance and enforcement data. DPR will evaluate this data and dialogue with the CAC to determine if the enforcement responses are consistent and appropriate. In addition, collection and evaluation of several years' worth of compliance and enforcement data coupled with input from the CAC, will highlight

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<sup>1</sup> Cooperative Agreement included as Attachment 1 of this Agreement

<sup>2</sup> Food and Agricultural Code section 2281 included at Attachment 2 of this Agreement.

**EXHIBIT A**  
STANDARD AGREEMENT

chronic violators and allow DPR to pursue statewide enforcement actions against individuals and businesses licensed by the state.

**5. Contractor Responsibilities**

- A. Submit all complete inspections and associated follow-up inspections from January 1, 2014 through December 31, 2014 to DPR including:
  - 1) Field Worker Safety Inspection Report (PR-ENF-103);
  - 2) Pesticide Use Monitoring Inspection Report (PR-ENF-104);
  - 3) Commodity Fumigation Use Monitoring Inspection Report (PR-ENF-105);
  - 4) Field Fumigation Use Monitoring Inspection Report (PR-ENF-106);
  - 5) Structural Fumigation Use Monitoring Inspection Report (PR-ENF-107);
  - 6) Structural Use Monitoring Inspection Report (PR-ENF-108);
  - 7) Pest Control Headquarters Inspection Report (PR-ENF-109); and,
  - 8) Pest Control Business Headquarters Inspection Report (PR-ENF-110).
- B. Submit information pertaining to both pending and complete enforcement actions from January 1, 2014 through December 31, 2014 to DPR including:
  - 1) Notice of Proposed Action;
  - 2) Administrative civil penalty closing document (e.g., Stipulation and Waiver or Order); and,
  - 3) Enforcement/Compliance Action Summary form (DPR-ENF-046).
- C. Respond to any questions from DPR about the data, including how compliance data is linked to enforcement data.
- D. Communicate and collaborate with DPR
  - 1) In the tracking, development, and preparation of enforcement responses as needed.
  - 2) Provide input on proposed statewide enforcement actions against individuals and businesses licensed by the State.

**EXHIBIT A**  
STANDARD AGREEMENT

**6. DPR Responsibilities**

- A. Evaluate, communicate and collaborate with CAC and staff regarding how compliance data is linked to enforcement data.
- B. Communicate and collaborate with the CAC and staff in the tracking, development, and preparation of enforcement responses as needed to implement county agricultural commissioner enforcement.
- C. Obtain input from the CAC to determine if enforcement action is warranted when evaluating compliance and enforcement data on individuals and businesses licensed by the state.

**ATTACHMENT 2**  
**STANDARD AGREEMENT**

**FOOD AND AGRICULTURAL CODE - FAC**

**DIVISION 2. LOCAL ADMINISTRATION [2001 - 2344]**  
( *Division 2 enacted by Stats. 1967, Ch. 15.*  )

**CHAPTER 2. County Agricultural Commissioners and Their Employees [2101 - 2287]**  
( *Chapter 2 enacted by Stats. 1967, Ch. 15.*  )

**ARTICLE 8. Powers and Duties [2271 - 2287]**  
( *Article 8 enacted by Stats. 1967, Ch. 15.*  )

**2281.**

Except as otherwise specifically provided, in all cases where provisions of this code place joint responsibility for the enforcement of laws and regulations on the director and the commissioner, the commissioner shall be responsible for local administration of the enforcement program. The director shall be responsible for overall statewide enforcement and shall issue instructions and make recommendations to the commissioner. Such instructions and recommendations shall govern the procedure to be followed by the commissioner in the discharge of his duties. The director shall furnish assistance in planning and otherwise developing an adequate county enforcement program, including uniformity, coordination, training, special services, special equipment, and forms, statewide publicity, statewide planning, and emergency assistance.

The instructions and recommendations shall include a cost analysis of the local administration of such programs, determined from data supplied by the commissioner pursuant to Section 2272. Such cost analysis shall identify the joint programs or activities for which funds necessary to maintain adequate county administration and enforcement have not been provided. The director shall develop, jointly with the commissioners, county priorities for such enforcement programs and activities.

The director shall report annually to the Legislature his findings concerning the cost analysis with specific regard to programs where funds are inadequate for an efficient enforcement program, together with a listing of the priorities jointly established by the director and the commissioners that are contained in the formal instructions and recommendations of the director.

(*Amended by Stats. 1980, Ch. 820. Note: See this section as modified on July 17, 1991, in Governor's Reorganization Plan No. 1 of 1991.*)

CCC-307

**CERTIFICATION**

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective Contractor to the clause(s) listed below. This certification is made under the laws of the State of California.

<i>Contractor/Bidder Firm Name (Printed)</i> Contra Costa County		<i>Federal ID Number</i> 94-6000509
<i>By (Authorized Signature)</i>		
<i>Printed Name and Title of Person Signing</i> <b>Chad Godoy, Agricultural Commissioner Director of Weights &amp; Measures</b>		
<i>Date Executed</i>	<i>Executed in the County of</i>	

**CONTRACTOR CERTIFICATION CLAUSES**

1. STATEMENT OF COMPLIANCE: Contractor has, unless exempted, complied with the nondiscrimination program requirements. (Gov. Code §12990 (a-f) and CCR, Title 2, Section 8103) (Not applicable to public entities.)

2. DRUG-FREE WORKPLACE REQUIREMENTS: Contractor will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

- a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.
- b. Establish a Drug-Free Awareness Program to inform employees about:
  - 1) the dangers of drug abuse in the workplace;
  - 2) the person's or organization's policy of maintaining a drug-free workplace;
  - 3) any available counseling, rehabilitation and employee assistance programs; and,
  - 4) penalties that may be imposed upon employees for drug abuse violations.
- c. Every employee who works on the proposed Agreement will:
  - 1) receive a copy of the company's drug-free workplace policy statement; and,
  - 2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and Contractor may be ineligible for award of any future State agreements if the department determines that any of the following has occurred: the Contractor has made false certification, or violated the

certification by failing to carry out the requirements as noted above. (Gov. Code §8350 et seq.)

3. NATIONAL LABOR RELATIONS BOARD CERTIFICATION: Contractor certifies that no more than one (1) final unappealable finding of contempt of court by a Federal court has been issued against Contractor within the immediately preceding two-year period because of Contractor's failure to comply with an order of a Federal court, which orders Contractor to comply with an order of the National Labor Relations Board. (Pub. Contract Code §10296) (Not applicable to public entities.)

4. CONTRACTS FOR LEGAL SERVICES \$50,000 OR MORE- PRO BONO REQUIREMENT: Contractor hereby certifies that contractor will comply with the requirements of Section 6072 of the Business and Professions Code, effective January 1, 2003.

Contractor agrees to make a good faith effort to provide a minimum number of hours of pro bono legal services during each year of the contract equal to the lessor of 30 multiplied by the number of full time attorneys in the firm's offices in the State, with the number of hours prorated on an actual day basis for any contract period of less than a full year or 10% of its contract with the State.

Failure to make a good faith effort may be cause for non-renewal of a state contract for legal services, and may be taken into account when determining the award of future contracts with the State for legal services.

5. EXPATRIATE CORPORATIONS: Contractor hereby declares that it is not an expatriate corporation or subsidiary of an expatriate corporation within the meaning of Public Contract Code Section 10286 and 10286.1, and is eligible to contract with the State of California.

6. SWEATFREE CODE OF CONDUCT:

a. All Contractors contracting for the procurement or laundering of apparel, garments or corresponding accessories, or the procurement of equipment, materials, or supplies, other than procurement related to a public works contract, declare under penalty of perjury that no apparel, garments or corresponding accessories, equipment, materials, or supplies furnished to the state pursuant to the contract have been laundered or produced in whole or in part by sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor, or with the benefit of sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor. The contractor further declares under penalty of perjury that they adhere to the Sweatfree Code of Conduct as set forth on the California Department of Industrial Relations website located at [www.dir.ca.gov](http://www.dir.ca.gov), and Public Contract Code Section 6108.

b. The contractor agrees to cooperate fully in providing reasonable access to the contractor's records, documents, agents or employees, or premises if reasonably required by authorized officials of the contracting agency, the Department of Industrial Relations,

or the Department of Justice to determine the contractor's compliance with the requirements under paragraph (a).

7. DOMESTIC PARTNERS: For contracts over \$100,000 executed or amended after January 1, 2007, the contractor certifies that contractor is in compliance with Public Contract Code section 10295.3.

### **DOING BUSINESS WITH THE STATE OF CALIFORNIA**

The following laws apply to persons or entities doing business with the State of California.

1. CONFLICT OF INTEREST: Contractor needs to be aware of the following provisions regarding current or former state employees. If Contractor has any questions on the status of any person rendering services or involved with the Agreement, the awarding agency must be contacted immediately for clarification.

Current State Employees (Pub. Contract Code §10410):

- 1). No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.
- 2). No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (Pub. Contract Code §10411):

- 1). For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.
- 2). For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If Contractor violates any provisions of above paragraphs, such action by Contractor shall render this Agreement void. (Pub. Contract Code §10420)

Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (Pub. Contract Code §10430 (e))

2. LABOR CODE/WORKERS' COMPENSATION: Contractor needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and Contractor affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)

3. AMERICANS WITH DISABILITIES ACT: Contractor assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

4. CONTRACTOR NAME CHANGE: An amendment is required to change the Contractor's name as listed on this Agreement. Upon receipt of legal documentation of the name change the State will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.

5. CORPORATE QUALIFICATIONS TO DO BUSINESS IN CALIFORNIA:

a. When agreements are to be performed in the state by corporations, the contracting agencies will be verifying that the contractor is currently qualified to do business in California in order to ensure that all obligations due to the state are fulfilled.

b. "Doing business" is defined in R&TC Section 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are some statutory exceptions to taxation, rarely will a corporate contractor performing within the state not be subject to the franchise tax.

c. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California. Agencies will determine whether a corporation is in good standing by calling the Office of the Secretary of State.

6. RESOLUTION: A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.

7. AIR OR WATER POLLUTION VIOLATION: Under the State laws, the Contractor shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

8. PAYEE DATA RECORD FORM STD. 204: This form must be completed by all contractors that are not another state agency or other governmental entity.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Grant Award #29-338-20 from the Department of Health Care Services, Children Medical Services

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to accept, on behalf of the County, Grant Award #29-338-20, from the Department of Health Care Services, Children Medical Services, payable to the County in an amount not to exceed 1,761,219 for the Child Health and Disability Prevention (CHDP) and the Health Care Program for Children in Foster Care (HCPCFC), for the period from July 1, 2015 through June 30, 2016.

**FISCAL IMPACT:**

Approval of this grant award will result in \$1,761,219 of funding from the California Department of Health Care Services State and the Federal Financial Participation for the County's Child Health and Disability Prevention (CHDP) and the Health Care Program for Children in Foster Care (HCPCFC) projects. A county match of \$379,851 in County General Funds is required.

**BACKGROUND:**

The CHDP Program carries out State mandates regarding early and periodic

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Dan Peddycord,  
313-6712

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

By: , Deputy

cc: D Morgan, M Wilhelm

#### BACKGROUND: (CONT'D)

screening, diagnosis and treatment and case coordination of health and dental services for children on Medi-Cal or within the 200% poverty level. These services are federally required and consistent with approved standards of medical practice. The CHDP program is responsible for provider certifications, network and resource development, training, outreach, care coordination, follow up and communications with medical and dental providers.

Contract meets the social needs of County's population by providing. This program works closely with community providers, other health related agencies, Managed Care, County Departments including Employment and Human Services, Probation, and Community Services as well as other Health Services Divisions to provide a wide variety of health related consultation services.

The goal of the Program is to provide access to Contra Costa County low income children for periodic wellness care, provide further diagnosis and treatment for medical and dental problems found, assist with enrollment into a comprehensive plan, provide case coordination, follow up, and liaison to various resources, and provide case management and payment for care for children ages 0-21. The HCPCFC program carries out federal and state mandates for children in foster care and the juvenile justice system.

Approval of Grant Award #29-338-20 is necessary for the continuation of this long standing state and federal funding that supports these ongoing Public Health Programs: Child Health and Disability Prevention (CHDP and the Health Care Program for Children in Foster Care (HCPCFC) through June 30, 2016.

#### CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, the County will not receive funding to support the CHDP and the HCPCFC programs to comply with State and Federal requirements.

#### CHILDREN'S IMPACT STATEMENT:

Not Applicable

To: Board of Supervisors  
 From: William Walker, M.D., Health Services Director  
 Date: December 15, 2015



Contra  
 Costa  
 County

Subject: Interagency Agreement #29-513-18 with Mount Diablo Unified School District

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Interagency Agreement #29-513-18 with Mount Diablo Unified School District, a government agency, to pay County an amount not to exceed \$533,891, to provide professional school-based mental health services, and crisis intervention, and day treatment for certain Special Education and regular students, for the period from July 1, 2015 through June 30, 2016.

**FISCAL IMPACT:**

Approval of this Interagency Agreement will result in an amount not to exceed \$533,891 from Mount Diablo Unified School District. No County match required.

**BACKGROUND:**

Fred Finch Youth Center, Families First, and Seneca Residential & Day Treatment Center for Children work collaborative with the County and school district personnel in

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
 COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Cynthia Belon  
 925-957-5201

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

By: , Deputy

cc: D Morgan, M Wilhelm

**BACKGROUND: (CONT'D)**

developing program services and policies. The Primary goal of the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program and non-Medi-Cal mental health programs are to continue to provide seriously emotionally disturbed children with the services and the support they need to function effectively in school, at home, and in the community.

Approval of Interagency Agreement #29-513-18 will allow Mount Diablo Unified School District to continue to pay County for the provision of professional mental health services through June 30, 2016.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this agreement is not approved, special education and regular students will not receive school-based mental health services, crisis intervention services.

**CHILDREN'S IMPACT STATEMENT:**

This program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



Contra  
Costa  
County

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services  
Date: December 15, 2015

Subject: 2016-17 Low Income Home Energy Assistance Program funding

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment & Human Services Director, or designee, to execute a contract with California Department of Community Services and Development, including a modified indemnification language, to pay County an amount not to exceed \$1,926,699 for Low Income Home Energy Assistance Programs for a term January 1, 2016 through January 31, 2017.

**FISCAL IMPACT:**

100% Federal funds (CFDA # 93.568) passed through  
California Department of Community Services and Development  
County match: \$0  
State: 16B-4005 / CCC: 39-806-31

**BACKGROUND:**

Contra Costa County has received funding from the State Department of Community Services and Development for 20 years wherein the county provides energy bill assistance payments and weatherization services to county residents

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 12/15/2015 ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: CSB,  
925-681-6304

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

By: , Deputy

cc:

#### BACKGROUND: (CONT'D)

who are income-eligible to receive said services. The funding sources include Low Income Home Energy Assistance Program (LIHEAP), the Energy Crisis Intervention Program (ECIP), and the Department of Energy (DOE), the Low Income Weatherization Program ILIWP) and the Toilet Retrofit Program (TRP).

The county receives the money via the Employment & Human Services Department (EHSD). EHSD, in turn, partners with the county Department of Conservation and Development to provide energy saving home improvements to low-income families throughout unincorporated Contra Costa County, as well as the County's nineteen cities.

The energy savings measures may provide homes with hot water heaters, furnaces, refrigerators, microwaves, doors, windows, fluorescent light bulbs, weather stripping, ceiling fans, and attic insulation. Homes receive a blower door test (a diagnostic tool to locate and correct air infiltration), and homes with gas appliances receive a combustion appliance safety test that checks for carbon monoxide gas leakage. Homes with gas appliances are provided with a carbon monoxide alarm.

This funding also includes the Home Energy Assistance Program (HEAP) where residents of the County can qualify for a credit on their energy bills.

Both programs use income based eligibility. The income levels are based on the Federal Fiscal Year 2015 Poverty Guidelines. Once eligibility is determined, clients with no hot water, no heat, or are in danger of having their power shut off are served as emergencies. Service is then based on clients with the lowest income, highest energy burden and families with at least one resident who is considered vulnerable population.

#### CONSEQUENCE OF NEGATIVE ACTION:

If not approved, County may not receive funding to operate LIHEAP.

#### CHILDREN'S IMPACT STATEMENT:

The Employment & Human Services Department, Community Services Bureau energy program supports one Contra Costa County community outcome - Outcome #4: "Families that are Safe, Stable and Nurturing." This outcome is supported by the provision of home energy assistance to keep households warm in winter and to increase household energy efficiency.



Contra  
Costa  
County

To: Board of Supervisors  
From: Kathy Gallagher  
Date: December 15, 2015

Subject: 2016 Community Services Block Grant (CSBG) revenue contract

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment & Human Services Director, or designee, to accept funding from California Department of Community Services and Development, including a modified indemnification language, in an amount not to exceed \$212,212, for Community Services Block Grant program services during the term January 1, 2016 through December 31, 2016.

**FISCAL IMPACT:**

100% Federal funding via  
California Department of Community Services & Development  
Pass through of Federal funds / CFDA # 93.569  
No County match

State: 16F-5007  
County: 39-813-40

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 12/15/2015 ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: CSB (925)  
681-6345

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

By: , Deputy

cc: Christina Reich, Sam Mendoza, Cassandra Youngblood

#### **BACKGROUND:**

The Department received notification of funding from California Department of Community Services and Development on November 12, 2015. As the County's Community Action Agency, the Department's Community Services Bureau regularly receives Community Services Block Grant (CSBG) funding to operate self-sufficiency programs under the advisement of the County's Economic Opportunity Council (EOC). The funding amount is based on the County's low-income population which meets federal poverty guidelines. This initial award for the 2016 program year is a partial allocation based on the partial grant award received by the State from the federal government for CSBG. The County will receive its remaining allocation once the State receives the funding from the federal department of Health and Human Services.

#### **CONSEQUENCE OF NEGATIVE ACTION:**

If not approved, the Department will be hampered in its ability to meet the needs of the community and to establish partnerships with community based agencies and public organizations.

#### **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: Ed Woo, Department of Information Technology  
Date: December 15, 2015

Subject: East Bay Regional Communications System (EBRCS) Interagency Agreement

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Chief Information Officer, or designee, to execute an Interagency Agreement amendment with East Bay Regional Communications System Authority (EBRCSA), effective December 1, 2015, to increase the payment limit to the County by \$250,000 to a new payment limit of \$900,000, allowing the Department of Information Technology's Radio Group continue to provide radio and microwave related services for the East Bay Regional Communication System (EBRCS) Project 25 Public Safety Communication System, for the period December 4, 2012 through June 30, 2017.

**FISCAL IMPACT:**

Revenue for the Department of Information Technology's Radio Group.

**BACKGROUND:**

The EBRCS Project 25 Communication System is currently being built. The West Contra Costa County area will be the first phase of the implementation. EBRCS Joint Powers Authority (JPA) has approved and directed that Contra Costa County Radio Service Staff be one of the primary service providers to perform system repairs, installations, programming, and upgrades as directed by the JPA for the radio sites and 911 dispatch centers on the East Bay Regional Communications System.

In accordance with Administrative Bulletin No 611.0, County Departments are required to get Board approval for single item purchases over \$100,000. The County Administrator's Office has reviewed this request and recommends approval.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Ed Woo, CIO  
925-383-2688

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Loss of revenue for the Department of Information Technology's Radio Group.



Contra  
Costa  
County

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services  
Date: December 15, 2015

Subject: 2015 Low Income Home Energy Assistance Program funding, amendment 3

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment & Human Services Director, or designee, to execute a contract amendment with California Department of Community Services and Development, to increase the payment limit by \$388,873 to a new limit of \$4,603,418, for Low Income Home Energy Assistance Programs with term January 1, 2015 through September 30, 2016.

**FISCAL IMPACT:**

100% Federal funds / CFDA # 93.568  
California Department of Community Services and Development  
Pension costs: \$318,491  
County match: \$0  
State: 15B-3005, Amend 3 / CCC: 39-806-30

**BACKGROUND:**

Contra Costa County has received funding from the State Department of Community Services and Development for 20 years wherein the county provides energy bill assistance payments

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 12/15/2015 ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: CSB,  
925-681-6304

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

By: , Deputy

cc: Jagjit Bhambra, Sam Mendoza

#### BACKGROUND: (CONT'D)

and weatherization services to county residents who are income-eligible to receive said services. The funding sources include Low Income Home Energy Assistance Program (LIHEAP), the Energy Crisis Intervention Program (ECIP), and the Department of Energy (DOE).

The county receives the money via the Employment & Human Services Department (EHSD). EHSD, in turn, partners with the county Department of Conservation and Development to provide energy saving home improvements to low-income families throughout unincorporated Contra Costa County, as well as the County's nineteen cities.

The energy savings measures may provide homes with hot water heaters, furnaces, refrigerators, microwaves, doors, windows, fluorescent light bulbs, weather stripping, ceiling fans, and attic insulation. Homes receive a blower door test (a diagnostic tool to locate and correct air infiltration), and homes with gas appliances receive a combustion appliance safety test that checks for carbon monoxide gas leakage. Homes with gas appliances are provided with a carbon monoxide alarm.

This funding also includes the Home Energy Assistance Program (HEAP) where residents of the County can qualify for a credit on their energy bills.

Both programs use income based eligibility. The income levels are based on the Federal Fiscal Year 2014 Poverty Guidelines. Once eligibility is determined, clients with no hot water, no heat, or are in danger of having their power shut off are served as emergencies. Service is then based on clients with the lowest income, highest energy burden and families with at least one resident who is considered vulnerable population.

The board approved receipt of funding for 2015-16 on January 13, 2015. The board approved receipt of additional funding on May 12, 2015 and again on November 3, 2015. The State routinely amends these contracts as more funding becomes available; this amendment accepts additional funding for the program year.

#### CONSEQUENCE OF NEGATIVE ACTION:

If not approved, County may not receive funding to operate LIHEAP.

#### CHILDREN'S IMPACT STATEMENT:

The Employment & Human Services Department, Community Services Bureau energy program supports one Contra Costa County community outcome - Outcome #4: "Families that are Safe, Stable and Nurturing." This outcome is supported by the provision of home energy assistance to keep households warm in winter and to increase household energy efficiency.



Contra  
Costa  
County

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: December 15, 2015

Subject: 2015-16 CDE Alternative Payment Childcare services revenue contract amendment

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment & Human Services Department Director, or designee, to execute a revenue agreement amendment with the California Department of Education for alternative payment childcare programs operated by the county, to increase the payment limit by \$344,431 to new amount not to exceed \$1,259,141 and no change to term July 1, 2015 through June 30, 2016.

**FISCAL IMPACT:**

No County match.

67.9% Federal / CFDA # 93.596 (\$854,445)

32.1% State (\$404,696)

Federal funds passed through State through the Department of Education

State: CAPP 5010 / Amend 1

County: 29-212-25

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 12/15/2015 ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: CSB (925)  
681-6333

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

By: , Deputy

cc: Ressie Dayco, Eric Pormento, Cassandra Youngblood

**BACKGROUND:**

The Department was notified by California Department of Education on June 3, 2015 of the county's 2015-16 allocation for the Alternative Payment childcare services program. The Alternative Payment childcare services program provides funding for program eligible families to receive services. Priority is given to families who interface with Child Protective Services; families with children at-risk of abuse and neglect; low-income families; and families with children who have special needs. The board approved receipt of funds on June 16, 2015.

The State routinely adds funds to these revenue agreements; this board order is to accept additional funding for 2015-16.

**CONSEQUENCE OF NEGATIVE ACTION:**

If not approved, County will not receive funding to operate this childcare program.

**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: Kathy Gallagher, Employment & Human Services Director  
Date: December 15, 2015

Subject: Amend Contract with Goodwill Industries for STEP-UP Program

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Goodwill Industries of the Greater East Bay, effective November 1, 2015 to increase the payment limit by \$189,433 to a new payment limit of \$1,917,572 and extend the contract term from October 31, 2015 to December 31, 2015 to provide entry level paid work experience to designated California Work Opportunity and Responsibility to Kids (CalWORKs) participants.

**FISCAL IMPACT:**

\$1,917,572: \$1,238,454 (85% Federal and 15%, State California Work Opportunity and Responsibility to Kids (CalWORKs) Single Allocation. Revenue) and (\$679,118: 100% Federal CalWORKs Expanded Subsidized Employment Revenue).

**BACKGROUND:**

The purpose of this amendment is to increase the payment limit, and to extend the contract term to December 31, 2015, to enable competitive bidding process.



APPROVE



OTHER



RECOMMENDATION OF CNTY ADMINISTRATOR



RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Vickie Kaplan  
3-1514

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

By: , Deputy

cc:

#### BACKGROUND: (CONT'D)

The objective of the Subsidized Temporary Experience with Pay for the Under-Employed Program (STEP-UP) is to provide entry level paid work experience to designated California Work Opportunity and Responsibility to Kids (CalWORKs) participants who are not meeting their Welfare-to-Work (WTW) participation requirement by immediately placing them into paid worksite assignments for a maximum of 30 days.

The goal of STEP-UP, when coupled with their necessary WTW activities and services, is to immediately engage WTW participants by providing an exposure to work and basic job skills ultimately leading to their long-term job placement.

#### CONSEQUENCE OF NEGATIVE ACTION:

Without contract approval, STEP-UP will not continue in Contra Costa County.

#### CHILDREN'S IMPACT STATEMENT:

The contract supports three of the five community outcomes established in the Children's Report Card: 3) "Families that are Economically Self Sufficient"; 4) "Families that are Safe, Stable and Nurturing"; and, 5) "Communities that are Safe, and Provide a High Quality of Life for Children and Families" by providing paid short term entry level work experience to CalWORKs Welfare-to-Work participants.



Contra  
Costa  
County

To: Board of Supervisors  
From: Robin Lipetzky, Public Defender  
Date: December 15, 2015

Subject: Contract Payable (Lawyers for America)

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Public Defender, or designee, to execute a Field Agency Agreement and accompanying Memoranda of Agreement with University of California Hastings College of Law and Lawyers for America in an amount not to exceed \$102,000 to provide work experiences for two (2) law students for the Lawyers of America program for the period of August 15, 2015 through September 15, 2017.

**FISCAL IMPACT:**

\$102,000, 100% General Fund

**BACKGROUND:**

These Agreements will extend and continue the Lawyers of America Program between UC Hastings College of Law and the Contra Costa County Public Defender's Office. As applied in this Office, the program combines academic legal training with real world criminal defense in the County's trial courts. This Program is an internship activity which aims to improve the lawyering skills of new lawyers while expanding the availability of legal services for those defendants who cannot afford to hire lawyers and for the public by providing two-year work experiences in the public and nonprofit business sectors. The primary

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☒ APPROVE

☐ OTHER

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COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Richard Loomis,  
925-335-8093

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

purpose of these Agreements is to further the educational objectives of the Program by placing two (2) clinical Fellows with the Agency to work under the direction of a designated attorney supervisor and other Agency attorneys in the defense of criminal cases.

CONSEQUENCE OF NEGATIVE ACTION:

The Office of the Public Defender would not be able to continue participation in the Lawyers for America Program.

CHILDREN'S IMPACT STATEMENT:

No impact.



Contra  
Costa  
County

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: December 15, 2015

Subject: APPROVE and AUTHORIZE a purchase order for a Neopost DS-1200 Inserter for production mail services

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute on behalf of the Public Works Director, a purchase order with Neopost Inc. for a DS-1200 Intelligent Inserting System to be used by Print and Mail Services in the amount of \$346,798.

**FISCAL IMPACT:**

The cost will initially be charged to the General Fund Fixed Assets account and recovered through charges to Contra Costa County Departments for inserting services.

**BACKGROUND:**

The current equipment for Print and Mail Services has reached the end of its life-cycle and manufacturing parts are no longer available. The Neopost DS-1200 has the ability to insert all envelope sizes we use, thereby reducing the amount of manual labor and the potential for human errors. The inserter on the upgraded equipment operates at a faster speed which will reduce time spent on large jobs.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this request is not approved the cost of mailing for the Contra Costa County departments will increase.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

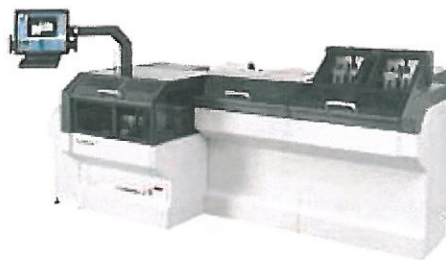
Contact: Marie Estrada (925)  
646-5515

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

By: , Deputy

cc:

ATTACHMENTS



## INVESTMENT SUMMARY

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### **Recommended Eight-Station DS-1200 Solution Investment:**

**Neopost's NASPO ValuePoint Contract # ADSP011-000004114-4**

(Formerly referred to as "WSCA")

#### Solution Purchase Option:

Solution Total Investment	\$ 429,294.00
Less "NASPO ValuePoint Contract" Discount	<u>\$(111,130.00)</u>
Solution <i>Discounted</i> Total Investment	<b>\$ 318,164.00</b>

**Note: Price includes freight, complete installation, and set up**

#### TERMS:

F.O.B.:	<i>Freight &amp; Installation Included</i>
Maintenance:	<i>All Parts and labor for up to 500,000 filled envelopes/month (on average)</i> <i>*First year of Maintenance is FREE on NASPO Contract</i>
Delivery Time:	<i>9-Weeks (Complete functionality within 120 days)</i>

Pricing Valid for up to 60 Days from quote date: November 24, 2015!



**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Amendment #26-715-4 with Walnut Creek Surgical Associates, Inc.

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #26-715-4 with Walnut Creek Surgical Associates, Inc., a corporation, effective September 1, 2015, to amend Contract #26-715-3, to increase the payment limit by \$1,050,000, from \$1,350,000 to a new payment limit of \$2,400,000, with no change in the original term of January 1, 2015 through December 31, 2017.

**FISCAL IMPACT:**

This amendment is funded 100% Hospital Enterprise Fund I. (No rate increase)

**BACKGROUND:**

On February 3, 2015, the Board of Supervisors approved Contract #26-715-3 with Walnut Creek Surgical Associates, Inc., for the provision of general surgery services, including, but not limited to; consultation, on-call, medical and/or surgical procedures at Contra Costa Regional Medical Center and Health Centers (CCRMC), for the period from January 1, 2015 through December 31, 2017. At the time of negotiations, the payment limit was based on target levels of utilization. However, the utilization during the term of the agreement was higher than originally anticipated. Approval of Contract Amendment Agreement #26-715-4 will allow the Contractor to provide additional surgery services at CCRMC through December 31, 2017.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Samir Shah, M.D.,  
925-370-5475

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

By: , Deputy

cc: K Cyr, N Rios

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, patients requiring surgery services at CCRMC will not have access to Contractor's services.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Contract #27-420-6 with Monica L. Wood (dba Pinnacle Mental Wellness Group)

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #27-420-6 with Monica L. Wood (dba Pinnacle Mental Wellness Group), an individual, in an amount not to exceed \$150,000 to provide outpatient psychotherapy services to Contra Costa Health Plan (CCHP) members for the period from January 1, 2016 through December 31, 2017.

**FISCAL IMPACT:**

This Contract is funded 100% by Contra Costa Health Plan Enterprise Fund II (No rate increase)

**BACKGROUND:**

In February 2014, the County Administrator approved and the Purchasing Services Manager executed Contract #27-420-5 with Monica Wood, MFT, for the provision of outpatient psychotherapy services to CCHP members for the period from January 1, 2014 through December 31, 2015. Approval of Contract #27-420-6 will allow the contractor to continue providing outpatient psychotherapy services, through December 31, 2017.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Patricia Tanquary  
313-6004

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

By: , Deputy

cc: A Floyd, N Rios

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 contract 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., Health Services Director  
Date: December 15, 2015

Subject: Contract #26-595-12 with Bay Area Executive Search, Inc.

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-595-12 with Bay Area Executive Search, Inc., a corporation, in an amount not to exceed \$150,000, to provide recruitment for pharmacist candidates, and specialized registered nurses for the Safety and Performance Improvement Department for the period from November 1, 2015 through October 31, 2016.

**FISCAL IMPACT:**

This Contract is funded 100% Hospital enterprise Fund I. (No rate increase)

**BACKGROUND:**

In November 2014, the County Administrator approved and the Purchasing Services Manager executed Contract #26-595-10 (as amended by Amendment Agreement #26-595-11) with Bay Area Executive Search, Inc., for the provision of recruitment for pharmacist candidates, and specialized registered nurses for the Safety and Performance Improvement Department, for the period from November 1, 2014 through October 31, 2015. Approval of Contract #26-595-12 will allow Contractor to continue providing recruitment for pharmacist candidates, and specialized registered nurses for the Safety and Performance Improvement Department through October 31, 2016.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Anna Roth,  
925-370-5101

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

By: , Deputy

cc: K Cyr, N Rios

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, recruitment services will not be provided by the Contractor.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: December 15, 2015

Subject: Contract Amendment with Alta Planning & Design for the Olympic Corridor Trail Connector Study

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a contract amendment with Alta Planning & Design to extend the term from December 31, 2015 through December 31, 2016 with no change to the payment limit of \$278,873, to complete the planning study of the Olympic Corridor Trail Connector.

**FISCAL IMPACT:**

No impact to the General Fund. 100% Measure J Return to Source Funding.

**BACKGROUND:**

The Department of Conservation and Development (DCD) received a grant from the Contra Costa Transportation Authority to fund a study that will identify options for improving the non-motorized connection along the Olympic Boulevard Corridor between the Lafayette-Moraga Trail and the Iron Horse Trail. In December, 2012, DCD contracted with Alta Planning & Design to develop the Olympic Corridor Trail Connector Study.

A contract amendment was approved on December 16, 2014 for Alta Planning & Design to perform additional tasks related to the Study, including additional necessary technical review of the recommended alignment (technology, materials, existing conditions), cost refinement, and implementation coordination. The contract amendment began on January 1, 2015 and is due to expire on December 31, 2015.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Robert Sarmiento (925)  
674-7822

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

DCD is seeking to extend the contract amendment through December 31, 2016 in order that Alta Planning & Design can continue to perform these additional tasks, as staff and the consultant were not able to initiate the final tasks during the original contract period.

The funding amount is unchanged. County Counsel has reviewed and approved the contract extension as to form.

CONSEQUENCE OF NEGATIVE ACTION:

If the contract extension is not approved, the contractor will be unable to continue performing the tasks required to complete this study.

ATTACHMENTS

Exhibit A Alta Signature Page

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )

)

COUNTY OF CONTRA COSTA )

On \_\_\_\_\_ (Date),

before me, \_\_\_\_\_ (Name and Title of the Officer),

personally appeared, \_\_\_\_\_,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.

\_\_\_\_\_  
Signature of Notary Public



Place Seal Above

ACKNOWLEDGMENT (by Corporation, Partnership, or Individual)  
(Civil Code §1189)

APPROVALS

RECOMMENDED BY DEPARTMENT

FORM APPROVED BY COUNTY COUNSEL

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

By:  \_\_\_\_\_  
Deputy County Counsel

APPROVED: COUNTY ADMINISTRATOR

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



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: December 15, 2015

Subject: APPROVE and AUTHORIZE a Purchase Order with Sam Clar Office Furniture Inc./Allsteel for Office Furniture at the Contra Costa County Finance Building

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute, on behalf of the Public Works Director, a purchase order with Sam Clar Office Furniture Inc./Allsteel, in the amount of \$201,448.87 for office furniture, for the Renovations and Remodeling at the Contra Costa County Finance Building, 625 Court Street, Martinez Project.

**FISCAL IMPACT:**

100% General Fund.

**BACKGROUND:**

The County Finance Building at 625 Court Street is undergoing a major renovation and remodeling. The building houses the Audit-Controller's office staff who currently are utilizing furniture which is out dated and disjointed. New furniture is required in order to create a more efficient and cohesive work environment improving efficiency and adding additional work space.

**CONSEQUENCE OF NEGATIVE ACTION:**

Not allowing the Auditor-Controller's Office to renovate their work space will maintain an inefficient and antiquated work environment and have an adverse impact on staff and the ability to add functional work space.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Ramesh Kanzaria, (925)  
313-2000

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

By: , Deputy

cc: PW Accounting, PW CPM Clerical, PW CPM Division Manager, PW CPM Project Manager, Auditor's Office, County Administrator's Office, County Administrator's Office



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Contract #74-085-14 with BAS Resources, Inc. (DBA - BAS Healthcare)

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #74-085-14 with BAS Resources, Inc. (DBA - BAS Healthcare), a corporation, in an amount not to exceed \$116,000, to provide psychiatric recruitment services for the Behavioral Health Services Division/Mental Health Psychiatric Program, for the period from July 1, 2015 through June 30, 2016.

**FISCAL IMPACT:**

This Contract is funded 100% Mental Health Realignment.

**BACKGROUND:**

This Contract allows for psychiatric recruitment services for the Behavioral Health Services Division/Mental Health Psychiatric Program, including, but not limited to: recruiting, screening and interviewing qualified psychiatrists who the County may hire for permanent placement.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Cynthia Belon,  
957-5201

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

By: , Deputy

cc: D Morgan, M Wilhelm

**BACKGROUND: (CONT'D)**

Under Contract #74-085-14 Contractor will provide psychiatric recruitment services for the Behavioral Health Services Division/Mental Health Psychiatric Program through June 30, 2016.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, County will not have access to Contractor's psychiatrist recruitment services.

**CHILDREN'S IMPACT STATEMENT:**

Not Applicable



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Contract #26-232 with UHS Surgical Services, Inc.

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-232 with UHS Surgical Services, Inc., a corporation, in an amount not to exceed \$158,000, to provide medical lasers, equipment and certified technicians to operate lasers in the Surgical Unit at Contra Costa Regional Medical Center and Contra Costa Health Centers (CCRMC) for the period from September 1, 2015 through August 31, 2017.

**FISCAL IMPACT:**

This Contract is funded 100% Hospital Enterprise Fund I.

**BACKGROUND:**

For several years, the Contractor has been providing medical lasers, equipment and certified technicians to operate lasers in the Surgical Unit at CCRMC. Under Contract #26-232, the Contractor will provide medical lasers, equipment and certified technicians to operate lasers in the Surgical Unit at CCRMC for the period September 1, 2015 through August 31, 2017.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, patients at CCRMC will not have access to Contractor's services.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Anna Roth,  
925-370-5101

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

By: , Deputy

cc: K Cyr, N Rios

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Contract #24-942-19 with Victor Kogler

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #24-942-19 with Victor Kogler, an individual, in an amount not to exceed \$125,938, to provide consultation, technical assistance and operational support to the Behavioral Health Services Division/Alcohol and Other Drugs Services (AODS) with regard to the Division's System of Care, for the period from January 1 through December 31, 2016.

**FISCAL IMPACT:**

This Contract is funded 10% Federal Prevention Set-Aside, 60% Federal Substance Abuse Prevention Treatment Discretionary/Realignment, 30% County Realignment Funds. (No rate increase).

**BACKGROUND:**

On January 6, 2015, the Board of Supervisors approved Contract #24-942-18 with Victor Kogler for the provision of consultation and technical assistance to the Department with regard to the System of Care including, but not limited to, reviewing and making recommendations with regard to client services and levels of care, collecting and analyzing data for the client satisfaction

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☒ APPROVE

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☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Cynthia Belon,  
957-5201

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

By: , Deputy

cc: E Suisala, M Wilhelm

**BACKGROUND: (CONT'D)**

surveys and providing written recommendations to the Behavioral Health Services/AODS Director, for the period from January 1, 2015 through December 31, 2015.

Approval of Contract #24-942-19 will allow the Contractor to continue providing services through December 31, 2016.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, Behavioral Health Services Division/AODS will not receive consultation, technical assistance and operational support to the Division's System of Care from this Contractor.

**CHILDREN'S IMPACT STATEMENT:**

Not Applicable



**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Novation Contract #74-317-11 with Alternative Family Services, Inc.

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #74-317-11 with Alternative Family Services, Inc., a non-profit corporation, in an amount not to exceed \$722,437, to provide Multidimensional Treatment Foster Care (MTFC) services to Seriously Emotionally Disturbed (SED) youth and their families, for the period from July 1, 2015 through June 30, 2016. This Contract includes a six-month automatic extension through December 31, 2016, in an amount not to exceed \$361,219.

**FISCAL IMPACT:**

This Contract is funded 50% Federal Financial Participation; 50% County Mental Health Realignment. (No rate increase)

**BACKGROUND:**

This Contract meets the social needs of County's population in that it provides MTFC services to SED youth who are in foster care or in Intensive Treatment Foster Care homes, and their families, including mental health services, medication support, and crisis intervention.

On October 21, 2014, the Board of Supervisors approved Novation Contract #74-317-10 with

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☒ APPROVE

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COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Cynthia Belon,  
957-5201

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

By: , Deputy

cc: E Suisala, M Wilhelm

**BACKGROUND: (CONT'D)**

Alternative Family Services, Inc., for the period from July 1, 2014 through June 30, 2015, with a six-month automatic extension through December 31, 2015, for the provision of a MTFC program for SED adolescents. Approval of Novation Contract #74-317-11 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2016.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, multidimensional treatment foster care services for seriously emotionally disturbed youth and their families will not be provided.

**CHILDREN'S IMPACT STATEMENT:**

This program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Novation Contract #74-058-21 with Seneca Family of Agencies

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #74-058-21 with Seneca Family of Agencies, a non-profit corporation, in an amount not to exceed \$6,801,137, to provide mobile crisis response and school- and community-based children's specialty mental health services for the period from July 1, 2015 through June 30, 2016. This Contract includes a six-month automatic extension through December 31, 2016, in an amount not to exceed \$3,400,569.

**FISCAL IMPACT:**

This Contract is funded 48% Federal Financial Participation; 47% Mental Health Realignment; 5% Mental Health Services Act. (No rate increase)

**BACKGROUND:**

On February 3, 2015, the Board of Supervisors approved Novation Contract #74-058-20 with Seneca Family of Agencies for the provision of mobile crisis response and children's specialty mental health services, for the

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☒ APPROVE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Cynthia Belon,  
957-5201

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

By: , Deputy

cc: E Suisala, M Wilhelm

**BACKGROUND: (CONT'D)**

period July 1, 2014 through June 30, 2015, which included a six-month automatic extension through December 31, 2015.

Approval of Novation Contract #74-058-21 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing mobile crisis response and school- and community-based children's specialty mental health services through June 30, 2016.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, SED children throughout the County will not have access to Contractor's mobile crisis, and school- and community-based mental health services possibly resulting in the need for higher levels of care.

**CHILDREN'S IMPACT STATEMENT:**

This program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Contract #74-343-7 with Richard D. Baldwin, M.D.

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #74-343-7 with Richard D. Baldwin, M.D., an individual, in an amount not to exceed \$220,800, to provide geriatric psychiatric services for County's Adult Mental Health Clinics, for the period from January 1, 2016 through December 31, 2016.

**FISCAL IMPACT:**

This Contract is funded 100% Mental Health Realignment Fund. (No rate increase)

**BACKGROUND:**

For a number of years the County has contracted with Medical, Dental and Mental Health Specialists to provide specialized professional services, which are not otherwise available in its Hospital and Health Centers. On January 6, 2015, the Board of Supervisors approved Contract #74-343-6 with Richard D. Baldwin, M.D. for the provision of geriatric psychiatric services for seriously and persistently mentally ill older adults at the County's Adult Mental Health Clinics, for the period from January 1, 2015 through December 31, 2015.

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☒ APPROVE

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COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Cynthia Belon,  
925-957-5201

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

By: , Deputy

cc: E Suisala, M Wilhelm

**BACKGROUND: (CONT'D)**

Approval of Contract #74-343-7 will allow the Contractor to continue providing geriatric psychiatric services through December 31, 2016.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, County's clients will not have access to Contractor's professional geriatric psychiatric services, which may result in a reduction in overall levels of service to the community.

**CHILDREN'S IMPACT STATEMENT:**

Not Applicable



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Contract #74-286-13 with Crestwood Behavioral Health, Inc.

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #74-286-13 with Crestwood Behavioral Health, Inc., a corporation, in an amount not to exceed \$1,326,585, to provide mental health services to severely and persistently mentally ill (SPMI) adults, including mutual indemnification, for the period from January 1, 2016 through December 31, 2016.

**FISCAL IMPACT:**

This Contract is funded 44% Federal Financial Participation; 26% State Mental Health Services Act (MHSA); 30% Mental Health Realignment. (No rate increase)

**BACKGROUND:**

This Contract meets the social needs of County's population by providing transitional residential treatment, rehabilitative services, medication support, and mental health services to SPMI adult clients at its Crestwood Healing Center.

On May

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☒ APPROVE

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Action of Board On: 12/15/2015 ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Cynthia Belon  
957-5201

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

By: , Deputy

cc: E Suisala, M Wilhelm

**BACKGROUND: (CONT'D)**

12, 2015, the Board of Supervisors approved Contract #74-286-12 with Crestwood Behavioral Health, Inc., for the period from January 1, 2015 through December 31, 2015, for the provision of day treatment and mental health services to SPMI adults.

Approval of Contract #74-286-13 will allow the Contractor to continue providing services through December 31, 2016, including mutual indemnification to hold harmless both parties for any claims arising out of the performance of this Contract.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, County's SPMI clients will have reduced access to the mental health treatment services that they require.

**CHILDREN'S IMPACT STATEMENT:**

Not Applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Novation Contract #24-680-28 with Telecare Corporation

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #24-680-28 with Telecare Corporation, a corporation, in an amount not to exceed \$1,352,909, to provide gero-psychiatric and subacute mental health care services to severely and persistently mentally ill (SPMI) clients for the period from July 1, 2015 through June 30, 2016. This Contract includes a six-month automatic extension through December 31, 2016, in an amount not to exceed \$676,455.

**FISCAL IMPACT:**

This Contract is funded 76% Mental Health Realignment and 24% Hospital Utilization Review (Rate increased)

**BACKGROUND:**

This Contract meets the social needs of County's population by providing

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COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Cynthia Belon,  
957-5201

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

By: , Deputy

cc: D Morgan, M Wilhelm

**BACKGROUND: (CONT'D)**

gero-psychiatric services and subacute care for SPMI County residents at Contractor's Villa Fairmont Mental Health Center, Garfield Mental Health Center, Gladman Psychiatric Health Facility, and Morton Bakar Center. This Contract is part of the Department's cost saving plan to reduce the number of high-cost State Hospital beds by developing alternative placements.

On January 6, 2015, the Board of Supervisors approved Novation Contract #24-680-26 (as amended by Contract Amendment Agreement 24-680-27) with Telecare Corporation, for the period from July 1, 2014 through June 30, 2015, which included a six-month automatic extension through December 31, 2015, for the provision of gero-psychiatric and subacute mental health care for SPMI clients.

Approval of Novation Contract #24-680-28 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2016.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, County's SPMI adults will not have access to Contractor's gero-psychiatric and sub-acute care services resulting in placements in State Hospital facilities at greater cost to the County.

**CHILDREN'S IMPACT STATEMENT:**

Not Applicable



**Contra  
Costa  
County**

To: Board of Supervisors

From: William Walker, M.D., Health Services Director

Date: December 15, 2015

Subject: Novation Contract #74-322-12 with Youth Homes Incorporated

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #74-322-12 with Youth Homes Incorporated, a non-profit corporation, in an amount not to exceed \$3,628,466, to provide residential treatment and Therapeutic Behavioral Services (TBS), for the period from July 1, 2015 through June 30, 2016. This Contract includes a six-month automatic extension through December 31, 2016, in an amount not to exceed \$1,814,233.

**FISCAL IMPACT:**

This Contract is funded 50% Federal Financial Participation; 50% Mental Health Realignment. (Rate increase)

**BACKGROUND:**

This Contract meets the social needs of County's population by providing residential Behavioral services, including case management, medication support, crisis intervention, mental health, and TBS to Medi-Cal eligible Severely Emotionally Disturbed (SED) children.

On October 21, 2014, the Board of Supervisors approved Novation Contract #74-322-11 with Youth Homes Incorporated for the period from July 1, 2014 through June 30, 2015, which included a six month automatic extension through December 31, 2015, for the provision of residential day treatment and TBS.

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☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Cynthia Belon  
957-5201

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

By: , Deputy

cc: E Suisala, M Wilhelm

**BACKGROUND: (CONT'D)**

Approval of Novation Contract #74-322-12 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services, through June 30, 2016.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, there would be fewer step-down group home options available in the County and children requiring this level of care may experience out of State placement.

**CHILDREN'S IMPACT STATEMENT:**

This Contract supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS) and placement at discharge to a lower level of care.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: December 15, 2015

Subject: APPROVE and AUTHORIZE Amendment No. 1 to Consulting Services Agreements with Kava Massih and Ratcliff Architects for As-Needed Architectural Services

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute contract amendments with Kava Massih Architects and The Ratcliff Architects, effective December 15, 2015, to increase the payment limits of each by \$500,000 to new payment limits of \$900,000, and to extend the terms to September 10, 2018 with a one-year extension option, for as-needed architectural services, Countywide.

**FISCAL IMPACT:**

100% various funds. Projects will be assigned to the as-needed architects when there is an approved project and funding. Having these as-needed services agreements in place will save the County time and money when compared to the time and expense involved in conducting a consultant selection process on a project-by-project basis.

**BACKGROUND:**

On September 10, 2013, the Board of Supervisors approved an as-needed Consulting Services Agreement with both Kava Massih Architects ("Kava Massih"), and The Ratcliff Architects ("Ratcliff") each in an amount of \$400,000. Both Kava Massih and Ratcliff are under contract to provide as-needed architectural services for various projects.

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☒ APPROVE

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☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Ramesh Kanzaria, (925)  
313-2000

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

By: , Deputy

cc: PW Accounting, PW CPM Division Manager, PW CPM Clerical, Auditor's Office, County Counsel's Office, County Administrator's Office, County Administrator's Office

#### BACKGROUND: (CONT'D)

Kava Massih and Ratcliff were selected again through a competitive qualifications-based selection process. The Public Works Department requested Statements of Qualifications ("SOQs"), and received 28 SOQs, and ten firms were short-listed. A selection committee comprised of County staff conducted interviews and ranked the short-listed firms.

It is recommended that Kava Massih and Ratcliff be awarded the amendments for their as-needed agreements at this time.

Additional fees will be used for additional projects which include remodels, tenant improvements, additions, modernization, mechanical, electrical, and plumbing upgrades, and code-related improvements. Projects may also include investigations, studies, and reports. Some of the anticipated projects include those identified in the County's facilities life-cycle investment program ("FLIP") under the recent budget allocation for capital projects and deferred maintenance. Having these as-needed agreements in place will allow the design phase to commence sooner and provide for a shorter project completion schedule.

#### CONSEQUENCE OF NEGATIVE ACTION:

If these amendments are not approved, projects currently in process will be delayed, which will ultimately result in higher project costs.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Contract #27-565-16 with DocuStream, Inc.

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #27-565-16 with DocuStream, Inc., a corporation, in an amount not to exceed \$647,000, to provide electronic claims processing services, and to license related Software to County, for Contra Costa Health Plan (CCHP) and Behavioral Health Services Department for the period from November 1, 2015 through October 31, 2016.

**FISCAL IMPACT:**

This Contract is funded 100% CCHP Enterprise Fund II. (Rate increase)

**BACKGROUND:**

On November 4, 2014, the Board of Supervisors approved Contract #27-565-15 with DocuStream, Inc. for the period from November 1, 2014 through October 31, 2015, for the provision of claims processing services including scanning, storage encryption and retrieval. Approval of Contract #27-565-16 will include the addition of Behavioral Health Services Department claims processing and allow the Contractor to continue to provide electronic claims processing services to CCHP through October 31, 2016. This contract includes changes to the Standard General Conditions, Paragraph 18. (Indemnification).

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☒ APPROVE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Patricia Tanquary,  
925-313-6004

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

By: , Deputy

cc: K Cyr, M Wilhelm

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, Contra Costa Health Plan and Behavioral Health Services Department will not receive electronic claims processing services from Contractor. Providers may experience delays in payment and the Health Plan may be out of compliance and subject to sanctions and civil penalties per California and Federal law.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Smith and Nephew, Inc. Blanket Purchase Order

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**RECOMMENDATION(S):**

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute a Purchase Order with Smith and Nephew, Inc., in the amount of \$250,000 for the purchase of instruments and supplies for the Orthopedic and Gynecologic Departments at the Contra Costa Regional Medical Center for the period January 1, 2016 through December 31, 2018.

**FISCAL IMPACT:**

100% funding is included in the Hospital Enterprise Fund I Budget.

**BACKGROUND:**

Smith and Nephew Inc. provides equipment, implants, and supplies for various specialty surgical services performed at the Contra Costa Regional Medical Center Surgery Department. Without these supplies, implants and equipment, the surgical staff will not be able to perform the required surgeries patients need.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this Purchase Order is not approved, the Surgical Department will not be able to take care of the surgical needs of patients seen at the Contra Costa Regional Medical Center.

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Anna Roth,  
370-5101

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

By: , Deputy

cc: T Scott, M Wilhelm, Crystal Grayson

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Master Agreement #23-584 with Elsevier, Inc.

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County an Elsevier Master Agreement #23-584 with Elsevier, Inc., and Schedules 1 and 2 to the Agreement, in an amount not to exceed \$389,110 for license renewal of their Learning Management System from December 30, 2015 through December 31, 2018.

**FISCAL IMPACT:**

100% funding is included in the Hospital Enterprise Fund I Budget.

**BACKGROUND:**

Elsevier, Inc. ("Elsevier") provides a single, streamlined skill assessment and e-learning package for individual staff orientation and annual competency recertification assessment at Contra Costa Health Services (CCHS). CCHS is currently using the solutions courses on The Joint Commission, OSHA Compliance, Title 22, and Infection Control Standards to record, track, and report mandatory clinical education and clinical competency requirements of staff in a single system. This e-learning system also replaced the paper-based SICR (Safety and Infection Control Review) annual training requirement for hospital

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Patrick Godley,  
957-5410

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

By: , Deputy

cc: T Scott, M Wilhelm

#### BACKGROUND: (CONT'D)

and health center staff.

The Elsevier Master Agreement (“Master Agreement”) will be effective beginning October 1, 2015, and will remain in effect until terminated. The Master Agreement includes the terms under which Elsevier will provide services to the County. The services will be more particularly described in schedules issued under the Master Agreement. Schedule 1 and Schedule 2 to the Master Agreement will require Elsevier to provide the above e-learning system to the County, and to license Elsevier’s Learning Management System, for the period from December 30, 2015, through December 31, 2018. If additional schedules need to be issued in the future to provide for payment for additional services from Elsevier, the Board of Supervisors will need to approve the schedules before they will be effective.

Elsevier is currently providing the e-learning system to the County under a separate License Agreement, dated December 30, 2010, as amended on July 1, 2015 and July 15, 2015. Once this Master Agreement is effective, it will cause the prior License Agreement, as amended, to terminate.

For these reasons, Health Services Department staff recommends that the Board of Supervisors approve this item, as recommended.

#### CONSEQUENCE OF NEGATIVE ACTION:

CCHS education and training requirements, and operations will be severely impacted if this product is discontinued. The online e-learning clinical programs will need to be re-written and transferred to a paper system that will need to be printed and distributed manually to all staff for completion. Additional staff will be necessary to carry out the duties of printing and distributing training materials, as well as the scoring and record keeping functions associated with monitoring the education and training completed by the employees. Staff will need to attend in-person classes instead of e-learning, which will increase travel and training expenses of the organization. Due to the logistical complexities of a paper based training system, there will be more resources needed to operationalize it from an administration perspective which may create delays in training delivery and completion.

#### CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Sanofi Pasteur, Inc. Blanket Purchase Order

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**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 the amount of \$225,000, for the purchase of vaccines and injectable medications for the Contra Costa Regional Medical Center and the Contra Costa Health Centers, for the period January 1, 2016 through December 31, 2016.

**FISCAL IMPACT:**

100% funding is included in the Hospital Enterprise Fund I budget.

**BACKGROUND:**

Sanofi Pasteur, Inc. furnishes pharmaceuticals for patient care provided in the hospital and the clinics. These vaccines and other injectable medications are essential in patient care. We have been purchasing vaccines and other injectable medications from Sanofi Pasteur since 2007 under Novation contract.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this Purchase Order is not approved, we will not be able to provide

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Anna Roth,  
370-5101

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

By: , Deputy

cc: Tasha Scott, M Wilhelm, Crystal Grayson

CONSEQUENCE OF NEGATIVE ACTION: (CONT'D)

needed vaccines and other pharmaceutical products for our patient population at the CCRMC and Health Centers. As part of our responsibility as a health care organization, we must provide needed vaccinations for our patient population in order to prevent disease and the spread of disease.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Novation Interagency Agreement #74-371-7 with Mt. Diablo Unified School District

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Interagency Agreement #74-371-7 with Mt. Diablo Unified School District, a government agency, in an amount not to exceed \$2,841,143, to provide school-based mental health services to Seriously Emotionally Disturbed (SED) students in the Mt. Diablo Unified School District for the period from July 1, 2015 through June 30, 2016. This contract includes a six-month automatic extension through December 31, 2016 in an amount not to exceed \$1,420,572.

**FISCAL IMPACT:**

This Contract is funded 48% Federal Financial Participation, 48% Mental Health Realignment, 4% Mt. Diablo Unified School District. (Rate increase)

**BACKGROUND:**

This Contract meets the social needs of County's population by providing school and community based mental health services, including assessments; individual, group and family therapy; medication support; case management; outreach; and crisis intervention services for children at Sunrise Elementary School and Olympic/Alliance High School, and their families.

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☒ APPROVE

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☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Cynthia Belon  
957-5201

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

By: , Deputy

cc: E Suisala, M Wilhelm

**BACKGROUND: (CONT'D)**

On April 21, 2015, the Board of Supervisors approved Interagency Agreement #74-371-6 with Mt. Diablo Unified School District, for the period from January 1, 2015 through June 30, 2015, which included a six-month automatic extension through December 31, 2015, for the provision of school-based mental health services to SED students. Approval of Novation Interagency Agreement #74-371-7 will replace the automatic extension and will allow the Agency to continue providing services through June 30, 2016.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, SED children will have reduced access to treatment services and may require placement at higher level of care, including hospitalization or residential care in Mt. Diablo Unified School District.

**CHILDREN'S IMPACT STATEMENT:**

This school-based program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Agreement #23-580 with San Ramon Valley Fire Protection District

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Health Services Director, or his designee, to execute, on behalf of the County, Agreement #23-580 with San Ramon Valley Fire Protection District, a government agency, in an amount not to exceed \$100,900, to reimburse San Ramon Valley Fire Protection District for its payments to Definitive Networks, Inc. for providing electronic patient care records hosting and support services for the Contra Costa EMS System, for the period from November 1, 2015 through October 31, 2016.

**FISCAL IMPACT:**

This Contract is funded 100% by Measure H Funding.

**BACKGROUND:**

The purpose of this Agreement for County to reimburse San Ramon Valley Fire Protection District (District) for its payments to Definitive Networks, Inc., who will provide electronic patient care records hosting and support services for certain County fire protection agencies. Reimbursements will be made with Measure H funds. On August 20, 2015, the San Ramon Valley Fire Department's Board of Directors authorized to recruit and hire a Fire Services EMS Medical

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☒ APPROVE

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COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Patricia Frost,  
646-4690

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

By: , Deputy

cc: T Scott, M Wilhelm

**BACKGROUND: (CONT'D)**

Director on behalf of the following protection agencies: East Contra Costa Fire Protection District, El Cerrito Fire Department, Moraga Orinda Fire District, Pinole Fire Department, Richmond Fire Department, Rodeo-Hercules Fire Protection District and San Ramon Valley Fire Protection District.

Under Agreement #23-580, the County will reimburse San Ramon Valley Fire Protection District with Measure H funds for its payments to Definitive Networks, Inc. for the provision of electronic patient care records hosting and support services, through October 31, 2016.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this agreement is not approved, Contra Costa County's EMS Systems will not receive enhancements supporting education, training, patients safety and quality improvements for its providers.

**CHILDREN'S IMPACT STATEMENT:**

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Agreement #23-581 with San Ramon Valley Fire Protection District

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Health Services Director, or his designee, to execute, on behalf of the County, Agreement #23-581 with San Ramon Valley Fire Protection District, a government agency, in an amount not to exceed \$125,000, to reimburse San Ramon Valley Fire Protection District for its Fire Services Emergency Medical Services (EMS) Medical Director contract expenses, for the period from July 1, 2015 through June 30, 2016.

**FISCAL IMPACT:**

This Contract is funded 100% by Measure H Funding.

**BACKGROUND:**

The purpose of the agreement is for Contra Costa County to reimburse the San Ramon Valley Fire Protection District (District) for its payments to a Fire Services Emergency Medical Services (EMS) Medical Director who provides fire service based education, training, patient safety and quality improvement for fire services providers within the Contra Costa EMS Systems. Reimbursements will be made with Measure H funds. On August 20, 2015, the San Ramon Valley Fire Department's Board of Directors authorized to recruit and hire a Fire Services EMS Medical Director

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☒ APPROVE

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☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Patricia Frost,  
646-4690

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

By: , Deputy

cc: T Scott, M Wilhelm

**BACKGROUND: (CONT'D)**

on behalf of the following protection agencies: East Contra Costa Fire Protection District, El Cerrito Fire Department, Moraga Orinda Fire District, Pinole Fire Department, Richmond Fire Department, Rodeo-Hercules Fire Protection District and San Ramon Valley Fire Protection District.

Under Agreement #23-581, the County will reimburse the San Ramon Valley Fire Protection District with Measure H funds for its payments to a Fire Services EMS Medical Director, through June 30, 2016.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this agreement is not approved, Contra Costa County's EMS Systems will not receive enhancements supporting education, training, patients safety and quality improvements for its providers.

**CHILDREN'S IMPACT STATEMENT:**

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Contract #23-463-8 with Valerie Gulyash

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #23-463-8 with Valerie Gulyash, an individual, in an amount not to exceed \$140,000, to provide consulting and technical assistance for the Keane Chargemaster Billing and EPIC Electronic Medical Record Systems used at Contra Costa Regional Medical Center, for the period from January 1, 2016 through December 31, 2016.

**FISCAL IMPACT:**

This Contract is funded 100% Hospital Enterprise Fund I. (No rate increase)

**BACKGROUND:**

On January 6, 2015, the Board of Supervisors approved Contract #23-463-7 with Valerie Gulyash, for the period January 1, 2015 through December 31, 2015, to provide consulting and technical assistance for the Department's Chargemaster Billing and EPIC Electronic Medical Record Systems including; providing systems review, written reports and recommendations as requested by the County. Approval of Contract #23-463-8 will allow Contractor to continue providing consulting and technical assistance services through December 31, 2016.

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☒ APPROVE

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☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Patrick Godley,  
925-957-5405

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

By: , Deputy

cc: K Cyr, M Wilhelm

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County will not be able to ensure that the coding standards are current and conform with current regulations for the Keane Chargemaster System and EPIC System at Contra Costa Regional Medical Center.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Contract #27-791-5 with Verisk Health, Inc.

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #27-791-5 with Verisk Health, Inc., a corporation, in an amount not to exceed \$305,000, to provide software and consultation services for the period from November 1, 2015 through October 31, 2018.

**FISCAL IMPACT:**

This Contract is funded 100% Contra Costa Health Plan Enterprise Fund II (No rate increase)

**BACKGROUND:**

On February 26, 2013, the Board of Supervisors approved Contract #27-791-2 (as amended by Contract Amendment Agreements #27-791-3 and #27-791-4), with Verisk Health, Inc., for the provision of consultation and technical assistance with regard to data analysis services for Healthcare Effectiveness Data and Information Set (HEDIS) projects and annual reports for the period from November 1, 2012 through October 31, 2015. The Department and Contractor agreed to modifications to the County's Standard Indemnification and General Conditions language. These changes will limit the Contractor's liability to the County, including its indemnity liability. Approval of Contract #27-791-5 will allow Contractor to provide software and consultation services through October 31, 2018.

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☒ APPROVE

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☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Patricia Tanquary  
313-6004

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

By: , Deputy

cc: A Floyd , M Wilhelm

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, Contractor will not provide services, and the Health plan will not be able to meet its contractual and State requirements.

CHILDREN'S IMPACT STATEMENT:

NOT APPLICABLE



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Contract #27-689-5 with East Bay Medical Oncology/Hematology Medical Associates, Inc.

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #27-689-5 with East Bay Medical Oncology/Hematology Medical Associates, Inc., a corporation, in an amount not to exceed \$6,500,000, to provide Hematology/Oncology services to Contra Costa Health Plan (CCHP) members for the period from December 1, 2015 through November 30, 2017.

**FISCAL IMPACT:**

This Contract is funded 100% Contra Costa Health Plan Enterprise Fund II. (No rate increase)

**BACKGROUND:**

On January 14, 2014, the Board of Supervisors approved Contract #27-689-4 with East Bay Medical Oncology/Hematology Medical Associates, Inc. for the provision of professional Hematology/Oncology services to CCHP members, for the period from December 1, 2013 through November 30, 2015.

Approval of Contract #27-689-5 will allow Contractor to continue providing Hematology/Oncology services through November 30, 2017.

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☒ APPROVE

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☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Patricia Tanquary  
313 6004

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

By: , Deputy

cc: A Floyd, M Wilhelm

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., Health Services Director  
Date: December 15, 2015

Subject: Contract #74-475-34 with Elham Yavarian, MFT

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #74-475-34 with Elham Yavarian, MFT, an individual, in an amount not to exceed \$150,000, to provide Medi-Cal specialty mental health services for the period from January 1, 2016 through June 30, 2017.

**FISCAL IMPACT:**

This Contract is funded 50% Federal Medi-Cal; 50% Mental Health Realignment.

**BACKGROUND:**

On January 14, 1997, the Board of Supervisors adopted Resolution #97/17, authorizing the Health Services Director to contract with the State Department of Mental Health, (now known as the Department of Health Care Services) to assume responsibility for Medi-Cal specialty mental health services. Responsibility for outpatient specialty mental health services involves contracts with individual, group and organizational providers to deliver these services.

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☒ APPROVE

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COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Cynthia Belon  
957-5201

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

By: , Deputy

cc: E Suisala, M Wilhelm

**BACKGROUND: (CONT'D)**

Under Contract #74-475-34, the Contractor will provide Medi-Cal specialty mental health services through June 30, 2017.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, services provided to Contra Costa Mental Health Plan Medi-Cal beneficiaries could be negatively impacted, including access to services, choice of providers, cultural competency, language capacity, geographical locations of service providers, and waiting lists.

**CHILDREN'S IMPACT STATEMENT:**

Not Applicable



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Contract #27-795-3 with Cypress Women's Cancer Treatment Center, A Medical Corporation

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #27-795-3 with Cypress Women's Cancer Treatment Center, A Medical Corporation, a corporation, in an amount not to exceed \$360,000, to provide Gynecology Oncology services, for the period from January 1, 2016 through December 31, 2017.

**FISCAL IMPACT:**

This Contract is funded 100% Contra Costa Health Plan Enterprise Fund II. (Rate increase)

**BACKGROUND:**

On January 14, 2014, the Board of Supervisors approved Contract #27-795-2, with Cypress Women's Cancer Treatment Center, A Medical Corporation, for the period from January 1, 2014 through December 31, 2015, for the provision of Gynecology Oncology services.

Approval of Contract #27-795-3 will allow Contractor to continue providing Gynecology Oncology services through December 31, 2017.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Patricia Tanquary  
313-6008

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

By: , Deputy

cc: E Suisala, M Wilhelm

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, certain specialized 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., Health Services Director  
Date: December 15, 2015

Subject: Amendment Agreement #27-633-12 with PerformRx, LLC

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment #27-633-12 with PerformRx, LLC, a limited liability company, effective December 1, 2015, to amend Contract #27-633-11, to increase the payment limit by \$20,000,000, from \$65,000,000 to a new payment limit of \$85,000,000, with no change in the original term of May 1, 2015 through April 30, 2016.

**FISCAL IMPACT:**

This amendment is funded 100% Contra Costa Health Plan Enterprise Fund II. (No rate increase)

**BACKGROUND:**

On April 21, 2015, the Board of Supervisors approved Contract #27-633-11 with PerformRX, LLC, for the provision of pharmacy administration services for Contra Costa Health Plan members, for the period from May 1, 2015 through April 30, 2016, including a mutual indemnification clause for the parties to hold each other harmless for any claims arising out of the performance of this contract. Contra Costa Health Plan (CCHP) continues to experience an increasing Medi-Cal population consisting mainly of seniors and persons with disabilities with complex medical needs. Pharmacy

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☒ APPROVE

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☒ RECOMMENDATION OF CNTY ADMINISTRATOR

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COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Patricia Tanquary,  
313-6004

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

By: , Deputy

cc: A Floyd , M Wilhelm

**BACKGROUND: (CONT'D)**

utilization continues to increase on a monthly trend to support this increased Medi-Cal population. CCHP is also experiencing a very sharp increase in pharmacy costs due to the newly approved and extremely expensive drugs to treat Hepatitis C. Approval of Contract Amendment #27-633-12 will allow the Contractor to provide additional pharmacy services for an expanded population due to the Affordable Care Act and higher Hepatitis C drug costs.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this amendment is not approved, Health Plan members will not have access to pharmacy benefits as required by existing State and Federal contracts.

**CHILDREN'S IMPACT STATEMENT:**

If this amendment is not approved, Health Plan members will not have access to pharmacy benefits as required by existing State and Federal contracts.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: December 15, 2015

Subject: Building Use Agreement for Bethel Island Municipal Advisory Council.

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a building use agreement with the Bethel Island Municipal Improvement District for use of their office located at 3085 Stone Road in Bethel Island, for the Bethel Island Municipal Advisory Council meetings, at a rental fee of \$200 per meeting beginning January 1, 2016 and continuing on a month to month basis, under the terms and conditions set forth in the agreement, Bethel Island area. (District III)

**FISCAL IMPACT:**

100% General Fund

**BACKGROUND:**

Bethel Island Municipal Advisory Council (BIMAC) is in need of meeting space to hold public meetings. The District has agreed to allow the BIMAC to use their office space for these meetings at a fee of \$200 per meeting. The District has also included indemnification language in this agreement.

**CONSEQUENCE OF NEGATIVE ACTION:**

The building use agreement will not be executed, and the BIMAC will not have a space to hold their public meetings.

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☒ APPROVE

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☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Karen Laws,  
925-313-2228

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

By: , Deputy

cc:



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Payments for Services Provided by California Ambulance

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Auditor-Controller, or his designee, to pay \$90,669.92 to California Ambulance for non-emergency transportation services rendered to patients of the Contra Costa Regional Medical Center and Health Centers during the period October 1, 2013 through June 30, 2015.

**FISCAL IMPACT:**

100% funding is included in the Hospital Enterprise Fund I budget.

**BACKGROUND:**

California Ambulance provides non-emergency transportation services to patients of the Contra Costa Regional Medical Center (CCRMC). In September 2014, CCRMC was notified that County Risk Management had determined that all transportation providers should be placed under service contracts so that insurance and liability issues could be properly addressed. Prior to this time, California Ambulance had been paid under a Purchase Order. In addition, it was discovered that parts of the invoice approval process had broken down. CCRMC has identified these issues and has assigned appropriate staff to monitor the approval process to ensure invoices are processed promptly

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☒ APPROVE

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☐ RECOMMENDATION OF BOARD  
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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Anna Roth,  
925-370-5101

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

By: , Deputy

cc: J Pigg , M Wilhelm

BACKGROUND: (CONT'D)

going forward.

During the period of transition, California Ambulance continued to provide non-emergency transportation services to patients in need to facilitate their medical treatment. Hospital Administration has therefore determined that California Ambulance is entitled to payment for the reasonable value of their services under the equitable relief theory of quantum meruit. That theory provides that where a person has been asked to provide services without a valid contract, and the provider does so to the benefit of the recipient, the provider is entitled to recover the reasonable value of those services

CONSEQUENCE OF NEGATIVE ACTION:

California Ambulance will not be paid for services rendered in good faith to patients of the Contra Costa Regional Medical Center and Health Centers. This will adversely impact the departments ability to provide non-emergency transportation of patients.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Contract #27-955-1 with Healthsparq, Inc.

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, a Master Services Agreement with Healthsparq, Inc., an Oregon corporation, in an amount not to exceed \$110,000, to provide a hosted solution to automate certain health plan provider network operations and related services for the period from November 1, 2015, through October 31, 2016.

**FISCAL IMPACT:**

This Contract is funded 100% by Contra Costa Health Plan Enterprise Fund II. (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. On February 10, 2015, the Board of Supervisors approved Contract #27-955 with Healthsparq, Inc. for the provision of automation software and related services for the period from November 1, 2014 through October 31, 2015, for Contra Costa Health Plan members. Approval of Contract #27-955-1 will allow the Contractor to continue to provide a hosted solution to automate certain health plan provider network operations and related services for the period from November 1, 2015, through October 31, 2016.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Patricia Tanquary  
313-6004

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

By: , Deputy

cc: A Floyd , M Wilhelm

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County staff will not be able to meet State requirements for providing an on-line provider network.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Contract #74-509 with County of San Mateo

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #74-509 with County of San Mateo, a government agency, in an amount not to exceed \$252,951, to provide after-hours call coverage for the Behavioral Health Access Line, for the period from October 1, 2015 through June 30, 2017.

**FISCAL IMPACT:**

This Contract is funded 100% County General Fund.

**BACKGROUND:**

Currently, the Behavioral Health Division Health Access Line after-hour calls are transferred to the Psychiatric Emergency Services (PES) Unit. The PES Unit logs in the call and distributes to the Behavioral Health Access Line the following morning. Routing the calls to the PES Unit has been an inefficient use of resources and the call drop rate has been an issue in State Audits. Allowing San Mateo County to administer the call answering services for the Behavioral Health Access Line will free up resources at the PES Unit, minimize the call drop rate and provide better coverage and coordination of care.

Under

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 12/15/2015 ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Cynthia Belon,  
957-5501

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

By: , Deputy

cc: J Pigg, M Wilhelm

**BACKGROUND: (CONT'D)**

Contract #74-509, the Contractor will provide after-hours call coverage for the Behavioral Health Access Line, through June 30, 2017.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, the Health Access Line calls will continue to be routed to the PES Unit and Department will not meet the expectations of the State with regard to the call drop rate.

**CHILDREN'S IMPACT STATEMENT:**

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Correct July 7, 2015 Board Order Item C.148 with Pro Transport-1, LLC

---

**RECOMMENDATION(S):**

Rescind the Board Order approved by the Board of Supervisors on July 7, 2015, Agenda Item (C.148), and approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-891 with Pro Transport-1 LLC, Limited Liability Company, in an amount, not to exceed \$225,000, to provide non-emergency patient transportation services for Contra Costa Regional Medical Center (CCRMC) and Health Centers for the period from July 1, 2015 through May 31, 2016.

**FISCAL IMPACT:**

This Contract is funded 100% by Hospital Enterprise I.

**BACKGROUND:**

This Contractor has been providing non-emergency ambulance transportation services, under purchase order for patients of Contra Costa Regional Medical Center, twenty-four hours a day, seven days a week, including all holidays. The patients are transported to County-specified destinations.

On July 7, 2015, the Board of Supervisors approved Contract #26-891

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Anna Roth (925)  
370-5101

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

By: , Deputy

cc: J Pigg , M Wilhelm

**BACKGROUND: (CONT'D)**

with Pro Transport-1 LLC, Limited Liability Company, in an amount, not to exceed \$225,000, to provide non-emergency patient transportation services for Contra Costa Regional Medical Center (CCRMC) and Health Centers for the period from June 1, 2014 through May 31, 2016.

The purpose of this board order is to reflect the intent of the Department in which to correct the effective date from June 1, 2014 to read July 1, 2015.

Under Contract #26-891, Contractor will provide non-emergency ambulance transportation services as authorized, and upon request, for patients at CCRMC and HC, through May 31, 2016.

On July 7, 2015 the Board of Supervisors approved and authorized the Health Services Director to execute a contract for these services. That Board Order (C.148) included inaccurate dates.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, County patients will not receive transportation services from this Contractor.

**CHILDREN'S IMPACT STATEMENT:**

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 15, 2015

Subject: Amendment/Extension #23-325-20 with Wilson Consulting, Inc.

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment (#23-325-18, as amended by Amendment/Extension #23-325-19) with Wilson Consulting, Inc., effective November 1, 2015, to extend the term from December 31, 2015 through December 31, 2016 and increase the payment limit by \$600,000 to a new payment limit of \$1,860,000, to provide continuing technical support services for Health Services Department's Patient Accounting System.

**FISCAL IMPACT:**

This amendment is funded 100% Enterprise Fund I. (No rate increase)

**BACKGROUND:**

On February 11, 2014, the Board of Supervisors approved Contract #23-325-18 (as amended by Contract Amendment/Extension #23-325-19) with Wilson Consulting, Inc., for the provision of technical support services for County's Patient Accounting System, including custom reporting for the Keane system, technical support for the "HL7" interface, and assistance on implementing the Department's appointment system, for the period from January 1, 2014

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: David Runt,  
925-313-6228

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

through December 31, 2015.

Approval of Contract Amendment/Extension Agreement #23-325-20 will allow the Contractor to continue providing service through December 31, 2016.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, Contractor will not continue providing services on 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: Kathy Gallagher, Employment & Human Services Director  
Date: December 15, 2015

Subject: 2016 Head Start Delegate Agency contract renewal

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment & Human Services Department Director, or designee, to execute a contract with First Baptist Church of Pittsburg, California in an amount not to exceed \$2,052,356 for Head Start Delegate Agency childcare services for the term January 1, 2016 through December 31, 2016.

**FISCAL IMPACT:**

100% Federal funds / CFDA #93.600

Program is federally funded by U.S. Department of Health and Human Services, Administration for Children and Families (ACF).

County will fund \$2,052,356 from the ACF allocation; Contractor is responsible for the local, non-cash, in-kind match of \$513,089.

No pension costs.

33-499-45

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: CSB (925)  
681-6346

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

By: , Deputy

cc: Ericka Ramirez, Christina Reich, Haydee Ilan

**BACKGROUND:**

On August 12, 2014, the Board approved and authorized the submission of the 2016 Head Start grant application to the U.S. Department of Health and Human Services, Administration for Children and Families (ACF) to continue the provision of Head Start services in Contra Costa County. The grant included the plan submitted by the County's Head Start Delegate Agency, First Baptist Church of Pittsburg, California. This board order approves the funding for the delegate agency for the 2016 program year.

**CONSEQUENCE OF NEGATIVE ACTION:**

If not approved, contract will not be executed.

**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: Kathy Gallagher, Employment & Human Services Director  
Date: December 15, 2015

Subject: 2015-16 Contra Costa Child Care Council Early Head Start childcare services contract amendment

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment & Human Services Director, or designee, to execute a contract amendment with Contra Costa Child Care Council to increase the payment limit by \$145,497 to a new limit not to exceed \$639,497 to provide Early Head Start Program Enhancement services with no change to the term January 1, 2015 through June 30, 2016.

**FISCAL IMPACT:**

100% Federal funds / CFDA 93.708

Grant source is Administration for Children and Families (Head Start Program).

No County match.

38-803-1

**BACKGROUND:**

Contra Costa County receives funds from the Administration for Children and Families (ACF) to provide Early Head Start program services to program eligible County residents. The Department, in turn, contracts with a number of community-based organizations to provide a wider distribution of services. This board order

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: CSB (925)  
681-6346

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

By: , Deputy

cc: Ericka Ramirez, Haydee Ilan, Cassandra Youngblood

**BACKGROUND: (CONT'D)**

establishes a contract with Contra Costa Child Care Council to provide Home-based Early Head Start service to 52 pregnant women and/or children ages birth to four years old. Services are to be administered through the Contractor's licensed Family Child Care providers to enhance the services provided in the Contractor's existing full-day programs. The board approved the initial contract on March 31, 2015. This amendment is to add the provision of health and safety facility improvements and safety monitoring services for the home care providers that are part of this contract.

**CONSEQUENCE OF NEGATIVE ACTION:**

If not approved, County will not be able to more widely distribute childcare availability through partnership with community based agencies.

**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: John Kopchik, Director, Conservation & Development Department  
Date: December 15, 2015

Subject: Correct promissory notes made to first time homebuyers for properties located in the 5th and Giaramita Street  
Development in North Richmond

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**RECOMMENDATION(S):**

1. ACCEPT the assignment of promissory notes and deeds of trust from Neighborhood House North Richmond in connection with the Community Development Block Grant (CDBG) First Time Homebuyer Program for the Fifth and Giaramita Street Development properties, and
2. APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to correct the promissory notes to conform to the terms previously approved by the County Board of Supervisors.

**FISCAL IMPACT:**

No impact to the General Fund. The loans were made with Community Development Block Grant (CDBG) funds. CDBG funds are provided to the County on a formula allocation basis through the U. S. Department of Housing and Urban Development. CFDA #14.218

**BACKGROUND:**

On April 10, 1990, the Board of Supervisors approved an agreement with Neighborhood House of North Richmond (NHNR) to administer a Community Development Block Grant (CDBG) down payment assistance program in North Richmond (the Program). Seven loans were made to low-income first-time homebuyers as part of the Program.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Kara Douglas  
925-674-7880

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

By: , Deputy

cc:

### BACKGROUND: (CONT'D)

The homes that were purchased by the homebuyers as part of the Program were constructed on parcels owned by the former Redevelopment Agency of Contra Costa County (RDA) at Fifth and Giaramita Streets in North Richmond. To make the homes affordable to low-income households, the Program was established. NHNR served as a conduit of the CDBG funds, pursuant to an agreement between NHNR and the RDA. The April 10, 1990 Board order, and a related Board order dated May 11, 1989, state that each loan would be "Deferred, Zero Interest" and "would have no monthly payment nor interest attached to it." The loans are deferred (no payments due) for thirty years. Starting in year 21, the loans are to be forgiven at a rate of ten percent per year, with total forgiveness in year 30. The promissory note issued in connection with each of the loans, however, states that the note bears interest, with rates that vary between 5.5 and 6.125 percent, compounding annually.

To facilitate on-going administration of these loans, staff recommends that the County take an assignment of each of the six remaining promissory notes, and related deeds of trusts, that were issued as part of the Program. (One of the homes financed under the Program was lost in foreclosure in 2008.) Staff also recommends that the County then cause each of the notes to be canceled and replaced with a new note that reflects the loan terms approved by the Board in 1989 and 1990. The new notes will include zero interest and forgiveness of the loan in increments over the last ten years of the loan term. In addition, the existing deeds of trust will be reconveyed and replaced with new deeds of trust.

### CONSEQUENCE OF NEGATIVE ACTION:

If the Board of Supervisors does not approve this request, the homebuyers who sell their homes before the notes are corrected will be required to pay interest that the Board of Supervisors did not authorize to have applied to the loans.

### ATTACHMENTS

5th & Giaramita Loans

May 1989 Board Order

April 1990 Board Order

Deed of Trust

Promissory Note

5th and Giaramita Streets, Richmond, CA 94801

<b>Address</b>	<b>APN</b>	<b>Purchaser</b>	<b>Sales Price</b>	<b>Record Date</b>	<b>Interest Rate</b>
1731 Giaramita St.	409-152-025	Janice (Jenkins) Seymore	\$125,000	04/27/93	5.875%
1726 5th St.	409-152-027	Yvonne Bayless	\$128,000	10/30/92	6.125%
1736 5th St.	409-152-028	Gwendolyn Woodson	\$128,000	11/13/92	6.125%
1741 Giaramita St.	409-152-024	Rose M. Shaw	\$125,000	08/10/93	5.500%
1751 Giaramita St.	409-152-019	Raphael & Cheryl Douglas	\$125,000	08/26/93	5.500%
1740 5th St.	409-152-023	Jeanette Jackson	\$128,000	04/23/93	5.750%
1727 Giaramita St.	409-152-031	Katherine Edwards	\$125,000	03/31/93	6.000%

Original Loan Amount
\$27,500
\$23,010
\$31,568
\$37,500
Foreclosed 2008
\$38,400
\$31,950

TO: REDEVELOPMENT AGENCY

89 MAY 26 PM 4:16

FROM: PHIL BATCHELOR,  
EXECUTIVE DIRECTORCOMMUNITY  
DEVELOPMENT DEPTContra  
Costa  
County

DATE: May 11, 1989

SUBJECT: Deferred Second Deed of Trust Financing for the Affordable  
Housing Project in the North Richmond Redevelopment Project Area.SPECIFIC REQUEST(S) OR RECOMMENDATIONS(S) & BACKGROUND AND JUSTIFICATIONRECOMMENDATIONS

Authorize staff to proceed with negotiations with Neighborhood House of North Richmond for the provision of Deferred, Zero Interest, Second Deed of Trust Loans for eligible purchasers of Agency-assisted housing units in the North Richmond Redevelopment Project Area.

FISCAL IMPACT

None.

BACKGROUND/REASONS FOR RECOMMENDATIONS

The Redevelopment Agency's North Richmond Affordable Housing Project calls for the Agency to make available to Neighborhood House of North Richmond (NHNR) Community Development Block Grant funds that will be used for deferred, zero-interest Second Deed of Trust loans. The Agency is proposing to negotiate an Agreement and Promissory Note with NHNR which will detail the obligations of each party relative to the transfer of funds, the preparation of loan documents, and the repayment of the funds in the event of subsequent re-sale of the properties. With Agency's approval, staff will proceed with negotiations with NHNR and prepare the appropriate documents for the Agency's review and approval at a later date.

CONTINUED ON ATTACHMENT:      YESSIGNATURE: 

     RECOMMENDATION OF EXECUTIVE DIRECTOR      RECOMMENDATION OF AGENCY COMMITTEE  
     APPROVE      OTHER

SIGNATURE(S):

ACTION OF AGENCY ON May 23, 1989 APPROVED AS RECOMMENDED X OTHER       
VOTE OF COMMISSIONERS

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 REDEVELOPMENT

TO: REDEVELOPMENT AGENCY

CONTRA COSTA

FROM: PHIL BATCHELOR,  
EXECUTIVE DIRECTOR

DATE: April 10, 1990

90 APR 19 PM 3:45

Contra  
Costa  
CountySUBJECT: Agreement for Provision of Mortgage Assistance,  
Neighborhood House of North RichmondSPECIFIC REQUEST(S) OR RECOMMENDATIONS(S) & BACKGROUND AND JUSTIFICATIONRECOMMENDATIONS

Approve the Agreement for provision of Mortgage Assistance with Neighborhood House of North Richmond and authorize the Executive Director or his designee to execute the agreement.

FISCAL IMPACT

None

BACKGROUND/REASONS FOR RECOMMENDATIONS

The Redevelopment Agency's North Richmond Affordable Housing Project calls for the Agency to attain affordability of the housing units by making available to the purchasers of the units additional funds in the form of a second mortgage. This mortgage would be silent, that is it would have no monthly payment nor interest attached to it.

The Agency obtained Community Development Block Grant Funds with which to attain this affordability. However, because of restrictions on the use of those funds it is necessary to work with a Neighborhood Non-Profit Organization which would be the conduit for this second mortgage. The Agency has negotiated an agreement with Neighborhood House of North Richmond which will allow the Agency to transfer funds to Neighborhood House and then Neighborhood House would buy down a portion of the sales price of the units and secure that financial assistance with a Promissory Note and Deed of Trust.

CONTINUED ON ATTACHMENT: ☒ YES

SIGNATURE:

☐ RECOMMENDATION OF EXECUTIVE DIRECTOR ☐ RECOMMENDATION OF AGENCY COMMITTEE  
☐ APPROVE ☐ OTHER

SIGNATURE(S):

ACTION OF AGENCY ON April 10, 1990 APPROVED AS RECOMMENDED ☒ OTHER ☐  
 VOTE OF COMMISSIONERS

☒ 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 REDEVELOPMENT  
 AGENCY ON THE DATE SHOWN.

The Agreement contains specific restrictions with respect to repayment of the loan so that the Agency's investment in the properties through Neighborhood House is secured. Approval of this Agreement will allow this method of financing to proceed. The Agreement calls for a payment of \$1,000 to Neighborhood House as consideration for their participation. This payment would be drawn from the CDBG funds available for this project.

**Recording Requested By and  
When Recorded Return to:**  
Contra Costa County  
Neighborhood Preservation Program  
30 Muir Road  
Martinez, CA 94553

No fee for recording pursuant to  
Government Code Section 27383

APN: [APN]

**CONTRA COSTA COUNTY  
NEIGHBORHOOD PRESERVATION PROGRAM**

**DEED OF TRUST**

**Loan No. [Loan number]**

This deed of trust ("Deed of Trust") is made on [Execution Date (e.g. April 1, 2015)], by [list all parties on title] (the "Borrower") and Contra Costa County, a political subdivision of the State of California, as trustee (the "Trustee"), whose address is 30 Muir Road, Martinez, California 94553, in favor of Contra Costa County, a political subdivision of the State of California ("Lender") whose address is 30 Muir Road, Martinez, California 94553.

**1. BORROWER, IN CONSIDERATION OF THE INDEBTEDNESS HEREIN RECITED AND THE TRUST HEREIN CREATED, HEREBY IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS** to Trustee in trust, with power of sale and right of entry and possession, all of Borrower's right, title and interest now held or hereafter acquired in and to that real property located in the County of Contra Costa, State of California, which currently has the address of [Property address], which is more particularly described in the attached Exhibit A, together with all buildings and improvements now or hereafter erected on the property, and all appurtenances, easements, and fixtures now or hereafter affixed to, placed upon or used in connection with the property, together such articles of property (together, the "Property"). The Property is hereby pledged and assigned, transferred, and set over onto Trustee, and for purposes of this Deed of Trust declared to be part of the realty; provided, however, that furniture and other personal property of Borrower now or hereafter situated on said real property are not intended to be included as part of the Property.

**2. THIS FOR THE PURPOSE OF SECURING THE FOLLOWING OBLIGATIONS:**

**2.1.** Repayment of the indebtedness evidenced by that certain promissory note of the Borrower dated [Execution Date of Promissory Note], for the benefit of Lender in the principal amount of [Loan amount (spelled out)] Dollars (\$[Loan amount]) (the "Note"), together with interest on such indebtedness according to the terms of the Note, and any and all amendments, modifications, extensions or renewals of the Note.

**2.2.** Payment of such additional sums, with interest thereon:

- (a) As may hereafter be borrowed from Lender by the then-record owner of the Property and evidenced by a promissory note or notes reciting that it or they are so secured and all modifications, extensions, or renewals of the Note.
- (b) As may be incurred, paid, or advanced by Lender, or as may otherwise be due to Trustee or Lender, under any provision of this Deed of Trust and any modification, extension, or renewal of this Deed of Trust.
- (c) As may otherwise be paid or advanced by Lender to protect the security or priority of this Deed of Trust.

**2.3.** Performance of each obligation, covenant, and agreement of Borrower contained in this Deed of Trust, the Note, or any other document executed by Borrower in connection with the loan(s) secured by this Deed of Trust, and all amendments to these documents.

**3. BORROWER COVENANTS:**

Borrower hereby covenants to maintain and preserve the lien of this Deed of Trust until the Note and any other sums owed to Lender pursuant to the Note or this Deed of Trust have been paid in full. As additional consideration for the obligation(s) evidenced by the Note, Borrower covenants as follows:

**3.1. Title.** That Borrower is the lawful owner of the Property, and that Borrower has good, right, and lawful authority to grant the Property as provided in this Deed of Trust and will warrant and defend the grant against all claims and demands.

**3.2. Payment of Principal and Interest.** That Borrower shall promptly pay, when due, the principal and interest on the Note, and such other charges as are provided in the Note and such other amounts as are provided under this Deed of Trust.

**3.3. Maintenance of the Property.** Borrower shall maintain the Property in a decent, safe, sanitary, tenantable condition and will not structurally alter any improvements thereon without the prior written consent of the Lender, nor remove or demolish them in whole or in part, nor will Borrower suffer any waste of the Property or make any change in the use of the Property that will in any way increase any ordinary fire or other hazard insurance premiums or permit anything that may in any way impair the security of this Deed of Trust.

**3.4. Appear and Defend.** Borrower shall appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of the Lender or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorneys' fees in a reasonable sum, in any such action or proceeding in which the Lender or Trustee may appear, and in any suit brought by the Lender to foreclose this deed.

**3.5. Payment of Taxes and Utility Charges.** Borrower shall pay, at least ten (10) days before delinquency all taxes and assessments affecting the Property when due, all encumbrances, charges and liens, fines and impositions attributable to the Property, leasehold payments on ground rents, if any, and any interest on the Property or any part thereof; all costs, fees, and expenses of this trust. Borrower shall

make such payments when due, directly to the payee thereof. Borrower shall promptly furnish to Lender all notices of amounts due under this paragraph and Borrower shall promptly furnish to Lender receipts evidencing all such payments made.

**3.6. Insurance.** To keep the Property insured for the mutual benefit of Borrower and Lender, against loss by fire, flood, and such other casualties and contingencies and by such companies on such forms reasonably satisfactory to the Lender in an amount not less than 100% of the then full replacement cost of the improvements. All such policies are to provide that the Lender be given thirty (30) days advance written notice of the cancellation, expiration or termination of any such policy or material change in the coverage afforded by it. Renewal policies and any replacement policies, together with premium receipts satisfactory to the Lender, are to be delivered to the Lender at least thirty (30) days prior to the expiration of existing policies. Neither Trustee nor Lender, by reason of accepting, rejecting, approving or obtaining insurance, incur any liability for the existence, nonexistence, form or legal sufficiency of such insurance, or solvency of any insurer for payment of losses. All insurance proceeds for such losses must be utilized for the repair or restoration of the insured property.

**3.7. Payments and Discharge of Liens.** Borrower shall pay, when due, all claims of every kind and nature, including any mortgage, deed of trust, or other security agreement with a lien that has priority over this Deed of Trust, which are, or might or could become a lien on the Property or any part thereof; provided, however, that the following are excepted from this prohibition: (a) liens for taxes and assessments that are not delinquent, although by law are given the status of a lien, and (b) such of the above claims as are, and only during the time they are, being contested by Borrower in good faith and by appropriate legal proceedings, and Borrower shall post security for the payment of these contested claims as may be requested by the Lender. Borrower shall not default in the payment or performance of any obligation secured by a lien, mortgage or deed of trust that is superior to this Deed of Trust.

**3.8. Principal Place of Residence.** Borrower shall occupy the Property as Borrower's principal place of residence during the term of the loan.

**3.9. Compliance Report.** Borrower shall provide Lender with an annual compliance report upon request of Lender. Such report shall include the following: (a) evidence of Borrower's occupancy of the Property as Borrower's principal place of residence, (b) evidence of payment of property taxes and hazard insurance, and (c) other information reasonably required by Lender or Lender's designee.

#### **4. IT IS MUTUALLY AGREED THAT:**

**4.1. Application of Payments.** Unless applicable law provides otherwise, all payments received by Lender under the Note and Section 2.1 will be applied by Lender first to interest payable on the Note and then to the principal due on the Note.

**4.2. Future Advances.** Upon request by Borrower, Lender, at Lender's option, may make future advances to Borrower. All such future advances, with interest thereon, will be added to and become a part of the indebtedness secured by this Deed of Trust when evidenced by promissory note(s) reciting that such note(s) are secured by this Deed of Trust.

**4.3. Disbursements to Protect Lender's Security.** All sums disbursed by Lender to protect and preserve the Property, this Deed of Trust, or Lender's security for the performance of Borrower's obligations under the Note are and are to be deemed to be an indebtedness of Borrower secured by this

Deed of Trust.

**4.4. Protection of Lender's Security.** If Borrower fails to perform the covenants and agreements contained in this Deed of Trust, or if any action or proceeding is commenced that materially affects Lender's interest in the Property, including, but not limited to, eminent domain, insolvency, code enforcement, arrangements or proceedings involving a bankrupt or decedent, foreclosure of any mortgage secured by the Property or sale of the Property under a power of sale or any instrument secured by the Property, then Lender, at Lender's option, upon notice to Borrower, may make such appearance, disburse such sums and take such action as is necessary to protect Lender's interest, including, but not limited to, disbursement of reasonable attorneys' fees and entry upon the Property to make repairs.

Any amounts disbursed by Lender pursuant to this Section 4.4, with interest thereon, is additional indebtedness of Borrower secured by this Deed of Trust. Unless Borrower and Lender agree to other terms of payment, such amounts are payable upon notice from Lender to Borrower requesting payment thereof, and will bear interest from the date of disbursement at the highest rate permissible under applicable law. Nothing contained in this Section 4.4 requires Lender to incur any expense or take any action hereunder.

**4.5. Inspection.** Lender or its agent may make or cause to be made reasonable entries upon and inspections of the Property. Lender shall give Borrower notice at the time of or prior to any such inspection specifying reasonable cause for the inspection.

**4.6. Awards and Damages.** All judgments, awards of damages, settlements and compensation made in connection with or in lieu of (a) taking all or any part of or any interest in the Property by or under assertion of the power of eminent domain, (b) any damage to or destruction of the Property or any part thereof by insured casualty, and (c) any other injury or damage to all or any part of the Property, are hereby assigned to and are to be paid to Lender. Lender is authorized and empowered (but not required) to collect and receive any such sums and is authorized to apply them in whole or in part to any indebtedness or obligation secured hereby, in such order and manner as the Lender determines at its option. Lender is entitled to settle and adjust all claims under insurance policies provided under this Deed of Trust and may deduct and retain from the proceeds of such insurance the amount of all expenses incurred by it in connection with any such settlement or adjustment. All or any part of the amounts so collected and recovered by Lender may be released to Borrower upon such conditions as Lender may impose for its disposition. Application of all or any part of the amounts collected and received by Lender or the release thereof will not cure or waive any default under this Deed of Trust. If the Property is abandoned by Borrower, or if, after notice by Lender to Borrower that the condemnor offers to make an award or settle a claim for damages, Borrower fails to respond to Lender within thirty (30) days after the date such notice is mailed, Lender is authorized to collect and apply the proceeds, at Lender's option, either to restoration or repair of the Property or to the sum secured by this Deed of Trust.

**4.7. Prohibition on Transfers of Interest.** With the exception of the transfers permitted in Section 4.11 below, if all or any part of the Property or an interest therein is sold or transferred by Borrower without Lender's prior written consent, Lender may, at Lender's option, subject to the requirements of paragraph (a) of Section 5.2, declare all the sums secured by this Deed of Trust to be immediately due and payable.

**4.8. Sale or Forbearance.** No sale of the Property, forbearances on the part of the Lender or extension of the time for payment of the indebtedness hereby secured will operate to release, discharge, waive, modify, change or affect the liability of Borrower either in whole or in part.

**4.9. The Lender's Rights to Release.** Without affecting the liability of any person for payment of any indebtedness hereby secured (other than any person released pursuant hereto), including without limitation any one or more endorsers or guarantors, and without affecting the lien hereof upon any of the Property not released pursuant hereto, Lender may, at any time and from time to time without notice, (i) release any person from liability for the payment of any or all such indebtedness, (ii) extend the time for or agree to alter the terms of payment of any or all of such indebtedness, or (iii) release or accept additional security for such indebtedness, or subordinate the lien or charge hereof.

**4.10. Reconveyance.** Upon payment of all sums secured by this Deed of Trust, Lender shall request Trustee to reconvey the Property and shall surrender this Deed of Trust and all notes evidencing indebtedness secured by this Deed of Trust to Trustee. Trustee shall reconvey the Property without warranty and without charge to the person or persons legally entitled to the Property. Such person or persons shall pay all costs of recordation, if any. The recitals of any matters or facts in the reconveyance will be conclusive proof of the truthfulness of them.

**4.11. Permitted Transfers.** Notwithstanding any other provision of the Note or this Deed of Trust, the following transfers will not be deemed to be a default under the Note or this Deed of Trust:

- (a) The transfer of the Property to the surviving joint tenant by devise, descent or operation of the law, on the death of a joint tenant.
- (b) A transfer of the Property where the spouse or registered domestic partner becomes an owner of the property.
- (c) A transfer of the Property resulting from a decree of dissolution of marriage or domestic partnership, from a legal separation or from an incidental property settlement agreement by which the spouse or registered domestic partner becomes an owner of the Property.
- (d) A transfer to an inter vivos trust in which the Borrower is and remains the beneficiary and occupant of the property.

## **5. EVENTS OF DEFAULT**

**5.1. Events of Default.** Any one or more of the following events constitutes a default under this Deed of Trust: (a) the Borrower fails to occupy the Property as the Borrower's principal residence; (b) default or breach by Borrower of any covenant required to be performed by Borrower under the terms of the Note, this Deed of Trust, any other documents made in connection with the loan, or other loans secured by the Property; (c) the sale, transfer, hypothecation, assignment or encumbrance by Borrower of the Property or any interest therein, other than as permitted in Section 4.11; (d) failure of Borrower to maintain insurance, pay taxes and assessments, or maintain and repair the Property; (e) failure of Borrower to timely submit any required compliance reports to Lender; (f) failure of the Borrower to pay the indebtedness secured hereby or any installment thereof, whether principal, interest or otherwise, when and as the same becomes due and payable, whether at maturity or by acceleration or otherwise; (g) until the first anniversary of the recording of this deed of trust, the failure of any person listed on the Borrower's application as a proposed resident to occupy the Property as his or her principal residence; (h) any material misrepresentation on the loan application or subsequent documents required by Lender of the

intended or actual occupants of the Property; or (j) the occurrence of any event which, under the terms of any deed of trust that is senior to this Deed of Trust or the note such deed of trust secures entitles the senior lender to exercise the rights or remedies thereunder.

## **5.2. Acceleration and Sale.**

- (a) **Acceleration.** Upon Borrower's breach of any covenant or agreement of Borrower in this Deed of Trust, including the covenants to pay when due any sums secured by this Deed of Trust or the occurrence of a default hereunder, or upon Borrower's failure to make any payment or to perform any of its obligations, covenants and agreements pursuant to the Note, Lender shall mail notice to Borrower as provided in Section 6.8 hereof specifying: (1) the breach; (2) the action required to cure such breach; (3) a date, no less than thirty (30) days from the date the notice is mailed to Borrower, by which such breach must be cured; and (4) that failure to cure such breach on or before the date specified in the notice may result in acceleration of the sums secured by this Deed of Trust and sale of the Property. The notice must further inform Borrower of the right to reinstate after acceleration and the right to bring a court action to assert the nonexistence of a default or any other defense of Borrower to acceleration and sale. If the breach is not cured on or before the date specified in the notice, Lender at Lender's option may declare all of the sums secured by this Deed of Trust to be immediately due and payable without further demand and may invoke the power of sale and any other remedies permitted by applicable law. Lender is entitled to collect from the Borrower, or sale proceeds, if any, all reasonable costs and expenses incurred in pursuing the remedies provided in this paragraph, including, but not limited to, reasonable attorneys' fees.
- (b) **Borrower's Right to Reinstate.** Notwithstanding Lender's acceleration of the sums secured by this Deed of Trust, Borrower has the right to have any proceedings begun by Lender to enforce this Deed of Trust discontinued at any time prior to five (5) days before sale of the Property pursuant to the power of sale contained in this Deed of Trust or at any time prior to entry of the judgment enforcing this Deed of Trust if: (1) Borrower pays Lender all sums which would then be due under this Deed of Trust and the Note, had no acceleration occurred; (2) Borrower pays all reasonable expenses incurred by Lender and Trustee in enforcing the covenants and agreements of Borrower contained in this Deed of Trust, including, but not limited to, reasonable attorneys' fees; and (3) Borrower takes such action as Lender may reasonably require to assure that the lien of this Deed of Trust, Lender's interest in the Property and Borrower's obligation to pay the sums secured by this Deed of Trust continue unimpaired. Upon such payment and cure by Borrower, this Deed of Trust and the obligations secured hereby will remain in full force and effect as if no acceleration had occurred.
- (c) **Sale.** After delivery to Trustee of a Notice of Default and Demand for Sale and after the expiration of such time and the giving of such notice of default and sale as may then be required by law, and without demand on Borrower, Trustee shall sell the Property at the time and place of sale fixed by it in said notice of sale, at public auction to the highest bidder for cash in lawful money of the United States of America, payable at time of sale. Trustee may postpone sale of all or any portion of

the Property by public announcement at such time and place of sale and from time to time thereafter may postpone such sale by public announcement at the time and place fixed by the preceding postponement. Any person, including Borrower, Trustee or Lender, may purchase at such sale. Upon such sale by Trustee it shall deliver to such purchaser its deed conveying the Property so sold, but without any covenant or warranty expressed or implied. The recitals in such deed of any matters or facts shall be conclusive proof of their truthfulness. Upon sale by Trustee and after deducting all costs, expenses and fees of Trustee and of this Deed of Trust, Trustee shall apply the proceeds of sale to the payment of the principal indebtedness hereby secured, whether evidenced by the Note or otherwise, or representing advances made or costs or expenses paid or incurred by the Lender under this Deed of Trust, or the secured obligations or any other instrument evidencing or securing any indebtedness hereby secured and to the payment of all other sums then secured thereby, including interest as provided in this Deed of Trust, the secured obligations or any other such instrument, in such order as the Lender directs; and then the remainder, if any, is to be paid to the person or persons legally entitled thereto.

- (d) **Assignment of Rents; Appointment of Receiver; Lender in Possession.** Upon acceleration under paragraph (a) of Section 5.2 hereof or abandonment of the Property, Lender (in person, by agent or by judicially appointed receiver) is entitled to enter upon, take possession of and manage the Property and to collect the rents of the Property (if any) including those past due. All rents collected by Lender or the receiver are to be applied first to payment of the costs of management of the Property and collection of rents including, but not limited to, receiver's fees, premiums on receiver's bonds and reasonable attorneys' fees, and then to the sums secured by this Deed of Trust. Lender and the receiver are liable to account only for those rents actually received. The provisions of this paragraph and paragraph (a) of Section 5.2 shall operate subject to the claims of prior lien holders.

**5.3. Exercise of Remedies; Delay.** No exercise of any right or remedy by Lender or Trustee hereunder constitutes a waiver of any other right or remedy herein contained or provided by law, and no delay by the Lender or Trustee in exercising any such right or remedy hereunder shall operate as a waiver thereof or preclude the exercise thereof during the continuance of any default hereunder.

**5.4. Trustee Substitution.** The irrevocable power to appoint a substitute trustee or trustees hereunder is hereby expressly granted to the Lender, to be exercised at any time hereafter, without specifying any reason therefore by filing for record in the office where this Deed of Trust is recorded a deed of appointment, and said power of appointment of successor trustee or trustees may be exercised as often as and whenever the Lender deems advisable. The exercise of said power of appointment, no matter how often, is not to be deemed an exhaustion thereof, and upon recording of such deed or deeds of appointment, the trustee or trustees so appointed shall thereupon, without further act or deed of conveyance, succeed to and become fully vested with identically the same title and estate in and to the Property hereby conveyed and with all the rights, powers, trusts and duties of the predecessor in the trust hereunder, with the like effect as if originally named as trustee or as one of the trustees.

**5.5. Remedies Cumulative.** No remedy herein contained or conferred upon Lender or Trustee is intended to be exclusive of any other remedy or remedies afforded by law or by the terms hereof to the

Lender or Trustee but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity.

## **6. MISCELLANEOUS PROVISIONS**

**6.1. Successors, Assigns, Gender, Number.** The covenants and agreements contained in this Deed of Trust bind, and the benefit and advantages under it inure to, the respective heirs, executors, administrators, successors and assigns of the parties. Wherever used, the singular number includes the plural, and the plural the singular, and the use of any gender is applicable to all genders.

**6.2. Headings.** The headings are inserted only for convenience of reference and in no way define, limit, or describe the scope or intent of this Deed of Trust, or of any particular provision thereof, or the proper construction thereof.

**6.3. Actions on Behalf of the Lender.** Except as otherwise specifically provided herein, whenever any approval, notice, direction, consent, request or other action by Lender is required or permitted under this Deed of Trust, such action is to be in writing.

**6.4. Terms.** The word “Lender” means the present Lender, or any future owner or holder, including the pledgee of the indebtedness secured hereby.

**6.5. Obligations of Borrower.** If more than one person has executed this Deed of Trust as “Borrower,” the obligations of all such persons hereunder are joint and several.

**6.6. Severability.** If any provision of this Deed of Trust is invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions hereof will not in any way be affected or impaired.

**6.7. Indemnification.** Borrower will indemnify and hold Lender, its officers and agents harmless against any and all losses, claims, demands, penalties and liabilities that Lender, its officers or agents may sustain or suffer by reason of anything done or omitted in good faith pursuant to or in connection with this Deed of Trust and not assert any claim against Lender, its officers or agents by reason of any action so taken or omitted. Borrower shall, at Borrower’s expense, defend, indemnify, save and hold Lender, its officers and agents harmless from any and all claims, demands, losses, expenses, damages (general, punitive or otherwise), causes of action (whether legal or equitable in nature) asserted by any person, firm, corporation or other entity arising out of this Deed of Trust and Borrower shall pay Lender upon demand all claims, judgments, damages, losses or expenses (including reasonable legal expense) incurred by Lender as a result of any legal action arising out of this Deed of Trust.

**6.8. Notice.** Except for any notice required under applicable law to be given in another manner, (a) any notice to Borrower provided for in this Deed of Trust is to be given by mailing such notice by certified mail directed to the Property address or any other address Borrower designates by notice to Lender as provided herein; and, (b) any notice to Lender is to be given by certified mail, return receipt requested, to Contra Costa County, Neighborhood Preservation Program, 30 Muir Road, Martinez, California, 94553, or to such other address as Lender may designate by notice to Borrower as provided herein. Any notice provided for in this Deed of Trust will be deemed to have been given to Borrower or

Lender when given in the manner designated herein.

Borrower requests that a copy of any notice of default and any notice of sale hereunder be mailed to him at his address hereinabove set forth.

**6.9. Beneficiary Statement.** Lender may collect a fee for furnishing the beneficiary statement in an amount not to exceed the amount as provided by Section 2943 of the Civil Code of California.

**6.10. Use of Property.** Borrower shall not permit or suffer the use of any of the Property for any purpose other than as a single family residential dwelling.

**IN WITNESS WHEREOF**, Borrower has executed this Deed of Trust on the day and year first set forth above. By signing below, Borrower agrees to the terms and conditions as set forth above.

**Borrower**

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

Name: \_\_\_\_\_

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

Name: \_\_\_\_\_

\_\_\_\_\_  
(Space Below This Line For Acknowledgments) \_\_\_\_\_

### **Acknowledgements**

<p>A notary public or other officer completing this certificate verifies only the identity of the individual who signs the document to which this certificate is attached and not the truthfulness, accuracy or validity of that document.</p>
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State of CALIFORNIA

County of CONTRA COSTA §

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_ (seal)

(This area for official notarial seal)

**Exhibit A**

**Legal Description of Property**

[Legal description of property (found in the Lot Book or Title Report)]

APN: [APN No. (if not included in the legal description)]

**END OF DOCUMENT**

**CONTRA COSTA COUNTY  
5<sup>TH</sup> AND GIARAMITA HOMES**

**AMENDED AND RESTATED  
FORGIVABLE PROMISSORY NOTE  
(Secured by Deed of Trust)**

\$ \_\_\_\_\_, 20\_\_\_\_

Address: [insert street address]  
[insert city, state, zip code]

For value received, the undersigned ("Borrower"), jointly and severally, unconditionally promises to pay to the order of the County of Contra Costa, a political subdivision of the State of California ("Lender") the principal sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) (the "Loan") plus interest thereon pursuant to Section 2 below.

This Amended and Restated Forgivable Promissory Note ("Note") replaces in its entirety that promissory note executed by [Borrower] in the principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) dated \_\_\_\_\_ (the "Original Note"). Upon execution of this Note by Borrower, Lender shall cancel and return the Original Note to Borrower.

The Original Note is secured by a deed of trust dated \_\_\_\_\_ and recorded in the Official Records of Contra Costa County as Document No. \_\_\_\_\_ (the "Original Deed of Trust"). Upon execution of this Note by Borrower, Lender shall reconvey the Original Deed of Trust and enter into a new deed of trust of even date herewith against the above-referenced property (the "Property") that will be recorded in the official records of the County of Contra Costa and secure Borrower's obligations under this Note (the "Deed of Trust").

1. Loan Repayment Terms. The "Term" of this Note begins on the date of the Original Note and ends on the date that immediately precedes the thirtieth anniversary of the Original Note. No periodic payments are required under this Note. Subject to Section 3 – Loan Forgiveness, Borrower agrees to pay the unpaid principal balance, unpaid accrued interest, if any, and any other amounts due under this Note on or before \_\_\_\_\_, 20\_\_.

Borrower is to make payment to:

Contra Costa County  
Neighborhood Preservation Program  
30 Muir Road

Martinez, California 94553

or to such other address as may be designated by Lender.

2. Default Interest. If a default occurs under this Note or the Deed of Trust, interest will accrue on all amounts due under this Note at the rate of \_\_\_\_ percent (\_\_\_\_%) per annum (the "Default Rate") until the default is cured by Borrower or waived by Lender.
3. Loan Forgiveness. Provided Borrower has continuously occupied the Property throughout the Term of this Note, the Loan will be forgiven in equal increments on the Forgiveness Dates. For the purpose of this Note, the "Forgiveness Dates" are \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_. The amount forgiven on each Forgiveness Date and the then-outstanding principal balance is as follows:

<u>Forgiveness Date</u>	<u>Amount Forgiven</u>	<u>Remaining Balance</u>
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4. Prepayment. Borrower may prepay this Note, in full or in part, at any time, without any prepayment penalty being charged by Lender.
5. Deed of Trust as Security. This Note is secured by the Deed of Trust.
6. Due on Sale. Subject to Section 4.11 of the Deed of Trust, Lender may, at Lender's option, declare all sums secured by the Deed of Trust to be immediately due and payable upon the sale or transfer of the Property, or any interest in the Property, without Lender's prior written consent.
7. Default. Subject to the requirements for notice and opportunity for cure under Section 5.2 of the Deed of Trust, Lender may, in its sole discretion, declare all unpaid and unforgiven loan principal and accrued interest to be immediately due and payable if, during the term of this Note, there occurs any of the following:
  - a. Borrower fails to occupy the Property as the Borrower's principal residence.
  - b. Borrower defaults or breaches any of the terms of this Note or the Deed of Trust.
  - c. The sale, transfer, hypothecation, assignment or encumbrance by Borrower of the Property or any interest therein, other than as permitted in Section 4.11 of the Deed of Trust.
  - d. Lender discovers that Borrower, in any application to Lender in connection with the loan, failed to disclose or misrepresented any fact deemed by Lender to be material or which would have prevented Borrower from being eligible for the loan.

- e. The occurrence of any event that, under the terms of any deed of trust that is senior to the Deed of Trust or the note such deed of trust secures, entitles a senior lender to exercise its rights or remedies thereunder.

The failure of the Lender to exercise the option to accelerate payment as provided in this Section will not constitute a waiver of the right to exercise the option.

- 8. Waiver. Borrower, any endorser of this Note, and all others who may become liable for all or any part of the obligations evidenced by this Note hereby severally waive demand, presentment for payment, demand and protest, notice of protest, demand and of dishonor and non-payment and consent to any number of renewals or extensions of this Note. Any such renewals or extensions may be made without notice to any of said parties and without affecting their liability.
- 9. Collection Costs. Borrower shall pay Lender for all costs and expenses incurred by Lender in enforcing this Note to the extent not prohibited by law. These expenses include, for example, reasonable attorneys' fees.
- 10. Notices. Notices are to be given under this Note in the manner prescribed in the Deed of Trust.

Borrower is signing this Note on the date first above written, intending to be legally bound hereby.

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(Insert Borrower's Name)

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(Insert Borrower's Name)



**Contra  
Costa  
County**

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: December 15, 2015

Subject: Multifamily Housing Revenue Bonds - Casa Montego, Walnut Creek

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**RECOMMENDATION(S):**

ADOPT Resolution No. 2015/461 approving the issuance of Multifamily Housing Revenue Bonds (the "Bonds") by the California Municipal Finance Authority (CMFA) in an amount not to exceed \$21,000,000 for the benefit of Satellite Affordable Housing Associates (SAHA), a California nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (the "Code"), or a subsidiary or affiliate thereof (the "Borrower"), to provide for the financing of the acquisition, rehabilitation, improvement and equipping of a multifamily housing development commonly known as Casa Montego Apartments located at 1485 Montego Street, in the City of Walnut Creek. Such adoption is solely for the purposes of satisfying the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), the Code and the California Government Code Section 6500 (and following).

**FISCAL IMPACT:**

No impact to the General Fund. The County will be reimbursed for any costs incurred in the process of conducting the TEFRA Hearing. The CMFA will issue tax-exempt revenue bonds on behalf of SAHA. Repayment of the bonds is solely the responsibility of SAHA.

**BACKGROUND:**

Satellite Affordable Housing Associates, with the City of Walnut Creek's support, requested the County to conduct a Tax Equity and Fiscal Equity Responsibility Act of 1982 (TEFRA) hearing for the California Municipal Finance Authority (CMFA) issuance of Multifamily Housing Revenue Bonds in an amount not to exceed \$21,000,000 to be used to finance the acquisition, rehabilitation, improvement and equipping of a multifamily rental housing

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Kristen Lackey (925)  
674-7888

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

By: , Deputy

cc:

#### BACKGROUND: (CONT'D)

development commonly known as Casa Montego Apartments located at 1485 Montego Street, in the City of Walnut Creek, California (the "Project"). A TEFRA hearing must be held by an elected body of the governmental entity having jurisdiction over the area where the project is located in order for all or a portion of the Bonds to qualify as tax-exempt bonds for the financing of the Project. The County is a member of the CMFA and qualifies as an elected body of the governmental entity having jurisdiction over the area where the project is located.

The main purpose of the proposed Resolution is to acknowledge that a public hearing was held by the County's Community Development Bond Program Manager on November 30, 2015, where members of the community were given an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing of the Project. No public comments were received. A notice of the hearing was published in the Contra Costa Times (proof of publication attached) on November 10, 2015.

The County's only role in this transaction was to hold the TEFRA hearing. Additional actions related to the bond issuance will be the responsibility of CMFA.

#### CONSEQUENCE OF NEGATIVE ACTION:

Negative action would prevent CMFA from providing tax-exempt financing for SAHA's Casa Montego Apartments project in Walnut Creek.

#### ATTACHMENTS

Resolution No. 2015/461

Casa Montego Proof of Publication

Casa Montego TEFRA Transcript

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

Adopted this Resolution on 12/15/2015 by the following vote:

AYE: ☐  
NO: ☐  
ABSENT: ☐  
ABSTAIN: ☐  
RECUSE: ☐



**Resolution No. 2015/461**

**RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY FOR THE PURPOSE OF FINANCING OR REFINANCING THE ACQUISITION, REHABILITATION, IMPROVEMENT AND EQUIPPING OF CERTAIN AFFORDABLE MULTIFAMILY RENTAL HOUSING FACILITIES FOR THE BENEFIT OF SATELLITE AFFORDABLE HOUSING ASSOCIATES OR AN AFFILIATE THEREOF**

**WHEREAS**, pursuant to Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "Act"), certain public agencies (the "Members") have entered into a Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the "Agreement") in order to form the California Municipal Finance Authority (the "Authority"), for the purpose of promoting economic, cultural and community development, and in order to exercise any powers common to the Members, including the issuance of bonds, notes or other evidences of indebtedness; and

**WHEREAS**, the County of Contra Costa (the "County") is a Member of the Authority; and

**WHEREAS**, the Authority is authorized to issue and sell revenue bonds for the purpose, among others, of financing or refinancing the construction of capital projects; and

**WHEREAS**, Satellite Affordable Housing Associates, or an entity to be created thereby (the "Borrower") has requested that the Authority issue and sell revenue bonds in the maximum principal amount of \$21,000,000 (the "Bonds") for the purpose of making a loan to the Borrower, to enable the Borrower to finance the costs of the acquisition, rehabilitation, improvement and equipping of an 80-unit affordable multifamily rental housing facility located in the County at 1485 Montego Street, Walnut Creek, California (the "Project"); and

**WHEREAS**, in order for the interest on the Bonds to be tax-exempt, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that an "applicable elected representative" of the governmental unit, the geographic jurisdiction of which contains the site of facilities to be financed with the proceeds of the Bonds, hold a public hearing on the issuance of the Bonds and approve the issuance of the Bonds following such hearing; and

**WHEREAS**, the Authority has determined that the Board of Supervisors of the County (the "Board of Supervisors") is an "applicable elected representative" for purposes of holding such hearing; and

**WHEREAS**, the Authority has requested that the Board of Supervisors approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Agreement; and

**WHEREAS**, notice of such public hearing has been duly given as required by the Code, and this Board of Supervisors has heretofore held such public hearing at which all interested persons were given an opportunity to be heard on all matters relative to the financing of the Project and the Authority's issuance of the Bonds therefor; and

**WHEREAS**, it is in the public interest and for the public benefit that the Board of Supervisors approve the issuance of the Bonds by the Authority for the aforesaid purposes;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS, AS FOLLOWS:**

Section 1. The foregoing recitals are true and correct.

Section 2. The Board of Supervisors hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of

the Board of Supervisors that this resolution constitute approval of the issuance of the Bonds (a) by the “applicable elected representative” of the governmental unit having jurisdiction over the area in which the Project is located in accordance with Section 147(f) of the Code and (b) by the Board of Supervisors in accordance with Section 4 of the Agreement.

Section 3. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The Board of Supervisors shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 4. The adoption of this Resolution shall not obligate the Board of Supervisors or any department thereof to (i) provide any financing to acquire or construct the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, rehabilitation, improvement, equipping or operation of the Project; (iii) make any contribution or advance any funds whatsoever to the Authority; or (iv) take any further action with respect to the Authority or its membership therein.

Section 5. The executing officers, the Clerk of the Board and all other proper officers and officials of the County are hereby authorized and directed to execute such other agreements, documents and certificates, and to perform such other acts and deeds, as may be necessary or convenient to effect the purposes of this Resolution and the transactions herein authorized.

Section 6. The Clerk of the Board shall forward a certified copy of this Resolution to the Authority in care of its counsel:

Ronald E. Lee, Esq. Jones Hall, APLC 475 Sansome Street, Suite 1700 San Francisco, CA 94111

Section 7. This resolution shall take effect immediately upon its passage.

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

**Contact: Kristen Lackey (925) 674-7888**

**ATTESTED: December 15, 2015**

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

By: , Deputy

**cc:**

# Contra Costa Times

175 Lennon Lane, Suite 100  
Walnut Creek, CA 94598  
925-943-8019

2003193

CALIF. NEWSPAPER SVC.  
BILLING DEPT.  
PO BOX 60460  
LOS ANGELES, CA 90060

## PROOF OF PUBLICATION FILE NO. 2814391

In the matter of

### Contra Costa Times

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the Contra Costa Times, a newspaper published in the English language in the City of Walnut Creek, County of Contra Costa, State of California.

I declare that the Contra Costa Times is a newspaper of general circulation as defined by the laws of the State of California as determined by court decree dated October 22, 1934, Case Number 19764. Said decree states that the Contra Costa Times is adjudged to be a newspaper of general circulation for the City of Walnut Creek, County of Contra Costa and State of California. Said order has not been revoked.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

11/10/2015

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.  
On this 10th day of November, 2015.

Signature

Legal No.

0005613296

### FORM OF NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on November 30, 2015, a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986 will be held with respect to the proposed issuance by the California Municipal Finance Authority of its revenue bonds in one or more series in an amount not to exceed \$21,000,000 (the "Bonds"). The proceeds of the Bonds will be used to: (1) finance the acquisition, rehabilitation, improvement and equipping of an 80-unit affordable multifamily rental housing facility located in the County of Contra Costa (the "County") at 1485 Montego Street, Walnut Creek, California (the "Project"); and (2) pay certain expenses incurred in connection with the issuance of the Bonds. The facilities are to be owned and operated by Satellite Affordable Housing Associates, or a limited partnership or other entity created thereby.

The Bonds and the obligation to pay principal of and interest thereon and any redemption premium with respect thereto do not constitute indebtedness or an obligation of the County, the Authority, the State of California or any political subdivision thereof, within the meaning of any constitutional or statutory debt limitation, or a charge against the general credit or taxing powers of any of them. The Bonds shall be a limited obligation of the Authority, payable solely from certain revenues duly pledged therefor and generally representing amounts paid by the Borrower.

The hearing will commence at 9:00 a.m. or as soon thereafter as the matter can be heard, and will be held in the Contra Costa County Department of Conservation and Development, 30 Mulr Road, Martinez, California. Interested persons wishing to express their views on the issuance of the Bonds or on the nature and location of the facilities proposed to be financed may attend the public hearing or, prior to the time of the hearing, submit written comments.

Additional information concerning the above matter may be obtained from, and written comments should be addressed to, Kristen Lackey, Community Development Bond Program Manager, Contra Costa County Department of Conservation and Development, 30 Mulr Road, Martinez, CA 94553.

Dated: November 10, 2015  
11/10/15  
CNS-2814391#  
CONTRA COSTA TIMES  
CCT 5613296  
Nov. 10, 2015

## TRANSCRIPT FOR THE TEFRA HEARING

November 30, 2015 9:00 a.m.

This noticed public hearing is required by the federal Tax Equity and Fiscal Responsibility Act (TEFRA), Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"). The hearing is on the proposed issuance by the California Municipal Finance Authority of its revenue bonds in an amount not to exceed twenty one million dollars (\$21,000,000). Proceeds from the sale of the proposed bonds will be used to provide financing for costs of the acquisition, construction, and improvement of a multifamily housing residential facility generally known as Casa Montego by a California limited partnership to be formed by Satellite Affordable Housing Associates or a related entity. Casa Montego is an 80 unit multifamily housing residential facility located at 1485 Montego Street, in the City of Walnut Creek, California.

TEFRA requires that a public hearing be held by a governing body of the jurisdiction in which a project to be financed is located, and that the governing body approve the proposed financing solely for the purposes of satisfying the requirements of TEFRA, the Code, and the California Government Code Section 6500. Casa Montego is within the jurisdiction of the County of Contra Costa. The Contra Costa County Board of Supervisors may consider adoption of a resolution approving the issuance of the bonds on December 15, 2015. Any comments provided at this hearing will be made available to the Board of Supervisors prior to their taking action on December 15<sup>th</sup> or on such later date as the matter may be considered by the Board of Supervisors.

If there are parties present who wish to voice their opinion and provide comments on the proposed financing of the development or the issuance of the bonds, I would ask that they be recognized now by raising their hand. I will then let each person provide any written or oral testimony that they may wish to provide on this matter.

Opened hearing: 9:05  
Speakers present: Ø  
Closed hearing: 9:20

By: Kristen Lackey  
Kristen Lackey,  
Community Development Bond  
Program Manager,  
County of Contra Costa

Date: November 30, 2015



Contra  
Costa  
County

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: December 15, 2015

Subject: Accept status report on the clean-up of the Mount Diablo Mercury Mine project

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**RECOMMENDATION(S):**

ACCEPT status report on the clean-up of the Mount Diablo Mercury Mine project, as recommended by the Chief Engineer, Flood Control & Water Conservation District, Countywide.

**FISCAL IMPACT:**

There is no fiscal impact.

**BACKGROUND:**

**Key Events**

The cleanup of the Mount Diablo Mercury Mine is one of the County's priority Projects. On December 4, 2012, the Board accepted a comprehensive status report on the Army Corps of Engineers (Corps) planning process to clean up the mercury mine through their Remediation of Abandoned Mine Sites program. The following are some of the key events that have occurred since that last status report.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Mitch Avalon  
925-313-2203

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

By: , Deputy

cc:

## BACKGROUND: (CONT'D)

### Enforcement Action

The Central Valley Regional Water Quality Control Board (Regional Board) issued a Cleanup and Abatement Order to Sunoco to clean up the mercury mine. Sunoco, however, claims to not have performed active mining on the site but only conducted exploratory excavation for a short period of time and only at an isolated location within the mining complex. It will be a couple of years before this process is concluded and we have certainty on how much of the mine site will be cleaned up by Sunoco.

### Water Quality Standards

The Regional Board approved a total maximum daily load (TMDL) for mercury and methylmercury in the Delta. The TMDL will provide a long-range plan and goals for reducing mercury in the watersheds that drain into the Delta and San Francisco Bay. Cleanup of the Mount Diablo Mercury Mine will be one of the actions in the plan.

### Funding

Through the good work and considerable effort of our congressional delegation, the Corps has the funding to complete the planning process as originally contemplated. It is uncertain, however, whether the funding will be enough to cover the costs of the Corps' new requirements.

### New Corps Requirements

Last year the Corps decided the rather informal 2009 letter agreement between the County and Corps would need to be replaced with a more formal cost-share agreement, or Project Partnership Agreement. Staff is currently reviewing the new agreement, but on the surface it appears more complicated and requires the County to be more involved in the project than the prior letter agreement. Added complexity and involvement usually means added cost and liability exposure. When staff has worked out the details with the Corps on the agreement it will come to the Board for approval. At that time the County will need to make several policy decisions that will impact whether we move forward with the project or not.

### Detailed Events

The December 4, 2012 status report to the Board included a history of the project, project objectives, and an outline of our strategy at that time. The report concluded the list of key milestones with the September 21, 2012 completion of the Data Collection Plan. Completion of this plan depleted the original congressional appropriation of \$517,000. Additional planning work was needed to perform the data collection, assess the impacts of the mine drainage and develop a project scope. It is estimated that another appropriation of \$483,000 will be needed to complete the planning work. The following is a more detailed update of the Board of Supervisors status report.

On April 16, 2013, the Executive Officer of the Central Valley Regional Water Quality Control Board (Regional Board) issued a Cleanup and Abatement Order to several responsible parties to clean up the mine site. Responsible parties are entities that have legal responsibility to clean up the mine site under the federal Comprehensive Environmental Response, Compensation, and Liability Act. The two key responsible parties were Sunoco and Kennametal. These two responsible parties subsequently requested the Regional Board reconsider issuance of the Cleanup and Abatement Order (CAO). The Regional Board agreed to reconsider the CAO on August 8, 2013, and it was subsequently scheduled for the Regional Board meeting of March 27, 2014. On March 12, 2014 the Board of Supervisors sent a letter to the Regional Board requesting they not modify the CAO but rather to fully pursue the CAO and require the responsible parties to clean up the mine site. The reconsideration was continued and finally heard by the Regional Board at their October 10, 2014 meeting where they upheld the Executive Officer's Cleanup and Abatement Order. Of all the responsible parties listed in the final Quarter, Sunoco was the only mining company, as Kennametal had been released for lack of evidence. In November 2014, Sunoco appealed the Regional Board's decision to the State Water Resources Control Board. On October 23, 2015 the Regional Board sent a letter to Sunoco and California State Parks with comments on the site remediation work plan submitted by Sunoco in response to the Cleanup and Abatement Order. The letter approves the remedial action approach proposed in the 2015 Work Plan, but requires additional information on grading, springwater drainage, removal of the lower pond, and post-project maintenance and monitoring. The letter also requires submittal of a Closure and Post Closure Maintenance Plan by January 30, 2016.

On October 20, 2011, the Central Valley Regional Water Quality Control Board approved a Total Maximum Daily Load (TMDL) allocation to control methylmercury and total mercury in the watershed and amended the Water Quality Control Plan for the Sacramento-San Joaquin River Delta. Marsh Creek drains into the Delta and is subject to this TMDL requirement. The Response Plan for the TMDL recognizes the Mount Diablo Mercury Mine as a point source of mercury contamination and its cleanup now takes on an additional degree of importance. We participate in (help fund) the Delta Mercury Exposure Reduction Program, through the County Clean Water Program, which works to reduce exposure to mercury among people who eat fish from the Delta. We are also currently developing a Methylmercury Control Study to meet our TMDL requirements and taking water quality sampling for mercury below the Marsh Creek Reservoir. The Regional Board is currently working on a TMDL for both Marsh Creek and Dunn Creek. The information we are gathering should help with the Corps planning work.

The Mount Diablo Mercury Mine project has enjoyed strong support in Congress for many years. The Water Resources Development Act of 2007, authorizing projects and programs for the Army Corps of Engineers (Corps), extended and increased funding for the RAMS program, and at our request included language in the accompanying Statement of Managers that “In carrying out this section, the Secretary shall give priority to the Mount Diablo Mercury Mine Cleanup project in Contra Costa County, California.”

On May 15, 2013, the Board of Supervisors sent a letter to Senator Feinstein requesting support for a \$1 million appropriation to fund the Remediation of Abandoned Mine Sites (RAMS) program and, without any reference that might constitute an earmark, also expressed our hope the Corps would program \$483,000 towards the Mount Diablo Mercury Mine. A similar letter was sent to our Congressional Representatives on May 21, 2013. Congress approved a Consolidated Appropriations Act which included \$1 million for the RAMS program. In July 2014, the County’s congressional delegation sent a letter to Jo-Ellen Darcy, Assistant Secretary of the Corps, urging the Corps to program \$483,000 for the mine project. As a result, \$483,000 is currently in the project account at the Sacramento Corps District.

In 2013 Congress was debating passage of a Water Resources Development Act. On June 28, 2013, at our request, Congressman Mike Thompson sent a letter to the House Committee on Transportation and Infrastructure requesting an expansion of authority for the Corps to construct mine cleanup projects under the RAMS program. Currently, the Corps only has authority to conduct planning and design work and cannot construct a cleanup project. This expansion of Corps authority would reduce liability exposure for the County, but unfortunately was not included in the adopted legislation. We will continue to propose expanding Corps authority whenever Congress introduces a new Water Resources Development Act, and continue to support appropriations each year to fund the RAMS program.

A letter agreement for the mine project dated June 10, 2009, was developed and signed by the program manager for the RAMS program and the project manager for the Flood Control District outlining the cost-share activities performed by the County. Subsequently, the national and local economies suffered heavily as we went through what is now referred to as the Great Recession. County staff were let go and budgets slashed. The County was not able to perform the anticipated work outlined in the 2009 cost-share letter. In early 2014, there was a leadership change in the RAMS program and there was a general review of current projects and past practices. In light of this review, the Corps eventually determined that the existing letter agreement would not be adequate. Toward the end of 2014 the Flood Control District was informed by the Corps project manager that a formal cost-share agreement, or Project Partnership Agreement, would be required before any further work on the project could be performed. Since then, the Corps has been refining RAMS processes to be compliant with RAMS Authority. This involves searching for the closest model agreement that could be modified to accommodate the Mercury Mine project, which is on private property. Twice monthly coordination meetings were set up to facilitate moving the project forward. The Corps is currently preparing a draft agreement which should be in our hands within the next two months.

## **Current Issues**

In developing the agreement with the Corps, the following are some of the issues that have been discussed and we will need to consider:

### **• Design Services Agreement**

- The Corps has determined the most appropriate model agreement is their Section 219 Model Agreement for

Design Assistance. However, we haven't completed the planning work and the sequence and project development is to complete the planning and define the project. Once the project is adequately defined then it can be designed. We need to complete the Technical Project Planning work the Corps started in 2008 before the project can be defined and designed, so the agreement needs to include a section on planning. At this time, we have no objection to the Corps developing an agreement with both planning and design services, but we don't want to commit to design services now when we do not know what the project is. The agreement should be written with a decision point upon completion of the planning work and project definition. At that time, with a clear understanding of the project objectives and description, the Corps and the County can decide whether or not to move forward with project design.

## **Cost-Share**

The Local Match required for our project in the RAMS program is 50%.

## **In-Kind Work**

- We would like the ability to contribute in-kind work that would be integral to and supportive of the project, such as project management costs and other work like water quality testing, as part of our local match requirement, rather than having to contribute all cash. The advantage to the County is getting credit for work that benefits the project and will be done and paid for anyway. Any cash contribution would be on top of expenditures that are already occurring in the watershed. Close coordination with the Corps to determine what types of activities would be acceptable in-kind credit will be on-going.

## **Costs Forward**

- At this time, we are working with the Corps to determine project costs. From our perspective, there are two approaches in determining the cost-share amount. One is to calculate the cost-share from today forward and receive in-kind credit for work done from today forward. The other is to calculate the cost-share from the beginning of the project and receive credit for past work performed. With the second approach, we need to know exactly how much the Corps has spent, because we would have to match that cost. There was a \$517,000 appropriation that has been expended and that may be the total past cost. Presently, we are in the process of gathering our costs since 2009 so we can determine the best approach forward.

## **Corps Cost**

A 50% cost-share by the County will be required to complete the planning work (and possible design efforts). Before signing an agreement, we will need to know the estimated cost for that work. It is assumed the cost to complete the planning phase will be around \$483,000, as that was the budget request to Congress before the local match requirement. With a 50% cost-share formula, the estimated County contribution would be \$241,500. Design costs cannot be estimated until the project is defined, and those costs will be one element in the decision whether or not to go beyond the planning phase and into the design phase.

### **• Liability**

- Maintaining a low exposure to liability has been a primary driver of the County's policy and strategy with this project. County Counsel has indicated in the past that planning work is a low risk activity. The further you move along the project development continuum of planning, design, permitting, and construction, the more risk is assumed. Up until now we have not had a direct financial participation in the planning process, which has resulted in low risk. Providing direct financial participation may increase risk levels, but may also be acceptable for the planning phase. Moving into the design phase and the attendant risk will require a deeper understanding of the project, which is yet to be defined. For example, we may be interested in designing a project at the reservoir, which we own, but may not be interested in the design of a project on private property upstream or downstream of the reservoir, as we do not have control of nor responsibility for that property.

## **Mine Cleanup**

The mine represents an ongoing point source of Mercury in the watershed and must be cleaned up. At this time, it is still unknown if the identified responsible parties will be required to remediate the entire mine site or a portion of the site. The outcome of the State Water Resources Control Board enforcement action will be a key determinant of what our project will be.

### **• Marsh Creek Reservoir**

- In our correspondence to the Regional Board and others on the enforcement action, we have requested the responsible parties also contribute to mitigating impacts downstream of the mine site, including the Marsh Creek Reservoir. However, it appears the enforcement action is focusing solely on cleaning up the mine site and it will be considered a victory if that is achieved. We should plan on not receiving any significant assistance from the responsible parties for the Marsh Creek Reservoir project.

CONSEQUENCE OF NEGATIVE ACTION:

The report would not be accepted.



Contra  
Costa  
County

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: December 15, 2015

Subject: Board Advisory Body Annual Report for 2015 - North Richmond Mitigation Fee Joint Expenditure Planning Committee

**RECOMMENDATION(S):**

ACCEPT the North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Planning Committee Annual Report for 2015 (Exhibit A).

**FISCAL IMPACT:**

No impact to the County General Fund.

**BACKGROUND:**

On June 18, 2002, the Board of Supervisors adopted Resolution No. 2002/377, which requires that each regular and ongoing board, commission, or committee shall annually report to the Board of Supervisors on its activities, accomplishments, membership attendance, required training/certification (if any), and proposed work plan or objectives for the following year, on the second Tuesday in December.

The 2015 Annual Report for the North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Planning Committee (Committee) is attached as Exhibit A. This Committee was formed in 2006, pursuant to the terms of a Memorandum of Understanding between the County and the City of Richmond. This Committee was formed to develop recommendations for the use of funding derived from the collection of the North Richmond Waste & Recovery Mitigation Fee, which is subject to the joint-control of the City and County.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Demian Hardman, (925)  
674-7826

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

By: , Deputy

cc:

## BACKGROUND: (CONT'D)

The Waste & Recovery Mitigation Fee was established by the City and County as permitting conditions of approval to mitigate potential impacts on North Richmond from the proposed expansion of waste processing and resource recovery operations located at the foot of Parr Boulevard in North Richmond ("Project"). One of the mitigation measures in the 2003 Environmental Impact Report ( EIR ) for this Project called for the establishment of a Mitigation Fee to defray annual costs associated with collection and disposal of illegally dumped waste and associated impacts in North Richmond and adjacent areas.

This Committee is charged with preparing an Expenditure Plan to facilitate joint administration of this funding for the benefit of unincorporated and incorporated North Richmond. Each Expenditure Plan recommended by the Committee is subject to the final approval of the Richmond City Council and the Contra Costa County Board of Supervisors. A copy of the current Expenditure Plan for 2015/2016 (covering July 2015 thru June 2016), is attached as Exhibit B. A recommendation by the Committee on a new Expenditure Plan for the 2016/2017 fiscal year is expected to be made in May 2016.

## CONSEQUENCE OF NEGATIVE ACTION:

The Board of Supervisors would not formally accept the report containing information about activities conducted by North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Planning Committee in calendar year 2015.

## ATTACHMENTS

Exhibit A: 2015 Advisory Body Annual Report- NR Mitigation Fee Committee

Exhibit B: 2015/2016 North Richmond Mitigation Fee Expenditure Plan

## 2015 Advisory Body Annual Report

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**Advisory Body Name:**

North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Planning Committee (NRMFC)

**Advisory Body Meeting Time/Location:**

Meetings are regularly scheduled for twice a year, with special meetings scheduled from time to time at the discretion of the Committee. The meeting dates and times for the 2015 calendar year are identified in Section 3 of this document (page 1 and 2). This year, all meetings were held at Richmond City Hall located at 440 Civic Center Drive in Richmond.

**Chair (during the reporting period):**

Dr. Henry Clark, North Richmond Municipal Advisory Council

**Staff persons (during the reporting period):**

Contra Costa County Department of Conservation & Development:

- Demian Hardman & Justin Sullivan

Richmond City Manager's Office:

- Lori Reese-Brown & LaShonda Wilson

**Reporting Period:** January 1, 2015 – December 31, 2015

**1. Activities**

The NRMFC made recommendations to the County Board of Supervisors and Richmond City Council on the use of money collected through a Waste & Recovery Mitigation Fee established as result of an Environmental Impact Report to mitigate impacts from the expansion of the West Contra Costa Sanitary Landfill (WCCSL) Bulk Materials Processing Center (BMPC) located in the North Richmond area. The Committee provided feedback to City/County Committee staff about recommended uses of the mitigation fee for the purpose of defraying the annual costs associated with the collection and disposal of illegally dumped waste in the North Richmond area as a result of the BMPC expansion.

**2. Accomplishments**

In 2015, the NRMFC received a Tonnage & Revenue update along with informational reports on all expenditure plan strategies. Committee members also provided direction to County/City staff to postpone a Funding Request Proposal and continue funding the 2014/2015 non-profits into the 2015/2016 Expenditure Plan. The County Board of Supervisors and Richmond City Council approved of these recommendations, which are reflected in the 2015/2016 Expenditure Plan (attached as Exhibit B).

The NRMFC recommended 2015/2016 Expenditure Plan involved a five percent (5%) increase in funds to each Expenditure Plan strategy except strategies 9 & 12 (Strategy 9 allocates \$100K and strategy 12 allocates \$50K). The Committee also recommended the release of a new Funding Request Proposal in Fall 2015 for the 2016/2017 Expenditure Plan. The five (5) Community Based Projects (funded in Strategy 9) and three (3) Neighborhood Community Garden projects (funded in Strategy 12) provided updates about how their programs are helping reduce illegal dumping and/or blight.

**3. Attendance/Representation**

The seven member Committee is comprised of three Richmond City Council members, one member of the Board of Supervisors, two North Richmond Municipal Advisory Council (MAC) members that are residents of unincorporated North Richmond, and one incorporated North Richmond (NR) resident. Bylaws were approved for this Committee in 2008, which included designation of alternates and

procedures for removal of members based upon number of absences without prior notification. The level of participation for each Committee member is outlined in the table below as well as the status of a quorum being achieved for each meeting date.

In January of 2015 Committee member Nathaniel Bates was replaced by City Council member Edwardo Martinez. Nathaniel Bates was instead designated as the Alternate for the Richmond City Council representatives. In April 2015, the Board of Supervisors appointed Robert Rogers as the Alternate to Supervisor Gioia, to replace Luz Gomez. The Board of Supervisors also approved David Meza as the Alternate for the North Richmond MAC members representing the unincorporated area. The Incorporated North Richmond Resident (City of Richmond appointment) and associated Alternate seat have been vacant since May 2014. The City will continue seeking volunteers that can be appointed to fill those vacant Member and Alternate seats in 2016.

### 2015 Meeting Dates & Attendance

Committee Members & Alternates	Feb 20 2-4 pm	May 29 Meeting Cancelled	June 5 Meeting Cancelled	June 12 2-5 pm	Appointed By
Dr. Henry Clark, Chair – North Richmond MAC	Yes			Yes	County
Jovanka Beckles, Vice Chair – Richmond City Council	Yes			Yes	City
Edwardo Martinez – Richmond City Council	Yes			Yes	City
John Gioia, Supervisor – Board of Supervisors	No			No	County
Gayle McLaughlin – Richmond City Council	Yes			No	City
Beverly Scott – North Richmond MAC	Yes			Yes	County
VACANT– Incorporated N. Richmond Resident	No			VACANT	City
Nathaniel Bates – Richmond City Council, Alternate	No			Yes	City
Luz Gomez – Board of Supervisors, Alternate*	Yes			N/A	County
Robert Rogers – Board of Supervisors, Alternate*	N/A			Yes	County
David Meza – N. Richmond MAC Member, Alternate**	VACANT			VACANT	County
Incorporated N. Richmond Resident, Alternate	VACANT			VACANT	City
<b>Quorum achieved</b>	<b>Yes</b>			<b>Yes</b>	

\* Luz Gomez was the Alternate until Robert Rogers was appointed by the County Board of Supervisors on April 21<sup>st</sup>

\*\* Appointed by County Board of Supervisors on April 14<sup>th</sup> and resigned as Member in May 2015.

#### 4. Training/Certification

All Committee Members/Alternates and County Committee Staff are current on all required trainings.

#### 5. Proposed Work Plan/Objectives for Next Year

The Committee will have its next meeting on February 19, 2016. Anticipated topics to be discussed at this meeting are likely to include budget planning for the next Expenditure Plan cycle (FY 2016/2017), including future revenue projections, proposed funding allocations for existing and potential new strategies, and review of new Funding Request Proposal applicants for fiscal year 2016/2017. On May 27, 2016, the Committee is expected to determine which applicants are awarded funding for strategies 9 (Community Based Projects) & 12 (Community Gardening Projects) and consider recommending approval of a new 2016/2017 Expenditure Plan to the County Board of Supervisors and Richmond City Council.

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## North Richmond Waste & Recovery Mitigation Fee 2015/16 Expenditure Plan

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The Waste & Recovery Mitigation Fee was established as a result of the Draft Environmental Impact Report (EIR) dated November 2003 for the WCCSL Bulk Materials Processing Center (BMPC) and Related Actions (Project). The Project involved new and expanded processing and resource recovery operations on both the incorporated and unincorporated area of the Project site, which the EIR concluded would impact the host community. To mitigate this impact Mitigation Measure 4-5 called for a Mitigation Fee to benefit the host community, described as follows:

“Mitigation Fee. The facility operator shall pay a Mitigation Fee of an amount to be determined by the applicable permitting authority(ies) ***to defray annual costs associated with collection and disposal of illegally dumped waste and associated impacts in North Richmond and adjacent areas.*** The mitigation fee should be subject to the joint-control of the City and County and should be collected on all solid waste and processible materials received at the facility consistent with the existing mitigation fee collected at the Central IRRF.”

In July 2004, the City of Richmond and Contra Costa County entered into a Memorandum of Understanding (MOU) agreeing to jointly administer Mitigation Fee monies collected from the BMPC for the benefit of the incorporated and unincorporated North Richmond area. This North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Planning Committee (Committee) was formed pursuant to the terms of the MOU for the specific purpose of preparing a recommended Expenditure Plan. This Expenditure Plan provides a means to jointly administer the Mitigation Fee funding for the benefit of the host community, as described in the EIR. The Expenditure Plan is subject to final approval of the Richmond City Council and the Contra Costa County Board of Supervisors.

By approving this Expenditure Plan, the City Council and Board of Supervisors authorize the use of Mitigation Fee funding for only the purposes and in the amounts specified herein. The City and County have each designated their respective staff persons responsible for administering the development and implementation of the approved Expenditure Plan, which includes responsibility for drafting and interpreting Expenditure Plan language. However, the City and County have not delegated to the Committee or to staff the authority to expend funding for purposes not clearly identified in the Expenditure Plan document officially approved by their respective decision-making bodies.

Activities which can be funded in this Expenditure Plan period with the Mitigation Fee amounts specified within this Expenditure Plan are described herein as “Strategies” or “Staff Costs”. Strategies are categorized as either “Core Services” or “Supplemental Enhancements”. Core Services includes the higher funding priority strategies that most directly address the intended purpose of this City/County approved Mitigation Fee, *“to defray annual costs associated with collection and disposal of illegally dumped waste and associated impacts in North Richmond”*.

All references to the “Mitigation Fee Primary Funding Area” or “Mitigation Fee Funding Area” pertain to the geographic area shown in the attached map (Attachment 6).

<b>Expenditure Plan Period:</b>	July 1, 2015 - June 30, 2016 <i>(unless otherwise specified herein)</i>
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## **BUDGET**

The funding allocation amounts included in this document apply to the Expenditure Plan Period specified on the first page unless otherwise specified herein. The total amount of funding allocated in the Expenditure Plan Budget is based on revenue projections provided by the BMPC operator, Republic Service, which are dependant upon multiple variables (e.g. number of tons of recovered materials vs. solid waste, per ton gate rate charged and amount of CPI-adjusted per ton Mitigation Fee). Actual Mitigation Fee revenue may deviate from revenue projections provided by Republic and used to prepare this Budget. A “Contingency” line item is included in the Budget to help accommodate variations between projected and actual revenue. Excess funding allocated to strategies and not expended by the end of each Expenditure Plan period is treated as “roll-over” funding for reallocation in a subsequent Expenditure Plan period.

The Budget includes some line items that are based on fixed costs, however there are other line items which are scalable and/or dependant on utilization thereby providing flexibility to reallocate amounts if and when a significant need is identified. Allocated funding may remain unspent due to under-utilization of a particular program. If the amount allocated to a particular line item is determined to exceed needs based upon usage, the remaining funding can only be reallocated by officially amending the Expenditure Plan. This Expenditure Plan may only be adjusted upon official action taken by both the City and County. Although there has been some interest in allowing flexibility for staff to adjust funding allocations under specific circumstances, the authority to approve or modify the Expenditure Plan rests solely with the City Council and Board of Supervisors.

Annual fiscal year Expenditure Plan cycle is expected to reduce margin of error of Mitigation Fee revenue projects, streamline financial reconciliation/budgeting process and minimize need to amend Expenditure Plans mid-cycle. Amending Expenditure Plans involve administrative burden and costs due to the joint approval needed from both the Richmond City Council and County Board of Supervisors. In order to minimize the amount of funding needed to cover staff costs incurred to amend the Expenditure Plan, staff will only recommend changes to the Expenditure Plan when necessary to address a significant and time-sensitive need.

	#	Expenditure Plan (EP) Strategy (EP Cycle: July 1, 2015 thru June 30, 2016)	Approved by Committee in June 2015
Core Services	1	Bulky Item Pick-ups & Disposal Vouchers	\$ 1,575.00
	2	Neighborhood Clean-ups	\$ 10,500.00
	3	Prevention Services Coordinator	\$ 30,870.00
	4	City/County Right-of-Way Pick-up & Tagging Abatement	\$ 17,850.00
	5	Code Enforcement - County	\$ 97,196.40
	6	Illegal Dumping Law Enforcement	\$ 186,046.88
	7	Surveillance Cameras	\$ 2,835.00
Supplemental Enhancements	8	Community Services Coordinator	\$ 63,258.14
	9	Community-Based Projects <sup>1</sup>	\$ 100,000.00
	10	North Richmond Green Community Service Programs	\$ 41,090.00
	11	North Richmond Green Campaign	\$ 10,500.00
	12	Neighborhood Community Garden Project(s)	\$ 50,000.00
		Contingency (7% of Projected Revenue)	\$ 57,851.07
Subtotal (without Committee Staffing)			\$ 669,572.49
	x	Committee Administration/Staffing	\$ 61,140.22
Total Projected Revenue in 2015/16 <sup>2</sup>			\$ 648,993.00
Unobligated (Not Spent) Carry-Over Funding from 2013/2014 Expenditure Plan <sup>3</sup>			\$ 81,719.70
Obligated funding from 2014/15 Expenditure Plan to carry over into the 2015/2016 Expenditure Plan <sup>4</sup>			\$ 171,944.64
Total 2015/16 Expenditure Plan Budget			\$ 902,657.35

<sup>1</sup> Funding allocation(s) among Community-Based Projects in Strategy 9 (Community-Based Projects) are incorporated into the 2015/16 Community Based Projects Table (**Attachment 2**). Funding allocation(s) among Neighborhood Community Garden Project(s) in Strategy 12 (Neighborhood Community Garden Project(s)) are incorporated into the 2015/16 Neighborhood Community Garden Projects Table (**Attachment 4**). Both are included as part of the 2015/2016 Expenditure Plan to be recommended to the Richmond City Council and County Board of Supervisors.

<sup>2</sup> Total Projected Revenue shown above reflects the amount projected to be received between July 1, 2015 and June 30, 2016.

<sup>3</sup> Amount shown includes Role-Over funding of \$81,719.70 not spent or obligated to be spent from the prior 2013/14 Expenditure Plan, which was accepted by the NRMF Committee at their meeting in February 2015.

<sup>4</sup> Funding obligated for the previously approved under Community Based Project Strategy (**See Attachment 3 - Allocating \$135,136.09**) and Neighborhood Community Garden Project(s) Strategy (**See Attachment 5 - Allocating \$36,808.55**) for a total of \$171,944.64 recommended to be carried over into the 2015/16 Expenditure Plan since activities are not expected to be completed by June 30, 2015.

## DESCRIPTION OF STRATEGIES RECOMMENDED FOR FUNDING

Funding allocation amounts for each strategy are specified in the Budget table on page 3. The following Strategies describe the activities allowed to be funded with the amounts allocated to each in the Budget (associated allowable agency staff costs are described in the Staff Costs section). Strategies are grouped based on relative funding priority levels and the “Core Services” category contains higher priority Strategies than the “Supplemental Enhancements” category. Higher funding priority Strategies are those which best address the Fee’s intended purpose, ***“to defray annual costs associated with collection and disposal of illegally dumped waste and associated impacts in North Richmond”***) and “Supplemental Enhancements”.

### Level 1 Priority - PRIMARY CORE SERVICES STRATEGIES

- 1 - Bulky Item Pick-ups & Disposal Vouchers
- 2 - Neighborhood Clean-up Events
- 4 - City/County Right-of-Way Trash & Tagging Removal
- 5 - Code Enforcement - County
- 6 - Illegal Dumping Law Enforcement

### Level 2 Priority - SECONDARY CORE SERVICES STRATEGIES

- 3 - Prevention Services Coordinator
- 7 - Surveillance Cameras

### Level 3 Priority - PRIMARY SUPPLEMENTAL ENHANCEMENTS STRATEGIES

- 8 - Community Services Coordinator
- 9 - Community Based Projects (SOME)
- 11 - North Richmond Green Campaign
- 12 – Neighborhood Community Garden Project(s)

### Level 4 Priority - SECONDARY SUPPLEMENTAL ENHANCEMENTS STRATEGIES

- 9 - Community Based Projects (SOME)
- 10 - North Richmond Green Community Service Programs

## **CORE SERVICES**

### **1. Bulky Item Pick-ups & Disposal Vouchers**

Provide residents in the Mitigation Fee Primary Funding Area, who prove eligibility consistent with City/County procedures, with the option of choosing to:

- Request up to one on-call pick-up service per household per calendar year for bulky items that are not accepted in the current on-call clean-ups through Richmond Sanitary Service (RSS), only available to those with an active account with RSS; or
- Request up to twelve \$5 vouchers per household for disposal at Republic’s transfer station on Parr Blvd. per calendar year (vouchers expire after six months, Mitigation Fees only pay for vouchers that are actually redeemed).

*[See “Staff Costs” section for agency activities that may also be funded under this Strategy.]*

Administering Agency: City of Richmond

Implementing Entity(ies):

Community Housing Development Corporation (*processes requests and issues Disposal Vouchers/arranges Bulky Item Pick-ups*)

Republic Services - Golden Bear Transfer Station & Richmond Sanitary Service (*reimbursed for Disposal Vouchers redeemed and Bulky Item Pick-ups provided*)

Reporting/Payment Requirements: Effective July 1, 2012, CHDC and Republic Services shall provide required data pertinent to Strategy 1 based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments.

## **2. Neighborhood Clean-ups**

Provide at least one neighborhood and/or creek clean-up event in the Mitigation Fee Funding Area; additional clean-up event may be scheduled as funding allows. [See "Staff Costs" section for agency activities that may also be funded under this Strategy.]

Administering Agency: City of Richmond

Implementing Entity(ies):

City Manager's Office (*coordinates scheduling of clean-up dates and associated arrangements in conjunction with partner entities*)

Republic Services - Richmond Sanitary Service (*reimbursed for providing/servicing clean-up boxes and disposing of debris placed in clean-up boxes*)

Reporting/Payment Requirements: Effective July 1, 2012, the City Manager's Office and Republic Services shall provide required data pertinent to Strategy 2 based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments (funding transfers).

## **3. Prevention Services Coordinator**

Fund at least a portion of a Prevention Services Coordinator (PSC) position (including salary/benefits/overhead and administering agency contracting charge<sup>1</sup>) on a contract basis to assist the City and County in implementing Strategy 1 as the point of contact for community members interested in claiming Disposal Vouchers or Bulky-Item Pick ups. Assist community members interested in reporting illegal dumping and seeking referral/resources. Track and report data related to illegally dumped waste collected by Republic Services Hot Spot Crew and handle associated referrals to applicable public agencies, including right-of-way referrals for Strategy 4.

<sup>1</sup> Administering agency contracting charge applies (\$3,000 per contract)

*[See "Staff Costs" section for agency activities that may also be funded under this Strategy.]*

Administering Agency: City of Richmond

Implementing Entity: Community Housing Development Corporation (CHDC)  
(reimbursed actual cost for part-time position and issues  
Disposal Vouchers/arranges Bulky Item Pick-ups)

Reporting/Payment Requirements: Effective July 1, 2012, CHDC shall provide required data pertinent to Strategy 1 and Strategy 3 based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments.

**4. City/County Right-of-Way Pick-up & Tagging Abatement**

Fund consolidated pick-up program (including personnel, mileage, equipment rental and administrative costs) for removal of illegal dumping and tagging abatement\* in the public right-of-way located within the unincorporated & incorporated Mitigation Fee Primary Funding Area. Removal of illegal dumping is intended to occur based upon referrals from the Prevention Services Coordinator for items/debris not collected by the designated Republic Services Hot Spot Route crew.

\* Allocation of funding under this Strategy for this Expenditure Plan cycle is primarily intended to cover the cost incurred for City/County Right-of-Way Pick-up activities throughout the Primary Funding Area. Funds for Tagging Abatement **were** not allocated in this Expenditure Plan cycle.

*[See "Staff Costs" section for agency activities that may also be funded under this Strategy.]*

Administering Agency: City of Richmond

Implementing Entity: Richmond Police Department's Code Enforcement Division

Reporting/Payment Requirements: Effective July 1, 2012, the Richmond Police Department's Code Enforcement Division shall provide required data pertinent to Strategy 4 based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments (funding transfers).

**5. Code Enforcement Staff - County**

Fund at least a portion of County code enforcement position (including salary/benefits and related vehicle and equipment costs), to assist with vacant/abandoned lot abatements and fencing as well as other health/building/zoning violations related to illegal dumping and blight throughout the unincorporated Mitigation Funding Area.

*[See "Staff Costs" section for agency activities that may also be funded under this Strategy.]*

Administering Agency: Contra Costa County

Implementing Entity: County Department of Conservation & Development's Building Inspection Division

Reporting/Payment Requirements: Effective July 1, 2012, the County Department of Conservation & Development's Building Inspection Division shall provide required data pertinent to Strategy 5 based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments (funding transfers).

**6. Illegal Dumping Law Enforcement**

Fund majority of a full-time Sheriff Deputy (between 90-100% of salary/benefits, overtime, uniform and related cell phone, equipment, and vehicle costs) to assist with law enforcement investigations and patrols to combat illegal dumping within the Mitigation Fee Primary Funding Area.

*[See "Staff Costs" section for agency activities that may also be funded under this Strategy.]*

Administering Agency: Contra Costa County

Implementing Entity: County Sheriff's Office

Reporting/Payment Requirements: Effective July 1, 2012, the County Sheriff's Office shall provide required data pertinent to this Strategy based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments (funding transfers).

**7. Surveillance Cameras**

Fund the purchase of cameras, camera infrastructure, camera signage and costs related to maintenance, warranty, repair & relocation of surveillance camera system equipment within the Mitigation Fee Primary Funding Area to assist the dedicated Illegal Dumping Law Enforcement officer in targeting specific locations where illegal dumping occurs most regularly.

*[See "Staff Costs" section for agency activities that may also be funded under this Strategy.]*

Administering Agency: Contra Costa County

Implementing Entity(ies):

Richmond Police Department *(operate, move and maintain eight Pan-Tilt-Zoom wireless video surveillance cameras and associated camera system infrastructure throughout NR -AND- install/clean/move FlashCam cameras located within the incorporated NR area if funding is available)*

County Sheriff's Department *(coordinate monitoring of FlashCams located throughout NR and identify/request relocation of surveillance cameras throughout NR as needed)*

County Public Works Department *(install/clean/move FlashCam cameras located within the unincorporated NR area upon request if funding is available)*

Reporting/Payment Requirements: Effective July 1, 2012, each Implementing Entity shall provide required data pertinent to each entity's applicable Strategy 8 responsibilities based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments (funding transfers) now or in the future.

## **SUPPLEMENTAL ENHANCEMENTS**

### **8. Community Services Coordinator**

Fund at least a portion of a Community Services Coordinator (CSC) position to be staffed on a contract basis (including salary/benefits/overhead and administering agency contracting charge<sup>2</sup>). The CSC shall:

- serve as a link between the community of North Richmond, the City of Richmond, and Contra Costa County for issues related to beautification, illegal dumping, and blight;
- coordinate outreach activities related to illegal dumping and beautification within the Primary Funding area, as specified by the City/County, including North Richmond Green community service programs and outreach activities described under Strategies 10 & 11; and
- be bilingual in order to assist with Spanish translation as needed.

*[See "Staff Costs" section for agency activities that may also be funded under this Strategy.]*

Administering Agency: City of Richmond

Implementing Entity: Neighborhood House of North Richmond (NHNR).

Reporting/Payment Requirements: Effective July 1, 2012, NHNR shall provide required data pertinent to Strategies 8, 10 & 11 based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments.

### **9. Community Based Projects**

Fund the development, implementation and oversight of a variety of community-based projects with specific focuses on anti-littering, environmental stewardship, blight reduction and/or beautification (including personnel/labor, administrative oversight, materials, equipment and related maintenance costs plus administering agency contracting charges<sup>3</sup>). Rather than funding stipend programs separately (including stipends, administrative oversight and related materials/equipment), new community-based projects/programs should include component for stipends, where appropriate, to pay local youth and/or other community members for assisting with illegal dumping prevention/abatement or beautification activities within the Mitigation Fee Primary Funding Area. Community Based Projects to be funded were solicited through an open Funding Request Proposal & Application process. Examples of potential project types that may be funded include but are not limited to:

<sup>2</sup>Administering agency contracting charge is \$3,000 per contract.

<sup>3</sup>Administering agency contracting charge is \$3,000 per contract if directly contracting with City or County.

- a. Neighborhood Landscaping Improvements
- b. Community Art Projects (e.g. Tile Art, Murals or Safe Routes/Popsicle Project)
- c. Stipend Beautification Programs

Details, including recommended allocation amounts, for each of the **selected** Community Based Projects to be funded under this Expenditure Plan are contained in the Community Based Projects Tables included as Attachments 2 & 3. Funding for carry-over Projects in Attachment 3 is not included in the amount listed under Strategy 9 in the Budget.

*[See "Staff Costs" section for agency activities that may also be funded under this Strategy.]*

Administering Agencies: Contra Costa County and City of Richmond and/or Community Housing Development Corporation (CHDC) on behalf of the City or County. CHDC may, under contract with either the City or County as a Administering Agency, administer Community Based Project contracts funded under this Strategy for some or all of the new Community Based Projects selected for funding in the 2015/2016 Expenditure Plan cycle. CHDC shall use no more than twenty (20) percent (%) of the total amount awarded to each Community-Based Project (after subtracting City/County contracting cost) listed in Attachment 2 to oversee project implementation, including facilitating review/assessment of reports' and deliverables. Payments to Implementing Entities for Community-Based Projects shall not be issued by CHDC without the written approval of City and County Committee Staff.

Implementing Entity: Various Non-Profit Organizations (see Community Based Projects Tables in Attachments 2 and 3)

Reporting/Payment Requirements: Any Community Based Project contracts issued or amended by the City/County shall incorporate Reporting & Invoicing Requirements generally consistent with those shown in Attachment 1. Community-Based Project contracts being administered by CHDC on behalf of either the City or County shall also incorporate Reporting and Invoicing Requirements generally consistent with those shown in Attachment 1. Attachment 1 only applies to Community-Based Project contracts with the Implementing Entities. The City and/or County will issue advance payments to CHDC, as needed, to ensure there is adequate funding available to payments requested by Implementing Entities if and when authorized by City and County Staff. Additionally, CHDC would be subject to contractual payment and reporting provisions that differ from those in Attachment 1 due to the nature of the services to be provided.

#### **10. North Richmond Green Community Services Programs**

Fund the following North Richmond Green programs on a contract basis<sup>4</sup> to the extent the specific details submitted are determined to align with the purpose of the Mitigation Fee and Expenditure Plan:

- *NR Little League Baseball Program* - Includes cost of registration and uniforms with customized North Richmond Green patches for up to 5-6

<sup>4</sup> Administering agency contracting charge applies (\$3,000 per contract)

teams, season kick-off event/parade, equipment, stipends for game monitoring and oversight, food and transportation.

- *NR Adult Softball program* - Includes cost of registration, jerseys with North Richmond Green patches and hats for the men's and women's team.
- *NR Youth Twilight Basketball Program* - Includes cost of registration and uniforms with North Richmond Green patches for up to 5-6 teams, equipment, stipends for game monitoring and oversight, food and transportation.
- *NR Youth Eco Academy* - Youth projects to include school gardens, recycling efforts, habitat restoration, creek/bay/ocean water quality monitoring, beach/creek/neighborhood clean-ups and ecological field trips. May fund the cost of materials, transportation and fees associated with pre-approved community beautification projects such landscaping and murals.

[See "Staff Costs" section for agency activities that may also be funded under this Strategy.]

Administering Agency: City of Richmond & Contra Costa County

Implementing Entity: Neighborhood House of North Richmond (NHNR).

Reporting/Payment Requirements: Effective July 1, 2012, NHNR shall provide required data pertinent to Strategies 8, 10 & 11 based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments.

## **11. North Richmond Green Campaign**

Fund the design, printing and/or distribution of education and outreach materials on a contract basis<sup>4</sup> which must align with the purpose of the Mitigation Fee and Expenditure Plan and be pre-approved by Committee Staff. Outreach materials must include "Jointly funded by City of Richmond & Contra Costa County" unless otherwise specified herein. Outreach materials may be any of the types specified below, however must clearly intend to directly:

- Inform the community about Mitigation Fee funded programs/efforts,
- Increase participation in Mitigation funded programs/efforts,
- Reduce illegal dumping and blight in the Mitigation Fee Funding Area, and/or
- Promote beautification in the Mitigation Fee Funding Area.

The following type of outreach material expenditures may be funded if reviewed and pre-approved by Committee Staff:

- **STIPENDS** – Pay local community members (youth and adults) to distribute printed outreach materials door-to-door to promote mitigation-funded strategies (*Jointly Funded text not applicable to stipend expenses, only materials*)
- **HANDOUTS/MAILERS** – Newsletters, flyers, brochures or other documents intended to be handed out or mailed to local residents/organizations.
- **T-SHIRTS** - Shirts shall include the NRGreen.org website to encourage people to learn more about Mitigation funded programs/efforts (*local phone number should also be included when possible, however inclusion of Jointly Funded text may not be required*)

- NR GREEN FESTIVAL – Event held once per year and generally include information booths to raise awareness about mitigation-funded efforts and other local beautification efforts as well as fun activities for kids and food. Materials promoting the event shall include the NRGreen.org website as well as a local phone number.
- SIGNAGE – Printed or manufactured signage, which includes promotional banners for local events/parades, which should include the NRGreen.org website for Community members to learn more about Mitigation funded programs/efforts. Repair, replacement and removal of NRMF-funded Light Pole Banners.

*[See “Staff Costs” section for agency activities that may also be funded under this Strategy.]*

Administering Agency: City of Richmond & Contra Costa County

Implementing Entity: Neighborhood House of North Richmond (NHNR).

Reporting/Payment Requirements: Effective July 1, 2012, NHNR shall provide required data pertinent to Strategies 8, 10 & 11 based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments.

## **12. Neighborhood Community Garden Project(s)**

Fund on-going maintenance and up-keep of existing community gardens within the Primary Funding Area, which may include a component for stipends, where appropriate, to pay local youth and/or other community members for assisting with Community Garden upkeep and maintenance.

Neighborhood Community Garden Projects to be funded were solicited through an open Funding Request Proposal & Application process. Projects selected under this Strategy could be funded on an on-going basis if separately awarded funding in multiple Expenditure Plan cycles.

Details, including recommended allocation amounts, for each of the selected Neighborhood Community Garden Projects are included in Attachment 4.

*[See “Staff Costs” section for agency activities that may also be funded under this Strategy.]*

Administering Agencies: Contra Costa County, City of Richmond and/or Community Housing Development Corporation (CHDC)<sup>5</sup> on behalf of the City or County. CHDC may, under contract with either the City or County as the Administering Agency, administer Neighborhood Community Garden Project contracts being funded under this Strategy for some or all of the Neighborhood Community Garden Project non-profit organizations selected for funding in the 2015/2016 Expenditure Plan cycle. CHDC shall use no more than twenty (20) percent (%) of the total amount awarded to each Project to oversee project implementation, including facilitating review/assessment of reports and deliverables. Payments to Implementing Entities for Neighborhood Community

<sup>5</sup> Administering agency contracting charge applies (\$3,000 per contract) with the County or City

Garden Projects shall not be issued by CHDC without the written approval of both City and County Committee Staff.

Implementing Entity: Various Non-Profit Organizations (see Neighborhood Community Garden Projects Table in Attachment 4)

Reporting/Payment Requirements: Any Neighborhood Community Garden Project contracts issued or amended by the City/County shall incorporate Reporting & Invoicing Requirements generally consistent with those shown in Attachment 1. Neighborhood Community Garden Project contracts being administered by CHDC on behalf of either the City or County shall also incorporate Reporting & Invoicing Requirements generally consistent with those shown in Attachment 1. Attachment 1 only applies to the Neighborhood Community Garden Project contracts with the Implementing Entities. CHDC would be subject to contractual payment and reporting provisions that differ from those in Attachment 1 due to the nature of the services to be provided. The City and/or County will issue advance payments to CHDC, as needed, to ensure there is adequate funding available to payments requested by Implementing Entities if and when authorized by City and County Staff.

## **STAFF COSTS**

**Committee Administration/Staffing Funding:** The funding allocated for Committee Administration/Staffing may not be adequate to cover the full cost of staff time necessary for jointly staffing the North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Planning Committee as well as developing, administering and overseeing this Expenditure Plan for the specified period. Supplemental funding allocation may be necessary upon determining actual costs exceed the amount budgeted to cover the intended City/County costs for joint staffing.

**Strategy-Specific Funding:** The cost of City/County staff time spent providing direct implementation assistance and/or coordination for specific Strategies may be covered with a portion of the NRMF funding budgeted for each applicable Strategy. Additionally, a portion of the NRMF funding budgeted for Strategies will be used to pay fixed administering agency contracting charge for each applicable contract (\$3,000 per contract) unless otherwise specified herein.

**Community-Based Project & Neighborhood Community Garden Project Reporting and Invoicing Requirements**

***Substantially equivalent language to be included in all NRMF-funded Community Project Agreements/Amendments***

Contractor shall submit Progress Reports, using attached City/County provided template, in conjunction with each invoice covering the period since last report/invoice submitted, consistent with the Payment Provisions (Specify the Section of the Service Plan of the Agreement). Contractor shall monitor, document, and report all Participants activities and other costs for which reimbursement will be requested. Upon completion of work, Contractor shall submit a Final Report, using attached City/County provided template, in conjunction with the final invoice.

**Authorized Advance Payments:** In order to receive any potential payment in advance, such must be authorized for the specified Project in Attachment 2 of the Expenditure Plan approved by both the County Board of Supervisors and Richmond City Council. No Contractor authorized for advance payment may receive more than ten (10) percent (%) of the approved Implementing Entity Award for this Project. In order to seek potential payment in advance, the Contractor shall submit a written request to both the City and County Committee Staff detailing the reason(s) advance payment is necessary and the amount of funding requested in advance (not to exceed 10% of total award) specifying which applicable allowable expenses would be covered by such payment.

Contractor shall submit invoices and required supporting documentation requesting reimbursement for allowed costs in the Budget contained in the “Eligible Costs” Section, which together may not total more than \$ (enter applicable contract amount).

1. **Invoices:** Invoices shall contain the following information in sufficient detail and be submitted in a form which adequately demonstrates consistency with this Service Plan. Invoices shall be accompanied by the applicable Required Supporting Documentation described in the following subsection.
  - a. Number of hours per staff member being billed for which stipends have been paid,
  - b. Number of hours Contractor staff performed work per Task described herein at the rates allowed in the “Eligible Costs” Section, and
  - c. Separately identify number of hours spent attending North Richmond Green Meetings (Attendance Required at least Quarterly).
  - d. Itemization of any other direct costs (e.g. supplies, travel, operating expenses, etc.) incurred for which reimbursement is being requested within that invoice period.
2. **Required Supporting Documentation:** The following Required Supporting Documentation must be submitted with invoices when applicable as described below.
  - a. Every invoice must be accompanied by a Progress Report, with the exception of the final invoice which must be accompanied by a Final Report. Both types of Reports must contain all of the information specified in the City/County provided Report templates.
  - b. If stipends are included in an invoice, such invoice must be accompanied by copies of Interns daily logs or timesheets covering all stipend hours for which reimbursement is being requested.
  - c. If staff time is included in an invoice, such invoice must be accompanied by copies of timesheets covering all staff hours for which reimbursement is being requested.

- d. If an invoice is requesting reimbursement of any other direct costs (any costs other than staff time or stipends), such invoice must be accompanied by copies of actual itemized invoices or receipts for all applicable direct costs (bus transportation or curriculum materials). If an invoice is requesting reimbursement for copying or printing, at least one copy of the printed item should accompany the invoice.

City/County shall review submitted invoices and supporting documentation within a reasonable period of time and remit payment to Contractor promptly upon determining the purpose and amount of payment requested are authorized under this Agreement.

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# North Richmond Waste & Recovery Mitigation Fee Community-Based Project Progress Report

Organization: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Progress Report Period: \_\_\_\_\_ - \_\_\_\_\_

**Project Expenses to Date:** *Attach completed Progress Report to each Invoice being submitted for any reimbursable costs incurred during this Progress Report Period.*

## **Brief Description of the Project:**

*Provide a brief description of the project activities/services your Organization is providing with this North Richmond Mitigation Fee (NRMF) funding. Funded activities must be consistent with the signed Agreement.*

\_\_\_\_\_

## **Tasks Accomplished to Date:**

*Describe the various tasks that your Organization has completed in whole or in part during the Progress Report Period (can be bullet points). [Save for use/reference when preparing Final Progress Report.]*

\_\_\_\_\_

## **Materials Produced to Date:**

*Provide a listing of any materials/documents produced during this Progress Report period as a part of this project (e.g. pictures, surveys, handouts, work products, etc.) and attach copies of each.*

\_\_\_\_\_

## **Number of Persons Served to Date:**

*Provide total number served from the NRMF Funding Area during this Progress Report period.*

\_\_\_\_\_

*Provide total number served from outside the NR Funding Area during this period.*

\_\_\_\_\_

*Provide total number of residents paid with NRMF funding during this period.*

\_\_\_\_\_

## **North Richmond Green Meeting Attendance to Date:**

*Specify which monthly North Richmond Green meetings (list meeting dates) your Community Based Project representative(s) attended during this Progress Report period. [Must attend at least once per quarter]*

MEETING DATE(s): \_\_\_\_\_ ATTENDEE NAME(s): \_\_\_\_\_

## **Successes to Date:**

*Identify whether and how your project is addressing the intended problems associated with illegal dumping (be specific). Describe any other beneficial outcomes/success stories resulting from your project activities to date.*

\_\_\_\_\_

## **Challenges to Date:**

*List any and all issues/problems (e.g. change in personnel, inadequate public awareness, applicability of regulatory restrictions/requirements, etc.) identified during this period which may impact the project's ability to achieve the intended outcome(s) identified by your Organization. Include all challenges/obstacles/barriers that may inhibit or compromise your ability to address the intended illegal dumping problem(s).*

\_\_\_\_\_

## **Lessons Learned to Date & Feedback from Participants/Community:**

*Share any lessons learned from participants, staff and/or the community during this Progress Report period.*

\_\_\_\_\_

*Provide any feedback about the NRMF-funded project/program received from participants and/or community members (such as copies of quotes, emails/letters and completed surveys/evaluations).*

\_\_\_\_\_

## **Other Project Information:**

*Provide any additional information about your organization's work that did not fit in any of the other sections, including description(s) of any additional services or enhanced activities provided beyond those specified.*

\_\_\_\_\_

# North Richmond Waste & Recovery Mitigation Fee Community-Based Project Final Progress Report

Organization: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Contract Period: \_\_\_\_\_ - \_\_\_\_\_

**Final Project Expenses:** Attach completed Final Progress Report to the Final Invoice being submitted for any reimbursable costs not included on invoice(s) submitted with prior Progress Report(s).

## **Brief Description of the Project:**

Provide a brief description of the project activities/services your Organization provided with this North Richmond Mitigation Fee (NRMF) funding. Funded activities must be consistent with the terms of your signed Agreement.

\_\_\_\_\_

## **Tasks Accomplished:**

Describe all project tasks/activities that your Organization completed during the entire contract period. Summarize any work completed not previously reported and consolidate with updated information from prior Progress Reports.

\_\_\_\_\_

## **Materials Produced:**

Provide a listing of any materials/documents produced as a part of the program (e.g. pictures, surveys, handouts, work products, etc.). Attach copies of anything not included with prior Progress Reports submitted.

\_\_\_\_\_

## **Number of Persons Served:**

Provide total number served from the NRMF Funding Area during the entire contract period. \_\_\_\_\_

Provide total number served from outside the NR Funding Area during the entire contract period. \_\_\_\_\_

Provide total number of residents paid with NRMF funding during the entire contract period. \_\_\_\_\_

## **North Richmond Green Meeting Attendance:**

Specify which monthly North Richmond Green meetings (list all meeting dates) your Community Based Project representative(s) attended during the contract period. [Must attend at least once per quarter]

MEETING DATE(s): \_\_\_\_\_ ATTENDEE NAME(s): \_\_\_\_\_

## **Successes:**

Identify extent to which your project addressed the intended problems associated with illegal dumping and how (be specific). Describe any other beneficial outcomes/success stories resulting from your project activities.

\_\_\_\_\_

## **Challenges:**

Explain why your Organization was not able to achieve the intended project outcomes and/or address the illegal dumping problems previously identified, if applicable. Include any challenges/obstacles/barriers (e.g. personnel changes, lack of public awareness, previously unknown regulatory restrictions/requirements, etc.) that compromised or inhibited your project's success in addressing problems associated with illegal dumping.

\_\_\_\_\_

## **Lessons Learned & Feedback from Participants/Community:**

Share any lessons learned from participants, staff and/or the community during the contract period.

\_\_\_\_\_

Summarize all participant and/or community feedback received about this NRMF-funded project/program (attach any findings/summary of final project evaluation and copies of related documents not previously submitted).

\_\_\_\_\_

## **Other Project Information:**

Provide any additional information about your organization's work that did not fit in any of the other sections, including description(s) of any additional services or enhanced activities provided beyond those specified.

\_\_\_\_\_

## Attachment 2 - Community Based Projects Table (Strategy 9)

### **2015/2016 Expenditure Plan Funding Allocations for *Projects* recommended for City/County approval by the North Richmond Mitigation Fee Committee**

In February 2015, the NRMF Committee recommended an allocation of **\$100,000 for 2015/16 Community Based Projects** . These funds were recommended for allocation to the same projects that were allocated funds in the 2014/2015 Expenditure Plan. The Committee recommended allocation of this funding based on a Funding Request Proposal released on April 23, 2014 by Committee Staff and Proposals submitted by eligible non-profit organizations in May 2014. The project selections and funding recommendations made by the Committee are shown in the below Table.

<b><i>New Community Based Projects Recommended for Funding in 2015/2016</i></b>								
<b>Organization / Fiscal Sponsor (if applicable)</b>	<b>Project Title</b>	<b>Advance Payment Allowed (Up to 10% of Implementer Award Amount) Yes/No</b>	<b>Requested Amount</b>	<b>Non-Profit Implementer Award Amount for Project</b>	<b>County Contracting Cost to Contract with CHDC<sup>1</sup></b>	<b>CHDC Contracting Cost (20%) to Manage Non- Profits</b>	<b>Total for Project Award &amp; Contract</b>	<b>Notes</b>
McGlothen Temple Educational Community Center	McGlothen Temple Educational Community Center	No	\$ 10,000.00	\$ 10,000.00	\$ 386.60	\$ 2,500.00	\$ 12,886.60	Selected organization(s) may be asked to submit scaled-back versions of their Scope of Work describing what element(s) of their selected project they are proposing to complete with the amount available.
Neighborhood House of North Richmond (NHNH)	North Richmond Green Team	Yes	\$ 25,000.00	\$ 19,295.33	\$ 745.95	\$ 4,823.83	\$ 24,865.12	
Reach Fellowship International	Reach Clean Up Initiative	Yes	\$ 25,000.00	\$ 19,295.33	\$ 745.95	\$ 4,823.83	\$ 24,865.12	
Contra Costa County Service Integration Team (SIT)/North Richmond Economic Development Corporation	Contra Costa County Service Integration, Family Service Center, Build Men and Women	No	\$ 9,714.00	\$ 9,714.00	\$ 375.54	\$ 2,428.50	\$ 12,518.04	
The Remember Us People Project (TRUPP) / Self-Sustaining Communities	Beautification, food and community building project	Yes	\$ 25,000.00	\$ 19,295.33	\$ 745.95	\$ 4,823.83	\$ 24,865.12	
<b>Total Funding Requested/Allocated</b>			<b>\$ 94,714.00</b>	<b>\$ 77,600.00</b>	<b>\$ 3,000.00</b>	<b>\$ 19,400.00</b>	<b>\$ 100,000.00</b>	

<sup>1</sup> Costs to have 3rd party organization (CHDC) manage and oversee contracts with Organizations selected for funding is up to twenty (20) percent (%) of award amount after first taking out City/County Contracting cost for \$3,000 for City/County to contract directly with CHDC to have CHDC administer non-profit contracts.

### Attachment 3 - Community Based Projects Table (Strategy 9)

Obligated funding allocated for Community Based Projects in the 2014/15 Expenditure Plan recommended to be included in the 2015/2016 Expenditure Plan to allow completion of work beyond June 30, 2015.

Community Based Projects Carried Over From 2014/2015 Expenditure Plan										
Organization / Fiscal Sponsor (if applicable)	Project Title	Advance Payment Allowed (Up to 10% of Award)	Requested Amount	Non-Profit Award for Project	Contracting Cost with CHDC	CHDC Contracting Cost (20%) to Manage Non-Profits	Total for Project Award & Contract	Non-Profit Award Amount Spent/Invoices Approved	Amount Remaining to be Spent	Notes
McGlothen Temple Educational Community Center	McGlothen Temple Educational Community Center	No	\$10,000.00	\$10,000.00	\$288.29	\$2,500.00	\$12,788.29	\$0.00	\$12,788.29	All Projects went into contract in February 2015 with CHDC and are expected to be finished sometime towards the end of 2015.
Neighborhood House of North Richmond (NHNH)	North Richmond Green Team	Yes	\$25,000.00	\$17,907.45	\$511.82	\$4,476.86	\$22,896.13	\$6,300.00	\$16,596.13	
Reach Fellowship International	Reach Clean Up Initiative	Yes	\$25,000.00	\$17,907.45	\$511.82	\$4,476.86	\$22,896.13	\$0.00	\$22,896.13	
Contra Costa County Service Integration Team (SIT)/North Richmond Economic Development Corporation	Contra Costa County Service Integration, Family Service Center, Build Men and Women	No	\$9,714.00	\$9,714.00	\$280.05	\$2,428.50	\$12,422.55	\$1,272.24	\$11,150.31	
The Remember Us People Project (TRUPP) / Self-Sustaining Communities	Beautification, food and community building project	Yes	\$25,000.00	\$17,907.45	\$511.82	\$4,476.86	\$22,896.13	\$3,600.00	\$19,296.13	
2014/15 Community Based Project SUBTOTAL:			\$ 94,714.00	\$ 73,436.35		\$ 18,359.08	\$ 93,899.23	\$ 11,172.24	\$ 82,726.99	
Community Based Projects Carried Over From 2013/2014 Expenditure Plan										
Organization / Fiscal Sponsor (if applicable)	Project Title	Advance Payment	Requested Amount	Non-Profit Award for Project	Agency Contracting Costs	Agency Contracting Costs Spent	Total for Project Award & Contract	Amount Spent	Amount Remaining to be Spent	Notes
Athletes United for Peace	Community Media Outreach Project	N/A	\$ 150,000.00	\$ 14,272.25	\$ 3,000.00	\$ -	\$ 17,272.25	\$ -	\$ 17,272.25	Project not finished. Needs to be rolled over into 2015/16 EP. Expenses may have occurred but not verified or invoice to City or County yet.
Communities United Resorting Mother Earth (CURME) / Greater Richmond Interfaith Program (GRIP)	Lots of Crops	N/A	\$ 242,681.80	\$ 14,272.25	\$ 3,000.00	\$ -	\$ 17,272.25	\$ 14,272.25	\$ 3,000.00	Project completed. Only the \$3K Agency Contracting Costs not spent that needs to roll over into 2015/2016 EP.
Verde Partnership Garden	Verde Elementary School Garden	N/A	\$14,000.00	\$14,000.00	n/a	n/a	\$14,000.00		\$14,000.00	Projects Originally Carried Over from 2010/2011 EP. Most work has been completed. City/County waiting on final invoices to pay organizations.
Eco-Village	Eco-Stewardship Ambassadors Project	N/A	\$83,860.00	\$35,000.00	n/a	n/a	\$35,000.00	\$16,863.15	\$18,136.85	
2013/2014 Community Based Project SUBTOTAL:			\$ 392,681.80	\$ 28,544.49		\$ -	\$ 34,544.50	\$ 14,272.25	\$ 52,409.10	
TOTALS (from all Subtotals above)			\$ 487,395.80	\$ 101,980.84		\$ 18,359.08	\$ 128,443.73	\$ 25,444.49	\$ 135,136.09	
Total Obligated Community Based Project Funding to be Carried Over Into 2015/2016 EP <sup>1</sup>									\$ 135,136.09	

<sup>1</sup> Amount shown is the total of Community-Based Projects funding for Strategy 9 not spent in the previous 2013/14 and current 2014/2015 Expenditure Plans.

## Attachment 4 - Neighborhood Community Garden Projects (Strategy 12)

### Funding Allocations for New 2015/16 Neighborhood Community Garden Projects recommended for City/County approval by the North Richmond Mitigation Fee Committee

In February 2015, the NRMF Committee recommended an allocation of **\$50,000 for Neighborhood Community Garden Projects**. These funds were recommended for allocation to the same non-profits that were allocated funding in the 2014/2015 Expenditure Plan. The Committee recommended allocation of this funding based on a Funding Request Proposal released in April 23, 2014 by Committee Staff and Proposals submitted by eligible non-profit organizations in May 2014. The project selections and funding recommendations made by the Committee are shown in the below Table.

<b>New Neighborhood Community Garden Projects Recommended for Funding in 2014/2015</b>							
<b>Implementing Entity / Fiscal Sponsor (if applicable)</b>	<b>Project Title</b>	<b>Requested Amount</b>	<b>Non-Profit Implementer Award Amount for Project</b>	<b>County Contracting Cost with CHDC<sup>1</sup></b>	<b>CHDC Contracting Cost (20%) to Manage Non- Profits</b>	<b>Total Project Award &amp; Contracting Costs</b>	<b>Notes</b>
<b>Communities United Restoring Mother Earth (CURME) / Greater Richmond Interfaith Program</b>	<b>Lots of Crops</b>	<b>\$ 15,000.00</b>	<b>\$ 13,800.00</b>	<b>\$ 1,101.06</b>	<b>\$ 3,450.00</b>	<b>\$ 18,351.06</b>	Selected organization(s) may be asked to submit scaled-back Scope of Work describing what element(s) of their selected project they are proposing to complete with the amount available.
<b>Urban Tilth</b>	<b>Cultivating Hope: Maintaining North Richmond Gardens</b>	<b>\$ 10,000.00</b>	<b>\$ 10,000.00</b>	<b>\$ 797.87</b>	<b>\$ 2,500.00</b>	<b>\$ 13,297.87</b>	
<b>Davis Chapel Neighborhood Enhancement Team (DCNET)</b>	<b>Davis Chapel A. Moore NR Community Garden</b>	<b>\$ 25,000.00</b>	<b>\$ 13,800.00</b>	<b>\$ 1,101.06</b>	<b>\$ 3,450.00</b>	<b>\$ 18,351.06</b>	
<b>Total Funding Requested/Allocated</b>		<b>\$ 50,000.00</b>	<b>37,600.00</b>	<b>3,000.00</b>	<b>9,400.00</b>	<b>\$ 50,000.00</b>	

<sup>1</sup> Costs to have 3rd party organization (CHDC) manage and oversee contracts with Organizations selected for funding is up to twenty (20) percent (%) of award amount after first taking out City/County Contracting cost of \$3,000 for City/County to contract directly with CHDC to have CHDC administer non-profit contracts.

## Attachment 5 - Community Garden Projects Table (Strategy 12)

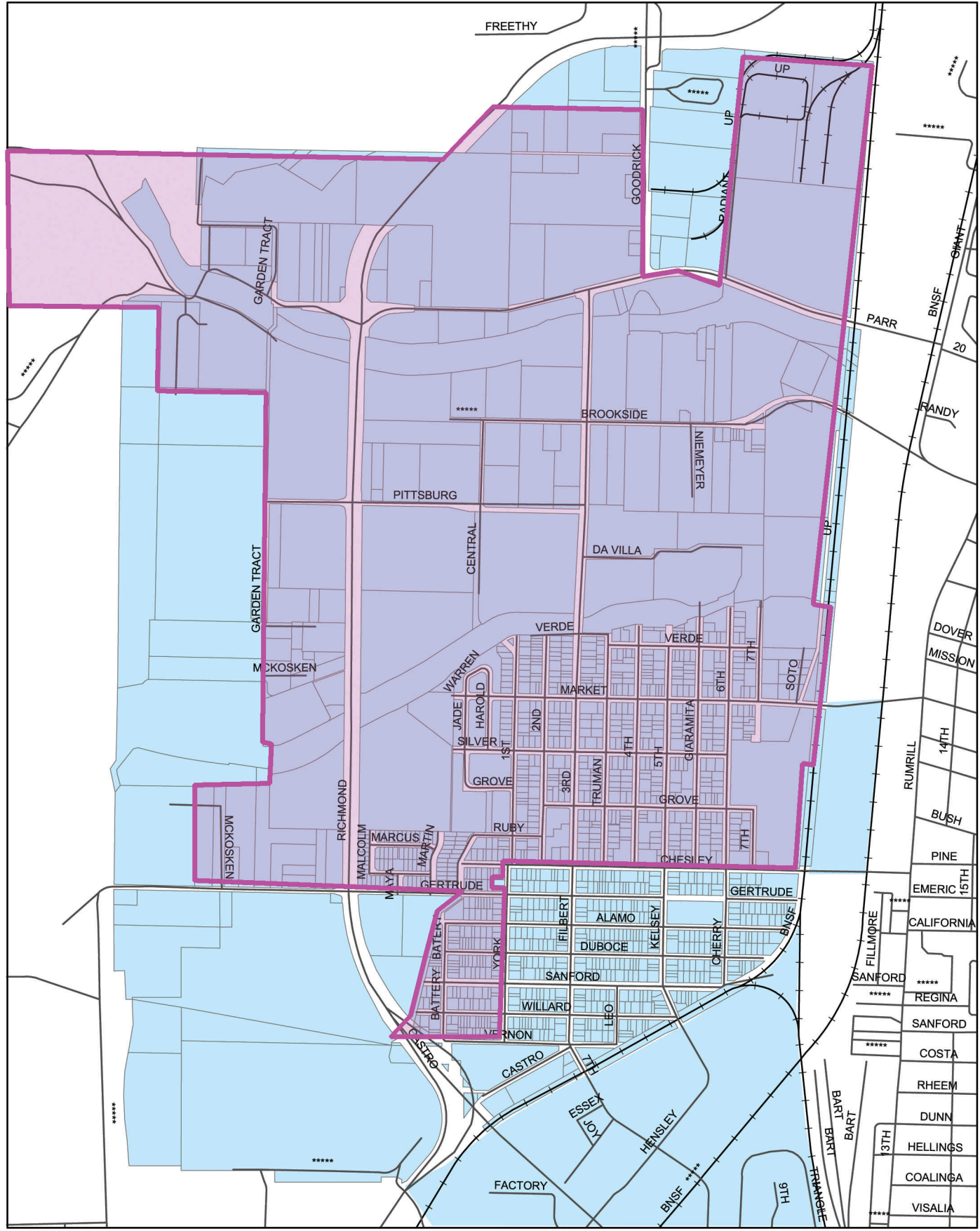
***Obligated funding allocated for Community Garden Projects in the 2014/15 Expenditure Plan recommended to be included in the 2015/2016 Expenditure Plan to allow remaining funding not invoiced to be spent beyond June 30, 2014.***

<b>Community Garden Projects Carried Over from 2014/2015 Expenditure Plan (EP)</b>									
<b>Organization / Fiscal Sponsor (if applicable)</b>	<b>Project Title</b>	<b>Requested Amount</b>	<b>Non-Profit Award for Project</b>	<b>County Contracting Costs with CHDC</b>	<b>CHDC Contracting Cost (20%) to Manage Non-Profits</b>	<b>Total for Project Award &amp; Contract</b>	<b>Amount Spent</b>	<b>Amount Remaining to be Spent</b>	<b>Notes</b>
<b>Communities United Resorting Mother Earth (CURME) / Greater Richmond Interfaith Program (GRIP)</b>	<b>Lots of Crops</b>	\$15,000.00	\$10,641.52	\$303.55	\$2,660.38	\$13,605.45	\$1,578.83	<b>\$12,026.62</b>	All garden projects went into contract in February 2015 with CHDC and allocated funding is expected to be spent sometime towards the end of 2015.
<b>Urban Tilth</b>	<b>Cultivating Hope: Maintaining North Richmond Gardens</b>	\$10,000.00	\$10,000.00	\$289.10	\$2,500.00	\$12,789.10	\$1,612.62	<b>\$11,176.48</b>	
<b>Davis Chapel Neighborhood Enhancement Team (DCNET)</b>	<b>Davis Chapel A. Moore NR Community Garden</b>	\$25,000.00	\$10,641.52	\$303.55	\$2,660.38	\$13,605.45	\$0.00	<b>\$13,605.45</b>	
<b>Subtotals</b>		<b>\$ 50,000.00</b>	<b>\$ 31,283.04</b>	<b>\$896.20</b>		<b>\$ 40,000.00</b>	<b>\$3,191.45</b>	<b>\$36,808.55</b>	
<b>Obligated Funding to be Carried Over Into 2015/2016 EP<sup>1</sup></b>								<b>\$ 36,808.55</b>	

<sup>1</sup> Amount shown is the total of Neighborhood Community Garden Projects funding for Strategy 12 not spent in the current 2014/2015 Expenditure Plan.

# North Richmond Waste & Recovery Mitigation Fee Funding Area

 Incorporated (City)       Unincorporated (County)

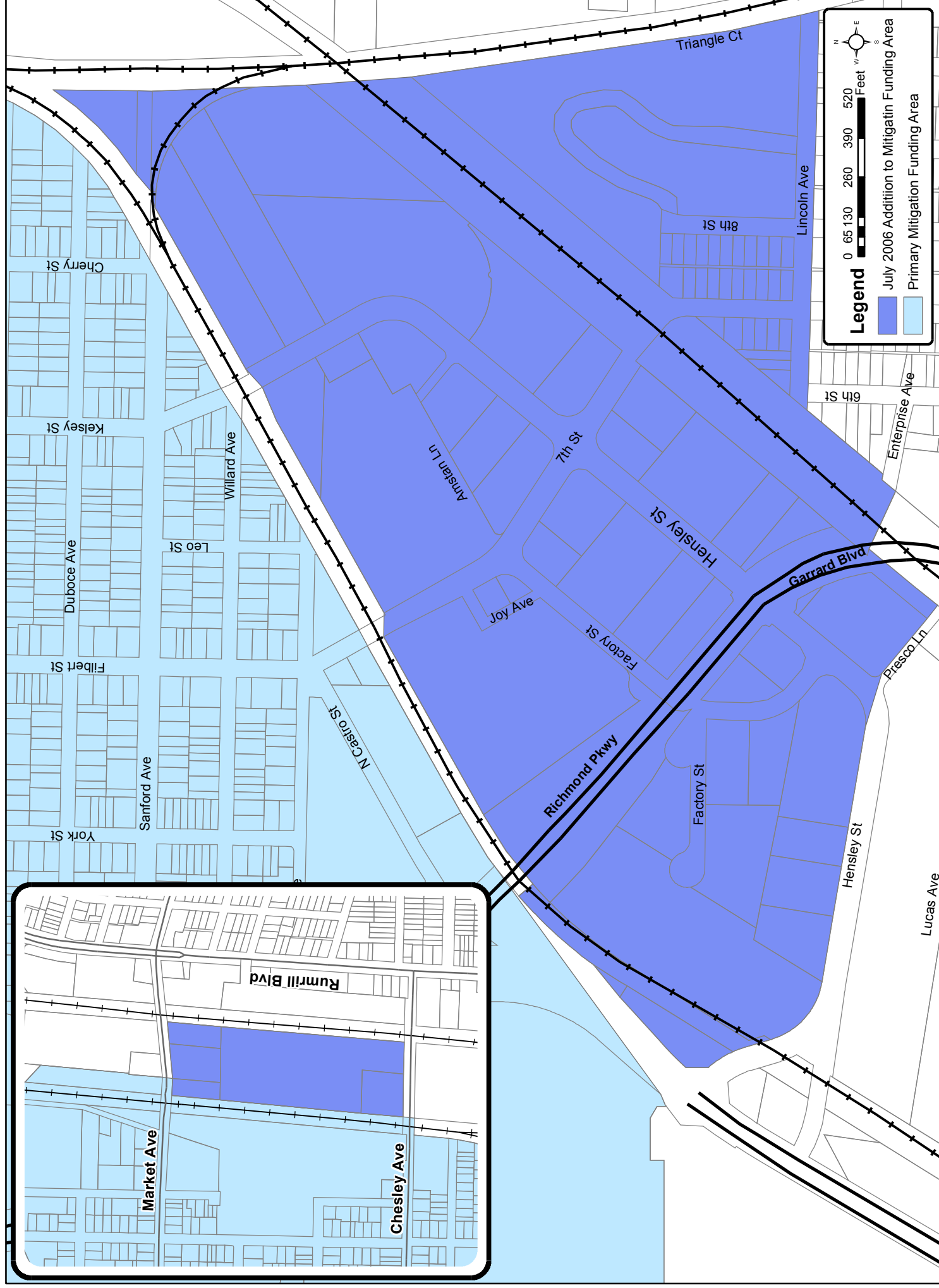


Contra Costa County  
Community Development Department

*Southern boundary  
shown on back side*

Map contains copyrighted information  
Revised on 7/28/2006

# Committee Approved Additions to Primary Mitigation Funding Area





**Contra  
Costa  
County**

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: December 15, 2015

Subject: Disposal of Surplus Property

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**RECOMMENDATION(S):**

DECLARE as surplus and AUTHORIZE the Purchasing Agent, or designee, to dispose of fully depreciated vehicles and equipment no longer needed for public use, as recommended by the Public Works Director, Countywide. (No fiscal impact)

**FISCAL IMPACT:**

No fiscal impact

**BACKGROUND:**

Section 1108-2.212 of the County Ordinance Code authorizes the Purchasing Agent to dispose of any personal property belonging to Contra Costa County and found by the Board of Supervisors not to be required for public use. The property for disposal is either obsolete, worn out, beyond economical repair, or damaged beyond repair.

**CONSEQUENCE OF NEGATIVE ACTION:**

Public Works would not be able to dispose of surplus vehicles and equipment.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Johnson Adu-Poku (925)  
313-2416

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

By: , Deputy

cc:

## ATTACHMENTS

Surplus Property  
List

0 ATTACHMENT TO BOARD ORDER

Department	Description/Unit/Make/Model	Serial No.	Condition
			A. Obsolete B. Worn Out C. Beyond economical repair D. Damaged beyond repair
HEALTH SERVICES	2002 FORD TAURUS SEDAN #0324 (87684 Miles)	1FAFP52U32G168301	B. WORN OUT
SHERIFF	2011 FORD CROWN VICTORIA #2042 (79506 Miles)	2FABP7BV5BX120697	C. BEYOND ECONOMICAL REPAIR.
HEALTH SERVICES	1995 GMC SAFARI CARGO VAN #5864 (95999 Miles)	1GTDM19W5SB549915	D. DAMAGED BEYOND REPAIR
PROBATION	2001 FORD TAURUS SEDAN #0303 (103697 Miles)	1FAFP55U21A274879	B. WORN OUT
HEALTH SERVICES	2002 FORD TAURUS SEDAN #0360 (84773 Miles)	1FAFP52U62G216681	B. WORN OUT
HEALTH SERVICES	2002 FORD TAURUS SEDAN #0323 (91961 Miles)	1FAFP52UX2A151112	B. WORN OUT
HEALTH SERVICES	2002 TOYOTA PRIUS HYBRID #0233 (89083 Miles)	JT2BK18U620066399	B. WORN OUT
HEALTH SERVICES	2009 HONDA CIVIC CNG #0292 (15062 Miles)	1HGFA46549L000078	D. DAMAGED BEYOND REPAIR
SHERIFF	2006 FORD CROWN VICTORIA #2628 (80746 Miles)	2FAFP71W56X107532	C. BEYOND ECONOMICAL REPAIR
PROBATION	2002 TOYOTA PRIUS HYBRIS #0226 (68336 Miles)	JT2BK12U720062242	B. WORN OUT
EHS/COMM. SERVICES	2002 FORD TAURUS SEDAN #0329 (115687 Miles)	1FAFP52U52G168302	B. WORN OUT
PUBLIC WORKS	1997 FORD F-800 DUMP TRUCK #6418 (88932 Miles)	1FDXF80E7VVA06231	B. WORN OUT
SHERIFF	1980 TMC MC-9 BUS #6831 (25897 Miles)	3105	A. OBSOLETE
SHERIFF	1999 FORD TAURUS SEDAN #0592 (78587 Miles)	1FAFP52U3XG253744	B. WORN OUT
SHERIFF	2010 FORD CROWN VICTORIA #2019 (106450 Miles)	2FABP7BV1AX115429	B. WORN OUT
HEALTH SERVICES	2004 FORD E-250 CARGO VAN #4637 (75041 Miles)	1FDNE24M84HA95670	B. WORN OUT
PUBLIC WORKS	2000 FORD E-150 CARGO VAN #4575 (95790 Miles)	1FMRE11L1YHB75583	B. WORN OUT
PUBLIC WORKS	2000 GMC SIERRA TRUCK #5546 (80422 Miles)	1GTGC24R0YF475604	B. WORN OUT
SHERIFF	2012 DODGE CHARGER #2201 (23168 Miles)	2C3CDXAG5CH167366	D. DAMAGED BEYOND REPAIR



**Contra  
Costa  
County**

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: December 15, 2015

Subject: 2015 Advisory Body Annual Report for the Affordable Housing Finance Committee (AHFC)

---

**RECOMMENDATION(S):**

ACCEPT the 2015 Advisory Body Annual Report for the Affordable Housing Finance Committee (AHFC).

**FISCAL IMPACT:**

No General Fund impact. Costs to staff the committee were paid by Community Development Block Grant, and HOME Investment Partnerships Act funds.

**BACKGROUND:**

Board policy requires that regular and ongoing boards, commissions, or committees shall annually report on activities, accomplishments, membership attendance, required training/certification, and proposed work plan or objectives for the following year.

**ANNUAL REPORT**

1. Activities: The AHFC met in January for a study session on sources of affordable housing financing. The committee met on March 16, 2015, to consider 10 applications for \$12.5 million in Community Development Block Grant (CDBG), and HOME Investment Partnerships Act (HOME) funds. The committee met on March 30, 2015, to reconsider funding recommendations made for two projects. Final funding recommendations included construction of 283 affordable apartments in 4 multifamily apartment projects located in Walnut Creek, El Cerrito, North Richmond and San Pablo. The committee also recommended funds for a supportive housing project in Knightsen. Additional recommendations were to fund the Neighborhood Preservation Program, Healthy Homes, and Home Repair,

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Kara Douglas  
925-674-7880

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

By: , Deputy

cc:

#### BACKGROUND: (CONT'D)

which provide rehabilitation loans and grants to low income homeowners. The AHFC met again in September and recommended CDBG funds be awarded to Eden Housing Development for the rehabilitation of the East Bluff apartments in Pinole.

2. Accomplishments: The AHFC reviewed 10 applications and provided funding recommendations to support construction of 283 units of affordable housing to the Board of Supervisors through the Department of Conservation and Development. Committee members provide a critical review of the projects which ensures substantial leverage of CDBG and HOME funds.

3. Attendance/Representation: The AHFC committee achieved a quorum at 3 meetings and 1 study session. There are two current vacancies. The current members primarily represent West and Central County. The AHFC strives to have a diverse committee. Kara Douglas staffed the committee.

4. Training/Certification: There has not been any special training in the past year. Staff provides information to committee members on webinars that provide information on related topics.

5. Proposed Work Plan/Objectives for Next Year: In 2016, the AHFC may meet twice. One meeting will be in February and additional meetings will be held if applications are received during the year.

#### CONSEQUENCE OF NEGATIVE ACTION:

The Board would not have a 2015 report on the Affordable Housing Finance Committee.

#### CHILDREN'S IMPACT STATEMENT:

The AHFC reviews and makes recommendations on many types of affordable housing projects. Some of these meet Goal 3 on the Children's Report Card: Families are Economically Self Sufficient.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: December 15, 2015

Subject: Rescind Prior Board Order Regarding Payment of Training Costs for Notary Services

---

**RECOMMENDATION(S):**

Rescind Board action, Payment of Training Costs for Notary Services (C.103), as approved by the Board of Supervisors on April 9, 2013 due to inconsistencies with California Government Code sections 8200-8230.

**FISCAL IMPACT:**

There is no fiscal impact.

**BACKGROUND:**

On April 9, 2013 the Board of Supervisors approved Board action (C.103), to allow departments to pay for and to reimburse employees for the costs of notary public training when a department head certifies that the training is job required, all other training policies and guidelines have been adhered to, and the employee agrees to provide the service free of charge to the County. The aforementioned Board Order, states that any employee who successfully agrees to be trained and reimbursed for the notary public training and equipment costs must also agree, prior to enrollment, that he/she will provide the service to the County as a part of their normal duties and at their normal rate of pay. Employees are required to sign an acknowledgement form. This form verifies the employee's agreement to keep safe all notary tools and equipment, and to provide services as a part of their County employment. These provisions do not conflict with the California Government Code.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/15/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Enid Mendoza, (925)  
335-1039

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

By: , Deputy

cc: Robert Campbell, County Auditor-Controller

### BACKGROUND: (CONT'D)

However, the Payment of Training Costs for Notary Services board order and the accompanying Employee Acknowledgement form also state that if the County pays the costs of notary public training, the Notary Bond and the Notary Bond Filing Fee, the employee is required to store all notary tools and equipment on County premises at all times and is precluded from performing notary public services outside of their assigned County duties. These requirements are not consistent with California Government Code sections 8200-8230, which requires notaries to keep and secure, under their direct and exclusive control, notary journals and seals.

Rescinding the requested board action will allow the County Administrator to correct our notary public services and training costs policies and procedures via an Administrative Bulletin and a revised Employee Acknowledgement form. Therefore, our policies and procedures will no longer include language requiring employees providing notary public services to keep all notary tools and equipment on County premises at all times and prohibiting them from performing notary public services duties outside of their County employment.

### CONSEQUENCE OF NEGATIVE ACTION:

If this request is not approved, County policies and procedures regarding employee notary public services will not be consistent with California Government Code sections 8200-8230.

### ATTACHMENTS

Notary Public Employee Acknowledgement Form

# Contra Costa County



## Employee Acknowledgment – Notary Public

I, \_\_\_\_\_, acknowledge that I work for Contra Costa County ("County") in the \_\_\_\_\_ Department and that I am required to perform notary public services as part of my work-related duties. I acknowledge that the County paid the costs of my notary public training, my notary insurance, my notary bond, and my notary public license. I acknowledge that it is my responsibility to keep safe all notary tools and equipment and that I will provide notary public services to the County at no cost.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department

\_\_\_\_\_  
Division



Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: December 15, 2015

Subject: CONTINUE Extension of Emergency Declaration Regarding Homelessness

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**RECOMMENDATION(S):**

CONTINUE the emergency action originally taken by the Board of Supervisors on November 16, 1999 regarding the issue of homelessness in Contra Costa County.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

Government Code Section 8630 required that, for a body that meets weekly, the need to continue the emergency declaration be reviewed at least every 14 days until the local emergency is terminated. In no event is the review to take place more than 21 days after the previous review.

On November 16, 1999, the Board of Supervisors declared a local emergency, pursuant to the provisions of Government Code Section 8630 on homelessness in Contra Costa County.

With the continuing high number of homeless individuals and insufficient funding available to assist in sheltering all homeless individuals and families, it is appropriate for the Board to continue the declaration of a local emergency regarding homelessness.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 12/15/2015 ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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 15, 2015

Contact: Lavonna Martin,  
925-313-6736

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The Board of Supervisors would not be in compliance with Government Code Section 8630.

CHILDREN'S IMPACT STATEMENT:

None.