

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**

CANDACE ANDERSEN, *CHAIR*, 2ND DISTRICT
MARY N. PIEPHO, *VICE CHAIR*, 3RD DISTRICT
JOHN GIOIA, 1ST 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 TWO (2) 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.

PURSUANT TO THE BOARD OF SUPERVISORS RULES OF PROCEDURES (RULE 14), IF ANY MEETING IS WILLFULLY INTERRUPTED BY A GROUP OR GROUPS OF PERSONS SO THAT THE ORDERLY CONDUCT OF THE MEETING BECOMES INFEASIBLE AND ORDER CANNOT BE RESTORED BY THE REMOVAL OF INDIVIDUALS WHO ARE WILLFULLY INTERRUPTING THE MEETING, THE CHAIR MAY ORDER THE MEETING ROOM CLEARED, AS AUTHORIZED BY LAW (GOV. CODE, § 54957.9), RECESS THE MEETING, OR ADJOURN THE MEETING.

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.

AGENDA

October 25, 2016

9:00 A.M. Convene and call to order and opening ceremonies.

Inspirational Thought- "Today a new leaf can fall, a new page can turn. Everything has its cycles and it's time to fulfill that yearn." ~ Stuart Young

CONSIDER CONSENT ITEMS (Items listed as C.1 through C.78 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 Samuel L. Shankland, Chess Champion on his remarkable and highly impressive chess career. (Supervisor Andersen)

- PR.2** PRESENTATION honoring the winners of the Arts and Culture Commission of Contra Costa County 2016 Art Recognition Awards. (Tess Snook-O'Riva, Arts and Culture Commission of Contra Costa County, Chair)

- PR.3** PRESENTATION recognizing Walnut Creek Intermediate School for their contributions towards developing the County's first Creek and Channel Safety Awareness Week. (Tim Jensen, Public Works Department)

DISCUSSION ITEMS

D. 1 CONSIDER Consent Items previously removed.

- D.2** Acting as the Governing Body of the In-Home Supportive Services Public Authority, CONSIDER adopting Resolution No. 2016/603 regarding compensation and benefits for employees of the In-Home Supportive Services Public Authority. (David Twa, County Administrator)

- D.3** CONSIDER adopting Resolution No. 2016/612 approving the Side Letter between Contra Costa County and IFPTE Local 21 regarding temporary upgrades. (David Twa, County Administrator)

9:30 A.M.

- D.4** HEARING to consider an appeal of the County Planning Commission's decision to deny the Development Plan for the proposed construction of a single-family residence on a vacant lot (APN: 572-034-018) on Lawson Road in the unincorporated Kensington area, as recommended by the Conservation and Development Director. (Edward Dean and Darlene Tong, applicants/property owners) (Ruben Hernandez, Conservation and Development) (Continued from October 18, 2016)

- D.5** CONSIDER adopting the proposed 2017 meeting schedule for the Contra Costa County Board of Supervisors, including the cancelation of those meetings at which it is anticipated that there will not be a quorum of Board members present, as well as fixing the dates for the specified events planned for the year. (David Twa, County Administrator)

- D.6** CONSIDER accepting a report on the issue of certain fees assessed by the County related to the juvenile justice system; CONSIDER adopting Resolution No. 2016/606 to place a moratorium on the assessment and collection of Juvenile Facilities Fees and/or referring the issue to the Racial Justice Task Force; and CONSIDER providing further direction to staff regarding next steps, as recommended by the Public Protection Committee. (Timothy Ewell, County Administrator's Office)

D. 7 PUBLIC COMMENT (2 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; Teamsters Local 856.

2. Agency Negotiators: David Twa.

Unrepresented Employees: All unrepresented employees.

ADJOURN

CONSENT ITEMS

Road and Transportation

- C. 1** ADOPT Traffic Resolution No. 2016/4448 to establish a speed limit on a portion of Bixler Road, and RESCIND Traffic Resolution 2003/4036, as recommended by the Public Works Director, Byron area. (No fiscal impact)
- C. 2** ADOPT Resolution No. 2016/580 accepting as complete the contracted work performed by Pavement Coatings Co., for the 2016 Slurry Seal Project, as recommended by the Public Works Director, Alamo, Clayton, Diablo and Walnut Creek areas. (100% Local Road Funds)

Engineering Services

- C. 3** ADOPT Resolution No. 2016/573 approving and authorizing the Public Works Director, or designee, to fully close a portion of Ocean View Avenue, on November 16, 2016, from 8:00 a.m. through 6:00 p.m., for the purpose of operating a crane from the roadway to remove a large redwood tree, Kensington area. (No fiscal impact)
- C. 4** ADOPT Resolution No. 2016/576 approving the Parcel Map for minor subdivision MS12-0004, for a project being developed by Georgette Stewart, as recommended by the Public Works Director, Alamo area. (No fiscal impact)

Special Districts & County Airports

- C. 5** ADOPT Resolution No. 2016/579, approving and authorizing the Flood Control and Water Conservation District, on behalf of the Contra Costa Clean Water Program, to negotiate and enter into a Stormwater Planning Grant Agreement with the State of California for the Contra Costa Watersheds Storm Water Resource Plan grant project, and authorize the Chief Engineer of the District to sign the agreement and any related documents, Countywide. (100% Cities and County Stormwater Utility Fee Assessments)

Claims, Collections & Litigation

- C. 6** DENY claims filed by AMCO Insurance Co. a/s/o Jacob Block, CSAA Insurance Exchange, Deandre Lewis, Livienne Manguera and Lida Behnam.
- C. 7** RECEIVE public report of litigation settlement agreements that became final during the period of September 1, 2016, through September 30, 2016.

Statutory Actions

- C. 8** ACCEPT Board members' meeting reports for September 2016.

Honors & Proclamations

- C. 9** ADOPT Resolution No. 2016/563 recognizing Samuel L. Shankland, Chess Champion on his remarkable and highly impressive Chess career, as recommended by Supervisor Andersen.
- C. 10** ADOPT Resolution No. 2016/597 Celebrating Planned Parenthood's 100 years of service, as recommended by Supervisor Gioia.
- C. 11** ADOPT Resolution No. 2016/571 honoring the East Bay Leadership Council's Philanthropy Awards Honorees, as recommended by Supervisor Andersen.
- C. 12** ADOPT Resolution No. 2016/582 proclaiming October 23-29, 2016 as Lead Poisoning Prevention Week in Contra Costa County, as recommended by the Health Services Director.

- C. 13** ADOPT Resolution No. 2016/583 recognizing Walnut Creek Intermediate School for their contributions towards developing the County's first Creek and Channel Safety Awareness Week, held October 19-23, 2015, as recommended by the Public Works Director, Walnut Creek area. (No fiscal impact) (Tim Jensen, Public Works Department)
- C. 14** ADOPT Resolution No. 2016/616 honoring the winners of the Arts and Culture Commission of Contra Costa County 2016 Art Recognition Awards, as recommended by the County Administrator.

Ordinances

- C. 15** INTRODUCE Ordinance No. 2016-22, adopting the 2016 California Building, Residential, Green Building Standards, Electrical, Plumbing, Mechanical and Existing Building Codes, with changes, additions and deletions, WAIVE reading and FIX November 15, 2016 at 9:30 a.m. for a public hearing to consider adoption of the ordinance, as recommended by the Conservation and Development Director.
- C. 16** Acting in its capacity as the Contra Costa County Board of Supervisors and as the Board of Directors of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District, INTRODUCE Ordinance No. 2016-23, to adopt the 2016 California Fire Code, with local amendments, as the fire code within Contra Costa County, the Contra Costa County Fire Protection District, and the Crockett-Carquinez Fire Protection District; WAIVE reading; and FIX November 1, 2016, at 9:30 a.m. as the hearing date for the proposed adoption of the ordinance, as recommended by the Fire Marshal. (Cost Neutral)
- C. 17** INTRODUCE Ordinance No. 2016-20 amending the County Ordinance Code to change the appointing authority of the exempt classification of Medical Director and to remove the exempt classifications of Ambulatory Care Chief Executive Officer, Contra Costa Health Plan Medical Director, and Mental Health Medical Director from the list of classifications excluded from the Merit System, WAIVE reading and FIX November 1, 2016, for adoption. (No fiscal impact)

Appointments & Resignations

- C. 18** APPOINT Greg Grassi to the Board of Supervisors public member seat of the Concord Successor Agency Oversight Board, as recommended by Supervisor Mitchoff.
- C. 19** REAPPOINT Shirley Krohn, Patricia Welty, Deborah Card, Jeffrey Weiss, Jennifer Doran, Nuru Neemuchwalla, Mary Dunne Rose, Richard Nahm, Gail Garrett, and Susan Frederick to member at large seats on the Contra Costa Advisory Council on Aging, as recommended by the Family and Human Services Committee.

Appropriation Adjustments

- C. 20** Employment and Human Services (0501)/ Fleet ISF (0064): APPROVE Appropriation and Revenue Adjustment No. 5012 and AUTHORIZE the transfer of appropriations in the amount of \$31,187 from Employment and Human Services Department to the Fleet Internal Service Fund for the purchase of one replacement vehicle. (45% federal, 45% State and 10% County)
- C. 21** CSA P-2B (7657): APPROVE Appropriation and Revenue Adjustment No. 5017 authorizing new revenue in the amount of \$8,500 in County Service Area P-2B (Alamo) (7657) and appropriate it for the funding for a Crossing Guard for Rancho Romero Elementary School. (100% CSA P-2B Alamo Area) (Consider with C.66)
- C. 22** Public Defender's Office (0243): APPROVE Appropriations and Revenue Adjustment No. 5016 authorizing new revenue in the amount of \$25,000 from the California Endowment, and appropriating it to fund salaries and benefits for two temporary clerical positions to continue the Proposition 47 Outreach Program in Office of the Public Defender. (100% Foundation Grant)

Personnel Actions

- C. 23** ADOPT Position Adjustment Request No. 21947 to establish the classification of Financial Systems Manager (unrepresented), allocate to the salary schedule, and reclassify one Information Systems Project Manager (represented) and it's incumbent to the Financial Services Manager (unrepresented) in the Auditor Controller Department. (100% Auditor's General Fund).
- C. 24** ADOPT Position Adjustment Resolution No. 21931 to add one Social Services Fiscal Compliance Accountant (represented) position and cancel one vacant Social Services Employment Placement Counselor (represented) position in the Employment and Human Services Department. (Federal 33%, State 47%, County 20%)
- C. 25** ADOPT Position Adjustment Resolution No. 21978 to add one full-time Clerk – Experienced Level position (represented) and cancel one vacant Intermediate Typist Clerk - Project position (represented) in the Health Services Department. (Cost savings)
- C. 26** ADOPT Position Adjustment Resolution No. 21977 to add one full-time Clerk-Senior Level position (represented) and cancel a vacant Secretary-Advanced Level position (represented) in the Health Services Department. (Cost savings)

- C. 27 ADOPT Resolution No. 2016/604 to grant an exemption to Contra Costa County Salary Regulations Section 4.1, and adjust the salary step of the incumbent in the classification of Deputy Agriculture Commissioner, from step three to step four of the salary range effective September 1, 2016, as recommended by the County Administrator. (55% State, 5% fees, 40% County)

Grants & Contracts

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

- C. 28 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with the California Department of Resources Recycling and Recovery, to pay County an amount not to exceed \$26,822, for the continuation of the Local Enforcement Agency assistance funds for the Department's Environmental Health Division Solid Waste Program, for the period July 1, 2016 through October 30, 2017. (No County match)
- C. 29 APPROVE and AUTHORIZE the Librarian, or designee, to apply for and accept a grant in the amount of \$15,000 from the Pacific Library Partnership to create *Tinker Trucks: a Pop-Up Library Outreach Adventure* in Concord, Crockett, Rodeo, El Sobrante, San Pablo, and Pittsburg from January 1, 2017 through December 31, 2017. (No Library fund match)
- C. 30 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with the California Department of Health Care Services, in the amount of \$13,500,000 for the Medi-Cal Administrative Activities Program, for the period July 1, 2015 through June 30, 2018. (No County match)
- C. 31 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with the State of California, Department of Health Care Services, effective September 15, 2014, to authorize additional payments to the County for supplemental behavioral health services, with no change in the original payment limit of \$317,472,000 and no change in the term of April 1, 2005 to December 31, 2016. (No County match)
- C. 32 APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with the California Department of Community Services and Development to decrease the payment limit by \$75,440 to a new limit of \$4,527,978, for Low Income Home Energy Assistance Programs for the period January 1, 2015 through June 30, 2017. (No County match)

- C. 33** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with the California Department of Community Services and Development to increase the payment limit by \$15,078 to a new amount of \$32,078 for Community Services Block Grant program services and extend the term from December 31, 2016 to May 31, 2017. (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. 34** APPROVE and AUTHORIZE the County Administrator, or designee, to execute a contract amendment with Milliman, Inc., effective October 1, 2016, to increase the payment limit by \$300,000 to a new payment limit of \$700,000 to continue providing actuarial services, and to extend the term of the agreement from October 1, 2016 through September 30, 2018, as recommended by the County Administrator. (100% Benefits Administration Charges)
- C. 35** APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with Larry Walker Associates, Incorporated, to increase the payment limit by \$150,000, to a new payment limit of \$400,000, to allow subcontracting and to provide professional stormwater quality services for a variety of National Pollutant Discharge Elimination System Permit requirements, with no change to the original term of April 1, 2015 to March 31, 2018, Countywide. (100% Stormwater Utility Assessment Fee Funds)
- C. 36** APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute, on behalf of the Public Works Director, a purchase order amendment with Future Ford, to increase the payment limit by \$150,000, to a new payment limit of \$240,000, and extend the termination date from January 31, 2017 to January 31, 2018, for Ford parts and accessories, Countywide. (100% Fleet Internal Service Fund)
- C. 37** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Shelter, Inc. of Contra Costa County, in an amount not to exceed \$2,030,447 to provide housing assistance to seriously and persistently mentally ill youth and adults for the period August 1, 2016 through June 30, 2017. (100% Mental Health Services Act)
- C. 38** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Telecare Corporation in an amount not to exceed \$4,155,060, to provide and manage services for Hope House, a sixteen (16) bed short-term residential facility, for mentally ill adults, for the period July 1, 2016 through June 30, 2018 with a six-month automatic extension through December 31, 2018, in an amount not to exceed \$1,038,765. (30% Federal Financial Participation; 70% Mental Health Services Act)

- C. 39** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Child Abuse Prevention Council, effective November 1, 2016, to increase the payment limit by \$130,074 to a new payment limit of \$1,236,898 for additional child abuse prevention services for the period July 1, 2016 through June 30, 2017. (5% Federal, 55% State, 40% County and local revenues)
- C. 40** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Laura L. Hans, M.D., in an amount not to exceed \$870,000, to provide pediatric services at Contra Costa Regional Medical and Health Centers, for the period January 1, 2017 through December 31, 2019. (100% Hospital Enterprise Fund I)
- C. 41** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Perseus Corporation, in an amount not to exceed \$144,500, to provide consultation and technical assistance to the Health Services Department on third party cost reports, for the period November 1, 2016 through October 31, 2017. (100% Hospital Enterprise Fund I)
- C. 42** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Wilson Consulting, Inc., effective November 1, 2016, to increase the payment limit by \$341,000 to a new payment limit of \$2,201,000 to continue providing technical support services for Health Services systems, and extend the termination date from December 31, 2016 to December 31, 2017. (100% Hospital Enterprise Fund I)
- C. 43** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Norman B. Price, M.D., in an amount not to exceed \$130,000, to provide dermatology services at Contra Costa Regional Medical Center and Health Centers, for the period November 1, 2016 through October 31, 2017. (100% Hospital Enterprise Fund I)
- C. 44** APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Health Services Department, to execute a purchase order amendment with American Messaging Services, Inc. to add \$20,000 for a new total of \$150,000 for the rental of additional pagers used by staff at the Contra Costa Regional Medical and Health Centers with no change in the term of January 7, 2015 through January 6, 2017. (100% Hospital Enterprise Fund I)
- C. 45** APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Health Services Department, to execute a purchase order amendment with OneWorkPlace to add \$99,000 for a new total payment limit of \$189,000 for furniture at the Contra Costa Regional Medical Center, with no change in the term of July 1, 2016 through June 30, 2017. (100% Hospital Enterprise Fund I)

- C. 46** APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Health Services Department, to execute a purchase order amendment with GCX Corp. to add \$99,000 for a new total payment limit of \$189,000 for Health Care Interpreter Network computers, monitors and wall mounting supplies at the Contra Costa Regional Medical Center and Health Centers, with no change in the term of January 1, 2016 through December 31, 2018. (100% Hospital Enterprise Fund I)
- C. 47** APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Health Services Department, to execute a purchase order with Experian Health, Inc. in an amount not to exceed \$180,000 for license support of the electronic claims and remittances system software for the period July 1, 2016, through June 30, 2017. (100% Hospital Enterprise Fund I)
- C. 48** APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Health Services Department, to execute a purchase order with Philips Healthcare Corporation in an amount not to exceed \$146,955 for a Philips ultrasound machine, model Epiq 5C at the Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period October 1, 2016 through April 30, 2017. (100% Hospital Enterprise Fund I)
- C. 49** APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Health Services Department, to execute a purchase order with Philips Healthcare Corporation in the amount not to exceed \$433,282 for Philips Avalon FM50 fetal monitors at the Contra Costa Regional Medical Center and Health Centers for the period October 1, 2016 through April 30, 2017. (100% Hospital Enterprise Fund I)
- C. 50** APPROVE and AUTHORIZE the Purchasing Agent, on behalf of Health Services Department, to execute a purchase order with Qiagen Inc. in an amount not to exceed \$1,000,000 for reagent testing products for the Public Health Laboratory for the period of December 1, 2016 through November 30, 2020. (100% Hospital Enterprise Fund I)
- C. 51** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Specialty Laboratories, Inc. (dba Quest Diagnostics Nichols Institute of Valencia), effective September 1, 2016, to increase the payment limit by \$825,000 to a new payment limit of \$2,325,000 to provide additional outside laboratory testing services at Contra Costa Regional Medical Center and Health Centers, with no change in the original term of January 1, 2016 through December 31, 2016. (100% Hospital Enterprise Fund I)
- C. 52** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Martha D. Newman, effective October 1, 2016, to increase the payment limit by \$40,000, to a new payment limit of \$230,000 to provide additional consultation and technical services for quality improvement at Contra Costa Regional Medical Center and Health Centers, with no change in the original term of December 1, 2015 through November 30, 2016. (100% Hospital Enterprise Fund I)

- C. 53** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Kathryn Kinsey, MFT, in an amount not to exceed \$125,000, to provide outpatient psychotherapy services to Contra Costa Health Plan members for the period September 1, 2016 through August 31, 2018. (100% Contra Costa Health Plan Enterprise Fund II)
- C. 54** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Anka Behavioral Health, Inc., in an amount not to exceed \$337,327, to provide outpatient Medi-Cal drug treatment services, for the period July 1, 2016 through June 30, 2017. (27% Federal Medi-Cal; 27% State Medi-Cal; 46% Assembly Bill 109)
- C. 55** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Futurenet Technologies Corp, in an amount not to exceed \$400,000, to provide medical coding, services for Contra Costa Regional Medical and Health Centers, for the period from October 1, 2016 through September 30, 2017. (100% Hospital Enterprise Fund I)
- C. 56** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Jackson & Coker LocumTenens, LLC, effective October 1, 2016, to increase the payment limit by \$200,000 to a new payment limit of \$974,400, to provide additional temporary psychiatric services for the County's mental health outpatients clinics, with no change in the original term of January 1, 2016 through December 31, 2016. (100% Mental Health Realignment)
- C. 57** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Bay Area Community Resources, effective September 1, 2016, to increase the payment limit by \$170,378 to a new payment limit of \$1,640,148 to provide additional school-based mental health services, with no change in the original term of July 1, 2016 through June 30, 2017, and to increase the automatic extension payment limit by \$85,189, to a new payment limit of \$820,074, through December 31, 2017. (50% Federal Financial Participation; 50% Mental Health Realignment)
- C. 58** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Risk Management Division of the County Administrator's Office, a blanket purchase order with Ventiv Technology, Inc. in the amount of \$212,928.98 for workers' compensation and liability claims system annual software licensing for the period from October 1, 2016 through September 30, 2017 as recommended by the County Administrator. (100% Workers' Compensation and General Liability Internal Service Funds)

- C. 59** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Center for Human Development, effective July 1, 2016, to increase the payment limit by \$156,460 to a new payment limit of \$1,038,000 to provide an additional services in the oncology unit, with no change in the original term of July 1, 2016 through June 30, 2017. (15% Medi-Cal Administration Activities; 81% Health Services Ambulatory Care; and 4% San Francisco Foundation Grant)
- C. 60** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with God's Grace Caring Home, Inc., effective July 1, 2016, to increase the payment limit by \$66,316 to a new payment limit of \$352,000 to provide additional residential board and care services for post-surgery patients, with no change in the original term of April 1, 2016 through March 31, 2017. (100% County General Fund)
- C. 61** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Stephen Arnold, M.D., effective October 1, 2016, to increase the payment limit by \$20,000 to a new payment limit of \$1,475,000, to provide additional on-call cardiology services at Contra Costa Regional Medical Center and Health Centers, with no change in the original term of September 1, 2014 through August 31, 2017. (100% Hospital Enterprise Fund I)
- C. 62** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Community Health for Asian Americans, effective October 1, 2016, to increase the payment limit by \$778,561 to a new payment limit of \$1,585,124 to continue providing school and community based mental health services, with no change in the original term of July 1, 2016 through June 30, 2017, and to increase the automatic extension payment limit by \$389,281 to a new payment limit of \$792,562, through December 31, 2017. (49% Federal Financial Participation; 49% Mental Health Realignment; 2% Non-Medi-Cal Mental Health Realignment)
- C. 63** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Community Violence Solutions in an amount not to exceed \$126,000, to provide specialized outreach, education and job training opportunities for sexually exploited youth, for the period July 1, 2016 through June 30, 2017. (100% Mental Health Services Act)
- C. 64** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a cancellation agreement with Crestwood Behavioral Health, Inc. for their existing contract, effective at close of business on September 30, 2016; and to execute a new contract containing modified indemnification language with Crestwood Behavioral Health, Inc., in an amount not to exceed \$1,326,585 to provide mental health services to severely and persistently mentally ill adults, for the period October 1, 2016 through June 30, 2017. (44% Federal Financial Participation; 26% State Mental Health Services Act; 30% Mental Health Realignment)

- C. 65** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Community Options for Families and Youth, Inc., in an amount not to exceed \$551,362, to provide mental health services and functional family therapy for the period July 1, 2016 through June 30, 2017, with a six-month automatic extension through December 31, 2017 in an amount not to exceed \$275,681. (45% Federal Financial Participation; 55% Probation Mentally Ill Offenders Crime Reduction Grant)
- C. 66** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute an interagency agreement with Martinez Unified School District, in an amount not to exceed \$175,100, to provide prevention and early intervention services to high-school aged youth in Central County, for the period July 1, 2016 through June 30, 2017, with a six-month automatic extension through December 31, 2017, in an amount not to exceed \$87,550. (100% Mental Health Services Act)
- C. 67** APPROVE and AUTHORIZE the Chief Information Officer (Department of Information Technology), or designee, to execute a contract amendment with Sirius Computer Solutions, Inc., to extend the term from October 31, 2016 through October 31, 2017 and increase the payment limit by \$150,000 to a new payment limit of \$400,000, for continued IBM System Z Mainframe Operating System services as needed by the Department of Information Technology. (100% User Fees)
- C. 68** APPROVE and AUTHORIZE the Chair of the Board of Supervisors to enter into a Memorandum of Understanding with San Ramon Valley Unified School District, including modified indemnification language, in an amount not to exceed \$8,154 for partial funding of a crossing guard at the intersection on Hemme Avenue at the Iron Horse Trail Crossing in Alamo for the term of July 1, 2016 through June 30, 2017. (100% CSA P-2B Alamo) (Consider with C.20)
- C. 69** APPROVE and AUTHORIZE the Chief Information Officer (Department of Information Technology), or designee, to execute ordering documents under the existing Oracle Master Agreement with Oracle America, Inc., in an amount not to exceed \$209,073 for Oracle program technical support services for software updates and support for the County's Human Resource system, for the period November 27, 2016 through November 16, 2017. (Department user fees)

Other Actions

- C. 70** ACCEPT the September 2016 update of the operations of the Employment and Human Services Department, Community Services Bureau, as recommended by the Employment and Human Services Director.

- C. 71** APPROVE and AUTHORIZE the County Auditor-Controller to issue payment, on behalf of the Contra Costa Clean Water Program, to the San Francisco Estuary Institute for the San Francisco Estuary Regional Monitoring Program for Trace Substances in the amount of \$153,915, for annual program participation as required by the National Pollutant Discharge Elimination System Permit issued by the San Francisco Bay Regional Water Quality Control Board, for the period of January 1, 2017 through December 31, 2017, as recommended by the Public Works Director, Countywide. (100% Cities and County Stormwater Utility Fee Assessments)
- C. 72** 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. 73** APPROVE amendments to the John Swett Unified School District's Conflict of Interest Code, as recommended by the County Counsel.
- C. 74** APPROVE amendments to the Acalanes Union High School District's Conflict of Interest Code, as recommended by the County Counsel.
- C. 75** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with California Department of Public Health to provide supervised field instruction to medical residency students in County's Public Health Division, for the period July 1, 2016 through June 30, 2018. (Non-financial agreement)
- C. 76** APPROVE amendments to the Contra Costa County Schools Insurance Group Conflict of Interest Code, as recommended by the County Counsel.
- C. 77** APPROVE and AUTHORIZE the County Administrator, or designee, to the execute an order for the destruction of County collections and deposit records maintained by the Superior Court that are over five (5) years old and are no longer necessary or required for County or Court purposes, pursuant to Government Code Section 26202 and Trial Court Financial Policies and Procedures Manual.
- C. 78** CONTINUE the emergency action originally taken by the Board of Supervisors on November 16, 1999, and most recently approved by the Board on September 27, 2016, 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

STANDING COMMITTEES

The **Ad Hoc on Sustainability Committee** (Supervisors Federal D. Glover and John Gioia) TBD

The **Airport Committee** (Supervisors Mary N. Piepho and Karen Mitchoff) meets monthly on the

fourth Wednesday of the month at 1:30 p.m. at Director of Airports Office, 550 Sally Ride Drive, Concord.

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

The **Hiring Outreach Oversight Committee** (Supervisors Karen Mitchoff and John Gioia) meets on the second Monday of every other month at 9:00 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Internal Operations Committee** (Supervisors John Gioia and Candace Andersen) meets on the fourth Monday of the month at 11:00 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Legislation Committee** (Supervisors Federal D. Glover and Karen Mitchoff) meets on the second Monday of the month at 10:30 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Public Protection Committee** (Supervisors Candace Andersen and John Gioia) meets on the fourth Monday of the month at 9:00 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

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

Ad Hoc on Sustainability	TBD	TBD	See above
Airports Committee	December 28, 2016	1:30 p.m.	See above
Family & Human Services Committee	November 14, 2016	1:00 p.m.	See above
Finance Committee	November 10, 2016	10:30 a.m.	See above
Hiring Outreach Oversight Committee	December 12, 2016	9:00 a.m.	See above
Internal Operations Committee	November 28, 2016	11:00 a.m.	See above
Legislation Committee	November 14, 2016	10:30 a.m.	See above

Public Protection Committee	November 28, 2016	9:00 a.m.	See above
Transportation, Water & Infrastructure Committee	November 10, 2016	1:00 p.m.	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 Deficiency 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
ECCFPD 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 Virus
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: In-Home Supportive Services Public Authority
From: David Twa, County Administrator
Date: October 25, 2016

Subject: In-Home Supportive Services Public Authority Employee Resolution No. 2016/603, which Supersedes Resolution No. 2015/385

RECOMMENDATION(S):

ADOPT attached Resolution No. 2016/603, which replaces and supersedes Resolution No. 2015/385, regarding compensation and benefits for employees of the In-Home Supportive Services Public Authority (IHSS PA).

FISCAL IMPACT:

The new benefits are offered on a voluntary basis and are 100% employee paid.

BACKGROUND:

The IHSS-Public Authority employees' benefits have historically been linked to the resolution providing benefits for unrepresented management and exempt employees of Contra Costa. The Board of Supervisors adopted Resolution No. 2016/554, which provides for a voluntary vision and health spending account for active unrepresented management employees on October 18, 2016. This Resolution, No. 2016/603, provides for the same benefits for IHSS/PA employees.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Lisa Driscoll, County Finance
Director - 335-1023

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

By: , Deputy

cc: Ann Elliott, Employee Benefits Manager

BACKGROUND: (CONT'D)

>

The Resolution is modified in the following ways:

1. Section 2.14 Health Plan Coverages and Provisions, new subsection e, Health Savings Account, has been added to provide that active employees enrolled in the Kaiser High Deductible Health Plan may enroll in a Health Savings Account funded by the employee effective January 1, 2017.
2. New section 2.24 Voluntary Vision Plan has been added to provide that active employees can enroll in a new voluntary vision plan effective January 1, 2017. The employee will pay the full premium costs of the plan. Existing sections 2.25 and 2.26 are renumbered accordingly.

CONSEQUENCE OF NEGATIVE ACTION:

If the action is not approved, eligible, active unrepresented employees will not have access to the new employee paid benefit plans.

ATTACHMENTS

Resolution No. 2016/603

Body of IHSS-PA Resolution No. 2016/603

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

Adopted this Resolution on 10/25/2016 by the following vote:

AYE:
NO:
ABSENT:
ABSTAIN:
RECUSE:



Resolution No. 2016/603

In The Matter Of: Compensation and Benefits Authorized for Employees of the In-Home Supportive Services Public Authority for the Period of October 1, 2016 through June 30, 2017 and Until Further Order

The Contra Costa County Board of Supervisors acting in its capacity as the governing body of the In-Home Supportive Services Public Authority **RESOLVES THAT:**

Effective upon adoption and continuing to June 30, 2017, and until further order of the Board, the Board adopts the attached program of compensation and benefits for the employees of the In-Home Supportive Services Public Authority. Except for Resolution No. 2002/608 (excluding inconsistent provisions concerning the amount of employee contributions for retirement benefits), this Resolution supersedes all previous resolutions providing compensation and benefits for the employees of the In-Home Supportive Services Public Authority, including but not limited to Resolution No. 2015/385. Unless expressly provided otherwise, this Resolution is subject to the provisions of resolutions providing general and pay equity salary adjustments, to the 1937 County Employees Retirement Act, and to the Public Employees Pension Reform Act. This Resolution does not authorize compensation and benefits for any employee who is represented by an employee organization with a Memorandum of Understanding. Unless otherwise expressly provided, compensation and benefits under this Resolution are authorized only for permanent and project employees of the In-Home Supportive Services Public Authority who work full-time or part-time, twenty (20) or more hours per week.

The full text of this Resolution is attached. The following exhibits are also attached:

I. **BENEFITS FOR ALL EMPLOYEES OF IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY (IHSS PA)** are provided for those classes listed in **Exhibit A**.

II. **BENEFITS ONLY FOR MANAGEMENT AND EXEMPT EMPLOYEES OF IHSS PA** are provided for those classes listed in Exhibit A, except for the classes listed in **Exhibit B**.

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: Lisa Driscoll, County Finance Director - 335-1023

ATTESTED: October 25, 2016

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

By: , Deputy

cc: Ann Elliott, Employee Benefits Manager

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RESOLUTION NO. 2016/603

I. BENEFITS FOR ALL EMPLOYEES OF IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY (IHSS PA)

1. Leaves With and Without Pay

1.10 Holidays: The County will observe the following holidays during the term covered by this Resolution:

New Year's Day	Labor Day
Martin Luther King Jr. Day	Veterans' Day
Presidents' Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day

Such other days as the Board of Supervisors may designate by Resolution as holidays.

Any holiday observed by the County that falls on a Saturday is observed on the preceding Friday and any holiday that falls on a Sunday is observed on the following Monday.

1.11 Definitions:

Regular Work Schedule: The regular work schedule is eight (8) hours per day, Monday through Friday, inclusive, for a total of forty (40) hours per week.

9/80 Work Schedule: A 9/80 work schedule is where an employee works a recurring schedule of thirty six (36) hours in one calendar week and forty four (44) hours in the next calendar week, but only forty (40) hours in the designated workweek. In the thirty six hour (36) calendar week, the employee works four (4) nine (9) hour days and has the same day of the week off that is worked for eight (8) hours in the forty four (44) hour calendar week. In the forty four (44) hour calendar week, the employee works four (4) nine (9) hour days and one eight (8) hour day.

Workweek for Employees on Regular, Flexible, Alternate, and 4/10 Schedules: For employees on regular, flexible, alternate, and 4/10 schedules, the workweek begins at 12:01 a.m. on Monday and ends at 12 midnight on Sunday.

Workweek for Employees on a 9/80 Schedule: The 9/80 workweek begins on the same day of the week as the employee's eight (8) hour work day and regularly scheduled 9/80 day off. The start time of the workweek is four (4) hours and one (1) minute after the start time of the eight (8) hour work day. The end time of the workweek is four (4) hours after the start time of the eight (8) hour work day. The result is a workweek that is a fixed and regularly recurring period of seven (7) consecutive twenty four (24) hour periods (168 hours).

- 1.12 Holidays Observed: Employees are entitled to observe a holiday (day off work), without a reduction in pay, whenever a holiday is observed by the County.
- 1.13 Holidays - 9/80 Work Schedules: When a holiday falls on the regularly scheduled day off of any employee who is on a 9/80 work schedule, the employee is entitled to take the day off, without a reduction in pay, in recognition of the holiday. These employees are entitled to request another day off in recognition of their regularly scheduled day off. The requested day off must be within the same month and workweek as the holiday and it must be pre-approved by the employee's supervisor. If the day off is not approved by the supervisor, it is lost. If the approved day off is a nine (9) hour workday, the employee must use one (1) hour of non-sick-leave accruals. If the approved day off is a ten (10) hour workday, the employee must use two (2) hours of non-sick-leave accruals. If the employee does not have any non-sick-leave accrual balances, leave without pay (AWOP) will be authorized.
- 1.14 Holidays - Part-Time Employees: Permanent, part-time employees are entitled to observe a holiday (day off work) in the same ratio as the number of hours in the part time employee's weekly schedule bears to forty (40) hours.
- 1.15 Personal Holiday Credit: Employees are entitled to accrue two (2) hours of personal holiday credit each month. This time is prorated for part time employees. No employee may accrue more than forty (40) hours of personal holiday credit. On separation from employment, employees are paid for any unused personal holiday credit hours at the employee's then current rate of pay, up to a maximum of forty (40) hours.
- 1.16 Vacation: Employees are entitled to accrue paid vacation credit not to exceed the maximum cumulative hours as follows:

<u>Length of Service</u>	<u>Monthly Accrual Hours</u>	<u>Maximum Cumulative Hours</u>
Under 11 years	10	240
11 years	10-2/3	256
12 years	11-1/3	272
13 years	12	288
14 years	12-2/3	304
15 through 19 years	13-1/3	320
20 through 24 years	16-2/3	400
25 through 29 years	20	480
30 years and up	23-1/3	560

Each employee is eligible to accrue increased vacation hours on the first day of the month following the employee's Service Award Date.

An employee's Service Award Date is the first day of his/her temporary, provisional, or permanent appointment to a position in the County. If an employee is first appointed to a temporary or provisional position and then later appointed to a permanent position, the Service Award Date for that employee is the date of the first day of the temporary or provisional appointment.

- 1.17 Sick Leave: The accrual and cancellation of sick leave credits is governed by Section 9.3 of the Contra Costa County Salary Regulations. The use of sick leave is governed by the IHSS PA Personnel Rules and the policies of the Executive Director.

Credits to and charges against sick leave are to be made in increments of no less than one-tenth of an hour (6 minutes).

- 1.18 Part-Time Employees: Part-time employees are entitled to accrue paid vacation and sick leave on a pro-rata basis.
- 1.19 Leave Without Pay - Use of Accruals: The provisions of Section 1006.6 of the Contra Costa County Personnel Management Regulations, as amended, relating to the use of accruals while on leave without pay, apply to all employees covered by this Resolution.

2. Health, Dental, and Related Benefits

- 2.10 Health Plan Coverages: The IHSS PA will provide the medical and dental coverage for IHSS PA employees and for their eligible family members, expressed in one of the Medical Plan contracts and one of the Dental Plan contracts between the County and the following providers:

- a. Contra Costa Health Plans (CCHP)
- b. Kaiser Permanente Health Plan
- c. Health Net
- d. Delta Dental
- e. DeltaCare (PMI)

Medical Plans:

All employees will have access to the following medical plans:

- 1. CCHP Plan A & Plan B
- 2. Kaiser Permanente Plan A & Plan B
- 3. Health Net HMO Plan A & Plan B
- 4. Health Net PPO Plan A
- 5. Kaiser High Deductible Health Plan

Health Net PPO Plan B will be eliminated for all employees beginning January 1, 2018.

In the event that one of the medical plans listed above meets the criteria for a high cost employer-sponsored health plan that may be subject to an excise

penalty (a.k.a. Cadillac Tax) under the federal Patient Protection and Affordable Care Act (“ACA”) (42 U.S.C. § 18081), such plan(s) will be eliminated for all employees beginning January 1, 2018.

2.11 Monthly Premium Subsidy:

a. The IHSS PA’s monthly premium subsidy in effect on January 1, 2015, for each medical and/or dental plan, is a set dollar amount and is not a percentage of the premium charged by the plan. The IHSS PA will pay the following monthly premium subsidy:

<u>Health & Dental Plans</u>	<u>Employee</u>	<u>Employee +1 Dependent</u>	<u>Employee +2 or More Dependents</u>
Contra Costa Health Plans (CCHP), Plan A	\$509.92	\$1,214.90	\$1,214.90
Contra Costa Health Plans (CCHP), Plan B	\$528.50	\$1,255.79	\$1,255.79
Kaiser Permanente Health Plans	\$478.91	\$1,115.84	\$1,115.84
Health Net HMO Plans	\$627.79	\$1,540.02	\$1,540.02
Health Net PPO Plans	\$604.60	\$1,436.25	\$1,436.25
Kaiser High Deductible Health Plan	\$478.91	\$1,115.84	\$1,115.84
Delta Dental with CCHP A or B	\$41.17	\$93.00	\$93.00
Delta Dental with Kaiser or Health Net	\$34.02	\$76.77	\$76.77
Delta Dental without a Health Plan	\$43.35	\$97.81	\$97.81
DeltaCare (PMI) with CCHP A or B	\$25.41	\$54.91	\$54.91
DeltaCare (PMI) with Kaiser or Health Net	\$21.31	\$46.05	\$46.05
DeltaCare (PMI) without a Health Plan	\$27.31	\$59.03	\$59.03

- b. If the County contracts with a medical or dental plan that is not listed above, the IHSS PA will determine the monthly dollar premium subsidy that it will pay to that health plan for employees and their eligible family members.
- c. In the event that the IHSS PA premium subsidy amounts are greater than one hundred percent (100%) of the applicable premium of any health or dental plan, for any plan year, the IHSS PA’s contribution will not exceed one hundred percent (100%) of the applicable plan premium.

2.12 Retirement Coverage:

a. Upon Retirement:

1. Upon retirement and for the term of this resolution, eligible employees and their eligible family members may remain in their County health/dental plan, but without IHSS PA-paid life insurance coverage, if immediately before their proposed retirement the employees and dependents are either active subscribers to one of the County contracted health/dental plans or if while on authorized leave of absence without pay, they have retained continuous coverage during the leave period. The IHSS PA will

pay the health/dental plan monthly premium subsidies set forth in Section 2.11(a) for eligible retirees and their eligible family members.

2. Any person who becomes age 65 on or after January 1, 2009 and who is eligible for Medicare must immediately enroll in Medicare Parts A and B.

3. For employees hired on or after January 1, 2009 and their eligible family members, no monthly premium subsidy will be paid by the IHSS PA for any health or dental plan after they separate from IHSS PA employment. However, any such eligible employee who retires under the Contra Costa County Employees' Retirement Association ("CCCERA") may retain continuous coverage of a county health and/or dental plan provided that (i) he or she begins to receive a monthly retirement allowance from CCCERA within 120 days of separation from IHSS PA employment and (ii) he or she pays the full premium cost under the health and/or dental plan without any IHSS PA premium subsidy.

b. Employees Who File For Deferred Retirement: Employees, who resign and file for a deferred retirement and their eligible family members, may continue in their County group health and/or dental plan under the following conditions and limitations.

1. Health and dental coverage during the deferred retirement period is totally at the expense of the employee, without any IHSS PA contributions.

2. Life insurance coverage is not included.

3. To continue health and dental coverage, the employee must:

i. be qualified for a deferred retirement under the 1937 Retirement Act provisions;

ii. be an active member of a County group health and/or dental plan at the time of filing their deferred retirement application and elect to continue plan benefits;

iii. be eligible for a monthly allowance from the Retirement System and direct receipt of a monthly allowance within twenty-four (24) months of application for deferred retirement; and

iv. file an election to defer retirement and to continue health benefits hereunder with the County Benefits Division within thirty (30) days before separation from IHSS PA service.

4. Deferred retirees who elect continued health benefits hereunder and their eligible family members may maintain continuous membership in their County health and/or dental plan group during the period of deferred retirement by paying the full premium for health and dental coverage on or before the 10th of each month, to the Contra Costa County Auditor-Controller. When the deferred retirees begin to receive retirement

benefits, they will qualify for the same health and/or dental coverage pursuant to subsection (a) above, as similarly situated retirees who did not defer retirement.

5. Deferred retirees may elect retiree health benefits hereunder without electing to maintain participation in their County health and/or dental plan during their deferred retirement period. When they begin to receive retirement benefits, they will qualify for the same health and/or dental coverage pursuant to subsection (a) above, as similarly situated retirees who did not defer retirement, provided reinstatement to a County group health and/or dental plan will only occur following a three (3) full calendar month waiting period after the month in which their retirement allowance commences.

6. Employees who elect deferred retirement will not be eligible in any event for IHSS PA health and/or dental plan subvention unless the member draws a monthly retirement allowance within twenty-four (24) months after separation from IHSS PA service.

7. Deferred retirees and their eligible family members are required to meet the same eligibility provisions for retiree health/dental coverage as similarly situated retirees who did not defer retirement.

- c. Employees Hired After December 31, 2006 - Eligibility for Retiree Health Coverage: All employees hired after December 31, 2006 are eligible for retiree health/dental coverage pursuant to subsections (a) and (b), above, upon completion of fifteen (15) years of service as an employee of the IHSS PA. For purposes of retiree health eligibility, one year of service is defined as one thousand (1,000) hours worked within one anniversary year. The existing method of crediting service while an employee is on an approved leave of absence will continue for the duration of this Resolution.
- d. For purposes of this Section 2.12 only, "eligible family members" does not include Survivors of employees or retirees.

2.13 Layoff and Other Loss of Coverage:

- a. If a husband and wife both work for the IHSS PA and one (1) of them is laid off, the remaining employee, if eligible, will be allowed to enroll or transfer into the health and/or dental coverage combination of his/her choice.
- b. An eligible employee who loses medical or dental coverage through a spouse or partner not employed by the IHSS PA will be allowed to enroll or transfer into the County health and/or dental plan of his/her choice within thirty (30) days of the date coverage is no longer afforded under the spouse's plan.

2.14 Health Plan Coverages and Provisions: The following provisions are applicable to Health and Dental Plan participation:

- a. Health, Dental and Life Participation by Other Employees: Permanent part-time employees working nineteen (19) hours per week or less and permanent-intermittent employees may participate in the County Health and/or Dental plans (with the associated life insurance benefit) at the employee's full expense.
- b. Employee Contribution Deficiencies: The IHSS PA's contributions to the Health Plan and/or Dental Plan premiums are payable for any month in which the employee is paid. If an employee's compensation in any month is not sufficient to pay the employee share of the premium, the employee must make up the difference by remitting the unpaid amount to the Auditor-Controller. The responsibility for this payment rests solely with the employee.
- c. Leave of Absence: The IHSS PA will continue to pay the IHSS PA shares of health and/or dental plan premiums for enrolled employees who are on an approved paid or unpaid leave of absence for a period of thirty (30) days or more provided the employee's share of the premiums is paid by the employee.
- d. Coverage Upon Separation: An employee who separates from IHSS PA employment is covered by his/her County health and/or dental plan through the last day of the month in which he/she separates. Employees who separate from IHSS PA employment may continue group health and/or dental plan coverage to the extent provided by the COBRA laws and regulations.
- e. Health Savings Account: Beginning no earlier than the 2017 plan year, active permanent full-time and active permanent part-time employees who are enrolled in the Kaiser High Deductible Health Plan may elect to enroll in a Health Savings Account (HSA). Employees may contribute up to the maximum annual contribution rate for HSAs as set forth in the United States Internal Revenue Code. Funds contributed to the HSA are invested as directed by the employee. The County does not provide any recommendations or advice on investment or use of HSA funds. Employees are responsible for paying any HSA account management fees charged by the HSA administrator. The County does not manage or administer the HSA. The HSA is not available to temporary or permanent-intermittent employees.

2.15 Family Member Eligibility Criteria: The following persons may be enrolled as the eligible Family Members of a medical and/or dental plan Subscriber:

A. Health Insurance

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1. Eligible Dependents:
 - a. Employee's legal spouse
 - b. Employee's qualified domestic partner
 - c. Employee's child to age 26
 - d. Employee's disabled child who is over age 26, unmarried, and incapable of sustaining employment due to a physical or mental disability that existed prior to the child attainment of age 19.
2. "Employee's child" includes natural child, step-child, adopted child, child of a qualified domestic partner, and a child specified in a Qualified Medical Child Support Order (QMCSO) or similar court order.

B. Dental Insurance

1. Eligible Dependents:
 - a. Employee's legal spouse
 - b. Employee's qualified domestic partner
 - c. Employee's unmarried child who is:
 - (1) under age 19; or
 - (2) Age 19 or above, but under age 24; and who
 - i. Resides with the employee for more than 50% of the year, excluding time living at school; and,
 - ii. Receives at least 50% of support from employee; and
 - iii. Is enrolled and attends school on a full-time basis, as defined by the school.
 - d. Employee's disabled child who is over age 19, unmarried, and incapable of sustaining employment due to a physical or mental disability that existed prior to the child's attainment of age 19.
2. "Employee's child" includes natural child, step-child, adopted child, child of a qualified domestic partner, and a child specified in a Qualified Medical Child Support Order (QMCSO) or similar court order.

2.16 Dual Coverage:

- a. Each employee and retiree may be covered by only a single County health (or dental) plan, including a CalPERS plan. For example, an IHSS PA employee may be covered under a single County health and/or dental plan as either the primary insured or the dependent of another County employee or retiree, but not as both the primary insured and the dependent of another County employee or retiree.

- b. All dependents, as defined in Section 2.15 (Family Member Eligibility Criteria) may be covered by the health and/or dental plan of only one spouse or one domestic partner. For example, when both husband and wife are County employees, all of their eligible children may be covered as dependents of either the husband or the wife, but not both.
- c. For purposes of this Section 2.16 only, "County" includes the IHSS PA, the County of Contra Costa, and all special districts governed by the Board of Supervisors, including but not limited to, the Contra Costa County Fire Protection District.

2.17 Medical Plan Cost-Sharing on and after January 1, 2016:

- a. For the plan year that begins on January 1, 2016, the IHSS PA will pay the monthly premium subsidy for medical plans stated in subsection 2.11.a. In total, the IHSS PA will pay the following amounts for the 2016 plan year:

<u>Medical Plans</u>	<u>Employee</u>	<u>Employee +1 Dependent</u>	<u>Employee +2 or More Dependents</u>
Contra Costa Health Plans (CCHP), Plan A	\$530.56	\$1,049.81	\$1,646.89
Contra Costa Health Plans (CCHP), Plan B	\$549.42	\$1,068.65	\$1,737.03
Kaiser Permanente Health Plan A	\$435.38	\$803.96	\$1,493.79
Kaiser Permanente Health Plan B	\$445.04	\$881.68	\$1,407.40
Health Net HMO Plan A	\$669.34	\$1,131.34	\$2,280.09
Health Net HMO Plan B	\$662.01	\$1,280.20	\$2,060.75
Health Net PPO Plan A	\$727.94	\$1,112.03	\$2,755.43
Health Net PPO Plan B	\$715.64	\$1,144.40	\$2,623.86
Kaiser High Deductible Health Plan	\$447.04	\$916.72	\$1,387.40

- b. For the plan year that begins on January 1, 2017, and for the term of this agreement, if there is an increase in the monthly premium, including any plan premium penalty, charged by a medical plan, the IHSS PA and the employee will each pay fifty percent (50%) of the monthly increase that is above the amount of the 2016 plan premium. The fifty percent (50%) share of the monthly medical plan increase paid by the IHSS PA is in addition to the amounts paid by the IHSS PA in subsection 2.17.a., above, for medical plans.
- c. 2016 Plan Premium Amounts: For purposes of calculating the IHSS PA and Employee cost-sharing increases described in 2.17.b, above, the following are the 2016 total monthly medical plan premium amounts:

<u>Medical Plans</u>	<u>Employee</u>	<u>Employee +1 Dependent</u>	<u>Employee +2 or More Dependents</u>
Contra Costa Health Plans (CCHP), Plan A	\$657.08	\$1,314.15	\$1,971.23
Contra Costa Health Plans (CCHP), Plan B	\$728.38	\$1,456.77	\$2,185.15
Kaiser Permanente Health Plan A	\$749.80	\$1,499.60	\$2,249.39
Kaiser Permanente Health Plan B	\$585.68	\$1,171.36	\$1,757.04

Health Net HMO Plan A	\$1,208.76	\$2,417.52	\$3,626.27
Health Net HMO Plan B	\$840.55	\$1,681.10	\$2,521.65
Health Net PPO Plan A	\$1,643.40	\$3,286.80	\$4,930.20
Health Net PPO Plan B	\$1,479.47	\$2,958.94	\$4,438.40
Kaiser High Deductible Health Plan	\$470.10	\$940.21	\$1,410.32

- 2.18 Life Insurance Benefit Under Health and Dental Plans: For employees who are enrolled in the County's program of medical or dental coverage as either the primary or the dependent, term life insurance in the amount of ten thousand dollars (\$10,000) will be provided by the IHSS PA.
- 2.19 Supplemental Life Insurance: In addition to the life insurance benefits provided by this resolution, employees may subscribe voluntarily and at their own expense for supplemental life insurance. Employees may subscribe for an amount not to exceed five hundred thousand dollars (\$500,000), of which one hundred thousand (\$100,000) is a guaranteed issue, provided the election is made within the required enrollment periods.
- 2.20 Health Care Spending Account: After six (6) months of permanent employment, full time and part time (20/40 or greater) employees may elect to participate in a Health Care Spending Account (HCSA) Program designated to qualify for tax savings under Section 125 of the Internal Revenue Code, but such savings are not guaranteed. The HCSA Program allows employees to set aside a predetermined amount of money from their pay, before taxes, for health care expenses not reimbursed by any other health benefit plans. HCSA dollars may be expended on any eligible medical expenses allowed by Internal Revenue Code Section 125. Any unused balance is forfeited and cannot be recovered by the employee.
- 2.21 PERS Long-Term Care: The IHSS PA will deduct and remit monthly premiums to the PERS Long-Term Care Administrator for employees who are eligible and voluntarily elect to purchase long-term care at their personal expense through the PERS Long-Term Care Program.
- 2.22 Dependent Care Assistance Program: The IHSS PA will continue to offer the option of enrolling in a Dependent Care Assistance Program (DCAP) designed to qualify for tax savings under Section 129 of the Internal Revenue Code, but such savings are not guaranteed. The program allows employees to set aside up to five thousand dollars (\$5,000) of annual salary (before taxes) per calendar year to pay for eligible dependent care (child and elder care) expenses. Any unused balance is forfeited and cannot be recovered by the employee.
- 2.23 Premium Conversion Plan: The IHSS PA will continue to offer the Premium Conversion Plan (PCP) designed to qualify for tax savings under Section 125 of the Internal Revenue Code, but tax savings are not guaranteed. The

program allows employees to use pre-tax dollars to pay health and dental premiums.

- 2.24 Voluntary Vision Plan: Beginning no earlier than the 2017 plan year, active permanent full-time and active permanent part-time employees will be offered the opportunity to enroll in a voluntary vision plan. Employees will pay the full premium costs of the plan. The County will contract with a provider for a voluntary vision plan with no co-pays. The vision plan is not available to temporary or permanent-intermittent employees.
- 2.25 Prevailing Section: To the extent that any provision of this Section (Section 2. Health, Dental, and Related Benefits) is inconsistent with any provision of any other County or IHSS PA enactment or policy, including but not limited to Administrative Bulletins, the Salary Regulations, the Personnel Management Regulations, or any other resolution or order of the Board of Supervisors acting in any of its various capacities, the provision(s) of this Section (Section 2. Health, Dental, and Related Benefits) will prevail.
- 2.26 Health Benefit Access for Employees Not Otherwise Covered: To access IHSS PA health plans, an employee who is not otherwise eligible for health coverage by the IHSS PA, must be eligible to receive an offer of coverage from the IHSS PA under the federal Patient Protection and Affordable Care Act (“ACA”) (42 U.S.C. § 18081). Employees eligible to receive an offer of coverage (and qualified dependents), will be offered access to IHSS PA health insurance plans. Employees will be responsible for the full premium cost of coverage.

3. **Mileage Reimbursement** The IHSS PA will pay a mileage allowance for the use of personal vehicles on IHSS PA business at the rate allowed by the Internal Revenue Service (IRS) as a tax deductible expense, adjusted to reflect changes in this rate on the date it becomes effective or the first of the month following announcement of the changed rate by the IRS, whichever is later.

4. **Retirement Contributions**

- 4.10 No IHSS PA Subvention: Effective on October 1, 2011, employees are responsible for the payment of one hundred percent (100%) of the employees’ basic retirement benefit contributions determined annually by the Board of Retirement of the Contra Costa County Employees’ Retirement Association, without the IHSS PA paying any part of the employees’ contributions. Employees are also responsible for the payment of the employees’ contributions to the retirement cost-of-living program as determined annually by the Board of Retirement without the County paying any part of the employees’ contributions. The County is responsible for one hundred percent (100%) of the employer’s retirement contributions determined annually by the Board of Retirement.
- 4.11 414H2 Participation: The County, on behalf of the IHSS PA, will continue to implement Section 414(h) (2) of the Internal Revenue Code which allows the

County Auditor–Controller to reduce the gross monthly pay of employees by an amount equal to the employee’s total contribution to the County Retirement System before Federal and State income taxes are withheld, and forward that amount to the Retirement system. This program of deferred retirement contribution will be universal and non-voluntary as is required by statute.

5. New Retirement Plan

- A. PEPRA for Employees who become CCCERA Members on or after January 1, 2013. For employees who, under the California Public Employees Pension Reform Act of 2013 (PEPRA) (Chapters 296 and 297, Statutes of 2012) become New Members of the Contra Costa County Employees Retirement Association (CCCERA) on or after January 1, 2013, retirement benefits are governed by PEPRA. To the extent that this resolution conflicts with any provision of PEPRA, PEPRA governs.
- B. COLA. For employees hired on and after January 1, 2014, who under PEPRA, become New Members of CCCERA, the cost of living adjustment to the retirement allowance will not exceed two percent (2%) per year, and the cost of living adjustment will be banked.
- C. DISABILITY STANDARD. For employees, who under PEPRA, become New Members of CCCERA, the disability provisions are the same as the current Tier III disability provisions.
- D. This section 5 does not apply to employees who are safety members of the Contra Costa County Employees Retirement Association, if any.

6. Training

- 6.10 Career Development Training Reimbursement: All full-time employees are eligible for career development training reimbursement not to exceed seven hundred fifty dollars (\$750) per fiscal year. The reimbursement of training expenses includes books and is governed by any County Administrative Bulletins on Travel or Training.
- 6.11 Management Development Policy: Employees are authorized to attend professional training programs, seminars, and workshops, during normal work hours at the discretion of the Executive Director, for the purpose of developing knowledge, skills, and abilities, in the areas of supervision, management, and County policies and procedures.

The Executive Director is responsible for authorization of individual professional development reimbursement requests. Reimbursement is through the regular demand process with demands being accompanied by proof of payment (copy of invoice or canceled check).

- 7. **Bilingual Pay Differential** A monthly salary differential will be paid to incumbents of positions requiring bilingual proficiency as designated by the Appointing Authority

and the Director of Human Resources. The differential will be prorated for employees working less than full time and/or on an unpaid leave of absence during any given month. The differential is one hundred dollars (\$100.00) per month.

Designation of positions for which bilingual proficiency is required is the sole prerogative of the IHSS PA, and such designations may be amended or deleted at any time.

8. **Higher Pay for Work in a Higher Classification** The County Salary Regulations notwithstanding, when an employee is required to work in a higher paid classification, the employee will receive the higher compensation for such work, pursuant to the County Salary Regulations, plus any differentials and incentives the employee would have received in his/her regular position. Unless the Board has by Resolution otherwise specified, the higher pay entitlement will begin on the completion of the 40th consecutive hour in the assignment, retroactive to the beginning of the second full day of work in the assignment.

9. **Other Terms and Conditions of Employment**

- 9.10 **Length of Service Credits:** Length of service credit dates from the beginning of the last period of continuous IHSS PA employment, including temporary, provisional and permanent status and absences on an approved leave of absence; except that when an employee separates from a permanent position in good standing and is subsequently re-employed in a permanent IHSS PA position within two (2) years from the date of separation, the period of separation will be bridged. Under these circumstances, the service credits will include all credits accumulated at the time of separation but will not include the period of separation. The service credits of an employee are determined from employee status records maintained by the Human Resources Department.

- 9.11 **Administrative Provisions:** The IHSS Executive Director may establish guidelines, bulletins or directives as necessary to further define or implement the provisions of this resolution.

10. **Video Display Terminal (VDT) Users Eye Examination** Employees are eligible to receive an annual eye examination on IHSS PA time and at IHSS PA expense provided that the employee regularly uses a video display terminal at least an average of two (2) hours per day as certified by their department.

Employees certified for examination under this program must make their request through the Benefits Service Unit of the County Human Resources Department. Should prescription VDT eyeglasses be prescribed for the employee following the examination, the IHSS PA agrees to provide, at no cost, basic VDT eye wear consisting of a ten dollar (\$10) frame and single, bifocal or trifocal lenses. Employees may, through individual arrangement between the employee and the employees' doctor and solely at the employee's expense, include blended lenses and other care, services or materials not covered by the Plan.

11. Special Benefit for Permanent Employees Hired on and after January 1, 2009

A. Beginning on April 1, 2009 and for the term of this resolution, the County will contribute one hundred and fifty dollars (\$150) per month to an employee's account in the Contra Costa County Deferred Compensation Plan, or other tax-qualified savings program designated by the County, for employees who meet all of the following conditions:

1. The employee must be hired by Contra Costa County on or after January 1, 2009.
2. The employee must be appointed to a permanent position. The position may be either full time or part time, but if it is part time, it must be designated, at a minimum, as 20 hours per week.
3. The employee must have been employed by Contra Costa County for at least 90 calendar days.
4. The employee must contribute a minimum of twenty-five dollars (\$25) per month to the Contra Costa County Deferred Compensation Plan, or other tax-qualified savings program designated by the County.
5. The employee must complete and sign the required enrollment form(s) for his/her deferred compensation account and submit those forms to the Human Resources Department, Employee Benefits Services Unit.
6. The employee may not exceed the annual maximum contribution amount allowable by the United States Internal Revenue Code.

B. No Cross Crediting: The amounts contributed by the employee and the County pursuant to this Section do not count towards the "Qualifying Base Contribution Amount" or the "Monthly Contribution Required to Maintain Incentive Program Eligibility" set forth in Section 14. Similarly, the amounts contributed by the employee and the County pursuant to Section 14 do not count towards the employee's \$25 per month minimum contribution required by this Section.

C. Maximum Annual Contribution: All of the employee and County contributions set forth in Sections 11 and 14 will be added together to ensure that the annual maximum contribution to the employee's deferred compensation account does not exceed the annual maximum contribution rate set forth in the United States Internal Revenue Code.

II. **BENEFITS ONLY FOR MANAGEMENT AND EXEMPT EMPLOYEES OF IHSS PA**

Management and Exempt employees of the IHSS PA will receive the benefits set forth in Part I and also the following additional benefits:

12. Overtime Provisions

12.10 No Overtime Pay, Holiday Pay, or Comp Time: Management and exempt employees are not entitled to receive overtime pay, holiday pay, overtime compensatory time, or holiday compensatory time. Employees who are unable or not permitted to observe a holiday (take the day off), are authorized to receive overtime pay ONLY IF the employee is on the Overtime Exempt Exclusion List.

12.11 Overtime Exempt Exclusion List: Employees in unrepresented, management, and exempt classifications are overtime exempt and are not eligible for overtime pay, holiday pay, overtime compensatory time, or holiday compensatory time. Instead, these employees are awarded Annual Management Administrative Leave in recognition of the extra burden their job responsibilities may sometimes place on their work schedules. However, unrepresented, management, and exempt employees may be made eligible for overtime pay if their names are placed on the Overtime Exempt Exclusion List by the County Administrator's Office. Employees on the Overtime Exempt Exclusion List are authorized to receive overtime pay, only. These employees are NOT eligible for holiday pay, overtime compensatory time, or holiday compensatory time. Employees on the Overtime Exempt Exclusion List are also NOT eligible for Annual Management Administrative Leave for the quarter they are on the Overtime Exempt Exclusion List. The policies and procedures for the Overtime Exempt Exclusion List are set forth in the County Administrator's memo of November 6, 2002, as may be amended.

Employees may be approved for placement on the Overtime Exempt Exclusion List if and when they are assigned to a special or temporary project or task that requires persistent, excess work hours, without relief from their regular job duties. Overtime pay will not be authorized as a means to address normal staffing or operational issues.

12.12 Overtime Pay: Employees on the Overtime Exempt Exclusion List will be compensated at one and one-half (1.5) times their base rate of pay (excluding differentials) for authorized work exceeding eight (8) hours in a day or forty (40) hours in a work week.

13. Management Longevity Pay

13.10 Ten Years of Service:

Employees who have completed ten (10) years of service for the IHSS PA are eligible to receive a two and one-half percent (2.5%) longevity differential effective on the first day of the month following the month in

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which the employee qualifies for the ten (10) year service award.

13.11 Fifteen Years of Service:

Employees who have completed fifteen (15) years of service for the IHSS PA are eligible to receive an additional two and one-half percent (2.5%) longevity differential effective on the first day of the month following the month in which the employee qualifies for the fifteen (15) year service award. For employees who completed fifteen (15) years of service on or before January 1, 2007, this longevity differential will be paid prospectively only from January 1, 2007.

14. Deferred Compensation.

A. Deferred Compensation Incentive. The IHSS PA will contribute eighty-five dollars (\$85) per month to each employee who participates in the County's Deferred Compensation Plan. To be eligible for this Deferred Compensation Incentive, the employee must contribute to the deferred compensation plan as indicated below.

<u>Employees with Current Monthly Salary of:</u>	<u>Qualifying Base Contribution Amount</u>	<u>Monthly Contribution Required to Maintain Incentive Program Eligibility</u>
\$2,500 and below	\$250	\$50
\$2,501 – 3,334	\$500	\$50
\$3,335 – 4,167	\$750	\$50
\$4,168 – 5,000	\$1,000	\$50
\$5,001 – 5,834	\$1,500	\$100
\$5,835 – 6,667	\$2,000	\$100
\$6,668 and above	\$2,500	\$100

Employees who discontinue contributions or who contribute less than the required amount per month for a period of one (1) month or more will no longer be eligible for the eighty-five dollar (\$85) Deferred Compensation Incentive. To reestablish eligibility, employees must again make a Base Contribution Amount as set forth above based on current monthly salary. Employees with a break in deferred compensation contributions either because of an approved medical leave or an approved financial hardship withdrawal will not be required to reestablish eligibility. Further, employees who lose eligibility due to displacement by layoff, but maintain contributions at the required level and are later employed in an eligible position, will not be required to reestablish eligibility.

B. Eligibility for Loan Program. Employees are eligible to apply for loans from the Contra Costa County Deferred Compensation Plan loan program established by the Board of Supervisors on June 26, 2012, by Resolution No. 2012/298.

15. Annual Management Administrative Leave

- A. On January 1st of each year, full-time management and exempt employees in paid status will be credited with ninety four (94) hours of paid Management Administrative Leave. This time is non-accruable and all balances will be zeroed out on December 31 of each year.
- B. Permanent part-time employees are eligible for Management Administrative Leave on a prorated basis, based upon their position hours. Permanent-intermittent employees are not eligible for Management Administrative Leave.
- C. Employees appointed (hired or promoted) to management or exempt positions are eligible for Management Administrative Leave on the first day of the month following their appointment date and will receive Management Administrative Leave on a prorated basis for that first year.
- D. Management and exempt employees on the Overtime Exempt Exclusion List are authorized to receive overtime pay; therefore, their Management Administrative Leave will be reduced by 25% each time the employee is on the List. The 25% reduction will be deducted from the employee's current leave balance, but if there is no balance, it will be deducted from future awarded Annual Management Administrative Leave.

16. Management Life Insurance Employees are covered at IHSS PA expense by term life insurance in the amount of fifty seven thousand dollars (\$57,000) in addition to the insurance provided under Section 2.18.

17. Professional Development Reimbursement Management and exempt employees are eligible for reimbursement of up to six hundred twenty-five dollars (\$625) for each two (2) year period beginning on January 1, 1999, for memberships in professional organizations, subscriptions to professional publications, attendance fees at job-related professional development activities and purchase of job-related computer hardware and software (excludes automation connectivity, support, or subscription fees) from a standardized County-approved list or with Executive Director approval, provided each employee complies with the provisions of the Computer Use and Security Policy adopted by the Board of Supervisors and the applicable manuals. In order to receive reimbursement, the employee must have been in an eligible classification when the expense was incurred.

Each professional development reimbursement request must be approved by the Executive Director and submitted through the regular County demand process. Demands must be accompanied by proof of payment (copy of invoice or receipt). Certification regarding compliance with the County's computer use and security policy may be required. Questions regarding the appropriateness of a request will be answered by the Office of the County Administrator.

18. Sick Leave Incentive Plan Employees may be eligible for a payoff of a part of unused sick leave accruals at separation. This program is an incentive for

employees to safeguard sick leave accruals as protection against wage loss due to time lost for injury or illness. Payoff must be approved by the Director of Human Resources, and is subject to the following conditions:

- A. The employee must have resigned in good standing.
- B. Payout is not available if the employee is eligible to retire.
- C. The balance of sick leave at resignation must be at least seventy percent (70%) of accruals earned in the preceding continuous period of employment excluding any sick leave use covered by the Family and Medical Leave Act, the California Family Rights Act, or the California Pregnancy Disability Act.
- D. Payout is by the following schedule:

<u>Years of Payment Continuous Service</u>	<u>Payment of Unused Sick Leave Payable</u>
3 – 5 years	30%
5 – 7 years	40%
7 plus years	50%

- E. No payoff will be made pursuant to this section unless the Contra Costa County Employees' Retirement Association has certified that an employee requesting a sick leave payoff has terminated membership in, and has withdrawn his or her contributions from, the Retirement Association.
- F. It is the intent of the Board of Supervisors that payments made pursuant to this section are in lieu of County retirement benefits resulting from employment by this County, the IHSS PA, or by Districts governed by this Board.

19. **Long-Term Disability Insurance** The IHSS PA will continue in force the Long-Term Disability Insurance program with a replacement limit of eighty-five (85%) of total monthly base earnings reduced by any deductible benefits.

III. SPECIAL BENEFITS FOR DESIGNATED CLASSIFICATIONS

20. Longevity Pay for Clerical Support Staff

Effective on July 1, 2008, employees in the classifications listed below, who have completed ten (10) years of service for the IHSS PA, are eligible to receive a two and one-half percent (2.5%) longevity differential, effective on the first day of the month following the month in which the employee qualifies for the ten (10) year service award.

Eligible Classifications:

This section only applies to the following classifications:

- 8IH4 Office Manager/Secretary - PA
- 8IH6 Public Authority Benefits Clerk
- 8IH7 Public Authority Senior Benefits Clerk
- 8IH8 Public Authority 311 Benefits Clerk

Exhibit A
All Employees

Job Code	Job Title
8IH9	ADMINISTRATIVE SVCS ASST II-PA
8IH4	OFFICE MANAGER/SECRETARY-PA
8IH2	PROGRAM MANAGER-PUBLIC AUTH
8IH0	PUB AUTH SECRETARY - ADVANCED
8IH8	PUBLIC AUTH BENEFITS CLERK SPEC
8IH5	PUBLIC AUTH ACCOUNT CLERK SUPV
8IH6	PUBLIC AUTH BENEFITS CLERK
8IH1	PUBLIC AUTH EXECUTIVE DIRECTOR
8IH7	PUBLIC AUTH SR BENEFITS CLERK
8IH3	REGISTRY/TRAINING SPECLST-PA

Exhibit B
Management and Exempt Employees

Job Code	Job Title
8IH9	ADMINISTRATIVE SVCS ASST II-PA
8IH4	OFFICE MANAGER/SECRETARY-PA
8IH2	PROGRAM MANAGER-PUBLIC AUTH
8IH0	PUB AUTH SECRETARY - ADVANCED
8IH5	PUBLIC AUTH ACCOUNT CLERK SUPV
8IH1	PUBLIC AUTH EXECUTIVE DIRECTOR
8IH3	REGISTRY/TRAINING SPECLST-PA



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 25, 2016

Subject: Resolution No. 2016/612 – IFPTE Local 21 Side Letter Regarding Temporary Upgrade Process

RECOMMENDATION(S):

ADOPT Resolution No. 2016/612 approving the Side Letter between Contra Costa County and IFPTE Local 21 regarding the County's commitment to monitoring compliance with the temporary upgrade rules.

FISCAL IMPACT:

This is an administrative agreement regarding compliance with policy and has no specific fiscal impact.

BACKGROUND:

This Side Letter arises out of a settlement agreement with Local 21. The side letter amends the Memorandum of Understanding between the County and Local 21 to add the following new paragraphs J., K., and L. to Section 5.13 of the MOU:

- J. For higher pay assignments in vacant positions, a request for examination to fill the position must be submitted at the time of the higher pay assignment request. After a request for examination is submitted, the County will not unreasonably delay in any subsequent steps, including but not limited to promulgating a list and filling the vacant positions.
- K. An employee will receive 5 additional points towards his/her examination score, if the employee takes an examination for a classification in which the employee received higher class pay for a combined 12 months of more in the prior three years from the date of the examination.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

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

BACKGROUND: (CONT'D)

>

L. The County will provide to Local 21 a monthly electronic list of all employees who are being paid for work in a higher classification (temporary upgrade).

Except as specifically amended by this Side Letter, all other terms and conditions of the MOU remain unchanged by this Side Letter.

CONSEQUENCE OF NEGATIVE ACTION:

The County would be out of compliance with a recent Settlement Agreement with Local 21.

ATTACHMENTS

Resolution No. 2016/612

IFPTE Local 21 Side Letter dated 9/21/16

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

Adopted this Resolution on 10/25/2016 by the following vote:

AYE:
NO:
ABSENT:
ABSTAIN:
RECUSE:



Resolution No. 2016/612

In the Matter of: The Side Letter Agreement between the County of Contra Costa and IFPTE Local 21 regarding temporary upgrades

The Contra Costa County Board of Supervisors acting solely in its capacity as the governing board of the County of Contra Costa **RI**
RESOLVES THAT:

Effective upon adoption, the attached Side Letter of Agreement dated September 21, 2016, between the County of Contra Costa and IFPTE Local 21, be **ADOPTED**.

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

ATTESTED: October 25, 2016

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

By: , Deputy

cc: Lisa Lopez, Assistant Director of Human Resources

**SIDE LETTER
BETWEEN
CONTRA COSTA COUNTY AND IFPTE, Local 21**

This Side Letter is by and between the Professional and Technical Engineers, IFPTE, Local 21 (“Local 21”) and the County of Contra Costa (“County”) and is effective following approval of the Board of Supervisors.

This side letter amends the Memorandum of Understanding (“MOU”) between the County and Local 21 (July 1, 2016- June 30, 2019) to add the following new paragraphs J., K., and L. to Section 5.13 of the MOU:

- J. For higher pay assignments in vacant positions, a request for examination to fill the position must be submitted at the time of the higher pay assignment request. After a request for examination is submitted, the County will not unreasonably delay in any subsequent steps, including but not limited to promulgating a list and filling the vacation position(s).

- K. An employee will receive 5 additional points towards his/her examination score, if the employee takes an examination for a classification in which the employee received higher class pay for a combined 12 months or more in the prior three years from the date of the examination.

- L. The COUNTY will provide to Local 21 a monthly electronic list of all employees who are being paid for work in a higher classification (temporary upgrade). The list will include the following information:
 - i. Employee’s full name;
 - ii. Permanent classification;
 - iii. Date of hire;
 - iv. Permanent department;
 - v. Union of permanent classification;
 - vi. Start date and end date of temporary upgrade;
 - vii. Temporary upgrade classification and department;
 - viii. Union representing temporary upgrade classification, and
 - ix. Rate of pay received in the temporary upgrade.

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EXHIBIT B

The terms of this Side Letter will be incorporated into the next MOU between the County and Local 21. Except as specifically amended or excluded by this Side Letter, all other terms and conditions of the MOU between Contra Costa County and Local 21 (July 1, 2016 – June 30, 2019) remain unchanged by this Side Letter.

Date: 9/21/16

Contra Costa County:
(Signature / Printed Name)

IFPTE, Local 21:
(Signature / Printed Name)

Lisa Driscoll Lisa Driscoll

Jonathan T. Wright Jonathan T. Wright

_____ / _____	_____ / _____
_____ / _____	_____ / _____
_____ / _____	_____ / _____



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: October 25, 2016

Subject: Appeal of County Planning Commission Denial of a New Single-Family Residence on Lawson Road in the Kensington Area

RECOMMENDATION(S):

1. OPEN the public hearing and accept testimony on the appeal of the County Planning Commission decision to deny the Development Plan for the proposed single-family residence, variances for a 3-story residence and retaining walls, and the removal of 11 code-protected trees and work within the dripline of two code-protected trees, on a vacant lot at the end of Lawson Road in the unincorporated Kensington area (County File #DP15-3030).
2. CLOSE the public hearing.
3. DENY the appeal by Edward Dean and Darlene Tong and UPHOLD the County Planning Commission’s decision to deny County File #DP15-3030.

FISCAL IMPACT:

The applicant is responsible for all costs associated with the processing of the application.

-
- | | |
|--|--|
| <input checked="" type="checkbox"/> APPROVE | <input type="checkbox"/> OTHER |
| <input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR | <input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE |
-

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Dominique Vogelpohl
925-674-7814

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

By: , Deputy

cc:

BACKGROUND:

On September 16, 2015, a Development Plan application for the construction of a new 4,224 square foot single-family residence on a vacant lot located at the end of Lawson Road in the Kensington area was submitted to the Community Development Division (CDD). The project included a request to determine conformity with the Kensington Combining District for the new single-family residence, as well as requests for approval of a variances to allow 3-stories, where a maximum of 2 ½ - stories is allowed and to allow retaining walls over 3-feet in height within the required yard areas, as well as a request for a tree permit to allow the removal of 11 code-protected trees and work within the dripline of 2 code-protected trees.

The project was first considered by the Kensington Municipal Advisory Council (KMAC) on October 27, 2015. Due to the project's multiple aspects, and the fact that all interested parties could not be in attendance, it was continued to the following KMAC meeting. The project was considered again on December 1, 2015. The KMAC recommended approval of the overall project, including the three-story variance and tree removal, provided that certain conditions were met. The KMAC recommended conditions included that a storage room on the parking level be eliminated, and a portion of the "view room" on the upper level be reduced in order to minimize the 3-story portions of the residence. Per KMAC's recommendation, the applicant incorporated these revisions into the project plans and reduced the 3-story area in a manner that the KMAC considered to be acceptable.

County Zoning Administrator Public Hearing

The project was initially heard before the County Zoning Administrator on March 21, 2016. The hearing was open to the public and testimony was accepted from neighboring residents in opposition of the project, and from the applicants/property owners in support of the project. After hearing from all of the speakers, and receiving new written testimony, the Zoning Administrator continued the item as an open hearing to April 4, 2016. This was to provide the Zoning Administrator with time to consider new testimony and conduct a site visit of the subject property and a neighboring property, 153 Lawson Road.

Further testimony in support and opposition of the project was presented at the Zoning Administrator hearing on April 4, 2016. After hearing all speakers and addressing all new testimony, the Zoning Administrator approved the project with modifications and additional conditions of approval. The Zoning Administrator allowed the removal of 11 trees, and required that the overall height of the residence be reduced by 3-feet, as measured from the top of the parapet. The height of residence would not be able to exceed the 825-foot elevation. The Zoning Administrator also included conditions that required the applicant consult with appropriate public agencies to ensure proper development in relation to potential easements, and that a geotechnical report be peer-reviewed by the County geologist.

County Planning Commission Public Hearing

Two letters appealing the Zoning Administrator's decision were received on April 14, 2016, during the appeal period; one by the applicants, and one by the neighboring property owners. George and Anita Luk (153 Lawson Road) maintain that, even with the height reduction, views, privacy, and solar access from their property would still be impacted. They did not agree that the bulk, scale, size and design of the residence is consistent with the neighborhood, or the Kensington Combining District, and wished to see further height reduction. They claimed that the proposed retaining walls are located directly over existing easements, and that the applicant should be responsible for the easements' future maintenance. The Luks also did not agree that appropriate findings were made to allow the variance approval for a 3-story residence, or retaining walls within the setback or side yard. They did not agree that appropriate findings were made to allow the removal of the two Cedar trees based on the requirements of the County Tree Protection and Preservation Ordinance.

In the appeal submitted by Edward Dean and Darlene Tong (applicants/property owners), they indicated that the height reduction made no positive impact on views, privacy, solar access, bulk or scale. They did not agree that the residence, as proposed, would have a negative impact on neighboring residences, and wished to have the original design approved and have the height restriction condition removed.

The appeals of the Zoning Administrator's decision were heard before the County Planning Commission on August 9, 2016. The hearing was open to the public and testimony was accepted from the Luks (appellants)

located at 153 Lawson Road, Michael Chanowitz (52 Kensington Court), and Edward Dean and Darlene Tong (property owners). After hearing from all of the speakers, the Planning Commission found the proposed development of a new single-family residence, including the variance approvals for a three story residence and retaining walls, and tree removal, inconsistent with the purpose and intent of the Kensington Combining District (-K), and were unable to make the findings for granting of the variances and tree permit. The Planning Commission voted unanimously to overturn the Zoning Administrator's approval, and denied the project.

County Board of Supervisors Public Hearing

A letter appealing the denial from the Planning Commission was received on August 18, 2016 from Edward Dean and Darlene Tong (applicants/property owners), leading to the scheduling of a public hearing before the Board of Supervisors. Staffs recommendation is based on the Planning Commission's denial of the project.

Alternative Actions

Conversely, if the Board of Supervisors finds merit in the proposed project, or that changes could be made to the project that would make it consistent with the Kensington Combining District (-K), the Board may decide to approve the appeal of Edward Dean and Darlene Tong, and overturn the Planning Commission's decision to deny the project. If this were the case, the Board could take the following actions: 1) Determine that the project is categorically exempt from the California Environmental Quality Act (CEQA); 2) Adopt the findings and conditions of approval as approved by the Zoning Administrator on April 4, 2016, contained in Exhibit #4, attached; 3) Direct the Department of Conservation and Development, Community Development Division to post a Notice of Exemption with the County Clerk.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board of Supervisors were to uphold the appeal and overturn the Planning Commission's denial of the project, the applicant could move forward with the construction of the new single-family residence.

CHILDREN'S IMPACT STATEMENT:

No impacts are associated with the proposal to construct a new single-family residence within a residential zoning district.

ATTACHMENTS

- Exhibit #1 - CPC Resolution 14-2016
- Exhibit #2 - Maps
- Exhibit #3 - Project Plans
- Exhibit #4 - Ed & Darlene Appeal letter
- Exhibit #5 - CPC Staff Report
- Exhibit #6 - Zoning Staff Reports
- Exhibit #7 - Findings and COAs
- Exhibit #8 - Views Luk residence west
- Exhibit #9 - Views Luk residence south
- Exhibit #10 - Photos from 52 Kensington
- Exhibit #11- Dean Tong Letter
- Exhibit #12- Luk Letter
- Exhibit #13 - PPT Pres

RESOLUTION NO. 14-2016

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, UPHOLDING THE APPEAL OF GEORGE & ANITA LUK (153 LAWSON ROAD, KENSINGTON), DENYING THE APPEAL OF EDWARD DEAN & DARLENE TONG (APPLICANTS/PROPERTY OWNERS), AND DENYING THE DECISION OF THE COUNTY ZONING ADMINISTRATOR TO APPROVE A DEVELOPMENT PLAN TO ALLOW A NEW, SINGLE-FAMILY RESIDENCE ON A VACANT PROPERTY IN THE KENSINGTON AREA. EDWARD DEAN & DARLENE TONG (APPLICANTS AND PROPERTY OWNERS). COUNTY FILE #DP15-3030.

WHEREAS, an application filed by Edward Dean and Darlene Tong (Applicants and Owners) was submitted on September 16, 2015, for a new single-family residence that totals 4,224 in gross floor area (where the Kensington Combining District gross floor area threshold is 4,000), with variances for a 3-story residence and retaining walls, and a tree permit to remove 11 trees and work within the driplines of 2 trees. The subject property is located at the vacant lot at the end of Lawson Road in the Kensington area; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, the project is Categorically Exempt, per CEQA Section 15303(a), which exempts the construction of one new single-family residence; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Zoning Administrator on March 21, 2016, where all persons interested therein might appear and be heard; and

WHEREAS, the Zoning Administrator received testimony, and continued the matter to April 4, 2016, to consider the public testimony received and to visit the subject property and 153 Lawson Road, Kensington; and

WHEREAS, the Zoning Administrator held a continued open public hearing on April 4, 2016, and after closing the public hearing, approved the application, including the variances for a 3-story residence and retaining walls, and the removal of 11 trees and work within the driplines of 2 trees, subject to modified findings and conditions of approval, including the added conditions requiring the overall height be reduced by 3-feet, that the applicant consult with the appropriate public agencies to ensure proper development in relation to public utilities, and that a geotechnical report be provided and peer reviewed by the County Geologist; and

WHEREAS, on April 14, 2016, within the time allotted by law, the Department of Conservation and Development received two appeals of the County Zoning Administrator's decision from George and Anita Luk (153 Lawson Road), and Edward Dean and Darlene Tong (applicants/property owners); and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the Board of Appeals (County Planning Commission) on Tuesday, August 9, 2016, where all persons interested therein might appear and be heard; and

WHEREAS, after having fully reviewed, considered and evaluated all the public correspondence, testimony, and evidence submitted in this matter;

NOW, THEREFORE, BE IT RESOLVED, that the County Planning Commission:

1. FINDS that the proposed single-family residence is inconsistent with the purpose and intent of the Kensington Combining District, and that the required findings for approval of variances for three stories and retaining walls, and tree removal cannot be made.
2. UPHOLDS the appeal of George and Anita Luk;
3. DENIES the appeal of Edward Dean and Darlene Tong; and
4. OVERTURNS the Zoning Administrator's approval of the Development Plan.

NOW BE IT RESOLVED that the secretary of this Commission will sign and attest the certified copy of this resolution and deliver the same to the Board of Supervisors, all in accordance with the Government Code of the State of California.

This Resolution was approved upon the motion of the County Planning Commission on Tuesday, August 9, 2016, by the following vote:

AYES:	Commissioner(s) -	Snyder, Steele, Terrell, and Wright
NOES:	Commissioner(s) -	None
ABSENT:	Commissioner(s) -	Clark and Swenson
ABSTAIN:	Commissioner(s) -	None

DUANE STEELE
Chair of the County Planning Commission
County of Contra Costa, State of California

ATTEST:

Aruna M. Bhat, Secretary
County Planning Commission
County of Contra Costa
State of California

CT. 3920.00
CT. 3910.00

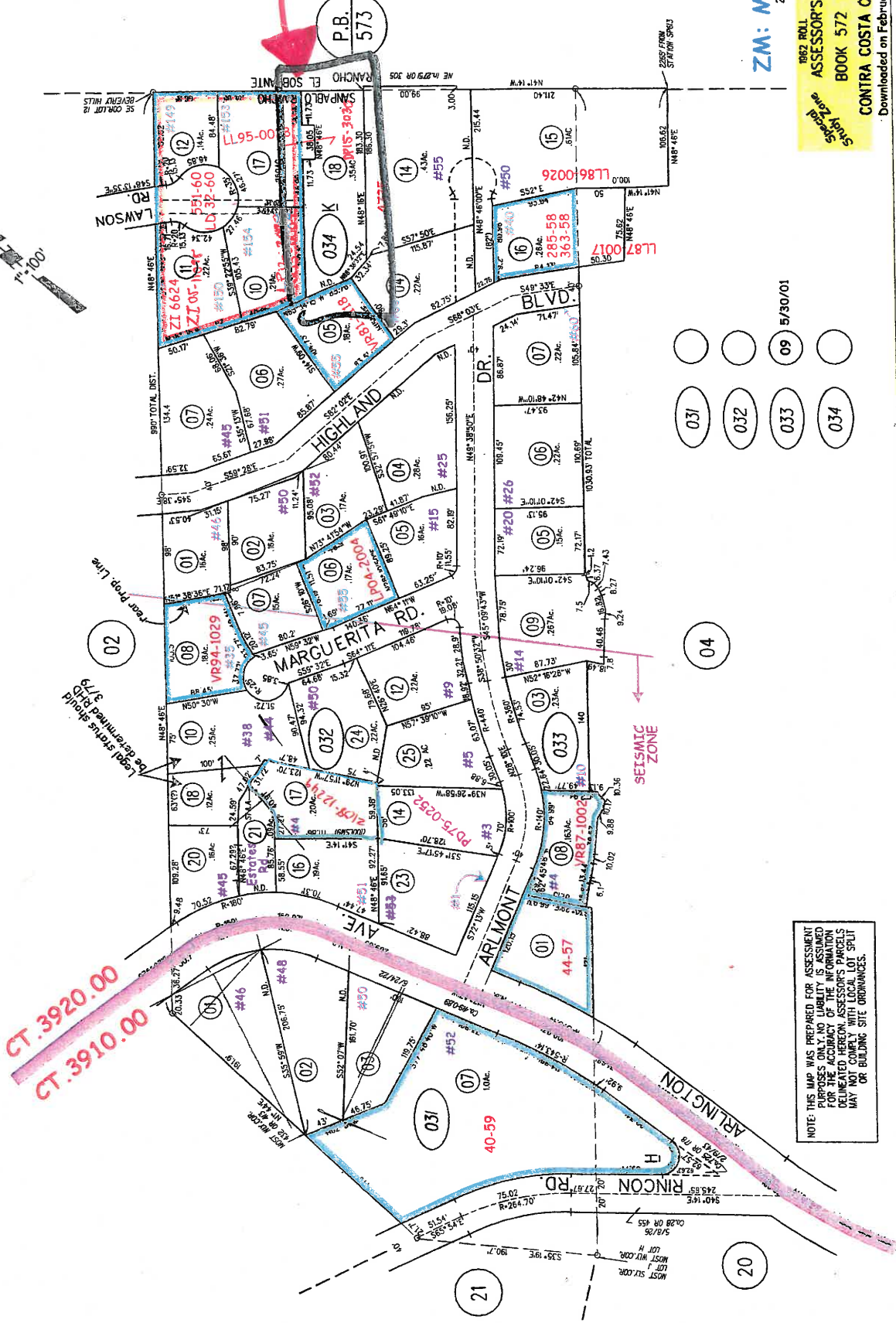
October 25, 2016

Contra Costa County Board of Supervisors

Site

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2-26-96 M/T

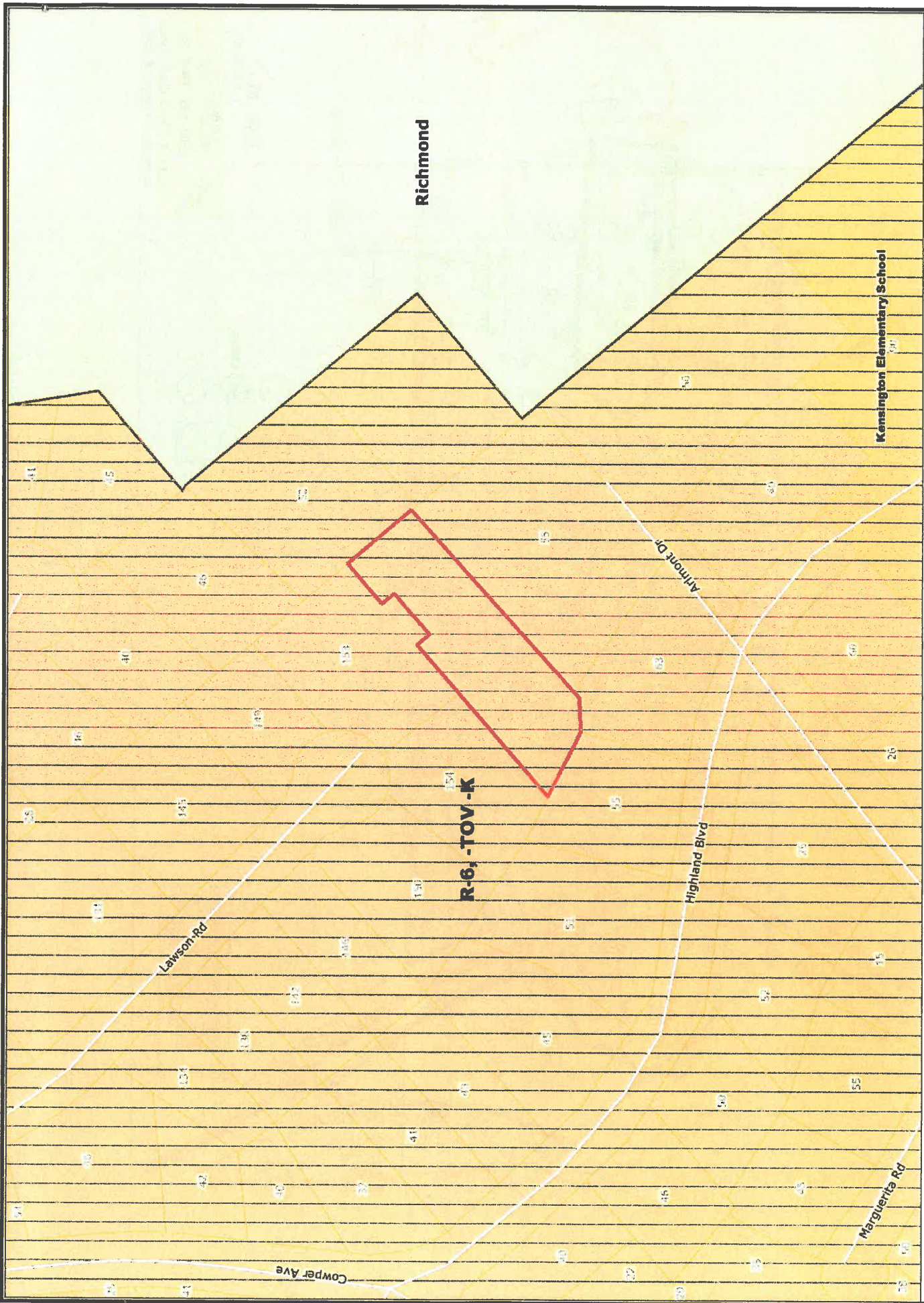
1862 ROLL 74.6
ASSESSOR'S MAP
BOOK 572 PAGE 03
Special
Study Zone
CONTRA COSTA COUNTY, CALIF.
Downloaded on February 07, 2008



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- 033
- 034

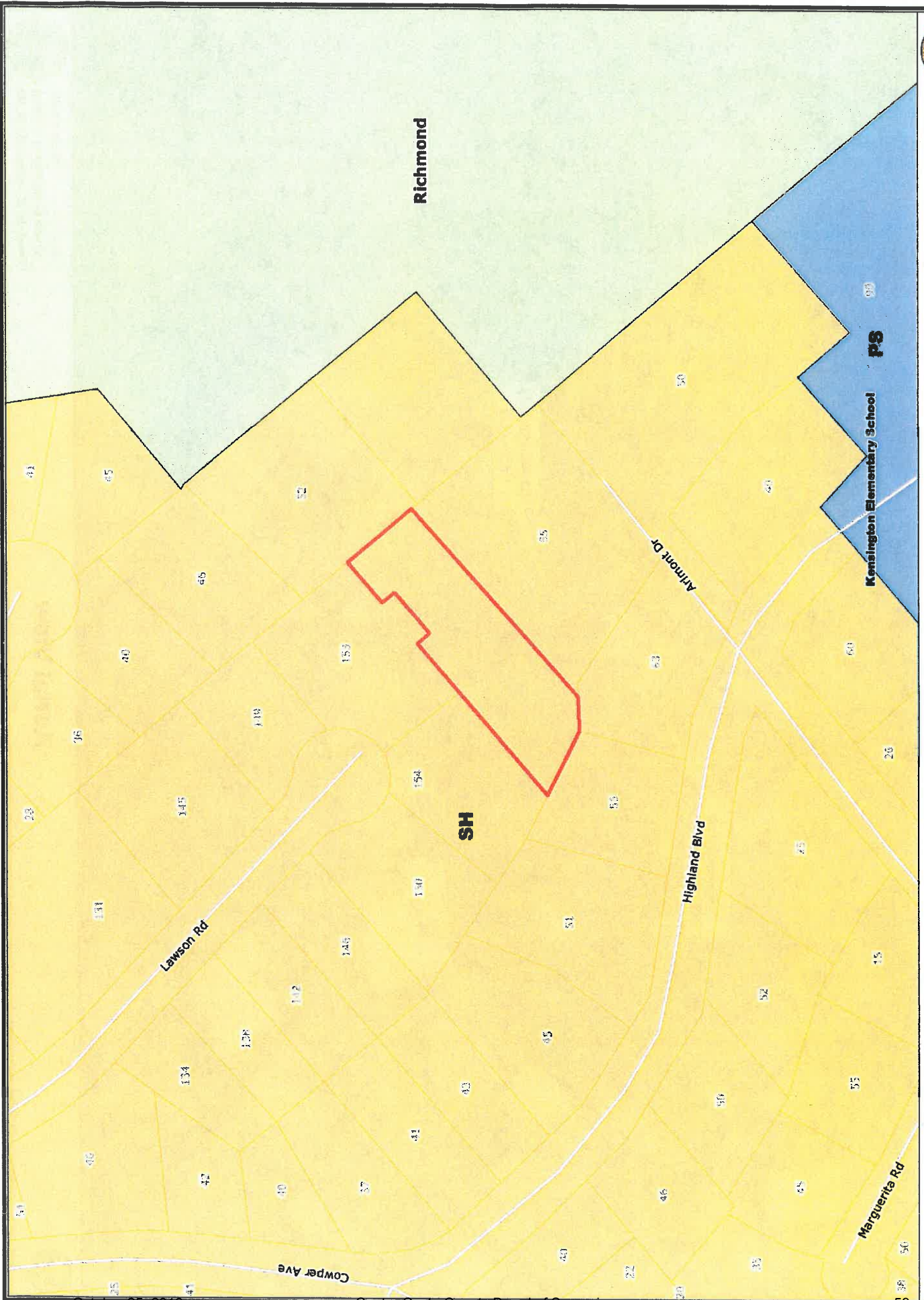
○ 09 5/30/01

NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES. THE ACCURACY OF THE INFORMATION DELINEATED HEREON, ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.



Zoning: R-6; -TOV; -K





Scale 1:1,084
 Contra Costa Internet GIS Map
 Printed: Feb 29, 2016 8:25:06 AM

General Plan: SFR High-Density





Scale 1:1,084
Contra Costa Internet GIS Map
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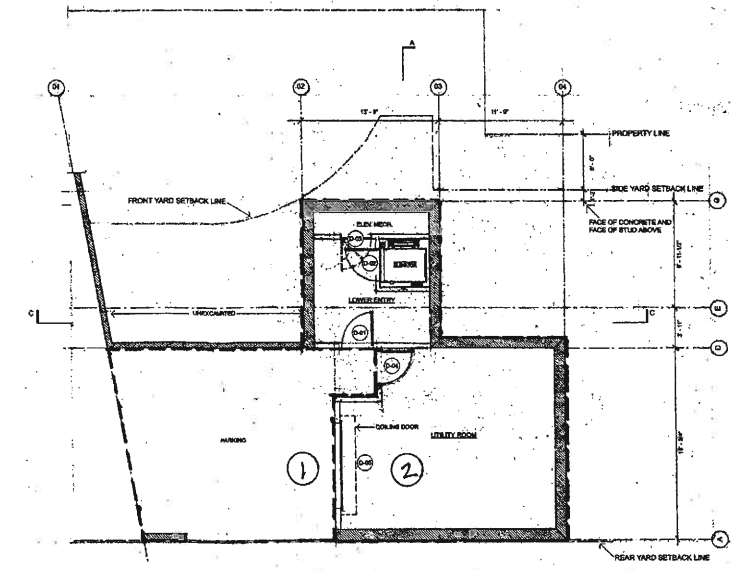
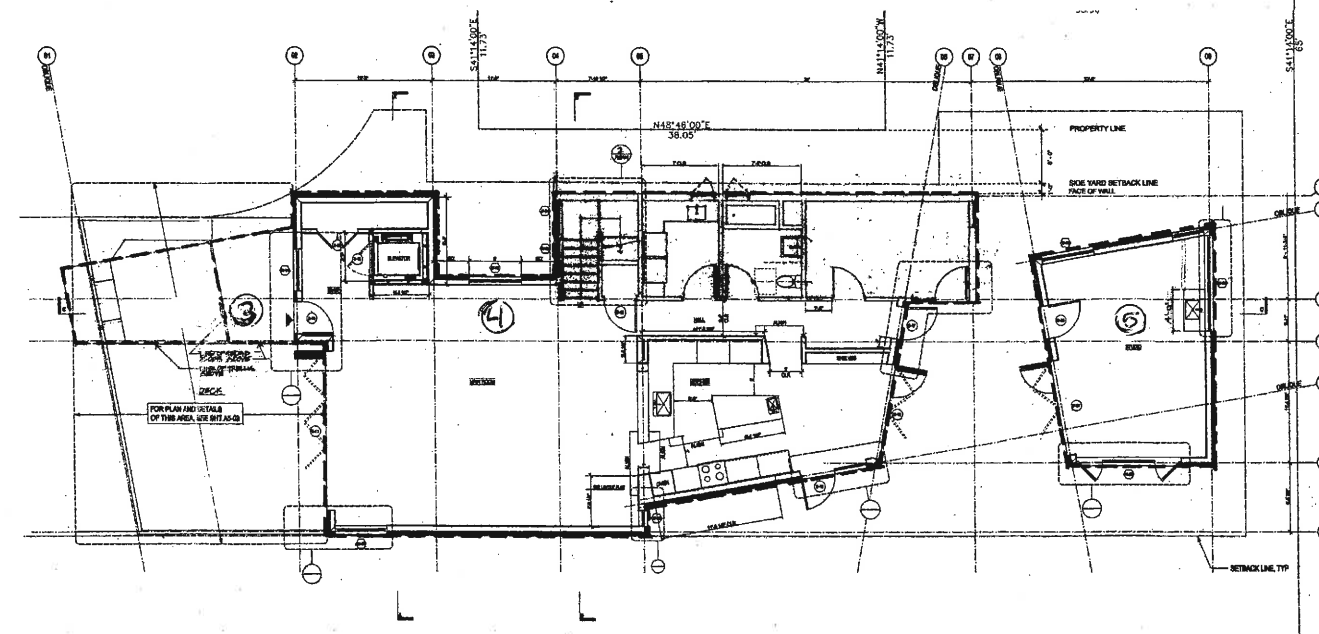
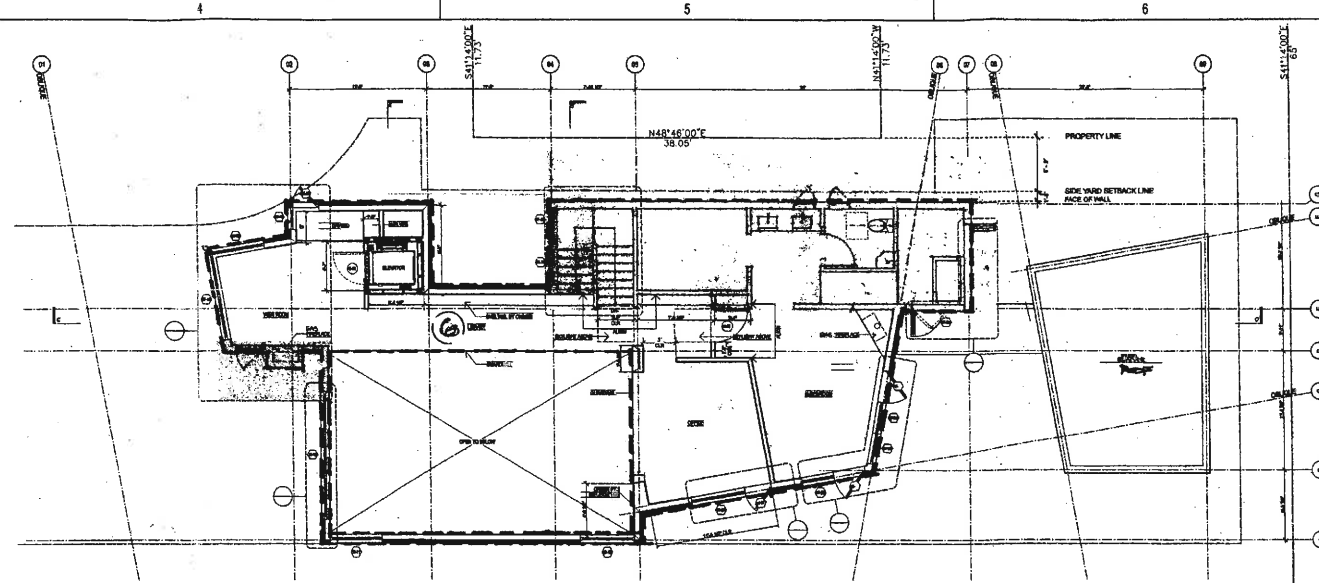
Aerial View



GROSS FLOOR AREAS

	Note No.	Description	Gross Area
Parking Level	1	Area under Deck at First Floor Level	385
	2	Building gross floor area*	570
		Total Parking Level Area	955 sq. ft.
First Floor	3	Area under "View Room" cantilever	72
	4	Building gross floor area*	1,640
	5	Studio gross floor area*	327
		Total First Floor Area	2,039 sq. ft.
Second Floor	6	Building gross floor area*	1,230
		Total Second Floor Area	1,230 sq. ft.
		Total Gross Floor Area*	4,224 sq. ft.

*Per Kensington Combining District 84-74



Tong-Dean Residence
158 Lawson Road
Kensington, CA 94706

SEALS

MARK	DATE	DESCRIPTION	BY

SHEET TITLE
GROSS FLOOR AREAS

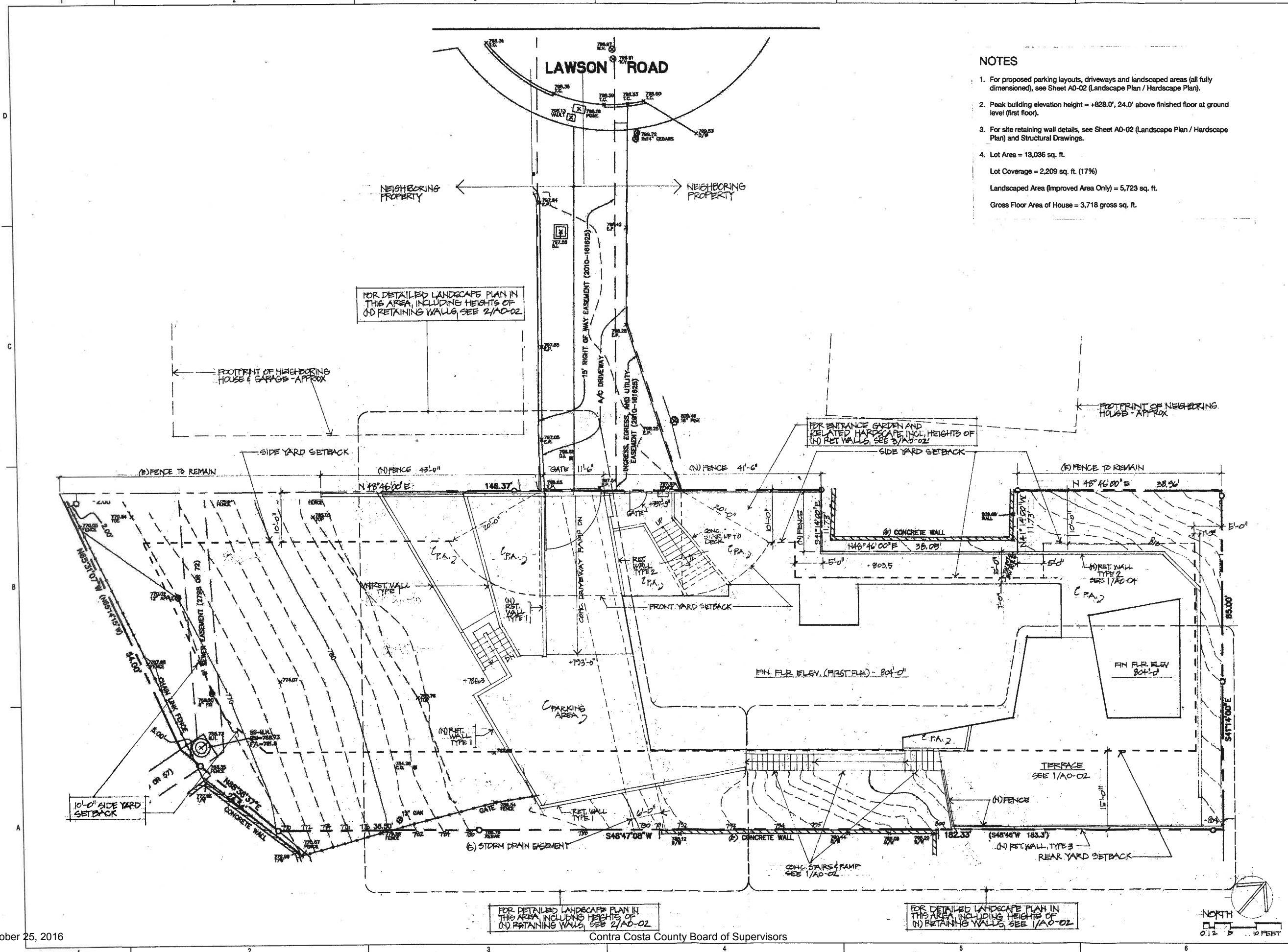
AG-03



Tong-Dean Residence
158 Lawson Road
Kensington, CA 94706

NOTES

1. For proposed parking layouts, driveways and landscaped areas (all fully dimensioned), see Sheet A0-02 (Landscape Plan / Hardscape Plan).
2. Peak building elevation height = +828.0', 24.0' above finished floor at ground level (first floor).
3. For site retaining wall details, see Sheet A0-02 (Landscape Plan / Hardscape Plan) and Structural Drawings.
4. Lot Area = 13,036 sq. ft.
Lot Coverage = 2,209 sq. ft. (17%)
Landscaped Area (Improved Area Only) = 5,723 sq. ft.
Gross Floor Area of House = 3,718 gross sq. ft.

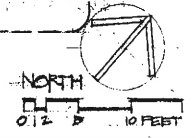


FOR DETAILED LANDSCAPE PLAN IN THIS AREA, INCLUDING HEIGHTS OF (N) RETAINING WALLS, SEE 2/A0-02

FOR ENTRANCE GARDEN AND RELATED HARDSCAPE, INCL. HEIGHTS OF (N) RET. WALLS, SEE 3/A0-02

FOR DETAILED LANDSCAPE PLAN IN THIS AREA, INCLUDING HEIGHTS OF (N) RETAINING WALLS, SEE 2/A0-02

FOR DETAILED LANDSCAPE PLAN IN THIS AREA, INCLUDING HEIGHTS OF (N) RETAINING WALLS, SEE 1/A0-02



SEALS

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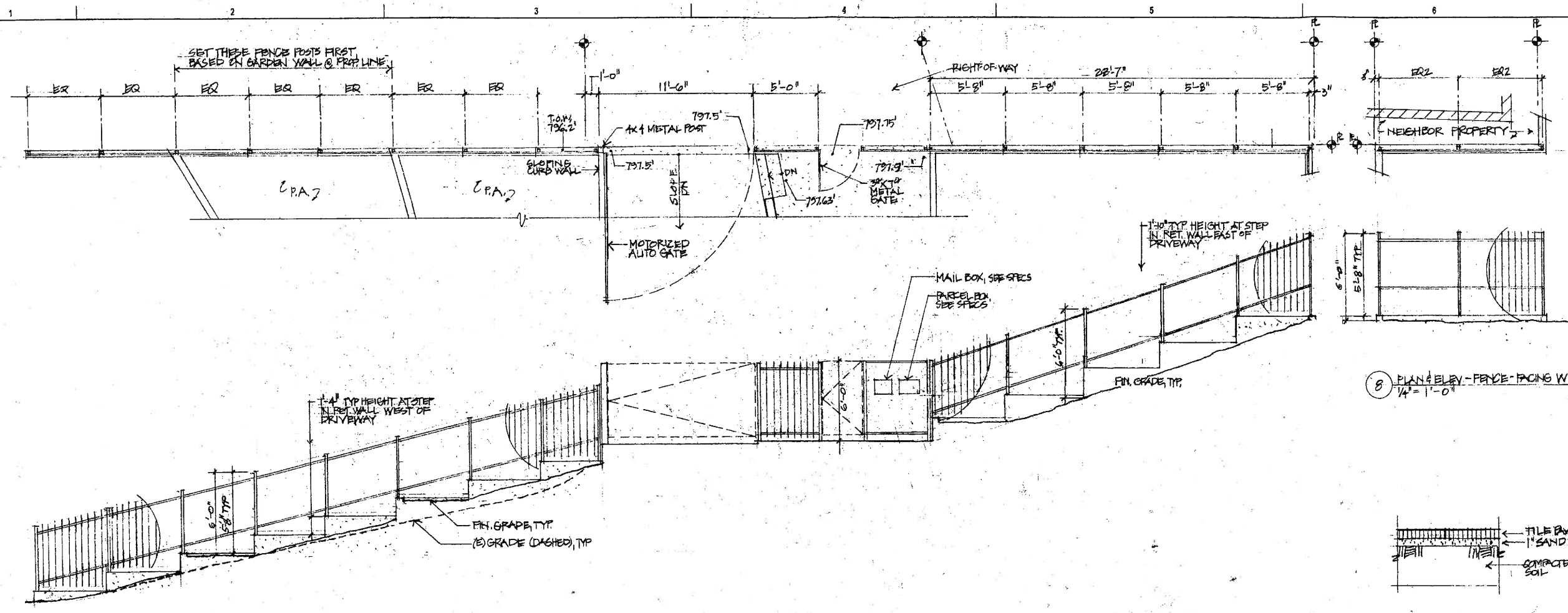
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SHEET TITLE

PLOT PLAN

A0-01

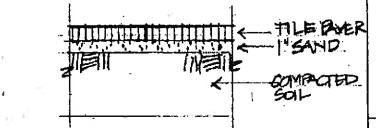


Tong-Dean Residence
158 Lawson Road
Kensington, CA 94706

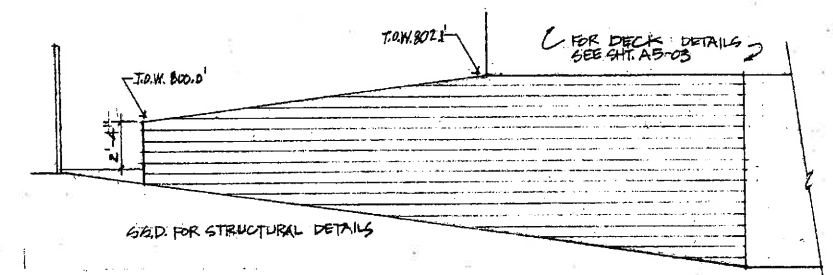


8 PLAN & ELEV - FENCE - FACING W
1/4" = 1'-0"

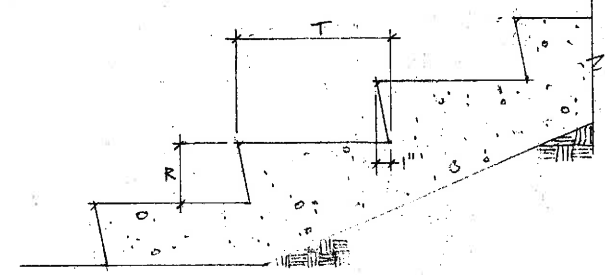
6 PLAN & ELEVATION - FENCE & GATES AT NORTH PROFILE LINE, FACING SOUTH
1/4" = 1'-0"



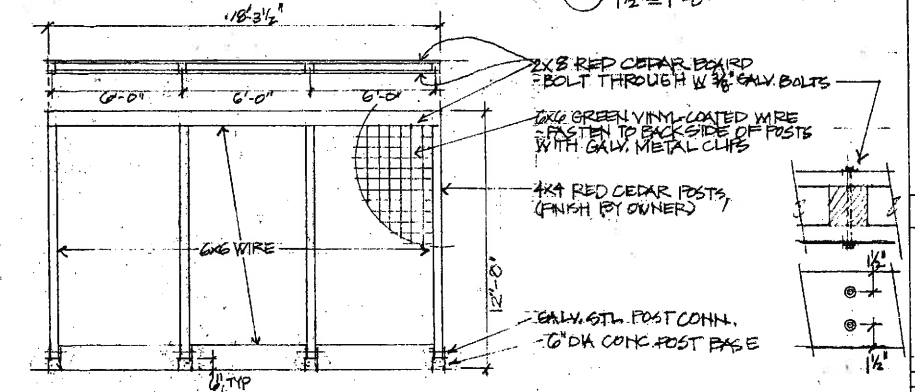
7 SAND SET TILE PAVING DETAIL
1/2" = 1'-0"



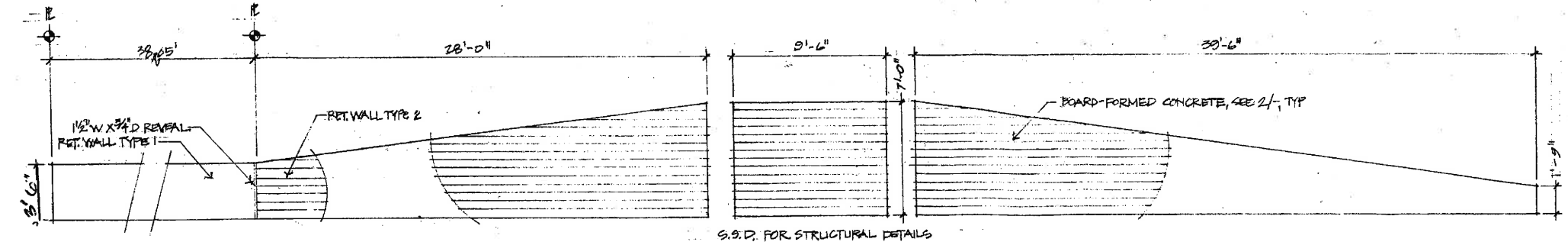
3 RET. WALL TYPE 2 @ TERRACE & DRIVEWAY
1/4" = 1'-0"



4 EXT. CONCRETE STAIR DETAIL
1/2" = 1'-0"



5 PLANT-CLIMBING STRUCTURE
1/4" = 1'-0"



1 RET. WALL TYPE 2 @ EAST
1/4" = 1'-0"

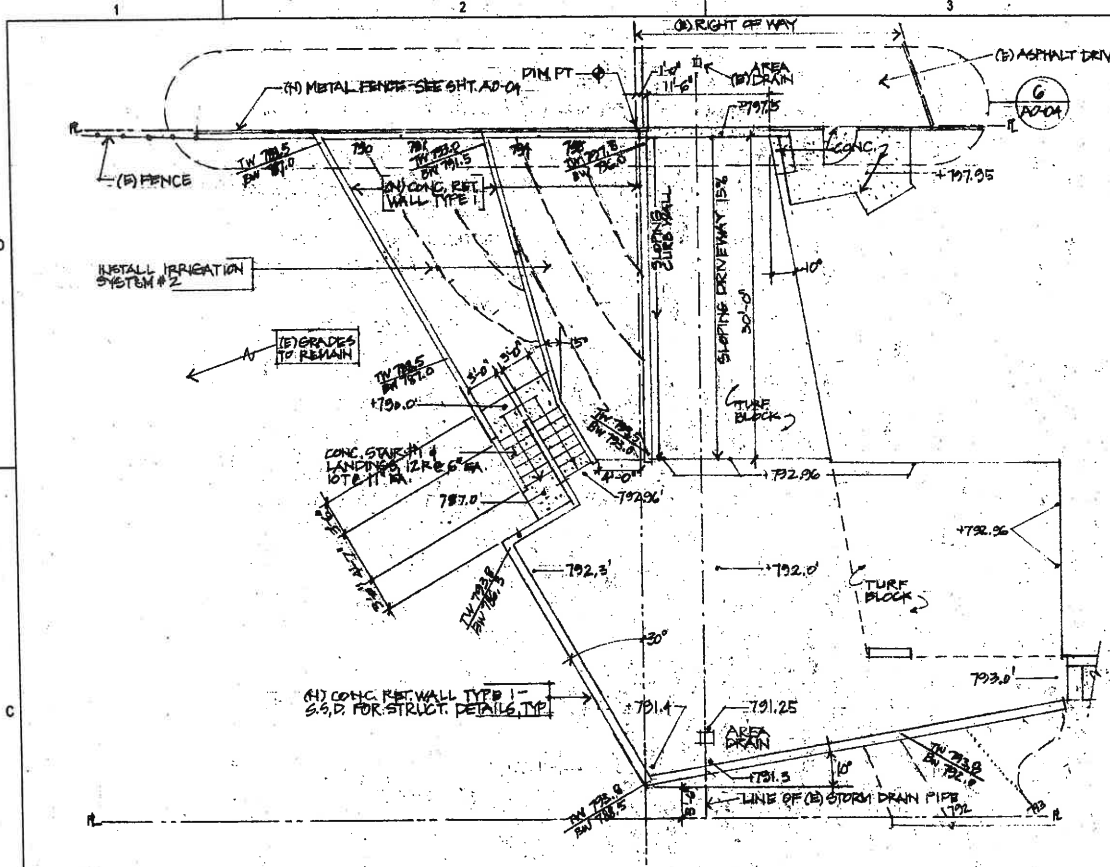
2 BOARD-FORM PATTERN
N.T.S.

SEALS

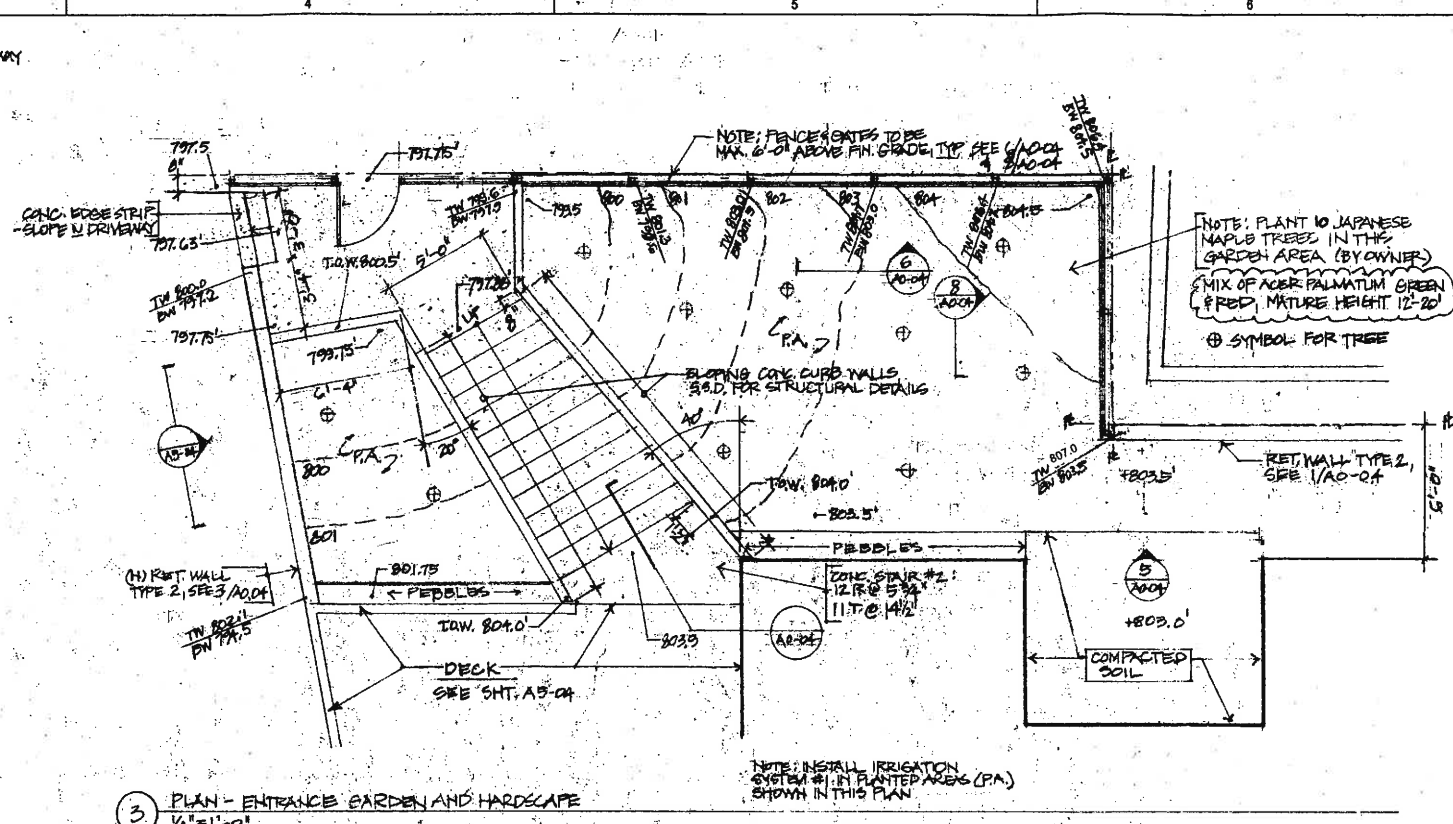
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MARK	DATE	DESCRIPTION	BY

SHEET TITLE
SITE DETAILS

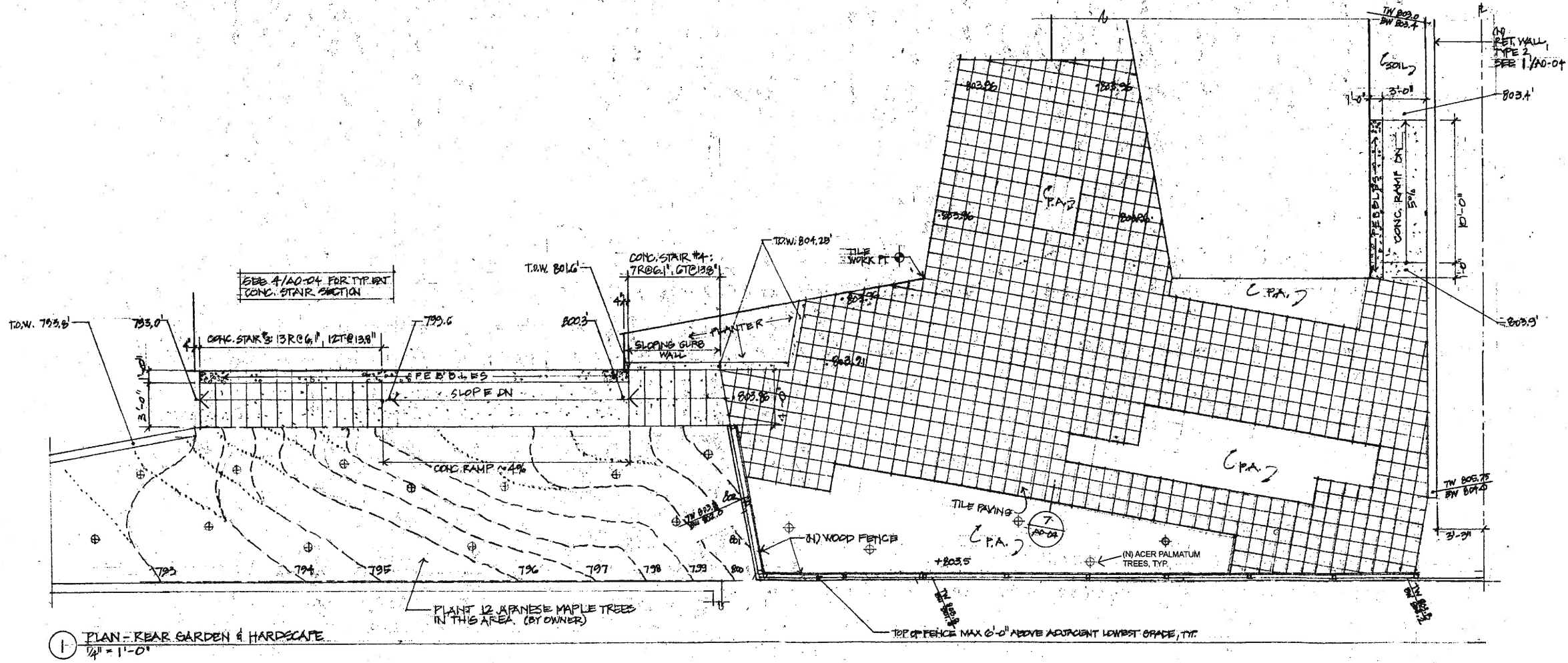
A0-04




2 PLAN - PARKING, DRIVEWAY LAYOUT
 1/8" = 1'-0"



3 PLAN - ENTRANCE GARDEN AND HARDSCAPE
 1/4" = 1'-0"



1 PLAN - REAR GARDEN & HARDSCAPE
 1/4" = 1'-0"

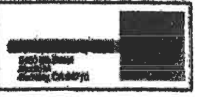

Tong-Dean Residence
 158 Lawson Road
 Kensington, CA 94706

SEALS

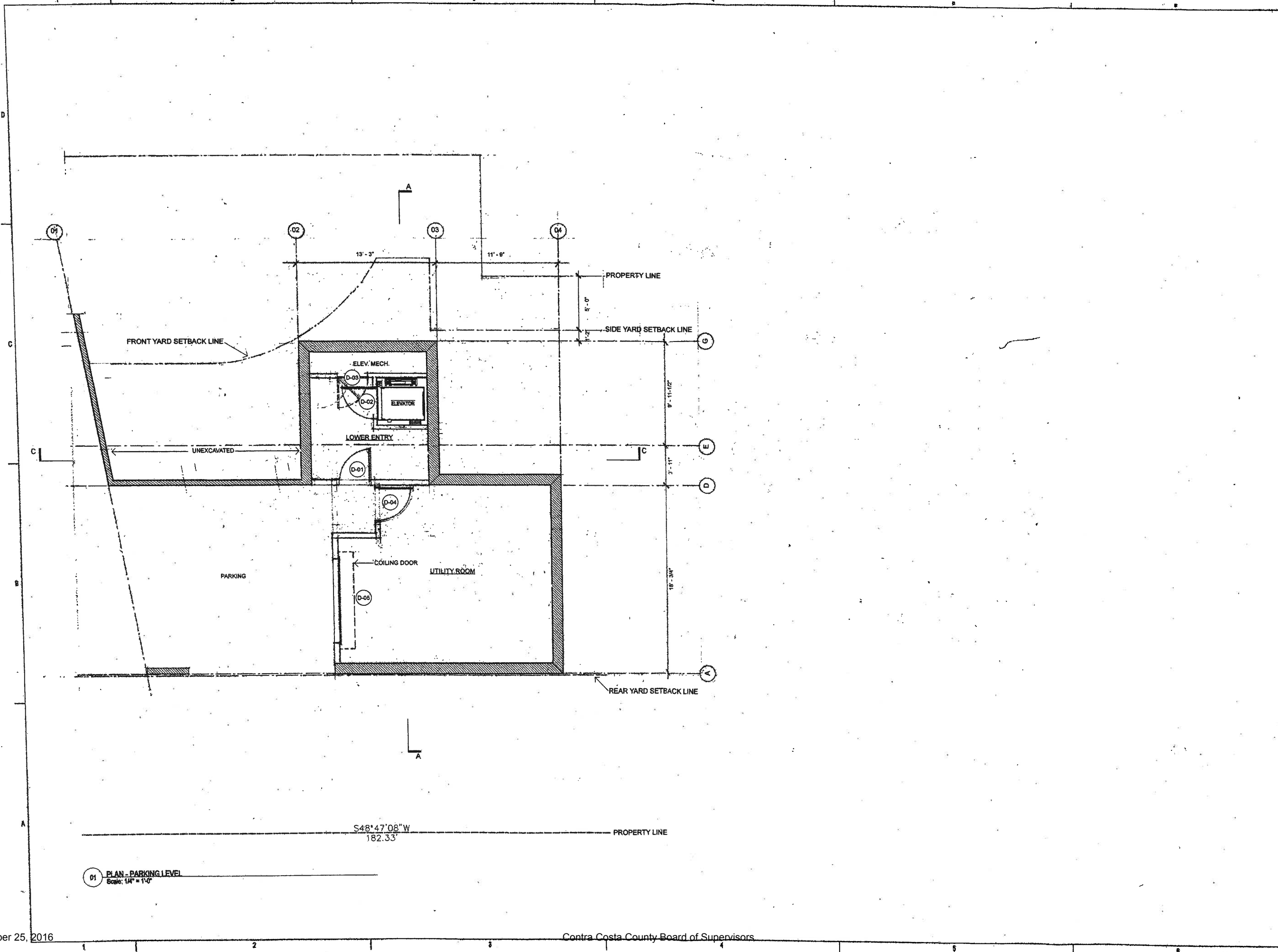
DATE	DESCRIPTION	BY

SHEET TITLE
LANDSCAPE PLAN
HARDSCAPE PLAN

A0-02



Tong-Dean Residence
 158 Lawson Road
 Kensington, CA 94706



01 PLAN - PARKING LEVEL
 Scale: 1/4" = 1'-0"

REVISIONS			
NO.	DATE	DESCRIPTION	BY

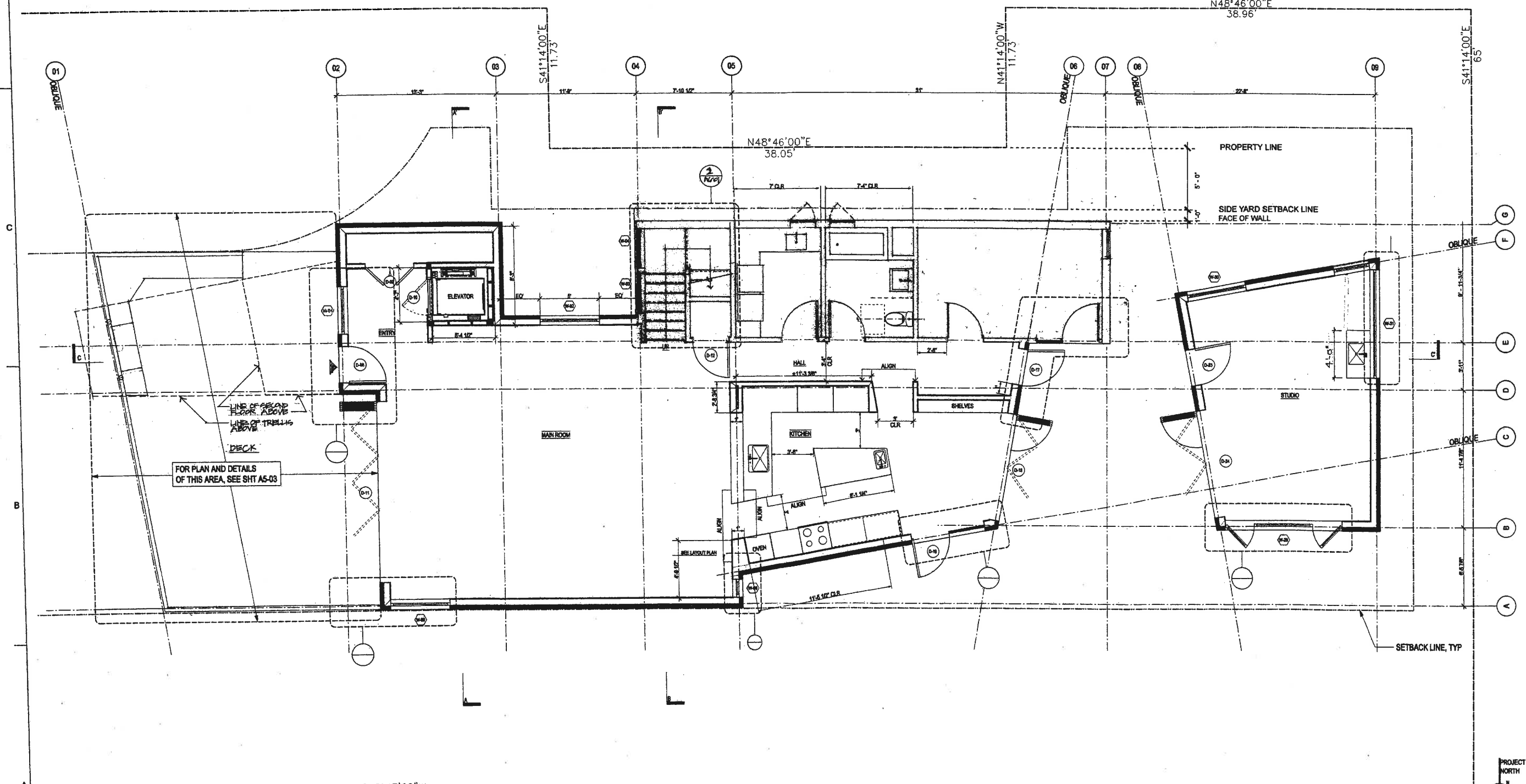
SHEET TITLE
PARKING LEVEL PLAN

A1-01
 65

SYMBOL LEGEND

	WALL		X'-X"	TO FACE OF FINISH
	LINE OVERHEAD OR HIDDEN		X'-X"	TO FACE OF FRAMING
	CONCRETE WALL			FROM CL.

Tong-Dean
Residence
158 Lawson Road
Kensington, CA
94706



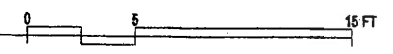
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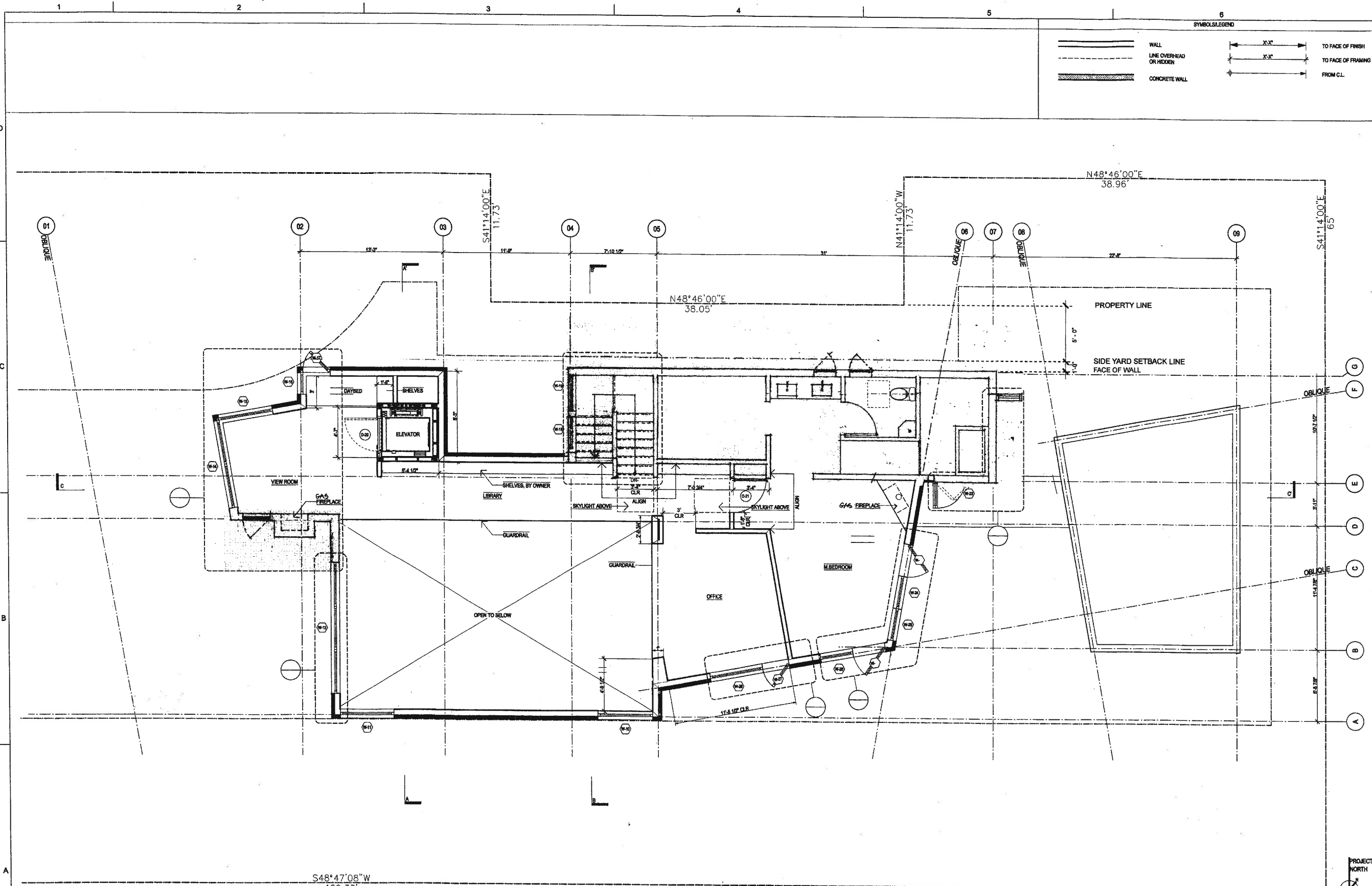
NO.	DESCRIPTION	BY
18018 DEAN DD-1.2	MP	
180128 DEAN DD-1.1	MP	
180123 DEAN DD-1	MP	
	DESCRIPTION	BY

FIRST FLOOR PLAN

A1-02
66

01 PLAN - 1ST FLOOR
Scale: 1/4" = 1'-0"





Tong-Dean
Residence
158 Lawson Road
Kensington, CA
94706

SEALS

NO.	DATE	DESCRIPTION	BY
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150128	DEAN DD-1.1	IP	
150123	DEAN DD-1	IP	
		DESCRIPTION	BY

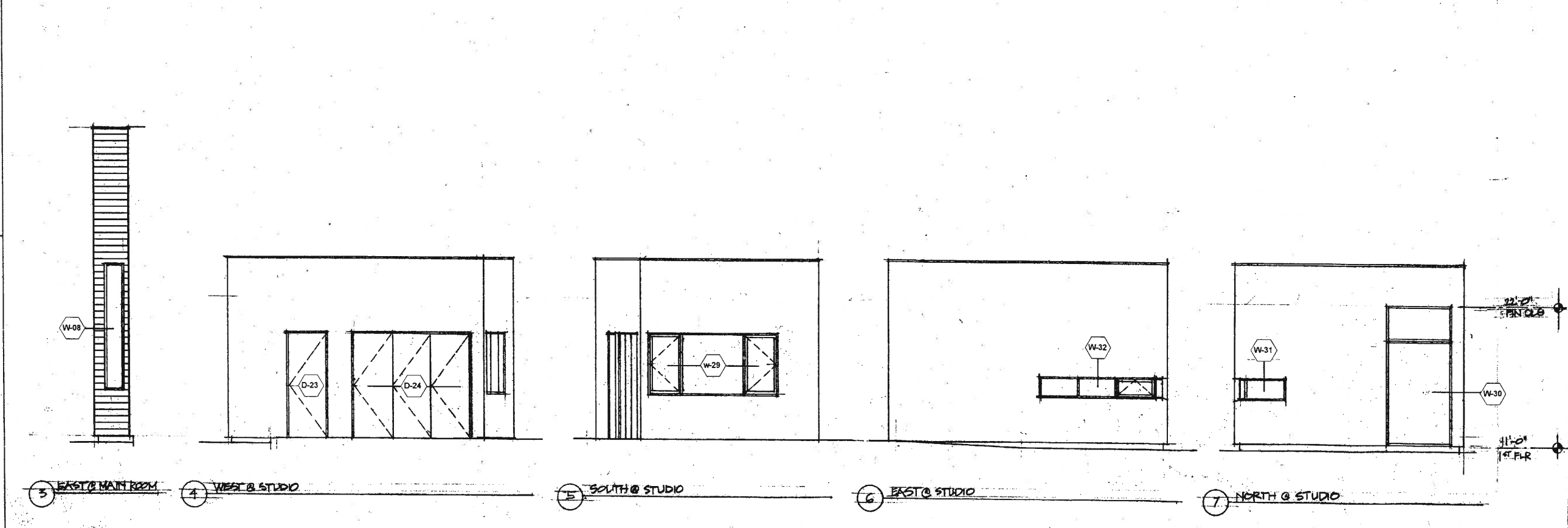
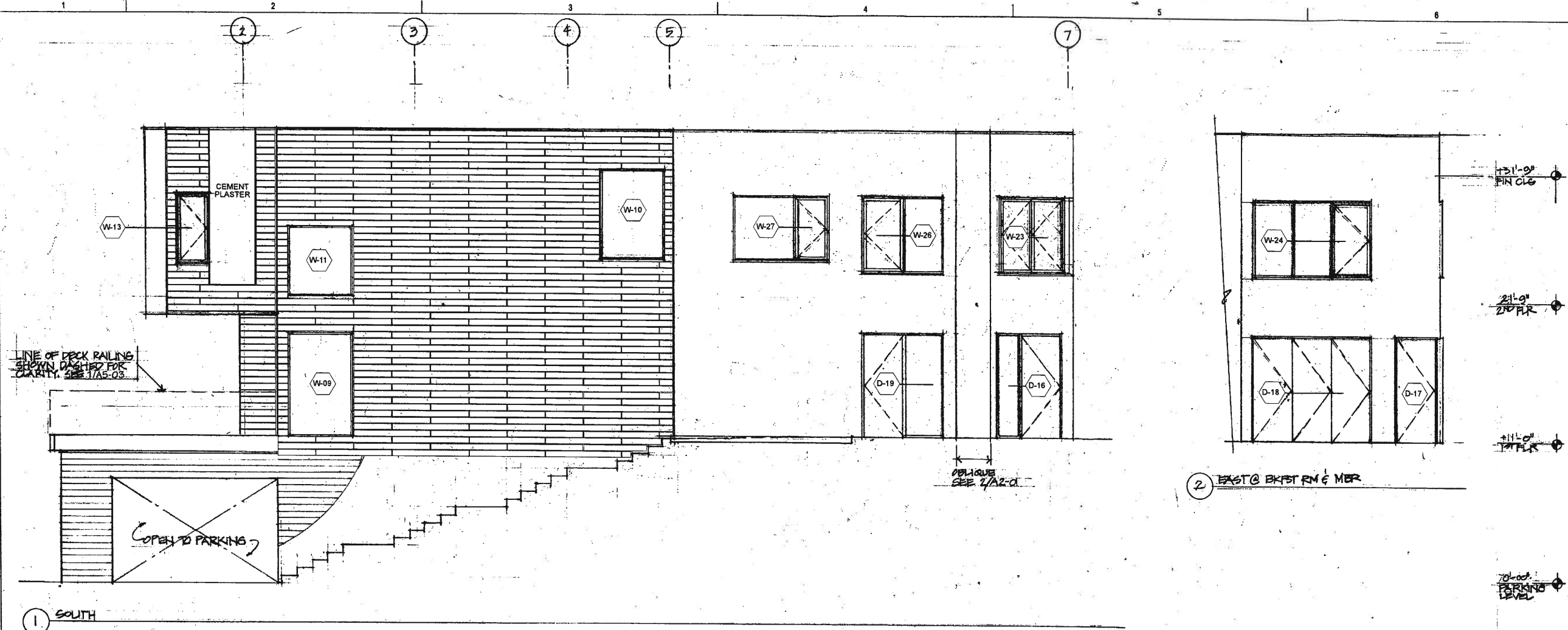
SECOND FLOOR PLAN

A1-03

01 PLAN - 2ND FLOOR
Scale: 1/4" = 1'-0"



Tong-Dean Residence
158 Lawson Road
Kensington, CA 94706



SEALS

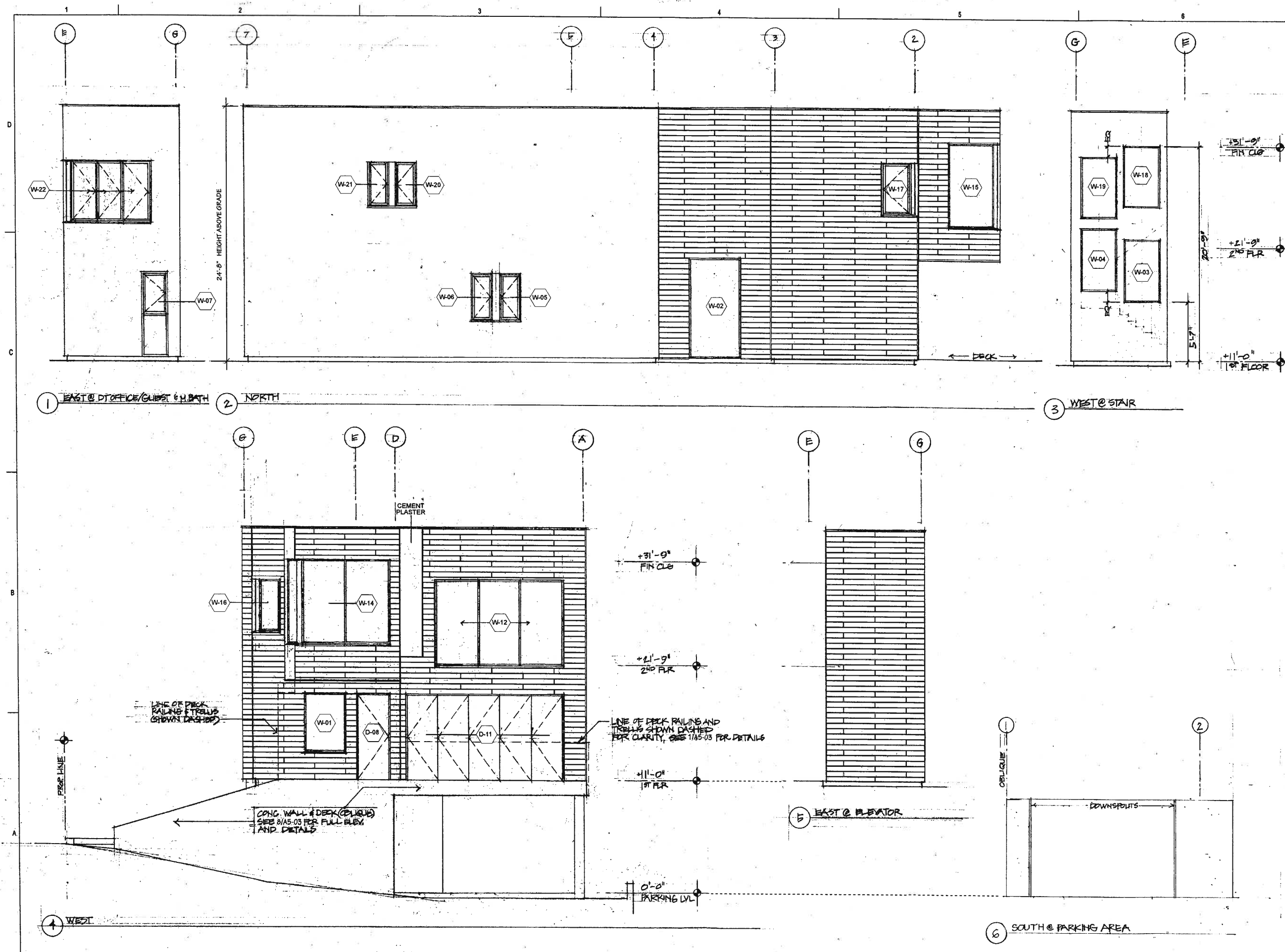
MARK DATE DESCRIPTION BY

SHEET TITLE
EXTERIOR ELEVATIONS

A2-01



Tong-Dean Residence
 158 Lawson Road
 Kensington, CA 94706



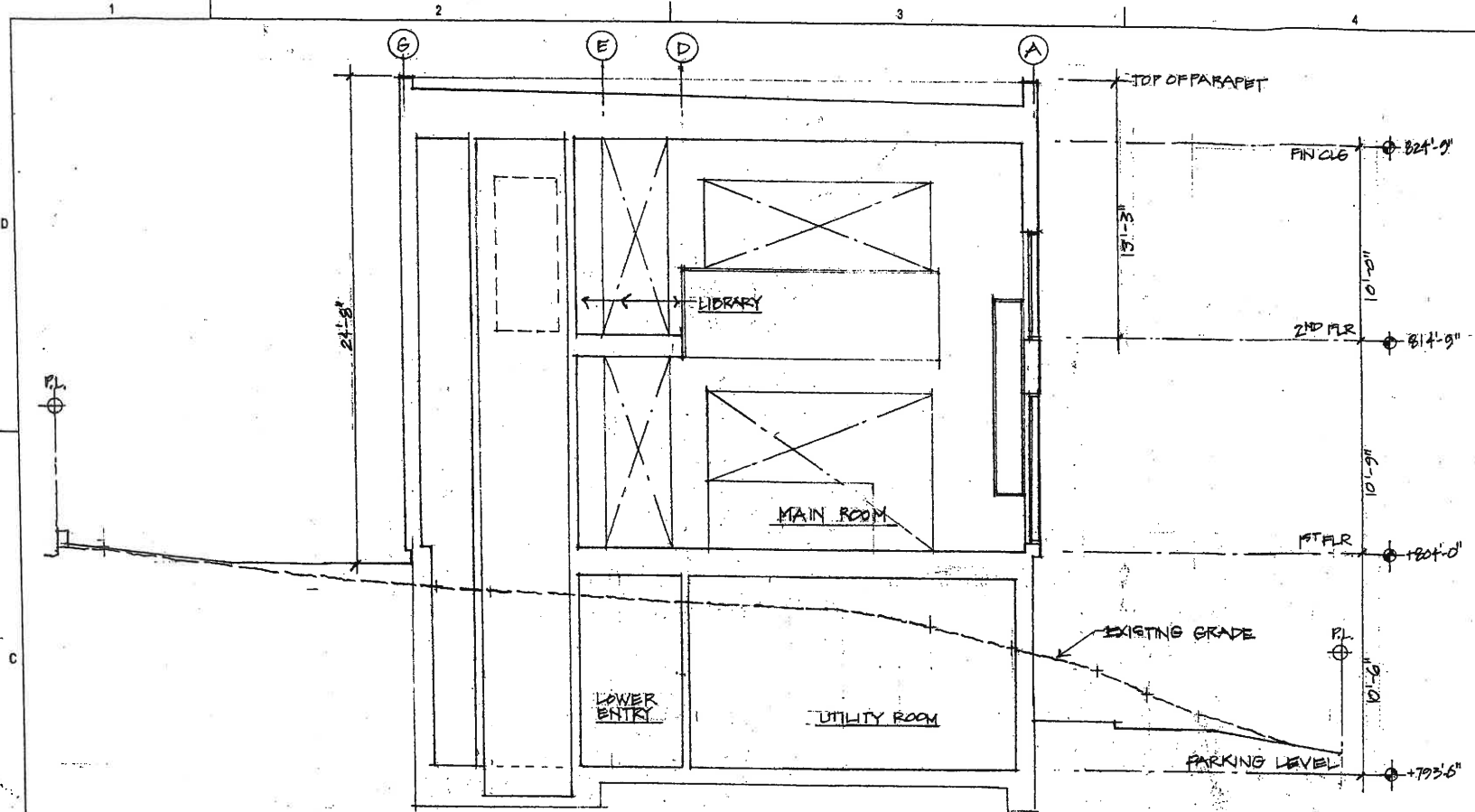
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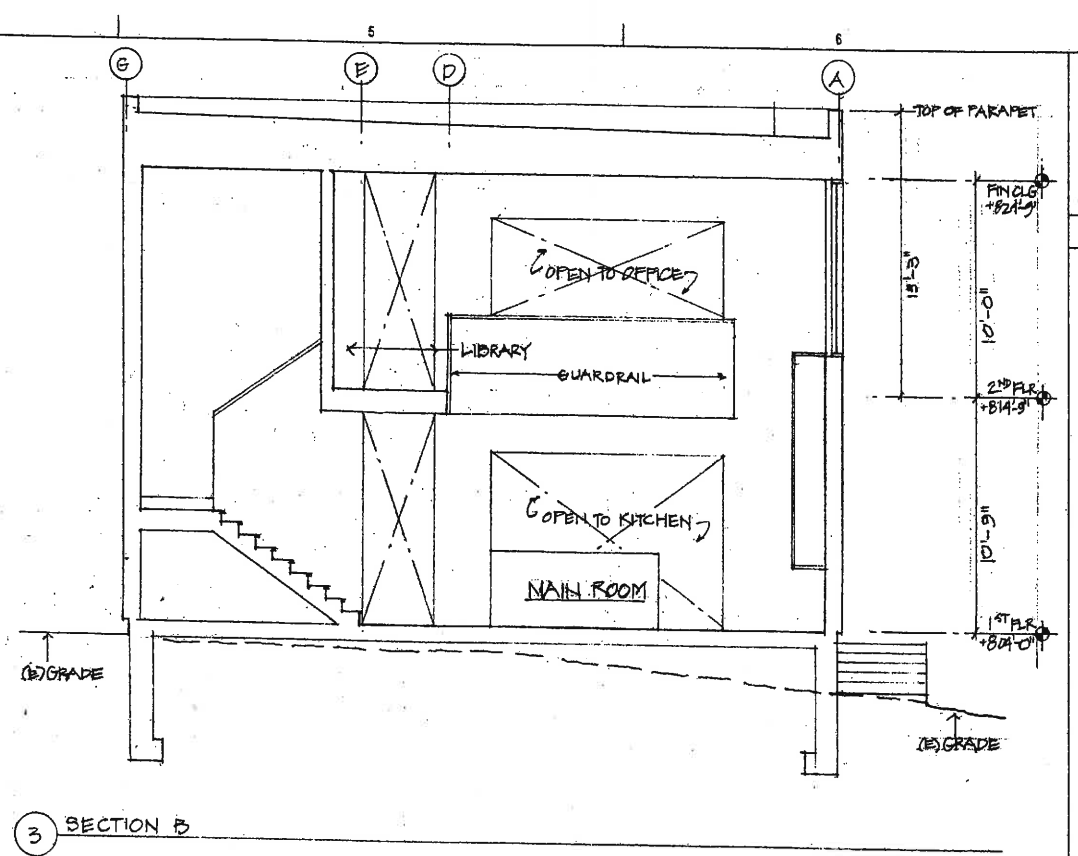
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EXTERIOR ELEVATIONS
A2-02



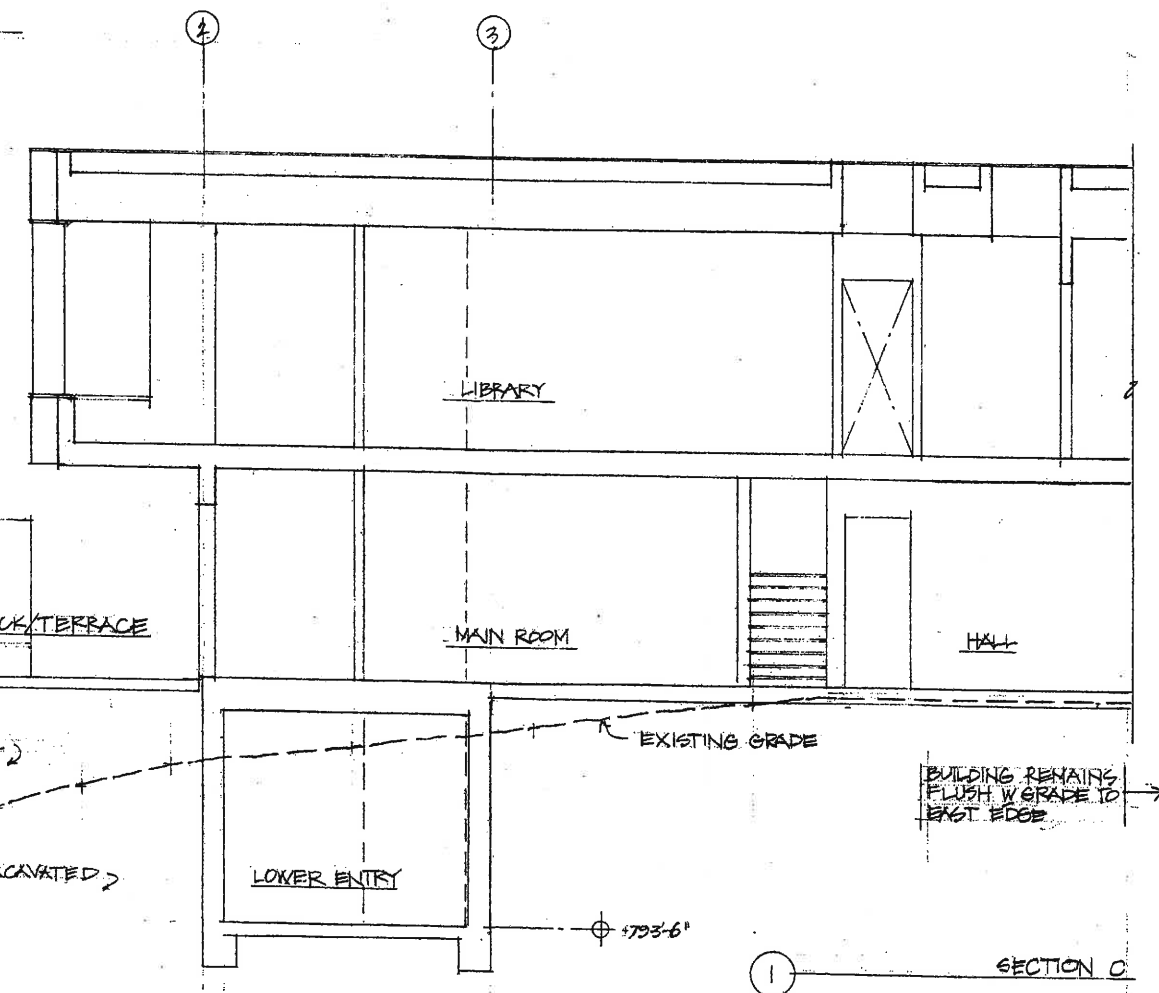
Tong-Dean Residence
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 Kensington, CA 94706



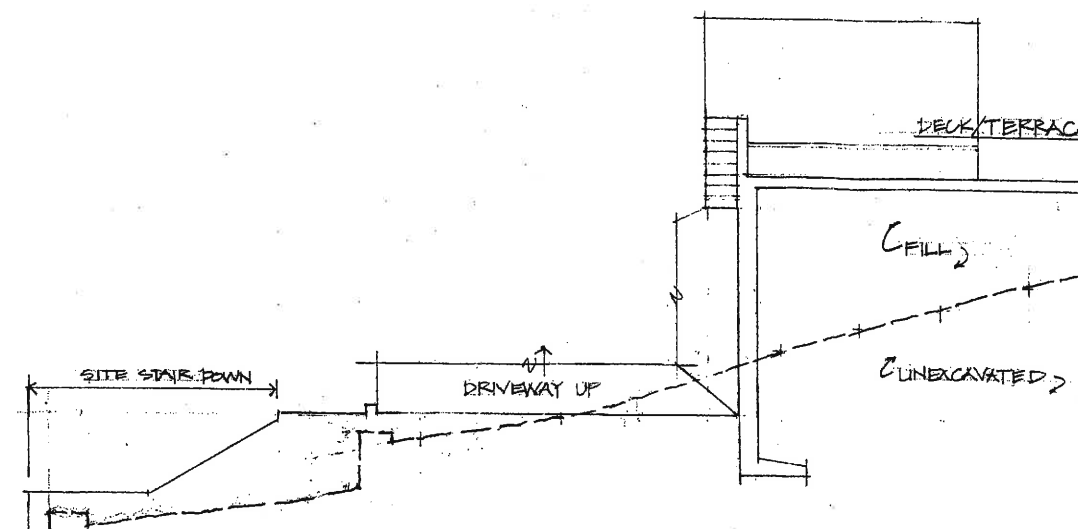
2 SECTION A



3 SECTION B



1 SECTION C



SEALS			
MARK	DATE	DESCRIPTION	BY

SHEET TITLE
BUILDING SECTIONS & RELATION TO GRADE

A3-01A

18 August 2016

FROM: Edward Dean and Darlene Tong
2430 5th Street, Studio M
Berkeley, CA 94710
510-644-2814

CONTRA COSTA
2016 AUG 18 AM 11:51
APPLICATION & PERMIT CENTER

TO: Department of Conservation and Development
Contra Costa County

RE: Development Plan for New House at 158 Lawson Road, Kensington
County File #DP15-3030

Appeal of Planning Commission Ruling to CCC Board of Supervisors

To Whom It May Concern:

This letter constitutes our official appeal of the ruling on August 9, 2016, by the Contra Costa County Planning Commission against the Findings of the Zoning Administrator. Please find attached the required fee of \$125.

There is no documentation of the particular Findings that the Planning Commission found objectionable as opposed to which Findings were acceptable. Review of the video of the hearing does not yield this specificity either. We consulted with Planning Staff, who confirmed that the ruling simply states that the Commission does not agree in general with the Findings. Per policy, this technically means that the only statement that can definitively be made is that Planning Commission does not agree with any of the Findings.

We point out, as the Staff will note in their report to the Board, that the Kensington Municipal Advisory Council (KMAC) supported all Findings presented to the Planning Commission, as did the Zoning Administrator (subject to a number of conditions). Staff also wrote the supporting document for all these Findings and Conditions of Approval prior to the Planning Commission hearing.

Staff is now required to write a supporting document for the Planning Commission's reversal of these Findings, countermanding their previous position of affirmation of the Findings. Similarly, as a matter of procedure, Staff will also be required to create negative responses to any comments we make in this appeal letter about the correctness of the original Findings by KMAC and the Zoning Administrator.

We therefore will reserve our comments for the meeting of the Board of Supervisors when this agenda item is addressed.

In addition to noting the previous work that we did with KMAC in modifying the design to comply with the Kensington Ordinance, we call attention to the fact that we were in continual discussion with the neighbor at 153 Lawson from May 2013 through December 2015, trying to resolve issues, the result of which were several unilateral concessions on our part that have since been incorporated into the design as submitted. Prior to the Board of Supervisors meeting when we present our appeal, we will continue to attempt to reach compromises with this neighbor where technically possible and where such compromises result in a design that meets the goals of the Kensington Ordinance.

Sincerely,



Darlene Tong



Edward Dean



Department of Conservation and Development
County Planning Commission

Tuesday, August 9, 2016 – 7:00 .P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Appeal of Zoning Administrator Approval of New Single-Family Residence in Kensington
County File(s):	#DP15-3030
Appellants	George and Anita Luk (153 Lawson Road, Kensington); Edward Dean and Darlene Tong
Applicants/Owners:	Edward Dean and Darlene Tong
Zoning/General Plan:	Kensington Combining District (-K), Single-Family Residential District (R-6), and Tree Obstruction of Views Combining District (-TOV) / Single-Family Residential High-Density (SH)
Site Address/Location:	Vacant lot at the end of Lawson Road, Kensington; (APN: 572-034-018)
California Environmental Quality Act (CEQA) Status:	Exempt under CEQA Guidelines, Section 15303(a), regarding new construction or conversion of small structures.
Project Planner:	Dominique Vogelpohl, Planner I (925) 674-7814
Staff Recommendation:	Deny appeals, and uphold the Zoning Administrator's decision (See section II for full recommendation)

I. SUMMARY OF APPEAL

This is an appeal of the Zoning Administrator's Decision to approve a Development Plan and Kensington Design Review for the construction of a new single-family residence, and accessory building, totaling 4,224 in gross floor area (where the Kensington Combining District gross floor area threshold is 4,000 square-feet). The project includes variance requests to allow: 3 stories (where 2 ½ stories is the maximum), a 3-foot front yard setback (where 20-feet is required) for a retaining wall

with a maximum height of 7½-feet, a 0-foot side yard (where 5-feet is required) for a retaining wall with a maximum height of 4-feet, and a 0-foot rear yard (where 3-feet is required) for a fence with a maximum height of 6-feet, 9-inches. The project also includes a tree permit request to remove 11 code-protected trees, and work within the driplines of 2 code-protected trees.

The Zoning Administrator allowed the removal of all 11 requested trees. A landscaping plan is required to be reviewed prior to submitting for a building permit that will include 11 new trees that will specifically serve for screening for privacy areas along the northwest, south and southwest. The overall height of the residence was required to be reduced by 3-feet. As measured from the top of the parapet, the height of residence shall not exceed the 825-foot elevation. To ease concern of disturbance to existing easements, the Zoning Administrator included conditions of approval that the applicant consult with public agencies to ensure proper development in relation to potential, neighboring easements. The Zoning Administrator also conditioned the geotechnical report to address the concerns raised in the April 4, 2016 Websters' letter (to the extent feasible), and then be peer-reviewed by the County geologist.

Two letters appealing the Zoning Administrator's approval were received within the 10-day appeal period. The residents of 153 Lawson Road (Mr. and Mrs. George and Anita Luk) do not find that even with the height reduction to the residence, and other conditions added to this project by the Zoning Administrator, their concerns and reasons of opposition are still not successfully addressed. The applicant (property owners Mr. and Mrs. Edward Dean and Darlene Tong) do not find the residence as proposed to have a negative impact on neighboring residences, and wish to have the original design approved and have the height restriction condition revoked.

II. RECOMMENDATION

Staff recommends the County Planning Commission deny both appeals and UPHOLD the Zoning Administrator's decision for County File #DP15-3030 based on the attached findings, and subject to the attached conditions of approval as modified and approved by the Zoning Administrator on April 4, 2016.

III. GENERAL INFORMATION

- A. General Plan: The subject property is located within the Single-Family Residential, High-Density (SH) General Plan Land Use designation.
- B. Zoning: The subject property is located within the Kensington Combining District

(-K), Single-Family Residential District (R-6), and Tree Obstruction of Views Combining District (-TOV).

- C. Environmental Review: The proposed project is exempt under CEQA Guidelines, Section 15303(a), regarding "New Construction or Conversion of Small Structures," which exempts one single-family residence, or a second dwelling unit in a residential zone.
- D. Lot Creation: The subject property is Assessor's Parcel Number 572-034-018. This parcel was originally part of a 0.78-acre parcel that was a portion of Lot "K" of Subdivision of Lot 1, San Pablo Rancho, filed on January 16, 1907.
- E. Previous Applications:
 - 1) LL95-0028: This Lot Line Adjustment application was a request to transfer approximately 447 square-feet of property from APN: 572-034-013 (now APN: 572-043-018) to APN: 572-034-009 (now APN: 572-034-017). The Lot Line Adjustment application was approved on July 20, 1995.

IV. BACKGROUND

On September 16, 2015, the applicant submitted a development plan application requesting approval of a new single-family residence and accessory building, structures, and tree removal, on a vacant lot. The project included a Kensington Design Review, requests for variances to allow 3 stories, setback, side yard, and rear yard leniency for new retaining walls, and removal of 11 trees.

The project was first considered by the Kensington Municipal Advisory Council (KMAC) on October 27, 2015. Due to the project's multiple aspects, it was continued to the following KMAC meeting. The project was considered again on December 1, 2015. The KMAC recommended approval of the overall project, including the three-story variance and tree removal, provided that certain conditions were met. The "storage room" on the parking level be eliminated, and the bay window on the top level be adjusted so that the room above does not create three stories, per plans submitted to the KMAC September 16, 2015. These revisions are present in the attached plans.

The project was initially heard before the County Zoning Administrator on March 21, 2016. The hearing was open to the public and testimony was accepted from neighboring residents in opposition of the project, and the applicants in support of the project. The Luk residence at 153 Lawson Road, which abuts the subject property

to the north, and the Websters at 55 Highland Boulevard, spoke in opposition at the March 21st hearing. The residents of 145 Lawson Road (Storestunds) submitted a letter in opposition of the project. Five additional neighbors on Lawson Road, and one on Highland Blvd., signed a petition in opposition. After hearing from all of the speakers, and receiving new written testimony, the Zoning Administrator requested that the matter be continued as an open hearing to April 4, 2016. This was to provide the Zoning Administrator with enough time to consider all of the new testimony from the March 21, 2016 hearing, and conduct a site visit of the subject property and 153 Lawson Road.

Residents of 52 Kensington Court (Chanowitzs) submitted an email explaining concern that the proposed residence's mass was too big and may impact their view of the bay on March 22, 2016. Residents of 146 Lawson Road (Mixers) submitted an email in opposition to the project on March 31, 2016.

Further testimony in support and opposition of the project was presented at the Zoning Administrator hearing on April 4, 2016. After hearing all speakers and addressing all new testimony, the Zoning Administrator approved the project with modifications and additional conditions of approval. The Zoning Administrator allowed the removal of all 11 requested trees. A landscaping plan is required to be reviewed prior to submitting for a building permit that will include 11 new trees that will specifically serve for screening for privacy areas along the northwest, south and southwest. The overall height of the residence was required to be reduced by 3-feet. As measured from the top of the parapet, the height of residence shall not exceed the 825-foot elevation. To ease concern of disturbance to existing easements, the Zoning Administrator included conditions of approval that the applicant consult with public agencies to ensure proper development in relation to potential, neighboring easements. The Zoning Administrator also conditioned the geotechnical report to address the concerns raised in the April 4, 2016 Websters' letter (to the extent feasible), and then be peer-reviewed by the County geologist.

Two letters appealing the approval of the Zoning Administrator were received during the appeal period following the Zoning Administrator's approval. The Luks believe that, even with the height reduction, views, privacy, and solar access will still be impacted. They do not agree that the bulk, scale, size and design of the residence is consistent with the neighborhood, and wish to see further height reduction. They find that the proposed retaining walls are designed directly over existing easements, and that the applicant should be responsible for the easements' future maintenance because of this. Also, the Luks also do not agree that sufficient findings were made to allow the variance approval for a 3-story residence, or retaining walls within the

setback or side yard. They do not agree that sufficient findings were made to allow the removal of the two cedar trees based on the requirements of the County Tree Protection and Preservation Ordinance. The applicant (property owners Edward Dean and Darlene Tong) find the height reduction to make no positive impact on views, privacy, solar access, bulk or scale. They do not find the residence as proposed to have a negative impact on neighboring residences, and wish to have the original design approved and have the height restriction condition revoked.

V. SITE/AREA DESCRIPTION

The subject property is a 13,020 square-foot vacant lot with only retaining walls, a concrete pad, and multiple trees of various species throughout the site. The property is located at the end of a 15-foot wide private easement, at the end of Lawson Road. Like all of the residences along Lawson Road, the subject property is on a downslope. It is at a lower elevation than the adjacent residences to the north and east. There are existing, mature trees separating the subject property from the residences to the south. And because the west half of the property slopes dramatically, the immediate neighboring residence to the west is at a much lower elevation.

The subject property is laid out inconsistent with the surrounding neighborhood. It is linear in nature, creating a rectangular shape. The subject property is 13,020 square-feet in lot area, but is shallow in comparison to other surrounding properties with a lot depth of 65-feet. The point of access is from the end of the private easement at the center of the subject property. The topography slopes downward from east to west. In the center of the property, the downslope has an average slope of approximately 20%. This portion of the property is adjacent to the easement, and is the only accessible point in relation to parking. The west end of the subject property is extremely difficult to develop because of an existing 5-foot wide sewer easement and the average slope being approximately 57%.

There was a previously approved Lot Line Adjustment application (LL95-0028) to transfer approximately 447 square-feet of lot area from the subject property to the neighboring property. The Lot Line Adjustment application was approved on July 20, 1995. The Lot Line Adjustment has since been recorded, altering the northern portion of the subject property.

VI. PROJECT DESCRIPTION

The applicants request approval of a new single-family residence and accessory

building, totaling 4,224 in gross floor area (where the Kensington Combining District gross floor area threshold is 4,000 square-feet). The project includes variance requests to allow 3 stories (where 2 ½ stories is the maximum), a 3-foot front yard setback (where 20-feet is required) for a retaining wall with a maximum height of 7½-feet, a 0-foot side yard (where 5-feet is required) for a retaining wall with a maximum height of 4-feet, and a 0-foot rear yard (where 3-feet is required) for a fence with a maximum height of 6-feet, 9-inches.

The proposed residence consists of a lower parking level, a main level for the primary living spaces, and an upper level for additional living space and the master suite. The parking level is 955 square-feet. It is made up of a two-car carport, a utility room, and an entry room (with a mechanical closet) to gain access from the carport to the elevator. The only part of the parking level that creates three consecutive stories is the entry room with the elevator and closet. The carport is directly under a deck that is open to the sky. The utility room is beneath the main level, but above that is open space up to the upper level ceiling. 482 square-feet of the upper level is without a floor and open to below (the main level). This creates a portion of the main level that is only a second story with a 20-foot, 9-inch high ceiling. The parking level is the lowest level and tucked into the downslope of the subject property, hiding it from sight at street level. Its south and west elevations do not have walls, but again are not visible at street level due to the sloping nature of the property.

The primary entrance to the main level is accessed by walking from the end of the private easement, and down the hill onto the deck. The main level is 1,640 square-feet. The entry includes the elevator and front closet, then flows into the main living area. There is a kitchen, laundry room, one full bathroom, and a guest room. One can gain access to the upper level by either the elevator or staircase. The upper level is 1,230 square-feet. 40% of the upper level (482 square-feet) is open to below (the main level). From the elevator, one enters into a cantilevered room intended for taking in the view of the San Francisco Bay. There is an office space at the other end of the hall. The master suite consists of a bedroom, bathroom, and walk-in closet.

Due to the sloping topography, and the access point of the subject property, multiple retaining walls are required for the driveway to the carport, and walkways to and from various points throughout the site. There is also new fencing proposed along the perimeter of the site. Fences that measure over six-feet in height, or retaining walls that measure over three-feet in height, are structures per County Code. There are retaining walls, and a portion of the fence, that are structures. Structures are required to meet frontage setbacks, side yards, and rear yard dimensions, unless variances to those dimensions are permitted. Variances to allow these retaining walls and 15-foot

of fencing in the required yard dimensions is requested. All other retaining walls over 3-feet in height are outside of the required frontage setback, side yards, and rear yard dimensions, and do not require variance approval. All other fencing along the perimeter of the property does not go over 6-feet in height.

The hardscaping includes concrete walks and stairs, pervious tiling, and pervious turf blocks in the driveway and parking areas. Eleven trees are proposed to be removed, and to preserve two trees. New Japanese maple trees are proposed to be replanted along the north and south property boundaries for screening and privacy between neighboring residences. One additional outdoor feature is a 103 square-foot trellis at the entry way on the main level of the residence.

The design of the residence and accessory building is of modern architecture. The rooflines are completely flat. Originally, the maximum height of the residence, including the third story, was 34½-feet. Per the Zoning Administrator’s modification to condition of approval #4, as measured from the top of the parapet, the height of residence shall not exceed the 825-foot elevation, which is approximately 3-feet lower than the original height.

The accessory building has a maximum height of 14½-feet, and is 327 square-feet. It is an open studio with 4-feet of counter space and one sink.

The project also includes a request to remove 11 code-protected trees, and work within the drip lines of 2 code-protected trees.

Tree Removal and Preservation Table

Species	Trunk Diameter(s)	Status
3 Monterey Pines	42.5-inches; 29-inches; 6.5-inches	Remove all
2 Honey Locusts	10-inches; 20-inches	Remove all
2 Junipers	48-inches in total (multi-stemmed) 63-inches in total (multi-stemmed)	Remove all
California Live Oak	18-inches in total (multi-stemmed)	Preserve
Eugenia	48-inches in total (multi-stemmed)	Remove
Black Pine	10-inches	Remove
2 Cedars	16-inches and 24-inches	Remove all
Apple tree	10-inches	Preserve
Pear tree	6-inches	Remove – Not protected

According to the arborist report prepared by certified arborist, Peter K. Rudy (Exhibit

A), the majority of the trees proposed for removal are in extremely poor health or dead. The trees have been significantly topped over time, and then not properly cared for. Staff has prepared findings to approve for removal of all eleven requested trees. The conditions of approval include security bonding for a minimum of (11) trees to be replanted on site. A landscaping plan will be required to be reviewed before the submittal of a grading permit or building permit, or prior to removal of trees, whichever occurs first, to ensure that the proposed placement of the required trees compensate for the lack of privacy between residences created by the tree removal.

VII. APPEAL OF THE ZONING ADMINISTRATOR'S DECISION:

A. Appeal Letter from the Luk Residence:

Residents of 153 Lawson Road, Mr. and Mrs. George and Anita Luk, provided an appeal letter dated April 14, 2016. The following is a summary of their comments.

Comment 1: There is concern that the height of the residence, even with the Zoning Administrator's added condition to reduce its overall height, will still have a negative impact to views and solar access.

Staff Response to Comment 1: The placement of the residence on the subject property takes advantage of views of the San Francisco Bay toward the west, and of the south Bay and Oakland toward the southwest. The new residence will be to the Luk's south. The portion of the new residence that is three stories is southwest of the Luk residence, and will not encroach into existing views of the south Bay.

In addition, the requirements of the Kensington ordinance, including views and solar access, were reviewed and considered by the Kensington Municipal Advisory Council (KMAC). At their December 1, 2016 meeting, the KMAC recommended approval of the overall project, including the building site, height and the three-story variance.

In relation to solar access, the closest point of the proposed residence to the Luk residence is approximately 23-feet. In addition, the proposed residence is set back 6-feet from the property line shared with the Luks, rather than the minimum 5-feet required by the (R-6) Zoning District's development standards. Because of the proposed residence's location, solar impacts will be minimal. Lastly, the project enhances views and solar access with the removal of overgrown and dying trees. Removal of the Monterey Pines in particular will open up the views of the south Bay for the Luks. The applicants will still maintain privacy between residences with

newly planted Japanese maples as part of the required landscaping plan. The required vegetation will provide screening between residences, but will not grow to the height of the original trees, affirming that newly opened up views stay unblocked. The landscaping plan will be reviewed and approved by staff to ensure that the proposed placement of the required trees and vegetation compensate for the lack of privacy between residences created by the tree removal.

Comment 2: There is concern that the bulk and scale of the proposed development is too great when in comparison to the surrounding neighborhood.

Staff Response to Comment 2: Per the Kensington Ordinance, the property owner has the right to establish a new residence that is compatible with the neighborhood in terms of bulk and scale. The KMAC recommended approval of the overall project at their December 1, 2015 meeting. The building site, height, and footprint were all reviewed by the KMAC, and approved in the configuration present in the attached plans. Per the Zoning Administrator's modification to condition of approval #4, as measured from the top of the parapet, the height of residence shall not exceed the 825-foot elevation. This will lower the overall height by 3-feet, reducing the bulk of the residence. Therefore, the project is compatible with the neighborhood in terms of bulk and scale as determined by the both the KMAC and the Zoning Administrator.

There are story poles placed on site showing that the residence not visible from the public road. Even when viewing the building from the edge of the private easement, which is at the same grade as the Luk's residence, the residence has the bulk of a two-story home. The development of a new residence, even with a portion of it being three stories, is consistent with the neighborhood in terms of bulk. The surrounding area contains two-story, and some three-story residences. The new residence's third story is minimal in floor area, and is designed for access purposes only. Neither the parking or utility room on the lower level create three stories. The lower level is hidden within the downslope of the property, not visible from the northern properties. The width of the residence is approximately 32-feet. Its narrow building envelope also reduces the perception of bulk.

Comment 3: There is concern that the size of the residence is too great and not compatible with the neighborhood.

Staff Response to Comment 3: The total livable area for the subject property is consistent with the neighboring residences in regards to size. The subject property's overall livable area is 3,199 square-feet. The average livable area for the

surrounding properties is 3,000 square-feet.

There is debate from the opposition that because 482 square-feet of the second level has no floor and is open to the main level, this square footage should be included in the total gross floor area because it adds to the bulk and scale of the residence. Staff cannot add floor area where floor does not exist. Also, if this portion of the residence was removed, the missing piece of the home would be on the south side, opposite to the Luks. The perception of the building's size would not change for the Luks, or the other neighboring properties to the north, because the face of the residence adjacent to them is not the side where the "missing" portion would be located.

Comment 4: There is concern that the proposed design for the residence, particularly the parapet, is incompatible with the surrounding neighborhood and further impacts views.

Staff Response to Comment 4: The design of the new residence is of modern architecture. The surrounding neighborhood is primarily traditional architecture. The proposed buildings, and the immediate neighboring residences, will be separated by required vegetation to minimize aesthetic impacts. Also, the parapet is included in the overall height of the building, and therefore not further impacting views. The project is compatible with the neighborhood in terms of impacts to views as determined by the both the KMAC and the Zoning Administrator.

Comment 5: There is concern that there are active storm drain and sewer easements on the subject property, and that permanent structures will be developed over it. If the applicant is allowed to develop over these easements then the applicant should be responsible for the easements' future maintenance permanently.

Staff Response to Comment 5: The Contra Costa County Grading Division has reviewed the proposed project, and specified that a soils report, and grading and drainage plans will be reviewed for approval before a building permit is issued to allow construction. The applicant shows a 6-foot wide storm drain easement running through the center of the property. There is no proposed plan showing a permanent structure being erected over the easement. A driveway is not considered a structure, and can be removed without altering the residence. Grading and drainage plans will be reviewed during plan check, and will be enforced on site during scheduled inspections. The Stege Sanitary District has reviewed the plans as well, and did not indicate any discrepancies between the

proposed plans and location of sewer easements.

To alleviate concern about construction disrupting easements on the subject property, the Zoning Administrator included condition of approval #17, which requires the applicant to consult with public agencies to ensure proper development in relation to potential, neighboring easements.

Comment 6: There is a discrepancy between the applicant's survey prepared by Moran Survey, and a survey prepared for the Luk's by Luk, Milani and Associates. Because there is a discrepancy to where the property line is, the Luk's find that allowing a retaining wall, and variance approval for its height, on the property line should not be permitted.

Staff Response to Comment 6: The front yard setback, side yards, and rear yard areas shown on the plans are based on the survey prepared by Moran Survey. A survey letter from a licensed surveyor or civil engineer is required after building permit(s) are issued. As the project has not yet been constructed, the applicant's survey only accounts for the existing property lines in relation to the proposed buildings and structures. If after construction begins, and the proposed buildings and/or structures do not match the approved plans, the application may require the review and approval of staff and may require the filing of an application for modification to a Development Plan and a public hearing, if deemed necessary.

According to the submitted plans none of the buildings encroach into the minimum (R-6) front yard setback, side yards, or rear yard. In addition, the northern face of the residence is set back 6-feet from the property line shared with the Luk's, rather than the minimum 5-feet. This is to provide additional cushion between the two residences to accommodate for the discrepancy about the location of the shared property line. There is a retaining wall with a maximum height of 4-feet that requires variance approval to be on the property line. However, the retaining wall is to replace an existing, wood retaining wall that is failing in order to hold back the hillside.

Comment 7: There is concern that the two Cedar trees located on the south side of the subject property are being unlawfully removed.

Staff Response to Comment 7: Cedar trees are not on the indigenous list for the County. They are code-protected because any tree on a vacant lot measuring twenty inches or larger in circumference is protected under the County Tree Protection and Preservation Ordinance. The cedar trees are in good health per the arborist report, but new resident Mrs. Darlene Tong is highly allergic to cedar trees.

The Zoning Administrator approved the removal of the two cedar trees, and included in the attached Tree Permit Findings: According to Section 816.6.2004, the purpose of the Tree Protection and Preservation Ordinance is to preserve trees on private properties in the interest of the public health, safety and welfare. As indicated by the applicant's physician, the applicant has serious allergies to cedar trees and notwithstanding the fact that these trees are protected; the preservation of these two cedar trees will be compromising the property owner's individual health and safety as stated on Section 816.6.2004.

The Luks claim that they are allergic to trees on their property as well, and wish to remove them on this basis. There is no record of the Luks ever submitting for a tree permit to request tree removal. It is also plausible that the trees they are allergic too are not code-protected and can be removed without a tree permit. No information has been submitted to make any determination on whether or not the Luks are able to remove the trees in question.

Comment 8: The Luks argue that staff has provided insufficient evidence for the basis of approving the requested variances, and that the applicant has failed to prove hardship as required for the granting of variances.

Staff Response to Comments 8: Staff has prepared variance findings as required by County Ordinance Chapter 26-2.2006 for all requested variances to allow:

- 3 stories (where 2 ½ stories is the maximum);
- A 3-foot front yard setback (where 20-feet is required) for a retaining wall with a maximum height of 7½-feet;
- A 0-foot side yard (where 5-feet is required) for a retaining wall with a maximum height of 4-feet;
- And a 0-foot rear yard (where 3-feet is required) for 15-feet of fencing with a maximum height of 6-feet, 9-inches.

Please see the Findings attached to this Staff Report for details.

Comment 9: The Luks have suggested the following:

- Not allow the height of residence exceed the 820-foot elevation;
- Additional drainage and sewer easements be established on the subject property;
- The variance request for the retaining wall on the shared property line be denied;
- The variance request to allow a retaining wall, with a maximum height of 7½-feet, within the front yard setback be denied;
- And allowing the removal of the two cedar trees be denied.

Staff Response to Comment 9: Comments noted.

B. Appeal Letter from Mr. Ira James Harris:

Included in Mr. and Mrs. George and Anita Luk's appeal letter is a letter from their lawyer, Mr. Ira Harris, dated March 16, 2016. The following is a summary of his comments.

Comment 1: Mr. Harris argues that the subject property's development restraints do not justify allowing 3 stories where 2 ½ stories is permitted.

Staff Response to Comment 1: The subject property is topographically challenged, which limits the buildable area of the lot. The west end of the lot is extremely difficult to develop because of the existing 5-foot wide sewer easement, and the average slope being approximately 57%. The granting of a variance in this situation would allow for access and parking in a manner that would not involve extensive grading or relocation of drainage lines. Even if the lower parking level was eliminated, it would not change the overall height of the residence that is visible from the Luks' master bedroom and bathroom.

Comment 2: Mr. Harris argues that 4,224 square-feet is too great for the size of the subject property. It is 224 square-feet more than the Kensington Combining District (-K) permits.

Staff Response to Comment 2: Section 84-74.802 of the County Code determines the threshold standard for the Kensington Combining District (-K), which triggers a hearing requirement if the development exceeds the threshold standard. Based on the parcel size of 13,020 square-feet, the threshold for the gross floor area ratio for this parcel is 4,000 square-feet. The new residence and accessory building is 224 square-feet over the designated threshold size.

The intent of the threshold requirement is to ensure the development will promote the community's values of preservation of views, light and solar access, privacy, parking, residential noise levels and compatibility with the neighborhood with regard to bulk and scale. The threshold requirement is not a cap on square-footage, it is a threshold. If the threshold is exceeded, the seven criteria for approval of a Development Plan project must be addressed by staff. As detailed in the attached Kensington Combining District Findings and Conditions of Approval, as modified by the Zoning Administrator, staff finds that the project satisfies all seven criteria.

Comment 3: Mr. Harris argues that the residence with a maximum height of 34.5-foot obstructs protected views.

Staff Response to Comment 3: See *Staff Response* to Comment 1 under *Appeal Letter from the Luks* in Section A on pages 8-9.

Comment 4: Mr. Harris argues that, “There is no vested right to develop the property as proposed . . . even where a variance is not needed.”

Staff Response to Comment 4: The lot is a legal lot and the applicant has the right to request variances and the right to due process under Title 8 of the County Code, the (R-6) Zoning District, and the Kensington Combining District (-K).

Comment 5: Mr. Harris states that the Kensington Ordinance is in place to minimize impacts upon surrounding neighbors and not substantially impair the value and enjoyment of their neighbors’ property. He argues that the previously prepared Staff Report does not properly address the impacts made to the Luks’ views by the applicant’s proposed development.

Staff Response to Comment 5: See *Staff Response* to Comments 1-4 under *Appeal Letter from the Luks* in Section A on pages 8-10.

Comment 6: Mr. Harris argues that the previously prepared Staff Report does not provide sufficient evidence for all three findings required by County Ordinance Chapter 26-2.2006 to allow for the requested variances.

Staff Response to Comment 6: See *Staff Response* to Comment 8 under *Appeal Letter from the Luks* in Section A on pages 12-13.

C. **Appeal Letter from Applicants:**

The applicants and property owners, Mr. and Mrs. Edward Dean and Darlene Tong, provided an appeal letter dated April 14, 2016. The following is a summary of their comments.

Comment 1: The applicant claims that reducing the overall height of the proposed residence by 3-feet will have no effect on views, privacy, or solar access. They argue that the (R-6) zoning district allows for a maximum height of 35-feet, which their original proposal meets.

Staff Response to Comment 1: The (R-6) Zoning District in which the subject property is located does allow for a maximum height of 35-feet. However, for the residence to be consistent with the Kensington Combining District (-K), the Zoning Administrator modified condition of approval #4 to include, "In addition, the overall height of the residence shall be reduced by 3-feet. As measured from the top of the parapet, the height of residence shall not exceed the 825-foot elevation." This would reduce the overall bulk and mass of the residence.

Comment 2: There is concern that to meet the 825-foot elevation requirement construction costs would be too great because of the excavation necessary to lower the building into the ground to maintain the desired ceiling heights.

Staff Response to Comment 2: The intent of the condition added by the Zoning Administrator was to lower the overall height of the residence and reduce its bulk. The intent was to reduce the overall bulk and size of the residence, so construction costs accrued in order to achieve the goal of neighborhood compatibility is not a required finding.

Comment 3: There is concern that if the residence were to be reduced by lowering ceiling heights, then the interior space would be substandard to what the property owners are accustomed to living in.

Staff Response to Comment 3: Per Section R305.1 of the Residential Building Code, the minimum ceiling height for habitable space is 7-feet. The height reduction required by the Zoning Administrator does not create substandard spaces, or even require close to the minimum height for habitable space, and therefore will not negatively impact the quality of living for the property owners.

VIII. **STAFF ANALYSIS**

- A. **Appropriateness of Use:** The proposed residence is consistent with the permitted use of a detached, single-family dwelling within the Single-Family Residential (R-6) Zoning District in which it is located. Accessory uses normally auxiliary to the single-family residence are permitted uses, such as an accessory building, a trellis, retaining walls, and fencing. The residence and accessory building would be visible in the foreground from some adjoining residences, but it would not be otherwise visually obtrusive. The overall project does not impede on views of the San Francisco Bay, nor does it alter the residential character of its surroundings. The approved project, with the added conditions of approval by the Zoning

Administrator, complies with the seven criteria for approval as required by the Kensington Combining District (-K). Therefore, staff recommends the Planning Commission deny both appeals and uphold the Zoning Administrator's approval on April 4, 2016.

- B. General Plan Consistency: The subject property is located within the Single-Family Residential, High-Density (SH) General Plan Land Use designation. The (SH) designation allows for a residential density between 5.0 and 7.2 single family units per acre. The proposed single-family residence and auxiliary structures are residential uses consistent with this land use designation. Located in the Kensington area, it is also subject to the specific policies in the General Plan (2005 – 2020), Land Use Element 3-206 through 3-210, "Policies for the Kensington Area", and is reviewed under these policies in the attached Kensington Combining District Findings.
- C. Zoning Compliance: The subject property is located within the Kensington Combining District (-K), the Single-Family Residential (R-6) Zoning District, and the Tree Obstruction of Views Combining District (-TOV).

Section 84-74.802 of the County Code determines the threshold standard for the Kensington Combining District (-K), which triggers a hearing requirement if the development exceeds the threshold standard. Based on the parcel size of 13,020 square-feet, the threshold for the gross floor area ratio for this parcel is 4,000 square-feet. The new residence and accessory building is 224 square-feet over the designated threshold size.

The intent of the threshold requirement is to ensure the development will promote the community's values of preservation of views, light and solar access, privacy, parking, residential noise levels and compatibility with the neighborhood with regard to bulk and scale.

At the Kensington Municipal Advisory Council (KMAC) December 1, 2016 meeting, the KMAC recommended approval of the overall project, including the building site, the three-story variance, and tree removal, provided that certain conditions were met. The "storage room" on the parking level be eliminated, and the bay window on the top level be adjusted so that the room above does not create three stories per plans submitted to the KMAC September 16, 2015. These revisions are present in the attached plans. Therefore, the project is compatible with the neighborhood in terms of the requirements of the Kensington Combining District (-K) as determined by the KMAC.

The Kensington Combining District (-K) includes seven criteria for approval of the Development Plan project. As detailed in the attached Kensington Combining District Findings, the Zoning Administrator finds that the project satisfies all seven criteria.

The project meets the minimum (R-6) Zoning District development standards, apart from the previously approved variance requests. There is a variance to allow 3 stories (where 2 ½ stories is the maximum). The subject property is topographically challenged, which limits the buildable area of the lot. The west end of the lot is extremely difficult to develop because of the existing 5-foot wide sewer easement, and the average slope being approximately 57%. The granting of a variance in this situation would allow for access and parking in a manner that would not involve extensive grading or relocation of drainage lines. The new single-family residence is designed to follow the natural topography of the hillside, with the lowest level toward the bottom of the hill.

There are also variances to frontage setback, minimum side yard, and rear yard requirements for retaining walls, and a portion of the new fencing, which are considered structures. Due to the sloping topography of the subject property, and dramatic changes in grade, approval to variance requests for these particular structures would not be special privilege. All other retaining walls over 3-feet are outside of the required frontage setback, side yards, and rear yard. All other fencing along the perimeter of the property does not go over 6-feet in height.

The required vegetation will provide screening between residences, but will not grow to the height of the trees permitted to be removed, affirming that newly opened up views stay unblocked. The landscaping plan will be reviewed and approved by staff to ensure that the proposed placement of the required trees and vegetation compensate for the lack of privacy between residences created by the tree removal. Therefore, the proposed project meets the intent of the (-TOV) ordinance.

IX. CONCLUSION

- A. **Appeal Letter from the Luk's**: The Luk's appeal describes that, even with the height reduction, views, privacy, and solar access will still be impacted. They do not agree that the bulk, scale, size and design of the residence is consistent with the neighborhood, and wish to see further height reduction. They find that the proposed retaining walls are designed directly over existing easements, and that the applicant should be responsible for the easements' future maintenance

because of this. Also, the Luks also do not agree that sufficient findings were made to allow the variance approval for a 3-story residence, retaining walls within the setback or side yard, or removal of the two Cedar trees.

The proposed building site maintains the views of the San Francisco Bay for adjacent property owners, including the Luks. The third story is minimal and hidden within the downslope of the site, reducing the perception of bulk and scale. The overall project is visible from adjacent residences, but it is not readily visible from the public road. The required landscaping and tree replanting ensures privacy between residences.

The KMAC recommended approval of the overall project. The building site, height, and footprint were all reviewed by the KMAC, and approved in the configuration present in the attached plans. Per the Zoning Administrator's modification, as measured from the top of the parapet, the height of residence shall not exceed the 825-foot elevation. This will lower the overall height by 3-feet. Therefore, it has been determined that the project is compatible with the neighborhood in terms of views, privacy, solar access, bulk, and scale, by the both the KMAC and the Zoning Administrator.

To alieve concern about construction disrupting easements on the subject property, the Zoning Administrator included conditions of approval that the applicant consult with public agencies to ensure proper development in relation to potential, neighboring easements, and have the geotechnical report peer-reviewed by the County Geologist.

Lastly, the Zoning Administrator has approved variance and tree permit findings as required by County Code for all requested variances and tree removal.

- B. **Appeal Letter form the Applicant:** The applicant (property owners Edward Dean and Darlene Tong) find the height reduction to make no positive impact on views, privacy, solar access, bulk or scale. They do not find the residence as proposed to have a negative impact on neighboring residences, and wish to have the original design approved and have the height restriction condition revoked.

The (R-6) Zoning District in which the subject property is located does allow for a maximum height of 35-feet. However, for the residence to be consistent with the Kensington Combining District (-K), the Zoning Administrator modified condition of approval #4 to include, "In addition, the overall height of the residence shall be reduced by 3-feet. As measured from the top of the parapet, the height of

residence shall not exceed the 825-foot elevation." This would reduce the overall bulk and mass of the residence.

- C. **Staff Conclusion:** Staff finds that the project as approved by the Zoning Administrator is consistent with the Single-Family Residential, High-Density (SH) General Plan Land Use designation and complies with the intent and purpose of the Kensington Combining District (-K), Single-Family Residential (R-6) Zoning District, and Tree Obstruction of Views Combining District (-TOV). Therefore, staff recommends the County Planning Commission uphold the approval of the Zoning Administrator and deny both appeals, subject to the attached Findings and Conditions of Approval.

Attachments:

- Findings and Conditions of Approval as modified by the Zoning Administrator
- Maps and Reduced Plans
- Appeal Letter from George and Anita Luk at 153 Lawson Road, Kensington
- Appeal Letter from applicants/property owners Edward Dean and Darlene Tong
- Exhibit A –Photographs provided by the Luk residence, 153 Lawson Road, Kensington
- Exhibit B – Arborist Report
- Exhibit C – Previous Zoning Administrator Staff Reports
- Exhibit D – Letters submitted to the Zoning Administrator in Opposition

FINDINGS AND CONDITIONS OF APPROVAL AS APPROVED BY THE ZONING ADMINISTRATOR ON APRIL 4, 2016 FOR COUNTY FILE #DP15-3030; EDWARD DEAN and DARLENE TONG (Appellant/Applicant/Owner); GEORGE and ANITA LUK (Appellant)

I. FINDINGS

A. KENSINGTON COMBINING DISTRICT FINDINGS

Kensington Combining District (-K) requires that the new single-family residence and auxiliary structures satisfy seven criteria before a project is approved:

- 1) *Recognizing the rights of property owners to improve the value and enjoyment of their property;*

Staff Finding: The project includes the construction of a new single-family residence and accessory building on a vacant lot. It is a 2,870 square-foot residence with a 955 square-foot parking level; which includes a carport, elevator, entryway, and utility room. The accessory building is 327 square-feet. As a result, the gross floor area is 4,224 square-feet. Since the subject property is vacant, the construction of a new, high quality residence will improve the overall value and enjoyment of the property.

- 2) *Recognizing the rights of property owners of vacant lots to establish a residence that is compatible with the neighborhood in terms of bulk, scale and design;*

Staff Finding: The property owner has the right to establish a new residence that is compatible with the neighborhood in terms of bulk, scale, and design. Originally, the maximum height of the residence, including the third story, was 34½-feet. Per the Zoning Administrator's modification to condition of approval #4, as measured from the top of the parapet, the height of residence shall not exceed the 825-foot elevation. This will lower the overall height by approximately 3-feet, reducing the bulk of the residence by 5,136 cubic feet.

The development of a new residence, even with a portion of it being three stories, is still consistent with the neighborhood in terms of bulk. The surrounding area contains two-story, and some three-story residences. The new residence's third story is minimal in floor area, and is designed for access purposes only. Neither the parking or utility room on the lower level create three stories. The lower level is hidden within the downslope of the property,

not visible from the northern properties. The residence has the bulk of a two story home because of the topography of the site.

The total livable area for the subject property is consistent with neighboring residences in regards to scale. The subject property's overall livable area is 3,197 square-feet. The average livable area for the surrounding properties is 3,000 square-feet.

Finally, the design of the new residence is of modern architecture. The surrounding neighborhood is primarily traditional architecture. However, with the new residence being at a lower elevation than the residences to the north, and separated by required vegetation, its visual impact is minimal. The subject property itself is not visible from the public road. Therefore, the project is compatible with the neighborhood in terms of bulk, scale and design.

In addition, at the Kensington Municipal Advisory Council (KMAC) December 1, 2016 meeting, the KMAC recommended approval of the overall project, including the three-story variance and tree removal, provided that certain conditions were met. The "storage room" on the parking level be eliminated, and the bay window on the top level be adjusted so that the room above does not create three stories per plans submitted to the KMAC September 16, 2015. These revisions are present in the attached plans. Therefore, the project is compatible with the neighborhood in terms of bulk, scale and design as determined by staff and the KMAC.

The project enhances views and solar access with the removal of overgrown and dying trees. The applicants will still maintain privacy between residences with newly planted Japanese maples as part of the required landscaping plan. The required vegetation will provide screening between residences, but will not grow to the height of the original trees, affirming that newly opened up views stay unblocked. The landscaping plan will be reviewed and approved by staff to ensure that the proposed placement of the required trees and vegetation compensate for the lack of privacy between residences created by the tree removal. Therefore, the proposed project meets the intent of the (-TOV) ordinance.

3) *Minimizing impacts upon surrounding neighbors;*

Staff Finding: The building sites, its design, and tree removal minimizes the impacts upon surrounding neighbors. Having the residence's footprint on the east side of the property maintains the views of the San Francisco Bay for

adjacent property owners. Also, the third story is tucked into the downslope of the property, hiding it from sight at street level.

None of the buildings encroach into the minimum (R-6) front yard setback, side yards, or rear yard. In addition, the northern face of the residence is set back 6-feet from the property line shared with 153 Lawson Road, rather than the minimum 5-feet. This is to provide additional cushion between the two residences.

The new residence will be visible in the foreground of the residence at 153 Lawson Road, located upslope from the subject property. Privacy will be maintained with the proposed Japanese maples, as required under Condition of Approval #7, and additional tree/vegetation as stated on Condition of Approval #10 in between neighboring properties. The removal of the existing trees allows for more sunlight to enter neighboring properties, and expand views of the bay. The required vegetation will provide screening between residences, but will not grow to the height of the original trees, affirming that newly opened up views stay unblocked. The required landscaping and tree replanting will preserve privacy between residences.

4) *Protecting the value and enjoyment of the neighbors' property;*

Staff Finding: As previously mentioned, the overall project will have minimal impacts on surrounding properties. The project is not visually obtrusive, and its impacts on views and solar access are minimal. In addition, the removal of overgrown and dying trees will allow for more sunlight to enter neighboring properties, and open up the views of the San Francisco Bay. The new residence is visible from adjacent residences to the north of the subject property, but it is not readily visible from the street. The required landscaping and tree replanting ensures privacy between residences.

The views of the neighborhood skyline and the San Francisco Bay is toward the west. The applicants' new residence will be to the Luk's south. The portion of the new residence that is three stories is southwest of the Luk residence, and does not impact these views.

Both the residence and accessory building do not obstruct the primary view of the bay, minimally decrease access to sunlight, and have minimal effect on privacy for surrounding properties, and therefore, the project will preserve the value and enjoyment of neighboring properties.

5) *Maintaining the community's property values;*

Staff Finding: The proposed project has minimal impacts on views, light and solar access, privacy, parking, and residential noise levels. There have been four other residences along Lawson Road that have received variance approval for three stories because of the topographic challenges due to the hillside. The third story for the subject property is minimal in bulk and scale, and has no impact on neighboring residences. The subject property is not readily visible from the public road, and is at a lower elevation than properties to the north. The portion of the residence that is surrounded by neighboring residences is two-stories, and has been conditioned to have a 3-foot reduction, and not to exceed the 825-foot elevation, as measured from the top of the parapet. It is visible in the foreground to neighboring residences, but is comparable to them in terms of bulk and scale. As a result, existing community's property values are preserved. Furthermore, the addition of habitable floor area on the subject property improves the overall value of the residence, and property values as a whole.

The development of the overall subject site, consisting of a 2,870 square-foot residence with a 955 square-foot parking level, 327 square-foot accessory building, and new hardscaping and landscaping throughout, will bring a new, high quality residence to the neighborhood, which will improve the property value of the subject property and thereby increase the overall property value of the whole community.

6) *Maximizing the use of existing interior space;*

Staff Finding: The lot is vacant, so there is no interior space currently. The project includes the construction of a new single-family residence consisting of 2,870 square-feet with a 955 square-foot parking level, and a 327 square-foot accessory building, for a gross floor area of 4,224 square-feet. The new residence will utilize all of the interior space for living space, as there will not be any unconditioned space within the residence other than the two car carport within the parking level. Therefore, the project serves to maximize the use of its interior space.

7) *Promoting the general welfare, public health, and safety.*

Staff Finding: The new residence, and overall scope of work, does not change the land use of the subject property and, as described earlier, has minimal impacts on surrounding properties. The subject site improves the value of the neighboring properties. Also, the project will not use or emit hazardous

substances beyond what is normal for a residential property. The project would be required to comply with applicable zoning standards and obtain building permits. Based on the foregoing reasons, the project promotes the general welfare, public health and safety of the Kensington community.

B. VARIANCE FINDINGS

County Code Section 26-2.2006 states that all of the following findings must be made to approve the Variance permit application.

- 1) *That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located;*

Staff Finding: The variance to allow 184 square-feet of floor area that creates three consecutive stories (where 2 ½ stories is the maximum) does not constitute a grant of special privilege. The third story does not expand the building envelope, and would not change the current conditions of the surrounding area. The subject property is topographically challenged, which limits the buildable area of the lot. The west end of the lot is extremely difficult to develop because of the existing 5-foot wide sewer easement, and the average slope being approximately 57%. The granting of a variance in this situation would allow for access and parking in a manner that would not involve extensive grading or relocation of drainage lines. The new single-family residence is designed to follow the natural topography of the hillside, with the lowest level toward the bottom of the hill.

Also, it is typical for a crawl space with adequate ceiling height be a result from the construction of a residence on a hillside with such a steep slope. The third story is an understandable situation made possible by the topographic circumstances of the subject property. In addition, there have been four other residences along Lawson Road that have received variance approval for three stories because of the topographic challenges due to the hillside. Therefore, the variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective (R-6) land use district in which the subject property is located.

There are also variances to allow:

- A 3-foot front yard setback (where 20-feet is required) for a retaining wall with a maximum height of 7½-feet;
- A 0-foot side yard (where 5-feet is required) for a retaining wall with a

maximum height of 4-feet;

- And a 0-foot rear yard (where 3-feet is required) for 15 linear feet of fencing with a maximum height of 6-feet, 9-inches.

The retaining walls are also due to the topographic challenges of the subject property. The retaining wall off of the private road is for the driveway in order to gain access to the residence. The other retaining wall is to replace an existing, wood retaining wall that is failing. 15 linear feet of fencing along the rear boundary line will have a maximum height of 6-feet, 9-inches because of the topography as well. The ground dips down at that area of the site, and keeping the fence at 6-feet would cause a break in the fencing. This would lower the fence line, and create a negative impact to privacy between the subject property and adjacent property. Thus, these additional variances would not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity.

- 2) *That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of the rights enjoyed by other properties in the vicinity and within the identical land use district;*

Staff Finding: The variance is to allow three stories (where 2 ½ stories is the maximum). The third story is at the west end of the new residence, and the lowest level. The topography and surroundings of the subject property are special circumstances that deprive the subject property of rights enjoyed by other properties in the vicinity and within the Kensington Combining District (-K) and (R-6) Zoning District. The subject property is a hillside. The new residence is being constructed to follow the natural topography of the hillside, with the lowest level toward the bottom of the hill.

It is typical for a crawl space with adequate ceiling height be a result from the construction of a residence on a hillside with such a steep slope. The creation of the third story is an understandable situation made possible by the topographic circumstances of the subject property.

The property is accessed by a 15-foot wide private easement at the end of Lawson Road. The west half of the property is extremely difficult to develop with a steep average grade of 57%. If the applicants were to utilize this portion of the lot for parking and access into the home, the design would increase in footprint. This would create far too much massing and bulk, and potentially impede on views of the San Francisco Bay to the west. Furthermore, due to

these topographic challenges, grading and filling is considered infeasible. A third story is a sensible resolution.

The third story does not have the residence go over maximum height as conditioned by the Zoning Administrator. It does not further expand the envelope of the residence, or create additional bulk. It is also tucked into the downslope of the subject property, hiding it from sight at street level, and not impacting views. Using the existing footprint of the new residence is a reasonable request because of special circumstances applicable to the subject property. Thus, strict application of the (R-6) zoning regulations would deprive the subject property of the rights enjoyed by other properties in the immediate vicinity.

As previously stated, there are also variances to allow:

- A 3-foot front yard setback (where 20-feet is required) for a retaining wall with a maximum height of 7½-feet;
- A 0-foot side yard (where 5-feet is required) for a retaining wall with a maximum height of 4-feet;
- And a 0-foot rear yard (where 3-feet is required) for 15 linear feet of fencing with a maximum height of 6-feet, 9-inches.

Due to the topographic challenges of the subject property, these structures are required for the overall improvement to the subject site. The retaining wall off of the private road is for the driveway in order to gain access to the residence. The other retaining wall is to replace an existing, wood retaining wall that is failing. 15 linear feet of fencing along the rear boundary line will have a maximum height of 6-feet, 9-inches because of the topography as well. The ground dips down at that area of the site, and keeping the fence at 6-feet would cause a break in the fencing. This would lower the fence line, and create a negative impact to privacy between the subject property and adjacent property.

All other retaining walls that are considered structures meet frontage setback, side yard, and rear yard requirements for the (R-6) Zoning District. All other fencing along the perimeter of the property does not go over 6-feet in height. As a result, strict application of the (R-6) zoning regulations would deprive the subject property of the rights enjoyed by other properties in the immediate vicinity.

- 3) *That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the property is located.*

Staff Finding: The intent and purpose of the Single-Family Residential (R-6) land use district is to facilitate orderly development and maintenance of high-density, single-family residential neighborhoods. This includes a detached single-family dwelling and the accessory structures and uses normally auxiliary to it. The new residence, and accessory building and structures, fall under the permitted uses for the (R-6) Zoning District. The project requires the approval of variances to allow three (3) stories (where 2 ½ stories is the maximum), and structures not meeting the minimum frontage setback, side yard, and rear yard requirements. However, due to the topographic challenges to the subject site the granting of these variances is considered special circumstance, not a special privilege. Therefore, approval of the variances previously stated in order to construct the residence and auxiliary structures would meet the intent and purpose of the (R-6) land use district.

C. TREE PERMIT FINDINGS

Both the red and atlas cedar trees (trees #1-2 as labeled in the arborist report) are approved for removal. Staff has determined the eleven (11) trees requested for removal be allowed based on the Tree Findings below.

Required Factors for Granting Permit. The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a Tree Permit have been satisfied as marked:

- 1) The arborist report indicates that most of the subject trees are in poor health and cannot be saved;
- 2) Reasonable development of the property would require removal and/or work within the drip line of code-protected trees, and this development could not be reasonably accommodated on another area of the lot.
- 3) According to Section 816.6.2004, the purpose of the Tree Protection and Preservation Ordinance is to preserve trees on private properties in the interest of the public health, safety and welfare. As indicated by the applicant's physician, the applicant has serious allergies to cedar trees and notwithstanding the fact that these trees are protected; the preservation of these two cedar trees will be compromising the property owner's individual health and safety as stated on Section 816.6.2004.

II. CONDITIONS OF APPROVAL FOR COUNTY FILE #DP15-3030

Project Approval

1. Development approval is based on the following documents submitted to the Department of Conservation and Development, Community Development Division (CDD):
 - The application materials submitted on September 16, 2015;
 - Additional materials submitted January 20, 2016;
 - Revised plans submitted January 22, 2016 and February 16, 2016;
 - Arborist report dated December 10, 2015, prepared by Peter K. Rudy, certified arborist;
 - And subject to the conditions listed below.

Tree Removal

2. This permit is to allow the removal of eleven (11) code-protected trees only.

General Provisions

3. Any development or expansion beyond the limits of this permit approved under this application may require the review and approval of CDD and may require the filing of an application for modification to a Development Plan and a public hearing, if deemed necessary. The following is approved with this permit:
 - A. The construction of:
 - A 2,870 single-family residence, with a 955 square-foot parking level, and a 327 square-foot accessory building, resulting in a total gross floor area of 4,224 square-feet (where the Kensington Combining District gross floor area threshold is 4,000 square-feet);
 - New retaining walls and fencing;
 - A 103 square-foot trellis;
 - And new landscaping and hardscaping throughout.
 - B. Variances to allow:
 - 3 stories (where 2 ½ stories is the maximum);
 - A 3-foot front yard setback (where 20-feet is required) for a retaining wall with a maximum height of 7½-feet;
 - A 0-foot side yard (where 5-feet is required) for a retaining wall with a maximum height of 4-feet;
 - And a 0-foot rear yard (where 3-feet is required) for 15-feet of fencing with a maximum height of 6-feet, 9-inches.

- C. A tree permit to remove 11 code-protected trees, and work within the drip lines of 2 code-protected trees.

Species	Trunk Diameter(s)	Status
3 Monterey Pines	42.5-inches; 29-inches; 6.5-inches	Remove all
2 Honey Locusts	10-inches; 20-inches	Remove all
2 Junipers	48-inches in total (multi-stemmed) 63-inches in total (multi-stemmed)	Remove all
California Live Oak	18-inches in total (multi-stemmed)	Preserve
Eugenia	48-inches in total (multi-stemmed)	Remove
Black Pine	10-inches	Remove
2 Cedars	16-inches and 24-inches	Remove all
Apple tree	10-inches	Preserve
Pear tree	6-inches	Remove – Not protected

Building Height Verification

4. **Prior to requesting a framing inspection**, but after completion of roof frame, the applicant shall submit evidence, for review and approval of CDD, from a licensed surveyor on the field elevations of the roof ridgeline points and the heights of the building as measured from existing grade indicated on building permit site plans for purposes of determining compliance with maximum height limits of the zoning district. In addition, the overall height of the residence shall be reduced by 3-feet. As measured from the top of the parapet, the height of residence shall not exceed the 825-foot elevation.

Fencing

5. No fencing shall be higher than 6-feet tall when measured from grade, except for the 15-feet of fencing (with a maximum height of 6-feet, 9-inches) allowed through this variance approval.

Model Water Landscape Ordinance

6. **Prior to the submittal of a building permit**, the applicants shall demonstrate that the landscaping plan provides compliance with the State Model Water Efficiency Landscape Ordinance or County Model Water Efficiency Landscape Ordinance, whichever ordinance applies.

Landscaping

7. **Prior to the submittal of a building permit**, a landscaping plan for all landscaped areas, including placement of Japanese maples, shown on the plan shall be submitted for review and approval of CDD. Such landscaping shall specifically serve for screening for privacy areas along the northwest, south and southwest.

Payment of Fees

8. This application is subject to an initial application deposit of \$1000.00, which was paid with the application submittal, plus time and material costs if the application review expenses exceed 100% of the initial deposit. Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first. The applicants may obtain current costs by contacting the project planner. If the applicants owes additional fees, a bill will be sent to the applicants shortly after permit issuance.

Contingency Restitution for Work within the Dripline of Trees

9. Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that tree removal and construction activity nevertheless damages these trees, the applicants shall provide the County with a security (e.g., bond, cash deposit) to be submitted prior to filing a building permit, to allow for replacement of trees intended to be preserved that are significantly damaged by tree removal and/or construction activity. The security shall be based on:
 - A. **Extent of Possible Restitution Improvements:** The planting of up to four (4) drought-tolerant trees, minimum 15-gallons in size, in the vicinity of the affected trees, or equivalent planting contribution, subject to prior review and approval of CDD.
 - B. **Determination of Security Amount:** The security shall provide for a breakdown of all of the following costs:
 - Preparation of a landscape/irrigation plan by a licensed landscape architect or arborist.
 - A labor and materials estimate for planting the four (4) 15-gallon-size trees and related irrigation improvements that may be required, prepared by a licensed landscape architect or landscape contractor.
 - An additional 20% of the total of the above amounts to address inflation costs.
 - C. **Acceptance of Security:** The security shall be subject to review and approval of CDD. The County ordinance requires that the applicants pay fees for all staff time

and material costs associated with processing a tree protection security. The applicants shall pay an initial fee deposit of \$100 at time of submittal of a security.

- D. Duration of Security: The security shall be retained by the County for a minimum of 12 months and up to 24 months following completion of work within the trees' driplines. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicants arrange for the consulting arborist to inspect the trees and prepare a report on the trees' health. In the event that CDD determines that the trees intended to be preserved have been damaged by development activity, and CDD determines that the applicants have not been diligent in providing restitution of the damaged trees, then CDD may require that all or part of the security be used to provide for mitigation of the damaged tree(s).

Required Restitution for Approved Tree Removal

10. The following measures are intended to provide restitution for the eleven (11) trees that have been approved for removal:

- A. Tree Restitution Planting/Irrigation Plan: Prior to filing a grading permit or building permit, or prior to removal of trees, whichever occurs first, the applicants shall submit a tree planting and irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of CDD. The plan shall provide for the planting of at least eleven (11) drought-tolerant trees, minimum 15-gallons in size. The plan shall be accompanied by an estimate prepared by a licensed landscape architect or arborist of the materials and labor costs to complete the improvements on the plan. This tree restitution plan may be considered along with the landscaping requirement stated under Condition of Approval #7.

The tree restitution planting plan shall be incorporated into the plans filed for a building permit and shall comply with the requirements of the State Model Water Efficient Landscape Ordinance or County Model Water Efficiency Landscape Ordinance, whichever ordinance applies. Information relating to this ordinance is available at the Application and Permit Center.

- B. Required Security to Assure the Completion of Plan Improvements: Prior to filing a grading permit or building permit, or prior to removal of trees, whichever occurs first, the applicants shall submit a security (e.g., bond, cash deposit) that is acceptable to CDD to ensure that the restitution plan is implemented.

Determination of Security Amount: The security shall provide for a breakdown of all of the following costs:

- A labor and materials estimate for planting the eleven (11) 15-gallon-size trees and related irrigation improvements that may be required, prepared by a licensed landscape architect or landscape contractor.
 - An additional 20% of the total of the above amounts to address inflation costs.
- C. Initial Fee Deposit for Processing a Security: The County ordinance requires that the applicants pay fees for all staff time and material costs associated with processing a landscape improvement security. At the time of submittal of the security, the applicants shall pay an initial deposit of \$100.
- D. Duration of Security: The security shall be retained by the County for a period of 24 months following the completion of construction activity to ensure that the restitution plan is successfully implemented. If CDD determines that the applicants has not been diligent in implementing the plan, then CDD may require that part or all of the security be used to implement the plan.

Arborist Expense

11. The expenses associated with all required arborist services shall be borne by the developer and/or property owner.

Compliance with Arborist Recommendations

12. The applicants shall implement all measures recommended by the consulting arborist that are intended to mitigate potential tree construction-related impacts.

Construction Period Restrictions and Requirements

13. Site Preparation - Prior to the start of construction or any clearing, stockpiling, trenching, grading, compaction, paving or change in ground elevation on site with trees to be preserved, the Applicants shall install protective fencing at or beyond the drip line of the trees to be preserved (one California live oak and one apple tree) and along the boundaries of all other protected trees within the vicinity of construction. The fencing shall remain in place for the duration of construction activities. Prior to grading or issuance of any permits, the fences may be inspected and the location thereof approved by the Building Inspection Division or Community Development Division staff. *Construction plans shall stipulate on their face where temporary fencing is to be placed. The required fencing shall be installed prior to the commencement of any construction activity.*

14. The applicants shall comply with the following restrictions and requirements:

- A. Construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:

- New Year's Day (state and federal)
- Birthday of Martin Luther King, Jr. (state and federal)
- Washington's Birthday (federal)
- Lincoln's Birthday (state)
- President's Day (state and federal)
- Cesar Chavez Day (state)
- Memorial Day (state and federal)
- Independence Day (state and federal)
- Labor Day (state and federal)
- Columbus Day (state and federal)
- Veterans Day (state and federal)
- Thanksgiving Day (state and federal)
- Day after Thanksgiving (state)
- Christmas Day (state and federal)

For information on the calendar dates that these holidays occur, please visit the following websites:

Federal Holidays:

http://www.opm.gov/Operating_Status_Schedules/fedhol/2013.asp

California Holidays:

<http://www.sos.ca.gov/holidays.htm>

- B. Transportation of large trucks and heavy equipment is subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.
- C. A good faith effort shall be made to avoid interference with existing neighborhood traffic flows.
- D. All internal combustion engines shall be fitted with mufflers that are in good condition and stationary noise-generating equipment such as air compressors shall be located as far away from existing residences as possible.
- E. Construction equipment and materials shall be stored onsite.

- F. The construction site shall be maintained in an orderly fashion. Litter and debris shall be contained in appropriate receptacles and shall be disposed of as necessary.
 - G. Any debris found outside the site shall immediately be collected and deposited in appropriate receptacles.
 - H. The applicants shall immediately notify the CDD of any damage that occurs to any tree during the removal of the coast live oak tree. Any tree not approved for destruction or removal that dies or is significantly damaged as a result of this project shall be replaced with a tree or trees of equivalent size and of a species as approved by the CDD to be reasonably appropriate for the situation.
 - I. No parking or storage of vehicles, equipment, machinery, or construction materials and no dumping of paints, oils, contaminated water, or any chemicals shall be permitted within the drip line of any tree to be preserved.
 - J. No grading, compaction, stockpiling, trenching, paving, or change in ground elevation shall be permitted within the drip line of any tree intended for preservation unless such activities are indicated on the improvement plans approved by the County and addressed in the arborist report. If any of the activities listed above occur within the drip line of a tree to be preserved, an arborist may be required to be present. The arborist shall have the authority to require implementation of measures to protect the trees.
15. The geotechnical and/or soils report, prepared for or required for this project, will address the concerns raised in the April 4, 2016 Webster's letter (to the extent feasible). Once concerns are addressed, response(s) shall be prepared and peer-reviewed by the County geologist.
16. All of the proposed utilities of the residential project shall be placed underground.
17. Existing Utilities/Easements:
- a) The applicant shall obtain information from the appropriate County Department (Public Works, Flood Control, etc.) in order to identify property location of the storm drain easement within the property. To the extent feasible, the applicant shall seek and obtain information to determine the requirement and/or need of proper party/entity responsibility in addressing the realignment of such easement.
 - b) The applicant shall obtain information from the Stege Sanitary in order to clarify

potential location of a sewer line located along the north/northwest portion of the property. The applicant will be responsible to ensure this project will not impact such potential easement and accommodate the project in order to avoid impact to such sewer line/easement, as needed.

ADVISORY NOTES

ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.

- A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. Prior to applying for a building permit, the applicant is strongly encouraged to contact the following agencies to determine if additional requirements and/or additional permits are required as part of the proposed project:

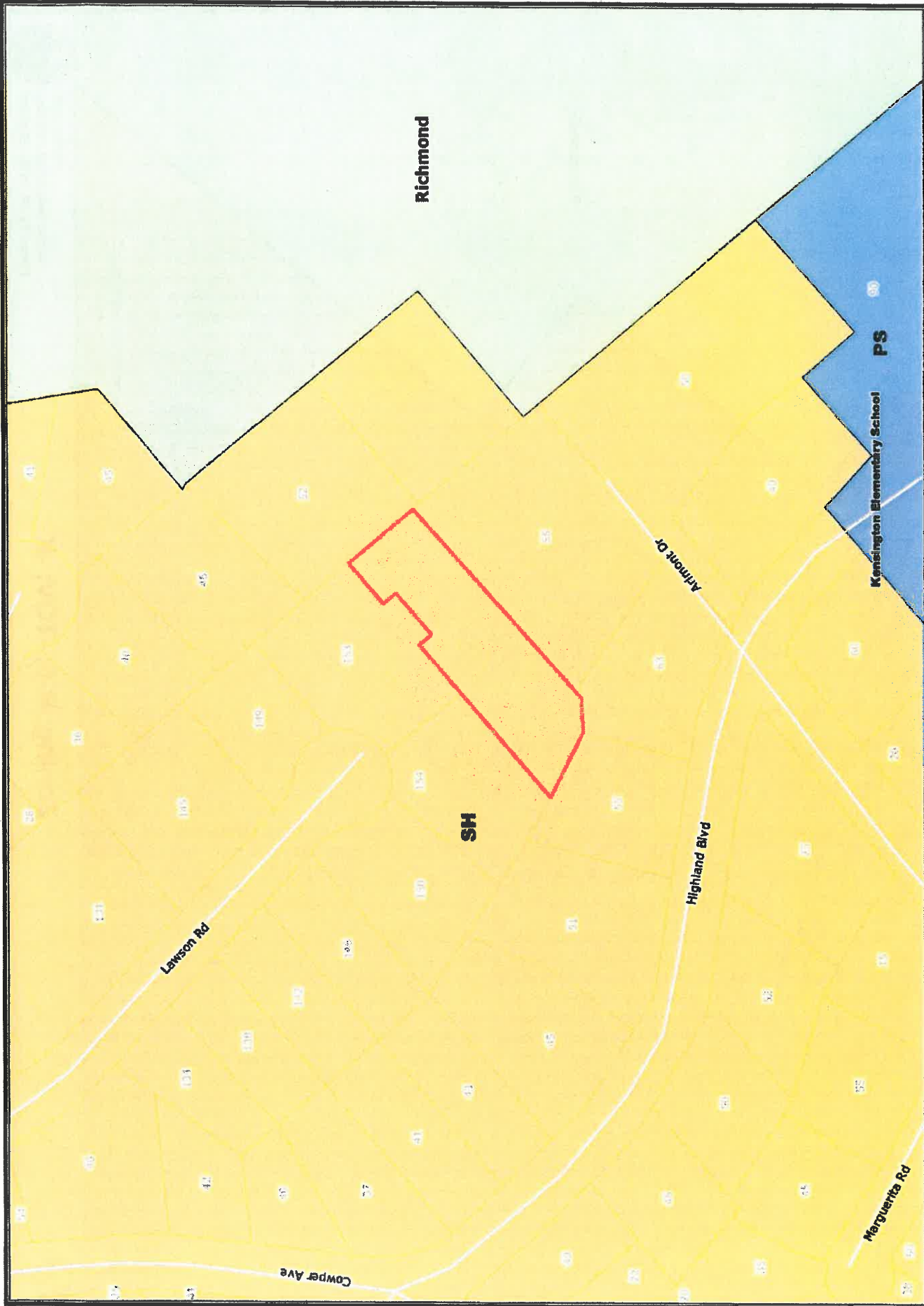
- Contra Costa County Building Inspection Division
- Contra Costa County Environmental Health Division
- East Bay Municipal Utility District
- Stege Sanitary District
- Kensington Fire Protection District
- El Cerrito Fire Department



Scale 1:1,084
Contra Costa Internet GIS Map
Printed: Jul 26, 2016 11:04:44 AM

Aerial View

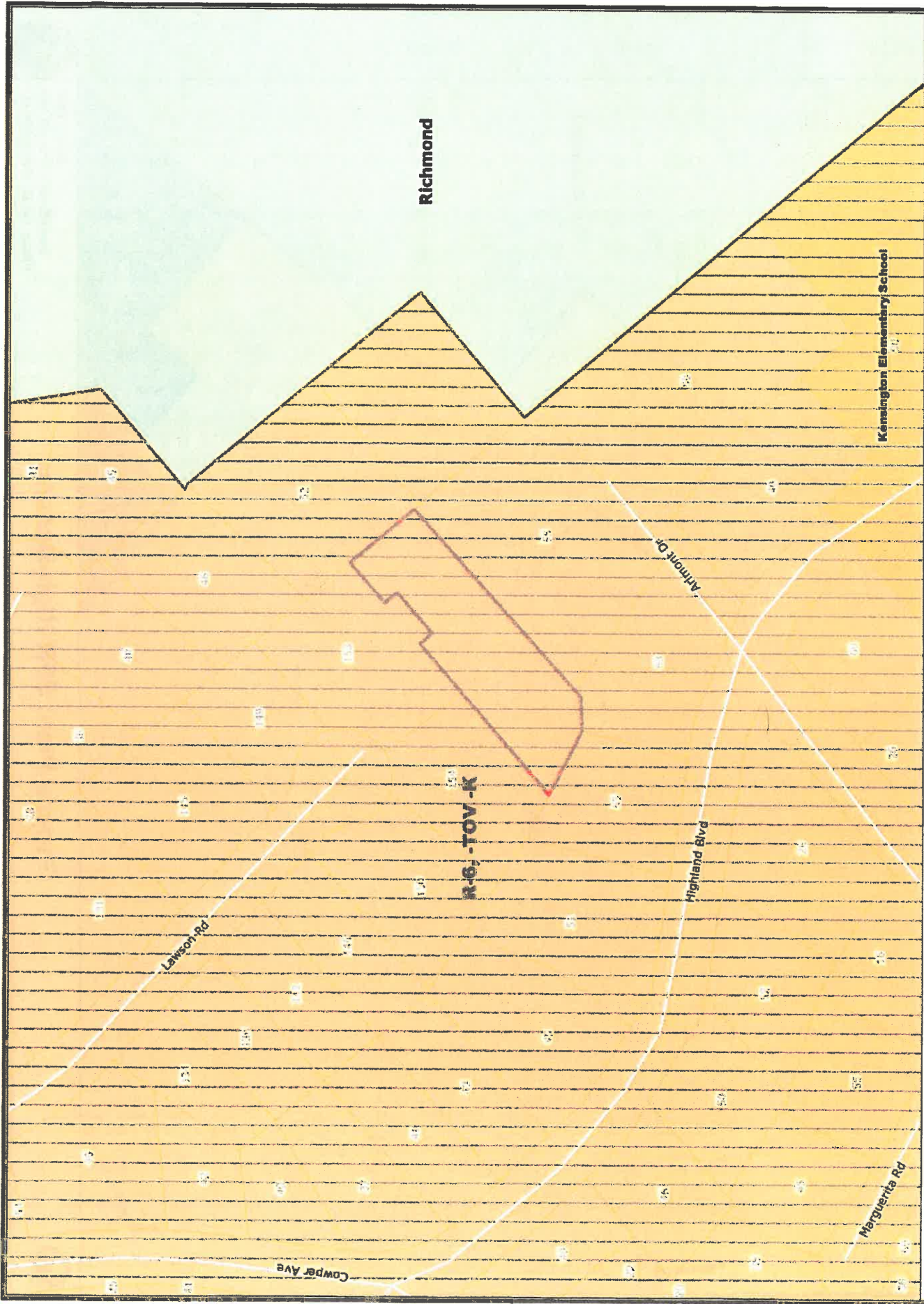




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General Plan: SFR High-Density

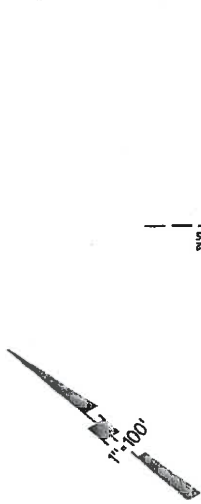




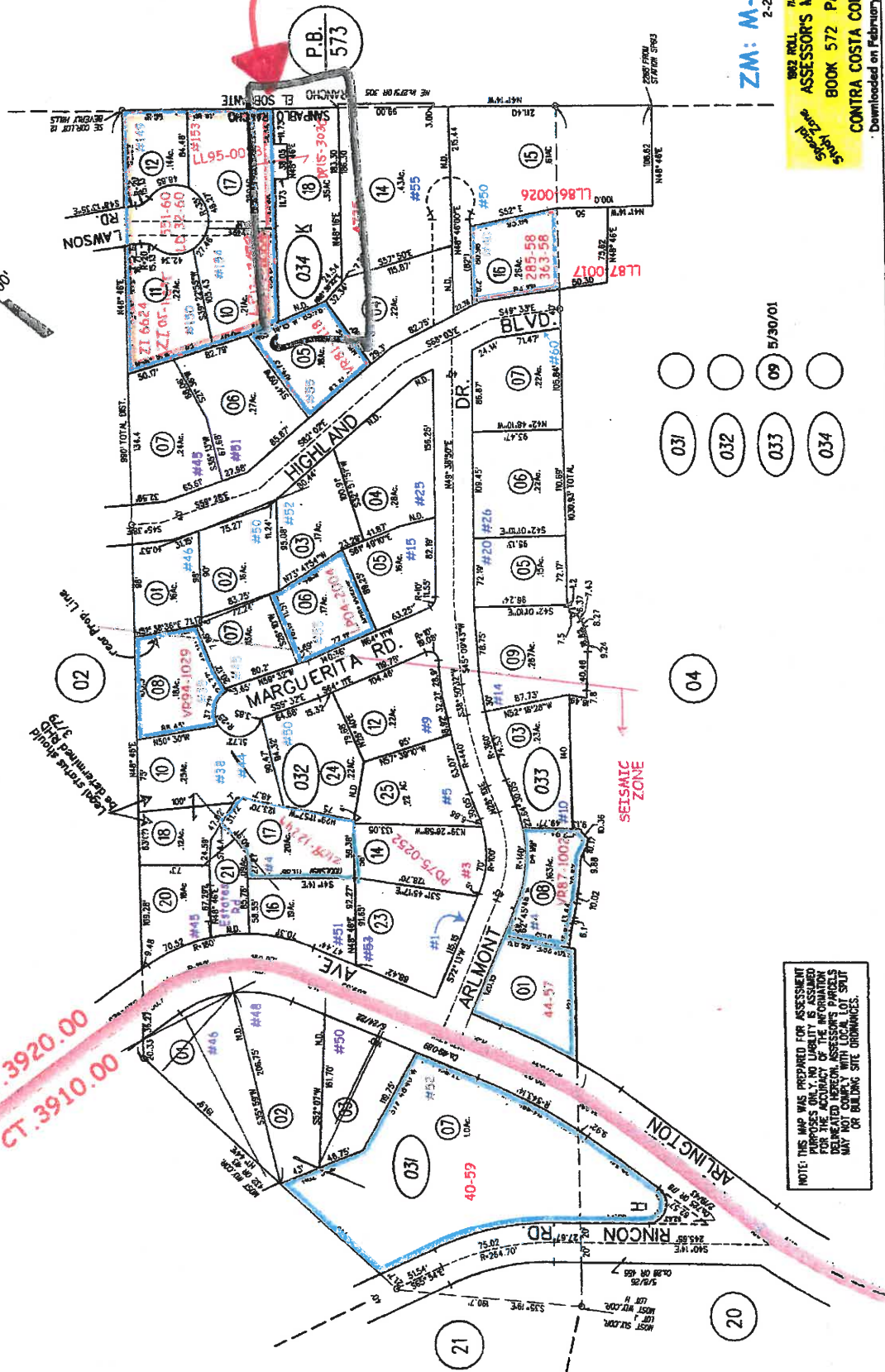
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 Contra Costa Internet GIS Map
 Printed: Feb 29, 2016 8:26:26 AM

Zoning: R-6; -TOV; -K





CT. 3920.00
CT. 3910.00



Site

ZM: M-7
2-26-96 A17

Special Assessor's Map
BOOK 572 PAGE 03
CONTRA COSTA COUNTY, CALIF.
Downloaded on February 07, 2008

- 031
- 032
- 033
- 034

09 5/30/01

NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.



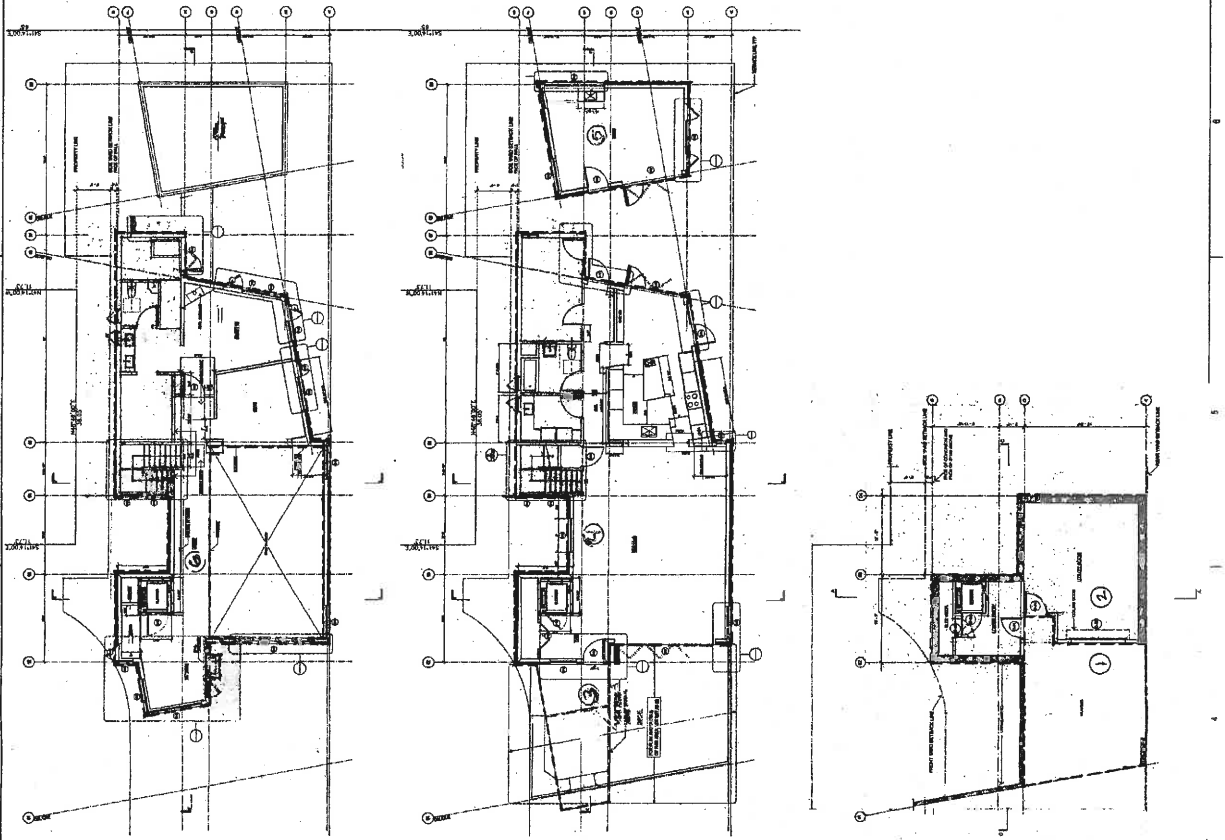
Tong-Dean Residence
 158 Lawson Road
 Kensington, CA 94708

SEALS

DATE	BY	REVISION

SHEET TITLE
GROSS FLOOR AREAS

AG-03

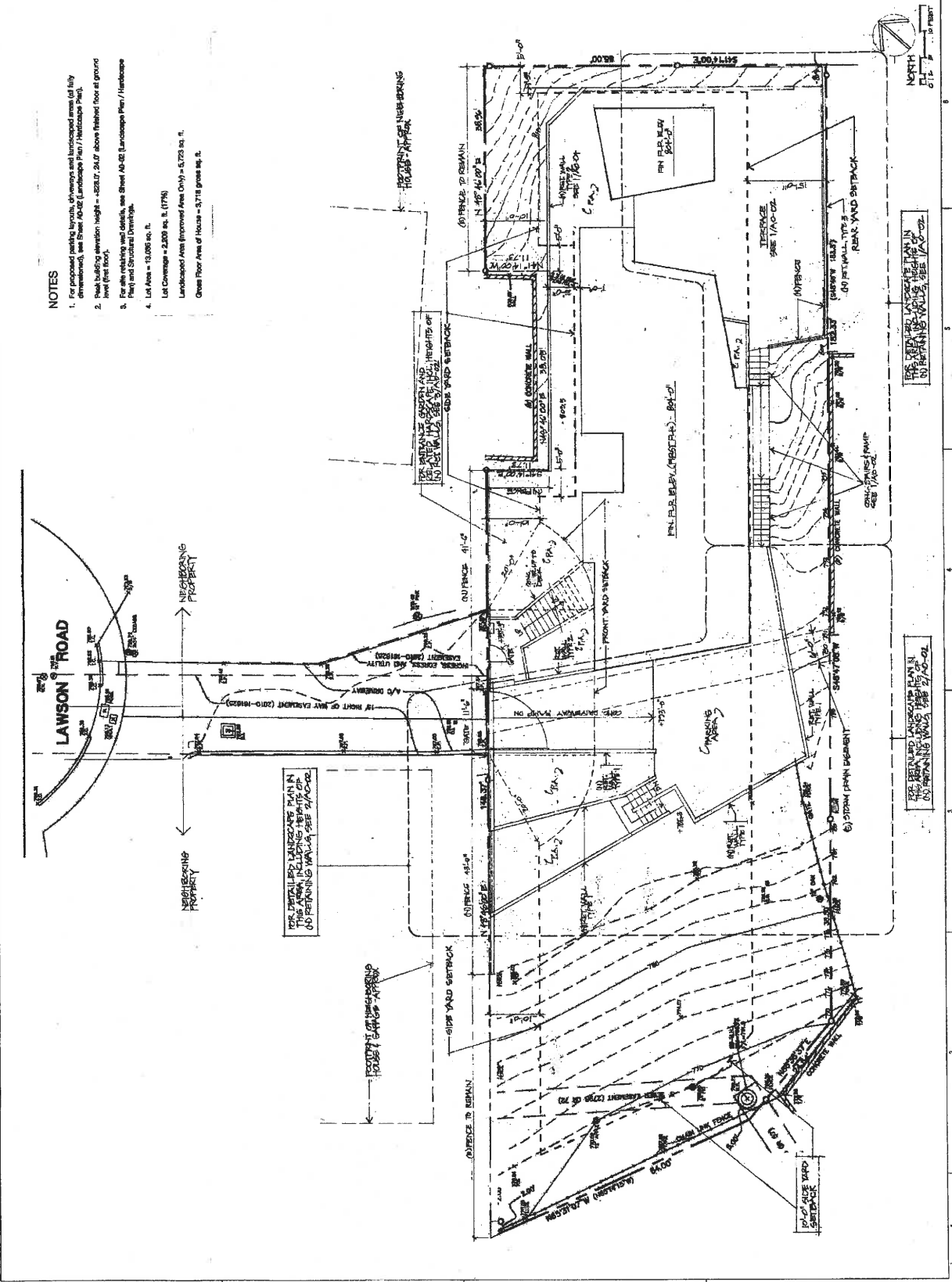


GROSS FLOOR AREAS

Notes	Gross Area
1 Area under Deck at First Floor Level	288
2 Existing gross floor area	570
3 Total Existing Land Area	858 sq. ft.
4 Area under "User Report" contribute	72
5 Studio gross floor area	1,840
6 Building gross floor area	5,000 sq. ft.
Total First Floor Area	1,220
Total Second Floor Area	1,220 sq. ft.
Total Gross Floor Area*	4,220 sq. ft.

*Per Kensington Combining District 64-74

NOTES
 1. For proposed parking layouts, driveways and landscaped areas (if they dimensions), see Sheet A0-02 (Landscape Plan / Hardscape Plan).
 2. Peak building elevation height = 488.07, 24.0' above finished floor at ground level (first floor).
 3. For site retaining wall details, see Sheet A0-02 (Landscape Plan / Hardscape Plan) and Structural Drawings.
 4. Lot Area = 13,006 sq. ft.
 Lot Coverage = 2,839 sq. ft. (22%)
 Landscaped Area (Proposed Area Only) = 5,723 sq. ft.
 Open Floor Area of House = 3,718 gross sq. ft.





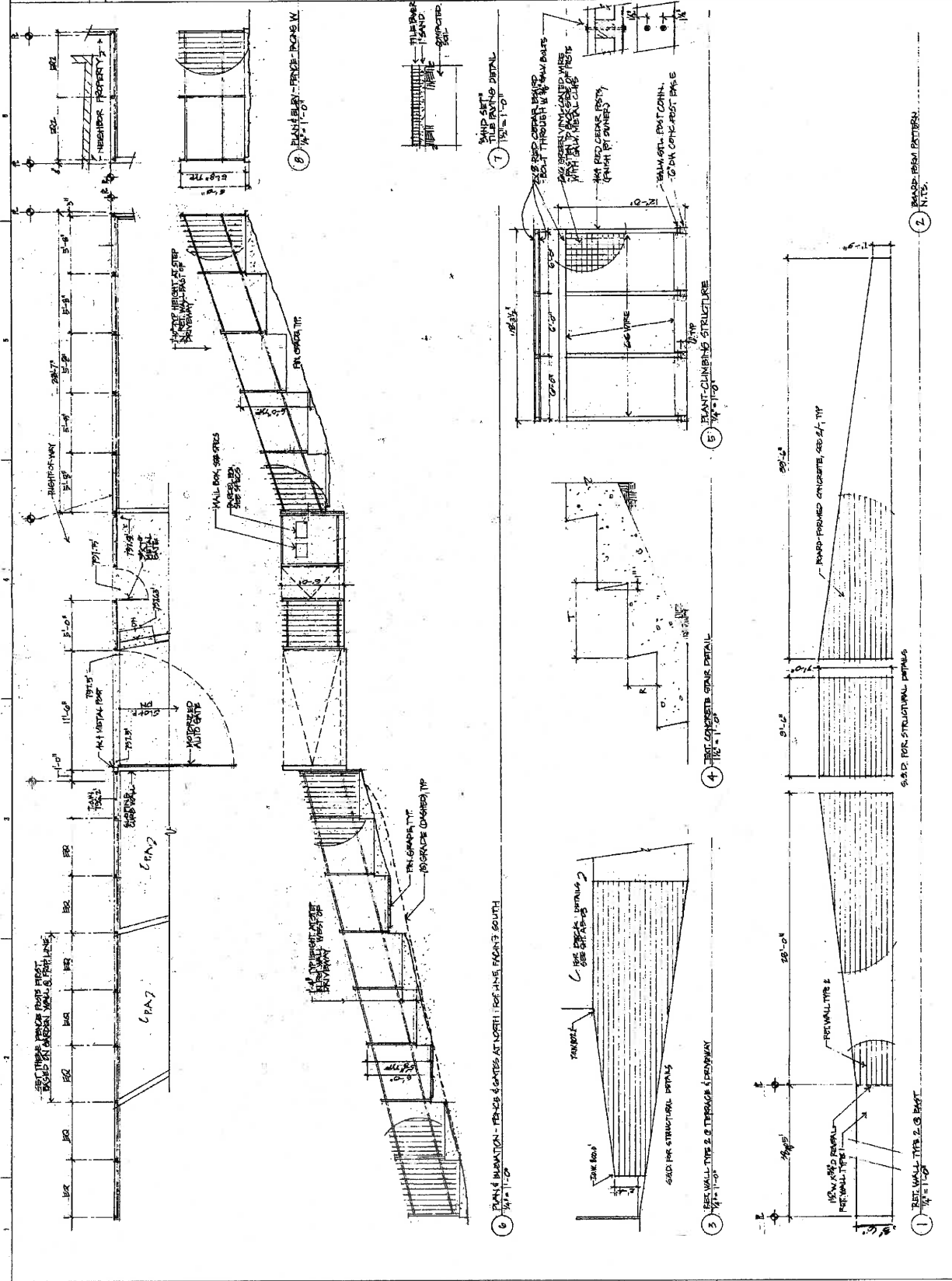
Tong Dean Residence
 1501 LINDSEY DRIVE
 NORTON, CA 94708

8/14/16

DATE: 8/14/16
 TIME: 10:00 AM

SHEET TITLE
SITE DETAILS

A0-04

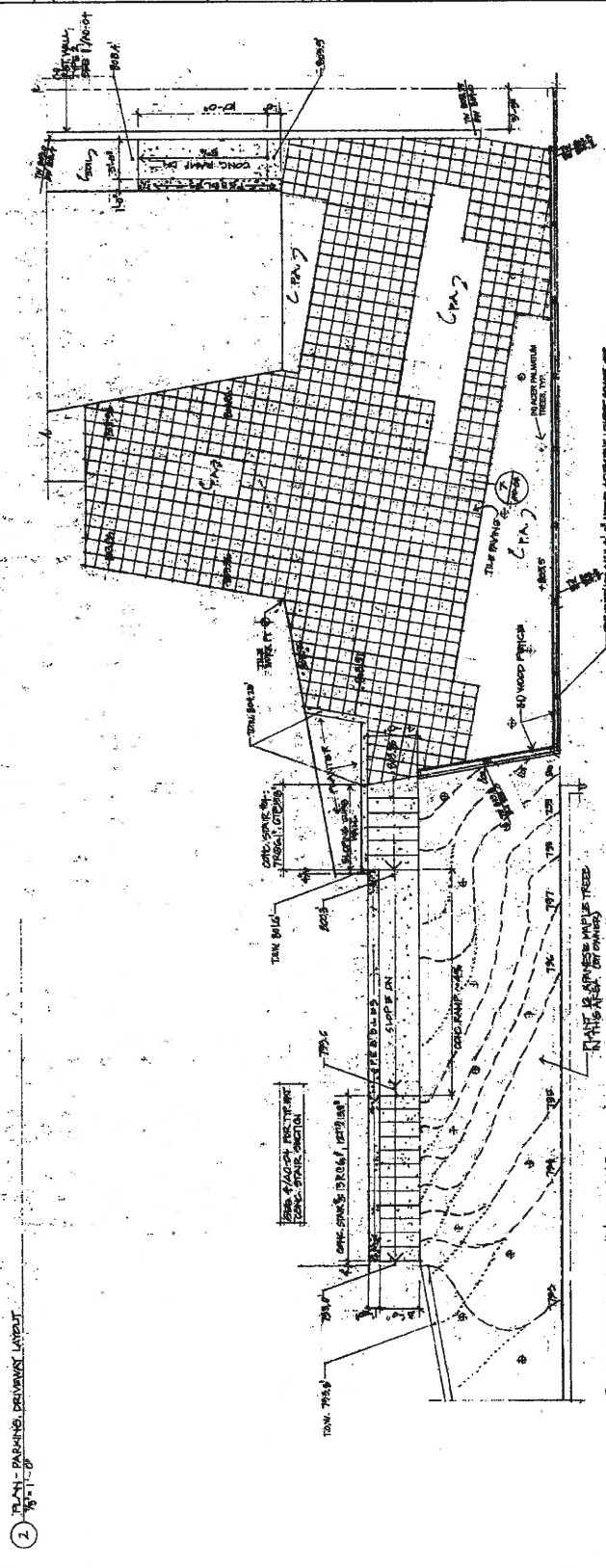
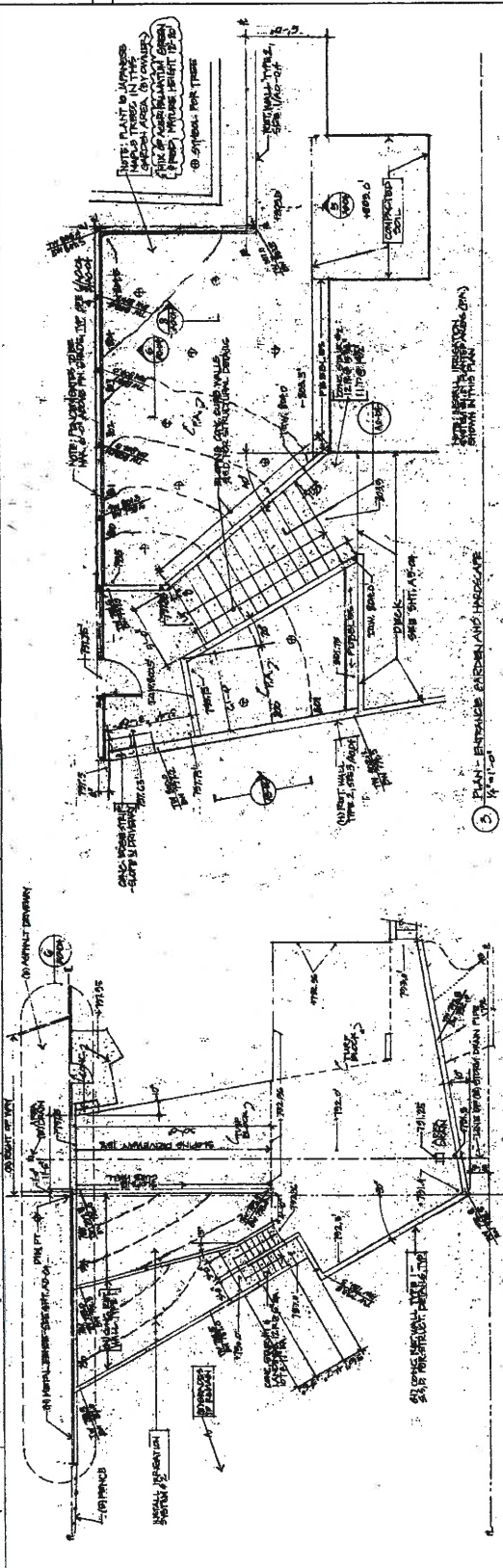




Tong-Dean Residence
Kearney, CA 94708

SHEET TITLE
LANDSCAPE PLAN
HARDSCAPE PLAN

A0-02





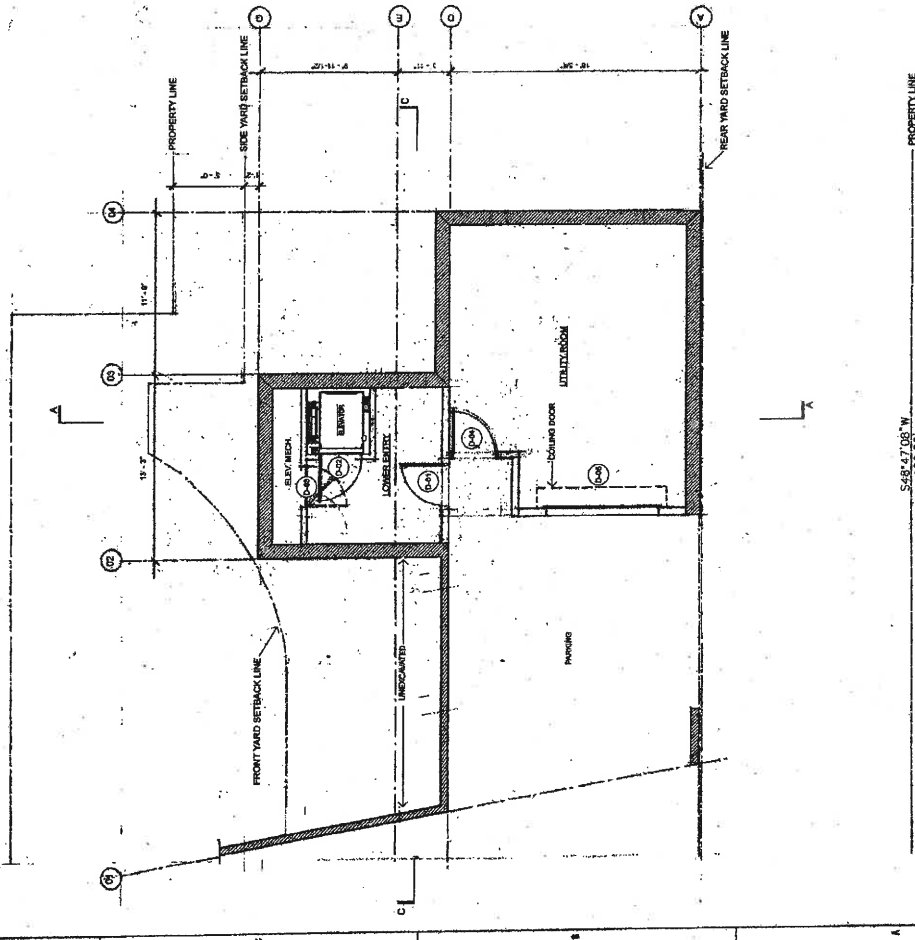
Tong-Dean Residence
181 Lawson Road
Kenning, CA 94706

MSA

PROJECT NUMBER	181
DATE	11/17/10
DESIGNER	PLANNING
DRAWN BY	PLANNING
CHECKED BY	PLANNING
APPROVED BY	PLANNING

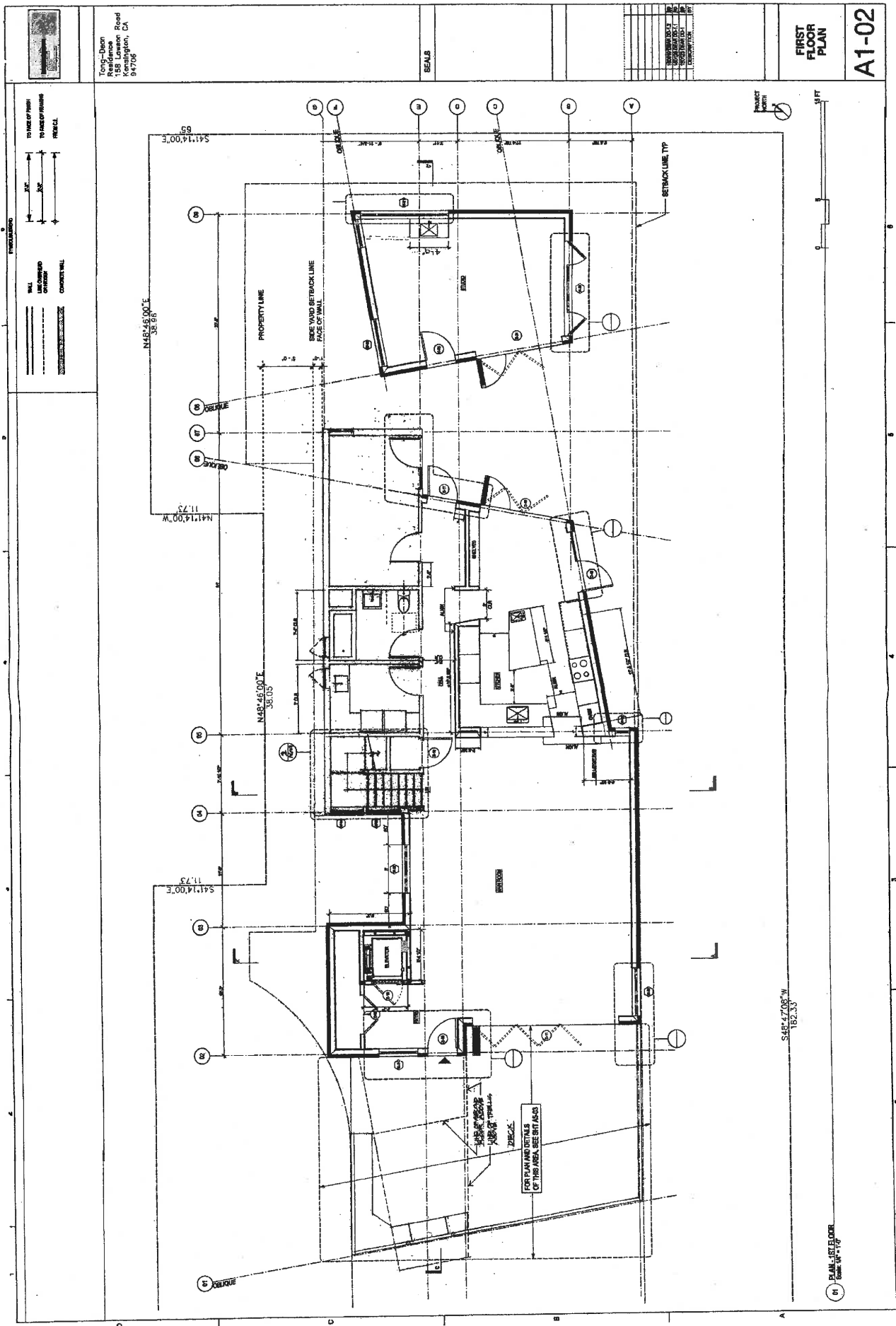
SHEET TITLE
PARKING LEVEL
PLAN

A1-01



5'-6" 47' 08" W
182.33'
PROPERTY LINE

(1) PLANNING LEVEL
DATE 11/17/10







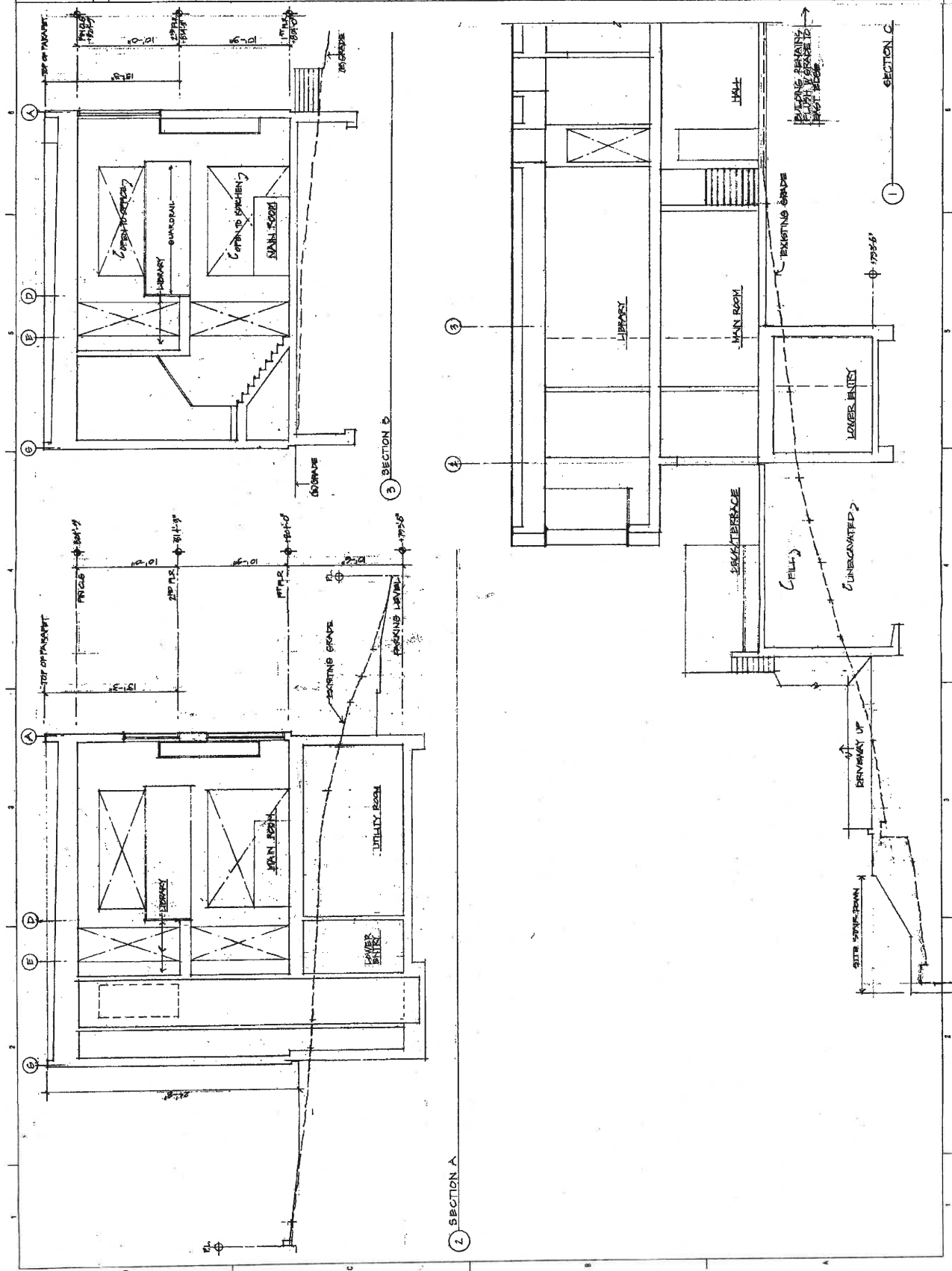
Tong-Dean Residence
 189 Lawson Road
 Kensington, CA 94705

8043

DATE	DESCRIPTION

SHEET TITLE
 BUILDING SECTIONS
 & RELATION TO
 GRADE

A3-01A



Luk Appeal Letter

Mr. and Mrs. George and Anita Luk

153 Lawson Road, Kensington

Dated: April 14, 2016

George & Anita Luk
153 Lawson Road
Kensington, CA 94707

CONTRA COSTA

2016 APR 14 PM 1:01
DP15-3030
APPLICATION & PERMIT CENTER

April 14, 2016

Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

Reference: **Appeal of Zoning Administrator Decision**
Applicants: Edward Dean and Darlene Tong
Address: 158 Lawson Road, Kensington, CA
APN: 572-034-018
Application: DP 15-3030

To Whom it May Concern:

This letter is to appeal the zoning administrator's decision to approve application DP15-3030 on April 4th, 2016 and to request that the approval be overturned and the project be required to be redesigned. We respectfully request that the hearing be scheduled no sooner than the second planning commission hearing in July (July 26, 2016) due to our previously scheduled travel out of the Country.

Background: We purchased, planned and constructed a residence on 153 Lawson over 20 years ago. At that time we sought to take advantage of the views and light as the existing trees and vegetation provided relatively unobstructed and panoramic views of the upslope and downslope areas, the skyline, distant cities, hillside terrain, wooded canyons, ridges and bodies of water. Our approved plans included a number of large windows in the master bedroom and master bath to bring that light and views into our home. We also planned a deck off the southwestern side of the home for these same reasons. Like many in the community, we worked within the development limitations with an eye toward minimizing the impacts on our neighbors. We recognized the importance of these concerns well before the Kensington District Ordinance came into law. Our lot is next door directly to the North of the applicants' proposed project.

This letter summarizes the basis for our appeal and provides evidence for why the proposed project does not meet the intent of the Kensington Combining District Ordinance nor the criteria necessary to qualify for a variance. We strongly request the commission to consider the facts, and apply the intent of the ordinance properly to this case.

Criteria for Evaluating Project

The Applicant, Ed Dean and Darlene Tong, have proposed the construction of a substantially sized single-family home within a residential district in Kensington, which is governed by the Kensington Combining District, an ordinance established to protect views and neighborhood character in a hillside community.

Kensington's Combining District aims to balance the right for an owner to develop against community preservation of "views, light and solar access, privacy, parking, residential noise levels, and compatibility with neighborhood with regard to bulk and scale." It is through this lens, specifically with respect to building height, size, and bulk, that the proposed development violates the intent of the Combining District.

In addition, the proposal consists of a variance request, which are generally granted where there is a hardship and the strict application of the respective zoning code hinders the development due to the unique characteristic of the property. Pursuant to Section 26-2.2006 of the County ordinance, three findings must exist for approval of a variance application:

- A. That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.
- B. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.
- C. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.

Based on the staff report issued by the County Planner, we believe the County staff did not sufficiently evaluate the facts of the case impartially, and reaffirmed the Applicant's arguments despite numerous calls by the community in protest of the project. The sheer number of conditions of approval underscores the Zoning Administrator's attempt to mitigate the impacts of the proposal, fully acknowledging their presence, but never willing to apply the true intent of the law, which would require the Applicant to redesign a building that is more consistent and compatible with the neighborhood.

We present the following:

- The development will obstruct views, decrease privacy, and block solar access to the property north of the proposed development at 153 Lawson Road, thereby denying their enjoyment of the property.
- The development's bulk and scale will be out of proportion to the surrounding homes and contribute to the obstruction of views and solar access.
- The 3.25' deep roof with parapet design is not standard for the neighborhood and adds to the height of the house, blocking views and solar access.
- The inefficient design of the house contributes to the overall height, blocking views and is incompatible to the neighborhood
- The proposal to construct a retaining wall over an existing sewer pipe and an existing storm drainage pipe introduces a public safety hazard and potential for financial impact to neighbors (an alternative grading scheme would lower the impact of the retaining wall to the storm pipe and the 2:1 slope). The Applicant should be responsible for dedicating two separate easements: one for sewer pipe and the other for storm drain. If the County permits the Applicant to construct a retaining wall above the existing storm drain pipe, the Applicant should accept full responsibility for repairing, replacing, and maintaining it permanently.
- The proposal removes two protected cedar trees that are protected by the County's Tree Preservation Ordinance.
- Applicant and staff fail to establish the hardship for variances and other issues related to the Ordinance No. 2004-46.

The following sections describe the above statements in greater detail. In addition, we have proposed design alternatives that could mitigate these concerns.

1. View And Solar Access Obstruction Leading To Loss Of Enjoyment Of Property

1.1. Obstructing Views

Article 84-74.2 of the Kensington Combining District Ordinance 2004-46, Section 204 A, B and R states that future development recognizes that property owners not substantially impair the value and enjoyment of their neighbors' property. In particular, sub-section B **promotes the community's values of preservation of views, light, solar access, and privacy.**

In Article 84-74.4 section 84-74.404 sub-section R define the "view" means a scene from a window in habitable space of a neighboring residence. The term "view" includes both up-slope and down-slope scene, but is distant or panoramic range in nature, as opposed to short range. Views include but are not limited to scenes of skylines, bridges, distant cities, distinctive geologic features, hillside

terrain, wooded canyons, ridges and bodies of water. (Ord.2004-46, 2.) **These values are very clearly not promoted in the current development plan.**

As evidence of this non-promotion, Exhibit A-1 of Section X-X as shown on Luk's comments within the staff report shows how the planned house height, being almost the same as that of neighboring 153 Lawson Road, will completely block the line of sight from 153 Lawson Road. The current line of sight includes views of the distant cities of Berkeley, Emeryville, Oakland and South San Francisco Bay as clearly shown in the attached photo submitted as Exhibit 1 South Views on Luk's comments within the staff report. This picture reflects the clear panoramic view in the background looking south. The staff report denied the existence of this view, and instead picked an image of a foggy day, where views cannot be seen of the distant cities of Berkeley, Emeryville, Oakland and South San Francisco Bay.

Andrew Mixer, the owner of 146 Lawson Road, Kensington, sent the attached email to Ms. Dominique Vogelpohl on March 31, 2016 after reviewing the plans with Edward Dean. Mr Mixer stated that "the proposed structure, in the owner's own words, would cut off the view towards the south, southwest of 153 Lawson Road. As well, it is easy to extrapolate, whilst on site, the significant diminution of solar access to 153 Lawson Road. It is my opinion that the proposed structure is out of relative scale with neighboring residences, unfairly would damage the view of the northerly neighbor and would cut off that neighbor's solar gain and light for a significant period during the day (particularly in the winter months). These negative impacts would reduce the value of the property at 153 Lawson Road and would also unnecessarily compromise the occupant's life style."

During the Zoning Administrator site visit on March 24, 2016 around 9:45am, my wife Anita explained that she sits in the downstairs living room every morning reading the newspaper and enjoys the warm sunlight coming from the east. The solid tall building would block the sunlight in the early morning and affect her enjoyment of our home. The shadow study that was presented at the Zoning Administrator hearing shows that no such shadows are cast on similar buildings on our street, and it is precisely the height and bulk of the building that create this sustained negative impact on our home.

In fact, at the April 4th public hearing, Mr. Edward Dean himself stated that his proposed house blocks the southern panoramic views toward Berkeley, Emeryville, Oakland, and south of San Francisco Bay. During his presentation, he provided two sections and misled the Zoning Administrator and the public by showing the section from a vantage point starting at the first floor living area of his home. However, the "true" elevation from his plans shows a 35' building, with the garage starting at an elevation of 793' with a total floor to floor height of 11'. The first floor of the house is 10.75' and the second floor is 10', with a 3'3" roof. In his presentation, Ed explicitly acknowledge that in the neighborhood, the homes usually have 8' floor to ceiling heights, and proceeded to show that there

would be a minimal impact if he lowered the second and third level to 8' floor to ceiling heights. However, he failed to acknowledge the cumulative impact of lowering the garage floor from 10' to 8', which would be compatible with the neighborhood without providing special privilege to the Applicant at the expense of the neighbors.

In our comments to Dominique Vogelpohl on November 4, 2015, we included the attached Exhibit A-3 of Section X-X, which demonstrates a solution that consists of 9' floor to ceiling heights, with the garage starting at the current proposed elevation of 793 feet. This proposal is compatible to the neighborhood housing and complies with Ordinance No. 2004-46 Kensington Combine district Chapter 84-74, Article 84-74.204 section A, B, C and 84-74.404 C, E, L, M, O, Q and R. If the top of the roof stopped at an elevation of 820 feet, this would protect our views and still permit the Applicant to achieve a three-story design. It is the cumulative impact of a three-story home with tall ceilings that causes problems.

The Applicant, by proposing a structure that extends beyond the "face" of our house, simultaneously argues that it is permissible to block our views because they are not sufficiently "protected" but through design, steals our current panoramic views for his own benefit.

In addition the extended portion of the structure can be seen at the end of the cul-de-sac or along Lawson Road, but the staff report stated that "the subject property itself is not visible from the public road" and that "the Project itself is not visually obtrusive, is not blocking views and is not impacting solar access." This is simply not true.

1.2. Blocking Solar Access

Along with obstruction of views, the proposed development will restrict solar access for 153 Lawson Road as shown in the massing study presented in the March 21, 2016 Impact Study. The shadows cast by the proposed development results in no solar presence until at least noon. The living room, master bedroom and two bathrooms windows of 153 Lawson Road currently receive direct light and warmth from the morning sun. The two existing trees on the northern boundary of 158 Lawson Road do not block any sunlight coming into 153 Lawson Road, contrary to the Applicant's contention. The staff report's statement that cutting down the existing trees will improve light and solar access is misleading. In fact, the report, while focused on the trees, complete misses the shadow impact of the oversized house.

1.3. Granting A Special Privilege For The Variance To Construct A Three-Story Property

The proposed building height results in a structure that is taller than the neighboring homes because of the variance allowing three consecutive stories as described in the April 4, 2016 Staff Report. As described in the March 15, 2016 analysis reviewing the variance request, constructing a three-story home is inconsistent with the built pattern of the other houses on the street. Previously, each house that has tuck-under parking that is similar to the proposed design is either stepped down in line with the topography or set back in order to preserve views for neighbors. This consideration is not met in the current proposal for 158 Lawson Road in relation to 153 Lawson Road. The applicant has insisted on keeping the proposed 11' to 20.75' floor-to-floor or floor to ceiling clearances that are higher than the neighborhood standard of 9'.

2. Excessive Bulk And Scale

The current design shows the house consists of

- 956 square feet at the garage level with floor to floor height of 11 feet,
- 1,640 square feet of first floor, (1,158 square feet of the first floor with 10.75 feet floor to floor height and the remaining 482 square feet with 20.75 feet floor to ceiling height),
- 1,230 square feet of second floor with 10 feet floor to ceiling height
- 3.25 feet thick flat roof with parapet.
- In addition there is 327 square feet of studio in the rear property with 11 feet floor to ceiling height and 3.25 feet thick flat roof with parapet.

The Applicant has masked the total square footage by creating a 20.75' clearance on the first floor through to the second floor. In fact, the "true" size of the house is effectively 4,706 square feet (4,224sf + 482 sf), including the accessory dwelling unit. We tried to demonstrate this using a volume calculation submitted to Dominique Vogelpohl on March 17, 2016.

The current proposed project shows an increase in volume of 47.53% compared to a typical 4,000 square foot single family house. This 4,000 square foot building already represents the maximum allowable area for the property per zoning requirements. Such a difference between the proposed and maximum allowable area violates compatibility with the neighborhood in regards to bulk and scale. When including the roofs of the two structures, the volume differential increases to 53.4% relative to the baseline house. In comparison to the standard two story house in the neighborhood with 8' floor to ceiling heights, the volume of this house is equivalent to 5,880 square feet house with 8 feet floor to ceiling height. **It is clear that the bulk/volume and relative scale of this house violates Ordinance No. 2004-46 of Kensington Combining District.** The staff report fails to recognize this. As Mr. Walt Gilfillan of the Kensington Municipal

Advisory Committee stated: “we should not allow a Claremont Hotel to be built in Kensington” during the public hearing for this project.

3. **Incompatible Roof Design –**

The proposed roof design is also incompatible with the standard design principles of construction used in the neighborhood. As shown in the March 21, 2016 Impact Assessment, the proposed 3 feet 3 inch flat roof with parapet is different from the physical characteristics of the roofs in the neighborhood. In particular, the proposed roof design creates a situation where the roof volume is 114.46% more than a pitched roof design for a 4,000 square foot home as shown in the March 17, 2016 building volume calculation. On March 21, 2016 public hearing, Jessica Hitchcock presented the “Kensington Design Principals” with pictures of the neighborhood housing setting, roof and how they try to avoid blocking the neighbor views. Therefore, with these differences relative to neighborhood standards, the promotion of neighborhood compatibility expressed in Ordinance 2004-46, Sub-section B of 84-74.204 and Sub-section E of 84-74-404 are not met.

In addition, the staff report stated that “The design of the new residence is of modern architecture”. The bulk of this roof contributes to the height of house blocking the view and is not comparable to the neighborhood flat roof. It does not comply with the Ordinance 2004-46 Kensington Combining District. The staff report fails to recognize this and stated that” The design is of modern architecture with flat rooflines. The overall perception of scale and bulk is reduced with the elimination of a typical pitched roof.”

4. **Public Safety Hazard And Financial Impact to Neighbors Of A New Retaining Wall**

4.1. **Financial Impacts to Neighbors**

The current proposed development requested a variance to install a retaining wall along the disputed Moran Engineering survey property line that is right on top of the existing sewer pipe. This existing sewer pipe serves three properties in the community for sanitation purposes and is absolutely necessary for these properties. **Since there is a dispute of the property line**, Mr. Edward Dean indicated that he would be willing to resolve this issue (as shown in an E-mail to Dominique Vogepohl and Lot Line Encroachment comments, Exhibit B, C, E and F as shown on the comments from Luk’s November 4, 2016 of the staff report) **and subsequently changed his mind**. The Property line dispute is currently unresolved.

The Applicant should grant a 5’ wide sewer easement along the northerly property lines for the existing sewer pipe. Currently, the sewer pipe is not legally described, but there is a prescriptive right¹ for its use because it has

¹ State law describes prescriptive rights to real property are as follows: the method of acquiring an agreement upon another’s real property by continued and regular use without permission of the property owner for a period of years

continuously served the sanitation needs of owners in uphill lots.

We strongly disagree with the approval by the Zoning Administrator to grant a variance to construct a retaining wall over the existing sewer pipe. The proposed retaining wall variance will limit the ability to repair, maintain, **and replace the sewer pipe, which is more than 60 years old.** It is clear that **substantial financial impact will incur** due to the above activities.

The applicant and staff report failed to establish a hardship to justify granting this variance. A simple grading plan could eliminate the need of this retaining wall variance and would also reduce the amount of earth fill and load over the aging storm drain pipe. We would like to ask

(1) deny the retaining wall variance and substitute with the natural grades,

(2) recommend that the condition to be modified as follows: "Applicant shall grant a 5' wide sewer easement along the northerly property lines adjacent to 153 and 154 Lawson Road property owners. Any new fence or gate construction shall be at least two feet from the edge of the existing sewer pipe. Any damage to the sewer pipe resulting from construction shall be immediately repaired or replaced. If the Applicant fails to complete this work, he shall pay for all the costs associated with the repair or replacement performed by affected parties."

4.2. **Public Safety Hazard and Storm Drain**

There is another aging, 6" storm drain pipe running from the existing inlet just outside the project property on the private driveway directly across the subject property that discharges to the Brown's property on the south. The applicant requested a variance to install a 7.5' retaining wall over the existing aging storm drain pipe which carries storm drain runoff for approximately 2 acres from upper Lawson Road and the properties above at a higher elevation through the end of cul-de-sac to the private driveway into this storm drain system. This was illustrated ten years ago, when during a heavy storm, the inlet at 158 Lawson Road was blocked with debris, which then flooded 154 Lawson Road, the property directly west of the subject property at a lower elevation, causing substantial damage, and subsequently flowed downhill, flooding the lot below 154 Lawson Road. Although the storm drain pipe is not described in the existing easement, it serves a similar purpose of discharging runoff from the above properties. In the event this pipe is damaged, it can cause significant drainage issues for the properties below. Because the Applicant is proposing 7.5' of fill and a 7.5' retaining wall, this will have a significant impact on the ability to maintain this storm drain pipe.

required by the law of the state.

The applicant and staff failed to demonstrate a hardship for granting a variance for the retaining wall facing west. One simple solution is to change the driveway in front of the garage opening to a 10% slope, which could reduce the retaining wall height from 7.5 feet to 4.8 feet. This would simultaneously reduce the dead load over the existing storm drain pipe and the top of the 2:1 slope above Betty and William Webster's property at 55 Highland Blvd. Kensington. The Websters are concerned about seepage occurring and saturating the soil beneath existing aging storm drain pipe, stability of the existing slope and whether the proposed fill and the retaining wall will stand up during an earthquake or heavy storm. Please refer to the alternative grading plan for details.

Based on the above facts, we request to

(1) modify the retaining wall variance height to 4.8 feet maximum with a uniform height across the top of retaining wall facing west and provide 10% slope from the garage toward the top of retaining wall,

(2) modify the condition as follows: "Applicant shall grant a 10' wide storm drainage easement along the existing aging storm drain pipe. Any new retaining wall piers shall be at least two and half feet from the edge of the existing storm drain pipe. Any damage caused by construction shall be immediately repaired or replaced. If the Applicant fails to complete this work, he shall pay for all the costs associated with the repair or replace works performed by the affected parties."

5. Insufficient Analysis And Justification For Cedar Tree Removal –

On the April 4, 2016 Staff Report, a tree permit was granted to remove all 11 protected trees on the property, including two cedar trees that were originally marked for preservation in the March 21, 2016 Staff Report. As explained in earlier staff report, the staff could not find sufficient evidence to support the removal of these two cedar trees. In the most recent report, the two cedars were approved for removal because the Applicant claimed she was allergic to the trees. This rationale seems counterintuitive and incompatible with the County's Tree Preservation Ordinance, which was enacted to preserve heritage trees. Although the Applicant claims they will replace the trees with Japanese maples, maples will never grow to the same height as the existing trees, which provide a natural screen for neighbors.

- Removal of the two cedar trees alone may not actually alleviate allergy concerns as there are at least three cedar trees on the adjacent property, one just below the property, one on the south side, and one on the north side. There are junipers within 1 foot of the property covering most of our front yard. There is significant presence of these trees in the immediate area that could affect someone allergic to cedar trees beyond those that exist on the property.

- Currently, our house is covered with pollen along its western facing wall, on the deck, and at the driveway underneath the deck. All this pollen requires washing down to remove. Upward wind continuously carries pollen from lower lying areas to the top of the hill. Construction of the proposed house will cause the pollen to stop at the face of the house, leading to an even greater risk of allergy suffering.
- Furthermore, the letter from Dr. Russell Leong on December 14, 2015 that confirmed the allergy failed to provide any specifics that could be useful in understanding the scope of the allergy. For example, a skin test only shows that a person is allergic to a specific species but does not indicate the method of contact that triggers the allergy. The Zoning Administrator indicated to me that there is case that a person who comes into contact with the tree will be affected, but the staff fails to demonstrate that this is a sufficient reason to allow cutting down two healthy, protected cedar trees which has taken many years to grow. We are concerned about global warming, sustainability, green building methods, and saving the environment for later generations. Extinguishing these trees is convenient for development, but does not address the intent underpinning why the County's ordinance was established in the first place.
- In addition, in the April 3, 2016 meeting with Edward Dean, William and Betty Webster of 55 Highland Blvd, and myself, Mr. Dean indicated that he intended to save the two cedar trees when the question was raised by Websters and acknowledged that the two trees are healthy and do not interfere with the proposed house.

With this rationale, we believe that choosing to remove two heritage cedar trees on the property on the grounds of allergy is unjustifiable when there are so many additional potential causes of allergy in the area. As my wife suffers from the same allergy, if the County does allow a variance based on this reason, we would like to be afforded the same variance to remove trees that may affect her as well.

6. Variance Requests Are Not Justifiable And Do Not Meet The Variance Tests.

- 6.1 The applicant has not met the tests and the proposed development does not fully satisfy all three requirements for the variance requests of: (a) constructing a three-story building, (b) removing protected trees, or (c) reducing setback requirements.
- A. We do not believe that the project proposed by Edward Dean and Darlene Tong ("Applicant") conform to the Kensington Combining District's goals or the intent and purpose of the County zoning ordinance, and do not satisfy the requirements necessary for a variance. Please also see attached letter from Land Use Attorney Ira James Harris.

- B. Our review of the three criteria that must be met in order for a variance to be granted for the development at 158 Lawson Road (“Proposed Project”) are as follows. Generally, variances are granted where reasonable development of a property is determined to be consistent with that in the surrounding area, but strict application of the respective zoning code hinders the development due to the unique characteristic of the property. Pursuant to Section 26-2.2006 of the County ordinance, three findings must exist for approval of a variance application:
1. That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.
 2. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.
 3. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.
- C. Yes, exceptions or variances can arise, but they are intended for minor variations to the existing zoning and/or building standards, where special circumstances exist for a different application on a particular basis to avoid undue hardship. *Government Code § 65906; Hamilton v. Board of Supervisors* (1969) 269 Cal.App.2d 64, 66; and *Orinda Ass’n v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1162-1163. These very principles are echoed in the County Ordinance at Section 26-2.2006, which states unequivocally that three findings must exist for approval of a variance application: **The Applicant has failed to prove hardship.**

We respectfully request that the Commission grant our appeal as we believe that the proponent can work with staff to reduce his floor height to 9 feet between floors, reduce the mass presented by the rectangular structure with a 20 foot 9 inch living room height to 17 feet and articulate the design so that it minimizes the impact to our view and access to light while still getting him his maximum Floor Area Ratio.

We would like to see:

- An 18' tall, two story house over garage as proposed as the final building height, with a flat roof so that the proposed design will maintain the desired modern style
- 9' floor to floor on all floors, which is common to our neighborhood to preserve views
- A garage and first finish floor at 793'
- The first floor finish grade at 802'
- The Second floor at elevation 811'
- The top of the roof at 820'
- Easements established to protect the existing sewer and drainage pipes
- Denial of the variance for property line retaining walls over existing sewer pipe as the grading plan can be modified to alleviate the need for them
- Lower the retaining wall at the parking back out to lessen the impact of soil load on existing storm drain
- Preservation of protected mature and healthy Cedar Trees (2 total)

This would allow us to retain our views and privacy, and allow the proposed development to remain consistent with the building heights and bulk in the surrounding neighborhood. This would be a win-win solution.

Very truly yours,

George Luk, Registered Civil Engineer
and Anita Luk, his Wife

cc. Ira James Harris, Attorney
Carl Campos, LCA Architects Inc.

Attachments:

1. Letter from Ira James Harris to Dominique Vogelpohl, dated March 16, 2016, 4 pages
2. Exhibit A-1 , A-2 and A-3 of Section X-X, 2 pages
3. Exhibit 1 – south views, 1 page
4. Email from Andrew Mixer to Dominique Vogelpohl, dated March 31, 2016, 3 pages
5. Alternative Grading Plan, 1 page
6. Proposed Lot Line Adjustment, 1 page

Law Offices of
IRA JAMES HARRIS

March 16, 2016

Via E-Mail: Dominique.vogelpohl@dcd.cccounty.us

Dominique Vogelpohl, Planner
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

Re: Applicants: Edward Dean and Darlene Tong
Address: 0 Lawson Road, Kensington, CA
APN: 572-034-018
Application: DP 15-3030
Our File No. 1025.4

Dear Ms. Vogelpohl:

As you know this office represents George and Anita Luk, the owners of 153 Lawson Road, Kensington, California the residence immediately uphill to the northeast of the proposed development.

RELEVANT BACKGROUND:

The Luks purchased, planned and constructed a residence on 153 Lawson over 20 years ago. At that time they sought to take advantage of the views and light as the existing trees and vegetation provided relatively unobstructed and panoramic views of the upslope and downslope areas, the skyline, distant cities, hillside terrain, wooded canyons, ridges and bodies of water. The Luks approved plans included a number of large windows in the master bedroom and master bath to bring that light and views into their home. They also planned a deck off the southwestern side of the home for these same reasons.

The Luks like many on the community worked within the development limitations with an eye toward minimizing the impacts on their neighbors. They recognized the importance of these concerns well before the Kensington District Ordinance came into law.

It is with that backdrop that I want to address the Kent Tong proposal as it not only pushes the limits on height and bulk, it also seeks various exceptions or variances which the facts and the law simply cannot justify.

One Camino Sobrante, Suite 208, Orinda, CA 94563
Mailing Address: P.O. Box 1478, Orinda, CA 94563
Telephone (925) 258-5100 • Facsimile (925) 281-4977

ANALYSIS:

The Staff Report seems to overlook many issues in stretching to find that the physical constraints caused by the steep average slope and sewer easement on the proposed lot somehow justifies any and all exceptions. That is simply not the case.

The average slope of this lot is not unlike those of many in the neighborhood. The constrained building envelope is in fact larger than those previously faced by many of the owners of the surrounding lots.

Thus, it difficult to imagine how this alleged constraint justifies the following:

1. A structure with 4,224 square feet some 224 square feet over the maximum floor area ratio on this 13,020 square foot lot.
2. A 3 story structure standing 34.5 feet above the concrete pad with solar panels within a 3.5 foot parapet, with 11 feet floor to floor spans and an oversized 20 foot 9 inch living room ceiling, when 2.5 stories is the maximum limit and 9 foot floor spans are common throughout the neighborhood.
3. A flat rectangular structure of a significant mass at 34.5 feet that greatly exceeds what a typical 35 foot pitched roof structure would present in the way of obstruction of views and bulk to the public.

There is no vested right to develop the property as proposed. *Gilliland v. County of Los Angeles* (1981) 126 Cal.App.3d 610, 617; and *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal.3d 465. Therefore, even where a variance is not needed, the building limitations exist as maximums not entitlements as the planning body must still weigh the impacts on the community and neighboring properties from the proposed development.

Chapter 84-74 of the Kensington District Ordinance specifically states as one of its purposes that it is to MINIMIZE the impacts on the surrounding properties by preserving the views, light and privacy rights enjoyed by the existing residences through ensuring that the proposed development is compatible with the neighborhood in bulk and scale.

Yes, exceptions or variances can arise, but they are intended for minor variations to the existing zoning and/or building standards, where special circumstances exist for a different application on a particular basis to avoid undue hardship. *Government Code* § 65906; *Hamilton v. Board of Supervisors* (1969) 269 Cal.App.2d 64, 66; and *Orinda Ass'n v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1162-1163. These very principles are echoed in the County Ordinance at Section 26-2.2006, which states unequivocally that three findings must exist for approval of a variance application:

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- A. That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.
- B. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.
- C. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.

Here, the Staff Report emphasizes that the proposed project is at a lower elevation than the Luk residence, and therefore improperly implies that the views and privacy concerns somehow lack merit.

While the Luk pad sits at an elevation of 809.6 and the proposed project pad is lower at an 803.3 elevation, the Staff Report fails to appreciate that the roof of the 3 story structure RISES to 825.75 while the Luk roof line sits at 826.5 - **JUST 9 INCHES LOWER!**

The large rectangular structure will clearly block light and views from the Luk residence. These views are not only from the rear deck. They include views from the Master Bedroom and bath that was a large part of their building plans some 20 years ago. Windows from the proposed structure also appear to provide views into the lower and upper bathrooms that face out the southwest side of the Luk residence. The proposed Japanese maple trees are not an adequate solution to this privacy issue.

The Staff Report down plays the Luk views claiming that they are not PROTECTED VIEWS when in fact the views are of down and upslope scenes, distant and panoramic in nature and include skylines, distant cities, hillside terrain, wooded canyons, ridges and bodies of water all as specifically defined and required to be protected within the KENSINGTON DISTRICT ORDINANCE.

Finally, the Staff Report points to a couple of cedar trees that already block the Luk's view as if that somehow justifies a further obstruction by the proposed structure. We ask that you keep in mind that these trees were not there or as large when the Luks purchased some 20 plus years ago. As a result, pursuant to Chapter 816-2 the Luks have the right to petition for trimming and/or removal of such trees to restore those views they enjoyed some 20 years ago but said same views may not be restored once the proposed structure is built.

There simply is no reason that the proponent cannot reduce his floor span to 9 feet between floors, reduce the mass presented by the rectangular structure with a 20 foot 9 inch living room height and articulate the design so that it minimizes the impact to the Luk's view and access to light while still getting his maximum Floor Area Ratio.

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 Mailing Address: P.O. Box 1478, Orinda, CA 94563
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Photographic and illustrative exhibits will be presented at the time of the hearing to support these positions.

If you have any questions please feel free to contact the undersigned.

Very truly yours,

Law Offices of
IRA JAMES HARRIS

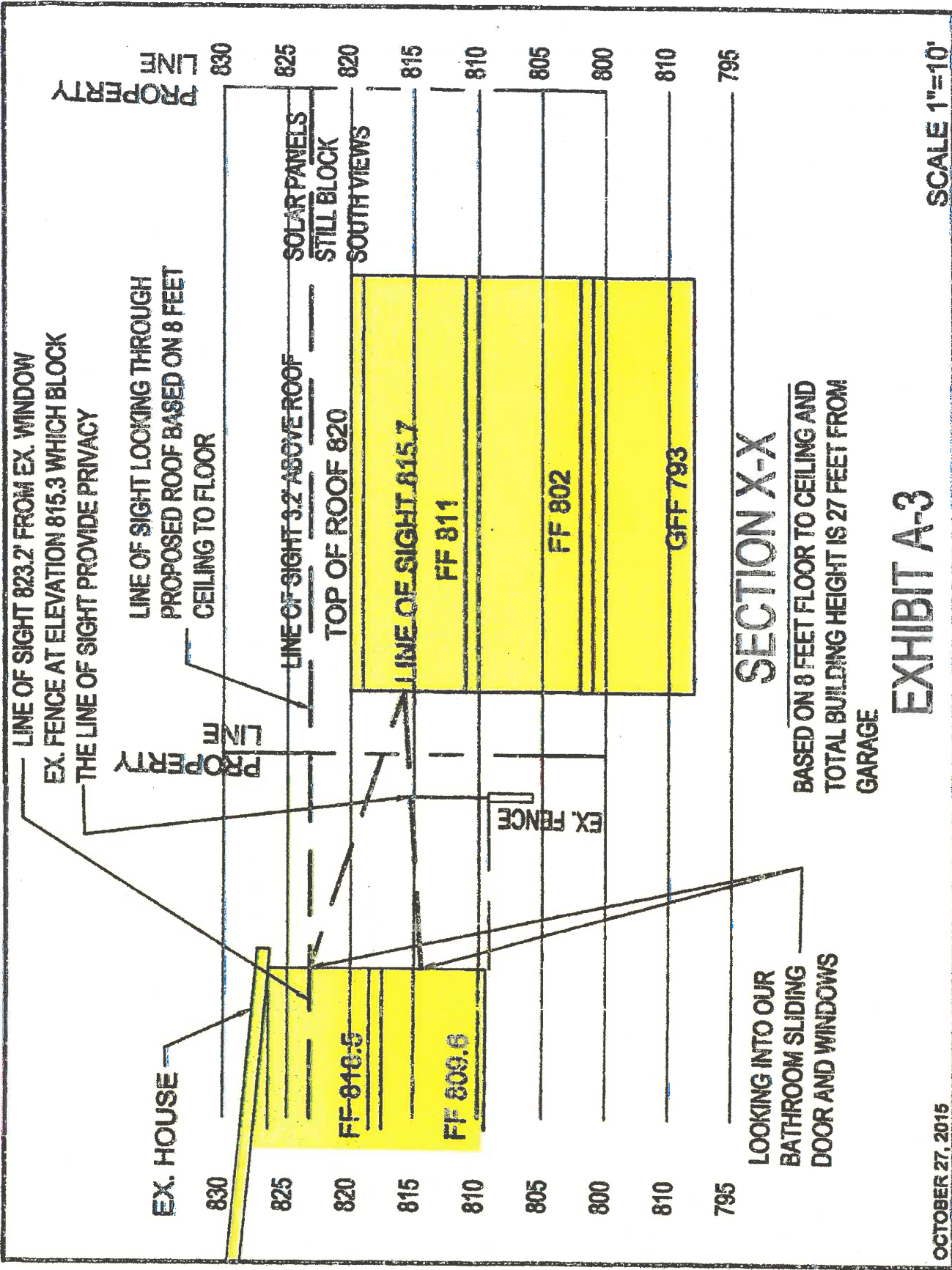
Ira James Harris

cc. Clients

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Mailing Address: P.O. Box 1478, Orinda, CA 94563
Telephone (925) 258-5100 • Facsimile (925) 281-4977

A photograph of a residential street lined with trees. The street is paved and has a yellow curb. A house is visible in the distance, partially obscured by trees. The sky is bright and overcast. The text "EXHIBIT 1 SOUTH VIEWS" is overlaid on the left side of the image.

EXHIBIT 1
SOUTH VIEWS



LINE OF SIGHT 823.2' FROM EX. WINDOW
 EX. FENCE AT ELEVATION 815.3 WHICH BLOCK
 THE LINE OF SIGHT PROVIDE PRIVACY

LINE OF SIGHT LOOKING THROUGH
 PROPOSED ROOF BASED ON 8 FEET
 CEILING TO FLOOR

LINE OF SIGHT 3.2' ABOVE ROOF
 TOP OF ROOF 820

LINE OF SIGHT 815.7

SECTION X-X

BASED ON 8 FEET FLOOR TO CEILING AND
 TOTAL BUILDING HEIGHT IS 27 FEET FROM
 GARAGE

LOOKING INTO OUR
 BATHROOM SLIDING
 DOOR AND WINDOWS

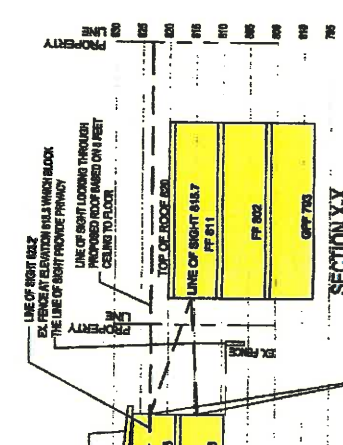
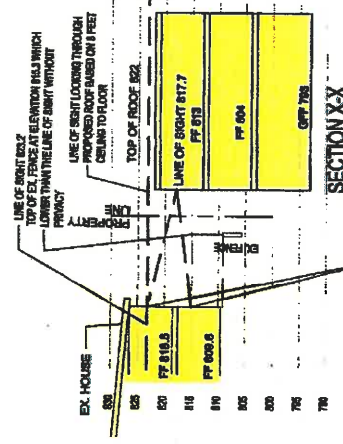
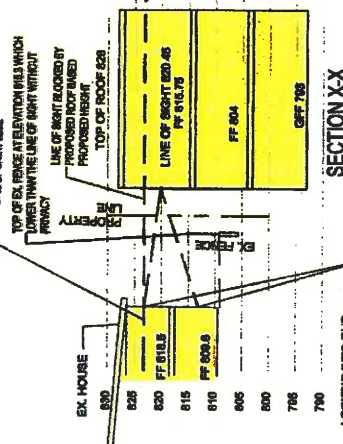
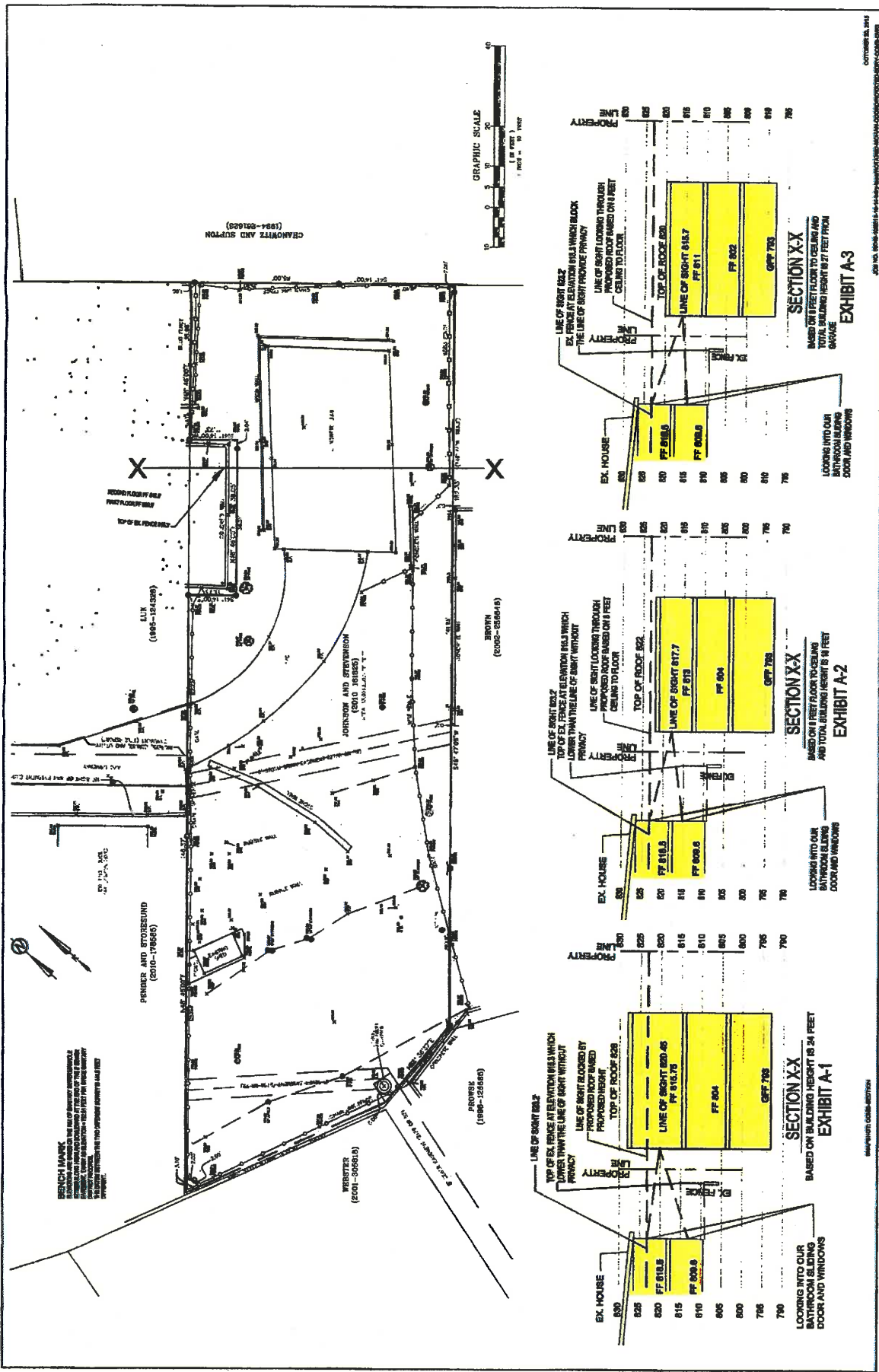
EXHIBIT A-3

SCALE 1"=10'

OCTOBER 27, 2015

SNAPSHOT: COMB-SECTION

JOB NO. 50049-10/2015-10-14-bdry-topo/ROTATED-MORAN-COORD/ROTATED-BDRY-COMB-DWG





George Luk <lukassoc.george@gmail.com>

FW: County File #DP15-3030 - 158 Lawson Rd. Kensington, CA - APN: 572-034-018 - Objection to Approval

Andrew K Mixer <akmixer@gmail.com>

Thu, Mar 31, 2016 at 8:33 PM

To: Jessica Hitchcock <jessluk@gmail.com>, Anita Luk <168.luk@gmail.com>, George Luk <lukassoc.george@gmail.com>

Hello neighbors,

Please see below my communication to Ms. Vogelpohl regarding Ed Dean's proposed project.

I will return your information packet tomorrow evening, if that is ok with you.

Cheers,

Andrew

From: Andrew K Mixer [mailto:akmixer@gmail.com]

Sent: Thursday, March 31, 2016 8:25 PM

To: dominique.vogelpohl@dcd.cccounty.us

Subject: County File #DP15-3030 - 158 Lawson Rd. Kensington, CA - APN: 572-034-018 - Objection to Approval

Dear Ms. Vogelpohl,

I live in the immediate proximity of 158 Lawson Road in Kensington. The property owner of 158 Lawson Road is seeking approval for the construction of a single family residence on a currently vacant parcel of land.

The owner, Mr. Edward Dean, kindly walked me through the parcel which has story poles set up by his surveyor delineating the location and height of the proposed structure. He also showed me a model of the structure which he had constructed and which demonstrated the 3 stories (running through the elevator) of the structure and its overall mass. The combination of the story poles and model clearly showed the highly

negative impact the structure would have on the house on the neighboring property to the north at 153 Lawson Road. The proposed structure, in the owner's own words, would cut off the view towards the south, southwest of 153 Lawson Rd. As well, it is easy to extrapolate, whilst on site, the significant diminution of solar access and light caused by the tremendous height, mass and proximity of the proposed structure to the neighbor's house at 153 Lawson Road.

It is my opinion that the proposed structure is out of relative scale with neighboring residences, unfairly would damage the view of the northerly neighbor and would cut off that neighbor's solar gain and light for a significant period during the day (particularly in the winter months). These negative impacts would reduce the value of the property at 153 Lawson Road and would also unnecessarily compromise the occupant's life style.

It appears that the bulk, and height of the proposed structure necessitate positioning it where it was demonstrated to me with the outcome of causing damage to the neighbor.

Allowing such action may well set a precedent that would perpetuate and allow further loss of value and quality of life in the community of Kensington as others seek to develop property.

The owner of 158 Lawson Road has a clear and uncontested right to build a residence on his parcel. It is the mass, height and positioning of the structure which are a significant problem.

It is my understanding that there is to be further review on April 4, 2016 of the request for approval of the project. I object to approval of the project as it was demonstrated to me. I suggest that the owner reduce the magnitude of the structure.

Other neighbors and I welcome Mr. Dean to the neighborhood and would be most enthusiastic about his joining us on Lawson Road were he to consider the rights and interests of those who live close to his parcel.

Ms. Vogelwohl, please feel free to contact me should you have any questions about my concerns and objection to approval of the proposed project.

Sincerely,

Andrew

Andrew K. Mixer

146 Lawson Rd.

Kensington, CA 94707.

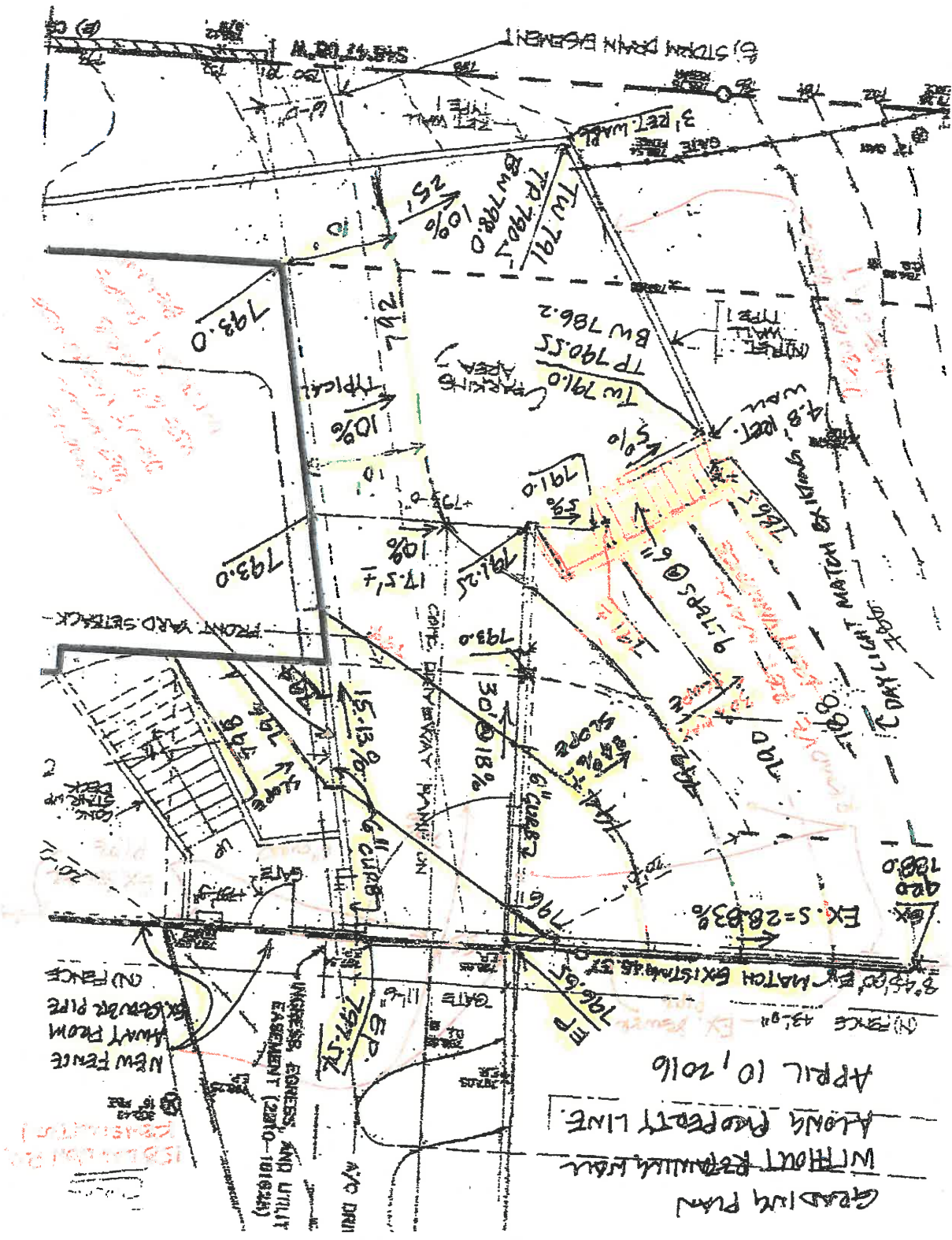
510 544-1590

akmixer@gmail.com

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Appeal Letter from the Applicants/Property Owners

Mr. and Mrs. Edward Dean & Darlene
Tong

158 Lawson Road, Kensington

Dated: April 14, 2016

14 April 2016

CONTRA COSTA
COUNTY

FROM: Edward Dean and Darlene Tong
2430 5th Street, Studio M
Berkeley, CA 94710
510-644-2814

2016 APR 14 A 9:41
DP15-3030
DEPARTMENT OF
CONSERVATION
AND DEVELOPMENT

TO: Department of Conservation and Development
Contra Costa County

RE: Development Plan for New House at 158 Lawson Road, Kensington
County File #DP15-3030

Appeal of One (1) Condition of Approval

To Whom It May Concern:

On April 4, 2016, our project at 158 Lawson Road in Kensington was approved at the Zoning Administrator's Meeting (presided over by Telma Moreira, Principal Planner), subject to the subsequently issued document, "Revised Findings and Conditions of Approval (COA) for County File #DP15-3030".

In our subsequent review of these COAs, we find that we must appeal one condition that was added as part of the revisions to the original staff recommendations, namely:

"As originally proposed with a maximum height of 25-feet, has been conditioned to a 3-foot reduction and not to exceed the 825-foot elevation as measured from the top of the parapet."

We are appealing this revision, which essentially requires a reduction in the building height of 3'-0", which will adversely affect the cost of construction or the quality of the interior space as originally designed, while not mitigating to any degree the effects related to non-primary view blockage or solar access for the house at 153 Lawson Road.

- The height limit at this site is 35 feet. The new condition and requirement of the limit of building height to 22 feet is an onerous and unjustified imposition of a much lower height limit. There is no technical justification for the imposition of this height limit, for the following reasons:
 - The 3'-0" reduction in height does not mitigate, eliminate or reduce the blockage of a non-primary view from the side of the house at 153 Lawson Road. This fact was demonstrated clearly with measured drawings shown at the hearing.
 - The 3'-0" reduction in height does not mitigate to any significant degree the amount of sunlight reaching windows or the terrace on the side of the house at 153 Lawson Road. This can be shown with additional diagrams and calculations showing solar access to those building features.
 - The distance between the two houses is required to be a minimum of 22 feet, rather than the normal 10' resulting from the two side-yard setback requirements, because of the existence of a 12'-wide lot line adjustment between the sides of both houses. (See site survey.) Thus, the sunlight access to the side of the house at 153 Lawson Road is already significantly greater than would normally be the case with a standard 10-foot separation of the two houses. This greater distance also contributes to the insignificant impact of lowering the height of the new house by 3'-0".

- Since the new house at 158 Lawson Road is designed to be wheelchair accessible with the ground floor at existing grade, the condition of lowering the height by 3'-0" will require one or more of the following design changes to the house:
 - Excavate the site below the existing grade to lower the overall ground elevation. While this maintains the original design of ceiling heights, the cost of excavation would increase significantly. In addition, there are undesirable side-effects of this lowering of the main ground elevation:
 - The driveway ramp to the below-grade (parking) level would increase significantly in steepness in order to allow clearance under the structure of the lowered first floor (ground) level at the edge of the deck. This increase in slope makes the driveway less safe and more difficult to navigate.
 - The site retaining walls at the north and east sides of the property would increase in height by 3'-0", significantly increasing project cost and creating a "canyon" effect at those parts of the site.
 - Reduce the parapet height by 1'-0". This reduction would create roof waterproofing problems for the flat roofing membrane as no counter-flashing could be installed.
 - Introduce steel floor and roof structure to reduce the depth of structure required at the second floor and roof. This would significantly increase the cost of the structure.
 - Reduce ceiling heights, resulting in reduction of interior spatial quality originally envisioned by the owner/architect and generally considered sub-standard in modern house design. The ceiling heights of the house as designed are the same as those of the two houses that the two owners have lived in previously for more than 20 years. This type of interior space is what they are used to and what they regard as quality interior space.

We were not afforded the opportunity to present these arguments at the Hearing since we were surprised by this particular Condition and preferred to have the overall approval for the project. Upon further consideration, we have decided that we wish to appeal this one Condition for the project.

Sincerely,


Darlene Tong


Edward Dean

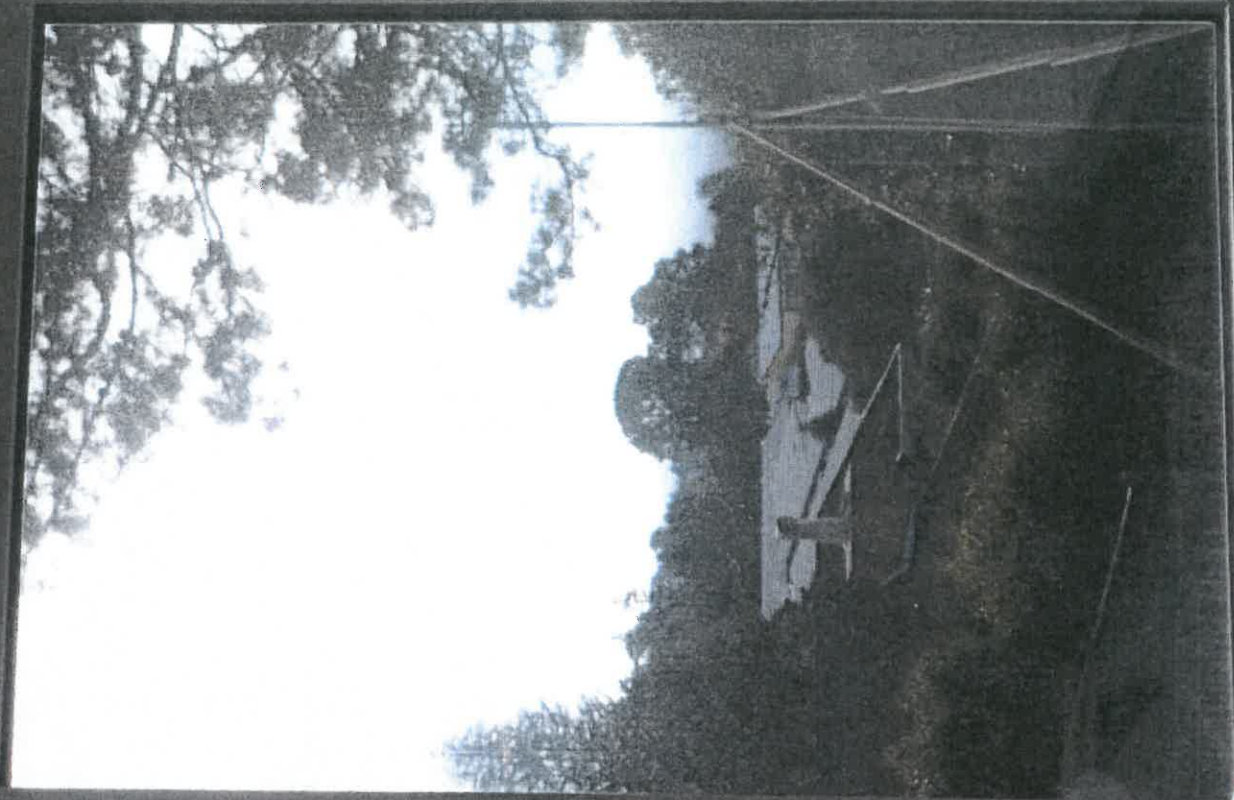
- Exhibit A -
Photographs Provided by
Luk Residence

153 Lawson Road, Kensington



upstairs rear deck





UPstairs Master bath room



Wintersister bed room



Opstairs master bedroom

- Exhibit B -
Arborist Report

Dated: December 10, 2015

ARBORIST REPORT

**158 LAWSON ROAD
KENSINGTON, CALIFORNIA**

**Prepared for:
Darlene Tong & Edward Dean**

**Written by:
Peter K. Rudy
Certified Arborist #WC3166**

December 10, 2015

Purpose and Scope of Project:

This report will evaluate and comment on all trees located at:
158 Lawson Road
Kensington, California

The '**Observation and Discussion**' section will go over the general health of the trees on the property, including the surrounding habitat, basic root conditions and overall tree conditions.

The '**Overall health and comments**' section is presented in graph form, briefly discussing and assessing each tree on the property.

Breakdown by species of trees on property that are contained in this report:

- 3 Monterey Pine** (Pinus radiata) labeled on graph as: MP
- 2 California Live Oak** (Quercus agrifolia) labeled on graph as CLO
- 2 Japanese Black Pine** (Pinus thunbergii) labeled on graph as JBP
- 1 Red Cedar** (Juniperus virginiana) labeled on graph as RC
- 1 Atlas Cedar** (Cedrus atlantica) labeled on graph as AC
- 2 Honey Locust** (Gleditsia triacanthos) labeled on graph as HL
- 1 Eugenia** (Syzygium paniculatum) labeled as EG
- 2 Hollywood Juniper** (Juniperus chinensis 'Torulosa')
- 3 Deciduous Fruit trees:** Apple, Pear and Plum

There are a number of smaller trees on this property (under 4" dbh), they include:

- Ginkgo
- Locust
- Bamboo
- California Live Oak
- Magnolia soulangeana

Observations and Discussion:

The trees on this property have apparently had very little to no care for at least the past ten years. All the detectable work in the last 10 years has had to do with maintaining neighboring views.

There is such thick Ivy on many of the trees that it was impossible to measure anything close to an exact *dbh* (diameter at breast height) or have a clear view and evaluation of the base. There are dead trees and many of the trees are structurally weak and are ready to fail. There are no original trees to this property apparently now remaining. At one time, the property was landscaped with many different plant and tree varieties and hardscape. Many of the trees were cut to the ground and have since regenerated and come back with multiple stems from the stump. Tree locations for the most part were not well considered and larger trees were planted which eventually shaded smaller trees. This is a likely reason why trees were cut down, besides the view concerns.

Since all the trees on this property (with the exception of the Red and Atlas Cedar) have been topped or windowed for view and then not maintained, they are all compromised structurally. It is important to understand the distinction between structural health and biological health in trees. Most of the trees on this property are vigorous, but they are compromised structurally. Many of the trees on this property are not appropriate to their planting location. 'Right tree, right location' was not considered.

General Conditions:

The property is located on a SW facing slope. The slope opens up a beautiful western view of the San Francisco Bay. The soil is classic Berkeley hills clay, although it appears to be fairly well-draining substrate. The site lends itself to landscaping success with the amount of full sun that it receives. Most any plant that is appropriate for this area could do well in this location.

Individual Trees:

The Red Cedar and Atlas Cedar are both structurally healthy and vigorous trees. These trees were not topped and they have not had other work done on them to impair their natural growth and natural form. Although they are not native to this area, both varieties have naturalized well to the bay area.

The Monterey Pine trees were previously topped and as a result have grown large lateral branches below the topping cut. Both trees have reached senescence and are no longer putting on so much new growth, but holding the older needles. There is a bit of Pine Pitch Canker evident, which will stress the tree more and more over time. They are slowing down biologically right now and are showing signs of stress.

The indicators of stress include the lack of new needle growth, the limited growth between the branch swirls and the pine pitch canker noticeable in the branch tips. Monterey Pines can typically live between 60 – 80 years if maintained and healthy. These trees are likely close to 60 years old. They are full of dead wood and the lateral branches that grew below the topping cuts are very end heavy. The stress at the branch connection point at the trunk is excessive and weak. The main attachment for the large scaffold branches is the topping cut on the trunk, which makes that location a likely one to fail. These trees should not be counted on surviving for any more than 5 years and the likelihood of a major failure before that time is great. The problem is that the tree needs all its needles to promote photosynthesis and good health, but in order to improve its structural condition they would need to be lightened significantly. These trees are not strong enough to build a new garden project around and expect them to get through a construction project.

The Honey Locust trees are not doing well right now. One is dead and the other is dying. They have suffered over time and are not getting to the point where the still alive tree has small and limited foliage. They have been topped and grew out of this with multiples shoots, but have not been able to sustain any kind of good health.

The Japanese Black Pines are both covered in Ivy and have limited foliage. The Ivy is thick and has shaded out all the lower branching on both trees. What is still alive on these trees is about 5 - 10% of a healthy Black Pine.

The California Live Oak trees are important primarily because of their species. They have been cut to the ground and have stump sprouted.

Protection Strategies for any trees to be saved during construction:

All considerations during the construction process are related primarily to the protections of trees closest to the construction activities.

The four main cornerstones for tree protection on this project are:

1. **Soil Compaction and root damage**
2. **Large Equipment**
3. **Soil Movement**
4. **Drainage Patterns**

Soil Compaction around any tree will compromise the roots ability to perform and operate optimally. Soil compaction can happen very fast and is not reversible. A truckload of rock for example, over a sensitive root zone will compact the soil immediately. Even if the rock is then immediately removed, the soil will still be compacted. So, it is imperative that the actively functioning roots are left alone throughout the construction.

Primary root functions are:

- a) Structural components (holding up the tree)
- b) Transporters of water and nutrients
- c) Providing storage capabilities

Compaction of roots in the active root zone will reduce all these functions. Therefore, anything under the drip line of a tree can be very damaging to the trees general health. This would include:

- a) A roadway from one area of the property to another right under the tree
- b) Dirt piles under a tree
- c) Tool Storage
- d) Any other disruption within the minimum clearance area of a drip line must be avoided.

The following page 5 contains the table listing the basic sizing and condition of each tree on the property. For ease of review, the trees are numbered also on the Tree Removal Plan submitted by the property Owner, attached to this arborist report.

TABLE KEY:

dbh = Diameter at breast height
OH= Overall health:

- 1 = Standing Hazard
- 2= Fair shape but struggling
- 3= Fine shape
- 4= Outstanding
- 5= Perfect specimen tree

#	SPECIES	DBH	OH	COMMENTS & RECOMMENDATIONS
1	Red Cedar	16"	3.5	Located along S/E property line. Good biological health. Some structural issues with the split trunk and included bark. Tree may need to be contained if it is kept from stretching too far into neighboring property
2	Atlas Cedar	24"	3.5	Also located along south / east border of property. This is a very nice tree that has not been topped or poorly treated.
3	Mont. Pine	42.5"	2.5	This tree has been topped and is a structural hazard. The wishbone shape is ripe for failure
4	Mont. Pine	29"	2.5	Same comments as #3. This tree has excessive weight and pressure on laterals to the south.
5	Mont. Pine	6.5"	3	This is a small Monterey Pine tree. It likely is in the way of a neighboring view, so, the planting area may be unfortunate should the tree be desirable to save.
6	Black Pine	10"	2-	This tree is covered in ivy and does not have much foliage left that can be seen
7	Honey Locust	20"	2-	This tree is in very weak condition
8	Eugenia	48" multi-stem	2+	This is a multi-stem Eugenia that was previously topped and then let go with over 30 suckers making up the crown
9	Oak	6" x 3 multi-stem	3	This is a California Live Oak tree that was previously cut down to the ground and let go with the 3 stems. This tree could be improved structurally and aesthetically
10	Juniper	8" x 6 multi-stem	3	Tree number 10 and 11 are both 'Hollywood' Junipers. Both trees have been topped, they have multiple stems and the tops have been cut of numerous times (view). They are still vigorous, but weakly connected at this point as a result of the past work. Located on lower slope.
11	Juniper	8"-10" x 7 multi-stem	3	Same comments as #10, also; Ivy in crown
12	Honey Locust (Small)	Multiple stems	2	This tree is covered in ivy. It has been topped. This tree could be dead. At this time, the tree does not have any foliage, but it is also the winter. On lower part of slope
13	Apple (small)	10+ stems	2	All vertical growth, stump sprouting.
14	Pear (small)	Diffuse crown	3	This is a nice fruit tree with a fine shape and good health. The tree's location was not considered when it was planted, and it does not have a strong future as a result.



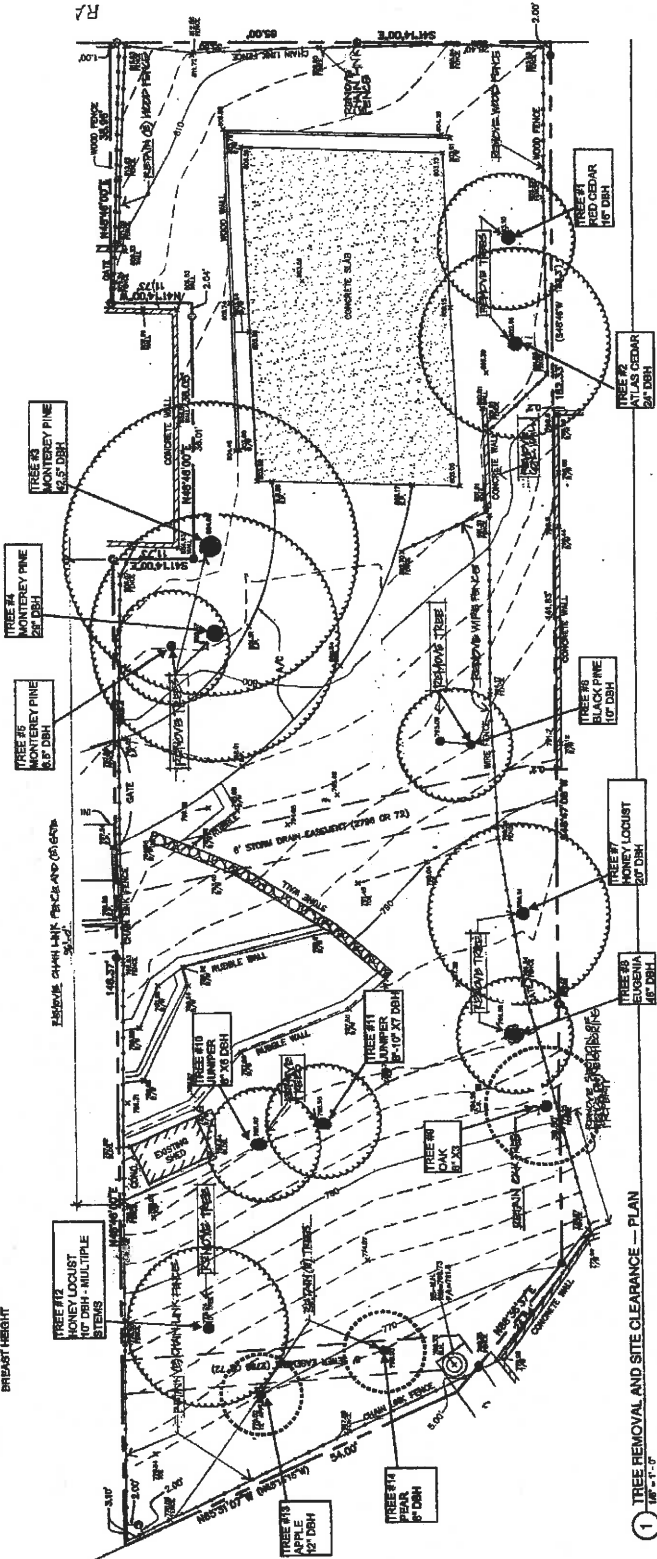
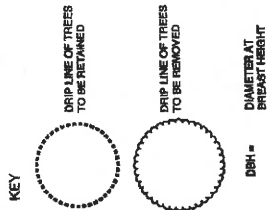
Tony Dean Residence
 181 Larkwood Road
 Kensington, CA 94706

SHEET TITLE
SITE CLEARANCE & DEMOLITION PLAN

AD-01

NOTES

1. Remove existing trees as noted in this drawing and disclose of all debris on-site. The (10) foot setback to be approved. See Section 17.02 of the City of Berkeley Ordinance for description and location of SE requirement.
2. Unless otherwise noted, demolition work becomes property of Contractor.
3. Removal of existing water pipe and electrical conduits to edge of property. New service to site to be installed. See Utility Plan AD-05.
4. Remove fence and concrete wall as indicated in this drawing.
5. Remove all above walk, rubble walls, concrete slabs and JAC driveway. Hardscape materials where feasibility allowable, disposed in an approved landfill.



1 TREE REMOVAL AND SITE CLEARANCE — PLAN
 1/8" = 1'-0"

The following are photos of a number of the trees on the property along with examples and results of topping, stump sprouting and Ivy allowed to grow uncontained and it killing out foliage and trees.

The first shot is of the **Monterey Pine trees numbered 3, 4 and 5** (very small in lower left of photo). The topping cuts are clearly seen and the result of extended lateral branches growing from the decayed location of the topping cut. The attachment location of these branches is an area of potential failure.

Photo 2 and 3 are of the **Honey Locust trees (# 7 and #12)**. They are both being strangled by Ivy, it appears that #12 is dead and #7 is struggling.

Photo 4 is of the 2 **Hollywood Junipers** (Trees #10 and #11).

The 5 shot is of **California Live Oak**; Tree #9. The photo shows the 3 stems branching from the stump of the tree.

Photo 6 is the **Eugenia** (Tree #8) with vigorous stump sprouting.

Photo 7 is the **Black Pine** (Tree #6) being strangled by Ivy.

Photo 8 is the **Red Cedar** (Tree #1) with good structure and vigor.



Photo No. 1: Trees #3, #4, #5, Monterey Pines



Photo No. 2: Tree #7, Honey Locust Tree



Photo No. 3: Tree #12, Honey Locust Tree



Photo No. 4: Trees #10 and #11: Hollywood Juniper Trees



Photo No. 5: Tree #9, California Live Oak



Photo No. 6: Tree #8, Eugenia



Photo No. 7: Tree #6, Black Pine



Photo No. 8: Tree #1, Red Cedar

- Exhibit C -

Previous Zoning Administrator Reports

Zoning Administrator hearing: March 21, 2016

Zoning Administrator hearing: April 4, 2016



Department of Conservation and Development
County Zoning Administrator

Monday, March 21, 2016 – 1:30 .P.M.

STAFF REPORT

Agenda Item # _____

Project Title: Hearing for New Single-Family Residence within the Kensington Combining District

County File(s): #DP15-3030

Applicants/Owners: Edward Dean and Darlene Tong

Zoning/General Plan: Kensington Combining District (-K), Single-Family Residential District (R-6), and Tree Obstruction of Views Combining District (-TOV) / Single-Family Residential High-Density (SH)

Site Address/Location: 0 Lawson Road, Kensington; (APN: 572-034-018)

California Environmental Quality Act (CEQA) Status: Exempt under CEQA Guidelines, Section 15303(a), regarding new construction or conversion of small structures.

Project Planner: Dominique Vogelpohl, Planner I (925) 674-7814

Staff Recommendation: Approve (See section II for full recommendation)

I. PROJECT SUMMARY

A hearing for a proposed single-family residence, and detached accessory building, totaling 4,224 in gross floor area (where the Kensington Combining District gross floor area threshold is 4,000 square-feet). The project includes variance requests to allow: 3 stories (where 2 ½ stories is the maximum), a 3-foot front yard setback (where 20-feet is required) for a retaining wall with a maximum height of 7½-feet, a 0-foot side yard (where 5-feet is required) for a retaining wall with a maximum height of 4-feet, and a 0-foot rear yard (where 3-feet is required) for a fence with a maximum height of 6-feet, 9-inches. The project also includes a tree permit request to remove 11 code-protected trees, and work within the drip lines of 2 code-protected trees.

II. RECOMMENDATION

Staff recommends the Zoning Administrator APPROVE County File #DP15-3030, based on the attached findings and subject to the attached conditions of approval. The two (2) cedar trees (trees #1-2 as labeled in the arborist report) requested to be removed shall be preserved and protected, in addition to the coast live oak and apple tree.

III. GENERAL INFORMATION

- A. General Plan: The subject property is located within the Single-Family Residential, High-Density (SH) General Plan Land Use designation.
- B. Zoning: The subject property is located within the Kensington Combining District (-K), Single-Family Residential District (R-6), and Tree Obstruction of Views Combining District (-TOV).
- C. Environmental Review: The proposed project is exempt under CEQA Guidelines, Section 15303(a), regarding "New Construction or Conversion of Small Structures," which exempts one single-family residence, or a second dwelling unit in a residential zone.
- D. Lot Creation: The subject property is Assessor's Parcel Number 572-034-018. This parcel was originally part of a 0.78-acre parcel that was a portion of Lot "K" of Subdivision of Lot 1, San Pablo Rancho, filed on January 16, 1907.
- E. Previous Applications:
 - 1) LL95-0028: This Lot Line Adjustment application was a request to transfer approximately 447 square-feet of property from APN: 572-034-013 (now APN: 572-043-018) to APN: 572-034-009 (now APN: 572-034-017). The Lot Line Adjustment application was approved on July 20, 1995.

IV. SITE/AREA DESCRIPTION

The subject property is a 13,020 square-foot vacant lot with only retaining walls, a concrete pad, and multiple trees of various species throughout the site. The property is located at the end of a 15-foot wide private easement, at the end of Lawson Road. Like all of the residences along Lawson Road, the subject property is

on a downslope. It is at a lower elevation than the adjacent residences to the north and east. There are existing, mature trees separating the subject property from the residences to the south. And because the west half of the property slopes dramatically, the immediate neighboring residence to the west is at a much lower elevation.

The subject property is laid out inconsistent with the surrounding neighborhood. It is linear in nature, creating a rectangular shape. The subject property is 13,020 square-feet in lot area, but is shallow in comparison to other surrounding properties with a lot depth of 65-feet. The point of access is from the end of the private easement at the center of the subject property. The topography slopes downward from east to west. In the center of the property, the downslope has an average slope of approximately 20%. This portion of the property is adjacent to the easement, and is the only accessible point in relation to parking. The west end of the subject property is extremely difficult to develop because of an existing 5-foot wide sewer easement and the average slope being approximately 57%.

There was a previously approved Lot Line Adjustment application (LL95-0028) to transfer approximately 447 square-feet of lot area from the subject property to the neighboring property. The Lot Line Adjustment application was approved on July 20, 1995. The Lot Line Adjustment has since been recorded, altering the northern portion of the subject property.

V. PROJECT DESCRIPTION

The applicants are seeking approval of a proposed single-family residence, and detached accessory building, totaling 4,224 in gross floor area (where the Kensington Combining District gross floor area threshold is 4,000 square-feet). The project includes variance requests to allow 3 stories (where 2 ½ stories is the maximum), a 3-foot front yard setback (where 20-feet is required) for a retaining wall with a maximum height of 7½-feet, a 0-foot side yard (where 5-feet is required) for a retaining wall with a maximum height of 4-feet, and a 0-foot rear yard (where 3-feet is required) for a fence with a maximum height of 6-feet, 9-inches.

The proposed residence consists of a lower parking level, a main level for the primary living spaces, and an upper level for additional living space and the master suite. The parking level is 955 square-feet. It is made up of a two-car carport, a utility/storage room, and an entry room (with a mechanical closet) to gain access from the carport to the elevator. The only part of the parking level that creates three consecutive stories is the entry room with the elevator and closet. The carport is directly under a

deck that is open to the sky. The utility/storage room is beneath the main level, but above that is open space up to the upper level ceiling. 482 square-feet of the upper level is without a floor and open to below (the main level). This creates a portion of the main level that is only a second story with a 20-foot, 9-inch high ceiling. The parking level is the lowest level and tucked into the downslope of the subject property, hiding it from sight at street level. Its south and west elevations do not have walls, but again are not visible at street level due to the sloping nature of the property.

The primary entrance to the main level is accessed by walking from the end of the private easement, and down the hill onto the deck. The main level is 1,640 square-feet. The entry includes the elevator and front closet, then flows into the main living area. There is a kitchen, laundry room, one full bathroom, and a guest room. One can gain access to the upper level by either the elevator or staircase. The upper level is 1,230 square-feet. 40% of the upper level (482 square-feet) is open to below (the main level). From the elevator, one enters into a cantilevered room intended for taking in the view of the San Francisco Bay. There is an office space at the other end of the hall. The master suite consists of a bedroom, bathroom, and walk-in closet.

Due to the sloping topography, and the access point of the subject property, multiple retaining walls are required for the driveway to the carport, and walkways to and from various points throughout the site. There is also new fencing proposed along the perimeter of the site. Fences that measure over six-feet in height, or retaining walls that measure over three-feet in height, are structures per County Code. There are retaining walls, and a portion of the fence, that are structures. Structures are required to meet frontage setbacks, side yards, and rear yard dimensions, unless variances to those dimensions are permitted. Variances to allow these retaining walls and 15-feet of fencing in the required yard dimensions is requested. All other retaining walls over 3-feet in height are outside of the required frontage setback, side yards, and rear yard dimensions, and do not require variance approval. All other fencing along the perimeter of the property does not go over 6-feet in height.

The hardscaping includes concrete walks and stairs, pervious tiling, and pervious turf blocks in the driveway and parking areas. Eleven trees are proposed to be removed, but staff is recommending approval to remove nine trees, and preserve four trees, including the two cedar trees. New Japanese maple trees are proposed to be replanted along the north and south property boundaries for screening and privacy between neighboring residences. One additional outdoor feature is a 103 square-foot trellis at the entry way of the main level of the residence.

The design of the residence and accessory building is of modern architecture. The rooflines are completely flat. The buildings' envelope are of mostly square angles. There are instances of slanted angles for the residence's east elevation, and the accessory building's west elevation. The maximum height of the residence, including the third story, is 34½-feet. The maximum height visible from street view is 25-feet, including the parapet. The solar panels are flat and do not extend above the parapet. The accessory building has a maximum height of 14½-feet.

The project also includes a request to remove 11 code-protected trees, and work within the drip lines of 2 code-protected trees.

Tree Removal and Preservation Table

Species	Trunk Diameter(s)	Status
3 Monterey Pines	42.5-inches; 29-inches; 6.5-inches	Remove all
2 Honey Locusts	10-inches; 20-inches	Remove all
2 Junipers	48-inches in total (multi-stemmed) 63-inches in total (multi-stemmed)	Remove all
California Live Oak	18-inches in total (multi-stemmed)	Preserve
Eugenia	48-inches in total (multi-stemmed)	Remove
Black Pine	10-inches	Remove
2 Cedars	16-inches and 24-inches	Preserve all
Apple tree	10-inches	Preserve
Pear tree	6-inches	Remove – Not protected

According to the arborist report prepared by certified arborist, Peter K. Rudy (Exhibit A), the majority of the trees proposed for removal are in extremely poor health or dead. The trees have been significantly topped over time, and then not properly cared for. Staff has prepared findings to approve for removal of nine of the eleven requested trees. The conditions of approval include security bonding for a minimum of (9) trees to be replanted on site. A landscaping plan will be required to be reviewed before the submittal of a grading permit or building permit, or prior to removal of trees, whichever occurs first, to ensure that the proposed placement of the required trees compensate for the lack of privacy between residences created by the tree removal.

The red and atlas cedar trees are in good health, but Ms. Darlene Tong (new resident) is highly allergic to cedar trees. The applicants have requested to remove these two trees for that reasoning. However, the arborist report finds these two trees to be in

good health, and their removal would not be for reasonable development. Staff cannot find sufficient evidence to support the removal of these two cedar trees.

VI. AGENCY COMMENTS

- A. Kensington Municipal Advisory Council (KMAC): The project was first considered by the KMAC on October 27, 2015. Due to the project's multiple aspects, it was continued to the following KMAC meeting. The project was considered again on December 1, 2015. The KMAC recommended approval of the overall project, the three-story variance and tree removal, provided that certain conditions were met, including the "storage room" on the parking level be eliminated, and the bay window on the top level be adjusted so that the room above does not create three stories, per plans submitted to the KMAC September 16, 2015.

The original design consisted of an approximately 215 square-foot "storage room" adjacent to the parking spaces. The "storage room", with the deck above, and the cantilevered space for the "view room" on the upper level, created 3 consecutive stories. Per the KMAC's request, eliminating the "storage room" removed a portion of the 3 stories that would be considered special privilege. The revised design shows the elimination of the "storage room". The second concession consisted of eliminating a portion of the "view room" that also created 3 consecutive stories. The original design had approximately 22 square-feet of cantilevered space over the deck, and the carport at the parking level. The revised design eliminates this portion of the "view room". The fireplace is now attached from the outside, not enclosed within the space.

The applicants have made compromises to their original design of western portion of the residence to reduce the variance request to allow 3 stories (where 2 ½ stories is the maximum). What remains at variance is 184 square-feet of floor area that creates three consecutive stories. The only part of the parking level that creates three consecutive stories is the entry room with the elevator and closet. The subject property is topographically challenged, which limits the buildable area of the lot. It is typical for a crawl space with adequate ceiling height be a result from the construction of a residence on a hillside with such a steep slope. The third story is a situation made necessary by the topographic circumstances of the subject property. The granting of a variance in this situation would allow for access and parking in a manner that would not involve extensive development or additional drainage improvements.

- B. Building Inspection Division: The Division returned an Agency Comment Request form dated December 1, 2015, indicating that the building(s) shall be designed per current building codes, and a soils report will be required.
- C. Grading Inspection Division: The Division returned an Agency Comment Request form indicating that a soils report and grading permit may be required, and C-3 and drainage plans will be required.
- D. East Bay Municipal Utility District (EBMUD): In a letter dated September 21, 2015, the District advised that the standard procedures for requesting water service for a new residence be observed. Please see the attached correspondence for details.
- E. Stege Sanitary District: In a letter dated September 29, 2015, the District provided the general guidelines and a fee estimate for acquiring the District's approval of the project. Please see the attached correspondence for details.
- F. El Cerrito/Kensington Fire Department: In a letter dated October 6, 2015, the Department indicated what is required in order to approve the project based on current fire codes and regulations. Please see the attached correspondence for details.
- G. Contra Costa Environmental Health Division: In a letter dated October 5, 2015, the Department advised that standard procedures be observed regarding wells. Please see the attached correspondence for details.
- H. City of El Cerrito: No comments were received prior to the preparation of this report.
- I. City of Richmond: The City returned an Agency Comment Request form dated October 5, 2015, stating they find no grounds for approval of the variance, tree removal, and overall design. Staff finds the project to meet the intent and purpose of the Single-Family Residential (R-6; -TOV; -K) Zoning District and the Single-Family Residential, High Density (SH) General Plan Land Use designation, as shown in this Staff Report. Justification for approval of the variances and tree permit requests is presented in the attached Findings. Staff also finds the design consistent with the Kensington Ordinance as described in the Staff Report and attached Kensington Combining District Findings.

VII. STAFF RESPONSE TO PUBLIC COMMENTS

Residents of 153 Lawson Road, Kensington, Mr. and Mrs. George and Anita Luk, provided a letter dated November 4, 2015. The following is a summary of their comments.

Comment 1: There is a concern with the proposed height of the residence. With three stories and roof mounted solar panels, the maximum height will be 35-feet. The total height of the residence is excessive and will block their existing views. The Luks acknowledge that the portion of the residence adjacent to their own is two stories, 24-feet in height, but they feel that the ceiling heights should be 8-feet maximum. Their research finds all homes in the area to have 8-foot maximum ceiling heights, and the applicants' should be held to the same development. If the applicants lowered their ceiling heights the overall height of the residence could be reduced and their views will be preserved.

Staff Response to Comment 1: In accordance with the provisions of the Kensington Combining District, the project has been evaluated in terms of its impacts on views, light and solar access, privacy, parking, residential noise levels and compatibility with the neighborhood with regard to bulk and scale. Both properties are along Lawson Road which goes downhill. The subject property is at a lower elevation than the Luk's property. Because of this, and the proposed siting, the new residence is not obtrusive, and does not impede on protected views. In addition, at the Kensington Municipal Advisory Council (KMAC) December 1, 2016 meeting, the KMAC recommended approval of the overall project, the three-story variance and tree removal, provided that certain conditions were met, including the "storage room" on the parking level be eliminated, and the bay window on the top level be adjusted so that the room above does not create three stories per plans submitted to the KMAC September 16, 2015. These revisions are present in the attached plans.

Placement of the residence on the east side of the property maintains views of the San Francisco Bay for adjacent property owners, including the Luks. The design is of modern architecture with flat rooflines. The overall perception of scale and bulk is reduced with the elimination of a typical pitched roof. Also, the third story is tucked into the downslope of the property, hiding it from sight at street level.

None of the buildings encroach into the minimum (R-6) front yard setback, side yards, or rear yard. In addition, the northern face of the residence is set back 6-feet from the property line shared with the Luk residence, rather than the minimum 5-

feet. This is to provide additional cushion between the two residences.

The new residence will be visible in the foreground of the Luk residence, located upslope from the subject property. Privacy will be maintained with the planting of the Japanese maples in between both properties. The removal of the existing trees allows for more sunlight to enter neighboring properties, and expand existing views of the bay.

As the Luks previously stated, the portion of the residence that poses the most concern is a two story portion of the proposed residence. Its highest point is 25-feet, including the parapet. The solar panels are flat and do not extend above the parapet. The portion of the residence adjacent to the Luks does not exceed height requirements set forth by the (R-6) Zoning District.

Per the Kensington Combining District (-K), there are no "views" in relation to the Luk's viewpoints in question. The views pointed out by the Luks do not include skylines, bridges, distant cities, distinctive geologic features, hillside terrain, wooded canyons, ridges or bodies of water, as required to be considered in the Kensington Ordinance. Photos were provided by the Luks (Exhibit B). According to the Kensington Combining District (KCD), Chapter 84-74.404(r), a "view" is a scene from a window in habitable space of a neighboring residence. The KCD definition of "view" includes both up-slope and down-slope scenes, but is distant or panoramic range in nature, as opposed to short range. One viewpoint of concern is at the rear of the Luk residence, when standing on a second story deck. This is not habitable space, nor is it panoramic or long-ranged in nature. There are also currently two cedar trees blocking views in the distance from this viewpoint. The other viewpoint of concern is from their master bathroom and bedroom windows, which currently oversee the vacant subject property. The change in view will be from a vacant lot to a single-family residence. This change in view are not concerns that can be supported by the definition of "view" as stated in the Kensington Combining District (-K).

The views of the neighborhood skyline and the San Francisco Bay is toward the west. The applicants' new residence will be to the Luk's south. The portion of the new residence that is three stories is southwest of the Luk residence, and does not impact these views. The proposed house site is on the eastern side of the subject property, away from the views of distant cities, the bay, and the Golden Gate Bridge.

Comment 2: There is a concern that the proposed accessory building will be used for commercial purposes. If clients visit the subject property then additional on-street parking will be taken, which is already strained. The Luks expressed that they

wish to see additional off-street parking for the accessory building.

Staff Response to Comment 2: The new residence proposes a two car carport in its lowest level. Two off-street parking spaces are all that is required for a residence in a single-family residential zoning district. Having a business within a residential dwelling, or an accessory building, requires the approval of a home occupation permit. Home occupation permits do not allow clients to visit the site. Even with the approval of a land use permit for a home occupation, clients are still not permitted at the site.

Comment 3: There is a discrepancy between the applicants' survey from Moran Survey, and the Luk's survey from Luk, Milani and Associates, by one foot. There is also a question as to why the applicants show a 10-foot side yard at some points, and a 5-foot side yard at other points.

Staff Response to Comment 3: The building setback and yard areas shown on the plans are based on a survey prepared by Moran Survey to confirm the front yard setback, side yards, and rear yard measurements, as well as any other measurements, a survey or a survey letter from a licensed surveyor is required when submitting for building permits. As the proposed project has not yet been constructed, the applicants' survey only accounts for the existing property lines in relation to the proposed buildings and structures. If after construction begins, and the proposed buildings and/or structures do not match the approved plans, the application may require the review and approval of staff and may require the filing of an application for modification to a Development Plan and a public hearing, if deemed necessary.

According to the submitted plans none of the buildings encroach into the minimum (R-6) front yard setback, side yards, or rear yard. In addition, the northern face of the residence is set back 6-feet from the property line shared with the Luks, rather than the minimum 5-feet. This is to provide additional cushion between the two residences to accommodate for the discrepancy about the location of the shared property line.

Furthermore, the lot dimensions per the applicants' plans match the dimensions of the portion of transferred property previously approved under Lot Line Adjustment #LL95-0028 (Exhibit F). The applicants have measured the front yard setback, side yards, and rear yard based on the survey conducted by Moran Survey, which includes the dimensions of that portion of transferred land approved and recorded under this Lot Line Adjustment. There is a retaining wall with a maximum height of 4-feet that requires variance approval to be on the property line. However, the retaining wall is

to replace an existing, wood retaining wall that is failing in order to hold back the hillside.

Comment 4: There is a concern that there is an active storm drain easement on the subject property, and that permanent structures should not be permitted to be developed over it. There is concern that drainage is inadequate and will cause flooding for the residence further down the hillside at 154 Lawson Road. Also, utilities proposed for the development of the subject property should not be permitted along the storm drain easement to allow unfettered access to it for maintenance purposes.

Staff Response to Comment 4: The Contra Costa County Grading Division has reviewed the proposed project, and specified that a soils report, and grading and drainage plans will be reviewed for approval before a building permit is issued to allow construction. The applicants do show a 6-foot wide storm drain easement running through the center of the property. There is no proposed plan showing a permanent structure being erected over the easement. A driveway is not considered a permanent structure. Grading and drainage plans will be reviewed during plan check, and will be enforced on site during scheduled inspections. Water already runs downhill towards 154 Lawson Road, and plan check will be considerate of the direction of runoff to ensure proper drainage. There are no codes prohibiting underground utilities to run along the easement. The applicants are aware that if maintenance is required on the drainage easement, they will have to accommodate for public services and allow access to the easement.

Comment 5: There is a concern that some trees requested for removal on the subject property are included in the list of indigenous species under *Protected Trees* in Section 816-6.6004 of the County Code, and these certain species should be protected and preserved. These include cypress, junipers, cedars, and Monterey pine trees. Also, the removal of these trees takes away necessary screening between residences, and will diminish the aesthetic character of the surrounding neighborhood. The Luks feel the trees are in good health, and there is no reasonable development requiring their removal.

Staff Response to Comment 5: According to the arborist report prepared by certified arborist, Peter K. Rudy (Exhibit A), the majority of the trees proposed for removal are in extremely poor health or dead. The trees have been significantly topped over time, and then not properly cared for, and are structurally unsound. Their removal would be to the Luk's benefit. It will allow better solar access, and expand the views of the bay. They will be replaced with Japanese maples to compensate for the lack of

privacy between residences created by their removal.

The project includes a tree permit request to remove 11 code-protected trees, and work within the drip lines of 2 code-protected trees. The red and atlas cedar trees are in good health, but Ms. Darlene Tong (new resident) is highly allergic to cedar trees. The applicants have requested to remove these two trees for that reasoning. However, the arborist report finds these two trees to be in good health, and their removal would not be for reasonable development. Staff cannot find sufficient evidence to support the removal of these two cedar trees.

Comment 6: There is concern that the public road, and the private right easement, will be damaged during construction. The Luks would like to make sure that the roads are put back in good standing with the Public Works Department and the owners of the easement when construction is over.

Staff Response to Comment 6: An encroachment permit is required for work taking place in the public right-of-way. The Public Works Department would be responsible for reviewing and approving those plans. They would also verify that the work being done is compliant with code through onsite inspections, and that any damage to the public roadway caused by construction is repaired. Work within the private road is a civil matter that the applicants will be considerate of. The conditions of approval for this Staff Report include *Construction Period Restrictions and Requirements* that regulate construction hours, transportation of construction related vehicles, storage of construction materials, cleaning of construction related debris, and proper onsite conduct to protect trees to be preserved.

VIII. STAFF ANALYSIS

- A. Appropriateness of Use: The proposed residence is consistent with the permitted use of a detached, single-family dwelling within the Single-Family Residential (R-6) Zoning District in which it is located. Accessory uses normally auxiliary to the single-family residence are permitted uses, such as a detached, accessory building, a trellis, retaining walls, and fencing. The residence and accessory building would be visible in the foreground from some adjoining residences, but it would not be otherwise visually obtrusive. The overall project does not impede on views of the San Francisco Bay, nor does it alter the residential character of its surroundings. The subject property is at the end of a private easement and behind existing residences, not visible from Lawson Road.
- B. General Plan Consistency: The subject property is located within the Single-

Family Residential, High-Density (SH) General Plan Land Use designation. The (SH) designation allows for a residential density between 5.0 and 7.2 single family units per acre. The 13,020 square-foot site includes one single-family residence at a development density of 3.35 units per acre. The proposed single-family residence and auxiliary structures are residential uses consistent with this land use designation. A new residence will not change the development density of the site. Located in the Kensington area, it is also subject to the specific policies in the General Plan (2005 – 2020), Land Use Element 3-206 through 3-210, "Policies for the Kensington Area", and will be reviewed under these policies in the attached Kensington Combining District Findings.

- C. Zoning Compliance: The subject property is located within the Kensington Combining District (-K), the Single-Family Residential (R-6) Zoning District, and the Tree Obstruction of Views Combining District (-TOV).

Section 84-74.802 of the County Code determines the threshold standard for the Kensington Combining District (-K), which triggers a hearing requirement if the development exceeds the threshold standard. Based on the parcel size of 13,020 square-feet, the threshold for the gross floor area ratio for this parcel is 4,000 square-feet. The new residence and accessory building is 224 square-feet over the designated threshold size.

The intent of the threshold requirement is to ensure the development will promote the community's values of preservation of views, light and solar access, privacy, parking, residential noise levels and compatibility with the neighborhood with regard to bulk and scale.

The proposed residence is not obtrusive and would not impact any surrounding views as defined in Chapter 84-74 – Kensington Combining District (-K), Section 84-74.404(r). There are no scenes from a window in habitable space of a neighboring residence, distant or panoramic range in nature, of skylines, bridges, distant cities, or distinctive hillsides that would be blocked due to the development of the subject property. Having the residence's footprint on the east side of the property maintains the views of the San Francisco Bay.

The design is of modern architecture with flat rooflines. The overall perception of scale and bulk is reduced with the elimination of a typical pitched roof. Also, the third story is the lowest part of the residence and is tucked into the downslope of the property, hiding it from sight at street level.

The new residence is compatible with the neighborhood in terms of bulk, scale, and design. The development of a new residence, even with a portion of it being three stories, is still consistent with the neighborhood in terms of bulk. The surrounding area contains two-story, and some three-story residences. The new residence's third story is minimal in floor area in comparison with the other two stories. It is designed for parking and access only. The third story is also the lowest level, hidden within the downslope of the property, and not visible from the northern properties. The total livable area for the subject property is consistent with neighboring residences in regards to scale. The subject property's overall livable area is 3,197 square-feet. The average livable area for the surrounding properties is 3,000 square-feet. Finally, the design of the new residence is of modern architecture. The surrounding neighborhood is primarily traditional architecture. However, with the new residence being at a lower elevation than the residences to the north, and separated by vegetation from residences to the south, its visual impact is minimal. The subject property itself is not visible from the public road. Therefore, the project is compatible with the neighborhood in terms of bulk, scale and design. In addition, at the Kensington Municipal Advisory Council (KMAC) December 1, 2016 meeting, the KMAC recommended approval of the overall project, the three-story variance and tree removal, provided that certain conditions were met, including the "storage room" on the parking level be eliminated, and the bay window on the top level be adjusted so that the room above does not create three stories per plans submitted to the KMAC September 16, 2015. These revisions are present in the attached plans.

Privacy will be maintained with the newly planted Japanese maples in between neighboring properties. The removal of the existing trees allows for more sunlight to enter neighboring properties, and expand views of the bay. The project itself is not visually obtrusive, is not blocking views, and is not impacting solar access.

The overall project has minimal influence on the surrounding neighbors. The project enhances views and solar access with the removal of overgrown and dying trees. The applicants will still maintain privacy between residences with the newly planted Japanese maples, and new solid board fencing to replace the existing, chain-linked fencing.

The residence has a maximum height of 34½-feet, measuring from its lowest point, which is finished grade. The residence does not exceed the allowed 35-

feet maximum height restriction of the (R-6) Zoning District. There is a request for a variance to allow 3 stories (where 2 ½ stories is the maximum). The subject property is steep, and slopes downward from east to west with an average slope of approximately 20%. The new single-family residence is designed to follow the natural topography of the hillside, with the lowest level toward the bottom of the hill. The applicant shall submit evidence from a licensed surveyor on the field elevations of the roof ridgeline points and the heights of the building as measured from existing grade indicated on building permit site plans for purposes of determining compliance with maximum height limits of the zoning district, as conditioned is this Staff Report.

The subject property is topographically challenged, which limits the buildable area of the lot. The west end of the lot is extremely difficult to develop because of the existing 5-foot wide sewer easement, and the average slope being approximately 57%. The granting of a variance in this situation would allow for access and parking in a manner that would not involve extensive development or additional drainage necessary for construction along steep terrain.

There are also variance requests to frontage setback, minimum side yard, and rear yard requirements for retaining walls, and a portion of the new fencing, that are considered structures. Due to the sloping topography of the subject property, and dramatic changes in grade, approval to variance requests for these particular structures would not be special privilege. All other retaining walls over 3-feet are outside of the required frontage setback, side yards, and rear yard. All other fencing along the perimeter of the property does not go over 6-feet in height.

The project includes a tree permit request to remove 11 code-protected trees, and work within the drip lines of 2 code-protected trees. The red and atlas cedar trees are in good health, but Ms. Darlene Tong (new resident) is highly allergic to cedar trees. The applicants have requested to remove these two trees for that reasoning. However, the arborist report finds these two trees to be in good health, and their removal would not be for reasonable development. Staff cannot find sufficient evidence to support the removal of these two cedar trees.

The removal of the trees approved by staff would increase views and sunlight to adjacent property owners. Additional Japanese maple trees will be planted along the north and south boundaries of the property. This species grows to

a height that will provide sufficient privacy in between neighboring residences, while not impeding on views or solar access. Therefore, the proposed project meets the intent of the -TOV ordinance.

None of the buildings encroach into the minimum (R-6) front yard setback, side yards, or rear yard. In addition, the northern face of the residence is set back 6-feet from the property line shared with 153 Lawson Road, rather than the minimum 5-feet. This is to provide additional cushion between the two residences.

The overall project has minimal influence on the surrounding neighbors. The project enhances views and solar access with the removal of overgrown and dying trees. The applicants will still maintain privacy between residences with the newly planted Japanese maples, and new solid board fencing to replace the existing, chain-linked fencing.

The Kensington Combining District (-K) includes seven criteria for approval of the Development Plan project. As detailed in the attached Kensington Combining District Findings, staff finds that the project satisfies all seven criteria.

IX. CONCLUSION

Staff finds that the proposed development is consistent with the Single-Family Residential, High-Density (SH) General Plan Land Use designation and complies with the intent and purpose of the Kensington Combining District (-K), Single-Family Residential (R-6) Zoning District, and Tree Obstruction of Views Combining District (-TOV). Therefore, staff recommends the Zoning Administrator approve County File #DP15-3030, subject to the attached conditions of approval, with the exception that the two (2) cedar trees (trees #1-2 as labeled in the arborist report) requested to be removed shall be preserved and protected because staff cannot find sufficient evidence to support the removal of these two cedar trees.

Attachments:

- Findings and Conditions of Approval
- Application
- Maps – Parcel Map, General Plan, Zoning, MAC, and Aerial View
- Agency Comments
- Letter of comments from Luk residence, 153 Lawson Road, Kensington
- Reduced Plans



Department of Conservation and Development
County Zoning Administrator

Monday, April 4, 2016 – 1:30 .P.M.

STAFF REPORT

Agenda Item # _____

Project Title: Hearing for New Single-Family Residence within the Kensington Combining District

County File(s): #DP15-3030

Applicants/Owners: Edward Dean and Darlene Tong

Zoning/General Plan: Kensington Combining District (-K), Single-Family Residential District (R-6), and Tree Obstruction of Views Combining District (-TOV) / Single-Family Residential High-Density (SH)

Site Address/Location: A vacant lot at the end of a private easement off of Lawson Road behind 153 and 154 Lawson Rd. in unincorporated Kensington; (APN: 572-034-018)

California Environmental Quality Act (CEQA) Status: Exempt under CEQA Guidelines, Section 15303(a), regarding new construction or conversion of small structures.

Project Planner: Dominique Vogelpohl, Planner I (925) 674-7814

Staff Recommendation: Approve (See section II for full recommendation)

I. PROJECT SUMMARY

The applicant requests design review approval of a Development Plan for Kensington for a proposed single-family residence, and detached accessory building, totaling 4,224 in gross floor area (where the Kensington Combining District gross floor area threshold is 4,000 square-feet). The project includes variance requests to allow: 3 stories (where 2 ½ stories is the maximum), a 3-foot front yard setback (where 20-foot is required) for a retaining wall with a maximum height of 7½-feet, a 0-foot side yard (where 5-feet is required) for a retaining wall with a maximum height of 4-feet, and a 0-foot rear yard (where 3-feet is required) for a fence with a maximum height

of 6-feet, 9-inches. The project also includes a tree permit request to remove 11 code-protected trees, and work within the drip lines of 2 code-protected trees.

II. RECOMMENDATION

Staff recommends the Zoning Administrator APPROVE County File #DP15-3030, based on the attached findings and subject to the attached conditions of approval submitted with the staff report completed for the March 21, 2016 Zoning Administrator hearing. The two (2) cedar trees (trees #1-2 as labeled in the arborist report) requested to be removed shall be preserved and protected, in addition to the coast live oak and apple tree.

III. BACKGROUND

The proposed project was initially heard before the County Zoning Administrator on March 21, 2016. The hearing was open to the public and testimony was accepted from multiple neighbors in opposition of the project, and the applicants in support of the project. Also, letters in opposition were submitted to the Zoning Administrator from additional neighbors not present at the hearing. After hearing from all of the speakers, and receiving further written testimony, the Zoning Administrator requested that the matter be continued as an open hearing to April 4, 2016. This was to provide the Zoning Administrator with enough time to consider all of the new testimony from the March 21, 2016 hearing, and for the Zoning Administrator to conduct a site visit to subject property and 153 Lawson Road. In addition, staff verified that a list of neighbors (provided to the Zoning Administrator at the hearing) all received County notification of the scheduled March 21, 2016 hearing.

IV. NOTICING

Speakers in opposition claimed that a list of neighbors did not receive notices regarding the Kensington Municipal Advisory Council (KMAC) meetings. The Zoning Administrator clarified that the County is not responsible for KMAC's noticing, but that staff would verify that the list of neighbors did receive the County's notification of the scheduled March 21, 2016 Zoning Administrator hearing. The following neighbors were listed and confirmed to have been mailed County notices:

- 63 Highland Boulevard, Kensington – Robert and Beverly Prowse
- 154 Lawson Road, Kensington – Rune and Anna Storesund
- 138 Lawson Road, Kensington – Leonard Anderson
- 149 Lawson Road, Kensington – Kimberly Leo
- 146 Lawson Road, Kensington – Andrew Mixer

- 145 Lawson Road, Kensington – Milton Comas
- 55 Highland Boulevard, Kensington – William and Betty Webster

The neighbors of 134 Lawson Road, Kensington, Bruce Morrow and John Norcross, did not receive a notice because their property is outside of the 300-foot radius measured from the subject property.

V. CONCLUSION

Staff finds that the proposed development is consistent with the Single-Family Residential, High-Density (SH) General Plan Land Use designation and complies with the intent and purpose of the Kensington Combining District (-K), Single-Family Residential (R-6) Zoning District, and Tree Obstruction of Views Combining District (-TOV). Therefore, staff recommends that the Zoning Administrator approve DP15-3030 based on the attached findings and subject to the attached conditions of approval submitted with the staff report completed for the March 21, 2016 Zoning Administrator hearing, with the exception that the two (2) cedar trees (trees #1-2 as labeled in the arborist report) requested to be removed shall be preserved and protected because staff cannot find sufficient evidence to support the removal of these two cedar trees.

-Exhibit D-

Letters Submitted to the
Zoning Administrator in
Opposition

From other Neighboring Residences

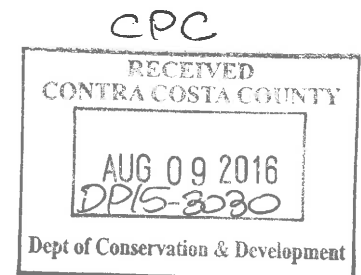
To: Planning Commission Board
From: Michael Chanowitz and Alice Supton
Re: Dean-Tong proposal, 158 Lawson, Kensington (DP15-3030)

We live at 52 Kensington Court, directly behind the proposed structures. The height and bulk of the main building will have a major impact on our property.

We currently enjoy "iconic views" of SF Bay, including the SF skyline, both bridges and all of the East Bay foreground. We are not at a much greater elevation than the proposed roof so that we will look over it at a very shallow angle. Because the lot is long and narrow the roof of the new structure extends about 70 feet along our line of sight toward the bay. While we will still see the bay (though just barely from the lower level), the new roof will become the dominant object in our field of view. Since our viewing angle is shallow the Zoning Administrator's decision to reduce the height by three feet significantly mitigates the impact, though our views from both levels will still be substantially affected.

The Zoning Administrator's decision also mitigates, but does not remove, concerns about the project bulk, which greatly exceeds what is typical for the neighborhood. The volume of the house is greater than a typical neighborhood house with the same 4200 square foot area for two reasons. First, if the second floor extended for the full length of the building (above the "great room" with its 20+ foot ceiling height), the area would be about 4700 square feet. Second, the 10 foot ceilings in all other rooms increase the volume by 25% relative to conventional 8 foot ceilings, so that the net interior bulk is comparable to that of a 5800 square foot structure with conventional 8 foot ceiling heights throughout. All together the bulk as originally proposed is almost 40% greater than that of a 4200 square foot house with 8 foot ceilings.

While we recognize the right of our prospective neighbors to develop their property we hope it can be done in a way that minimizes the impact on the existing neighborhood. The decision of the Zoning Administrator to reduce the height by three feet does not fully resolve our concerns but it does mitigate them.



PETITION TO OPPOSE 158 Lawson Road Development

To: CCC Zoning Administrator, County Board of Supervisor

Re: 158 Kensington Development

County File #DP15-3030

WE ARE OPPOSED TO THE DEVELOPMENT:

SIGNED BY: *RS Anna Storesund*

PRINT NAME: Rune Storesund, Anna Storesund

ADDRESS: 154 Lawson Road, Kensington, CA 94707

PHONE: 510-526-5849

** Staff Study **

Form letter signed by 7 residents.

March 21, 2016

Contra Costa County Department of Conservation
Community Development Division
30 Muir Road
Martinez, CA

Subject: County File #DP15-3030
Edward Dean & Darlene Tong (Owners)
0 Lawson Road, Kensington CA 94707

Dear Ms. Dominique Vogelpohl,

This letter is to inform you that Rune and Anna Storesund, residing at 154 Lawson, have a number of issues associated with the proposed development at 0 Lawson Road that have not been resolved. We have been in contact with the applicants on a number of occasions and the stated concerns have yet to be resolved. Attached is an email exchange just prior to the Kensington Municipal Advisory Council (KMAC) meeting on December 1, 2015.

There were three substantial issues that were not resolved to a level of mutual agreement (as outlined in our email exchange on December 1, 2015: a) resolution of the topographic survey discrepancy between Mr. Luk and Moran Surveying; (b) configuration associated with access to your property via the easement so that our ability to park in that space and your ability to traverse into and out of your property is maintained; and (c) screening (including removal of the existing mature tree) so that there is a visual barrier between our viewscape and your new three-story development and attached deck (so you are not peering directly into our bathroom and bedrooms). In our opinion, these significant issues should be resolved prior to finalization of drawings and initiation of construction. While some potential ideas have been offered by the Owners, no mutually agreeable arrangement has been identified.

As a result, we would like to reserve our right to pursue legal recourse (including challenging the project in court) to ensure that the identified issues are appropriately resolved prior to issuance of any permits and/or initiation of construction.

Sincerely,



Rune Storesund
510-225-5389
rune@storesundconsulting.com



Anna Storesund
415-254-1008
annastoresund11@gmail.com

Rune Storesund

From: Edward Dean
Sent: Tuesday, December 01, 2015 3:29 PM
To: Rune Storesund
Cc: Anna Storesund; Darlene Tong
Subject: Re: KMAC Hearing

Rune,

I'm don't know if you're going to be there this evening, but let me give you the answers to these questions right now so that you know that the issues are being addressed, hopefully satisfactorily for you. This is, of course, what we wanted to talk to you about when we came by the other day—to run through the plans with you and see what questions and concerns you may have.

1. Topographic survey. This is not an issue for KMAC, this evening's body. That's for the zoning board, which meets in about a month after KMAC makes its determination on the other issues that are in their purview. (I am just relaying the statement made by the Contra Costa planner that is in charge of this project's processing.) The survey by Moran was recorded with the County and is official. It is also correct—Moran specifically used the oldest survey markers in the area, which pre-date those used for your subdivision (and Luk's).

Just a note that the only reason that we were willing to do a lot line adjustment was to get Luk's agreement (and presumably yours) to move the storm drain easement that crosses our property to where the pipe is actually located. That would have given us more room to plan the house. As events transpired (you have not heard all the stories), Luk, frankly, started playing games about what he wanted—something different every time—then he basically lied to me about the surveyor he thought we should use. (It turned out to be the guy that works for him.) I finally gave up since he was not playing straight with us and I designed a house that fit on the lot with the current legal easement.

2. As worked out with George before we abandoned talking to him, we'll have a 10 feet width running along the edge of the right-of-way next to your garage, dedicated to continual access to our driveway. Lines will be painted in the remaining side for parking. There will be room for two cars there, presumably one for each of you. By the way, we intend to repave the right of way at our expense, so it will be like new at the start of our residency. After that, cost for maintaining the roadway has to be shared by the three of us, but I expect that this particular issue may come up in 10-15 years, if that. So, there is no expectation on our part that you or the Luks have to share in the cost this first time—that's on us.

3. We do not have a "3-story development". This is a planning code definition and results from the fact that we have to park below the house because of the downslope. The connection up to the two-story house makes it technically 3 stories. (Come to the meeting tonight if you want to hear the details about this.) Finally, I don't see how we would be interfering in any way with your viewscape: we are uphill from you, opposite the Luk's house. As for views *into* your house, I doubt that this is the case from where the house will be, but we can plant some kind of foliage barrier along the property line starting at the entrance to our property, where we are planning to have a terraced garden, if that turns out to be an issue.

We should meet when you're around to talk about any of this, maybe take a look together at this last question. If you go to the meeting tonight, perhaps we can set a time to drop by again. Otherwise, let me know what time some weekend you'd like to get together.

Ed

On 1 Dec 2015, at 2:05 PM, Rune Storesund <rune@storesundconsulting.com> wrote:

Hello Ed,

I just found out yesterday that there is a hearing today regarding your submitted variances for your development at 158 Lawson Road.


I know you have made several attempts recently to meet with us to discuss your plan set, but my travel schedule has been quite hectic this summer. Having gone through the permit review process a few years ago for my renovation, I appreciate the challenges associated with this process.

However, the outstanding items we've discussed over the past 18 months or so include: (a) resolution of the topographic survey discrepancy between Mr. Luk and Moran Surveying; (b) configuration associated with access to your property via the easement so that our ability to park in that space and your ability to traverse into and out of your property is maintained; and (c) screening (including removal of the existing mature tree) so that there is a visual barrier between our viewscape and your new three-story development and attached deck (so you are not peering directly into our bathroom and bedrooms). In our opinion, these significant issues should be resolved prior to finalization of drawings and initiation of construction.

Thank you,

Rune & Anna Storesund
154 Lawson Road

Rune Storesund, D. Eng., P.E., G.E.
Storesund Consulting
rune@storesundconsulting.com
www.storesundconsulting.com

 Please consider the environment before printing this email.

Dominique Vogelpohl

From: Dominique Vogelpohl
Sent: Tuesday, March 22, 2016 6:03 PM
To: 'Michael Chanowitz'
Subject: RE: Zoning administrator visit to Lawson Rd

Hello Michael,

I will forward your email to the Zoning Administrator. She will acknowledge your comments at the next hearing as well.

Sincerely,
Dominique

From: Michael Chanowitz [mailto:chanowitz@gmail.com]
Sent: Tuesday, March 22, 2016 1:57 PM
To: Dominique Vogelpohl <Dominique.Vogelpohl@dcd.cccounty.us>
Subject: Zoning administrator visit to Lawson Rd

Hello Dominique – I didn't attend the hearing but heard from the Luk's that the Zoning Administrator will visit the Lawson Rd site. We continue to have concerns about the bulk and scale of the project. Although we would still see the bay, the proposed project would become the most prominent object in our field of view, with a large, approximately 70 foot long roof extending into our sightline at an elevation not far below the level of our house. While the 4224 gross floor area already exceeds the district maximum by 224 square feet, the effective scale of the development is like that of a conventional 4700 square foot project, which is what the GFA would be if the 482 square foot main room were not double height. The bulk of the project is further increased by 20% by the 10 foot floor to ceiling heights relative to conventional 8 foot construction.

We would like to invite the Zoning Administrator to see the Lawson site from the perspective of our house when she makes her site visit. It might also be interesting to see our house and that of the neighbors with whom we share a driveway, as examples of the typical scale of the neighborhood. Like the Lawson property, we are also off an easement at the end of a cul de sac. We will be out of town for the rest of this week but will be back the week of March 28.

Could you please forward this email to the Zoning Administrator?

Thanks, Mike

Dominique Vogelpohl

From: Dominique Vogelpohl
Sent: Monday, April 04, 2016 11:54 AM
To: 'Andrew K Mixer'
Subject: RE: County File #DP15-3030 - 158 Lawson Rd. Kensington, CA - APN: 572-034-018 - Objection to Approval

Hello Mr. Mixer,

Thank you for your comments. Your new testimony has been provided to the Zoning Administrator for further consideration.

Sincerely,

Dominique Vogelpohl
Planner I
Contra Costa County
Department of Conservation and Development
E: dominique.vogelpohl@dcd.cccounty.us
Ph: (925) 674-7814
Fx: (925) 674-7258
30 Muir Road
Martinez, CA 94553



From: Andrew K Mixer [mailto:akmixer@gmail.com]
Sent: Thursday, March 31, 2016 8:25 PM
To: Dominique Vogelpohl <Dominique.Vogelpohl@dcd.cccounty.us>
Subject: County File #DP15-3030 - 158 Lawson Rd. Kensington, CA - APN: 572-034-018 - Objection to Approval

Dear Ms. Vogelpohl,

I live in the immediate proximity of 158 Lawson Road in Kensington. The property owner of 158 Lawson Road is seeking approval for the construction of a single family residence on a currently vacant parcel of land.

The owner, Mr. Edward Dean, kindly walked me through the parcel which has story poles set up by his surveyor delineating the location and height of the proposed structure. He also showed me a model of the structure which he had constructed and which demonstrated the 3 stories (running through the elevator) of the structure and its overall mass. The combination of the story poles and model clearly showed the highly negative impact the structure would have on the house on the neighboring property to the north at 153 Lawson Road. The proposed structure, in the owner's own words, would cut off the view towards the south, southwest of 153 Lawson Rd. As well, it is easy to extrapolate, whilst on site, the significant diminution of solar access and light caused by the tremendous height, mass and proximity of the proposed structure to the neighbor's house at 153 Lawson Road.

It is my opinion that the proposed structure is out of relative scale with neighboring residences, unfairly would damage the view of the northerly neighbor and would cut off that neighbor's solar gain and light for a significant period during the day (particularly in the winter months). These negative impacts would reduce the value of the property at 153 Lawson Road and would also unnecessarily compromise the occupant's life style.

It appears that the bulk, and height of the proposed structure necessitate positioning it where it was demonstrated to me with the outcome of causing damage to the neighbor.

Allowing such action may well set a precedent that would perpetuate and allow further loss of value and quality of life in the community of Kensington as others seek to develop property.

The owner of 158 Lawson Road has a clear and uncontested right to build a residence on his parcel. It is the mass, height and positioning of the structure which are a significant problem.

It is my understanding that there is to be further review on April 4, 2016 of the request for approval of the project. I object to approval of the project as it was demonstrated to me. I suggest that the owner reduce the magnitude of the structure.

Other neighbors and I welcome Mr. Dean to the neighborhood and would be most enthusiastic about his joining us on Lawson Road were he to consider the rights and interests of those who live close to his parcel.

Ms. Vogelpohl, please feel free to contact me should you have any questions about my concerns and objection to approval of the proposed project.

Sincerely,

Andrew

Andrew K. Mixer
146 Lawson Rd.
Kensington, CA 94707
510 544-1590
akmixer@gmail.com

**Comments on the Proposed New House
To be located at 158 Lawson Road, Kensington**

by

Betty B. and William C. Webster
(owners 55 Highland Blvd, Kensington)

April 4, 2016

RECEIVED

4/4/16

PLANNING ADMINISTRATOR HEARING

AGENDA ITEM #

2a

For hearings regarding construction of a house to be located at 158 Lawson Road. Hearings located at 30 Muir Road, Martinez at 1:30 pm on Monday, April 4, 2016.

My name is William Webster. My wife, Betty Webster, and I own the property located at 55 Highland Boulevard. We testified in the hearings conducted on March 21 in a letter read by my daughter Laura. Since that time we have had a conversation with Ed Dean regarding the impact of his project on our property.

Approximately one-half of our property line behind our house butts against the property line of the proposed project. Our concerns are:

- The possible consequences of modifications to the storm drain on the property, particularly if they will cause changes in the drainage of water from the hill on to our property.
- The potential for earth slides infringing our property caused by placement of excavated dirt behind higher than code retaining walls on a hill that slopes steeply toward our property. These slides could be caused either by heavy rains or earthquake activities.

Our statement of March 21 regarding our concerns should remain in the record of these hearings. We should note at the outset, that Mr. Dean's property has a considerable slope (approximately 2:1) on its South-Western side abutting our property. This slope has remained stable for the near 50 years of our occupancy, primarily due to the extensive planting of trees and other perennials on the slope. We are concerned that the substantial site modifications, including tree removals, excavations, etc. may destabilize the hillside and threaten our property.

Since the March 21 hearing we have had a meeting with Mr. Dean where we expressed our concerns. Pursuant to these concerns he has provided us with a copy of the geotechnical soils report on the property that he commissioned in 2012. Upon review of the geotechnical report, we have the following comments:

- The geotechnical report made no mention of any modifications to the storm drain and these previously-stated concerns of ours remain. We know from experience that the hillside under consideration contains several underground springs and rocks in addition to soil. Substantial excavation and drilling of pillars plus erection of a 4200 square foot house may well alter the soils. Our fears are seepage, slippage of the hillside caused by heavy rain and/or earthquake. We would like assurance of cost reimbursement of repairs for any damages incurred should this transpire.
- The geotechnical studies made several recommendations regarding the soil fill under the proposed driveway which will be held in place by the retaining wall on the South-Western side of the property. These include:
 1. The soil file behind the retaining wall should be “engineered soil” that is non-expansive (page 6, next to last paragraph). Since the soil report states that the local soil is expansive, the proposed use of excavation material from the site without treatment or correction raises questions. Further it should be properly compacted, although even with such compaction, the soil will most likely remain unconsolidated for a significant time and will remain a slide hazard to us should, for instance the retaining wall fail for whatever reason.
 2. The retaining walls should be supported by drilled, cast-in-place, straight-shaft piers designed to support the restrained pressures stated in the table on the top of page 9 for the existing 2:1 slope on the downside of the retaining wall. These pressures should be augmented for earthquakes as suggested in the report. It should be noted that Mr. Dean’s plans show several alternates for the design of the retaining wall, only one of which includes drilled, cast-in-place, straight-shaft piers and meets the soils engineer’s

recommendations. The calculations showing that this wall meets the recommended loads are not available.

We appreciate that our neighbors on Lawson Road have other questions regarding the project. We would very strongly recommend that these be resolved before permits are issued. We have joined together with them in a petition opposing the construction of such a substantial dwelling that requires variance of so many Kensington codes. It is our hope the Contra Costa Zoning Administration understand there are still many questions the neighbors want answered before approval be granted.

If approval for the proposed construction is granted, it is our understanding that the final construction plans will need to be reviewed and approved before a building permit is issued. We request that we be provided with the details and calculations of the retaining wall and the specifications for its construction, including the fill material for our review and comments before the building permit is issued and that we receive notice of continuing permit applications.

Finally, we would like to acknowledge the willingness of Mr. Dean to provide the information concerning the design and to work with us in a neighborly and cooperative fashion so that both our needs can be met.



Department of Conservation and Development
County Zoning Administrator

Monday, March 21, 2016 – 1:30 .P.M.

STAFF REPORT

Agenda Item # _____

Project Title: Hearing for New Single-Family Residence within the Kensington Combining District

County File(s): #DP15-3030

Applicants/Owners: Edward Dean and Darlene Tong

Zoning/General Plan: Kensington Combining District (-K), Single-Family Residential District (R-6), and Tree Obstruction of Views Combining District (-TOV) / Single-Family Residential High-Density (SH)

Site Address/Location: 0 Lawson Road, Kensington; (APN: 572-034-018)

California Environmental Quality Act (CEQA) Status: Exempt under CEQA Guidelines, Section 15303(a), regarding new construction or conversion of small structures.

Project Planner: Dominique Vogelpohl, Planner I (925) 674-7814

Staff Recommendation: Approve (See section II for full recommendation)

I. PROJECT SUMMARY

A hearing for a proposed single-family residence, and detached accessory building, totaling 4,224 in gross floor area (where the Kensington Combining District gross floor area threshold is 4,000 square-feet). The project includes variance requests to allow: 3 stories (where 2 ½ stories is the maximum), a 3-foot front yard setback (where 20-feet is required) for a retaining wall with a maximum height of 7½-feet, a 0-foot side yard (where 5-feet is required) for a retaining wall with a maximum height of 4-feet, and a 0-foot rear yard (where 3-feet is required) for a fence with a maximum height of 6-feet, 9-inches. The project also includes a tree permit request to remove 11 code-protected trees, and work within the drip lines of 2 code-protected trees.

II. RECOMMENDATION

Staff recommends the Zoning Administrator APPROVE County File #DP15-3030, based on the attached findings and subject to the attached conditions of approval. The two (2) cedar trees (trees #1-2 as labeled in the arborist report) requested to be removed shall be preserved and protected, in addition to the coast live oak and apple tree.

III. GENERAL INFORMATION

- A. General Plan: The subject property is located within the Single-Family Residential, High-Density (SH) General Plan Land Use designation.
- B. Zoning: The subject property is located within the Kensington Combining District (-K), Single-Family Residential District (R-6), and Tree Obstruction of Views Combining District (-TOV).
- C. Environmental Review: The proposed project is exempt under CEQA Guidelines, Section 15303(a), regarding "New Construction or Conversion of Small Structures," which exempts one single-family residence, or a second dwelling unit in a residential zone.
- D. Lot Creation: The subject property is Assessor's Parcel Number 572-034-018. This parcel was originally part of a 0.78-acre parcel that was a portion of Lot "K" of Subdivision of Lot 1, San Pablo Rancho, filed on January 16, 1907.
- E. Previous Applications:
 - 1) LL95-0028: This Lot Line Adjustment application was a request to transfer approximately 447 square-feet of property from APN: 572-034-013 (now APN: 572-043-018) to APN: 572-034-009 (now APN: 572-034-017). The Lot Line Adjustment application was approved on July 20, 1995.

IV. SITE/AREA DESCRIPTION

The subject property is a 13,020 square-foot vacant lot with only retaining walls, a concrete pad, and multiple trees of various species throughout the site. The property is located at the end of a 15-foot wide private easement, at the end of Lawson Road. Like all of the residences along Lawson Road, the subject property is

on a downslope. It is at a lower elevation than the adjacent residences to the north and east. There are existing, mature trees separating the subject property from the residences to the south. And because the west half of the property slopes dramatically, the immediate neighboring residence to the west is at a much lower elevation.

The subject property is laid out inconsistent with the surrounding neighborhood. It is linear in nature, creating a rectangular shape. The subject property is 13,020 square-feet in lot area, but is shallow in comparison to other surrounding properties with a lot depth of 65-feet. The point of access is from the end of the private easement at the center of the subject property. The topography slopes downward from east to west. In the center of the property, the downslope has an average slope of approximately 20%. This portion of the property is adjacent to the easement, and is the only accessible point in relation to parking. The west end of the subject property is extremely difficult to develop because of an existing 5-foot wide sewer easement and the average slope being approximately 57%.

There was a previously approved Lot Line Adjustment application (LL95-0028) to transfer approximately 447 square-feet of lot area from the subject property to the neighboring property. The Lot Line Adjustment application was approved on July 20, 1995. The Lot Line Adjustment has since been recorded, altering the northern portion of the subject property.

V. PROJECT DESCRIPTION

The applicants are seeking approval of a proposed single-family residence, and detached accessory building, totaling 4,224 in gross floor area (where the Kensington Combining District gross floor area threshold is 4,000 square-feet). The project includes variance requests to allow 3 stories (where 2 ½ stories is the maximum), a 3-foot front yard setback (where 20-feet is required) for a retaining wall with a maximum height of 7½-feet, a 0-foot side yard (where 5-feet is required) for a retaining wall with a maximum height of 4-feet, and a 0-foot rear yard (where 3-feet is required) for a fence with a maximum height of 6-feet, 9-inches.

The proposed residence consists of a lower parking level, a main level for the primary living spaces, and an upper level for additional living space and the master suite. The parking level is 955 square-feet. It is made up of a two-car carport, a utility/storage room, and an entry room (with a mechanical closet) to gain access from the carport to the elevator. The only part of the parking level that creates three consecutive stories is the entry room with the elevator and closet. The carport is directly under a

deck that is open to the sky. The utility/storage room is beneath the main level, but above that is open space up to the upper level ceiling. 482 square-feet of the upper level is without a floor and open to below (the main level). This creates a portion of the main level that is only a second story with a 20-foot, 9-inch high ceiling. The parking level is the lowest level and tucked into the downslope of the subject property, hiding it from sight at street level. Its south and west elevations do not have walls, but again are not visible at street level due to the sloping nature of the property.

The primary entrance to the main level is accessed by walking from the end of the private easement, and down the hill onto the deck. The main level is 1,640 square-feet. The entry includes the elevator and front closet, then flows into the main living area. There is a kitchen, laundry room, one full bathroom, and a guest room. One can gain access to the upper level by either the elevator or staircase. The upper level is 1,230 square-feet. 40% of the upper level (482 square-feet) is open to below (the main level). From the elevator, one enters into a cantilevered room intended for taking in the view of the San Francisco Bay. There is an office space at the other end of the hall. The master suite consists of a bedroom, bathroom, and walk-in closet.

Due to the sloping topography, and the access point of the subject property, multiple retaining walls are required for the driveway to the carport, and walkways to and from various points throughout the site. There is also new fencing proposed along the perimeter of the site. Fences that measure over six-feet in height, or retaining walls that measure over three-feet in height, are structures per County Code. There are retaining walls, and a portion of the fence, that are structures. Structures are required to meet frontage setbacks, side yards, and rear yard dimensions, unless variances to those dimensions are permitted. Variances to allow these retaining walls and 15-feet of fencing in the required yard dimensions is requested. All other retaining walls over 3-feet in height are outside of the required frontage setback, side yards, and rear yard dimensions, and do not require variance approval. All other fencing along the perimeter of the property does not go over 6-feet in height.

The hardscaping includes concrete walks and stairs, pervious tiling, and pervious turf blocks in the driveway and parking areas. Eleven trees are proposed to be removed, but staff is recommending approval to remove nine trees, and preserve four trees, including the two cedar trees. New Japanese maple trees are proposed to be replanted along the north and south property boundaries for screening and privacy between neighboring residences. One additional outdoor feature is a 103 square-foot trellis at the entry way of the main level of the residence.

The design of the residence and accessory building is of modern architecture. The rooflines are completely flat. The buildings' envelope are of mostly square angles. There are instances of slanted angles for the residence's east elevation, and the accessory building's west elevation. The maximum height of the residence, including the third story, is 34½-feet. The maximum height visible from street view is 25-feet, including the parapet. The solar panels are flat and do not extend above the parapet. The accessory building has a maximum height of 14½-feet.

The project also includes a request to remove 11 code-protected trees, and work within the drip lines of 2 code-protected trees.

Tree Removal and Preservation Table

Species	Trunk Diameter(s)	Status
3 Monterey Pines	42.5-inches; 29-inches; 6.5-inches	Remove all
2 Honey Locusts	10-inches; 20-inches	Remove all
2 Junipers	48-inches in total (multi-stemmed) 63-inches in total (multi-stemmed)	Remove all
California Live Oak	18-inches in total (multi-stemmed)	Preserve
Eugenia	48-inches in total (multi-stemmed)	Remove
Black Pine	10-inches	Remove
2 Cedars	16-inches and 24-inches	Preserve all
Apple tree	10-inches	Preserve
Pear tree	6-inches	Remove – Not protected

According to the arborist report prepared by certified arborist, Peter K. Rudy (Exhibit A), the majority of the trees proposed for removal are in extremely poor health or dead. The trees have been significantly topped over time, and then not properly cared for. Staff has prepared findings to approve for removal of nine of the eleven requested trees. The conditions of approval include security bonding for a minimum of (9) trees to be replanted on site. A landscaping plan will be required to be reviewed before the submittal of a grading permit or building permit, or prior to removal of trees, whichever occurs first, to ensure that the proposed placement of the required trees compensate for the lack of privacy between residences created by the tree removal.

The red and atlas cedar trees are in good health, but Ms. Darlene Tong (new resident) is highly allergic to cedar trees. The applicants have requested to remove these two trees for that reasoning. However, the arborist report finds these two trees to be in

good health, and their removal would not be for reasonable development. Staff cannot find sufficient evidence to support the removal of these two cedar trees.

VI. AGENCY COMMENTS

- A. Kensington Municipal Advisory Council (KMAC): The project was first considered by the KMAC on October 27, 2015. Due to the project's multiple aspects, it was continued to the following KMAC meeting. The project was considered again on December 1, 2015. The KMAC recommended approval of the overall project, the three-story variance and tree removal, provided that certain conditions were met, including the "storage room" on the parking level be eliminated, and the bay window on the top level be adjusted so that the room above does not create three stories, per plans submitted to the KMAC September 16, 2015.

The original design consisted of an approximately 215 square-foot "storage room" adjacent to the parking spaces. The "storage room", with the deck above, and the cantilevered space for the "view room" on the upper level, created 3 consecutive stories. Per the KMAC's request, eliminating the "storage room" removed a portion of the 3 stories that would be considered special privilege. The revised design shows the elimination of the "storage room". The second concession consisted of eliminating a portion of the "view room" that also created 3 consecutive stories. The original design had approximately 22 square-feet of cantilevered space over the deck, and the carport at the parking level. The revised design eliminates this portion of the "view room". The fireplace is now attached from the outside, not enclosed within the space.

The applicants have made compromises to their original design of western portion of the residence to reduce the variance request to allow 3 stories (where 2 ½ stories is the maximum). What remains at variance is 184 square-feet of floor area that creates three consecutive stories. The only part of the parking level that creates three consecutive stories is the entry room with the elevator and closet. The subject property is topographically challenged, which limits the buildable area of the lot. It is typical for a crawl space with adequate ceiling height be a result from the construction of a residence on a hillside with such a steep slope. The third story is a situation made necessary by the topographic circumstances of the subject property. The granting of a variance in this situation would allow for access and parking in a manner that would not involve extensive development or additional drainage improvements.

- B. Building Inspection Division: The Division returned an Agency Comment Request form dated December 1, 2015, indicating that the building(s) shall be designed per current building codes, and a soils report will be required.
- C. Grading Inspection Division: The Division returned an Agency Comment Request form indicating that a soils report and grading permit may be required, and C-3 and drainage plans will be required.
- D. East Bay Municipal Utility District (EBMUD): In a letter dated September 21, 2015, the District advised that the standard procedures for requesting water service for a new residence be observed. Please see the attached correspondence for details.
- E. Stege Sanitary District: In a letter dated September 29, 2015, the District provided the general guidelines and a fee estimate for acquiring the District's approval of the project. Please see the attached correspondence for details.
- F. El Cerrito/Kensington Fire Department: In a letter dated October 6, 2015, the Department indicated what is required in order to approve the project based on current fire codes and regulations. Please see the attached correspondence for details.
- G. Contra Costa Environmental Health Division: In a letter dated October 5, 2015, the Department advised that standard procedures be observed regarding wells. Please see the attached correspondence for details.
- H. City of El Cerrito: No comments were received prior to the preparation of this report.
- I. City of Richmond: The City returned an Agency Comment Request form dated October 5, 2015, stating they find no grounds for approval of the variance, tree removal, and overall design. Staff finds the project to meet the intent and purpose of the Single-Family Residential (R-6; -TOV; -K) Zoning District and the Single-Family Residential, High Density (SH) General Plan Land Use designation, as shown in this Staff Report. Justification for approval of the variances and tree permit requests is presented in the attached Findings. Staff also finds the design consistent with the Kensington Ordinance as described in the Staff Report and attached Kensington Combining District Findings.

VII. STAFF RESPONSE TO PUBLIC COMMENTS

Residents of 153 Lawson Road, Kensington, Mr. and Mrs. George and Anita Luk, provided a letter dated November 4, 2015. The following is a summary of their comments.

Comment 1: There is a concern with the proposed height of the residence. With three stories and roof mounted solar panels, the maximum height will be 35-feet. The total height of the residence is excessive and will block their existing views. The Luks acknowledge that the portion of the residence adjacent to their own is two stories, 24-feet in height, but they feel that the ceiling heights should be 8-feet maximum. Their research finds all homes in the area to have 8-foot maximum ceiling heights, and the applicants' should be held to the same development. If the applicants lowered their ceiling heights the overall height of the residence could be reduced and their views will be preserved.

Staff Response to Comment 1: In accordance with the provisions of the Kensington Combining District, the project has been evaluated in terms of its impacts on views, light and solar access, privacy, parking, residential noise levels and compatibility with the neighborhood with regard to bulk and scale. Both properties are along Lawson Road which goes downhill. The subject property is at a lower elevation than the Luk's property. Because of this, and the proposed siting, the new residence is not obtrusive, and does not impede on protected views. In addition, at the Kensington Municipal Advisory Council (KMAC) December 1, 2016 meeting, the KMAC recommended approval of the overall project, the three-story variance and tree removal, provided that certain conditions were met, including the "storage room" on the parking level be eliminated, and the bay window on the top level be adjusted so that the room above does not create three stories per plans submitted to the KMAC September 16, 2015. These revisions are present in the attached plans.

Placement of the residence on the east side of the property maintains views of the San Francisco Bay for adjacent property owners, including the Luks. The design is of modern architecture with flat rooflines. The overall perception of scale and bulk is reduced with the elimination of a typical pitched roof. Also, the third story is tucked into the downslope of the property, hiding it from sight at street level.

None of the buildings encroach into the minimum (R-6) front yard setback, side yards, or rear yard. In addition, the northern face of the residence is set back 6-feet from the property line shared with the Luk residence, rather than the minimum 5-

feet. This is to provide additional cushion between the two residences.

The new residence will be visible in the foreground of the Luk residence, located upslope from the subject property. Privacy will be maintained with the planting of the Japanese maples in between both properties. The removal of the existing trees allows for more sunlight to enter neighboring properties, and expand existing views of the bay.

As the Luks previously stated, the portion of the residence that poses the most concern is a two story portion of the proposed residence. Its highest point is 25-feet, including the parapet. The solar panels are flat and do not extend above the parapet. The portion of the residence adjacent to the Luks does not exceed height requirements set forth by the (R-6) Zoning District.

Per the Kensington Combining District (-K), there are no "views" in relation to the Luk's viewpoints in question. The views pointed out by the Luks do not include skylines, bridges, distant cities, distinctive geologic features, hillside terrain, wooded canyons, ridges or bodies of water, as required to be considered in the Kensington Ordinance. Photos were provided by the Luks (Exhibit B). According to the Kensington Combining District (KCD), Chapter 84-74.404(r), a "view" is a scene from a window in habitable space of a neighboring residence. The KCD definition of "view" includes both up-slope and down-slope scenes, but is distant or panoramic range in nature, as opposed to short range. One viewpoint of concern is at the rear of the Luk residence, when standing on a second story deck. This is not habitable space, nor is it panoramic or long-ranged in nature. There are also currently two cedar trees blocking views in the distance from this viewpoint. The other viewpoint of concern is from their master bathroom and bedroom windows, which currently oversee the vacant subject property. The change in view will be from a vacant lot to a single-family residence. This change in view are not concerns that can be supported by the definition of "view" as stated in the Kensington Combining District (-K).

The views of the neighborhood skyline and the San Francisco Bay is toward the west. The applicants' new residence will be to the Luk's south. The portion of the new residence that is three stories is southwest of the Luk residence, and does not impact these views. The proposed house site is on the eastern side of the subject property, away from the views of distant cities, the bay, and the Golden Gate Bridge.

Comment 2: There is a concern that the proposed accessory building will be used for commercial purposes. If clients visit the subject property then additional on-street parking will be taken, which is already strained. The Luks expressed that they

wish to see additional off-street parking for the accessory building.

Staff Response to Comment 2: The new residence proposes a two car carport in its lowest level. Two off-street parking spaces are all that is required for a residence in a single-family residential zoning district. Having a business within a residential dwelling, or an accessory building, requires the approval of a home occupation permit. Home occupation permits do not allow clients to visit the site. Even with the approval of a land use permit for a home occupation, clients are still not permitted at the site.

Comment 3: There is a discrepancy between the applicants' survey from Moran Survey, and the Luk's survey from Luk, Milani and Associates, by one foot. There is also a question as to why the applicants show a 10-foot side yard at some points, and a 5-foot side yard at other points.

Staff Response to Comment 3: The building setback and yard areas shown on the plans are based on a survey prepared by Moran Survey to confirm the front yard setback, side yards, and rear yard measurements, as well as any other measurements, a survey or a survey letter from a licensed surveyor is required when submitting for building permits. As the proposed project has not yet been constructed, the applicants' survey only accounts for the existing property lines in relation to the proposed buildings and structures. If after construction begins, and the proposed buildings and/or structures do not match the approved plans, the application may require the review and approval of staff and may require the filing of an application for modification to a Development Plan and a public hearing, if deemed necessary.

According to the submitted plans none of the buildings encroach into the minimum (R-6) front yard setback, side yards, or rear yard. In addition, the northern face of the residence is set back 6-feet from the property line shared with the Luks, rather than the minimum 5-feet. This is to provide additional cushion between the two residences to accommodate for the discrepancy about the location of the shared property line.

Furthermore, the lot dimensions per the applicants' plans match the dimensions of the portion of transferred property previously approved under Lot Line Adjustment #LL95-0028 (Exhibit F). The applicants have measured the front yard setback, side yards, and rear yard based on the survey conducted by Moran Survey, which includes the dimensions of that portion of transferred land approved and recorded under this Lot Line Adjustment. There is a retaining wall with a maximum height of 4-feet that requires variance approval to be on the property line. However, the retaining wall is

to replace an existing, wood retaining wall that is failing in order to hold back the hillside.

Comment 4: There is a concern that there is an active storm drain easement on the subject property, and that permanent structures should not be permitted to be developed over it. There is concern that drainage is inadequate and will cause flooding for the residence further down the hillside at 154 Lawson Road. Also, utilities proposed for the development of the subject property should not be permitted along the storm drain easement to allow unfettered access to it for maintenance purposes.

Staff Response to Comment 4: The Contra Costa County Grading Division has reviewed the proposed project, and specified that a soils report, and grading and drainage plans will be reviewed for approval before a building permit is issued to allow construction. The applicants do show a 6-foot wide storm drain easement running through the center of the property. There is no proposed plan showing a permanent structure being erected over the easement. A driveway is not considered a permanent structure. Grading and drainage plans will be reviewed during plan check, and will be enforced on site during scheduled inspections. Water already runs downhill towards 154 Lawson Road, and plan check will be considerate of the direction of runoff to ensure proper drainage. There are no codes prohibiting underground utilities to run along the easement. The applicants are aware that if maintenance is required on the drainage easement, they will have to accommodate for public services and allow access to the easement.

Comment 5: There is a concern that some trees requested for removal on the subject property are included in the list of indigenous species under *Protected Trees* in Section 816-6.6004 of the County Code, and these certain species should be protected and preserved. These include cypress, junipers, cedars, and Monterey pine trees. Also, the removal of these trees takes away necessary screening between residences, and will diminish the aesthetic character of the surrounding neighborhood. The Luks feel the trees are in good health, and there is no reasonable development requiring their removal.

Staff Response to Comment 5: According to the arborist report prepared by certified arborist, Peter K. Rudy (Exhibit A), the majority of the trees proposed for removal are in extremely poor health or dead. The trees have been significantly topped over time, and then not properly cared for, and are structurally unsound. Their removal would be to the Luk's benefit. It will allow better solar access, and expand the views of the bay. They will be replaced with Japanese maples to compensate for the lack of

privacy between residences created by their removal.

The project includes a tree permit request to remove 11 code-protected trees, and work within the drip lines of 2 code-protected trees. The red and atlas cedar trees are in good health, but Ms. Darlene Tong (new resident) is highly allergic to cedar trees. The applicants have requested to remove these two trees for that reasoning. However, the arborist report finds these two trees to be in good health, and their removal would not be for reasonable development. Staff cannot find sufficient evidence to support the removal of these two cedar trees.

Comment 6: There is concern that the public road, and the private right easement, will be damaged during construction. The Luks would like to make sure that the roads are put back in good standing with the Public Works Department and the owners of the easement when construction is over.

Staff Response to Comment 6: An encroachment permit is required for work taking place in the public right-of-way. The Public Works Department would be responsible for reviewing and approving those plans. They would also verify that the work being done is compliant with code through onsite inspections, and that any damage to the public roadway caused by construction is repaired. Work within the private road is a civil matter that the applicants will be considerate of. The conditions of approval for this Staff Report include *Construction Period Restrictions and Requirements* that regulate construction hours, transportation of construction related vehicles, storage of construction materials, cleaning of construction related debris, and proper onsite conduct to protect trees to be preserved.

VIII. STAFF ANALYSIS

- A. Appropriateness of Use: The proposed residence is consistent with the permitted use of a detached, single-family dwelling within the Single-Family Residential (R-6) Zoning District in which it is located. Accessory uses normally auxiliary to the single-family residence are permitted uses, such as a detached, accessory building, a trellis, retaining walls, and fencing. The residence and accessory building would be visible in the foreground from some adjoining residences, but it would not be otherwise visually obtrusive. The overall project does not impede on views of the San Francisco Bay, nor does it alter the residential character of its surroundings. The subject property is at the end of a private easement and behind existing residences, not visible from Lawson Road.
- B. General Plan Consistency: The subject property is located within the Single-

Family Residential, High-Density (SH) General Plan Land Use designation. The (SH) designation allows for a residential density between 5.0 and 7.2 single family units per acre. The 13,020 square-foot site includes one single-family residence at a development density of 3.35 units per acre. The proposed single-family residence and auxiliary structures are residential uses consistent with this land use designation. A new residence will not change the development density of the site. Located in the Kensington area, it is also subject to the specific policies in the General Plan (2005 – 2020), Land Use Element 3-206 through 3-210, "Policies for the Kensington Area", and will be reviewed under these policies in the attached Kensington Combining District Findings.

- C. **Zoning Compliance:** The subject property is located within the Kensington Combining District (-K), the Single-Family Residential (R-6) Zoning District, and the Tree Obstruction of Views Combining District (-TOV).

Section 84-74.802 of the County Code determines the threshold standard for the Kensington Combining District (-K), which triggers a hearing requirement if the development exceeds the threshold standard. Based on the parcel size of 13,020 square-feet, the threshold for the gross floor area ratio for this parcel is 4,000 square-feet. The new residence and accessory building is 224 square-feet over the designated threshold size.

The intent of the threshold requirement is to ensure the development will promote the community's values of preservation of views, light and solar access, privacy, parking, residential noise levels and compatibility with the neighborhood with regard to bulk and scale.

The proposed residence is not obtrusive and would not impact any surrounding views as defined in Chapter 84-74 – Kensington Combining District (-K), Section 84-74.404(r). There are no scenes from a window in habitable space of a neighboring residence, distant or panoramic range in nature, of skylines, bridges, distant cities, or distinctive hillsides that would be blocked due to the development of the subject property. Having the residence's footprint on the east side of the property maintains the views of the San Francisco Bay.

The design is of modern architecture with flat rooflines. The overall perception of scale and bulk is reduced with the elimination of a typical pitched roof. Also, the third story is the lowest part of the residence and is tucked into the downslope of the property, hiding it from sight at street level.

The new residence is compatible with the neighborhood in terms of bulk, scale, and design. The development of a new residence, even with a portion of it being three stories, is still consistent with the neighborhood in terms of bulk. The surrounding area contains two-story, and some three-story residences. The new residence's third story is minimal in floor area in comparison with the other two stories. It is designed for parking and access only. The third story is also the lowest level, hidden within the downslope of the property, and not visible from the northern properties. The total livable area for the subject property is consistent with neighboring residences in regards to scale. The subject property's overall livable area is 3,197 square-feet. The average livable area for the surrounding properties is 3,000 square-feet. Finally, the design of the new residence is of modern architecture. The surrounding neighborhood is primarily traditional architecture. However, with the new residence being at a lower elevation than the residences to the north, and separated by vegetation from residences to the south, its visual impact is minimal. The subject property itself is not visible from the public road. Therefore, the project is compatible with the neighborhood in terms of bulk, scale and design. In addition, at the Kensington Municipal Advisory Council (KMAC) December 1, 2016 meeting, the KMAC recommended approval of the overall project, the three-story variance and tree removal, provided that certain conditions were met, including the "storage room" on the parking level be eliminated, and the bay window on the top level be adjusted so that the room above does not create three stories per plans submitted to the KMAC September 16, 2015. These revisions are present in the attached plans.

Privacy will be maintained with the newly planted Japanese maples in between neighboring properties. The removal of the existing trees allows for more sunlight to enter neighboring properties, and expand views of the bay. The project itself is not visually obtrusive, is not blocking views, and is not impacting solar access.

The overall project has minimal influence on the surrounding neighbors. The project enhances views and solar access with the removal of overgrown and dying trees. The applicants will still maintain privacy between residences with the newly planted Japanese maples, and new solid board fencing to replace the existing, chain-linked fencing.

The residence has a maximum height of 34½-feet, measuring from its lowest point, which is finished grade. The residence does not exceed the allowed 35-

feet maximum height restriction of the (R-6) Zoning District. There is a request for a variance to allow 3 stories (where 2 ½ stories is the maximum). The subject property is steep, and slopes downward from east to west with an average slope of approximately 20%. The new single-family residence is designed to follow the natural topography of the hillside, with the lowest level toward the bottom of the hill. The applicant shall submit evidence from a licensed surveyor on the field elevations of the roof ridgeline points and the heights of the building as measured from existing grade indicated on building permit site plans for purposes of determining compliance with maximum height limits of the zoning district, as conditioned is this Staff Report.

The subject property is topographically challenged, which limits the buildable area of the lot. The west end of the lot is extremely difficult to develop because of the existing 5-foot wide sewer easement, and the average slope being approximately 57%. The granting of a variance in this situation would allow for access and parking in a manner that would not involve extensive development or additional drainage necessary for construction along steep terrain.

There are also variance requests to frontage setback, minimum side yard, and rear yard requirements for retaining walls, and a portion of the new fencing, that are considered structures. Due to the sloping topography of the subject property, and dramatic changes in grade, approval to variance requests for these particular structures would not be special privilege. All other retaining walls over 3-feet are outside of the required frontage setback, side yards, and rear yard. All other fencing along the perimeter of the property does not go over 6-feet in height.

The project includes a tree permit request to remove 11 code-protected trees, and work within the drip lines of 2 code-protected trees. The red and atlas cedar trees are in good health, but Ms. Darlene Tong (new resident) is highly allergic to cedar trees. The applicants have requested to remove these two trees for that reasoning. However, the arborist report finds these two trees to be in good health, and their removal would not be for reasonable development. Staff cannot find sufficient evidence to support the removal of these two cedar trees.

The removal of the trees approved by staff would increase views and sunlight to adjacent property owners. Additional Japanese maple trees will be planted along the north and south boundaries of the property. This species grows to

a height that will provide sufficient privacy in between neighboring residences, while not impeding on views or solar access. Therefore, the proposed project meets the intent of the -TOV ordinance.

None of the buildings encroach into the minimum (R-6) front yard setback, side yards, or rear yard. In addition, the northern face of the residence is set back 6-feet from the property line shared with 153 Lawson Road, rather than the minimum 5-feet. This is to provide additional cushion between the two residences.

The overall project has minimal influence on the surrounding neighbors. The project enhances views and solar access with the removal of overgrown and dying trees. The applicants will still maintain privacy between residences with the newly planted Japanese maples, and new solid board fencing to replace the existing, chain-linked fencing.

The Kensington Combining District (-K) includes seven criteria for approval of the Development Plan project. As detailed in the attached Kensington Combining District Findings, staff finds that the project satisfies all seven criteria.

IX. CONCLUSION

Staff finds that the proposed development is consistent with the Single-Family Residential, High-Density (SH) General Plan Land Use designation and complies with the intent and purpose of the Kensington Combining District (-K), Single-Family Residential (R-6) Zoning District, and Tree Obstruction of Views Combining District (-TOV). Therefore, staff recommends the Zoning Administrator approve County File #DP15-3030, subject to the attached conditions of approval, with the exception that the two (2) cedar trees (trees #1-2 as labeled in the arborist report) requested to be removed shall be preserved and protected because staff cannot find sufficient evidence to support the removal of these two cedar trees.

Attachments:

- Findings and Conditions of Approval
- Application
- Maps – Parcel Map, General Plan, Zoning, MAC, and Aerial View
- Agency Comments
- Letter of comments from Luk residence, 153 Lawson Road, Kensington
- Reduced Plans



Department of Conservation and Development
County Zoning Administrator

Monday, April 4, 2016 – 1:30 .P.M.

STAFF REPORT

Agenda Item # _____

Project Title: Hearing for New Single-Family Residence within the Kensington Combining District

County File(s): #DP15-3030

Applicants/Owners: Edward Dean and Darlene Tong

Zoning/General Plan: Kensington Combining District (-K), Single-Family Residential District (R-6), and Tree Obstruction of Views Combining District (-TOV) / Single-Family Residential High-Density (SH)

Site Address/Location: A vacant lot at the end of a private easement off of Lawson Road behind 153 and 154 Lawson Rd. in unincorporated Kensington; (APN: 572-034-018)

California Environmental Quality Act (CEQA) Status: Exempt under CEQA Guidelines, Section 15303(a), regarding new construction or conversion of small structures.

Project Planner: Dominique Vogelpohl, Planner I (925) 674-7814

Staff Recommendation: Approve (See section II for full recommendation)

I. PROJECT SUMMARY

The applicant requests design review approval of a Development Plan for Kensington for a proposed single-family residence, and detached accessory building, totaling 4,224 in gross floor area (where the Kensington Combining District gross floor area threshold is 4,000 square-feet). The project includes variance requests to allow: 3 stories (where 2 ½ stories is the maximum), a 3-foot front yard setback (where 20-foot is required) for a retaining wall with a maximum height of 7½-feet, a 0-foot side yard (where 5-feet is required) for a retaining wall with a maximum height of 4-feet, and a 0-foot rear yard (where 3-feet is required) for a fence with a maximum height

of 6-feet, 9-inches. The project also includes a tree permit request to remove 11 code-protected trees, and work within the drip lines of 2 code-protected trees.

II. RECOMMENDATION

Staff recommends the Zoning Administrator APPROVE County File #DP15-3030, based on the attached findings and subject to the attached conditions of approval submitted with the staff report completed for the March 21, 2016 Zoning Administrator hearing. The two (2) cedar trees (trees #1-2 as labeled in the arborist report) requested to be removed shall be preserved and protected, in addition to the coast live oak and apple tree.

III. BACKGROUND

The proposed project was initially heard before the County Zoning Administrator on March 21, 2016. The hearing was open to the public and testimony was accepted from multiple neighbors in opposition of the project, and the applicants in support of the project. Also, letters in opposition were submitted to the Zoning Administrator from additional neighbors not present at the hearing. After hearing from all of the speakers, and receiving further written testimony, the Zoning Administrator requested that the matter be continued as an open hearing to April 4, 2016. This was to provide the Zoning Administrator with enough time to consider all of the new testimony from the March 21, 2016 hearing, and for the Zoning Administrator to conduct a site visit to subject property and 153 Lawson Road. In addition, staff verified that a list of neighbors (provided to the Zoning Administrator at the hearing) all received County notification of the scheduled March 21, 2016 hearing.

IV. NOTICING

Speakers in opposition claimed that a list of neighbors did not receive notices regarding the Kensington Municipal Advisory Council (KMAC) meetings. The Zoning Administrator clarified that the County is not responsible for KMAC's noticing, but that staff would verify that the list of neighbors did receive the County's notification of the scheduled March 21, 2016 Zoning Administrator hearing. The following neighbors were listed and confirmed to have been mailed County notices:

- 63 Highland Boulevard, Kensington – Robert and Beverly Prowse
- 154 Lawson Road, Kensington – Rune and Anna Storesund
- 138 Lawson Road, Kensington – Leonard Anderson
- 149 Lawson Road, Kensington – Kimberly Leo
- 146 Lawson Road, Kensington – Andrew Mixer

- 145 Lawson Road, Kensington – Milton Comas
- 55 Highland Boulevard, Kensington – William and Betty Webster

The neighbors of 134 Lawson Road, Kensington, Bruce Morrow and John Norcross, did not receive a notice because their property is outside of the 300-foot radius measured from the subject property.

V. CONCLUSION

Staff finds that the proposed development is consistent with the Single-Family Residential, High-Density (SH) General Plan Land Use designation and complies with the intent and purpose of the Kensington Combining District (-K), Single-Family Residential (R-6) Zoning District, and Tree Obstruction of Views Combining District (-TOV). Therefore, staff recommends that the Zoning Administrator approve DP15-3030 based on the attached findings and subject to the attached conditions of approval submitted with the staff report completed for the March 21, 2016 Zoning Administrator hearing, with the exception that the two (2) cedar trees (trees #1-2 as labeled in the arborist report) requested to be removed shall be preserved and protected because staff cannot find sufficient evidence to support the removal of these two cedar trees.

FINDINGS AND CONDITIONS OF APPROVAL AS APPROVED BY THE ZONING ADMINISTRATOR ON APRIL 4, 2016 FOR COUNTY FILE #DP15-3030; EDWARD DEAN and DARLENE TONG (Appellant/Applicant/Owner); GEORGE and ANITA LUK (Appellant)

I. FINDINGS

A. KENSINGTON COMBINING DISTRICT FINDINGS

Kensington Combining District (-K) requires that the new single-family residence and auxiliary structures satisfy seven criteria before a project is approved:

- 1) *Recognizing the rights of property owners to improve the value and enjoyment of their property;*

Staff Finding: The project includes the construction of a new single-family residence and accessory building on a vacant lot. It is a 2,870 square-foot residence with a 955 square-foot parking level; which includes a carport, elevator, entryway, and utility room. The accessory building is 327 square-feet. As a result, the gross floor area is 4,224 square-feet. Since the subject property is vacant, the construction of a new, high quality residence will improve the overall value and enjoyment of the property.

- 2) *Recognizing the rights of property owners of vacant lots to establish a residence that is compatible with the neighborhood in terms of bulk, scale and design;*

Staff Finding: The property owner has the right to establish a new residence that is compatible with the neighborhood in terms of bulk, scale, and design. Originally, the maximum height of the residence, including the third story, was 34½-feet. Per the Zoning Administrator's modification to condition of approval #4, as measured from the top of the parapet, the height of residence shall not exceed the 825-foot elevation. This will lower the overall height by approximately 3-feet, reducing the bulk of the residence by 5,136 cubic feet.

The development of a new residence, even with a portion of it being three stories, is still consistent with the neighborhood in terms of bulk. The surrounding area contains two-story, and some three-story residences. The new residence's third story is minimal in floor area, and is designed for access purposes only. Neither the parking or utility room on the lower level create three stories. The lower level is hidden within the downslope of the property,

not visible from the northern properties. The residence has the bulk of a two story home because of the topography of the site.

The total livable area for the subject property is consistent with neighboring residences in regards to scale. The subject property's overall livable area is 3,197 square-feet. The average livable area for the surrounding properties is 3,000 square-feet.

Finally, the design of the new residence is of modern architecture. The surrounding neighborhood is primarily traditional architecture. However, with the new residence being at a lower elevation than the residences to the north, and separated by required vegetation, its visual impact is minimal. The subject property itself is not visible from the public road. Therefore, the project is compatible with the neighborhood in terms of bulk, scale and design.

In addition, at the Kensington Municipal Advisory Council (KMAC) December 1, 2016 meeting, the KMAC recommended approval of the overall project, including the three-story variance and tree removal, provided that certain conditions were met. The "storage room" on the parking level be eliminated, and the bay window on the top level be adjusted so that the room above does not create three stories per plans submitted to the KMAC September 16, 2015. These revisions are present in the attached plans. Therefore, the project is compatible with the neighborhood in terms of bulk, scale and design as determined by staff and the KMAC.

The project enhances views and solar access with the removal of overgrown and dying trees. The applicants will still maintain privacy between residences with newly planted Japanese maples as part of the required landscaping plan. The required vegetation will provide screening between residences, but will not grow to the height of the original trees, affirming that newly opened up views stay unblocked. The landscaping plan will be reviewed and approved by staff to ensure that the proposed placement of the required trees and vegetation compensate for the lack of privacy between residences created by the tree removal. Therefore, the proposed project meets the intent of the (-TOV) ordinance.

3) *Minimizing impacts upon surrounding neighbors;*

Staff Finding: The building sites, its design, and tree removal minimizes the impacts upon surrounding neighbors. Having the residence's footprint on the east side of the property maintains the views of the San Francisco Bay for

adjacent property owners. Also, the third story is tucked into the downslope of the property, hiding it from sight at street level.

None of the buildings encroach into the minimum (R-6) front yard setback, side yards, or rear yard. In addition, the northern face of the residence is set back 6-feet from the property line shared with 153 Lawson Road, rather than the minimum 5-feet. This is to provide additional cushion between the two residences.

The new residence will be visible in the foreground of the residence at 153 Lawson Road, located upslope from the subject property. Privacy will be maintained with the proposed Japanese maples, as required under Condition of Approval #7, and additional tree/vegetation as stated on Condition of Approval #10 in between neighboring properties. The removal of the existing trees allows for more sunlight to enter neighboring properties, and expand views of the bay. The required vegetation will provide screening between residences, but will not grow to the height of the original trees, affirming that newly opened up views stay unblocked. The required landscaping and tree replanting will preserve privacy between residences.

4) *Protecting the value and enjoyment of the neighbors' property;*

Staff Finding: As previously mentioned, the overall project will have minimal impacts on surrounding properties. The project is not visually obtrusive, and its impacts on views and solar access are minimal. In addition, the removal of overgrown and dying trees will allow for more sunlight to enter neighboring properties, and open up the views of the San Francisco Bay. The new residence is visible from adjacent residences to the north of the subject property, but it is not readily visible from the street. The required landscaping and tree replanting ensures privacy between residences.

The views of the neighborhood skyline and the San Francisco Bay is toward the west. The applicants' new residence will be to the Luk's south. The portion of the new residence that is three stories is southwest of the Luk residence, and does not impact these views.

Both the residence and accessory building do not obstruct the primary view of the bay, minimally decrease access to sunlight, and have minimal effect on privacy for surrounding properties, and therefore, the project will preserve the value and enjoyment of neighboring properties.

5) *Maintaining the community's property values;*

Staff Finding: The proposed project has minimal impacts on views, light and solar access, privacy, parking, and residential noise levels. There have been four other residences along Lawson Road that have received variance approval for three stories because of the topographic challenges due to the hillside. The third story for the subject property is minimal in bulk and scale, and has no impact on neighboring residences. The subject property is not readily visible from the public road, and is at a lower elevation than properties to the north. The portion of the residence that is surrounded by neighboring residences is two-stories, and has been conditioned to have a 3-foot reduction, and not to exceed the 825-foot elevation, as measured from the top of the parapet. It is visible in the foreground to neighboring residences, but is comparable to them in terms of bulk and scale. As a result, existing community's property values are preserved. Furthermore, the addition of habitable floor area on the subject property improves the overall value of the residence, and property values as a whole.

The development of the overall subject site, consisting of a 2,870 square-foot residence with a 955 square-foot parking level, 327 square-foot accessory building, and new hardscaping and landscaping throughout, will bring a new, high quality residence to the neighborhood, which will improve the property value of the subject property and thereby increase the overall property value of the whole community.

6) *Maximizing the use of existing interior space;*

Staff Finding: The lot is vacant, so there is no interior space currently. The project includes the construction of a new single-family residence consisting of 2,870 square-feet with a 955 square-foot parking level, and a 327 square-foot accessory building, for a gross floor area of 4,224 square-feet. The new residence will utilize all of the interior space for living space, as there will not be any unconditioned space within the residence other than the two car carport within the parking level. Therefore, the project serves to maximize the use of its interior space.

7) *Promoting the general welfare, public health, and safety.*

Staff Finding: The new residence, and overall scope of work, does not change the land use of the subject property and, as described earlier, has minimal impacts on surrounding properties. The subject site improves the value of the neighboring properties. Also, the project will not use or emit hazardous

substances beyond what is normal for a residential property. The project would be required to comply with applicable zoning standards and obtain building permits. Based on the foregoing reasons, the project promotes the general welfare, public health and safety of the Kensington community.

B. VARIANCE FINDINGS

County Code Section 26-2.2006 states that all of the following findings must be made to approve the Variance permit application.

- 1) *That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located;*

Staff Finding: The variance to allow 184 square-feet of floor area that creates three consecutive stories (where 2 ½ stories is the maximum) does not constitute a grant of special privilege. The third story does not expand the building envelope, and would not change the current conditions of the surrounding area. The subject property is topographically challenged, which limits the buildable area of the lot. The west end of the lot is extremely difficult to develop because of the existing 5-foot wide sewer easement, and the average slope being approximately 57%. The granting of a variance in this situation would allow for access and parking in a manner that would not involve extensive grading or relocation of drainage lines. The new single-family residence is designed to follow the natural topography of the hillside, with the lowest level toward the bottom of the hill.

Also, it is typical for a crawl space with adequate ceiling height be a result from the construction of a residence on a hillside with such a steep slope. The third story is an understandable situation made possible by the topographic circumstances of the subject property. In addition, there have been four other residences along Lawson Road that have received variance approval for three stories because of the topographic challenges due to the hillside. Therefore, the variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective (R-6) land use district in which the subject property is located.

There are also variances to allow:

- A 3-foot front yard setback (where 20-feet is required) for a retaining wall with a maximum height of 7½-feet;
- A 0-foot side yard (where 5-feet is required) for a retaining wall with a

maximum height of 4-feet;

- And a 0-foot rear yard (where 3-feet is required) for 15 linear feet of fencing with a maximum height of 6-feet, 9-inches.

The retaining walls are also due to the topographic challenges of the subject property. The retaining wall off of the private road is for the driveway in order to gain access to the residence. The other retaining wall is to replace an existing, wood retaining wall that is failing. 15 linear feet of fencing along the rear boundary line will have a maximum height of 6-feet, 9-inches because of the topography as well. The ground dips down at that area of the site, and keeping the fence at 6-feet would cause a break in the fencing. This would lower the fence line, and create a negative impact to privacy between the subject property and adjacent property. Thus, these additional variances would not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity.

- 2) *That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of the rights enjoyed by other properties in the vicinity and within the identical land use district;*

Staff Finding: The variance is to allow three stories (where 2 ½ stories is the maximum). The third story is at the west end of the new residence, and the lowest level. The topography and surroundings of the subject property are special circumstances that deprive the subject property of rights enjoyed by other properties in the vicinity and within the Kensington Combining District (-K) and (R-6) Zoning District. The subject property is a hillside. The new residence is being constructed to follow the natural topography of the hillside, with the lowest level toward the bottom of the hill.

It is typical for a crawl space with adequate ceiling height be a result from the construction of a residence on a hillside with such a steep slope. The creation of the third story is an understandable situation made possible by the topographic circumstances of the subject property.

The property is accessed by a 15-foot wide private easement at the end of Lawson Road. The west half of the property is extremely difficult to develop with a steep average grade of 57%. If the applicants were to utilize this portion of the lot for parking and access into the home, the design would increase in footprint. This would create far too much massing and bulk, and potentially impede on views of the San Francisco Bay to the west. Furthermore, due to

these topographic challenges, grading and filling is considered infeasible. A third story is a sensible resolution.

The third story does not have the residence go over maximum height as conditioned by the Zoning Administrator. It does not further expand the envelope of the residence, or create additional bulk. It is also tucked into the downslope of the subject property, hiding it from sight at street level, and not impacting views. Using the existing footprint of the new residence is a reasonable request because of special circumstances applicable to the subject property. Thus, strict application of the (R-6) zoning regulations would deprive the subject property of the rights enjoyed by other properties in the immediate vicinity.

As previously stated, there are also variances to allow:

- A 3-foot front yard setback (where 20-feet is required) for a retaining wall with a maximum height of 7½-feet;
- A 0-foot side yard (where 5-feet is required) for a retaining wall with a maximum height of 4-feet;
- And a 0-foot rear yard (where 3-feet is required) for 15 linear feet of fencing with a maximum height of 6-feet, 9-inches.

Due to the topographic challenges of the subject property, these structures are required for the overall improvement to the subject site. The retaining wall off of the private road is for the driveway in order to gain access to the residence. The other retaining wall is to replace an existing, wood retaining wall that is failing. 15 linear feet of fencing along the rear boundary line will have a maximum height of 6-feet, 9-inches because of the topography as well. The ground dips down at that area of the site, and keeping the fence at 6-feet would cause a break in the fencing. This would lower the fence line, and create a negative impact to privacy between the subject property and adjacent property.

All other retaining walls that are considered structures meet frontage setback, side yard, and rear yard requirements for the (R-6) Zoning District. All other fencing along the perimeter of the property does not go over 6-feet in height. As a result, strict application of the (R-6) zoning regulations would deprive the subject property of the rights enjoyed by other properties in the immediate vicinity.

- 3) *That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the property is located.*

Staff Finding: The intent and purpose of the Single-Family Residential (R-6) land use district is to facilitate orderly development and maintenance of high-density, single-family residential neighborhoods. This includes a detached single-family dwelling and the accessory structures and uses normally auxiliary to it. The new residence, and accessory building and structures, fall under the permitted uses for the (R-6) Zoning District. The project requires the approval of variances to allow three (3) stories (where 2 ½ stories is the maximum), and structures not meeting the minimum frontage setback, side yard, and rear yard requirements. However, due to the topographic challenges to the subject site the granting of these variances is considered special circumstance, not a special privilege. Therefore, approval of the variances previously stated in order to construct the residence and auxiliary structures would meet the intent and purpose of the (R-6) land use district.

C. TREE PERMIT FINDINGS

Both the red and atlas cedar trees (trees #1-2 as labeled in the arborist report) are approved for removal. Staff has determined the eleven (11) trees requested for removal be allowed based on the Tree Findings below.

Required Factors for Granting Permit. The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a Tree Permit have been satisfied as marked:

- 1) The arborist report indicates that most of the subject trees are in poor health and cannot be saved;
- 2) Reasonable development of the property would require removal and/or work within the drip line of code-protected trees, and this development could not be reasonably accommodated on another area of the lot.
- 3) According to Section 816.6.2004, the purpose of the Tree Protection and Preservation Ordinance is to preserve trees on private properties in the interest of the public health, safety and welfare. As indicated by the applicant's physician, the applicant has serious allergies to cedar trees and notwithstanding the fact that these trees are protected; the preservation of these two cedar trees will be compromising the property owner's individual health and safety as stated on Section 816.6.2004.

II. CONDITIONS OF APPROVAL FOR COUNTY FILE #DP15-3030

Project Approval

1. Development approval is based on the following documents submitted to the Department of Conservation and Development, Community Development Division (CDD):
 - The application materials submitted on September 16, 2015;
 - Additional materials submitted January 20, 2016;
 - Revised plans submitted January 22, 2016 and February 16, 2016;
 - Arborist report dated December 10, 2015, prepared by Peter K. Rudy, certified arborist;
 - And subject to the conditions listed below.

Tree Removal

2. This permit is to allow the removal of eleven (11) code-protected trees only.

General Provisions

3. Any development or expansion beyond the limits of this permit approved under this application may require the review and approval of CDD and may require the filing of an application for modification to a Development Plan and a public hearing, if deemed necessary. The following is approved with this permit:
 - A. The construction of:
 - A 2,870 single-family residence, with a 955 square-foot parking level, and a 327 square-foot accessory building, resulting in a total gross floor area of 4,224 square-feet (where the Kensington Combining District gross floor area threshold is 4,000 square-feet);
 - New retaining walls and fencing;
 - A 103 square-foot trellis;
 - And new landscaping and hardscaping throughout.
 - B. Variances to allow:
 - 3 stories (where 2 ½ stories is the maximum);
 - A 3-foot front yard setback (where 20-feet is required) for a retaining wall with a maximum height of 7½-feet;
 - A 0-foot side yard (where 5-feet is required) for a retaining wall with a maximum height of 4-feet;
 - And a 0-foot rear yard (where 3-feet is required) for 15-feet of fencing with a maximum height of 6-feet, 9-inches.

- C. A tree permit to remove 11 code-protected trees, and work within the drip lines of 2 code-protected trees.

Species	Trunk Diameter(s)	Status
3 Monterey Pines	42.5-inches; 29-inches; 6.5-inches	Remove all
2 Honey Locusts	10-inches; 20-inches	Remove all
2 Junipers	48-inches in total (multi-stemmed) 63-inches in total (multi-stemmed)	Remove all
California Live Oak	18-inches in total (multi-stemmed)	Preserve
Eugenia	48-inches in total (multi-stemmed)	Remove
Black Pine	10-inches	Remove
2 Cedars	16-inches and 24-inches	Remove all
Apple tree	10-inches	Preserve
Pear tree	6-inches	Remove – Not protected

Building Height Verification

4. **Prior to requesting a framing inspection**, but after completion of roof frame, the applicant shall submit evidence, for review and approval of CDD, from a licensed surveyor on the field elevations of the roof ridgeline points and the heights of the building as measured from existing grade indicated on building permit site plans for purposes of determining compliance with maximum height limits of the zoning district. In addition, the overall height of the residence shall be reduced by 3-feet. As measured from the top of the parapet, the height of residence shall not exceed the 825-foot elevation.

Fencing

5. No fencing shall be higher than 6-feet tall when measured from grade, except for the 15-feet of fencing (with a maximum height of 6-feet, 9-inches) allowed through this variance approval.

Model Water Landscape Ordinance

6. **Prior to the submittal of a building permit**, the applicants shall demonstrate that the landscaping plan provides compliance with the State Model Water Efficiency Landscape Ordinance or County Model Water Efficiency Landscape Ordinance, whichever ordinance applies.

Landscaping

7. **Prior to the submittal of a building permit**, a landscaping plan for all landscaped areas, including placement of Japanese maples, shown on the plan shall be submitted for review and approval of CDD. Such landscaping shall specifically serve for screening for privacy areas along the northwest, south and southwest.

Payment of Fees

8. This application is subject to an initial application deposit of \$1000.00, which was paid with the application submittal, plus time and material costs if the application review expenses exceed 100% of the initial deposit. Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first. The applicants may obtain current costs by contacting the project planner. If the applicants owes additional fees, a bill will be sent to the applicants shortly after permit issuance.

Contingency Restitution for Work within the Dripline of Trees

9. Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that tree removal and construction activity nevertheless damages these trees, the applicants shall provide the County with a security (e.g., bond, cash deposit) to be submitted prior to filing a building permit, to allow for replacement of trees intended to be preserved that are significantly damaged by tree removal and/or construction activity. The security shall be based on:
 - A. **Extent of Possible Restitution Improvements:** The planting of up to four (4) drought-tolerant trees, minimum 15-gallons in size, in the vicinity of the affected trees, or equivalent planting contribution, subject to prior review and approval of CDD.
 - B. **Determination of Security Amount:** The security shall provide for a breakdown of all of the following costs:
 - Preparation of a landscape/irrigation plan by a licensed landscape architect or arborist.
 - A labor and materials estimate for planting the four (4) 15-gallon-size trees and related irrigation improvements that may be required, prepared by a licensed landscape architect or landscape contractor.
 - An additional 20% of the total of the above amounts to address inflation costs.
 - C. **Acceptance of Security:** The security shall be subject to review and approval of CDD. The County ordinance requires that the applicants pay fees for all staff time

and material costs associated with processing a tree protection security. The applicants shall pay an initial fee deposit of \$100 at time of submittal of a security.

- D. Duration of Security: The security shall be retained by the County for a minimum of 12 months and up to 24 months following completion of work within the trees' driplines. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicants arrange for the consulting arborist to inspect the trees and prepare a report on the trees' health. In the event that CDD determines that the trees intended to be preserved have been damaged by development activity, and CDD determines that the applicants have not been diligent in providing restitution of the damaged trees, then CDD may require that all or part of the security be used to provide for mitigation of the damaged tree(s).

Required Restitution for Approved Tree Removal

10. The following measures are intended to provide restitution for the eleven (11) trees that have been approved for removal:

- A. Tree Restitution Planting/Irrigation Plan: Prior to filing a grading permit or building permit, or prior to removal of trees, whichever occurs first, the applicants shall submit a tree planting and irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of CDD. The plan shall provide for the planting of at least eleven (11) drought-tolerant trees, minimum 15-gallons in size. The plan shall be accompanied by an estimate prepared by a licensed landscape architect or arborist of the materials and labor costs to complete the improvements on the plan. This tree restitution plan may be considered along with the landscaping requirement stated under Condition of Approval #7.

The tree restitution planting plan shall be incorporated into the plans filed for a building permit and shall comply with the requirements of the State Model Water Efficient Landscape Ordinance or County Model Water Efficiency Landscape Ordinance, whichever ordinance applies. Information relating to this ordinance is available at the Application and Permit Center.

- B. Required Security to Assure the Completion of Plan Improvements: Prior to filing a grading permit or building permit, or prior to removal of trees, whichever occurs first, the applicants shall submit a security (e.g., bond, cash deposit) that is acceptable to CDD to ensure that the restitution plan is implemented.

Determination of Security Amount: The security shall provide for a breakdown of all of the following costs:

- A labor and materials estimate for planting the eleven (11) 15-gallon-size trees and related irrigation improvements that may be required, prepared by a licensed landscape architect or landscape contractor.
 - An additional 20% of the total of the above amounts to address inflation costs.
- C. Initial Fee Deposit for Processing a Security: The County ordinance requires that the applicants pay fees for all staff time and material costs associated with processing a landscape improvement security. At the time of submittal of the security, the applicants shall pay an initial deposit of \$100.
- D. Duration of Security: The security shall be retained by the County for a period of 24 months following the completion of construction activity to ensure that the restitution plan is successfully implemented. If CDD determines that the applicants has not been diligent in implementing the plan, then CDD may require that part or all of the security be used to implement the plan.

Arborist Expense

11. The expenses associated with all required arborist services shall be borne by the developer and/or property owner.

Compliance with Arborist Recommendations

12. The applicants shall implement all measures recommended by the consulting arborist that are intended to mitigate potential tree construction-related impacts.

Construction Period Restrictions and Requirements

13. Site Preparation - Prior to the start of construction or any clearing, stockpiling, trenching, grading, compaction, paving or change in ground elevation on site with trees to be preserved, the Applicants shall install protective fencing at or beyond the drip line of the trees to be preserved (one California live oak and one apple tree) and along the boundaries of all other protected trees within the vicinity of construction. The fencing shall remain in place for the duration of construction activities. Prior to grading or issuance of any permits, the fences may be inspected and the location thereof approved by the Building Inspection Division or Community Development Division staff. *Construction plans shall stipulate on their face where temporary fencing is to be placed. The required fencing shall be installed prior to the commencement of any construction activity.*

14. The applicants shall comply with the following restrictions and requirements:

- A. Construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:

New Year's Day (state and federal)
Birthday of Martin Luther King, Jr. (state and federal)
Washington's Birthday (federal)
Lincoln's Birthday (state)
President's Day (state and federal)
Cesar Chavez Day (state)
Memorial Day (state and federal)
Independence Day (state and federal)
Labor Day (state and federal)
Columbus Day (state and federal)
Veterans Day (state and federal)
Thanksgiving Day (state and federal)
Day after Thanksgiving (state)
Christmas Day (state and federal)

For information on the calendar dates that these holidays occur, please visit the following websites:

Federal Holidays:

http://www.opm.gov/Operating_Status_Schedules/fedhol/2013.asp

California Holidays:

<http://www.sos.ca.gov/holidays.htm>

- B. Transportation of large trucks and heavy equipment is subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.
- C. A good faith effort shall be made to avoid interference with existing neighborhood traffic flows.
- D. All internal combustion engines shall be fitted with mufflers that are in good condition and stationary noise-generating equipment such as air compressors shall be located as far away from existing residences as possible.
- E. Construction equipment and materials shall be stored onsite.

- F. The construction site shall be maintained in an orderly fashion. Litter and debris shall be contained in appropriate receptacles and shall be disposed of as necessary.
 - G. Any debris found outside the site shall immediately be collected and deposited in appropriate receptacles.
 - H. The applicants shall immediately notify the CDD of any damage that occurs to any tree during the removal of the coast live oak tree. Any tree not approved for destruction or removal that dies or is significantly damaged as a result of this project shall be replaced with a tree or trees of equivalent size and of a species as approved by the CDD to be reasonably appropriate for the situation.
 - I. No parking or storage of vehicles, equipment, machinery, or construction materials and no dumping of paints, oils, contaminated water, or any chemicals shall be permitted within the drip line of any tree to be preserved.
 - J. No grading, compaction, stockpiling, trenching, paving, or change in ground elevation shall be permitted within the drip line of any tree intended for preservation unless such activities are indicated on the improvement plans approved by the County and addressed in the arborist report. If any of the activities listed above occur within the drip line of a tree to be preserved, an arborist may be required to be present. The arborist shall have the authority to require implementation of measures to protect the trees.
15. The geotechnical and/or soils report, prepared for or required for this project, will address the concerns raised in the April 4, 2016 Webster's letter (to the extent feasible). Once concerns are addressed, response(s) shall be prepared and peer-reviewed by the County geologist.
16. All of the proposed utilities of the residential project shall be placed underground.
17. Existing Utilities/Easements:
- a) The applicant shall obtain information from the appropriate County Department (Public Works, Flood Control, etc.) in order to identify property location of the storm drain easement within the property. To the extent feasible, the applicant shall seek and obtain information to determine the requirement and/or need of proper party/entity responsibility in addressing the realignment of such easement.
 - b) The applicant shall obtain information from the Stege Sanitary in order to clarify

potential location of a sewer line located along the north/northwest portion of the property. The applicant will be responsible to ensure this project will not impact such potential easement and accommodate the project in order to avoid impact to such sewer line/easement, as needed.

ADVISORY NOTES

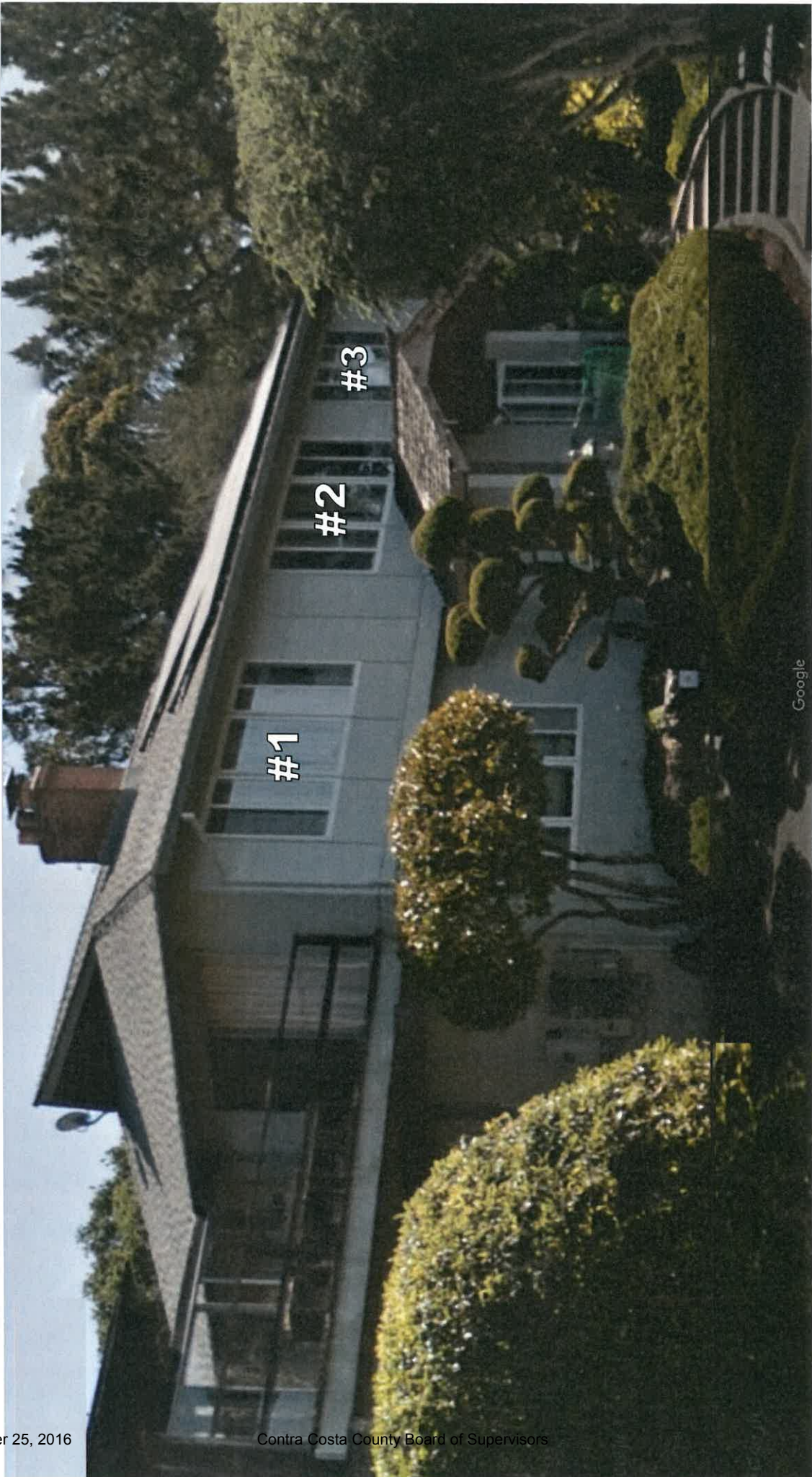
ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.

- A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

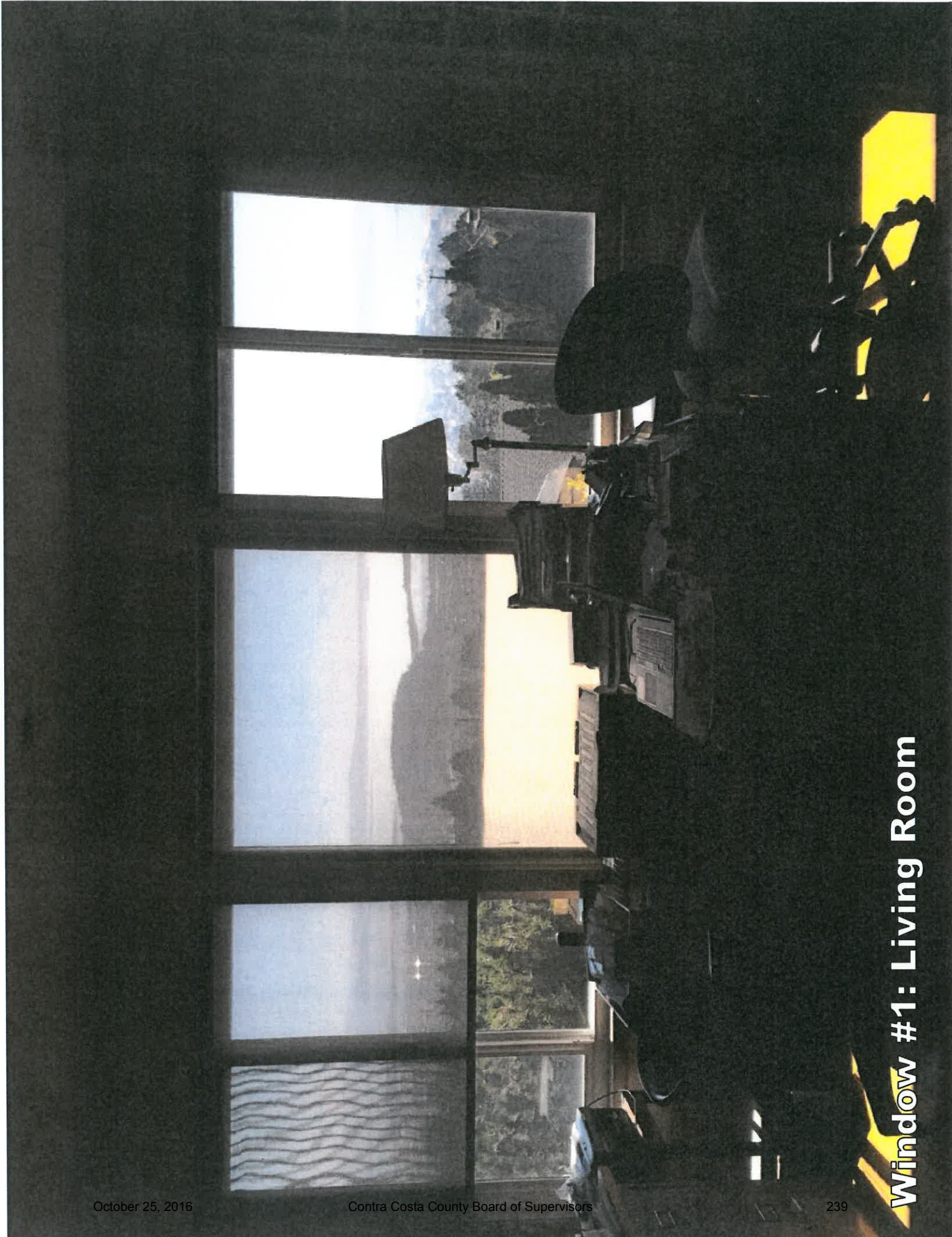
Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. Prior to applying for a building permit, the applicant is strongly encouraged to contact the following agencies to determine if additional requirements and/or additional permits are required as part of the proposed project:

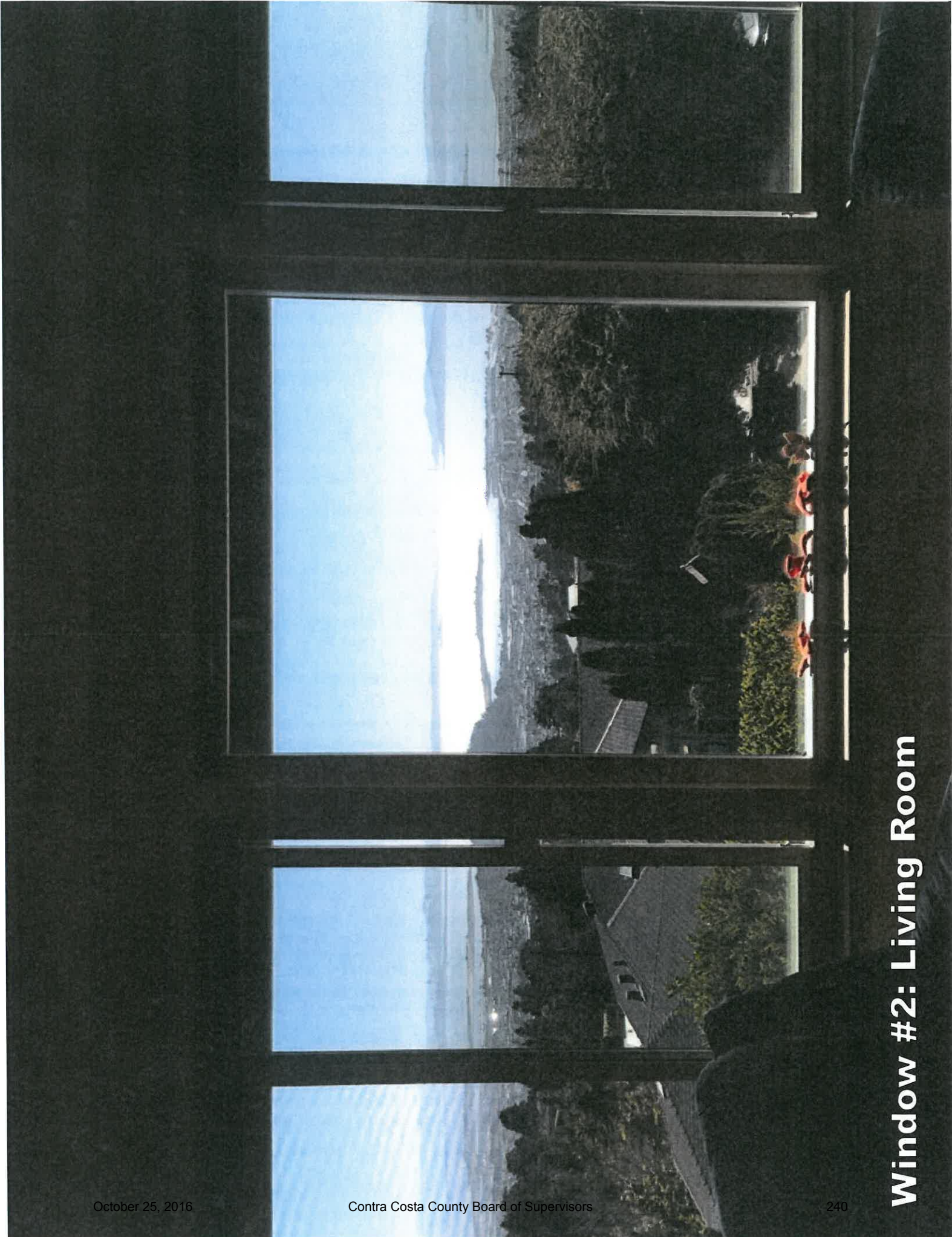
- Contra Costa County Building Inspection Division
- Contra Costa County Environmental Health Division
- East Bay Municipal Utility District
- Stege Sanitary District
- Kensington Fire Protection District
- El Cerrito Fire Department



153 Lawson Road - Luk Residence



Window #1: Living Room



Window #2: Living Room



Window #3: Bedroom



Weston's Master bath room



photos must be bedroom



Opstair's master bedroom



View from Upper Level window
(52 Kensington Court)



View from Upper Level window
(52 Kensington Court)



View from Upper Level window
(52 Kensington Court)

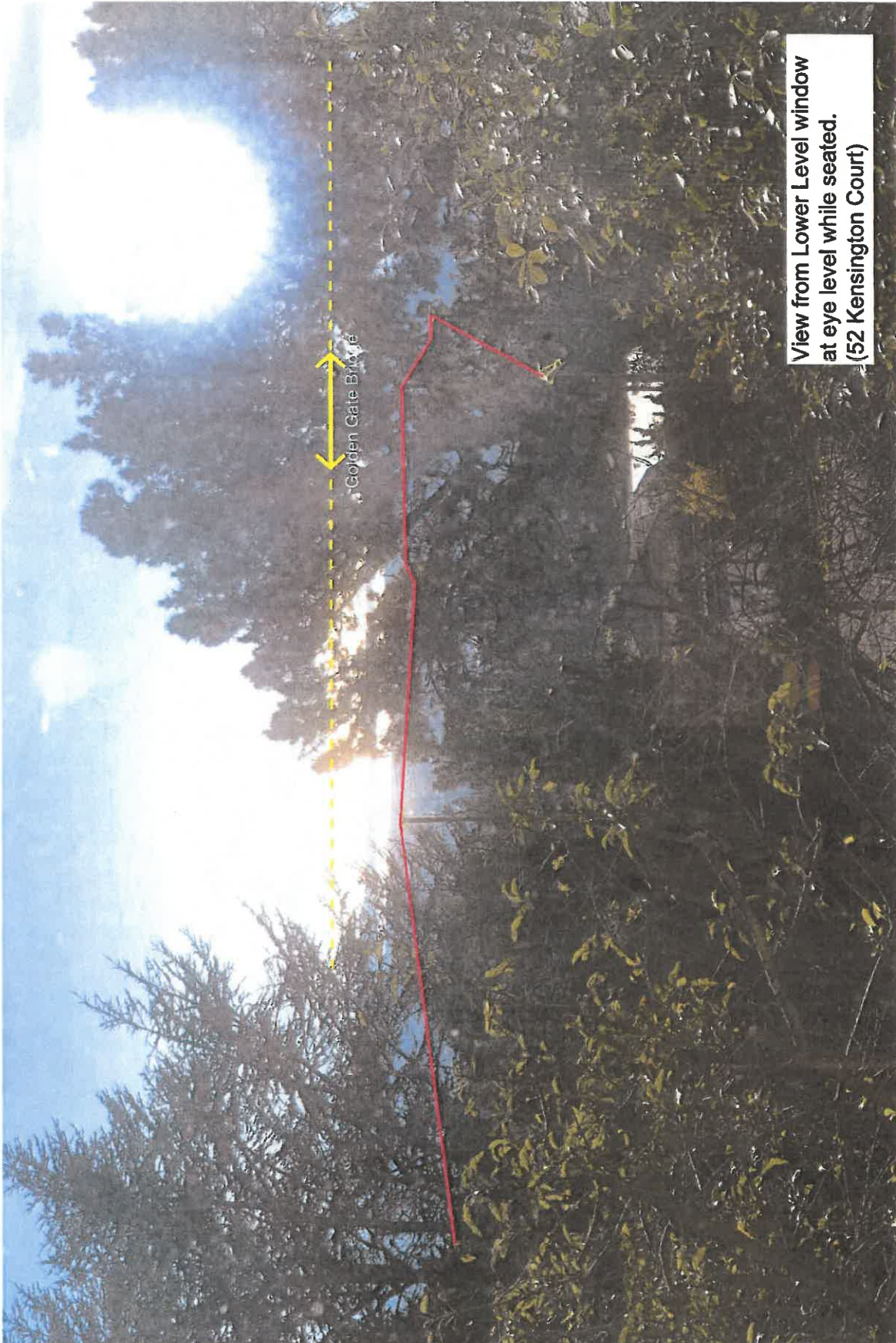


View from Upper Level window
(52 Kensington Court)

Golden Gate Bridge



View from Upper Level window
(52 Kensington Court)



View from Lower Level window
at eye level while seated.
(52 Kensington Court)



View from Lower Level window
(52 Kensington Court)

Issue No. 1

Can the building be lowered by 8 Feet to permit a view of the horizon at Oakland to the south.

Note: the view in question is diagonally across the site from the bedroom window at the rear corner of the Luk house.

General:

If the proposed Tong-Dean house had a conventional roof with an attic, there would be no question. The answer would be clearly NO. The fact that the design is contemporary architecture with a flat roof makes the question possible.

Luk has proposed a steeper driveway, thinner floors and roof, minimum roof slope, elimination of the parapet, and reduced ceiling heights to accomplish the 8-foot reduction. It should be noted that 8 feet is the minimum reduction required to expose the view. Anything less than that and the view of the horizon remains not visible. This corresponds to a top-of-parapet elevation of 820'-0". (The proposed design is 828'-0".)

The following is a technical analysis of the conditions at the site and of the building's construction to determine the maximum possible reduction that is possible.

Refer to the diagram, *Section Diagram Showing Required Heights*, for the complete analysis, with following specific comments:

A Because of the strong constraints of site geometry and site topography, there is only one way to get a car on to the site and turned to park under a rain-protected structure, with accessible entry to the house. That is accomplished with a sloping driveway within a fixed distance and turning area (for entry to and exit from the site) as shown in the original Plot Plan. The only question is the steepness of ramp.

Luk has proposed a design that has the bottom of the ramp at 791'-0". This is 2' lower than the original design of 793'-0". I've consulted with my civil engineer and he advises that this code maximum, though steeper, is within acceptable design. We therefore acknowledge the proposed lower elevation for this analysis though we prefer the less steep option, especially when exiting the site.

The diagram therefore begins with the elevation of the bottom of the ramp at 791'-0".

B The parking area next to the lowest level, the Ground Floor, must drain away from the house with a 2% slope.

C The elevation of the ground floor, which must be accessible and therefore at the same elevation as the immediately adjacent grade, is 791'-6". (2% slope over 23'). We address the ceiling height when all the remaining issues have been addressed.

D (Refer to "Detail at D".) I consulted with my structural engineer concerning the use of 9½" truss joists. In general, the beams required are deeper than 9½". Use of the 9½" truss joists would mean the beams protrude below the ceiling. A solution that avoids this is the use of steel beams, a more expensive solution. However, aside from the added cost, it is technically feasible to obtain a thinner floor thickness using 9½" joists. We therefore acknowledge the use of 9½" joists in the floor assemblies for this analysis, though we prefer the less costly floor assemblies of the original design.

We note that the floor assemblies utilize radiant floor panels, "Warmboard", which requires the sheathing layer to be 1¼" to accommodate the plastic tubing. (This is a *Zero Net Energy* house, and this is a feature of such houses.) In addition, there must be a 2" insulation layer in order to insulate the warmboard from the unheated rooms below (and the ground where it occurs)

The total thickness of the floor assembly at the First Floor (D) is 14".

E (Refer to "Detail at E".) Again, this diagram accepts the use 9½" truss joists and steel beams for the floor assembly since it is technically possible (though more expensive). Warmboard Is required, though the insulation is not.

Therefore, the total thickness of the floor assembly at the Second Floor (E) is 12".

F Refer to the main diagram. Because the skylights and solar photovoltaic panels are at least 12" higher than the roof or several inches higher, and are placed on the roof in the general direction of the view in question, the height of the parapet is technically irrelevant with regard to blockage of the view in question. The skylights and support structure for the solar photovoltaic panels would still block the view. (Furthermore, good practice with regard to waterproofing, I believe as a practicing architect of 35 years, requires a minimum parapet height for flashing and counter-flashing.)

Therefore, we do not acknowledge the reduction of parapet height as having any effect on the ability to see the horizon.

(Refer to "Detail at F".) Because of the longer spans, the depth of the truss joists is 11½".

There is a built-up layer of roofing assembly (waterproofing and shaped Styrofoam) which provides the minimal drainage of ¼"-per-ft slope over the 30-foot width of the house. That is done so that rainwater is efficiently collected on one side of the house and piped to a cistern for storage in the utility room. (This is the rainwater gray water system used for landscape irrigation.) The thickness of this sloping assembly is 7½" at the upper end and 0 at the other. The parapet height will vary from a minimum of 8" to a maximum of 15½", though the top-of-parapet elevation remains constant. In any event, the top-of-parapet elevation is less than the height of the skylights or the height of the supporting structure for the solar photovoltaic panels.

Therefore, the total thickness of the overall roof assembly is 28¼".

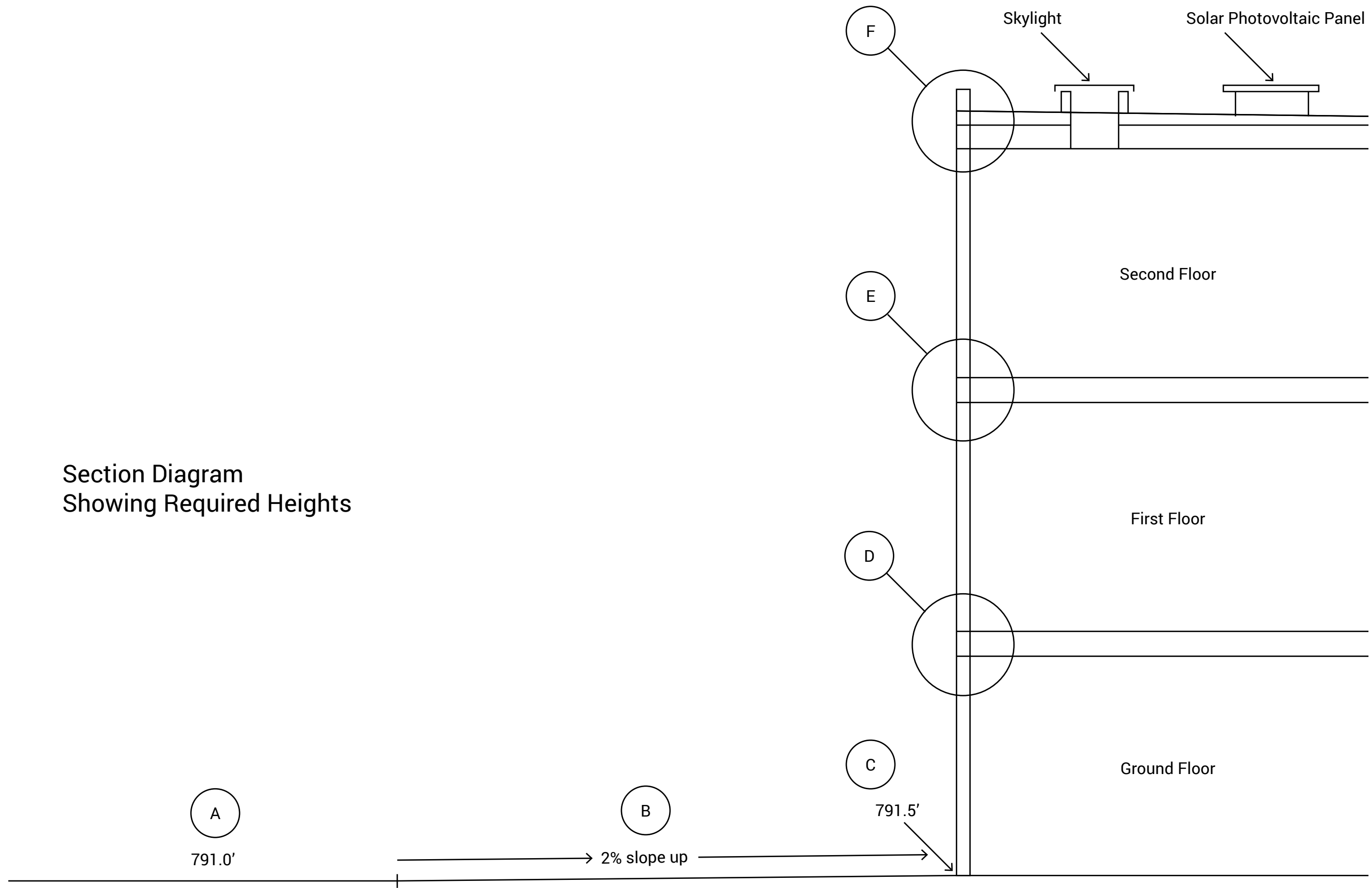
Conclusions

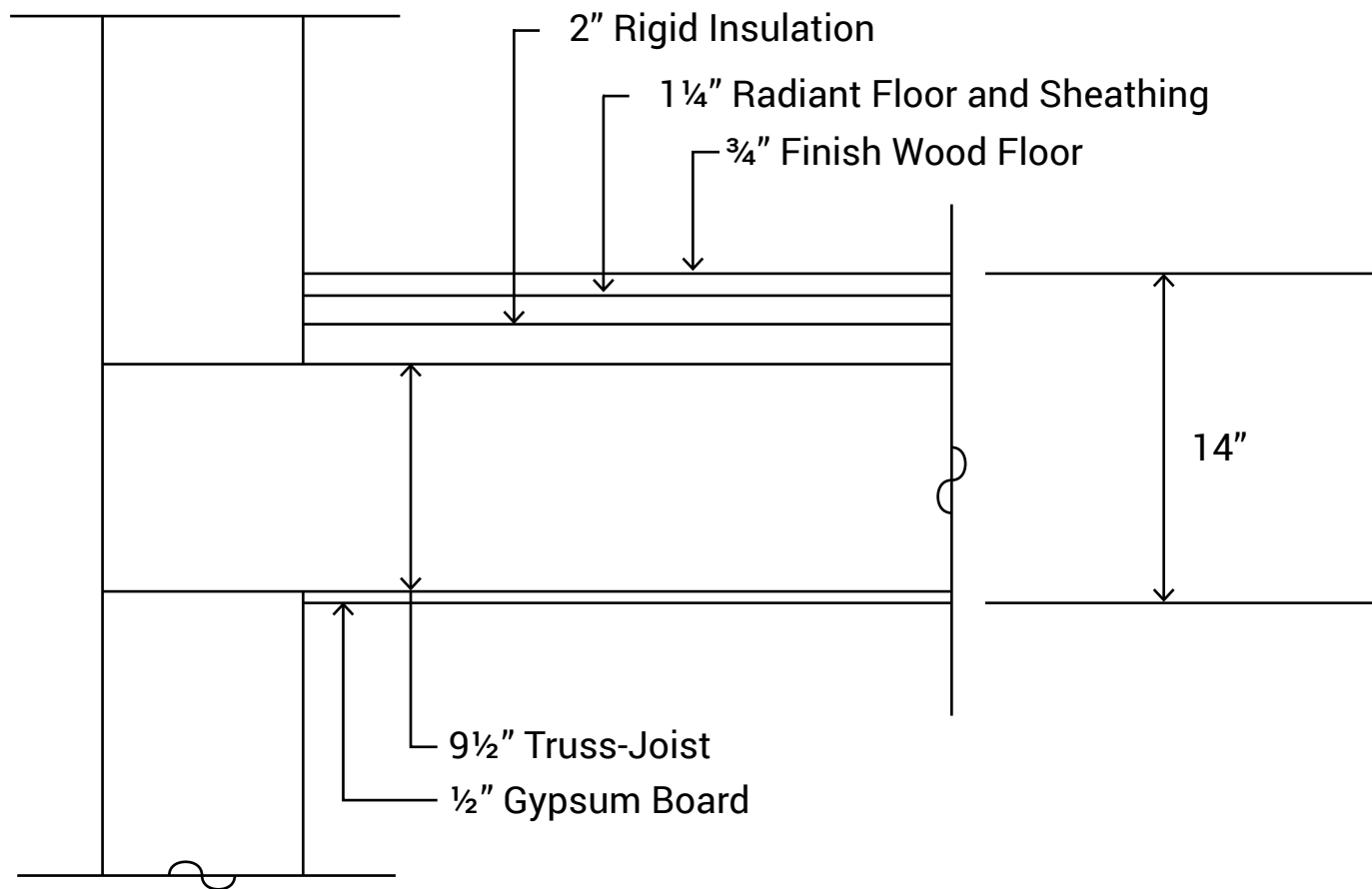
Adding the elevation of the Ground Floor to the thicknesses of First Floor, Second Floor and Roof assemblies, yields 796'- ¼". As the architect for the Luks said, the minimum acceptable ceiling height in modern homes is 9'-0". This includes the Ground Floor, since it will be an occupied floor, not a "basement room". However, even if we were to assign 8 ft to the ceiling of the Ground Floor, the total of the three ceiling heights would be 9 + 9 + 8 = 26'. Added to the 796'- ¼", the lowest elevation that is possible technically is 822'- ¼", still 2 feet short of the minimum required.

The 8-foot reduction cannot be reasonably accomplished, even if these minimum ceiling heights were acceptable. (Acceptable to us would be minimally 9.5', 9.5', 9.0', for a total of 28.0')

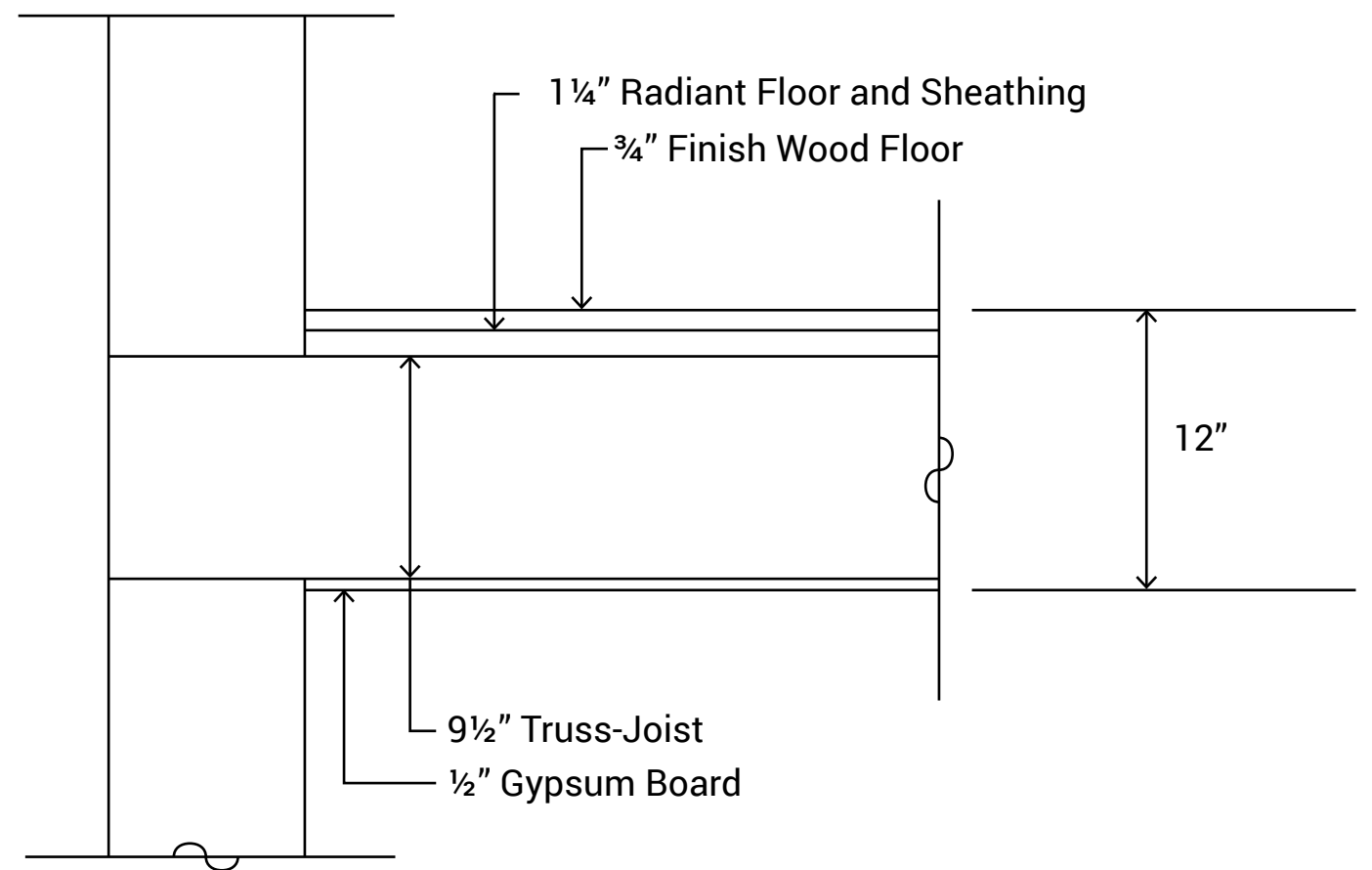
The view of the horizon to the south from the corner of the rear of the Luks' house cannot technically be maintained if a two-story house is built at 158 Lawson Road. Conversely, a two-story house cannot be built on 158 Lawson Road if it is required to maintain that view.

Section Diagram
Showing Required Heights

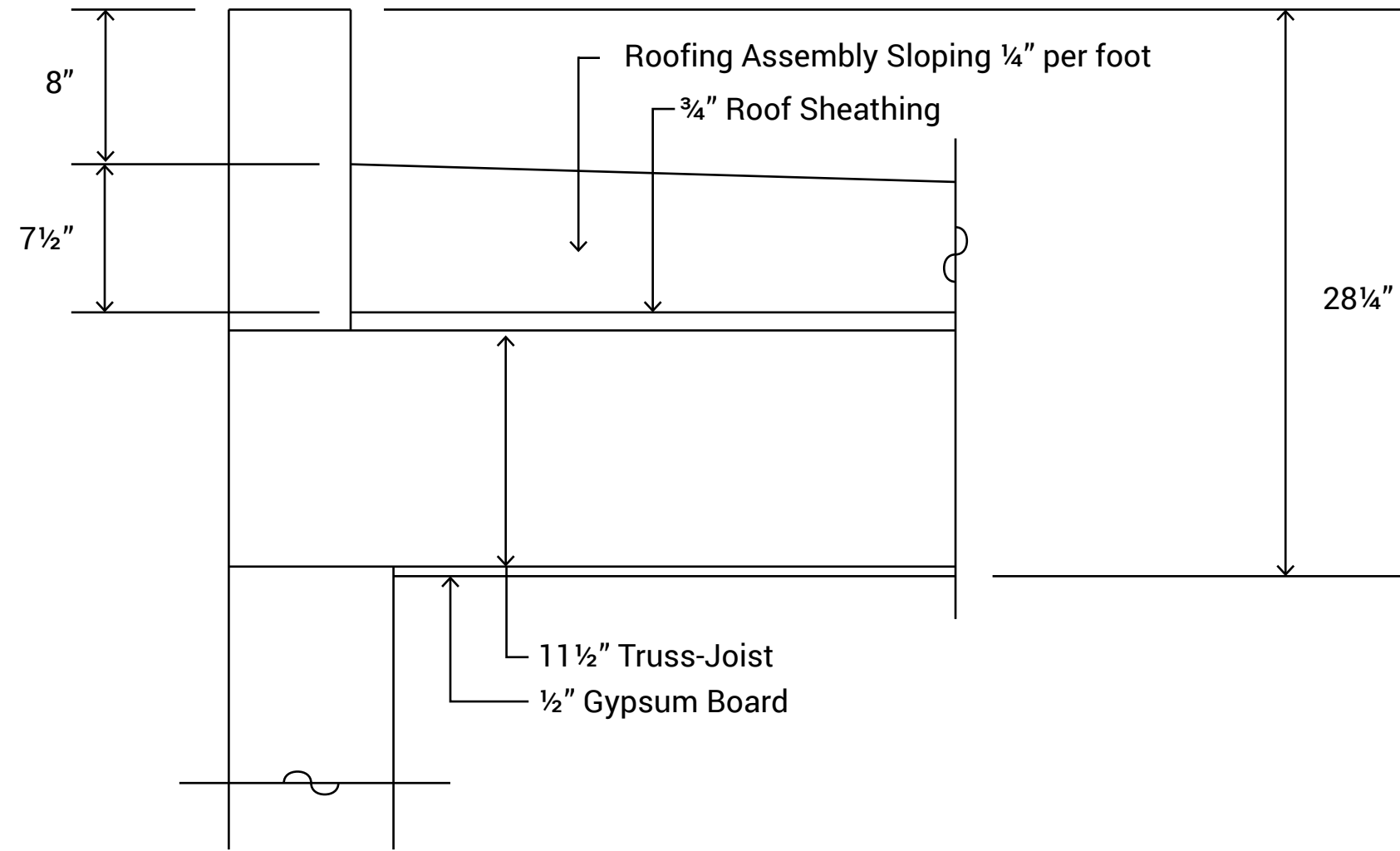




○ Detail at D
1 1/2" = 1'



○ Detail at E
1 1/2" = 1'



○ Detail at F
 1 1/2" = 1'

Law Offices of
IRA JAMES HARRIS

October 18, 2016

Via E-Mail: Dominique.vogelpohl@dcd.cccounty.us

Dominique Vogelpohl, Planner
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

Re: Applicants: Edward Dean and Darlene Tong
Address: 0 Lawson Road, Kensington, CA
APN: 572-034-018
Application: DP 15-3030
Board of Supervisors Hearing: October 25, 2016
Our File No. 1025.4

Dear Ms. Vogelpohl:

As you know this office represents George and Anita Luk, the owners of 153 Lawson Road, Kensington, California the residence immediately uphill and to the northeast of the proposed development. Please make this letter part of the record that is presented to the Board of Supervisors for the above-mentioned hearing.

RELEVANT BACKGROUND:

The Luks purchased and improved their residence at 153 Lawson over the last 20 years. They sought to take advantage of the views and light by adding windows in the master bedroom and bathroom facing the southwest. They also added a deck on that side of their residence. These areas currently afford panoramic views of the upslope and downslope areas, the skyline, distant cities and hillside terrain. The Luks improvements were specifically targeted to bring this light and views into their home.

The Luks like many others in the community, have long worked within the development limitations with an eye toward minimizing the impacts on their neighbors. Dean-Tong adamantly refuse to consider any reduction to the height or bulk of their project or to dig the foundation into the grade to minimize the light and view impacts to their neighbors.

It is with that backdrop that I want to address the Dean-Tong proposal as it not only pushes the limits on height and bulk; it also seeks various exceptions or variances which simply cannot be justified.

One Camino Sobrante, Suite 208, Orinda, CA 94563
Mailing Address: P.O. Box 1478, Orinda, CA 94563
Telephone (925) 258-5100 • Facsimile (925) 281-4977

ANALYSIS:

There is no vested right to develop the property as proposed. *Gilliland v. County of Los Angeles* (1981) 126 Cal.App.3d 610, 617; and *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal.3d 465. Therefore, even where a variance is not needed, the building limitations exist as maximums not entitlements as the planning body must still weigh the impacts on the community and neighboring properties from the proposed development.

Chapter 84-74 of the Kensington District Ordinance specifically states as one of its purposes that it is to MINIMIZE the impacts on the surrounding properties by preserving the views, light and privacy rights enjoyed by the existing residences through ensuring that the proposed development is compatible with the neighborhood in bulk and scale. The Ordinance specifically defines protected views as inclusive of **down and upslope scenes, distant and panoramic in nature, skylines, distant cities, hillside terrain, wooded canyons, ridges and bodies of water.**

While exceptions or variances can arise, they are intended for minor variations to the existing zoning and/or building standards, where special circumstances exist for a different application on a particular basis (because of the property's size, shape, topography, location or surroundings). These circumstances must render the strict application of the governing rules and regulations unduly harsh: **meaning that enforcement of the rules WOULD DEPRIVE THE PROPERTY OF THE PRIVILEGES ENJOYED BY OTHERS IN THE VICINITY.** *Government Code § 65906; Hamilton v. Board of Supervisors* (1969) 269 Cal.App.2d 64, 66; and *Orinda Ass'n v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1162-1163. Prior approvals or denials of variances have no precedential value as each situation is based on the individual characteristics of the given property. *Miller v. Board of Supervisors of Santa Barbara County* (1981) 122 Cal.App.3d 539.

These very principles are echoed in the County Ordinance at Section 26-2.2006, which states unequivocally that three findings must exist for approval of a variance application:

1. That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.
2. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.
3. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.

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Please notice that VARIANCES cannot be based on personal tastes or desires, or to privileges that exceed or conflict with those in the neighborhood. *California Zoning Practice* by Hagman; and *Orinda Association v. Board of Supervisors* (1986) 182 Cal.App.3d 1145.

There is no basis for a variance if the project site cannot be properly distinguished from the surrounding properties by showing that it faces an UNDUE BURDEN. *Broadway, Laguna Etc. Ass'n v. Board of Permit Appeals* (1967) 66 Cal.2d 767 and *Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506. It is also important to understand that the APPLICANT bears the **burden of proof** in showing those special circumstances that exist in order to justify each variance. *PMI Mortgage Ins. Co. v. City of Pacific Grove* (1982) 128 Cal.App.3d 724.

When a VARIANCE is granted, it must be supported by detailed written findings identifying the specific conditions that exist on the SUBJECT PROPERTY that justify the variance, along with the supporting facts showing that the subject property differs from others in the vicinity. *Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506.

KENSINGTON CRITERIA CANNOT BE MET:

HERE, as the Luks will demonstrate, once again, that the APPLICANT cannot make an appropriate showing. The SEVEN CRITERIA cannot be met: There simply is no basis for any finding on Criteria 2, 3 or 4 nor 6 given the height, size and bulk of this house in comparison to the neighborhood.

1. Recognition of Owner's right to improve property's value and enjoyment: *this factor would appear to always be present in any application where improvements are being proposed to raw land.*

2. The Owner's right to establish a residence compatible with the neighborhood in terms of bulk, scale and design: *this three (3) story 34.5 foot high proposal on a 13,020 square foot lot with an average slope of under 20% vastly exceeds the height, bulk and square footage maximums and the design is incompatible with the neighborhood. While the Staff made a minimal attempt at addressing this issue by lowering the height some 3 feet (saving 5,136 cubic feet in bulk), the Planning Commission properly rejected the proposal as the resulting height and bulk presents 57% more mass than the average 4,000 square foot home while blocking the light and view of the Luks. The Planning Commissioners properly viewed the proposal as incompatible with the neighborhood, and could not justify the variances requested.*

3. **Minimizing Impact on Neighbors:** *The height and mass of this rectangular flat roofed structure clearly interferes with the morning and early afternoon light to the Luk's residence. It also interferes with their protected views to the south of the City of Oakland, hillsides and waterways, for which they paid dearly and have long enjoyed*

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from their southern windows in their master bedroom and bath as well as from the large deck constructed on that side of the house. While the proposed pad at 803.3 is admittedly over six (6) feet below the Luk's (which sits at 809.6) the roof of the proposed 3 story structure RISES to 824.75 - **JUST 21 INCHES LOWER than the Luk's upper story ceiling line which sits at 826.5!**

How the staff found any facts to satisfy this criterion escapes me, as the height and bulk of the proposed residence undeniably impacts the Luk's southern views and access to light. The Planning Commissioners properly concluded that there was simply no reason that the proponent could not reduce his floor span heights to the neighborhood standard of 9 feet between floors, excavate the building into the site slightly and/or articulate the design so that it minimizes the impact to the Luk's view and access to light while still getting his maximum Floor Area Ratio (and high ceilings).

4. **Protecting the value and enjoyment of neighbor's property:** same problem. The unnecessary third story and massive bulk clearly impacts the Luk's value and enjoyment.

5. **Maintaining Community property values:** Again, every proposal to put a larger more expensive home on a vacant lot would arguably meet this criterion.

6. **Maximizing the use of interior space:** the proposed 11 foot high ceilings add unnecessary height and bulk without increasing the livable floor space, so the proposal does not meet this criterion.

7. **Promoting the General Welfare, Public Health and Safety:** the loss of 11 code protected trees, including Cedars on a vague one paragraph letter from a doctor (that fails to specifically identify the extent of the allergy) that Ms. Tong is somehow allergic (having bought the property with the trees on it and with other Cedars on adjacent properties) cannot be said to meet this objective.

If you have any questions please feel free to contact the undersigned.

Very truly yours,

Law Offices of
IRA JAMES HARRIS

Ira James Harris

cc. Clients

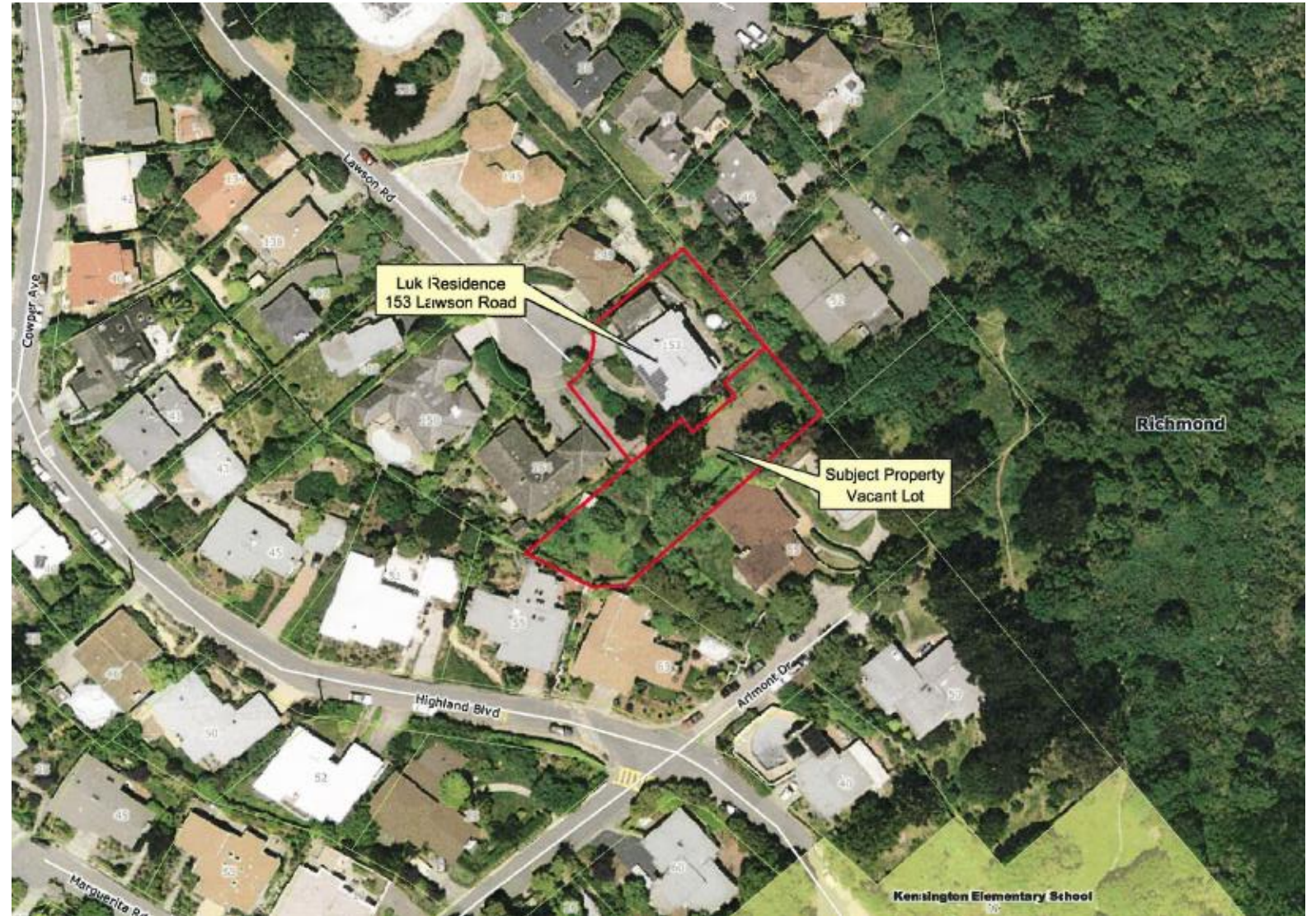
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Board of Supervisors Hearing – October 25, 2016

Appeal of Planning Commission Denial of a
New Residence on Lawson Road in the
Kensington Area

DP15-3030

Aerial View



General Plan: Single-Family Residential, High-Density (SH)



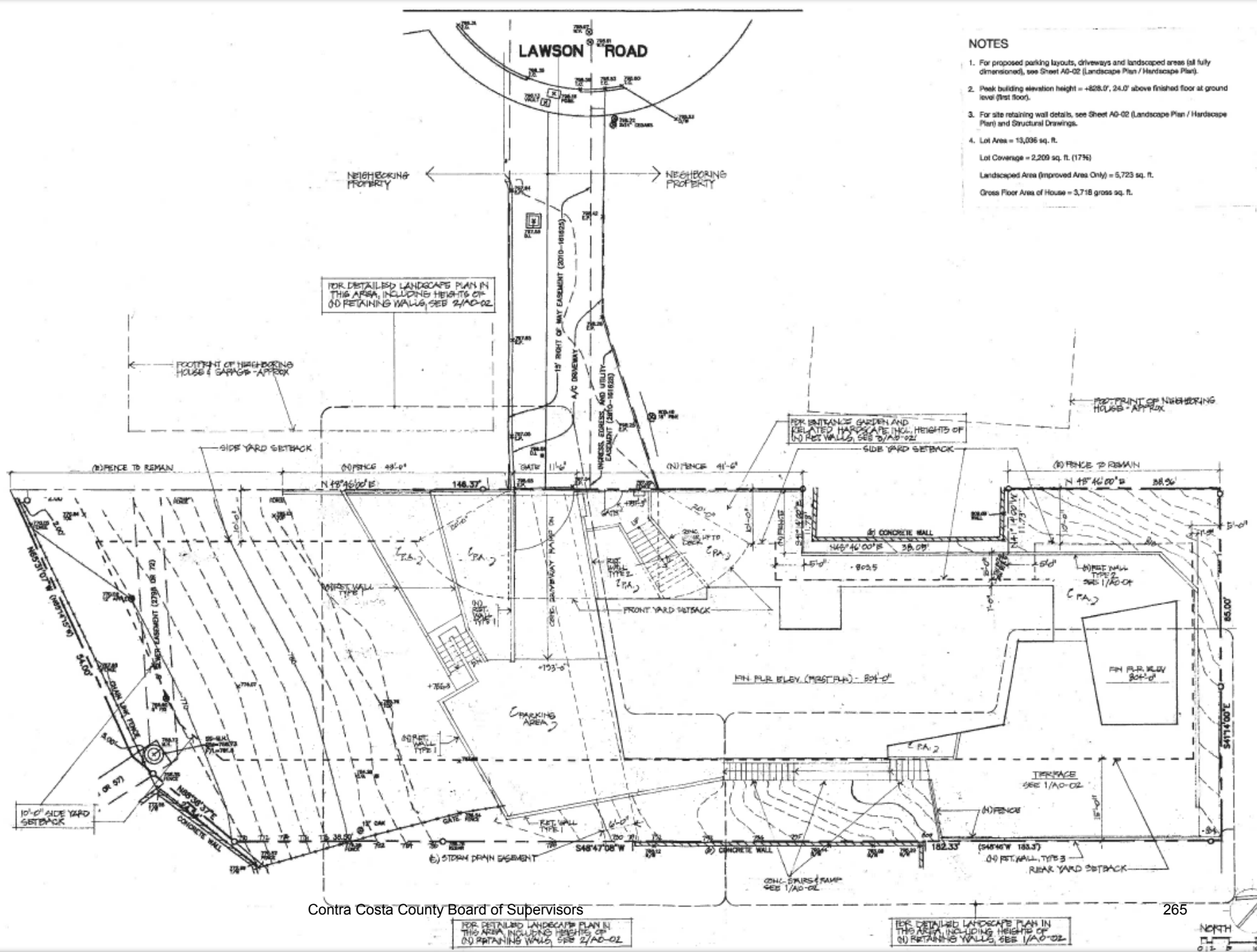
Zoning:
Single-Family Residential
(R-6);

Kensington Combining
District (-K);

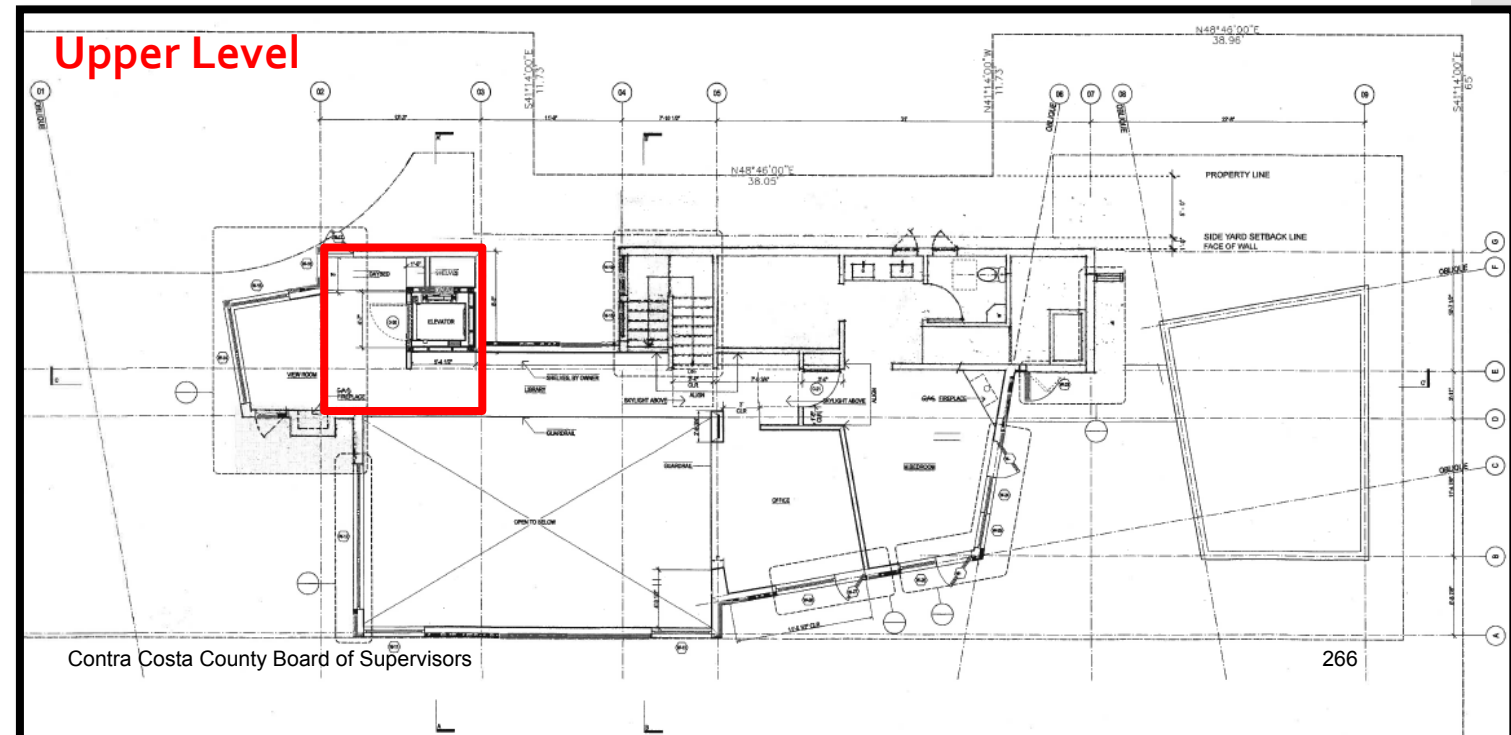
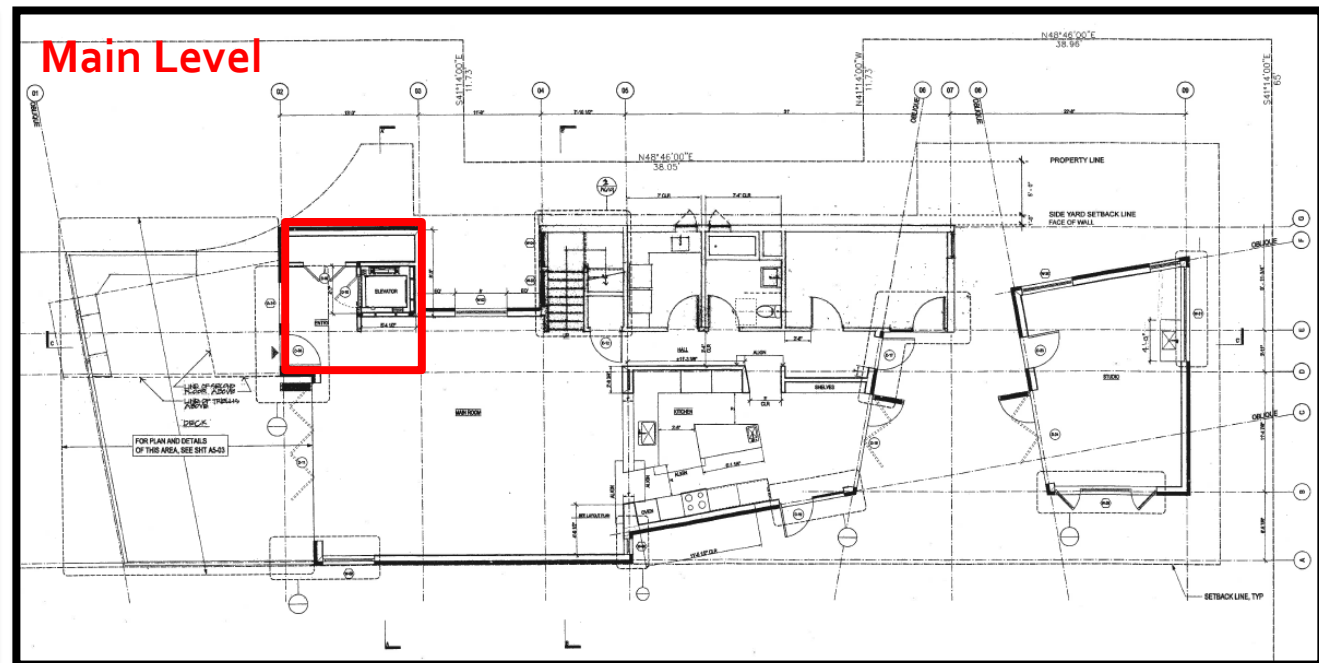
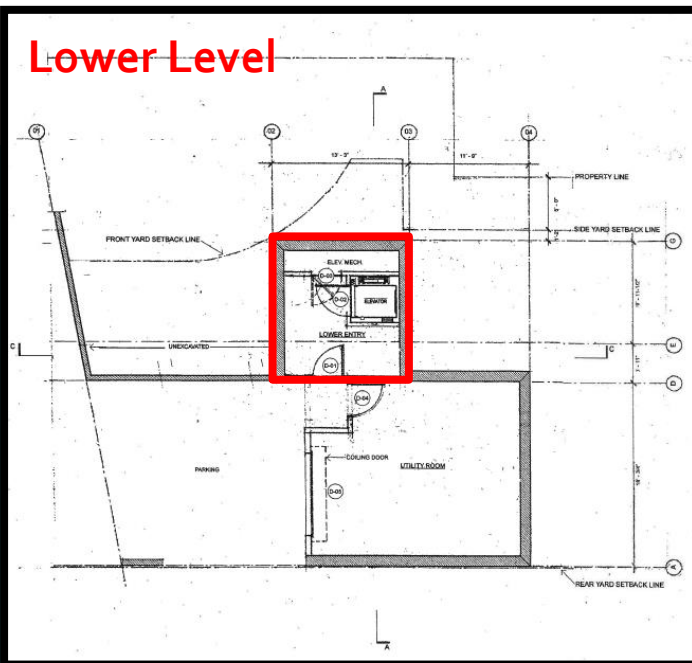
Tree Obstruction of Views
Combining District(-TOV)



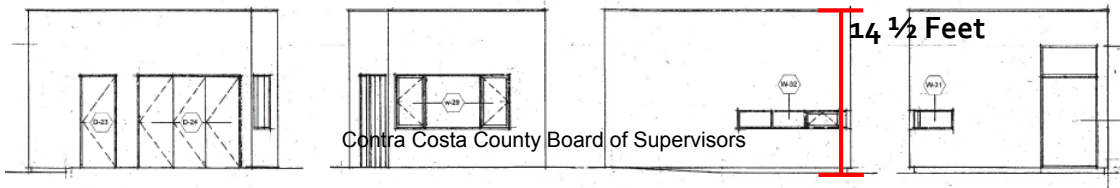
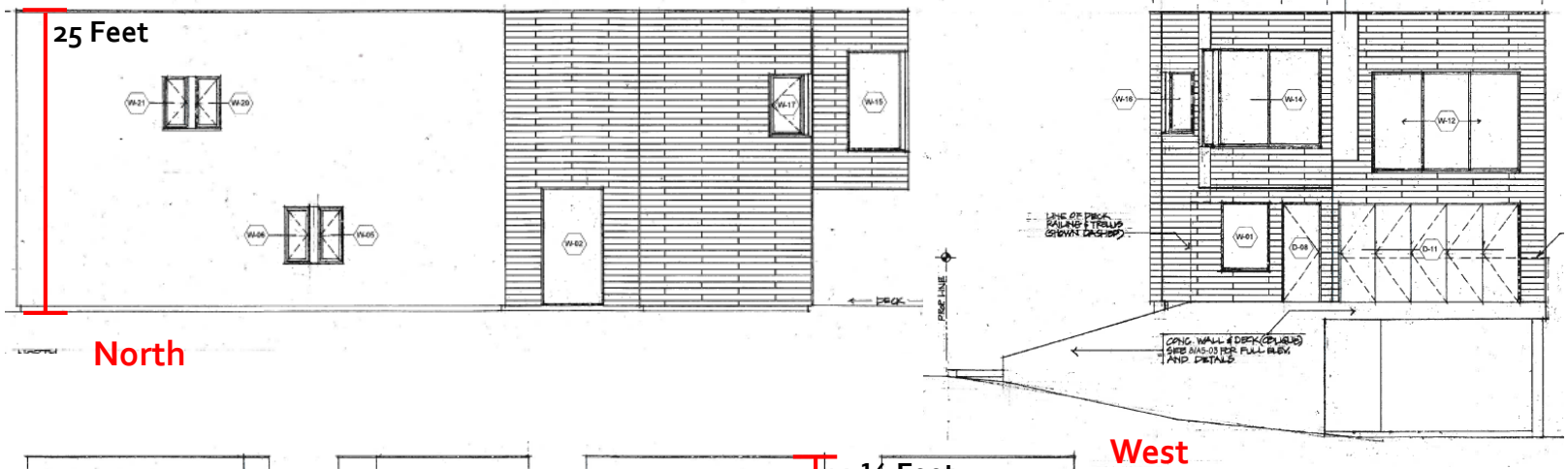
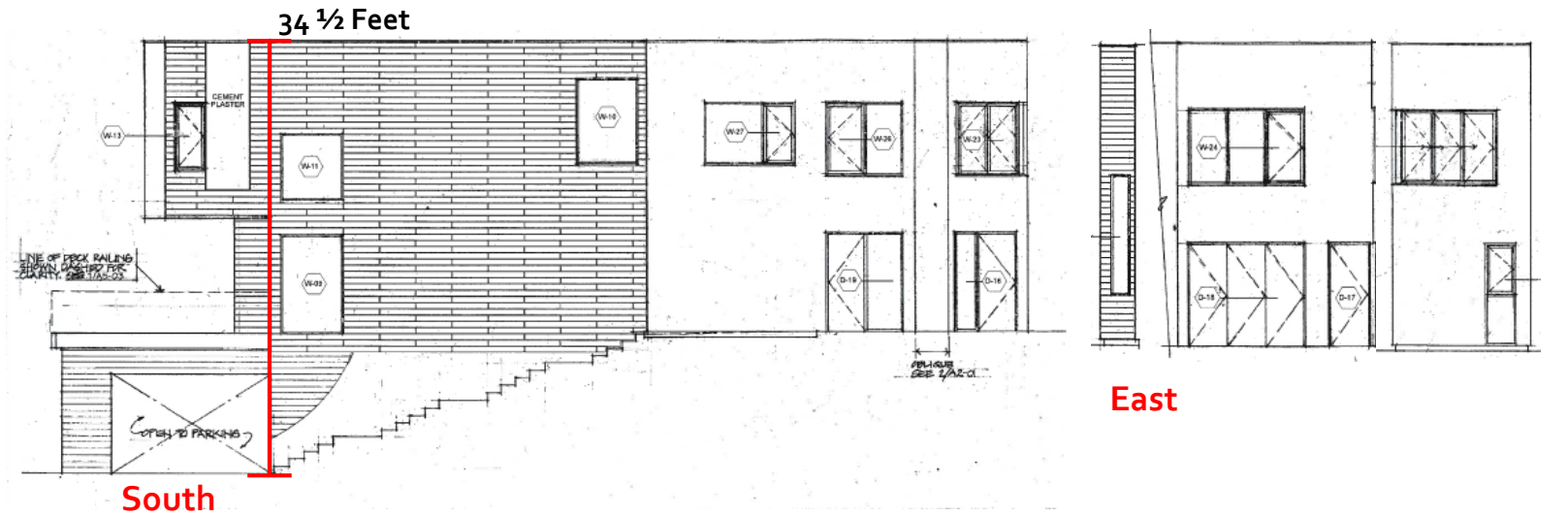
Site Plan



Floor Plans

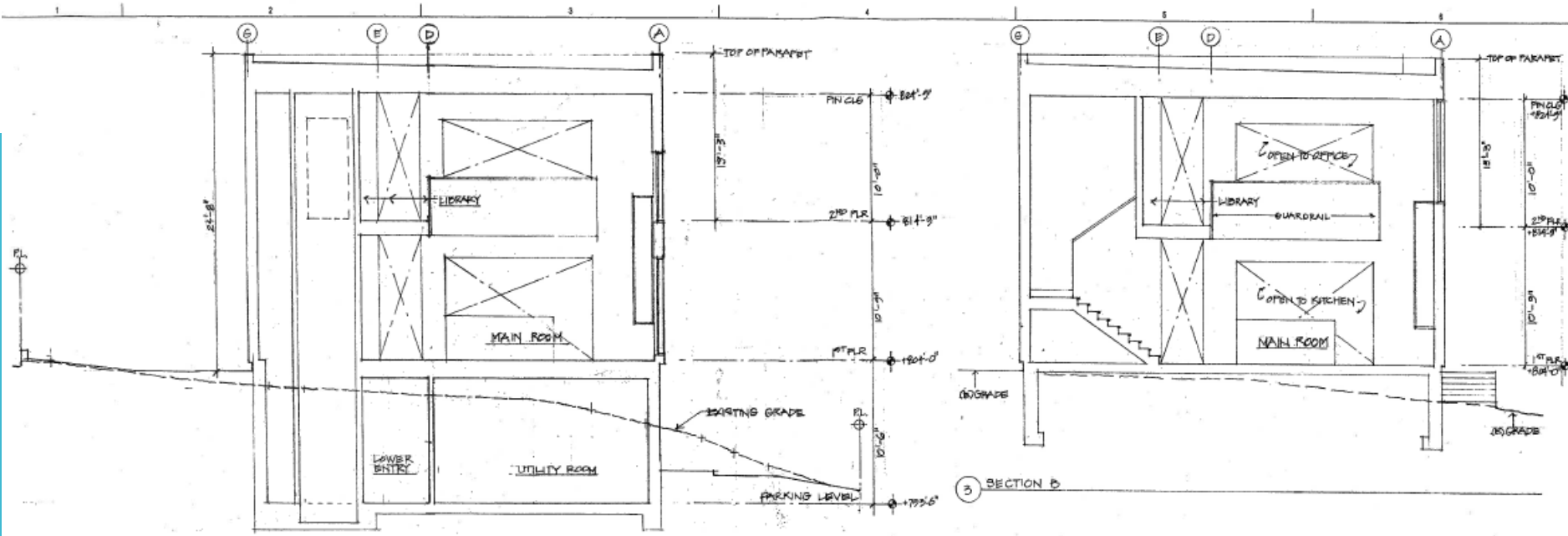


Elevations



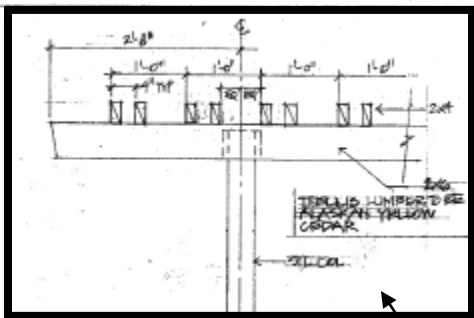
Accessory Building

Details

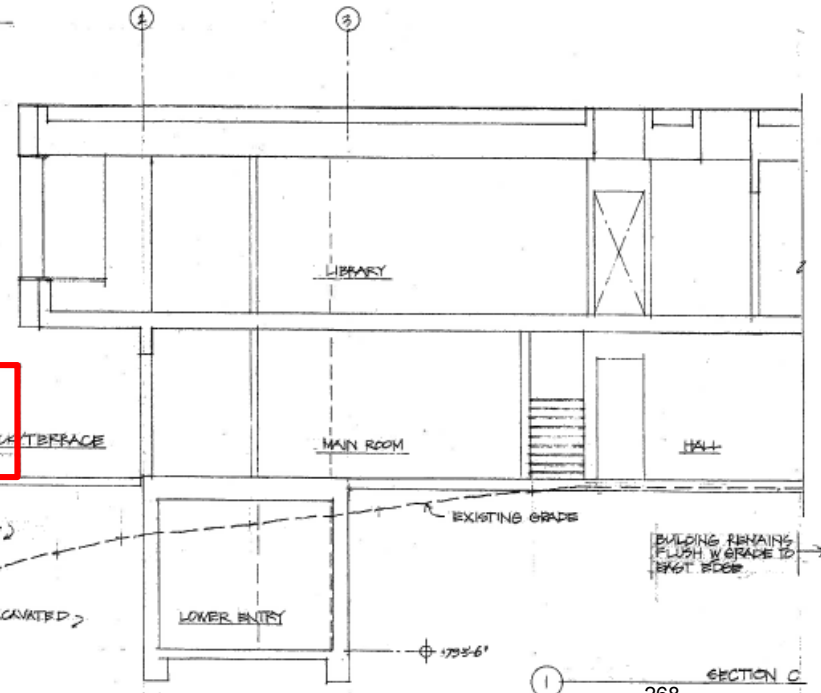


2 SECTION A

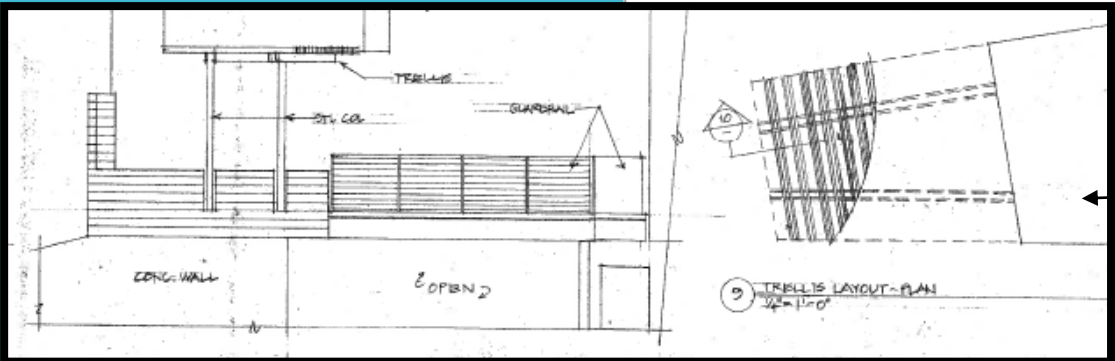
3 SECTION B



2 TRELLIS LAYOUT - PLAN



1 SECTION C



153 Lawson Road
Luk Residence

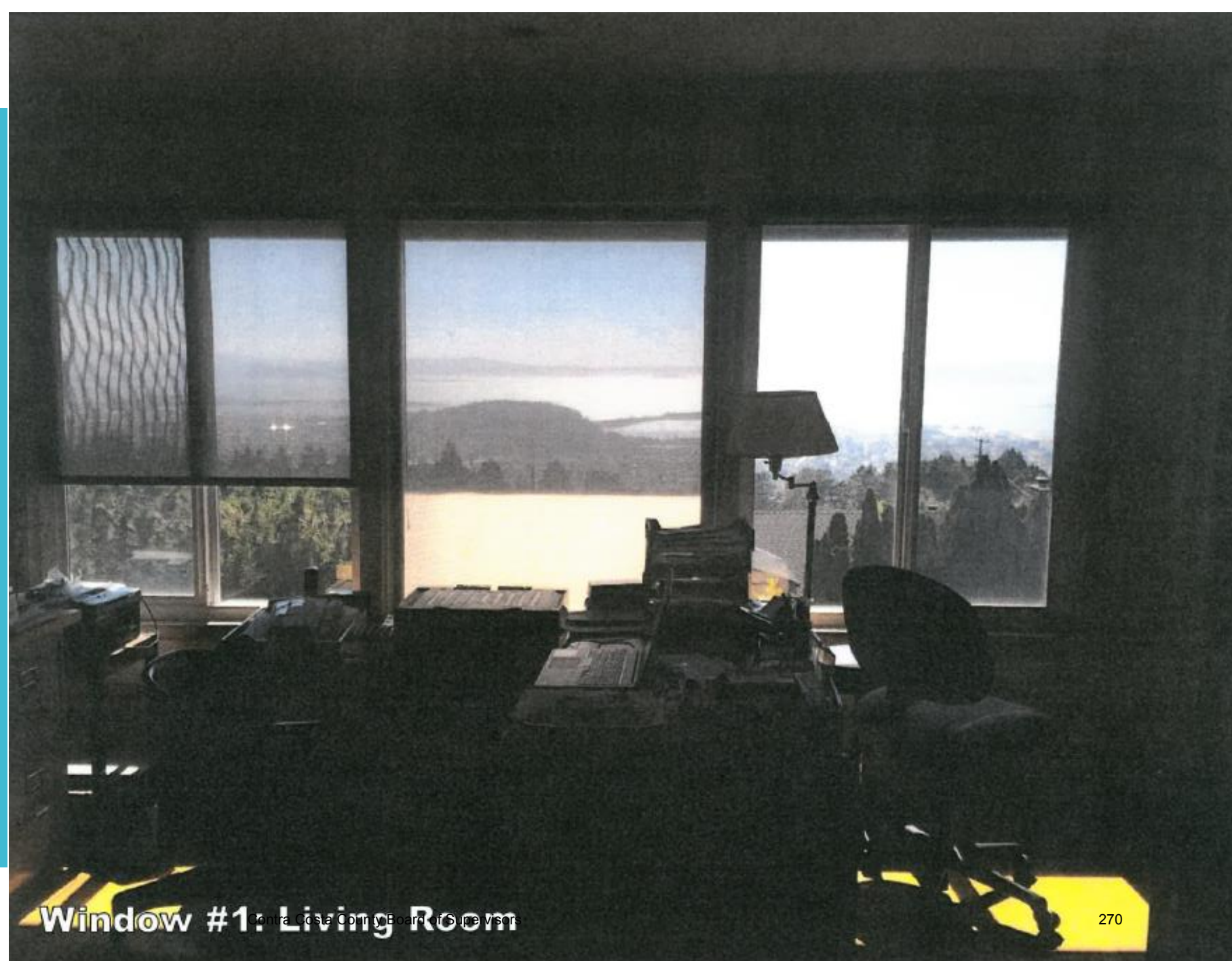
Windows
Facing West



153 Lawson Road- Luk Residence

Windows Facing West

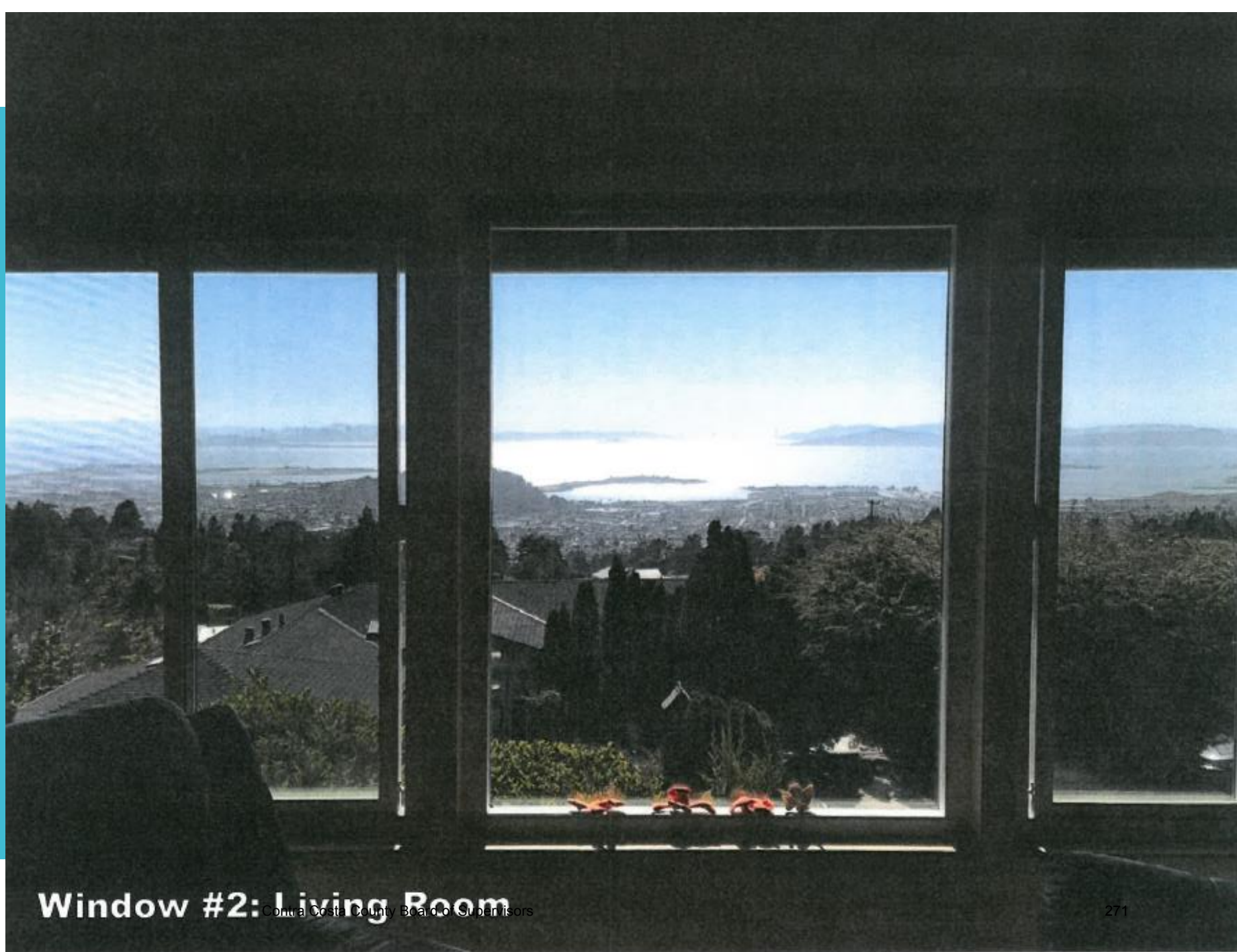
Window #1: Living Room



153 Lawson Road-
Luk Residence

Windows Facing
West

Window #2:
Living Room



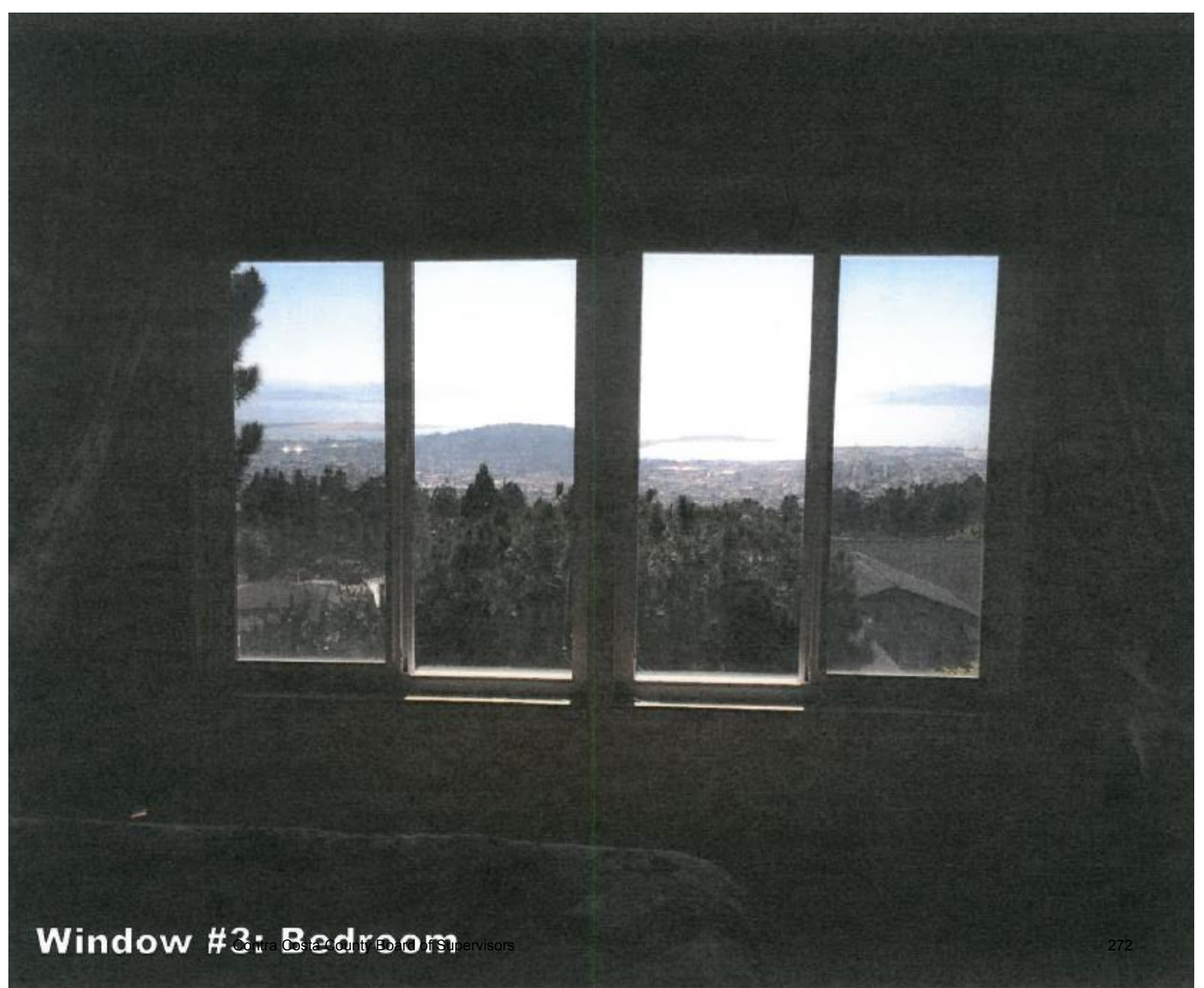
Window #2: Living Room

153 Lawson Road-
Luk Residence

Windows Facing
West

Window #3:
Bedroom

October 25, 2016



Window #3: Bedroom



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 25, 2016

Subject: PROPOSED 2017 MEETING SCHEDULE FOR THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS

RECOMMENDATION(S):

ADOPT the attached proposed 2017 meeting schedule for the Contra Costa County Board of Supervisors, including the cancelation of those meetings at which it is anticipated there will not be a quorum of Board members present, as well as noting the following scheduled special events: a special meeting to receive a presentation on the County's economic forecast, on on January 9; the Board's Annual Reorganization on January 10; the Dr. Martin Luther King, Jr. Celebration on January 17; the annual Board retreat on January 31; the Cesar Chavez Commemorative Celebration on March 28; Annual Budget Hearings and Adoption on April 18 and May 9, respectively; and the Veterans Day Recognition on November 7.

FISCAL IMPACT:

None.

BACKGROUND:

Each year, the Board of Supervisors adopts a meeting schedule that designates regular meeting dates and any dates on which meetings must be canceled in anticipation that a quorum of the Board will not be present. The proposed 2017 meeting schedule, attached, has been prepared in consultation with the incoming Board Chair, Fire Chief and the Housing Authority Executive Director, and is presented for the Board's consideration. The schedule provides 32 meetings for the Contra Costa County Board of Supervisors and 12 meetings for each the Contra Costa County Fire Protection District Board of Directors and the Housing Authority of Contra Costa Board of Commissioners. The Fire District and Housing Authority will take independent action to adopt their meeting schedules.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Julie DiMaggio Enea
925.335.1077

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

>

As in past years, we are recommending that the Board cancel those meetings that fall during a week with a County holiday, the fifth Tuesday of a month, and Tuesdays that fall during those weeks in which the annual policy and legislative meetings of the National Association of Counties (NACo) and the California State of Counties (CSAC) are held:

<u>Conference</u>	<u>Dates</u>	<u>Location</u>
NACo Legislative Conference	February 25-March 1, 2017	Washington, D.C.
CSAC Legislative Conference	May 17-18, 2017	Sacramento, CA
NACo Annual Conference & Exposition	July 21-24, 2017	Columbus, OH
CSAC Annual Meeting	November 27-December 1, 2017	Sacramento, CA

In the past 10 years, several seasonal breaks have also been designated in the Board's meeting schedule, in recognition of both time away needed for vacations and of the time demands on the Board members due to their participation on Board standing committees, and numerous regional and local legislative bodies and task forces, which require preparation, attendance, and involve travel. We are recommending eight seasonal breaks to accommodate these needs. Experience has shown that 32 meetings per year has generally been sufficient to effectively conduct the County's business. However, should it be necessary, there are legal provisions to schedule a special meeting to address any urgent need that cannot be accommodated in the standing meeting schedule.

CONSEQUENCE OF NEGATIVE ACTION:

Early adoption of a meeting schedule enables staff to effectively plan and manage the Board's calendar and obtain the necessary authority to conduct the County's daily business. To the extent that the Board does not adopt a new year meeting schedule, staff will be hindered in these efforts.

ATTACHMENTS

PROPOSED 2017 BOS schedule

**DRAFT BOARD OF SUPERVISORS
SCHEDULE AND DEADLINES
CALENDAR YEAR 2017**

MEETING DATES (Tuesdays)	MEET OR CANCEL	HOUSING AUTHORITY/ CCCFPD	SUBMISSION DEADLINE 12:00 NOON (Thursdays)	FIRST DRAFT TYPED 12:00 NOON (Mondays)	FINAL AGENDA REVIEW 9:30 a.m. (Wednesdays)	PACKET MAILED TO BOARD MEMBERS (Thursdays)	SPECIAL EVENT
Jan 03	Cancel						NEW YEAR'S DAY HOLIDAY New Year's Day Holiday
** Jan 09	Meet		N/A	N/A	N/A	Jan 04	Special Meeting: Economic Forecast
** Jan 10	Meet		Dec 27	Dec 30	Jan 04	Jan 05	Reorganization Meeting
** Jan 17	Meet	HA/FIRE	Jan 05	Jan 09	Jan 11	Jan 12	Dr. Martin Luther King, Jr. Celebration
Jan 24	Cancel						WINTER BREAK
** Jan 31	Meet		N/A	N/A	N/A	Jan 26	Board Retreat
Feb 07	Meet		Jan 26	Jan 30	Feb 01	Feb 02	
Feb 14	Meet	HA/FIRE	Feb 02	Feb 06	Feb 08	Feb 09	
Feb 21	Cancel						PRESIDENT'S DAY President's Day
Feb 28	Cancel						NACo LEGISLATIVE CONFERENCE NACo Leg Conference, Feb 25 - Mar 1, Washington, D.C.
Mar 07	Meet		Feb 23	Feb 27	Mar 01	Mar 02	Service Awards
Mar 14	Meet	HA/FIRE	Mar 02	Mar 06	Mar 08	Mar 09	
Mar 21	Cancel						SPRING BREAK SPRING BREAK
** Mar 28	Meet		Mar 16	Mar 20	Mar 22	Mar 23	Cesar Chavez Celebration
Apr 04	Cancel						SPRING BREAK SPRING BREAK
** Apr 11	Meet	HA/FIRE	Mar 30	Apr 03	Apr 05	Apr 06	
** Apr 18	Meet		Apr 06	Apr 10	Apr 12	Apr 13	Budget Hearings
Apr 25	Cancel						SPRING BREAK SPRING BREAK
** May 02	Meet		Apr 20	Apr 24	Apr 26	Apr 27	
** May 09	Meet	HA/FIRE	Apr 27	May 01	May 03	May 04	Budget Adoption
May 16	Cancel						CSAC LEGISLATIVE CONFERENCE CSAC Leg Conf, May 17-18, 2017, Sacramento
May 23	Meet		May 11	May 15	May 17	May 18	
May 30	Cancel						MEMORIAL DAY/FIFTH TUESDAY Memorial Day/Fifth Tuesday
* Jun 06	Meet		May 23	May 26	May 31	Jun 01	
Jun 13	Meet	HA/FIRE	Jun 01	Jun 05	Jun 07	Jun 08	
Jun 20	Meet		Jun 08	Jun 12	Jun 14	Jun 15	Service Awards
Jun 27	Cancel						SUMMER BREAK SUMMER BREAK
Jul 04	Cancel						INDEPENDENCE DAY HOLIDAY Independence Day Holiday
* Jul 11	Meet	HA/FIRE	Jun 27	Jun 30	Jul 05	Jul 06	
Jul 18	Meet		Jul 06	Jul 10	Jul 12	Jul 13	
Jul 25	Cancel						NACo ANNUAL CONFERENCE NACo Annual Conf, July 21-24, Columbus, OH
Aug 01	Meet		Jul 20	Jul 24	Jul 26	Jul 27	
Aug 08	Meet	HA/FIRE	Jul 27	Jul 31	Aug 02	Aug 03	
Aug 15	Meet		Aug 03	Aug 07	Aug 09	Aug 10	
Aug 22	Cancel						SUMMER BREAK SUMMER BREAK
Aug 29	Cancel						FIFTH TUESDAY Fifth Tuesday
Sep 05	Cancel						LABOR DAY HOLIDAY Labor Day Holiday
* Sep 12	Meet	HA/FIRE	Aug 30	Sep 01	Sep 06	Sep 07	
Sep 19	Meet		Sep 07	Sep 11	Sep 13	Sep 14	
Sep 26	Meet		Sep 14	Sep 18	Sep 20	Sep 21	Service Awards
Oct 03	Cancel						FALL BREAK FALL BREAK
Oct 10	Cancel						FALL BREAK FALL BREAK
Oct 17	Meet	HA/FIRE	Oct 05	Oct 09	Oct 11	Oct 12	
Oct 24	Meet		Oct 12	Oct 16	Oct 18	Oct 19	
Oct 31	Cancel						FIFTH TUESDAY Fifth Tuesday
** Nov 07	Meet		Oct 26	Oct 30	Nov 01	Nov 02	Veterans Day Recognition
Nov 14	Meet	HA/FIRE	Nov 02	Nov 06	Nov 08	Nov 09	
Nov 21	Cancel						THANKSGIVING HOLIDAY Thanksgiving Holiday
Nov 28	Cancel						CSAC ANNUAL MEETING CSAC Annual Meeting, Nov 27-Dec 1, Sacramento County
* Dec 05	Meet		Nov 21	Nov 27	Nov 29	Nov 30	
Dec 12	Meet	HA/FIRE	Nov 30	Dec 04	Dec 06	Dec 07	
Dec 19	Meet		Dec 07	Dec 11	Dec 13	Dec 14	
Dec 26	Cancel						CHRISTMAS Christmas

* Note: Emboldened dates vary from the normal 12-day schedule.

**Special BOS Celebration or Hearing



Contra
Costa
County

To: Board of Supervisors
From: PUBLIC PROTECTION COMMITTEE
Date: October 25, 2016

Subject: JUVENILE FEES CHARGED BY THE PROBATION DEPARTMENT

RECOMMENDATION(S):

1. ACCEPT a report on the issue of certain fees assessed by the County related to the juvenile justice system;
2. CONSIDER taking the following actions:
 - a. ADOPT Resolution No. 2016/606 to place a moratorium on the assessment and collection of the Juvenile Cost of Care Fee for Juvenile Hall and the Orin Allen Youth Rehabilitation Facility and DIRECT staff to return to the Board of Supervisors with an update no later than February 14, 2017 in advance of fiscal year 2017/18 budget development;

AND / OR

- b. REFER the issue to the Racial Justice Task Force for additional review and report back to the Board at a future date;
3. PROVIDE further direction to staff regarding next steps.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Timothy Ewell,
925-335-1036

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

By: , Deputy

cc:

FISCAL IMPACT:

Should the Board of Supervisors enact a temporary moratorium on the collection of the juvenile cost of care fee, the net county cost would be approximately \$100,000-\$120,000 based on collections experience during the first quarter of fiscal year 2016/17. This reflects the cost during the period November 1, 2016 through February 14, 2017 (the proposed date identified in the Resolution for the Probation Department and County Administrator to return to the Board on this issue).

BACKGROUND:

On July 19, 2016, the Board of Supervisors referred to the Public Protection Committee a review of fees assessed for services provided while a minor is in the custody of the Probation Department. Welfare and Institutions Code 903 et seq. provides that the County may assess a fee for the provision of services to a minor in the custody of its Probation Department. This request is following a statewide discussion as to whether or not these fees should be imposed by counties on the parents or legal guardians of minors in the custody of the County.

On September 26, 2016, the Public Protection Committee accepted an introductory report on the issue and voted unanimously to refer the issue to the full Board of Supervisors with two separate options: 1) to adopt a temporary moratorium on the fees and/or 2) refer the issue to the newly formed Racial Justice Task Force for review. Should the Board approve the moratorium, staff has included language to allow the Probation Department to continue depositing payments received from clients during the moratorium; however, the department will be directed to discontinue the active pursuit of such accounts. This is in an effort to address the difficulties associated with processing refunds for payments made to active accounts received during the moratorium.

Collection of Fees

For several years, the County operated an Office of Revenue Collection (ORC) to centralize the collection of fees, fines and other assessments due to the County. The ORC was discontinued and the responsibility for the collection of fees was returned to the departments that originally imposed the fee. In the case of the Probation Department, the responsibility for both juvenile fees and adult public defense fees were assigned. At the time, it was determined to be inefficient to establish a collection unit in both the Probation Department and Public Defender's Office.

Authority for Juvenile Fees

California Welfare and Institutions Code 903 et seq. provides counties the ability to recover costs for the provision of services to juveniles in-custody. In 2003, the Board of Supervisors adopted Resolution No. 03/591 establishing a fee for reimbursement of the actual cost of care of a minor in detention at Orin Allen Youth Rehabilitation Facility (OAYRF) and Juvenile Hall. The Resolution authorized the Probation Department to collect \$17.03 per day, per minor. In 2010, the Board of Supervisors adopted Resolution No. 2010/253 increasing the fee from \$17.03 per day to \$30.00 per day following legislative action increasing the maximum recovery amount to \$30.00 per day. In 2009, the Board of Supervisors adopted Ordinance No. 2009-23 establishing a \$17-per-day fee for electronic surveillance of minors who are under Probation supervision.

Probation Collections Unit

The fiscal year 2016/17 budget authorizes 4.0 FTE employees to staff the Probation Collections Unit (PCU); (2) two Collections Enforcement Officers, (1) one Accounting Technician and (1) one Clerk-Specialist Level position. A summary of the Recommended Budget is summarized below:

		2016-17 Recommended
3004	PROBATION COLLECTIONS UNIT	
E1000	Salaries and Benefits	402,965
E2000	Services and Supplies	77,097
E4000	Fixed Assets	20,000

GRSCST	GROSS EXPENDITURES	500,062
TOTEXP	TOTAL EXPENDITURES	500,062
TOTREV	GROSS REVENUE	790,000
FTE	Allocated Positions (FTE)	4.00
NETCOST	NET COUNTY COST (NCC)	(289,938)

Note that the budget plan for PCU anticipates a Net County Cost (NCC) of (\$289,938). Since the NCC is a negative number, this should be looked at as a revenue for purposes of analyzing budgetary impacts.

PCU Actual Performance Since Inception

The table below illustrates actual budget performance of PCU since inception in fiscal year 2010/11. Over the past six years, PCU has generated between \$200k-250k in net collections revenue for the County each year. In fiscal year 2015/16 (shown in the YTD Actuals column) that figure has increased to approximately \$374k due to cost savings from a vacancy in the unit and higher than average collection revenue.

	YTD Actuals	2014-15 Actual	2013-14 Actual	2012-13 Actual	2011-12 Actual	2010-11 Actual
PROBATION COLLECTIONS UNIT	0	0	0	0	0	0
Salaries and Benefits	338,601	450,340	429,190	406,283	434,359	370,932
Services and Supplies	103,470	68,513	68,766	78,770	75,430	134,192
Fixed Assets	0	0	0	0	0	0
GROSS EXPENDITURES	442,072	518,853	497,956	485,054	509,789	505,124
TOTAL EXPENDITURES	442,072	518,853	497,956	485,054	509,789	505,124
GROSS REVENUE	815,835	770,053	739,861	690,928	764,033	720,307
Allocated Positions (FTE)	4.00	4.00	5.00	5.00	5.00	0
NET COUNTY COST (NCC)	(373,763)	(251,200)	(241,905)	(205,874)	(254,244)	(215,183)

* Note that the "YTD Actuals" column reflects the fiscal year 2015/16 unaudited actuals.

Composition of Revenues

Since the PCU collects revenue for both the Probation and Public Defender departments, it is important to illustrate the revenues generated from each stream of fee recovery revenue. The table below shows the breakdown of Gross Revenue in each fiscal year, by fee type:

3004	PROBATION COLLECTIONS UNIT	2015/16	2014/15	2013/14	2012/13	2011/12	2010/11
	Revenue Composition						
	Juvenile Fees	530,032	430,926	442,707	419,323	474,210	365,809
	Public Defender Fees	285,803	339,127	296,500	271,605	289,824	354,498
	Misc Revenue	0	0	654	0	0	0
	Total	815,835	770,053	739,861	690,928	764,034	720,307

The most important finding to be made from the information in the table above is that annual fee revenue from each source exceeds the average net collections revenue from year to year discussed earlier in this report. That is to say that discontinuing one of the two fees would result in PCU being unable to cover its annual operating costs from year-to-year.

How Does PCU Compare to the Cost of Running Juvenile Hall?

The PCU operates in a separate cost center within the Probation Department budget. However, since the PCU currently provides a net collections revenue benefit to the department as a whole, it is important to illustrate the relative costs to the County for operating the Juvenile Hall as an illustration. A summary of the fiscal year 2016/17 Recommended Budget is provided below for reference:

	2016-17 Recommended
JUVENILE HALL	
Salaries and Benefits	18,287,278
Services and Supplies	992,003
Other Charges	10,200
Expenditure Transfers	16,195
GROSS EXPENDITURES	19,289,481
TOTAL EXPENDITURES	19,305,676
GROSS REVENUE	3,500
Allocated Positions (FTE)	121.00
NET COUNTY COST (NCC)	19,302,176

Current Status of Accounts Payable

Currently, the PCU has \$16.9 million in accounts receivable outstanding through June 30, 2016. A breakdown by fee type and year of assessment is attached to this staff report for reference (Attachment C). In summary, \$8.55 million is attributable to Juvenile Fees and \$8.34 million is attributable to Public Defender fees with the oldest account dating back to 1990.

For reference, the following attachments are included in the agenda packet for reference:

Attachment A - Juvenile Fee Survey by the California State Association of Counties (CSAC).

Attachment B - Juvenile Fee Survey by Chief Probation Officers Association of California (CPOC), provided by UC Berkeley Law's Policy Advocacy Clinic.

Attachment C - Juvenile Administrative Fees Information Sheet, provided by the UC Berkeley Policy Advocacy Clinic to the Public Protection Committee, September 2016.

Attachment D - Presentation on Juvenile Administrative Fees: Research and Findings from CCC, provided by the UC Berkeley Policy Advocacy Clinic to the Public Protection Committee, September 2016.

Attachment E - "High Pain, No Gain: How Juvenile Administrative Fees Harm Low-Income Families in Alameda County", provided by the UC Berkeley Policy Advocacy Clinic to the Public Protection Committee, September 2016.

Attachment F - "Making Parents Pay: What the Research Tells Us about Juvenile Fees", provided by the Reentry Solutions Group to the Public Protection Committee, September 2016.

Attachment G - The outstanding fee balances through June 30, 2016 as provided by the Probation Collections Unit.

Attachment H - County of Alameda Fee Moratorium Resolution (adopted March 2016) and Ordinance (adopted July 2016) to repeal all juvenile fees.

CONSEQUENCE OF NEGATIVE ACTION:

The County would continue with its billing and collections practices related to Juvenile Fees.

ATTACHMENTS

Resolution No. 2016/606

PowerPoint Presentation

PowerPoint Presentation

Attachment A - Juvenile Fee Survey

Attachment B - CPOC

Attachment C - PAC

Attachment D - PAC PPT

Attachment E - PAC

Attachment F - RSG handout

Attachment G - PCU balances

Attachment H - Fee Moratorium

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

Adopted this Resolution on 10/25/2016 by the following vote:

AYE:
NO:
ABSENT:
ABSTAIN:
RECUSE:



Resolution No. 2016/606

IN THE MATTER OF a proposed Moratorium on the assessment and pursuit of collection of the Probation Department's juvenile cost of care fees.

WHEREAS, the County of Contra Costa's Probation Department is currently authorized by Resolution No. 2010/253 and California Welfare and Institutions Code § 903 to charge a maximum fee of \$30 per day, "known as the juvenile cost of care fee," for the reasonable costs of support of minors detained in Juvenile Hall and the Orin Allen Youth Rehabilitation Facility.

WHEREAS, the Public Protection Committee referred to the Board of Supervisors the matter of whether the Probation Department should continue to assess and collect the juvenile cost of care fee in light of the financial hardship and social impact of such fees on the families of the minors in detention.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Effective November 1, 2016, and until further action by the Board of Supervisors, the Probation Department's authority to assess the juvenile cost of care fee is temporarily suspended. In addition, the Probation Department shall not actively pursue collection of existing accounts, but can continue to deposit payments submitted by clients during the period of the moratorium.
2. While this moratorium is in effect, the Probation Department's Probation Collections Unit will not assess a cost of care fee with respect to minors placed or detained in Juvenile Hall or the Orin Allen Youth Rehabilitation Facility on or after November 1, 2016 and will not pursue the collection of said fees previously assessed with respect to minors detained in those facilities.
3. The Probation Department and County Administrator will report back to the Board of Supervisors on this matter on or before February 14, 2017.

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: October 25, 2016

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

Contact: Timothy Ewell, 925-335-1036

By: , Deputy

cc:



Juvenile Fees Referral Report to the Board of Supervisors

October 25, 2016



History

- ▶ July 19, 2016: The Board of Supervisors referred a review of juvenile fees assessed by the Probation Department to the Public Protection Committee for review.
- ▶ September 26, 2016: The Public Protection Committee received an introductory report from staff on juvenile fees and directed staff to forward the report to the Board of Supervisors for discussion



Collection of Fees

- ▶ County previously had an Office of Revenue Collections (ORC) that centralized collection of many receivables on behalf of departments
- ▶ ORC had difficulty generating sufficient revenue to pay for the cost of collections and was subsequently closed
- ▶ Responsibility for collections was returned to departments
- ▶ Probation Collections Unit (PCU) established in FY 2010/11 collecting
 - Juvenile Fees
 - Adult Public Defense Fees



Juvenile Fees

- The County assesses and the Juvenile Court orders collection of certain fees to offset the costs of caring juveniles in custody
 - Juvenile Cost of Care Fee: Up to \$30 /day. Authorized by W&I 903 and County Resolution No. 2010/253
 - Juvenile Electronic Monitoring Fee: Up to \$17/day. Authorized by County Ordinance 2009-23
- All juvenile fees are assessed on a sliding scale based on ability to pay



Juvenile Fees on a Sliding Scale

- The County significantly reduces the \$30 Juvenile Cost of Care fee based on ability to pay evaluations conducted by the Probation

<i>Adjusted, Daily Juvenile Cost of Care Fee</i>	<i>Max Daily Rate</i>	July 2016	August 2016	September 2016*
Juvenile Hall	\$ 30.00	\$ 5.93	\$ 6.21	\$ 16.98
OAYRF	\$ 30.00	\$ 3.17	\$ 9.13	\$ 14.57

***Note:** September 2016 adjusted average higher because of pending ability to pay evaluations in progress.



Probation Collections Unit (PCU)

- ▶ Staffing of 4.0 FTE
 - ▶ 2.0 Collection Enforcement Officers
 - ▶ 1.0 Accounting Technician
 - ▶ 1.0 Clerk–Specialist Level
- ▶ Unit currently at minimum staffing level



Probation Collections Unit (PCU)

► FY 2016/17 Budget:

		2016-17 Recommended
3004	PROBATION COLLECTIONS UNIT	
E1000	Salaries and Benefits	402,965
E2000	Services and Supplies	77,097
E4000	Fixed Assets	20,000
GRSCST	GROSS EXPENDITURES	500,062
TOTEXP	TOTAL EXPENDITURES	500,062
TOTREV	GROSS REVENUE	790,000
FTE	Allocated Positions (FTE)	4.00
NETCOST	NET COUNTY COST (NCC)	(289,938)



PCU Performance

- PCU does generate revenue for the County

	YTD Actuals	2014-15 Actual	2013-14 Actual	2012-13 Actual	2011-12 Actual	2010-11 Actual
PROBATION COLLECTIONS UNIT	0	0	0	0	0	0
Salaries and Benefits	338,601	450,340	429,190	406,283	434,359	370,932
Services and Supplies	103,470	68,513	68,766	78,770	75,430	134,192
Fixed Assets	0	0	0	0	0	0
GROSS EXPENDITURES	442,072	518,853	497,956	485,054	509,789	505,124
TOTAL EXPENDITURES	442,072	518,853	497,956	485,054	509,789	505,124
GROSS REVENUE	815,835	770,053	739,861	690,928	764,033	720,307
Allocated Positions (FTE)	4.00	4.00	5.00	5.00	5.00	0
NET COUNTY COST (NCC)	(373,763)	(251,200)	(241,905)	(205,874)	(254,244)	(215,183)

- FY 2015/16 generated higher than average revenue due to a vacancy and increased receipts

Note: "YTD Actuals" represented the FY 2015/16 unaudited actuals



PCU Revenue Composition

- Important to evaluate the two revenue streams coming into PCU

3004	PROBATION COLLECTIONS UNIT	2015/16	2014/15	2013/14	2012/13	2011/12	2010/11
	Revenue Composition						
	Juvenile Fees	530,032	430,926	442,707	419,323	474,210	365,809
	Public Defender Fees	285,803	339,127	296,500	271,605	289,824	354,498
	Misc Revenue	0	0	654	0	0	0
	Total	815,835	770,053	739,861	690,928	764,034	720,307

- Since FY 2010/11, Juvenile fees have grown from approximately 51% to 65% of PCU revenue



PCU Insolvent without Both Fees

- PCU operating costs average \$500k per year
- PCU could not operate with revenue from one fee
 - More difficult without Juvenile Fees since it represents 65% of total revenue
 - Important to be aware of the operational impact to PCU from policy changes to juvenile fees



Status of Accounts Receivable

- PCU has \$16.9 million in accounts receivable outstanding from juvenile fees and adult public defense fees.
 - \$8.55 million attributable to Juvenile Fees
 - \$8.34 million attributable to Adult Public Defense Fees
- Earliest receivable on record dates to 1990



Committee Discussion

- The Public Protection Committee accepted the staff report
- Received testimony from the public, including representatives from the Racial Justice Coalition and UC Berkeley Policy Advocacy Clinic
- Referred the issue to the Board of Supervisors with two recommendations:
 - Implement a temporary moratorium on juvenile cost of care fees; and/or
 - Refer the issue to the Racial Justice Task Force for further review



Recommendations

1. ACCEPT a report on the issue of certain fees assessed by the County related to the juvenile justice system;

2. CONSIDER taking the following actions:

a. ADOPT Resolution No. 2016/606 to place a moratorium on the assessment and collection of the Juvenile Cost of Care Fee for Juvenile Hall and the Orin Allen Youth Rehabilitation Facility and DIRECT staff to return to the Board of Supervisors with an update no later than February 14, 2017 in advance of fiscal year 2017/18 budget development;

AND / OR

b. REFER the issue to the Racial Justice Task Force for additional review and report back to the Board at a future date;

3. PROVIDE further direction to staff regarding next steps.



Questions / Discussion



Juvenile Fees Referral Report to the Board of Supervisors

October 25, 2016



History

- ▶ July 19, 2016: The Board of Supervisors referred a review of juvenile fees assessed by the Probation Department to the Public Protection Committee for review.
- ▶ September 26, 2016: The Public Protection Committee received an introductory report from staff on juvenile fees and directed staff to forward the report to the Board of Supervisors for discussion



Collection of Fees

- ▶ County previously had an Office of Revenue Collections (ORC) that centralized collection of many receivables on behalf of departments
- ▶ ORC had difficulty generating sufficient revenue to pay for the cost of collections and was subsequently closed
- ▶ Responsibility for collections was returned to departments
- ▶ Probation Collections Unit (PCU) established in FY 2010/11 collecting
 - Juvenile Fees
 - Adult Public Defense Fees



Juvenile Fees

- The County assesses and the Juvenile Court orders collection of certain fees to offset the costs of caring juveniles in custody
 - Juvenile Cost of Care Fee: Up to \$30 /day. Authorized by W&I 903 and County Resolution No. 2010/253
 - Juvenile Electronic Monitoring Fee: Up to \$17/day. Authorized by County Ordinance 2009-23
- All juvenile fees are assessed on a sliding scale based on ability to pay



Juvenile Fees on a Sliding Scale

- The County significantly reduces the \$30 Juvenile Cost of Care fee based on ability to pay evaluations conducted by the Probation

<i>Adjusted, Daily Juvenile Cost of Care Fee</i>	<i>Max Daily Rate</i>	July 2016	August 2016	September 2016*
Juvenile Hall	\$ 30.00	\$ 5.93	\$ 6.21	\$ 16.98
OAYRF	\$ 30.00	\$ 3.17	\$ 9.13	\$ 14.57

***Note:** September 2016 adjusted average higher because of pending ability to pay evaluations in progress.



Probation Collections Unit (PCU)

- ▶ Staffing of 4.0 FTE
 - ▶ 2.0 Collection Enforcement Officers
 - ▶ 1.0 Accounting Technician
 - ▶ 1.0 Clerk–Specialist Level
- ▶ Unit currently at minimum staffing level



Probation Collections Unit (PCU)

► FY 2016/17 Budget:

		2016-17 Recommended
3004	PROBATION COLLECTIONS UNIT	
E1000	Salaries and Benefits	402,965
E2000	Services and Supplies	77,097
E4000	Fixed Assets	20,000
GRSCST	GROSS EXPENDITURES	500,062
TOTEXP	TOTAL EXPENDITURES	500,062
TOTREV	GROSS REVENUE	790,000
FTE	Allocated Positions (FTE)	4.00
NETCOST	NET COUNTY COST (NCC)	(289,938)



PCU Performance

- PCU does generate revenue for the County

	YTD Actuals	2014-15 Actual	2013-14 Actual	2012-13 Actual	2011-12 Actual	2010-11 Actual
PROBATION COLLECTIONS UNIT	0	0	0	0	0	0
Salaries and Benefits	338,601	450,340	429,190	406,283	434,359	370,932
Services and Supplies	103,470	68,513	68,766	78,770	75,430	134,192
Fixed Assets	0	0	0	0	0	0
GROSS EXPENDITURES	442,072	518,853	497,956	485,054	509,789	505,124
TOTAL EXPENDITURES	442,072	518,853	497,956	485,054	509,789	505,124
GROSS REVENUE	815,835	770,053	739,861	690,928	764,033	720,307
Allocated Positions (FTE)	4.00	4.00	5.00	5.00	5.00	0
NET COUNTY COST (NCC)	(373,763)	(251,200)	(241,905)	(205,874)	(254,244)	(215,183)

- FY 2015/16 generated higher than average revenue due to a vacancy and increased receipts

Note: "YTD Actuals" represented the FY 2015/16 unaudited actuals



PCU Revenue Composition

- Important to evaluate the two revenue streams coming into PCU

3004	PROBATION COLLECTIONS UNIT	2015/16	2014/15	2013/14	2012/13	2011/12	2010/11
	Revenue Composition						
	Juvenile Fees	530,032	430,926	442,707	419,323	474,210	365,809
	Public Defender Fees	285,803	339,127	296,500	271,605	289,824	354,498
	Misc Revenue	0	0	654	0	0	0
	Total	815,835	770,053	739,861	690,928	764,034	720,307

- Since FY 2010/11, Juvenile fees have grown from approximately 51% to 65% of PCU revenue



PCU Insolvent without Both Fees

- PCU operating costs average \$500k per year
- PCU could not operate with revenue from one fee
 - More difficult without Juvenile Fees since it represents 65% of total revenue
 - Important to be aware of the operational impact to PCU from policy changes to juvenile fees



Status of Accounts Receivable

- PCU has \$16.9 million in accounts receivable outstanding from juvenile fees and adult public defense fees.
 - \$8.55 million attributable to Juvenile Fees
 - \$8.34 million attributable to Adult Public Defense Fees
- Earliest receivable on record dates to 1990



Committee Discussion

- The Public Protection Committee accepted the staff report
- Received testimony from the public, including representatives from the Racial Justice Coalition and UC Berkeley Policy Advocacy Clinic
- Referred the issue to the Board of Supervisors with two recommendations:
 - Implement a temporary moratorium on juvenile cost of care fees; and/or
 - Refer the issue to the Racial Justice Task Force for further review



Recommendations

1. ACCEPT a report on the issue of certain fees assessed by the County related to the juvenile justice system;

2. CONSIDER taking the following actions:

a. ADOPT Resolution No. 2016/606 to place a moratorium on the assessment and collection of the Juvenile Cost of Care Fee for Juvenile Hall and the Orin Allen Youth Rehabilitation Facility and DIRECT staff to return to the Board of Supervisors with an update no later than February 14, 2017 in advance of fiscal year 2017/18 budget development;

AND / OR

b. REFER the issue to the Racial Justice Task Force for additional review and report back to the Board at a future date;

3. PROVIDE further direction to staff regarding next steps.



Questions / Discussion

CSAC Survey Results

Juvenile Fees

August 2016

- **Alameda County** placed a moratorium on the assessment and collection of fees in March 2016.
- **Los Angeles County** placed a moratorium on the assessment of fees in 2009.
- **San Francisco County** has not charged fees to date for these activities.
- **Fresno County** the \$50 juvenile administrative fee is charged to the parents when a juvenile is cited by law enforcement.
- **Santa Barbara County** does charge administrative fees to juveniles related to community service work and we charge their parents for basic juvenile hall and camp costs related to their child's support and enrollment. There is also a 10% restitution collection surcharge.
- **Santa Cruz County** charges a daily juvenile hall charge, which is \$ 27 per day. They do not charge supervision fees, records sealing fees or charge for electronic monitoring.
- **Kern County** does not charge juvenile administration fees.

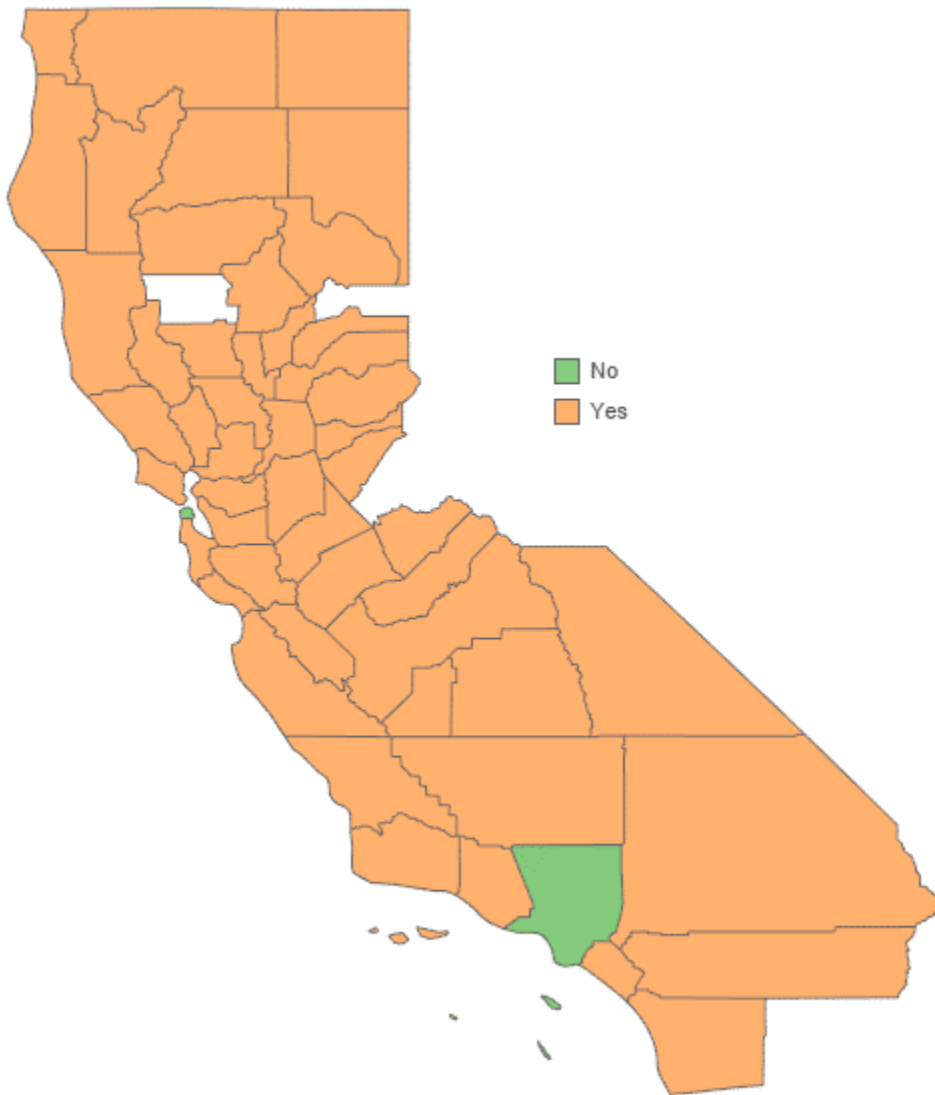
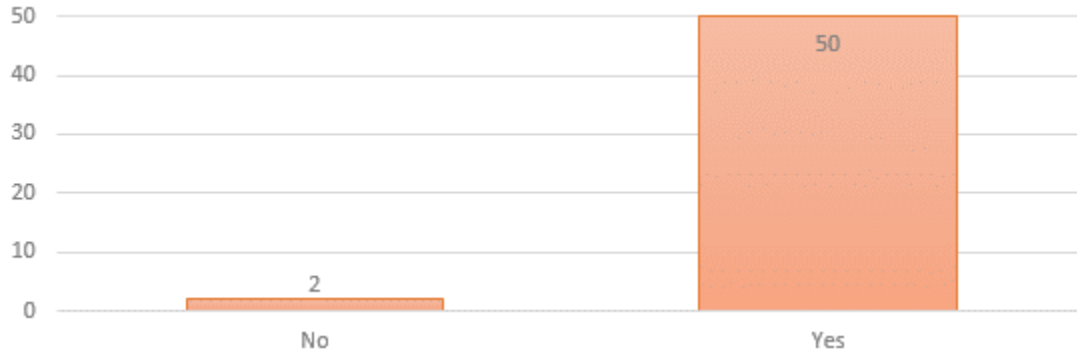
Between October 2014 and March 2015, the Policy Advocacy Clinic surveyed California county Chief Probation Officers (CPOs) about juvenile probation fee policies and practices, receiving responses from 52 of the 58 counties in California. The 15-question survey was sent out in October 2014 and responses were collected into March 2015. A copy of this survey can be found in Appendix A. Despite multiple attempts, we did not receive responses from the following counties: Alpine, Glenn, Imperial, Mono, Sierra, and Tuolumne.

A spreadsheet detailing survey response was sent to all California CPOs by email in April 2015. This spreadsheet had been cleaned and standardized for accessibility and did not include the information received for questions 1, 3, and 15 due to the presence of personal information.

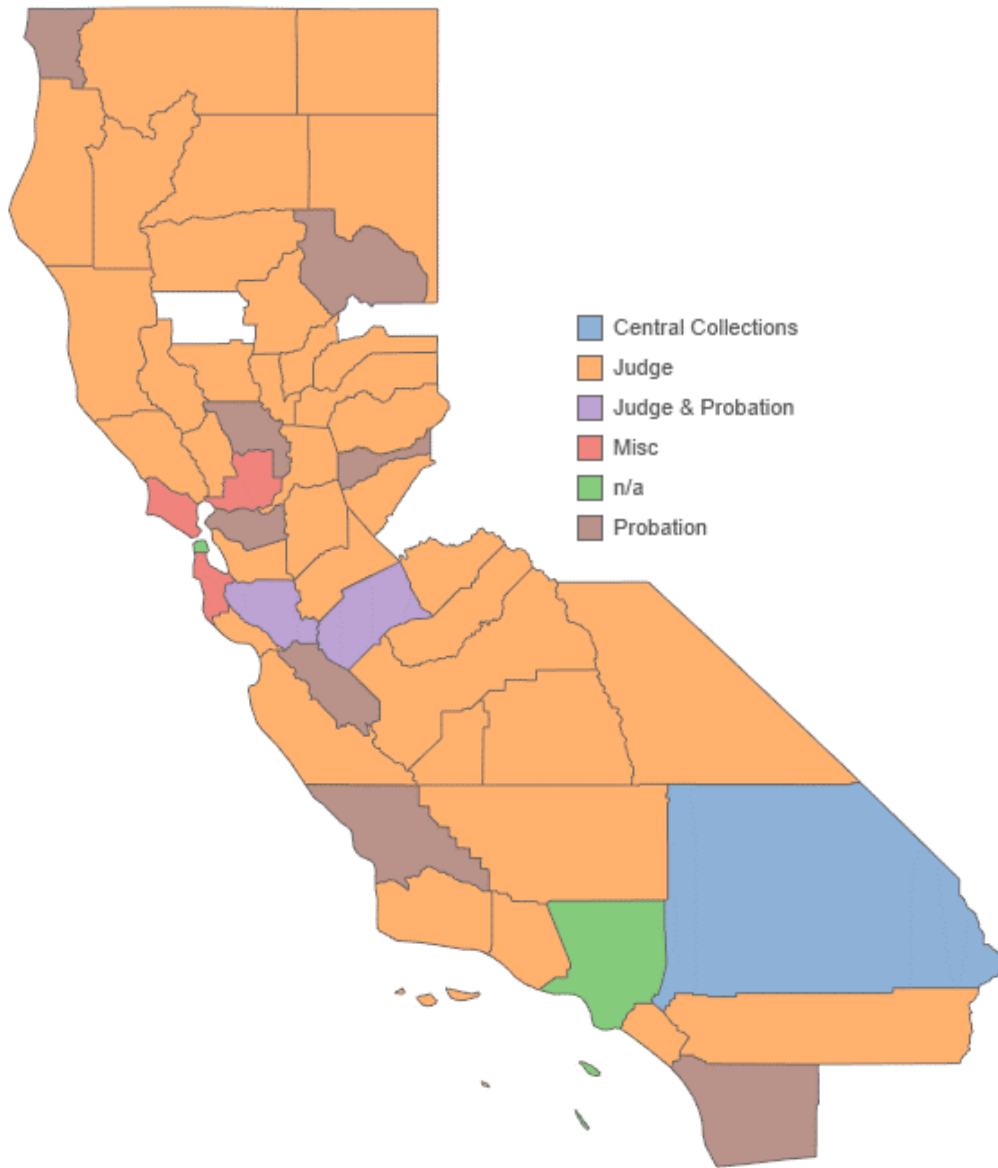
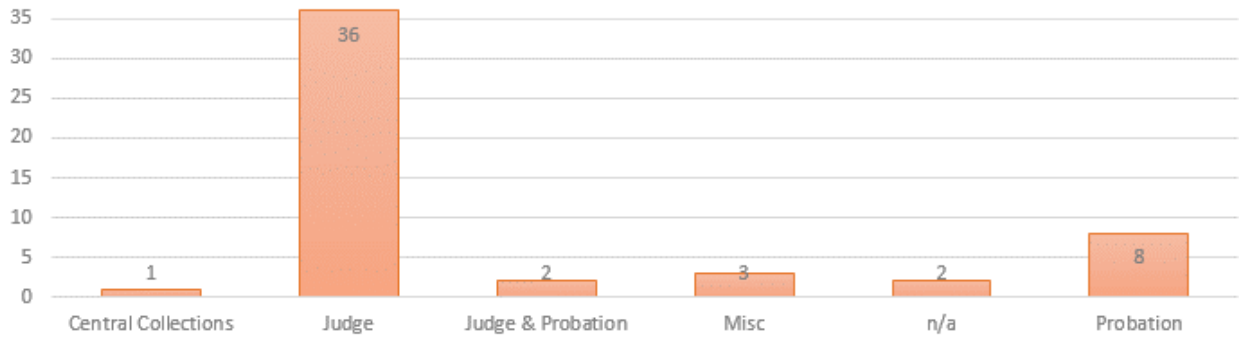
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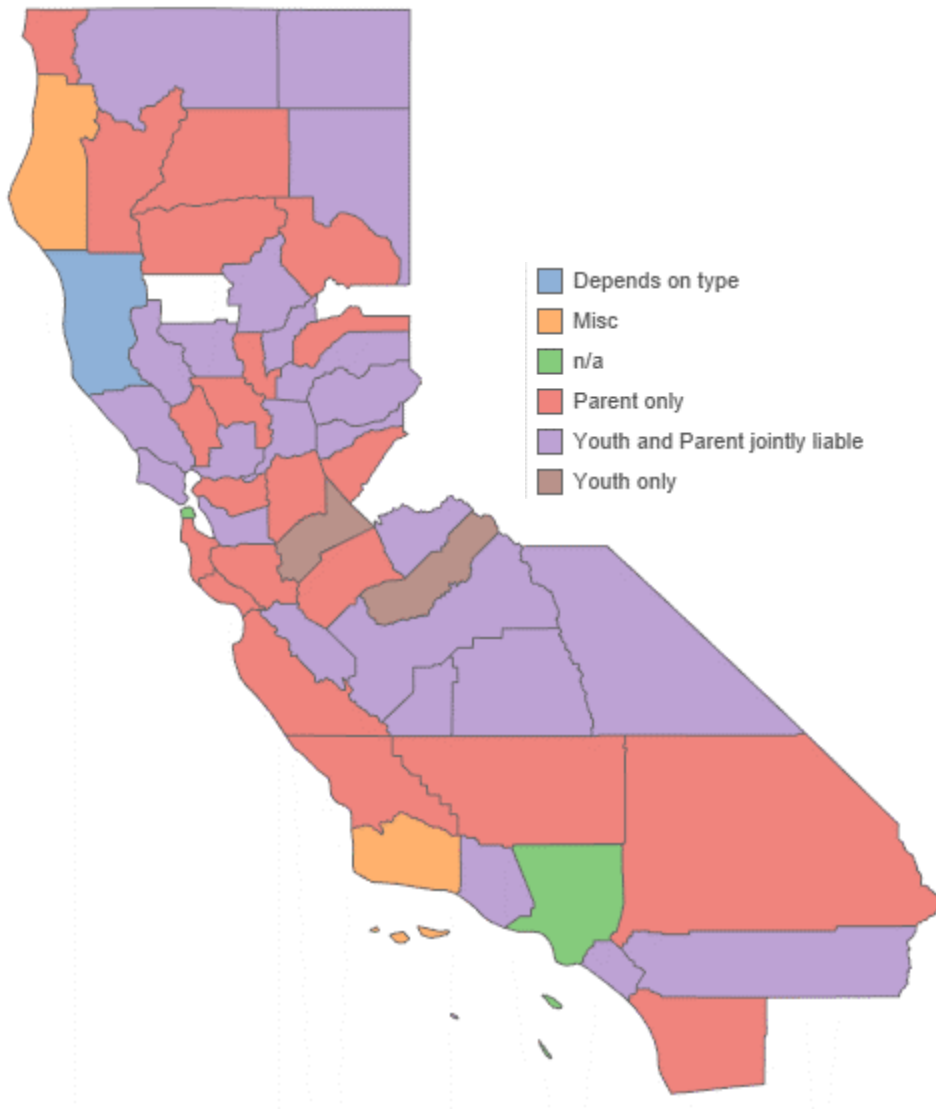
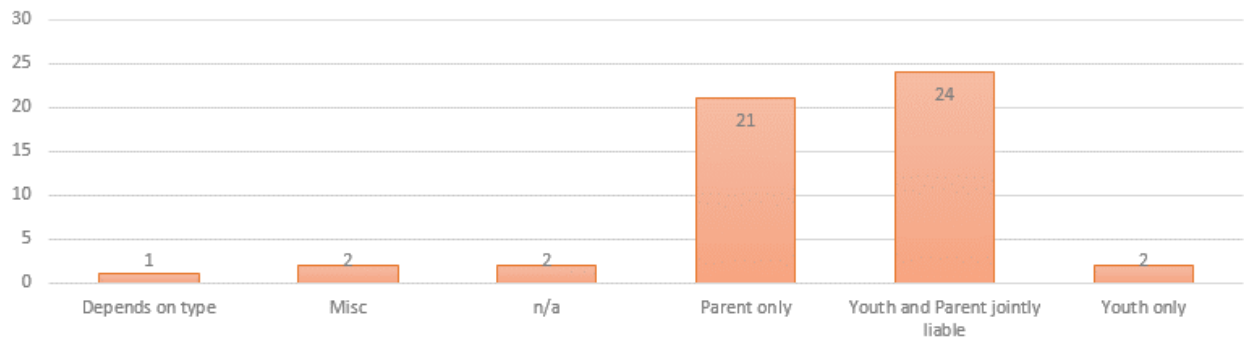
Question 1. In delinquency proceedings, are families and/or youth themselves billed for various court-related fees?



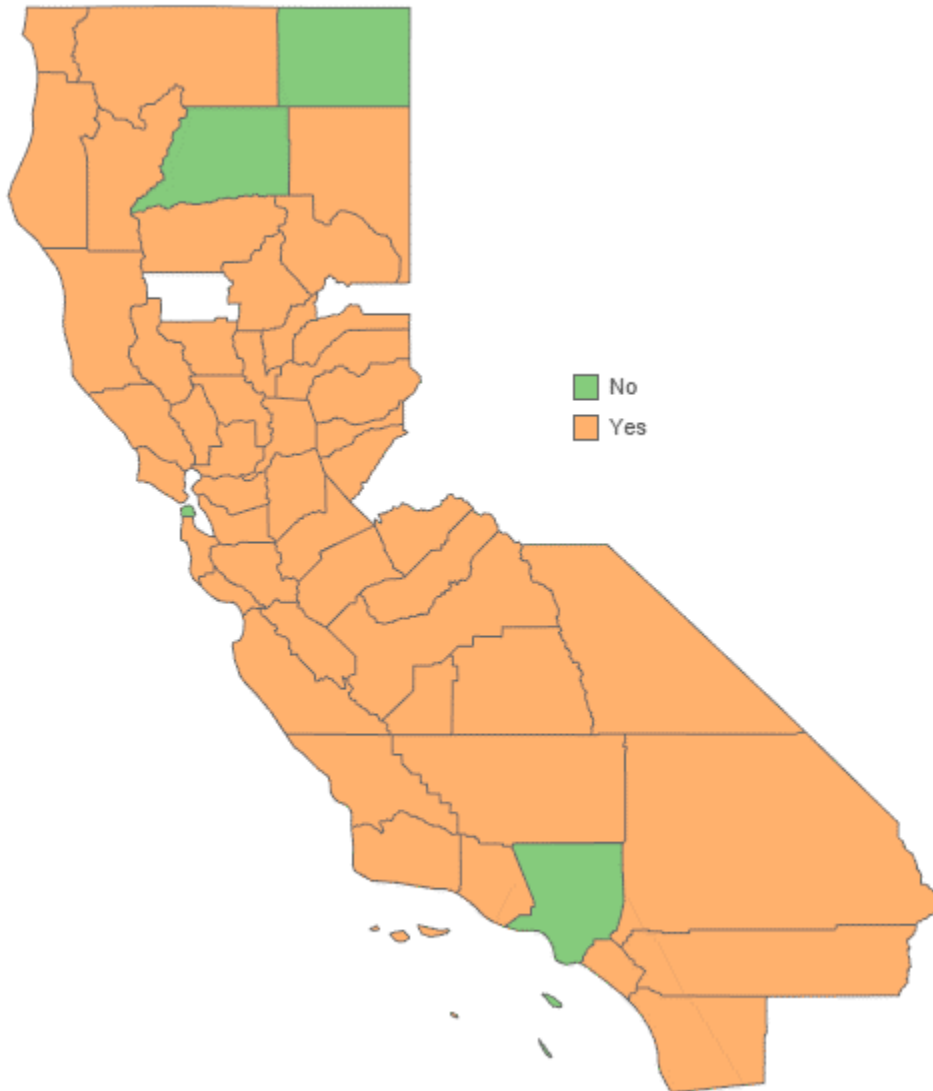
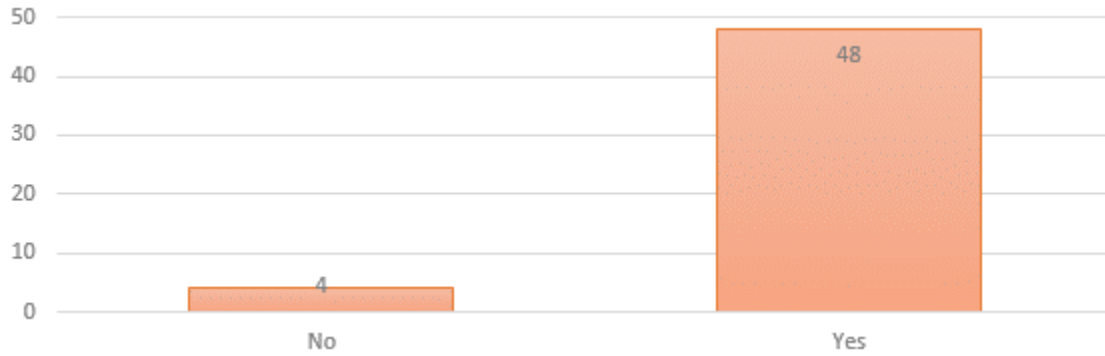
Question 2. To your knowledge, who imposes the fees?



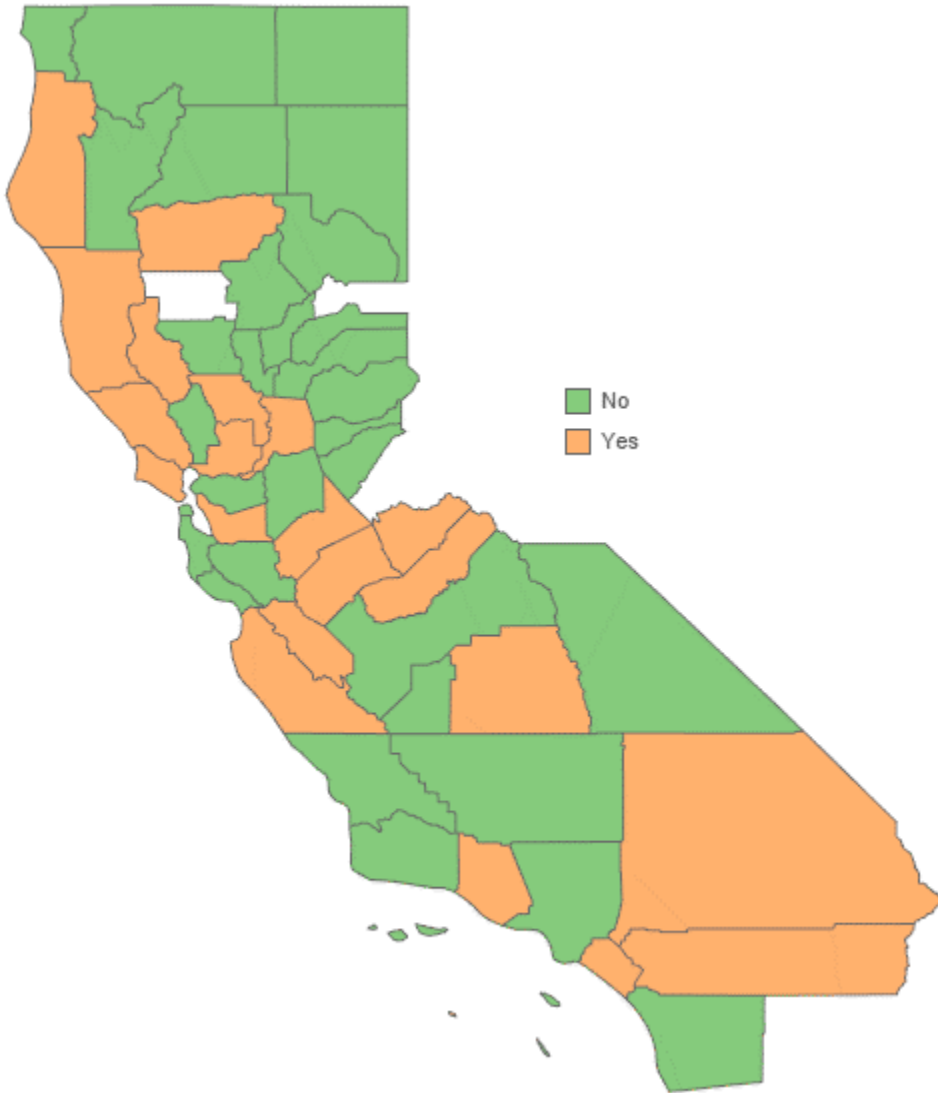
Question 3. To your knowledge, are the parents, youth or both ordered to pay the fees?



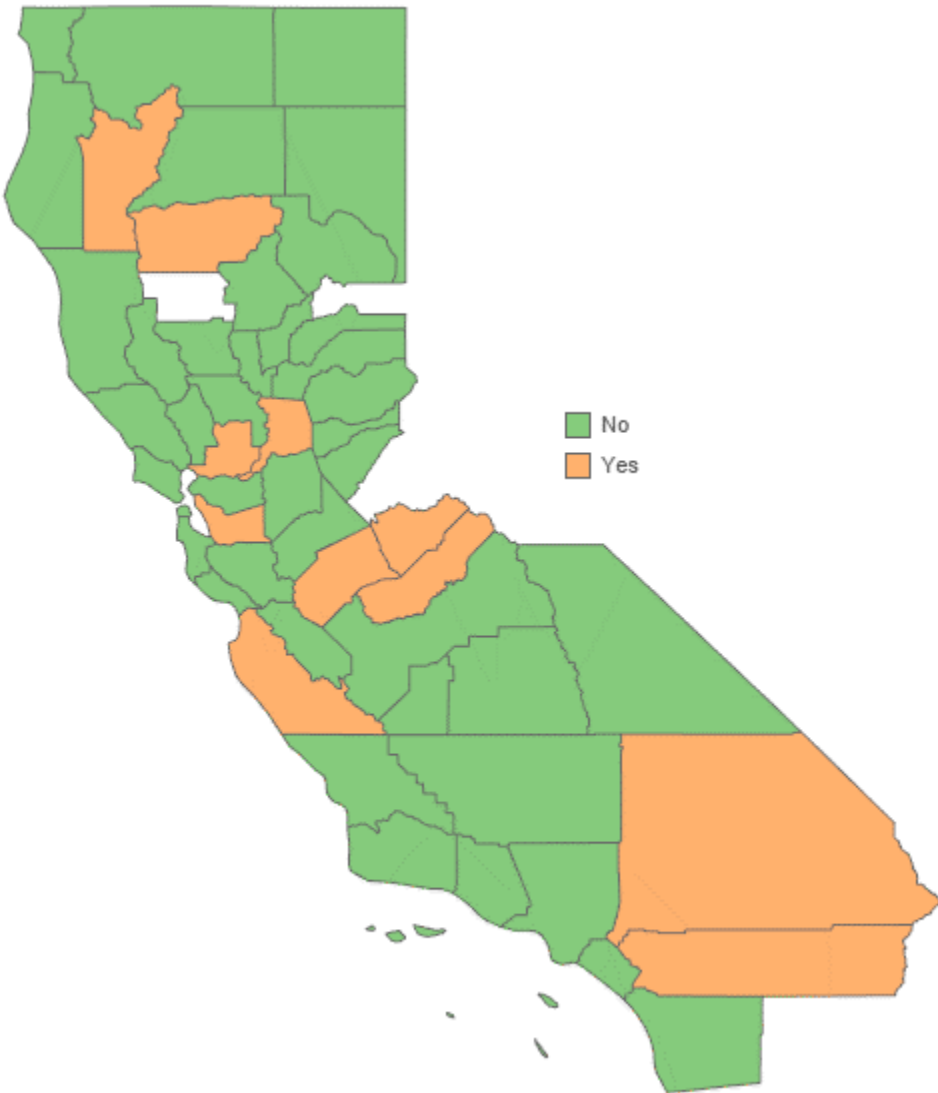
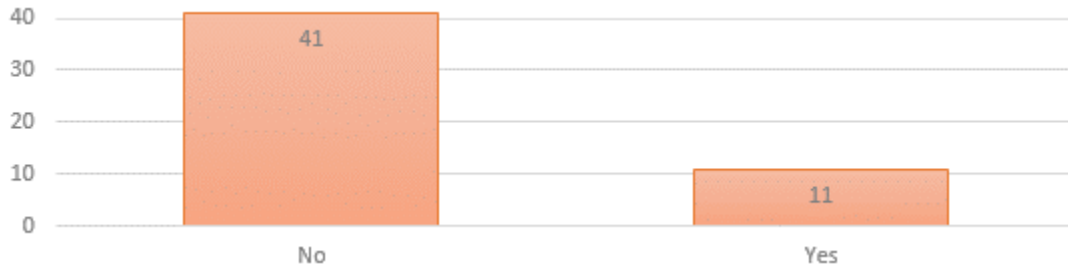
Question 4. To your knowledge, does your county charge fees for stays in juvenile hall?



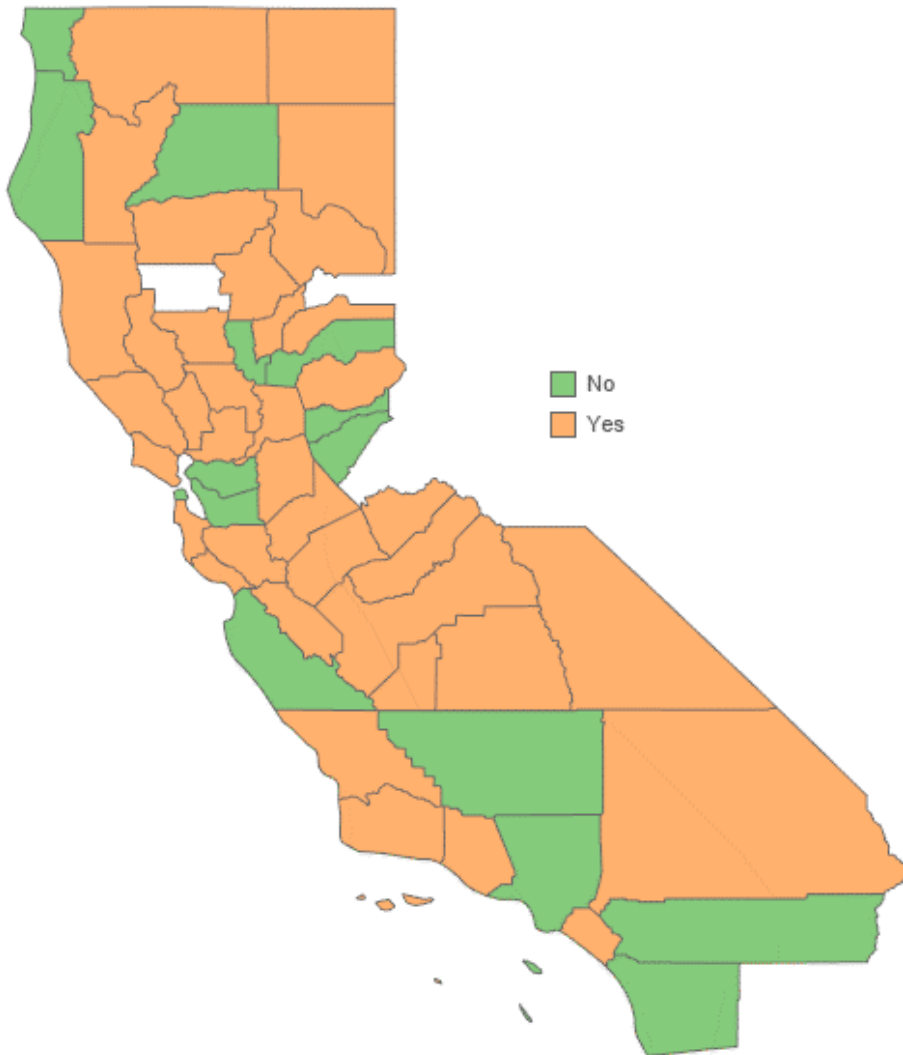
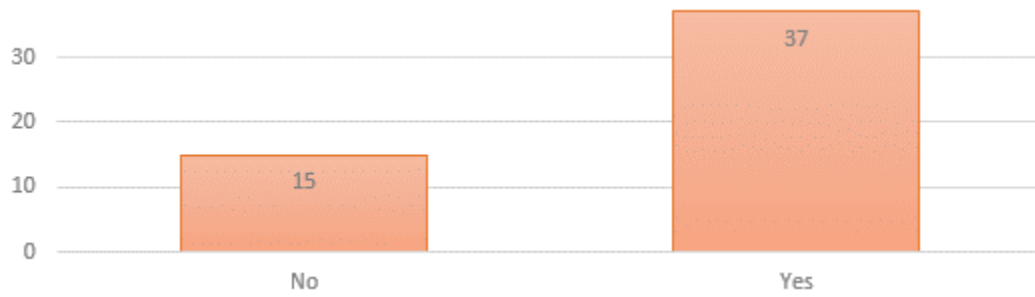
Question 5. To your knowledge, does your county charge fees for probation supervision?



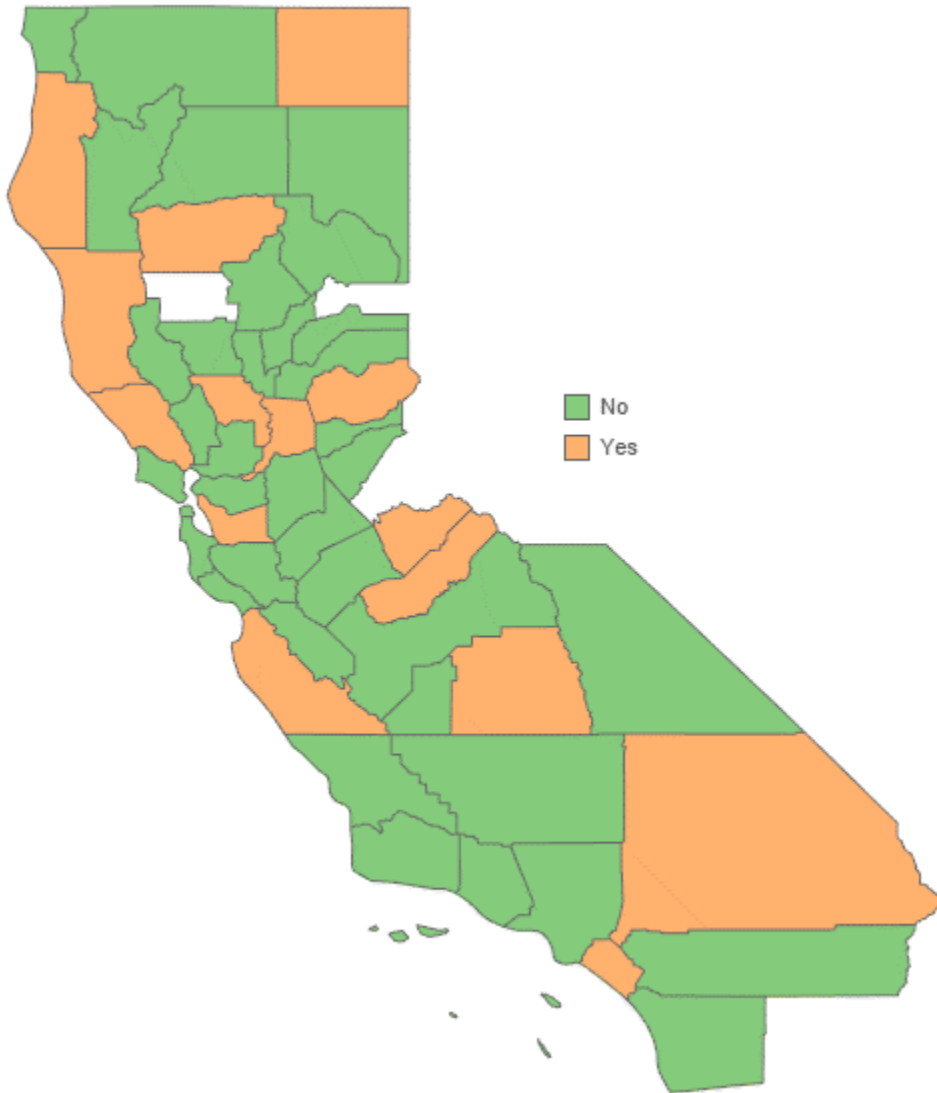
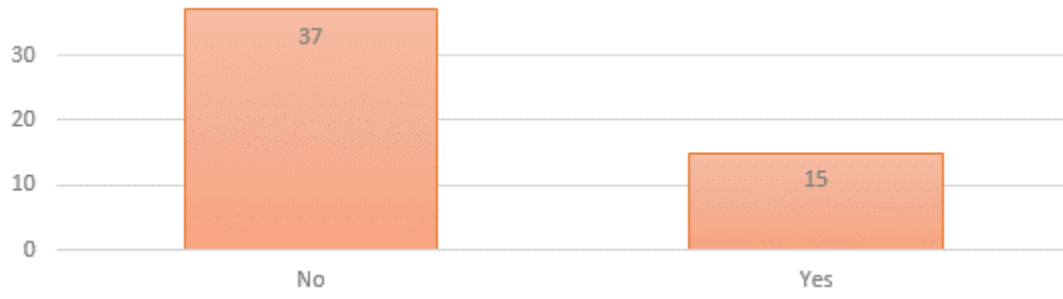
Question 6. To your knowledge, does your county charge fees for probation investigation?



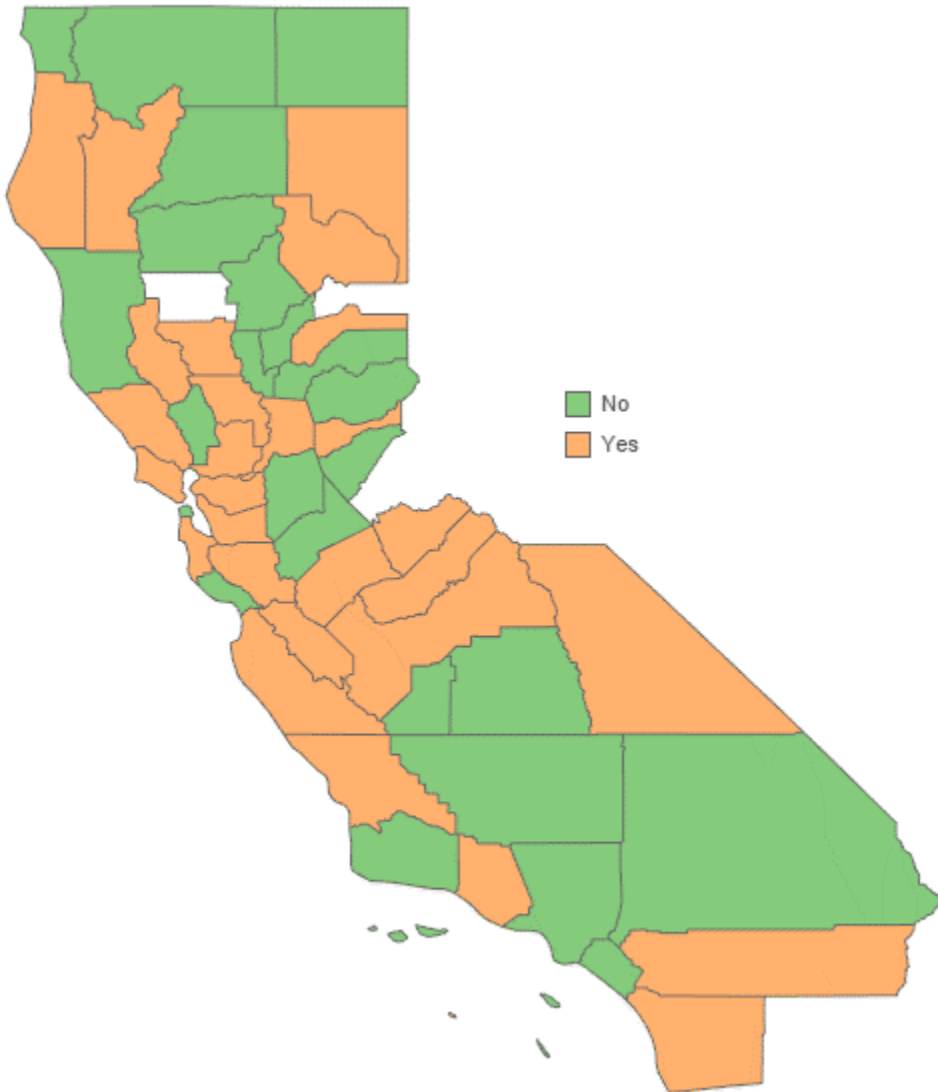
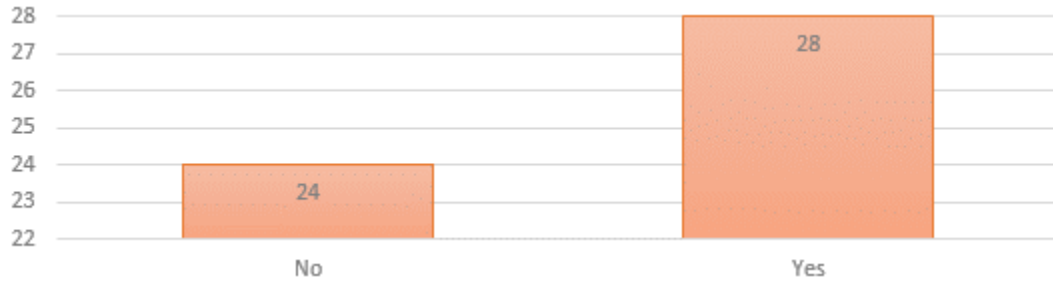
Question 7. To your knowledge, does your county charge fees for the public defender?



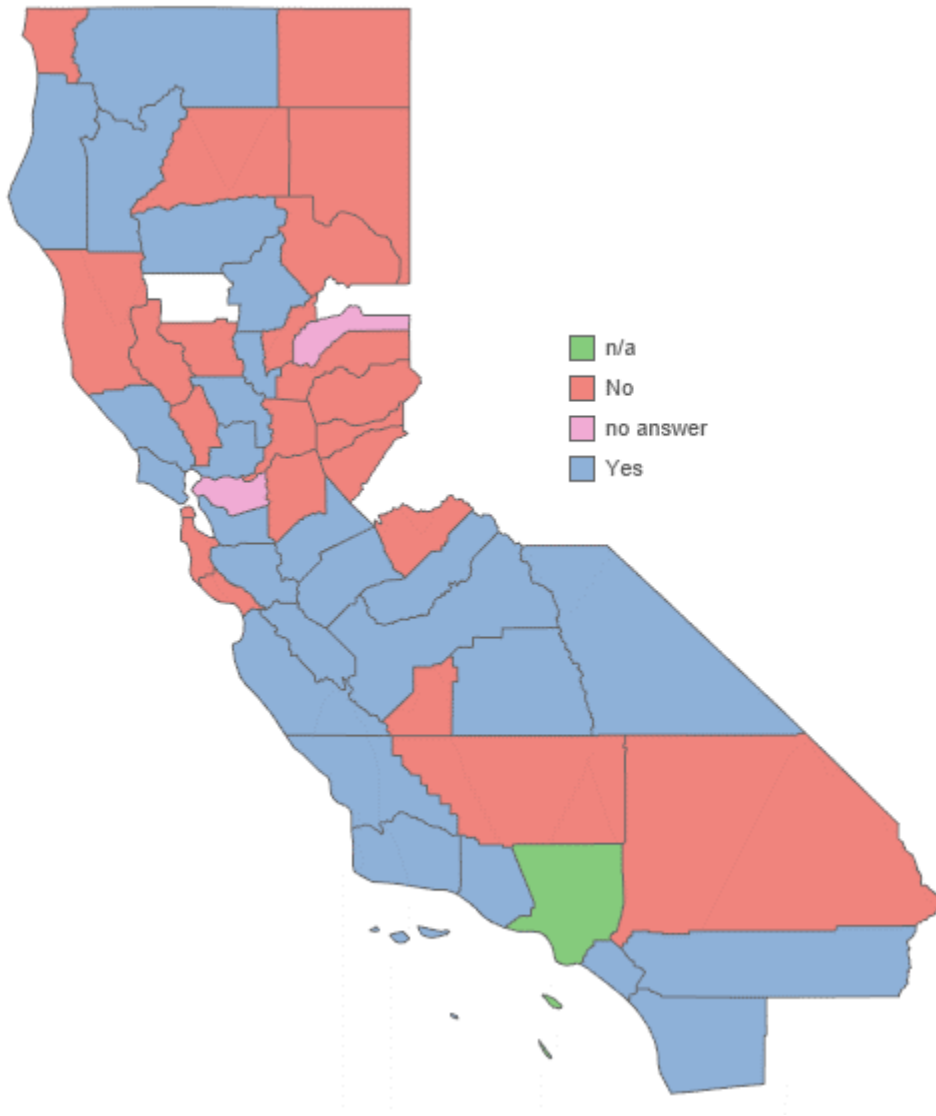
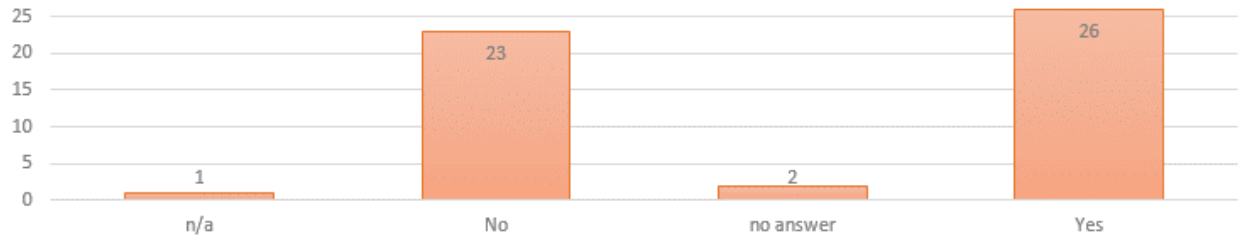
Question 8. To your knowledge, does your county charge fees for drug testing?



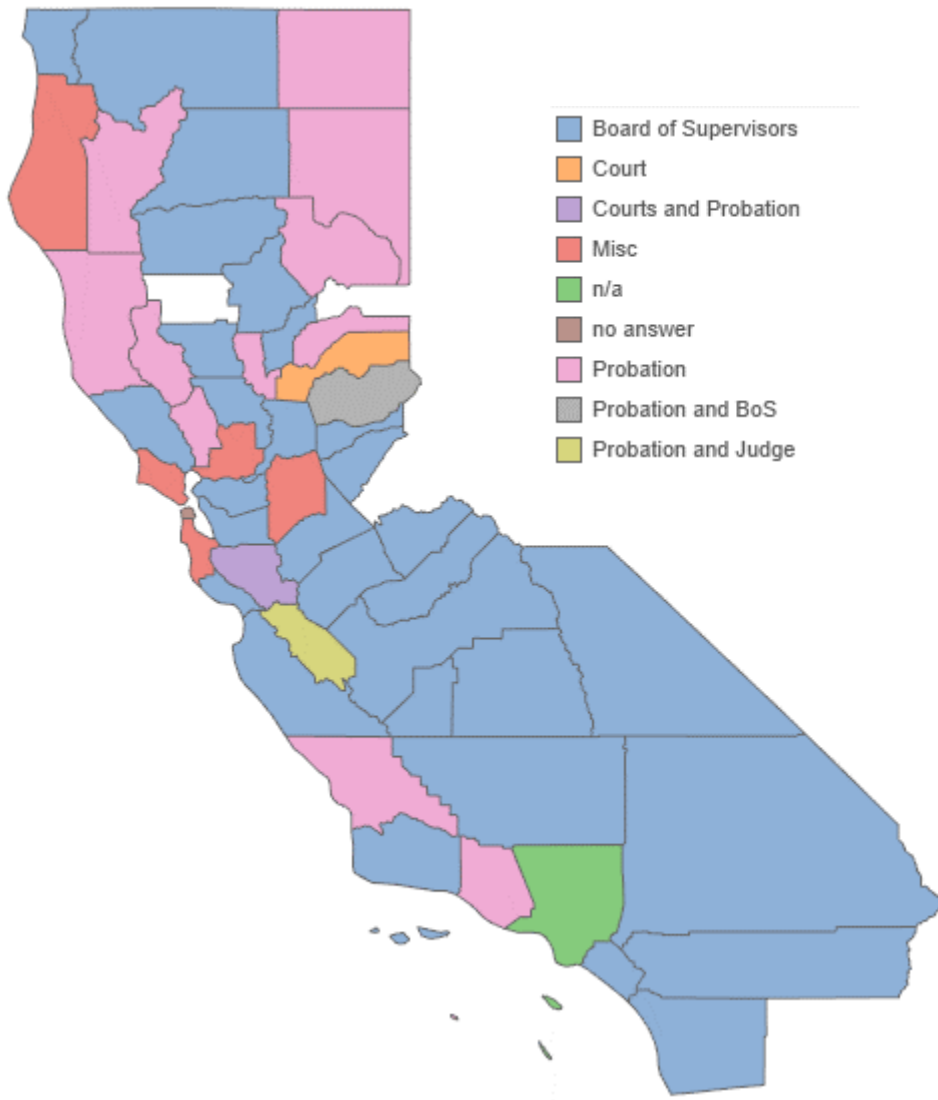
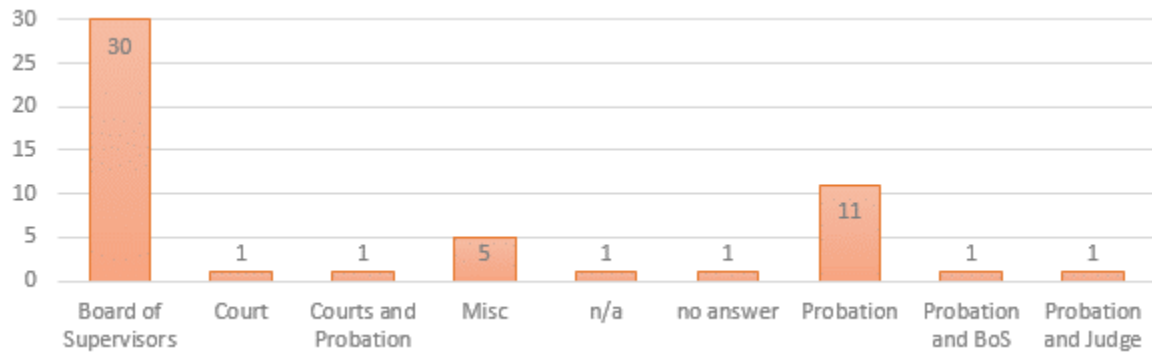
Question 9. To your knowledge, does your county charge fees for GPS/electronic monitoring?



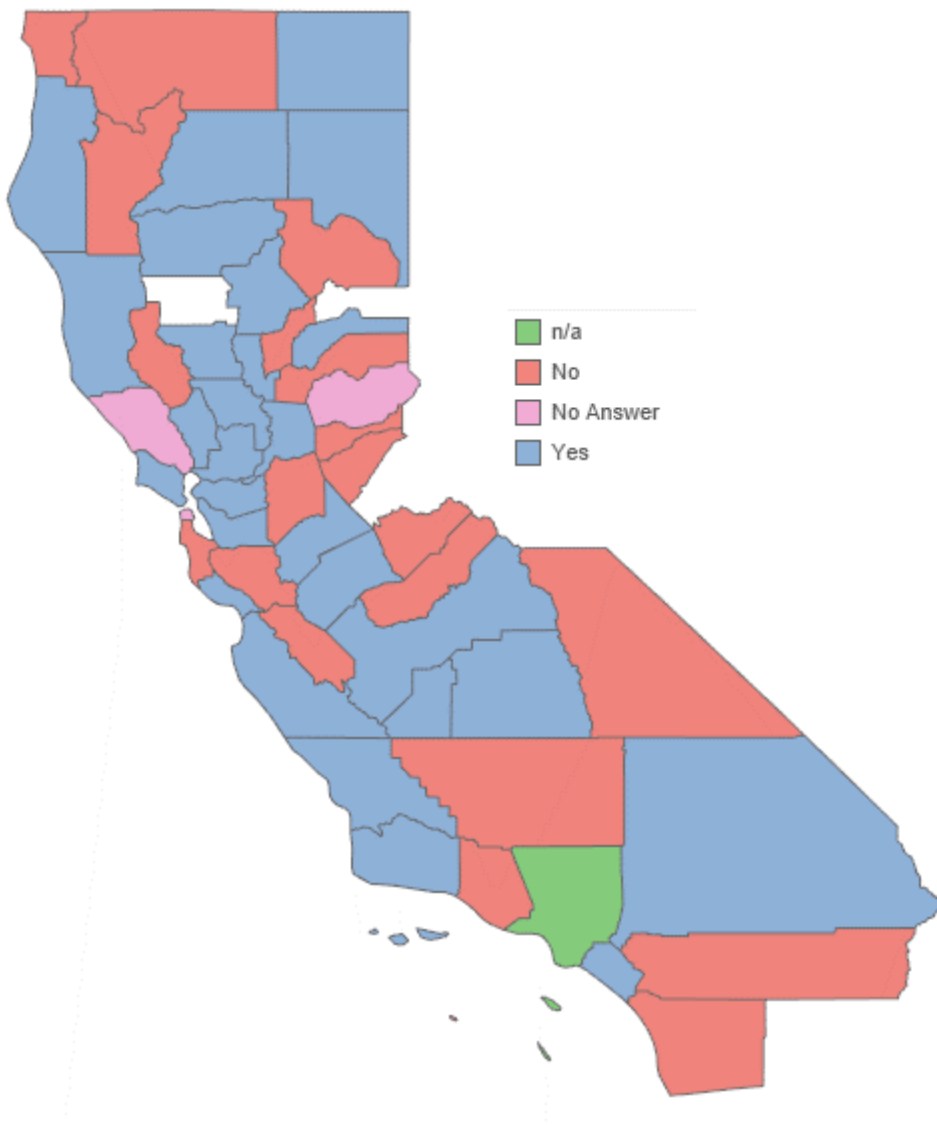
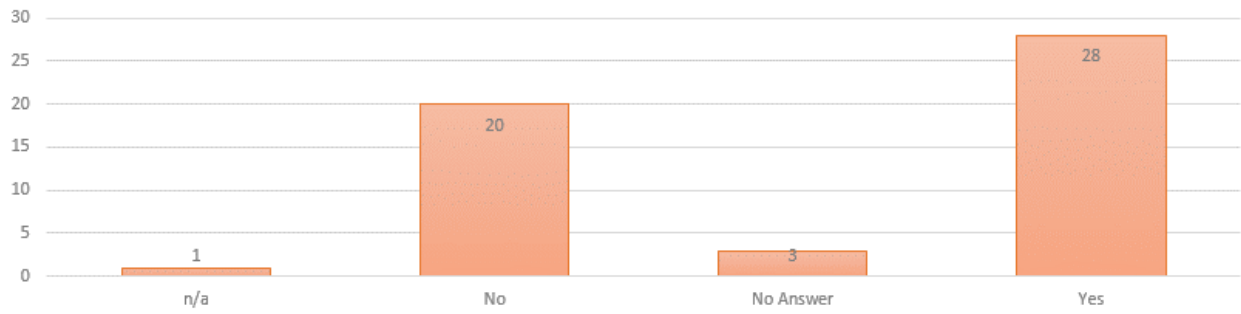
Question 10. Do you have a fee schedule (or any other documentation that lists the different fees) that you would be willing to share with us?



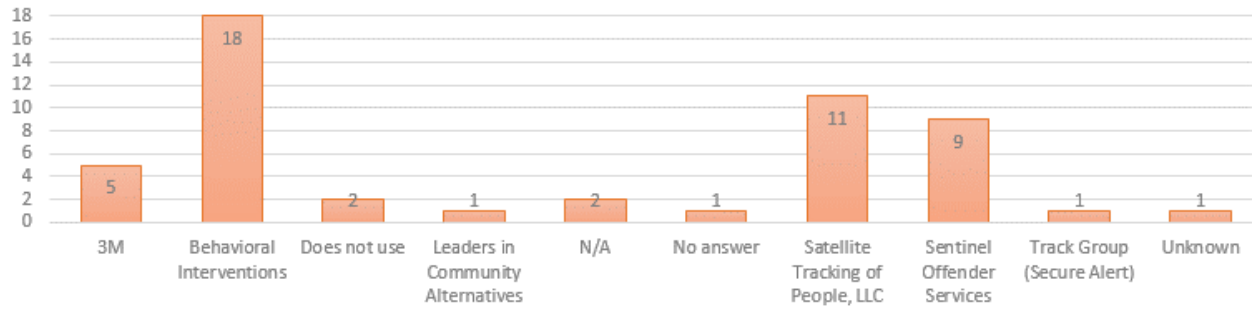
Question 11. Who determines the fee amount?



Question 12. Are there standardized criteria that juveniles must meet in order to obtain a fee waiver?



Question 13. If your county uses electronic monitoring/GPS tracking, what company provides that service?



Appendix A. Text of CPO survey

1. What is your name?

2. In which county do you work?

3. Can we contact you if we have additional questions? If yes, what phone number and email is best?

4. In delinquency proceedings, are families and/or youth themselves billed for various court-related fees? (i.e., fees for public defender, fee for GPS monitoring, fee for each night in hall, etc)

Yes

No

5. To your knowledge, who imposes the fees?

Judge

Financial Hearing Officer

Probation

Other:

6. To your knowledge, are the parents, youth or both ordered to pay the fees?

Youth only

Parent only

Youth and parent jointly liable

Other:

7. To the best of your knowledge, which of the following fees does your county charge?

If you do not know please check N/A

Fee for stays in juvenile hall

Probation supervision fees

Probation investigation fees

Fees for the public defender

Fees for drug testing

Fees for GPS/Electronic Monitoring

N/A

Other:

8. Do you have a fee schedule (or any other documentation that lists the different fees) that you would be willing to share with us?

If so, please email it to us at akaplan@berkeley.edu

Yes

No

9. Who determines the fee amount?

Probation

Board of Supervisors

Other:

10. Are there standardized criteria that juveniles must meet in order to obtain a fee waiver?

Yes

No

11. If your county uses electronic monitoring/GPS tracking, what company provides that service?

12. What county department is responsible for collecting the fees?

13. To the best of your knowledge, what resources (staff, time, money) are devoted to collecting fees?

14. What else do you think we should we know about fees in your county?

15. Is there anyone else that you recommend we contact?

Please include contact information and whether or not we may mention your name.

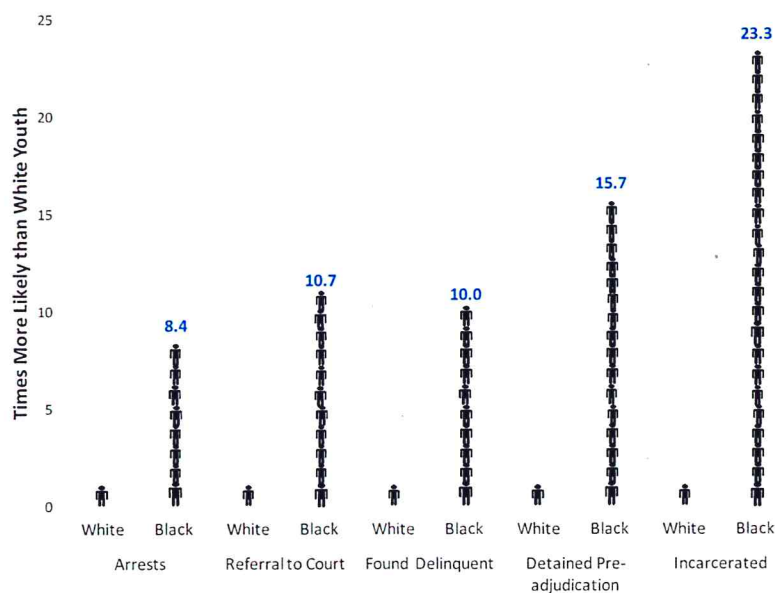
Juvenile Administrative Fees

Three types of juvenile justice debt can be imposed:

<p>Restitution</p>  <p>To <i>victims</i> for economic losses</p>	<p>Restitution Fines</p>  <p>To the <i>state</i> for a victim's fund</p>	<p>Administrative Fees</p>  <p>To the <i>county</i> for administrative costs</p>
--	--	--

Families of Black youth are disproportionately affected by high administrative fees, because their children are overrepresented at all stages in the juvenile justice system, even when controlling for alleged misconduct.

Disparity in Contra Costa County Juvenile Justice System



Source: CA Department of Justice, published online at www.data.burnsinstitute.org

Contra Costa FY 2014-15	County Budget: \$3.1 billion
	Probation Budget: \$67 million
	Net Collected \$140,573*
	From Juvenile Administrative Fees:

*Contra Costa county charges up to \$30/day for juvenile hall and OAYRF and up to \$17/day for electronic monitoring

Alameda County
Repealed
2016

“Imposing this kind of debt on families induces economic and familial instability, which undermines the rehabilitative purpose of the juvenile justice system.”

—Alameda County Supervisors Keith Carson and Richard Valle

Santa Clara County
Moratorium
2016

“It is in the best interest of the County to adopt this resolution in an effort to address and potentially reduce the disproportionate representation of youth of color within our juvenile justice system.”

—Santa Clara County Resolution No. 2016-110

Orange County
Criticized
2016

“Not only does such a [juvenile fee] policy unfairly conscript the poorest members of society to bear the costs of public institutions, operating “as a regressive tax,” but it takes advantage of people when they are at their most vulnerable.”

—In re Maria G. Rivera (9th Cir. 2016)

Fees
Criminogenic

“[The] total amount of fines, fees, and/or restitution imposed at disposition significantly increase[s] the odds of a youth recidivating ... even after controlling for relevant youth demographics and case characteristics variables.”

—Journal of Youth Violence and Juvenile Justice (2016)

Fees
Regressive

“Fines and fees are regressive payments that disproportionately impact the poor.”

—President’s Council of Economic Advisers: Fines, Fees, and Bail (2015)

Juvenile Administrative Fees: Research and Findings from Contra Costa County

Ahmed Lavalais

Berkeley Law: JD Candidate, Policy Advocacy Clinic

Tim Kline

Berkeley Law: JD Candidate, Policy Advocacy Clinic

September 26, 2016



BerkeleyLaw
UNIVERSITY OF CALIFORNIA
Policy Advocacy Clinic

Restitution



To *victims* for economic losses

Cal. Welf. and Inst. Code § 729-31

Restitution fines



To the *state* for the restitution fund

Cal. Welf. and Inst. Code § 730.6

Administrative fees



To the *county* for administrative costs

- *Not* retributive
- *Not* rehabilitative
- *Not* restorative
- Solely to protect county fiscal integrity

Cal. Welf. and Inst. Code § 903-4

Recent Empirical Findings

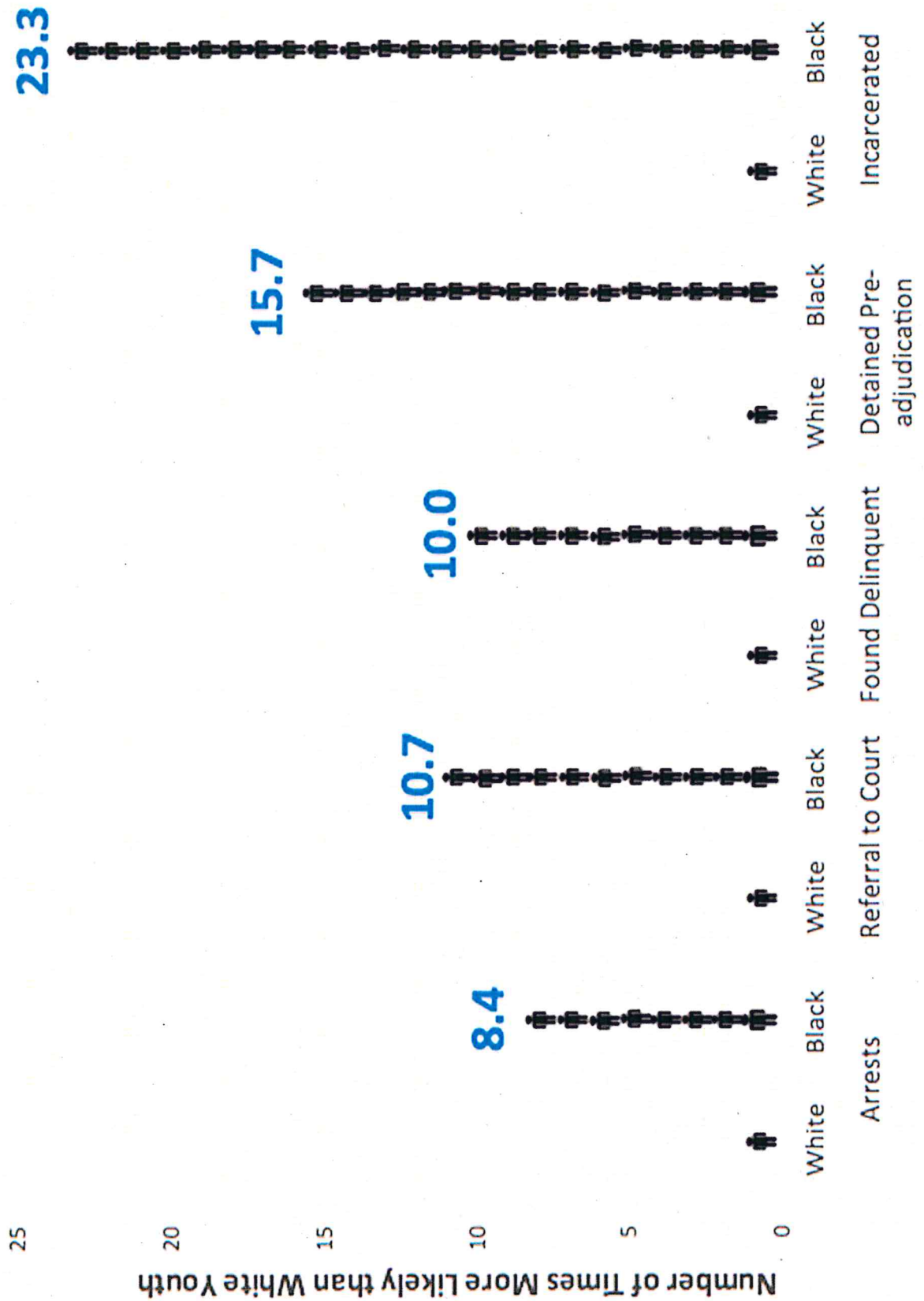
“The total amount of fines, fees, and/or restitution imposed at disposition significantly increase[s] the odds of a youth recidivating ... even after controlling for relevant youth demographics and case characteristics variables.”

— Piquero and Jennings, *Journal of Youth Violence and Juvenile Justice* (2016)



Disproportionate Impact on Black Families

Contra Costa County, 2015



Minimal Net Gain to the County

FY 2012-16

	2012-13	2013-14	2014-15	2015-16
Collected	\$419,323	\$442,707	\$430,926	\$530,032
Costs	\$294,378	\$297,959	\$290,353	\$287,205
Net to County	\$124,945	\$144,748	\$140,573	\$242,827

Net Financial Gain of Collecting Juvenile Administrative Fees in Contra Costa County

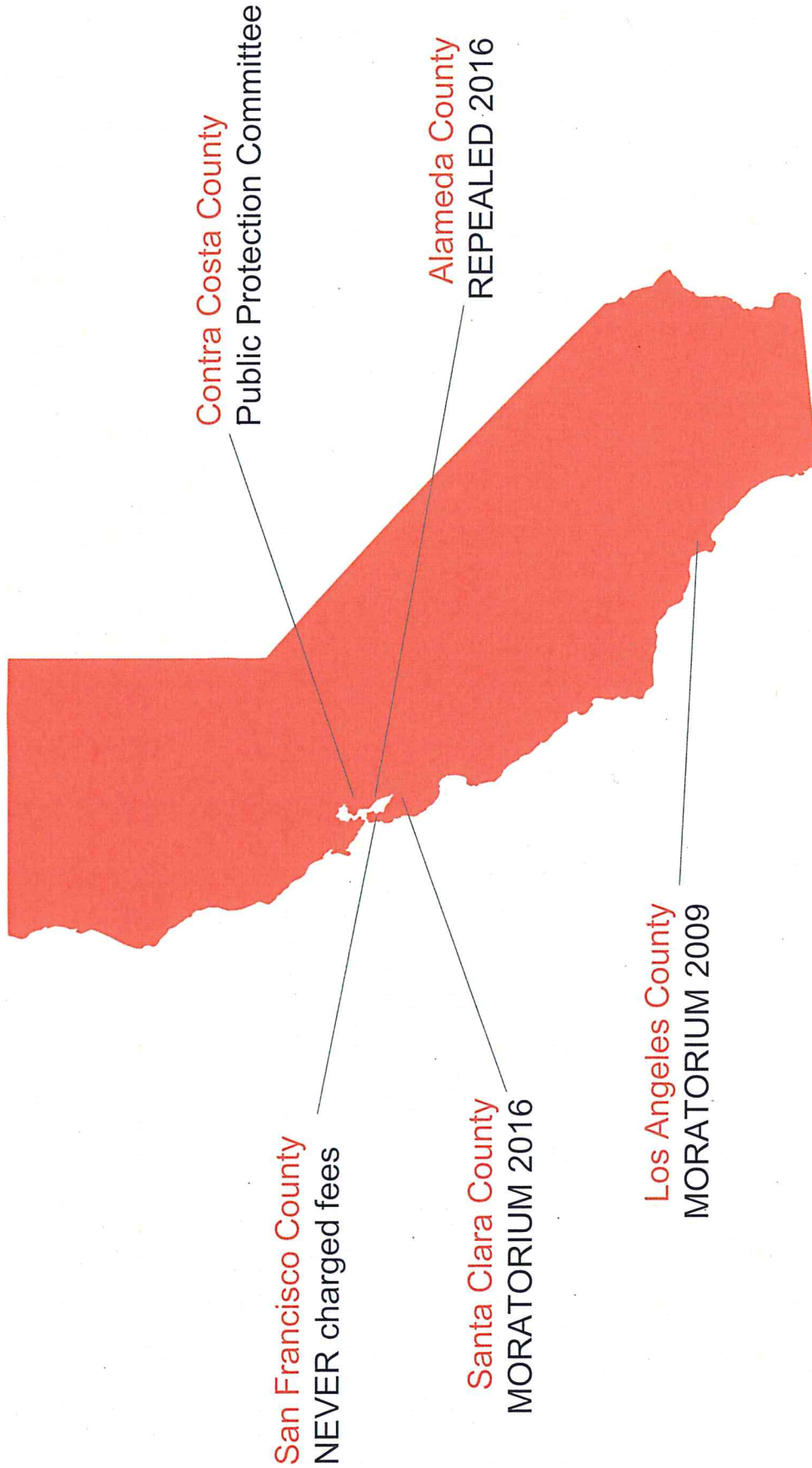
67 million

Probation Dept. Budget, FY 2014-15

3.1 billion

County Budget, FY 2014-15

Juvenile Administrative Fee Practices



High Pain, No Gain:

How Juvenile Administrative Fees Harm Low-Income Families in Alameda County, California



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Policy Advocacy Clinic

March 2016

ACKNOWLEDGMENTS

The Policy Advocacy Clinic prepared this report for the Alameda County Juvenile Fees Working Group, a voluntary association of non-profit organizations that formed to address the imposition of financial sanctions on youth and their families in the juvenile justice system. Working Group members include the American Civil Liberties Union, the Alameda County Public Defender's Office, the East Bay Community Law Center, the East Bay Children's Law Offices and the Prison Law Office.

Alex Kaplan, Ahmed Lavalais, Tim Kline, Jenna Le, Rachel Draznin-Nagy and Ingrid Rodriguez, law students at the U.C. Berkeley School of Law, and Jenny van der Heyde, a graduate student at the U.C. Berkeley Goldman School of Public Policy drafted this report under the supervision of the Clinic Teaching Fellow Stephanie Campos-Bui and Director Jeffrey Selbin. We consulted subject matter experts in the course of our research. Though the clinic is responsible for the contents of the report, we are grateful to the following individuals and agencies for their time and contributions:

- Laurel Arroyo (Office of the Alameda County Public Defender)
- Jessica Bartholow (Western Center on Law and Poverty)
- Tony Cheng (Office of the Alameda County Public Defender)
- Roger Chan (East Bay Children's Law Offices)
- Micaela Davis (American Civil Liberties Union of Northern California)
- Cory Isaacson (East Bay Community Law Center)
- David Muhammad (Anti-Recidivism Coalition)
- Susan Walsh (East Bay Children's Law Offices)
- Kate Weisburd (East Bay Community Law Center)
- Lynn Wu (Prison Law Office)
- Darris Young (Ella Baker Center for Human Rights)
- Staff and attorneys of the Office of the Alameda County Public Defender
- Staff of the Alameda County Auditor-Controller's Office
- Staff of the Alameda County Probation Department
- Staff of the Alameda County Board of Supervisors

Dean Rowan, Berkeley Law Library Director of Reference & Research Services, provided invaluable research guidance, and Olivia Layug Balbarin, U.C. Berkeley School of Law Clinical Program Legal Case Manager, provided impeccable editorial assistance. We also thank prior Clinic students upon whose work this report is built: Anna Kastner, Sarah Manasevit, Samantha Reed and Benjamin Sinoff. Finally, we dedicate this report to the families of youth in the juvenile system who shared their stories with our students.

*Cover photo of the interior of Juvenile Hall in San Leandro, California
(<http://www.henselphelps.com/projects/alameda-county-juvenile-justice-center1>).*

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EXECUTIVE SUMMARY

National attention is focused on racial and economic discrimination in the criminal justice system.¹ People of color are overrepresented at every stage in the criminal justice system, even when controlling for alleged criminal behavior.² Racially disproportionate interaction with the criminal justice system leaves people of color with significantly more system-related debt.³ While criminal justice debt has been described and condemned in the adult system, this issue has received virtually no attention in the juvenile system.⁴ Nevertheless, youth and their families face similar financial burdens in the juvenile delinquency system—burdens that significantly undermine the rehabilitative goals of the juvenile system.

This report presents research findings about the practice in Alameda County, California, of assessing and collecting administrative fees against families with children involved in the juvenile system. State law permits counties to charge administrative fees in addition to court-ordered fines and restitution, but only against families with the ability to pay. Since 2009, when the Board of Supervisors increased juvenile administrative fees more than ten-fold, Alameda County has imposed millions of dollars of debt on families with youth in the juvenile system.

Our research reveals that juvenile administrative fees result in high pain to families. The County charges these fees to thousands of families who are already struggling to maintain economic and social stability, and the financial burden appears to fall most heavily on families of color. This debt becomes a civil judgment upon assessment, and if families do not pay the fees, the debt is referred to the Franchise Tax Board for wage garnishment, bank levy or tax intercept.

State law makes clear that the fees are meant to help counties recoup costs and are not supposed to be retributive (to punish the family), rehabilitative (to help the youth) or restorative (to repay victims). Although the fees are supposed to help counties recoup expenses, Alameda County's own data suggest that its net fiscal gain is minimal at best. We report in more detail below the following key findings about this high pain, no gain fee scheme:

- 1. Alameda County charges families of youth in the juvenile system some of the highest administrative fees in California.**
- 2. Alameda County does not administer a fair, consistent and lawful process for determining families' ability to pay juvenile administrative fees.**
- 3. Alameda County youth and families experience juvenile administrative fees as harmful and counterproductive to the rehabilitative purpose of the system.**
- 4. Alameda County does not benefit financially from juvenile administrative fees, because it is costly to assess and collect them against families who cannot afford to pay.**
- 5. Alameda County would realize a net benefit from ending the assessment and collection of juvenile administrative fees.**

RECOMMENDATION

The Alameda County Board of Supervisors should end the practice of assessing and collecting administrative fees against the families of youth in the juvenile system. The board of Supervisors should adopt an ordinance to repeal all juvenile administrative fees or place an immediate moratorium on their assessment and collection.

INTRODUCTION

Background

In 2014, California juvenile courts placed more than 30,000 youth on formal probation.⁵ The Alameda County Probation Department actively monitors over 2,000 youth in any given month.⁶ In Alameda County, like across the state, youth of color are disproportionately represented in the juvenile system. For example, African Americans make up only 12% of the county's population but represent 50% of the juvenile probation population.⁷

The stated purpose of California's juvenile system is to promote public safety by rehabilitating young people through training and treatment.⁸ When a young person enters the system, the county provides care and supervision intended to help the youth "be a law-abiding and productive member of his or her family and the community."⁹ The majority of youth in the juvenile system spend some time on probation, and juvenile courts routinely order youth to comply with a range of probation conditions, including detention in Juvenile Hall, probation supervision, electronic monitoring and drug testing.¹⁰

State law authorizes counties to hold parents liable for many of the costs incurred in providing counsel, care and supervision to youth in the juvenile system in order to help counties recoup costs related to the support of the minor.¹¹ At the same time, state law also prohibits counties from imposing fiscal responsibility on families without the "ability to pay" in order to protect families against excessive fees.¹² Almost every county in California charges families juvenile administrative fees for at least some portion of their child's involvement in the system.¹³

Several years ago, lawyers and law students at the East Bay Community Law Center (EBCLC) started representing youth in juvenile court in Alameda County. Almost immediately, they observed that the parents and guardians of their clients were liable for administrative fees that could total several thousand dollars per family. Families often had no information about the difference between administrative fees and other financial charges such as fines and restitution or who owed what debt. Families also lacked knowledge about how to pay or contest the bills.

EBCLC represented parents in their individual cases and convened a working group of Alameda County juvenile justice advocates to address the growing concerns about juvenile administrative fee debt. On the working group's behalf, we began investigating juvenile administrative fee practices locally and across California. Our research for this report included:

1. Review of existing literature and publicly-available data, including from the California Attorney General's Office and County websites;
2. Analysis of California statutes that permit counties to charge juvenile administrative fees and local ordinances that specify how individual counties assess and collect the fees;
3. Survey of all 58 Chief Probation Officers in California to determine policies, procedures and practices regarding fees at the County level;
4. In-depth research, including Public Records Act requests, in ten high population counties to gather more detailed information about policies, procedures and practices; and
5. Interviews with families in the juvenile system, and public officials, senior management and line staff with direct knowledge of county practices in Alameda County.

Report Outline

In Section I of this report, we provide an overview of the administrative fees that Alameda

County charges the families of youth in the juvenile system. The Alameda County Board of Supervisors increased the fees more than ten-fold in 2009. For the family of a youth with average probation conditions, fees have risen from less than \$250 to almost \$3,000.

In Section II, we present our findings about how juvenile administrative fees harm youth and their families in Alameda County. The current fee scheme affords sweeping discretion to County collections employees when charging families, with no accountability mechanisms and a disproportionate impact on low-income families of color.

In Section III, we provide data on the amount of juvenile administrative fees assessed and collected against families in Alameda County, including the costs associated with assessment and collection. Our findings, based on the County's own data, suggest that Alameda County nets little to no net revenue from charging juvenile administrative fees and would benefit from the elimination of juvenile administrative fees.

In Section IV, we put Alameda County's practices in a statewide context, which reveals that it charges some of the highest fees in California. In fact, San Francisco has never charged such fees, and Los Angeles placed a moratorium on fees in 2009 in response to community outcry about the harm to low-income youth of color and their families.

In Section V, we conclude with a recommendation that the Alameda County Board of Supervisors end—or at least temporarily suspend—the practice of assessing and collecting juvenile administrative fees. A fee repeal or moratorium will relieve a significant financial burden on thousands of low-income families at little or no financial cost to Alameda County.

I. JUVENILE ADMINISTRATIVE FEES IN ALAMEDA COUNTY

State law authorizes counties to charge families for costs incurred in the juvenile system.¹⁴ Although state law authorizes such fees, individual counties decide what fees should be imposed and in what amounts.¹⁵ The fees we describe here are purely administrative in nature—by law, the fees are meant solely “to protect the fiscal integrity of the county.”¹⁶ These juvenile administrative fees are not supposed to be retributive, rehabilitative or restorative.¹⁷

In Alameda County, the Board of Supervisors sets juvenile administrative fees by local ordinance or resolution, often at the recommendation of County departments. In this Section, we provide a brief overview of these fees, including the type and amount of fees, how the County assesses fees against families, and how it determines whether families can afford to pay the fees.

A. History of Juvenile Administrative Fees in Alameda County

The Alameda County Board of Supervisors has authorized the assessment and collection of juvenile administrative fees since the late 1980s.¹⁸ However, until 2009, Alameda County only charged fees for:

- (1) detention in Juvenile Hall (\$10.11 per day),
- (2) detention in Camp Sweeney (\$10.24 per day), and
- (3) representation by a lawyer (\$200 per case).¹⁹

In 2009, at the request of the Probation Department “in order to offset the increased cost of providing probation services,” the Board of Supervisors approved recommendations to increase the detention fees for Juvenile Hall (\$25.29/day) and Camp Sweeney (\$20.32/day) and approved

four new fees:

- (1) probation supervision (\$90.00/month),
- (2) electronic monitoring (\$15.00/day),
- (3) drug testing (\$28.86/test),²⁰ and
- (4) pre-charge investigations (one-time \$250).²¹

In 2011, at the request of the Office of the Public Defender in order to “expand opportunities for recoupment and ensure continuing revenue,” the Board of Supervisors increased the fee for public defender and court-appointed attorney representation to \$300.00 per case.²²

Alameda County now charges families seven different juvenile administrative fees, which are listed in Table 1.²³

Table 1: Juvenile Administrative Fees in Alameda County²⁴

Fee	Before 2009	After 2009
Juvenile Hall	\$10.11/day	\$25.29/day
Camp Sweeney	\$10.24/day	\$20.32/day
Public Defender/Court-Appointed Attorney	\$200.00/case	\$300.00/case*
Probation Supervision	\$0.00	\$90.00/month
Electronic Monitoring	\$0.00	\$15.00/day
Drug Testing	\$0.00	\$28.68/test
Investigation	\$0.00	\$250.00/case

*The Public Defender/Court-Appointed Attorney Fee was increased in 2011.

Like some counties in California, Alameda County adopted fee increases during a budget crisis. Based on interviews with various stakeholders involved in the process at that time, we found no evidence to suggest that anyone considered the impact of the fee increases on families with youth in the juvenile system. The sole motivating factor behind the 2009 and 2011 fee hikes appears to have been revenue generation.²⁵

B. Assessment of Juvenile Administrative Fees in Alameda County

While the Alameda County Board of Supervisors sets overall amounts with respect to juvenile administrative fees, the process of assessing and collecting fees is complex and involves multiple county actors. At the time of “disposition” in juvenile court, the judge imposes a sentence (most often a form of probation) and orders parents or guardians to see a Financial Hearing Officer (“FHO”) to answer questions concerning their financial ability to reimburse the County.²⁶ Though judges sometimes mention juvenile administrative fees earlier in the process, most families first learn about the fees when their children are formally punished.

Despite instructions from the judge, many families do not meet with the FHO. For example,

in the one quarter in fiscal year 2014-15 for which the County provided data, almost half of all families did not meet with an FHO after disposition.²⁷ One mother stated she did not go because she was distraught by the outcome of her son's disposition.²⁸ Another mother said she was confused and did not realize she had to go see a FHO.²⁹ As discussed further below, families who do not meet with the FHO can be charged the full amount of fees, regardless of their ability to pay.

C. Determining Ability to Pay Juvenile Administrative Fees in Alameda County

Under state law, counties may not charge fees without determining a family's ability to pay. In Alameda County, this determination is delegated to the FHOs, who are employees of the County's Central Collections Agency.³⁰ State law says the FHO "shall take into consideration the family's income, the necessary obligations of the family, and the number of persons dependent upon this income."³¹ If families do not meet with a FHO after having been given proper notice to do so, the FHO "shall recommend to the court that the person be ordered to pay the full amount of the costs," regardless of a family's ability to pay.³²

When a family meets with a FHO, the FHO evaluates the family's ability to pay and determines the amount owed and the terms of payment.³³ The FHO then petitions the court for an order "requiring the person to pay that sum to the County or the court in a manner that is reasonable and compatible with the person's financial ability."³⁴ State law permits families to dispute in court the outcome of a FHO ability to pay determination and to be represented by appointed counsel at that hearing.³⁵ Additionally, if a family's circumstances change, they have the right to have their ability to pay reassessed.³⁶

However, very few families meeting with a FHO are represented by lawyers or other advocates.³⁷ Families often have a hard time differentiating the various legal financial obligations, including restitution, restitution fines and juvenile administrative fees. While families have the right to appeal FHO determinations, many families are not aware of this right or cannot assert it. The Juvenile Justice Center in San Leandro is not easily accessible by public transportation and many families must take off work or forgo employment opportunities to attend such hearings.

When the juvenile court judge approves the FHO petition for order of payment, the juvenile administrative fees become a civil judgment enforceable against the parents or guardians.³⁸ The FHO can no longer waive or reduce the fees. Only a judge can modify or vacate an existing judgment to change the ordered fee amounts. In other words, once established, juvenile administrative debt can follow a family for years.

Unpaid fees are subject to collection like any other civil judgment, even after juvenile court jurisdiction ends.³⁹ If families do not meet their monthly payment amounts or pay off their debt in full, their cases can be referred to the Franchise Tax Board ("FTB"). The FTB then garnishes their wages, levies their bank accounts and intercepts their tax receipts until the debt is paid off.⁴⁰

II. HIGH PAIN THAT HARMS STRUGGLING FAMILIES

The Alameda County Board of Supervisors increased juvenile administrative fees in 2009. In this Section, we present our findings about how these fees impact youth and their families. We describe in particular how the current assessment and collections practices—which grant wide discretion to employees of the Central Collections Agency with virtually no oversight or record-keeping—harm some of Alameda County's most vulnerable families and undermine the

rehabilitative purpose of juvenile system.

A. The Financial Burdens are High and Fall Especially Hard on Families of Color

According to the most recent Alameda County Probation Department statistics, youth spend an average of 24 days in Juvenile Hall, 77 days in Camp Sweeney, 17 months on probation supervision and 33 days on electronic monitoring.⁴¹ We estimate that youth are drug tested every other month while on probation supervision, for an average of eight times over 17 months.⁴²

The juvenile administrative fees for a youth serving average probation conditions in Alameda County are listed in Table 2.⁴³ The \$250 pre-charge investigation fee and the \$300 public defender fee—one-time assessments for every new case—are not included below.

Table 2: Juvenile Administrative Fees for Youth Serving Average Probation Conditions in Alameda County

Administrative Fee	Amount	Average	Total
Juvenile Hall	\$25.29/day	24 days	\$606.96
Supervision	\$90.00/month	17 months	\$1,530.00
Electronic Monitoring	\$15.00/day	33 days	\$495.00
Drug Testing	\$28.68/test	8 tests	\$229.44
TOTAL			\$2,861.40

Comparing the overall fee burden before and after the 2009 increases—holding constant the most recent average probation conditions from the County—reveals the dramatic rise in juvenile administrative fees. Prior to the increases, the total fee burden on the family of a youth serving average probation conditions was \$243. As Table 2 above notes, the total fee burden on the same family after the increases is almost \$3,000. In effect, the Alameda County Board of Supervisors increased juvenile administrative fees on families more than ten-fold in 2009.⁴⁴

Even these startling numbers mask significant disparities by race and ethnicity. Youth of color are overrepresented in every stage of the juvenile system.⁴⁵ For example, African-Americans make up 12 percent of the County population—fewer than 1 in 8 residents—but according to the County’s most recent statistics, they represent almost 70 percent of the youth detained in Juvenile Hall and 50 percent of the youth under probation supervision and on electronic monitoring.⁴⁶ In other words, African American youth are sentenced to probation at more than four times their numbers in the community (50-70 percent versus 12 percent).⁴⁷

In addition to being sentenced more often to probation, African American youth serve longer probation conditions than white youth. For example, the average African American youth serves 25 days in Juvenile Hall, 22 months on probation supervision and 34 days on electronic monitoring.⁴⁸ The corresponding numbers for white youth are 11 days in Juvenile Hall, 10 months on probation supervision and 21 days on electronic monitoring.⁴⁹ As a result of the greater frequency and duration of average probation conditions, African American families are liable for significantly higher fees.

Average juvenile probation conditions, and the disparate fee amounts assessed by race as a result of disparate probation conditions, are listed in Table 3. Like the figures in Table 2, these averages are derived from the most recent figures available from the Alameda County Probation Department. The analysis shown in the table includes detention in Juvenile Hall, but not Camp Sweeney, and excludes the flat investigation and public defender/court-appointed counsel fees that apply to all youth.⁵⁰

Table 3: Average Juvenile Probation Conditions and Fees by Race in Alameda County

Race	Total	Average Probation Conditions			
		Juvenile Hall (days)	Probation Supervision (months)	Electronic Monitoring (days)	Drug Testing (tests)
Black	\$3,438	25	22	34	11
Latino	\$2,563	24	14	33	7
Asian	\$2,269	7	12	56	6
White	\$1,637	11	10	21	5
Other	\$1,192	4	6	31	3

As Table 3 depicts, a family with an African American youth serving average probation conditions is liable for more than twice the juvenile administrative fees (\$3,438) as a family with a white youth serving average probation conditions (\$1,637).⁵¹ Recall that African American youth are already overrepresented fourfold in the Alameda County juvenile system. In other words, African American families are doubly harmed by current practices—their children are overrepresented within the system, and they are liable for higher fees because of longer probation conditions.

The County does not maintain data that permits a full assessment of whether or not these racial disparities are related to the underlying seriousness of the crimes for which youth are punished. However, evidence from other parts of the criminal justice system suggests that the differences are at least in part the product of racial bias.⁵² Given what we know about the juvenile system—the overrepresentation of youth of color and the disproportionate outcomes by race—the County should have the burden of showing that it is not operating its fee scheme in a way that exacerbates racial inequalities.

B. The Ability to Pay Determination is Deeply Flawed

State law mandates an ability to pay determination in order to safeguard low-income youth and their families of all races from excessive fees. Accordingly, FHOs are supposed to evaluate who can afford to pay such fees and whose fees should be reduced or waived based on an inability to pay. Unfortunately, we found little evidence that the ability to pay determination in Alameda County is conducted fairly or consistently. In fact, the burden appears to be on low-income families to prove their *inability* to pay, with FHOs exercising wide discretion with

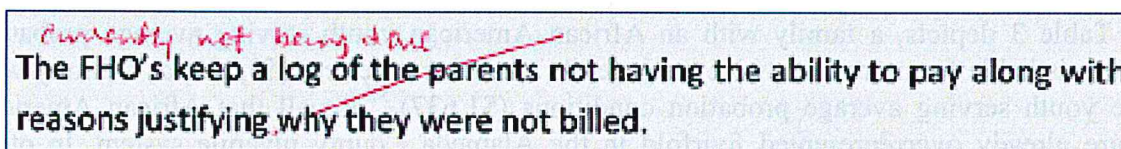
inadequate accountability measures in place to ensure compliance with state law.

In Alameda County, FHOs have full discretion to assess a family’s ability to pay juvenile administrative fees. By its own admission, the County has no written standards or guidelines upon which FHOs perform ability to pay evaluations.⁵³ Rather, all existing policies appear to be communicated verbally to and among FHOs.⁵⁴ Of the verbal policies purported to exist—such as not charging grandparents or families who receive public benefits—the county has no statistics, data or other evidence to show that the FHOs apply such policies fully, fairly or consistently.⁵⁵

Early in our research, we interviewed the two FHOs in Alameda County. They both indicated that they have complete discretion to determine ability to pay and no formal guidance or training on making such determinations. Subjective factors weigh heavily in their decision-making—one FHO reported making decisions based solely on a parent’s statement unless the FHO suspects the parent is lying.⁵⁶ The FHO said it was possible to tell when people were lying based on their clothes (e.g., “mom’s handbag”) and how they act.⁵⁷

State law requires that counties consider the family’s income, obligations and the number of dependents, but Alameda County provided no evidence that it considers these factors.⁵⁸ Per their job description, the FHOs are supposed to maintain “a log of all financial hearings and the disposition of each,” and provide “a record of all financial hearings and the outcome of each [...] with all documentation for each financial determination/assessment for the purpose of billing and collections.”⁵⁹ But in response to our 2015 Public Records Act request, the County acknowledged that such systematic record-keeping was “currently not being done” (see Figure 1).⁶⁰

Figure 1: Alameda County Response to Public Records Act Request about the Ability to Pay Process



currently not being done
~~The FHO's keep a log of the parents not having the ability to pay along with reasons justifying why they were not billed.~~

In fact, neither the Central Collections Agency nor the Probation Department regularly collects or maintains the most basic information about ability to pay determinations. In response to our records request, the Central Collections Agency provided figures from the third quarter of fiscal year 2015 for illustrative purposes.⁶¹ According to the County, during that three-month period, 264 families met with FHOs and 234 did not meet with FHOs. Of those families that did not meet with the FHOs, 15 were charged fees *without* an ability to pay determination.⁶² It is unclear what happened to the other 219 families who also did not meet with FHOs. The County could not tell us the number or percentage of families that had their fee assessments reduced or waived—irrespective of whether they met with an FHO—because they do not track this information.⁶³ In other words, Alameda County is unable to demonstrate that it is protecting low-income families from being charged excessive, unjust or unlawful fees.

C. High Fees Undermine Family Reunification and Stability

As described above, Alameda County’s juvenile administrative fees are high and especially burdensome on families of color. Further, the County does not operate a fair and consistent fee assessment process that takes into consideration state-mandated factors when determining ability to pay. As a result of the high financial burden and a flawed ability to pay process, Alameda County’s policies and practices undermine family stability, and are thus counterproductive to the

rehabilitative purpose of the juvenile system.

Through a series of interviews with youth and their families over the last two years, we have repeatedly heard stories suggesting that juvenile administrative fees impose several significant harms on families without the ability to pay. First, the fees force families to choose between paying for necessities and paying the County. Second, the fees strain often already challenging relationships between youth and their parents. And third, the fees incentivize actions that are even more costly and harmful to the family and society.

1. Family financial harm

Juvenile administrative fees disrupt a family's financial stability. Although the County does not gather or maintain socio-economic data on youth and their families in the juvenile system, evidence from other sources suggests that they are disproportionately low-income.⁶⁴ As a result, many families must struggle to pay these fees as they must choose between paying the County or meeting basic necessities.

For example, we interviewed Frances Green, a single, self-employed mother from Oakland. Ms. Green was billed more than \$4,000 after the disposition of her 14-year-old son's case.⁶⁵ She did not meet with a FHO because she was too distraught, which resulted in an order of a civil judgment for the full amount. At first, the Central Collections Agency billed Ms. Green at a rate of \$75 per month. After she was late with one payment, the agency increased her monthly payment to more than \$300 per month.

Ms. Green subsequently requested a rehearing in front of a judge to negotiate her payment because she could not afford to pay based on her fluctuating income. While she was able to reduce her monthly payment to \$50 per month, no one told her that she could have requested a full reassessment of the fees so that they could be waived in full or in part based on her income and other financial obligations. Her son was recently sent to an out-of-state facility and she knows that she will soon be billed for his time there.

2. Family relationship harm

Charging juvenile administrative fees strains family relationships. Many families already have challenging relationships due to the involvement of their child in the juvenile system, and adding a financial burden only amplifies feelings of anger or resentment. This is contrary to the goal of the juvenile system in fostering family stability and the reintegration of a youth back into a household.⁶⁶

For example, we interviewed a single father, Chris Miller, who lamented his experience with administrative fees and how they have impacted his relationship with his teenage son. Mr. Miller said that the fees created a strain between him and his son that only made it harder for him to take care of his child. Growing more and more distrustful of the system, he was troubled by the fact that the fees left his son feeling like people in the system did not care about him or how he performed in school—they only seemed to care if he paid the fees.⁶⁷

3. Societal harm

Third, the juvenile administrative fee scheme creates perverse incentives for youth and their families.⁶⁸ Rather than bolstering ties within families, holding parents liable for administrative fees encourages family members to make harmful decisions.⁶⁹ We interviewed a grandmother who was charged detention fees for her grandson, over whom she had assumed guardianship after the death of her daughter.⁷⁰ When she contemplated how she was going to pay these fees on

her income of only \$400 per month, she considered relinquishing custody of her grandson to the County. In another instance, we interviewed a youth who was thinking of running away from home and living on the streets—becoming homeless—in the hope that his family would be relieved of the fee burden.⁷¹

III. LITTLE OR NO FISCAL GAIN FOR ALAMEDA COUNTY

The California Legislature authorizes counties to charge juvenile administrative fees to protect their fiscal integrity—in other words, to recoup their costs for providing care, counsel and supervision to youth.⁷² Yet data on the amount of fees assessed and collected against families with youth in the juvenile system strongly suggest that Alameda County’s net recoupment is small to nonexistent. In this Section, we discuss what the County has assessed and collected in juvenile administrative fees since 2010, how much the County spends annually on assessing and collecting fees, and the fiscal implications of this fee regime for the County.

A. Alameda County Collects Minimal Revenue from Juvenile Administrative Fees

In response to our Public Records Act request, the County provided juvenile administrative fee data by fiscal year (July 1 to June 30) from 2010 to 2015. The data was in places internally inconsistent and challenging to interpret, even after consultation with officials in the Central Collections Agency and the Probation Department. For example, the data is recorded not by youth or family, but by category of fee assessment, making it difficult to determine how many families are impacted and in what amounts. Nevertheless, we were able to reach the following conclusions about what the County assesses and collects in juvenile administrative fees.

During the last five fiscal years, the Central Collections Agency has charged Alameda County families more than \$3 million in juvenile administrative fees.⁷³ In the most recent fiscal year, 2014-15, the County charged hundreds of families more than \$475,000.⁷⁴ However, these numbers do not represent the full amount of charges. We did not include what the County assesses each year for public defender or court-appointed attorney fees, because the County did not provide information about what it collects in such fees.⁷⁵

The average annual revenue from juvenile administrative fees—exclusive of the public defender and court-appointed attorney fees—is roughly \$400,000. In 2014-15, the Central Collections Agency reported collecting \$419,830.⁷⁶ Since the amount collected annually includes receipts from families ordered to pay fees in prior years, it is difficult to estimate what percentage of charged fees Alameda County has collected over time. According to the latest 2015 figures, the outstanding balanced owed by families exceeds \$1.5 million.⁷⁷

B. Alameda County Expends Significant Resources Assessing and Collecting Juvenile Administrative Fees

As noted above, Alameda County collects approximately \$400,000 annually from families who are charged juvenile administrative fees. This figure, however, is gross receipts, and does not take into account the costs associated with assessing and collecting the fees. The County maintains staffing and infrastructure to administer the juvenile fee process, which entails fiscal obligations such as salaries, benefits and non-personnel expenses. The County does not track directly the costs associated with administering the fee regime, but we are able to make some estimates based on various data points.

The Central Collections Agency employs two Financial Hearing Officers who assess juvenile administrative fees and make ability to pay determinations. According to the County, both FHOs

spend 67 percent of their time on tasks related to these activities. The FHOs report directly to a supervisor who we estimate spends 20 percent of her time overseeing their fee-related activity.⁷⁸ The Agency also employs a Collection Enforcement Deputy who, according to the County, spends 90 percent of her time following up with families to try to collect fees.⁷⁹ She also has a direct supervisor, who we estimate spends 10 percent of her time on activity related to collecting juvenile administrative fees. The County reported additional minor costs related to these employees.

Table 4 summarizes these annual direct costs in the Central Collections Agency, which totaled more than \$250,000 in fiscal year 2014-15.

Table 4: Central Collections Agency Expenditures on Assessment and Collection of Juvenile Administrative Fees in Alameda County, FY 2014-15

One FHO (.67 FTE x \$93,417 annual salary and benefits) ⁸⁰	\$62,590.05
One FHO (.67 FTE x \$101,679 annual salary and benefits) ⁸¹	\$68,124.97
Collection Enforcement Deputy II (.90 FTE x \$86,497 annual salary and benefits) ⁸²	\$77,847.46
FHO Supervisor (.20 FTE x \$134,227.42 annual salary and benefits) ⁸³	\$26,845.48
Collection Supervisor II (.10 FTE x \$125,000 estimated annual salary and benefits)	\$12,500.00
Annual daily costs for FHOs (2)	\$2,000.00
Annual daily costs for CED (1)	\$1,000.00
Annual office charges in Juvenile Justice Center—San Leandro	\$31.00
TOTAL DIRECT COSTS, FISCAL YEAR 2014-15	\$250,938.96

C. Juvenile Administrative Fees Yield Little Net Financial Gain for Alameda County

The Alameda County Central Collections Agency spends a minimum of \$250,000 annually to assess and collect an average of \$400,000 in juvenile administrative fees. It is important to note that these expenses do not include a range of costs associated with personnel time and overhead in the Alameda County Probation Department or the Alameda County Superior Court. The Franchise Tax Board also bears additional collection related expenses that are not reflected here.⁸⁴

Table 5 shows the annual net financial gain from the assessment and collection of juvenile administrative fees to Alameda County for the last four years.⁸⁵

Table 5: Net Financial Gain of Collecting Juvenile Administrative Fees to Alameda County, FY 2011-15

	2011-12	2012-13	2013-14	2014-15
Collected	\$438,937	\$423,614	\$377,949	\$419,830
Costs⁸⁶	\$185,801	\$245,247	\$235,064	\$250,938
Net to County	\$253,136	\$178,367	\$142,885	\$168,892

Setting aside the harm to families, and even assuming net revenue of approximately \$150,000, it is helpful to consider this figure in light of Alameda County’s total budget of more than \$2.74 billion dollars.⁸⁷ Any net revenue the County receives from juvenile administrative fees is also a tiny percentage of the relevant departmental budgets.⁸⁸ Put simply, the assessment and collection of fees against the families of youth in the juvenile system yields little to no net financial gain to the County.⁸⁹

It is important to note that “fixing” the existing system would very likely only make the fiscal picture worse. Instituting a fair and consistent ability to pay process would require additional personnel, training, supervision and case management, which would drive up costs. In addition, a meaningful ability to pay process will lower charges to families and further reduce revenue. Higher costs and lower revenue will almost certainly push an already fiscally questionable program into the red.

IV. JUVENILE ADMINISTRATIVE FEE PRACTICES IN PEER COUNTIES

Alameda County’s juvenile administrative fees harm low-income families with little or no fiscal benefit. But how do the fee policies and practices compare to other counties in California? In this section, we provide basic information on fee categories and amounts from several counties that are rough demographic peers to Alameda County, that is, other large, ethnically-diverse counties in California.

A. Alameda County Has Some of the Highest Juvenile Administrative Fees in California

In 2015, we surveyed all 58 Chief Probation Officers in California about juvenile administrative fee practices. We received responses from 52 counties.⁹⁰ Fees differ by jurisdiction, but 48 of 52 California counties report charging fees for detention in Juvenile Hall, 21 charge for probation supervision, 28 charge for electronic monitoring and 15 charge for drug testing. Of the fixed fees, 37 of 52 counties charge for public defenders and 11 charge for investigations.⁹¹ Two counties—Los Angeles and San Francisco—do not assess and collect juvenile administrative fees. Alameda County is one of the few counties that charges families *all* of these fees.

To compare fees across counties, we held constant the juvenile probation conditions. That is, in an effort to compare apples to apples, we calculated the fees each county would charge a family with a youth serving the average probation conditions in Alameda County. Because of the limited availability of certain kinds of data from other counties, we only include fees in four categories: (1) Juvenile Hall, (2) probation supervision, (3) electronic monitoring and (4) drug testing. The analysis below does not include fees for public defenders or investigations.

Table 6 lists the fees that families of youth sentenced to the average probation conditions in Alameda County would be charged in California’s high-population counties, which were not available for all counties.

Table 6: Juvenile Administrative Fees by County for a Youth Serving Average Probation Conditions in Alameda County⁹²

County	Total	Juvenile Hall (24 days)	Probation Supervision (17 months)	Electronic Monitoring (33 days)	Drug Testing (8 times) ⁹³
Sacramento	\$4,895	\$18.40/day	\$206/mo.	\$24.00/day	\$20.00/test
Santa Clara	\$3,052	\$30.00/day	\$110.00/mo.	\$14.00/day	N/A
Orange	\$2,994	\$23.90/day	\$136.78/mo.	N/A	\$11.91/test
Alameda	\$2,861	\$25.29/day	\$90.00/mo.	\$15.00/day	\$28.68/test
San Diego	\$1,859	\$30.00/day	\$67.00/mo.	N/A	N/A
Contra Costa	\$1,281	\$30.00/day	N/A	\$17.00/day	N/A
Ventura	\$1,115	\$33.00/day	N/A	\$75.00 + \$7.50/day	N/A
Fresno	\$997	\$19.00/day	\$50.00 once	\$11.00/day	\$16.00/test
Riverside	\$720	\$30.00/day	N/A	N/A	N/A
Stanislaus	\$636	\$24.41/day	\$50.00 once	N/A	N/A
San Bernardino	\$492	\$20.53/day	N/A	N/A	N/A
Sonoma	\$198	N/A	\$132.30 once	N/A	\$8.20/test
Los Angeles	\$0	N/A	N/A	N/A	N/A
San Francisco	\$0	N/A	N/A	N/A	N/A

B. San Francisco County Has Never Charged Juvenile Administrative Fees

As noted above, San Francisco County does not charge juvenile administrative fees. During the 2009 budget crisis—when the Alameda County Board of Supervisors increased juvenile administrative fees more than twelve-fold—the San Francisco Board of Supervisors tabled a proposal to enact a sliding juvenile fee scale.⁹⁴ San Francisco’s position is that the fees are unfair and unrealistic given the adverse economic conditions faced by families with youth in the juvenile system.⁹⁵

In fact, the Chief Probation Officer of San Francisco County believes that the no-fee policy has contributed to the County's success in reducing delinquency referrals by 50% and the Juvenile Hall population by 43% over the past six years:

“We believe that the goals and objectives of our juvenile justice system are being made without the need for fees imposed on those individuals and families that can least afford to pay them. One might argue that [our] successes are attributable to the fact that we did not create additional hardships and stressors for these families that would serve as additional barriers to their success.”

—Allen Nance, San Francisco County Chief Probation Officer⁹⁶

C. Los Angeles County Placed a Moratorium on Juvenile Administrative Fees

Los Angeles County has the largest juvenile probation department in California. In 2008, advocates of families with youth in the juvenile system began reporting excessive fees and aggressive collection tactics. The Youth Justice Coalition issued a report documenting numerous instances of unfair practices that “put youth at risk and impoverish families.”⁹⁷ As County Supervisor Zev Yaroslavsky observed in response to the complaints from community members: “The County does not appear to have made the effort to discern who can afford to pay and who cannot.”⁹⁸

In 2009—the same year that San Francisco County tabled a proposal to enact fees and Alameda County increased them more than ten-fold—the Los Angeles County Chief Probation Officer declared a moratorium on juvenile administrative fees.⁹⁹ L.A. Probation Department Deputy Chief of Juvenile Institutions, Felicia Cotton, said the decision to end billing practices was widely supported by leadership in Probation, acknowledging that families often arrive to the juvenile system in crisis and the fees only compound the stress and the strain.¹⁰⁰ Deputy Chief Cotton also said that the County has not terminated employees or reduced services because of the moratorium, and neither the Board of Supervisors nor the Probation Department has sought to reinstate the fees.¹⁰¹

V. RECOMMENDATION TO END JUVENILE ADMINISTRATIVE FEES

In light of the high pain for families and the low financial gain for the County, we recommend that the Alameda County Board of Supervisors immediately end the assessment and collection of juvenile administrative fees. The Board should follow the lead of San Francisco County by repealing the fees, or it should place an immediate moratorium on the practice like Los Angeles County. In 2015, the Board repealed the juvenile record sealing fee; it should now end the practice of charging families all juvenile administrative fees.

A. Alameda County Should Repeal Juvenile Administrative Fees

The Alameda County Board of Supervisors should adopt an ordinance to repeal juvenile administrative fees and to offer relief to those who have been charged fees. Specifically, Alameda County should amend Section 2.42.190 of the County Administrative Ordinance Code to abolish the authority to charge fees for juvenile detention (Juvenile Hall and Camp Sweeney), juvenile investigation and electronic monitoring. Additionally, the County should adopt a resolution that would end the assessment of fees for drug testing, probation supervision and representation by a public defender or court-appointed attorney.

In addition to ending the assessment of administrative fees, Alameda County should also ensure that families who have already been assessed fees are protected from further harm. The

County has charged youth and their families over \$3 million since 2010, and many hundreds of families still have outstanding debt totaling approximately \$1.5 million.¹⁰² The Board of Supervisors should adopt a resolution to halt the collection of and acceptance of payment on juvenile administrative fee debt. Such a resolution should further instruct staff of the Central Collections Agency to petition the juvenile court to vacate existing civil judgments against families that were obtained without a meaningful process to establish their ability to pay.

B. Alameda County Should Institute a Moratorium on the Assessment and Collection of Juvenile Administrative Fees

In the alternative to a full repeal, the Alameda County Board of Supervisors should impose an immediate and indefinite moratorium on the assessment and collection of juvenile administrative fees. With the Probation Department, the Office of the Public Defender and the Central Collections Agency, we have already gathered data, identified information gaps and performed a wide-ranging review of juvenile administrative fee practices in the County. A moratorium will allow for further study and review of practices and policies, including ways in which the County can ensure that lost revenue, if any, can be replaced by other funding to maintain important staffing and services.

Like under a full repeal, the moratorium must suspend both the assessment and the collection of juvenile administrative fees. Families previously charged under a process that did not fairly assess their ability to pay should not continue to be liable for such fees, especially while the County is actively considering the future of the policy.

C. Alameda County Can Lead as it Did On Juvenile Record Sealing Fees

In 2015, the Alameda County Board of Supervisors repealed the juvenile record sealing fee.¹⁰³ In proposing to eliminate the record sealing fee, the Probation Department stated that “[a]lthough the fee is capped [by state law at \$150 per case] and is determined based on ‘ability to pay,’ it has created significant difficulty for young people, parents, and guardians having custody and control of juveniles that are unable to afford the record-sealing fee.”¹⁰⁴ The Probation Department also assured the Board that it would be able to absorb the cost of the lost revenue from the elimination of the juvenile record sealing fee.¹⁰⁵ In September 2015, the state followed Alameda County’s lead by enacting into law SB 504 (Lara), which eliminated the record sealing fee for youth under the age of 26 across California.¹⁰⁶

As described in this report, juvenile administrative fees pose similar barriers to youth and their families. Fee debt causes immediate harm to vulnerable families and strains parent-child relationships. The debt can impact young people as they enter into adulthood by limiting their abilities to secure a job, education and housing.¹⁰⁷ The Alameda County Board of Supervisors has been at the forefront of criminal justice reform. It has the opportunity to lead once again by ending the assessment and collection of juvenile administrative fees.

CONCLUSION

In authorizing counties to charge juvenile administrative fees, the California Legislature made its intent clear: to protect the fiscal integrity of the County, to protect families from excessive charges, to ensure reasonable uniformity throughout the state, and to ensure that liability is imposed only on families with the ability to pay.¹⁰⁸ Alameda County’s current fee scheme fails in each of these dimensions. The County charges some of the highest fees in the state, does not conduct a fair and consistent ability to pay determination and nets little or no revenue.

Charging families administrative fees also fails to advance the rehabilitative goals of the juvenile system. The juvenile system is supposed to provide for the protection and safety of youth, preserve family ties and foster family reunification and enable young people to become law-abiding and productive members of their families and communities.¹⁰⁹ Instead, Alameda County's fee scheme imposes economic hardship, creates family strain and erects significant reentry barriers for youth.

The Alameda County Board of Supervisors should end the regressive policy and practice of charging juvenile administrative fees. It should join other counties, like San Francisco and Los Angeles, by permanently repealing or immediately suspending the assessment and collection of these harmful fees. The Board took a similar leadership role last year by repealing the juvenile record sealing fee. By ending fees in Alameda County, thousands of families with youth in the juvenile system will benefit from a more progressive approach to criminal justice reform.

NOTES

¹ Jamal Hagler, *8 Facts You Should Know About the Criminal Justice System and People of Color*, CENTER FOR AMERICAN PROGRESS (Oct. 28, 2015), <https://www.americanprogress.org/issues/criminal-justice/news/2015/05/28/113436/8-facts-you-should-know-about-the-criminal-justice-system-and-people-of-color/> (summarizing multiple studies and datasets showing disproportionate negative affects of the criminal justice system on people of color).

² Robert D. Crutchfield, April Fernandes & Jorge Martinez, *Racial and Ethnic Disparity and Criminal Justice: How Much is Too Much*, 100 J. CRIM. L. & CRIMINOLOGY 903 (2010) (reviewing studies and research examining racial and ethnic disparities in the criminal justice system and affirming that such disparities exist in both our criminal justice and juvenile justice systems).

³ Alexes Harris, Heather Evans & Katherine Beckett, *Drawing Blood from Stones: Legal Debt and Social Inequality in the Contemporary United States*, 115 AMER. JOURNAL OF SOCIOLOGY 1753 (2010) (analyzing federal and state court data on the imposition of monetary sanctions, and finding that legal indebtedness is “substantial relative to expected earnings [, ... and] reproduces disadvantage by reducing family income, by limiting access to opportunities and resources, and by increasing the likelihood of ongoing criminal justice involvement.”); Joseph Shapiro, *As Court Fees Rise, The Poor Are Paying the Price*, NATIONAL PUBLIC RADIO (May 23, 2014), <http://www.npr.org/2014/05/19/312158516/increasing-court-fees-punish-the-poor>.

⁴ REBEKAH DILLER, ALICIA BANNON & MITALI NAGRECHA, N.Y.U. SCHOOL OF LAW, BRENNAN CENTER FOR JUSTICE, *CRIMINAL JUSTICE DEBT: A BARRIER TO REENTRY* (2010), <https://www.brennancenter.org/publication/criminal-justice-debt-barrier-reentry> (examining the imposition of “user fees” on adults with criminal convictions).

⁵ CALIFORNIA DEPARTMENT OF JUSTICE, *JUVENILE JUSTICE IN CALIFORNIA 14* (2014), <http://oag.ca.gov/sites/all/files/agweb/pdfs/cjsc/publications/misc/jj14/preface.pdf>.

⁶ ALAMEDA COUNTY PROBATION DEPARTMENT, *A LOOK INTO PROBATION MONTHLY REPORT 8* (July 2013), <https://www.acgov.org/probation/documents/July2013Report.pdf>.

⁷ *Alameda County Quickfacts*, UNITED STATES CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/06/06001.html> (last visited Jan. 15, 2015); ALAMEDA COUNTY PROBATION DEPARTMENT, *A LOOK INTO PROBATION MONTHLY REPORT 8* (July 2013), <https://www.acgov.org/probation/documents/July2013Report.pdf>.

⁸ Cal. Welf. & Inst. Code § 1700 (“The purpose of this chapter is to protect society from the consequences of criminal activity and to that purpose community restoration, victim restoration, and offender training and treatment shall be substituted for retributive punishment and shall be directed toward the correction and rehabilitation of young persons who have committed public offenses.”).

⁹ Cal. Welf. & Inst. Code § 202(b).

¹⁰ Many youth in the juvenile system spend time in Juvenile Hall, either immediately upon arrest, as part of their disposition or for short stints as punishment for probation violations. See Kate Weisburd, *Monitoring Youth: The Collision of Rights and Rehabilitation*, 101 IOWA L. REV. 297, 320-21 (2015).

¹¹ Cal. Welf. & Inst. Code § 729.9 (describing liability for cost of drug and substance abuse testing); Cal. Welf. & Inst. Code §§ 902-914 (describing liability for the cost of care, support and maintenance of a ward (§ 902); public defender and court-appointed attorney services (§ 903.1); probation supervision and electronic surveillance (§ 903.2)).

¹² Cal. Welf. & Inst. Code § 903(c), 903.45.

¹³ However, under state law, counties “shall limit the charges it seeks to impose to the reasonable cost of support of the minor and shall exclude any costs of incarceration, treatment, or supervision for the protection of society and the minor and the rehabilitation of the minor.” Cal. Welf. & Inst. Code § 903(b). In theory, all charges—for detention, probation, etc.—are related to the rehabilitation of a young person by the very nature of their relation to the juvenile justice system. But the legality of these charges are not within the scope of this report.

¹⁴ Cal. Welf. & Inst. Code § 729.9 (describing liability for cost of drug and substance abuse testing); Cal. Welf. & Inst. Code §§ 902-914 (describing liability for the cost of care, support and maintenance of a ward (§ 902); public defender and court-appointed attorney services (§ 903.1); probation supervision and electronic surveillance (§ 903.2)).

¹⁵ Cal. Welf. & Inst. Code § 902.

¹⁶ Cal. Welf. & Inst. Code § 903.

¹⁷ Within the juvenile system, separate measures exist to “hold youth responsible” for their mistakes—to punish them for committing crimes, to help them to rejoin their families and community, and to repay victims who have been harmed through restitution and restitution fines. Cal. Welf. & Inst. Code § 729.5.

¹⁸ Letter from Mel Hing, former Alameda County Administrator, to Alameda County Board of Supervisors (Dec. 18, 1984) (on file with authors); Memorandum from Mary Ann Cabral, former Senior Administrative Services Officer, Alameda County Probation Department, Subject: Cost of Care – Juvenile Institutions (Jan. 19, 1989) (on file with authors) (these and subsequent documents were obtained through a Public Records Act request to the Alameda County Board of Supervisors, and are available upon request from the authors). Cal. Welf. & Inst. Code § 903 (2010) (originally enacted by Stats.1983, ch. 1135, § 3 (1983)). The California legislature enacted Welfare and Institutions Code section 903 in 1983, which gave counties the authority to charge parents and/or guardians for the reasonable costs of support for a minor placed in an institution pursuant to an order of the juvenile court.

¹⁹ Alameda County Board of Supervisors Minute Order (Apr. 14, 2009) (on file with authors) (setting fee amounts); Memorandum from Donald H. Blevins, former Chief Probation Officer, to Alameda County Board of Supervisors, Subject: Adoption of Ordinance Amending Chapter 2.42 of Title 2 of the Administrative Code Revising Fee Schedule to Be Charged for Specified Adult and Juvenile Probation Services (Mar. 11, 2009) (on file with authors). Camp Sweeney is an Alameda County-run facility where youth can spend up to 6-9 months in detention.

²⁰ The drug testing fee was calculated based on the cost of the test (\$7.17) and the cost of running the test (\$21.51) for a total of \$28.68.

²¹ Letter from Donald H. Blevins, former Alameda County Chief Probation Officer, to the Alameda County Board of Supervisors, Subject: Adoption of Ordinance Amending Chapter 2.42 of Title 2 of the Administrative Code by Amending Section 2.42.190 Relating to Assessing Probation Fees and Adoption of Resolution Determining an Additional Schedule of Probation Fees (Nov. 6, 2009); Alameda County Board Resolution 2009-468, Resolution Determining an Additional Schedule of Probation Department Fees (Dec. 21, 2009) (on file with authors) (approving supervision fee, electronic monitoring fee, and two separate drug testing fees). A \$150 record sealing fee was added at the same time, but was subsequently repealed by the County—and eventually the state—in 2015. See *infra* section V. C. for a discussion of the record sealing fee.

²² Letter from Diane Bellas, former Alameda County Public Defender, to the Alameda County Board of Supervisors, Subject: Increase in Fees for Indigent Defense Services Provided by the Public Defender and Court-Appointed Counsel (Mar. 22, 2011); Alameda County Board of Supervisors Resolution, “Authorizing a New Fee Structure for Indigent Defense Services Provided by Public Defender and Court-Appointed Counsel,” (May 3, 2011), http://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_05_10_11/PUBLIC%20PROTECTION/Regular%20Calendar/Public_Defender_fees_for_indigent_defense.pdf (last visited Feb. 10, 2016).

²³ See ALAMEDA COUNTY ADMINISTRATIVE CODE § 2.42.190 (fee schedule for Juvenile Hall, Camp Sweeney, GPS and investigations); Alameda County Board Resolution 2009-468, *supra* note 21 (fee schedule for juvenile probation supervision, electronic monitoring, and drug testing fees); Alameda County Board of Supervisors Resolution (2011), *supra* note 22 (authorizing increased public defender fee).

²⁴ *Id.*

²⁵ See Letter from Donald H. Blevins, *supra* note 21 (“The county cost of providing these services have increased significantly over the years and the following fees are needed to reflect the average cost of providing these services.”) The letter does not discuss fee collection costs to the county. See also Letter from Diane Bellas, *supra* note 22.

²⁶ Superior Court of California, County of Alameda Juvenile Court, “Court Order to Appear for Financial Evaluation” (2008) (redacted version on file with authors); Job Announcement, *Financial Hearing Officer*, COUNTY OF ALAMEDA, <https://www.jobaps.com/Alameda/sup/bulpreview.asp?R1=15&R2=1426&R3=01> (last visited on Jan. 24, 2016).

²⁷ Email from Kevin Hing, Assistant Auditor-Controller, Alameda County Central Collections Agency, to Stephanie Campos-Bui (Jan. 7, 2016, 14:10 PST) (on file with authors). Of the 498 families for whom the county provided information, 234 did not meet with a Financial Hearing Officer.

²⁸ Telephone interview with single mother of a child in the Alameda County juvenile system (Nov. 19, 2015).

²⁹ Interview with mother of a child in the Alameda County juvenile system (Mar. 12, 2015).

³⁰ Job Announcement, *Financial Hearing Officer*, COUNTY OF ALAMEDA, *supra* note 26; Memorandum from Mel Hing, past Alameda County Administrator, to Alameda County Board of Supervisors (Dec. 18, 1984) (on file with authors) (recommending delegation of parental financial liability decisions to the Central Collections Agency).

³¹ Cal. Welf. & Inst. Code § 903.45(b).

³² *Id.* (“Proper notice to the person shall contain all of the following: (1) That the person has a right to a statement of the costs as soon as it is available. (2) The person’s procedural rights under Section 27755 of the Government Code.

(3) The time limit within which the person's appearance is required. (4) A warning that if the person fails to appear before the county financial evaluation officer, the officer will recommend that the court order the person to pay the costs in full.”).

³³ *Id.* Furthermore, if the juvenile court or the Financial Hearing Officer determines that payment of fees would frustrate reunification and support of the minor post-reunification, or if “the court finds that the repayment would be unjust under the circumstances of the case,” the court shall not order repayment.

³⁴ *Id.*

³⁵ Cal. Welf. & Inst. Code § 903.45.

³⁶ Cal. Welf. & Inst. Code § 903.45(c).

³⁷ *Id.* Families do not have a right to appointed counsel at the ability to pay evaluation with a Financial Hearing Officer. However, they do have a right to appointed counsel at a hearing to dispute a financial evaluation in front of a juvenile court judge, although in practice the presence of counsel in either setting is rare.

³⁸ Cal. Welf. & Inst. Code § 903.45(d).

³⁹ *Id.* (“Execution may be issued on the order in the same manner as on a judgment in a civil action, including any balance remaining unpaid at the termination of the court's jurisdiction over the minor.”).

⁴⁰ Telephone interview with Kevin Hing, Alameda County Assistant Auditor-Controller, and Elizabeth Wei, Auditor-Associate (Jan. 12, 2016). Cases are referred to the Franchise Tax Board for wage garnishment after 90 days of delinquency. Cases are also referred to the Franchise Tax Board once a year for tax receipt intercept based on default. However, the Alameda County Central Collections Agency and its agents have wide discretion in referring cases to and taking cases back from the Franchise Tax Board depending on further discussion with individuals regarding ability to pay and changed circumstances. Wage garnishment due to administrative fees can be experienced as a decrease in wages by parents. As a result, some parents may reduce their work hours over time knowing that their wages will be garnished. Ezra Cohn, Debbie Mayer, Caitlin O’Neil, Khalia Parish & Jenny van der Heyde, “An Economic Analysis of Charging Administrative Fees to Justice-Involved Youth,” (Feb. 16, 2016) (on file with authors).

⁴¹ See generally ALAMEDA COUNTY PROBATION DEPARTMENT, A LOOK INTO PROBATION MONTHLY REPORT, *supra* note 6. These figures are a one-month snapshot in July 2013, but represent the most recent data available from the County.

⁴² Interview with Kate Weisburd, Director of Education, Justice, and Defense for Youth Practice at the East Bay Community Law Center (July 2, 2015).

⁴³ We only include four fees in this analysis as it allows for a comparison of administrative fees in California counties found later in this report.

⁴⁴ Because of the distribution of youth in services, the pre- and post-2009 difference in fee totals is likely less than the maximum possible represented here.

⁴⁵ Joshua Rovner, *Disproportionate Minority Contact in the Juvenile Justice System*, THE SENTENCING PROJECT (2014), http://sentencingproject.org/doc/publications/jj_Disproportionate%20Minority%20Contact.pdf (examining Office of Juvenile Justice and Delinquency Prevention data, school discipline practices, and enforcement practices to show disparate impact on youth of color); Alex Piquero, *Disproportionate Minority Contact*, 18 THE FUTURE OF CHILDREN 59, 70 (2008), http://futureofchildren.org/futureofchildren/publications/docs/18_02_04.pdf (Using Office of Juvenile Justice and Delinquency Prevention (OJJDP) data to measure the disparity of contact with decision points in the system—including arrest, referral to juvenile court, detention, petitioning, transfer to criminal court, adjudication and out-of-home placement after adjudication—to show that African American youth were about 3.5-4.5 times more likely to interact with the system than white youth).

⁴⁶ ALAMEDA COUNTY PROBATION DEPARTMENT, A LOOK INTO PROBATION MONTHLY REPORT, *supra* note 6; *Alameda County Quickfacts*, UNITED STATES CENSUS BUREAU, *supra* note 7.

⁴⁷ African-Americans and Latinos are over represented in the criminal justice system, even when controlling for alleged criminal behavior. For example, in the school discipline context, there is no support in the research literature that disparities in school discipline are caused by racial/ethnic differences in behavior. Russell J. Skiba & Natasha T. Williams, *Are Black Kids Worse? Myths and Facts about Racial Differences in Behavior*, Equity Project at Indiana University (2014), http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/African-American-Differential-Behavior_031214.pdf.

⁴⁸ ALAMEDA COUNTY PROBATION DEPARTMENT, A LOOK INTO PROBATION MONTHLY REPORT, *supra* note 6.

⁴⁹ *Id.*

⁵⁰ We exclude Camp Sweeney for the purposes of comparing fees by race and ethnicity because few youth are placed in Camp Sweeney each year, and placement in Juvenile Hall and placement in Camp Sweeney are generally mutually exclusive, meaning youth usually only spend time in one or the other.

⁵¹ Additionally, based on disproportionately longer times on probation and various conditions, families with a Latino youth and families with an Asian youth are also charged more than families with a White youth, 57 percent and 39 percent more respectively.

⁵² Robert D. Crutchfield, April Fernandes & Jorge Martinez, *Racial and Ethnic Disparity and Criminal Justice: How Much is Too Much*, 100 J. CRIM. L. & CRIMINOLOGY, *supra* note 2; Human Rights Watch, *Decades of Disparity: Drug Arrests and Race in the United States* (Mar. 2, 2009), <http://hrw.org/en/node/81110/> (presenting FBI arrest data that shows the extent and persistence of racial disparities in U.S. drug-law enforcement).

⁵³ Email from Patricia McFadden, Principal Auditor, Alameda County Central Collections Agency, to Alex Kaplan (Dec. 2, 2015, 15:30 PST) (on file with authors).

⁵⁴ Interview with Alameda County Central Collections Agency (Kevin Hing, Matthew Yankee, Patricia McFadden, and Jacalyn Richardson) (Nov. 3, 2015).

⁵⁵ *Id.*; interviews with families that have been charged fees (Mar. 17, 2015; Apr. 13, 2015).

⁵⁶ Interview with Alameda County Financial Hearing Officer (Oct. 21, 2013).

⁵⁷ *Id.*

⁵⁸ Email with Patricia McFadden, *supra* note 53.

⁵⁹ Job Announcement, *Financial Hearing Officer*, COUNTY OF ALAMEDA, *supra* note 26.

⁶⁰ Alameda County Central Collections Agency, “Juvenile Financial Hearing Process” (undated internal document, but handwritten notes indicate it is more recent than May 2011) (on file with authors).

⁶¹ Telephone interview and email correspondence with Kevin Hing, Alameda County Assistant Auditor-Controller (Jan. 11, 2016).

⁶² *Id.*

⁶³ *Id.*

⁶⁴ Tamar R. Birckhead, *Delinquent by Reason of Poverty*, 38 WASH. U. J.L. & POL’Y 53 (2012) (arguing that emphasis on family need when adjudicating delinquency has a disproportionate effect on low-income children); H. Ted Rubin, *Impoverished Youth and the Juvenile Court: A Call for Pre-Court Diversion*, 16 JUV. JUST. UPDATE 2 (Dec.-Jan. 2011) (stating that juvenile courts are considered courts of the poor and that juvenile courts in wealthier jurisdictions are rare).

⁶⁵ Telephone conversation with single mother of a child in the Alameda County juvenile system (Nov. 19, 2015), *supra* note 28. For the purposes of this report, we have used fictional names in order to protect the identity of the families and respect their wishes to have their stories presented in such a manner.

⁶⁶ Cal. Welf. & Inst. Code § 202(a).

⁶⁷ Interview with father of a child in the Alameda County juvenile system (Mar. 17, 2015) (on file with authors).

⁶⁸ Research also suggests that administrative fees may have a deterrence effect on some people and criminogenic effect on others. Although public knowledge of fees is low, it is possible that those who know about fees may be deterred from committing acts that would bring them into contact or back into contact with the juvenile justice system. *See* Ruback, R. Barry & Mark H. Bergstrom. “Economic Sanctions in Criminal Justice Purposes, Effects, and Implications.” *Criminal Justice and Behavior* 33, no. 2 (2006): 242–273, <http://cjb.sagepub.com/content/33/2/242.full.pdf> (concluding that the lack of deterrence effect from economic sanctions is due to the relatively low size of economic sanctions and lack of adjustment according to the nature of individual crimes). However, it is also possible that fees may have a criminogenic effect—some people who are assessed fees may turn to crime to finance their payment of the fees. *See* Ezra Cohn, Debbie Mayer, Caitlin O’Neil, Khalia Parish & Jenny van der Heyde, “An Economic Analysis of Charging Administrative Fees to Justice-Involved Youth,” (Feb. 16, 2016) (on file with authors), *supra* note 40.

⁶⁹ Parents and guardians are held jointly and severally liable for juvenile administrative fees. Cal. Welf. & Inst. Code. §§ 903, 903.1, 903.2.

⁷⁰ Interview with grandmother of a child in the Alameda County juvenile system (Apr. 13, 2015) (on file with authors).

⁷¹ Interview with youth in the Alameda County juvenile system (July 2, 2015) (on file with authors).

⁷² Cal. Welf. & Inst. Code § 903(c).

⁷³ Alameda County fiscal records from Public Records Act request (on file with authors). The County provided data on juvenile administrative fees for the last five fiscal years, 2010-2015.

⁷⁴ *Id.*

⁷⁵ *Id.* For example, according to Central Collections Agency documents, in fiscal year 2013-14, 283 families were billed \$62,000 for the public defender and 201 families were billed \$40,000 for court-appointed attorneys.

⁷⁶ *Id.* This does not include collections for the public defender or court-appointed attorney fees as these numbers were not made available by the Central Collections Agency.

⁷⁷ *Id.*

⁷⁸ Telephone interview with Kevin Hing, Alameda County Assistant Auditor-Controller (Dec. 21, 2015).

⁷⁹ Telephone interview and email correspondence with Kevin Hing, Alameda County Assistant Auditor-Controller (Jan. 11, 2016), *supra* note 61.

⁸⁰ “Financial Hearing Officer” Search Results, TRANSPARENT CALIFORNIA, <http://transparentcalifornia.com/salaries/search/?q=Financial+Hearing+Officer&y> (income for Financial Hearing Officer) (last visited Jan. 30, 2015).

⁸¹ “Financial Hearing Officer” Search Results, TRANSPARENT CALIFORNIA, <http://transparentcalifornia.com/salaries/search/?q=Financial+Hearing+Officer&y> (income for Financial Hearing Officer) (last visited Jan. 30, 2015).

⁸² “Collection Enforcement Deputy II” Search Results, TRANSPARENT CALIFORNIA, <http://transparentcalifornia.com/salaries/search/?q=Collection%20Enfrcemnt%20Depty%20II>, (income for Collection Enforcement Deputy II) (last visited Jan. 30, 2015).

⁸³ “Collection Supervisor II” Search Results, TRANSPARENT CALIFORNIA, <http://transparentcalifornia.com/salaries/search/?q=Collection%20Supervisor%20II>, (income for Collection Supervisor II) (last visited Jan. 30, 2015).

⁸⁴ The Alameda Central Collections Agency sends cases for wage garnishment and intercept of tax receipts and/or refunds to the Franchise Tax Board. The Franchise Tax Board keeps 15% in recoup fees on any monies collected on such cases, but we do not know if those fees cover their staff time and costs. Telephone interview and email correspondence with Kevin Hing, Alameda County Assistant Auditor-Controller (Jan. 11, 2016), *supra* note 61.

⁸⁵ Alameda County fiscal records from Public Records Act request (on file with authors), *supra* note 73.

⁸⁶ In order to accurately represent the annual cost to the County, we adjusted salaries and benefits of the financial hearing officers, the Collection Enforcement Deputy II, and the Collection Supervisor II for each year of employment (2011-2015).

⁸⁷ County of Alameda, Final Budget 2015-2016, ACGOV.ORG, <http://acgov.org/MS/OpenBudget/pdf/FY15-16/FY%2015-16%20Final%20Budget%20Book%20for%20Web%20and%20CD.pdf> (last visited Feb. 16, 2016).

⁸⁸ For example, the Probation Department’s 2015-16 juvenile services and facilities budget is \$74.3 million. For another point of comparison, in the 2015-16 fiscal year, the County appropriated more than \$51 million to increase the reserve fund. *Id.*

⁸⁹ Additionally, a 2015 study by students at the Goldman School of Public Policy concluded that a permanent elimination of juvenile administrative fees in Alameda County would bring \$5.5 million in benefits to society, approximately \$192,000 each year fees are not charged. Ezra Cohn, Debbie Mayer, Caitlin O’Neil, Khalia Parish & Jenny van der Heyde, “An Economic Analysis of Charging Administrative Fees to Justice-Involved Youth,” *supra* note 41.

⁹⁰ Despite multiple attempts, we did not receive survey responses from the following counties: Alpine, Glenn, Imperial, Mono, Sierra, and Tuolumne.

⁹¹ The Policy Advocacy Clinic at Berkeley Law, California Juvenile Fees Survey (2015) (on file with authors) (surveying counties for administrative fee assessment and collection practices).

⁹² *Id.* Data from San Diego, Ventura, Fresno, Stanislaus and Sonoma counties were self-reported from the survey of Chief Probation Officers and were not verified by Public Record Act requests; Sacramento, Santa Clara, Orange, Alameda, San Diego, Contra Costa, Riverside, San Bernardino and Los Angeles County responses to Public Record Act requests (on file with authors). San Francisco does not charge any administrative fees, *see* email from Allen Nance, San Francisco County Chief Probation Officer, (Apr. 18, 2015, 15:22 PST) (on file with authors). Los Angeles placed a moratorium on administrative fees in 2009, *see* letter from Robert B. Taylor, Los Angeles County Chief Probation Officer, to the Los Angeles County Board of Supervisors, Subject: Probation Department Moratorium on Collection of Support Costs for Incarcerated Minors (Mar. 31, 2009).

⁹³ The number of drug tests the average youth on probation in Alameda County undergoes is based on the experience of Kate Weisburd, Director of Education, Justice for Youth Clinic at the East Bay Community Law Center, who stated that on average a young person is given one drug test every other month. Thus, during an average 17-month probation term, a youth would be drug tested approximately eight times.

⁹⁴ Proposed Ordinance, City and County of San Francisco, “Juvenile Probation Department-Daily Fee at Juvenile Hall and Log Cabin Ranch” (June 26, 2009) (proposed ordinance to establish daily fees for Juvenile Hall and ranch), <https://sfgov.legistar.com/LegislationDetail.aspx?ID=483686&GUID=09C53DEA-4619-4A48-9AD5-16557011FDE1&Options=ID%7cText%7c&Search=090709> (last visited Jan. 31, 2016).

⁹⁵ Email from Allen Nance, San Francisco County Chief Probation Officer (Apr. 18, 2015, 15:22 PST) (on file with authors).

⁹⁶ *Id.*

⁹⁷ *Getting Paid Report*, YOUTH JUSTICE COALITION (2009), <http://www.youth4justice.org/wp-content/uploads/2012/12/GettingPaidReportYJC.pdf>.

⁹⁸ Molly Hennessy-Fiske, *Probation Fees Allegedly Continue Despite Moratorium*, L.A. TIMES (Mar. 24, 2009), <http://articles.latimes.com/2009/mar/24/local/me-probation-fees24>; Molly Hennessy-Fiske, *County Spent \$13,000 to Chase \$1,004*, L.A. TIMES (Mar. 4, 2009), <http://articles.latimes.com/2009/mar/04/local/me-probation-fees4>.

⁹⁹ Memorandum from Los Angeles County Probation Department to Los Angeles County Board of Supervisors, "Probation Department Moratorium on Support Costs for Incarcerated Minors" (Mar. 31, 2009) (on file with authors).

¹⁰⁰ Telephone interview with Felicia Cotton, Los Angeles Probation Department Deputy Chief of Juvenile Institutions (Nov. 1, 2014).

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰² Alameda County fiscal records from Public Records Act request, *supra* note 73.

¹⁰³ Letter from LaDonna Harris, Alameda County Chief Probation Officer, to Alameda County Board of Supervisors, Subject: Adoption of Ordinance Amending Section 2.42.190 of the Administrative Ordinance Code to Repeal the Probation Fee for Sealing or Expunging Juvenile Court Records (March 25, 2015).

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ California Senate Bill No. 504 (2015) (enacted), http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB504. *See also* Cal. Welf. & Inst. Code §§ 781, 903.3 (amended statutory language).

¹⁰⁷ Birckhead, *supra* note 64 (discussing how involvement in the juvenile court system can exacerbate problems for youth, especially with community members, police officers, teachers and future employers).

¹⁰⁸ Cal. Welf. & Inst. Code § 903.

¹⁰⁹ Cal. Welf. & Inst. Code § 202(a)-(b).



"My grandson has been through a world of hurt and I was not going to just leave him on his own. But I was told that if my grandson didn't have a guardian and was purely a ward of the court, then the state would have to pay for all the fees. So I've been thinking that this is how we were going to have to do it." - Grandmother of an adjudicated youth

Making Parents Pay: What the Research Tells Us about Juvenile Fees

As a matter of law, juvenile fees may not be used as

punishment or restitution: The only legally permissible purpose or use of juvenile fees is to offset the county's costs of "support and maintenance of" a child who is incarcerated or on community supervision. (CA W&IC, Section 902).

Juvenile administrative fees are not the same as restitution and may not legally be used as a tool of either punishment or rehabilitation. (UC Berkeley School of Law, 2016, p. 3)

Juvenile fees make poor families poorer: "Fines and fees are regressive payments that disproportionately impact the poor." (Council of Economic Advisers, 12/2015, p. 3)

"High fines and fee payments may force the indigent...to make difficult trade-offs between paying court debt and other necessary purchases." (Council of Economic Advisers, 12/2015, p. 4)

"Sociological studies show that debt is both a cause and a consequence of poverty but have not previously recognized that penal institutions are an important source of a particularly deleterious form of debt." (Harris, Evans, & Beckett, p. 1762)

They are contrary to rehabilitation: "Burdening a minor's mother with debts to be paid following his detention...hardly serves the future welfare of the child and hardly enhances the Probation Department's attempt to transform him into a productive member of society. Most disturbing, however, is that the County's actions undermine the very domestic 'support' for which it is ostensibly seeking reimbursement. In relentlessly pursuing the debt's collection and opposing its discharge, the County raises yet another obstacle to Rivera's efforts to provide her son with the support about which the County claims to be so deeply concerned. That 'betray[s] a misguided sense of values.' Jerald C., 36 Cal. 3d at 10." (In re Maria G. Rivera (9th Circuit), 2016)

They cause long-term and cumulative harm to families: "Legal debt is substantial relative to expected earnings and usually long term.... [T]his indebtedness contributes to the accumulation of disadvantage in three ways: by reducing family income; by limiting access to opportunities such as housing, credit, transportation, and employment; and by increasing the likelihood of ongoing criminal justice involvement." (Harris, Evans, & Beckett, p. 1756)

"[M]onetary sanctions, like incarceration and felony conviction, are a critical component of the process by which disadvantage accumulates over the life course among many of the urban poor." (Harris, Evans, & Beckett, p. 1792)

They intensify income inequality: "[I]f the imposition of monetary sanctions is...considered...the mechanisms by which poverty and inequality are reproduced are even more numerous." (Harris, Evans, & Beckett, p. 1761)

"For a single-parent family making federal minimum wage, even the average payment constitutes approximately two months' salary." (Feierman, Goldstein, Haney-Caron, & Columbo, p. 6)

They are racially inequitable: “African American families are doubly harmed by current practices—their children are overrepresented within the system, and they are liable for higher fees because of longer probation conditions [imposed on children of color].” (UC Berkeley School of Law, 2016, p. 6)

They’re ineffective: “Given the high administrative costs and low or negative rates of return for fee collection programs, some localities have opted to abolish fee payments altogether.” (Council of Economic Advisers, 12/2015, p. 6)

“If the policy goal is to improve the lives of victims, recoup state expenditures, and reduce crime, our findings suggest that the imposition of monetary sanctions is very likely a policy failure.” (Harris, Evans, & Beckett, p. 1792)

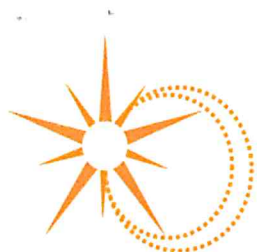
They increase the risk of recidivism: “[The] total amount of fines, fees, and/or restitution imposed at disposition significantly increase[s] the odds of a youth recidivating...even after controlling for relevant youth demographics and case characteristics variables.” (Piquero & Jennings, 2016, p. 26)

They impose costs on everybody else: “These findings are of obvious relevance to scholars...seeking to reduce the costs associated with entrenched urban poverty and crime—costs that are borne by all of us.” (Harris, Evans, & Beckett, p. 1793)

They’re inhumane: “The specific ways that [monetary] policies are implemented in the United States...raise important humanitarian concerns, particularly that they unfairly disadvantage low-income [people].” (Council of Economic Advisers, 4/2016, p. 38)

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“In evaluating a family's financial ability to pay under this section, the county shall take into consideration the family's income, the necessary obligations of the family, and the number of persons dependent upon this income.”
- California Welfare and Institutions Code, Section 903(c)

Juvenile fees are not a form of restitution and may not be used for punitive purpose.

By law, juvenile fees imposed on parents or guardians may be used only to offset the county’s costs of “support and maintenance of” a child who is incarcerated or on community supervision (CA W&IC, Section 902). They are not a form of restitution, and it is unlawful to use them for either punitive or rehabilitative purposes.

Contra Costa’s fees are among the highest in the state: The County charges up to \$30/day (the maximum allowed by the state) during juvenile incarceration, and \$17/day for electronic monitoring. Yet the County annually generates substantially less than \$200K in net revenue from this effort.

Some counties charge no juvenile fees of this type, while other counties are now ending their practice of charging juvenile fees.

The “ability to pay” form that CoCo uses to calculate how much a family has to pay in daily detention and GPS fees does not include the following family expenses:

- Health care and medical costs
- Public transportation
- Educational expenses
- Restitution orders
- Child support costs
- Clothing
- Auto repair or maintenance
- Emergencies
- The family’s efforts to save for the future

Contra Costa youth are often ordered to serve “indefinite” probation terms: With orders for “indefinite” supervision, young people can spend years on probation, constantly under surveillance. As a result, parents may be billed for hundreds of days on GPS or in juvenile incarceration, without ever knowing how long this expense might go on.

In CoCo, juvenile fees have disproportionate impact on low-income families of color.
Black and Latino youth in CoCo are disproportionately suspended, arrested, “referred” to court, found delinquent by the Court, placed on probation, and sentenced to custody than White youth.
In CoCo, 41% of children under probation supervision or custody are African American, 30% are Latino, 18% are White, and 11% are other.
(Demographic statistics: Probation Chief, direct communication, May 2016)

**PROBATION COLLECTIONS UNIT
OUTSTANDING BALANCES**
as of June 30, 2016

CLIENT# (FEE TYPE)	DATE ASSIGNED	BALANCE REMAINING
22005 Public Defender - Probation	2010	86,408
	2011	306,104
	2012	482,550
	2013	325,120
	2014	269,911
	2015	316,778
	2016	148,480
	TOTAL	\$ 1,935,351

30310 & 30310a Juvenile Electronic Monitoring - Probation	2009	16,914
	2010	697
	2011	91,223
	2012	102,513
	2013	107,228
	2014	86,587
	2015	192,691
	2016	113,138
	TOTAL	\$ 710,991

30355 & 30355a Juvenile Hall - Probation	2010	229,117
	2011	560,683
	2012	377,524
	2013	467,078
	2014	486,320
	2015	615,274
	2016	301,178
	TOTAL	\$ 3,037,175

30356 Ranch - Probation	2010	183,485
	2011	253,115
	2012	276,178
	2013	284,910
	2014	251,175
	2015	294,444
	2016	152,238
	TOTAL	\$ 1,695,546

CLIENT# (FEE TYPE)	DATE ASSIGNED	BALANCE REMAINING
20005 & 21005 Public Defender - Office of Revenue Collections	1995	765
	1996	2,125
	1997	5,207
	1998	12,805
	1999	163,701
	2000	513,914
	2001	696,337
	2002	649,684
	2003	638,625
	2004	624,632
	2005	567,033
	2006	516,570
	2007	640,562
	2008	568,781
	2009	453,979
	2010	350,384
	TOTAL	\$ 6,405,105

30305 Juvenile Hall/Ranch - Office of Revenue Collections	1990	733
	1996	305
	1997	1,668
	1998	3,344
	1999	220,336
	2000	232,546
	2001	393,006
	2002	148,942
	2003	135,039
	2004	120,437
	2005	129,124
	2006	246,830
	2007	459,391
	2008	419,579
	2009	311,241
	2010	282,108
2013	626	
TOTAL	\$ 3,105,256	

GRAND TOTAL **\$ 16,889,424**



BOARD OF SUPERVISORS

March 16, 2016

The Honorable Board of Supervisors
County Administration Building
Oakland, California 94612

Dear Board Members:

SUBJECT: ADOPT A RESOLUTION SUSPENDING THE ASSESSMENT AND COLLECTION OF JUVENILE PROBATION FEES AND THE JUVENILE PUBLIC DEFENDER FEE FOR ALL ALAMEDA COUNTY RESIDENTS

RECOMMENDATION:

1. Adopt a Resolution establishing a moratorium on the assessment and collection of juvenile probation fees and the juvenile public defender fee for all county residents (suspending both the assessment of new fees and the collection of outstanding fees).
2. Direct the County Administrator, Probation Department, the Auditor-Controller's Office, and the Office of the Public Defender to develop a plan and ordinance for the repeal of Section 2.42.190 of the Administrative Ordinance Code ("Juvenile Probation Department Fees Ordinance").

SUMMARY/DISCUSSION:

The moratorium being brought for your consideration would affect both the assessment and collection of juvenile administrative fees. With regard to assessment, no youth or his/her family shall be assessed juvenile fees by the County. With regard to the collection, no youth or his/her family who have been previously assessed juvenile fees shall be required to pay on outstanding amounts and no interest will accrue during the moratorium. Implementing a moratorium will reduce one source of revenue for the Probation Department, the Office of the Public Defender and the Auditor-Controller's Office. The County should ensure that expenditures for critical juvenile probation services be supported with funding from other sources to ensure no loss in services or impact on staff during the moratorium.

During this period, staff will continue to review the policy of assessing fees for juvenile probation services and the procedures under which such fees are referred, collected, or waived to develop a plan for implementing a repeal of juvenile probation fees and the juvenile public defender fee by June 28, 2016. The plan and draft ordinance repealing Section 2.42.190 of the Administrative Code will be presented for discussion at the Public Protection Committee prior to being brought to the full Board of Supervisors for consideration.

The intent of the moratorium is to freeze assessment and collection of fees to allow staff to develop a plan to address the effects of the repeal of these juvenile probation fees and to identify funding for the services currently supported with these juvenile probation fees. The effects of the

repeal could include practical issues, including but not limited to: identifying the universe of persons who are currently in the assessment and collections process, how to notify all persons with outstanding juvenile fee related debt, petitioning the juvenile court to vacate all court-ordered judgments for juvenile fees, recalling and halting collections referred to the Franchise Tax Board.

California Welfare and Institutions Code section 903 et seq. permits counties to charge youth and their families for the cost of services imposed on delinquency system-involved youth. These fees are assessed to youth and to parents or guardians, having custody and control of juveniles. Parents/guardians are charged the costs of detention in juvenile facilities (Juvenile Hall and Camp Wilmont Sweeney), public defender/court-appointed counsel, investigation, supervision, electronic (GPS) monitoring, and drug and substance abuse testing.

The Board of Supervisors adopted the current fee schedule in 2009. Prior to 2009, the County only charged youth and families fees for detention in Juvenile Hall and Camp Wilmont Sweeney and for public defender/court-appointed counsel representation. In order to offset the increased cost of providing probation services, the Board of Supervisors approved increases to the detention fees and added four new fees: investigation, supervision, electronic (GPS) monitoring, and drug testing based on their ability to pay.

The current fee schedule is as follows:

Fee	Amount
Juvenile Hall (per day)	\$25.29
Camp Sweeney (per day)	\$20.32
Public Defender or Court-Appointed Attorney (per case)	\$300.00
Juvenile Investigation (per case)	\$250.00
Juvenile Supervision (per month)	\$90.00
Juvenile Electronic & GPS Monitoring (per day)	\$15.00
Juvenile Drug & Substance Abuse Testing (per test)	\$7.17
Juvenile Lab Test Confirmation (per test)	\$21.51

Cal. Welf. & Inst. Code § 903.45, requires counties that charge these fees to ensure that families who cannot afford to pay are not billed. Currently, two financial hearing officers, who are employees of the Central Collections Division of the Auditor-Controller Agency, evaluate whether or not families in the County can afford to pay these fees. Existing ability to pay determination processes are highly discretionary and do not account for changes in circumstances (income, dependents, etc.). If a family does not meet with a financial hearing officer, they can be billed in full, regardless of ability to pay.

The County does not know how many families receive fee reductions or waivers based on inability to pay or how many families are billed in full. The County keeps no data on families charged, and cannot demonstrate that families who cannot pay have not been charged. In short, there is no data that confirms that only families who can pay are being assessed fees.

Many youth in the juvenile system and their families struggle to pay these fees. Imposing this kind of debt on families induces economic and familial instability, which undermines the rehabilitative purpose of the juvenile system. Outstanding fees become civil judgments, which result in referrals to the Franchise Tax Board where parents' wages can be garnished, bank accounts can be levied, and tax refunds can be intercepted.

Youth of color are disproportionality impacted by the imposition of fees. According to Alameda County Probation Department data youth of color are overrepresented in the system and, on average, serve longer probation terms than their white counterparts. This means that youth of color, and their families, have a heavier financial burden. These fees are unfair and unrealistic given the adverse economic conditions faced by families with youth in the juvenile system.

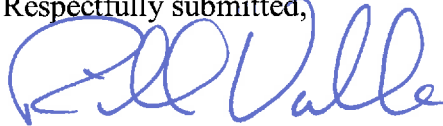
There is little financial gain for the County from these fees. Staff within the Probation Department and the Auditor-Controller’s Office, in collaboration with the Policy Advocacy Clinic at Berkeley Law, have gathered data, identified information gaps, and performed an initial review of juvenile fees in Alameda County. For example, in fiscal year 2014-15, Alameda County referred juvenile probation fess of more than \$475,000 to approximately 300 families. Based on the number of staff and resources involved in the assessment and collection of juvenile fees, the County spent more than \$250,000 to collect approximately \$420,000.

	FY 2014-15
Referred	\$476,152
Collected	\$419,830
Costs	\$250,938
Net to County	\$168,892

FINANCING:

The County Administrator’s Office working with the appropriate departments will identify alternative funding sources to replace any lost revenue or support impacted staff caused by a moratorium on the assessment and collection of juvenile fees.

Respectfully submitted,



Richard Valle
Supervisor, Second District



Keith Carson
Supervisor, Fifth District

RESOLUTION NO. 2016- 66

A RESOLUTION PLACING A MORATORIUM ON THE ASSESSMENT AND COLLECTION OF ALL JUVENILE PROBATION FEES AND THE JUVENILE PUBLIC DEFENDER FEE

WHEREAS, the County of Alameda currently charges youth involved in the juvenile justice system and their families six Probation Department fees and a Public Defender fee; and

WHEREAS, the seven fees are as follows: 1) a fee for each night spent in Juvenile Hall, 2) a fee for each night spent at Camp Wilmont Sweeney, 3) a one-time fee for public defender representation, 4) a one-time investigation fee, 5) a daily electronic monitoring fee, 6) a monthly supervision fee, and 7) a fee for drug testing and lab confirmation; and

WHEREAS, in 2009 the Alameda County Board of Supervisors increased the two existing detention fees (Juvenile Hall and Camp Sweeney) and added four new fees to the existing fee schedule, and in 2015, the Board eliminated the juvenile record sealing fee; and

WHEREAS, families and advocates in Alameda County have reported that these fees cause financial hardship and disrupt family stability; and

WHEREAS, unpaid administrative fees become civil judgments, which can result in referrals to the Franchise Tax Board where parents' wages can be garnished, their bank accounts can be levied and their tax refunds can be intercepted; and

WHEREAS, it is in the interest of the County, of young people involved in the juvenile justice system and their families, and of the larger community that the County repeal the seven juvenile probation fees and public defender fee; and

WHEREAS, it is in the interest of the County to adopt this resolution in order to allow staff to develop a plan to address the effects of the repeal of these juvenile probation fees and to identify funding for the services currently supported with these juvenile probation fees to maintain the fiscal integrity of affected County departments, including, but not limited to, the Probation Department, the Auditor-Controller's Office, and the Office of the Public Defender; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors as follows:

Section 1. A moratorium is imposed on the assessment and collection of juvenile probation and juvenile public defender fees, suspending the assessment and collection of:

- A. Fees for time juveniles spend in Juvenile Hall;
- B. Fee for time juveniles spend at Camp Wilmont Sweeney;
- C. Fees for the Public Defender's and court-appointed counsel's representation of juveniles;
- D. Fees for the Probation Department's investigation of juvenile cases;
- E. Fees for the Probation Department's supervision of juveniles;
- F. Fees for the electronic (GPS) monitoring of juveniles; and
- G. Fees for drug testing of juveniles.

Section 2. Unless extended by action of this Board, the moratorium shall expire upon repeal of the fees listed in Section 1.

Section 3. For the purpose of implementing this moratorium, no later than June 28, 2016, County staff is directed to return to the Board of Supervisors with a plan and ordinance for the repeal of fees listed in Section 1.

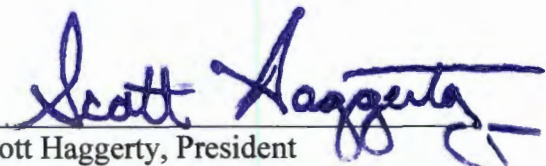
Section 4. That the moratorium imposed by Section 1 of this Resolution shall be effective as soon as it is reasonably possible for the County Auditor-Controller to stop collecting the fees.

THE FOREGOING WAS PASSED AND ADOPTED by the Board of Supervisors this 29th day of March, 2016, to wit:

AYES: Supervisors Carson, Chan, Miley, Valle & President Haggerty

NOES: None

EXCUSED: None



Scott Haggerty, President
Board of Supervisors

ATTEST:
Clerk of the Board of Supervisors

By: R. Bailey, Deputy

APPROVED AS TO FORM:
DONNA R. ZIEGLER, COUNTY COUNSEL

By: Donna R. Ziegler
Donna R. Ziegler, County Counsel

C O U N T Y A D M I N I S T R A T O R



SUSAN S. MURANISHI
COUNTY ADMINISTRATOR

June 22, 2016

Honorable Board of Supervisors
Administration Building
Oakland, CA 94612

Dear Board Members:

**SUBJECT: ADOPT AN ORDINANCE AMENDING ADMINISTRATIVE CODE SECTION 2.42.190
AND THE JUVENILE FEE SCHEDULES FOR PROBATION AND PUBLIC DEFENDER
TO REPEAL ALL JUVENILE FEES**

RECOMMENDATIONS:

Consistent with your Board's direction on March 29, 2016:

- A) Adopt an ordinance amending Section 2.42.190 of the Administrative Code of the County of Alameda to remove the assessment and collection of juvenile probation fees; and
- B) Amend Resolution No. 2009-468 to repeal juvenile fees collected by the Probation Department in their existing fee schedule for drug or substance abuse testing, laboratory test confirmations and electronic or Global Positioning System (GPS) monitoring; and
- C) Amend Resolution No. 2011-142 to repeal juvenile fees collected by the Public Defender's Office in their existing fee schedule for the Public Defender fee that is assessed for each juvenile case referred to their office.

DISCUSSION/SUMMARY:

On March 29, 2016, your Board passed and adopted Resolution No. 2016-66, which placed a moratorium on the assessment and collection of all juvenile Probation fees and the juvenile Public Defender fee for Alameda County youth involved in the juvenile justice system. The corresponding board letter requested that the County Administrator's Office, Auditor-Controller's Agency, Probation Department and the Public Defender's Office develop a plan and ordinance to amend Section 2.42.190 of the Administrative Code ("Collection of probation department fees") to repeal the portions related to assessment and collection of juvenile fees, which had been allowed per California Welfare and Institutions Code Sections 903 and 904.

Per the approved board letter and resolution, the Auditor-Controller's Agency immediately suspended the collection of juvenile probation fees on March 29, 2016. Action was taken to immediately close two financial hearing offices at the Juvenile Justice Center. Written notices regarding the moratorium were sent to all families on April 6, 2016. Every payment that was received after March 29th was returned or refunded, resulting in refunds totaling \$4,700 between March 29 and June 10. Over-the-counter payments, U.S. Postal Service payments and any checks were returned to families immediately. Tax intercepts, wage garnishments and lockbox check deposits were refunded promptly. All collections referred to the Franchise Tax Board were immediately withdrawn, but additional time was required for the State to receive and remit payments to the County. Since May 1, very few payments have been received resulting in fewer refunds processed.

The Probation Department has also reached out to Presiding Judge Charles Smiley of the Juvenile Dependency Court. Judge Smiley will continue to address each case and situation on its own merits, giving careful consideration to the recommendations of probation and its effects on families in the juvenile justice system.

County Impacts

Juvenile administrative fees paid for specific services provided to those involved in the system as allowed under California Welfare and Institutions Code Sections 903 and 904. Services included programs, activities and staffing costs. **The repeal of these juvenile fees represents a loss of revenue between \$500,000 and \$550,000 annually for Alameda County.** The Proposed Fiscal Year 2016-17 Budget eliminated the collection of juvenile administration fee revenue but expenditures remained in department's operating budgets relying on alternative revenue sources, including the County's General Fund. Additionally, there remains approximately \$2 million in outstanding (assessed, but uncollected) fees assessed since.

Details on departmental revenue reduction impacts are provided below.

Public Defender's Office

In Fiscal Year 2014-15, the Public Defender's Office received just over \$33,000 in revenue from the juvenile Public Defender fee per Resolution No. 2011-142, which is the estimated annual revenue loss. The fees were used to partially offset the cost of juvenile legal representation and were used to cover cost of telephone charges, equipment supplies and expert witnesses when necessary. These service costs will now be covered by other funding sources, primarily the General Fund, and there are no adjustments needed to continue the same level of service.

Probation Department

Based on Fiscal Year 2014-15 totals, the Probation Department estimates that \$275,000 in revenue for juvenile probation fees will be lost annually due to the amendments to Section 2.42.190 of the Administrative Code and Resolution No. 2009-468. These fees were used to support juvenile life skills and educational programming in Camp Sweeney and Juvenile Hall, which could see a reduction in scope of services, activities or events due to the loss of revenue. This includes but is not limited to: Camp Sweeney's Freedom School, Camp Sweeney's Annual Tolerance Tour, Juvenile Hall's Annual Resource Fair and the Destiny Arts Program. Ancillary costs such as special events, bus tickets, payment for bills, etc., are not mandatory but do help youth and families complete their terms and conditions of probation. Other sources of revenue, including the County General Fund, will be needed to continue these services.

Juvenile GPS monitoring is court-ordered per California Welfare and Institutions Code section 601. As such, these are mandated services that the County must continue to provide. The estimated annual cost of electronic/GPS monitoring for juveniles is \$180,000. Today, there are 69 youth in Probation currently being monitored. Additionally, each lost or damaged device costs over \$23,000 to replace. GPS monitoring costs have never been fully offset by juvenile fees, but now the Probation Department, through use of General Funds, will be required to cover the whole cost of these services.

While drug testing for juveniles may also be court-ordered, it is also a term of probation and Camp placement. Juvenile drug testing and post-testing laboratory confirmation costs the department approximately \$30,000 annually. Drug testing costs have never been fully offset by juvenile fees, but now the Probation Department, through use of General Funds, will be required to cover the whole cost of these services.

Auditor-Controller's Office

The estimated revenue lost by the Auditor-Controller's Office is between \$200,000 and \$250,000 annually. Staff in the Auditor-Controller's Office is assigned to the collection of a wide variety of fees, including these juvenile fees. This fee revenue was used to support a portion of staff salary and benefits costs. Since the establishment of the moratorium, affected staff has been assigned to other collection activities.

Given the steps that have been taken by the Auditor-Controller's Office to halt the assessment and collection of fees and the actions that each affected department has taken to plan and assess how the loss of revenue will affect programs, services and staffing, we ask that your Board approve the attached ordinance to repeal the juvenile probation fees and the juvenile Public Defender fee effective immediately.

FINANCING:

The repeal of the juvenile fees translates into loss of revenue for the County of up to \$558,000 annually in newly assessed fees, which breaks down as follows:

Department	Annual Revenue Loss*
Auditor-Controller	\$ 200,000 – 250,000
Probation	275,000
Public Defender	33,000
Total	\$ 508,000 – 558,000

*Approximate

As a result of the Board's action to enact a moratorium on Juvenile Administrative Fees, the FY 2016-17 Proposed Budget reduced revenue collections as indicated above. Department expenses funded previously with fee revenue are budgeted to continue without a specific new revenue source. This revenue loss was part of the FY 2016-17 funding gap and resulted in increased General Fund costs of up to \$558,000.

Additionally, \$2 million in outstanding fees assessed since 2009 will remain uncollected. With service-related expenditures continuing, the net loss to the County is the full amount of revenue that had been generated each year plus any prior year collections that we may have been able to recover.

Respectfully submitted,




Susan S. Muranishi
County Administrator



Steve Manning
Auditor/Controller



LaDonna M. Harris
Chief Probation Officer



Brendon D. Woods
Public Defender

SSM:MLC:mcp
cc: County Counsel

ORDINANCE NO. 2016-35

AN ORDINANCE AMENDING SECTION 2.42.190 OF THE ADMINISTRATIVE ORDINANCE CODE TO REPEAL JUVENILE PROBATION FEES, AMENDING RESOLUTION NO. 2011-142 TO REPEAL THE PUBLIC DEFENDER FEE FOR REPRESENTATION OF JUVENILES, AND AMENDING RESOLUTION NO. 2009-468 TO REPEAL THE PROBATION DEPARTMENT JUVENILE SUPERVISION, JUVENILE ELECTRONIC AND GLOBAL POSITIONING SYSTEMS MONITORING, AND JUVENILE DRUG AND SUBSTANCE ABUSE TESTING FEES

WHEREAS, on March 29, 2016, the Board of Supervisors adopted Resolution No. 2016-66 (the Resolution) placing a moratorium on the assessment and collection of seven juvenile probation fees and the Juvenile Public Defender Fee (collectively the Fees); and

WHEREAS, the Resolution directed staff to return to the Board of Supervisors no later than June 28, 2016, with a plan and an ordinance for the repeal of the Fees; and

WHEREAS, the Board of Supervisors finds that it is in the best interest of the County to repeal the Fees and terminate the moratorium;

NOW, THEREFORE, the Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Section 2.42.190 of the Alameda County Administrative Ordinance Code is hereby amended to read as follows:

2.42.190 - Collection of probation department fees.

The following fees and charges shall be paid to the Alameda County probation department or the county of Alameda collection agent:

A. Fees for adult investigations and for providing probation supervision of adults, pursuant to Penal Code Section 1203.1 b, as follows:

1. Adult investigations: Seven hundred ten dollars (\$710.00) per case.
2. Adult supervision: Ninety dollars (\$90.00) per month.

The administrator of the home detention program or his designee, shall have the option to waive the fees for program supervision when deemed necessary, justified or in the interest of justice. All fees paid for program supervision shall be deposited into the general fund of the county. Inmates involuntarily participating in the home detention program shall not be charged fees or costs for the program.

B. Fees for the petition for a change of plea or setting aside of a verdict shall be as follows, pursuant to Penal Code Section 1203.4:

1. Costs of actual services rendered: Not to exceed one hundred fifty dollars (\$150.00) per case.

This fee shall be applied to a person whether or not the petition is granted and the records are sealed or expunged.

SECTION II

The Probation Department schedule of fees adopted in Resolution No. 2009-468 on December 1 2009, is amended to repeal the "Juvenile Supervision Fee" of \$90.00 per month, the "Juvenile Electronic and Global Positioning Systems Monitoring Fee" of \$15.00 per day for the cost of electronic surveillance of a minor, and the "Drug and Substance Abuse Testing Fee" of \$7.17 per drug test and \$21.51 per laboratory confirmation for juveniles. The "Drug and Substance Abuse Testing Fee" of \$7.17 per drug test and \$21.51 per laboratory confirmation for adults shall remain in effect.

SECTION III

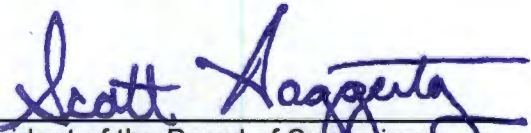
The Public Defender schedule of fees adopted in Resolution No. 2011-142 on May 10, 2011, is amended to repeal the \$300 fee for representation of juveniles established in Section 1.A of the Resolution.

SECTION IV

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the 12th day of July, 2016, by the following called vote:

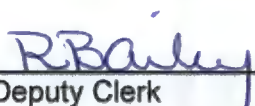
AYES: Supervisors Carson, Chan, Miley, Valle & President Haggerty
NOES: None
EXCUSED: None



President of the Board of Supervisors

ATTEST:

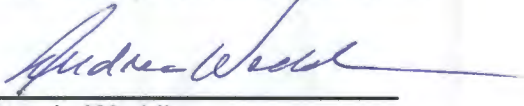
Clerk of the Board of Supervisors,

By: 

Deputy Clerk

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

By: 

Andrea L. Weddle
Assistant County Counsel



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: October 25, 2016

Subject: ADOPT Traffic Resolution No. 2016/4448 to establish a speed limit on a portion of Bixler Road (Road No. 9163A), Byron area

RECOMMENDATION(S):

ADOPT Traffic Resolution No. 2016/4448 to establish a speed limit on a portion of Bixler Road (Road No. 9163A); and RESCIND Traffic Resolution 2003/4036, relating to the speed limit on a portion of Bixler Road, as recommended by the Public Works Director, Byron area.

FISCAL IMPACT:

No fiscal impact

BACKGROUND:

Bixler Road, south of State Route 4 to its terminus at Byer Road, currently has a posted speed limit of 45 miles per hour, as authorized by Traffic Resolution 2003/4036 and pursuant to California Vehicle Code (CVC) Section 22358. Based on the results of a new Engineering & Traffic Survey conducted, the Traffic Engineer recommends a reduction in the speed limit from 45 miles per hour to 40 miles per hour on this portion of the roadway.

CONSEQUENCE OF NEGATIVE ACTION:

Law enforcement would not be able to enforce the speed limit on this portion of Bixler Road.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Monish Sen, (925) 313-2187

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

By: , Deputy

cc: Monish Sen, Jerry Fahy

ATTACHMENTS

Bixler Rd.
4448-9163A

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

Adopted this Traffic Resolution on October 25, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RESOLUTION NO. 2016/4448
Supervisorial District III

SUBJECT: Establish a speed limit on a portion of Bixler Road (Road No. 9163A), Byron area.

The Contra Costa County Board of Supervisors RESOLVES that:

On the basis of an Engineering and Traffic Survey and recommendations thereon by the County Public Works Department’s Transportation Engineering Division and pursuant to County Ordinance Code Sections 46-2.002 – 46-2.012, the following traffic regulation is established (and other action taken, as indicated):

Pursuant to Section 22358(a) of the California Vehicle Code, no vehicle shall travel in excess of 40 miles per hour on Bixler Road (Road No. 9163A), from the intersection of State Route 4 to the intersection of Byer Road (Road No. 9163B) Byron area.

Traffic Resolution 2003/4036 pertaining to the existing speed limit on this portion of Bixler Road is hereby rescinded.

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.

MS:nn

Orig. Dept.: Public Works (Traffic)
Contact: Monish Sen (925-313-2187)

c: California Highway Patrol
Sheriff’s Department

G:\transeng\2016\BO - TR\4448-9163A.doc

ATTESTED: _____
DAVID TWA, Clerk of the Board of Supervisors and
County Administrator

By _____,
Deputy



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: October 25, 2016

Subject: Notice of Completion of Contract for the 2016 Slurry Seal Project, Alamo, Clayton, Diablo and Walnut Creek areas.

RECOMMENDATION(S):

ADOPT Resolution No. 2016/580 accepting as complete the contracted work performed by Pavement Coatings Co., for the 2016 Slurry Seal Project, as recommended by the Public Works Director, Alamo, Clayton, Diablo and Walnut Creek areas. Project No. 0672-6U2153-16 (Districts II, III, IV)

FISCAL IMPACT:

Project was funded by 100% Local Road Funds.

BACKGROUND:

The Public Works Director reports that said work has been inspected and complies with the approved plans, special provisions and standard specifications and recommends its acceptance as complete as of September 29, 2016.

CONSEQUENCE OF NEGATIVE ACTION:

The contractor will not be paid and acceptance notification will not be recorded.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Kevin Emigh, (925)
313-2233

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

By: , Deputy

cc:

ATTACHMENTS

Resolution No.
2016/580

Recorded at the request of: Clerk of the Board

Return To: Design/Construction Division

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

Adopted this Resolution on 10/25/2016 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:

Resolution No. 2016/580

In the Matter of Accepting and Giving Notice of Completion of Contract for the 2016 Slurry Seal Project, Alamo, Clayton, Diablo and Walnut Creek areas. Project No. 0672-6U2153-16 (Districts II, III, and IV)

WHEREAS the Board of Supervisors RESOLVES that on April 12, 2016, the County contracted with Pavement Coatings Co., for work that generally consisted of applying slurry seal treatment to streets in the Alamo, Clayton, Diablo and Walnut Creek areas as shown on the plans. Work also included surface preparation (not including base failure repairs and crack sealing by others), tree trimming, striping removal, adjustment of monuments to finished grade and placement of thermoplastic striping and pavement markings in the Alamo, Clayton, Diablo and Walnut Creek areas, with The Ohio Casualty Insurance Company as surety, for work performed on the grounds of the County; and

The Public Works Director reports that said work has been inspected and complies with the approved plans, special provisions and standard specifications and recommends its acceptance as complete as of September 29, 2016.

NOW THEREFORE, BE IT RESOLVED said work is ACCEPTED as complete on said date, and the Clerk shall file with the County Recorder a copy of this resolution and Notice as a Notice of Completion for said contract.

Contact: Kevin Emigh, (925) 313-2233

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

ATTESTED: October 25, 2016

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

By: , Deputy

cc:



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: October 25, 2016

Subject: Approve and authorize the Public Works Director, or designee, to close a portion of Ocean View Avenue, on November 16, 2016, Kensington area.

RECOMMENDATION(S):

ADOPT Resolution No. 2016/573 approving and authorizing the Public Works Director, or designee, to fully close a portion of Ocean View Avenue, on November 16, 2016, from 8:00 a.m. through 6:00 p.m., for the purpose of operating a crane from the roadway to remove a large redwood tree, Kensington area. (District I)

FISCAL IMPACT:

No fiscal impact

BACKGROUND:

Applicant shall follow guidelines set forth by the Public Works Department.

CONSEQUENCE OF NEGATIVE ACTION:

Applicant will be unable to close the road for planned activities.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Bob Hendry, (925)
674-7744

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

By: , Deputy

cc:

ATTACHMENTS

Resolution No.
2016/573

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

Adopted this Resolution on 10/25/2016 by the following vote:

AYE:
NO:
ABSENT:
ABSTAIN:
RECUSE:



Resolution No. 2016/573

IN THE MATTER OF: Approving and authorizing the Public Works Director, or designee, to fully close a portion of Ocean View Avenue, on November 16, 2016 from 8:00 a.m. through 6:00 p.m., for the purpose of operating a crane from the roadway to remove a large redwood tree, Kensington area. (District I)

RC16-12

NOW, THEREFORE, BE IT RESOLVED that permission is granted to Ponderosa Tree Service to fully close a portion of Ocean View Avenue, except for emergency traffic, on November 16, 2016 for the period of 8:00 a.m. through 6:00 p.m., subject to the following conditions:

1. Traffic will be detoured per traffic control plan reviewed by Public Works.
2. All signing to be in accordance with the California Manual on Uniform Traffic Control Devices.
3. Ponderosa Tree Service shall comply with the requirements of the Ordinance Code of Contra Costa County.
4. Provide the County with a Certificate of Insurance in the amount of \$1,000,000 for Comprehensive General Public Liability which names the County as an additional insured prior to permit issuance.
5. Obtain approval for the closure from the Kensington Police Department, the Kensington Fire Protection District.

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: October 25, 2016

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

Contact: Bob Hendry, (925) 674-7744

By: , Deputy

cc:



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: October 25, 2016

Subject: Approve the Parcel Map for minor subdivision MS12-0004, Alamo area.

RECOMMENDATION(S):

ADOPT Resolution No. 2016/576 approving the Parcel Map for minor subdivision MS12-0004, for a project being developed by Georgette Stewart, as recommended by the Public Works Director, Alamo area. (District II)

FISCAL IMPACT:

No fiscal impact

BACKGROUND:

The Public Works Department has reviewed the conditions of approval for minor subdivision MS12-0004 and has determined that all conditions of approval for Parcel Map have been satisfied.

CONSEQUENCE OF NEGATIVE ACTION:

The Parcel Map will not be approved or recorded.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Jocelyn LaRocque, (925)
313-2315

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

By: , Deputy

cc:

ATTACHMENTS

Resolution No.

2016/576

Tax Letter

Parcel Map

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

Adopted this Resolution on 10/25/2016 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2016/576

IN THE MATTER OF: Approving the Parcel Map for minor subdivision MS12-0004, for the project being developed by Georgette Stewart, as recommended by the Public Works Director, Alamo area. (District II)

WHERE AS, the following documents were presented for Board approval this date:

The Parcel Map of minor subdivision MS12-0004, property located in the Alamo area, Supervisorial District II, said map having been certified by the proper officials.

Said document was 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 2016-2017 tax lien has been paid in full.

NOW, THEREFORE, BE IT RESOLVED:

1. That said 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 of the streets, paths, or easements shown thereon as dedicated to public use.

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: Jocelyn LaRocque, (925) 313-2315

ATTESTED: October 25, 2016

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

By: , Deputy

cc:

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

Russell V. Watts
County Treasurer-Tax Collector

Brice B. Bins
Chief Deputy Treasurer-Tax Collector

Corrie Gideon
Tax Operations Supervisor



Date: 9/27/2016

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:

<u>Tract / MS #</u>	<u>City</u>	<u>T.R.A.</u>
12-0004	ALAMO	66047
Parcel #:	187-240-032-8	

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 2016-2017 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: 

OWNER'S STATEMENT

THE UNDERSIGNED, BEING THE ONLY PARTIES HAVING A RECORD TITLE INTEREST IN THE LANDS DELINEATED AND EMBRACED WITHIN THE HEAVY BLACK LINES UPON THIS PARCEL MAP, DO HEREBY CONSENT TO THE MAKING AND RECORDATION OF THE SAME.

THE AREA SHOWN AS "PRIVATE ACCESS AND UTILITY EASEMENT" (PAUE) IS NOT OFFERED FOR DEDICATION TO THE GENERAL PUBLIC, BUT IS FOR THE USE OF THE OWNERS OF PARCELS 'A' AND 'B' OF THIS SUBDIVISION, FOR, BUT NOT LIMITED TO, INGRESS, EGRESS, UTILITIES, WATER, SANITARY SEWER, STORM DRAINAGE AND EMERGENCY VEHICLE ACCESS.

THE AREA SHOWN AS "PRIVATE STORM DRAIN EASEMENT" (PSDE) IS NOT OFFERED FOR DEDICATION TO THE GENERAL PUBLIC, BUT IS FOR THE USE OF THE OWNER OF PARCEL 'B' OF THIS SUBDIVISION FOR STORM DRAINAGE PURPOSES, AND IS TO BE MAINTAINED BY THE OWNER OF PARCEL 'B'.

THE AREA SHOWN AS "PRIVATE SEWER EASEMENT" (PSE) IS NOT OFFERED FOR DEDICATION TO THE GENERAL PUBLIC, BUT IS FOR THE USE OF THE OWNER OF PARCEL 'B' OF THIS SUBDIVISION FOR SEWER PURPOSES, AND IS TO BE MAINTAINED BY THE OWNERS OF PARCEL 'B'.

THE AREA SHOWN AS "RESTRICTIVE SLOPE EASEMENT" (RSE) LIMITS THE OWNERS OF PARCEL 'A' AND 'B' USE OF THE AREA LOCATED WITHIN THE EASEMENT TO THE EXTENT OF CONSTRUCTION, MAINTENANCE, REPAIR, OR REPLACEMENT OF THEREIN OF LANDSCAPE WITHIN THE EASEMENT, UNLESS DESIGNATED NECESSARY BY CONTRA COSTA COUNTY'S DIRECTOR OF CONSERVATION AND DEVELOPMENT DEPARTMENT TO ADDRESS SAFETY AND/OR SOIL STABILITY. SEE DOCUMENT NO. _____ AND DOCUMENT NO. _____.

THIS MAP SHOWS ALL EASEMENTS ON THE PREMISES OR OF RECORD.

HOWARD V. SUMERLIN, TRUSTEE AND BEVERLEY M. SUMERLIN, TRUSTEE OF THE HOWARD V. SUMERLIN AND BEVERLEY M. SUMERLIN LIVING TRUST DATED SEPTEMBER 8, 1980.

BY: HOWARD V. SUMERLIN, TRUSTEE

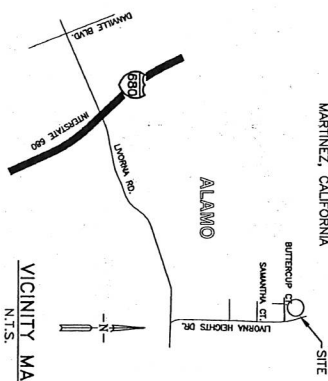
BY: *Beverley M. Sumerlin*
BEVERLEY M. SUMERLIN, TRUSTEE

PARCEL MAP

SUBDIVISION MS 12-0004

PORTION OF PARCEL 'B', SUBDIVISION MS 198-76, FILED JULY 11, 1977 IN BOOK 56 OF PARCEL MAPS AT PAGES 19 & 20 CONTRA COSTA COUNTY RECORDS

CONTRA COSTA COUNTY, CALIFORNIA
LEPTIEN, CRONIN, COOPER, MORRIS & POORE, INC.
d.b.a. LCC, INC.
CIVIL ENGINEERING AND LAND SURVEYING
350 ESTUILL ROAD
MARTINEZ, CALIFORNIA



OWNER'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE SIGNATURE OF THE PERSON(S) WHO PROVED TO ME ON THE BASIS OF THE INSTRUMENT ATTACHED AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA) SS

ON March 20, 2015, BEFORE ME, Chanson A. Noddu public notary, personally appeared Howard V. Sumerlin and Beverley M. Sumerlin, 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 he/she/they understand the contents of the instrument and the effect upon him/her/it 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 IS TRUE AND CORRECT.

WITNESS MY HAND AND SIGNATURE NOTARY Chanson A. Noddu
NAME (PRINTED OR TYPED) Chanson A. Noddu
MY COMMISSION EXPIRES 6-17-19
COUNTY OF NOTARY CONTRA COSTA
PRINCIPAL PLACE OF BUSINESS CONTRA COSTA

Assessor's Parcel Number: 187-240-032

CLERK OF THE BOARD OF SUPERVISORS' CERTIFICATE

STATE OF CALIFORNIA
CONTRA COSTA COUNTY

I, DAVID TWA, CLERK OF THE BOARD OF SUPERVISORS AND COUNTY ADMINISTRATOR OF CONTRA COSTA COUNTY, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING MAP ENTITLED "PARCEL MAP SUBDIVISION MS 12-0004" WAS PRESENTED TO SAID BOARD OF SUPERVISORS, AS PROVIDED BY LAW, AT A REGULAR MEETING THEREOF HELD ON THE 20 DAY OF March, 2015, AND THAT SAID BOARD OF SUPERVISORS DID THEREUPON BY RESOLUTION DULY PASSED AND ADOPTED AT SAID MEETING, APPROVED SAID MAP, AND DID REJECT ON BEHALF OF THE PUBLIC ALL OF THE STREETS, ROADS, WALKWAYS OR EASEMENTS SHOWN THEREON AS DEDICATED TO PUBLIC USE.

I FURTHER CERTIFY THAT ALL TAX LENS 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 HERETO SET MY HAND THIS DAY 20 OF March, 2015.

DAVID TWA,
CLERK OF THE BOARD OF SUPERVISORS AND
COUNTY ADMINISTRATOR
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

BY: _____
DEPUTY CLERK

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF LEPTIEN, CRONIN, COOPER, MORRIS & POORE, INC. ON 02/05/15. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED VESTING TENTATIVE MAP, AND THAT ALL MONUMENTS SHOWN HERE ACTUALLY EXIST ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACTED.

Peter A. Wolman
PETER WOLMAN, PLS 7770

DATE: 2-2-16

COUNTY SURVEYOR'S STATEMENT

THIS MAP WAS EXAMINED BY ME AND IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE VESTING TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF. ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE VESTING TENTATIVE MAP HAVE BEEN COMPLIED WITH, AND I AM SATISFIED THAT THE SAME IS TECHNICALLY CORRECT.

DATE: _____ BY: JAMES A. STEIN
COUNTY SURVEYOR

P.L.S. NO. 6371

RECORDER'S STATEMENT

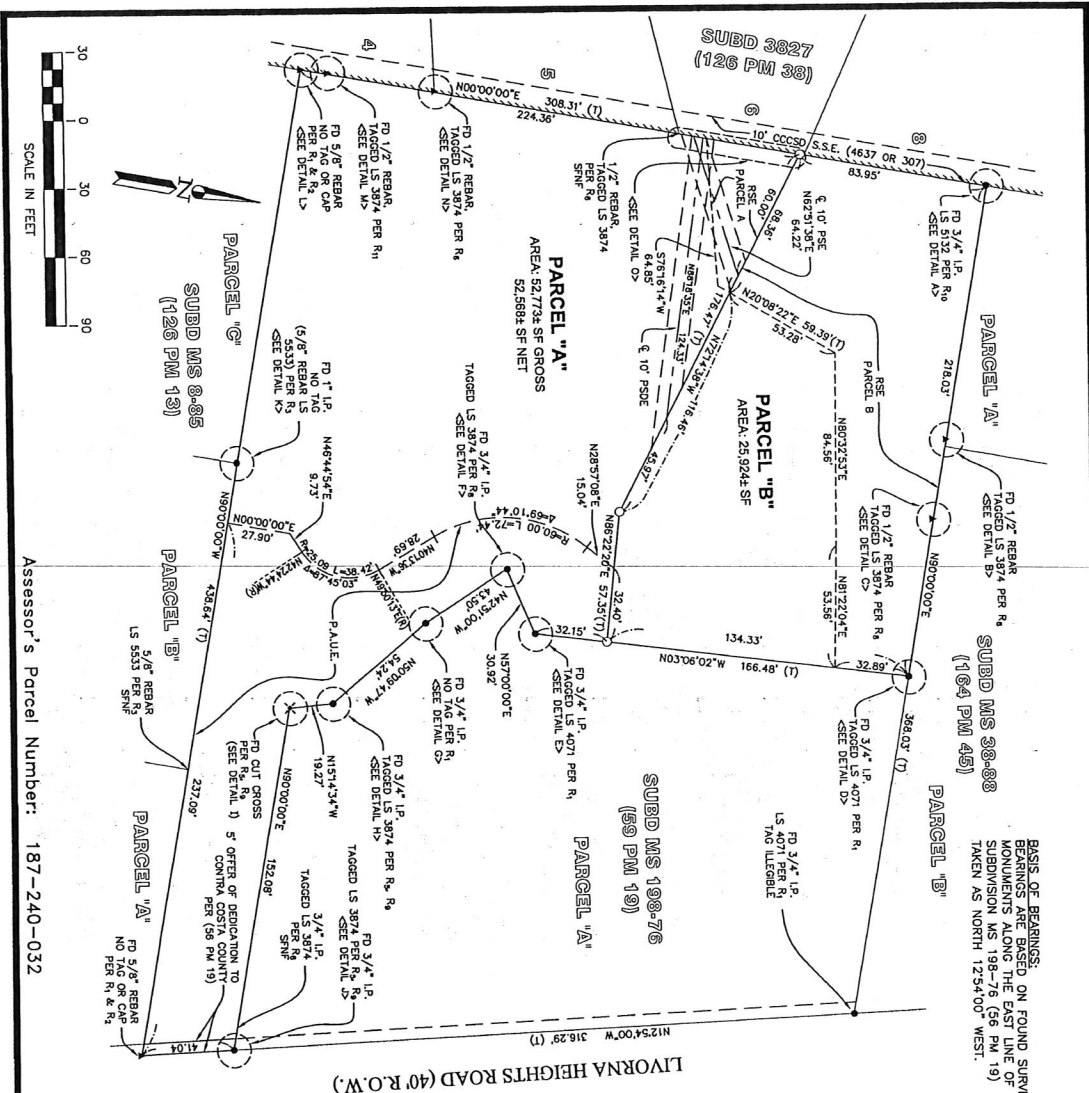
THIS MAP ENTITLED "SUBDIVISION MS12-0004" IS HEREBY ACCEPTED FOR RECONGATION SHOWING A CLEAR AND UNDEVELOPED INTEREST IN CONTRA COSTA COUNTY TITLE INSURANCE COMPANY DATED _____ AND AFTER EXAMINING THE SAME IN DETAIL IN ACCORDANCE WITH THE PROVISIONS OF STATE LAW AND LOCAL ORDINANCES GOVERNING THE FILING OF SUBDIVISION MAPS.

FILED THIS _____ DAY OF _____ AT _____ 20 _____ AT _____ M, IN BOOK _____ OF _____

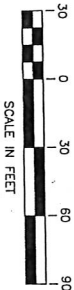
A BENEFICIARY STATEMENT RECORDING CONCURRENT HERewith _____
JOSEPH E. CAMACHUALA
COUNTY CLERK-RECORDER
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY RECORDER

SHEET ONE OF THREE



Assessor's Parcel Number: 187-240-032



BASIS OF BEARINGS:
 BEARINGS ARE BASED ON FOUND SURVEY MONUMENT AS SHOWN EAST LINE OF SUBDIVISION MS 198-76 (56 PM 19) TAKEN AS NORTH 12°54'00" WEST.

PARCEL MAP

SUBDIVISION MS 12-0004

FILED JULY 11, 1977 IN BOOK 56 OF PARCEL MAPS AT PAGE 19
 CONTRA COSTA COUNTY RECORDS
 CONTRA COSTA COUNTY, CALIFORNIA

LEPTIEN, CRONIN, COOPER, MORRIS & POORE, INC.
 CIVIL ENGINEERS, LAND SURVEYING
 930 ESTUDILLO ST.
 MARTINEZ, CALIFORNIA

SCALE: 1"=30'

LEGEND AND ABBREVIATIONS

- SUBDIVISION BOUNDARY LINE
- PROPERTY OR R.O.W. LINE
- EASEMENT LINE
- EASEMENT CENTER LINE
- SURVEY TIE LINE
- CITY OF WALKHUT CREEK BOUNDARY
- TIE FROM PROPERTY CORNER
- IRON PIPE
- (T) TOTAL
- (M) MEASURED DISTANCE
- (R) RECORD DATA (SEE REFERENCE NUMBER X)
- <> DETAIL REFERENCE (SEE SHEET 3 OF 3)
- RSE RESTRICTIVE SLOPE EASEMENT
- PAUE PRIVATE ACCESS AND UTILITY EASEMENT
- PSDE PRIVATE STORM DRAIN EASEMENT
- PSE PRIVATE SEWER EASEMENT
- SET 3/4" IRON PIPE AND SURVY CAP TAGGED R/S 7770 SEARCHED FOR NOT FOUND (RECORD MONUMENT, AS NOTED)
- ▲ CUT CROSS, US 3874 (CORNER RECORD 5 CR 7)

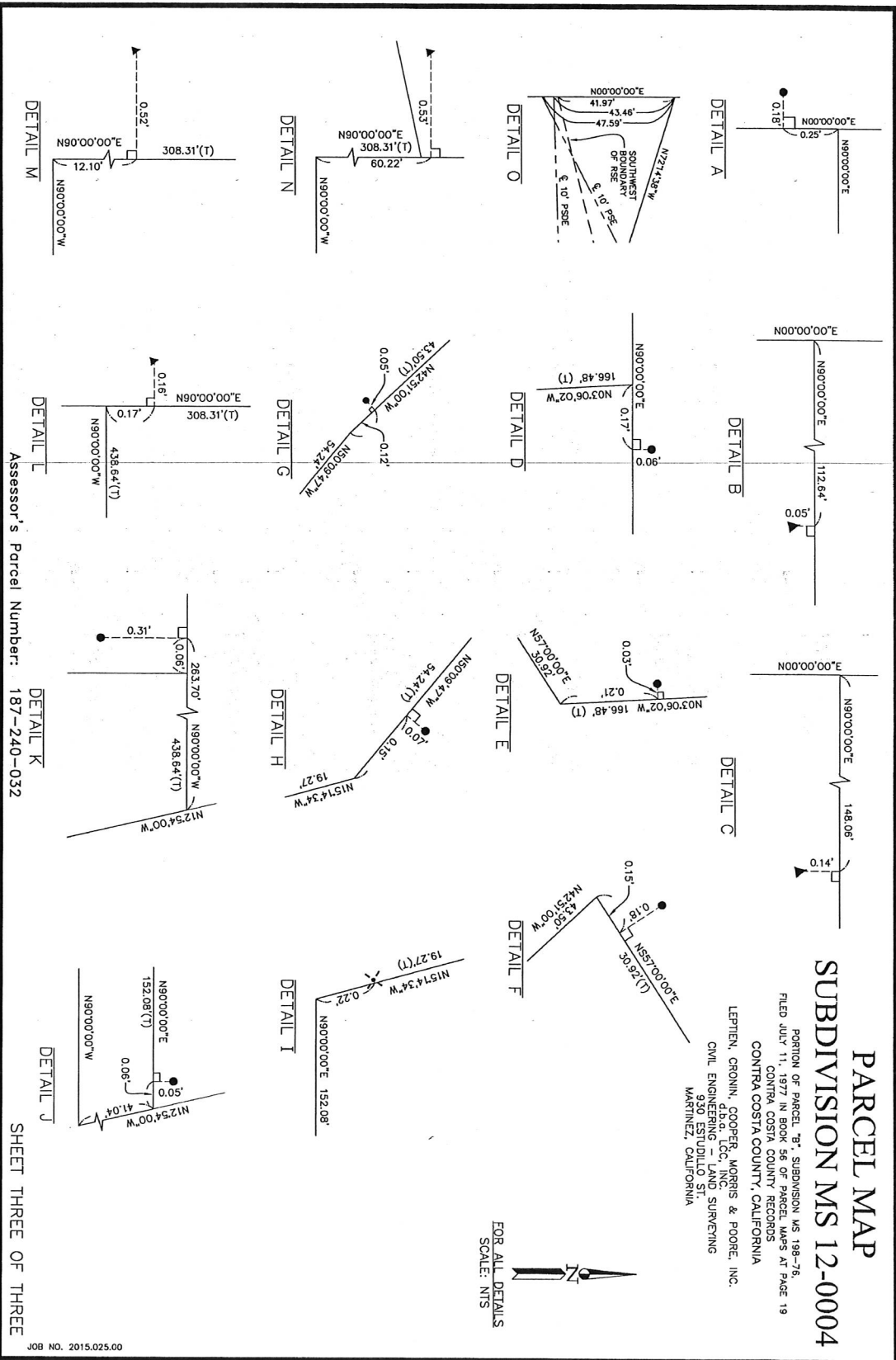
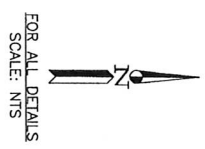
REFERENCES:

- R₁ PARCEL MAP MS 198-76 RECORDED JULY 11, 1977
- R₂ RECORD OF SURVEY FILED FEBRUARY 19, 2003
- R₃ RECORD OF SURVEY FILED FEBRUARY 19, 2003
- R₄ RECORD OF SURVEY FILED FEBRUARY 19, 2003
- R₅ RECORD OF SURVEY FILED FEBRUARY 19, 2003
- R₆ RECORD OF SURVEY FILED FEBRUARY 19, 2003
- R₇ RECORD OF SURVEY FILED FEBRUARY 19, 2003
- R₈ RECORD OF SURVEY FILED FEBRUARY 19, 2003
- R₉ RECORD OF SURVEY FILED FEBRUARY 19, 2003
- R₁₀ RECORD OF SURVEY FILED FEBRUARY 19, 2003
- R₁₁ RECORD OF SURVEY FILED FEBRUARY 19, 2003

SHEET TWO OF THREE

PARCEL MAP SUBDIVISION MS 12-0004

PORTION OF PARCEL 79, SUBDIVISION MS 199-76
FILED JULY 11, 1977 IN BOOK 56 OF PARCEL MAPS AT PAGE 19
CONTRA COSTA COUNTY RECORDS
CONTRA COSTA COUNTY, CALIFORNIA
LEPTEN, CROBIN, COOPER, MORRIS & POORE, INC.
d.b.a. LCC, INC.
CIVIL ENGINEERING - LAND SURVEYING
930 ESTUDILLO ST.
MARTINEZ, CALIFORNIA



Assessor's Parcel Number: 187-240-032

SHEET THREE OF THREE



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: October 25, 2016

Subject: Adopt Resolution No. 2016/579 for the Contra Costa Watersheds Storm Water Resource Plan grant project.

RECOMMENDATION(S):

ADOPT Resolution No. 2016/579, approving and authorizing the Flood Control and Water Conservation District, on behalf of the Contra Costa Clean Water Program, to negotiate and enter into a Stormwater Planning Grant Agreement with the State of California for the Contra Costa Watersheds Storm Water Resource Plan grant project, and authorize the Chief Engineer of the District to sign the agreement in substantially the form attached to the resolution, and any related documents, Countywide. Project No. 6X7619

FISCAL IMPACT:

The total cost of the project is estimated to be \$999,960, with \$499,420 funded by the Proposition 1 Storm Water Grant Program, and the \$500,540 match funded by stormwater utility fee assessments collected by the Cities/Towns and County, proportional to their respective populations and through in-kind labor costs provided directly by Permittees' staffs.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Fan Ventura, (925)
313-2194

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

By: , Deputy

cc:

BACKGROUND:

The Contra Costa Clean Water Program (the “CCCWP”) consists of Contra Costa County, its 19 incorporated cities/towns, and the Contra Costa County Flood Control and Water Conservation District (hereinafter referred to collectively as “Permittees”). The CCCWP was established in 1991 through a Program Agreement in response to the 1987 amendments to the federal Clean Water Act (the “CWA”), which established a framework for regulating municipal stormwater discharges under the National Pollutant Discharge Elimination System (“NPDES”) Permit Program. The United States Environmental Protection Agency (the “USEPA”) published final rules implementing the 1987 CWA amendments in November 1990. The rules mandate that Permittees obtain and implement stormwater permits designed to reduce and eliminate the discharge of pollutants into and from Municipal Separate Storm Sewer Systems (the “MS4s”) they own and operate. Through the CCCWP, Permittees conduct many of the mandated activities collectively (referred to as “Group Activities”), such as water quality monitoring, special studies, and public education. The roles and responsibilities of the CCCWP and Permittees are outlined in the Program Agreement, which was last updated and adopted by all Permittees in June 2010.

In September 2014, the California Legislature adopted Senate Bill (SB) 985, *Stormwater Resource Planning Act*. SB 985 amended the State’s Water Code to require that a public agency develop a Storm Water Resource Plan (Resource Plan) in order to receive grants from a bond act approved after January 1, 2014 for storm water and dry weather runoff capture projects. The SB 985 requirement to prepare a Resource Plan is: (1) directed to public agencies; (2) must include a prioritized list of projects to address storm water and dry weather runoff capture on a watershed basis, and (3) must be developed in accordance with the State Water Resources Control Board’s (State Water Board) Resource Plan Guidelines.

The Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1) was approved by California voters in November 2014. Among other funds, Prop 1 provides \$200 million for a Storm Water Grant Program (SWGP), which provides matching grants to public agencies, nonprofit organizations, public utilities, state and federally recognized Indian tribes, and mutual water companies for multi-benefit storm water management projects, such as green infrastructure, rainwater and storm water capture projects and storm water treatment facilities.

On December 15, 2015, the State Water Board adopted the final Resource Plan Guidelines, as well as the Proposition 1 SWGP Guidelines. The Proposition 1 SWGP provides funds for Planning grants and Implementation grants.

State Water Code section 79704 allows up to ten percent of the SWGP Prop 1 grant funds (up to \$20 million) for development of a Resource Plan meeting the requirements of SB 985 and the State Water Board’s SWRP Guidelines. Planning grants range from \$50,000 to \$500,000 and require a 50% match.

In order for municipalities to compete for SWGP implementation grants, and any future bond monies for stormwater and dry weather capture projects, they must develop a Resource Plan.

After consulting with its Administrative Committee, CCCWP staff requested and received approval from its Management Committee on February 17, 2016, to develop and submit a countywide planning grant application. The application was submitted in March. CCCWP was notified in July that its project application, *Contra Costa Watersheds Storm Water Resource Plan (CCWSWRP)*, was approved for grant funding. Development of the CCWSWRP will be a regional collaboration between the Contra Costa County Flood Control and Water Conservation District on behalf of the Contra Costa Clean Water Program (representing 21 stormwater permittees), water resource agencies, watershed and creek groups, to develop a watershed-based planning approach designed to yield long-term multiple benefits in water quality, water supply, flood control, habitat restoration, social involvement, and community enhancement throughout Contra Costa County. With broad stakeholder involvement and the adaptive framework created by multi-benefit quantification modeling, GIS resource mapping, project identification and evaluation methods, the CCWSWRP will respond to regulator requirements, water quality stressors, and community and creek-specific priorities, resulting in prioritized, watershed-based implementation projects that will provide multiple resource and community benefits regionwide.

The next step in the grant process is to adopt a resolution allowing the Flood Control District, on behalf of CCCWP, to enter into a grant agreement and designate an authorized signatory for all grant project documents.

CCCWP staff, on behalf of the Permittees, respectfully requests adoption of this Resolution.

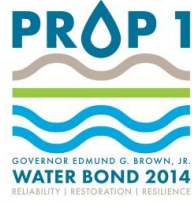
CONSEQUENCE OF NEGATIVE ACTION:

If Resolution No. 2016/579 is not adopted, grant funding would be forfeited. Permittees would not be able to compete for future grant funding provided for stormwater treatment, green infrastructure, and stormwater capture and use projects, which are required to comply with the NPDES permits.

CHILDREN'S IMPACT STATEMENT:

ATTACHMENTS

Prop 1 Grant Agreement template



**PROPOSITION 1
STORM WATER**

[RECIPIENT CAPS]

AND

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD



PLANNING GRANT

STORM WATER PLANNING

[PROJECT NAME]

AGREEMENT NO. []

AMOUNT: \$

ELIGIBLE START DATE: [REDACTED]
WORK COMPLETION DATE: [REDACTED]
FINAL DISBURSEMENT REQUEST DATE: [REDACTED]
RECORDS RETENTION TERM END DATE: [REDACTED]

WHEREAS,

1. The State Water Board is authorized to provide funding under this Agreement pursuant to the following:
 - Proposition 1 Storm Water - Section 79747 of the Water Code (Prop 1)
2. The State Water Board determines eligibility for financial assistance, determines a reasonable schedule for providing financial assistance, establishes compliance with Prop 1, and establishes the terms and conditions of a funding agreement.
3. The Recipient has applied to the State Water Board for funding for the Project described in Exhibit A of this Agreement and the State Water Board has selected the application for funding.
4. The State Water Board proposes to assist in funding the costs of the Project, and the Recipient desires to participate as a recipient of financial assistance from the State Water Board, upon the terms and conditions set forth in this Agreement, all pursuant to Prop 1;

NOW, THEREFORE, in consideration of the premises, mutual representations, covenants and agreements in this Agreement, the State Water Board and the Recipient, each binding itself, its successors and assigns, do mutually promise, covenant, and agree as follows:

1. Definitions.

Unless otherwise specified, each capitalized term used in this Agreement has the following meaning:

"Agreement" means this Grant, including all exhibits and attachments hereto.

"Authorized Representative" means the duly appointed representative of the Recipient as set forth in the certified original of the Recipient's authorizing resolution that designates the authorized representative by title.

"Days" means calendar days unless otherwise expressly indicated.

"Disbursement Period" means the period during which Project Funds may be disbursed.

"Division" means the Division of Financial Assistance of the State Water Board or any other segment of the State Water Board authorized to administer the funding program(s) set forth in Section 1.

"Eligible Start Date" means the date set forth in Exhibit B, establishing the date on or after which Project Costs may be incurred and eligible for reimbursement hereunder.

"Final Disbursement Request Date" means the date established in Exhibit B, after which date, no further Project Funds disbursements may be requested.

"Fiscal Year" means the period of twelve (12) months terminating on June 30 of any year.

"Force Account" means the use of the Recipient's own employees or resources for the Project.

"GAAP" means generally accepted accounting principles, as issued by the Governmental Accounting Standards Board.

"Grant Manager" means the person designated by the State Water Board to manage performance of the Agreement. The Grant Manager is set forth in Section 2 of this agreement.

“Guidelines” means the State Water Board’s “Proposition 1 Stormwater Grant Program Funding guidelines,” as amended from time to time.

“Indirect Costs” means those costs that are incurred for a common or joint purpose benefiting more than one cost objective and are not readily assignable to the Project (i.e., costs that are not directly related to the Project). Examples of Indirect Costs include, but are not limited to: central service costs; general administration of the Recipient; non-project-specific accounting and personnel services performed within the Recipient organization; depreciation or use allowances on buildings and equipment; the costs of operating and maintaining non-project-specific facilities; tuition and conference fees; generic overhead or markup; and taxes.

“Match Funds” means funds provided by the Recipient towards the Project Costs.

“Party Contact” means, for the Recipient, the Authorized Representative of the Recipient or any designee of the Authorized Representative, and, for the State Water Board, the Grant Manager, or the Program Analyst.

“Project” means the Project as described in Exhibit A and in the documents incorporated by reference.

“Project Completion” means, as determined by the Division, that the Project is complete to the reasonable satisfaction of the Division.

“Project Costs” means the incurred costs of the Recipient which are eligible under this Agreement, which are allowable costs as defined under the Guidelines, and which are reasonable, necessary and allocable by the Recipient to the Project under GAAP.

“Project Funds” means funds disbursed by the State Water Board to the Recipient for purposes of this Agreement.

“Project Director” means an employee of the Recipient designated by the Authorized Representative to be responsible for the overall management of the administrative and technical aspects of the executed Agreement. The Project Director is set forth in Section 2 of this Agreement.

“Recipient” means [REDACTED].

“Regional Water Quality Control Board” or “Regional Water Board” means the appropriate Regional Water Quality Control Board.

“State” means State of California.

“State Water Board” means the State Water Resources Control Board, an administrative and regulatory agency of the State of California.

“Work Completion” means the Recipient’s submittal of all work set forth under Exhibit A for review and approval by the Division. The Division may require corrective work to be performed prior to Project Completion. Any work occurring after the Work Completion Date will not be reimbursed under this Agreement.

“Work Completion Date” means the date set forth in Exhibit A that is the last date on which Project Costs may be incurred under this Agreement.

“Year” means calendar year unless otherwise expressly indicated.

2. Party Contacts.

The Party Contacts during the term of this Agreement are:

State Water Board	Recipient
Section:	
Name: [Name], Grant Manager	Name: [Name], Project Director
Address:	Address:
City, State, Zip:	City, State, Zip:
Phone:	Phone:
Fax:	Fax:
Email: [name]@waterboards.ca.gov	Email:

Direct inquiries to:

State Water Board	Recipient
Section: Division of Financial Assistance	
Name: [Name], Program Analyst	Name: [Name], Grant Contact
Address: 1001 I Street, 17 th Floor	Address:
City, Zip: Sacramento, CA 95814	City, State, Zip:
Phone: (916) 341-XXXX	Phone:
Fax: (916) 341-5296	Fax:
Email: [name]@waterboards.ca.gov	Email:

The Recipient may change its Project Director upon written notice to the Grant Manager, which notice shall be accompanied by authorization from the Recipient's Authorized Representative. The State Water Board will notify the Project Director of any changes to its Party Contacts.

3. Exhibits and Appendices Incorporated.

The following exhibits and appendices to this Agreement, including any amendments and supplements hereto, are hereby incorporated herein and made a part of this Agreement:

- EXHIBIT A - SCOPE OF WORK
- EXHIBIT B - FUNDING PROVISIONS
- EXHIBIT C – STANDARD TERMS AND CONDITIONS
- EXHIBIT D – SPECIAL CONDITIONS**

Additionally, the following documents are incorporated by reference:

- (a) [TBD]

4. Recipient Representations and Commitments.

The Recipient represents, warrants, and commits to the following as of the date signed by the Recipient and continuing thereafter for the term of the Agreement:

- (a) General Commitments. The Recipient accepts and agrees to comply with all terms, provisions, conditions, and commitments of this Agreement, including all incorporated documents, and to fulfill all assurances, declarations, representations, and commitments made by the Recipient in its application, accompanying documents, and communications filed in support of its request for financial assistance and throughout the term of this Agreement.

- (b) Authorization and Validity. The execution and delivery of this Agreement, including all incorporated documents, has been duly authorized. This Agreement constitutes a valid and binding obligation of the Recipient, enforceable in accordance with its terms, except as such enforcement may be limited by law.
- (c) No Violations. The execution, delivery, and performance by Recipient of this Agreement, including all incorporated documents, do not violate any provision of any law or regulation in effect as of the date set forth on the first page hereof, or result in any breach or default under any contract, obligation, indenture, or other instrument to which Recipient is a party or by which Recipient is bound as of the date set forth on the first page hereof.
- (d) No Litigation. There are no pending or, to Recipient's knowledge, threatened actions, claims, investigations, suits, or proceedings before any governmental authority, court, or administrative agency which affect the financial condition or operations of the Recipient, and/or the Project.
- (e) Solvency. None of the transactions contemplated by this Agreement will be or have been made with an actual intent to hinder, delay, or defraud any present or future creditors of Recipient. As of the date set forth on the first page hereof, Recipient is solvent and will not be rendered insolvent by the transactions contemplated by this Agreement. Recipient is able to pay its debts as they become due.
- (f) Legal Status and Eligibility. Recipient is duly organized and existing and in good standing under the laws of the State of California, and will remain so during the term of this Agreement. Recipient shall at all times maintain its current legal existence and preserve and keep in full force and effect its legal rights and authority. Recipient shall maintain its eligibility for funding under this Agreement for the term of this Agreement.
- (g) Good Standing. The Recipient is currently in compliance with the state requirements set forth in Exhibit C. Within the preceding ten years, the Recipient has not failed to demonstrate compliance with previous state audit disallowances.
- (h) Insurance. Recipient maintains sufficient insurance coverage considering the scope of this Agreement, including, for example, but not necessarily limited to, General Liability, Automobile Liability, Worker's Compensation and Employer's Liability, Professional Liability.

5. Project Completion.

The Recipient shall expeditiously proceed with and complete the Project in accordance with this Agreement.

6. Notice.

- (a) The Recipient shall notify the Division in writing within five (5) working days of the occurrence of the following:
 - (1) Bankruptcy, insolvency, receivership or similar event of the Recipient;
 - (2) Actions taken pursuant to state law in anticipation of filing for bankruptcy;
- (b) The Recipient shall notify the Division within 10 working days of any litigation pending or threatened against Recipient regarding its continued existence, consideration of dissolution, or disincorporation;
- (c) The Recipient shall notify the Division promptly of the following:

- (1) Any proposed change in scope of the Project. Most changes will require an amendment to this Agreement;
- (2) Cessation of work on the Project where such cessation of work is expected to or does extend for a period of thirty (30) days or more;
- (3) Any circumstance, combination of circumstances, or condition, which is expected to or does delay Work Completion;
- (4) Any monitoring activities such that the State Water Board Division of Drinking Water and/or Regional Water Quality Control Board staff may observe and document such activities;
- (5) Any public or media event publicizing the accomplishments and/or results of this Agreement and provide the opportunity for attendance and participation by state representatives with at least ten (10) working days' notice to the Division; or
- (6) Work Completion, and Project Completion.

7. No Obligation of the State; State Budget Act Contingency.

Any obligation of the State Water Board herein contained shall not be an obligation, debt, or liability of the State and any such obligation shall be payable solely out of the moneys appropriated by the State Legislature to the State Water Board from the special fund associated with this Agreement.

If the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no force and effect. This provision shall be construed as a condition precedent to the obligation of the State Water Board to make any payments under this Agreement. In this event, the State shall have no liability to pay any funds whatsoever to Recipient or to furnish any other considerations under this Agreement and Recipient shall not be obligated to perform any provisions of this Agreement. Nothing in this Agreement shall be construed to provide the Recipient with a right of priority for payment over any other recipient.

If this Agreement's funding for any Fiscal Year is reduced or deleted by the Budget Act, by Executive Order, or by order of the Department of Finance, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an Agreement amendment to the Recipient to reflect the reduced amount.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

«RECIPIENTCAPS»:

By: _____

Name: «Officer1»

Title: «Title1 as identified in the resolution»

Date: _____

STATE WATER RESOURCES CONTROL BOARD:

By: _____

Name:

Title: Deputy Director
Division of Financial Assistance

Date: _____

EXHIBIT A – SCOPE OF WORK

A-1. Completion Dates.

The Work Completion Date is established as [date]. The Planning Completion date is established as [date].

A-2. Purpose.

This grant is for the benefit of the Recipient. [FOR P1SW RESOURCE PLANS - This grant is for the purpose of preparing a Storm Water Resource Plan in the [watershed/area name] that is compliant with the State Water Board's Storm Water Resource Plan Guidelines. [FOR PLANS THAT AREN'T P1SW RESOURCE PLANS] The planning funded by this agreement is related to the possible construction/implementation project known as the [project] that has a projected useful life of []. The Recipient's receipt of funding under this Agreement is not a commitment to and does not obligate the State Water Board to provide funding for any eventual construction/implementation project.

A-3. Scope of Work.

The Recipient agrees to do the following:

[Insert specific tasks and work with clear descriptions about who is responsible for exactly what and when.]

A-4. Disclosure.

The Recipient shall include the following disclosure statement in any document, written report, or brochure prepared in whole or in part pursuant to this Agreement:

"Funding has been provided in full or in part through an agreement with the State Water Resources Control Board using funds from Proposition 1. The contents of this document do not necessarily reflect the views and policies of the foregoing, nor does mention of trade names or commercial products constitute endorsement or recommendation for use."

A-5. Reporting.

- (a) Progress Reports. The Recipient shall submit quarterly progress reports to the Grant Manager within forty-five (45) days following the end of the calendar quarter (March, June, September, and December). Progress Reports shall provide a brief description of activities that have occurred, milestones achieved, monitoring results (if applicable), and any problems encountered in the performance of the work under this Agreement during the applicable reporting period. Reporting shall be required even if no grant related activities occurred during the reporting period. The Recipient shall document all activities and expenditures in progress reports, including work performed by contractors
- (b) As Needed Information or Reports. The Recipient agrees to provide expeditiously, during the term of this Agreement, such reports, data, and information as may be reasonably required by the Division, including but not limited to material necessary or appropriate for evaluation of the funding program or to fulfill any reporting requirements of the state or federal government.
- (c) Final Project Summary. At the conclusion of the Project, the Recipient must submit a draft Final Project Summary to the Grant Manager for review and approval. The draft Final Project Summary shall contain a brief summary of the Project, including accomplishments, before and after pictures, as appropriate. The draft Final Project Summary shall be in a format provided by the

Grant Manager. Following comments from the Grant Manager, the Recipient shall submit the revised Final Project Summary for review and approval and shall upload an electronic copy of the final Project Summary to the FAAST system.

(d) Annual Progress Summaries. The Recipient shall prepare and provide an Annual Progress Summary annually by November 15 that covers the time period from October 1 of the previous year through September 30 of the current year. The summary must be no more than two (2) pages, and shall include pictures as appropriate. The Recipient shall upload an electronic copy of the Annual Progress Summary in pdf format to the FAAST system. The summary shall include the following:

- (1) A summary of the conditions the Planning is meant to alleviate, the Planning's objective, the scope of the Planning, and a description of the approach used to achieve the Planning objective.
- (2) A summary of the progress made to date, significant milestones achieved, and the current schedule of completing the Planning.

A-6. Project Schedule

The dates in the "Estimated Due Date" column of this Schedule may be adjusted as necessary during the Disbursement Period with Grant Manager approval. However, all work or submittals must be achieved with relevant submittals approved by the Division prior to the Work Completion Date, and the final invoice submitted, prior to the Final Disbursement Request Date set forth in Exhibit B.

ITEM	DESCRIPTION OF WORK OR SUBMITTAL	CRITICAL DUE DATE	ESTIMATED DUE DATE FOR SUBMITTAL
EXHIBIT A – SCOPE OF WORK			
A-	{Name of item to be reviewed}		
	{Name of item to be reviewed}		
	{Name of item to be reviewed}		
	{Name of item to be reviewed}		
A-	Progress Reports	Quarterly	
A-	Annual Progress Summaries	Annually by 11/15	
A-	Final Summary	Before Final Invoice	
A-	Work Completion Date. Work occurring after this date, including corrective actions, is not eligible for reimbursement with Project Funds.		
EXHIBIT B – FUNDING PROVISIONS			
	Disbursement requests and Progress Reports	Quarterly	Quarterly
	Final Disbursement Request		

EXHIBIT B – FUNDING PROVISIONS

B-1. Project Funding.

Subject to the terms of this Agreement, the State Water Board agrees to provide Project Funds as a grant in the amount of up to **Written Dollar Amount** dollars and zero cents (**\$Dollar Amount**).

B-2. Match Funds.

- (a) The Recipient agrees to provide Match Funds in the amount of **_____**.
- (b) This Match Funds amount is based on the budget, funding sources, and amounts submitted by the Recipient in its application and during the negotiation of this Agreement. Any Match Funds changes or adjustments requested by the Recipient must be approved, in advance and in writing, by the Grant Manager and may require an amendment to this Agreement.
- (c) Only expenses that would be considered eligible Project Costs under Prop 1 and the Guidelines will be counted towards the Recipient's Match Funds.
- (d) Any costs incurred prior to the adoption of Prop 1 on November 4, 2014, will not count towards the Recipient's Match Funds.
- (e) If, at Work Completion, the Recipient has provided Match Funds in an amount that is less than the Match Funds amount set forth above, the State Water Board may proportionately reduce the Project Funding amount and/or Recipient's Match Funds amount, upon approval of the Deputy Director of the Division.

B-3. Estimated Reasonable Project Cost.

The estimated reasonable cost of the total Project is **Written Dollar Amount** dollars and no cents (**\$Dollar Amount**).

B-4. Funding Dates.

- (a) The Eligible Start Date is **[Date]**. Otherwise eligible costs incurred prior to this date will not be reimbursed, unless otherwise specified in Exhibit D.
- (b) The Final Disbursement Request Date is **[Date]**. The Deputy Director of the Division may extend this date for good cause. Extensions may require an amendment to this Agreement. All disbursement requests must be submitted to the Division such that they are received prior to this date. Late disbursement requests will not be honored and remaining amounts will be deobligated.
- (c) The term of this agreement is from the Start Date on the cover page of this Agreement to the End Date of **_____**.

B-5. Funding Conditions and Exclusions.

- (a) This Agreement reflects planning funding only. If the Recipient desires implementation/construction funding, the Recipient must apply for implementation/construction funding, and execute an implementation/construction funding agreement. Costs associated with the implementation/construction phase of the possible eventual implementation/construction project are not eligible for reimbursement under this Agreement.

- (b) The State Water Board's disbursement of funds hereunder is contingent on the Recipient's compliance with the terms and conditions of this Agreement.
- (c) Project Funds may not be used for any Indirect Costs. Any invoice submitted including Indirect Costs will cause that invoice, in its entirety, to be disputed and will not be paid until the dispute is resolved. This prohibition applies to the Recipient and any subcontract or sub-agreement for work on the Planning/Project that will be reimbursed with grant funds pursuant to this Agreement. (Gov. Code, § 16727.)

B-6. Budget Summary

LINE ITEM	PLANNING FUNDS (GRANT)	MATCH	TOTAL ESTIMATED COSTS
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
TOTAL⁵	\$	\$	\$

B-7. Budget Flexibility.

- (a) Subject to the prior review and approval of the Grant Manager, adjustments between existing line item(s) may be used to defray allowable direct costs up to fifteen percent (15%) of the total amount (excluding Match Funds), including any amendment(s) thereto. Line item adjustments in excess of fifteen percent (15%) require an Agreement amendment. If the detailed budget includes an amount for Personnel Services, that amount is based on the hours, classifications, and rates submitted by the Recipient in its application. Any changes to the hours, classifications, and rates must be approved, in advance and in writing, by the Grant Manager.
- (b) The Recipient may submit a request for an adjustment in writing to the Grant Manager. Such adjustment may not increase or decrease the total grant amount. The Recipient shall submit a copy of the original Agreement Budget sheet reflecting the requested changes and shall note proposed changes by striking out the original amount(s) followed with proposed change(s) in bold and underlined. Budget adjustments deleting a budget line item or adding a new budget line item shall require a formal amendment. The Division may also propose budget adjustments.
- (c) The sum of adjusted line items shall not exceed the total budget amount.

B-8. Amounts Payable by the Recipient.

The Recipient agrees to pay any and all costs connected with the Project including, without limitation, any and all Project Costs. If the Project Funds are not sufficient to pay the Project Costs in full, the Recipient shall nonetheless complete the Project and pay that portion of the Planning Costs in excess of available Project Funds, and shall not be entitled to any reimbursement therefor from the State Water Board.

B-9. Disbursement of Planning Funds; Availability of Planning Funds.

- (a) The State Water Board's obligation to disburse Planning Funds is contingent upon the availability of sufficient funds to permit the disbursements provided for herein. If sufficient funds are not available for any reason, including but not limited to failure of the State government to appropriate funds necessary for disbursement of Planning Funds, the State Water Board shall not be obligated to make any disbursements to the Recipient under this Agreement. This provision shall be construed as a condition precedent to the obligation of the State Water Board to make any disbursements under this Agreement. Nothing in this Agreement shall be construed to provide the Recipient with a right of priority for disbursement over any other recipient. If any disbursements due the Recipient under this Agreement are deferred because sufficient funds are unavailable, it is the intention of the State Water Board that such disbursement will be made to the Recipient when sufficient funds do become available, but this intention is not binding. If this Agreement's funding for any fiscal year is reduced or deleted by the Budget Act, by Executive Order, or by order of the Department of Finance, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an amendment to the Recipient to reflect the reduced amount.
- (b) Except as may be otherwise provided in this Agreement, disbursement of Planning Funds will be made as follows:
- (1) Upon execution and delivery of this Agreement, the Recipient may request disbursement for eligible Planning Costs as specified in this Exhibit from the Planning Funds through submission to the State Water Board of disbursement requests using the disbursement request form provided by the Grant Manager.
 - (2) Disbursement requests shall contain the following information:
 - a. The date of the request;
 - b. The time period covered by the request, i.e., the term "from" and "to";
 - c. The total amount requested;
 - d. Documentation of match
 - e. Original signature and date (in ink) of Recipient's Authorized Representative; and,
 - f. The Final Disbursement Request shall be clearly marked "FINAL DISBURSEMENT REQUEST" and shall be submitted NO LATER THAN MONTH 30/31, 201X.
 - (3) Requests must be itemized based on the line items specified in the budget in this Exhibit. Requests must be signed by the Authorized Representative or designee and must be addressed to the Grant Manager as set forth in the Party Contacts section of this Agreement. Requests for disbursement submitted in any other format than the one provided by the State Water Board will cause a request for disbursement to be disputed. In the event of such a dispute, the Grant Manager will notify the Recipient. Payment will not be made until the dispute is resolved and a corrected request submitted. The Grant Manager has the responsibility for approving requests for disbursement. Requests must be complete and executed by the Recipient. Planning Costs incurred prior to the Eligible Start Date of this Agreement will not be funded.
 - (4) Project Funds must be requested quarterly for eligible costs incurred during the reporting period of the corresponding Progress Report, describing the activities and expenditures for

- which the disbursement is being requested. Each disbursement request must be accompanied by a Progress Report. Failure to provide timely disbursement requests may result in such requests not being honored.
- (5) The Recipient agrees that it will not request disbursement for any Project Cost until such cost has been incurred and is currently due and payable by the Recipient, although the actual payment of such cost by the Recipient is not required as a condition of disbursement request. Supporting documentation (e.g., receipts) must be submitted with each disbursement request as well as to support Match Funds claimed, if any. The amount requested for administration costs must include a calculation formula (i.e., hours or days worked times the hourly or daily rate = total amount claimed). Disbursement of Planning Funds will be made only after receipt of a complete, adequately supported, properly documented, and accurately addressed disbursement request.
 - (6) The GM does not approve an individual grantee's methodology, or review backup documentation associated with the indirect costs claimed. However, prior to grant agreement execution, the grantee shall provide a short (2-5 pages) summary of the grantee's indirect methodology. The GM will review such summary, primarily for the purposes of helping the grantee identify any apparent ineligible cost items. It is the Grantee's responsibility to ensure consistency in the approach, to verify that ineligible costs are not claimed, and to maintain backup documentation and source documents to support indirect cost accounting. All such documentation must be available in the case of an audit. No costs invoiced as part of indirect costs should be included elsewhere as a direct cost. Fringe should be included in personnel.
 - (7) The Recipient will not seek reimbursement of any Project Costs that have been reimbursed from other funding sources.
 - (8) Recipient shall spend Project Funds within 30 days of receipt. Any interest earned on Project Funds shall be reported to the State Water Board and will either be required to be returned to the State Water Board or deducted from future disbursements. In the event that the Recipient fails to disburse Project Funds to contractors or vendors within thirty (30) days from receipt of the funds, the Recipient shall immediately return such funds to the State Water Board. Interest shall accrue on such funds from the date of disbursement through the date of mailing of funds to the State Water Board. If the Recipient held such funds in interest-bearing accounts, any interest earned on the funds shall also be due to the State Water Board.
 - (9) Recipient shall request its final disbursement no later than the Final Disbursement Request Date specified herein unless prior approval is granted by the Division. If the Recipient fails to do so, then the undisbursed balance of this Agreement will be deobligated.
 - (10) The Recipient agrees that it will not request a disbursement unless that cost is allowable, reasonable, and allocable.
 - (11) Notwithstanding any other provision of this Agreement, no disbursement shall be required at any time or in any manner that is in violation of or in conflict with federal or state laws, policies, or regulations.
 - (12) The Recipient agrees that it shall not be entitled to interest earned on undisbursed planning funds.
 - (13) Any reimbursement for necessary travel and per diem shall be at rates not to exceed those set by the California Department of Human Resources. These rates may be found at <http://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>. Reimbursement will be at the State travel and per diem amounts that are current as of the date costs are incurred

by the Recipient. No travel outside the State of California shall be reimbursed unless prior written authorization is obtained from the Grant Manager.

(14) The Recipient must include any other documents or requests required or allowed under this Agreement.

B-10. Withholding of Disbursements and Material Violations.

- (a) Notwithstanding any other provision of this Agreement, the Recipient agrees that the State Water Board may retain an amount equal to ten percent (10%) of the Project Funds until Project Completion. Any retained amounts due to the Recipient will be promptly disbursed to the Recipient, without interest, upon Project Completion.
- (b) The State Water Board may withhold all or any portion of the funds provided for by this Agreement in the event that:
 - (1) The Recipient has materially violated, or threatens to materially violate, any term, provision, condition, or commitment of this Agreement; or
 - (2) The Recipient fails to maintain reasonable progress toward Project Completion.

B-11. Remaining Balance.

In the event the Recipient does not request all of the funds encumbered under this Agreement, any remaining funds revert to the State.

B-12. Fraud and Misuse of Public Funds.

All requests for disbursement submitted shall be accurate and signed under penalty of perjury. Any and all costs submitted pursuant to this Agreement shall only be for the tasks set forth herein. The Recipient shall not submit any invoice containing costs that are ineligible or have been reimbursed from other funding sources unless required and specifically noted as such (i.e., match costs). Any eligible costs for which the Recipient is seeking reimbursement shall not be reimbursed from any other source. Double or multiple billing for time, services, or any other eligible cost is illegal and constitutes fraud. Any suspected occurrences of fraud, forgery, embezzlement, theft, or any other misuse of public funds may result in suspension of disbursements of Planning Funds and/or termination of this Agreement requiring the repayment of all funds disbursed hereunder. Additionally, the Deputy Director of the Division may request an audit and refer the matter to the Attorney General's Office or the appropriate district attorney's office for criminal prosecution or the imposition of civil liability. (Civ. Code, §§ 1572-1573; Pen. Code, §§ 470, 489-490.)

EXHIBIT C – STANDARD TERMS AND CONDITIONS

C-1. Accounting and Auditing Standards.

The Recipient must maintain Project accounts according to GAAP. The Recipient shall maintain GAAP-compliant Project accounts, including GAAP requirements relating to the reporting of infrastructure assets.

C-2. Amendment.

No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral or written understanding or agreement not incorporated in this Agreement is binding on any of the parties.

C-3. Assignability.

This Agreement is not assignable by the Recipient, either in whole or in part.

C-4. Audit.

- (a) The Division, at its option, may call for an audit of financial information relative to the Planning, where the Division determines that an audit is desirable to assure program integrity or where such an audit becomes necessary because of state or federal requirements. Where such an audit is called for, the audit shall be performed by a certified public accountant independent of the Recipient and at the cost of the Recipient. The audit shall be in the form required by the Division.
- (b) Audit disallowances will be returned to the State Water Board. Failure to comply with audit disallowance provisions shall disqualify the Recipient from participating in State Water Board funding programs.

C-5. [Reserved]

C-6. Claims.

Any claim of the Recipient is limited to the rights, remedies, and claims procedures provided to the Recipient under this Agreement.

C-7. Competitive Bidding

Recipient shall adhere to any applicable state or local ordinance for competitive bidding and applicable labor laws.

If Recipient is a private entity, any construction contracts related in any way to the Planning shall be let by competitive bid procedures that ensure award of such contracts to the lowest responsible bidders. Recipient shall not award a construction contract until a summary of bids and identification of the selected lowest responsible bidder is submitted to and approved in writing by the Division. Recipient must provide a full explanation if Recipient is proposing to award a construction contract to anyone other than the lowest responsible bidder.

C-8. Compliance with Law, Regulations, etc.

The Recipient agrees that it will, at all times, comply with and require its contractor and subcontractors to comply with all applicable federal and state laws, rules, guidelines, regulations, and requirements. Without limitation of the foregoing, the Recipient agrees that, to the extent applicable, the Recipient will:

- (a) Comply with the State Water Board's Guidelines;
- (b) Comply with and require compliance with the list of state laws (cross-cutters) in Section C-31 of this Agreement.

C-9. Conflict of Interest.

The Recipient certifies that its owners, officers, directors, agents, representatives, and employees are in compliance, and shall remain compliant through Project Completion, with applicable state and federal conflict of interest laws, including but not limited to laws related to conflict of interest laws related to contracting and procurement.

C-10. Damages for Breach Affecting Tax-Exempt Status or Federal Compliance

In the event that any breach of any of the provisions of this Agreement by the Recipient shall result in the loss of tax-exempt status for any bonds of the State or any subdivision or agency thereof, including bonds issued on behalf of the State Water Board, or if such breach shall result in an obligation on the part of the State or any subdivision or agency thereof to reimburse the federal government by reason of any arbitrage profits, the Recipient shall immediately reimburse the State or any subdivision or agency thereof in an amount equal to any damages paid by or loss incurred by the State or any subdivision or agency thereof due to such breach. In the event that any breach of any of the provisions of this Agreement by the Recipient shall result in the failure of Planning Funds to be used pursuant to the provisions of this Agreement, or if such breach shall result in an obligation on the part of the State or any subdivision or agency thereof to reimburse the federal government, the Recipient shall immediately reimburse the State or any subdivision or agency thereof in an amount equal to any damages paid by or loss incurred by the State or any subdivision or agency thereof due to such breach.

C-11. Disputes.

- (a) The Recipient may appeal a staff decision within 30 days to the Deputy Director of the Division or designee, for a final Division decision. The Recipient may appeal a final Division decision to the State Water Board within 30 days. The Office of the Chief Counsel of the State Water Board will prepare a summary of the dispute and make recommendations relative to its final resolution, which will be provided to the State Water Board's Executive Director and each State Water Board Member. Upon the motion of any State Water Board Member, the State Water Board will review and resolve the dispute in the manner determined by the State Water Board. Should the State Water Board determine not to review the final Division decision, this decision will represent a final agency action on the dispute.
- (b) This clause does not preclude consideration of legal questions, provided that nothing herein shall be construed to make final the decision of the State Water Board, or any official or representative thereof, on any question of law.
- (c) Recipient shall continue with the responsibilities under this Agreement during any dispute.

C-12. Financial Management System and Standards.

The Recipient agrees to comply with federal standards for financial management systems. The Recipient agrees that, at a minimum, its fiscal control and accounting procedures will be sufficient to permit preparation of reports required by the federal or state government and tracking of Planning funds to a level of expenditure adequate to establish that such funds have not been used in violation of federal or state law or the terms of this Agreement.

C-13. Governing Law.

This Agreement is governed by and shall be interpreted in accordance with the laws of the State of California.

C-14. Income Restrictions.

The Recipient agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Recipient under this Agreement shall be paid by the Recipient to the State, to the extent that they are properly allocable to costs for which the Recipient has been reimbursed by the State under this Agreement.

C-15. Indemnification and State Reviews.

The parties agree that review or approval of Project documents by the State Water Board is for administrative purposes only, including conformity with application and eligibility criteria, and expressly not for the purposes of design defect review or construction feasibility, and does not relieve the Recipient of its responsibility to engage in proper planning. To the extent permitted by law, the Recipient agrees to indemnify, defend, and hold harmless the State Water Board, and its officers, employees, and agents (collectively, "Indemnified Persons"), against any loss or liability arising out of any claim or action brought against any Indemnified Persons from and against any and all losses, claims, damages, liabilities, or expenses, of every conceivable kind, character, and nature whatsoever arising out of, resulting from, or in any way connected with (1) the Project or the conditions, occupancy, use, possession, conduct, or management of, work done in or about, or the planning, design, acquisition, installation, or construction, of the Project or any part thereof; (2) the carrying out of any of the transactions contemplated by this Agreement or any related document; (3) any violation of any applicable law, rule or regulation, any environmental law (including, without limitation, the Federal Comprehensive Environmental Response, Compensation and Liability Act, the Resource Conservation and Recovery Act, the California Hazardous Substance Account Act, the Federal Water Pollution Control Act, the Clean Air Act, the Toxic Substances Control Act, the Occupational Safety and Health Act, the Safe Drinking Water Act, the California Hazardous Waste Control Law, and California Water Code Section 13304, and any successors to said laws), rule or regulation or the release of any toxic substance on or near the System; or (4) any untrue statement or alleged untrue statement of any material fact or omission or alleged omission to state a material fact necessary to make the statements required to be stated therein, in light of the circumstances under which they were made, not misleading with respect to any information provided by the Recipient for use in any disclosure document utilized in connection with any of the transactions contemplated by this Agreement. To the fullest extent permitted by law, the Recipient agrees to pay and discharge any judgment or award entered or made against Indemnified Persons with respect to any such claim or action, and any settlement, compromise or other voluntary resolution. The provisions of this section shall survive the term of this Agreement and the discharge of the Recipient's Obligation hereunder.

C-16. Independent Actor.

The Recipient, and its agents and employees, if any, in the performance of this Agreement, shall act in an independent capacity and not as officers, employees, or agents of the State Water Board.

C-17. Integration.

This Agreement is the complete and final Agreement between the parties.

C-18. Non-Discrimination Clause.

- (a) During the performance of this Agreement, Recipient and its contractors and subcontractors 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, sexual

orientation, physical disability (including HIV and AIDS), mental disability, medical condition (cancer), age (over 40), marital status, denial of family care leave, or genetic information, gender, gender identity, gender expression, or military and veteran status.

- (b) The Recipient, its contractors, and subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment.
- (c) The Recipient, its contractors, and subcontractors shall comply with the provisions of the Fair Employment and Housing Act and the applicable regulations promulgated thereunder. (Gov. Code, §12990, subds. (a)-(f) et seq.; Cal. Code Regs., tit. 2, § 7285 et seq.) Such regulations are incorporated into this Agreement by reference and made a part hereof as if set forth in full.
- (d) The Recipient, its contractors, and subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.
- (e) The Recipient shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

C-19. No Third Party Rights.

The parties to this Agreement do not create rights in, or grant remedies to, any third party as a beneficiary of this Agreement, or of any duty, covenant, obligation, or undertaking established herein.

C-20. [Reserved]

C-21. Other Assistance.

If funding for Project Costs is made available to the Recipient from sources other than this Agreement and approved match sources, the Recipient shall immediately notify the Grant Manager.

C-22. Permits, Contracting, Disqualification.

The Recipient shall comply in all material respects with all applicable federal, state and local laws, rules and regulations. Recipient shall procure all permits, licenses and other authorizations necessary to accomplish the work contemplated in this Agreement, pay all charges and fees, and give all notices necessary and incidental to the due and lawful prosecution of the work.

For any work related to this Agreement, the Recipient shall not contract with any individual or organization on the State Water Board's List of Disqualified Businesses and Persons that is identified as debarred or suspended or otherwise excluded from or ineligible for participation in any work overseen, directed, funded, or administered by the State Water Board program for which funding under this Agreement is authorized. The State Water Board's List of Disqualified Businesses and Persons is located at http://www.waterboards.ca.gov/water_issues/programs/ustcf/dbp.shtml.

C-23. Public Records.

The Recipient acknowledges that, except for a subset of information regarding archaeological records, the Project records and locations are public records, including but not limited to all of the submissions accompanying the application, all of the documents incorporated by reference into this Agreement, and all reports, disbursement requests, and supporting documentation submitted hereunder.

C-24. Prevailing Wages.

The Recipient agrees to be bound by all applicable provisions of State Labor Code regarding prevailing wages. The Recipient shall monitor all agreements subject to reimbursement from this Agreement to ensure that the prevailing wage provisions of the State Labor Code are being met.

C-25. Professionals.

The Recipient agrees that only professionals with valid licenses in the State of California will be used to perform services under this Agreement where such services are called for. All technical reports required pursuant to this Agreement that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences shall be prepared by or under the direction of persons registered to practice in California. All technical reports must contain the statement of the qualifications of the responsible registered professional(s). Technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.

C-26. Public Funding.

This Project is publicly funded. Any service provider or contractor with which the Recipient contracts must not have any role or relationship with the Recipient, that, in effect, substantially limits the Recipient's ability to exercise its rights, including cancellation rights, under the contract, based on all the facts and circumstances.

C-27. Recipient's Responsibility for Work.

The Recipient shall be responsible for all work and for persons or entities engaged in work performed pursuant to this Agreement, including, but not limited to, contractors, subcontractors, suppliers, and providers of services. The Recipient shall be responsible for any and all disputes arising out of its contracts for work on the Project. The State Water Board will not mediate disputes between the Recipient and any other entity concerning responsibility for performance of work.

C-28. Records.

Without limitation of the requirement to maintain Project accounts in accordance with GAAP, the Recipient agrees to:

- (a) Establish an official file for the Project which shall adequately document all significant actions relative to the Project;
- (b) Establish separate accounts which will adequately and accurately depict all amounts received and expended on the Project, including all assistance funds received under this Agreement;
- (c) Establish separate accounts which will adequately depict all income received which is attributable to the Project, specifically including any income attributable to assistance funds disbursed under this Agreement;
- (d) Establish an accounting system which will accurately depict final total costs of the Project, including both direct and indirect costs. **Indirect Costs are not eligible for funding under this Agreement;**
- (e) Establish such accounts and maintain such records as may be necessary for the State to fulfill federal reporting requirements, including any and all reporting requirements under federal tax statutes or regulations; and

- (f) If Force Account is used by the Recipient for the Project, accounts will be established which reasonably document all employee hours charged to the Project and the associated tasks performed by each employee.
- (g) Maintain separate books, records and other material relative to the Project.
- (h) Retain such books, records, and other material for itself and for each contractor or subcontractor who performed work on this Project for a minimum of thirty-six (36) years after Work Completion. The Recipient shall require that such books, records, and other material be subject at all reasonable times (at a minimum during normal business hours) to inspection, copying, and audit by the State Water Board, the Bureau of State Audits, the Internal Revenue Service, the Governor, or any authorized representatives of the aforementioned, and shall allow interviews during normal business hours of any employees who might reasonably have information related to such records. The Recipient agrees to include a similar right regarding audit, interviews, and records retention in any subcontract related to the performance of this Agreement. The provisions of this section shall survive the term of this Agreement.

C-29. Related Litigation.

A Recipient is prohibited from using funds from any disbursement under this Agreement to pay costs associated with any litigation the Recipient pursues. Regardless of whether the Project or any eventual construction project is the subject of litigation, the Recipient agrees to complete the Project funded by the Agreement or to repay all Project Funds plus interest to the State Water Board.

C-30. Rights in Data.

The Recipient agrees that all data, plans, drawings, specifications, reports, computer programs, operating manuals, notes, and other written or graphic work produced in the performance of this Agreement are subject to the rights of the State as set forth in this section. The State shall have the right to reproduce, publish, and use all such work, or any part thereof, in any manner and for any purposes whatsoever and to authorize others to do so. If any such work is copyrightable, the Recipient may copyright the same, except that, as to any work which is copyrighted by the Recipient, the State reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, and use such work, or any part thereof, and to authorize others to do so, and to receive electronic copies from the Recipient upon request.

C-31. State Cross-Cutter Compliance.

Recipient represents and certifies that, to the extent applicable, it is in compliance with the following conditions precedent and agrees that it will continue to maintain compliance during the term of this Agreement:

- (a) State Water Board's Drought Emergency Water Conservation regulations. Title 23, article 22.5 of the California Code of Regulations. The Recipient will include a discussion of its implementation in Progress Reports submitted pursuant to this Agreement.
- (b) California Environmental Quality Act (CEQA). Implementation and construction activities must comply with CEQA and potentially other environmental review requirements, including the National Environmental Policy Act (NEPA). Proceeding with work subject to CEQA and/or NEPA without environmental clearance by the State Water Board shall constitute a breach of a material provision of this Agreement.
- (c) Water Code section 5103, subdivision (e)(2)(A). If Recipient is a water diverter, Recipient must maintain compliance by submitting monthly diversion reports to the Division of Water Rights of the State Water Resources Control Board.

- (d) Labor Code sections 1725.5 and 1771.1. To bid for public works contracts, Recipient acknowledges that Recipient and Recipient's subcontractors must register with the Department of Industrial Relations.
- (e) Water Code sections 526 and 527. If Recipient is an urban water supplier as defined by Water Code, it shall have complied and maintain compliance with sections 526 and 527 of the Water Code relating to installation of meters and volumetric charging.
- (f) Urban Water Management Planning Act (Water Code, § 10610 et seq.). If Recipient is an "urban water supplier" as defined by Water Code section 10617, the Recipient certifies that it has submitted an Urban Water Management Plan that has been deemed complete by the Department of Water Resources and is in compliance with that plan. This shall constitute a condition precedent to this Agreement.
- (g) Urban Water Demand Management Water Code section 10631.5, subdivision (a)(1). If Recipient is an "urban water supplier" as defined by Water Code section 10617, Recipient certifies that it is implementing water demand management measures approved by the Department of Water Resources.
- (h) Delta Plan Consistency Findings. Water Code section 85225 and California Code of Regulations, title 23, section 5002. If Recipient is a state or local public agency and the proposed action is covered by the Delta Plan, Recipient will submit a certification of project consistency with the Delta Plan to the Delta Stewardship Council prior to undertaking the implementation/construction project associated with this Project.
- (i) Agricultural Water Management Plan Consistency. A Recipient that is an agricultural water supplier as defined by section 10608.12 of the Water Code must comply with the Agricultural Water Management Planning Act. (Wat. Code, § 10800 et seq.)
- (j) Charter City Project Labor Requirements. Labor Code section 1782 and Public Contract Code section 2503:

(1) Prevailing Wage

Where Recipient is a charter city or a joint powers authority that includes a charter city, Recipient certifies that no charter provision nor ordinance authorizes a construction project contractor not to comply with Labor Code's prevailing wage rate requirements, nor, within the prior two years (starting from January 1, 2015 or after) has the city awarded a public works contract without requiring the contractor to comply with such wage rate requirements according to Labor Code section 1782.

(2) Labor Agreements

Where Recipient is a charter city or a joint powers authority that includes a charter city, Recipient certifies that no charter provision, initiative, or ordinance limits or constrains the city's authority or discretion to adopt, require, or utilize project labor agreements that include all the taxpayer protection antidiscrimination provisions of Public Contract Code section 2500 in construction projects, and that Recipient is accordingly eligible for state funding or financial assistance pursuant to Public Contract Code section 2503.

C-32. State Water Board Action; Costs and Attorney Fees.

The Recipient agrees that any remedy provided in this Agreement is in addition to and not in derogation of any other legal or equitable remedy available to the State Water Board as a result of breach of this Agreement by the Recipient, whether such breach occurs before or after completion of the Project, and exercise of any remedy provided by this Agreement by the State Water Board shall not preclude the State Water Board from pursuing any legal remedy or right which would otherwise be available. In the event of litigation between the parties hereto arising from this Agreement, it is agreed that each party shall bear its own costs and attorney fees.

C-33. Termination; Immediate Acceleration; Interest.

- (a) This Agreement may be terminated at any time prior to the End Date set forth on the cover and in Exhibit B, at the option of the State Water Board, upon violation by the Recipient of any material provision of this Agreement after such violation has been called to the attention of the Recipient and after failure of the Recipient to bring itself into compliance with the provisions of this Agreement within a reasonable time as established by the Division.
- (b) In the event of such termination, the Recipient agrees, upon demand, to immediately repay to the State Water Board an amount equal to Project Funds disbursed hereunder, accrued interest, penalty assessments, and Additional Payments. In the event of termination, interest shall accrue on all amounts due at the highest legal rate of interest from the date that notice of termination is mailed to the Recipient to the date all monies due have been received by the State Water Board.

C-34. Timeliness.

Time is of the essence in this Agreement.

C-35. Unenforceable Provision.

In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

C-36. Venue.

The State Water Board and the Recipient hereby agree that any action arising out of this Agreement shall be filed and maintained in the Superior Court in and for the County of Sacramento, California.

C-37. Waiver and Rights of the State Water Board.

Any waiver of rights by the State Water Board with respect to a default or other matter arising under the Agreement at any time shall not be considered a waiver of rights with respect to any other default or matter.

Any rights and remedies of the State Water Board provided for in this Agreement are in addition to any other rights and remedies provided by law.

EXHIBIT D — SPECIAL CONDITIONS

Recipient acknowledges and agrees to the following special conditions:



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 25, 2016

Subject: Claims

RECOMMENDATION(S):

DENY claims filed by AMCO Insurance Co. a/s/o Jacob Block, CSAA Insurance Exchange, Deandre Lewis, Livienne Manguera and Lida Behnam.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

*

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

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: Sharon L. Anderson, County Counsel
Date: October 25, 2016

Subject: Public report of litigation settlement agreements that became final during the period of September 1, 2016, through September 30, 2016.

RECOMMENDATION(S):

RECEIVE public report of litigation settlement agreements that became final during the period of September 1, 2016, through September 30, 2016, as recommended by County Counsel.

FISCAL IMPACT:

Settlement amounts are listed below.

BACKGROUND:

Two agreements to settle pending litigation, as defined in Government Code section 54956.9, became final during the period of September 1, 2016, through September 30, 2016.

1. Patricia Villalon v. County of Contra Costa, et al., CCC Superior Court Case No. C15-01660. On September 20, 2016, the Board approved settlement of this lawsuit arising out of an automobile accident. Settlement in the amount of \$63,000, inclusive of attorneys fees and costs, was authorized in closed session by a 3-0 vote, Supervisors Piepho and Mitchoff absent. The settlement agreement was fully executed on September 20, 2016. The funding source is the Risk Management Liability Internal Service Fund.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Thomas Geiger, 925
335-1800

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

By: , Deputy

cc: Thomas Geiger, Assistant County Counsel, Sharon Hymes-Offord, Risk Manager

BACKGROUND: (CONT'D)

2. On September 13, 2016, the Board approved a settlement agreement in the amount of \$50,000 with Chad Godoy. The settlement agreement, which was authorized in closed session by a 5-0 vote, was fully executed on September 13, 2016.

This report includes final settlements of litigation matters handled by the Office of the County Counsel. This report does not include litigation settlements that were reported by the Risk Management Division of the County Administrator's Office as a consent item on the Board's open session agenda.

CONSEQUENCE OF NEGATIVE ACTION:

The report would not be accepted.



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 25, 2016

Subject: ACCEPT Board Members meeting reports for September 2016

RECOMMENDATION(S):

ACCEPT Board members meeting reports for September 2016.

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. District V had nothing to report for the month of September 2016.

CONSEQUENCE OF NEGATIVE ACTION:

The Board of Supervisors will not be in compliance with Government Code 53232.3(d).

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 10/25/2016 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: October 25, 2016

Contact: Joellen Balbas
925.335.1906

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

By: , Deputy

cc:

ATTACHMENTS

District II September 2016 Report

District III September 2016
Report

District I September 2016 Report

District IV September 2016

Supervisor Candace Andersen – Monthly Meeting Report *Septembe 2016*

Date	Meeting	Location
2	County Connection	Danville
6	Sales Tax Meeting	San Ramon
7	Traffix	Danville
8	Retirement Seminar	Sacramento
9	Joint Conf Committee	Martinez
12	Family & Human	Martinez
12	SWAT	Danville
13	Board of Supervisors	Martinez
14	CCCERA	Concord
14	LAFCO	Martinez
15	CCCTA	Concord
15	CSAC Institute	Martinez
15	ABAG	San Francisco
16	East Bay Leadership	Concord
19	Alamo Liaison	Danville
20	Board of Supervisors	Martinez
20	Traffix	Danville
21	Alamo Rotary	Alamo
21	Sustainable Awards	Concord
22	CCCSWA Workshop	Walnut Creek
23	JPA Meeting	Walnut Creek
26	Public Protection	Martinez
26	Internal Operations	Martinez
27	Board of Supervisors	Martinez

Supervisor Mary Nejedly Piepho - September 2016 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
1-Sep	Constituent Phone Meeting	Brentwood	Business Meeting
8-Sep	Constituent Phone Meeting	Brentwood	Business Meeting
8-Sep	Phone Meeting with Chief Carman, Con Fire	Brentwood	Business Meeting
8-Sep	East Contra Costa Regional Fee & Finance Authority Meeting	Antioch	Business Meeting
8-Sep	State Route 4 Bypass Authority Meeting	Antioch	Business Meeting
9-Sep	Delta Counties Coalition Conference Call	Brentwood	Business Meeting
13-Sep	Board of Supervisors Meeting	Martinez	Business Meeting
13-Sep	Contra Costa County Fire Protection District Meeting	Martinez	Business Meeting
13-Sep	Housing Authority Meeting	Martinez	Business Meeting
13-Sep	Phone Meeting with County Staff	Martinez	Business Meeting
14-Sep	Phone Meeting with Executive Director, Erik Vink, Delta Protection Commission	Martinez	Business Meeting
14-Sep	Meeting with County Staff	Martinez	Business Meeting
14-Sep	Meeting with Supervisor Federal Glover and County Staff	Martinez	Business Meeting
14-Sep	LAFCO Meeting	Martinez	Business Meeting
15-Sep	Meeting with Ranch Record, Board Chairman for Metropolitan Water District, Supervisor Karen Mitchoff and Executive Director, Erik Vink from Delta Protection Commission	Brentwood	Business Meeting
15-Sep	Delta Protection Commission Meeting	Stockton	Business Meeting
21-Sep	Constituent Meeting	Brentwood	Business Meeting
21-Sep	Meeting with Vin Rover, BALT	Brentwood	Business Meeting
21-Sep	Meeting with Hazardous Materials Commission	Brentwood	Business Meeting

21-Sep	Marsh Creek Multi-Use Trail Meeting	Clayton	Business Meeting
22-Sep	and Delta Stewardship Council Board Member	Fairfield	Business Meeting
27-Sep	* Phone Meeting with Delta Protection Commission and County Staff re: Delta Stewardship Council	Martinez	Business Meeting
27-Sep	Board of Supervisors Meeting	Martinez	Business Meeting
27-Sep	Meeting with County Administrator David Twa	Martinez	Business Meeting
27-Sep	Video Interview for Conservation and Development	Antioch	Community Outreach
27-Sep	Aquatic Weed and Blue-Green Algae Town Hall Meeting	Discovery Bay	Community Outreach
28-Sep	* Phone Meeting with Delta Stewardship Council Staff	Brentwood	Business Meeting
28-Sep	Cortopassi Family Foundation "Wetland Happening"	Lodi	Community Outreach
29-Sep	* Delta Stewardship Council Meeting	Sacramento	Business Meeting
30-Sep	* Delta Stewardship Council Meeting	Sacramento	Business Meeting
30-Sep	Groundbreaking Celebration of Byron Family Park	Byron	Community Outreach

* Reimbursement may come from an agency other than Contra Costa County

Supervisor John Gioia

September – 2016 Monthly Meeting Statement

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.).

Supervisor did not seek reimbursement from the County for any meetings that he attended in his capacity as a County Supervisor during the month of September, 2016.

**Supervisor Karen Mitchoff
September 2016**

DATE	MEETING NAME	LOCATION	PURPOSE
9/7/2016	BAAQMD Meeting	San Francisco	Decisions on agenda items
9/7/2016	Delta Counties Coalition In Person Meeting	Sacramento	Water Advocacy
9/8/2016	TRANSPAC	Pleasant Hill	Decisions on agenda items
9/8/2016	Pleasant Hill Rotary Meeting	Pleasant Hill	Community Outreach
9/8/2016	PHRPD General Manager Meet and Greet	Pleasant Hill	Community Outreach
9/9/2016	CCHP JCC Meeting	Martinez	Decisions on agenda items
9/9/2016	ABAG Finance and Personnel Committee	San Francisco	Decisions on agenda items
9/11/2016	CCCFPD 9/11 Remembrance	Clayton	Community Outreach
9/13/2016	Board of Supervisors Meeting	Martinez	Decisions on agenda items
9/14/2016	ABAG Regional Planning Committee	San Francisco	Decisions on agenda items
9/14/2016	Concord Diablo Rotary	Concord	Community Outreach
9/15/2016	ABAG Executive Board Meeting	San Francisco	Decisions on agenda items
9/16/2016	Delta Counties Coalition Outreach Event	Sacramento	Water Advocacy
9/20/2016	Board of Supervisors Meeting	Martinez	Decisions on agenda items
9/21/2016	BAAQMD Meeting	San Francisco	Decisions on agenda items
9/21/2016	CCTA Board Meeting	Walnut Creek	Decisions on agenda items
9/22/2016	BAAQMD Mobile Source Meeting	San Francisco	Decisions on agenda items
9/22/2016	CCCSWA Board Meeting	Walnut Creek	Decisions on agenda items
9/22/2016	CCAR Legislative Reception	Walnut Creek	Community Outreach
09/23/16	Pleasant Hill BART Station Leasing Authority Meeting	Walnut Creek	Decisions on agenda items
09/24/16	Pleasant Hill Community Service Day	Pleasant Hill	Community Outreach
09/24/16	Pleasant Hill Farmer's Market Storytime	Pleasant Hill	Community Outreach
09/24/16	Concord Seniors' Hawaiian Fusion	Concord	Community Outreach
09/27/16	Board of Supervisors Meeting	Martinez	Decisions on agenda items
9/28/2016	Delta Conservancy	Walnut Grove	Water Advocacy
9/29/2016	Nor Cal CCIM Broker Forum	Pleasant Hill	Community Outreach

**Supervisor Karen Mitchoff
September 2016**

9/30/2016 Labor to Labor Dinner Moraga Community Outreach



Contra
Costa
County

To: Board of Supervisors
From: Candace Andersen, District II Supervisor
Date: October 25, 2016

Subject: Resolution recognizing Samuel L. Shankland, Chess Champion

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

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

Contact: Lauri
957-8860

By: , Deputy

cc:

ATTACHMENTS

Resolution No.
2016/563

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

In the matter of:
recognizing Samuel L. Shankland, Chess Champion.

Resolution No. 2016/563

Whereas, Samuel L. Shankland, son of Contra Costa County Superior Court Judge Leslie G. Landau was born in Berkeley, on October 1, 1991, and learned to play chess at the age of 6, but didn't play in his first tournament until the age of 10, receiving his early chess education from the Berkeley Chess School; and

Whereas, Sam began his rise to prominence in 2008, winning the Pacific Coast Open and the California State Championship. He made his international debut at the [World Youth Chess Championship](#) under-18 section, where he tied for first place; and

Whereas, In January, 2011, Sam earned the title of [Grandmaster](#) at the Berkeley International, he finished third in the 2011 [U.S. Chess Championship](#), in a playoff game, resulting in qualifying him for the 2011 [FIDE World Cup](#); in the [2011 World Cup](#), Sam defeated Hungarian super-grandmaster [Peter Leko](#) in the first round, but lost to [Abhijeet Gupta](#) in the second. Sam's victory over Leko in the first round was the biggest upset of the tournament; and

Whereas, In 2013, Sam made his debut for the US national team at the Pan-American Team Championship in [Campinas](#), Brazil, leading them to victory with a performance rating over 2800; At the [41st Chess Olympiad](#) in [Norway](#), Shankland took home gold for his performance as a reserve player. Going undefeated, he scored 9 points out of 10 games. On December 14, 2014, Sam broke into the top 100 chess players worldwide; and

Whereas, in September, 2016, Sam and the United States team bested 170 teams and won the 42nd World Chess Olympiad in Baku, Azerbaijan. At the closing ceremony they received the gold medals and Sam raised the Hamilton-Russell trophy that travels with every winning team until the next Olympiad.

Now, Therefore, Be It Resolved that the Contra Costa County Board of Supervisors does hereby honor and congratulate SAM SHANKLAND on his remarkable and highly impressive Chess career.

CANDACE ANDERSEN

Chair,
District II Supervisor

JOHN GIOIA
District I 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: October 25, 2016

David J. Twa,

By: _____, Deputy



Contra
Costa
County

To: Board of Supervisors
From: John Gioia, District I Supervisor
Date: October 25, 2016

Subject: Celebrating Planned Parenthood's 100 years of service

FISCAL
IMPACT:

None

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: James Lyons,
510-231-8692

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

By: , Deputy

cc:

ATTACHMENTS

Resolution No.

2016/597

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

In the matter of:

Resolution No. 2016/597

Commemorating 100 years of health care services provided by Planned Parenthood

Whereas, on October 16, 1916, Margaret Sanger, her sister Ethel Byrne, and their activist friend Fania Mindell opened the first birth control clinic in the United States in Brooklyn, New York, a groundbreaking and revolutionary act for women at that time; and

Whereas, their clinic was founded on the idea that women should have the information and care they need to live strong, healthy lives and fulfill their dreams; and

Whereas, in 1922, Margaret Sanger incorporated the American Birth Control League and in 1923 opened the first legal birth control center in the United States, the Birth Control Clinical Research Bureau, two organizations that would later merge to become Planned Parenthood Federation of America; and

Whereas, leading up to 1916, the two most common causes of death for women of childbearing age in the United States were tuberculosis and complications from pregnancy and childbirth; and

Whereas, over the past 100 years, gains in access to birth control, safe and legal abortion, and other reproductive health services have improved and transformed the lives of women, men, and young people in the United States and around the world; and

Whereas, for the past century, Planned Parenthood has helped lead massive changes in health care and civil rights and has empowered millions of adults and young people worldwide to make informed health decisions, transforming the way they live, love, learn, and work; and

Whereas, Planned Parenthood has been at the forefront of fights for social change, including when the executive director of Planned Parenthood League of Connecticut challenged a law preventing the distribution of birth control, leading to the landmark 1964 Supreme Court ruling in *Griswold v. Connecticut*, 379 U.S. 926, which finally allowed married women across the country to have legal access to birth control; and

Whereas, Planned Parenthood has continued to fight so that access to legal birth control could be a reality for *all* women, regardless of their marital status, economic status, race, ethnicity, or sexual orientation; and

Whereas, Planned Parenthood health care providers and staff have played important roles in increasing access to safe and legal abortion, and have successfully advocated for measures that increase access to birth control, including the Affordable Care Act requirement that private insurance plans provide coverage for birth control with no-out-of-pocket costs; and

Whereas, many leaders, including those in the domestic and global reproductive health, rights, and justice communities, have worked alongside Planned Parenthood in accomplishing these achievements and have been critical in pushing the work forward; and

Whereas, the expanded availability of birth control has been widely recognized as providing one of the biggest economic advancements for women in history; and

Whereas, changes in women's access to reproductive health care have led to cultural shifts: in the United States, women are now nearly half the workforce, the sole or primary breadwinners in 40 percent of homes, and more than half of the college students; and

Whereas, from the single Brooklyn clinic in 1916, Planned Parenthood has grown to approximately 650 Health Centers across the United States, with partners in a dozen countries in Africa and Latin America; and

Whereas, today Planned Parenthood proudly provides high-quality, affordable health care, with 90 percent of services provided being preventive health care for adults and young people; and

Whereas, Planned Parenthood is the largest provider of sex education in the United States; and

Whereas, an estimated 1 in 5 women in the United States have been to a Planned Parenthood Health Center for care at some point in their lives and, for many people, a Planned Parenthood Health Center may be the only place they can turn to for health care; and

Whereas, in a single year, Planned Parenthood Health Centers provide sexual and reproductive health care, education, information, and outreach to 2,500,000 people in the United States and almost 2,000,000 adults and young people globally through its global programs and partnerships, and over 72,000,000 people visit Planned Parenthood’s website; and

Whereas, in the past 10 years, Planned Parenthood has nearly doubled services for male patients and expanded services for LGBTQIA communities; and

Whereas, Planned Parenthood Northern California provided reproductive health care services to more than 100,000 clients, most of whom have no access to any other medical provider, over the course of 200,000 health care visits at 23 locations across Northern California from 2015 to 2016; and

Whereas, Planned Parenthood Northern California’s trusted community services and education staff provided compassionate care to nearly 55,000 clients; and

Whereas, Planned Parenthood Northern California’s 40,000 passionate supporters count on our advocacy to protect and expand sexual and reproductive rights, and to connect with them on reproductive justice; and

Whereas, Planned Parenthood Northern California began offering high-quality health services in Contra Costa County in the 1960’s with just one health center in Walnut Creek; and

Whereas, Planned Parenthood Northern California today operates eight health centers in Contra Costa County, some of them providing prenatal services and primary limited care, serving over 41,100 unduplicated clients each year; and

Whereas, Planned Parenthood Northern California provided 58,791 tests and treatments for sexually transmitted infections, including HIV, to Contra Costa County residents from 2015 to 2016; and

Whereas, Planned Parenthood Northern California’s education and outreach programs deliver accurate information, sexuality and family planning education to 3,400 students and community members in Contra Costa County through educational workshops and community outreach activities each year; and

Whereas, Planned Parenthood’s commitment to offer care and resources has grown over the past century and is stronger than ever as it enters into its second century; now, therefore, be it

the County of Contra Costa Board of Supervisors (1) supports the wide-ranging preventive services that Planned Parenthood doctors, nurses, and staff provide every day to people across the United States and in Contra Costa County; (2) recognizes that Planned Parenthood is a safety-net provider that reaches medically underserved people who are critically in need of compassionate care; (3) declares that Planned Parenthood should not be defunded, attacked, or discriminated against for providing safe, legal abortion; and (4) affirms that Planned Parenthood remains an essential thread in the fabric of society, and it will be key in the next century to assisting millions of women, men, and young people in accessing the health care they need and deserve, no matter who they are or where they live.

CANDACE ANDERSEN
Chair,
District II Supervisor

JOHN GIOIA
District I 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: October 25, 2016

David J. Twa,

By: _____, Deputy



Contra
Costa
County

To: Board of Supervisors
From: Candace Andersen, District II Supervisor
Date: October 25, 2016

Subject: Resolution honoring the East Bay Leadership Council's Philanthropy Awards Honorees.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Lauri Byers, (925)
957-8860

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

By: , Deputy

cc:

ATTACHMENTS

Resolution No.
2016/571

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

In the matter of:

Resolution No. 2016/571

recognizing the East Bay Leadership Council's Philanthropy Awards honorees.

the East Bay Leadership Council annually honors local individuals, non-profits, and corporations for their contributions to the community; and

WHEREAS, the Outstanding Corporate Philanthropy Honoree for corporations of 100 - 499 employees is Mechanics Bank, being recognized for hundreds of contributions totaling well over \$500,000 in 2015 and thousands of hours of volunteerism in support of local nonprofits focused in part on affordable housing, economic development, and the arts; and

WHEREAS, the Outstanding Corporate Philanthropy Honoree for corporations of 1 to 99 employees is Litman Gregory Asset Management, being recognized for their selfless giving of time and resources to alleviate and prevent homelessness in the East Bay; and

WHEREAS, the Outstanding Philanthropist Honoree is Sharon Simpson, being recognized for her passion and unending dedication as a model philanthropist, without whom the California Symphony would be unable to enrich the East Bay with incredible musical experiences and community outreach; and

WHEREAS, the Outstanding Foundation or Community Grant Maker Honoree is the Richmond Community Foundation, being recognized for a grant making strategy that builds capacity for local nonprofits, connects community stakeholders to increase collective impact, and ensures that funds are contributed where they will make the biggest difference on Contra Costa County communities; and

WHEREAS, the Outstanding Collaborative Project Honoree is the Contra Costa County Zero Tolerance for Domestic Violence Initiative / Family Justice Alliance, being recognized for their public-private collaboration that helps communities use existing resources in new ways to ensure easier access to high-quality services, build safer and healthier communities, and create violence-free futures; and

WHEREAS the Outstanding Volunteer of the Year Honoree is Susan Woolwine, being recognized for her service with the Court Appointed Special Advocates (CASA) of Contra Costa County where she has donated over 10,000 hours of her time over the past 24 years and impacted the lives of countless children in foster care and their families; and

WHEREAS the Next Generation Philanthropist Honoree is Breezy Bochenek, being recognized for bringing awareness to the Challenged Athletes Foundation and Rooms for Hope by sharing her experience with others and providing hope for those fighting childhood illness and disabilities; and

WHEREAS the Lifetime Achievement Honoree is Jim Noe, being recognized for his several lifetimes worth of leadership to St. Vincent de Paul of Contra Costa County where he has generously supported efforts to help local residents build careers, open a free dining room that serves 31,000 meals per year, and literally helped build a Family Resource Clinic with his own two hands and considerable leadership.

that the Board of Supervisors of Contra Costa County does hereby honor the recipients of the East Bay Leadership Council's 2016 Philanthropy Awards for their outstanding contributions to our community.

CANDACE ANDERSEN

Chair,
District II Supervisor

JOHN GIOIA

District I 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: October 25, 2016

David J. Twa,

By: _____, Deputy



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: OCTOBER 23 – 29, 2016 as Lead Poisoning Prevention Week

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Dan Peddycord,
925-313-6712

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

By: , Deputy

cc: Tasha Scott, M Wilhelm, Gail Doyle

ATTACHMENTS

Resolution No.
2016/582

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

In the matter of:

Resolution No. 2016/582

PROCLAIMING OCTOBER 23 – 29, 2016 AS “LEAD POISONING PREVENTION WEEK”

WHEREAS, Contra Costa County recognizes the importance of healthy homes and a safe environment for all of our children and families; and
WHEREAS, an important part of ensuring a safe environment is preventing Contra Costa children from being poisoned by lead in their homes or community; and
WHEREAS, lead poisoning tends to have few or no early visible symptoms and often goes undetected; and
WHEREAS, lead poisoning can have devastating effects, especially for children, ranging from cognitive and behavioral disorders to delayed growth and learning disabilities; and
WHEREAS, Contra Costa children may be exposed to lead from deteriorated lead-based paint and contaminated soil, and from other sources, such as lead brought home from the workplace, cultural sources, various consumer products, and historic environmental contamination; and
WHEREAS, the State of California has recognized that children are harmed by even low levels of lead and enabled the Contra Costa Lead Poisoning Prevention Project to offer services to these children; and
WHEREAS, to keep our children safe and healthy, all children under the age of six should be assessed for lead exposure, at-risk children should receive blood tests for lead; and lead hazards must be identified and removed from a child’s environment; and
WHEREAS, lead poisoning is preventable through greater awareness of the many sources of lead; using lead-safe work practices when disturbing lead-based paint; and ensuring that children have a healthy diet and access to health care; and
WHEREAS, Contra Costa County’s Lead Poisoning Prevention Project (LPPP) has been working effectively since 1993 to reduce the number of lead poisoned children in Contra Costa through outreach, education, and early intervention services; and
WHEREAS, some of the nearly 10,000 Contra Costa children screened each year are still exposed to the dangers of lead.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors proclaims October 23 - 29, 2016 as Lead Poisoning Prevention Week in Contra Costa County, to increase awareness and prevention of lead poisoning and to advance the elimination of lead from our homes, consumer products, and the environment.

CANDACE ANDERSEN

Chair,
District II Supervisor

JOHN GIOIA

District I 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: October 25, 2016

David J. Twa,

By: _____, Deputy



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: October 25, 2016

Subject: Recognize Walnut Creek Intermediate School's contributions to the first Creek and Channel Safety Awareness Week.
(District IV)

RECOMMENDATION(S):

ADOPT Resolution No. 2016/583 recognizing Walnut Creek Intermediate School for their contributions towards developing the County’s first Creek and Channel Safety Awareness Week, held October 19–23, 2015.

FISCAL IMPACT:

No fiscal impact

BACKGROUND:

On March 1, 2011, the Board of Supervisors directed the Contra Costa County Flood Control and Water Conservation District (FC District) to develop a sustainable and impactful outreach program to promote creek and channel safety throughout the County, after the drowning of two high school students in the Walnut Creek channel. In response, the FC District formed a Creek and Channel Safety Awareness Program (CCSAP) team that developed a strategy to achieve this goal.

Over a year ago, District staff approached Walnut Creek Intermediate School administration regarding a partnership to have a team of students develop a week long outreach program with the “Stay Out, Stay Alive!” message. They agreed, allowing us to work with their leadership

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Tim Jensen, (925)
313-2390

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

By: , Deputy

cc: David Twa, County Administrator, Betsy Burkhart, CCTV, Mike Carlson, Public Works Deputy Director, Carrie Ricci, Public Works Deputy Director, Tim Jensen, Flood Control, Catherine Windham, Flood Control

BACKGROUND: (CONT'D)

class to help develop and implement events for students that would raise student awareness of the “Stay Out, Stay Alive!” campaign. The highly successful program engaged hundreds of students in such activities as a poster competition and trivia contest, and it received positive local news coverage including several student interviews. This occurred the week of October 19–23, 2015 as part of our annual Creek and Channel Safety Month.

We thought it would be appropriate to have this recognition during our annual October event of Creek and Channel Safety Awareness Month.

Walnut Creek Intermediate School has invited us back to be involved in their own Creek and Channel Safety Awareness Week, which will be held the week of October 31 to November 4, 2016.

The Chief Engineer, FC District, recommends that the Board adopt a resolution recognizing Walnut Creek Intermediate School for their contributions towards developing the County’s first Creek and Channel Safety Awareness Week, held October 19–23, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this Resolution is not adopted, the Walnut Creek Intermediate School's efforts to get the CCSAP message out will not be recognized.

CHILDREN'S IMPACT STATEMENT:

The Flood Control District will continue to work with the schools and youth-based groups within the County to educate children about safety regarding creeks and flood control channels.

ATTACHMENTS

Resolution No. 2016/583

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

In the matter of:

Resolution No. 2016/583

Recognizing Walnut Creek Intermediate School for their contributions towards developing the County's first Creek and Channel Safety Awareness Week, held October 19–23, 2015.

WHEREAS, on March 1, 2011, the Board of Supervisors directed the County Public Works Department and Contra Costa County Flood Control and Water Conservation District (FC District) to pursue a sustainable outreach program to educate the public on the benefits and dangers of creeks and channels; and

WHEREAS, continued education to the public about creeks and channels has been determined as the best way to keep citizens safe and avoid future tragedies; and

WHEREAS, the Creek and Channel Safety Awareness Program (CCSAP) is now being implemented Countywide, and reaching middle and high school students with this message is critical, yet difficult; and

WHEREAS, the Walnut Creek Intermediate School has student leadership who are encouraged to engage in real world problems that affect students today; and

WHEREAS, the leadership students worked with the FC District staff to develop an age appropriate safety week explaining the benefits and dangers of flood control channels and presenting the "Stay Out, Stay Alive" message; and

WHEREAS, the highly successful program engaged hundreds of students in such activities as a poster competition and trivia contest, and it received positive local news coverage, including several student interviews. This occurred the week of October 19–23, 2015 as part of our annual Creek and Channel Safety Month.; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County does hereby recognize Walnut Creek Intermediate School for their contributions in developing the County's first CCSAP safety awareness week.

CANDACE ANDERSEN

Chair,
District II Supervisor

JOHN GIOIA
District I 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: October 25, 2016

David J. Twa,

By: _____, Deputy



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 25, 2016

Subject: Arts and Culture Commission of Contra Costa County 2016 Art Recognition Awards

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/25/2016** 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: October 25, 2016

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

Contact: Enid Mendoza,
925-335-1039

By: , Deputy

cc:

ATTACHMENTS

Resolution No.
2016/616

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

In the matter of:

Resolution No. 2016/616

Honoring the winners of the Arts and Culture Commission of Contra Costa County 2016 Arts Recognition Awards

Whereas, the Richmond RYSE Center, Sylvia Amorino and Solo Opera, Michael and Shannon Demers, Jay Bedecarre, and Lawrence Kohl have each advanced the appreciation of the Arts in Contra Costa County; and

Whereas, Richmond RYSE Center Performing Arts works with youth from the City of Richmond; the youth have written, directed and performed multi-media plays dealing with violence, drugs and crime creating a platform for Richmond youth to share their own stories, pain, joy and dreams; and has provided a safe space for them to come together with the community through expressive media and art; and

Whereas Sylvia Amorino, founder and Artistic Director of Solo Opera runs the day-to-day business of the Solo Opera, has worked with Cantabella Children's Chorus and Contra Costa Children's chorus to perform operas that include children and teens that help teach audiences, adults and children alike about social aspects of living in Contra Costa County; and

Whereas, Michael and Shannon Demers, known throughout the performing arts community as the backbone of Contra Costa Musical Theatre, who are celebrating their 56th year of performing quality productions in the Diablo Valley area, and have shared their talents and skills to productions teams, casts and crews for a collective 70 years; and have supported and mentored many of the performing arts organizations throughout the area including Diablo Theatre Company, Fantasy Forum Actors Ensemble, Chevron Family Theatre Festival, and Diablo Regional Arts Association Annual "On Broadway"; and

Whereas, Jay Bedecarre has been involved in the Contra Costa County art scene since 1974; was the Marketing Director for the Concord Pavilion for the first 12 years, booking regional performing arts groups including as San Francisco and Oakland symphonies, Oakland and San Francisco ballets, and world famous acts such as New York Philharmonic with Leonard Bernstein, Rudolf Nureyev, Jose Greco, and Peking Opera; and has produced the Concord KidFest since 2010, a festival that reaches thousands of diverse audience members each year; and

Whereas, Lawrence Kohl was president of the Orinda Art Council as well as music director and conductor of the Pacific Chamber Symphony, which performed in the Lamorinda area and in Livermore; recently led the expansion of the Orinda Art Council to become the Lamorinda Arts Council; and supported the establishment and growth of new programs including the Film Fest, Moraga Pear Festival, High School Visual Arts Competition and the Lamorinda Short Docs Film Festival and the very popular Lamorinda Poet Laureate program.

Now, Therefore, Be It Resolved that the Board of Supervisors hereby recognize and congratulate Richmond RYSE Center, Sylvia Amorino and Solo Opera, Michael and Shannon Demers, Jay Bedecarre, and Lawrence Kohl for their outstanding achievements and contributions to arts and culture Contra Costa County.

CANDACE ANDERSEN

Chair,
District II Supervisor

JOHN GIOIA
District I 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: October 25, 2016

David J. Twa,

By: _____, Deputy



Contra
Costa
County

To: Board of Supervisors
From: Jason Crapo, County Building Official
Date: October 25, 2016

Subject: Introduce Ordinance No. 2016-22, adopting the 2016 California Building Standard Codes

RECOMMENDATION(S):

1. INTRODUCE Ordinance No. 2016-22, adopting the 2016 California Building Standard Codes, the 2016 California Residential Code, the 2016 California Green Building Standards code, the 2016 California Electrical Code, the 2016 California Plumbing Code, the 2016 California Mechanical Code and the 2016 Existing Building Codes, with changes, additions and deletions, WAIVE reading, and FIX November 15, 2016 at 9:30 a.m. for a public hearing to consider adoption of the ordinance and adoption of findings of local conditions to justify construction standards stricter than those imposed by Health and Safety Code section 19180 et seq.
2. DIRECT the Clerk of the Board to publish notice of the hearing pursuant to Government Code section 6066.
3. AUTHORIZE the preparation of an ordinance summary by County Counsel and the publication of the summary in accordance with Government Code section 25124, and DIRECT the Clerk of the Board of Supervisors to post a copy of the full text of the proposed ordinance in the office of the Clerk of the Board.

FISCAL IMPACT:

None

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Jason Crapo,
674-7722

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

By: , Deputy

cc:

BACKGROUND:

The California Building Standards Commission has adopted the 2016 California Building Standards Code (CBSC), replacing the 2013 CBSC. The CBSC includes the California Building, Residential, Electrical, Plumbing, Mechanical, Green Building Standards, and Existing Building Codes. These statewide codes are effective January 1, 2017. The Department of Conservation and Development is responsible for enforcing the CBSC within the unincorporated area of Contra Costa County.

The 2016 CBSC represents the new minimum required standards for new building construction in California. Health and Safety Code sections 17958.5 and 18941.5 authorizes a local jurisdiction to modify or change these codes and establish more restrictive building standards if the local jurisdiction finds that the changes and modifications are reasonably necessary because of local climatic, geological or topographical conditions. The attached proposed ordinance would adopt the statewide codes and amend them to address local conditions.

Staff has reviewed the statewide codes and recommends their adoption with a minimum of technical changes in all codes, except for several significant changes in the Green Building Standards Code related to electrical vehicle charging stations and construction and demolition debris recovery, which are further described below. The State did not adopt the new International Housing Codes, and therefore the 1997 Uniform Housing Code (UHC), with local amendments, continues as the adopted housing code for the County.

The proposed Ordinance No. 2016-22 amends the statewide codes due to local climatic, geographical, and topographic conditions. These conditions are described in the attached Findings. The following are the substantive changes to the 2016 California Building Standards Code:

- Modifications to the 2016 California Building Code:
 - More restrictive standards for some building foundations to better withstand seismic forces found in this region of California. This amendment is the same as the local amendment made to previous statewide code.
 - Requires the installation of hard-wired smoke detectors in existing flat roof buildings when a pitched roof is added on top of the existing flat roof and the solid sheathing of the flat roof is not removed. This amendment is the same as the local amendment made to previous statewide code.
- Modifications to the 2016 California Residential Code:
 - Prohibits in single family dwellings and accessory structures braced wall panels that use gypsum wallboard and limits in single family dwellings and accessory structures the use of braced wall panels that use Portland Cement Plaster to dwellings and accessory structures of only one story, as these materials have performed poorly during recent California seismic events. This is the only new amendment, not made to the previous state-wide code.
- Modifications to the 2016 California Green Building Standards Code:
 - Electric vehicle charging stations requirements. These amendments are the same as the local amendments made to the previous statewide code. The substantive amendments are as follows:
 - For new multi-family buildings:
 - Increase the required number of Electric Vehicle Charging Spaces ("EV spaces") to five percent of the total number of parking spaces provided, where three percent is the minimum required in the statewide code.
 - Require a minimum of one EV space for every new multi-family building (three or more units) as opposed to statewide code which requires no EV spaces for multi-family buildings with fewer than 17 units.
 - Require that Electric Vehicle Supply Equipment ("EVSE") be installed for each EV space in addition to the electrical infrastructure required by the statewide code.
 - For new non-residential buildings:
 - Required number of EV spaces in new construction shall provide fully operational EVSE as opposed to statewide code which requires electrical infrastructure only.
 - Increase the required number of EV spaces for projects with more than nine parking spaces and less than 201 parking spaces.

- More restrictive construction waste reduction, disposal and recycling standards consistent with those presently enforced in the County. The County currently enforces Chapter 418-14 (Construction and Demolition Debris Recovery) of Division 418 (Refuse) of the County ordinance. Chapter 418-14 was written and adopted when the state-wide codes did not have any requirements regarding debris recovery. The ordinance amends the 2016 California Green Building Standards Code (CGBSC) to incorporate the more restrictive requirements from Chapter 418-14. Chapter 418-14 will be deleted in its entirety. The substantive amendments to the 2016 California Green Building Standards are as follows:
 - Imposes the mandatory restrictions from Chapter 4 of the 2016 CGBSC on certain additional projects for existing residential buildings including:
 - Projects that increase the total combined conditioned and unconditioned building area by 5,000 square feet or more.
 - Projects that impact 5,000 square feet or more of the total combined conditioned and unconditioned building area.
 - Demolition projects when a demolition permit is required, except demolition projects that are necessary to abate a public nuisance.
 - Deletes the exception from construction waste management requirements for projects solely based on their isolated location from diversion facilities.
 - Requires that weight and not volume is used to measure the amount of the construction and demolition debris disposed and diverted.
 - Requires that more comprehensive documentation for construction waste management be provided to the enforcing agency and making submittal of the same a prerequisite for scheduling final inspections.
- Modifications to the 2016 California Existing Building Code:
 - The amendments to the 2016 California Existing Building Code are not substantive in nature and are limited to administrative provisions for the use and enforcement of this Code and to be consistent with the administrative provisions of the other statewide codes as amended.

CONSEQUENCE OF NEGATIVE ACTION:

If the proposed ordinance is not approved, the County will not adopt the 2016 California Building Standards Code as amended.

CHILDREN'S IMPACT STATEMENT:

N/A

ATTACHMENTS

Ordinance 2016-22

Findings

ORDINANCE NO. 2016-22

ADOPTION OF CALIFORNIA BUILDING STANDARDS CODES

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance adopts the 2016 California Building Code, the 2016 California Residential Code, the 2016 California Green Building Standards Code, the 2016 California Electrical Code, the 2016 California Plumbing Code, the 2016 California Mechanical Code, and the 2016 California Existing Building Code, with changes, additions, and deletions that are necessary because of local climatic, geological, or topographical conditions. This ordinance is adopted pursuant to Health and Safety Code sections 17922, 17958, 17958.5, and 17958.7, and Government Code sections 50020 through 50022.10.

SECTION II. Section 74-2.002 (Adoption) of Division 74 (Building Code) of the County Ordinance Code is amended to read:

74-2.002 Adoption.

- (a) The building code of this county is the 2016 California Building Code (California Code of Regulations, Title 24, Part 2, Volumes 1 and 2), the 2016 California Residential Code (California Code of Regulations, Title 24, Part 2.5), the 2016 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), and the 2016 California Existing Building Code (California Code of Regulations, Title 24, Part 10), as amended by the changes, additions, and deletions set forth in this division and Division 72.
- (b) The 2016 California Building Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.
- (c) The 2016 California Residential Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.
- (d) The 2016 California Green Building Standards Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.
- (e) The 2016 California Existing Building Code, with the changes, additions, and deletions

set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.

- (f) At least one copy of this building code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (g) As of the effective date of the ordinance from which this division is derived, the provisions of the building code are controlling and enforceable within the county. (Ords. 2016-22 § 2, 2013-24 § 2, 2011-03 § 2, 2007-54 §3, 2002-31 § 3, 99-17 § 5, 99-1, 90-100 § 5, 87-55 § 4, 80-14 § 5, 74-30.)

SECTION III. Chapter 74-4 (Modifications) of Division 74 (Building Code) of the County Ordinance Code is amended to read:

**Chapter 74-4
MODIFICATIONS**

74-4.002 Amendments to CBC. The 2016 California Building Code ("CBC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72. Section numbers used below are those of the 2016 California Building Code.

- (a) CBC Chapter 1 (Scope and Administration) is amended by the provisions of Division 72 of this code and as follows:
 - (1) Sections 103, 109, 112, 113, 114, and 116 of CBC Chapter 1 are deleted.
 - (2) In Section 105.2 (Work exempt from permit) of CBC Chapter 1, subsection 4 is amended to read:
 - 4. Retaining walls that are not more than 3 feet in height measured from the top of the footing to the top of the wall and that have a downward ground slope at the bottom of the retaining wall not exceeding 1(vertical):10(horizontal), unless supporting a surcharge or ground slope exceeding 1(vertical):2(horizontal) or impounding Class I, II, or III-a liquids.
 - (3) Section 107.1 (Submittal Documents - General) of CBC Chapter 1 is amended by deleting the exception.
 - (4) Section 107.2.1 (Information on construction documents) of CBC Chapter 1 is amended to read:

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107.2.1 Information on Construction Documents. Construction documents shall include dimensions and shall be drawn to scale on suitable material. Electronic media documents may be submitted when approved in advance by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall include contact information for the owner and the person or persons who prepared the plans. Plans shall include a plot plan showing all existing property lines labeled and fully dimensioned, the elevations of the top and toe of cuts and fills, and the location of the proposed building with distances to all property lines and to every existing building on the property. Instead of detailed specifications, the county building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

- (5) Section 110.1 (Inspections - General) of CBC Chapter 1 is amended by adding the following to the end of that section:

At the time of first inspection by the county building official, a California licensed Land Surveyor or Civil Engineer shall certify in writing that the structure is placed according to the approved set of plans. The written certification must include the site address and permit number. This requirement does not apply to alterations or repairs to existing structures that do not affect the exterior limits of the existing structures.

- (b) Section 907.2.11.9 (Existing Group R Occupancies) of CBC Chapter 9 (Fire Protection Systems) is amended to read:

907.2.11.9 Existing Group R Occupancies. In existing flat roof buildings, the installation of a smoke detector that complies with California Residential Code Section R314.6 shall be required when a pitched roof is added on top of the existing flat roof and the solid sheathing of the flat roof is not removed.

- (c) Section 1406.5 is added to Section 1406 (Combustible Materials on the Exterior Side of Exterior Walls) of CBC Chapter 14 (Exterior Walls), to read:

1406.5 Wood shakes or shingles. Wood shakes or shingles used for exterior wall covering shall be fire treated unless there is a minimum of 10 feet from the exterior wall (including shakes or shingles) to the property line of all sides, except for any sides of exterior walls facing the street.

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- (d) In Section 1705.3 (Concrete construction) of CBC Chapter 17 (Special Inspections and Tests), Exception 1 is amended to read:
 - 1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength of no greater than 2,500 pound per square inch (psi) (17.2 Mpa).
- (e) Section 1809.8 (Plain concrete footings) of CBC Chapter 18 (Soils and Foundations) is deleted.
- (f) Section 1810.3.9.3 (Placement of reinforcement) of CBC Chapter 18 (Soils and Foundations) is amended by deleting Exception 3.
- (g) Section 1906 (Structural Plain Concrete) of CBC Chapter 19 (Concrete) is deleted.
- (h) Section 1907.1 (Minimum Slab Provisions - General) of CBC Chapter 19 (Concrete) is amended by adding the following sentence to that section:

Slabs shall have 6-inch by 6-inch by 10-gauge wire mesh or equal at mid-height.
- (i) Appendix C and Appendix I of the CBC are incorporated into the County building code. Appendix A, Appendix B, Appendix D, Appendix E, Appendix F, Appendix G, Appendix H, Appendix J, Appendix K, Appendix L, and Appendix M of the CBC are excluded from the County building code. (Ords. 2016-22 § 3, 2013- 24 § 3, 2011-03 § 3, 2007-54 § 4, 2002-31 § 3, 99- 17 § 6, 99-1, 90-100 § 6, 87-55 § 5, 80-14 § 6, 74-30 § 1.)

74-4.004 Amendments to CRC. The 2016 California Residential Code ("CRC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72. Section numbers used below are those of the 2016 California Residential Code.

- (a) Sections R103, R108, R111, R112, R113, and R114 of CRC Chapter 1 (Scope and Application) are deleted.
- (b) In Section R105.2 (Work exempt from permit) of CRC Chapter 1 (Scope and Application), subsection 3 is amended to read:
 - 3. Retaining walls that are not more than 3 feet in height measured from the top of the footing to the top of the wall and that have a downward ground slope at the bottom of the retaining wall not exceeding 1(vertical):10(horizontal), unless supporting a surcharge or ground slope exceeding 1(vertical):2(horizontal) or impounding Class I, II, or III-a

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liquids.

- (c) Table R602.10.3(3) (Bracing Requirements Based on Seismic Design Category) of CRC Chapter 6 (Wall Construction) is amended as follows:

- (1) The title of Table R602.10.3(3) is amended to read:

TABLE R602.10.3(3)^f

- (2) Footnote "f" is added to Table R602.10.3(3), to read:

f. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

- (d) Section R602.10.4.4 is added to Section R602.10.4 (Construction methods for braced wall panels) of CRC Chapter 6 (Wall Construction), to read:

R602.10.4.4 Limits on methods GB and PCP. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D0, D1, and D2, the use of Method PCP is limited to one-story single family dwellings and accessory structures.

- (e) Appendix H of the CRC is incorporated into the County building code. Appendix A, Appendix B, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G, Appendix I, Appendix J, Appendix K, Appendix L, Appendix M, Appendix N, Appendix O, Appendix P, Appendix Q, Appendix R, Appendix S, Appendix T, Appendix U, Appendix V, and Appendix W of the CRC are excluded from the County building code. (Ords. 2016-22 § 3, 2013- 24 § 3, 2011-03 § 3.)

74-4.006 Amendments to CGBSC. The 2016 California Green Building Standards Code ("CGBSC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72. Section numbers used below are those of the 2016 California Green Building Standards Code.

- (a) Section 301.1.1 (Additions and alterations) of CGBSC Chapter 3 (Green Building) is amended to read:

Section 301.1.1 Additions and alterations. The mandatory provisions of

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Chapter 4 shall apply to additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to and/or within the specific area of the addition or alteration.

The mandatory provisions of Section 4.408 shall apply to the following types of construction or demolition projects for existing residential buildings:

1. Projects that increase the total combined conditioned and unconditioned building area by 5,000 square feet or more.
2. Alterations to existing structures impacting 5,000 square feet or more of total combined conditioned and unconditioned building area.
3. Demolition projects when a demolition permit is required.

Exception: Demolition projects undertaken because the enforcing agency has determined that the demolition is necessary to abate a public nuisance or otherwise protect public health and safety.

For the purposes of determining whether a project meets the 5,000 square-foot threshold, the enforcing agency may deem all phases of a project and all related projects taking place on a single or adjoining parcel(s) as a single project.

Note: On and after January 1, 2014, residential buildings undergoing permitted alterations, additions or improvements shall replace noncompliant plumbing fixtures with water-conserving plumbing fixtures. Plumbing fixture replacement is required prior to issuance of final completion, certificate of occupancy or final permit approval by the local building department. See Civil Code Section 1101.1, et seq., for the definition of a noncompliant plumbing fixture, types of residential buildings affected and other important enactment dates.

(b) Section 301.3.2 (Waste diversion) of CGBSC Chapter 3 (Green Building) is amended to read:

Section 301.3.2 Waste diversion. The requirements of Section 5.408 shall apply to additions, alterations, and demolition whenever a permit is required for work.

Exception: Demolition projects undertaken because the enforcing agency has determined that the demolition is necessary to abate a public nuisance or otherwise protect public health and safety.

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- (c) Section 4.106.4.2 (New multifamily dwellings) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended to read:

Section 4.106.4.2 New multifamily dwellings. For any new multifamily dwelling other than a dwelling type specified in Section 4.106.4.1, at least five percent of the total number of parking spaces provided for all types of parking facilities, but in no case no less than one parking space, shall be electric vehicle charging spaces (EV spaces). Each EV space shall be equipped with fully operational electric vehicle supply equipment (EVSE). The location of each EV space shall be identified on construction documents. Calculations to determine the number of EV spaces shall be rounded up to the nearest whole number.

- (d) Section 4.408.1 (Construction waste management) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended to read:

Section 4.408.1 Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 4.408.2.

Exceptions:

1. Excavated soil and land-clearing debris.
2. The enforcing agency may identify alternate waste reduction requirements if the agency determines that an owner or contractor has adequately demonstrated that diversion or recycling facilities necessary for the owner to comply with this section do not exist or are not located within a reasonable distance from the jobsite.

- (e) Section 4.408.2 (Construction waste management plan) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended to read:

Section 4.408.2 Construction waste management plan. Submit a construction waste management plan for the project, signed by the owner, in conformance with Items 1 through 5 prior to issuance of building permit. The construction waste management plan shall be updated as necessary upon approval by the enforcing agency and shall be available during construction for examination by the enforcing agency. The plan must do all of the following:

1. Identify the construction and demolition waste materials to be diverted from disposal by recycling, reuse on the project, or salvage for future use or sale.

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2. Specify if construction and demolition waste materials will be sorted on-site (source-separated) or bulk mixed (single stream).
3. Identify diversion and disposal facilities where the construction and demolition waste material will be taken and identify the waste management companies, if any, that will be utilized to haul the construction and demolition waste material. A waste management company utilized to haul construction and demolition waste material must have all applicable County approvals.
4. Identify construction methods employed to reduce the amount of construction and demolition waste generated.
5. Specify that the amount of construction and demolition debris shall be calculated consistent with the enforcing agency's requirements for the weighing of debris. The owner shall make reasonable efforts to ensure that all construction and demolition debris diverted or disposed are measured and recorded using the most accurate method of measurement available. To the extent practicable, all construction and demolition debris shall be weighed using scales. Scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. The owner shall convert volumetric measurements to weight using the standardized conversion factors approved by the enforcing agency for this purpose.

(f) Section 4.408.3 (Waste management company) of CGBSC Chapter 4 (Residential Mandatory Measures) is deleted.

(g) Section 4.408.4 (Waste stream reduction alternative [LR]) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended to read:

Section 4.408.4 Waste stream reduction alternative [LR]. Projects that generate a total combined weight of construction and demolition waste disposed of in landfills which does not exceed 3.4 pounds per square foot of the building areas shall meet the minimum 65 percent construction waste reduction requirement in Section 4.408.1. The exceptions in Section 4.408.1 shall not apply to this alternative.

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- (h) Section 4.408.4.1 (Waste stream reduction alternative) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended to read:

Section 4.408.4.1 Waste stream reduction alternative. Projects that generate a total combined weight of construction and demolition waste disposed of in landfills which does not exceed 2 pounds per square foot of the building areas shall meet the minimum 65 percent construction waste reduction requirement in Section 4.408.1. The exceptions in Section 4.408.1 shall not apply to this alternative.

- (i) Section 4.408.5 (Documentation) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended to read:

Section 4.408.5 Documentation. A construction waste management final report containing information and supporting documentation that demonstrates compliance with Section 4.408.1, Section 4.408.2, Items 1 through 5, and, when applicable, Section 4.408.4 or Section 4.408.4.1, shall be provided to the enforcing agency before the final inspection. The required documentation shall include, but is not necessarily limited to, the following:

1. Documentation of the quantity by weight of each material type diverted or disposed, consistent with the requirements of Section 4.408.2, Item 5, and receipts or written certification from all facilities and waste management companies utilized to divert or dispose waste generated by the project that substantiate the amounts specified on the construction waste management final report; or
2. For projects that satisfy the waste stream reduction alternative specified in Section 4.408.4 or Section 4.408.4.1, documentation of the quantity by weight of each material type disposed and the total combined weight of construction and demolition waste disposed in landfills as a result of the project, the corresponding pounds disposed per square foot of the building area, and receipts or written certification from all facilities and waste management companies utilized to dispose waste generated by the project that substantiate the amounts specified on the construction waste management final report.

- (j) Section 5.106.5.3 (Electric vehicle (EV) charging) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is amended to read:

ORDINANCE NO. 2016-22

Section 5.106.5.3 Electric vehicle (EV) charging. [N] New nonresidential construction shall comply either with Section 5.106.5.3.1 or Section 5.106.5.3.2, whichever is applicable, and provide the required number of fully operational EV charging spaces (EV spaces). Each EV space shall be installed in accordance with the California Building Code and California Electrical Code, and the requirements of Section 5.106.5.3.1 or Section 5.106.5.3.2, whichever is applicable.

- (k) Section 5.106.5.3.1 (Single charging space requirements) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is amended to read:

Section 5.106.5.3.1 Single charging space requirements. [N] If Table 5.106.5.3.3 requires only one EV space for new nonresidential construction, one fully operational EV space must be installed in accordance with the California Electrical Code. The construction plans and specifications for the new nonresidential construction must satisfy the following requirements:

1. The type and location of the EVSE must be identified on the plans and specifications.
2. The plans and specifications must establish that each raceway is not less than trade size one inch.
3. Each, and at least one, listed raceway capable of accommodating a 208/240-volt dedicated branch circuit must be identified on the plans and specifications.
4. Each raceway must originate at a service panel or subpanel serving the area where the EVSE will be located, and must terminate at the location of the required charging equipment and into a listed, suitable cabinet, box, enclosure, or equivalent structure.
5. Each service panel or subpanel must have sufficient capacity to accommodate a minimum 40-ampere dedicated branch circuit for the EVSE.

- (l) Section 5.106.5.3.2 (Multiple charging space requirements) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is amended to read:

Section 5.106.5.3.2 Multiple charging space requirements. [N] If Table 5.106.5.3.3 requires more than one EV space for new nonresidential construction, the number of fully operational EV spaces specified in Table 5.106.5.3.3 must be installed in accordance with the California Electrical Code. The construction plans

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and specifications for the new nonresidential construction must satisfy the following requirements:

1. The type and location of the EVSE must be identified on the plans and specifications.
2. Each raceway must originate at a service panel or subpanel serving the area where the EVSE will be located, and must terminate at the location of the required charging equipment and into a listed, suitable cabinet, box, enclosure, or equivalent structure.
3. Each service panel or subpanel must have sufficient capacity to accommodate a minimum 40-ampere dedicated branch circuit for the EVSE.
4. The plans and specifications must include electrical calculations to substantiate that the design of the electrical system, including the rating of equipment and any onsite distribution transformers, has sufficient capacity to simultaneously charge EVs at all required EV spaces at their full-rated amperage.
5. Each service panel or subpanel must have sufficient capacity to accommodate the required number of dedicated branch circuits for the EVSE that will be installed.

(m) Section 5.106.5.3.3 (EV charging space calculation) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is amended to read:

Section 5.106.5.3.3 EV charging space calculations. [N] The required number of charging spaces with EVSE for new nonresidential construction must be calculated in accordance with Table 5.106.5.3.3.

Exception: On a case-by-case basis, the building official may require new construction to include fewer EV charging spaces than would otherwise be required by Table 5.106.5.3.3, or require no spaces, if the building official determines either of the following:

1. There is insufficient electrical supply to the new construction to adequately serve the required number of EV charging spaces.
2. The cost of the new construction will be substantially adversely impacted by any local utility infrastructure design requirements

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that are directly related to the installation of the required number of EV charging spaces.

TABLE 5.106.5.3.3

NONRESIDENTIAL CHARGING SPACE CALCULATION	
TOTAL NUMBER OF PARKING SPACES	NUMBER OF REQUIRED EV CHARGING SPACES
1—9	0
10—25	2
26—50	3
51—75	5
76—100	6
101—200	12
201 and over	6%*
*Calculation for spaces shall be rounded up to the nearest whole number	

- (n) Section 5.106.5.3.4 (Identification) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is amended to read:

Section 5.106.5.3.4 [N] Identification. Each service panel or subpanel circuit directory must identify the reserved overcurrent protective device space or spaces for EV charging as "EV CAPABLE." Each raceway termination location must be permanently and visibly marked "EV CAPABLE."

- (o) Section 5.106.5.3.5 of Chapter 5 of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is amended to read:

Section 5.106.5.3.5 [N] Each EV charging space required by Section 5.106.5.3.3 shall be counted as one designated parking space required by Section 5.106.5.2.

- (p) Section 5.408.1 (Construction waste management) of CGBSC Chapter 5 Nonresidential Mandatory Measures) is amended to read:

Section 5.408.1 Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1.

Exceptions:

1. Excavated soil and land-clearing debris.

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2. The enforcing agency may identify alternate waste reduction requirements if the agency determines that an owner or contractor has adequately demonstrated that diversion or recycling facilities necessary for the owner to comply with this section do not exist or are not located within a reasonable distance from the jobsite.

(q) Section 5.408.1.1 (Construction waste management plan) of CGBSC Chapter 5 Nonresidential Mandatory Measures) is amended to read:

Section 5.408.1.1 Construction waste management plan. Submit a construction waste management plan for the project, signed by the owner, in conformance with Items 1 through 5 prior to issuance of building permit. The construction waste management plan shall be updated as necessary upon approval by the enforcing agency and shall be available during construction for examination by the enforcing agency. The plan must do all of the following:

1. Identify the construction and demolition waste materials to be diverted from disposal by recycling, reuse on the project, or salvage for future use or sale.
2. Specify if construction and demolition waste materials will be sorted on-site (source-separated) or bulk mixed (single stream).
3. Identify diversion and disposal facilities where the construction and demolition waste material will be taken and identify the waste management companies, if any, that will be utilized to haul the construction and demolition waste material. A waste management company utilized to haul construction and demolition waste material must have all applicable County approvals.
4. Identify construction methods employed to reduce the amount of construction and demolition waste generated.
5. Specify that the amount of construction and demolition debris shall be calculated consistent with the enforcing agency's requirements for the weighing of debris. The owner shall make reasonable efforts to ensure that all construction and demolition debris diverted or disposed are measured and recorded using the most accurate method of measurement available. To the extent practicable, all construction and demolition debris shall be weighed using scales. Scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and

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demolition debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. The owner shall convert volumetric measurements to weight using the standardized conversion factors approved by the enforcing agency for this purpose.

- (r) Section 5.408.1.2 (Waste management company) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is deleted.
- (s) Section 5.408.1.3 (Waste stream reduction alternative) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is amended to read:

Section 5.408.1.3 Waste stream reduction alternative. Projects that generate a total combined weight of new construction disposal that does not exceed two pounds per square foot of building area may be deemed to meet the 65 percent minimum requirement if approved by the enforcing agency. The exceptions in Section 5.408.1 shall not apply to this alternative.

- (t) Section 5.408.1.4 (Documentation) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is amended to read:

Section 5.408.1.4 Documentation. A construction waste management final report containing information and supporting documentation that demonstrates compliance with Section 5.408.1, Section 5.408.1.1, Items 1 through 5, and, when applicable, Section 5.408.1.3, shall be provided to the enforcing agency before the final inspection. The required documentation shall include, but is not necessarily limited to, the following:

1. Documentation of the quantity by weight of each material type diverted or disposed, consistent with the requirements of Section 5.408.1.1, Item 5, and receipts or written certification from all facilities and waste management companies utilized to divert or dispose waste generated by the project that substantiate the amounts specified on the construction waste management final report; or
2. For projects that satisfy the waste stream reduction alternative specified in Section 5.408.1.3, documentation of the quantity by weight of each new construction material type disposed and the total combined weight of new construction waste disposed as a result of the project, the corresponding pounds of new construction disposal per square foot of the building area, and receipts or

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written certification from all facilities and waste management companies utilized to dispose waste generated by the project that substantiate the amounts specified on the construction waste management final report.

(Ords. 2016-22 § 3, 2015-22 § 2.)

74-4.008 Amendments to CEBC. The 2016 California Existing Building Code ("CEBC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72. Section numbers used below are those of the 2016 California Existing Building Code

(a) CEBC Chapter 1 (Scope and Administration) is amended by the provisions of Division 72 of this code and as follows:

- (1) Sections 103, 108, 111, 112, 113, and 115 of CEBC Chapter 1 are deleted.
- (2) Section 106.1 (Construction Documents - General) of CEBC Chapter 1 is amended by deleting the exception.
- (3) Section 106.2.1 (Construction documents) of CEBC Chapter 1 is amended to read:

106.2.1 Construction documents. Construction documents shall include dimensions and shall be drawn to scale on suitable material. Electronic media documents may be submitted when approved in advance by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall include contact information for the owner and the person or persons who prepared the plans. Plans shall include a plot plan showing all existing property lines labeled and fully dimensioned, the elevations of the top and toe of cuts and fills, and the location of the proposed building with distances to all property lines and to every existing building on the property. Instead of detailed specifications, the county building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

- (4) Section 109.1 (Inspections - General) is amended by adding the following to the end of that section:

At the time of first inspection by the county building official, a California

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licensed Land Surveyor or Civil Engineer shall certify in writing that the structure is placed according to the approved set of plans. The written certification must include the site address and permit number. This requirement does not apply to alterations or repairs to existing structures that do not affect the exterior limits of the existing structures.

(Ord. 2016-22 § 3.)

SECTION IV. Section 76-2.002 (Adoption) of Division 76 (Electrical Code) of the County Ordinance Code is amended to read:

76-2.002 Adoption.

- (a) The electrical code of this county is the 2016 California Electrical Code (California Code of Regulations, Title 24, Part 3) (“CEC”), as amended by the changes, additions, and deletions set forth in this division and Division 72.
- (b) The 2016 California Electrical Code, with the changes, additions, and deletions set forth in Chapter 76-4 and Division 72, is adopted by this reference as though fully set forth in this division.
- (c) At least one copy of this electrical code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of the ordinance from which this division is derived, the provisions of the electrical code are controlling and enforceable within the county. (Ords. 2016-22 § 4, 2013-24 § 4, 2011-03 § 4, 2007-54 § 5, 2002-31 § 4, 99-17 § 11, 89-60 § 2, 82-23 § 2, 79-67, 76-24.)

SECTION V. Article 76-4.2 (Amendments) of Division 76 (Electrical Code) is deleted in its entirety and reserved for future use.

SECTION VI. Section 78-2.002 (Adoption) of Division 78 (Plumbing Code) of the County Ordinance Code is amended to read:

78-2.002 Adoption.

- (a) The plumbing code of this county is the 2016 California Plumbing Code (California Code of Regulations, Title 24, Part 5), as amended by the changes, additions, and deletions set forth in Division 72.

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- (b) The 2016 California Plumbing Code, with the changes, additions, and deletions set forth in Division 72, is adopted by this reference as though fully set forth in this division.
- (c) At least one copy of this plumbing code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of the ordinance from which this division is derived, the provisions of the plumbing code are controlling and enforceable within the county. (Ords. 2016-22 § 6, 2013-24 § 5, 2011-03 § 5, 2007-54 § 6, 2002-31 § 5, 99-17 § 12, 74-29.)

SECTION VII. Section 710-2.002 (Adoption) of Division 710 (Mechanical Code) of the County Ordinance Code is amended to read:

710-2.002 Adoption.

- (a) The mechanical code of this county is the 2016 California Mechanical Code (California Code of Regulations, Title 24, Part 4), as amended by the changes, additions, and deletions set forth in Division 72.
- (b) The 2016 California Mechanical Code, with the changes, additions, and deletions set forth in Division 72, is adopted by this reference as though fully set forth in this division.
- (c) At least one copy of this mechanical code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of the ordinance from which this division is derived, the provisions of the mechanical code are controlling and enforceable within the county. (Ords. 2016-22 § 7, 2013-24 § 6, 2011-03 § 6, 2007-54 § 7, 2002-31 § 6, 99-17 § 13, 88-91 § 5, 74-31.)

SECTION VIII. Chapter 418-14 (Construction and Demolition Debris Recovery) of Division 418 (Refuse) of the County Ordinance Code is deleted in its entirety.

SECTION IX. VALIDITY. The Contra Costa County Board of Supervisors declares that if any section, paragraph, sentence, or word of this ordinance or of the 2016 California Building Code, Residential Code, Green Building Code, Plumbing Code, Electrical Code, Mechanical code, or Existing Building Code as adopted and amended herein is declared for any reason to be invalid, it is the intent of the Contra Costa County Board of Supervisors that it would have passed all other portions or provisions of this ordinance independent of the elimination herefrom

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any portion or provision as may be declared invalid.

SECTION X. EFFECTIVE DATE. This ordinance becomes effective on January 1, 2017 or 30 days after passage, whichever is later. Within 15 days of passage, this ordinance shall be published once in the Contra Costa Times, a newspaper published in this County. This ordinance shall be published in a manner satisfying the requirements of Government Code section 25124, with the names of supervisors voting for and against it.

PASSED on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: DAVID J. TWA,
Clerk of the Board of Supervisors
and County Administrator

Board Chair

By: _____
Deputy

[SEAL]

KCK:
H:\DCD\2016\Building Code Ordinance\Building Code Adoption Ord - final.wpd

CONTRA COSTA COUNTY
**FINDINGS IN SUPPORT OF CHANGES, ADDITIONS, AND DELETIONS TO
STATEWIDE BUILDING STANDARDS CODE**

The California Building Standards Commission has adopted and published the 2016 Building Standards Code, which is comprised of the 2016 California Building, Residential, Green Building Standards, Electrical, Plumbing, Mechanical and Existing Building Codes. These codes are enforced in Contra Costa County by the Building Inspection Division of the Department of Conservation and Development.

Although these codes apply statewide, Health and Safety Code sections 17958.5 and 18941.5 authorize a local jurisdiction to modify or change these codes and establish more restrictive building standards if the jurisdiction finds that the modifications and changes are reasonably necessary because of local climatic, geological or topographical conditions. For the California Green Building Standards Code, local climatic, geological, or topographical conditions include local environmental conditions.

Ordinance No. 2016-22 adopts the statewide codes and amends them to address local conditions. Pursuant to Health and Safety Code section 17958.7, the Contra Costa County Board of Supervisors finds that the more restrictive standards contained in Ordinance No. 2016-22 are reasonably necessary because of the local climatic, geological, and topographic conditions that are described below.

I. Local Conditions

A. Geological and Topographic

1. Seismicity

(a) Conditions

Contra Costa County is located in Seismic Design Categories D and E, which designates the highest risk for earthquakes in the United States. Buildings and other structures in these zones can experience major seismic damage. Contra Costa County is in close proximity to numerous earthquake faults including the San Andreas Fault and contains all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. The Concord and Antioch faults have a potential for a Richter 6 earthquake and the Hayward and Calaveras faults have the potential for a Richter 7 earthquake. Minor tremblers from seismic activity are not uncommon in the area. A study released in 2015 by the Working Group of California Earthquake Probabilities predicts that for the San Francisco region,

the 30 year likelihood of one or more earthquake of 6.7 or larger magnitude is 72%. The purpose of this Working Group is to develop statewide, time-dependent Earthquake Rupture Forecasts for California that use best available science, and are endorsed by the United States Geological Survey, the Southern California Earthquake Center, and the California Geological Survey. Scientists, therefore, believe that an earthquake of a magnitude 6.7 or larger is now slightly more than twice as likely to occur as to not occur in, approximately, the next 30 years.

Interstates 680, 80, 580 and State Route 4 run the length throughout Contra Costa County. These interstates and state routes divide the County into a west, south, north and east. An overpass or undercrossing collapse would significantly alter the response route and time for responding emergency equipment. This is due to limited crossings of the interstate and that in some areas there is only one surface street, which runs parallel to the interstate, which would be congested during a significant emergency.

Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities and to gas and electrical lines in buildings, which in turn start fires throughout the County. The occurrence of multiple fires will quickly deplete existing fire department resources; thereby reducing and/or delaying their response to any given fire.

(b) Impact

A major earthquake could severely restrict the response of all Contra Costa County Fire Districts and their capability to control fires involving buildings of wood frame construction, with ordinary roofing materials and flammable exteriors, or with large interior areas not provided with automatic smoke and fire control systems. Also, when buildings not equipped with earthquake structural support move off their foundations, gas pipes may rupture. Fires develop from line ruptures and spread from house to house, causing an extreme demand for fire protection resources. The proximity of large areas within the County to fault traces, necessitates adopting stricter structural construction standards.

More restrictive electric vehicle charging standards and construction and demolition waste recovery requirements would not negatively impact the County's infrastructure or public safety resources in the event of a major earthquake.

2. Soils

(a) Conditions

The area is replete with various soils, which are unstable, clay loam and alluvial fans

being predominant. These soil conditions are moderately to severely prone to swelling and shrinking, are plastic, and tend to liquefy.

Throughout Contra Costa County, the topography and development growth has created a network of older, narrow roads. These roads vary from gravel to asphalt surface and vary in percent of slope, many exceeding twenty (20) percent. Several of these roads extend up through the winding passageways in the hills providing access to remote, affluent housing subdivisions. The majority of these roads are private with no established maintenance program. During inclement weather, these roads are subject to rock and mudslides, as well as downed trees, obstructing all vehicle traffic. It is anticipated that during an earthquake, several of these roads would be unpassable so as to prevent fire protection resources from reaching fires caused by gas line ruptures or other sources.

3. Topographic

(a) Conditions

i) Vegetation

Highly combustible dry grass, weeds, and brush are common in the hilly and open space areas adjacent to built-up locations six (6) to eight (8) months of each year. Many of these areas frequently experience wildland fires, which threaten nearby buildings, particularly those with wood roofs, or sidings. This condition can be found throughout Contra Costa County, especially in those developed and developing areas of the County. Earthquake gas fires due to gas line ruptures can ignite grasslands and stress fire district resources.

ii) Surface Features

The arrangement and location of natural and manmade surface features, including hills, creeks, canals, freeways, housing tracts, commercial development, fire stations, streets, and roads, combine to limit feasible response routes for Fire District resources in and to District areas.

iii) Buildings, Landscaping, and Terrain

Many of the newer large buildings and building complexes have building access and landscaping features and designs, which preclude or greatly limit any approach or operational access to them by Fire District vehicles. In addition, the presence of security gates and roads of inadequate width and grades that are too steep for Fire District vehicles adversely affect fire suppression efforts.

When Fire District vehicles cannot gain access to buildings involved with fire, the potential for complete loss is realized. Difficulty reaching a fire site often requires that fire personnel both in numbers and in stamina. Access problems often result in severely delaying, misdirecting or making impossible fire and smoke control efforts. In existing structures where pitched roofs have been built over an existing roof, smoke detectors should be required to warn residents of smoke and fire before the arrival of fire personnel.

(b) Impact

The above local geological and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the County fire resources. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Most earthquake fires are created by natural gas developed from gas line ruptures. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. Public safety resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single dwellings that were caused by broken gas lines.

Other variables may tend to intensify the situation:

1. The extent of damage to the water system
2. The extent of isolation due to bridge and/or freeway overpass collapse.
3. The extent of roadway damage and/or amount of debris blocking the roadways.
4. Climatic condition (hot, dry weather with high winds).
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours.
6. The availability of timely mutual aid or military assistance.
7. The large portion of dwellings with wood shake or shingle coverings (both on the roof diaphragm and sides of the dwellings) could result in conflagrations.
8. The large number of dwellings that slip off their foundations and rupture gas lines and electrical systems resulting in further conflagrations.

More restrictive electric vehicle charging standards and construction and demolition waste recovery requirements would not impact the availability of the County's fire or public safety resources.

B. Climatic

1. Precipitation and Relative Humidity

(a) Conditions

Precipitation ranges from 15 to 24 inches per year with an average of approximately 20 inches per year. Ninety-six (96) percent falls during the months of October through April and four (4) percent from May through September. This is a dry period of at least five (5) months each year. Additionally, the area is subject to occasional drought. Relative humidity remains in the middle range most of the time. It ranges from forty-five (45) to sixty-five (65) percent during spring, summer, fall, and from sixty (60) to ninety (90) percent in the winter. It occasionally falls as low as fifteen (15) percent.

(b) Impact

Locally experienced dry periods cause extreme dryness of untreated wood shakes and shingles on buildings and non-irrigated grass, brush and weeds, which are often near buildings with wood roofs and sidings. Such dryness causes these materials to ignite very readily and burn rapidly and intensely. Gas fires due to gas line ruptures can also spark and engulf a single family residence during these dry periods.

Because of dryness, a rapidly burning gas fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks or embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the Fire District resulting in an excessive fire loss.

2. Greenhouse Gas Emissions

(a) Conditions

The California Air Resources Board has collected information on emissions from air pollution sources since 1969. This information is periodically compiled by State and local air pollution control agencies to create regional and statewide greenhouse gas emissions inventories. The California greenhouse gas emissions inventory maintains information on various air pollution sources and identifies “mobile sources” (all on-road vehicles such as automobiles and trucks; off-road vehicles such as trains, ships, aircraft; and farm equipment) as a primary pollution source. According to the 2016 statewide inventory, the transportation sector remains the largest source of greenhouse gas emissions, accounting for 36% of the total greenhouse gas emissions. Emissions from recycling and waste, comprising of 2% of the total greenhouse gas emissions, have grown by 19% since 2000, and 94% of that amount are landfill emissions. California adopted land use and transportation policies and mandatory recycling laws to help reduce greenhouse gas emissions by promoting the use of renewable energy sources and reducing landfill disposal.

Contra Costa County also completed a local greenhouse gas emissions inventory as well

as a community-wide Climate Action Plan. The County's Climate Action Plan contains measures reducing greenhouse gas emissions pertaining to renewable fuel vehicles and reducing disposal for the purpose of reducing greenhouse gas emissions.

(b) Impact

More restrictive electric vehicle charging standards and construction and demolition waste recovery requirements would be consistent with the intent of State legislation and County requirements to aggressively implement energy and waste policies designed to ensure success in meeting their greenhouse gas emission reduction and reusable energy and recycling goals.

3. Temperature

(a) Conditions

Temperatures have been recorded as high as 114° F. Average summer highs are in the 75° to 90° range, with average maximums of 105° F in some areas of unincorporated Contra Costa County.

(b) Impact

High temperatures cause rapid fatigue and heat exhaustion of firefighters, thereby reducing their effectiveness and ability to control large building, wildland fires, and fires caused by gas line ruptures.

Another impact from high temperatures is that combustible building material and non-irrigated weeds, grass and brush are preheated, thus causing these materials to ignite more readily and burn more rapidly and intensely. Additionally, the resultant higher temperature of the atmosphere surrounding the materials reduces the effectiveness of the water being applied to the burning materials. This requires that more water be applied, which in turn requires more fire resources in order to control a fire on a hot day. High temperatures directly contribute to the rapid growth of fires to an intensity and magnitude beyond the control capabilities of the Fire Districts in Contra Costa County. The change of temperatures throughout the County between very low and extreme highs contributes to a voltage drop in conductors used for power pole lines. This necessitates that voltage drops be considered.

More restrictive electric vehicle charging standards and construction and demolition waste recovery requirements would not have a negative impact on the temperature conditions within the County.

4. Winds

(a) Conditions

Prevailing winds in many parts of Contra Costa County are from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities can reach fourteen (14) mph to twenty-three (23) mph ranges, gusting to twenty-five (25) to thirty-five (35) mph. Forty (40) mph winds are experienced occasionally and winds up to fifty-five (55) mph have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days creating extremely dry conditions.

(b) Impact

Winds such as those experienced locally can and do exacerbate fires, both interior and exterior, to burn, and spread rapidly. Fires involving non-irrigated weeds, grass, brush, and fires caused by gas line ruptures can grow to a magnitude and be fanned to an intensity beyond the control capabilities of the fire services very quickly even by relatively moderate winds. When such fires are not controlled; they can extend to nearby buildings, particularly those with untreated wood shakes or shingles.

Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by all Contra Costa County Fire Districts on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection and fires involving wood shake and shingle building exteriors. Local winds will continue to be a definite factor toward causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas, or lacking automatic fire protection systems, or lacking proper gas shut-off devices to shut off gas when pipes are ruptured, or lacking proper electrical systems. National statistics frequently cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

More restrictive electric vehicle charging standards and construction and demolition waste recovery requirements would not have a negative impact on the wind conditions within the County.

II. Necessity of More Restrictive Standards

Because of the conditions described above, the Contra Costa County Board of Supervisors finds that there are building and fire hazards unique to Contra Costa County that require the increased fire protection and structural and design load requirements set forth in Ordinance No. 2016-22.

- The ordinance amends the 2016 California Building Code by:
 - Requiring the installation of a smoke detector in existing flat roof buildings when a pitched roof is added on top of the existing flat roof and the solid sheathing of the flat roof is not removed. (§ 74-4.002(b).)
 - Requiring most wood shakes or shingles used for exterior wall covering to be fire treated. (§ 74-4.002(c).)
 - Requiring special inspections for concrete at certain foundations to be consistent with code requirements for concrete at other locations. (§ 74-4.002(d).)
 - Addressing the poor performance of plain concrete structural elements during seismic events. (§ 74-4.002(e), § 74-4.002(g), and § 74-4.002(h).)
 - Prohibiting placement of reinforcement while the concrete is in a semifluid condition thus increasing quality control during construction. Enhanced quality control is necessary because of seismic considerations. (§ 74-4.002(f).)

- The ordinance amends the 2016 California Residential Code by:
 - Prohibiting in single family dwellings and accessory structures braced wall panels that use gypsum wallboard and by limiting in single family dwellings and accessory structures the use of braced wall panels that use Portland Cement Plaster to dwellings of only one story buildings, as these materials have performed poorly during recent California seismic events. (§74-4.004(c), and §74-4.004(d).)

- The ordinance amends the 2016 California Green Building Standards Code by:
 - Imposing more restrictive electric vehicle charging standards consistent with those presently enforced in the County, as follows:
 - For new multi-family buildings:
 - Increase the required number of Electric Vehicle Charging Spaces (“EV spaces”) to five percent of the total number of parking spaces provided, where three percent is the minimum required in the statewide code. (§ 74-4.006(c).)
 - Require a minimum of one EV space for every new multi-family building (three or more units) as opposed to statewide code which requires no EV spaces for multi-family buildings with fewer than 17 units. (§ 74-4.006(c).)
 - Require that Electric Vehicle Supply Equipment (“EVSE”) be installed for each EV space in addition to the electrical infrastructure required by the statewide code. (§ 74-4.006(c).)
 - For new non-residential buildings:
 - Required number of EV spaces in new construction shall provide fully operational EVSE as opposed to statewide code which requires electrical infrastructure only. ((§ 74-4.006(j), §74-4.006(k), and § 74-4.006(l).)

FINDINGS FOR ORDINANCE NO. 2016-22

- Increase the required number of EV spaces for projects with more than nine parking spaces, and less than 201 parking spaces. (§ 74-4.006(m).)
- Imposing more restrictive construction waste reduction, disposal and recycling standards consistent with those presently enforced in the County as follows:
 - Imposing the mandatory restrictions from Chapter 4 of the 2016 CGBSC on certain projects for existing residential buildings, including:
 - Projects that increase the total combined conditioned and unconditioned building area by 5000 square feet or more. ((§ 74-4.006(a).)
 - Projects that impact 5000 square feet or more of the total combined conditioned and unconditioned building area. ((§ 74-4.006(a).)
 - Demolition projects when a demolition permit is required, except demolition projects that are necessary to abate a public nuisance. (§ 74-4.006(a), and § 74-4.006(b).)
 - Eliminating the exception from construction waste management requirements for projects solely based on their isolated location from diversion facilities. ((§ 74-4.006(d).)
 - Requiring that weight and not volume is used to measure the amount of the construction and demolition debris disposed and diverted. (§ 74-4.006(e), and § 74-4.006(q).)
 - Requiring that more comprehensive documentation for construction waste management be provided to the enforcing agency and making submittal of the same a prerequisite for scheduling final inspections. (§ 74-4.006(i), and § 74-4.006(t).)
- The amendments to the 2016 California Existing Building Code are not substantive in nature and are limited to administrative provisions for the use and enforcement of this Code, and to be consistent with the administrative provisions of the statewide codes as amended.



Contra
Costa
County

To: Board of Supervisors
From: Jeff Carman, Chief, Contra Costa County Fire Protection District
Date: October 25, 2016

Subject: 2016 California Fire Code with Local Amendments

RECOMMENDATION(S):

Acting in its capacity as the Contra Costa County Board of Supervisors and as the Board of Directors of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District:

1. INTRODUCE Ordinance No. 2016-23, to adopt the 2016 California Fire Code, with local amendments, as the fire code within Contra Costa County, the Contra Costa County Fire Protection District, and the Crockett-Carquinez Fire Protection District; WAIVE reading; and FIX November 1, 2016, at 9:30 a.m. as the hearing date for the proposed adoption of the ordinance.
2. DIRECT the Clerk of the Board to publish notice of the hearing pursuant to Government Code section 6066.
3. AUTHORIZE the preparation of an ordinance summary by County Counsel and the publication of the summary in accordance with Government Code section 25124.
4. DIRECT the Clerk of the Board of Supervisors to post at its office, and each Fire District to post at its office, a copy of the full text of Ordinance No. 2016-23.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Robert Marshall, Fire Marshal
(925) 941-3520

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

By: , Deputy

cc:

FISCAL IMPACT:

The fiscal impact is neutral. The adoption of this ordinance will provide the administrative authority to enforce the provisions of the California Fire Code as amended.

BACKGROUND:

The California Building Standards Commission has adopted and published the 2016 Building Standards Code, which includes the 2016 California Fire Code prepared and adopted by the State Fire Marshal. The statewide code becomes effective January 1, 2017.

Although the code applies statewide, Health and Safety Code sections 17958.5 and 18941.5 authorize a local jurisdiction to modify or change the statewide code and establish more restrictive standards if the jurisdiction finds that the modifications and changes are reasonably necessary because of local climatic, geological, or topographical conditions. Ordinance No. 2016-23 adopts the 2016 California Fire Code and amends it to address local conditions. There are several material changes to the local ordinance previously adopted by the Board in the 2013 code adoption process, as detailed below.

The attached ordinance amends the 2016 California Fire Code by establishing automatic sprinkler system requirements that are more restrictive than the sprinkler requirements in the statewide code. The attached ordinance requires the installation of automatic fire sprinkler systems in most commercial buildings greater than 5,000 square feet and in private and charter schools greater than 2,000 square feet. New public schools are required to install fire sprinklers regardless of square footage. Reducing the sprinkler threshold to 2,000 square feet for private schools brings the requirement more in line with public schools. Several other occupancies were clarified to require sprinklers as well, including light hazard warehouse type occupancies. The more restrictive requirements are necessary due to Contra Costa County's climatic, geological, and topographical conditions, which impact fire prevention efforts and the frequency, spread, acceleration, intensity, and size of fire involving buildings. The automatic sprinkler system requirements are set forth in Section 903.2 of the attached ordinance. The automatic sprinkler system requirements specific to schools are set forth in Section 903.2.3 of the attached ordinance.

The attached ordinance also clarifies a requirement for standby emergency medical services (EMS) personnel for large events that may tax the EMS system. The clarification is necessary because the statewide code as written does not assume that a fire agency is also an ambulance providing entity.

The Fire Districts' existing weed abatement program is incorporated into Section 320 of the ordinance. This program authorizes the Fire Districts to declare certain weeds that pose a fire hazard as a public nuisance, to abate those weeds, and to recover abatement costs from property owners.

Chapter 5 and Appendix D of the ordinance establish requirements for fire apparatus access roads, including requirements for turnouts, parking on access roads, and maximum grades.

Several other provisions were removed from the local ordinance previously adopted by the Board in the 2013 code adoption process, because the provisions have been incorporated into the updated 2016 California Fire Code. Notice of the public hearing is being published in accordance with Government Code section 6066. A summary of the ordinance is being prepared and published in accordance with Government Code section 25124(b).

CONSEQUENCE OF NEGATIVE ACTION:

Without the adoption of the 2016 California Fire Code (CFC), with local amendments, the Fire Districts will not have the legal authority to enforce any exterior hazard abatement standards or the ability to conduct fire and life safety inspections in occupancies other than high-rise buildings, schools, hotels, motels, apartments, and day care facilities. In addition, without adoption of the CFC, occupancies that conduct operations such as the production, storage, and sale of hazardous materials, places of assembly, and the review of construction documents and testing of fire protection and fire alarm systems would no longer be regulated by the Fire Districts.

Furthermore, adoption of the 2016 CFC is necessary to continue allowing the Fire Districts to collect fees to recover the costs of providing fire prevention related services. Without adoption of the CFC, as amended, the Fire District general fund revenues would be required to provide the fiscal support necessary to fund the positions currently supported by operational permit and inspection fees and new construction plan review fees. This would result in a decrease in the amount of general fund revenues available for conducting emergency response activities or critical fire prevention services and some positions may need to be reduced or eliminated.

ATTACHMENTS

Ordinance 2016-23

Ordinance 2016-23 Findings

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FIRE CODE

ORDINANCES OF THE COUNTY OF CONTRA COSTA, THE CROCKETT-CARQUINEZ FIRE PROTECTION DISTRICT, AND THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT ADOPTING THE 2016 CALIFORNIA FIRE CODE WITH AMENDMENTS.

The Contra Costa County Board of Supervisors, as the Board of Supervisors for Contra Costa County and as the Board of Directors of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District, ordains as follows:

SECTION 1. ADOPTION OF THE CALIFORNIA FIRE CODE.

Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District hereby adopt the 2016 California Fire Code (California Code of Regulations, Title 24, Part, 9 [based on the 2015 International Fire Code published by the International Code Council]), including Chapters 1-10 and 12-80, Appendix B, Appendix C, Appendix D, Appendix F, Appendix H, Appendix I, Appendix J, and Appendix K, as amended by the changes, additions, and deletions set forth in this ordinance. The 2016 California Fire Code, with the changes, additions, and deletions set forth this ordinance, is adopted by this reference as though fully set forth in this ordinance. As of the effective date of this ordinance, the provisions of the fire code are controlling and enforceable within the limits of each jurisdiction.

SECTION 2. AMENDMENTS TO THE CALIFORNIA FIRE CODE.

The 2016 California Fire Code is amended by the changes, additions, and deletions set forth in this Section 2. Chapter and Section numbers used below are those of the 2016 California Fire Code.

Chapter 1. Scope and Administration.

Section 101.1 is amended to read:

101.1 Title. This code is the Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District, and is hereinafter referred to as “this code.”

Section 102.1 is amended to add item 5, to read:

5. Where not otherwise limited by law, the provisions of this code shall apply to vehicles, ships, and boats that are permanently affixed to a specific location within the boundaries of this jurisdiction.

Section 105.6 is amended to read:

105.6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Chapter 1, Sections 105.6.1 through 105.6.60.

Section 105.6.5 is amended to read:

105.6.5 Carnivals, Fairs, Festivals and Exhibitions. A permit is required to operate a carnival, fair, festival, or exhibition.

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Section 105.6.31 is amended to read:

105.6.31 Motor Fuel Dispensing Facilities. An operational permit is required for the operation of automotive, marine, and fleet motor fuel dispensing facilities, as well as for sites that allow mobile fueling from a service provider to the general public.

Section 105.6 is amended by adding subsections 105.6.50 through 105.6.60, to read:

105.6.50 Asbestos removal. A permit is required to conduct asbestos-removal operations regulated by Section 3318.

105.6.51 Automobile Wrecking or Dismantling Yard. An operation permit is required for all automobile wrecking yards, automobile dismantling operations, and similar operations.

105.6.52 Battery systems. A permit is required to operate stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L) pursuant to Section 608.

105.6.53 Christmas tree sales. A permit is required to use a property for the purpose of selling cut Christmas trees.

105.6.54 Emergency Responder Radio Coverage. A permit is required for facilities with Emergency Responder Radio Coverage Systems.

105.6.55 Firework aerial display. A permit is required to conduct a firework display regulated by California Code of Regulations, Title 19 and Chapter 56 of this code.

105.6.56 Model rockets. A permit is required to sell model rocket motors or launch model rockets (in excess of 3 launches per event) pursuant to California Code of Regulations, Title 19, Division 1, Article 17. Permits issued in accordance with this section are for the site, and are effective as long as site conditions have not changed.

105.6.57 Temporary water supply. A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section 3312.1.

105.6.58 Tire storage. A permit is required to store more than 1,000 cubic feet (28.3m³) of tires inside buildings pursuant to Chapter 34.

105.6.59 Oil Extraction Process. A permit is required to operate a process that uses a volatile solvent or Liquid Carbon Dioxide to extract oil from organic material.

105.6.60 Indoor Growing Operation. A permit is required to operate an indoor growing operation.
Exception: Agricultural Greenhouses in an agricultural zone.

Section 105.7 is amended to read:

105.7 Required construction permits. The fire code official is authorized to issue construction permits for the operations set forth in Chapter 1, Sections 105.7.1 through 105.7.21.

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Section 105.7 is amended by adding Sections 105.7.17 through 105.7.22, to read:

105.7.17 Access for fire apparatus. Plans shall be submitted and a permit is required to install, improve, modify, or remove public or private roadways, driveways, and bridges for which Fire District access is required by the Fire Code. A permit is required to install a gate across a fire apparatus access road pursuant to Section 503.

105.7.18 Construction, alteration, or renovation of a building for which a building permit is required. Plans shall be submitted to the fire code official for all land developments or for the construction, alteration, or renovation of a building within the jurisdiction where a building permit is required.

Exception: Non-sprinklered Group R-3 Occupancies where work does not involve a substantial addition or expansion.

105.7.19 Medical gas systems. A construction permit is required for the installation of or modification to a medical gas system pursuant to Section 5306.

105.7.20 Refrigeration equipment. A permit is required to install a mechanical refrigeration unit or system regulated by Chapter 6 and/or the California Mechanical Code.

105.7.21 Land Development, Subdivisions. Plans shall be submitted to the fire code official for all land developments or improvements proposed within the jurisdiction that involve the subdivision of land.

105.7.22 Water supply for fire protection. Plans shall be submitted to the fire code official for the purpose of determining whether adequate water supplies, fire hydrants, and associated systems are provided for all facilities, buildings, or portions of buildings either constructed or moved into the District pursuant to Section 507.

Section 105.8 is added, to read:

105.8 Responsibility of permittee. Construction permits shall be presumed by the Fire District to incorporate all of the work that the applicant or the applicant's agent, employees, or contractors shall carry out. Work performed shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No Fire District approval shall relieve or exonerate any person from the responsibility of complying with the provisions of this code nor shall any vested rights be created for any work performed in violation of this code.

Section 108.1 is amended to read:

108.1 Board of Appeals established. In order to hear and decide appeals of orders, decisions, or determinations made by the fire code official relative to the application and interpretation of this code, there is hereby created a board of appeals. The board of appeals is comprised of the Board of Directors.

Section 108.3 is deleted.

Section 109.4 is amended to read:

109.4 Violation penalties. Every person who violates any provision of this fire code is guilty of an infraction or misdemeanor in accordance with Health and Safety Code Section 13871 and Government Code Section 53069.4. The imposition of one penalty for any violation shall not excuse the violation or

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permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the aforesaid penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 111.4 is amended to read:

111.4 Failure to comply. Any person who continues any work after having been served with a stop work order is subject to citation, except any work that a person is directed by the fire code official to perform to remove a violation or unsafe condition.

Chapter 2. Definitions.

Section 202 is amended by adding the following definitions to that section:

Administrator. Fire Chief.

All-weather driving surface. A roadway with a minimum surface finish of one layer of asphalt or concrete that is designed to carry the imposed weight loads of fire apparatus.

Automobile Dismantling. The operation of dismantling or removing parts from salvaged vehicles including engines or engine parts.

Automobile Wrecking Yard. An area that stores or dismantles salvaged vehicles.

Board of Directors. The Contra Costa County Board of Supervisors as the governing body of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District.

Board of Fire Commissioners. An advisory commission appointed by the Board of Directors to act as set forth in this ordinance and by resolutions of the Board of Directors.

Cost of Abatement. Includes all expenses incurred by the jurisdiction in its work of abatement and administrative costs pursuant to Section 319.5 of this code.

Defensible Space. The area within the perimeter of a parcel providing the key point of defense from an approaching wildland or escaping structure fire.

Driveway. A private roadway that provides access to no more than two (2) single-family dwellings.

Fire Code Official. In the Contra Costa County Fire Protection District, the Fire Code Official is the Fire Marshal. In the Crockett-Carquinez Fire Protection District, the Fire Code Official is the Fire Chief.

Firebreak. A continuous strip of land upon and from which all rubbish, weeds, grass, or other growth that could be expected to burn has been abated or otherwise removed in order to prevent extension of fire from one area to another.

Firetrail. A graded firebreak of sufficient width, surface, and design to provide access for personnel and equipment to suppress and to assist in preventing a surface extension of fires.

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Nuisance Fire Alarm. The activation of any fire protection or alarm system which results in the response of the Fire District and is caused by malfunction, improper maintenance, negligence, or misuse of the system by an owner, occupant, employee, or agent, or any other activation not caused by excessive heat, smoke, fire, or similar activating event.

Person. Includes individuals, firms, partnerships, and corporations.

Priority Hazard Zone. An area where the threat from wildfire is severe due to proximity to open space, topography, degree of space, density of homes and/or amount of vegetation (native and ornamental), and/or other conditions favorable to fast moving fires.

Reduced Fuel Zone. The area that extends from thirty (30) feet to one hundred (100) feet away from the structure, or to the property line, whichever is closer to the structure.

Response time. The elapsed time from receipt of call to the arrival of the first unit on scene.

Rubbish. Waste matter, litter, trash, refuse, debris, and dirt on streets or private property in the jurisdiction which is, or when dry may become, a fire hazard.

Rural area. An area generally designated for agricultural or open space uses with parcels more than 10 acres (4.046873ha) in size.

Rural residential area. An area generally designated for single family residential use with parcels between three (1.2140619ha) and 10 (4.046873ha) acres in size.

Running time. The calculated time difference between leaving the first-due station and arriving on the emergency scene.

Sprinkler Alarm and Supervisory System (SASS). A Dedicated Function Fire Alarm System located at the protected premise installed specifically to monitor sprinkler water-flow alarm, valve supervisory, and general trouble conditions where a Building Fire Alarm is not required.

Streets. Includes alleys, parkways, driveways, sidewalks, and areas between sidewalks and curbs, highways, public right of ways, private road, trails, easements, and fire trails.

Substantial Addition or Expansion. Addition, expansion, remodel, or renovation of any structure where the addition of new fire area exceeds fifty percent of the existing fire area. For the purposes of this definition, areas of a building in which construction elements including walls and roof assemblies were demolished and rebuilt are considered new fire area.

Temporary fire department access road for construction. An approved temporary roadway for emergency vehicle use during construction of residential subdivision projects.

Temporary fire department access road for construction of one (1) residential (R3) unit. A temporary roadway for emergency vehicle use during construction of an individual residential (R3) structure where a fire department access road is required as part of the project.

Temporary water supply. Water stored for firefighting purposes in an approved aboveground tank during combustible construction.

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Tree litter. Any limbs, bark, branches, and/or leaves in contact with other vegetation or left to gather on the ground.

Weeds. All weeds growing upon streets or private property in the jurisdiction, including any of the following:

1. Weeds that bear seeds of a fluffy nature or are subject to flight.
2. Sagebrush, chaparral (including Chamise, Coyote Brush/Greasewood, Brooms, and Buckwheat), and any other brush or weeds that attain such large growth as to become, when dry, a fire menace to adjacent improved property.
3. Weeds that are otherwise noxious or dangerous.
4. Poison oak and poison sumac when the conditions of growth constitute a menace to public health.
5. Dry grass, brush, tree litter, litter, or other flammable materials that endanger the public safety by creating a fire hazard.

Chapter 3. General Precautions Against Fire.

Section 304.1.2 is amended to read:

304.1.2 Vegetation. Hazards created by the growth of weeds, grass, vines, trees, or other growth capable of being ignited and endangering property shall be mitigated in accordance with Section 320.

Section 304.1.4 is added, to read:

304.1.4 Clothes Dryers. Clothes dryers shall be frequently cleaned to maintain the lint trap, mechanical and heating components, vent duct, and associated equipment free from accumulations of lint and combustible materials.

Section 308.1.4, Exception 1 is amended to read:

Exception 1. Residential Occupancies.

Section 320 is added to Chapter 3, to read:

SECTION 320 Exterior Fire Hazard Control.

320.1 General.

320.1.1 Jurisdictional Authority. The Board of Directors, as the supervising, legislative, and executive authority of the jurisdiction, hereby delegates to the Board of Fire Commissioners of the jurisdiction all its powers, duties, and rights to act pursuant to Part 5 (commencing with Section 14875), Division 12, of the Health and Safety Code, to clear or order the clearing of rubbish, litter, or other flammable material where such flammable material endangers the public the safety by creating a fire hazard. Fire hazard abatement will be conducted in accordance with the provisions of said Part 5 and this ordinance. In the application of the provisions of said Part 5 to fire hazard abatement proceedings under this ordinance and the Fire Protection District Law of 1987, the terms "Board of Directors" or "Board," when used in Part 5, means the Board of Fire Commissioners of this jurisdiction under this section; and the officers designated in Health and Safety Code Section 14890 are the employees of the jurisdiction.

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320.1.2 Retention of Jurisdictional Authority. If no Board of Fire Commissioners has been appointed for the jurisdiction, then the Board of Directors retains its powers and rights to act pursuant to said Part 5.

320.1.3 Contract for Services. The Board of Directors reserves and retains the power to award a contract for fire hazard abatement work when the employees of the jurisdiction are not used to perform the abatement work.

320.2 Definitions. The following terms are defined in Chapter 2:

Cost of Abatement
Defensible Space
Person
Priority Hazard Zone
Reduced Fuel Zone
Rubbish
Streets
Weeds

320.3 Weeds and Rubbish a Public Nuisance. The Board hereby declares that all weeds growing upon private property or streets in this jurisdiction and all rubbish on private property or streets in this jurisdiction are public nuisances. Such weed nuisance is seasonal and recurrent.

320.4 Abatement of Hazard.

320.4.1 Prohibition. No person who has any ownership or possessory interest in or control of parcel of land shall allow to exist thereon any hazardous rubbish, weeds, trees, or other vegetation that constitutes a fire hazard. Destruction by burning within this jurisdiction is unlawful unless the written permission of the fire chief is first obtained, and all other applicable permits are obtained from appropriate governing agencies or jurisdictions.

320.4.2 Specific Requirements. The District shall develop minimum abatement standards for land in residential, rural and/or rural residential, business, industrial areas, or land which is unused or vacant. Such standards may be modified periodically as circumstances dictate.

320.4.2.1 Clearance of Weeds from Streets. The Fire Code Official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of streets which are improved, designed, or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The Fire Code Official is authorized to enter upon private property to do so, to the extent allowed by law.

320.5 Abatement Procedures.

320.5.1 Abatement Order. The fire code official may order the abatement of the weeds and rubbish described in Sections 304.1.2 and this Section 320. On making the order, the fire code official will mail a copy of a notice to the owners of the affected property as their names and addresses appear upon the last county equalized assessment roll, or as their names and addresses are known to the fire code official. As an alternative to mailing, the notice may be posted upon the affected property and published in the jurisdiction, not less than 15 days prior to the date of the abatement hearing. Copies of the notice will be

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headed with the words "Notice to Abate Weeds and Rubbish" in letters at least one inch high. The notice will be in substantially the following form:

NOTICE TO ABATE WEEDS AND RUBBISH

You are hereby notified that weeds and rubbish constitute a fire hazard on the following described property owned by you:

(Describe property by common street designation, by metes and bounds, Assessor's code area and parcel number, or by reference to attached map).

You must remove the weeds and rubbish within fifteen (15) days from the date of this notice. If you fail to do so, the (jurisdiction) Fire Protection District will remove it, and the cost of the abatement, including administrative costs, will be collected as property taxes and will be a lien on your property until paid.

You are further notified that the Board of Supervisors has declared that such weeds and rubbish constitute a public nuisance and that such weeds also constitute a seasonal and recurring nuisance.

You may appear before the Board of Fire Commissioners of this jurisdiction on (time and date) at (place-room, street, address, and city) to show cause why this order should not be enforced.

(Signed): (Name of fire code official of name of jurisdiction)

320.5.2 Hearing Date. A date for hearing on the notice will be sent at least 15 days after the date of the notice. The date of the notice is the date on which the notice is placed in the United States mail or the date on which it is posted on the property. At the hearing, the property owner or his agent may appear to show cause why the order should not be enforced. For good cause shown, the Board of Fire Commissioners may extend the time for compliance with the order or may rescind the order.

320.5.3 Contract Award. If the owner fails to comply with the order, the fire code official may have the weeds and rubbish abated either by employees of this jurisdiction or by contract. If a contract is awarded, it will be by public bid, awarded to the lowest responsible bidder. A contract may include work on more than one parcel. Concerning any contract previously awarded as provided in this subsection and that has been fully extended as provided in that contract, it may thereafter be extended on its same terms and conditions for a further period (not to exceed one year) by agreement of the Board of Supervisors and the involved contractor.

320.5.4 Abatement Report of Costs. The fire code official or his or her designee abating the nuisance will keep an account of the cost of abatement in front of or on each separate parcel of land and will render an itemized report in writing to the Board of Fire Commissioners showing the cost of removing the weeds and rubbish on or in front of each separate lot or parcel of land, or both. Before the report is submitted to the Board of Fire Commissioners, a copy of it will be posted for at least three days on or near the chamber door of the Board with a notice of the time and when the report will be submitted to the Board for confirmation. At the time fixed for receiving and considering the report, the Board of Fire Commissioners will hear it and any objections of any of the property owners liable to be assessed for the work of abatement. Thereupon, the Board of Fire Commissioners may make such modifications in the report as it deems necessary, after which the report will be confirmed. The amount of the cost, including administrative costs, of abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed will constitute special assessment against the respective parcels of land, and are a lien on the property for the

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amount of the respective assessments. Such lien attaches upon recordation, in the office of the County Recorder, of a certified copy of the Resolution of Confirmation.

320.5.5 Cost Assessments. Upon confirmation of the report of cost by the Board of Fire Commissioners and the recordation of the Resolution of Confirmation, a copy of the report of cost will be sent to the County Auditor, who will enter the amount of the assessments against the parcels. Thereafter the amount of the assessments will be collected at the same time and in the same way as County taxes are collected. The owners are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to these assessment taxes.

320.6 Alternate Mitigation. In lieu of ordering abatement as provided in Section 320.5.1, the fire code official of this jurisdiction may order the preparation of firebreaks/fuelbreaks around parcels of property where combustible weeds, crops, or brush are present. In determining the proper width for firebreaks/fuelbreaks, the fire code official will consider the height of the growth, weather condition, topography, and the accessibility to the property for fire protection equipment. The procedure set forth in Section 320.5.1 for the abatement of weeds and rubbish shall apply to the preparation of firebreaks/fuelbreaks.

320.7 Subsurface Fires.

320.7.1 Peat Fire. It is the duty of each person, firm, corporation, or association not to permit a peat fire or a fire involving combustible vegetable matters under the surface of the natural ground to remain upon the property. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetable material at the owner's own cost and expense.

320.7.2 Fire Suppression Costs. If there exists upon the lands or property of any person as herein defined a subsurface fire involving the burning or combustion of peat, vegetable matter, or vegetation, and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish or minimize such fire or combustion, this jurisdiction may, in addition to its regular duties to extinguish or minimize such fire or combustion, go upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire District in fighting the fire and for the cost of proving rescue or emergency medical services shall be a charge against the property owner. The charge shall constitute a debt of the property owner and is collectable by the jurisdiction incurring those costs in the same manner as in the case of an obligation under a contract, express or implied. (See Health and Safety Code, §13009.)

Section 321 is added to Chapter 3, to read:

321 Automobile Wrecking Yards.

321.1 General. The operation of automobile wrecking yards shall be in accordance with this section.

321.2 Definitions. The following terms are defined in Chapter 2:

Automobile Dismantling
Automobile Wrecking Yard

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321.3 Requirements.

321.3.1 Permits. An operational fire code permit is required as in Section 105.6.51.

321.3.2 Fire Apparatus Access Roads. Fire apparatus access roads shall be constructed throughout the site in accordance with this code and shall be maintained clear of all vehicles and stored items.

321.3.3 Welding and cutting. Welding and cutting operations shall be conducted in an approved location, clear of all flammable liquids and combustible materials, including weeds, tires, and all other debris.

321.3.4 Housekeeping. Combustible rubbish accumulated on site shall be collected and stored in approved containers, rooms, or vaults of noncombustible materials. Combustible vegetation, cut or uncut, shall be removed when determined by the fire code official to be a fire hazard.

321.3.5 Fire Protection. Offices, storage buildings, and vehicles used for site operations shall each be provided with at least one portable fire extinguisher with not less than a 4-A: 40-B-C rating. When required by the fire code official, additional fire extinguishers shall be provided.

321.3.6 Tire storage. Tires shall be stored in racks or in a manner as approved by the fire code official.

321.3.6.1 Distance from Water Supply. Tire storage shall be located on-site and no further than 500 feet from a fire hydrant or an approved water supply as determined by the fire code official.

321.3.7 Storage Piles. Storage piles shall be located a minimum of 20 feet from property lines and shall have an unobstructed access road on all sides of not less than 20 feet.

321.3.8 Burning operations. The burning of salvaged vehicles and salvaged or waste materials is prohibited.

321.3.9 Motor vehicle fluids. Motor vehicle fluid shall be drained from salvaged vehicles when such liquids are leaking onto the ground and prior to dismantling or removing engine/motor parts.

321.3.9.1 Mitigation of leaking fluids. Precautions shall be taken to prevent fluids from salvaged vehicles from leaking onto the ground. Supplies or equipment capable of mitigating leaks from fuel tanks, crankcases, brake systems, and transmissions shall be kept available on site. Single-use plugs, diking, and absorbent materials shall be disposed of as hazardous waste and removed from the site in a manner in accordance with federal, state, and local requirements.

321.3.10 Fuel tanks. Fuel tanks of salvaged vehicles shall be emptied of all flammable (gasoline, diesel) fuels in an approved manner and stored in approved tanks.

321.3.10.1 Repair of vehicle fuel tanks. The repair of fuel tanks, including cutting, welding, or drilling of any kind, is prohibited.

321.3.11 Lead acid batteries. Lead acid batteries shall be removed from all salvaged vehicles and stored in an approved manner in a location approved by the fire code official.

Chapter 4. Emergency Planning and Preparedness.

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Section 401.5.1 is added, to read:

401.5.1 Nuisance Fire Alarm Fee. A fee may be charged for false and/or nuisance fire alarms in accordance with a fee schedule adopted by the Board of Directors.

Section 403.12.1 is amended to read:

403.12.1 Standby Personnel. Where, in the opinion of the fire code official or Fire Chief, it is essential for public safety in a place of assembly, or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest, or activity, the owner, agent, or lessee shall provide standby personnel as required and approved by the fire code official or Fire Chief. If the activity requires fire watch, fire watch shall be provided in accordance with Sections 403.12.1.1 and 403.12.1.2. Standby personnel needed for EMS standby shall be provided in accordance with Contra Costa County EMS Protocols.

Chapter 5. Fire Service Features.

Section 503.1.4 is added, to read:

503.1.4 Access to Open Spaces. When existing access to open land or space, or to fire trail systems maintained for public or private use, is obstructed by new development of any kind, the developer shall provide an alternate means of access into the area that is sufficient to allow access for fire personnel and apparatus. The alternate means of access must be approved by the fire code official.

Section 503.2.1 is amended by adding the following exception:

Exception: A minimum 16 foot wide driveway is acceptable for access to one or two single-family dwellings.

Section 505.3 is added, to read:

505.3 Street names and addressing. Street names and addressing shall be submitted for review and approval to the fire code official, whose approval will not be unreasonably withheld. The purpose of the review is to verify that new street names and addressing will not duplicate existing street names and addressing.

Section 507.2.3 is added, to read:

507.2.3 Suburban and rural water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 507.1.

Chapter 6. Building Services and Systems.

Section 603.6.6 is added, to read:

603.6.6 Sparks from chimneys. A chimney that is used with either a fireplace or heating appliances in which solid or liquid fuel is used shall be maintained with spark arresters that are required for incinerators pursuant to the 2016 California Mechanical Code.

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Chapter 8. Interior Finish, Decorative Materials and Furnishings.

Section 806.1.4 is added, to read:

806.1.4 Flame retardants. Cut trees shall be treated by a California State Fire Marshal-licensed fire retardant applicator. Trees shall be properly treated with an approved flame retardant.

Section 806.1.5 is added, to read:

806.1.5 Tags. Trees shall bear a tag stating date of placement in the public building, type of flame-retardant treatment used, name of the person who applied the flame retardant, the name of the person affixing the tag, a permit expiration date, and the name of the designated individual making daily tests.

Section 806.1.6 is added, to read:

806.1.6 Daily tests. Trees shall be tested daily by a designated individual. The test shall include a check for dryness in accordance with Section 806.1.3 and for adequate watering.

Chapter 9. Fire Protection Systems.

Section 901.6.2 is amended to read:

901.6.2 Records. Records of all system inspections, tests, and maintenance required by the reference standards shall be maintained in paper form and/or by a third party electronic record keeping service as chosen by the fire district.

Section 902 is amended to add:

Substantial Addition or Expansion

Section 903.2.1.1 is amended to read:

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for fire areas containing Group A-1 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

Section 903.2.1.3 is amended to read:

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for fire areas containing Group A-3 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The structure exceeds 10,000 square feet, contains more than one fire area containing exhibition and display rooms, and is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.

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Section 903.2.1.4 is amended to read:

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for fire areas containing Group A-4 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.1.8 is amended to read:

903.2.1.8 Group B. An automatic sprinkler system shall be provided for Group B occupancies where the fire area exceeds 5,000 square feet.

Section 903.2.3 is amended to read:

903.2.3 Group E. An automatic sprinkler system shall be provided for new Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 2,000 square feet in area.
Exception: An automatic sprinkler system is not required in any Group E Day Care Facility less than 5,000 square feet
2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.
Exception: An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.
3. In rooms or areas with special hazards such as laboratories, vocational shops, and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.
4. Throughout any Group E structure greater than 4,000 square feet in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.
5. For public school state-funded construction projects see Section 903.2.19.

Section 903.2.4 is amended in its entirety, to read:

903.2.4 Group F

903.2.4.1 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 5,000 square feet.
2. A Group F-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeding 2,500 square feet (230 m²).

903.2.4.1.1 Woodworking operations. An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet in area (232 m²) that generate finely divided combustible waste or use finely divided combustible materials. A fire

wall of less than 4-hour fire-resistance rating without openings, or any fire wall with openings, shall not be used to establish separate fire areas.

903.2.4.2 Group F-2. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-2 occupancy greater than 5,000 square feet.

Section 903.2.7 is amended to read:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 5,000 square feet.
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464 m²).
5. The structure exceeds 10,000 square feet, contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating without openings.

Section 903.2.8 is amended to read:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all Group R occupancies, including manufactured and mobile homes, including those located in mobile home parks.

Section 903.2.8.1.1 is added, to read:

903.2.8.1.1 Group R-3 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing Group R-3 dwellings where a substantial addition or expansion occurs and the new total fire area of the structure exceeds 3,600 square feet.

Exception: If a sprinkler system is required by the local building department regardless of the size of the addition or expansion, a sprinkler system shall be installed in accordance with the appropriate standard.

Section 903.2.9 is amended to read:

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 5,000 square feet.
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeding 2,500 square feet (230 m²).

Section 903.2.9.1 is amended to read:

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903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the California Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet.
2. Buildings not more than one story above grade plane, with a fire area containing a repair garage exceeding 5,000 square feet.
3. Buildings with repair garages servicing vehicles parked in basements.
4. A Group S-1 fire area used for the repair of commercial motor vehicles where the fire area exceeds 5,000 square feet (464 m²).

Section 903.2.10 is amended in its entirety, to read:

903.2.10 Group S-2.

903.2.10.1 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the California Building Code where either of the following conditions exists:

1. Where the fire area of the enclosed parking garage exceeds 5,000 square feet.
2. Where the enclosed parking garage is located beneath other occupancy groups.

903.2.10.2 Group S-2 Low Hazard Storage. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-2 occupancy exceeding 5,000 square feet.

Section 903.3.1.1.3 is added, to read:

903.3.1.1.3 Undeclared Use. In buildings of undeclared use with floor to structure height greater than 14 feet (4256 mm), the fire sprinkler system shall be designed to conform to Extra Hazard Group I design density. In buildings of undeclared use with floor to structure height less than 14 feet (4256 mm), the fire sprinkler system shall be designed to conform to Ordinary Group II design density. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the owner and/or the occupant to upgrade the system.

Section 903.3.1.3 is amended to read:

903.3.1.3 Sprinkler Systems for One and Two family dwellings. Automatic sprinkler systems for one and two- family dwellings shall be permitted to be installed in accordance with sections 903.3.1.3.1 through 903.3.1.3.3.

Sections 903.3.1.3.1, 903.3.1.3.2, and 903.3.1.3.3 are added, to read

903.3.1.3.1 NFPA 13D Sprinkler Systems. Automatic sprinkler systems installed in one and two family dwellings, Group R-3 buildings, and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D as amended in Chapter 80.

903.3.1.3.2 California Residential Code Section R313. Automatic sprinkler systems shall be permitted to be installed in accordance with California Residential Code section R313.

903.3.1.3.3 Pipe limitations. Where CPVC pipe is installed above the insulation or is otherwise located in an unconditioned space, such as in an attic space, or a garage without conditioned living space above,

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CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Section 903.3.5.3 is added, to read:

903.3.5.3 Non-permissible water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 903.3.5.

Section 903.3.9 is amended to read:

903.3.9. Floor control valves. Individual floor control valves and waterflow detection assemblies shall be provided for each floor in multi-floor buildings at an approved location.

Exception: Group R-3 and R-3.1 Occupancies.

Section 903.4.2 is amended to read:

903.4.2 Alarms. One approved audible and visual device shall be connected to every automatic sprinkler system at an approved location. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Audible and visual alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Sections 903.6.1 and 903.6.2 are added, to read:

903.6.1 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing buildings where a substantial addition or expansion occurs and the total fire area of the structure exceeds 5,000 square feet. Group R-3 substantial additions or expansions shall comply with Section 903.2.8.2.1

903.6.2 Change of occupancy classification. Any existing building that undergoes a change of occupancy classification into a higher hazard category shall comply with the requirements of Section 903.2. Relative hazard categories of occupancy groups shall be established based upon the Heights and Areas Hazard Categories of Table 1012.4 of the current edition of the International Existing Building Code, as published by the International Code Council. The requirements of Section 903.2 shall not be required when a change of occupancy classification is made to an equal or lesser hazard category. Group L occupancies shall be considered a relative hazard of 1 (highest hazard). Group R-3 occupancies shall be considered a relative hazard of 4 (lowest hazard).

Section 907.4.4 is added, to read:

907.4.4 Monitoring of other fire systems. In buildings equipped with a fire alarm system or sprinkler alarm and supervisory service (SASS) system, where other fire suppression or extinguishing systems are installed in the building (including but not limited to commercial kitchen suppression systems, pre-action fire suppression systems, dry chemical systems, and clean agent systems), these other suppression systems shall be monitored by the SASS dedicated function fire alarm system and transmitted as a specific signal to the Central Station. The system shall be monitored in compliance with Section 907.6.5.

Section 907.5.2.3.1 is amended to read:

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907.5.2.3.1 Public and common areas. Visible alarm notification appliances shall be provided in public use areas and common use areas, including but not limited to:

1. Sanitary facilities including restrooms, bathrooms, shower rooms, and locker rooms.
2. Corridors, hallways, and aisles with shelving and/or fixtures obstructing the required light intensity for that area.
3. Music practice rooms.
4. Band rooms.
5. Gymnasiums.
6. Multipurpose rooms.
7. Occupational shops.
8. Occupied rooms where ambient noise impairs hearing of the fire alarm.
9. Lobbies.
10. Meeting/Conference rooms.
11. Classrooms.
12. Medical exam rooms.
13. Open office areas.
14. Sales floor areas.
15. Break or lunch rooms
16. Copy or work rooms.
17. Computer server rooms exceeding 200 sq. ft.
18. File or Storage rooms exceeding 200 sq. ft.

Section 907.6.6 is amended to read:

907.6.6 Monitoring of fire alarm systems. A fire alarm system required by this chapter, or by the California Building Code, shall be monitored by a UL-listed Central Station service in accordance with NFPA 72 and this code.

Exception: Monitoring by a UL-listed central station is not required for:

1. Single and multiple station smoke alarms required by Section 907.2.11.
2. Group I-3 occupancies shall be monitored in accordance with Section 907.2.6.3.4.
3. Residential Day Care Facilities (occupancy load of 14 or less).
4. One and two family dwellings.
5. Residential Care Facilities licensed by the state with an occupant load of 6 or less.
6. Occupancies with a local fire alarm system that will give an audible and visible signal at a constantly attended location, as approved by the Fire Code Official.

Section 907.8.6 is added, to read:

907.8.6 Certification. New fire alarm systems shall be UL-Certified. A Certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate.

Section 907.8.6.1 is added, to read:

907.8.6.1 Posting of Certificate. The UL Certificate shall be posted in a durable transparent cover within 3 feet of the fire alarm control panel within 45 days of the final acceptance test/inspection.

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Chapter 10. Means of Egress.

Section 1028.5.1 is added, to read:

1028.5.1 Exit discharge surface. Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather, and shall terminate at a public way as defined in the California Building Code.

Chapter 33. Fire Safety During Construction and Demolition.

Section 3301.3 is added, to read:

3301.3 Permits. Permits shall be obtained for asbestos removal operations, temporary fire department access roads for construction, and temporary water supplies as set forth in sections 105.6 and 105.7.

Section 3318 is added, to read:

Section 3318 Asbestos removal.

3318.1 General. Operations involving removal of asbestos or asbestos-containing materials from buildings shall be in accordance with Section 3318.

Exception: Section 3318 does not apply to the removal of asbestos from:

1. Pumps, valves, gaskets and similar equipment.
2. Pipes, ducts, girders or beams that have a length less than 21 linear feet (6400 mm).
3. Wall or ceiling panels that have an area of less than 10 square feet (0.93 m²) or a dimension of less than 10 linear feet (3048 mm).
4. Floor tiles when their removal can be completed in less than four hours.
5. Group R-3 occupancies.

3318.2 Notification. The fire code official shall be notified 24 hours prior to the commencement and closure of asbestos-removal operations. The permit applicant shall notify the building official when asbestos abatement involves the removal of materials that were used as a feature of the building's fire resistance.

3318.3 Plastic Film. Plastic film that is installed on building elements shall be flame resistant as required for combustible decorative material, in accordance with Section 807.

3318.4 Signs. Approved signs shall be posted at the entrance, exit and exit-access door, decontamination areas, and waste disposal areas for asbestos-removal operations. The signs shall state that asbestos is being removed from the area, that asbestos is a suspected carcinogen, and that proper respiratory protection is required. Signs shall have a reflective surface. Lettering shall be a minimum of 2 inches (51 mm) high.

Chapter 50. Hazardous Materials – General Provisions.

Section 5001.5.3 is added, to read:

5001.5.3 Emergency response support information. Floor plans, material safety data sheets, Hazardous Materials Management Plans (HMMP), Hazardous Material Inventory Statements (HMIS), and other information must be stored at a readily accessible location, as determined by the fire code official. This

location may be in cabinets located outside of facilities or buildings. Information may be required to be maintained in a specific electronic media format to facilitate computer aided dispatching.

Section 5003.9.1.2 is added, to read:

5003.9.1.2 Documentation. Evidence of compliance with provisions of this chapter as well as with state and federal hazardous material regulations shall be maintained on site and available for inspection by fire department personnel.

Chapter 56. Explosives and Fireworks.

Section 5601.1.3 is amended to read:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited within the jurisdiction of the District.

Exceptions:

1. The use of fireworks for fireworks displays, pyrotechnics before a proximate audience, pyrotechnic special effects in motion pictures, television, theatrical, or group entertainment productions as allowed by Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and the Health and Safety Code Division 11.
2. Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 5601.2.2 is amended to read:

5601.9 Sale and retail display. No person shall construct a retail display or offer for sale any explosives, explosive materials, or fireworks within the jurisdiction.

Exception: Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 5601.2.4 is amended as follows:

5601.2.4 Financial responsibility. Before a permit is issued pursuant to Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$2,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Exception: Fireworks in accordance with California Code of Regulations, Title 19, Division 1, Chapter 6. See Section 5608.

Section 5601.9 is added, to read:

5601.9 Prohibited and Limited Acts. The storage of explosive materials is prohibited in all zoning districts except districts zoned for industrial or agricultural uses. In districts where the storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with California Fire Code Section 5601.8.

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Chapter 57. Flammable and Combustible Liquids.

Section 5704.2.9.6.1 is amended to read:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural uses.

Exception: Protected above-ground tanks for the purpose of emergency power generator installations in areas zoned commercial, industrial, agricultural, central business district, rural or rural residential, and for facilities on an individual basis consistent with the intent of this provision. Tank size shall not exceed 500 gallons (1892.706L) for Class I or II liquids, or 1,000 gallons (3785.412L) for Class III liquids.

Section 5706.2.4.4 is amended to read:

5706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks is prohibited in all zoning districts except district zoned for commercial, industrial, or agricultural use.

Chapter 58. Flammable Gases and Flammable Cryogenic Fluids.

Section 5806.2 is amended to read:

5806.2 Limitation. The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any area which is zoned for other than industrial use.

Exception: Liquid hydrogen fuel systems in compliance with Section 5806.3 or 5806.4.

Chapter 61. Liquefied Petroleum Gases.

Section 6103.2.1.7 is amended to read:

6103.2.1.7 Use for food preparation. Individual portable L-P containers used, stored, or handled inside a building classified as a Group A, Group B, or Group M occupancy for the purposes of cooking, food display, or a similar use, shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the fire code official. LP-gas appliances used for food preparation shall be listed for such use in accordance with the California Mechanical Code and NFPA 58.

Section 6104.2 is amended to read:

6104.2 Maximum capacity within established limits. The storage of liquefied petroleum gas is prohibited in any central business district and in all zoning districts except districts zoned for commercial, industrial, rural, or agricultural uses. The aggregate capacity of any one installation used for the storage of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7570 L).

Chapter 80. Referenced Standards.

Chapter 80 is amended by adding the following referenced standards:

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NFPA 3 (2015): Recommended Practice for Commissioning of Fire Protection and Life Safety Systems

NFPA 4 (2015): Standard for Integrated Fire Protection and Life Safety System Testing

NFPA 850 (2015): Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations

Chapter 80 is further amended by amending the NFPA 13D (2016) (Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes) standard as follows:

Section 7.7.1 is added, to read:

7.7.1 Where CPVC pipe is installed above the normal insulation in an unconditioned space, such as in an attic space, or a garage without conditioned living space above, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Section 8.3.5.1.2 is amended to read:

8.3.5.1.2 Where fuel-fired equipment is below or on the same level as occupied areas of the dwelling unit, at least one quick-response intermediate temperature sprinkler shall be installed above the equipment or at the wall separating the space with the fuel-fired equipment from the occupied space. In unconditioned spaces, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Appendix B. Fire-Flow Requirements for Buildings.

Section B105.2 is amended by amending the exception to read:

Exceptions:

1. Group B, S-2, and U occupancies having a floor area not exceeding 1,000 square feet, primarily constructed of noncombustible exterior walls with wood or steel roof framing, having a Class A roof assembly, with uses limited to the following or similar uses:
 - 1.1. California State Parks buildings of an accessory nature (restrooms).
 - 1.2. Safety roadside rest areas, (SRRA), public restrooms.
 - 1.3. Truck inspection facilities, (TIF), CHP office space and vehicle inspection bays.
 - 1.4. Sand/salt storage buildings, storage of sand and salt.
2. A reduction in required fire-flow of 50 percent, as approved by the fire code official, when the building is provided with an approved automatic sprinkler system and installed in accordance with Section 903.3.1.1. The resulting fire-flow shall be not less than 1,500 gallons per minute (5678L/min) for the prescribed duration as specified in Table B105.1.

Appendix C. Fire Hydrant Locations and Distribution.

Table C102.1 is amended as follows:

The title of Table C102.1 is amended to read:

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TABLE C102.1ⁱ

The heading of the fourth column of Table C102.1 is amended to read:

MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A
HYDRANT^{d,f,g,h}

Footnotes “h” and “i” are added to Table C102.1, to read:

- h. A fire hydrant shall be provided within 250 feet of a fire trail access point off a public or private street.
- i. For infill projects within existing single-family residential developments, Section 507.5.1 applies.

Appendix D. Fire Apparatus Access Roads.

Section D102.1 is amended to read:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete, or other approved all-weather driving surface capable of supporting the imposed load of fire apparatus weighing at least 74,000 pounds (33 566 kg) in accordance with CalTrans Design Standard HS-20-44.

Exception: Driveways serving one or two single-family dwellings may be constructed of an alternate surface material, providing the imposed weight load design minimums are met and the grade does not exceed 10 percent.

Section D103.1 is deleted.

Section D103.2 is amended to read:

D103.2 Grade. Fire department access roadways having a grade of between 16 percent and 20 percent shall be designed to have a finished surface of grooved concrete sufficient to hold a 44,000 pound (19 958 kg) traction load. The grooves in the concrete surface shall be ½ inch (13 mm) wide by ½ inch (13 mm) deep and 1 ½ inch (38 mm) on center and set at a 30 to 45 degree angle across the width of the roadway surface. No grade shall exceed 20 percent, nor shall the cross slope exceed 8%, unless authorized in writing by the fire code official.

Section D103.2.1 is added, to read:

D103.2.1 Angles of approach and departure. The angles of approach and departure for any means of access shall not exceed 10 percent at 10 feet of the grade break.

Section D103.3 is amended to read:

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D103.3 Turning radius. Based on a minimum unobstructed width of 20 feet, a fire apparatus access roadway shall be capable of providing a minimum standard turning radius of 25 feet (7620 mm) inside and 45 feet (13 716 mm) outside.

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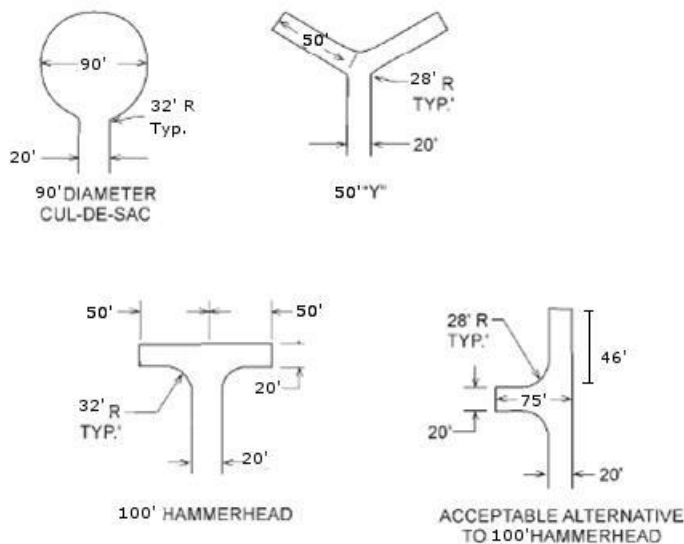
Table D103.4 is amended to read:

**Table D103.4
REQUIREMENTS FOR DEAD-END FIRE
APPARATUS ACCESS ROADS**

LENGTH (feet)	MINIMUM WIDTH (feet)	TURNAROUNDS REQUIRED
0 – 150	20 ^a	None required
151 – 750	20 ^a	100-foot Hammerhead, 50-foot “Y”, 75-foot Shunt or 90-foot-diameter cul-de-sac in accordance with figure D103.1
Over 750		Special approval required ^b

- a. A driveway with a minimum width of 16 feet is acceptable for access to no more than two single-family dwellings.
- b. Any fire apparatus access roadway or driveway that is approved to be less than 20 feet wide and to exceed 750 feet in length shall have outssets or turnouts every 300 feet along the length of the road or driveway, or at locations approved by the fire code official. Each outset or turnout shall be of the following dimensions: an 8 foot wide turnout that extends at least 40 feet in length.

Figure D103.1 is amended to read:



**Figure D103.1
Dead-end Fire Apparatus Access Road Turnaround**

Section D103.5 is amended as follows:

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Criteria 1 of Section D103.5 is amended to read:

1. The minimum clear width shall be 20 feet (6096mm).

Exception: For access to one or two single-family dwellings, 16 feet clear width is acceptable.

Criteria 9 is added to Section D103.5, to read:

9. All gates shall be installed and located a minimum of 30 feet off the street.

Section D103.6.1 is amended to read:

D103.6.1 Roads less than 28 feet in width. Fire apparatus access roads less than 28 feet wide shall be posted on both sides as a fire lane.

Section D103.6.2 is amended to read:

D103.6.2 Roads 28 feet in width or greater, but less than 36 feet in width. Fire apparatus access roads 28 feet wide or greater, but less than 36 feet wide, shall be posted on one side of the road as a fire lane.

Section D106.1 is amended by deleting the exception and to read:

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be provided with two separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

Section D106.2 is deleted in its entirety.

SECTION 3. REPEAL OF FIRE CODE.

Ordinance No. 2013-22, adopting the 2013 California Fire Code with amendments, is hereby repealed.

SECTION 4. REFERENCES TO PRIOR CODE.

Unless superseded and expressly repealed, references in City forms, documents, and regulations to the chapters and sections of the Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District, 2013, shall be construed to apply to the corresponding provisions contained within the Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District, 2016. Ordinance 2013-22 and all other ordinances or parts of ordinances in conflict herewith are hereby superseded and expressly repealed.

SECTION 5. VALIDITY.

The Contra Costa County Board of Supervisors declares that if any section, paragraph, sentence, or word of this ordinance or of the 2016 California Fire Code as adopted and amended herein is declared for any reason to be invalid, it is the intent of the Contra Costa County Board of Supervisors that it would have passed all other portions or provisions of this ordinance independent of the elimination here from any portion or provision as may be declared invalid.

ORDINANCE NO. 2016-23

25

SECTION 6. MORE RESTRICTIVE REQUIREMENTS.

If requirements more restrictive than those in this fire code are adopted by the city of Antioch, Clayton, Concord, Lafayette, Martinez, Pittsburg, Pleasant Hill, San Pablo, or Walnut Creek, or the County of Contra Costa, those requirements will apply only within the jurisdiction adopting those requirements.

SECTION 7. EFFECTIVE DATE.

This ordinance becomes effective on January 1, 2017 or 30 days after passage, whichever is later. Within 15 days of passage, this ordinance shall be published once in the Contra Costa Times, a newspaper published in this County. This ordinance shall be published in a manner satisfying the requirements of Government Code Section 25124, with the names of supervisors voting for and against it.

Passed on _____, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

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

Board Chair

By: _____
Deputy

[SEAL]

KCK:
H:\FPD\2016\Fire Code Ord\Ordinance No. 2016-23 Fire Code Adoption Ord - final.docx

CONTRA COSTA COUNTY, CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT,
AND CROCKETT-CARQUINEZ FIRE PROTECTION DISTRICT
FINDINGS IN SUPPORT OF AMENDMENTS TO THE 2016 CALIFORNIA BUILDING
STANDARDS CODE, TITLE 24, PART 9, CALIFORNIA FIRE CODE

The California Building Standards Commission has adopted and published the 2016 California Fire Code. The purpose of the code is to regulate and govern the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises.

Health and Safety Code section 17958.5 and 18941.5 authorize a local jurisdiction to modify or change the statewide codes and establish more restrictive building standards if the jurisdiction finds that the modifications and changes are reasonably necessary because of local climatic, geological, or topographical conditions.

Ordinance No. 2016-23 adopts the 2016 California Fire Code and amends it to address local conditions. Pursuant to Sections 17958.5 and 17958.7 of the Health and Safety Code, the Contra Costa County Board of Supervisors, in its capacity as the Board of Supervisors and the Board of Directors of the Contra Costa County Fire Protection District and the Crockett-Carquinez Fire Protection District, finds that the more restrictive standards contained in Ordinance No. 2016-23 are reasonably necessary because of certain local climatic, geological, and topographic conditions that are described below.

Local Conditions

A. Climatic

1. Precipitation and Relative Humidity

(a) Conditions

Precipitation ranges from 15 to 24 inches per year with an average of approximately 20 inches per year. Ninety-six (96) percent falls during the months of October through April and four (4) percent from May through September. This is a dry period of at least five (5) months each year. Additionally, the area is subject to occasional drought. Relative humidity remains in the middle range most of the time. It ranges from forty-five (45) to sixty-five (65) percent during spring, summer, fall, and from sixty (60) to ninety (90) percent in the winter. It occasionally falls as low as fifteen (15) percent.

(b) Impact

Locally experienced dry periods cause extreme dryness of untreated wood shakes and shingles on buildings and non-irrigated grass, brush, and weeds, which are often near buildings with wood roofs and sidings. Such dryness causes these materials to ignite very readily and burn rapidly and intensely.

Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks, and embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the Fire District resulting in an excessive fire loss.

2. Temperature

(a) Conditions

Temperatures have been recorded as high as 114° F. Average summer highs are in the 90° range, with average maximums of 105° F.

(b) Impact

High temperatures cause rapid fatigue and heat exhaustion of firefighters, thereby reducing their effectiveness and ability to control large building and wildland fires.

Another impact from high temperatures is that combustible building material and non-irrigated weeds, grass, and brush are preheated, thus causing these materials to ignite more readily and burn more rapidly and intensely. Additionally, the resultant higher temperature of the atmosphere surrounding the materials reduces the effectiveness of the water being applied to the burning materials. This requires that more water be applied, which in turn requires more Fire District resources in order to control a fire on a hot day. High temperatures directly contribute to the rapid growth of fires to an intensity and magnitude beyond the control capabilities of the Fire District.

3. Winds

(a) Conditions

Prevailing winds in the area are from the south or southwest in the mornings and from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the fourteen (14) mph to twenty-three (23) mph ranges, gusting to twenty-five (25) to thirty-five (35) mph. Forty (40) mph winds are experienced occasionally and winds up to fifty-five (55) mph have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days creating extremely dry conditions.

(b) Impact

Winds such as those experienced locally can and do cause fires, both interior and exterior, to burn and spread rapidly. Fires involving non-irrigated weeds, grass, and brush can grow to a magnitude and be fanned to intensity beyond the control capabilities of the Fire District very quickly even by relatively moderate winds. During wood shake and shingle roof fires, or exposure fires, winds can carry sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. When such

fires are not controlled, they can extend to nearby buildings, particularly those with untreated wood shakes or shingles. In building fires, winds can literally force fires back into the building and can create a blow torch effect, in addition to preventing “natural” ventilation and cross-ventilation efforts.

Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by the Fire District on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection and fires involving wood shake and shingle building exteriors. Local winds will continue to be a definite factor towards causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas or lacking automatic fire protection systems. National statistics frequently cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

B. Geological and Topographic

1. Seismicity

(a) Conditions

Contra Costa County is located in Seismic Risk Zone 4, which is the worst earthquake area in the United States. Buildings and other structures in Zone 4 can experience major seismic damage. Contra Costa County is in close proximity to the San Andreas Fault and contains all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. The Concord and Antioch faults have a potential for a Richter 6 earthquake and the Hayward and Calaveras faults have the potential for a Richter 7 earthquake. Minor tremblers from seismic activity are not uncommon in the area.

The fire environment of a community is primarily a combination of two factors: the area’s physical geologic characteristics and a historic pattern of urban-suburban development. These two factors, alone and combined, create a mixture of environments which ultimately determines the area’s fire protection needs. The Fire District has 3 distinct areas. They are: the West, which includes the City of San Pablo and the communities of North Richmond, El Sobrante, and East Richmond Heights; the Central, which includes the Cities of Lafayette, Martinez, Pleasant Hill, Concord, Walnut Creek, Clayton, and the communities of Clyde, Pacheco, Alhambra Valley, and Alamo; and the East, which includes the Cities of Antioch and Pittsburg and the community of Bay Point.

Because of the size of the Contra Costa County Fire Protection District (304 Square miles), the characteristics of the fire environment changes from one

location to the next. Therefore the District has not one, but a number of fire environments, each of which has its individual fire protection needs from two major oil refineries, to heavy industrial facilities, freeways, rail lines, waterways, port facilities, wildland areas, urban and suburban town settings, and major downtown areas.

Interstates 80 and 680, State Highways 4, 24, and 242, Bay Area Rapid Transit District (BART), and major thoroughfares travel throughout the District. There are 2 major rail lines which run through the District. An overpass or underpass crossing collapse would alter the response route and time for responding emergency equipment. This is due to the limited crossings of the major highways and rail lines.

Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities, which, in turn, cause power failures while at the same time starting fires throughout the Fire District. The occurrence of multiple fires will quickly deplete existing fire district resources; thereby reducing and/or delaying their response to any given fire. Additionally, without electrical power, elevators, smoke management systems, lighting systems, alarm systems, and other electrical equipment urgently needed for building evacuation and fire control in large buildings without emergency generator systems would be inoperative, thereby resulting in loss of life and/or major fire losses in such buildings.

(b) Impact

A major earthquake could severely restrict the response of the Fire District and its capability to control fires involving buildings of wood frame construction, with ordinary wood shake and shingle exteriors, or with large interior areas not provided with automatic smoke and fire control systems.

2. Soils

(a) Conditions

The area is replete with various soils, which are unstable, clay loam and alluvial fans being predominant. These soil conditions are moderately to severely prone to swelling and shrinking, are plastic, and tend to liquefy.

Throughout the Fire District, the topography and development growth has created a network of older, narrow roads. These roads vary from gravel to asphalt surface and vary in percent of slope, many exceeding twenty (20) percent. Several of these roads extend up through the winding passageways in the hills providing access to remote, affluent housing subdivisions. Many of these roads are private with no established maintenance program. During inclement weather, these roads are subject to rock and mudslides, as well as down trees, obstructing all vehicle traffic. It is anticipated that during an earthquake, several of these roads would be practically impassable.

3. Topographic

(a) Conditions

(i) Vegetation

The service area of the Contra Costa County Fire Protection District has a varied topography and vegetative cover. A conglomeration of flat lands, hills, and ridges make up the terrain. Development has occurred on the flat lands in the District and in the past 15 years development has spread into the hills, valleys, and ridge lands of the District.

Highly combustible dry grass, weeds, and brush are common in the hilly and open space areas adjacent to built-up locations six (6) to eight (8) months of each year. Many of these areas frequently experience wildland fires, which threaten nearby buildings, particularly those with wood roofs, or sidings. This condition can be found throughout the Fire District, especially in those fully developed areas and those areas marked for future development.

(ii) Surface Features

The arrangement and location of natural and manmade surface features, including hills, creeks, canals, freeways, housing tracts, commercial development, fire stations, streets, and roads, combine to limit efficient response routes for Fire District resources into and through many areas.

(iii) Buildings, Landscaping and Terrain

Many of the “newer” large buildings and building complexes have access and landscaping features or designs which preclude, or greatly limit, efficient approach or operational access to them by Fire District vehicles. In addition, the presence of security gates, roads of inadequate width and grades which are too steep for Fire District vehicles create an adverse impact on fire suppression efforts.

When Fire District vehicles cannot gain access to buildings involved with fire, the potential for complete loss is realized. Difficulty reaching a fire site often requires additional fire personnel and resources to successfully and safely mitigate the event. Access problems often result in severely delaying, misdirecting, or making fire and smoke control efforts unsuccessful.

(b) Impact

The above local geological and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the Contra Costa County Fire Protection District. Fire following an earthquake has the potential of causing greater loss of life and damage than

the earthquake itself. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. Public Safety resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single dwelling or structure fires.

Other variables may intensify the situation:

1. The extent of damage to the water system.
2. The extents of isolation due to bridge and/or freeway overpass collapse.
3. The extent of roadway damage and/or amount of debris blocking the roadways.
4. Climatic conditions (hot, dry weather with high winds).
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours.
6. The availability of timely mutual aid or military assistance.
7. The large portion of dwellings with wood shake or shingles coverings could result in conflagrations.

Necessity for More Restrictive Standards

Because of the conditions described above, the Contra Costa County Board of Supervisors, in its capacity as the Board of Supervisors and the Board of Directors of the Contra Costa County Fire Protection District and the Crockett-Carquinez Fire Protection District, finds that there are building and fire hazards unique to Contra Costa County that requires the increased fire protection requirements set forth in Ordinance No. 2016-23.

The ordinance amends Chapter 1 (Scope and Administration) of the statewide Fire Code by requiring a permit for certain activities and operations that pose fire hazards. The ordinance amends the statewide Fire Code by incorporating into Chapter 3 (General Precautions Against Fire) the fire districts' existing weed abatement program that authorizes the fire districts to declare certain weeds that pose a fire hazard as a public nuisance and to abate those weeds. The ordinance amends Chapter 4 of the statewide Fire Code (Emergency Planning and Preparedness) to require standby EMS personnel for large events as well as standby fire personnel to account for the fact that the fire district is both the local fire and EMS provider. The ordinance amends the statewide Fire Code by reducing the square footage thresholds found in Chapter 9 (Fire Protection Systems) for installation of automatic fire sprinkler systems in most commercial buildings and in private and charter schools. The ordinance amends Chapter 5 (Fire Service Features) and Appendix D (Fire Apparatus Access Roads) of the statewide Fire Code to establish requirements for fire apparatus access roads.



Contra
Costa
County

To: Board of Supervisors
From: Dianne Dinsmore, Human Resources Director
Date: October 25, 2016

Subject: Introduce Ordinance No. 2016-20 to amend Ordinance Code 33-5.313

RECOMMENDATION(S):

INTRODUCE Ordinance No. 2016-20 amending the County Ordinance Code to change the appointing authority of the exempt classification of Medical Director and to remove the exempt classifications of Ambulatory Care Chief Executive Officer, Contra Costa Health Plan Medical Director, and Mental Health Medical Director from the list of classifications excluded from the Merit System, WAIVE reading, and FIX November 1, 2016, for adoption.

FISCAL IMPACT:

There are no cost associated with this action.

BACKGROUND:

Contra Costa Health Services system of care has grown and continues to expand its services to accommodate the increase in the number of patients served throughout Contra Costa County. Further, expanded services are necessary in order to meet guidelines and regulations set forth by federal, state, and accreditation agencies. These services require effective and efficient medical care oversight and warrant the addition of two (2) positions within the Health Services Senior Management Executive Team.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Dorette McCollum
(925) 957-5240

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

By: , Deputy

cc: Dorette McCollum

BACKGROUND: (CONT'D)

The Medical Director-Exempt classification will be utilized in various areas of the health care system including Contra Costa Regional Medical Center and Health Centers, Contra Costa Health Plan, Behavioral Health, Emergency Medical Services, and Public Health. The primary responsibility is to plan, organize, implement and direct the professional medical standards, comprehensiveness and efficiency of the medical care component in the health care system. The Department has determined that the classifications of Contra Costa Health Plan Medical Director, Mental Health Medical Director and Ambulatory Care Chief Executive Officer, and their vacant positions no longer meet its operational needs. If the Board approves this action, the Department will return at a future meeting date to abolish these exempt classifications, cancel their respective vacant position, and add Medical Director - Exempt positions to meet medical care oversight needs in the aforementioned Health Services divisions.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to obtain Board approval will hinder the Department's efforts to efficiently and effectively manage the expanded health services system of care, which may adversely impact patient care services.

CHILDREN'S IMPACT STATEMENT:

No impact.

ATTACHMENTS

Ordinance No. 2016-20

ORDINANCE NO. 2016-20

(Change the Appointing Authority of the Exempt Classification of Medical Director and delete the exempt classifications of Ambulatory Care Chief Executive Officer, CCHP Medical Director and Mental Health Medical Director from the List of Classifications Excluded from the Merit System)

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I: Section 33-5.313 of the County Ordinance Code is amended to change the appointing authority of the Medical Director-Exempt classification and to remove the classifications of Ambulatory Care Chief Executive Officer-Exempt, Contra Costa Health Plan Medical Director and Mental Health Medical Director-Exempt from the list of classifications excluded from the merit system:

33-5.313 - Health-medical.

- (a) Classifications appointed by the Board of Supervisors
 - (1) The director of health services is excluded and is appointed by the board.
 - (2) The county health officer (Health and Safety Code Section 101000) is excluded and is appointed by the board.
 - (3) The county physician (Health and Safety Code Section 1441) is excluded and is appointed by the board.
 - (4) The county (local) director of mental health services (Welfare and Institutions Code Section 5607, 9 Cal. Code of Regulations Sections 620 et seq.) is excluded and is appointed by the board.
- (b) General Executive and Administrative classifications
 - (1) The assistant to the health services director-exempt is excluded and is appointed by the director of health services.
 - (2) The assistant directors of health services are excluded and are appointed by the director of health services.
 - (3) The health services administrative officer is excluded and is appointed by the director of health services.
 - (4) The health services personnel officer-exempt is excluded and is appointed by the director of health services.
 - (5) The chief operations officer-exempt is excluded and is appointed by the director of health services.
 - (6) The emergency medical services director-exempt is excluded and is appointed by the director of health services.
 - (7) The medical directors are excluded and are appointed by the director of health services.
- (c) County Hospital and Clinics classifications
 - (1) The Contra Costa Regional Medical Center chief executive officer-exempt is excluded and is appointed by the director of health services.
 - (2) The chief medical officer-exempt is excluded and is appointed by the director of health services.

ORDINANCE NO. 2016-20

- (3) The residency director-exempt is excluded and is appointed by the director of health services.
 - (4) The chief quality officer-exempt is excluded and is appointed by the director of health services.
 - (5) The director of patient financial services is excluded and is appointed by the director of health services.
 - (6) The chief nursing officer-exempt is excluded and is appointed by the director of health services.
 - (7) Physicians and dentists serving the county (except those in the classifications of assistant health officer, and chief of community health services) are excluded and are appointed by the director of health services.
- (d) Contra Costa Health Plan (CCHP) classifications
- (1) The chief executive officer, Contra Costa Health Plan-exempt is excluded and is appointed by the director of health services.
 - (2) The deputy executive director, Contra Costa Health Plan-exempt is excluded and is appointed by the director of health services.
 - (3) The director of marketing, member services, and public relations-Contra Costa Health Plan is excluded and is appointed by the director of health services.
 - (4) The health plan services assistant-exempt is excluded and is appointed by the director of health services.
- (e) Information Technology classifications
- (1) The health services information technology director-exempt is excluded and is appointed by the director of health services.
 - (2) The assistant health services information technology director-project management-exempt is excluded and is appointed by the director of health services.
 - (3) The assistant health services information technology director-application development-exempt is excluded and is appointed by the director of health services.
 - (4) The assistant health services information technology director-customer support-exempt is excluded and is appointed by the director of health services.
 - (5) The assistant health services information technology director-infrastructure-exempt is excluded and is appointed by the director of health services.
 - (6) The assistant health services information technology director-information security-exempt is excluded and is appointed by the director of health services.
- (f) Environmental & Mental Health classifications
- (1) The mental health education liaison-exempt is excluded and is appointed by the director of health services.
 - (2) The director of environmental health services is excluded and is appointed by the director of health services.
 - (3) The director of hazardous materials programs-exempt is excluded

ORDINANCE NO. 2016-20

and is appointed by the director of health services.

(4) The executive assistant to the hazardous materials commission-exempt is excluded and is appointed by the director of health services.

(Ord. Nos. 2016-20 § 1, 2016-09 § 1, 2013-04 § 1, 2011-14 § 1, 2011-06 § 1, 2010-13 § 1, 2009-16 § 1, 2009-09 § 1, 2008-11 § 1, 2007-37 § 1, 2005-28 § 1, 2004-11 § 1, 2003-32 § 1, 99-23, 98-11 § 1, 98-5 § 1, 97-25 § 1, 97-13 § 1, 96-31 § 1, 93-3 § 1, 92-2 § 1, 90-124 § 1, 90-55, 86-97, 86-32, 85-50 § 2, 83-9, 1-70 § 2, 81-32 § I[5], 80-69 § 1, 80-34 § 1, 80-6, 79-29, 79-9 § 3: § 32-2.602 (7, 13, 16): prior code § 2413 (g, n, r): Ords. 69-81, 2030, 471: Bd. Sups. Resol. # 79/201).

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

PASSED ON _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: DAVID J. TWA, Clerk of the
Board of Supervisors and County Administrator

By: _____
Deputy

_____ Board Chair

[SEAL]

H:\Human Resources\Ordinance Code Changes\Ord re exclude Medical Dir & delete other HSD classes- Oct 2016.doc



Contra
Costa
County

To: Board of Supervisors
From: Karen Mitchoff, District IV Supervisor
Date: October 25, 2016

Subject: Appoint Greg Grassi to the Board of Supervisors public member seat of the Concord Successor Agency Oversight Board

RECOMMENDATION(S):

Appoint Greg Grassi to the Board of Supervisors public member seat of the Concord Successor Agency Oversight Board with a term expiring on November 1, 2018.

FISCAL IMPACT:

None

BACKGROUND:

Each oversight board is an independent decision-making body with a fiduciary responsibility to holders of enforceable obligations of each former city redevelopment agency as well as governmental taxing entities that remain within the former project areas of each dissolved agency.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

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

Contact:
925-789-2008

By: , Deputy

cc:



Contra
Costa
County

To: Board of Supervisors
From: FAMILY & HUMAN SERVICES COMMITTEE
Date: October 25, 2016

Subject: Appointments to the Advisory Council on Aging

RECOMMENDATION(S):

APPOINT the following individuals for reappointment to the Contra Costa Advisory Council on Aging (ACOA) with the term expirations as stated below:

Terms expiring on September 30, 2018:

- At-Large Seat #2: Shirley Krohn, resident of Walnut Creek
- At-Large Seat #4: Patricia Welty, resident of Pittsburg
- At-Large Seat #5: Deborah Card, resident of Pittsburg
- At-Large Seat #13: Jeffrey Weiss, resident of Pacheco
- At-Large Seat #10: Jennifer Doran, resident of Hercules
- At-Large Seat #12: Nuru Neemuchwalla, resident of Pleasant Hill
- At-Large Seat #13: Mary Dunne Rose, resident of San Ramon
- At-Large Seat #18: Richard Nahm, resident of Brentwood
- Nutrition Project Council Seat: Gail Garrett, resident of Richmond

Appoint to a term ending September 30, 2017:

- At-Large Seat #20: Susan Frederick, resident of Richmond

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Enid Mendoza 925
335-1039

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

By: , Deputy

cc:

RECOMMENDATION(S): (CONT'D)

>

FISCAL IMPACT:

None.

BACKGROUND:

The Advisory Council on Aging provides a means for county-wide planning, cooperation, and coordination of individuals and groups interested in improving and developing services and opportunities for the older residents of the County. The Council provides leadership and advocacy on behalf of older persons and serves as a channel of communication and information on aging.

Council membership recruitment is handled by both the Area Agency on Aging, the ACOA Membership Committee and the Clerk of the Board using CCTV. Members of the AAA staff have encouraged interested individuals including minorities to apply through announcements distributed to the senior centers, Contra Costa libraries, the East, Central and West County Senior Coalitions and among the active ACOA membership. The ACOA Membership Committee has developed a survey and will continue work to populate the Council with members who are also consumers of services provided by the Older Americans Act. The Contra Costa County EHSD website contains dedicated web content where interested members of the public are encouraged to apply.

All Member At Large applicants recommended for reappointment were interviewed by members of the ACOA Membership Committee. The Membership Committee and the Council's current President, Gerald Richards recommend the reappointment of all current Member At Large members who are interested in serving an additional term. Please find copies of the members' applications provided as separate attachments.

CONSEQUENCE OF NEGATIVE ACTION:

The Council will not have needed representatives.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Card - Redacted

Doran - Redacted

Dunne - Redacted

Fredrick - Redacted

Garrett Redacted

Krohn - Redacted

Nahm - Redacted

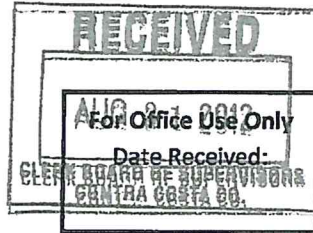
Neemuchwalla - Redacted

Weiss - Redacted

Welty - Redacted



**Contra
Costa
County**



For Reviewers Use Only:	
Accepted	Rejected

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

MAIL OR DELIVER TO:
Contra Costa County
CLERK OF THE BOARD
651 Pine Street, Rm. 106
Martinez, California 94553-1292
PLEASE TYPE OR PRINT IN INK
(Each Position Requires a Separate Application)

BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:

Advisory Council on Aging

PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION

PRINT EXACT SEAT NAME (if applicable)

1. Name: Card, Deborah Ann
(First Name) (Middle Name)

2. Address _____
(Zip Code) _____

3. Phone: _____
(Home No.) (Work No.) (Cell No.)

4. Email Address _____

5. EDUCATION: Check appropriate box if you possess one of the following:

High School Diploma G.E.D. Certificate California High School Proficiency Certificate

Give Highest Grade or Educational Level Achieved Doctorate in Education

Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) Michigan State University	Nursing	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			BSN	6/74
B) UCSan Francisco	Nursing	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			MSN	6/77
C) University of San Francisco	Education	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			Ed.D.	6/83
D) Other schools / training completed: CSU East Bay	Course Studied Geriatric Studies	Hours Completed	Certificate Awarded: Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			

THIS FORM IS A PUBLIC DOCUMENT

6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<p>A) Dates (Month, Day, Year) From To 09/05/1977 to Currently</p> <p>Total: Yrs. Mos. Approx. 34 years</p> <p>Hrs. per week <u>20</u> . Volunteer <input type="checkbox"/></p>	<p>Title Public Health Nurse/Manager</p> <p>Employer's Name and Address Contra Costa County: Health Services Dept: Public Health, Mental Health</p> <p>Employment and Human Services Department: IHSS, APS, MSSP, I&A</p>	<p>Duties Performed Nursing assessment and evaluation of medical, psychosocial, emotional, economic needs of older adults and persons with disabilities. Primary work with vulnerable populations. Linking individuals to greatly needed services. Home visits/ phone consultations/case conferencing with other providers of care to enhance clients' quality of life.</p>
<p>B) Dates (Month, Day, Year) From To 07/14/11 to Currently</p> <p>Total: Yrs. Mos. 1 year 2 months</p> <p>Hrs. per week <u>3-4</u> . Volunteer <input checked="" type="checkbox"/></p>	<p>Title Information and Assistance Volunteer</p> <p>Employer's Name and Address Employment and Human Services 500 Ellinwood Dr. Pleasant Hill, CA</p>	<p>Duties Performed Receive phone calls from residents of the community searching for services for older adults and persons with disabilities. Referrals to necessary services; linkages to care. Mailings of resources as follow-up to phone conversations.</p>
<p>C) Dates (Month, Day, Year) From To 11/7/11 to Currently</p> <p>Total: Yrs. Mos.</p> <p>Hrs. per week <u>2</u> . Volunteer <input checked="" type="checkbox"/></p>	<p>Title Volunteer Care Coordinator</p> <p>Employer's Name and Address Senior Outreach Services/Meals on Wheels 1300 Civic Drive Walnut Creek, CA</p>	<p>Duties Performed Provides care coordination services to residents attending the Bay Point Senior Nutrition site. Assesses client needs and links to services. Arranges for inservices on health/safety issues. Provides resource materials as needed.</p>
<p>D) Dates (Month, Day, Year) From To 01/22/1991 to Currently</p> <p>Total: Yrs. Mos. 21+ years</p> <p>Hrs. per week <u>15</u> . Volunteer <input type="checkbox"/></p>	<p>Title California State University</p> <p>Employer's Name and Address CSU Dominguez Hills CSU Fullerton-Fullerton, CA</p>	<p>Duties Performed Nursing faculty teaching courses on the life cycle, aging, community health, etc.</p>

THIS FORM IS A PUBLIC DOCUMENT

7. How did you learn about this vacancy?

CCC Homepage Walk-In Newspaper Advertisement District Supervisor Other Notification by Advisory Bd

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/55, attached): No Yes

If Yes, please identify the nature of the relationship: _____

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a Board, Committee, or Commission in Contra Costa County.

Sig: _____

8/24/12

Important Information

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2. Send the completed paper application to the Office of the Clerk of the Board at: 651 Pine Street, Room 106, Martinez, CA 94553.
3. A résumé or other relevant information may be submitted with this application.
4. All members are required to take the following training: 1) The Brown Act, 2) The Better Government Ordinance, and 3) Ethics Training.
5. Members of boards, commissions, and committees may be required to: 1) file a Statement of Economic Interest Form also known as a Form 700, and 2) complete the State Ethics Training Course as required by AB 1234.
6. Advisory body meetings may be held in various locations and some locations may not be accessible by public transportation.
7. Meeting dates and times are subject to change and may occur up to two days per month.
8. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.

THIS FORM IS A PUBLIC DOCUMENT



RECEIVED
 MAR 24 2014
 Contra Costa County
 CLERK BOARD OF SUPERVISORS
 CONTRA COSTA CO.
 For Office Use Only
 Date Received:

For Reviewers Use Only:
 Accepted Rejected

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

MAIL OR DELIVER TO:
 Contra Costa County
 CLERK OF THE BOARD
 651 Pine Street, Rm. 106
 Martinez, California 94553-1292
 PLEASE TYPE OR PRINT IN INK
 (Each Position Requires a Separate Application)

BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:

Advisory Council on Aging

PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION

PRINT EXACT SEAT NAME (if applicable)

1. Name: Doran Jennifer

2. Address: _____

 _____ (Zip Code)

3. Phones: _____
 (Home No.) (Work No.) (Cell No.)

4. Email Address: _____

5. EDUCATION: Check appropriate box if you possess one of the following:

High School Diploma G.E.D. Certificate California High School Proficiency Certificate

Give Highest Grade or Educational Level Achieved 16 years

Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) University of Kansas	Nursing	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			BSN	June, 1965
B)		Yes No <input type="checkbox"/> <input type="checkbox"/>				
C)		Yes No <input type="checkbox"/> <input type="checkbox"/>				
D) Other schools / training completed:	Course Studied	Hours Completed	Certificate Awarded: Yes No <input type="checkbox"/> <input type="checkbox"/>			

THIS FORM IS A PUBLIC DOCUMENT

6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<p>A) Dates (Month, Day, Year) <u>From</u> <u>To</u> Sept., 1969 Sept. 2005</p> <p>Total: <u>Yrs.</u> <u>Mos.</u> 33</p> <p>Hrs. per week <u>40</u> . Volunteer <input type="checkbox"/></p>	<p>Title Public Health Nurse, PHN Manager</p> <hr/> <p>Employer's Name and Address Solano County Health and Social Services, Beck Ave. Fairfield, CA. 94333</p>	<p>Duties Performed</p> <ol style="list-style-type: none"> 1. Home visits, case management 2. Assumed increasing responsibilities over the years with promotions to Nursing Supervisor and PHN Manager. 3. Managed large and diverse staff in public health nursing and communicable disease programs. 4. Service included breaks for maternity leave over the years.
<p>B) Dates (Month, Day, Year) <u>From</u> <u>To</u></p> <p>Total: <u>Yrs.</u> <u>Mos.</u></p> <p>Hrs. per week _____ . Volunteer <input type="checkbox"/></p>	<p>Title</p> <hr/> <p>Employer's Name and Address</p>	<p>Duties Performed</p>
<p>C) Dates (Month, Day, Year) <u>From</u> <u>To</u></p> <p>Total: <u>Yrs.</u> <u>Mos.</u></p> <p>Hrs. per week _____ . Volunteer <input type="checkbox"/></p>	<p>Title</p> <hr/> <p>Employer's Name and Address</p>	<p>Duties Performed</p>
<p>D) Dates (Month, Day, Year) <u>From</u> <u>To</u></p> <p>Total: <u>Yrs.</u> <u>Mos.</u></p> <p>Hrs. per week _____ . Volunteer <input type="checkbox"/></p>	<p>Title</p> <hr/> <p>Employer's Name and Address</p>	<p>Duties Performed</p>

THIS FORM IS A PUBLIC DOCUMENT

7. How did you learn about this vacancy?

CCC Homepage Walk-In Newspaper Advertisement District Supervisor Other Susan Frederick, Board member

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/55, attached): No Yes

If Yes, please identify the nature of the relationship: _____

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a Board, Committee, or Commission in Contra Costa County.

Sign Name

3/20/2014

Important Information

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2. Send the completed paper application to the Office of the Clerk of the Board at: **651 Pine Street, Room 106, Martinez, CA 94553.**
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4. All members are required to take the following training: 1) The Brown Act, 2) The Better Government Ordinance, and 3) Ethics Training.
5. Members of boards, commissions, and committees may be required to: 1) file a Statement of Economic Interest Form also known as a Form 700, and 2) complete the State Ethics Training Course as required by AB 1234.
6. Advisory body meetings may be held in various locations and some locations may not be accessible by public transportation.
7. Meeting dates and times are subject to change and may occur up to two days per month.
8. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.

THIS FORM IS A PUBLIC DOCUMENT

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA and for
Special Districts, Agencies and Authorities Governed by the Board Adopted Resolution
no. 2011/55 on 2/08/2011 as follows:**

IN THE MATTER OF ADOPTING A POLICY MAKING FAMILY MEMBERS OF THE BOARD OF SUPERVISORS INELIGIBLE FOR APPOINTMENT TO BOARDS, COMMITTEES OR COMMISSIONS FOR WHICH THE BOARD OF SUPERVISORS IS THE APPOINTING AUTHORITY

WHEREAS the Board of Supervisors wishes to avoid the reality or appearance of improper influence or favoritism;
NOW, THEREFORE, BE IT RESOLVED THAT the following policy is hereby adopted:

- I. SCOPE: This policy applies to appointments to any seats on boards, committees or commissions for which the Contra Costa County Board of Supervisors is the appointing authority.
- II. POLICY: A person will not be eligible for appointment if he/she is related to a Board of Supervisors' Member in any of the following relationships:
1. Mother, father, son, and daughter;
 2. Brother, sister, grandmother, grandfather, grandson, and granddaughter;
 3. Great-grandfather, great-grandmother, aunt, uncle, nephew, niece, great-grandson, and great-granddaughter;
 4. First cousin;
 5. Husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepson, and stepdaughter;
 6. Sister-in-law (brother's spouse or spouse's sister), brother-in-law (sister's spouse or spouse's brother), spouse's grandmother, spouse's grandfather, spouse's granddaughter, and spouse's grandson;
 7. Registered domestic partner, pursuant to California Family Code section 297.
 8. The relatives, as defined in 5 and 6 above, for a registered domestic partner.
 9. Any person with whom a Board Member shares a financial interest as defined in the Political Reform Act (Gov't Code §87103, Financial Interest), such as a business partner or business associate.

THIS FORM IS A PUBLIC DOCUMENT

CANALAND CA
21 MAR 2014 PM



OFF. OF CLERK OF THE BOARD
631 PINE ST. ROOM 106
MARTINEZ, CA 94553

RECEIVED
MAR 24 2014
CLERK BOARD OF SUPERVISORS
CONTRA COSTA CO.

9455312999





Contra
Costa
County

RECEIVED
SEP 17 2012
CLERK BOARD OF SUPERVISORS
CONTRA COSTA CO.

Print Form

For Office Use Only
Date Received:

For Reviewers Use Only:
Accepted Rejected

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

MAIL OR DELIVER TO:
Contra Costa County
CLERK OF THE BOARD
651 Pine Street, Rm. 106
Martinez, California 94553-1292
PLEASE TYPE OR PRINT IN INK
(Each Position Requires a Separate Application)

BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:

CCC Advisory Council on Aging Member at Large
PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION PRINT EXACT SEAT NAME (if applicable)

1. Name: Dunne Rose Mary
(Last Name) (First Name) (Middle Name)

2. Address: _____ (Zip Code)

3. Phones: _____

4. Email Address: _____

5. EDUCATION: Check appropriate box if you possess one of the following:

High School Diploma G.E.D. Certificate California High School Proficiency Certificate

Give Highest Grade or Educational Level Achieved Master in Taxation

Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) Cal State Univ East Bay	Master Tax	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			MST	12/2011
B) Cal State Univ East Bay	Bus Admin/Acctg	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			BS	some time ago
C) J F Kennedy Univ	Psychology	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>				
D) Other schools / training completed: <u>CPA</u> <u>CHPF</u>	Course Studied: <u>Accounting</u> <u>Seniors</u>	Hours Completed: <u>various</u> <u>various</u>	Certificate Awarded: Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			

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6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<p>A) Dates (Month, Day, Year) <u>From</u> <u>To</u> 2011 Current</p> <p>Total: <u>Yrs.</u> <u>Mos.</u> 1</p> <p>Hrs. per week ____ . Volunteer <input checked="" type="checkbox"/></p>	<p>Title Advisory Council on Aging - CCC</p> <p>Employer's Name and Address Contra Costa County</p>	<p>Duties Performed on council- member at large</p>
<p>B) Dates (Month, Day, Year) <u>From</u> <u>To</u> 2011 Current</p> <p>Total: <u>Yrs.</u> <u>Mos.</u> 1</p> <p>Hrs. per week ____ . Volunteer <input checked="" type="checkbox"/></p>	<p>Title Housing Advisory Committee</p> <p>Employer's Name and Address San Ramon</p>	<p>Duties Performed on committee</p>
<p>C) Dates (Month, Day, Year) <u>From</u> <u>To</u> Sometime ago to current</p> <p>Total: <u>Yrs.</u> <u>Mos.</u> Sometime ago</p> <p>Hrs. per week <u>various</u> . Volunteer <input type="checkbox"/></p>	<p>Title CPA, CLPF</p> <p>Employer's Name and Address CPA, CLPF</p>	<p>Duties Performed Various; accountings, Trusts, other services</p>
<p>D) Dates (Month, Day, Year) <u>From</u> <u>To</u> Sometime ago</p> <p>Total: <u>Yrs.</u> <u>Mos.</u> ~5 yr</p> <p>Hrs. per week ____ . Volunteer <input checked="" type="checkbox"/></p>	<p>Title Hot Line Volunteer</p> <p>Employer's Name and Address Contra Costa Crisis Center</p>	<p>Duties Performed Answered phone for people in crisis.</p>

THIS FORM IS A PUBLIC DOCUMENT

7. How did you learn about this vacancy?

CCC Homepage Walk-In Newspaper Advertisement District Supervisor Other _____

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/55, attached): No Yes

If Yes, please identify the nature of the relationship: _____

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a Board,

Sign Name: _____

Important Information

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6. Advisory body meetings may be held in various locations and some locations may not be accessible by public transportation.
7. Meeting dates and times are subject to change and may occur up to two days per month.
8. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.

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**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA and for
Special Districts, Agencies and Authorities Governed by the Board Adopted Resolution
no. 2011/55 on 2/08/2011 as follows:**

IN THE MATTER OF ADOPTING A POLICY MAKING FAMILY MEMBERS OF THE BOARD OF SUPERVISORS INELIGIBLE FOR APPOINTMENT TO BOARDS, COMMITTEES OR COMMISSIONS FOR WHICH THE BOARD OF SUPERVISORS IS THE APPOINTING AUTHORITY

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NOW, THEREFORE, BE IT RESOLVED THAT the following policy is hereby adopted:

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 1. Mother, father, son, and daughter;
 2. Brother, sister, grandmother, grandfather, grandson, and granddaughter;
 3. Great-grandfather, great-grandmother, aunt, uncle, nephew, niece, great-grandson, and great-granddaughter;
 4. First cousin;
 5. Husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepson, and stepdaughter;
 6. Sister-in-law (brother's spouse or spouse's sister), brother-in-law (sister's spouse or spouse's brother), spouse's grandmother, spouse's grandfather, spouse's granddaughter, and spouse's grandson;
 7. Registered domestic partner, pursuant to California Family Code section 297.
 8. The relatives, as defined in 5 and 6 above, for a registered domestic partner.
 9. Any person with whom a Board Member shares a financial interest as defined in the Political Reform Act (Gov't Code §87103, Financial Interest), such as a business partner or business associate.

THIS FORM IS A PUBLIC DOCUMENT



**Contra
Costa
County**

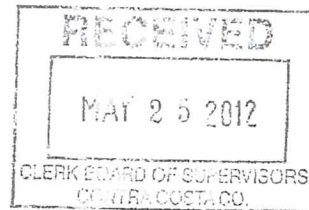
For Office Use Only

Date Received:

For Reviewers Use Only:

Accepted Rejected

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION



MAIL OR DELIVER TO:

Contra Costa County
CLERK OF THE BOARD

651 Pine Street, Rm. 108
Martinez, California 94553-1292

PLEASE TYPE OR PRINT IN INK

(Each Position Requires a Separate Application)

BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:

Advisory Council on Aging
PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION

member at large
PRINT EXACT SEAT NAME (if applicable)

1. Name: Frederick Susan Jane

2. Address:

3. Phones:

(Home No.)

(WORK NO.)

(CELL NO.)

4. Email Address:

5. EDUCATION: Check appropriate box if you possess one of the following:

High School Diploma G.E.D. Certificate California High School Proficiency Certificate

Give Highest Grade or Educational Level Achieved masters degree

Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) Contra Costa College	Nursing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			AA	1976
B) Univ. of State of NY	Nursing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			BSN	1985
C) St Mary's College	Health Serv. Adm.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			MS HS	1988
D) Other schools / training completed:	Course Studied	Hours Completed	Certificate Awarded: Yes <input type="checkbox"/> No <input type="checkbox"/>			

THIS FORM IS A PUBLIC DOCUMENT

6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<p>A) Dates (Month, Day, Year) From <u>2004</u> To <u>Present</u></p> <p>Total: <u>Yrs.</u> <u>Mos.</u> <u>3 yrs</u></p> <p>Hrs. per week <u>6</u>. Volunteer <input checked="" type="checkbox"/> <u>VARIES</u></p>	<p>Title <u>chaplain services</u></p> <p>① Employer's Name and Address <u>Doctors Medical Center San Pablo</u></p> <p>② <u>Greenridge Senior Care El Sobrante</u></p>	<p>Duties Performed <u>visitation support</u></p>
<p>B) Dates (Month, Day, Year) From <u>1991</u> To <u>2001</u></p> <p>Total: <u>Yrs.</u> <u>Mos.</u> <u>10 yrs</u></p> <p>Hrs. per week <u>40+</u>. Volunteer <input type="checkbox"/></p>	<p>Title <u>Nurse Program Manager</u></p> <p>Employer's Name and Address <u>Contra Costa Regional Medical Center 2500 Alhambra Ave Martinez</u></p>	<p>Duties Performed <u>manager - Critical Care (CCU) step down (ICU)</u></p>
<p>C) Dates (Month, Day, Year) From <u>1976</u> To <u>1991</u></p> <p>Total: <u>Yrs.</u> <u>Mos.</u> <u>15 yrs</u></p> <p>Hrs. per week <u>40+</u>. Volunteer <input type="checkbox"/></p>	<p>Title <u>Registered Nurse</u></p> <p>Employer's Name and Address <u>Veterans Medical Center Hospital Muir Rd Martinez</u></p>	<p>Duties Performed <u>Head nurse supervisor staff nurse</u></p>
<p>D) Dates (Month, Day, Year) From <u> </u> To <u> </u></p> <p>Total: <u>Yrs.</u> <u>Mos.</u></p> <p>Hrs. per week <u> </u>. Volunteer <input type="checkbox"/></p>	<p>Title</p> <p>Employer's Name and Address</p>	<p>Duties Performed</p>

THIS FORM IS A PUBLIC DOCUMENT

7. How did you learn about this vacancy?

CCC Homepage Walk-In Newspaper Advertisement District Supervisor Other Internet

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/85, attached): No Yes

If Yes, please identify the nature of the relationship: _____

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a Board, Committee, or Commission in Contra Costa County.

Sign Name

5-24-2012

Important Information

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FOR APPOINTMENT TO BOARDS, COMMITTEES OR COMMISSIONS FOR WHICH THE BOARD OF SUPERVISORS IS THE
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1. Mother, father, son, and daughter;
2. Brother, sister, grandmother, grandfather, grandson, and granddaughter;
3. Great-grandfather, great-grandmother, aunt, uncle, nephew, niece, great-grandson, and great-granddaughter;
4. First cousin;
5. Husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepson, and stepdaughter;
6. Sister-in-law (brother's spouse or spouse's sister), brother-in-law (sister's spouse or spouse's brother), spouse's grandmother, spouse's grandfather, spouse's granddaughter, and spouse's grandson;
7. Registered domestic partner, pursuant to California Family Code section 297.
8. The relatives, as defined in 5 and 6 above, for a registered domestic partner.
9. Any person with whom a Board Member shares a financial interest as defined in the Political Reform Act (Gov't Code §87103, Financial Interest), such as a business partner or business associate.

THIS FORM IS A PUBLIC DOCUMENT



Contra Costa County

For Office Use Only
Date Received:

For Reviewers Use Only:
Accepted Rejected

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

MAIL OR DELIVER TO:
Contra Costa County
CLERK OF THE BOARD
651 Pine Street, Rm. 106
Martinez, California 94553-1292
PLEASE TYPE OR PRINT IN INK
(Each Position Requires a Separate Application)

BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:

Advisory Council on Aging

Chairperson, Nutrition Council

PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION

PRINT EXACT SEAT NAME (if applicable)

1. Name: Garrett Gail L
(Last Name) (First Name) (Middle Name)
2. Address: [Redacted]
(No.) (Street) (Apt.) (State) (Zip Code)
3. Phones: [Redacted]
(Home No.) (Work No.) (Cell No.)
4. Email Address: [Redacted]

5. EDUCATION: Check appropriate box if you possess one of the following:

High School Diploma G.E.D. Certificate California High School Proficiency Certificate

Give Highest Grade or Educational Level Achieved _____

Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) St Mary's College of California	Cross Cultural Studies	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			BA	2002
B)		Yes No <input type="checkbox"/> <input type="checkbox"/>				
C)		Yes No <input type="checkbox"/> <input type="checkbox"/>				
D) Other schools / training completed:	Course Studied	Hours Completed	Certificate Awarded: Yes No <input type="checkbox"/> <input type="checkbox"/>			

THIS FORM IS A PUBLIC DOCUMENT

6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<p>A) Dates (Month, Day, Year) <u>From</u> <u>To</u> 2001 2000</p> <p>Total: <u>Yrs.</u> <u>Mos.</u></p> <p>Hrs. per week <u>2</u> . Volunteer <input type="checkbox"/></p>	<p>Title Adjunct Professor</p> <hr/> <p>Employer's Name and Address Contra Costa Community College San Pablo, CA</p>	<p>Duties Performed Taught a group of seniors from ages 52 - 94 at the North Richmond Senior Center. The class was 'Communication for Understanding'</p>
<p>B) Dates (Month, Day, Year) <u>From</u> <u>To</u> 2006 Present</p> <p>Total: <u>Yrs.</u> <u>Mos.</u></p> <p>Hrs. per week _____ . Volunteer <input checked="" type="checkbox"/></p>	<p>Title President, Senior Nutrition Council</p> <hr/> <p>Employer's Name and Address</p>	<p>Duties Performed Update the representatives from the various Contra Costa Senior Centers where Meals on Wheels are served about any information concerning seniors learned at the Advisory Council on Aging meetings.</p>
<p>C) Dates (Month, Day, Year) <u>From</u> <u>To</u></p> <p>Total: <u>Yrs.</u> <u>Mos.</u></p> <p>Hrs. per week _____ . Volunteer <input checked="" type="checkbox"/></p>	<p>Title Board Member, Meals on Wheels of</p> <hr/> <p>Employer's Name and Address Meals on Wheels of CC, Inc. 1220 Morello, Martinez, CA</p>	<p>Duties Performed Attend meetings. We work to ensure that homebound seniors are being served. Raise money for vulnerable seniors.</p>
<p>D) Dates (Month, Day, Year) <u>From</u> <u>To</u></p> <p>Total: <u>Yrs.</u> <u>Mos.</u></p> <p>Hrs. per week _____ . Volunteer <input checked="" type="checkbox"/></p>	<p>Title Board Member, VESTIA</p> <hr/> <p>Employer's Name and Address VESTIA 40 Douglas, Martinez, CA</p>	<p>Duties Performed</p>

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7. How did you learn about this vacancy?

CCC Homepage Walk-In Newspaper Advertisement District Supervisor Other Asked to join

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/55, attached): No Yes

If Yes, please identify the nature of the relationship: _____

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a Board, Committee, or Commission in Contra Costa County.

Sign Name: _____

Date: 8/11/14

Important Information

1. This application is a public document and is subject to the California Public Records Act (CA Gov. Code §6250-6270).
2. Send the completed paper application to the Office of the Clerk of the Board at: **651 Pine Street, Room 106, Martinez, CA 94553.**
3. A résumé or other relevant information may be submitted with this application.
4. All members are required to take the following training: 1) The Brown Act, 2) The Better Government Ordinance, and 3) Ethics Training.
5. Members of boards, commissions, and committees may be required to: 1) file a Statement of Economic Interest Form also known as a Form 700, and 2) complete the State Ethics Training Course as required by AB 1234.
6. Advisory body meetings may be held in various locations and some locations may not be accessible by public transportation.
7. Meeting dates and times are subject to change and may occur up to two days per month.
8. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.

THIS FORM IS A PUBLIC DOCUMENT

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA and for
Special Districts, Agencies and Authorities Governed by the Board Adopted Resolution
no. 2011/55 on 2/08/2011 as follows:**

IN THE MATTER OF ADOPTING A POLICY MAKING FAMILY MEMBERS OF THE BOARD OF SUPERVISORS INELIGIBLE FOR APPOINTMENT TO BOARDS, COMMITTEES OR COMMISSIONS FOR WHICH THE BOARD OF SUPERVISORS IS THE APPOINTING AUTHORITY

WHEREAS the Board of Supervisors wishes to avoid the reality or appearance of improper influence or favoritism;
NOW, THEREFORE, BE IT RESOLVED THAT the following policy is hereby adopted:

I. SCOPE: This policy applies to appointments to any seats on boards, committees or commissions for which the Contra Costa County Board of Supervisors is the appointing authority.

II. POLICY: A person will not be eligible for appointment if he/she is related to a Board of Supervisors' Member in any of the following relationships:

1. Mother, father, son, and daughter;
2. Brother, sister, grandmother, grandfather, grandson, and granddaughter;
3. Great-grandfather, great-grandmother, aunt, uncle, nephew, niece, great-grandson, and great-granddaughter;
4. First cousin;
5. Husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepson, and stepdaughter;
6. Sister-in-law (brother's spouse or spouse's sister), brother-in-law (sister's spouse or spouse's brother), spouse's grandmother, spouse's grandfather, spouse's granddaughter, and spouse's grandson;
7. Registered domestic partner, pursuant to California Family Code section 297.
8. The relatives, as defined in 5 and 6 above, for a registered domestic partner.
9. Any person with whom a Board Member shares a financial interest as defined in the Political Reform Act (Gov't Code §87103, Financial Interest), such as a business partner or business associate.

THIS FORM IS A PUBLIC DOCUMENT



**Contra
Costa
County**

For Office Use Only
Date Received:

For Reviewers Use Only:
Accepted Rejected

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

MAIL OR DELIVER TO:
Contra Costa County
CLERK OF THE BOARD
651 Pine Street, Rm. 106
Martinez, California 94553-1292
PLEASE TYPE OR PRINT IN INK
(Each Position Requires a Separate Application)



BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:

Advisory Council on Aging

PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION

PRINT EXACT SEAT NAME (if applicable)

1. Name: KROHN SHIRLEY
(Last Name) (First Name) (Middle Name)

2. Address: _____
(No.) (Street) (Apt.) (State) (Zip Code)

3. Phones: _____
(Home No.) (Work No.) (Cell No.)

4. Email Address: _____

5. EDUCATION: Check appropriate box if you possess one of the following:

High School Diploma G.E.D. Certificate California High School Proficiency Certificate

Give Highest Grade or Educational Level Achieved 12th grade

Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A)		Yes No <input type="checkbox"/> <input type="checkbox"/>				
B)		Yes No <input type="checkbox"/> <input type="checkbox"/>				
C)		Yes No <input type="checkbox"/> <input type="checkbox"/>				
D) Other schools / training completed:	Course Studied	Hours Completed	Certificate Awarded: Yes No <input type="checkbox"/> <input type="checkbox"/>			

THIS FORM IS A PUBLIC DOCUMENT

7. How did you learn about this vacancy?

CCC Homepage Walk-In Newspaper Advertisement District Supervisor Other Incumbent

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/55, attached): No Yes

If Yes, please identify the nature of the relationship: _____

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a Board, Committee, or Commission in Contra Costa County.

Sign Name: _____

Date: 8/30/12

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5. Members of boards, commissions, and committees may be required to: 1) file a Statement of Economic Interest Form also known as a Form 700, and 2) complete the State Ethics Training Course as required by AB 1234.
6. Advisory body meetings may be held in various locations and some locations may not be accessible by public transportation.
7. Meeting dates and times are subject to change and may occur up to two days per month.
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relationships:**

1. Mother, father, son, and daughter;
2. Brother, sister, grandmother, grandfather, grandson, and granddaughter;
3. Great-grandfather, great-grandmother, aunt, uncle, nephew, niece, great-grandson, and great-granddaughter;
4. First cousin;
5. Husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepson, and stepdaughter;
6. Sister-in-law (brother's spouse or spouse's sister), brother-in-law (sister's spouse or spouse's brother), spouse's grandmother, spouse's grandfather, spouse's granddaughter, and spouse's grandson;
7. Registered domestic partner, pursuant to California Family Code section 297.
8. The relatives, as defined in 5 and 6 above, for a registered domestic partner.
9. Any person with whom a Board Member shares a financial interest as defined in the Political Reform Act (Gov't Code §87103, Financial Interest), such as a business partner or business associate.

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Resume'

Shirley Krohn

Retired in 1997 after 40 years with Bechtel Corporation. Career included many assignments, i.e. Publications Management, Major Event Planning & Coordination, College Recruiting, New Hire Training & Orientation, Develop Training Programs in Cost, Schedule & Estimating, and Conduct Outplacement Counseling

Concurrent Volunteer Activities:

1972 - 2012 Board Chair, Spectrum Federal Credit Union

2004 - Present Contra Costa County Advisory Council on Aging (ACOA)

2006 - Present Senior Assemblymember, California Senior Legislature

- Research and write legislation affecting aging population

2009 - 2012 Board Member, California Council on Gerontology & Geriatrics

2008 - Present Contra Costa County CASE (Communities Against Senior Exploitation) Program Manager & Speaker

- Speak to groups of seniors on protecting themselves from financial exploitation

2009 - Present Author and Contributing Editor – “Victimization of the Elderly and Disabled” (VED)

- Elder Justice Workgroup
- Call to Action 2010: Confronting Elder Financial Abuse
- From Youngest Sibling to Caregiver
- Intergenerational Learning Experience
- Nonprofits Fight Financial Abuse

2011 - Present President, Contra Costa County, Advisory Council on Aging

Public Speaking Engagements:

- 2008 Presenter at the Institute of Medicine meeting “The Health Care workforce for Older Americans Promoting Team Care”

- 2010 Speaker/Presenter at Council on Social Work Education Conference in Portland – Intergenerational Learning

- 2011 Speaker – Aging in America Conference – “Empowering Financial Professionals, Advocates and Seniors to Stop Financial Abuse”

- 2011 Speaker – Aging in America Conference – “An Intergenerational Mentor Approach for Achieving Social Policy-Related Gerontology Competencies”

- 2012 Lecturer to MSW students at CSUS – “Demystifying the Legislative Process”

Other Significant Activities & Honors:

- 2011 Member, California Elder Justice Workgroup

- 2010 Recipient of the 2010 California Senior Leaders Award

- 2006 - 2008 Director – Fair Lending Consortium

- 2006 - 2008 Director – Fair Lending Consortium

- 2002 – 2006 Board Chair, Elder Financial Protection Network



Contra Costa County

For Office Use Only
Date Received:

For Reviewers Use Only.
Accepted Rejected

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

RECEIVED
SEP 05 2012
CLERK BOARD OF SUPERVISORS
CONTRA COSTA CO.

MAIL OR DELIVER TO:
Contra Costa County
CLERK OF THE BOARD
651 Pine Street, Rm. 106
Martinez, California 94553-1292
PLEASE TYPE OR PRINT IN INK
(Each Position Requires a Separate Application)

BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:

ADVISORY COUNCIL ON AGING
PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION

MEMBER-AT-LARGE
PRINT EXACT SEAT NAME (if applicable)

1. Name: NAHM RICHARD ALAN
2. Add: _____
3. Pho: _____
4. Email Address: _____

5. EDUCATION: Check appropriate box if you possess one of the following:

High School Diploma G.E.D. Certificate California High School Proficiency Certificate

Give Highest Grade or Educational Level Achieved MASTER OF PUBLIC ADMINISTRATION

Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) CAL STATE, HAYWARD	MASTER PUBLIC ADM.	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			MPA	2005
B) CAL STATE, HAYWARD	POLITICAL SCIENCE	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			BA	2003
C) OAKLONE COLLEGE, FRENCH	BUSINESS / LIB. ARTS	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			AA	
D) Other schools / training completed:	Course Studied	Hours Completed	Certificate Awarded: Yes No <input type="checkbox"/> <input type="checkbox"/>			

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6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<p>A) Dates (Month, Day, Year) <u>From</u> <u>To</u> 2008 2011</p> <p>Total: <u>Yrs.</u> <u>Mos.</u></p> <p>Hrs. per week <u>30</u> . Volunteer <input type="checkbox"/></p>	<p>Title ADVOCACY SPECIALIST</p> <hr/> <p>Employer's Name and Address MENTAL HEALTH ADVOCATES 954 - 60 ST OAKLAND, CA 94608</p>	<p>Duties Performed INTERVIEW CLIENTS WITH MENTAL DISABILITIES. COMPLETE SOC. SEC + SSI FORMS TO APPLY FOR BENEFIT. CONTACT MEDICAL SOURCES AND ENLIST THEIR ASSISTANCE IN DEVELOPING MEDICAL EVIDENCE TO SUPPORT CLAIM. ASSIST WITH APPEALS AND OTHER POST-ENTITLEMENT ISSUES.</p>
<p>B) Dates (Month, Day, Year) <u>From</u> <u>To</u> 2005 PRESENT</p> <p>Total: <u>Yrs.</u> <u>Mos.</u></p> <p>Hrs. per week _____ . Volunteer <input type="checkbox"/></p>	<p>Title SOCIAL SECURITY CONSULTANT</p> <hr/> <p>Employer's Name and Address SELF-EMPLOYED</p>	<p>Duties Performed ADVISE + REPRESENT CLIENTS AT SOC. SECURITY HEARINGS RESEARCH + PREPARE HEARING BRIEFS SUPPORTED BY MATERIAL EVIDENCE</p>
<p>C) Dates (Month, Day, Year) <u>From</u> <u>To</u> 1974 2003</p> <p>Total: <u>Yrs.</u> <u>Mos.</u> 30</p> <p>Hrs. per week <u>40</u> . Volunteer <input type="checkbox"/></p>	<p>Title SOCIAL SECURITY TECHNICAL EXPERT, RETIRED</p> <hr/> <p>Employer's Name and Address SOC. SEC. ADM. 1116 JACKSON ST OAKLAND, CA</p>	<p>Duties Performed PUBLIC INFORMATION RETIREMENT SEMINARS PUBLIC/PRIVATE EMPLOYER TRAINING LIAISON TO GOVERNMENT ENTITIES CLAIMS, POST-ENTITLEMENT ISSUES OFFICE TRAINING OF SSA EMPLOYEES</p>
<p>D) Dates (Month, Day, Year) <u>From</u> <u>To</u></p> <p>Total: <u>Yrs.</u> <u>Mos.</u></p> <p>Hrs. per week _____ . Volunteer <input type="checkbox"/></p>	<p>Title</p> <hr/> <p>Employer's Name and Address</p>	<p>Duties Performed</p>

(ADVOCATE ON BEHALF OF MENTALLY ILL)

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7. How did you learn about this vacancy?

CCC Homepage Walk-In Newspaper Advertisement District Supervisor Other CURRENT MEMBER

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/55, attached): No Yes

If Yes, please identify the nature of the relationship: _____

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a

Sign: _____

Date: 8/30/12

Important Information

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THIS FORM IS A PUBLIC DOCUMENT



CONTRA COSTA COUNTY

ADVISORY COUNCIL ON AGING

ACOA Application – Member At Large

Please print or type legibly.

NAME:	Capt. Nuru Neemuchwalla		DATE:	10/1/2011	
HOME ADDRESS:	[Redacted]				
	CITY	[Redacted]			
MAILING ADDRESS:	[Redacted]				
(If different)	CITY	ZIP CODE	[Redacted]		
E-MAIL:	[Redacted]				
PHONE:	[Redacted]	CELL (If applicable):	[Redacted]		
Current or former occupation:	Ex Merchant Navy Captain/ Terminal Manager for MAERSK LINE.				
Employer (if applicable):	Retired	Work Phone:	[Redacted]		
Educational Background:	Graduate of Maritime academy Training Ship, "Dufferin"				
Community Involvement /Civic Activities:	Voluntary Work for AARP in various Categories i.e. Volunteer, Federal Affairs specialist, State Affairs specialist and presently "AARP, North Team Volunteer Manager."				
	I have been involved in Health Fairs, Organized Wise use of medication, Advocacy for legislation pertaining to protecting Seniors at both federal and state levels . A resident of Pleasant Hill for 34 years and my two children went to school at Sequoia and College Park schools. Have always been concerned about developments in our area of the world.				
Special Interests:	Advocacy Work and Protect Seniors Legislation. Health Care. Social Security etc.				
Area(s) of Senior Advocacy in Which I Am Most Interested:	Health Care/Social Security/Senior Care Legislation.				
Work Group(s) Most Interested in Exploring:	Health Yes	Housing	Legislative Yes	Mental Health	Transportation Yes
Council members must serve on at least one of our work groups.					
Date of Birth	24/12/1938				
How did you learn of the Advisory Council on Aging?	From a previous member of ACOA, Mr. Sam Yoshioka.				
Signature:	[Redacted]				
Thank you for your interest in serving on the Council.					
NOTE: All meetings are open and you may attend as a guest at any time.					



**Contra
Costa
County**

For Office Use Only
Date Received:

For Reviewers Use Only:
Accepted Rejected

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

MAIL OR DELIVER TO:
Contra Costa County
CLERK OF THE BOARD
651 Pine Street, Rm. 106
Martinez, California 94553-1292
PLEASE TYPE OR PRINT IN INK
(Each Position Requires a Separate Application)

BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:

Advisory Council on Aging

PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION

PRINT EXACT SEAT NAME (if applicable)

1. **Name:** Weiss Jeffrey Conrad
(Last Name) (First Name) (Middle Name)

2. **Address:** _____
(No.) (Street) (Apt.) (State) (Zip Code)

3. **Phones:** _____
(Home No.) (Work No.) (Cell No.)

4. **Email Address** _____

5. **EDUCATION:** Check appropriate box if you possess one of the following:

High School Diploma G.E.D. Certificate California High School Proficiency Certificate

Give Highest Grade or Educational Level Achieved _____

Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) University of Oregon, Eugene	Sociology/History	Yes No <input type="checkbox"/> <input type="checkbox"/>		90		
B) University of California, Berkeley	History	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>		90	B.A.	6/76
C) California State University, Hayward	Health Sciences/Public Health	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>		45/45	M.P.A.	6/84
D) Other schools / training completed: UC Berkeley Extension	Course Studied Advanced Gerontology	Hours Completed 10 units	Certificate Awarded: Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			

THIS FORM IS A PUBLIC DOCUMENT

6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<p>A) Dates (Month, Day, Year) <u>From</u> <u>To</u> May 2013 March 2014</p> <p>Total: <u>Yrs.</u> <u>Mos.</u> 0 10</p> <p>Hrs. per week <u>20-30</u> . Volunteer <input type="checkbox"/></p>	<p style="text-align: center;">Title</p> <p>Aging & Adult Services Manager (Acting)</p> <hr/> <p style="text-align: center;">Employer's Name and Address</p> <p>Sara Bedford, Director City of Oakland Department of Human Services 150 Frank H. Ogawa Plaza, 4th floor Oakland, CA 94612</p>	<p style="text-align: center;">Duties Performed</p> <p>Under contract, I filled two positions for the Department of Human Services, Aging & Adult Services Division. Acted as Program Manager for Assets Senior Employment Program and later as the Division Manager overseeing the MSSP, Senior Companion Program, Paratransit, and Senior Employment programs & 4 sr cntrs.</p>
<p>B) Dates (Month, Day, Year) <u>From</u> <u>To</u> Feb 2009 July 1013</p> <p>Total: <u>Yrs.</u> <u>Mos.</u> 4 5</p> <p>Hrs. per week <u>10-20</u> . Volunteer <input type="checkbox"/></p>	<p style="text-align: center;">Title</p> <p>Director of Senior Transportation</p> <hr/> <p style="text-align: center;">Employer's Name and Address</p> <p>Jamie Almanza, Director Bay Area Community Services 1814 Franklin, Street, 4th floor Oakland, CA 94612</p>	<p style="text-align: center;">Duties Performed</p> <p>Managed Senior Shopping Shuttle providing transportation from 26 senior residents once a week to shopping locations. Prepared grant, wrote reports. Provided special group trips. Prepared manifests for daily shopping trips. Made presentations to Commission on Aging, and PAPCO (paratransit advisory committee).</p>
<p>C) Dates (Month, Day, Year) <u>From</u> <u>To</u> July 1979 November 2008</p> <p>Total: <u>Yrs.</u> <u>Mos.</u> 29 3</p> <p>Hrs. per week <u>37.5</u> . Volunteer <input type="checkbox"/></p>	<p style="text-align: center;">Title</p> <p>Senior Services Supervisor (final title)</p> <hr/> <p style="text-align: center;">Employer's Name and Address</p> <p>Andrea Youngdahl, Director City of Oakland Department of Human Services 150 Frank H. Ogawa Plaza 4th floor Oakland, CA 94612</p>	<p style="text-align: center;">Duties Performed</p> <p>During my time with the City of Oakland, I was in many positions - Senior Companion Program, Volunteer Program Coordinator, Administrative Analyst for Personnel/ Classification, Planner for Department on Aging, Paratransit Manager. Wrote grants, made reports, supervised staff, resolved program complaints, etc.</p>
<p>D) Dates (Month, Day, Year) <u>From</u> <u>To</u></p> <p>Total: <u>Yrs.</u> <u>Mos.</u></p> <p>Hrs. per week _____ . Volunteer <input type="checkbox"/></p>	<p style="text-align: center;">Title</p> <hr/> <p style="text-align: center;">Employer's Name and Address</p>	<p style="text-align: center;">Duties Performed</p>

THIS FORM IS A PUBLIC DOCUMENT

7. How did you learn about this vacancy?

CCC Homepage Walk-In Newspaper Advertisement District Supervisor Other website

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/55, attached): No Yes

If Yes, please identify the nature of the relationship: _____

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a Board, Committee, or Commission in Contra Costa County.

Sign Name: Jeffrey C. Weiss

Date: 9/25/2014

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THIS FORM IS A PUBLIC DOCUMENT

Jeffrey C. Weiss

Objective find a management position serving seniors and persons with disabilities in the Oakland-Alameda County area

Experience 2013-2014 City of Oakland Oakland, CA
Temporary Service Contract Employee (Two 5 months contracts to act as ASSETS Senior Employment & Training Program Manager and Aging & Adult Services Division Manager)

- Managed Senior employment program, supervised staff and troubleshoot personnel issues, trained replacement
- Oversee Aging & Adult Services Programs (ASSETS Senior Employment, Oakland Paratransit, Linkages, Senior Companion Program and Multipurpose Senior Services Program MSSP.
- Troubleshoot personnel and budget issues for each program.
- Work with each supervisor on specific program issues and find resolutions.
- Meet with Director of Human Service, Managers Meetings, One-on-Ones with Program Supervisors.

2009—2013 Bay Area Community Services Oakland, CA
Senior Transportation Director (PT)

- Manage Oakland Senior Shopping Shuttle Program and Group Trips.
- Prepare manifests, work with over 20 service coordinators to sign up riders, maintain program records and prepare monthly, quarterly, semi-annual and annual reports.
- Prepare fiscal reports for City of Oakland and Alameda County Transportation Improvement Authority.

2010-2011 City of Oakland Oakland, CA
Temporary Service Contract Employee (Two 3 months contracts to act as Aging & Adult Services Division Manager)

- Oversee Aging & Adult Services Programs (ASSETS Senior Employment, Oakland Paratransit, Linkages, Senior Companion Program and Multipurpose Senior Services Program MSSP.
- Troubleshoot personnel and budget issues for each program.
- Work with each supervisor on specific program issues and find resolutions.
- Meet with Director of Human Service, Managers Meetings, One-on-Ones with Program Supervisors.

Jeffrey C. Weiss resume, page 2

1996–2009 City of Oakland Oakland, CA
Senior Services Supervisor for Oakland Paratransit for the Elderly and Disabled

- Prepared program budget, grant applications and monitored service contracts.
- Provided over 50,000 one way trips for seniors and persons with disabilities for over 1,000 Oakland residents annually.
- Prepared written reports for grants, and made presentations to Oakland City Council, Oakland Commission on Aging and Mayor’s Commission on Persons with Disabilities.
- Supervised Program staff and Senior Aides.

1990–1996 City of Oakland Oakland, CA
Senior Programs Planning Specialist

- Prepared annual plan for Department on Aging.
- Set up, held and evaluated public hearings.
- Analyzed census data by census tract and Council District.
- Analyzed legislation impacting seniors for the Commission on Aging.

1985–1990 City of Oakland Oakland, CA
Administrative Analyst II (Classification)

Administrative Analyst I (Recruitment & Examination)

- Completed job evaluations within each City department.
- Prepared examinations for several non-sworn positions within the Police and Fire Departments.
- Completed salary surveys with similar jurisdictions.

1979–1985 City of Oakland. Oakland, CA
Volunteer Program Coordinator

- Recruited and placed community volunteers, student interns and special project volunteers for placements throughout the City of Oakland.
- Coordinated Senior Volunteer program focusing on volunteers for friendly visiting, community safety patrols and senior discount program.
- Trained and supervised Senior Companion volunteers.

Education

2001 Pepperdine University **Certificate** in Transit/Paratransit Management
1984 California State University, Hayward **M.P.A.**, Public Administration
1981 University of California Ext., Berkeley - **Certificate** Adv. Gerontology
 Studies
1976 University of California, Berkeley **B.A.**, History

Training

Communication skills, computer literacy, Microsoft Office Suite, grant writing, supervision skills. Served as IT Liaison and Floor Warden for several years for Department of Human Services.



Contra
Costa
County

For Office Use Only

Date Received:

For Reviewers Use Only:

Accepted Rejected

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

MAIL OR DELIVER TO:

Contra Costa County
CLERK OF THE BOARD
651 Pine Street, Rm. 106
Martinez, California 94553-1292

PLEASE TYPE OR PRINT IN INK

(Each Position Requires a Separate Application)

BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:

C.C.C. ADVISORY COUNCIL ON AGING MEMBER AT LARGE
PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION PRINT EXACT SEAT NAME (if applicable)

1. Name: WELTY (Last Name) PATRICIA (First Name) DELORES (Middle Name)

2. Address: _____ (No.) _____ (Street) _____ (Apt.) _____ (State) _____ (Zip Code)

3. Phones: _____ (Home No.) _____ (Cell No.) N/A

4. Email Address: N/A

5. EDUCATION: Check appropriate box if you possess one of the following:

High School Diploma G.E.D. Certificate California High School Proficiency Certificate

Give Highest Grade or Educational Level Achieved B.S.

Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) CAL STATE, HAWARD	RECREATION	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		✓	B.S.	3-1973
B)		Yes <input type="checkbox"/> No <input type="checkbox"/>				
C)		Yes <input type="checkbox"/> No <input type="checkbox"/>				
D) Other schools / training completed:	Course Studied	Hours Completed	Certificate Awarded: Yes <input type="checkbox"/> No <input type="checkbox"/>			

THIS FORM IS A PUBLIC DOCUMENT

6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<p>A) Dates (Month, Day, Year) <u>From</u> <u>To</u> 1977 PRESENT</p> <p>Total: <u>Yrs.</u> <u>Mos.</u> 38 YRS</p> <p>Hrs. per week <u>10</u> . Volunteer <input type="checkbox"/></p>	<p>TEACHER Title ANTIOCH UNIFIED SCHOOL DISTRICT Employer's Name and Address 510 "G" St. Antioch, Ca. 94509</p>	<p>Duties Performed TEACHER, ADULTS WITH DISABILITIES IN A CONVALESCENT FACILITIES I teach the residents, class is called Mental Fitness :</p>
<p>B) Dates (Month, Day, Year) <u>From</u> <u>To</u></p> <p>Total: <u>Yrs.</u> <u>Mos.</u></p> <p>Hrs. per week _____ . Volunteer <input type="checkbox"/></p>	<p>Title</p> <p>Employer's Name and Address</p>	<p>Duties Performed</p>
<p>C) Dates (Month, Day, Year) <u>From</u> <u>To</u></p> <p>Total: <u>Yrs.</u> <u>Mos.</u></p> <p>Hrs. per week _____ . Volunteer <input type="checkbox"/></p>	<p>Title</p> <p>Employer's Name and Address</p>	<p>Duties Performed</p>
<p>D) Dates (Month, Day, Year) <u>From</u> <u>To</u></p> <p>Total: <u>Yrs.</u> <u>Mos.</u></p> <p>Hrs. per week _____ . Volunteer <input type="checkbox"/></p>	<p>Title</p> <p>Employer's Name and Address</p>	<p>Duties Performed</p>

THIS FORM IS A PUBLIC DOCUMENT

7. How did you learn about this vacancy?

CCC Homepage Walk-In Newspaper Advertisement District Supervisor Other currently serving

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/55, attached): No Yes

If Yes, please identify the nature of the relationship: _____

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a Board, Committee, or Commission in Contra Costa County.

Sign Name: _____

Date: 8-15-14

Important Information

1. This application is a public document and is subject to the California Public Records Act (CA Gov. Code §6250-6270).
2. Send the completed paper application to the Office of the Clerk of the Board at: 651 Pine Street, Room 106, Martinez, CA 94553.
3. A résumé or other relevant information may be submitted with this application.
4. All members are required to take the following training: 1) The Brown Act, 2) The Better Government Ordinance, and 3) Ethics Training.
5. Members of boards, commissions, and committees may be required to: 1) file a Statement of Economic Interest Form also known as a Form 700, and 2) complete the State Ethics Training Course as required by AB 1234.
6. Advisory body meetings may be held in various locations and some locations may not be accessible by public transportation.
7. Meeting dates and times are subject to change and may occur up to two days per month.
8. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.

THIS FORM IS A PUBLIC DOCUMENT

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA and for
Special Districts, Agencies and Authorities Governed by the Board Adopted Resolution
no. 2011/55 on 2/08/2011 as follows:**

IN THE MATTER OF ADOPTING A POLICY MAKING FAMILY MEMBERS OF THE BOARD OF SUPERVISORS INELIGIBLE FOR APPOINTMENT TO BOARDS, COMMITTEES OR COMMISSIONS FOR WHICH THE BOARD OF SUPERVISORS IS THE APPOINTING AUTHORITY

WHEREAS the Board of Supervisors wishes to avoid the reality or appearance of improper influence or favoritism;

NOW, THEREFORE, BE IT RESOLVED THAT the following policy is hereby adopted:

I. SCOPE: This policy applies to appointments to any seats on boards, committees or commissions for which the Contra Costa County Board of Supervisors is the appointing authority.

II. POLICY: A person will not be eligible for appointment if he/she is related to a Board of Supervisors' Member in any of the following relationships:

1. Mother, father, son, and daughter;
2. Brother, sister, grandmother, grandfather, grandson, and granddaughter;
3. Great-grandfather, great-grandmother, aunt, uncle, nephew, niece, great-grandson, and great-granddaughter;
4. First cousin;
5. Husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepson, and stepdaughter;
6. Sister-in-law (brother's spouse or spouse's sister), brother-in-law (sister's spouse or spouse's brother), spouse's grandmother, spouse's grandfather, spouse's granddaughter, and spouse's grandson;
7. Registered domestic partner, pursuant to California Family Code section 297.
8. The relatives, as defined in 5 and 6 above, for a registered domestic partner.
9. Any person with whom a Board Member shares a financial interest as defined in the Political Reform Act (Gov't Code §87103, Financial Interest), such as a business partner or business associate.

THIS FORM IS A PUBLIC DOCUMENT



Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: October 25, 2016

Subject: Appropriation Adjustment for replacement of one vehicle in EHSD

RECOMMENDATION(S):

APPROVE Appropriation and Revenue Adjustment No.5012 and AUTHORIZE the transfer of revenue from Employment and Human Services Department (EHSD Admin), Fund 100300 and appropriate it to Fleet Internal Service Fund (ISF), Autos and Trucks (Fleet), Fund 150100 in the amount of \$31,186.64 for the purchase of one replacement vehicle (Ford E250 Asset #4596).

FISCAL IMPACT:

The replacement of one new vehicle will be funded 100% through EHSD Admin's budgeted funds (45% federal, 45% State and 10% County).

BACKGROUND:

The Employment and Human Services Department (EHSD) Administration is retiring one vehicle and needs to replace this vehicle. The vehicle being retired is in need of costly repairs that would exceed the value of the vehicle. The vehicle to be retired is a non-ISF vehicle. EHSD Admin will replace this vehicle with an ISF vehicle purchase through the Public Works Department. This board order authorizes the transfer of revenue from EHSD to the appropriate Public Works account.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Erik Brown,
925-313-1561

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The Employment and Human Services Department would not be able to purchase the vehicle to replace the retired vehicle for the Information Technology Department (IT). The IT department's ability to maintain the technology needs of the county would be restricted.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

APOO 5012

CONTRA COSTA COUNTY
 APPROPRIATION ADJUSTMENT
 T/C 27

AUDITOR-CONTROLLER USE ONLY
 FINAL APPROVAL NEEDED BY:

BOARD OF SUPERVISORS
 COUNTY ADMINISTRATOR
 AUDITOR CONTROLLER

ACCOUNT CODING		DEPARTMENT : DEPT. 0501, EHSD - ADMINISTRATIVE SERVICES				
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE	
5123	5011	REIMBURSEMENTS-GOV/GOV			31,186.64	
5123	2310	NON CNTY PROF SPCLZD SVCS	31,186.64			
TOTALS			31,186.64		31,186.64	

APPROVED

AUDITOR-CONTROLLER:
 BY: [Signature] DATE 10/5/16

COUNTY ADMINISTRATOR:
 BY: [Signature] DATE 10/17/16

BOARD OF SUPERVISORS:

YES

NO:

BY: _____ DATE _____

EXPLANATION OF REQUEST

To adjust appropriated expenditures to ISF Fleet Services for FY 16/17 for the replacement by EHSD of vehicle #4596 with one Ford Cargo Van E250. Vehicle 4596 is currently not operable and repair cost exceeds blue book value.


[Signature]
 Michael Roëtzer EHSO, Admin Director 9/20/2016
 SIGNATURE TITLE DATE

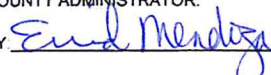
APPROPRIATION APOO 5012
 ADJ. JOURNAL NO.

CONTRA COSTA COUNTY APPROPRIATION ADJUSTMENT T/C 27	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 : DEPT. 0064, ISF Fleet Services			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
4284	4953	AUTOS & TRUCKS			31,186.64
TOTALS			0		31,186.64

APPROVED

AUDITOR-CONTROLLER:
 BY:  DATE 10/5/16

COUNTY ADMINISTRATOR:
 BY:  DATE 10/17/16

BOARD OF SUPERVISORS:

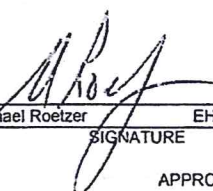
YES:

NO:

BY: _____ DATE _____

EXPLANATION OF REQUEST

To adjust appropriated expenditures for ISF Fleet Services for FY 16/17 for the replacement by EHSD of vehicle #4596 with one Ford Cargo Van E250. Vehicle 4596 is currently not operable and repair cost exceeds blue book value.



Michael Roetzer	EHSD Admin Director	9/20/2016
SIGNATURE	TITLE	DATE
APPROPRIATION	APOO	<u>5012</u>
ADJ. JOURNAL NO.		

THIS IS YOUR QUOTE

DOWNTOWN FORD SALES
 525 N16th Street, Sacramento, CA. 95811
 916-442-6931 fax 916-491-3138

B6172016

QUOTATION

Customer		Date	
Name	CONTRA COSTA COUNTY	8/10/2016	
Address		REP	FELL
City		Phone	
Phone		FOB	

Qty	Description	Unit Price	TOTAL
1	2017 TRANSIT 150 MEDIUM ROOF, 148"WB, 8600 GVW VAN, 3.7L V6, 6 SPEED AUTOMATIC TRANS SLIDING PASSENGER SIDE CARGO DOOR, AM/FM AIR COND, POWER WINDOWS, LOCKS TILT WHEEL	\$26,054.00	\$26,054.00
1	AM/FM/SYNC	\$860.00	\$860.00
1	BACK UP ALARM	\$125.00	\$125.00
1	TRAILER TOW PACKAGE	\$447.00	\$447.00
1	EXTRA KEY	\$299.00	\$299.00
1	REAR VIEW CAMERA	\$441.00	\$441.00
1	CRUISE CONTROL	\$328.00	\$328.00
1	DOC FEE	\$80.00	\$80.00
STATE OF CALIFORNIA CONTRACT 1-16-23-23A			

Payment Details

Cash
 Check
 Credit Card

Name _____

CC # _____

Expires _____

Subtotal	\$28,634.00
Delivery	\$110.00
Taxes	8.50%
CA Tire Tax	\$8.75
TOTAL	\$31,186.64

Office Use Only

VEHICLE AND EQUIPMENT REQUEST FORM
(See Instruction Sheet)

Department: EHSD

Date: 6-2-16

Authorized Signature: *Michael Roetzer*

Telephone: 925-313-1582

Printed Name: Michael Roetzer

1. Reason and Justification for vehicle request: to replace vehicle 4596 which currently is not operable and cost to repair exceeds the blue book value on this vehicle.

2. Funding Source (Budget Information will be used to prepare Board Order): 45% Fed, 45% State, 10% CAF

Is an appropriation adjustment needed? Yes No

Fiscal Officer: Name: Erik Brown

Telephone: 925-313-1561

3. Description of vehicle or equipment requested (if applicable, complete an accessories form): 2017 Ford Transit van outfitted for IT use.

4. Is an alternative fuel vehicle acceptable? Yes No

If no, reason clean air vehicle will not work: The only alternative vehicle we can accept for this replacement is a hybrid. These vans are used everyday throughout the county and need to be able to readily obtain fuel.

5. If replacement, which vehicle or equipment is being replaced: Type: Ford Cargo Van E250

Vehicle/Equipment Number: 4596

Odometer/Hours: 2002 year model w/ over 60K miles

6. Reason purchase cannot wait until next budget cycle: Since IT requires a van to move equipment/supplies, we have had to rent a van in the interim.

7. CAO Release to PWD Fleet Manager: Yes No Date: 10/17/16

CAO Signature: *Erik Mendez*

FOR PWD FLEET MANAGER USE

1. Is vehicle/equipment an addition to the fleet? Yes No

2. If vehicle/equipment is for replacement, an inspection/evaluation to be completed by Fleet Manager:

Date Inspected: _____

Vehicle/Equipment: Make: _____ Model: _____ Year: _____

Condition of vehicle and/or equipment and life expectancy: _____

Accumulated Depreciation: _____ Estimated Salvage Value: _____

Estimated Cost of Request: _____

3. Any underutilized vehicles in existing department fleet? Yes No

4. Fleet Manager Signature: _____ Date: _____



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Sheriff-Coroner
Date: October 25, 2016

Subject: Appropriation Adjustment - P-2B Alamo

RECOMMENDATION(S):

APPROVE Appropriation and Revenue Adjustment No. 5017 authorizing new revenue in the amount of \$8,500 in County Service Area P-2B (Alamo) (7657) and appropriate it for the funding for a Crossing Guard for Rancho Romero Elementary School.

FISCAL IMPACT:

This action increases revenue and appropriations by \$8,500. There is no change in net county cost.

BACKGROUND:

Over the past several years there have been ongoing safety concerns with students being able to cross safely at the crosswalk located at Hemme Avenue at the Iron Horse Trail Crossing. Safety measures were attempted to make the crosswalk safer for Rancho Romero Elementary School students. Despite the improvements, the crosswalk is still deemed dangerous by Alamo residents and the San Ramon Valley Unified School District. The Office of the Sheriff's role in the Rancho Romero Elementary School crossing guard is limited to only funding the position with the Alamo Police Services Advisory Committee Traffic Safety Fund. This Fund contains provisions that allow for the use of its assets for traffic accident prevention and specifically to pay to the compensation of school crossing guards. The crossing guard will be an employee of the San Ramon Valley School District.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

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

CONSEQUENCE OF NEGATIVE ACTION:

The Sheriff's Office will be unable to fund the position of crossing guard.

CHILDREN'S IMPACT STATEMENT:

No fiscal impact.

ATTACHMENTS

Appr. and Rev Adj No. 5017

CONTRA COSTA COUNTY
APPROPRIATION ADJUSTMENT

T/C 27

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

BOARD OF SUPERVISORS

COUNTY ADMINISTRATOR

~~AUDITOR-CONTROLLED~~

ACCOUNT CODING		BUDGET UNIT: SERV AREA P-2 ZONE B (7657)		
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>	INCREASE
7657	2479	OTHER SPECIAL DPMTAL EXP		8,500 00
TOTALS				8,500 00

APPROVED

AUDITOR-CONTROLLER:

BY: *J. Gape* DATE 10/14/16

COUNTY ADMINISTRATOR:

BY: *Wynne Eull* DATE 10/18/16

BOARD OF SUPERVISORS:

YES:

NO:

EXPLANATION OF REQUEST

To appropriate new revenue from P-2b's Traffic Safety Fund for school crossing guard.

[Signature]

SIGNATURE TITLE DATE

Fiscal Officer

10/13/2016

APPROPRIATION APOO

5017

ADJ. JOURNAL NO.


BY: _____ DATE _____

CONTRA COSTA COUNTY
ESTIMATED REVENUE ADJUSTMENT
T/C 24

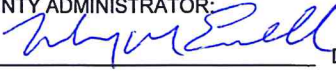
ACCOUNT CODING		BUDGET UNIT: SERV AREA P-2 ZONE B (7657)		
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE	<DECREASE>
7657	9951	REIMBURSEMENTS - GOV/GOV	8,500 00	
TOTALS			8,500 00	0 00

APPROVED

AUDITOR-CONTROLLER:

BY:  DATE 10/14/16

COUNTY ADMINISTRATOR:

BY:  DATE 10/14/16

BOARD OF SUPERVISORS:

YES:

NO:

EXPLANATION OF REQUEST

To appropriate new revenue from P-2b's Traffic Safety Fund for school crossing guard.



SIGNATURE

Fiscal Officer

TITLE

10/13/2016

DATE

REVENUE ADJ.
JOURNAL NO.

RAOO

5017

BY: _____ DATE _____



Contra
Costa
County

To: Board of Supervisors
From: Robin Lipetzky, Public Defender
Date: October 25, 2016

Subject: Proposition 47 Defense Outreach Program

RECOMMENDATION(S):

Public Defender's Office (0243): APPROVE Appropriations and Revenue Adjustment No.5016 authorizing new revenue in the amount of \$25,000 from the California Endowment, and appropriating it to fund salaries and benefits for two (2) temporary clerical positions to continue to implement the Proposition 47 Outreach Program in Office of the Public Defender. (100% grant revenue)

FISCAL IMPACT:

Grant revenues fully fund anticipated program expenditures, for a six (6) month period beginning February 2017. There is no increase to Net County Cost.

\$25,000 in new revenue from the California Endowment
\$25,000 appropriated for temporary salaries and benefits

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Richard Loomis,
925-335-8093

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

By: , Deputy

cc:

BACKGROUND:

At its meeting on September 27, 2016, the Board of Supervisors authorized the Public Defender to apply and accept additional grant funding from the California Endowment to continue a Proposition 47 Outreach Program. Proposition 47 legislation reclassifies some non-serious and non-violent property and drug crimes from felonies to misdemeanors; however, the provisions of this new law will sunset in November of 2017. The prescribed timeframe for offender relief constrain Defense Counsel to a limited period of time to identify, locate, and provide legal services to eligible defendants.

The Contra Costa County Public Defender's Office has become a statewide leader in Proposition 47 work, and in partnership with local community based organizations has secured sentence reductions for all known eligible felony probationers (more than 1,000 defendants) in the County. There are reclassification provisions in Proposition 47 allowing for the reduction of prior felony convictions retroactively, and it is estimated that between 10,000 to 15,000 convictions in County are eligible for reclassification. Given existing staffing, as little as 40% of the eligible cases can be processed prior to the November 2017 deadline.

Diligent solicitation of supplemental funding from non-profit foundations has resulted in the award of grant revenues to augment the public funding commitment to pursue this important work.

The Department will continue to employ two (2) temporary clerical positions to work under the supervision of a Deputy Public Defender to accelerate the Proposition 47 activities already under way by permanent support staff. The job duties will include: client intake, review of closed cases, drafting and filing of petitions, preparing files for hearings, client communications and notifications and conducting outreach events.

CONSEQUENCE OF NEGATIVE ACTION:

If the new revenue and appropriations are not authorized and approved, the Public Defender's Office will not have access to the additional revenue and staffing needed to provide legal services to eligible defendants within the prescribed timeframe.

CHILDREN'S IMPACT STATEMENT:

None.

ATTACHMENTS

Appropriations and Revenue Adjustment No. 5016

**CONTRA COSTA COUNTY
ESTIMATED REVENUE ADJUSTMENT/
ALLOCATION ADJUSTMENT
TC/24**

AUDITOR-CONTROLLER USE ONLY:	
FINAL APPROVAL NEEDED BY:	
<input checked="" type="checkbox"/>	BOARD OF SUPERVISORS
<input type="checkbox"/>	COUNTY ADMINISTRATOR
<input type="checkbox"/>	AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT: 0243 : PUBLIC DEFENDER		
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE	<DECREASE>
2909	9966	MISCELLANEOUS GRANTS & DONATIONS	25,000.00	
TOTALS			25,000.00	0.00

<p align="center">APPROVED</p> <p>AUDITOR – CONTROLLER By: <u>[Signature]</u> Date <u>10/14/16</u></p> <p>COUNTY ADMINISTRATOR By: <u>[Signature]</u> Date <u>10/18/16</u></p> <p>BOARD OF SUPERVISORS</p> <p>YES:</p> <p>NO:</p> <p>By: _____ Date _____</p>	<p>EXPLANATION OF REQUEST</p> <p>Grant Awarded by the California Endowment (\$25,000) for implementation of a Proposition-47 Outreach Program, as authorized by BOS Agenda Item #C.29 on 09/27/2016.</p> <p>PREPARED BY: <u>Richard Loomis</u> TITLE: <u>ASA-III</u> DATE: <u>10/12/2016</u></p> <p>REVENUE ADJ. JOURNAL NO. RAOO <u>5016</u></p>
--	--

**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: 0243 PUBLIC DEFENDER		
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>	INCREASE
2909	1013	TEMPORARY SALARIES		23,200.00
2909	1042	FICA / MEDICARE		1,800.00
			0.00	25,000.00

APPROVED

AUDITOR - CONTROLLER
 By: [Signature] Date 10/14/16

COUNTY ADMINISTRATOR
 By: [Signature] Date 10/18/16

BOARD OF SUPERVISORS

YES:
 NO:

By: _____ Date _____

EXPLANATION OF REQUEST

Increase temporary salary and benefit expenditure appropriations to hire two (2) Seasonal Clerks for implementation of a Proposition-47 Outreach Program, as authorized by BOS Agenda Item #C.29 on 09/27/2016.

PREPARED BY: Richard Loomis
 TITLE: ASA-III
 DATE: 10/12/2016

APPROPRIATION APOO 5016
 ADJ. JOURNAL NO.



Contra
Costa
County

To: Board of Supervisors
From: Robert Campbell, Auditor-Controller
Date: October 25, 2016

Subject: Establish the classification of Financial Systems Manager; allocate to salary schedule, and reclassify one Information Systems Project Manager

RECOMMENDATION(S):

Adopt Position Adjustment Request No. 21947 to establish the classification of Financial Systems Manager (LBSE) (unrepresented); allocate to the salary schedule at salary plan and grade B85-2220 (\$10,430-11,500), and reclassify one Information Systems Project Manager (LPNA) (represented) position #209 and its incumbent at salary plan and grade ZA5 1884 (\$7,476 - \$10,019) to Financial Systems Manager (LBSE) at salary plan and grade B85-2220 (\$10,430-11,500) in the Auditor Controller Department.

FISCAL IMPACT:

This action will result in an annual cost of \$19,656 (\$5,126 due to pension) and can be accommodated within the department's budget.

BACKGROUND:

The Financial Systems Manager will be a single position class within the Office of the Auditor-Controller and serve as a key member of the Auditor-Controller's management team. The incumbent will be responsible for the overall design, management, and ongoing evaluation of the County's Finance System and support of other complex countywide systems. This classification may supervise and manage staff that assist with large financial systems development projects.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Elizabeth Verigin,
925/335-8603

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

By: , Deputy

cc: Robert Campbell, County Auditor-Controller

BACKGROUND: (CONT'D)

>

Presently, there is an Information Systems Project Manager position assigned to the Office of the Auditor-Controller. This classification does not accurately reflect the responsibilities, duties, complexity, consequence of error, and knowledge required to manage the County's Finance System and for implementing and maintaining system interfaces for the exchange of financial data. The position was studied and it was determined that a new classification was required to ensure that the current and future Financial Systems structure is properly managed.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, it jeopardizes the present and future stability of the County's Finance System.

ATTACHMENTS

P300 No. 21947 Fin Sys Mgr

POSITION ADJUSTMENT REQUEST

NO. 21947
DATE 9/9/2016

Department Auditor-Controller
Department No./ Budget Unit No. 0010 Org No. 1013 Agency No. 10
Action Requested: Establish the class of Financial Systems Manager (LBSE) at salary plan and grade B885-2220 and reallocate one (1) Information Systems Project Manager (LPNA) position #0209 and its incumbent to Financial Systems Managers (LBSE)

Proposed Effective Date: 10/1/2016

Classification Questionnaire attached: Yes [X] No [] / Cost is within Department's budget: Yes [X] No []

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$19,656.00 Net County Cost \$19,656.00
Total this FY \$15,218.00 N.C.C. this FY \$15,218.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Within allocated budget.

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Robert Campbell
(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

David Twa, County Administrator 10/14/16
Deputy County Administrator Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS DATE 10/17/2016
Establish the classification of Financial Systems Manager (LBSE) (unrepresented); allocate to the salary schedule at salary plan and grade B85-2220 (\$10,430-11,500), and reclassify one Information Systems Project Manager (LPNA) (represented) position #209 and its incumbent at salary plan and grade ZA5 1884 (\$7,476 - \$10,019) to Financial Systems Manager (LBSE) at salary plan and grade B85-2220

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: [] Day following Board Action.
[X] 11/1/2016(Date) Lisa Lopez 10/17/2016
(for) Director of Human Resources Date

COUNTY ADMINISTRATOR RECOMMENDATION: DATE
[] Approve Recommendation of Director of Human Resources
[] Disapprove Recommendation of Director of Human Resources
[X] Other: First of month following Board adoption Lisa Driscoll, County Finance Director
(for) County Administrator

BOARD OF SUPERVISORS ACTION: David J. Twa, Clerk of the Board of Supervisors and County Administrator
Adjustment is APPROVED [] DISAPPROVED []

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 10/17/2016

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: October 25, 2016

Subject: Add one SS Fiscal Compliance Accountant position and cancel one SS Employment Placement Counselor position in EHSD

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 21931 to add one (1) Social Services Fiscal Compliance Accountant (XASH) (represented) position at Salary Plan and Grade ZB5 1643 (\$5,889-\$7,158) and cancel one vacant (1) Social Services Employment Placement Counselor (X7WB) (represented) position #6735 at Salary Plan and Grade 255 1432 (\$4595-\$5585) in the Employment and Human Services Department.

FISCAL IMPACT:

Upon approval, this transaction will result in an annual increased personnel expense of \$28,078, which includes estimated pension costs of \$9,836. This position will be funded 33% Federal revenue, 47% State revenue, and 20% County cost.

BACKGROUND:

The Employment and Human Services Department requests to add one permanent full time Social Services Fiscal Compliance Accountant position and cancel one permanent full time Social Services Employment Placement Counselor position in the Aging and Adult Services Bureau. The Adult Protective Services Program is responsible

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Holly Trieu (925)
313-1560

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

By: , Deputy

cc: Holly Trieu

BACKGROUND: (CONT'D)

for investigating and mitigating reports of abuse and neglect of elderly and dependent adults. In cases of financial exploitation of elders, the Social Services Fiscal Compliance Accountant will collaborate with Social Workers in Adult Protective Services to investigate and review these cases. The position will act as a forensic accountant and analyze and interpret lengthy and complex financial documents and investment accounts, provide written report of the findings and conclusions of the cases, and testify if subpoenaed.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, Employment and Human Services Department, Aging and Adult Bureau will not have designated accounting personnel to provide forensic investigations on complex elderly exploitation cases, and will be at risk of not being in compliance with State required investigations of elder financial abuse.

CHILDREN'S IMPACT STATEMENT:

No impact.

ATTACHMENTS

P300 No. 21931 EHSD

POSITION ADJUSTMENT REQUEST

NO. 21931
DATE 8/29/16

Department Employment and Human Services Department No./
Budget Unit No. 0503 Org No. 5309 Agency No. A19
Action Requested: Cancel one Social Services Employment Placement Counselor (X7WB) (position #6735) and add one Social Services Fiscal Compliance Accountant (XASH) in the Aging and Adult Services Bureau of EHSD

Proposed Effective Date: 9/13/2016

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 \$28,078.00 Net County Cost \$25,555.00
Total this FY \$18,719.00 N.C.C. this FY \$17037

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Federal 33%, State 47%, County 20%

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Holly Trieu 3-1560

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Kevin J. Corrigan

9/6/2016

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 9/21/2016

Add (1) Social Services Fiscal Compliance Accountant (XASH) (represented) full time position at Salary Plan and Grade ZB5 1643 (\$5889-\$7158) and cancel one (1) Social Services Employment Placement Counselor (X7WB) (represented) full time position #6735 at Salary Plan and Grade 255 1432 (\$4595-\$5585) in 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)

OParra

9/21/2016

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

10/19/2016

Approve Recommendation of Director of Human Resources

Disapprove Recommendation of Director of Human Resources

Other: _____

Enid Mendoza

(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 10/19/2016

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: October 25, 2016

Subject: Add Clerk – Experienced Level position and Cancel Intermediate Typist Clerk - Project position in the Health Services Department

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 21978 to add one (1) Clerk – Experienced Level (JWXB) position at salary plan and grade level 3RH - 0750 (\$2,905 - \$3,605) and cancel one (1) vacant Intermediate Typist Clerk - Project (JWV1) position #14381 at salary plan and grade level 3RH - 0753 (\$2,994 - \$3,715) in the Health Services Department. (Represented)

FISCAL IMPACT:

Upon approval, this action has an annual savings of approximately \$1,946, with estimated pension cost saving of \$470 already included.

BACKGROUND:

The Health Services Department is requesting to add a full time Clerk – Experienced Level position and cancel one full time Intermediate Typist Clerk Project position for Behavioral Health Division’s Utilization Review Unit. The State has extended and expanded the funding for the Mental Health Services Act ensuring the funding stream for this position justifying

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

the conversion from a project position to a permanent position. Health Services Department has determined the more appropriate classification to perform the duties associated with the administrative support for the Utilization Review Unit would be better suited with the classification of Clerk – Experienced Level.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the Health Services Department will not be able to have the appropriate level and classification of administrative staff for its Behavioral Health Division’s Utilization Review Unit.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

P300 No. 21978 HSD

POSITION ADJUSTMENT REQUEST

NO. 21978
DATE 10/5/2016

Department HEALTH SERVICES Department No./
Budget Unit No. 0467 Org No. 5943 Agency No. A18
Action Requested: Add one Clerk- Experienced Level (JWXB) and cancel one Intermediate Typist Clerk - Project (JWV1)
position #14381 in the Health Services Department. (Represented)

Proposed Effective Date: 10/25/2016

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost (\$1,946.04) Net County Cost \$0.00
Total this FY (\$1,297.36) N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Cost Savings

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Melissa Carofanello

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Enid Mendoza

10/18/2016

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Exempt from Human Resources review under delegated authority.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.

_____(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

10/18/2016

Approve Recommendation of Director of Human Resources

Disapprove Recommendation of Director of Human Resources

Other: Approve as recommended by the department.

Enid Mendoza

(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 10/18/2016

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: October 25, 2016

Subject: Add and Cancel positions in the Health Services Department

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 21977 to add one permanent full-time Clerk Senior Level (JWXC) position at salary plan grade and level 3RX-1033 (\$3,210 - \$4,100) and cancel vacant Secretary-Advanced Level (J3TG) position #9857 at salary plan and grade level 3R2-1163 (\$3,772 - \$4,374) in the Health Services Department. (Represented)

FISCAL IMPACT:

Upon approval, this action has an annual cost savings of approximately \$12,856, which includes estimated pension savings of \$3,134.00. (Cost savings to CCHP Premium Revenues)

BACKGROUND:

The Contracts Unit within the Contra Costa Health Plan Division has evolved which included the elimination of the Director of Contracts position in 2008. Consequently, the Secretary-Advanced Level position in support of the Director was no longer needed and the duties and responsibilities primarily changed to clerical support in processing provider/vendor contracts. Typical tasks include maintaining database spreadsheets and logs, record keeping of contract addendums and change orders, filing and faxing. The Department has determined that the Clerk-Senior Level is the most appropriate classification for these assigned duties instead of Secretary-Advanced Level.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Jo-Anne Linares, (925)
957-5240

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the duties and responsibilities are not appropriately classified and the position will continue to be compensated at a higher level classification.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

P300 No. 21977 HSD

POSITION ADJUSTMENT REQUEST

NO. 21977
DATE 10/11/2016

Department Health Services

Department No./
Budget Unit No. 0860 Org No. 6125 Agency No. A18

Action Requested: Add one Clerk-Senior Level (JWXC) position and cancel vacant Secretary-Advanced Level (J3TG) position #9857 in the Health Services Department.

Proposed Effective Date: 10/26/2016

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 (\$12,856.00) Net County Cost \$0.00
Total this FY (\$8,570.67) N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Cost savings (premium revenues)

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Jo-Anne Linares

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Enid Mendoza

10/18/2016

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Exempt from Human Resources review under delegated authority.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.

_____(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

10/18/2016

Approve Recommendation of Director of Human Resources

Disapprove Recommendation of Director of Human Resources

Other: Approve as recommended by the department.

Enid Mendoza

(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 10/18/2016

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: David Twa, County Administrator
Date: October 25, 2016

Subject: Resolution Authorizing an Upward Salary Step Adjustment

RECOMMENDATION(S):

ADOPT Resolution No. 2016/604 to grant an exemption to Contra Costa County Salary Regulations Section 4.1, and adjust the salary step of the incumbent in the classification of Deputy Agriculture Commissioner, position number 5869, from step three to step four of salary range ZA5 1724 (\$6,381.09 - \$7,756.26) effective September 1, 2016, as requested by the Agriculture Commissioner and recommended by the County Administrator.

FISCAL IMPACT:

Upon approval, this action will result in an increased annual cost of approximately \$6,080 including additional pension costs of approximately \$1,477. Funding for this increase is 55% State, 5% fees, and 40% County general fund.

BACKGROUND:

On September 1, 2016, the incumbent was promoted to a position in the classification of Deputy Agriculture Commissioner and the department made the recommendation to the County Administrator's Office to approve and recommend to the Board of Supervisors' approval to grant an exemption to the County's Salary Regulations to allow the incumbent to be placed at step four of the classification's salary range.

CONSEQUENCE OF NEGATIVE ACTION:

If the recommended action is not approved, the Department will not be able to appropriately compensate the incumbent.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Eric Angstadt 925
335-1009

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

By: , Deputy

cc: Lisa Lopez, Assistant Director of Human Resources

ATTACHMENTS

Resolution No.
2016/604

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

Adopted this Resolution on 10/25/2016 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2016/604

In the Matter of Adjusting the Salary Step of an Incumbent in the Classification of Deputy Agriculture Commissioner.

WHEREAS, section 4.1 (Salary-On Promotion) of the Contra Costa County Salary Regulations states, "Any employee who is appointed to a position of a class allocated to a higher salary range than the class he previously occupied, shall receive the salary in the new salary range, which is next higher than the rate he was receiving before promotion. In the event this increase is less than five (5) percent, the employee's salary shall be adjusted to the step in the new range which is five (5) percent greater than the next higher step, if the new range permits such adjustment"; and

WHEREAS, the incumbent in the Deputy Agriculture Commissioner position #5869 was promoted to that position on September 1, 2016 and placed at step three according to the salary regulations rule on promotion; and

WHEREAS, the Agriculture/Weights and Measures Department has requested the incumbent be placed at step four of the Deputy Agriculture Commissioner salary range; and

WHEREAS, the County Administrator's Office approves of this specific request to grant an exemption to the Salary-On Promotion regulation for the recently appointed incumbent of the Deputy Agriculture Commissioner position.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby grant an exemption to section 4.1 (Salary-On Promotion) of the County's Salary Regulations, so that the incumbent of position #5869 shall be moved from step 3 to step 4 of the salary range for the Deputy Agriculture Commissioner classification, effective September 1, 2016.

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: October 25, 2016

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

Contact: Eric Angstadt 925 335-1009

By: , Deputy

cc: Lisa Lopez, Assistant Director of Human Resources



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Grant Award Agreement #28-511-34 from the California Department of Resources Recycling and Recovery (CalRecycle)

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, (Marilyn Underwood) to execute, on behalf of the County, Grant Award Agreement #28-511-34 (EA27-16-0006) from the California Department of Resources Recycling and Recovery (CalRecycle), to pay County an amount not to exceed \$26,822, for continuation of the Local Enforcement Agency (LEA) assistance funds for the Department's Environmental Health Division Solid Waste Program ("Solid Waste Program"), for the period July 1, 2016 through October 30, 2017.

FISCAL IMPACT:

Approval of this Agreement will result in a payment to the County of \$26,822 for the Department's Solid Waste Program. No County match required.

BACKGROUND:

On August 25, 2015, the Board of Supervisors approved Grant Agreement from the California Department of Resources Recycling and Recovery (CalRecycle), for the Local Enforcement Agency (LEA) Grant Program, to provide funding for the Department's Environmental Health Division Solid Waste Program, for the period from July 1, 2015 through October 28, 2016.

Approval of this Grant Award Agreement #28-511-34

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Marilyn Underwood,
925-692-2521

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

By: , Deputy

cc: Tasha Scott, M Wilhelm

BACKGROUND: (CONT'D)

will allow the County to use the funds solely for the support of the solid waste facilities permit and inspection programs, including personnel, training, equipment, supplies, and technical support. This Agreement includes agreeing to indemnify and hold harmless the Grantor from any claims arising out of the performance of this Grant Agreement, through October 30, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If this Agreement is not approved, the County will not receive funds to support its solid waste facilities permit and inspection programs.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: Melinda Cervantes, County Librarian
Date: October 25, 2016

Subject: APPROVE and AUTHORIZE the Librarian, or designee, to apply for and accept a grant in the amount of \$15,000 from the Pacific Library Partnership.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Librarian, or designee, to apply for and accept a grant in the amount of \$15,000 from the Pacific Library Partnership to create *Tinker Trucks: a Pop-Up Library Outreach Adventure* in Concord, Crockett, Rodeo, El Sobrante, San Pablo, and Pittsburg from January 1, 2017 through December 31, 2017.

FISCAL IMPACT:

No library fund match.

BACKGROUND:

The Contra Costa County Library is requesting funds from the Pacific Library Partnership to implement *Tinker Trucks: a Pop-Up Library Outreach Adventure*. *Tinker Trucks* will consist of four customized transport wagons that will bring books and STEAM (Science, Technology, Engineering, Art, & Math) activity kits to underserved families in Concord, Crockett, Rodeo, El Sobrante, San Pablo, and Pittsburg. The

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- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
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Action of Board On: **10/25/2016** 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: October 25, 2016

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

Contact:
925-927-3290

By: , Deputy

cc:

BACKGROUND: (CONT'D)

Tinker Trucks will be made to look like various trucks and vehicles, for example a fire truck or garbage truck. The *Tinker Trucks* will provide library card registration, paperback books, programs and a Wi-Fi hotspot at locations outside of the Library in Concord, Crockett, Rodeo, El Sobrante, San Pablo, and Pittsburg. The programs will focus on STEAM subjects and exploration of free creative expression. The project will launch during summer 2017.

The Pacific Library Partnership is a consolidation of four library systems, [BALIS](#) (Bay Area Library and Information System), serving Alameda, Contra Costa, and San Francisco Counties; [PLS](#) (Peninsula Library System), serving San Mateo County; [MOBAC](#) (Monterey Bay Area Cooperative Library System), serving Monterey, Santa Cruz, and San Benito Counties; and SVLS (Silicon Valley Library System), serving Santa Clara County. PLP grants a total of \$150,000 on an annual basis to member libraries for programs and technology.

CONSEQUENCE OF NEGATIVE ACTION:

The library will not be able to provide *Tinker Trucks*, STEAM activities or the paperback books outside of the Library in Concord, Crockett, Rodeo, El Sobrante, San Pablo, and Pittsburg..

CHILDREN'S IMPACT STATEMENT:

This program supports outcome number two, **Children and Youth Healthy and Preparing for Productive Adulthood:** *Tinker Trucks: Pop-Up Library Outreach Adventure*, STEAM activities, and paperback book exchange will introduce children to STEAM activities. These activities will engage them in integrated learning as they explore the world around them, create innovative solutions to problems and communicate their results.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Standard Agreement #28-300-5 with the California Department of Health Care Services

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Standard Agreement #28-300-5 (15-92142) with the California Department of Health Care Services, to pay the County an amount not to exceed \$13,500,000, for the Medi-Cal Administrative Activities (MAA) Program, for the period from July 1, 2015 through June 30, 2018.

FISCAL IMPACT:

This agreement will result in an amount not to exceed \$13,500,000 from the California Department of Health Care Services to fund the MAA Program. No County match required.

BACKGROUND:

The California Department of Health Care Services is responsible for administering the California MAA Program which is authorized by Title 42, United States Code Section 1396 and Welfare and Institutions Code Division 9, Part 3, Chapter 7 (commencing with Section 14000) and Chapter 8 (commencing with Section 14200). The Federal Social Security Act mandates cooperative arrangements between the single state agency and participating local government agencies (LGA's)

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Patrick Godley,
925-957-5410

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

By: , Deputy

cc: Tasha Scott, Marcy Wilhelm

BACKGROUND: (CONT'D)

responsible for providing health related administrative activities. The goal of this agreement is to ensure that Contra Costa County Medi-Cal potentially eligible individuals and their families are appropriately informed of the Medi-Cal Program, how to access it and assisted in accessing the Medi-Cal Program.

On May 14, 2013, the Board of Supervisors approved Standard Agreement #28-300-4 with the California Department of Health Services, for the Medi-Cal Administrative Activities Program, through June 30, 2015.

Approval of this Standard Agreement #28-300-5 will allow continuous funding to the County's Health Services Department for the MAA Program, including agreeing to indemnify and hold the grantor harmless for claims arising out of the County's performance under the agreement through June 30, 2018.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, the County will not receive funds to continue providing MAA Program.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Standard Agreement (Amendment) #29-772-31 with the State of California Dept of Health Services

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Standard Agreement (Amendment) #29-772-31 (State #04-36067, A-18) with the State of California, Department of Health Care Services (DHCS), effective September 15, 2014, to amend Agreement #29-772-13 (as amended by subsequent Amendments #29-772-14 through #29-772-30), to incorporate language and supplemental payments for Behavioral Health Treatment services, with no change in the original amount payable to the County not to exceed \$317,472,000 or the original term of April 1, 2005 through December 31, 2016.

FISCAL IMPACT:

Approval of this amendment will reflect no change in the original amount payable to County of \$317,472,000 for the Medi-Cal Managed Care Local Initiative Project. No County match required.

BACKGROUND:

On April 26, 2005, the Board of Supervisors approved Standard Agreement #29-772-13 (as amended by subsequent Amendments #29-772-14 through #29-772-30) with the State of California, DHCS, for the Medi-Cal Local Initiative Health Plan, for the period from April 1, 2005 through

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- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Patricia Tanquary,
925-313-6004

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

By: , Deputy

cc: Tasha Scott, M Wilhelm

BACKGROUND: (CONT'D)

December 31, 2016.

Approval of this Standard Agreement (Amendment) #29-772-31 will incorporate new language and supplemental payments for the Behavioral Health Treatment services, with no change in Payment Limit or term through December 31, 2016.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, the County will not be able to be reimbursed for behavioral health treatment services under the Medi-Cal Managed Care Local Initiative Project.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services
Date: October 25, 2016

Subject: 2015 Low Income Home Energy Assistance Program funding, amendment 4

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment & Human Services Director, or designee, to execute a contract amendment, to decrease the payment limit by \$75,440 to a new limit \$4,527,978, from California Department of Community Services and Development for Low Income Home Energy Assistance Programs with term January 1, 2015 through June 30, 2017.

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 4 / CCC: 39-854-4

BACKGROUND:

The board initially approved receipt of funding for 2015-16 on January 13, 2015. The board later approved receipt of additional funding on May 12, 2015 and again on November 3, 2015. The board approved a third amendment on December 15, 2015. This board order is for a fourth

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- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: CSB,
925-681-6304

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

By: , Deputy

cc: Jagjit Bhambra, Sam Mendoza, Cassandra Youngblood

BACKGROUND: (CONT'D)

amendment to extend the term limit and to decrease the payment limit by \$75,440 as the Department of Conservation and Development was unable to secure a contractor that would install the toilet retrofit program for the amount allocated by the state.

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 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 Employment & Human Services Department (EHSD) is the fiscal recipient. 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.

Services may include 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.

The 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.

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: October 25, 2016

Subject: 2016 Community Services Block Grant (CSBG) targeted initiative revenue contract amend 1

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment & Human Services Director, or designee, to execute a contract amendment with the California Department of Community Services and Development to increase the payment limit by \$15,078 to new amount of \$32,078 for Community Services Block Grant program services and extend the term from December 31, 2016 to May 31, 2017.

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-5525 / Amend 1
County: 39-909-4

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- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: CSB (925)
681-6345

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

By: , Deputy

cc: Christina Reich, Nancy Sparks, Sam Mendoza

BACKGROUND:

The Department received notification of funding from California Department of Community Services and Development on June 13, 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). This funding is for selected Community Action agencies to receive discretionary funds to support training and technical assistance needs to build capacity. The funds can also be used to support program that focus on the homeless population and to assist low-income individuals to claim the Earned Income Tax Credit. Funding is provided under 3 categories: Capacity Building, Homelessness and Earned Income Tax Credit. The board approved the revenue agreement on July 12, 2016 (C.52). This board order is to accept additional funding and to extend the term.

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: David Twa, County Administrator
Date: October 25, 2016

Subject: Contract Admendment with Milliman, Inc. for Actuarial and Consulting Services

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Administrator, or designee, to execute a contract amendment with Milliman, Inc., effective October 1, 2016, to increase the payment limit by \$300,000 to a new payment limit of \$700,000 to continue providing actuarial services, and to extend the term of the agreement from October 1, 2016 through September 30, 2018, subject to approval as to form by County Counsel.

FISCAL IMPACT:

The cost of this contract will be paid out of charges to County departments for Benefits Administration.

BACKGROUND:

In August 2013, the County Administrator's Office issued a request for proposals from actuarial consultants to advise the County on strategies for managing its post-employment liabilities, other than pensions ("OPEB"), and complying with the requirements of GASB 43, Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans, and GASB 45, Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions, and Government Code Section 7507 for the next three to five years.

The County received eight responses to the issuance and a management panel interviewed the top four respondents. Based on those interviews and reference checks, the panel recommended that Milliman, Inc. be contracted to assist the County with meeting the actuarial and accounting requirements of GASB 43/45, Government Code 7507, and with actuarial advice on developing strategies for the ongoing management of its OPEB liabilities.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

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

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

By: , Deputy

cc: Robert Campbell, County Auditor-Controller, Ann Elliott, Employee Benefits Manager

BACKGROUND: (CONT'D)

>

The County's Other Post Employment Benefit liability issue is complex. The liability grew over a period of almost fifty years. The Board of Supervisors has developed a sound strategy to address the obligation and the Board's goals are being achieved. All OPEB reports and materials are available on the County's internet site at:[http://ca-contracostacou
http://ca-contracostacounty.civicplus.com/index.aspx?NID=756](http://ca-contracostacounty.civicplus.com/index.aspx?NID=756)



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: October 25, 2016

Subject: Contract Amendment with Larry Walker Associates, Incorporated, Countywide. Project No. 7517-6W7091

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with Larry Walker Associates, Incorporated, to increase the payment limit by \$150,000 to a new payment limit of \$400,000, to allow subcontracting and to provide professional stormwater quality services for a variety of National Pollutant Discharge Elimination System (NPDES) Permit requirements, with no change to the original term of April 1, 2015 to March 31, 2018, Countywide.

FISCAL IMPACT:

100% Stormwater Utility Assessment Revenue Funds.

BACKGROUND:

The County Watershed Program is responsible for ensuring the County's compliance with two state mandated municipal stormwater discharge permits under the NPDES: the Municipal Regional Permit (MRP) No. CAS612008 and the East Contra Costa County Municipal NPDES Permit No. CAS083313.

Larry Walker Associates, Incorporated, shall provide professional stormwater quality

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Crystal O'Dell, (925)
313-2037

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

By: , Deputy

cc: Mike Carlson, Deputy Public Works Director, Cece Sellgren, County Watershed Program, Michele Mancuso, County Watershed Program, Crystal O'Dell, County Watershed Program, Catherine Windham, Flood Control

BACKGROUND: (CONT'D)

services for a variety of NPDES Permit requirements, including Total Maximum Daily Load (TMDL) compliance and trash reduction.

CONSEQUENCE OF NEGATIVE ACTION:

Without the approval of the Board of Supervisors, the County will be unable to meet its requirements under the MRP No. CAS612008 and the East Contra Costa County Municipal NPDES Permit No. CAS083313.



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: October 25, 2016

Subject: Approve a Purchase Order Amendment with Future Ford

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute, on behalf of the Public Works Director, a purchase order amendment with Future Ford, to increase the payment limit by \$150,000, to a new payment limit of \$240,000, and extend the termination date from January 31, 2017 to January 31, 2018, for Ford parts and accessories, Countywide.

FISCAL IMPACT:

Funded 100% through Public Works 16/17 Fleet Internal Service Fund budget.

BACKGROUND:

Public Works Fleet Management is responsible for maintaining County vehicles. To do so, Fleet buys parts, accessories and warranty service from local auto dealers. As the fleet is mostly Ford vehicles, we buy a substantial amount from Ford dealers. As bid on BidSync #1112-004, four local Ford dealers were awarded this commodity, with Future Ford being a secondary. The original bid was for a duration of one (1) year with four (4) possible one (1) year extensions available. This request represents the fourth of the one year extensions.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Stan Burton, (925)
313-7077

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, then purchasing Ford parts and accessories through Future Ford will discontinue.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Contract #74-314-7 with Shelter, Inc. of Contra Costa County

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or designee, to execute, on behalf of the County, Contract #74-314-7 with Shelter, Inc. of Contra Costa County, a non-profit corporation, in an amount not to exceed \$2,030,447, to provide housing assistance to Seriously and Persistently Mentally Ill (SPMI) youth and adults for the period from August 1, 2016 through June 30, 2017.

FISCAL IMPACT:

This Contract is funded 100% Mental Health Services Act (MHSA/Proposition 63). (No rate increase)

BACKGROUND:

This Contract meets the social needs of the County's population in that it provides support services to County residents that are homeless and have a diagnosis of mental illness or a dual-diagnosis of mental illness and substance abuse, and are receiving services of Contra Costa County Mental Health or other approved referral agencies. On July 28, 2015, the Board of Supervisors approved Novation Contract #74-314-6 with Shelter, Inc., of Contra Costa County, for the period from August 1, 2015 through July 31, 2016, for the provision

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Lavonna Martin,
925-313-7704

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

By: , Deputy

cc: D Morgan, M Wilhelm

BACKGROUND: (CONT'D)

of housing assistance to SPMI youth and adults.

Approval of Contract #74-314-7 will allow Contractor to continue providing services through June 30, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, SMPI youth and adults will not receive the housing assistance they need, putting them at risk for remaining homeless and requiring higher levels of care for mental illness and/or substance abuse.

CHILDREN'S IMPACT STATEMENT:

This Proposition 63 program supports the following Board of Supervisors' community outcomes: (5) "Communities that are Safe and Provide a High Quality of Life for Children and Families" community outcome by providing temporary shelter services to SMPI transitional-aged youth to stabilize their situation.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Novation Contract #24-712-4 with Telecare Corporation

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or designee, to execute, on behalf of the County, Novation Contract #24-712-4 with Telecare Corporation, a corporation, in an amount not to exceed \$4,155,060, to provide and manage services for Hope House, a sixteen (16) bed short-term residential facility, for mentally ill adults for the period from July 1, 2016 through June 30, 2018. This Contract includes a six-month automatic extension through December 31, 2018, in an amount not to exceed \$1,038,765.

FISCAL IMPACT:

This Contract is funded 30% by Federal Financial Participation and 70% by Mental Health Services Act. (Rate increase)

BACKGROUND:

This Contract meets the social needs of County's population by providing a short-term crisis residential facility for adults, age eighteen (18) and older, who require support to avoid hospitalization or are being discharged from the hospital or long-term locked facilities and require step-down care to transition to community living. On October 6, 2015, the Board of Supervisors approved

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

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)

Contract #24-712-3 with Telecare Corporation, for the period from July 1, 2015 through June 30, 2016, with a six-month automatic extension through December 31, 2016 to provide and manage services at Hope House, a short-term crisis residential facility.

Approval of Contract #24-712-4 replaces the automatic extension under the prior contract and allow Contractor to continue providing services through June 30, 2018.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County clients in need of crisis residential or step-down care will not have access to Contractor's services possibly resulting in higher levels of placement, including hospitalization.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: October 25, 2016

Subject: Amend Contract with Child Abuse Prevention Council

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Child Abuse Prevention Council, effective November 1, 2016, to increase the payment limit by \$130,074 to a new payment limit of \$1,236,898 for additional child abuse prevention services for the period July 1, 2016 through June 30, 2017. (5% Federal, 55% State, 36% County, 4% Local)

FISCAL IMPACT:

\$1,236,898: 4% Keller Canyon Landfill (Local); 8% State Family Preservation (70% State, 30% County); 44% Child Welfare Services Basic ((11% Federal Health Related, Title XIX, CFDA #93.778) 62% State, 27% County); 30% SB 163 Wrap Funding (40% State, 60% County); 14% Substance Abuse/HIV (70% State, 30% County).

BACKGROUND:

This amendment adds 3 additional youth partners, who provide outreach services to youth who currently are involved with the child welfare system.

The Child Abuse Prevention Council will direct and coordinate ongoing activities aimed at mobilizing community resources and educating professionals and citizens to reduce the incidents of child abuse.

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- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
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Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: V. Kaplan,
3-1514

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Valuable services to prevent child abuse will not be provided.

CHILDREN'S IMPACT STATEMENT:

This contract supports all of the community outcomes established in the Children's Report Card: (1) "Children Ready for and Succeeding in School"; (2) "Children and Youth Healthy and Preparing for Productive Adulthood"; (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 services to prevent child abuse and thus maintain the family.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Contract #26-199-2 with Laura L. Hans, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or designee, to execute, on behalf of the County, Contract #26-199-2 with Laura L. Hans, M.D., an individual, in an amount not to exceed \$870,000, to provide pediatric services at Contra Costa Regional Medical Center and Contra Costa Health Centers (CCRMC) for the period from January 1, 2017 through December 31, 2019.

FISCAL IMPACT:

This Contract is funded 100% Hospital Enterprise Fund I. (No rate increase)

BACKGROUND:

On January 19, 2016 the Board of Supervisors approved Contract #26-199 with Laura L. Hans, M.D. for the provision of pediatric services including, but not limited to: clinic coverage, clinical case coverage, report writing, training, and administrative duties in the Pediatric Unit at CCRMC for the period from January 1, 2016 through December 31, 2016. Approval of Contract #26-199-2 will allow the Contractor to continue to provide pediatric services at CCRMC through December 31, 2019.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring developmental pediatric services will not have access to Contractor's services.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Samir Shah, M.D.,
925-370-5525

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

By: , Deputy

cc: K Cyr, M Wilhelm

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Contract #23-419-11 with Perseus Corporation

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #23-419-11 with Perseus Corporation, a corporation, in an amount not to exceed \$144,500, to provide consultation and technical assistance to the Health Services Department on third party cost reports, for the period from November 1, 2016 through October 31, 2017.

FISCAL IMPACT:

This Contract is funded 100% Hospital Enterprise Fund I. (Rate increase)

BACKGROUND:

On November 17, 2015, the Board of Supervisors approved Contract #23-419-10 with Perseus Corporation, for the period from November 1, 2015 through October 31, 2016, for the provision of consultation and technical assistance on preparation and submission of third party cost reports including, acting as the primary liaison between the Health Services Department and the State and Federal government with regard to all interactions, audits, review of cost reports and/or claims filed.

Approval

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Patrick Godley,
925-957-5410

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

By: , Deputy

cc: Tasha Scott, M Wilhelm

BACKGROUND: (CONT'D)

of Contract #23-419-11 will allow Contractor to continue providing services through October 31, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, the Contractor will not provide oversight and review of third party cost reports that the Department is required to file with federal and state agencies.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Amendment/Extension #23-325-21 with Wilson Consulting, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment/Extension Agreement #23-325-21 with Wilson Consulting, Inc., a corporation, effective November 1, 2016, to amend Contract #23-325-18, (as amended by Amendment/Extension #23-325-19 and #23-325-20) to increase the payment limit by \$341,000, from \$1,860,000, to a new payment limit of \$2,201,000, and extend the termination date from December 31, 2016 to December 31, 2017.

FISCAL IMPACT:

This amendment is funded 100% Hospital 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 and #23-325-20) 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

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: David Runt,
925-313-6228

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

By: , Deputy

cc: Tasha Scott, M Wilhelm

BACKGROUND: (CONT'D)

1, 2014 through December 31, 2016.

Approval of Contract Amendment/Extension Agreement #23-325-21 will allow the Contractor to continue providing services through December 31, 2017.

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: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Contract #76-563 with Norman B. Price, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #76-563 with Norman B. Price, M.D., an individual, in an amount not to exceed \$130,000, to provide dermatology services at Contra Costa Regional Medical Center and Contra Costa Health Centers (CCRMC) for the period from November 1, 2016 through October 31, 2017.

FISCAL IMPACT:

This Contract is funded 100% Hospital Enterprise Fund I.

BACKGROUND:

Under Contract #76-563 Contractor will provide dermatology services, including, but not limited to: clinic coverage, consultation, primary provider for dermatology registrar, training and medical/surgical procedures at CCRMC, for the period November 1, 2016 through October 31, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring dermatology services will not have access to Contractor's services.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Samir Shah, M.D.,
925-370-5525

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

By: , Deputy

cc: K Cyr, M Wilhelm



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Amendment to Purchase Order with American Messaging Services, Inc.

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute an amendment to Purchase Order # F55035 with American Messaging Services, Inc. to add \$20,000 for a new total of \$150,000 for the rental of additional pagers used by staff at the Contra Costa Regional Medical Center (CCRMC) and Contra Costa Health Centers with no change in the term of January 7, 2015 through January 6, 2017.

FISCAL IMPACT:

100% funding is included in Hospital Enterprise Fund I budget.

BACKGROUND:

American Messaging Services, Inc. provides pagers rented by the CCRMC and Contra Costa Health Centers. Currently Health Services rents approximately 900 pagers from this vendor. It is vital that the CCRMC and Contra Costa Health Clinics be able to contact employees. American Messaging Services, Inc. handles the paging services for every agency in the County, thus enabling the County to standardize its communication needs in the event of a disaster. Increasing the payment limit will allow the department to replace certain pagers and procure additional ones as needed.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Anna Roth,
925-370-5101

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

By: , Deputy

cc: Tasha Scott, M Wilhelm, Margaret Harris

CONSEQUENCE OF NEGATIVE ACTION:

If this Amendment Order is not approved Health Services will find is difficult to communicate with other County agencies in the event of a disaster.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Purchase Order Amendment for OneWorkPlace

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute an amendment to the Purchase Order with OneWorkPlace to add \$99,000 for a new total payment limit of \$189,000 for furniture at the Contra Costa Regional Medical Center (CCRMC), with no change in the term of July 1, 2016 through June 30, 2017.

FISCAL IMPACT:

100% funding is included in the Hospital Enterprise Fund I Budget.

BACKGROUND:

OneWorkPlace supplies needed furniture and installation for offices and other spaces at the CCRMC. The Department is currently working on a kitchen and cafeteria remodel and also needs to reconfigure current office space in a growing patient environment. CCRMC has had an increased number of patients which increases the number of staff and visitors which need to be fed in our cafeteria. This increase in staff has also led to the need to remodel offices to accommodate them.

CONSEQUENCE OF NEGATIVE ACTION:

If this Purchase Order is not approved the CCRMC will not be able to meet the needs of these visitors and staff.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Anna Roth,
925-370-5101

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

By: , Deputy

cc: Tasha 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: October 25, 2016

Subject: Purchase Order Amendment for GCX Corp.

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute an amendment to the Purchase Order with GCX Corp. to add \$99,000 for a new total payment limit of \$189,000 for Health Care Interpreter Network (HCIN) computer, monitors and wall mounting supplies at the Contra Costa Regional Medical Center (CCRMC) and Health Centers, with no change in the term of January 1, 2016 through December 31, 2018.

FISCAL IMPACT:

100% funding is included in the Hospital Enterprise Fund I Budget.

BACKGROUND:

GCX Corp. has provided needed Computer and HCIN Wall Mounting solutions since we instituted our Electronic Medical Record (EMR), known as ccLink in 2012. Due to the current remodel of the Emergency and Diagnostic Imaging Departments at the CCRMC, and numerous Health Center remodels and new construction, CCRMC is adding more computers and HCIN units that need to be mounted on the walls.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Anna Roth,
925-370-5101

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

By: , Deputy

cc: Tasha Scott, MWilhelm, Crystal Grayson

CONSEQUENCE OF NEGATIVE ACTION:

Computers and HCIN phones are attached to wall mounts in patient rooms at the Hospital and exam rooms in the Clinics. We have had an increasing number of requests for such wall mounts in the Clinics and they are also being added through new construction. Electronic Medical Records are used to manage patient care and they provide safety in treatment. If this Purchase Order is not approved CCRMC will not be able to effectively treat the increasing number of patients at CCRMC and Health Centers.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Purchase Order for Experian Health Software Maintenance

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute a Purchase Order with Experian Health, Inc. in an amount not to exceed \$180,000 for purchase of license support of the Electronic Claims and Remittances System Software for the period July 1, 2016, through June 30, 2017.

FISCAL IMPACT:

100% Funding is included in the Hospital Enterprise Fund I Budget.

BACKGROUND:

Since 2001 the Patient Accounting Department has used Experian Health revenue cycle products to simplify claims processing and expedite receipt of payments. CCHS uses the following Experian Health modules for accurate posting of payments and adjustments: 1) Electronic Claims Processing: Billing forms are represented exactly and submitted directly for faster payment. 2) Remittance and Payment Processing: enables quick and accurate posting of payments and adjustments to the Patient Accounting System. 3) Real-time Transactions Eligibility: checks for eligibility before claims are submitted to ensure expedited payments. 4) Financial Reporting: provides detailed reports, financial dashboard, and financial analysis tools.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Anna Roth,
925-370-5101

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

By: , Deputy

cc: Tasha Scott, M Wilhelm, Renee Nunez

CONSEQUENCE OF NEGATIVE ACTION:

If this purchase order is not approved, the Department will not receive critical software updates.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Purchase Order for Philips Healthcare Corporation

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute a Purchase Order with Philips Healthcare Corporation in an amount not to exceed \$146,955 for the purchase of a Philips Ultrasound Machine, model Epiq 5C at the Contra Costa Regional Medical Center (CCRMC) and Contra Costa Health Centers, for the period October 1, 2016 through April 30, 2017.

FISCAL IMPACT:

100% funding is included in the Hospital Enterprise Fund I budget.

BACKGROUND:

The Epiq 5C will greatly improve the diagnosis of patients at the CCRMC and Contra Costa Health Centers by providing a reliable, portable solution. This will result in ease of scanning, superior imaging quality, speedier results, improved accuracy and comfort to patients. Philips Healthcare Corporation provides the most versatile and reliable cardiologic ultrasound to improve patient care and treatment of cardiologic abnormalities. This will enable the CCRMC and Contra Costa Health Centers to provide an improved patient experience for cardiologic procedures.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Anna Roth,
925-370-5101

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

By: , Deputy

cc: Tasha Scott, Crystal Grayson, M Wilhelm

CONSEQUENCE OF NEGATIVE ACTION:

If this purchase is not approved, the medical staff will not have access to the portable cardiac ultrasound equipment needed to provide the quality of care they require that will also improve the patient experience.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Purchase Order for Philips Healthcare Corporation

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute a Purchase Order with Philips Healthcare Corporation in the amount not to exceed \$433,282 for the purchase of Philips Avalon FM50 Fetal Monitors, at the Contra Costa Regional Medical Center (CCRMC) and Contra Costa Health Centers for the period October 1, 2016 through April 30, 2017.

FISCAL IMPACT:

100% funding is included in the Hospital Enterprise Fund I Budget.

BACKGROUND:

The Avalon FM50's will greatly improve the monitoring of expectant mothers at the CCRMC and Contra Costa Health Centers by providing a reliable, cordless, more robust, ability to monitor the patients. This will result in improved accuracy and comfort for expectant mothers. Philips Healthcare Corporation provides the most versatile, reliable fetal monitor. This will enable CCRMC and Contra Costa Health Centers to provide an improved patient experience for prenatal monitoring.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Anna Roth,
925-370-5101

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:

If this Purchase Order is not approved, the CCRMC and Contra Costa Health Centers will not be able to allow the Labor and Delivery staff to provide the quality of care that they require for improving the patient experience.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Purchase Order with Qiagen, Inc.

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of Health Services Department, to execute a Purchase Order with Qiagen, Inc. in the amount of \$1,000,000 to purchase Quantiferon collection blood tubes and test kits for the period of December 1, 2016 to November 30, 2020.

FISCAL IMPACT:

100% Funding is included in the Hospital Enterprise Fund I Budget.

BACKGROUND:

Qiagen Inc. has been used by the Health Services Department for over ten (10) years. Qiagen provides the reagents required for use with testing instruments in our Public Health Laboratory. The reagents are necessary for specimens to be tested for tuberculosis, both active and latent infections. The Quantiferon test is a specific blood test that detects TB antigen in the blood of patients who have been exposed to the tuberculosis organism. A positive test would alert the provider to provide treatment and alleviate disease in later years.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Dan Peddycord,
925-313-6712

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

By: , Deputy

cc: Tasha Scott, M Wilhelm, Melody Hung-Fan

CONSEQUENCE OF NEGATIVE ACTION:

If this Purchase Order is not approved, the health care system would not be able to detect TB antigen in those patients who have been exposed, resulting in higher health care cost when they develop disease in later years. The tests would then need to be conducted by outside labs at a greater cost to the County. Public Health Laboratory also uses the reagents purchased from Qiagen to conduct similar testing for the Chevron Corporation which generates revenue for the County. We would not be able to conduct these tests without the reagents.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Amendment #26-583-22 with Specialty Laboratories, Inc. (dba Quest Diagnostics Nichols Institute of Valencia)

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #26-583-22 with Specialty Laboratories, Inc. (dba Quest Diagnostics Nichols Institute of Valencia), a corporation, effective September 1, 2016, to amend Contract #26-583-21, to increase the payment limit by \$825,000, from \$1,500,000 to a new payment limit of \$2,325,000, with no change in the original term of January 1, 2016 through December 31, 2016.

FISCAL IMPACT:

This amendment is funded 100% Hospital Enterprise Fund I. (No rate increase)

BACKGROUND:

On January 12, 2016, the Board of Supervisors approved Contract #26-583-21 with Specialty Laboratories, Inc. (dba Quest Diagnostics Nichols Institute of Valencia) for the provision of outside laboratory testing services, including, but not limited to: molecular testing for patients with cancer at Contra Costa Regional Medical Center and Health Centers (CCRMC) for the period from January 1, 2016 through December 31, 2016. Due to an increase in patients at CCRMC, doctors are requesting additional outside laboratory testing. Approval of Contract Amendment Agreement #26-583-22 will allow the Contractor to provide additional outside laboratory testing services through December 31, 2016.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Anna Roth,
925-370-5101

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 amendment is not approved, patients will not receive outside laboratory testing from the Contractor.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Amendment #26-741-5 with Martha D. Newman

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #26-741-5 with Martha D. Newman, an individual, effective October 1, 2016, to amend Contract #26-741-4, to increase the payment limit by \$40,000, from \$190,000 to a new payment limit of \$230,000, with no change in the original term of December 1, 2015 through November 30, 2016.

FISCAL IMPACT:

This amendment is funded 100% Hospital Enterprise Fund I. (No rate increase)

BACKGROUND:

On December 8, 2015, the Board of Supervisors approved Contract #26-741-4, with Martha D. Newman, for the provision of consultation and technical assistance to Contra Costa Regional Medical Center and Health Centers (CCRMC) for the development of quality metrics, leadership strategies and educational goals for Delivery System Reform Incentive Payment (DSRIP), for the period from December 1, 2015 through November 30, 2016. Approval of Contract Amendment Agreement #26-741-5 will allow the Contractor to provide additional consultation and technical services for quality improvement through November 30, 2016.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Anna Roth,
925-370-5101

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 amendment is not approved, Contractor will not provide additional consultation services.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Contract #27-139-15 with Kathryn Kinsey, MFT

RECOMMENDATION(S):

Approve and authorize the Health Services Director or his designee, to execute, on behalf of the County, Contract #27-139-15 with Kathryn Kinsey, MFT, a sole-proprietor, in an amount not to exceed \$125,000, to provide outpatient psychotherapy services to Contra Costa Health Plan members for the period from September 1, 2016 through August 31, 2018.

FISCAL IMPACT:

This Contract is funded 100% Contra Costa Health Plan Enterprise Fund II. (No Rate increase)

BACKGROUND:

In October 2014, the County Administrator approved and the Purchasing Services Manager executed Contract #27-139-14 with Kathryn Kinsey, MFT, for the period from September 1, 2014 through August 31, 2016, to provide outpatient psychotherapy services, to Contra Costa Health Plan members.

Approval of Contract #27-139-15 will allow the Contractor to continue to provide outpatient psychotherapy services through August 31, 2018.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Patricia Tanquary,
925-313-6004

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: October 25, 2016

Subject: Contract #74-196-18 with Anka Behavioral Health, Incorporated

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #74-196-18 with Anka Behavioral Health, Incorporated, a non-profit corporation, in an amount not to exceed \$337,327, to provide outpatient Medi-Cal drug treatment services, for the period from July 1, 2016 through June 30, 2017.

FISCAL IMPACT:

This Contract is funded 27% Federal Drug Medi-Cal; 27% State Drug Medi-Cal; 46% Assembly Bill (AB) 109. No County funds are required. (Rate increase)

BACKGROUND:

This Contract meets the social needs of County’s population by providing specialized substance abuse treatment services so that adults with co-occurring mental disorders are provided an opportunity to achieve sobriety and recover from the effects of alcohol and other drug use, become self-sufficient, and return to their families as productive individuals. On July 7, 2015, the Board of Supervisors approved Contract #74-196-17 with Anka Behavioral Health, Incorporated, for the period from July 1, 2015 through June 30, 2016, for the provision of Medi-Cal drug abuse treatment services. Approval of Contract #74-196-18 will allow the Contractor to continue providing services through June 30, 2017.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/25/2016** 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: October 25, 2016

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

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County residents with co-occurring substance abuse and psychiatric disorders will not have access to Contractor's services, which may result in a reduction in the 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: October 25, 2016

Subject: Contract #26-779-3 with Futurenet Technologies Corp

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-779-3 with Futurenet Technologies Corp, a corporation, in an amount not to exceed \$400,000, to provide medical records coding for Contra Costa Regional Medical Center and Contra Costa Health Centers for the period from October 1, 2016 through September 30, 2017.

FISCAL IMPACT:

This Contract is funded 100% Hospital Enterprise Fund I. (No rate increase)

BACKGROUND:

On December 8, 2015, the Board of Supervisors approved Contract #26-779-2 with Futurenet Technologies Corporation, for the provision of medical coding, including coding inpatient and outpatient records, scanning and quality assurance for Contra Costa Regional Medical Center and Contra Costa Health Centers, in accordance with the American Hospital Associate Coding Clinic and the American Medical Association, for the period from October 1, 2015 through September 30, 2016.

Approval of Contract #26-779-3 will allow Contractor to continue providing services through September 30, 2017.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Anna Roth
925-370-5101

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, County will not be able to provide essential services or meet regulatory requirements.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Amendment #74-277-15 with Jackson & Coker LocumTenens, LLC

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #74-277-15 with Jackson & Coker LocumTenens, LLC, a limited liability company, effective October 1, 2016, to amend Contract #74-277-14, to increase the payment limit by \$200,000 from \$774,400 to a new total of \$974,400 with no change in the original term of January 1, 2016 through December 31, 2016.

FISCAL IMPACT:

This Amendment is funded 100% Mental Health Realignment. (No rate increase)

BACKGROUND:

For several years, the County has contracted with registries to provide temporary licensed personnel to assist during peak loads, temporary absences, and emergency situations.

On January 5, 2016, the Board of Supervisors approved Contract #74-277-14 with Jackson & Coker LocumTenens, LLC, to provide temporary psychiatric services at the County's Mental Health Outpatient Clinics, to cover vacations,

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/25/2016** 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: October 25, 2016

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)

sick and extended leaves and emergency situations, for the period from January 1, 2016 through December 31, 2016.

Approval of Contract Amendment Agreement #74-277-15 will allow the Contractor to provide additional temporary psychiatric services, through December 31, 2016.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, the County's Mental Health Outpatients Clinics would not have appropriate psychiatric coverage during temporary staff absences therefore patients would go untreated.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Amendment #74-321-11 with Bay Area Community Resources Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #74-321-11 with Bay Area Community Resources Inc., a non-profit corporation, effective September 1, 2016, to amend Novation Contract #74-321-10, to increase the payment limit by \$170,378, from \$1,469,770 to a new payment limit of \$1,640,148, with no change in the original term of July 1, 2016 through June 30, 2017, and to increase the automatic extension payment limit by \$85,189, from \$734,885 to a new payment limit of \$820,074, through December 31, 2017.

FISCAL IMPACT:

This amendment is funded 50% Federal Financial Participation; 50% Mental Health Realignment (No rate increase)

BACKGROUND:

This Contract meets the social needs of County's population by providing school-based mental health services to County-designated seriously emotionally disturbed (SED) elementary, middle school and high school students within the West Contra Costa Unified School District, and their families.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

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)

On July 12, 2016, the Board of Supervisors approved Novation Contract #74-321-10 with Bay Area Community Resources for the provision of for the provision of school-based mental health services for SED students, for the period from July 1, 2016 through June 30, 2017, which included a six-month automatic extension through December 31, 2017.

Approval of Contract Amendment Agreement #74-321-11 will allow the Contractor to provide additional school-based mental health services through June 30, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, Contractor will not be able to provide services to additional students in need of school-based mental health treatment.

CHILDREN'S IMPACT STATEMENT:

This program supports the following Board of Supervisors' community outcomes: (1) "Children Ready for and Succeeding in School"; (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". 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: Sharon Offord Hymes, Risk Manager
Date: October 25, 2016

Subject: Blanket Purchase Order with Ventiv Technology, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, on behalf of Risk Management, to execute a purchase order with Ventiv Technology, Inc., in the amount of \$212,928.98 for the workers' compensation and liability claims system annual software licensing for the period from October 1, 2016 through September 30, 2017 as recommended by the Director of Risk Management.

FISCAL IMPACT:

Costs are supported through Countywide Inter-departmental charges to the Internal Service Funds for workers' compensation and general liability.

BACKGROUND:

Ventiv Technology Inc. provides the iVOS Claims Management System used by Risk Management to process current and historical claims data for administration of claims, premium charges, actuarial analysis and identification of loss trends.

CONSEQUENCE OF NEGATIVE ACTION:

County will not have licensing for the workers' compensation and liability claims system software.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

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



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Amendment #23-573-2 with Center for Human Development

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #23-573-2 with Center for Human Development, a non-profit corporation, effective July 1, 2016, to amend Contract #23-573-1, to increase the payment limit by \$156,460, from \$881,540 to a new payment limit of \$1,038,000, with no change in the original term of July 1, 2016 through June 30, 2017.

FISCAL IMPACT:

This amendment is funded 15% Medi-Cal Administration Activities; 81% Health Services Ambulatory Care; and 4% San Francisco Foundation Grant. (Rate increase)

BACKGROUND:

On July 19, 2016, the Board of Supervisors approved Contract #23-573-1 with Center for Human Development for the provision of health education and outreach services to Spanish speaking patients of Contra Costa County, including, but not limited to: health benefit enrollment and patient navigation assistance to patients for the period from July 1, 2016 through June 30, 2017.

Approval of Contract Amendment

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Patrick Godley,
925-957-5405

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

By: , Deputy

cc: Kathleen Cyr, Marcy Wilhelm

BACKGROUND: (CONT'D)

Agreement #23-573-2 will allow the Contractor to provide an additional level of service to Spanish speaking patients in the oncology unit, through June 30, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, Contractor will not be paid for increased level of service in the oncology unit.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Amendment #26-742-6 with God's Grace Caring Home, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #26-742-6 with God's Grace Caring Home, Inc., a corporation, effective July 1, 2016, to amend Contract #26-742-5, to increase the payment limit by \$66,316, from \$285,684 to a new payment limit of \$352,000, with no change in the original term of April 1, 2016 through March 31, 2017.

FISCAL IMPACT:

This amendment is funded 100% County General Fund. (No rate increase)

BACKGROUND:

On May 24, 2016, the Board of Supervisors approved Contract #26-742-5 with God's Grace Caring Home, Inc. for the provision of residential board and care services for Contra Costa Regional Medical Center (CCRMC) patients in the Patch Program, for the period from April 1, 2016 through March 31, 2017.

At the request of the County, Contractor has agreed

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Anna Roth,
925-370-5101

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

By: , Deputy

cc: E Suisala, M Wilhelm

BACKGROUND: (CONT'D)

to provide additional services to Patch Program participants for the remainder of the contract term.

Approval of Contract Amendment Agreement #26-742-6 will allow the Contractor to provide additional residential board and care services through March 31, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, CCRMC patients requiring post-surgery Patch program services 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: October 25, 2016

Subject: Amendment #26-777-1 with Stephen Arnold, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #26-777-1 with Stephen Arnold, M.D., an individual, effective October 1, 2016, to amend Contract #26-777, to increase the payment limit by \$20,000 from \$1,455,000 to a new payment limit of \$1,475,000, and with no change in the original term of September 1, 2014 through August 31, 2017.

FISCAL IMPACT:

This amendment is funded 100% Hospital Enterprise Fund I. (Rate increase)

BACKGROUND:

On September 16, 2014, the Board of Supervisors approved Contract #26-777, with Stephen Arnold, M.D., for the provision of cardiology services, including, but not limited to: clinic coverage, consultation, on-call coverage, training, and medical procedures at Contra Costa Regional Medical Center and Contra Costa Health Centers (CCRMC), for the period from September 1, 2014 through August 31, 2017.

The Cardiology Unit is experiencing an increase in patient cardiology service needs. County requested,

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Samir Shah, MD,
925-370-5525

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

By: , Deputy

cc: Kathleen Cyr, M Wilhelm

BACKGROUND: (CONT'D)

and Contractor agreed to provide an increased level of services including but not limited to: on-call duties and e-consults in the cardiology unit at CCRMC.

Approval of Contract Amendment Agreement #26-777-1 will increase the payment limit and allow the Contractor to provide an additional level of service for on-call duties through August 31, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, patients requiring an increase in cardiology services 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: October 25, 2016

Subject: Amendment #24-927-22 with Community Health for Asian Americans

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #24-927-22 with Community Health for Asian Americans, a non-profit corporation, effective October 1, 2016, to amend Contract #24-927-21, to increase the payment limit by \$778,561, from \$806,563 to a new payment limit of \$1,585,124, with no change in the original term of July 1, 2016 through June 30, 2017 and to increase the automatic extension payment limit by \$389,281 from \$403,281 to a new payment limit of \$792,562 through December 31, 2017.

FISCAL IMPACT:

This amendment is funded 49% Federal Financial Participation; 49% Mental Health Realignment; 2% Non-Medi-Cal Mental Health Realignment (No rate increase)

BACKGROUND:

On August 16, 2016, the Board of Supervisors approved Novation Contract #24-927-21 with Community Health for Asian Americans for the provision of school and community based mental health services to children in West County, for the period from July 1, 2016 through June

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

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)

30, 2017. However, the contract payment limit was calculated for a six-month term contract and the contract approval was for a 12 month term. Therefore, the department needs to increase the payment limit to account for the 12 month term contract.

Approval of Contract Amendment Agreement #24-927-22 will allow the contract to have sufficient funds for the Contractor to continue providing services through June 30, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, Asian American and other ethnic groups receiving services at four programs in West County would have reduced access to mental health services in school, drug court and clinic settings.

CHILDREN'S IMPACT STATEMENT:

This EPSDT Program supports the following Board of Supervisors' community outcomes: (1) "Children Ready for and Succeeding in School"; (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". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS) and a decrease in juvenile offender recidivism as measured by probation database information.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Novation Contract #74-440-4 with Community Violence Solutions

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #74-440-4 with Community Violence Solutions, a non-profit, in an amount not to exceed \$126,000, to provide support and research on engaging and supporting sexually exploited youth for the period from July 1, 2016 through June 30, 2017.

FISCAL IMPACT:

This Contract is funded 100% Mental Health Services Act. (No rate increase)

BACKGROUND:

This Contract meets the social needs of County’s population by providing mental health services and research to explore the effectiveness of service modalities to Commercially Sexually Exploited Children (CSEC) in Contra Costa County. CSECs are nearly always traumatized sexual assault victims; yet, exploited youth do not always see themselves as victims and as a result often do not respond to the same approaches to treatment as other sexual assault victims. Interventions may be more effective if youth are: a) assisted to recognize the physical risks associated

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

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)

with the sex trade and b) provided incentive and/or opportunities to learn to earn a living through paid job training. Addressing trauma and other psychosocial issues may also need to occur.

On October 6, 2015, the Board of Supervisors approved Contract #74-440-3 with Community Violence Solutions to provide support and research on engaging and supporting sexually exploited youth, for the period from July 1, 2015 through June 30, 2016, which included a six-month extension through December 31, 2016. This Board Order includes the purchase of gift cards, stipends and incentives for the CSEC youth who participate in the project.

Approval of Novation Contract #74-440-4, replaces the automatic extension allowing the Contractor to continue to provide outreach, support, research, service delivery model development and provider training in order to reach sexually exploited youth in Contra Costa County, through June 30, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, CSECs will not have access to specialized outreach, education and job training opportunities provided by Contractor's program.

CHILDREN'S IMPACT STATEMENT:

This program supports the following Board of Supervisors' community outcomes: (1) "Children Ready for and Succeeding in School"; (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". 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: October 25, 2016

Subject: Cancellation Agreement#74-286-14 and Contract #74-286-15 with Crestwood Behavioral Health, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, as follows: (1) Cancellation Agreement #74-286-14 with Crestwood Behavioral Health, Inc., a corporation, effective on the close of business on September 30, 2016; and (2) Contract #74-286-15 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, for the period from October 1, 2016 through June 30, 2017.

FISCAL IMPACT:

This Contract is funded 44% Federal Financial Participation; 26% State Mental Health Services Act (MHSA); 30% Mental Health Realignment. (Rate increase)

BACKGROUND:

On December 15, 2015, the Board of Supervisors approved Contract #74-286-13 with Crestwood Behavioral Health, Inc. for the provision of day treatment and mental health services to SPMI adults, for the period from January

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

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)

1, 2016 through December 31, 2016.

In consideration of Contractor's agreement to continue providing services, both parties have agreed to re-negotiate the rate for adult residential day treatment. Therefore, in accordance with General Conditions Paragraph 5 (Termination), of the Contract, the Department and Contractor have agreed to a mutual cancellation of this Contract. Approval of Cancellation Agreement #74-286-14 will accomplish this termination.

Approval of Contract #74-286-15 will allow the Contractor to continue providing services, through June 30, 2017, 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: October 25, 2016

Subject: Contract #74-526 with Community Options for Families and Youth, Incorporated

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #74-526 with Community Options for Families and Youth, Incorporated, a non-profit corporation, in an amount not to exceed \$551,362, to provide Mental Health services and Functional Family Therapy for the period from July 1, 2016 through June 30, 2017. This Contract includes a six-month automatic extension through December 31, 2017 in an amount not to exceed \$275,681.

FISCAL IMPACT:

This contract is funded 45% Federal Financial Participation; 55% Probation Mentally Ill Offenders Crime Reduction Grant.

BACKGROUND:

This Contract meets the social needs of County's population by providing mental health services, including; individual, group, and family counseling; assessment; case management; and rehabilitation support services to seriously and emotionally disturbed adolescents who are involved in the Juvenile Justice System. Under

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

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)

Contract #74-526, the Contractor will provide mental health services including a Functional Family Therapy Program for adolescents who are discharged from Juvenile Hall and the Orin Allen Youth Rehabilitation Facility, through June 30, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, seriously emotionally disturbed children and adolescents involved in the juvenile justice system will not have access to Contractor's mental health services which may result in a reduction of services and placement in higher levels of care.

CHILDREN'S IMPACT STATEMENT:

This program supports the following Board of Supervisors' community outcomes: (1) "Children Ready for and Succeeding in School"; (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". 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: October 25, 2016

Subject: Novation Interagency Agreement #74-373-7 with Martinez Unified School District

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Interagency Agreement #74-373-7 with Martinez Unified School District, a political subdivision of the State of California, in an amount not to exceed \$175,100, to provide prevention and early intervention (PEI) services to high school students in Martinez for the period from July 1, 2016 through June 30, 2017. This Agreement includes a six-month automatic extension through December 31, 2017, in an amount not to exceed \$87,550.

FISCAL IMPACT:

This Interagency Agreement is funded 100% Mental Health Services Act (MHSA). (No Rate increase)

BACKGROUND:

This Agreement meets the social needs of County's population by providing a youth development program known as The New Leaf Collaborative, which will include individualized learning plans, place-based learning projects and career mentorships and internships for approximately

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Cyntia 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)

eighty (80) high school adolescent youths in Martinez of all cultural backgrounds.

On July 7, 2015, the Board of Supervisors approved Interagency Agreement #74-373-6 with Martinez Unified School District, for the period from July 1, 2015 through June 30, 2016 which included a six-month automatic extension through December 31, 2016, for the provision of MHSA-PEI services.

Approval of Novation Interagency Agreement #74-373-7 replaces the automatic extension under the prior Agreement and allows Agency to continue providing services through June 30, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, High School students in Martinez will not have access to the focused learning and career opportunities offered by this MHSA-PEI program.

CHILDREN'S IMPACT STATEMENT:

This MHSA-PEI program supports the following Board of Supervisors' community outcomes: (4) "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 increases in social connectedness, communication skills, parenting skills, and knowledge of the human service system in Contra Costa County.



Contra
Costa
County

To: Board of Supervisors
From: Ed Woo, Chief Information Officer
Date: October 25, 2016

Subject: Contract Amendment/Extension with Sirius Computer Solutions for IBM System Z Mainframe Operating System services

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chief Information Officer, or designee, to execute a contract amendment with Sirius Computer Solutions, Inc., to extend the termination date from October 31, 2016 to October 31, 2017, and increase the payment limit by \$150,000 to a new payment limit of \$400,000 for continued IBM System Z Mainframe Operating System services as needed by the Department of Information Technology.

FISCAL IMPACT:

As budgeted in Fiscal Year 2016/2017, Org 1060.

BACKGROUND:

The County uses the IBM System Z mainframe operating system on its mainframe servers. During the term of the proposed contract extension, Sirius Computer Solutions, Inc., will continue to work with County employees, under the direction of the Chief Information Officer of the Department of Information Technology, to provide (on an as-needed basis) IBM System Z mainframe operating system support including, without limitation, general trouble-shooting assistance, application support, and system software administration.

The contract includes provisions requiring the contractor to indemnify the County for any claims for infringement of a third party's intellectual property rights to the extent the infringement claims are based on Contractor's performance of support services under the contract.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Ed Woo
925-383-2688

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

In accordance with Administrative Bulletin 605.3, service contracts exceeding \$100,000 require the approval of the Board of Supervisors.

CONSEQUENCE OF NEGATIVE ACTION:

Mainframe production job processing can impact the Courts Systems, Law and Justice Systems, Property Tax System, and the Finance System. The County's business productivity and finance systems could be negatively impacted if the Mainframe malfunctioned and we were unable to correct the issue; the implications could be severe.



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Sheriff-Coroner
Date: October 25, 2016

Subject: San Ramon Valley Unified School District Crossing Guard

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chair of the Board of Supervisors to enter into a Memorandum of Understanding with San Ramon Valley Unified School District, including modified indemnification language, in an amount not to exceed \$8,154 for partial funding of a crossing guard at the intersection on Hemme Avenue at the Iron Horse Trail Crossing in Alamo for the term of July 1, 2016 through June 30, 2017.

FISCAL IMPACT:

No County Cost. Funding is provided by the CSA P-2B Alamo.

BACKGROUND:

Over the past several years there have been ongoing safety concerns with students being able to cross safely at the crosswalk located at Hemme Avenue at the Iron Horse Trail Crossing. Safety measures were attempted to make the crosswalk safer for Rancho Romero Elementary School students. Despite these improvements the crosswalk is still deemed dangerous by Alamo residents and the San Ramon Valley Unified School District. The Office of the Sheriff's role in the Rancho Romero Elementary School crossing guard is limited to only funding the position with The Alamo

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 10/25/2016 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: October 25, 2016

Contact: Sandra Brown,
925-335-1553

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

Police Services Advisory Committee Traffic Safety Fund. This Fund contains provisions that allow for the use of its assets for traffic accident prevention and specifically to pay to the compensation of school crossing guards. The crossing guard will be an employee of the San Ramon Valley School District.

CONSEQUENCE OF NEGATIVE ACTION:

Not approving this agreement will continue to cause an ongoing safety concerns.

CHILDREN'S IMPACT STATEMENT:

The impact of passing this agreement will create a safer environment for the children of Alamo.



Contra
Costa
County

To: Board of Supervisors
From: Ed Woo, Chief Information Officer
Date: October 25, 2016

Subject: Renewal of Oracle Technical Support Services For Peoplesoft Software Updates

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chief Information Officer, or designee, to execute ordering document under the existing Oracle Master Agreement with Oracle America, Inc., in an amount not to exceed \$209,072.72 for Oracle program technical support services for PeopleSoft software updates and support for the County's Human Resource system, for the period November 27, 2016 through November 16, 2017.

FISCAL IMPACT:

\$209,072.72. The cost is billed in arrears, in quarterly installments and budgeted annually under Org #1695, supported through countywide inter-departmental charges to all departments.

BACKGROUND:

On November 17, 2015, the Board authorized the Chief Information Officer to enter into an Oracle Master Agreement (US-OMA-QT5714570) with Oracle America, Inc. The Master Agreement authorizes the County to place orders with Oracle for five years following the date of the Master Agreement.

This ordering document being authorized by this board order is for the Support Service Number #8252761, which provides technical support services for software for a one-year term. The items in this Support Service number include license updates and support for the PeopleSoft Human Capital Management for the County's Human Resource system.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

, County Administrator and Clerk of the Board of Supervisors

Contact:
925-313-1281

By: , Deputy

cc:

BACKGROUND: (CONT'D)

>

It includes:

- PeopleSoft Enterprise Benefits Administration
- PeopleSoft Enterprise Human Resources
- PeopleSoft Succession Planning
- Oracle User Productivity Kit Professional – Employee
- Oracle User Productivity Kit Professional – UPK Developer
- PeopleSoft Enterprise UPK Human Resources – UPK Module

The one-year cost is \$209,072.72. Oracle will send the County invoices quarterly in arrears. According to the Oracle Master Agreement, the County may terminate the agreement at any time without cause by giving Oracle 30-days prior written notice of such termination.

In accordance with Administrative Bulletin No 611.0, Departments are required to obtain Board approval for costs over \$100,000. The County Administrator's Office has reviewed this request and recommends approval.

CONSEQUENCE OF NEGATIVE ACTION:

Proprietary software; required by the manufacturer to continue use. We would not be able to administer employee benefits without this software.



Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: October 25, 2016

Subject: Operations Update of the Employment and Human Services Department, Community Services Bureau

RECOMMENDATION(S):

ACCEPT the September 2016 update on the operations of the Employment and Human Services Department, Community Services Bureau, as recommended by the Employment and Human Services Department Director.

FISCAL IMPACT:

Not applicable.

BACKGROUND:

The Employment and Human Services Department submits a monthly report to the Contra Costa County Board of Supervisors (BOS) to ensure ongoing communications and updates to the County Administrator and BOS regarding any and all issues pertaining to the Head Start Program and Community Services Bureau.

CONSEQUENCE OF NEGATIVE ACTION:

Not applicable.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 10/25/2016 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: October 25, 2016

Contact: Elaine Burres,
313-1717

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

By: , Deputy

cc:

ATTACHMENTS

CSB Sept 2016 BOS Report

CSB Sept 2016 HS Fiscal

CSB Sept 2016 EHS Fiscal

CSB Sept 2016 CC Partnership Grant
Fiscal

CSB Sept 2016 CACFP Report

CSB Sept 2016 Credit Card Report

CSB Sept 2016 LIHEAP

CSB Sept 2016 Menu



To: David Twa, Contra Costa County Administrator
From: Kathy Gallagher, EHSD Director
Subject: Community Services Monthly Report
Date: September 2016

Camilla Rand, M.S.
Director



I. Good News Update/Accomplishments:

- The Office of Head Start (OHS) released the revised and reorganized Head Start Program Performance Standards in September 2016, in which it defines the minimum requirements and standards for Head Start and Early Head Start programs. Majority of the provisions are effective on November 2016, sixty days after the standards are published. CSB's content area experts are thoroughly reviewing and analyzing each area to communicate and train staff to and adapt the new changes into program's systems.
- Los Arboles Head Start Center in Oakley and Marsh Creek Head Start Center in Brentwood earned the highest rating in the Quality Rating Improvement System (QRIS) for early care and education within Contra Costa County. The QRIS rating system is a 5 tiered rating system with 5 being the top level. The rating system measures the quality of teacher/child interactions, child classroom environments, child skills and observation, health and development, and teacher qualifications. Sean Casey, the Executive Director of First 5 Contra Costa, visited both centers to congratulate the site supervisors and teaching staff on their exemplarily work. A representative from Assemblyman Jim Frazier's office was also at the visit to congratulate the teams.
- CSB held its annual Head Start Policy Council (PC) Orientation on Saturday, September 24, 2016, at the Crowne Plaza Hotel in Concord. PC Orientation provides representatives with the opportunity to gain the knowledge and leadership skills necessary to engage in informed decision making, program planning and operations. The theme for this year's event is "Leading the Way". New and returning elected parent and community representatives received valuable training on program governance and shared decision making. Together with the Board of Supervisors, Economic Opportunity Council and Community Services Bureau Director, our Policy Council representatives are responsible for shared decision making.
- The annual Board of Supervisors and Policy Council Joint training is scheduled for Wednesday, November 2, 2016 from 2-4 pm at the Crown Plaza Hotel in Concord. Chris Maracle, California Head Start's new Executive Director will attend. The Governing Bodies will be trained in shared decision making and will receive an overview on the revised performance standards

II. Status Updates:

a. Caseloads, workload (all programs)

- Head Start enrollment: 102.74 %
- Early Head Start enrollment: 100.32%
- Early Head Start Child Care Partnership enrollment: 94.44%
- Head Start Average Daily Attendance: 84.40%
- Early Head Start Average Daily Attendance: 85.00%



- o Early Head Start Child Care Partnership Attendance: 85.00%
- o Stage 2: 335 families and 543 children
- o CAPP: 77 families and 114 children
- o In total: 412 families and 657 children
- o Incoming transfers from Stage 1: 13 families and 13 children
- o LIHEAP: 412 households have been assisted
- o Weatherization: 20 units

b. Staffing:

- o During the month of August, CSB conducted interviews to fill various vacant management and line staff positions. As a result of the interviews, the Bureau hired a Site Supervisor II, 2 Master Teacher Project, and a Teacher-Project. CSB is in the process of scheduling additional interviews to fill vacant and clerical positions county-wide. The Bureau continues to hire substitute teaching staff to build a viable pool of substitutes to ensure that classroom ratios are adequately covered at all time.

III. Emerging Issues and Hot Topics:

- October is Head Start Awareness Month and CSB has plans for legislative center visits, press releases and other ways to celebrate the 50 year old program. One visit will be with DeSaulnier’s Office to discuss Head Start’s income eligibility criteria and the need to have separate income guidelines for California, just as Alaska and Hawaii do.
- As CSB staff delve into the revised standards, a few areas will impact CSB, such as the requirement that by 2021, 100% of the center-based preschool program must provide over 1,020 hours of instruction. While 85% of our program is full-day and over 1020 hours, a small percentage of families still only require part day services, for a number of reasons including special needs or employment status.

cc: Policy Council Chair
 Family & Human Services Committee
 Maureen Burns-Vermette, ACF

CONTRA COSTA COUNTY
COMMUNITY SERVICES BUREAU
2016 HEAD START PROGRAM
August 2016 Expenditures

1 DESCRIPTION	2 YTD Actual	3 Total Budget	4 Remaining Budget	5 % YTD
a. PERSONNEL	\$ 2,390,160	\$ 3,874,284	\$ 1,484,124	62%
b. FRINGE BENEFITS	1,484,270	2,680,138	1,195,868	55%
c. TRAVEL	-	-	-	0%
d. EQUIPMENT	-	-	-	0%
e. SUPPLIES	162,556	294,639	132,083	55%
f. CONTRACTUAL	2,261,677	6,747,268	4,485,591	34%
g. CONSTRUCTION	-	-	-	0%
h. OTHER	748,512	1,571,708	823,196	48%
I. TOTAL DIRECT CHARGES	\$ 7,047,175	\$ 15,168,037	\$ 8,120,862	46%
j. INDIRECT COSTS	471,235	801,975	330,740	59%
k. TOTAL-ALL BUDGET CATEGORIES	\$ 7,518,409	\$ 15,970,012	\$ 8,451,603	47%
<i>In-Kind (Non-Federal Share)</i>	<i>\$ 1,198,156</i>	<i>\$ 3,992,503</i>	<i>\$ 2,794,347</i>	<i>30%</i>

**CONTRA COSTA COUNTY
COMMUNITY SERVICES BUREAU
2016 HEAD START PROGRAM
August 2016 Expenditures**

1	2 Jan-16 thru Mar-16	3 Apr-16 thru Jun-16	4 Actual Jul-16	5 Actual Aug-16	6 Total YTD Actual	7 Total Budget	8 Remaining Budget	9 % YTD
a. Salaries & Wages (Object Class 6a)								
Permanent 1011	811,166	858,213	186,691	217,804	2,073,874	3,318,309	1,244,435	62%
Temporary 1013	162,645	116,744	12,343	24,553	316,286	555,975	239,689	57%
a. PERSONNEL (Object class 6a)	973,811	974,957	199,035	242,357	2,390,160	3,874,284	1,484,124	62%
b. FRINGE (Object Class 6b)	589,566	620,263	123,610	150,830	1,484,270	2,680,138	1,195,868	1,484,270
e. SUPPLIES (Object Class 6e)								
1. Office Supplies	5,782	13,335	1,596	2,294	23,007	70,620	47,613	33%
2. Child and Family Services Supplies (Includesclassroom Supplies)	6,938	26,073	713	1,193	34,916	45,000	10,084	78%
Computer Supplies, Software Upgrades, Computer Replacement	24,884	52,974	-	-	77,858	136,370	58,512	57%
Health/Safety Supplies	755	1,922	117	-	2,794	5,237	2,443	53%
Mental helath/Diasabilities Supplies	-	-	-	-	-	2,128	2,128	0%
Miscellaneous Supplies	14,917	1,158	394	59	16,528	26,955	10,427	61%
Emergency Supplies	3,199	1,324	-	-	4,522	5,000	478	90%
Household Supplies	1,858	1,032	-	41	2,931	3,329	398	88%
TOTAL SUPPLIES (6e)	58,332	97,818	2,821	3,586	162,556	294,639	132,083	55%
f. CONTRACTUAL (Object Class 6f)								
1. Adm Svcs (e.g., Legal, Accounting, Temporary Contracts)	9,348	18,797	625	3,189	31,958	62,182	30,224	51%
2. Health/Disabilities Services	-	-	-	-	-	-	-	-
Estimated Medical Revenue from Medi-Cal (Org 1432 - credit)	-	-	-	-	-	(254,816)	(254,816)	0%
Health Consultant	11,250	10,820	3,674	3,903	29,647	40,800	11,153	73%
5. Training & Technical Assistance - PA11	-	-	-	-	-	-	-	-
Interaction	-	3,600	-	-	3,600	4,000	400	90%
Diane Godard (\$50,000/2)	-	6,900	-	-	6,900	7,200	300	96%
Josephine Lee (\$35,000/2)	2,295	5,400	-	780	8,475	9,700	1,225	87%
7. Delegate Agency Costs								
First Baptist Church Head Start PA22	172,432	665,592	184,154	-	1,022,178	2,081,154	1,058,976	49%
First Baptist Church Head Start PA20	-	-	-	-	-	8,000	8,000	0%
8. Other Contracts								
FB-Fairgrounds Partnership (Wrap)	12,185	26,921	-	-	39,106	74,823	35,717	52%
FB-Fairgrounds Partnership	30,600	61,200	-	-	91,800	183,600	91,800	50%
FB-E. Leland/Mercy Housing Partnership	9,000	17,775	-	-	26,775	54,000	27,225	50%
Martinez ECC (18 HS slots x \$225/mo x 12/mo)	18,000	36,000	-	6,525	60,525	108,000	47,475	56%
Little Angels Country School	4,749	12,124	-	-	16,873	37,565	20,692	45%
YMCA of the East Bay (20 HS slots x \$225/mo x 12/mo)	9,000	18,000	-	-	27,000	54,000	27,000	50%
Child Outcome Planning and Administration (COPA/Nulinx)	2,403	3,601	-	-	6,004	19,625	13,621	31%
Enhancement/wrap-around HS slots with State CD Program	6,291	884,544	-	-	890,835	4,257,435	3,366,600	21%
f. CONTRACTUAL (Object Class 6f)	287,554	1,771,273	188,453	14,397	2,261,677	6,747,268	4,485,591	34%
h. OTHER (Object Class 6h)								
2. Bldg Occupancy Costs/Rents & Leases	55,233	94,519	837	13,049	163,639	312,000	148,361	52%
4. Utilities, Telephone	61,566	89,384	2,843	22,868	176,661	261,670	85,009	68%
5. Building and Child Liability Insurance	3,155	-	-	-	3,155	3,300	146	96%
6. Bldg. Maintenance/Repair and Other Occupancy	3,550	5,668	-	11,948	21,167	30,000	8,833	71%
7. Incidental Alterations/Renovations	-	-	-	-	-	-	-	-
8. Local Travel (55.5 cents per mile effective 1/1/2012)	4,343	12,110	1,123	1,346	18,923	43,410	24,487	44%
9. Nutrition Services								
Child Nutrition Costs	84,966	148,146	-	1,899	235,011	493,500	258,489	48%
(CCFP & USDA Reimbursements)	(28,676)	(92,006)	-	-	(120,682)	(281,660)	(160,978)	43%
13. Parent Services								
Parent Conference Registration - PA11	-	-	-	-	-	4,400	4,400	0%
Parent Resources (Parenting Books, Videos, etc.) - PA11	498	216	-	1,005	1,719	3,100	1,381	55%
PC Orientation, Trainings, Materials & Translation - PA11	1,692	643	3,724	-	6,059	7,000	941	87%
Policy Council Activities	-	-	-	-	-	2,900	2,900	0%
Parent Activities (Sites, PC, BOS luncheon) & Appreciation	-	-	800	611	1,411	7,100	5,689	20%
Child Care/Mileage Reimbursement	2,702	2,980	-	1,192	6,874	11,500	4,626	60%
14. Accounting & Legal Services								
Auditor Controllers	1,256	1,495	-	-	2,751	3,600	849	76%
Data Processing/Other Services & Supplies	3,378	5,882	-	1,441	10,701	27,500	16,799	39%
15. Publications/Advertising/Printing								
Outreach/Printing	-	-	-	-	-	600	600	0%
Recruitment Advertising (Newspaper, Brochures)	1,998	-	-	-	1,998	3,100	1,102	64%
16. Training or Staff Development								
Agency Memberships (WIPFLI, Meeting Fees, NHSA, NAEYC, etc)	1,225	45	2,275	909	4,454	13,500	9,046	33%
Staff Trainings/Dev. Conf. Registrations/Memberships - PA11	2,411	3,284	1,335	4,054	11,084	20,798	9,714	53%
17. Other								
Site Security Guards	5,133	15,499	-	-	20,633	44,900	24,267	46%
Dental/Medical Services	-	-	-	-	-	500	500	0%
Vehicle Operating/Maintenance & Repair	27,821	17,169	2,281	5,038	52,310	117,000	64,690	45%
Equipment Maintenance Repair & Rental	9,576	78,812	603	4,575	93,566	127,000	33,434	74%
Dept. of Health and Human Services-data Base (CORD)	3,357	2,518	-	-	5,875	11,200	5,325	52%
Other Operating Expenses (Facs Admin/Other admin)	13,055	17,820	-	329	31,204	303,790	272,586	10%
h. OTHER (6h)	258,239	404,187	15,821	70,266	748,512	1,571,708	823,196	48%
I. TOTAL DIRECT CHARGES (6a-6h)	2,167,502	3,868,498	529,739	481,436	7,047,175	15,168,037	8,120,862	46%
J. INDIRECT COSTS	154,260	316,974	316,974	-	471,235	801,975	330,740	59%
k. TOTALS (ALL BUDGET CATEGORIES)	2,321,762	4,185,473	846,713	481,436	7,518,409	15,970,012	8,451,603	47%
Donación de mercancías y servicios (In- Kind)	180,831	648,325	150,000	219,000	1,198,156	3,992,503	2,794,347	30%

October 25, 2016

Contra Costa County Board of Supervisors

CONTRA COSTA COUNTY
COMMUNITY SERVICES BUREAU
2015 EARLY HEAD START PROGRAM
September 2015 Expenditures

1 DESCRIPTION	2 YTD Actual	3 Total Budget	4 Remaining Budget	5 % YTD
a. PERSONNEL	\$ 367,678	\$ 491,300	\$ 123,622	75%
b. FRINGE BENEFITS	242,178	346,617	104,439	70%
c. TRAVEL	-	-	-	0%
d. EQUIPMENT	-	-	-	0%
e. SUPPLIES	6,581	34,000	27,419	19%
f. CONTRACTUAL	1,851,887	2,413,601	561,714	77%
g. CONSTRUCTION			-	0%
h. OTHER	211,718	56,617	(155,101)	374%
I. TOTAL DIRECT CHARGES	\$ 2,680,044	\$ 3,342,135	\$ 662,091	80%
j. INDIRECT COSTS	95,482	101,699	6,217	94%
k. TOTAL-ALL BUDGET CATEGORIES	\$ 2,775,525	\$ 3,443,834	\$ 668,309	81%
<i>In-Kind (Non-Federal Share)</i>	\$ 344,383	\$ 860,958	\$ 516,575	40%

**CONTRA COSTA COUNTY
COMMUNITY SERVICES BUREAU
2015 EARLY HEAD START PROGRAM
September 2015 Expenditures**

1	2	3	4	5	6	7	8
	Jan-15 thru Mar-15	Apr-15 thru Jun-15	Jul-15 thru Sep-15	Total YTD Actual	Total Budget	Remaining Budget	% YTD
Expenditures							
a. Salaries & Wages (Object Class 6a)							
Permanent 1011	112,866	115,752	110,090	338,709	463,755	125,046	73%
Temporary 1013	8,914	8,098	11,957	28,970	27,545	(1,425)	105%
a. PERSONNEL (Object class 6a)	121,780	123,850	122,048	367,678	491,300	123,622	75%
b. FRINGE BENEFITS (Object Class 6b)							
Fringe Benefits	85,442	83,169	73,567	242,178	346,617	104,439	70%
b. FRINGE (Object Class 6b)	85,442	83,169	73,567	242,178	346,617	104,439	70%
c. TRAVEL (Object Class 6c)							
	-	-	-	-	-	-	0%
e. SUPPLIES (Object Class 6e)							
1. Office Supplies	443	1,884	1,163	3,490	5,400	1,910	65%
2. Child and Family Serv. Supplies/classroom Supplies	1,076	(1,275)	48	(150)	3,900	4,050	-4%
4. Other Supplies				-			
Computer Supplies, Software Upgrades, Comp Replacemnt	(870)	3,317	-	2,447	23,000	20,553	11%
Health/Safety Supplies	-	-	-	-	-	-	0%
Mental helath/Diasabilities Supplies	-	83	-	83	300	217	0%
Miscellaneous Supplies	34	313	218	565	1,200	635	47%
Emergency Supplies	-	-	-	-	-	-	0%
Household Supplies	34	51	61	147	200	53	73%
e. SUPPLIES (Object Class 6e)	718	4,373	1,491	6,581	34,000	27,419	19%
f. CONTRACTUAL (Object Class 6f)							
1. Adm Svcs (Legal, Accounting, Temporary Contracts)	1,771	2,321	-	4,092	4,500	408	91%
Health Consultant	4,723	4,539	4,133	13,395	19,201	5,806	70%
5. Training & Technical Assistance - PA11	-	-	-	-	-	-	0%
Interaction	-	1,209	6,743	7,951	8,000	49	100%
Josephine Lee (\$35,000/2)	3,555	4,650	715	8,920	9,500	580	200%
Susan Cooke (\$60,000/2)	-	28,527	-	28,527	30,000	1,473	300%
7. Delegate Agency Costs	-	-	-	-	-	-	
8. Other Contracts							
FB-Fairgrounds Partnership	9,800	19,600	9,800	39,200	58,800	19,600	67%
FB-E. Leland/Mercy Housing Partnership	11,200	22,400	5,600	39,200	67,200	28,000	58%
Brighter Beginnings	20,400	102,000	20,400	142,800	244,800	102,000	58%
Cameron School	8,000	45,534	8,000	61,534	96,000	34,466	64%
Crossroads	-	28,700	-	28,700	58,800	30,100	49%
Martinez ECC	21,000	14,000	7,000	42,000	77,000	35,000	55%
Apiranet	33,600	16,800	11,200	61,600	100,800	39,200	61%
Child Outcome Planning & Admini. (COPA/Nulinx)	860	1,187	610	2,657	1,500	(1,157)	177%
Enhancement/wrap-around HS slots with State CD Prog.	165,988	639,053	566,271	1,371,311	1,637,500	266,189	84%
f. CONTRACTUAL (Object Class 6f)	280,897	930,520	640,471	1,851,887	2,413,601	561,714	77%
h. OTHER (Object Class 6h)							
2. Bldg Occupancy Costs/Rents & Leases	395	89	147,559	148,043	1,200	(146,843)	12337%
4. Utilities, Telephone	507	663	377	1,547	2,000	453	77%
5. Building and Child Liability Insurance	-	-	-	-	-	-	
6. Bldg. Maintenance/Repair and Other Occupancy	11,557	16,024	76	27,656	12,774	(14,882)	217%
8. Local Travel (55.5 cents per mile)	1,880	1,765	1,043	4,689	4,000	(689)	117%
9. Nutrition Services	-	-	-	-	-	-	
Child Nutrition Costs	-	-	-	-	-	-	
(CCFP & USDA Reimbursements)	-	-	-	-	-	-	0%
13. Parent Services	-	-	-	-	-	-	
Parent Conference Registration - PA11	-	-	-	-	-	-	0%
Parent Resources (Parenting Books, Videos, etc.) - PA11	-	-	-	-	-	-	0%
PC Orientation, Trainings, Materials & Translation - PA11	5,682	738	777	7,196	5,000	(2,196)	144%
Policy Council Activities	222	-	253	476	900	424	53%
Parent Activities (Sites, PC, BOS luncheon) & Appreciation	-	-	-	-	-	-	0%
Child Care/Mileage Reimbursement	660	337	188	1,185	1,600	415	74%
14. Accounting & Legal Services	-	-	-	-	-	-	
Auditor Controllers	-	-	-	-	-	-	0%
Data Processing/Other Services & Supplies	508	889	572	1,969	1,700	(269)	116%
15. Publications/Advertising/Printing	-	-	-	-	-	-	
Outreach/Printing	-	-	-	-	-	-	0%
16. Training or Staff Development	-	-	-	-	-	-	
Agency Memberships (WIPFLI, Meeting Fees, NHSA, NAE	-	1,168	1,835	3,003	3,300	297	91%
Staff Trainings/Dev. Conf. Registrations/Memberships - PA	14	2,030	245	2,289	7,943	5,654	29%
17. Other	-	-	-	-	-	-	
Site Security Guards	-	487	-	487	1,000	513	0%
Vehicle Operating/Maintenance & Repair	3,453	3,156	918	7,527	9,300	1,773	81%
Equipment Maintenance Repair & Rental	165	540	320	1,025	1,400	375	73%
Dept. of Health and Human Services-data Base (CORD)	-	-	-	-	-	-	0%
Other Operating Expenses (Facs Admin/Other admin)	1,933	1,964	730	4,627	4,500	(127)	0%
County Indirect Cost (A-87)	-	-	-	-	-	-	
h. OTHER (6h)	26,976	29,848	154,893	211,718	56,617	(155,101)	374%
i. TOTAL DIRECT CHARGES (6a-6h)	515,813	1,171,761	992,470	2,680,044	3,342,135	662,091	80%
j. INDIRECT COSTS	26,423	46,726	22,332	95,482	101,699	6,217	94%
k. TOTALS - ALL BUDGET CATEGORIES	542,236	1,218,487	1,014,802	2,775,525	3,443,834	668,309	81%
Non-Federal Match (In-Kind)	-	-	344,383	344,383	860,958	516,575	40%

CONTRA COSTA COUNTY
COMMUNITY SERVICES BUREAU
EARLY HEAD START- CC PARTNERSHIP
August 2016 Expenditures

1 DESCRIPTION	2 YTD Actual	3 Total Budget	4 Remaining Budget	5 % YTD
a. PERSONNEL	\$ 83,151	\$ 291,503	\$ 208,352	29%
b. FRINGE BENEFITS	48,753	203,871	155,118	24%
c. TRAVEL	-	-	-	0%
d. EQUIPMENT	-	-	-	0%
e. SUPPLIES	2,664	4,800	2,136	55%
f. CONTRACTUAL	(4,979)	463,000	467,979	-1%
g. CONSTRUCTION			-	0%
h. OTHER	7,341	56,699	49,358	13%
I. TOTAL DIRECT CHARGES	\$ 136,930	\$ 1,019,873	\$ 882,943	13%
j. INDIRECT COSTS	-	60,956	60,956	0%
k. TOTAL-ALL BUDGET CATEGORIES	\$ 136,930	\$ 1,080,829	\$ 943,899	13%
<i>In-Kind (Non-Federal Share)</i>	\$ -	\$ 270,207	\$ 270,207	0%

CONTRA COSTA COUNTY
COMMUNITY SERVICES BUREAU
EARLY HEAD START- CC PARTNERSHIP
August 2016 Expenditures

1	2	3	4	5	6	7
	Actual Jul-16	Actual Aug-16	Total YTD Actual	Total Budget	Remaining Budget	% YTD
Expenditures						
a. Salaries & Wages (Object Class 6a)						
Permanent 1011	36,442	38,097	74,539	283,513	208,974	26%
Temporary 1013	3,620	4,993	8,612	7,990	(622)	
a. PERSONNEL (Object class 6a)	40,061	43,090	83,151	291,503	208,352	29%
b. FRINGE BENEFITS (Object Class 6b)						
Fringe Benefits	23,349	25,404	48,753	203,871	155,118	24%
b. FRINGE (Object Class 6b)	23,349	25,404	48,753	203,871	155,118	24%
e. SUPPLIES (Object Class 6e)						
1. Office Supplies	-	2	2	500	498	0%
2. Child and Family Serv. Supplies/classroom Supplies	-	2,114	2,114	2,500	386	85%
4. Other Supplies						
Computer Supplies, Software Upgrades, Comp Replacemnt	-	544	544	1,200	656	45%
Health/Safety Supplies	-	-	-	-	-	
Miscellaneous Supplies	-	-	-	200	200	0%
Household Supplies	-	4	4	400	396	1%
e. SUPPLIES (Object Class 6e)	-	2,664	2,664	4,800	2,136	55%
f. CONTRACTUAL (Object Class 6f)						
1. Adm Svcs (e.g., Legal, Accounting, Temporary Contracts)	-	-	-	12,000	12,000	0%
8. Other Contracts						
Contra Costa Child Care Council	(4,979)	-	(4,979)	318,050	323,029	-2%
First Baptist (20 slots x \$450)	-	-	-	109,950	109,950	0%
Child Outcome Planning and Administration (COPA/Nulinx)	-	-	-	-	-	
Enhancement/wrap-around HS slots with State CD Prog.	-	-	-	23,000	23,000	0%
f. CONTRACTUAL (Object Class 6f)	(4,979)	-	(4,979)	463,000	467,979	-1%
h. OTHER (Object Class 6h)						
2. Bldg Occupancy Costs/Rents & Leases	-	(53)	(53)	1,800	1,853	-3%
4. Utilities, Telephone	-	229	229	4,000	3,771	6%
5. Building and Child Liability Insurance	-	-	-	-	-	
6. Bldg. Maintenance/Repair and Other Occupancy	-	44	44	1,400	1,356	3%
8. Local Travel (54 cents per mile)	614	130	744	4,200	3,456	18%
13. Parent Services						
Parent Conference Registration - PA11	-	-	-	-	-	
Parent Resources (Parenting Books, Videos, etc.) - PA11	-	-	-	-	-	
Parent Activities (Sites, PC, BOS luncheon) & Appreciation	-	70	70	1,000	930	7%
Child Care/Mileage Reimbursement	-	-	-	-	-	
14. Accounting & Legal Services						
Audit	-	-	-	-	-	
Legal (County Counsel)	-	-	-	1,000	1,000	0%
Auditor Controllers	-	-	-	2,000	2,000	0%
Data Processing/Other Services & Supplies	-	144	144	1,000	856	14%
15. Publications/Advertising/Printing						
Outreach/Printing	-	-	-	400	400	
Recruitment Advertising (Newspaper, Brochures)	-	-	-	-	-	
16. Training or Staff Development						
Staff Trainings/Dev. Conf. Registrations/Memberships - PA11	628	5,238	5,866	25,907	20,041	23%
17. Other						
Vehicle Operating/Maintenance & Repair	-	-	-	4,000	4,000	0%
Equipment Maintenance Repair & Rental	-	297	297	3,000	2,703	10%
Health and Safety Improvements	-	-	-	-	-	
Dept. of Health and Human Services-data Base (CORD)	-	-	-	-	-	
Other Operating Expenses (Facs Admin/Other admin)	-	-	-	6,992	6,992	0%
h. OTHER (6h)	1,242	6,099	7,341	56,699	49,358	13%
I. TOTAL DIRECT CHARGES (6a-6h)	59,674	77,257	136,930	1,019,873	882,943	13%
j. INDIRECT COSTS	-	-	-	60,956	60,956	0%
k. TOTALS - ALL BUDGET CATEGORIES	59,674	77,257	136,930	1,080,829	943,899	0
Non-federal Match In-Kind	-	-	-	270,207	270,207	0%

EMPLOYMENT & HUMAN SERVICES DEPARTMENT
 COMMUNITY SERVICES BUREAU
 CHILD NUTRITION FOOD SERVICES
 CHILD and ADULT CARE FOOD PROGRAM MEALS SERVED
 FY 2016-2017

Month covered	2016 July
Approved sites operated this month	13
Number of days meals served this month	20
Average daily participation	518
Child Care Center Meals Served:	
Breakfast	8,646
Lunch	10,353
Supplements	8,014
Total Number of Meals Served	<u>27,013</u>

fldr/fn:2016 CAO Monthly Reports

**COMMUNITY SERVICES BUREAU
SUMMARY CREDIT CARD EXPENDITURE**

A - 4

Agency: Community Services Bureau	<u>Authorized Users</u>	
	C. Rand, Bureau Dir	xxxx8798
Month: August 2016	K. Mason, Div Mgr	xxxx2364
	C. Reich, Div Mgr	xxxx4959
Credit Card: Visa/U.S. Bank	C. Johnson, AD	xxxx0220
	J. Rowley, AD	xxxx2391
	P. Arrington, AD	xxxx3838
	R. Radeva, PSA III	xxxx1899
	S. Kim, Interim Div Mgr	xxxx1907
	CSB Corporate	xxxx5045
	I. Renggenathen	xxxx2423

Acct. code	Stat. Date	Card Account #	Amount	Program	Purpose/Description
2100	08/22/16	xxxx1907	701.51	Child Care Svs Program	Office Exp
2100	08/22/16	xxxx8798	119.89	Indirect Admin Costs	Office Exp
			821.40		
2132	08/22/16	xxxx2364	378.00	HS Parent Services	Minor Computer Equipment
			378.00		
2200	08/22/16	xxxx2423	50.00	Brookside Site Costs	Memberships
			50.00		
2303	08/22/16	xxxx4959	(176.97)	EHS-CC Partnership	Other Travel Employees
2303	08/22/16	xxxx4959	(37.50)	Com Svc Block Grant	Other Travel Employees
2303	08/22/16	xxxx4959	732.15	Com Svc Block Grant	Other Travel Employees
2303	08/22/16	xxxx1907	215.10	HS Basic Grant	Other Travel Employees
2303	08/22/16	xxxx1907	340.20	EHS-CC Partnership	Other Travel Employees
2303	08/22/16	xxxx1907	170.10	Child Care Svs Program	Other Travel Employees
2303	08/22/16	xxxx1907	765.48	Operations (C2AP)	Other Travel Employees
2303	08/22/16	xxxx1907	(11.00)	Indirect Admin Costs	Other Travel Employees
2303	08/22/16	xxxx2423	277.45	Child Nutrition Food Svc	Other Travel Employees
2303	08/22/16	xxxx2364	908.13	EHS-CC Partnership	Other Travel Employees
2303	08/22/16	xxxx8798	(53.98)	HS Basic Grant	Other Travel Employees
2303	08/22/16	xxxx8798	908.13	EHS-CC Partnership	Other Travel Employees
2303	08/22/16	xxxx1899	896.49	EHS-CC Partnership	Other Travel Employees
			4,933.78		
2467	08/22/16	xxxx1907	200.00	HS Basic Grant	Training & Registration
2467	08/22/16	xxxx1907	198.00	Child Care Svs Program	Training & Registration
2467	08/22/16	xxxx1907	796.00	Operations (C2AP)	Training & Registration
2467	08/22/16	xxxx2423	230.00	Brookside Site Costs	Training & Registration
2467	08/22/16	xxxx0220	133.85	George Miller Concord Site Costs	Training & Registration
			1,557.85		
2477	08/22/16	xxxx4959	261.16	EHS-CC Partnership	Educational Supplies
2477	08/22/16	xxxx4959	(261.16)	EHS-CC Partnership	Educational Supplies
2477	08/22/16	xxxx2391	246.29	Bayo Vista Site Costs	Educational Supplies
2477	08/22/16	xxxx2391	271.15	CSPP Full Day/HS Enhanced	Educational Supplies
2477	08/22/16	xxxx0220	15.18	Riverview Site Costs	Educational Supplies
2477	08/22/16	xxxx0220	15.18	Lavonia Allen Site Costs	Educational Supplies
2477	08/22/16	xxxx0220	41.09	Los Arboles Site Costs	Educational Supplies
2477	08/22/16	xxxx0220	71.56	George Miller Concord Site Costs	Educational Supplies
2477	08/22/16	xxxx0220	15.18	Marsh Creek Site Costs	Educational Supplies
2477	08/22/16	xxxx0220	15.18	Los Nogales Site Costs	Educational Supplies
2477	08/22/16	xxxx0220	25.91	Ambrose Park Site Costs	Educational Supplies
			716.72		
2490	08/22/16	xxxx4959	71.97	EHS-CC Partnership	Misc Services/Supplies
2490	08/22/16	xxxx1907	1,573.25	Bayo Vista Site Costs	Misc Services/Supplies
2490	08/22/16	xxxx2423	550.00	Las Deltas Site Costs	Misc Services/Supplies
2490	08/22/16	xxxx2364	216.14	HS Parent Services	Misc Services/Supplies
2490	08/22/16	xxxx3838	775.00	Child Care Svs Program	Misc Services/Supplies
2490	08/22/16	xxxx1899	1,001.36	Indirect Admin Costs	Misc Services/Supplies
2490	08/22/16	xxxx2391	(0.79)	HS Basic Grant	Misc Services/Supplies
2490	08/22/16	xxxx2391	67.11	HS Basic Grant	Misc Services/Supplies
2490	08/22/16	xxxx0220	58.94	HS Basic Grant	Misc Services/Supplies
			4,312.98		
		Total	12,770.73		

**CAO Monthly Report
CSBG and Weatherization Programs
Year-to-Date Expenditures
As of August 31, 2016**

1. 2015 LIHEAP WX

Contract # 15B-3005
Term: Jan. 1, 2015 - Sept. 30, 2016
Amount: WX \$ 1,204,143

Total Contract	\$ 1,204,143
Expenditures	(1,204,143)
Balance	<u>\$ -</u>
Expended	100%

2. 2015 LIHEAP ECIP/EHA 16

Contract # 15B-3005
Term: Jan. 1, 2015 - Sept. 30, 2016
Amount: EHA 16 \$ 1,018,161

Total Contract	\$ 1,018,161
Expenditures	(1,018,096)
Balance	<u>\$ 65</u>
Expended	100%

3. 2016 LIHEAP WX

Contract # 16B-4005
Term: Jan. 1, 2016 - Jan. 31, 2017
Amount: WX \$ 903,178

Total Contract	\$ 903,178
Expenditures	(194,500)
Balance	<u>\$ 708,678</u>
Expended	22%

4. 2016 LIHEAP ECIP/EHA 16

Contract # 16B-4005
Term: Jan. 1, 2016 - Jan. 31, 2017
Amount: EHA 16 \$ 854,976

Total Contract	\$ 854,976
Expenditures	(450,266)
Balance	<u>\$ 404,710</u>
Expended	53%

5. 2015 LIWP (LOW INCOME WX)

Contract # 15K-6003
Term: Jan 1, 2015 - Dec 31, 2016
Amount: \$ 287,657

Total Contract	\$ 287,657
Expenditures	(249,905)
Balance	<u>\$ 37,752</u>
Expended	87%

6. 2016 COMMUNITY SERVICES BLOCK GRANT (CSBG)

Contract # 16F-5007
Term: Jan. 1, 2016 - December 31, 2016
Amount: \$ 797,709

Total Contract	\$ 846,479
Expenditures	(350,622)
Balance	<u>\$ 495,857</u>
Expended	41%

September - COMMUNITY SERVICES BUREAU PRESCHOOL MENU

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<p>ALL BREAKFAST & LUNCH SERVED WITH 1% LOW-FAT MILK</p> <p>* Indicates vegetable included in main dish</p> <p>WATER IS OFFERED THROUGHOUT THE DAY</p>			<p>1</p> <p>BREAKFAST</p> <p>FRESH KIWI WHOLE WHEAT CINNAMON TOAST</p> <p>LUNCH</p> <p>*JAMMIN JAMBALAYA (diced chicken, tomatoes, okra & brown rice) FRESH ORANGE</p> <p>PM SNACK</p> <p>GRAHAM CRACKERS 1% LOW-FAT MILK</p>	<p>2</p> <p>BREAKFAST</p> <p>FRESH STRAWBERRIES RICE KRISPY CEREAL</p> <p>LUNCH - NUTRITION EXPERIENCE</p> <p>*KANGAROO POCKET (sliced turkey, spinach leaves, shredded carrots, & cheese) LOW-FAT RANCH DRESSING FRESH APPLE WHOLE WHEAT PITA BREAD</p> <p>PM SNACK</p> <p>HOMEMADE PICO DE GALLO (fresh tomatoes, onions & cilantro) CORN TORTILLA CHIPS</p> 
<p>5</p> 	<p>6</p> <p>BREAKFAST</p> <p>FRESH ORANGE BRAN CEREAL</p> <p>LUNCH - NUTRITION EXPERIENCE</p> <p>SUNBUTTER & JELLY SANDWICH STRING CHEESE BABY CARROTS (no dressing) FRESH APPLE WHOLE WHEAT BREAD</p> <p>PM SNACK</p> <p>CINNAMON BUG BITE CRACKERS 1% LOW FAT MIK</p>	<p>7</p> <p>BREAKFAST</p> <p>FRESH STRAWBERRIES CORN CHEX CEREAL</p> <p>LUNCH</p> <p>RANCH STYLE CHICKEN SALAD SHREDDED ROMAINE & TOMATOES FRESH PEACH WHOLE WHEAT PITA BREAD</p> <p>PM SNACK</p> <p>LOW-FAT YOGURT FRESH BANANA</p> 	<p>8</p> <p>BREAKFAST</p> <p>FRESH APPLE WHOLE WHEAT ENGLISH MUFFIN WITH SUNBUTTER</p> <p>LUNCH</p> <p>CHIPOLTE BEANS (black beans, chunky salsa chilies, cheese, & corn tortilla chips) SPINACH SALAD WITH ITALIAN DRESSING FRESH ORANGE</p> <p>PM SNACK</p> <p>HUMMUS & WHEAT CRACKERS 1% LOW-FAT MILK</p> 	<p>9</p> <p>BREAKFAST</p> <p>FRESH BANANA CORNFLEAK CEREAL</p> <p>LUNCH - NUTRITION EXPERIENCE</p> <p>TURKEY HAM & SWISS CHEESE MAYO & MUSTARD DRESSING GREEN LEAF LETTUCE & SLICED TOMATO FRESH CANTALOUPE SLICE WHOLE WHEAT BREAD</p> <p>PM SNACK</p> <p>WHOLE GRAIN FISH CRACKERS 1% LOW-FAT MILK</p> 
<p>12</p> <p>BREAKFAST</p> <p>FRESH ORANGE BRAN CEREAL</p> <p>LUNCH - NUTRITION EXPERIENCE</p> <p>BAJA BEAN WRAP (refried beans & chunky salsa) JICAMA STICKS WITH CHILI FRESH KIWI WHOLE WHEAT TORTILLA</p> <p>PM SNACK</p> <p>GRAHAM CRACKERS 1% LOW-FAT MILK</p>	<p>13</p> <p>BREAKFAST</p> <p>FRESH PLUM RICE KRISPY CEREAL</p> <p>LUNCH</p> <p>TURKEY SPAGHETTI CASSEROLE (ground turkey, whole wheat spaghetti, & tomato paste) ZUCCHINI STICKS WITH RANCH DRESSING FRESH NECTARINE</p> <p>PM SNACK - NUTRITION EXPERIENCE</p> <p>BANANA SPLIT SALAD (mixed fruit, banana & cottage cheese)</p> 	<p>14</p> <p>BREAKFAST</p> <p>FRESH STRAWBERRIES CORN CHEX CEREAL</p> <p>LUNCH - NUTRITION EXPERIENCE</p> <p>*HAWAIIAN CHICKEN WRAP (diced chicken, broccoli, spinach, carrots, & pineapple with poppy seed dressing) FRESH KIWI WHOLE WHEAT PITA POCKET BREAD</p> <p>PM SNACK - NUTRITION EXPERIENCE</p> <p>ANTS ON THE LOG (sunbutter, celery sticks, raisins) 1% LOW-FAT MILK</p>	<p>15</p> <p>BREAKFAST</p> <p>FRESH APPLE WHOLE WHEAT BAGEL WITH SUNBUTTER</p> <p>LUNCH - NUTRITION EXPERIENCE</p> <p>SLOPPY JOE (ground beef, turkey & tomato paste) SPINACH SALAD WITH SWEET & SOUR DRESSING FRESH PEACH WHOLE WHEAT HAMBURGER BUN</p> <p>PM SNACK</p> <p>MOZZARELLA CHEESE STICK WHEAT CRACKERS</p>	<p>16</p> <p>BREAKFAST</p> <p>FRESH BANANA CHEERIOS</p> <p>LUNCH - NUTRITION EXPERIENCE</p> <p>DEVILED EGG (Mayo-Mustard) CELERY STICKS FRESH STRAWBERRIES WHOLE WHEAT BREAD</p> <p>PM SNACK</p> <p>FRESH BROCCOLI & CAULIFLOWER FLORETS VEGETABLE DRESSING WHEAT THIN CRACKERS</p> 
<p>19</p> <p>BREAKFAST</p> <p>FRESH APPLE RICE CHEX CEREAL</p> <p>LUNCH - NUTRITION EXPERIENCE</p> <p>*VEGETABLE CHILI BURRITO (kidney beans, yogurt, tomatoes, cheese, yogurt & bulgur wheat) FRESH KIWI WHOLE WHEAT TORTILLA</p> <p>PM SNACK</p> <p>WHOLE WHEAT FISH BREAD SUNBUTTER</p> 	<p>20</p> <p>BREAKFAST</p> <p>FRESH STRAWBERRIES KIX CEREAL</p> <p>LUNCH - NUTRITION EXPERIENCE</p> <p>BBQ CHICKEN SANDWICH (diced chicken & tomato paste) COLESLAW (Mayo Base) FRESH PEACH WHOLE WHEAT HAMBURGER BUN</p> <p>PM SNACK</p> <p>PINEAPPLE TIDBITS COTTAGE CHEESE</p>	<p>21</p> <p>BREAKFAST</p> <p>FRESH ORANGE WHOLE WHEAT CINNAMON TOAST</p> <p>LUNCH - NUTRITION EXPERIENCE</p> <p>TURKEY ROLLER SANDWICH WITH CREAM CHEESE FRESH SPINACH LEAVES & RED BELL PEPPERS FRESH APPLE WHOLE WHEAT TORTILLA</p> <p>PM SNACK</p> <p>FRESH ZUCCHINI & CARROT STICKS RANCH DRESSING WHEAT THINS</p> 	<p>22</p> <p>BREAKFAST</p> <p>FRESH BANANA CHEERIOS</p> <p>LUNCH</p> <p>*GROUND BEEF & TURKEY SPANISH RICE (ground beef, turkey, green bell peppers, tomatoes, tomato paste, & brown rice) FRESH HONEYDEW MELON</p> <p>PM SNACK - NUTRITION EXPERIENCE</p> <p>RAINBOW PARFAIT (fresh strawberries, blueberries, low-fat yogurt, & granola)</p> 	<p>23</p> <p>BREAKFAST</p> <p>MANGO CHUNKS WHOLE WHEAT BAGEL GARDEN VEGETABLE CREAM CHEESE</p> <p>LUNCH - NUTRITION EXPERIENCE</p> <p>CHICKEN SALAD SANDWICH (diced chicken, pickle relish, celery, & mayo) BABY CARROTS (no dressing) FRESH PLUM WHOLE WHEAT PITA BREAD</p> <p>PM SNACK</p> <p>FRESH APPLE SLICES SUNBUTTER</p>
<p>26</p> <p>BREAKFAST</p> <p>FRESH ORANGE BRAN CEREAL</p> <p>LUNCH</p> <p>TOASTED CHEESE SANDWICH VEGETARIAN BAKED BEANS FRESH KIWI WHOLE WHEAT BREAD</p> <p>PM SNACK</p> <p>CINNAMON GRAHAM CRACKERS 1% LOW-FAT MILK</p>	<p>27</p> <p>BREAKFAST</p> <p>FRESH APPLE CORN CHEX CEREAL</p> <p>LUNCH</p> <p>*BEEFY, TOMATO & CORN BAKE WHOLE WHEAT PENNE PASTA FRESH NECTARINE</p> <p>PM SNACK - NUTRITION EXPERIENCE</p> <p>HUMMUS VEGGIE ROLL (shredded carrots & spinach) WHOLE GRAIN TORTILLA 1% LOW-FAT MILK</p> 	<p>28</p> <p>BREAKFAST</p> <p>PINEAPPLE CHUNKS WHOLE WHEAT BAGEL WITH CREAM CHEESE</p> <p>LUNCH - NUTRITION EXPERIENCE</p> <p>*GREEK CHICKEN SALAD (diced chicken, cucumbers, tomatoes, onions, & olives) WITH FETA CHEESE DRESSING FRESH PEAR WHOLE WHEAT PITA BREAD</p> <p>PM SNACK</p> <p>ANIMAL CRACKERS 1% LOW-FAT MILK</p>	<p>29</p> <p>BREAKFAST</p> <p>FRESH BANANA WHOLE WHEAT ENGLISH MUFFIN & SUNBUTTER</p> <p>LUNCH</p> <p>TURKEY ENCHILADA CASSEROLE (diced chicken , tomato, enchilada sauce, & corn tortilla chips) TOSSED LEAFY GREENS WITH ITALIAN DRESSING FRESH PLUM</p> <p>PM SNACK</p> <p>COWBOY QUNIOA 1% LOW-FAT MILK</p>	<p>30</p> <p>BREAKFAST</p> <p>FRESH ORANGE WHOLE WHEAT CINNAMON BUN</p> <p>LUNCH - NUTRITION EXPERIENCE</p> <p>TUNA SALAD SANDWICH (tuna, eggs, mayo, relish, celery, & onions) TANGY COLESLAW (green & red cabbage, carrots, & apple cider vinegar) FRESH STRAWBERRIES WHOLE WHEAT BREAD</p> <p>PM SNACK</p> <p>FRESH APPLE SLICES CHEDDAR CHEESE</p> 



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: October 25, 2016

Subject: Approve payment to the San Francisco Estuary Institute for the San Francisco Estuary Regional Monitoring Program for Trace Substances

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Auditor-Controller to issue payment, on behalf of the Contra Costa Clean Water Program (CCCWP), to the San Francisco Estuary Institute (SFEI) for the San Francisco Estuary Regional Monitoring Program for Trace Substances (RMP) in the amount of \$153,915, for annual program participation as required by the National Pollutant Discharge Elimination System Permit issued by the San Francisco Bay Regional Water Quality Control Board, for the period of January 1, 2017 through December 31, 2017, Countywide. (Project No. 7519-6x7618)

FISCAL IMPACT:

The cost is not to exceed \$153,915; and, shall be funded by stormwater utility fee assessments collected by the Cities/Towns and County, proportional to their respective populations.

BACKGROUND:

The Contra Costa Clean Water Program (CCCWP) consists of Contra Costa County, its 19 incorporated cities/towns and the Contra Costa County Flood Control and Water Conservation

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Fan Ventura, (925) 313-2194

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

District (hereinafter referred to collectively as "Permittees"). The CCCWP was established in 1991 through a Program Agreement in response to the 1987 amendments to the federal Clean Water Act (the "CWA"), which established a framework for regulating municipal stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) Permit Program. The United States Environmental Protection Agency published final rules implementing the 1987 CWA amendments in November 1990. The rules mandate that Permittees obtain and implement stormwater permits designed to reduce and eliminate the discharge of pollutants into and from Municipal Separate Storm Sewer Systems they own and operate. Through the CCCWP, Permittees conduct many of the mandated activities collectively (referred to as "Group Activities"), such as water quality monitoring, special studies, and public education. The roles and responsibilities of the CCCWP and Permittees are outlined in the Program Agreement, which was last updated and adopted by all Permittees in June 2010.

CCCWP staff, on behalf of the Permittees, respectfully requests approval of this Purchase Order with San Francisco Estuary Institute (SFEI) for the San Francisco Estuary Regional Monitoring Program for Trace Substances (RMP) for a cost not to exceed \$153,915. This ensures compliance with the stormwater permit issued by the San Francisco Bay Regional Water Quality Control Board that mandates Permittees to "participate in implementing an Estuary receiving water monitoring program, at a minimum equivalent to the San Francisco Estuary Regional Monitoring Program for Trace Substances, by contributing their fair share financially on an annual basis." This Purchase Order would fulfill the Permittees' required estuary receiving water monitoring for Calendar Year 2017 (January 1, 2017 through December 31, 2017).

CONSEQUENCE OF NEGATIVE ACTION:

If the Purchase Order with the SFEI for the RMP is not approved, the CCCWP and Permittees would not be able to fulfill the required San Francisco Estuary monitoring, and Permittees would be found in non-compliance and subject to fines and penalties issued by the San Francisco Bay Regional Water Quality Control Board, and third party citizen suits allowed under the CWA.



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: October 25, 2016

Subject: Disposal of Surplus Property

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.

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.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Nida Rivera, (925)
313-2124

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

By: , Deputy

cc:

ATTACHMENTS

Surplus Vehicles & Equipment

ATTACHMENT TO BOARD ORDER OCTOBER 25, 2016

Department	Description/Unit/Make/Model	Serial No.	Condition A. Obsolete B. Worn Out C. Beyond economical repair D. Damaged beyond repair
PUBLIC WORKS	2009 BRUSH BAND 250XD #8313 (9632 HOURS)	4FMUS16149R023475	C. BEYOND ECONOMICAL REPAIR
PUBLIC WORKS	2002 FORD F-250 TRUCK #5554 (96315 MILES)	1FTNF20L82ED50315	B. WORN OUT
HEALTH SERVICES	2000 FORD EXPEDITION #3640 (92853 MILES)	1FAPP52U8WG154559	B. WORN OUT
HEALTH SERVICES	2009 HONDA CIVIC SEDAN #0299 (100434 MILES)	1HGFA46519L000118	B. WORN OUT
SHERIFF	2000 HOMEMADE ATV TRAILER #8595 (MILES)	1A9US12141T290027	B. WORN OUT
SHERIFF	1996 HONDA 300 ATV #9086 (MILES)	478TE140XTA826764	B. WORN OUT
SHERIFF	1996 HONDA 300 ATV #9090 (MILES)	478TE1406TA827202	B. WORN OUT
SHERIFF	1996 HONDA 300 ATV #9087 (MILES)	478TE1405TA827059	B. WORN OUT
SHERIFF	2011 FORD CROWN VIC. #2142 (98463 MILES)	2FABP7BV0BX176028	B. WORN OUT
SHERIFF	2009 FORD CROWN VIC. #2946 (122369 MILES)	2FAHP71V99X138173	B. WORN OUT
CONSERVATION & DEVELOPMENT	2005 FORD ESCAPE HYB. #3668 (149667 MILES)	1FMYU96H65KC75100	B. WORN OUT
CONSERVATION & DEVELOPMENT	2006 FORD RANGER #5056 (104876 MILES)	1FTYR14EX6PA63787	B. WORN OUT
CONSERVATION & DEVELOPMENT	2008 FORD RANGER #5068 (103974 MILES)	1FTYR14E88PA05079	B. WORN OUT
CONSERVATION & DEVELOPMENT	2006 FORD ESCAPE HYB. #3679 (102776 MILES)	1FMYU96H86KD26534	B. WORN OUT
CONSERVATION & DEVELOPMENT	2008 FORD RANGER #5064 (125995 MILES)	1FTYR14E78PA17577	B. WORN OUT
CONSERVATION & DEVELOPMENT	2005 FORD ESCAPE HYB. #3678 (125516 MILES)	1FMYU96H66KA43193	B. WORN OUT
HEALTH SERVICES	2005 HONDA CIVIC HYB. #0256 (84315 MILES)	JHMES96685S010852	B. WORN OUT
SHERIFF	2009 FORD CROWN VIC. #2944 (80208 MILES)	2FAHP71V29X120517	D. DAMAGED BEYOND REPAIR
PUBLIC WORKS	2000 GMC SAVANA CV. #4542 (101104 MILES)	1GTFG25R0Y1166226	B. WORN OUT
PUBLIC WORKS	2005 DODGE NEON SEDAN #0254 (85467 MILES)	1B3ES26C75D159483	B. WORN OUT
PUBLIC WORKS	2001 FREIGHTLIN FL112 TRUCK #6858 (130700 MILES)	1FVXTECB31DH31572	C. BEYOND ECONOMICAL REPAIR.



Contra
Costa
County

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: October 25, 2016

Subject: Conflict of Interest Code for the John Swett Unified School District

RECOMMENDATION(S):

Approve amended Conflict of Interest Code for the John Swett Unified School District ("District"), including the list of designated positions.

FISCAL IMPACT:

None.

BACKGROUND:

The District has amended its Conflict of Interest Code and submitted the revised code, attached as Exhibit A, to the Board for approval pursuant to Government Code section 87306 and 87306.5.

This amendment updates the designated positions in the Conflict of Interest Code to conform to FPPC Regulation 18730.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Cynthia Schwerin, Deputy County Counsel, (925) 335-1800

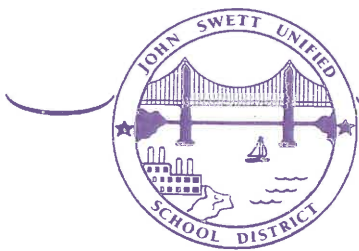
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc: Cynthia Schwerin, Deputy County Counsel, David Twa, Clerk of the Board of Supervisors, Margaret Sasaki, John Swett Unified School District

ATTACHMENTS

COI Exhibit A



JOHN SWETT UNIFIED SCHOOL DISTRICT

Office of the Superintendent
Rob Stockberger
400 Parker Avenue, Rodeo, CA 94572
(510) 245-4300 • FAX (510) 245-4312

RESOLUTION NO. (16-17)05 CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code 87300 – 87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the John Swett Unified School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the John Swett Unified School District has recently reviewed its positions, and the duties of each position, and has determined that changes to the current conflict of interest code are necessary; and

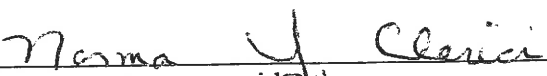
WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW, THEREFORE, BE IT RESOLVED that the John Swett Unified School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED this fourteenth day of September, 2016, by the Governing Board of the John Swett Unified School District by the following vote:

Ayes: Brandon, Clerici, Colombo, Delgadillo
Noes: None
Absent: Parsons

I HEREBY CERTIFY that the foregoing Resolution No. (16-17)05 was duly introduced, passed, and adopted by the Governing Board at regularly called and conducted meeting held on said date.



Acting Board President
GOVERNING BOARD

Norma Clerici
October 25, 2016

Brian Colombo

Deborah Brandon
Contra Costa County Board of Supervisors

James Delgadillo

Jerrold Parsons

Conflict of Interest Code of the John Swett Unified School District

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the district's conflict of interest code.

Governing Board members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the district's filing officer and/or, if so required, with the district's code reviewing body. The district's filing officer shall make the statements available for public review and inspection.

APPENDIX

Disclosure Categories

1. **Category 1:** A person designated Category 1 shall disclose:
 - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
 - b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district, or manufacture or sell supplies, books, machinery, or equipment of the type used by the district.
2. **Category 2:** A person designated Category 2 shall disclose:
 - a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs.
 - b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.
3. **Category 3 Full Disclosure:** Because it has been determined that the district's Board members and/or Superintendent "manage public investments," they and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
- b. Investments, business positions, and sources of income, including gifts, loans, and travel payments.

Designated Positions

<u>Designated Position</u>	<u>Disclosure Category</u>
Governing Board Members	3
Superintendent of Schools	3
Chief Business Official (CBO)	3
Principal	2
Assistant Principal	2
Curriculum/Special Education Director	2
Director of Maintenance and Facilities	2
Technology Coordinator	2

Disclosures for Consultants

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18701)

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item

7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18701)

JOHN SWETT UNIFIED SCHOOL DISTRICT
September 14, 2016 Rodeo, California



Contra
Costa
County

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: October 25, 2016

Subject: Conflict of Interest Code for the Acalanes Union High School District

RECOMMENDATION(S):

Approve amended Conflict of Interest Code for the Acalanes Union High School District ("District"), including the list of designated positions.

FISCAL IMPACT:

None.

BACKGROUND:

The District has amended its Conflict of Interest Code and submitted the revised code, attached as Exhibit A, to the Board for approval pursuant to Government Code section 87306 and 87306.5.

The changes include the addition and elimination of positions designated to file conflict of interest statements. These changes will ensure that the Conflict of Interest Code accurately reflects the current positions and organizational structure in use by the District. A strike-out version of the list of Designated Positions is attached as Exhibit B.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Cynthia Schwerin, Deputy County Counsel, (925) 335-1800

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

By: , Deputy

cc: Cynthia Schwerin, Deputy County Counsel, David Twa, Clerk of the Board of Supervisors, John Nickerson, Superintendent, AUHSD

ATTACHMENTS

COI Exhibit A

COI Exhibit B

**Acalanes Union High School District
Conflict of Interest Code
Resolution No. 16-17-01**



WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the Acalanes Union High School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the Acalanes Union High School District has recently reviewed its positions, and the duties of each position, and has determined that changes to the current conflict of interest code are necessary; and

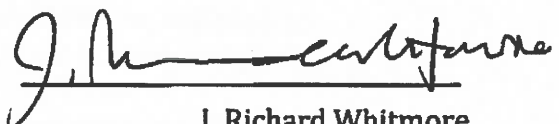
WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the Acalanes Union High School District Governing Board adopt the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS tenth day of August 2016, at a meeting, by the following vote:

Ayes:	Coppersmith, Epstein, Hockett, Kendzierski, Whitmore
Nays:	None
Abstain:	None
Absent:	None

Attest:



**J. Richard Whitmore
President, Governing Board
Acalanes Union High School District**

**Acalanes Union High School District
Conflict of Interest
Resolution No. 16-17-01**

APPENDIX

Disclosure Categories

1. **Category 1: A person designated Category 1 shall disclose:**
 - a. **Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.**
 - b. **Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district, or manufacture or sell supplies, books, machinery, or equipment of the type used by the district.**

2. **Category 2: A person designated Category 2 shall disclose:**
 - a. **Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs.**
 - b. **Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.**

3. **Full Disclosure: Because it has been determined that the district's Board members and/or Superintendent "manage public investments," they and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:**
 - a. **Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.**
 - b. **Investments, business positions, and sources of income, including gifts, loans, and travel payments.**

**Acalanes Union High School District
Conflict of Interest
Resolution No. 16-17-01**

APPENDIX

Designated Position and Disclosure Category

Designated Position	Category
Governing Board Members	1
Superintendent of Schools	1
Associate Superintendent, Educational Services	1
Associate Superintendent, Administrative Services	1
Chief Business Official	1
Purchasing Specialist	1
Director of Special Education & Auxiliary Services	2
Director of Del Valle Education Center	2
Director of Fiscal Services	2
Principal	2
Associate Principal	2
Director of Food & Custodial Services	2
Director of Facilities, Building, Grounds & Transportation	2
Director of Information & Technology	2
Coordinator of Aquatics	2

Disclosures for Consultants

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18701)

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the district to enter into, modify, or renew a contract that requires district approval

**Acalanes Union High School District
Conflict of Interest
Resolution No. 16-17-01**

APPENDIX

5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18701)

**Acalanes Union High School District
Conflict of Interest
Resolution No. ~~14-15-04~~16-17-01**

APPENDIX

Designated Position -and Disclosure Category

Designated Position	Category
Governing Board Members	1
Superintendent of Schools	1
Associate Superintendent, Business Services	1
Associate Superintendent, Educational Services	1
Associate Superintendent, Administrative Services	1
Chief Business Official	1
Purchasing Specialist	1
Director of Special Education & Auxiliary Services	2
Director of Adult and Alternative Education Del Valle Education Center	2
Director of Fiscal Services	2
Director of Educational Services	2
Principal	2
Associate Principal	2
Director of Food & Custodial Services	2
Director of Maintenance Facilities, Building, Grounds & Transportation	2
Director of Information & Technology	2
Director of Facilities and Construction	2
Coordinator, ACIS and Student Services	2
Coordinator of Aquatics	2
Coordinator, Education and Student Services	2

Disclosures for Consultants

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18701)

1. Approve a rate, rule, or regulation

**Acalanes Union High School District
Conflict of Interest
Resolution No. ~~14-15-04~~16-17-01**

APPENDIX

2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18701)



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 25, 2016

Subject: Unpaid Student Training Agreement #72-094 with California Department of Public Health

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Unpaid Student Training Agreement #72-094 with California Department of Public Health, a government agency, to provide supervised field instruction in County's Public Health Division to medical residency students, for the period from July 1, 2016 through June 30, 2018.

FISCAL IMPACT:

None

BACKGROUND:

The purpose of this agreement is to provide medical residency students at California Department of Public Health with the opportunity to integrate academic knowledge with applied skills at progressively higher levels of performance and responsibility. Supervised fieldwork experience for students is considered to be an integral part of both educational and professional preparation. The Health Services Department can provide the requisite field education, while at the same time, benefiting from the students' services to patients.

Under Unpaid Student Training Agreement #72-094, California Department

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Dan Peddycord,
925-313-6712

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

By: , Deputy

cc: D Morgan, M Wilhelm

BACKGROUND: (CONT'D)

of Public Health medical residency students will receive supervised fieldwork instruction experience in County's Public Health Division through June 30, 2018.

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, the students will not receive supervised fieldwork instruction experience in County's Public Health Division.

CHILDREN'S IMPACT STATEMENT:

Not applicable



Contra
Costa
County

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: October 25, 2016

Subject: Conflict of Interest Code for the Contra Costa County Schools Insurance Group

RECOMMENDATION(S):

APPROVE amended Conflict of Interest Code for the Contra Costa County Schools Insurance Group ("CCCSIG").

FISCAL IMPACT:

None.

BACKGROUND:

CCCSIG has amended its Conflict of Interest Code and submitted the revised code, attached as Exhibit A, to the Board for approval pursuant to Government Code section 87306 and 87306.5.

The code has been revised to update the filing location for designated employees. These changes are shown on the attached 'red-line' version. (See Exhibit B)

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Cynthia Schwerin, Deputy County
Counsel, (925) 335-1800

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

By: , Deputy

cc: Cynthia Schwerin, Deputy County Counsel, David Twa, Clerk of the Board of Supervisors, Bridget Moore, Executive Director, CCCSIG

ATTACHMENTS

COI Exhibit A

COI Exhibit B

CONFLICT OF INTEREST

AP207

The Agency shall adopt a Conflict of Interest Code pursuant to California Government Code, Section 81000 et seq., Political Reform Act and Government Code, Section 87300 thereafter.

The Agency is a separate public entity formed pursuant to a joint exercise of powers agreement and within the meaning of the Government Code.

CONFLICT OF INTEREST

AR207.1

PROCEDURES

The Political Reform Act, Government Code sections 81000 et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, Title 2 California Code of Regulations section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of Title 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Contra Costa County Schools Insurance Group.

Designated officials and employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions; and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original.

Pursuant to section (b)4 of the standard Code, designated officials and employees shall file statements of economic interests with the Executive Director of the Agency who will make the statements available for public inspection and reproduction (Gov. Code Section 81008). The original statements submitted by the Executive Director, Board members, and Alternate Board members will be forwarded to the Clerk of the Board of Supervisors of Contra Costa County and the original statements of all other designated employees will be retained by the Contra Costa County Schools Insurance Group.

APPENDIX

<u>Designated Employees</u>	<u>Disclosure Categories</u>
Directors of the Board	All
Board Alternates	All
Executive Director	All
Chief Financial Officer	All
Health & Safety Services Manager	All
Human Resources Manager	All
Claims Manager	All
Claims Supervisor	All
Consultants*	All
Accountant	All
Senior Claims Examiner	Two
Executive Assistant	Two
IS Coordinator	Two

DISCLOSURE CATEGORIES

General Rule

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

- **Designated Employees in Category "1" must report:**
 - All investments, interests in real property, and income, and any business entity in which the employee is a director, officer, partner, trustee, employee, or holds any position of management. These financial interests are reportable only if located within Contra Costa County or if the business entity is doing business or planning to do business in the County (and such plans are known by the designated employee) or has done business within the County at any time during the two years prior to the filing of the statement.
 - Investments in any business entity, income from any source and status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which has within the last two years contracted or foreseeably may contract with the Agency, or with any public agency within Contra Costa County, to provide services, supplies, materials, machinery or equipment to either party.

CONFLICT OF INTEREST

AR207.1 (cont.)

- **Designated Employees in Category "2" must report:**
 - Investments in any business entity, income from any source, and status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which has within the last two years contracted, or foreseeably may contract, with the Contra Costa County Schools Insurance Group to provide services, supplies, materials, machinery or equipment to the Agency.

**With respect to Consultants, the Chairperson of the Board or the Executive Director, however, may determine in writing that a particular consultant, although a "designated person", is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this Section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. A copy of this determination shall be retained by Contra Costa County Schools Insurance Group. Nothing herein excuses any such consultant from any other provision of the Conflict of Interest Code.*

WRITTEN EXPLANATION OF REASONS FOR DESIGNATIONS & DISCLOSURE RESPONSIBILITIES FOR THE AGENCY

Designations

The positions noted under "Designated Employees" have been designated as those positions subject to provisions of the Conflict of Interest Code in that those positions are the only positions having any substantial responsibility relative to the Agency's decision-making process or policy.

Disclosure Responsibilities

The categories relative to the types of interests that must be disclosed are based upon the types of financial interests relevant to the Agency business which is confined to providing Workers' Compensation and Health Benefits coverage to member districts.

Revised: August 25, 2016



AP207

CONFLICT OF INTEREST

The Agency shall adopt a Conflict of Interest Code pursuant to California Government Code, Section 81000 et seq., Political Reform Act and Government Code, Section 87300 thereafter.

The Agency is a separate public entity formed pursuant to a joint exercise of powers agreement and within the meaning of the Government Code.

CONFLICT OF INTEREST

AR207.1

PROCEDURES

The Political Reform Act, Government Code sections 81000 et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, Title 2 California Code of Regulations section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of Title 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Contra Costa County Schools Insurance Group.

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Pursuant to section (b)4 of the standard Code, designated officials and employees shall file statements of economic interests with the Executive Director of the Agency who will make the statements available for public inspection and reproduction (Gov. Code Section 81008).²⁷ The original statements submitted by the Executive Director, Board members, and Alternate Board members will be forwarded to the Clerk of the Board of Supervisors of Contra Costa County and the original statements of all other designated employees will be retained by the Contra Costa County Schools Insurance Group. ~~retain one copy and forward the original of these statements to the Clerk of the Board of Supervisors of Contra Costa County.~~

CONFLICT OF INTEREST

AR207.1 (cont.)

APPENDIX

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 - Investments in any business entity, income from any source and status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which has within the last two years contracted or foreseeably may contract with the Agency, or with any public agency within Contra Costa County, to provide services, supplies, materials, machinery or equipment to either party.

CONFLICT OF INTEREST

AR207.1 (cont.)

- **Designated Employees in Category "2" must report:**
 - Investments in any business entity, income from any source, and status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which has within the last two years contracted, or foreseeably may contract, with the Contra Costa County Schools Insurance Group to provide services, supplies, materials, machinery or equipment to the Agency.

**With respect to Consultants, the Chairperson of the Board or the Executive Director, however, may determine in writing that a particular consultant, although a "designated person", is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this Section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. A copy of this determination shall be retained by Contra Costa County Schools Insurance Group. Nothing herein excuses any such consultant from any other provision of the Conflict of Interest Code.*

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Disclosure Responsibilities

The categories relative to the types of interests that must be disclosed are based upon the types of financial interests relevant to the Agency business which is confined to providing Workers' Compensation and Health Benefits coverage to member districts.

| Revised: August ~~2015~~, ~~2014~~2016



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 25, 2016

Subject: AUTHORIZE DESTRUCTION OF OBSOLETE COLLECTIONS COMPLIANCE UNIT RECORDS

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Administrator, or designee, to the execute an order for the destruction of County collections and deposit records maintained by the Superior Court that are over five (5) years old and are no longer necessary or required for County or Court purposes, pursuant to Government Code Section 26202 and Trial Court Financial Policies and Procedures Manual.

FISCAL IMPACT:

None.

BACKGROUND:

Under the terms of a Memorandum of Understanding between the County and the Superior Court, the Court administers, on behalf of the County, a collection program for court-ordered debt. In order to efficiently manage the volume of records continuously generated and received, the Court must dispose of unnecessary records and documents. According to the Trial Court Financial Policies and Procedures Manual, FIN 12.01, 6.1.5, the Court is required to retain receipts for fines, fees, penalties collected and other collection receipts for the current year plus four additional years (or from the close date of the State Controller's Office (SCO) audit, whichever is longer. The SCO audit report for the 6 years ending June 30, 2014 was issued on December 31, 2015. The Court has identified 28 boxes of collection and deposit records from FY 2005/06 through 2010/11 meeting this criterion.

Government Code section 26202 provides that any record more than two (2) years old may be destroyed without being photographed, microfilmed or otherwise reproduced if:

-
- APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Julie DiMaggio Enea
(925) 335-1077

, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:

BACKGROUND: (CONT'D)

1. It is not required by state statute or county charter to be prepared or received; or
2. It is prepared or received pursuant to state statute or county charter, but it is not expressly required by law to be filed or preserved, and the board determines by four-fifths (4/5) vote that the retention of such document is no longer necessary or required for county purposes.

Approval is requested to destroy the specified 28 boxes of records identified by the Court. Passage of this order requires a four-fifths (4/5) vote of the Board of Supervisors.

CONSEQUENCE OF NEGATIVE ACTION:

Negative action would decrease the Court's ability to efficiently manage the volume of records continuously generated and received by the Collections Compliance Unit.



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 25, 2016

Subject: Continue Extension of Emergency Declaration Regarding Homelessness

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:

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.

Government Code Section 8630 requires 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 September 27, 2016 the Board of Supervisors last reviewed and approved the emergency declaration. The time between this board order and the previous one has exceeded 21 days due to an administrative error; this has been addressed to prevent future lapses.

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.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/25/2016** 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: October 25, 2016

Contact: Enid Mendoza, (925)
335-1039

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

>

CONSEQUENCE OF NEGATIVE ACTION:

CHILDREN'S IMPACT STATEMENT: