

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

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

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 24, 2017

9:00 A.M. Convene and announce adjournment to closed session in Room 101.
Closed Session

A. CONFERENCE WITH LABOR NEGOTIATORS

1. Agency Negotiators: David Twa and Richard Bolanos.

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 Employees International Union Local 2015; 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.

B. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Gov. Code, § 54956.9(d)(2): One potential case

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

Inspirational Thought- *"Not everyone understands how you can spin two lassos at the same time, one of hope and one of grief."* ~Jodi Picoult

CONSIDER CONSENT ITEMS (Items listed as C.1 through C.74 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 proclaiming November 1, 2017 as the Contra Costa County Shelter-in-Place Education Day. (Tony Semenza, Executive Director, Contra Costa County Community Awareness and Emergency Response Group, Inc.)

DISCUSSION ITEMS

D. 1 CONSIDER Consent Items previously removed.

D. 2 PUBLIC COMMENT (2 Minutes/Speaker)

- D.3** HEARING to consider adopting Ordinance No. 2017-26 regulating the personal cultivation of cannabis and prohibiting commercial cannabis activities; ACCEPT report from HdL Companies on the Fiscal Analysis of the Potential Commercial Cannabis Industry in Contra Costa County; ACCEPT update from staff on Preliminary Working Draft Framework for Regulating Cannabis in the unincorporated area; PROVIDE direction to staff on refining the Regulatory Framework, developing a tax measure and conducting additional public outreach on the matter. (John Kopchik and Ruben Hernandez, Conservation and Development)

D. 4 CONSIDER reports of Board members.

Closed Session

ADJOURN

CONSENT ITEMS

Road and Transportation

- C. 1** CONTINUE the emergency action originally taken by the Board of Supervisors on February 14, 2017, pursuant to Public Contract Code Sections 22035 and 22050, to repair the Alhambra Valley Road Washout Project, as recommended by the Interim Public Works Director, Pinole area. (100% Local Road Funds)

- C. 2** CONTINUE the emergency action originally taken by the Board of Supervisors on March 7, 2017, pursuant to Public Contract Code Sections 22035 and 22050, to repair the Morgan Territory Road Slide Repair Project, as recommended by the Interim Public Works Director, Clayton area. (100% Local Road Funds)

Engineering Services

- C. 3** ADOPT Resolution No. 2017/373 approving the Final Map and Subdivision Agreement for subdivision SD17-9299, for a project being developed by Shapell Industries, Inc., a Delaware Corporation, as recommended by the Interim Public Works Director, San Ramon (Dougherty Valley) area. (No fiscal impact)

Special Districts & County Airports

- C. 4** Acting as the Governing Board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the Fire Chief, or his designee, to execute a contract amendment with Willdan Financial Services to extend the term from October 31, 2017, to June 30, 2018, for a Development Impact Fee Study, with no change to the contract payment limit. (100% Special District Operating Fund)
- C. 5** AUTHORIZE the Director of Airports, or designee, to negotiate a long-term lease of property located at Buchanan Field Airport known as 101 John Glenn Drive, with bidders in priority-ranking order as follows: Pacific States Aviation, first, and Sterling Aviation, second. (100% Airport Enterprise Fund)

Claims, Collections & Litigation

- C. 6** AUTHORIZE the discharge from accountability for delinquent accounts transferred from the former Office of Revenue Collection to Animal Services totaling \$168,614.47, which have been deemed uncollectible, as recommended by the Animal Services Director.
- C. 7** APPROVE and AUTHORIZE the County Counsel, or designee, to execute, on behalf of the County and the Contra Costa County Water Agency, a joint defense and fee allocation agreement and a contract for legal services with The Freeman Firm, effective July 1, 2017, and a contract for legal services with Rossmann & Moore, LLP, effective July 21, 2017, in connection with *California Department of Water Resources v. All Persons Interested in the Matter, etc.*, Sacramento County Superior Court Case No. 34-2017-00215965.
- C. 8** DENY claim filed by Rodney Lum.

Statutory Actions

- C. 9 ACCEPT Board members meeting reports for September 2017.
- C. 10 APPROVE Board meeting minutes for September 2017, as on file with the Office of the Clerk of the Board.

Honors & Proclamations

- C. 11 ADOPT Resolution No. 2017/314 proclaiming November 1, 2017 as the Contra Costa County Shelter-in-Place Education Day, as recommended by the Health Services Director.
- C. 12 ADOPT Resolution No. 2017/383 honoring the 10th Anniversary of Putnam Clubhouse, as recommended by Supervisor Mitchoff.
- C. 13 ADOPT Resolution No. 2017/377 recognizing the Soroptimist International of Martinez Club Seventy Fifth Anniversary November 14, 2017, as recommended by Supervisor Glover.

Appointments & Resignations

- C. 14 ACCEPT resignation of Kristin Haegeland, DECLARE a vacancy in Local Committee City of Pinole seat on the Advisory Council on Aging, and DIRECT the Clerk of the Board to post the vacancy, as recommended by the Employment and Human Services Director.
- C. 15 REAPPOINT Petural Shelton to the District 3 seat and Lee Ross to the District 3 Alternate seat on the First 5 Contra Costa Children and Families Commission, as recommended by Supervisor Burgis.
- C. 16 ACCEPT the resignation of Jennifer Cohen, DECLARE a vacancy in the District 3 seat on the Contra Costa Commission for Women, and DIRECT the Clerk of the Board to post the vacancy, as recommended by Supervisor Burgis.
- C. 17 REAPPOINT Ed Haynes to the District 3 seat on the Contra Costa County Fire Protection District Fire Advisory Commission, as recommended by Supervisor Burgis.
- C. 18 ACCEPT the resignation of Beth Mora, DECLARE a vacancy in the District II seat on the Contra Costa Commission for Women, and DIRECT the Clerk of the Board to post the vacancy, as recommended by Supervisor Andersen.
- C. 19 REAPPOINT Rand Swenson to the District II seat on the Contra Costa County Planning Commission, as recommended by Supervisor Andersen.

Appropriation Adjustments

- C. 20** Probation Programs (0308): APPROVE Appropriations and Revenue Adjustment No. 5010 authorizing new revenue in the amount of \$1,000,000 from the U.S. Department of Justice "Smart Reentry: Focus on Evidence-Based Strategies for Successful Reentry from Incarceration to Community" grant and appropriating it to implement responsive services for transitional aged youth offenders aged 18-25 years old. (49% Federal, 51% County and Local Community Based Organizations In-Kind match)
- C. 21** Custody Services (0300)/Sheriff's Office (0255): APPROVE Appropriation Adjustment No. 5013 authorizing the transfer of appropriations in the amount of \$95,200 from Sheriff Custody Services Bureau (0300) to the Sheriff Support Services Bureau (0255) to reallocate existing expenditures due to the movement of a position. (100% General Fund)
- C. 22** Sheriff's Office (0255)/Custody Services (0300): APPROVE Appropriation Adjustment No. 5014 authorizing the transfer of appropriations in the amount of \$70,812 from the Office of the Sheriff's-Support Services Bureau (0255) to the Office of the Sheriff's Custody-Services Bureau (0300) to reallocate existing expenditures due to the movement of a position. (100% General Fund)
- C. 23** Sheriff's Office (0255)/Custody Services (0300): APPROVE Appropriation Adjustment No. 5015 authorizing the transfer of appropriations in the amount of \$935,007 from the Office of the Sheriff's-Field Operations Bureau (0255) to the Office of the Sheriff's Custody-Services Bureau (0300) to reallocate existing expenditures due to the movement of positions. (100% General Fund)
- C. 24** Sheriff's Office (0255)/Custody Services (0300): APPROVE Appropriation Adjustment No. 5016 authorizing the transfer of appropriations in the amount of \$1,046,570 from the Office of the Sheriff's-Field Operations Bureau (0255) to the Office of the Sheriff's Custody-Services Bureau (0300) to reallocate existing expenditures due to the movement of positions. (100% General Fund)
- C. 25** Health Services (0467) / Fleet ISF (0064): APPROVE Appropriation and Revenue Adjustment No. 5019 authorizing the transfer of appropriations in the amount of \$27,959 from the Health Services Department Behavioral Health Division (0467/4899) to General Services – ISF Fleet Services (0064) for the purchase of one vehicle for the implementation of the Overcoming Transportation Barriers project. (100% Mental Health Services Act)

- C. 26** Contingency Reserve (0990): APPROVE Appropriation Adjustment No. 5020 transferring \$1,100,755 in appropriations to Animal Services (0366), Child Support Services (0249), Department of Information Technology (0147), District Attorney (0242), Employment and Human Services (0588), Probation (0308), Public Defender (0243), Conservation and Development (0280), Public Works (0650), Sheriff-Coroner (0255), and the Treasurer-Tax Collector (0015) for fiscal year 2017-18 Venture Capital Projects. (100% General Fund)
- C. 27** Plant Acquisition-General Fund (0111): APPROVE Appropriations and Revenue Adjustment No. 5011 authorizing new revenue in the amount of \$100,000 from CSA P-6 Zone funding and appropriating it into the Plant Acquisition-Sheriff account (0111/4407) to partially fund the relocation of the Sheriff's Office - Delta Patrol station from the old Oakley Library to the Brentwood Police Department. (100% CSA P-6 Zone funds)
- C. 28** Sheriff's Office (0255): APPROVE Appropriation and Revenue Adjustment No. 5012 authorizing a reduction of revenue in the amount of \$19,997 for the Sheriff's Office and related reductions to expenditure appropriations to reflect the Remote Access Network Board approved budget fiscal year 2017-18 to support Cal-ID. (No net fiscal impact)

Intergovernmental Relations

- C. 29** ADOPT Resolution No. 2017/382 supporting the East Bay Regional Park District's Bay Point Restoration Project grant application to the Delta Conservancy Ecosystem Restoration and Water Quality Grant Program, as recommended by the Conservation and Development Director. (No fiscal impact)

Personnel Actions

- C. 30** ADOPT Position Adjustment Resolution No. 22181 to add one Structural Engineer (represented) position in the Department of Conservation and Development. (100% Building Permit fees)
- C. 31** ADOPT Position Adjustment Resolution No. 22167 to add one Public Health Program Specialist I-Project position (represented) in the Health Services Department. (100% Bay Area Local Health Jurisdictions Grant)
- C. 32** ADOPT Position Adjustment Resolution No. 22172 to cancel one Pharmacist I position (represented) in the Health Services Department. (Cost neutral)
- C. 33** ADOPT Position Adjustment Resolution No. 22173 to add one full-time Mental Health Clinical Specialist position (represented) in the Health Services Department. (100% Prop. 47 grant)

- C. 34** ADOPT Position Adjustment Resolution No. 22174 to add one Health Services Planner/Evaluator-Level B position (represented) in the Health Services Department. (100% Drug Medi-Cal Waiver)
- C. 35** ADOPT Position Adjustment Resolution No. 22175 to add one Substance Abuse Lead Counselor position (represented) in the Health Services Department. (100% Drug Medi-Cal Waiver)
- C. 36** ADOPT Position Adjustment Resolution No. 22176 to add one Administrative Services Assistant II position (represented) in the Health Services Department. (100% Mental Health Realignment Act)
- C. 37** ADOPT Position Adjustment Resolution No. 22177 to add four Mental Health Clinical Specialist positions, one Mental Health Program Supervisor position, and one Mental Health Community Support Worker II position (all represented) in the Health Services Department. (100% Mental Health Services Act)
- C. 38** ADOPT Position Adjustment Resolution No. 22178 to add seven Mental Health Clinical Specialist positions, one Mental Health Program Supervisor position, seven Mental Health Community Support Worker II positions, one Clerk – Senior Level position and one Family Nurse Practitioner position (all represented) in the Health Services Department. (100% Mental Health Services Act)
- C. 39** ADOPT Position Adjustment Resolution No. 22179 to add two Substance Abuse Counselor positions (represented) in the Health Services Department. (100% Drug Medi-Cal Waiver)

Leases

- C. 40** APPROVE and AUTHORIZE the Interim Chief Engineer, or designee, to terminate the Rental Agreement for 864 Diablo Road, Danville, and AUTHORIZE County Counsel to pursue legal action to regain possession of the real property if tenant remains in occupancy sixty (60) days after service of the termination notice. (100% Flood Control Zone 3B)

Grants & Contracts

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

- C. 41** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to accept funding in the amount of \$3,000 from the California Health Advocates for the Senior Medicare Patrol Volunteer Liaison for the period June 1, 2017 through May 31, 2018.

- C. 42** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with the California Department of Education to increase the amount payable to the County by \$1,185,449 to a new payment limit not to exceed \$10,267,300, for state preschool program services, with no change to the term of July 1, 2017 through June 30, 2018. (No County match)
- C. 43** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with the California Department of Community Services and Development, to pay the County an amount not to exceed \$1,919,892 to administer Low Income Home Energy Assistance programs for the period of October 1, 2017 through December 31, 2018. (No County match)
- C. 44** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with the City of Walnut Creek, to pay the County an amount not to exceed \$17,000, for homeless outreach services, for the period July 6, 2017 through June 30, 2018. (No County match)
- C. 45** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with the City of Walnut Creek, to pay the County \$6,000 for the operation of the Adult Interim Housing Program, for the period July 6, 2017 through June 30, 2018. (No County match)
- C. 46** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with the U. S. Department of Veteran Affairs Northern California Health Care System, to increase the amount payable to the County by \$197,407 to a new amount payable of \$745,257 and extend the term through September 30, 2018, to continue providing homeless veteran services at the West County Adult Interim Housing Program. (No County match)
- C. 47** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with the U.S. Department of Veterans Affairs Northern California Health Care System, to increase amount payable to the County by \$124,100 to a new amount payable of \$372,300 and extend the term through September 28, 2018, to continue providing adult homeless services at the Philip Dorn Respite Center. (No County match)
- C. 48** APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a contract with NRG Marsh Landing, LLC, to pay the County an amount not to exceed \$100,000 to provide, on behalf of the California Energy Commission, building inspection services for the period beginning October 24, 2017 and continuing until the work is completed and all fees due the County are paid. (100% Building Inspection fees receivable)

- C. 49** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with the California Department of Education to increase the amount payable to County by \$409,885 to a new amount not to exceed \$3,554,271 for childcare and development program services, with no change to the term of July 1, 2017 through June 30, 2018. (No County match)
- C. 50** APPROVE and AUTHORIZE the Health Services Director, or designee, to accept a grant from the California Department of Public Health, in an amount not to exceed \$170,000, for the County's Refugee Health Assessment Program for health assessment services to refugees, for the period October 1, 2017 through September 30, 2018. (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. 51** APPROVE and AUTHORIZE the County Administrator, or designee, to execute an ordering document under the existing Oracle Master Agreement with Oracle America, Inc., in an amount not to exceed \$215,345 for Oracle program technical support services for PeopleSoft software updates and support for the County's Human Resource system, for the period November 27, 2017 through November 16, 2018. (Department user fees)
- C. 52** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Futurenet Technologies Corporation, in an amount not to exceed \$400,000, to provide medical coding services for Contra Costa Regional Medical Center and Health Centers, for the period October 1, 2017 through September 30, 2018. (100% Hospital Enterprise Fund I)
- C. 53** APPROVE and AUTHORIZE the County Administrator, or designee, to execute a contract amendment with Sirius Computer Solutions, Inc., to extend the term from October 31, 2017 through October 31, 2018, and increase the payment limit by \$150,000 to a new payment limit of \$550,000 for continued IBM System Z Mainframe Operating System services, as needed by the Department of Information Technology. (100% User Fees)
- C. 54** APPROVE and AUTHORIZE the County Administrator, or designee, to amend a contract with Nielsen Merksamer Parrinello Gross & Leoni LLP, effective January 1, 2017, to extend the term from December 31, 2017 through December 31, 2018 and increase the payment limit by \$180,000 to a new payment limit of \$1,080,000 for continued state advocacy services. (100% General Fund)
- C. 55** APPROVE and AUTHORIZE the County Administrator, or designee, to amend a contract with Alcalde & Fay, effective January 1, 2018, to extend the term from December 31, 2017 through December 31, 2018 and increase the payment limit by \$103,000 to a new payment limit of \$633,892 for continued federal advocacy services. (100% General Fund)

- C. 56** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to issue a Request for Proposals in an amount not to exceed \$1,500,000 to procure America's Job Center of California operations and management and the delivery of Adult and Dislocated Worker Career Services under the Workforce Innovation and Opportunity Act, for the period July 1, 2018 through June 30, 2019. (100% Federal)
- C. 57** APPROVE the 40 Muir Road, 1st Floor, Martinez, Remodel Project, and take related actions under the California Environmental Quality Act, as recommended by the Interim Public Works Director. (100% Land Development Funds)
- C. 58** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Contra Costa Crisis Center, in an amount not to exceed \$100,672, to provide crisis intervention, suicide prevention and mental health rehabilitative services for the period July 1, 2017 through June 30, 2018, with a six-month automatic extension through December 31, 2018, in an amount not to exceed \$50,336. (100% Mental Health Realignment)
- C. 59** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with the Young Men's Christian Association of the East Bay in an amount not to exceed \$778,200 to provide Early Head Start and Head Start Program Enhancement services in Richmond, San Pablo and Rodeo for the period of July 1, 2017 through June 30, 2018. (100% Federal)
- C. 60** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with First Baptist Church of Pittsburg, California in an amount not to exceed \$2,109,965 for Head Start Delegate Agency childcare services for the period of January 1, 2018 through December 31, 2018. (100% Federal)
- C. 61** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Cardionet, LLC, to increase the payment limit by \$50,000 to a new payment limit of \$185,000 to provide additional cardiac monitoring services for Contra Costa Regional Medical Center patients, with no change in the term of November 1, 2016 through October 31, 2017. (100% Hospital Enterprise Fund I)
- C. 62** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with API Healthcare Corporation to increase the payment limit by \$10,800 to a new payment limit of \$701,808 to provide additional software consulting and maintenance services for patient classification, and staffing and scheduling systems, with no change in the term through June 29, 2019. (100% Hospital Enterprise Fund I)

- C. 63** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Department, a purchase order amendment with Comcast Corporation to increase the payment limit by \$55,000 to a new payment limit of \$145,000 for cable television services for the Contra Costa Regional Medical Center, with no change in the term September 1, 2015 through August 31, 2018. (100% Hospital Enterprise Fund I)
- C. 64** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Cross Country Staffing, Inc., to modify the rate schedule to include Licensed Vocational Nursing Sexual Assault Examiner on-call rates, with no change in the payment limit of \$4,300,000 and no change in the term through June 30, 2018. (100% Hospital Enterprise Fund I)
- C. 65** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Department, a purchase order with Groupware Technology Inc., in an amount not to exceed \$399,522 for Pure Storage Flash Array hardware and support for storing electronic medical records data, for the period October 31, 2017 through October 30, 2020. (100% Hospital Enterprise Fund I)
- C. 66** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a master services license agreement and product schedule with OptumInsight Inc., in the amount of \$128,523 for the purchase of software licenses to support the billing compliance technology used in the Health Services Department, for the period January 31, 2018 through January 30, 2023. (100% Hospital Enterprise Fund I)
- C. 67** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a purchase order with Lynbrook Solutions, LLC, in an amount not to exceed \$144,300 for the purchase of a subscription to the SentinelOne Endpoint Protection Platform, including service support, and a solutions agreement containing modified indemnification language with Sentinel Labs, Inc., for the period October 1, 2017 through September 30, 2020. (100% Hospital Enterprise Fund I)
- C. 68** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Center for Human Development to modify the rates for substance abuse primary prevention program services to high-risk youth, with no change in the payment limit of \$675,092 and no change in the term of July 1, 2017 through June 30, 2018. (100% Federal Substance Abuse Prevention and Treatment Primary Prevention)
- C. 69** APPROVE and AUTHORIZE the County Administrator, or designee, to execute a contract amendment with GrantStream, Inc., effective October 24, 2017, to extend the term through October 31, 2020 and increase the payment limit by \$43,200 to a new payment limit of \$111,200 for annual renewals of system maintenance and support for the Grants by Benevity Software-as-a-Service grant management application. (100% Keller Canyon Mitigation Fund)

- C. 70** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Department, a purchase order amendment with Tiernan-Leino Dental Laboratory to increase the payment limit by \$99,000 to a new payment limit of \$198,000 for additional dental supplies and prosthetics for the Contra Costa Regional Medical Center and Health Centers and the Martinez and West County Detention Facilities with no change in the term of September 1, 2016 through August 31, 2018. (100% Hospital Enterprise Fund I)

Other Actions

- C. 71** ADOPT Resolution No. 2017/369 approving the issuance of Multifamily Housing Revenue Bonds by the California Municipal Finance Authority in an amount not to exceed \$47,000,000 to finance the acquisition and rehabilitation of Monterey Pines Apartments located at 680 37th Street, Richmond, and AUTHORIZE other related actions, as recommended by the Conservation and Development Director. (100% Special Revenue Funds)
- C. 72** ACCEPT the 2016 Crop Report and AUTHORIZE submittal of the report to the California Department of Food and Agriculture, as recommended by the Agricultural Commissioner.
- C. 73** 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 Interim Public Works Director, Countywide. (No fiscal impact)
- C. 74** APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Health Services Department, to execute the General Terms and Conditions and Product Exhibit with Proofpoint, Inc., for use and support of Proofpoint email protection software through November 7, 2019. (100% Hospital Enterprise Fund I)

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 **Airport Committee** (Supervisors Karen Mitchoff and Diane Burgis) meets on the fourth Wednesday of the month at 1:30 p.m. at the Director of Airports Office, 550 Sally Ride Drive, Concord.

The **Family and Human Services Committee** (Supervisors John Gioia and Candace Andersen) meets on the fourth Monday of the month at 10:30 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

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

The **Internal Operations Committee** (Supervisors Candace Andersen and Diane Burgis) meets on the second Monday of the month at 1:00 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

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

The **Transportation, Water & Infrastructure Committee** (Supervisors Diane Burgis and Karen Mitchoff) meets on the second Monday of the month at 9:00 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

Airports Committee	December 13, 2017	11:00 a.m.	See above
Family & Human Services Committee	October 30, 2017 Special Meeting	10:30 a.m.	See above
Finance Committee	November 6, 2017	9:00 a.m.	See above
Hiring Outreach Oversight Committee	TBD	TBD	See above
Internal Operations Committee	November 13, 2017	1:00 p.m.	See above
Legislation Committee	November 13, 2017	10:30 a.m.	See above
Public Protection Committee	November 6, 2017	10:30 a.m.	See above
Transportation, Water & Infrastructure Committee	November 13, 2017	9:00 a.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
CCE Community Choice Energy
CCCPFD (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 (CCCFPD) 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
PACE Property Assessed Clean Energy
PARS Public Agencies Retirement Services
PEPRA Public Employees Pension Reform Act
Psy.D. Doctor of Psychology
RDA Redevelopment Agency
RFI Request For Information
RFP Request For Proposal
RFQ Request For Qualifications

RN Registered Nurse
SB Senate Bill
SBE Small Business Enterprise
SEIU Service Employees International Union
SUASI Super Urban Area Security Initiative
SWAT Southwest Area Transportation Committee
TRANSPAC Transportation Partnership & Cooperation (Central)
TRANSPLAN Transportation Planning Committee (East County)
TRE or **TTE** Trustee
TWIC Transportation, Water and Infrastructure Committee
UASI Urban Area Security Initiative
VA Department of Veterans Affairs
vs. versus (against)
WAN Wide Area Network
WBE Women Business Enterprise
WCCTAC West Contra Costa Transportation Advisory Committee



Contra
Costa
County

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: October 24, 2017

Subject: Adoption of Ordinance 2017- 26 Prohibiting Cannabis Cultivation and Commercial Uses and an Update on Preliminary Cannabis Regulatory Framework

RECOMMENDATION(S):

1. OPEN the public hearing on Ordinance No. 2017-26, ACCEPT public testimony, and CLOSE the hearing.
2. ADOPT Ordinance No. 2017-26, regulating the personal cultivation of cannabis and prohibiting commercial cannabis activities.
3. ADOPT findings in support of Ordinance No. 2017-26
4. FIND that adoption of Ordinance No. 2017-26 is exempt from the California Environmental Quality Act (CEQA) per section 15061(b)(3) of CEQA guidelines.
5. DIRECT the Director of the Department of Conservation and Development to file the Notice of Exemption with the County Clerk.
6. ACCEPT report from HdL Companies on Fiscal Analysis of the Potential Commercial Cannabis Industry in Contra Costa County.
7. ACCEPT report from staff on Preliminary Working Draft Framework for Regulating Cannabis in the Unincorporated Area of Contra Costa County, including report from the Health Department on potential

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Ruben Hernandez, (925)
674-7785

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

By: , Deputy

cc:

RECOMMENDATION(S): (CONT'D)

regulations to protect public health and safety.

8. PROVIDE direction to staff regarding potential development of a cannabis tax measure for November 2018, refinement of the Preliminary Regulatory Framework and conducting additional public outreach on the matter.

FISCAL IMPACT:

Preparation of regulations on the commercial cultivation, distribution, transport, storage, manufacturing, processing, and sale of medical cannabis and medical cannabis products, and of adult-use cannabis and adult-use cannabis products, as authorized by the Control, Regulate, and Tax Adult Use of Marijuana Act, and on cultivation for personal use, is expected to cost approximately \$100,000 to \$150,000 in staff time and consulting fees.

BACKGROUND:

I. Ordinance 2017-26

Per direction received at the July 18, 2017 Board of Supervisors meeting, the Department of Conservation and Development has prepared an ordinance prohibiting commercial cannabis uses and regulating cultivation for personal use (Ordinance 2017-26) to replace the current urgency ordinance (Ordinance No. 2017-03) which is set to expire on January 30, 2018. The restrictions in the proposed ordinance are identical to those in the current urgency ordinance. Adoption of the proposed ordinance is critical in order to ensure that no unauthorized commercial cannabis uses are established within the unincorporated areas of the County after expiration of the existing urgency ordinance. Also, beginning on January 1, 2018, it is anticipated that the State of California will begin issuing licenses for commercial cannabis uses and if no local regulations are in effect at that time, the State would become the sole licensing authority for such uses. Ordinance 2017-26 could be replaced in the future by a different set of regulations if and when the Board approves a new ordinance. Adopting Ordinance 2017-26 now would enable the County to adjust regulations later without new businesses being permitted by the state in the meantime.

In summary, Ordinance No. 2017-26 would regulate the personal cultivation of cannabis by allowing the cultivation of six or fewer plants indoors for personal use. The ordinance also allows the cultivation of six or fewer plants inside a fully-enclosed and secured accessory structure to a private residence, such as a greenhouse, located on the grounds of a private residence. The ordinance prohibits the outdoor cultivation of cannabis. The ordinance further prohibits all commercial cannabis activities, including the commercial cultivation, distribution, transport, storage, manufacturing, processing and sale of medical cannabis and medical cannabis products, and of adult-use cannabis and adult use cannabis products.

II. County Planning Commission Meeting

Ordinance 2017-26 was heard before the County Planning Commission on October 11, 2017. At the Commission hearing several members of the public provided testimony on the ordinance. Many of the comments related to concerns with limitations on indoor and outdoor personal cultivation and providing for expanded indoor and outdoor personal cultivation was recommended. Additional comments were received on the proposed timeline for preparation of the County's future cannabis ordinance and how important it is that the County adopt the cannabis regulatory ordinance sooner rather than later due to the potential for prospective cannabis businesses to end up behind those in other jurisdictions where commercial cannabis uses are legal. Testimony was also received in support of the proposed cannabis prohibition and in support of the process of preparing comprehensive cannabis regulations as discussed at the previous cannabis workshops.

After accepting public testimony, the Planning Commission voted unanimously to recommend that the Board of Supervisors adopt Ordinance No. 2017-26 with a recommendation that the Board establish a deadline of June 30, 2018 for adoption of comprehensive cannabis regulations and that the Board consider expanding the number of plants that can be grown indoors for personal consumption and establishing a pre-application process that would

allow potential cannabis business owners to apply for a permit to operate a cannabis business prior to the County ordinance taking effect so that the businesses could start operation almost immediately once the ordinance becomes effective. Please note, the preliminary schedule is attached and the timing issue is briefly discussed in the Preliminary Regulatory Framework.

III. HdL Report on Cannabis Tax For County

The County enlisted the services of HdL Companies to develop a draft fiscal analysis (Exhibit #) of the commercial cannabis industry for Contra Costa County. The HdL analysis identifies tax options and revenue estimates for the various types of cannabis businesses that could operate in the unincorporated County, and identifies local economic impacts of the cannabis industry. The analysis also considers financial constraints, including the overall tax and regulatory burden, which may affect both the industry's long-term stability and its ability to successfully transition to a legal, regulated paradigm that can outcompete the existing black market. The analysis also provides initial information on estimated costs of regulation and enforcement. HdL will present the report and respond to questions. Staff will seek additional Board guidance on this matter.

IV. Working Draft Preliminary Framework for Regulating Cannabis

Based on direction provided by the Board at its April and July meetings, staff has prepared a Preliminary Working Draft Framework for Regulating Cannabis in the Unincorporated Area of Contra Costa County. In addition to summarizing the general regulatory approach outlined by the Board in previous meetings, the document also includes new concepts or unresolved issues intended to stimulate discussion and feedback. Many of the more significant areas that will require board input are highlighted in yellow. Once the document has been refined to a level satisfactory to the Board, staff would suggest that we utilize it as a tool for stimulating additional feedback from the public.

ADDITIONAL INFORMATION

Health Services Report- The County Health Department has provided a report identifying Health Department concerns and providing some recommendations for potential Health Department cannabis regulations and requirements. The report is attached.

Maps- In response to input and comments made by Board members at the prior meetings, and in response to input and comments provided by members of the public who are interested in establishing cannabis businesses within the County, changes have been made to the preliminary land use maps previously presented to the Board. The changes include expanding the recommended allowed uses in some of the zoning districts, such as the agricultural zoning districts, that would allow for some "vertical integration" of allowed uses. For example, manufacturing and distribution are now recommended to be permitted within the agricultural zoning districts in order allow cannabis farmers the ability to process, manufacture and distribute their cannabis products directly to retailers. In addition to the previously mentioned changes, all uses have been consolidated into one map, detailed maps have been provided for many areas and buffer options have been consolidated from three options to two options.

Schedule- A preliminary draft schedule is attached. This is an initial projection and will be refined.

Table 1 (Caps and Selection Process)- Table 1 provides additional analysis of this issue which is discussed in Framework document.

Concord Survey- A copy of a September 27, 2017 Cannabis Planning Survey prepared for the City of Concord is attached. The scientific survey collected input from 1,155 likely November 2020 voters on potential cannabis regulations for the City of Concord.

Vertical Integration of Uses- The issue of permitting "vertical integration" of some cannabis uses, such as allowing cultivation and manufacturing at the same site, was raised by Board members at the prior meeting and by members of the public who have shown interest in operating a commercial cannabis business in the unincorporated area of the County. It appears likely that vertical integration of cannabis uses would be permitted

under State cannabis regulations and therefore can be permitted and regulated by local jurisdictions. By permitting some vertical integration of specific cannabis uses, a number of inefficiencies could be eliminated from the production process by allowing cultivators to process and manufacture their cannabis crop on-site instead of delivering it to a separate manufacturing or processing facility and by allowing cultivators to distribute their crop to retailers.

The vertical integration of some commercial cannabis uses had been incorporated into the attached Preliminary Framework. As can be seen in the Framework, multiple commercial cannabis uses can be established on properties located within the Agricultural (A-) and industrial (L-I and H-I) zoning districts, as well as within the area wide P-1's (N. Richmond, Rodeo, El Sobrante and Bay Point). Staff recommends that if vertical integration is allowed in rural areas then safeguards should be established to ensure that processing and distribution activities reflect rural constraints, such as lack of sewer and treated water and rural road conditions.

Promoting Sustainability- The issue of energy and water consumption, particularly when it comes to cultivation of cannabis, has been identified as an area of concern during this process. In order to encourage "green" operating practices for commercial cannabis uses, that County regulations could require reusable energy generation to offset new demand and could require a demonstrated sustainable water supply that doesn't harm overburdened ground water supplies, impact natural springs or seeps or tax municipal water supplies. In addition, if the County were to incorporate a scoring system into the selection process, cannabis businesses would receive credit if they incorporate "green" business practices, such as utilizing solar, therefore increasing their competitiveness.

Supporting Local Businesses- At one of the cannabis workshop meetings, the issue of supporting local businesses already operating in the unincorporated areas of the County was brought to the attention of staff. In order to provide support for local businesses looking to get into cannabis, the scoring system discussed in the Preliminary Framework could provide additional points for applicants who currently operate a business within the County. Additional points could be given to local County farmers looking to get into cannabis cultivation.

V. Next Steps

Once the Board is satisfied with the refinement of the *Preliminary Cannabis Regulatory Framework* document, the Board may direct staff to expand the public outreach process for the County's proposed cannabis regulations and taxation. This could include sharing the Preliminary Framework with community groups, other cities within the County, County Municipal Advisory Councils (MACS), alcohol and drug prevention groups, cannabis advocate groups and any other organizations that might be interested in the County's regulations. The Board may also direct staff to begin advertising and holding public community workshops on the proposed regulations.

County staff continues to monitor and coordinate with city staff as their jurisdiction contemplate updating cannabis regulations. Staff will be prepared to provide a verbal update on October 24th.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not adopt Ordinance No. 2017-26, prohibiting the establishment of specific cannabis uses, upon expiration of the current urgency ordinance prohibiting cannabis uses, which is set to expire on January 30, 2018, it could be possible to establish certain cannabis uses without County approvals or authorization.

CHILDREN'S IMPACT STATEMENT:

N/A

ATTACHMENTS

Ordinance No. 2017-26

Findings for Ordinance 2017-26

HdL's Fiscal Analysis of the Potential Commercial Cannabis Industry for Contra Costa County
Preliminary Working Draft Regulatory Framework

Report from Health Services

Maps

Schedule

Table 1- Regarding Caps and Selection Process

Concord 2017 Survey

ORDINANCE NO. 2017-26

(CANNABIS REGULATION)

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 regulates the personal cultivation of cannabis, and the commercial cultivation, distribution, transport, storage, manufacturing, processing, and sale of medical cannabis and medical cannabis products, and of adult-use cannabis and adult-use cannabis products, as authorized by the Control, Regulate, and Tax Adult Use of Marijuana Act, and by the Medicinal and Adult Use Cannabis Regulation and Safety Act.

SECTION II. Chapter 88-26 is added to the County Ordinance Code, to read:

Chapter 88-26
CANNABIS REGULATION

88-26.002 Purpose. The purpose of this chapter is to regulate the personal cultivation of cannabis, and the commercial cultivation, distribution, transport, storage, manufacturing, processing, and sale of medical cannabis and medical cannabis products, and of adult-use cannabis and adult-use cannabis products, as authorized by the Control, Regulate, and Tax Adult Use of Marijuana Act, and by the Medicinal and Adult Use Cannabis Regulation and Safety Act. (Ord. 2017-226 § 2.)

88-26.004 Allowed Use.

- (a) Six or fewer cannabis plants may be cultivated indoors at a private residence, or inside a fully-enclosed and secured accessory structure to a private residence located on the grounds of the private residence, if all of the following conditions are met:
 - (1) The private residence or accessory structure, and all lighting, plumbing, and electrical components used for cultivation, must comply with all applicable zoning, building, electrical, and plumbing codes and permitting requirements.
 - (2) All living cannabis plants, and all cannabis in excess of 28.5 grams produced by those plants, must be kept in a locked room and may not be visible from an adjacent property, right-of-way, street, sidewalk, or other place accessible to the public.
 - (3) The private residence must be lawfully occupied by the person who cultivates the cannabis plants within the private residence or within the accessory structure. If the private residence is not owner-occupied, written permission from the owner of the private residence must be obtained before cannabis plants may be cultivated.

- (4) No cannabis plants may be cultivated outdoors.
- (b) For purposes of this section, the following terms have the following meanings:
 - (1) "Cannabis" has the meaning set forth in Health and Safety Code section 11018.
 - (2) "Private residence" has the meaning set forth in Health and Safety Code section 11362.2(b)(5). (Ord. 2017-26 § 2.)

88-26.006 Prohibited Uses.

- (a) All commercial cannabis activities are prohibited in all zoning districts of the County.
- (b) For purposes of this section, "commercial cannabis activities" has the meaning set forth in Business and Professions Code section 26001(k). (Ord. 2017-26 § 2.)

88-26.008 Use of Public Roads. It is not a violation of this chapter for any person employed by a licensed cannabis delivery service to travel on a public road within the unincorporated area of the County for the purpose of delivering cannabis or cannabis products to persons located in a city or county where the delivery of cannabis is not prohibited. (Ord. 2017-26 § 2.)

SECTION III. Section 82-2.022 of the County Ordinance Code is deleted in its entirety.

SECTION IV. Section 82-4.292 of the County Ordinance Code is deleted in its entirety.

SECTION V. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage must be published once with the names of supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED ON _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: DAVID J. TWA,
Clerk of the Board of Supervisors
and County Administrator

Board Chair

By: _____
Deputy

[SEAL]

TLG:

H:\2017\Conservation and Development\marijuana ord - final.docx

FINDINGS IN SUPPORT OF ORDINANCE NO. 2017-26

- A. In 1996, California voters approved Proposition 215, the Compassionate Use Act. The purpose of the Compassionate Use Act is to enable persons who are in need of marijuana for specified medical purposes to obtain and use marijuana under limited circumstances. The Compassionate Use Act (Health and Safety Code (HSC) § 11362.5) established a limited defense for qualified patients and their primary caregivers to the crimes of possessing or cultivating marijuana.
- B. In 2003, the Legislature enacted the Medical Marijuana Program. The Medical Marijuana Program (HSC §§ 11362.7-11362.83) established regulations and procedures regarding the issuance of identification cards to patients qualified to use medical marijuana, and clarifies what is a “reasonable” amount of marijuana for personal medical use. The Medical Marijuana Program also established a defense to criminal liability for the collective or cooperative cultivation of marijuana. (HSC § 11362.775.) Medical marijuana dispensaries began opening throughout the state as medical marijuana collectives under the Compassionate Use Act and the Medical Marijuana Program.
- C. In 2008, the Board of Supervisors adopted Ordinance No. 2008-05 to prohibit the establishment of medical marijuana dispensaries in the unincorporated area of Contra Costa County.
- D. The federal Controlled Substances Act (Title 21, United States Code § 801 et seq.) prohibits, except for certain research purposes, the possession, distribution, and manufacture of marijuana, and there is no medical necessity exception to prosecution and conviction under the Controlled Substances Act.
- E. The California Supreme Court in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal.4th 729, held that neither the Compassionate Use Act nor the Medical Marijuana Program expressly or impliedly preempt the authority of California counties and cities, under their traditional land use and police powers, to allow, restrict, limit, or entirely exclude facilities that distribute medical marijuana. Similarly, in *Maral v. City of Live Oak* (2013) 221 Cal.App.4th 975, the Court of Appeal held that nothing in the Compassionate Use Act nor the Medical Marijuana Program preempts California counties and cities from exercising their police powers to prohibit the cultivation and sale of marijuana within their jurisdictions.
- F. The Medical Marijuana Regulation and Safety Act, later renamed the Medical Cannabis Regulation and Safety Act, was signed by the Governor on October 9, 2015. The purpose of the act was to regulate the cultivation, dispensing, manufacturing, distribution, and transportation of medical marijuana. The act affirmed the authority of counties and cities to regulate commercial medical marijuana activities through the adoption of land use ordinances.

- G. On November 8, 2016, the voters of the State of California adopted Proposition 64, which enacted the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”). AUMA took effect November 9, 2016. AUMA makes it legal under California law for anyone 21 years of age or older to possess, plant, cultivate, harvest, dry, and process up to six marijuana plants per private residence for personal use (the “Personal Use Grows”), subject to certain restrictions. (HSC, §§ 11362.2 & 11362.3.) AUMA also makes it legal under California law for anyone 21 years of age or older to do all of the following (collectively, the “Personal Use Exceptions”):
1. Possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever, not more than 28.5 grams of marijuana not in the form of concentrated cannabis;
 2. Possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever, not more than eight grams of marijuana in the form of concentrated cannabis, including as contained in marijuana products;
 3. Smoke, except where smoking is prohibited, and ingest marijuana and marijuana products; and
 4. Possess, transport, purchase, obtain, use, manufacture or give away marijuana accessories to persons 21 years of age or older without any compensation whatsoever. (HSC, § 11362.1.)
- H. Under state law, living plants of Personal Use Grows, and marijuana from those plants in excess of 28.5 grams, must be kept in a locked space, enclosed, and must not be visible by normal unaided vision from a public place. (HSC, § 11362.2(a).) Cities and counties also may enact and enforce reasonable regulations to regulate Personal Use Grows, and they may prohibit Personal Use Grows outdoors. (HSC, § 11362.2(a)(1), (b)(1) & (b)(3).)
- I. On June 27, 2017, the Governor signed Senate Bill 94, the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), which went into effect immediately. MAUCRSA combined the state’s medical cannabis regulations with the adult-use cannabis rules in AUMA. Under MAUCRSA, state commercial cannabis licenses will be available January 1, 2018, for various activities, including cultivation, manufacturing, testing, retailing, distributing, and microbusiness, as long as the activities are allowed in the local jurisdiction where the activity would be located. Applicants for state cannabis licenses may apply for medical or adult-use licenses in any category.
- J. Under MAUCRSA, cities and counties retain local authority to license, regulate, limit, or completely ban marijuana businesses within their jurisdictions. (BPC, § 26200.) A state license will not be issued to a business if the business cannot lawfully be established in the city or county in which it intends to locate. (BPC, § 26055(d).)

- K. The County is considering and developing regulations to govern the commercial cultivation, distribution, transport, storage, manufacturing, processing, and sale of medical cannabis and medical cannabis products, and of adult-use cannabis and adult-use cannabis products. It is necessary to adopt Ordinance No. 2017-26 to provide the County with additional time to determine the extent of these regulations and to complete all required environmental review related to those regulations. Under current Ordinance No. 2017-03, commercial marijuana activities are banned through January 30, 2018. Absent the adoption of Ordinance No. 2017-26, commercial marijuana activities could arguably be located, after January 30, 2018, in residential areas or in close proximity to schools, churches, day care centers, and other sensitive uses incompatible with commercial marijuana activities.



**Delivering Revenue, Insight
and Efficiency to Local Government**

Fiscal Analysis of the Potential Commercial Cannabis Industry

**Prepared for
the
County of Contra Costa**

October 18th, 2017

Table of Contents

Introduction	Page 3
Legal and Regulatory Background for California	Page 4
Current Un-Licensed Production in Contra Costa County	Page 7
Initial Parameters for this Analysis	Page 8
Phasing-In Permits and Taxes	Page 11
Taxing Cultivation	Page 12
State Tax Considerations	Page 20
General Economic Impacts	Page 23
Enforcement and Permitting Costs	Page 24
Revenue Projections for Cultivation	Page 27
Manufacturers	Page 32
Distributors	Page 36
Cannabis Retailers	Page 38
References	Page 41

Introduction

HdL is providing this fiscal analysis of the commercial medical and non-medical cannabis industry in Contra Costa County to help guide the process of shaping taxation policy for this emerging industry. Specifically, HdL was asked to identify tax options and revenue estimates for the various types of cannabis businesses which may currently be operating in the County, as well as those that might operate in the future under a County-regulated program, and to identify the local economic impacts of the cannabis industry. This report also seeks to analyze any financial constraints, including the overall tax and regulatory burden, which may impact both the industry's long-term stability and its ability to successfully transition to a legal, regulated paradigm that can outcompete the existing black market.

Discussion of regulating and taxing the cannabis industry can too often overshadow the larger jobs and economic development issues that typically accompany efforts to attract new industry. Word that a new business or industry is looking to bring hundreds of new jobs to a community is more commonly met with open arms and offers of tax incentives. The cannabis industry is perhaps completely unique in that the inherent jobs and economic development benefits are welcomed more grudgingly and met with the disincentive of special taxes. While the tax revenue potential is attractive to local governments, imposing excessively high rates may reduce the number of businesses that step forward and decrease the likelihood that they will succeed in the regulated market. In this way, higher taxes could result in less revenue.

In considering whether to impose taxes, and at what rates, local decision makers must start with a candid assessment of their goals. What is their community's relationship with this industry currently? What would they like it to be in the future? How can they use a combination of land use, regulation, taxes and law enforcement to move this industry in the desired direction? Doing so can allow the County, with the help of numerous State agencies, to regulate this industry so as to reduce harm to consumers, the community, and the environment that have gone unmitigated for too long.

Cannabis cultivation, manufacturing distribution and retail sales each offer different challenges and opportunities for the County. Retailers serve the local population, so the amount of product they sell and the amount of revenue they collectively generate is not greatly affected by the number of dispensaries through which that product flows. From a tax perspective, retail sales are a zero-sum game in that, eventually, new retailers simply cannibalize sales from existing ones.

Cannabis manufacturing presents the best opportunity for growing new businesses and jobs, but this sector has a high degree of mobility. The manufacturing segment is growing and expanding, and offers lots of opportunity for innovation and job creation. Clear regulatory policies and low tax rates will be essential for attracting or holding on to this sector.

Equally important to tax rates is setting a clear and unambiguous direction for regulatory policy. As with any other industry, the cannabis industry desires regulatory certainty. This is a pivotal moment in time for the cannabis industry in California and Contra Costa County, and delay can cause lost opportunities for those cannabis businesses that are looking to make the transition to a legal, regulated market. We encourage the County to provide as much clarity as possible regarding its goals for this emerging industry, and to establish a clear and methodical process for working towards those goals in a timely manner. Doing so will provide the greatest opportunity for the County's cannabis industry to succeed in a changing world.

Legal and Regulatory Background for California

The legal and regulatory status of cannabis in the State of California (“State”) has been continually evolving ever since the passage of Proposition 215, the Compassionate Use Act of 1996 (“the CUA”), which decriminalized the use, possession and cultivation of cannabis for qualifying patients and their primary caregivers when such use has been recommended by a physician. The CUA did not create any regulatory program to guide implementation, nor did it provide any guidelines for local jurisdictions to establish their own regulations.

The lack of legal and regulatory certainty for medical marijuana (or cannabis) continued for nearly 20 years, until the passage of the Medical Cannabis Regulation and Safety Act (“MCRSA”) in October of 2015. MCRSA creates a State licensing program for commercial medical cannabis activities, while allowing counties and cities to maintain local regulatory authority. The State will not issue a state license without first receiving authorization by the applicable local jurisdiction.

Under MCRSA, commercial medical cannabis activities are regulated by a variety of State agencies. The California Department of Food and Agriculture (CDFA) will create, issue, and suspend or revoke licenses for the cultivation of medical cannabis. The Bureau of Medical Cannabis Regulation (later renamed the Bureau of Cannabis Control, or BCC) in the Department of Consumer Affairs, will administer, enforce, create, issue, renew, discipline, suspend, and/or revoke licenses for distributors, testing laboratories, and dispensaries. The California Department of Public Health’s newly created Office of Manufactured Cannabis Safety (OMCS), will license cannabis product manufacturers, and will develop standards for the production and labeling of all medical cannabis products.

On November 8, 2016, the voters of the State of California approved Proposition 64, the Adult Use of Marijuana Act (“the AUMA”), which allows adults 21 years of age or older to legally grow, possess, and use marijuana for non-medical purposes, with certain restrictions. The AUMA requires the State to regulate non-medical marijuana businesses and tax the growing and selling of medical and non-medical marijuana. Cities and counties may also regulate non-medical marijuana businesses by requiring them to obtain local permits or restricting where they may be located. Cities and counties may also completely ban marijuana related businesses if they so choose.

Most recently, on June 27, 2017, the State of California passed SB 94, which repealed MCRSA and incorporated certain provisions of MCRSA into the licensing provisions of AUMA. These consolidated provisions are now known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). MAUCRSA revised references to “marijuana” or “medical marijuana” in existing law to instead refer to “cannabis” or “medicinal cannabis,” respectively. MAUCRSA generally imposes the same requirements on both commercial medicinal and commercial adult-use cannabis activity, with certain exceptions.

All State license types other than Type 8 Testing Laboratories shall be designated either “A” for Adult Use or “M” for Medical”. A single licensee will be allowed to hold both A and M licenses, but it’s unclear whether they will be able to operate both on the same premises.

Figure 1 lists the 20 different license types available from the State under MAUCRSA, plus two additional types (N and P manufacturers) that are anticipated to be created through the rulemaking process over the next few months. As noted, the licensee must be in compliance with any local regulations before the State will issue any license.

Figure 1:

State License Types Under MAUCRSA					
Type	Activity	Description	Details	Licensing Agency	Notes
1	Cultivation	Outdoor; Specialty, Small	Up to 5,000 sf, or 50 plants on non-contiguous plots	CDFA	A, B, C
1A	Cultivation	Indoor; Specialty, Small	501 sf - 5,000 sf	CDFA	A, B, C
1B	Cultivation	Mixed-Light; Specialty, Small	2,501 sf - 5,000 sf	CDFA	A, B, C
1C	Cultivation	Outdoor/indoor/mixed; Specialty Cottage, Small	Up to 25 plants outdoor; up to 2,500 sf mixed light; up to 500 sf indoor	CDFA	A, B, C
2	Cultivation	Outdoor; Small	5,001 sf - 10,000 sf	CDFA	A, B, C
2A	Cultivation	Indoor; Small	5,001 sf - 10,000 sf	CDFA	A, B, C
2B	Cultivation	Mixed Light, Small	5,001 sf - 10,000 sf	CDFA	A, B, C
3	Cultivation	Outdoor; Medium	10,001 sf - one acre	CDFA	A, B, C, D
3A	Cultivation	Indoor; Medium	10,001 sf - 22,000 sf	CDFA	A, B, C, D
3B	Cultivation	Mixed-Light; Medium	10,001 sf - 22,000 sf	CDFA	A, B, C, D
4	Cultivation	Nursery		CDFA	A, B, C
5	Cultivation	Outdoor; Large	Greater than 22,000 sf	CDFA	A, B, C, E
5A	Cultivation	Indoor; Large	Greater than 22,000 sf	CDFA	A, B, C, E
5B	Cultivation	Mixed-Light; Large	Greater than 22,000 sf	CDFA	A, B, C, E
6	Manufacturer 1	Extraction; Non-volatile	Allows infusion, packaging and labeling	OMCS	A, B
7	Manufacturer 2	Extraction; Volatile	Allows infusion, packaging and labeling, plus non-volatile	OMCS	A, B
N	Manufacturer	Packaging and Labeling	No extraction allowed	OMCS	A, B, F
P	Manufacturer	Infusion for Edibles, Topicals	No extraction allowed	OMCS	A, B, F
8	Testing		Shall not hold any other license type	BCC	A
10	Retailer	Retail sale and delivery		BCC	A, B
11	Distributor			BCC	A, B
12	Microbusiness	Cultivation, Manufacturer 1, Distributor and Retailer	< 10,000 sf of cultivation; must meet requirements for all license types	BCC	A, B
CDFA	California Department of Food and Agriculture				
OMCS	California Department of Public Health, Office of Manufactured Cannabis Safety				
BCC	Bureau of Cannabis Control				
A	All license types valid for 12 months and must be renewed annually				
B	All license types except Type 8 Testing must be designated either "A" (Adult Use) or "M" (Medical)				
C	Anticipated that there will be a limit of 4 acres for any combination of cultivation licenses per licensee				
D	CDFA shall limit the number of licenses allowed of this type				
E	No Type 5 licenses shall be issued before January 1, 2023				
F	Not yet in law, but expected to be established through rulemaking process				

MAUCRSA incorporated the Type 5, 5A and 5B cultivation licenses from AUMA, which will allow for cannabis farms of unlimited size. No Type 5 licenses will be issued before 2023, however, and local jurisdictions will still retain the authority to disallow or limit the size of cannabis cultivation. It is anticipated that CDFA will limit the number of Type 5 licenses, but this is not yet clear.

AUMA and MAUCRSA eliminated the Type 12 Cannabis Transporter license type from MCRSA. Instead, cannabis cultivators, manufacturers and dispensaries (but not testing laboratories) are now allowed to transport their own product, provided they have a separate distributor license. Independent cannabis distributors will likely pick up a larger portion of that business, too. In its place, MAUCRSA incorporated the Type 12 license for cannabis “Microbusinesses” from AUMA, which allows a combined non-medical cannabis business with up to 10,000 square feet of cultivation, and which can manufacture, distribute and sell their product on-site to retail customers, provided they meet all of the individual license requirements for all of the activities they choose to undertake.

MAUCRSA also made a fundamental change to the local control provisions. Under MCRSA, an applicant could not obtain a State license until they had a local permit. Under MAUCRSA, an applicant for a State license does not have to first obtain a local permit, but they cannot be in violation of any local ordinance or regulations. The State licensing agency shall contact the local jurisdiction to see whether the applicant has a permit or is in violation of local regulations, but if the local jurisdiction does not respond within 60 days, then the applicant will be presumed to be in compliance and the State license will be issued.

Current Un-Licensed Production in Contra Costa County

Cannabis cultivation exists in every county and region in California, either legally or through the black market, though the size and nature of the industry can vary greatly from place to place. A Standardized Regulatory Impact Assessment (SRIA) prepared for CDFA estimates statewide cannabis production at 13.5 million pounds, though its estimate of the amount of cannabis consumed by California residents is just 2.5 million poundsⁱ, suggesting a significant amount of overproduction that is presumably exported to other states through the black market.

The SRIA relies upon three sources of information: registered farms, eradications, and mapped but unregistered farms. The data captured is assumed to be accurate, but it does not capture unknowns such as indoor cultivation sites that have escaped detection. It also does not distinguish between black market cultivation and those who are seeking to become legal. These figures also do not include small amounts of cannabis grown for personal use or cannabis that is imported from Mexico. Given these constraints, it is likely that the actual amount of cannabis grown in California is even greater than the 13.5 million pounds projected.

This same study found that the Bay Area Region (which includes San Francisco, Alameda and Contra Costa counties) produces approximately 175,000 pounds of cannabis per year, which amounts to about 1.3% of the cannabis produced in the State. 61% of the region's production is believed to be cultivated outdoors, with 13% using mixed-light cultivation and 26% being produced indoors.

The SRIA does not break down estimates of production for individual counties. Dividing 175,000 pounds equally among the three counties in the region would give a figure of about 58,000 pounds for each. Contra Costa County has a population of 1.135 million people, while Alameda County's population is 1.514 million, and San Francisco's is 865,000. This gives Contra Costa 32% of the region's share of population, which roughly conforms with the three-way split.

San Francisco is one of the most expensive places to live in the United States, with a medium home price of \$1.469 million dollars. By comparison, the medium home price in Alameda County is \$900,000, and \$660,000 in Contra Costaⁱⁱ. It's reasonable to assume that these lower property values and a higher vacancy rate for commercial or industrial properties would make Alameda a more attractive location for this industry to locate, given the opportunity.

Initial Parameters for this Analysis

Contra Costa County currently has a ban on all commercial cannabis activity. At its July 18th meeting, the Board of Supervisors expressed interest in exploring possibilities for lifting the ban and instead regulating and taxing cannabis, but only if the two are linked. To accomplish this, the County is seeking to develop a tax measure for the November 2018 ballot, along with a regulatory program that would only be enacted if and when the voters approve the tax measure. The County is seeking additional data and information from HdL to help inform decision-making regarding both measures. Most immediately, the County desires information on the potential revenue that could be generated by a tax measure, based on a variety of scenarios, as well as other fiscal and economic impacts. This information will help the Board determine how aggressive it wants to be in permitting, regulating and taxing this industry, so that it can provide more meaningful direction to staff for development of these measures.

For this fiscal analysis, HdL is providing a number of scenarios based upon a variety of sources. Figures for cultivation are based on the California Department of Food and Agriculture's August 2016 survey of interest in the various commercial cannabis license types for each county in California. The CDFA survey data was gathered solely through self-reporting from respondents all around California who voluntarily chose to participate by going to CDFA's website. The survey methods were neither detailed nor conclusive and did not require any evidence or corroboration of a respondent's stated intent to apply for a given type of license in any particular county. The survey data also does not distinguish between the County's unincorporated jurisdiction and the cities within the County.

While we have clear concerns with the specific accuracy of this data, we believe this survey is still valuable. In counties which have done a more detailed local registry of prospective licensees, we have found the CDFA data comports roughly with the local data as a general indicator of greater or lesser interest in the various cultivation license types, though not in actual numbers. Rather than using the CDFA survey as a source for specific numbers, we shall utilize this data only as a starting point to provide a general indication of the overall level of interest in, for example, indoor cultivation versus outdoor, or Type 3 "Medium" licenses versus the smaller Type 1 "Specialty" licenses. To this end, we have rounded the numbers in our calculations to the nearest 5 to avoid the perception that these figures are exact.

That CDFA survey shows 213 people expressing interest in seeking any of the 10 cultivation license types in all of Contra Costa County, including both the cities and the unincorporated area. While this figure seems reasonable compared with other Bay Area counties of similar size (the survey shows 257 for San Francisco and 589 for Alameda) our analysis here will use a smaller subset of these numbers to account for that portion of survey respondents who live in the cities, or who may not be in a realistic position to move forward at this time. Additionally, the County may wish to phase-in such permits over a period of time, starting with a smaller number of available permits and increasing this as the industry normalizes.

This initial fiscal analysis provides four scenarios that represent roughly 5%, 10%, 15% and 25% of the cultivation figures in the CDFA survey. Based on consultation with County staff, we shall use hypothetical base tax rates of \$1, \$3, \$5 and \$7 per square foot of cultivation area.

The CDFA survey shows 34 people registering their interest in seeking licenses for cannabis retailers in Contra Costa County. The number of cannabis retailers that a city or county can support can be based upon population and neighboring communities. Contra Costa has an estimated population of 1.135 million people, of which around 200,000 live in the unincorporated area. A 2015 survey by the Humboldt Institute for Interdisciplinary Marijuana Studiesⁱⁱⁱ found an average of 4-6 retailers (or dispensaries) for every 100,000 people statewide, and likely more in communities with higher social acceptance and use. This would allow for between 45 and 68 retailers countywide, with a proportional share of 8 to 12 in the

unincorporated area. That same study showed that Contra Costa County had only 1 or 2 dispensaries per 100,000 people, which would indicate between 11 and 22 dispensaries countywide, with 2 to 4 in the unincorporated area.

Confidential sales tax data obtained by HdL shows 40 marijuana-related businesses in Contra Costa County as a whole registered with the Board of Equalization (payment of sales tax indicates a retail cannabis business). Of these, only 26 report any actual income, with just 9 reporting significant income over the past 4 quarters. There are just 7 registered marijuana-related businesses in the unincorporated County, with only 1 reporting significant income over the past 4 quarters. This figure is presumably low due to the existing ban on such businesses, and so does not represent the number of retailers that might come into existence should the County allow them.

The population-based norms from the study above suggest that the county as a whole could potentially accommodate as many as 68 cannabis retailers, with perhaps as many as 22 serving the unincorporated area. To attract such a large share of such businesses, the County would have to offer favorable regulations and attractive tax rates, and allow retailers in locations that very aggressively pull customers from neighboring cities. We believe this is unlikely in the near term, and may be undesirable to the community at large. For purposes of this fiscal analysis, we shall use four scenarios for the number of retailers in the unincorporated area: a low of 3, a high of 12, and two midrange models at 6 and 9. We have run each of these scenarios using hypothetical gross receipts tax rates of 3%, 5% and 7%.

The County may also wish to consider structuring its regulations or taxes for cannabis retailers in a way that supports or encourages delivery services, rather than brick-and-mortar stores. Data collected for a Standardized Regulatory Impact Assessment conducted for the Bureau of Medical Cannabis Regulation (now Bureau of Cannabis Control) found that 57% of cannabis retailers statewide use a storefront location, while 47% conduct business using a delivery service. The 4% overlap in the results represents retailers that sell through both a storefront and a delivery service. This 4% figure is believed to be an underestimate due to certain reporting requirements.

Estimating numbers for cannabis manufacturers is more complicated than either cultivators or dispensaries, as there is not yet good data to go by. The Standardized Regulatory Impact Assessment developed for the California Department of Public Health's Office of Manufactured Cannabis Safety estimated that there are perhaps 1,000 cannabis manufacturers of all types statewide. HdL believes that these will not be apportioned evenly by county or by population or land mass. Rather, we assume that these businesses will tend to locate in those counties that provide the most attractive mix of amenities, including access to markets and suppliers, a vibrant cannabis industry and a welcoming regulatory and tax climate. Given the wide range of approaches to cannabis by jurisdictions around the State, we assume that 50% (500) of these 1,000 business will be centered in 12 supportive counties, with the other 50% being spread among the remaining 46. This gives an average of 42 cannabis manufacturers for each of the 12 counties.

We believe that Contra Costa County, due to its prime location as the eastern gateway to the Bay Area, is well positioned to be one of these 12 supportive counties, should it choose to be. How these are apportioned between the County and the 17 cities is uncertain, but with favorable regulatory policies and available industrial spaces, the County could potentially attract as many as 20 of these businesses. For this analysis we will use four scenarios, with 5, 10, 15 or 20 manufacturers, and run them at hypothetical tax rates of 3%, 5% and 7% of gross receipts.

Distributorships are also difficult to provide estimates for at this time, due to a similar lack of data. As with manufacturers, where these businesses choose to set up shop will largely be a function of access to

clients and markets, and a welcoming regulatory and tax climate. Contra Costa’s location lends itself well to distribution centers that can access both the greater San Francisco Bay Area and the Capitol corridor, suggesting that the County could seek to attract more than its proportional share of these businesses, if it chose to.

The Standardized Regulatory Impact Assessment (SRIA) completed for the Bureau of Cannabis Control^{iv} assumes that there is an average of 1 distributor for every 10 dispensaries, and 1 testing lab for every 2 distributors. The model estimates that the average distributor would handle 6,400 pounds of cannabis per year. Our analysis of potential cultivation in the County considers 4 possible scenarios, ranging from 5% to 25% of the number of growers identified in the CDFA survey. From this, we anticipate a total production of 22,000 pounds to 110,000 pounds per year. Assuming that half of the cultivators choose to self-distribute, we would anticipate between 2 and 8 independent distributors being needed to move the remaining volume of product to market. This is discussed in more detail in the section on Distributors, beginning on page 32.

There are not yet established norms for taxing distributorships. This analysis will consider just two scenarios with 3 and 5 distributors, and will run them with the same tax rates for retailers and manufacturers (3%, 5% and 7%). While there is not an abundance of data to determine the average gross receipts for distributors, HdL has reviewed a number of pro-formas for distributors seeking licenses in other jurisdictions. These indicate anticipated gross receipts in the range of \$2 million to \$3 million per year, with an average of \$2.5 million. We shall use these figures for our revenue projections.

Lastly, HdL does not recommend proposing a tax on testing laboratories, as they perform a quasi-regulatory function that protects public health and safety. The cost of testing (averaging about \$50 per pound) and loss of product (0.5%) is a government mandated cost that is akin to a tax of 5.5%.

The scenarios and rates for this analysis are shown in Figure 2, below.

Figure 3:

Cannabis Business Type	Scenarios	Tax Rates
Cultivation	5%, 10%, 15%, 25% of CDFA	\$1, \$3, \$5, \$7 per sq. ft.
Retailers	3, 6, 9, 12	3%, 5%, 7%
Manufacturers	5, 10, 15, 20	3%, 5%, 7%
Distributors	3, 5	3%, 5%, 7%
Testing	-	-

Phasing-In Permits and Taxes

The numbers and percentages used in this analysis are displayed as ranges to offer options for the County to consider. These ranges can also be considered as illustrating the effect of “phasing-in” over time. For example, the County may issue 3 retailer permits the first year, with 3 more in year two, and 3 more the year after that, for a total of 9. In such case, the numbers in this analysis could be used to show the revenues that could be expected in each successive year as the program builds.

Phasing-in can be done deliberately, to allow the County to gain experience with regulating cannabis, or it can happen passively as a result of the rate at which the County is able to implement a new program and process the associated permit workload. It can also happen as a result of the adoption curve by the industry, as some players may choose to delay their entry into the regulated market so as to avoid the risks associated with being an early adopter. Additionally, many of those in the cannabis industry may have little or no experience with permitting, licensing or regulation, or in running an above-board business, which reduces the likelihood that they will ultimately succeed in obtaining permits.

In any of these cases, the number of permits issued in the first few years would be a subset of the total number of cannabis businesses that may step forward. As such, a deliberate phased approach that limits the number of permits to be processed in each of the first few years of the program may prove to have little actual effect on the number of businesses that obtain permits within that timeframe.

Planning for a set number of permits over a given period of time can allow the County to better anticipate the workload on an annual basis, so that it can budget appropriately and provide adequate staffing in advance. Stretching the permitting workload over a greater period of time, in turn, can allow the County to accommodate that workload with fewer additional staff, decreasing the likelihood of layoffs after an initial rush of permitting has ended.

Taxing Cultivation

There are four main approaches to taxing the various cannabis commercial activities:

- 1) A tax on cultivation area by square foot: This is the method most commonly used by local jurisdictions to tax cannabis cultivation, as discussed in detail below.
- 2) A tax on gross receipts of a cannabis business; The State's 15% excise tax is an example of a tax on the business's gross receipts. This is the method most commonly applied to cannabis businesses other than cultivation.
- 3) A per-unit tax on the product by weight or volume: The State's cultivation tax of \$9.25 per ounce of dried flower or \$2.75 per ounce is a tax on product by weight, which does not consider the value of the product.
- 4) A retail sales tax at point of sale: All retail sales of cannabis and cannabis products are subject to State and local sales taxes, with a limited exception for qualifying patients with a State-issued ID card. State and local taxes are limited to a combined maximum of 10.250%

When multiple tax methods are applied at both the local and state levels, each adds to the final price of the product, even though the taxes are collected upstream from the end user in most cases. Varying tax structures at both the local and state levels can make it hard to find a common denominator for determining the cumulative tax rate. To determine the cumulative tax rate on cannabis, how a gross receipts tax compares with other methods, we must find a common denominator between square footage, weight of product, and gross receipts.

Square Footage Tax

Cannabis cultivation is most commonly taxed on the square footage of the canopy or cultivation area. Draft regulations developed by the California Department of Food and Agriculture (CDFA) for implementation of MCRSA¹ define "canopy" to mean all of the following:

- 1) The designated area(s) at a licensed premises that will contain mature plants at any point in time;
- 2) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries;
- 3) Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary such as an interior wall or by at least 10 feet of open space; and

¹ In late June, the Legislature passed and the Governor signed into law, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which repealed MCRSA and creates one regulatory system for both medicinal and adult-use cannabis. As a result, CDFA, the California Department of Public Health and the renamed Bureau of Cannabis Control have withdrawn their proposed regulations and are each developing new proposed regulations based on the new law. It is expected that the revised rules will track closely with the previous proposed rules. The agencies will use the emergency rulemaking process for the new proposed regulations, which are expected to be published in the fall for approval and implementation by January 2, 2018.

- 4) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

The State's proposed definition arguably makes "canopy" the same as the permitted cultivation area. Using this same definition for local regulatory and tax ordinances would allow the County's cultivation tax to be directly tied to the specific square footage of the permitted cultivation area. This has a number of benefits to both the cultivator and the taxing agency.

A tax on the square footage of the permitted cultivation area allows both the grower and the county to know exactly how much the annual tax will be at the time the permit is applied for or issued. The tax is a fixed amount, rather than a variable, so the grower can factor the cost into their financing or business plan without any uncertainty as to the amount of their tax liability for the year. Similarly, this foreknowledge allows the local government to accurately predict their annual revenues from the cultivation tax, for improved budgeting.

With a square footage tax, the tax liability is known upfront, so payment can be made at any time rather than having to wait until the end of the year. Payment of the tax upfront at the time of permitting may create cashflow problems for the grower, as it would require a significant capital outlay far in advance of harvest and sale. Alternately, tax payments can be made in monthly installments, or deferred until time of harvest. Since the amount of the tax liability would be known upfront, there would be no end-of-year tax surprises for either the cultivator or the County.

A square footage tax does have a significant shortcoming in that it is based upon assumptions of yield, rather than actual yield. As an agricultural crop, cannabis can be subject to crop loss due to pests, bugs, mites, viruses, mold and mildew. A tax on square footage, by itself, cannot account for such occurrences upfront. Unless there is some accommodation or mechanism put in place to address crop loss, the cultivator may find themselves paying the same amount of tax on half a crop, or even no crop, as they would have on a full, healthy crop.

Gross Receipts Tax on Cultivation

A tax on the gross receipts of a business may be paid either monthly or annually. Since cultivation is cyclical, growers are likely to have some months where they have no reportable gross receipts, and other months where their gross receipts are high. This is especially the case for cultivation that uses only natural light (commonly referred to as "outdoor" cultivation, though this may occur in a greenhouse) which typically only achieves one harvest per year. The amount of their tax liability to the County or not be known until harvest time, which may leave some growers with a significant end-of-year tax burden beyond what they had planned for. However, this difference between projections and actual yield would be a positive, in that the cultivator would only have to pay a higher than expected tax if they were in the enviable position of having a higher than expected yield, or of selling their product for a higher than expected price. By contrast, under a square footage tax, a cultivator who experiences crop loss could have to pay the same amount of tax on a lower, perhaps much lower, yield.

While gross receipts taxes are common for cannabis manufacturers and dispensaries, they are generally less common for cultivation. Perhaps one of the reasons for this is that a cultivation tax could be seen as taxing a land use activity, rather than a product. In such case, the tax should be proportional to the impact of that activity. Cannabis cultivation is directly proportional to the amount of area to be cultivated, particularly in the case of outdoor or greenhouse cultivation. The impacts, too, may be seen as proportional to this cultivation area, whether it be the clearing of land, water supply or other

environmental factors. However, these arguments in favor of a tax on the area of impact are less compelling when considering indoor or mixed-light cultivation.

A cultivation tax based on gross receipts is a tax on production or earnings, rather than activity. The cultivator's tax liability increases as productivity increases, even if the amount or area of activity has not changed. A cultivator who succeeds in producing more product, or a higher value product, from a given-size cultivation area, will pay more than a cultivator who produces less, or lower value product, from the same size area. As noted above, though, the cultivator would only be in the position of paying more tax if they made more money.

Lastly, it's important to bear in mind that a tax on gross receipts is a tax on *gross income*, rather than actual profit. What portion of that income the cultivator is able to realize as profit depends upon their business skills and other factors that are beyond the scope of this report.

Economies of scale

As with regulations, taxes provide the opportunity to encourage and incentivize certain industry behaviors while discouraging or disincentivizing others. They can be used to level the playing field, or to tilt it as desired. Higher taxes are generally seen as creating a less-welcoming regulatory environment, while tax incentives are sometimes offered to help attract businesses. In this way, the effect of taxes on the cannabis industry should be no different than any other industry. While retailers must be located to serve the local population, both cultivation and manufacturing have some option to move to other jurisdictions with a more advantageous regulatory climate. If the County desires to generate revenue from this industry through taxes, then it must find tax rates and structures that are acceptable or beneficial to those aspects of the industry it wishes to allow, support or encourage. Simply put, the County will not realize any revenue from businesses which choose to locate elsewhere due to a burdensome or unwelcoming regulatory and tax climate.

Scenarios presented in this report make a number of baseline assumptions regarding the impact of taxes. It is assumed that a high tax burden presents a greater challenge to smaller businesses than to larger ones, which have certain benefits from economies of scale. This is not to say that higher taxes are beneficial to larger businesses; it is only to suggest that larger businesses generally have a somewhat greater capacity to accommodate and absorb overhead such as taxes and, conversely, that smaller businesses are more acutely affected by this increased overhead. Studies suggest that the economies of scale are larger for outdoor cultivation than for indoor, but that they are nonetheless relatively mild (Hawken, 2013).^v

Economies of scale may be a consideration for the County in that they create a slight advantage for larger cannabis businesses. All other things being equal, a larger business with lower per-unit operational costs will have certain advantages over smaller competitors, potentially leading to more large businesses and fewer small ones, especially if there is only a limited number of permits to be available. The County may regard this as either a non-issue or even as beneficial, if it desires to incentivize large cannabis businesses over small ones. On the other hand, if the County desires to either level the playing field or to incentivize smaller cannabis operations, it may want to consider a tiered tax structure with a slight increase on the larger operations. This is discussed later in this analysis.

Harvest Cycles

It is assumed that indoor and mixed-light cultivation are capable of multiple harvest cycles per year, as opposed to a single harvest cycle for outdoor cultivation. Though cultivation methods, harvest cycles and productivity can vary greatly, a standard rule of thumb among many in the industry is that outdoor (natural light) cultivation yields one harvest cycle per year, while mixed-light yields three harvests, and full-indoor commonly yields five. A flat, square-foot tax on the cultivation area thus gives mixed-light and indoor operations the advantage of being able to amortize that tax over far more product, granting them a distinct price advantage over outdoor cultivation. However, both indoor and mixed-light are far more infrastructure intensive than outdoor cultivation and typically carry far greater up-front investment and operational costs^{vi}. Both of these factors should be considered when developing an appropriate tax strategy.

For purposes of this analysis, we have modified the one, three and five harvest cycles per year above to assume just four cycles for indoor cultivation. This assumption is modified for the sake of providing more conservative projections and to recognize that there are a range of practices and regimens for indoor cultivation. It is generally accepted that cannabis requires a minimum of 60 days to reach flowering maturity, which would allow for a maximum of six harvest cycles per year (some cultivators claim to achieve as many as eight harvests per year, but this is likely neither realistic nor sustainable at the commercial level). Assuming four harvest cycles per year also reflects the higher volatility of a more rigorous and demanding rotation schedule by allowing for the possibility of crop loss due to pathogens or other causes.

Yield is assumed to average one pound of cannabis flower for every 10 square feet of cultivation area. This metric is drawn from a 2010 study by the Rand Corporation^{vii}. Though the study is fairly old for such a young industry, its findings are consistent with more recent studies. Some cultivation facilities can yield one pound for every eight square feet, and others cite yields that are much lower (more square feet per pound), but 10 square feet remains a commonly used metric which provides for conservative estimates.

Each State cultivation license type allows a range for the amount of area that can be cultivated. Types 1, 1A and 1B (“Specialty”) each allow up to 5,000 square feet. Types 2, 2A and 2B (“Small”) allow from 5,001 up to 10,000 square feet. Type 3 (“Medium”) allows from 10,001 square feet up to a full acre (for outdoor cultivation) while Types 3A and 3B allow from 10,001 up to 22,000 square feet. The Type 5, 5A and 5B (“Large”) licenses created by AUMA will allow for unlimited cultivation sizes, starting in 2023. It is not possible at this time to know the actual size of the cultivation area that will be permitted for each applicant, but any variables can only push these figures downward, as they cannot exceed the maximum allowed by their license type. For purposes of this analysis, we will generally assume that the average canopy area for each license type would be 75% of the allowable maximum.

Comparing Square Footage and Gross Receipts

Determining how a gross receipts tax rate for manufacturers, dispensaries or other cannabis businesses affects the overall, cumulative tax rate on cannabis is fairly easy, as it can be reverse engineered. This allows us to compare the relative tax burden on different cannabis activities, as well as the cumulative burden on the end consumer.

Determining an appropriate tax on cultivation area based on square feet is more difficult, as we have to convert the tax rate per square foot to a percentage of product value. To do this, we have to take into account the differences in harvest cycles per year, as noted above. If all other factors are equal, then

indoor cultivation should be able to absorb a tax rate that is four times higher than the tax rate for outdoor cultivation.

We have provided a number of generic tables to demonstrate the difference between factors of harvest cycles and scale of operation. Each of these tables (figures 3 through 7) consider a sample area of just 1,000 square feet for each cultivation type. By using increments of 1,000 square feet as a standard unit of measure, it is easy to extrapolate to determine what the yield, value, and annual tax paid would be for larger sizes. Outdoor cultivation, mixed light and indoors are assumed to yield one, three and four harvest cycles per year, and we assume an average value of \$1,000 per pound, as discussed previously. This allows us to compare square footage and gross receipts with a common denominator.

Flat Tax

Figure 3, below, shows the uneven result of a simple “flat tax” on cultivation area. In this example, all license types are taxed at a simple \$1.00 per square foot rate, for illustration purposes. Though this may sound fair and equitable, the effective tax rate varies by a factor of four. Each cultivation type pays the same tax rate of \$1.00 per square foot and the same amount of tax at \$1,000. However, when the tax is amortized to capture the number of cycles per year, the equivalent gross receipts tax rate for mixed light drops to \$0.33 per square foot and indoor drops to \$0.25 per square foot. The tax per pound varies from \$10.00 for outdoor down to just \$2.50 for indoor, and the tax as a percent of value varies from 1.00% down to just 0.25%. Clearly, a flat tax gives a huge advantage and incentive to indoor cultivation, with its potential for four or more cycles per year, while presenting a significant disadvantage for outdoor cultivation.

Figure 3:

Flat Tax of \$1 per Square Foot									
Cultivation Type	Harvest Cycles /Year	Sample Area (sq ft)	Yield (lbs)	Value @ \$1,000/lb	Tax Rate \$1.00/sf	Total Annual Tax Paid	Tax Rate per Cycle	Tax per Pound	Tax as Percent of Value
Outdoors	1	1,000	100	\$100,000	\$1.00	\$1,000	\$1.00	\$10.00	1.00%
Mixed Light	3	1,000	300	\$300,000	\$1.00	\$1,000	\$0.33	\$3.33	0.33%
Indoors	4	1,000	400	\$400,000	\$1.00	\$1,000	\$0.25	\$2.50	0.25%

Figure 4 presents the same scenario, but with a tax rate that varies depending upon the cultivation type and the anticipated number of harvest cycles per year. In this example, the tax rate for outdoor stays at \$1.00 per square foot, but the tax on mixed light and indoor are increased to \$3.00 per square foot and \$4.00 per square foot, respectively. The amount of tax paid ranges from \$1,000 to \$4,000 for the same cultivation area but, when amortized over the number of harvest cycles, the tax rate is an even \$1.00 per square foot, the tax per pound is an even \$10.00 and the equivalent tax rate as a percent of value is 1.00% for all cultivation types. Using this example, it is easy to see how higher tax rates could be based upon multiples of this 1/3/4 structure, such as 2/6/8 or 3/9/12.

Figure 4:

Variable Tax Adjusted by Harvest Cycles per Year									
Cultivation Type	Harvest Cycles /Year	Sample Area (sq ft)	Yield (lbs)	Value @ \$1,000/lb	Variable Tax Rate	Total Annual Tax Paid	Tax Rate per Cycle	Tax per Pound	Tax as Percent of Value
Outdoors	1	1,000	100	\$100,000	\$1.00	\$1,000	\$1.00	\$10.00	1.00%
Mixed Light	3	1,000	300	\$300,000	\$3.00	\$3,000	\$1.00	\$10.00	1.00%
Indoors	4	1,000	400	\$400,000	\$4.00	\$4,000	\$1.00	\$10.00	1.00%

As a general (but not universal) rule, larger operations typically have some ability to accommodate higher overhead, as it is spread across more production. Conversely, a given tax rate may be harder for small cultivators to absorb, increasing the likelihood that small growers may give way to larger operations. The next three scenarios are based on the varied tax rate above, but we have added in tiers that increase the tax rate by 25% for each larger cultivation class (Specialty, Small and Medium).

Figure 5:

Tiered Variable Tax Adjusted by Harvest Cycles per Year and Cultivation Area - Example 1									
Cultivation Type	Harvest Cycles /Year	Sample Area (sq ft)	Yield (lbs)	Value @ \$1,000/lb	Tiered Variable Tax Rate	Total Annual Tax Paid	Tax Rate per Cycle	Tax per Pound	Tax as Percent of Value
Specialty Outdoors	1	1,000	100	\$100,000	\$1.00	\$1,000	\$1.00	\$10.00	1.00%
Specialty Mixed Light	3	1,000	300	\$300,000	\$3.00	\$3,000	\$1.00	\$10.00	1.00%
Specialty Indoors	4	1,000	400	\$400,000	\$4.00	\$4,000	\$1.00	\$10.00	1.00%
Small Outdoors	1	1,000	100	\$100,000	\$1.25	\$1,250	\$1.25	\$12.50	1.25%
Small Mixed Light	3	1,000	300	\$300,000	\$3.75	\$3,750	\$1.25	\$12.50	1.25%
Small Indoors	4	1,000	400	\$400,000	\$5.00	\$5,000	\$1.25	\$12.50	1.25%
Medium Outdoors	1	1,000	100	\$100,000	\$1.50	\$1,500	\$1.50	\$15.00	1.50%
Medium Mixed Light	3	1,000	300	\$300,000	\$4.50	\$4,500	\$1.50	\$15.00	1.50%
Medium Indoors	4	1,000	400	\$400,000	\$6.00	\$6,000	\$1.50	\$15.00	1.50%

Figure 5 (above) uses the 1/3/4 rate structure from Figure 3 for the “Specialty” cultivation classes (License Types 1, 1A and 1B; up to 5,000 square feet). For the “Small” cultivation classes (Type 2, 2A and 2B; up to 10,000 square feet), we have added in a 25% increase over the base rate, and for the “Medium” classes (Type 3, 3A and 3B; up to 22,000 square feet for indoor and mixed light, or one acre for outdoor) we have added an additional 25%. The tax rates vary more greatly, from a low of \$1.00 per square foot for Specialty Outdoor, up to \$6.00 per square foot for Medium Indoor, and the amount of tax paid on the 1,000 square feet sample area varies accordingly; from \$1,000 up to \$6,000. However, the tax rate amortized by harvest cycles per year only varies from \$1.00 per square foot to \$1.50 per square foot. The tax per pound ranges from \$10.00 to \$15.00, and the tax as a percent of value (assuming \$1,000 per pound) equals just 1% to 1.5%.

Figure 6 builds upon the previous scenario, but increases the base tax rate for outdoors cultivation up to \$3.00 per square foot. The base rate for mixed light is set at \$9.00 per square foot, and the base rate for

indoors is \$12.00 per square foot. As with the previous model, the rate increases by 25% for each larger cultivation class. This pushes the tax rate for Medium Indoors cultivation up to \$18.00 per square foot, or \$18,000 for a 1,000 square foot sample area. While on its face this appears to be a very high tax rate, when amortized over four harvest cycles the rate is just \$4.50 per square foot, and the tax as a percent of value is 4.50%.

Figure 5:

Tiered Variable Tax Adjusted by Harvest Cycles per Year and Cultivation Area - Example 2									
Cultivation Type	Harvest Cycles /Year	Sample Area (sq ft)	Yield (lbs)	Value @ \$1,000/lb	Tiered Variable Tax Rate	Total Annual Tax Paid	Tax Rate per Cycle	Tax per Pound	Tax as Percent of Value
Specialty Outdoors	1	1,000	100	\$100,000	\$3.00	\$3,000	\$3.00	\$30.00	3.00%
Specialty Mixed Light	3	1,000	300	\$300,000	\$9.00	\$9,000	\$3.00	\$30.00	3.00%
Specialty Indoors	4	1,000	400	\$400,000	\$12.00	\$12,000	\$3.00	\$30.00	3.00%
Small Outdoors	1	1,000	100	\$100,000	\$3.75	\$3,750	\$3.75	\$37.50	3.75%
Small Mixed Light	3	1,000	300	\$300,000	\$11.25	\$11,250	\$3.75	\$37.50	3.75%
Small Indoors	4	1,000	400	\$400,000	\$15.00	\$15,000	\$3.75	\$37.50	3.75%
Medium Outdoors	1	1,000	100	\$100,000	\$4.50	\$4,500	\$4.50	\$45.00	4.50%
Medium Mixed Light	3	1,000	300	\$300,000	\$13.50	\$13,500	\$4.50	\$45.00	4.50%
Medium Indoors	4	1,000	400	\$400,000	\$18.00	\$18,000	\$4.50	\$45.00	4.50%

Figure 7 shows the effect of applying this model to a higher base rate of \$5.00 per square foot. Using the same multipliers for harvest cycles, the base rate for mixed-light cultivation goes up to \$15.00 per square foot and the base rate for indoor goes up to \$20.00 per square foot. The highest rate for the medium indoors cultivation class climbs all the way to \$30.00 per square foot, which equals a tax per pound of \$75.00, and an equivalent tax rate as a percent of value of 7.50%.

Figure 7:

Tiered Variable Tax Adjusted by Harvest Cycles per Year and Cultivation Area - Example 3									
Cultivation Type	Harvest Cycles /Year	Sample Area (sq ft)	Yield (lbs)	Value @ \$1,000/lb	Tax Rate \$1.00/sf	Total Annual Tax Paid	Tax Rate per Cycle	Tax per Pound	Tax as Percent of Value
Specialty Outdoors	1	1,000	100	\$100,000	\$5.00	\$5,000	\$5.00	\$50.00	5.00%
Specialty Mixed Light	3	1,000	300	\$300,000	\$15.00	\$15,000	\$5.00	\$50.00	5.00%
Specialty Indoors	4	1,000	400	\$400,000	\$20.00	\$20,000	\$5.00	\$50.00	5.00%
Small Outdoors	1	1,000	100	\$100,000	\$6.25	\$6,250	\$6.25	\$62.50	6.25%
Small Mixed Light	3	1,000	300	\$300,000	\$18.75	\$18,750	\$6.25	\$62.50	6.25%
Small Indoors	4	1,000	400	\$400,000	\$25.00	\$25,000	\$6.25	\$62.50	6.25%
Medium Outdoors	1	1,000	100	\$100,000	\$7.50	\$7,500	\$7.50	\$75.00	7.50%
Medium Mixed Light	3	1,000	300	\$300,000	\$22.50	\$22,500	\$7.50	\$75.00	7.50%
Medium Indoors	4	1,000	400	\$400,000	\$30.00	\$30,000	\$7.50	\$75.00	7.50%

Adding tiers for larger cultivation license types can be an effective, incentive-based tool to either level the playing field for small operations, or to actively encourage small growers over larger ones. Limiting the

number of licenses available for each license type accomplishes this same goal in a more prescriptive manner.

Equivalent Tax Rate

Lastly, Figure 8 shows a simple, non-tiered tax to arrive at an equivalent tax rate of 7%. The baseline for outdoor cultivation would be \$7 per square foot, with mixed light at \$21 per square foot and indoors at \$28 per square foot. There are no tiers for larger or smaller size operations, to keep the equivalent tax rate at a consistent 7%. Adding tiers at an additional 25% as in the previous models would push the top-tier rate for Type 3B Medium Indoor cultivation to \$42 per square foot, making it one of the highest square-footage cultivation rates in California.

Figure 8:

7% Equivalent Tax Rate									
Cultivation Type	Harvest Cycles /Year	Sample Area (sq ft)	Yield (lbs)	Value @ \$1,000/lb	Variable Tax Rate	Total Annual Tax Paid	Tax Rate per Cycle	Tax per Pound	Tax as Percent of Value
Outdoors	1	1,000	100	\$100,000	\$7.00	\$7,000	\$7.00	\$70.00	7.00%
Mixed Light	3	1,000	300	\$300,000	\$21.00	\$21,000	\$7.00	\$70.00	7.00%
Indoors	4	1,000	400	\$400,000	\$28.00	\$28,000	\$7.00	\$70.00	7.00%

This model demonstrates both the ability to use a square footage tax as a proxy for either gross receipts (percent of value) or for unit of product (per pound) and for understanding how gross receipts relates to cultivation area. Both models are sound, and each has their advantages. A square footage tax has greater ability to incentivize or disincentivize certain cultivation practices by applying different rates to different cultivation types or sizes. However, if this is not the goal, then this flexibility is needless. Unless there is a desire to provide such incentives, then rates would typically be adjusted to create parity among the different cultivation types and sizes, which is the same effective outcome as a gross receipts tax.

Each of these taxing methods (per square foot, per pound, and percent of value) have their advantages and disadvantages. A square footage tax is the easiest to administer², as the amount of the tax is known by both the County and the cultivator at the time the permit is issued, but it is less-well suited for capturing variables in price or production, or for accommodating circumstances such as crop loss. A gross receipts tax directly reflects the actual earnings of the business, but the amount of the tax liability can vary greatly from year to year, making budget projections difficult. A per-pound tax on production has the advantage of being consistent with the State's cultivation tax, but this also can vary, and does not capture huge variables in product value. Both the gross receipts tax and the per-pound tax can also be difficult to administer, as the County must verify the business's reported earnings or production.

² Another administratively simple method of taxing is a flat licensing tax. Mendocino County, for example, charges a tax of \$2,500 on all cannabis distribution, delivery, manufacturing, nurseries, and testing laboratories, regardless of their size or gross receipts. This is separate from fees that cover the costs of permitting.

State Tax Considerations

To determine what local tax rates or structures might be most appropriate, they must be considered in the context of other taxes imposed by the State. Any local taxes will be in addition to those taxes applied through the Adult Use of Marijuana Act (AUMA), which imposes both a 15% excise tax on purchases of cannabis or cannabis products and a separate cultivation tax on harvested cannabis that enters the commercial market, as well as sales tax. Taxes are most commonly expressed as a percent of price or value, so some method of conversion is necessary to allow development of an appropriate cultivation tax based on square footage.

The State cultivation tax is set at a rate of \$9.25 per ounce of dried flower or \$2.75 per ounce of dried leaf. Because these rates are set per ounce, rather than as a percentage of price paid, the tax is the same whether the cultivator is producing commercial-grade cannabis at \$500 per pound or top-grade cannabis at \$2,500 per pound. The cultivator is generally responsible for payment of the tax, though that responsibility may be passed along to either a manufacturer or distributor via invoice, at the time the product is first sold or transferred. The distributor is responsible for collecting the tax from the cultivator upon entry into the commercial market, and remitting it to the Board of Equalization.

The cultivation tax of \$9.25 per ounce of dried flower is equivalent to \$148 per pound. Assuming an average wholesale market price for dried flower of \$1,480 per pound, that \$148 would be equal to 10% of value. However, some industry watchers project that competitive market forces enabled by legalization will bring the average price for cannabis down to around \$1,000 per pound, or even less (cannabis prices vary greatly based on quality of the product)^{viii}. While this is certainly a concern for cultivators, it may also be a concern to counties or cities which have a cultivation tax based on gross receipts, as they could see their tax revenues fall as the price goes down. If we apply the \$9.25 per ounce to this lower average price, then it represents approximately 15% of value. We shall generally round up to 15% for purposes of the calculations in this analysis.

Cumulative Tax Rate on Cannabis

Converting a square footage cultivation tax to an equivalent tax rate allows us to more easily figure the cumulative tax burden that would be borne by the industry, as all taxes are expressed as a percent of value. At the cultivation level, we can add the County cultivation tax to the State's 14.8% to determine the total tax rate paid. If the County chose to set an equivalent tax rate of 7%, then the total tax rate on cultivation (before testing costs are applied) would be 21.8%, increasing the theoretical price from \$1,000 per pound to \$1,220 per pound. A 3% equivalent tax would put the total at 17.8%; a 10% rate would push the total to 24.8%.

AUMA requires that all dried cannabis flower or leaf must be tested for tetrahydrocannabinol (THC) and cannabidiol (CBD) content, contaminants, impurities and other factors before it can be sold to a manufacturer, distributor, dispensary or end user. Batch testing for raw cannabis requires a 2.3-gram sample per pound, which works out to a loss of 0.5% of the volume (the sample must be destroyed after testing). The draft regulations from the Bureau of Cannabis Regulation limit the maximum batch size to no more than 10 pounds. The costs for all of the tests as required under AUMA have not yet settled into a clear norm, but an online survey of a number of cannabis testing facilities in California suggest an average of \$500 per 10-pound batch, or \$50 per pound, which equals 5% of the \$1,000 per pound price. The cost and loss of product amount to an additional 5.5% cost to the product, bringing the total cumulative tax rate on cultivation to 27.3%.

Testing is a semi-regulatory function mandated by the State to protect consumer health and safety, and which amounts to a State-imposed cost on the product. Unlike cultivation or manufacturing, testing does not create product or add value to the product, and unlike distributors or retailers, the testing laboratory is prohibited from having any ownership interest in the product. MAUCRSA requires that testing laboratories be completely independent from any other cannabis business, and prevents them from benefitting from, or having any interest in, the results of the test or the value of the product. In this way, testing laboratories are categorically different from any other cannabis business type. An analogy might be an independent auto shop that does State mandated smog tests for used car dealerships. They perform the test to State standards for a given price, but they don't benefit in any way from the sale of the car, or from its sale price. Given this, it arguably would be inconsistent to apply a tax to testing facilities.

Cannabis distributors are a fairly new part of the legal cannabis industry, and so we do not yet have data to determine the average markup they will add to the product. However, common distributor markups for other product types average in the range of 20%, and do not typically exceed 40%^{ix}. For this analysis, we will assume an average markup of 30%, though we anticipate this will settle out closer to 20% over time.

Figure 9:

Cumulative Cannabis Taxes			
Category	Amount	Increase	Cumulative Price
Producer Price	\$1,000/lb	\$1,000	\$1,000
State Cultivation Tax	\$9.25/oz	\$148	\$1,148
County Tax	3.00%	\$30	\$1,178
Batch Testing	\$50/lb, + 0.50%	\$55	\$1,233
Wholesale Price w/ Taxes		\$1,233	
Total Tax at Wholesale		\$233	
Tax as %		23.30%	
Distributor Markup	30.00%	\$370	\$1,603
County 3% CBT	3.00%	\$48	\$1,651
Total Distributor Price		\$1,651	
Total Taxes at Distributor		\$281	
Total Tax as %		17.03%	
Retailer Markup	100.00%	\$1,651	\$3,302
County 7% CBT	5.00%	\$165	\$3,467
State Excise Tax	15.00%	\$495	\$3,962
Total Retailer Price		\$3,962	
Total Taxes at Retail		\$941	
Total Tax as %		23.76%	
Sales Tax (non-medical)	8.25%	\$327	\$4,289
Total Taxes at Retail		\$1,268	
Total Tax as %		29.57%	

Dispensary pricing norms are still developing, but reports from cultivators selling their product suggest that dispensaries commonly pay around \$110 per ounce for medium quality flower, which they then sell for an average of \$10 per gram. The current overabundance of cultivators in California allows dispensaries to buy low and sell high. For our analysis, we have assumed a dispensary markup of 100%, which is fairly consistent with the markup described, and tracks well with the fairly standard \$10 per gram retail price.

Conversations with cannabis industry trade groups suggest that the cumulative tax rate on the end product should remain at or under 30%. Higher rates create too much price disparity between legal and illegal cannabis, making it harder for the regulated industry to compete with the black market. Higher local tax rates can also make a county or city less attractive to the industry, especially for manufacturers and distributors, which have greater

flexibility in choosing where to locate. We believe that setting rates that adhere to this 30% rule will help keep the local cannabis industry competitive with other cultivators and manufacturers across California, thus encouraging the transition to a legal industry.

Figure 9 shows how the cumulative tax rate on cannabis builds as the product moves towards market (note: manufacturers are not included in this cumulative chart because there are simply too many possible products and too many variables to consider). The combination of taxes on cultivation hover around 23.30%. After the distributor's markup is figured in, the tax as a percentage of total price comes down to 17.03%, with a local tax of 3.0% included. Both the local tax and the State 15% excise tax are added to the final retail price, bringing the total amount of taxes paid to \$941.48 per pound, or 23.76%. Non-medical purchases would pay an additional 8.25% retail sales tax, for a total tax paid of \$1,268.38 per pound, and a total tax rate of 29.57%.

AUMA's 15% excise tax is measured by the average market price at retail (currently about \$10 per gram, which works out to \$4,500 per pound at the one-gram unit price), instead of by the actual gross receipts. In this way, neither the cultivation tax nor the excise tax are based on the actual price paid for the product. However, this pricing tracks closely with our model. The Board of Equalization is still developing its methodology for determining the average market price and for collecting the tax from cannabis distributors.

Though a total tax of around 30% is undeniably high for any business or product, it is still within the range of taxes imposed by other states that have legalized cannabis^x. The State of Colorado charges combined State taxes of 23% on retail (non-medical) cannabis. Combined State and local sales taxes can range greatly from 2.9% to 11.2%, but are commonly around 4.9% in unincorporated areas. This would give us a comparison rate of 27.9%. Oregon originally imposed an excise tax of 25%, which was later reduced to 17%. Local jurisdictions are allowed to impose an additional 3% local tax, which would bring the total to 20%, but there is otherwise no additional state or local sales tax in Oregon. The State of Washington imposes a 37% excise tax on cannabis before any regular state or local sales taxes are applied. These are commonly around 8.1% in unincorporated areas, which would give a total of 45.1%.

General Economic Impacts

Discussion of regulating and taxing the cannabis industry can too often overshadow the larger jobs and economic development issues that typically accompany efforts to attract new industry. Word that a new business or industry is looking to bring hundreds of new jobs to a community is more commonly met with open arms and offers of tax incentives. The cannabis industry is perhaps completely unique in that the inherent jobs and economic development benefits are welcomed more grudgingly and met with the disincentive of special taxes.

As with any other industry, the cannabis industry does not exist in a vacuum. Those businesses that actually grow, process, manufacture, distribute and sell cannabis products support a wide variety of other businesses that may never touch the actual product itself. Cultivators support garden supply stores, green house manufacturers, irrigation suppliers, soil manufacturers, and a wide variety of contractors including building and construction, lighting and electrical, HVAC, permitting, and engineering. Manufacturers support many of these same businesses, plus specialized tooling and equipment manufacturers, and product suppliers for hardware (such as vape pens), packaging, and labeling. All of these businesses support, and are supported by, a host of ancillary businesses such as bookkeepers, accountants, tax preparers, parcel services, marketing and advertising agencies, personnel services, attorneys, facilities maintenance, security services, and others.

The economic benefits of these businesses are not limited to the business owner or the cannabis industry, itself. Cultivators and manufacturers bring money into the community by selling their products into a statewide market. Their profits and the salaries they pay move into the general local economy, supporting stores, restaurants, car dealerships, and other businesses. Retail does not have the same potential for bringing in new money, as it generally recirculates money within the existing community, with some portion going out of the area to pay suppliers and wholesale distributors. However, a community that lacks retail outlets for any particular product sector will likely experience “leakage” of those sales and their associated sales tax revenue to other neighboring jurisdictions where such stores are located. In this way, cultivators and manufacturers can bring new money into the community, while retailers can help prevent leakage or loss of sales and sales tax out of the community.

Because of the emerging nature of this industry, it is currently populated primarily (but not solely) by small, independently-owned businesses. Numerous studies have demonstrated that locally-owned, independent businesses recirculate a far higher percentage of every dollar back into the local community than large, corporately-owned businesses do. The same economic development arguments that are used to support other independent, locally-owned businesses apply to this industry, too. The County should expect to see typical economic benefits from these new (or newly daylighted) businesses on par with other new businesses, separate from any tax revenue that may be generated.

Industry experts believe that California’s current statewide production is five to eight times higher than the State’s population consumes^{xi}, a figure derived from the SRIA done for CDFA’s cannabis cultivation program. That assessment found that California’s cannabis industry produces some 13.5 million pounds of cannabis per year, which would be enough to provide over half a pound of cannabis per year for every Californian 21 and over. However, the assessment also found that Californians 4.5 million cannabis users only consume about 2.5 million pounds of cannabis per year. A separate study performed for the California Cannabis Industry Association put statewide consumption even lower, at 1.6 million pounds^{xii}. The majority of the cannabis produced in California is presumably supplying other states that do not have legalized cannabis.

Enforcement and Permitting Costs

Despite the legalization of cannabis, even jurisdictions which ban commercial cannabis businesses may still see an increase in cannabis activities. Neither the legal industry nor the black market operates as a closed loop within any given county. If a county or city chooses to ban commercial cannabis businesses, it should be assumed that the local demand will be met either by residents purchasing cannabis legally in neighboring jurisdictions or by the continuing black market. Cultivators, manufacturers, and distributors which are disallowed in one location have the option of moving to a neighboring or nearby jurisdiction, from which they will continue to supply the local market. Retailers are somewhat less able to jurisdiction shop, since they are bound by proximity to the market they wish to serve. However, they still may shop between the unincorporated county, cities within that county, or in neighboring jurisdictions to serve a specific market.

Banning commercial cannabis businesses may also result in bolstering the illegal industry by increasing the share of demand that is met by the black market instead of a local regulated market. This drives up the profits for black market operators, making them more competitive against the legalized market. All of the community impacts from the black market continue as before, and may even be exacerbated by an increase of illegal cannabis activity. With this comes all of the existing costs to government services, including law enforcement, healthcare, child services, and environmental control, with no additional resources from the state or local taxes.

Some counties in the region have analyzed the cost of maintaining a ban by determining the number of staff resources required by each department to be effective, and estimating the number of business that will continue to operate illegally. In one county that cost was estimated to require approximately 13 full-time equivalent (FTE) employees at a cost of \$3.1 million annually³. In another analysis, that county evaluated their actual costs for enforcing their existing ban and determined that it cost an average of \$25,000 to \$50,000 per operator to effectively shut down and prosecute the illegal businesses.

We do not have data to tell us how many cannabis-related businesses are currently operating illegally in Contra Costa County. However, if we assume that perhaps 20% of the 367 potential cannabis businesses identified in the CDFA survey are currently operating then, at the cost range above, the County could expect to spend between \$1.8 million and \$3.7 million to enforce a ban against some 73 illegal cannabis businesses.

Under a ban, enforcement against illegal commercial cannabis activities requires greater involvement by the Sheriff's office. The full cost (salary and benefits) to the County for a 40-hour, POST-certified Deputy Sheriff ranges from around \$100,000 per year to over \$200,000 per year (depending on hours, years of experience, overtime and other factors^{xiii}). The average cost for all 1,100 Sheriff's Office employees is \$98,000 per year, including administrative staff and non-POST certified personnel, all of whom would have some role in supporting the work of Deputies in the field. Additional costs are borne by the office of the District Attorney. Both the Sheriff's Office and the Office of the District Attorney are paid for primarily from the County's general fund.

From a fiscal standpoint, choosing to permit and regulate cannabis businesses at the local level opens up opportunities to reduce general fund liabilities by shifting them onto the regulated industry, and away from the taxpayers generally. The legal, regulated industry pays its own way (in whole or in part) through fees, thus reducing both the burden on law enforcement and the drain on the general fund. As with any

³ HdL did not receive permission to identify these clients for this report.

other industry, the County has the discretion to charge full cost recovery or to subsidize the permitting costs if it believes that doing so would serve the public interest. Whether or not the County is successful in recovering all of these costs should be a deliberative decision, and is not a question that is unique to this industry.

Though the cost of regulating this industry should be borne by the permit applicants, there may be a need to increase staffing upfront to accommodate the additional workload. Permitting 50 or more new businesses of this type may well require additional staff. Staffing up for this work would have to happen before the permits can be processed, and before the fees can be collected. Though ultimately permit processing should function as an enterprise, there will likely be a need to provide some advance funding through some other means such as a loan from the General Fund.

Permitting fee costs are affected by a number of variables such as the number of permits authorized, the level of regulatory oversight, and the types of commercial cannabis activities being permitted. The two Northern California counties mentioned above conducted preliminary costs analyses to determine the projected fees associated with implementing a robust regulatory program for legal cannabis businesses. The first of these counties determined the overall costs of such a program would be approximately \$3.1 million, with fees in the range of \$15,500 to \$25,000 per permit, depending upon the number of permits being processed (processing more permits spreads certain fixed departmental costs across more applicants, reducing the cost per permit). The other county projected their overall cost would be \$3.5 million, with fees in the range of \$22,000 to \$41,700.

The scenarios contemplated by these two counties assumed a workload of 75 to 142 permits in one case, and from 143 to 223 in the other. In the analysis that follows, we shall consider a total permit workload from as few as 22 cannabis businesses to as many as 91; significantly below the ranges from these other counties. At the low end of this range, the County may be able to accommodate the additional workload with existing staff, especially if these permits are phased in over a period of 2 or 3 years. At the upper end, the County would likely need a special cannabis permitting unit, presumably within the Department of Conservation and Development. The individual permit costs will depend upon how robust of a program the County chooses to develop, but we would project costs in the range of \$2 million to \$3 million for a dedicated cannabis permit program adequate for this number of businesses, with individual costs ranging from \$22,000 to \$32,000 per permit.

These costs include, but are not limited to costs for processing fees and applications, inspections and enforcement of the regulatory requirements, and annual regulatory fees related to health inspections, environmental inspections, Agricultural Commissioner inspections for pesticides and weights and measures, Tax Collector audits. In addition, the County may need to partner with fire districts and other agencies to conduct safety inspections, which may add to the cost for the permittee.

Regulating the industry also presents the opportunity to generate new general fund revenues through taxes on legal, commercial cannabis activities. Though there are a variety of ways to structure cannabis taxes, and a wide range of rates that can be applied, these taxes have the potential to deliver millions of dollars to county or city coffers, which can be used for any public purpose. Commonly, taxes on legal cannabis businesses are used to defray the costs of enforcement against the remaining black market as well as other costs associated with the industry, including environmental cleanup and Health and Human Services programs.

Counties which allow the commercial cultivation and retail sale of cannabis are also available for certain competitive grants through the Bureau of State and Community Corrections (BSCC), which are funded with revenue from the California Cannabis Tax Fund. The State is estimated to take in over a billion dollars

to this fund through the taxes established in the AUMA. After a number of set-asides, 60% of this will be available to counties, schools and other organizations for youth education, intervention, behavioral health, substance abuse treatment and related programs. 20% will go to the Department of Fish and Wildlife and the Department of Parks and Recreation to fund investigation, enforcement and prosecution for environmental violations related to cannabis cultivation. The remaining 20% will go to the State and Local Government Law Enforcement Account, to be allocated to the California Highway Patrol and the BSCC for specific purposes. Of the entire Cannabis Tax Fund, only that subset of 20% that goes to the BSCC is unavailable to counties or cities which ban commercial cultivation and retail sale.

In this way, taking a regulatory approach to cannabis allows local governments to reduce the burden on the general fund for enforcement against the black market, to develop substantial new revenue sources, and to make the legal, regulated industry pay its own way through fees.

Revenue Projections for Cultivation

HdL has created a series of tax revenue scenarios which analyze and present the potential annual revenue that could be generated for the County by applying various tax rates to different cannabis business types. We have analyzed four different tax rates of 1%, 3%, 5% and 7% and applied them to the four categories of cultivation, manufacturing, distribution, and dispensaries.

This analysis for cannabis cultivation is patterned after the best practices in the logic model presented in figures 3 through 8, which uses a square footage tax as a way to approximate a percentage of value. As we have demonstrated, an “uneven” tax rate per square foot of cultivation area results in a more equitable tax that represents an even amount based on tax per cycle, tax per pound, or as a percentage of value. That generic model used a standard unit of 1,000 square feet for each cultivation type, which could then be multiplied to apply to any size operation.

We have also included an “attrition factor” to account for the impact that higher taxes will likely have on the industry. This factor assumes that for every 1% increase in the local tax rate (as a percent of value), there is 5% attrition due to growers choosing to move to more welcoming communities, businesses failing due to shrinking margins, or growers simply choosing to stay in the black market. By this model a local tax rate of 10%, on top of the considerable State taxes, will result in attrition of 50%⁴.

This rate of 5% attrition for every 1% tax increase is admittedly speculative, as there is not yet any real data to suggest what the actual rate may be, but we believe the mechanism is sound. As local tax rates go up, the County becomes incrementally less competitive with other counties and cities. At some point, the cost of paying the tax outweighs the cost of picking up and moving to a jurisdiction with a more welcoming regulatory and tax climate. At some point, too, tax rates reduce margins to an unsustainable level for those businesses which are least stable (typically small “Mom n’ Pop” businesses), pushing them into failure. And, lastly, at some point the overall tax and regulatory burden makes the whole idea of moving from the black market into the legal market simply unattractive for those growers who are on the fence. This last point is likely more of an issue for regions like Humboldt, Mendocino or Santa Cruz, which have large, well-established industries.

Figure 10, below, shows the number of licenses and the square footage for each cultivation license type, using roughly 5%, 10%, 15% and 25% of the numbers from the CDFA survey. As noted previously, we have rounded the actual numbers from the survey to the nearest 5, to avoid the perception that the resulting figures are exact. The square footage for each license type at each percentage will be used in this analysis for determining the amount of tax revenue that could be generated at various rates.

⁴ Though the attrition rate refers to a reduction in the number of cultivators, here we are applying it to the total annual tax, for ease of illustration. The total annual tax is a direct product of the number, size and type of cultivation, making it an appropriate proxy.

Figure 10:

Cultivation Area by License Type											
	CDFA Survey			25% of CDFA		15% of CDFA		10% of CDFA		5% of CDFA	
License Type	Average s/f	# of Licenses	Rounded Figures	# of Licenses	Total Area (s/f)	# of Licenses	Total Area (s/f)	# of Licenses	Total Area (s/f)	# of Licenses	Total Area (s/f)
Type 1	3,750	28	30	8	28,125	5	16,875	3	11,250	2	5,625
Type 1A	3,750	41	40	10	37,500	6	22,500	4	15,000	2	7,500
Type 1B	3,750	20	20	5	18,750	3	11,250	2	7,500	1	3,750
Type 2	7,500	21	20	5	37,500	3	22,500	2	15,000	1	7,500
Type 2A	7,500	30	30	8	56,250	5	33,750	3	22,500	2	11,250
Type 2B	7,500	15	15	4	28,125	2	16,875	2	11,250	1	5,625
Type 3	32,670	8	10	3	81,675	2	49,005	1	32,670	1	16,335
Type 3A	16,500	19	20	5	82,500	3	49,500	2	33,000	1	16,500
Type 3B	16,500	10	10	3	41,250	2	24,750	1	16,500	1	8,250
Type 4	15,000	21	20	5	75,000	3	45,000	2	30,000	1	15,000
Totals		213		54	486,675	32	292,005	22	194,670	11	97,335

Each of these scenarios assumes a different number of cultivators seeking and obtaining each of the various license types available. These scenarios allow the County to consider the potential revenues that could be realized from such a scenario. These figures can also provide a glimpse of what a phased approach might look like, as discussed earlier. For example, the County might seek to eventually permit 50 cultivation sites, similar to the 25% CDFA figures. If the County desired to phase these permits in over time, it might look to permit 10 cultivation sites in year one, followed by 20 cultivation sites in years two and three. The scenarios that follow give an indication of the revenues the County could anticipate from such a phased approach.

Figure 11

5% of CDFA Survey														
License Type	# of Licenses	Harvest /Year	Tax per s/f	% Tax Rate	Total Annual Tax	Tax per s/f	% Tax Rate	Total Annual Tax	Tax per s/f	% Tax Rate	Total Annual Tax	Tax per s/f	% Tax Rate	Total Annual Tax
Type 1	2	1	\$1.00	1.0%	\$5,625	\$3.00	3.0%	\$16,875	\$5.00	5.0%	\$28,125	\$7.00	7.0%	\$39,375
Type 1A	2	4	\$4.00	1.0%	\$30,000	\$12.00	3.0%	\$90,000	\$20.00	5.0%	\$150,000	\$28.00	7.0%	\$210,000
Type 1B	1	3	\$3.00	1.0%	\$11,250	\$9.00	3.0%	\$33,750	\$15.00	5.0%	\$56,250	\$21.00	7.0%	\$78,750
Type 2	1	1	\$1.00	1.0%	\$7,500	\$3.00	3.0%	\$22,500	\$5.00	5.0%	\$37,500	\$7.00	7.0%	\$52,500
Type 2A	2	4	\$4.00	1.0%	\$45,000	\$12.00	3.0%	\$135,000	\$20.00	5.0%	\$225,000	\$28.00	7.0%	\$315,000
Type 2B	1	3	\$3.00	1.0%	\$16,875	\$9.00	3.0%	\$50,625	\$15.00	5.0%	\$84,375	\$21.00	7.0%	\$118,125
Type 3	1	1	\$1.00	1.0%	\$16,335	\$3.00	3.0%	\$49,005	\$5.00	5.0%	\$81,675	\$7.00	7.0%	\$114,345
Type 3A	1	4	\$4.00	1.0%	\$66,000	\$12.00	3.0%	\$198,000	\$20.00	5.0%	\$330,000	\$28.00	7.0%	\$462,000
Type 3B	1	3	\$3.00	1.0%	\$24,750	\$9.00	3.0%	\$74,250	\$15.00	5.0%	\$123,750	\$21.00	7.0%	\$173,250
Type 4	1	-	\$0.50		\$7,500	\$1.00		\$15,000	\$2.00		\$30,000	\$3.00		\$45,000
Totals	11				\$230,835			\$685,005			\$1,146,675			\$1,608,345
Attrition Rate (-5% for every 1% tax)				5.00%	\$219,293		15.00%	\$582,254		25.00%	\$860,006		35.00%	\$1,045,424

Figure 11 projects tax revenues assuming that 5% of the respondents to the CDFA survey would cultivate a combined area of 97,335 square feet. We have applied base tax rates of \$1, \$3, \$5 and \$7 per square foot to the amount of area cultivated by each license type. These rates are roughly equivalent to 1%, 3%, 5% and 7% of value, respectively. The base tax rate is then multiplied by the number of harvests per year (1 for outdoor, 3 for mixed light and 4 for indoor) to arrive at the rates above, as demonstrated in the model outlined earlier.

At a base tax rate of \$1 per square foot (\$1/sf outdoor, \$3/sf mixed light, \$4/sf indoor), this scenario would nominally generate \$230,835 in annual revenue for the County. When the attrition factor is applied, there is a loss of 5% of businesses that choose to locate elsewhere, or who go out of business or who choose not to transition to the legal market, reducing the total revenue to \$219,293.

A base rate of \$3 per square foot (\$3/sf outdoor, \$9/sf mixed light, \$12/sf indoor) would nominally generate \$685,005 in annual revenue. When the 5% attrition rate is applied that number drops by 15%, down to \$582,254.

With a rate structure of \$5 per square foot for outdoor, \$15 per square foot for mixed-light, and \$20 per square foot for indoor cultivation, this scenario would nominally generate \$1,146,675 in annual revenue for the County. This drops by 25% after attrition, down to \$860,006.

Applying a base rate of \$7 per square foot (\$7/sf outdoor, \$21/sf mixed light, \$28/sf indoor) would generate \$1,608,345 before attrition of 35%, which would bring it down to \$1,045,424.

Figure 12

10% of CDFA Survey														
License Type	# of Licenses	Harvest /Year	Tax per s/f	% Tax Rate	Total Annual Tax	Tax per s/f	% Tax Rate	Total Annual Tax	Tax per s/f	% Tax Rate	Total Annual Tax	Tax per s/f	% Tax Rate	Total Annual Tax
Type 1	3	1	\$1.00	1.0%	\$11,250	\$3.00	3.0%	\$33,750	\$5.00	5.0%	\$56,250	\$7.00	7.0%	\$78,750
Type 1A	4	4	\$4.00	1.0%	\$60,000	\$12.00	3.0%	\$180,000	\$20.00	5.0%	\$300,000	\$28.00	7.0%	\$420,000
Type 1B	2	3	\$3.00	1.0%	\$22,500	\$9.00	3.0%	\$67,500	\$15.00	5.0%	\$112,500	\$21.00	7.0%	\$157,500
Type 2	2	1	\$1.00	1.0%	\$15,000	\$3.00	3.0%	\$45,000	\$5.00	5.0%	\$75,000	\$7.00	7.0%	\$105,000
Type 2A	3	4	\$4.00	1.0%	\$90,000	\$12.00	3.0%	\$270,000	\$20.00	5.0%	\$450,000	\$28.00	7.0%	\$630,000
Type 2B	2	3	\$3.00	1.0%	\$33,750	\$9.00	3.0%	\$101,250	\$15.00	5.0%	\$168,750	\$21.00	7.0%	\$236,250
Type 3	1	1	\$1.00	1.0%	\$32,670	\$3.00	3.0%	\$98,010	\$5.00	5.0%	\$163,350	\$7.00	7.0%	\$228,690
Type 3A	2	4	\$4.00	1.0%	\$132,000	\$12.00	3.0%	\$396,000	\$20.00	5.0%	\$660,000	\$28.00	7.0%	\$924,000
Type 3B	1	3	\$3.00	1.0%	\$49,500	\$9.00	3.0%	\$148,500	\$15.00	5.0%	\$247,500	\$21.00	7.0%	\$346,500
Type 4	2	-	\$0.50		\$15,000	\$1.00		\$30,000	\$2.00		\$60,000	\$3.00		\$90,000
Totals	22				\$461,670			\$1,370,010			\$2,293,350			\$3,216,690
Attrition Rate (-5% for every 1% tax)				5.00%	\$438,587		15.00%	\$1,164,509		25.00%	\$1,720,013		35.00%	\$2,090,849

Figure 12 assumes that 10% of the number of respondents in the CDFA survey apply for and obtain permits. This scenario, and the two that follow, apply the same four base tax rates (\$1/sf, \$3/sf, \$5/sf and \$7/sf) as in Figure 10.

At a base tax rate of \$1 per square foot (\$1/sf outdoor, \$3/sf mixed light, \$4/sf indoor), this scenario would nominally generate \$461,670 in annual revenue for the County. When the attrition factor is applied, that revenue drops to \$438,587.

A base rate of \$3 per square foot (\$3/sf outdoor, \$9/sf mixed light, \$12/sf indoor) would potentially generate \$1,370,010 in annual revenue. When the 5% attrition rate is applied that number drops by 15%, down to \$1,164,509.

With a rate structure of \$5 per square foot for outdoor, \$15 per square foot for mixed-light, and \$20 per square foot for indoor cultivation, this scenario would nominally generate \$2,293,350 in annual revenue for the County. This drops by 25% after attrition, down to \$1,720,013.

Applying a base rate of \$7 per square foot (\$7/sf outdoor, \$21/sf mixed light, \$28/sf indoor) would generate \$3,216,690 before attrition of 35%, which would bring it down to \$2,090,849.

Figure 13

15% of CDFA Survey														
License Type	# of Licenses	Harvest /Year	Tax per s/f	% Tax Rate	Total Annual Tax	Tax per s/f	% Tax Rate	Total Annual Tax	Tax per s/f	% Tax Rate	Total Annual Tax	Tax per s/f	% Tax Rate	Total Annual Tax
Type 1	5	1	\$1.00	1.0%	\$16,875	\$3.00	3.0%	\$50,625	\$5.00	5.0%	\$84,375	\$7.00	7.0%	\$118,125
Type 1A	6	4	\$4.00	1.0%	\$90,000	\$12.00	3.0%	\$270,000	\$20.00	5.0%	\$450,000	\$28.00	7.0%	\$630,000
Type 1B	3	3	\$3.00	1.0%	\$33,750	\$9.00	3.0%	\$101,250	\$15.00	5.0%	\$168,750	\$21.00	7.0%	\$236,250
Type 2	3	1	\$1.00	1.0%	\$22,500	\$3.00	3.0%	\$67,500	\$5.00	5.0%	\$112,500	\$7.00	7.0%	\$157,500
Type 2A	5	4	\$4.00	1.0%	\$135,000	\$12.00	3.0%	\$405,000	\$20.00	5.0%	\$675,000	\$28.00	7.0%	\$945,000
Type 2B	2	3	\$3.00	1.0%	\$50,625	\$9.00	3.0%	\$151,875	\$15.00	5.0%	\$253,125	\$21.00	7.0%	\$354,375
Type 3	2	1	\$1.00	1.0%	\$49,005	\$3.00	3.0%	\$147,015	\$5.00	5.0%	\$245,025	\$7.00	7.0%	\$343,035
Type 3A	3	4	\$4.00	1.0%	\$198,000	\$12.00	3.0%	\$594,000	\$20.00	5.0%	\$990,000	\$28.00	7.0%	\$1,386,000
Type 3B	2	3	\$3.00	1.0%	\$74,250	\$9.00	3.0%	\$222,750	\$15.00	5.0%	\$371,250	\$21.00	7.0%	\$519,750
Type 4	3	-	\$0.50		\$22,500	\$1.00		\$45,000	\$2.00		\$90,000	\$3.00		\$135,000
Totals	32				\$692,505			\$2,055,015			\$3,440,025			\$4,825,035
Attrition Rate (-5% for every 1% tax)				5.00%	\$657,880		15.00%	\$1,746,763		25.00%	\$2,580,019		35.00%	\$3,136,273

The scenario in Figure 13 applies these same rate structures to figures that are 15% of the CDFA survey. A base tax rate of \$1 per square foot would nominally generate \$692,505 in annual revenue for the County. 5% attrition would bring that figure down to \$657,880.

A base rate of \$3 per square foot would generate \$2,055,015 in annual revenue before 15% attrition reduces it to \$1,746,763.

Rates of \$5 per square foot for outdoor, \$15 per square foot for mixed-light, and \$20 per square foot for indoor cultivation would nominally generate \$3,440,025 in annual revenue for the County. This drops by 25% after attrition, down to \$2,580,019.

Applying a base rate of \$7 per square foot would generate \$4,825,035 before attrition of 35%, which would bring it down to \$3,136,273.

Figure 14

25% of CDFA Survey														
License Type	# of Licenses	Harvest /Year	Tax per s/f	% Tax Rate	Total Annual Tax	Tax per s/f	% Tax Rate	Total Annual Tax	Tax per s/f	% Tax Rate	Total Annual Tax	Tax per s/f	% Tax Rate	Total Annual Tax
Type 1	8	1	\$1.00	1.0%	\$28,125	\$3.00	3.0%	\$84,375	\$5.00	5.0%	\$140,625	\$7.00	7.0%	\$196,875
Type 1A	10	4	\$4.00	1.0%	\$150,000	\$12.00	3.0%	\$450,000	\$20.00	5.0%	\$750,000	\$28.00	7.0%	\$1,050,000
Type 1B	5	3	\$3.00	1.0%	\$56,250	\$9.00	3.0%	\$168,750	\$15.00	5.0%	\$281,250	\$21.00	7.0%	\$393,750
Type 2	5	1	\$1.00	1.0%	\$37,500	\$3.00	3.0%	\$112,500	\$5.00	5.0%	\$187,500	\$7.00	7.0%	\$262,500
Type 2A	8	4	\$4.00	1.0%	\$225,000	\$12.00	3.0%	\$675,000	\$20.00	5.0%	\$1,125,000	\$28.00	7.0%	\$1,575,000
Type 2B	4	3	\$3.00	1.0%	\$84,375	\$9.00	3.0%	\$253,125	\$15.00	5.0%	\$421,875	\$21.00	7.0%	\$590,625
Type 3	3	1	\$1.00	1.0%	\$81,675	\$3.00	3.0%	\$245,025	\$5.00	5.0%	\$408,375	\$7.00	7.0%	\$571,725
Type 3A	5	4	\$4.00	1.0%	\$330,000	\$12.00	3.0%	\$990,000	\$20.00	5.0%	\$1,650,000	\$28.00	7.0%	\$2,310,000
Type 3B	3	3	\$3.00	1.0%	\$123,750	\$9.00	3.0%	\$371,250	\$15.00	5.0%	\$618,750	\$21.00	7.0%	\$866,250
Type 4	5	-	\$0.50		\$37,500	\$1.00		\$75,000	\$2.00		\$150,000	\$3.00		\$225,000
Totals	54				\$1,154,175			\$3,425,025			\$5,733,375			\$8,041,725
Attrition Rate (-5% for every 1% tax)				5.00%	\$1,096,466		15.00%	\$2,911,271		25.00%	\$4,300,031		35.00%	\$5,227,121

The tax scenario in Figure 14 assumes that 25% of those who responded to the CDFA survey seek and obtain permits. This equates to 54 commercial cannabis cultivators in the unincorporated area of the County.

Applying the \$1 per square foot base rate would generate a nominal \$1,154,175, dropping to \$1,096,466 after 5% attrition.

A base rate of \$3 per square foot would potentially generate revenues of \$3,425,025 before attrition of 15% reduces that down to \$2,911,271.

Applying rates of \$5 for outdoor, \$15 for mixed light and \$20 for indoor would generate \$5,733,375. Attrition of 25% would reduce that revenue to \$4,300,031.

A base rate of \$7 per square foot (\$7/sf outdoor, \$21/sf mixed light, \$28/sf indoor) would nominally generate \$8,041,725. A 35% attrition rate would reduce that figure down to just \$5,227,121.

The nominal figures in these scenarios all assume that the same number of cultivators will seek and obtain permits, regardless of the tax rates imposed, and that they will all succeed in the regulated market, regardless of how those taxes affect their ability to compete. This seems very unlikely. Higher tax rates should be assumed to have a dampening effect on both permit applications and on the ability of cultivators to succeed. The County should expect to see a reduction in the number of permit applications as the tax rate climbs. We do not yet have actual data to tell us what the actual attrition rate will be, but we believe the model here provides a good general illustration of the mechanism by which increasing tax rates will result in diminishing returns.

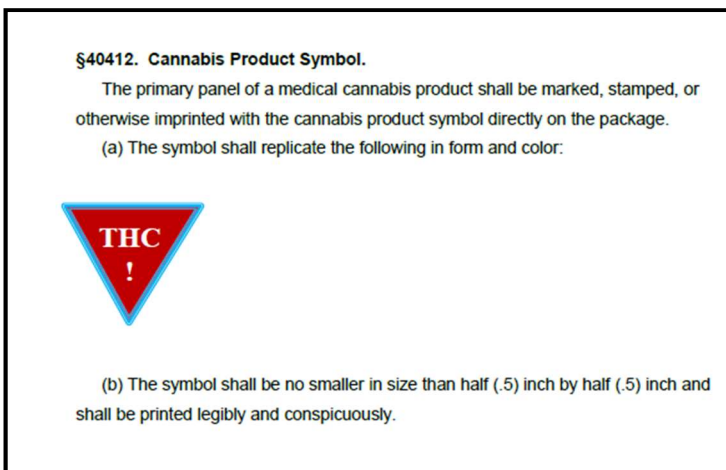
Manufacturers

While MCRSA originally divided manufacturers into two categories for volatile and non-volatile extraction, it's anticipated that implementation of MAUCRSA will expand this to 4 categories to more accurately provide for the breadth and complexity of this sector. Type 6 licenses for extraction using mechanical methods such as pressing, tumbling or dry sifting, or using nonvolatile solvents such as CO₂, will remain, as will Type 7 licenses for extraction using volatile solvents such as butane or propane. Both of these license types also allow the licensee to sell the extract as a product such as Butane Hash Oil or CO₂ oil, or to infuse the extract into tinctures, edibles or topical products. They can also conduct packaging or labeling of their cannabis products.

The new license types that are expected to emerge from the current rule-making process are Type P and Type N. Type P will allow for businesses that only package or repack, or label or relabel, cannabis products. Type N will allow for manufacturers that produce edible or topical products using only infusion processes, and that do not conduct any extractions.

The manufacturing sector is still evolving and expanding, which presents significant opportunities for innovation, business development and job growth. The range of products being produced includes an ever-increasing variety of edibles such as candies, cookies, dressings, and infused drinks such as beer, wine and sodas. Manufacturers may produce their own extract on site, or they may buy extract from other Type 6 or Type 7 licensees. Much like any other industry, cannabis manufacturers often depend upon other businesses to supply them with the various materials or components that go into their final product. These suppliers do not have to be located in or even near the same jurisdiction as the final manufacturer, and may be located anywhere throughout the state.

California's draft regulations for manufactured cannabis currently require that all edible cannabis products be sold in child-proof, tamper-evident packaging. The regulations limit the amount of THC per serving (10mg) and allow no more than 10 servings per package (100mg total). Packaging that includes more than one serving must be resealable so that child-resistance is maintained. The regulations further prohibit any labeling that is designed to be attractive to children, including cartoon characters, imitation candy logos, and any images, characters or phrases that are commonly used to advertise to children and all manufactured cannabis products must be clearly marked with a new universal warning symbol denoting that the product contains THC.



Butane Hash Oil (BHO) and CO₂ Oil are both sold in either raw form or mixed with glycol to enhance viscosity for use in vapor cartridges. Some manufacturers may handle all steps from extraction to packaging the end product in the form of vape pens or other such devices. Others may handle only discreet steps, such as making the raw BHO, which is then sold either directly to retailers or to a Type N manufacturer who will package it into vapor cartridges or other end consumer products. Manufacturers also produce a wide variety of tinctures, as well as topicals such as cannabis infused lotions, salves, sprays, balms, and oils.

Gathering data on the size of the cannabis manufacturing sector is more difficult than for either cultivation or retail dispensaries. Because manufacturers generally do not sell retail, they do not produce sales tax data for us to analyze. The only readily available estimate for the number of manufacturers that may seek to operate in Contra Costa County comes from the CDFA survey dated August 2016. That survey had 35 respondents who registered their interest in seeking either Type 6 or Type 7 manufacturing licenses in the County but, as noted previously, the CDFA survey is not considered to be accurate or methodologically sound.

The Standardized Regulatory Impact Assessment (SRIA) conducted for the Office of Manufactured Cannabis Safety (OMCS) estimates California's total medical cannabis market at \$2.6 billion, of which they estimate manufactured cannabis products to amount to \$650,562,058. Assuming a 65% dispensary markup, the wholesale value of manufactured product sold to dispensaries would be \$227,696,721^{xiv}.

The SRIA noted the difficulty in finding good data for this sector, stating *"There is no direct count of the number of medical cannabis manufacturers in the state, and estimating this number is difficult"*. The assessment noted that the 2016 CDFA survey found 1,971 people who said they were interested in applying for manufacturing licenses at the time, but that this figure is not reliable.

They then looked to compare California's manufacturing sector to Colorado which had a total of 248 licensed cannabis manufacturers in 2015, each with an average of \$1,646,575 in sales. This same metric applied to California would indicate 1,317 cannabis manufacturers. After further discussion with cannabis business owners and industry insiders, the SRIA comes up with an estimate of 1,000 cannabis manufacturing businesses in California, employing 4,140 people. This is an average of 4 new jobs per manufacturer.

Attempting to apportion these 1,000 manufacturers across California on a county by county basis is difficult. Compared with either cultivators or dispensaries, manufacturers are much less tethered to either population centers or abundant land, so there is no rational basis to apportion them either by county, by land base or by population. Both their raw materials and their products are high value and easy to ship, so proximity to either their supply or their market provides little benefit. Given this, manufacturers have greater flexibility than either cultivators or dispensaries to seek out a favorable regulatory and tax climate.

Our assumption is that these businesses will seek out those communities that offer the best mix of amenities, including access to suppliers and the market, related support industries, a welcoming business and social climate and favorable taxes and regulations. Given the wide range of approaches to cannabis by jurisdictions around the State, we assume that 50% (500) of these 1,000 business will be centered in 12 supportive counties, with the other 50% being spread among the remaining 46. This gives an average of around 40 cannabis manufacturers for each of the 12 supportive counties.

The number of these businesses that ultimately locate in Contra Costa County will be directly related to the message the County sends through its policies. The County could seek to develop cannabis manufacturing as an industry cluster by setting attractive regulatory and taxation policies, or it could establish policies that discourage this sector. Because the County has not taken action either way as yet, our analysis will look only at the potential for this industry sector. The likelihood of these or any outcomes is dependent upon policy decisions that have not yet been made.

We believe that Contra Costa, due to its prime location as the eastern gateway to the Bay Area, is well positioned to be a hub for cannabis manufacturing and distribution. As such and as explained above, the county as a whole could accommodate perhaps around 40 cannabis manufacturing businesses. How these are apportioned between the County and the 17 cities is uncertain, but with favorable regulatory

policies and available industrial spaces, the County could potentially attract as many as 20 of these businesses. For this analysis we will use four scenarios, with 5, 10, 15 or 20 manufacturers, and run them at hypothetical tax rates of 3%, 5% and 7% of gross receipts.

HdL has reviewed pro-formas for numerous cannabis manufacturers seeking permits in counties and cities throughout California. From this review we have seen a range of gross receipts from around \$1 million to over \$5 million, with an average in the range of \$2 million to \$3 million. We shall use an average of \$2.5 million for purposes of this analysis.

Figure 15:

Commercial Manufacturers						
Type 6/7/N/P Manufacturer	# of Licenses	Avg Gross Receipts	Total Gross Receipts	Revenue @ 3.0% Tax Rate	Revenue @ 5.0% Tax Rate	Revenue @ 7.0% Tax Rate
Manufacturers	5	\$2,500,000	\$12,500,000	\$375,000	\$625,000	\$875,000
Manufacturers	10	\$2,500,000	\$25,000,000	\$750,000	\$1,250,000	\$1,750,000
Manufacturers	15	\$2,500,000	\$37,500,000	\$1,125,000	\$1,875,000	\$2,625,000
Manufacturers	20	\$2,500,000	\$50,000,000	\$1,500,000	\$2,500,000	\$3,500,000
Attrition rate of -5% for every 1% tax				15.0%	25.0%	35.0%
Revenues after attrition				\$318,750	\$468,750	\$568,750
				\$637,500	\$937,500	\$1,137,500
				\$956,250	\$1,406,250	\$1,706,250
				\$1,275,000	\$1,875,000	\$2,275,000

Depending upon the number of businesses and the tax rate applied, a tax on commercial cannabis manufacturers could potentially generate \$375,000 and \$3,500,000 in annual tax revenue under this scenario. However, the numbers for this model are based on the assumption that these businesses will locate in jurisdictions that offer favorable regulatory and tax rates. Given this, the higher the tax applied, the less likely that the numbers of businesses will materialize. When we apply the same attrition factor as we did for cultivation (-5% for every 1% of tax rate), the potential revenue drops to a range of \$318,750 to \$2,275,000.

When considering taxes for the manufacturing sector, it is important to recognize that manufacturing is not necessarily a singular step involving a single manufacturer. Manufacturing can include volatile extraction of cannabis oil, or using that oil in making edibles or salves, or loading it into cartridges for vape pens, or assembling the loaded cartridges into fully-finished, ready-to-smoke products, or simply handing any of these products for labeling or repackaging. It is very conceivable that the materials for a manufactured cannabis product might pass through the hands of multiple manufacturers on their way to becoming a finished product that is ready to be sold to the consumer, and these various manufacturers or suppliers may be located anywhere in the State.

When manufacturing is taxed, that tax may be applied to multiple separate businesses that may or may not be located in the same jurisdiction. Multiple taxes may be applied, by multiple jurisdictions, at multiple rates and at multiple steps in the product supply chain. This makes it virtually impossible to come up with a generic model of how these cumulative taxes may build on each other.

As a very general example, manufacturing-grade cannabis may be purchased from a cultivator in a county that has a cultivation tax rate of 4.5% of value. Manufacturers may use premium cannabis flower, but

they more commonly use lower-grade leaf or trim, which may sell for around \$200 per pound. The concentrate oil for vaping may sell for \$40 to \$100 per gram retail, or around \$9,000 per pound in wholesale quantities. Another manufacturer may purchase a variety of concentrates from various sources which they then blend together (much like blended wines or coffees) and add terpenes for flavoring before selling the product in vape cartridge form. Lastly, other manufacturers may purchase these pre-filled cartridges and load them into ready-to-use vape pens, or repackage the product as their own private label or house brand.

In this example, each of these manufacturers may be located in a different jurisdiction, with different tax rates being applied to the product at different stages of value. In addition, as the product moves toward the consumer, more of the sale price goes into associated non-cannabis product such as cartridges, vape pens or packaging. A gross-receipts tax on manufacturing or retail typically does not discriminate between the actual cannabis product and other products sold by the same business. Depending on how the tax is structured, a manufacturer or retailer could potentially be paying this additional tax even on non-cannabis marketing paraphernalia such as logo hats and t-shirts.

This potential for manufacturing taxes to be layered one on top of another creates a strong argument for being very conservative when taxing this sector. Even a small tax of 3.0% could potentially grow into a tax of 12% or more by the time the product moves through multiple manufacturers. Given the potential for new businesses and job growth in this sector, we would encourage jurisdictions to be cautious when considering what tax rates, if any, to apply.

Distributors

Distributorships are still emerging in the cannabis industry, and there is not yet sufficient data to indicate the number of unlicensed distributors currently operating, or the number which may seek Type 11 licenses in the future. As with manufacturers, however, where these businesses choose to locate will largely be a function of access to clients and markets, available and affordable locations, and a welcoming regulatory and tax climate. Contra Costa's location lends itself well to distribution centers that can access both the greater San Francisco Bay Area and the Capitol corridor, suggesting that the County could seek to attract more than its proportional share of these businesses, if it chose to.

Unlike either cultivators or manufacturers, distributors do not make, modify or add value to the product. Distributors provide a key role in moving cannabis products to market while ensuring that all State testing and reporting standards have been met. Cannabis or cannabis products can only be transported by a person holding a distributors license.

Under State law, distributor are responsible for storing cannabis batches on their premises while a proper sample is taken for testing by a licensed testing facility. If the product passes all testing standards, the distributor is responsible for product quality assurance by ensuring that proper weight, packaging and labeling standards are met. If the product fails testing, the distributor must ensure that it is properly destroyed in accordance with law. In addition, distributors are responsible for the collection and remittance of State taxes to the Board of Equalization.

The Standardized Regulatory Impact Assessment (SRIA) completed for the Bureau of Cannabis Control^{xv} estimates the ratio of cannabis distributors to retailers and testing labs by assuming that the average dispensary handles 640 pounds per year, and that there is an average of 1 distributor for every 10 dispensaries, and 1 testing lab for every 2 distributors. By this model, the average distributor would handle 6,400 pounds of cannabis per year.

Our analysis of potential cultivation in Contra Costa County estimated a number of growers consistent with up to 25% of the number identified in the CDFA survey. Assuming 1 pound of cannabis for every 10 square feet of cultivation area per cycle, we would anticipate a total production of approximately 110,000 pounds per year. Using the SRIA model, it would take 17 distributors to move this volume of product to market. At just 5% of the CDFA figures, we would anticipate total production of 22,000 pounds, with 3 or 4 distributors being needed.

However, the SRIA model was based upon MCRSA, which was replaced by MAUCRSA to incorporate both medical and adult use cannabis into one regulatory framework. One of the changes allowed under MAUCRSA was to allow cultivators and manufacturers to serve as their own distributors, thus bypassing the need for an independent distributor. We don't yet know the proportion of cultivators who might choose to self-distribute, but if we assume that half will do so, then the number of distributors would also come down by half, giving a high of 8 and a low of 2.

As discussed elsewhere in this report, the cannabis industry does not operate as a closed loop within any county. Cannabis cultivated in one county may be purchased by a manufacturer in another county (or city), before being moved to retailers all around the State. While distributors and testing labs will certainly benefit from proximity to the suppliers and retailers they work with, they can easily be located in a neighboring or nearby county, or in a city within the county. However, this goes both ways. Some cultivators in unincorporated Contra Costa County may choose to utilize distributors from neighboring

Alameda or San Joaquin counties, or from one of the cities within Contra Costa. Similarly, some of the cultivators in these neighboring jurisdictions may choose to use distributors located in Contra Costa.

There are not yet established norms for taxing distributorships. This analysis will consider just two scenarios with 3 and 5 distributors, and will run them with the same tax rates for retailers and manufacturers (3%, 5% and 7%). While there is not an abundance of data to determine the average gross receipts for distributors, HdL has reviewed a number of pro-formas for distributors seeking licenses in other jurisdictions. These indicate anticipated gross receipts in the range of \$2 million to \$3 million per year, with an average of \$2.5 million. We shall use these figures for our revenue projections.

As with cultivation and manufacturing, we have included an attrition factor of -5% for every 1% of tax. Distributors are believed to have high mobility in that they can shop for favorable locations within their general area to locate their business. Distributors do not have the same intensive site infrastructure needs as cultivators or some manufacturers, nor do they require high-visibility locations, like retailers. They need only a general light-industrial warehouse space from which to operate, and reasonable access to highways or major thoroughfares. For distributors, the bottom line when choosing a location is likely to be overall cost, which includes price per square foot and any local taxes.

The business model for distributors is based on a percentage markup on the price paid to their suppliers. This markup is commonly 20% to 30%. Any local tax must be added on to this markup. A 3% local tax on gross receipts would effectively increase a 20% markup to 23%. A 7% tax would increase it to 27%. Even if a distributor chose to locate in a jurisdiction with such tax rates, we would assume that this increased markup would make it less competitive, thus reducing their market share, their gross receipts, and any resulting revenues to the county or city.

For these reasons, we believe that higher taxes may have more of a discouraging impact on distributors than on any other commercial cannabis business type. The County may wish to consider whether or not to tax distributors at all, especially given their key role in ensuring that testing and quality assurance standards have been met, and in collecting and remitting taxes to the State.

Figure 16:

Commercial Distributors						
Type 11 Distributors	# of Licenses	Avg Gross Receipts	Total Gross Receipts	Revenue @ 3.0% Tax Rate	Revenue @ 5.0% Tax Rate	Revenue @ 7.0% Tax Rate
Distributors	3	\$2,500,000	\$7,500,000	\$225,000	\$375,000	\$525,000
Distributors	5	\$2,500,000	\$12,500,000	\$375,000	\$625,000	\$875,000
Attrition rate of -5% for every 1% tax				15.0%	25.0%	35.0%
Revenue after attrition				\$191,250	\$281,250	\$341,250
				\$318,750	\$468,750	\$568,750

Using the figures and rates above, we estimate that a tax rate of 3% of gross receipts applied to 3 distributors could generate around \$225,000 in revenue to the County. A 5% tax rate could generate \$375,000, and a 7% rate could

generate an estimated \$525,000. However, when we include the attrition factor, those figures come down to \$191,250, \$282,250 and \$341,250, respectively.

When we apply these same taxes to 5 distributors, a rate of 3% could potentially generate \$375,000, a rate of 5% could generate \$625,000, and a 7% rate could generate \$875,000. After attrition of -5% for every 1% of tax, those revenue figures come down to \$318,750, \$468,750 and \$568,750, respectively.

Cannabis Retailers

While cannabis cultivation is typically taxed on a per-square-foot basis, the most common approach for taxing other commercial cannabis activities is a tax on the gross receipts of the business. HdL has reviewed confidential data for over 1,400 sales tax accounts for cannabis-related businesses. This data suggests that gross receipts for dispensaries commonly range from \$1,000,000 to \$4,000,000, with a midpoint around \$2,500,000.

The CDFA survey shows 34 people registering their interest in seeking licenses for cannabis retailers in Contra Costa County. The number of cannabis retailers that a city or county can support can be based upon population and neighboring communities. Contra Costa has an estimated population of 1.135 million people, of which around 200,000 live in the unincorporated area. A 2015 survey by the Humboldt Institute for Interdisciplinary Marijuana Studies^{xvi} found an average of 4-6 retailers (or dispensaries) for every 100,000 people statewide, and likely more in communities with higher social acceptance and use. This would allow for between 45 and 68 retailers countywide, with a proportional share of 8 to 12 in the unincorporated area. That same study showed that Contra Costa County had only 1 or 2 dispensaries per 100,000 people, which would indicate between 11 and 22 dispensaries countywide, with 2 to 4 in the unincorporated area.

Confidential sales tax data obtained by HdL shows 40 marijuana-related businesses in the county as a whole registered with the Board of Equalization (payment of sales tax indicates a retail cannabis business). Of these, only 26 report any actual income, with just 9 reporting significant income over the past 4 quarters. Though Contra Costa County does not currently permit any commercial cannabis businesses, there are 7 registered marijuana-related businesses in the unincorporated County, with only 1 legal, non-conforming medical cannabis retailer reporting significant income over the past 4 quarters.

The 9 existing cannabis retailers county-wide brought in a combined \$14,809,700 in gross receipts last year. This averages approximately \$1.65 million in gross receipts each, which is well under the statewide average of \$2.5 million. This figure is presumably low due to existing bans on such businesses in the County and many of the cities, and so does not represent the number of retailers that might come into existence should they be allowed.

The City of Richmond gives us a better indication of sales in a legal, regulated market. The three largest retailers in Contra Costa County are all located in the City of Richmond, which permits medical cannabis dispensaries but caps them at the current three. These three alone grossed over \$13 million, with the largest grossing over \$7 million by itself. The average gross receipts for these three would be \$4.3 million. Applying typical averages of 4-6 retailers per 100,000 residents to the City's population of 110,000 suggests that the City should be able to accommodate 5 or 6 retailers. Dividing those \$13 million in gross receipts over 5 retailers gives an average of \$2.6 million. Dividing it over 6 retailers gives an average of \$2.2 million. This is consistent with our statewide average of \$2.5 million for retailers.

The population-based norms from the study above suggest that the county as a whole could potentially accommodate as many as 68 cannabis retailers, with perhaps as many as 22 serving the unincorporated area. To attract such a large share of such businesses, the County would have to offer favorable regulations and attractive tax rates, and allow retailers in locations that very aggressively pull customers from neighboring cities. We believe this is unlikely in the near term, and may be undesirable to the community at large. For purposes of this fiscal analysis, we shall use four scenarios for the number of retailers in the unincorporated area: a low of 3, a high of 12, and two midrange models at 6 and 9. We have run each of these scenarios using hypothetical gross receipts tax rates of 3%, 5% and 7%.

Figure 17:

Cannabis Dispensaries/Retailers						
License Type	# of Licenses	Avg Gross Receipts	Total Gross Receipts	Revenue @ 3.0% Tax Rate	Revenue @ 5.0% Tax Rate	Revenue @ 7.0% Tax Rate
Retailers	3	\$2,500,000	\$7,500,000	\$225,000	\$375,000	\$525,000
Retailers	6	\$2,500,000	\$15,000,000	\$450,000	\$750,000	\$1,050,000
Retailers	9	\$2,500,000	\$22,500,000	\$675,000	\$1,125,000	\$1,575,000
Retailers	12	\$2,500,000	\$30,000,000	\$900,000	\$1,500,000	\$2,100,000

Figure 17 shows the estimated tax revenue that could be generated under these four scenarios, with 3 possible tax rates for each. The revenues range from a low of \$225,000 (assuming just 3 retailers taxed at 3.0% of gross receipts) up

to a high of \$2,100,000 (assuming 12 retailers taxed at 7.0%).

The gross receipts for dispensaries is variable depending upon the number of dispensaries serving a given size population. Dispensaries are the only cannabis business that specifically serves the local community, rather than feeding into the statewide market, and so the number of dispensaries can be assumed to be somewhat proportional to the local population. Consumer demand for cannabis is assumed to generally be a constant, regardless of its legal status or the availability of dispensaries, and so it's reasonable to expect that more dispensaries will mean fewer customers for each and, thus, lower gross receipts.

However, there will always be an upper limit. We anticipate that providing greater access to dispensaries or retailers would initially facilitate a shift in cannabis purchases happening through legal, regulated means rather than through the black market, especially for non-medical cannabis. Eventually, though, the local cannabis market will reach saturation, at which point new cannabis retailers will simply cannibalize sales from existing retailers. The taxable amount of gross sales will likely plateau at some point, regardless of the number of retailers.

MAUCRSA provides a single license type for cannabis retailers (Type 10), though it is available in both M (Medical) or A (Adult Use) versions. Local jurisdictions have the authority to allow either or both types of retailers. Under California's regulatory program, it is anticipated that consumers will have little reason to purchase cannabis in the medical segment rather than buying in the adult use segment. Both medical and adult use cannabis will pay the State cultivation tax and excise tax, with the only advantage being an exemption from regular sales tax for qualifying patients with a state-issued identification card. Currently there are only about 7,000 such cardholders in California. Eligibility for this limited sales tax exemption will cost consumers approximately \$100 per year, plus time and inconvenience, for a savings of 8.5% in Contra Costa County. It's anticipated that this will provide no price advantage for the vast majority of cannabis consumers^{xvii}.

The Bureau of Cannabis Control projects that more than half of the adult use purchases currently in the black market will transition to the legal market to avoid the inconvenience, stigma and risks of buying unknown product through an unlicensed seller^{xviii}. Essentially, the easier, cheaper and more reliable it is for consumers to access quality cannabis legally, the less reason they will have to purchase it through the black market. That same study projects that 60% of those currently in the legal, medical cannabis market will shift to the adult use market, for the reasons noted above. The availability of legal adult use cannabis is also anticipated to produce a small 9.4% increase in consumer demand.

Given these figures, Contra Costa should expect to see some increase in retail sales as these shifts occur in the market. More significantly, the existence of legally permitted cannabis retailers will allow a far greater portion of existing cannabis sales to be captured by legal (and tax-paying) retailers.

The shift from medical to adult use sales is not expected to change the overall volume of sales, only the category into which they fall. Once the legal, adult use market is properly functioning, it is anticipated to capture about 61.5% of the overall cannabis market in California. The legal medical cannabis market is projected to decline to just 9% of the overall market. The other 29.5% is expected to remain in the black market^{xix}.

Retailers may have a storefront location, or they may operate via a delivery service. Data collected for a Standardized Regulatory Impact Assessment conducted for the Bureau of Medical Cannabis Regulation (now Bureau of Cannabis Control)^{xx} found that 57% of cannabis retailers statewide use a storefront location, while 47% conduct business using a delivery service. The 4% overlap in the results represents retailers that sell through both a storefront and a delivery service. This 4% figure is believed to be an underestimate due to certain reporting requirements.

The County may also wish to consider structuring its regulations or taxes for cannabis retailers in a way that supports or encourages delivery services, rather than brick-and-mortar stores. It is conceivable that delivery services could potentially be located in ways that increase their penetration into neighboring jurisdictions, thus increasing the amount of sales tax revenue generated for the County. However, this scenario is speculative and would depend upon specific locations and service models. This analysis does not distinguish between the two for purposes of projecting tax revenue, as they would generally serve the same local market.

References

- ⁱ Duncan McEwan, et al (January 2017) *"Economic Impact Analysis of Medical Cannabis Cultivation Program Regulations"* California Department of Food and Agriculture
- ⁱⁱ California Association of Realtors (July 17, 2017), *June Home Sales and Price Report*, <http://www.car.org/aboutus/mediacenter/newsreleases/2017releases/june2017sales>
- ⁱⁱⁱ Eschker, Erick (2015) *"Active Medical Marijuana Dispensaries in California, 2015"* Humboldt Institute for Interdisciplinary Marijuana Research
- ^{iv} University of California Agricultural Issues Center (February 23, 2017) *"Economic Costs and Benefits of Proposed Regulations for the Implementation of the Medical Cannabis Regulation and Safety Act (MCRSA)"*
- ^v Hawken, Angela (2013) *"Economies of Scale in the Production of Cannabis"* BOTEK Analysis Corporation
- ^{vi} Duncan McEwan, et al (January 2017) *"Economic Impact Analysis of Medical Cannabis Cultivation Program Regulations"* California Department of Food and Agriculture
- ^{vii} John P. Caulkins (2010) *"Estimated Cost of Production for Legalized Cannabis"*, the Rand Drug Policy Research Center
- ^{viii} Chris Roberts (November 2016) *"The Great Cannabis Price Crash"* High Times
- ^{ix} Thomas H. Gray (2012) *"Reasonable Markup to Distributors"* <http://www.tom-gray.com/2012/04/26/reasonable-markup-to-distributors/>
- ^x Joseph Henchman (2016) *"Marijuana Legalization and Taxes: Lessons for Other States from Colorado and Washington"* the Tax Foundation
- ^{xi} Patrick McGreevy (July 26, 2017) *"California has too much pot, and growers won't be able to export the surplus"* Los Angeles Times <http://www.latimes.com/politics/essential/la-pol-ca-essential-politics-updates-california-producing-pot-surplus-1501101923-htmlstory.html>
- ^{xii} Denver Relief Consulting, et al (2017) *"2017 California Cannabis Opportunity Report"* <https://www.cacannabisreport.com/>
- ^{xiii} Transparent California Public Pay and Pension Database, <http://transparentcalifornia.com/salaries/search/?q=DEPUTY+SHERIFF-40+HOUR&y=2016&page=1>
- ^{xiv} Erick Eschker, et al (February 1, 2017) *"Standardized Regulatory Impact Assessment (SRIA) Proposed Regulations for Manufacturers of Medical Cannabis"* Humboldt Institute for Interdisciplinary Marijuana Research
- ^{xv} University of California Agricultural Issues Center (February 23, 2017) *"Economic Costs and Benefits of Proposed Regulations for the Implementation of the Medical Cannabis Regulation and Safety Act (MCRSA)"*
- ^{xvi} Eschker, Erick (2015) *"Active Medical Marijuana Dispensaries in California, 2015"* Humboldt Institute for Interdisciplinary Marijuana Research
- ^{xvii} *"Economic Costs and Benefits of Proposed Regulations for the Implementation of the Medical Cannabis Regulation and Safety Act (MCRSA)"* (February 23, 2017) University of California Agricultural Issues Center
- ^{xviii} *"Economic Costs and Benefits of Proposed Regulations for the Implementation of the Medical Cannabis Regulation and Safety Act (MCRSA)"* (February 23, 2017) University of California Agricultural Issues Center

^{xix} *“Economic Costs and Benefits of Proposed Regulations for the Implementation of the Medical Cannabis Regulation and Safety Act (MCRSA)”* (February 23, 2017) University of California Agricultural Issues Center

^{xx} *“Economic Costs and Benefits of Proposed Regulations for the Implementation of the Medical Cannabis Regulation and Safety Act (MCRSA)”* (February 23, 2017) University of California Agricultural Issues Center



**PRELIMINARY WORKING DRAFT
FRAMEWORK FOR
REGULATING CANNABIS IN THE
UNINCOPORATED AREA OF
CONTRA COSTA COUNTY**

October 24, 2017



**PREPARED FOR THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS
BY
THE CONTRA COSTA COUNTY DEPARTMENT OF CONSERVATION AND DEVELOPMENT**

**30 Muir Road
Martinez, CA 94553
(925) 674-7775**

(NOTE: Guidance on refining this document is requested of the Board of Supervisors at the October 24, 2017 meeting. Yellow highlighted text marks ideas or components on which Board input is particularly needed.)

I. Introduction

In response to California voter approval of Proposition 64 (Adult Use of Marijuana Act) in November 2016, the Contra Costa County Board of Supervisors has directed the County staff¹, to initiate the process of preparing regulations for the establishment of commercial cannabis businesses in the unincorporated areas of the County. The regulations will also address cultivation of cannabis for personal use at home.

This working draft document is intended to provide an overview of potential cannabis regulations being formulated for the unincorporated areas of the County, including aspects still very far from being settled, based on guidance from the County Board of Supervisors at the April 25, 2017 and July 18, 2017 meetings as well as additional concepts to be discussed by the Board on October 24, 2017. Once refined by the Board, a future version of this document may be used to solicit further detailed public input on this matter.

In addition to preparation of land use and health regulations for commercial cannabis uses, the Board has also initiated the process of analyzing and preparing a potential taxing program for the various commercial cannabis uses. It is anticipated that no commercial cannabis uses would be authorized until such time as a cannabis tax ballot measure has been approved by County voters. A County cannabis tax initiative could be considered by voters at the next General Election in November 2018, so regulations permitting commercial cannabis uses are not expected to become effective until that time at the earliest.

No decision has been made by the Board on the regulatory framework contemplated in this document. Currently, and unless or until new regulations are approved by the Board of Supervisors, the commercial cultivation, distribution, storage, manufacturing, processing, and sale of medical cannabis and adult use cannabis and the outdoor cultivation of cannabis for personal use ***are prohibited*** within the unincorporated areas of the County.

II. Types of Commercial Cannabis Uses Under Consideration

The County is considering regulating and permitting the establishment of various commercial cannabis uses. No decisions have been made and it is possible that some or all categories of use will not be permitted. Types of use under consideration include:

¹ Staff from the following County Departments have been involved: County Administrators Office, County Counsel, Sheriff's Office, District Attorney, Health Services Department (HSD), Probation, Treasurer-Tax Collector, Agriculture, and Conservation and Development (DCD). DCD is taking the lead with respect to developing land use regulations. HSD is taking the lead with developing health regulations.

- **Cultivation-** “Cultivation” refers to the growing of cannabis for commercial use, including artificial, mixed light and natural light cultivation (i.e. indoor, greenhouse and outdoor).
- **Retail Sales/Delivery-** “Retail sales” of cannabis refers to the sale of cannabis to retail customers from a storefront that sells only cannabis products. Retail delivery refers to deliveries from a storefront or other permitted site to customers. The establishment of delivery-only retail may have fewer potential impacts on neighborhoods and may be preferred in some, many or all instances.
- **Manufacturing/Processing-** Involves the processing of cannabis or cannabis products into various marketable forms, including edibles, oils, tinctures, etc. The County may be well-positioned to attract and retain these types of businesses because the County has significant industrial land and a strong industrial base.
- **Distribution Center-** A cannabis distribution center refers to a site where cannabis or cannabis products are warehoused and distributed to licensed cannabis retailers. The retail sale of cannabis or cannabis products is not permitted from cannabis distribution centers.
- **Testing-** A “cannabis testing” facility is a facility where cannabis and cannabis products are tested for potency, quality, and health and safety requirements.

III. Land Use Permitting Process

All applications for commercial cannabis uses are proposed to be subject to the County Land use Permitting Process (Article 26-2.20 of County Code). Under the land use permitting process, applications for all commercial cannabis uses would be subject to the following procedures:

- Review of application for completeness.
- Solicitation of comments from other County, State, and community agencies/organizations.
- Review of project for compliance with the California Environmental Quality Act.
- Mailing of public hearing notice to all property owners within 300-feet of property where use is proposed.
- Public hearing before the County Zoning Administrator.

- Discretionary decisions would be made by the County Zoning Administrator who could approve or deny applications. Zoning Administrator decisions can be appealed to the County Planning Commission and decisions by the Planning Commission can be appealed to the County Board of Supervisors.

Each permitted use would be subject to specific conditions intended to protect public health, safety and welfare (further discussion of key examples of protections is provided below). The permits would be subject to suspension or termination if performance standards are not met or public health, safety or welfare was threatened. The regulations could incorporate automatic expiration of cannabis permits after a set number of years and require re-approval of permits, including a new application review process. Periodic permit review hearings or review procedures could also be included.

IV. Potential Cap on Number of Permits

In order to help ensure the establishment of safe, orderly and accessible commercial cannabis businesses, the Board may wish to consider placing a cap on the number of permits to be issued for some or all of the commercial cannabis use to be permitted. Establishment of a “ramp-up” program where the cap on the number of permits is increased on an annual basis may also be considered by the Board, which would enable enforcement needs and community effects to be assessed and resource allocation to be adjusted in a deliberative manner. Considerations on potential caps for each of the use types are as follows:

[[ULTIMATE OR INTERIM LIMIT, IF ANY, FOR EACH COMMERCIAL USE TO BE DETERMINED BY THE BOARD]]

- **Commercial Cultivation-** [No limit] OR [A maximum of (10?)-(50?)-(100?) (more?)] permits for the commercial cultivation of cannabis, including indoor, mixed light and outdoor cultivation.
- **Retail Sales-** [No limit] OR [A maximum of (3?)-(6?)-(9?)-(12?) (more?)] permits for the retail sale of commercial cannabis and cannabis products. For delivery-only retail the cap could be increased or eliminated altogether.
- **Manufacturing-** [No limit] OR [A maximum of (5?)-(10?)-(15?)-(20?) (more?)] permits for manufacturing of cannabis and cannabis products. Given that the County could have competitive advantages in the sectors of manufacturing, distribution and testing, and that community impacts may be well addressed with proper siting, staff suggests the Board consider a high (or no) ultimate cap on these sectors (interim caps for a “ramp-up” may have merit).

- **Distribution Center-** [No limit] OR [A maximum of (?)-(?)-(?)] permits for cannabis and cannabis products distribution center.
- **Testing Facility-** [No limit] OR a maximum of (?)-(?)-(?) permits for cannabis and cannabis products testing facility.

V. Applicant Selection Process

In order to ensure the establishment of safe and accessible commercial cannabis uses, all applications for commercial cannabis uses would be subject to the County's existing land use permitting process in addition to any additional processes that may be required by the future cannabis ordinance. Applications for a land use permit for commercial cannabis uses would only be accepted on qualifying properties located within the appropriate zoning district and outside of any approved buffer area. Only then could an application for a land use permit be submitted.

If the Board establishes ultimate or interim caps on the number of businesses to be permitted for any use category, we will need to define a selection process to determine how the ability to apply for available permits will be allocated. Three options are identified below and are evaluated in the attached Table 1.

[[SELECTION PROCESS, IF ANY, WOULD BE DETERMINED BY BOARD]]

- (A) ***First come, first served***, through the otherwise standard land use permitting process. Once an application is deemed complete, the number of available permits would be reduced by one. The application would be processed like any other land use permit. Applications would be approved or denied by the Zoning Administrator (or other hearing body, if appealed) based on the ability to make the required land use permit findings and any other specific findings that could be required by the future cannabis ordinance. Once a sufficient number of applications is deemed complete, the County would stop accepting applications, unless and until one or more complete applications was denied.

OR

- (B) ***"Request for Proposal"*** process where applicants submit a proposal for the establishment and operation of a specific commercial cannabis use. The proposal would then be scored utilizing a scoring system established by code. Proposals with the highest scores would be allowed to submit a land use permit application, and the applications would then be processed under the current land use permitting process as

well as any additional processes that may be required by the future cannabis ordinance. The proposal process could be done in phases. For instance, the County could initially invite submission of pre-proposals (shorter and less complex than full proposals), screen the pre-proposals, then invite some proponents to submit full proposal which would be screened again to determine who may apply (this is similar to some grant selection processes). If a permit was not issued to a selected proposal, a proposal just below the initial cut could be invited to apply. Establishing screening process and criteria and any appeals process could be a significant effort.

OR

- (C) “**Lottery**” selection process where complete applications (or proposals) are placed in a lottery and selected at random. Selected applications would be processed under the current land use permitting process as well as any additional processes that may be required by the future cannabis ordinance. If a selected application was ultimately denied, another application could be drawn from the lottery.

(Document continues on next page)

VI. Eligible Locations

The Department of Conservation and Development has prepared a matrix and Preliminary Cannabis Use Maps identifying the zoning districts where specific commercial cannabis uses could be eligible to apply for a discretionary permit. **The draft matrix and maps are still under review by the Board.** The draft matrix is below. The draft maps are in an attachment.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area-Wide Planned Unit Development (P-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-I), Heavy Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy and Sustainable Water Supply		Sustainable Water Supply		Potential limits on number of employees/trips outside ULL			500 feet from another retail location
Key Considerations and Limitations by Use	Maximum 22, 000 sf		Max 2 acres	only within ULL	Potential limits on number of employees/trips outside ULL	only within ULL	only within ULL	only within ULL
	Ag Districts: maximum 10,000 sf structure or in existing structure		Greenhouse only in non- ag districts	Cultivators may distribute own produce to retailers				500 ft from another retail location

Properties with incompatible zoning could apply to be rezoned, but this is a long and complex process requiring Board approval. Outside of the Area-Wide P-1 zoning districts that cover the former Redevelopment Areas (and that may be eligible for cannabis uses per the above matrix), other lands that are zoned P-1 (Planned Unit Development) could go through a different process to become eligible for cannabis uses if they have a compatible General Plan designation. They could apply for a Development Plan modification to include a cannabis use as an eligible use.

VII. Buffer Zones

Sites with eligible zoning are proposed to also be subject to specific buffer requirements from sensitive land uses such as schools, parks, playgrounds, libraries and drug and alcohol recovery centers. The proposed ordinance could also include buffers from residential land uses.

The proposed buffers for commercial cannabis uses are as follows:

- 1,000 feet from any sensitive site including school, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.
- For retail storefronts, 500-feet from another retail storefront.

Different buffers are also under consideration, including distances larger and smaller than 1,000 feet as well as buffers from other features such as residential zoning districts. However, 500 foot buffers from residential zoning districts would significantly reduce the number of eligible sites and such buffers should be reserved for the uses least compatible with residential (such as volatile manufacturing processes) unless a policy priority is to maintain significant separation of commercial cannabis uses and residential areas.

VIII. Security and Nuisance Abatement Requirements

In order to ensure that commercial cannabis uses are operated in a safe and secure manner, commercial uses are proposed to be subject to substantial security measures to be incorporated into the regulations. Examples of security measure may include (the below are examples only—many additional measures could be considered during development of the detailed regulations):

- Require that cannabis establishments be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties.

- Require design measures and an enforceable security plan to ensure the applicant will secure the premises twenty-four hours per day, seven days per week. Examples of specific measures include: security cameras; background checks for employees; establishing limited access areas accessible only to authorized personnel; storing all finished cannabis products in a secured and locked room; preventing off-site impacts to adjoining or near properties; and limiting the amount of cash on the premises.

Examples of operational conditions of approval include:

- Requiring permitted facilities (other than retail space in storefronts) to be closed to the general public; prohibiting transporter deliveries and pick-ups between the hours of, for example, 7:00 p.m. and 8:00 a.m.
- Odors shall be contained on the property on which the commercial cannabis activity is located.
- No production, distribution, storage, display or wholesale of cannabis and cannabis-infused products shall be visible from the exterior of the building where the commercial cannabis activity is being conducted.

IX. Public Health Safeguards

Contra Costa Health Services recommends that the Board adopt a local health ordinance that establishes permitted activity, and the conditions under which consumer products which contain cannabis can be manufactured and sold to consumers. Adopting a local health ordinance will also allow county staff to inspect, regulate and enforce appropriate state and local laws pertaining to the cannabis industry. The primary reasons for crafting a local regulatory health ordinance are:

- Providing authority for local environmental health staff to inspect and enforce the numerous state laws pertaining to: i) the manufacturing of food and beverage products that contain cannabis (termed “edible cannabis products”); and ii) the retail sale and dispensing of cannabis products including, but not limited to, leaf, bud, edibles, beverages, tinctures, candies, etc.
- Provide local authority to establish, inspect, and enforce additional rules and restrictions on the manufacturing and sale of consumer products which contain cannabis.
- Provide local authority to restrict use of cannabis in public places and smoking of cannabis in multi-unit housing.

X. Cost Recovery

Fees on cannabis businesses could be considered to cover County costs associated with application review and monitoring compliance with permit conditions.

XI. Taxation

A ballot measure to seek approval for taxes on certain commercial cannabis uses is under consideration. [Insert more information here as this aspect progresses]

XII. Personal Cultivation

In addition to providing comprehensive regulations for the establishment of commercial cannabis uses, the County cannabis ordinance could also address cultivation for personal use. Under current County cannabis regulations, limited indoor cultivation is permitted. The current regulations for personal indoor cultivation has been provided below.

- **Indoor Personal Use Cultivation-** *Under the County's current cannabis regulations*, six or fewer cannabis plants may be cultivated indoors at a private residence, or inside a fully-enclosed and secured accessory structure to a private residence located on the grounds of the private residence, if all of the following conditions are met:
 1. The private residence or accessory structure, and all lighting, plumbing, and electrical components used for cultivation, must comply with applicable zoning, building, electrical, and plumbing codes and permitting requirements.
 2. All living cannabis plants, and all cannabis in excess of 28.5 grams produced by those plants, must be kept in a locked room and may not be visible from an adjacent property, right-of-way, street, sidewalk, or other place accessible to the public.
 3. The private residence must be lawfully occupied by the person who cultivates the cannabis plants within the private residence or within the accessory structure. If the private residence is not owner-occupied, written permission from the owner of the private residence must be obtained before cannabis plants may be cultivated.

The final regulations could continue the current restrictions on cultivation for personal use or they could be expanded to allow for limited outdoor cultivation for personal use and/or allow for variances.

- **Outdoor Personal Use Cultivation**- Examples of restrictions on outdoor cultivation for personal cultivation that could be considered in lieu of outright prohibition include:
 1. Not more than three marijuana plants are cultivated at one time.
 2. The plants are not visible from a public right-of-way or adjacent parcel.
 3. No part of the plants being cultivated are within five feet of any property line.
 4. No more than three marijuana plants per parcel are allowed to be cultivated outdoors, regardless of the number of qualified patients residing on the parcel.
- **Variance or land use permit application to allow for exceptions to limitations on personal cultivation**. The Board could consider whether the limitations on personal cultivation are hard and fast limits with no exceptions or whether to allow a discretionary permit process to enable certain specified exceptions. For instance, outdoor personal cultivation could be permitted or denied through such a process. Or certain exceedances on the limitations on number of plants could be considered on a case by case basis in this manner. The process would require notification to neighbors and a public hearing and decisions would be appealable.

XIII. Enforcement

In order to ensure the orderly establishment of commercial cannabis uses and to prevent and discourage the establishment of unregulated cannabis uses, robust enforcement capacity should be a component of the regulatory program. Additional work is needed by staff to more fully explore the most effective enforcement mechanisms, to identify enforcement roles and identify resource needs.

XIV. Additional sections?

Additional sections may be added to address other aspects of the potential regulations deemed important to include in a summary document such as this Framework.

Adult Use Recreational Marijuana – AUM (Prop 64)

Contra Costa Health Services (CCHS)

Policy & Regulatory Considerations:

For October 24, 2017 Board Report

History

On July 18, 2017, the Board of Supervisors received a report on local policy and regulatory considerations in the wake of voter approved Proposition 64 (Prop 64), which legalized adult recreational use of marijuana. Prop 64 allows local city and county governments to permit or prohibit all aspects of the commercial cannabis industry as well as apply local regulations over and above what state law requires. Senate Bill 92, a budget trailer bill, codifies a number of regulatory requirements related to cannabis and seeks to create a uniform regulatory framework between the medical and recreational markets of the commercial cannabis industry. Under this framework, the state assumes the primary and nearly exclusive role in regulating and enforcement, essentially abdicating local control back to the state. This is one of the reasons it is important for local jurisdictions to consider adopting a local set of land use and regulatory requirements. Doing so will allow the local jurisdiction to establish conditions and permit the types of commercial activity it deems is in the best interest of the county as well as provide the authority to inspect these operators and enforce those regulations.

Of particular interest to Contra Costa Health Services is the ability to locally regulate the manufacture and sale of consumer products, especially edible products. While many aspects of local regulation may be addressed through land use rules, Contra Costa Health Services recommends that the Board adopt a local health ordinance that establishes permitted activity, and the conditions under which consumer products which contain cannabis can be manufactured and sold to consumers. Adopting a local health ordinance will also allow county staff to inspect, regulate and enforce appropriate state and local laws pertaining to the cannabis industry.

In light of the newness of regulating the commercial cannabis industry and the evolving landscape of cannabis regulation, Contra Costa Health Services recommends a cautionary approach to local regulation that emphasizes protections for consumers, the public, and at-risk groups such as youth and individuals challenged with substance use disorders. As such, there are five primary areas of interest in crafting a local regulatory health ordinance.

1. Providing authority for local environmental health staff to inspect and enforce the numerous state laws pertaining to the manufacturing of food and beverage products that contain cannabis (termed “edible cannabis products”).
2. Provide authority for local environmental health staff to inspect and enforce the numerous state laws pertaining to the retail sale and dispensing of cannabis products including, but not limited to, leaf, bud, edibles, beverages, tinctures, candies, etc.

3. Provide local authority to establish, inspect, and enforce additional rules and restrictions on the manufacturing and sale of consumer products which contain cannabis.
4. Provide local authority to restrict use of cannabis in public places and smoking of cannabis in multi-unit housing.

Outline of recommended local regulations pertaining to these areas of interest.

- **Related to Manufacturing of Products Which Contain Cannabis:**
 - Strict compliance with all state laws, including maximum potency per dose, child proof packaging, and product labeling/packaging that are not attractive to youth.
 - Establish safe buffer zone of 500 feet from sensitive areas.
 - Annual renewal of operators permit.
 - All personnel who handle or prepare or package edible cannabis products should be required to successfully complete an accredited food handling course.
 - Restrict extraction methods to use of non-volatile solvents.
 - Consider restrictions or prohibit mobile extraction manufacturing.
 - Require annual training on occupational exposure and reporting requirements.
 - Require compliance with county industrial safety ordinance if volatile solvents are allowed and used.
 - Require compliance with labeling and storage of post-extraction cannabis oils.
 - Require compliance with sanitation requirements for food and beverage preparation, handling, and storage.
 - Require retention of all sales records.
 - No guard dogs or firearms on premise.
 - Certified “Organic”
 - Need State or local requirements to determine what constitutes “organic”, including grown herbicide and pesticide free.
- **Related to Sale of Cannabis and Products Which Contain Cannabis:**
 - Establish a buffer zone of 1,000 feet from sensitive areas and 500 feet from another cannabis retailer. (Consistent with Tobacco Control Ordinance)
 - Annual renewal of operators permit.
 - All personnel who handle or prepare or package edible cannabis products should be required to be at least 21 years of age and successfully complete an accredited food handling course.
 - Consider limiting the sale of edible cannabis products to those where dosing is a maximum of 10mg THC/dose and packaged as a single dose. Consumers would be allowed to purchase up to the limit allowed in state law.
 - Prohibit sale of flavored leaf and bud. (Consistent with Tobacco Control Ordinance)

- Consistent with recent legislation in Colorado, consider prohibiting the sale of edible products that mimic the shape and appearance of animals, humans, or fruit, including gummy bears.
- Prohibit sale of flavored e-juices. (Consistent with Tobacco Control Ordinance)
- Prohibit all product advertising on exterior (storefront) of retail establishment and within 2,000 feet of a sensitive area.
- Prohibit all self-service vending of all cannabis and products which contain cannabis.
- Compliance with all relevant sanitation requirements for the holding, storage, and sale of consumer edible cannabis products.
- Prohibit smoking or use of electronic smoking devices in all public places, parks, and service areas, including sidewalks.
- Restrict product sales to cannabis only related products. Hence no other food, beverages, sundries, etc.
- Restrict store and product sales to the hours of 9:00am to 8:00pm.
- Require compliance with all state rules related to labeling and packaging, including no child attractive product labeling/packaging.
- Prohibit on-site use and sampling.
- Require retention of sales records.
- No guard dogs or firearms permitted on premises.
- Require that age (21 and older) be verified at the point of sale for every sale and every consumer.
- Require that signage be clearly posted on the premises indicating that no person under the age of 21 may enter the establishment and no sales to persons under the age of 21 will be permitted.
- Consumer warnings: Require vendor to post and hand out to every consumer a warning related to use during pregnancy or while nursing as well as a warning related to access by minors.
- Sales limit of **recreational cannabis** is limited in state Law to 1 ounce (oz.) (28.5 gm) per day and an additional 8 gm of concentrated cannabis.
- Sales limit of 8 oz. per day for **medical cannabis** proposed under MCRSA is believed to be far too permissive by a number of health professionals. A 1 to 2 oz. daily limit is more in line with other States. For example, New Mexico imposes an 8 oz. limit over a 3-month period. We recommend that sales be limited to that of recreational, 1 oz. per day (28.5 gm)
- Mobile Delivery can be restricted or prohibited, including the mobile delivery by entities that originate from outside of the county. However, enforcement of a prohibition would be difficult. Should the county allow mobile delivery, staff recommends that we apply all of the same requirements and product restrictions as for a fixed location.
 - Chapter 9 of Prop 64 reads: *“A local jurisdiction shall not prevent the delivery of marijuana or marijuana products on public road by a licensee acting in compliance with this division and local law as adopted under Section 26200”*

- Establish a cap on total number of retail dispensaries to no more than 1 per 15,000 residents, inclusive of mobile delivery from locations that originate from the unincorporated area of the County. Fewer are initially recommended, 1 per 25,000.
- **Public Use:**
 - Adopt similar restrictions on public and facility use consistent with current tobacco policy; however extends restriction to public sidewalks, places of employment and public spaces between businesses. The county's comprehensive Secondhand Smoke Ordinance includes no smoking of marijuana in all the places where smoking is prohibited. Currently this includes smoking or vaping in public places, any business open to the public, and within 20 feet of doorways, dining areas, service areas, and parks. Recommend that smoking and vaping restriction be extended to multi-unit residences.

Some other importance facts: (*additional FAQ's are attached in the appendix)

How much marijuana (cannabis) can I have in my possession?

If you are 21 or older (or have a current qualifying physician's recommendation or a valid county issued medical marijuana identification card), you can buy and possess up to 1 ounce (28.5 grams) of cannabis and up to 8 grams of concentrated cannabis. You can also plant, harvest, dry, and process up to six cannabis plants in your private residence or on the grounds of your residence.

Where can I use Marijuana (cannabis)?

You can use cannabis on private property. You cannot use, smoke, eat, or vape adult-use cannabis in public places. Property owners and landlords can ban the use and possession of cannabis on their premises. According to State Law, you cannot use cannabis within 1,000 feet of a school, day care center, or youth center while children are present.

Can I carry Marijuana (cannabis) around with me?

Yes, you can carry up to 1 ounce (28.5 grams) of cannabis and up to 8 grams of concentrated cannabis. It is against the law for you to have an open container of cannabis in a vehicle while driving or riding in the passenger seat. If you have cannabis in a vehicle, it must be in a sealed package. Otherwise, it must be kept in the trunk of the vehicle. Even if you have a valid physician's recommendation or a valid county-issued medical marijuana identification card, it is illegal to smoke cannabis in an operating vehicle.

Can I leave California with Marijuana (cannabis)?

No. It is illegal to bring your cannabis across state lines, even if you are traveling to another state where cannabis is legal.

Can I get a DUI if I drive while I'm high?

Yes. If you are under the influence of cannabis while operating a car, boat, or other vehicle, a law enforcement officer can pull you over and conduct a sobriety test.

What about medicinal cannabis use?

Under medical cannabis laws, if you have a qualifying physician's recommendation or a valid county-issued medical marijuana identification card you can:

- Use cannabis if you are 18 and older, and
- Possess up to 8 oz. of dried cannabis and up to six mature or 12 immature cannabis plants unless the physician's recommendation specifies a higher amount.

• With a valid county-issued medical marijuana identification card, you do not have to pay sales tax when you buy cannabis, but you do have to pay other taxes.

Can I overdose on marijuana (cannabis)?

A fatal overdose is unlikely. However, smoking or eating high concentrations of THC can severely affect your judgment, perception, and coordination, and may lead to poisoning, overdose, fatal injuries, and accidents.

What are some other Health and Social impacts of cannabis use?

There are a number of significant health effects related to cannabis use. A recent October 2017 report from the Rocky Mountain High Intensity Drug Traffic Area (HIDTA) revealed that marijuana-related traffic deaths, where a driver tested positive for marijuana, more than doubled in the period from 2013 through 2016. In addition marijuana use among youth increased 12 percent in the 3-year average (2013-2105) since Colorado legalized recreational marijuana compared to the 3-year average (2010-2012) prior to legalization and that use among college students increased 16 percent during this same time period. The HIDA report also revealed that the yearly number of marijuana related hospitalizations increased 72 percent after the legalization of recreational marijuana (2009-2012 versus 2013-2015). In addition to the risk of addiction and substance abuse, other health impacts include cardiovascular risk, risk to pregnant and nursing women, risk of driving under the influence and behavioral health and cognitive risk to youth. The attached appendix addresses some of the health impacts of cannabis use.

Attachment 1: Marijuana and Pregnancy

Attachment 2: Marijuana and Driving

Attachment 3: Youth and Cannabis

Attachment 4: What Parents Need to Know

Attachment 5: HIDTA Report of October 2017

More information can be found at:

cdph.ca.gov/Programs/DO/letstalkcannabis/Pages/LetsTalkCannabis.aspx

Role of CCHS—Divisions

Division of Environmental Health

The Division of Environmental Health (DEH) will assume the primary role of licensing/permitting including plan review, regulatory Inspections, and enforcement of products manufactured and sold at retail. This is particularly germane to foods, beverages, cosmetics, tinctures, oils, and other consumer products infused with cannabinoids. This may include issues such as product labeling, prohibitions on flavored products, storefront advertising, and compliance with other aspects of the Health and Safety Code. These functions may eventually also be performed for cities, if state law provides regulatory authority to local DEH, similar to other food and beverage products or if the cities and county mutually agree to create local laws which sanction and enable this activity. This would include permitting for special events where the event sponsors propose to offer use or consume products on site that are infused with cannabinoids. In addition DEH anticipates having a role with owner/employee education, as well as with public health investigations associated with cases and clusters of illness or toxicity. DEH also anticipates having a regulatory role in the manufacturing of products infused with cannabis. Licensing/permitting and inspection fees are anticipated to cover the majority of the associated cost. Having a health permit and licensing process will allow DEH to be able to respond to illegal operations, concerns about food facilities comingling food with edible cannabis products, and other concerns and complaints.

Division of Hazardous Materials

This division will have an ongoing permitting and inspection role with aspects of raw material extraction and manufacturing, particularly for those businesses utilizing volatile or highly flammable solvents. The regulatory oversight would be for the handling of hazardous materials and the generation of hazardous waste as codified in state law. If volatile or highly flammable solvents are allowed and used and the manufacturing site that uses these solvents are required to abide by the County's Industrial Safety Ordinance, a fee for the implementation of the Industrial Safety Ordinance will be required.

Division of Public Health

The Public Health Division will be the key player in investigating outbreaks of clusters of illness associated with exposure to, use of, and/or consumption of products containing cannabis. Additionally the division anticipates an increase in demand for public information, including periodic reports on the public health impacts of recreational use of marijuana and issuing periodic health advisories. The division also administrates the medical marijuana identification card Program and anticipates a surge in demand for medical marijuana ID cards as members of the public seek to avoid taxation associated with the recreational regulatory structure. Currently, the Public Health Division processes approximately 200 cards per year. Prop 64 limited the fees that can be charged to administrate the medical marijuana ID program to \$100 per client, which is less than the true cost of administering this program. In addition, individuals on MediCal are eligible for a 50-percent discount and the card is processed free for those individuals who are medically indigent. Revenue to cover the anticipated increase impact for services could partially be covered by the adoption of a cannabis retail license if renewed on an annual basis, and/or from tax revenue generated from the growth and/or sales of product. Identifying a source of revenue to cover the cost of public education, reports and data tracking is an important consideration. Even if the County happens to prohibit all commercial aspects of recreational marijuana, the Public Health Division anticipates an increased volume of illness and/or toxicity clusters, the need for public

information, health advisories and an increase in demand for clinical and counseling services that may impact both Behavioral Health as well as CCRMC's inpatient and outpatient services.

Division of Behavioral Health

While the Division of Behavioral Health may not have a regulatory role, it anticipates a surge in demand treatment for substance use disorder services to address cannabis-related disorders and school officials, probation and parents as they seek treatment resources to address the impact of cannabis-related disorders among youth.

Additionally, Prop 64 in Sections 11362.3 and 11362.4 and in accordance with Section 26200 of the Business and Profession Code requires mandatory free drug education programs and/or counseling based on evidence based practices and principles. These practices must be specific to the use and abuse of cannabis and other controlled substances for persons under the age of 18 who were found under the influence of marijuana or smoked marijuana in public in places. At the present time, Behavioral Health's Alcohol and Other Drugs (AOD) staff have started to receive inquiries for free education and counseling services from schools, probation, courts, and parents regarding youth who need such services. While some AOD prevention services are available, they are limited due to available resources and they are not specific to marijuana. AUMA is unclear about the funding for the free education and counseling; nonetheless, the services should be made available.

Division of EMS

Similar to the Behavioral Health Division, EMS anticipates a surge in demand for service as adult recreational use increases and as youth experiment with cannabis. This will likely result in an increase in emergency medical calls and transports related to cannabis use. Impacts are especially predicated among individuals who are not familiar with cannabis in the edible form and subsequently become overly intoxicated or overdose due to the accumulated concentration of over consuming edible cannabis products. EMS also anticipates an increase in motor vehicle accidents where the operators of vehicles are under the influence of cannabis. Some early data from other states suggest that transports to hospital emergency rooms related to cannabis roughly doubles subsequent to legalization of adult cannabis use.

Data on EMS system impacts is limited however. The Colorado State Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA) issued a report in 2014 comprehensively tracking the impact of legalized marijuana in the state of Colorado which included important observations.

Impact Area	RMHIDTA Findings	Contra Costa EMS
Impaired Driving	According to the Colorado RMHIDTA findings: Traffic fatalities involving operators testing positive for marijuana increased 100 percent between 2007 (prior to legislation) and 2012 (post legislation).	The Colorado experience and HHS data suggest that impaired driving is likely to increase both fatal and non-fatal collisions. EMS System resources are utilized in both fatal and non-fatal auto collisions incidents. In 2015 CCEMS system saw over 1,588 critical trauma patients. 381 (24 percent of all CCEMS critical trauma) of those injuries were associated with auto collisions. The California Office of Traffic Safety reported in 2014 that the total collisions in Contra Costa County resulting

	According a 2017 CDC Fast Facts ¹ 13 percent of nighttime, weekend drivers have marijuana in their system.	in injury or fatality were 4,390. ² These incidents typically require EMS System utilization. CCEMS anticipates that with legalization EMS utilization may substantially increase.
Impaired Driving	According to the Colorado RMHIDTA findings: 25-40 percent of DUI arrests involved marijuana alone. ³	Emergency Department and Psychiatric Emergency Services may experience a substantial increase in transports, similar to the Colorado experience. In addition, 5,150 calls and medical screening associated with marijuana is likely to increase. Without the resource of sobering centers and the ability of EMS to partner with health care systems on alternatives, the EMS System may experience significant stress resulting in potential delays in response time and extended EMS-ED transfer of care times. Ambulance unit hours may need to be increased to support current response requirements at an added cost to the county.
Emergency Room Marijuana Admissions	According to the Colorado RMHIDTA findings: Between 2011 and 2013, Colorado experienced a 57-percent increase in marijuana related emergency room visits. Hospitalizations related to marijuana have increased 82 percent from 2008 to 2013. A rate of approximately 176 to 331 per 100,000 (population) for ED admissions and 123 to 190 per 100,000 population rate increase hospitalizations.	In 2015 there were over 425,000 emergency department visits in Contra Costa County, over 94,000 responses and over 73,000 transports to area hospitals. Assuming a Contra Costa population of 1,100,000, it is anticipated that 1,760 to 3,310 additional emergency department visits resulting in 1,230 to 1,900 additional hospitalizations may occur. It is unknown how many of these emergency department visits would require 9-1-1 services but it is anticipated that a significant portion of these event may.

Summary and Recommendations

- Significant efforts to mitigate the impact of adverse consequences known to occur with legalization of marijuana should be taken.

¹ CDC Fast Facts: What You Need to Know About Marijuana Use and Driving
<https://www.cdc.gov/marijuana/pdf/marijuana-driving-508.pdf>

² California Office of Traffic Safety http://www.ots.ca.gov/Media_and_Research/Rankings/default.asp

³ Rocky Mountain High Intensity Drug Trafficking Area, "Executive Summary: Legalization of Marijuana in Colorado: The Impact" Vol.2/August 2014
[https://www.in.gov/ipac/files/August_2014_Legalization_of_MJ_in_Colorado_the_Impact\(1\).pdf](https://www.in.gov/ipac/files/August_2014_Legalization_of_MJ_in_Colorado_the_Impact(1).pdf)

- Impacts are known to significantly increase the need for expanded services for EMS stakeholders requiring additional funding to monitor, mitigate and expand EMS system services.
- Children, especially those less than five years old, are known to be at greatest risk for poisoning and hospitalization.
- Delays in response time associated with an increase in EMS System volume and a surge of emergency department patients driving under the influence.
- Funding support to expand child injury prevention efforts aligned with the EMS for Children System of Care could reduce the risk of marijuana related exposures/poisonings at home and in schools.

Links to resources consulted:

1. <http://efficientgov.com/blog/2017/01/06/marijuana-legalization-impacts-ems/>
2. <http://www.thecannabist.co/2016/01/14/pot-emergency-room-marijuana-er/42939/>
3. [https://www.in.gov/ipac/files/August_2014_Legalization_of_MJ_in_Colorado_the_Impact\(1\).pdf](https://www.in.gov/ipac/files/August_2014_Legalization_of_MJ_in_Colorado_the_Impact(1).pdf)
4. <http://www.jems.com/ems-insider/articles/2017/01/implications-of-legalized-marijuana-for-ems-agencies.html>
5. <http://pediatrics.aappublications.org/content/pediatrics/135/3/584.full.pdf>
6. <http://kids.data.org>
7. http://www.ots.ca.gov/Media_and_Research/Rankings/default.asp
8. <https://www.cdc.gov/marijuana/pdf/marijuana-driving-508.pdf>

What You Need to Know About Marijuana Use and Pregnancy

2017

Fast Facts

- Using marijuana during pregnancy may increase your baby's risk of developmental problems.¹⁻⁷
- About one in 25 women in the U.S. reports using marijuana while pregnant.⁸
- The chemicals in any form of marijuana may be bad for your baby – this includes edible marijuana products (such as cookies, brownies, or candies).⁹
- If you're using marijuana and are pregnant or are planning to become pregnant, talk to your doctor.



Can using marijuana during my pregnancy negatively impact my baby after birth?

- Research shows marijuana use during pregnancy may make it hard for your child to pay attention or to learn, these issues may only become noticeable as your child grows older.¹⁻⁷

Does using marijuana affect breastfeeding?

- Chemicals from marijuana can be passed to your baby through breast milk. THC is stored in fat and is slowly released over time, meaning an infant could be exposed for a longer period of time.
- However, data on the effects of marijuana exposure to the infant through breastfeeding are limited and conflicting.
- To limit potential risk to the infant, breastfeeding mothers should reduce or avoid marijuana use.^{11, 14-16}

For more information, visit:

Smoking During Pregnancy: <https://www.cdc.gov/reproductivehealth/maternalinfanthealth/tobaccousepregnancy/index.htm>

Treating for Two: <https://www.cdc.gov/pregnancy/meds/treatingfortwo/index.html>

Marijuana use during pregnancy can be harmful to your baby's health. The chemicals in marijuana (in particular, tetrahydrocannabinol or THC) pass through your system to your baby and can negatively affect your baby's development.¹⁻⁷

Although more research is needed to better understand how marijuana may affect you and your baby during pregnancy, the Centers for Disease Control and Prevention (CDC) recommends against using marijuana during your pregnancy.

What are the potential health effects of using marijuana during my pregnancy?

- Some research shows that using marijuana while you are pregnant can cause health problems in newborns—including low birth weight and developmental problems.^{10,11}
- Breathing marijuana smoke can also be bad for you and your baby. Marijuana smoke has many of the same chemicals as tobacco smoke and may increase the chances for developmental problems in your baby.^{12,13}

Centers for Disease Control and Prevention

Office of Noncommunicable Diseases, Injury, and Environmental Health



What You Need to Know About Marijuana Use and Pregnancy

References

1. Mark, K., A. Desai, and M. Terplan, Marijuana use and pregnancy: prevalence, associated characteristics, and birth outcomes. *Arch Womens Ment Health*, 2016. 19(1): p. 105-11.
2. Fried, P.A., B. Watkinson, and R. Gray, Differential effects on cognitive functioning in 9- to 12-year olds prenatally exposed to cigarettes and marihuana. *Neurotoxicol Teratol*, 1998. 20(3): p. 293-306.
3. Leech, S.L., et al., Prenatal substance exposure: effects on attention and impulsivity of 6-year-olds. *Neurotoxicol Teratol*, 1999. 21(2): p. 109-18.
4. Goldschmidt, L., et al., Prenatal marijuana exposure and intelligence test performance at age 6. *J Am Acad Child Adolesc Psychiatry*, 2008. 47(3): p. 254-63.
5. Campolongo P, Trezza V, Ratano P, Palmery M, Cuomo V. Developmental consequences of perinatal cannabis exposure: behavioral and neuroendocrine effects in adult rodents. *Psychopharmacology (Berl)* 2011;214:5-15.
6. Warner, T.D., D. Roussos-Ross, and M. Behnke, It's not your mother's marijuana: effects on maternal-fetal health and the developing child. *Clin Perinatol*, 2014. 41(4): p. 877-94.
7. Colorado Department of Public Health and Environment. Monitoring Health Concerns Related to Marijuana in Colorado: 2014. 2015 [cited 2016 July 11, 2016].
8. Ko JY, Farr SL, Tong VT, Creanga AA, Callaghan WM. Prevalence and patterns of marijuana use among pregnant and nonpregnant women of reproductive age. *Am J Obstet Gynecol*. 2015; 213(2):201.e1-201.e10.
9. Berger, E., Legal marijuana and pediatric exposure pot edibles implicated in spike in child emergency department visits. *Ann Emerg Med*, 2014. 64(4): p. A19-21.
10. Conner SN1, Bedell V, Lipsey K, Macones GA, Cahill AG, Tuuli MG. Maternal Marijuana Use and Adverse Neonatal Outcomes: A Systematic Review and Meta-analysis. *Obstet Gynecol*. 2016 Oct;128(4):713-23. doi: 10.1097/AOG.0000000000001649.
11. Wang, G.S., G. Roosevelt, and K. Heard, Pediatric marijuana exposures in a medical marijuana state. *JAMA Pediatr*, 2013. 167(7): p. 630-3.
12. Wu, T.C., et al., Pulmonary hazards of smoking marijuana as compared with tobacco. *N Engl J Med*, 1988. 318 (6): p. 347-51
13. Gunn JKL, Rosales CB, Center KE, et al. Prenatal exposure to cannabis and maternal and child health outcomes: a systematic review and meta-analysis. *BMJ Open* 2016;6:e009986.doi:10.1136/bmjopen-2015-009986.
14. Reece-Stremtan S, Marinelli KA. Guidelines for breastfeeding and substance use or substance use disorder, revised 2015. ABM Clinical Protocol #21. Academy of Breastfeeding Medicine. *Breastfeed Med* 2015;10:135-41.
15. Perez-Reyes M, Wall ME (1982) Presence of Δ^9 -tetrahydrocannabinol in human milk. *N Engl J Med* 307:819-820.
16. Monte, A.A., R.D. Zane, and K.J. Heard, The implications of marijuana legalization in Colorado. *JAMA*, 2015. 313(3): p. 241-2.

What You Need to Know About Marijuana Use and Driving

2017

Fast Facts

- The number of self-reported marijuana users is increasing. In 2014, there were 7,000 new users of marijuana per day.⁴
- 13% of nighttime, weekend drivers have marijuana in their system; this is up from 9% in 2007.⁵
- After alcohol, marijuana is the drug most often linked to drugged driving.⁶



What do we know about marijuana use and the risk of car crashes?

Although we know marijuana negatively affects a number of skills needed for safe driving, and some studies have shown an association between marijuana use and car crashes, it is unclear whether marijuana use actually increases the risk of car crashes. This is because:

- An accurate roadside test for drug levels in the body doesn't exist.
- Marijuana can remain in a user's system for days or weeks after last use (depending on how much a person uses and how often they use marijuana).
- Drivers are not always tested for drug use, especially if they have an illegal blood alcohol concentration level because that is enough evidence for a driving-while-impaired charge.
- When tested for substance use following a crash, drivers can have both drugs and alcohol or multiple drugs in their system, making it hard to know which substance contributed more to the crash.

Is there a legal limit for marijuana impairment while operating a vehicle?

Laws vary from state to state. If you intend to drive, the safest option is not to have any alcohol or drugs in your system at all.

For more information, visit:

CDC's Impaired Driving: Get the Facts: http://www.cdc.gov/motorvehiclesafety/impaired_driving/impaired-driv_factsheet.html

Drug Facts: Drugged Driving: <https://www.drugabuse.gov/publications/drugfacts/drugged-driving>

Cannabis: <http://www.samhsa.gov/atod/cannabis>

National Highway Traffic Safety Administration Impaired Driving Fact Sheet: <http://www.nhtsa.gov/Impaired>

Because driving is such a common activity, it's easy to forget how you really must stay alert to stay safe. While it may seem like your body goes on automatic when accelerating or changing lanes, your brain is actually in high gear.

Drugs and alcohol interfere with the brain's ability to function properly. Tetrahydrocannabinol (THC), which is the main active ingredient in marijuana, affects areas of the brain that control your body's movements, balance, coordination, memory, and judgment.¹⁻³

How does marijuana affect driving?

Driving while impaired by any substance, including marijuana, is dangerous. Marijuana, like alcohol, negatively affects a number of skills required for safe driving.

- Marijuana can slow your reaction time and ability to make decisions.^{1-3, 7-9}
- Marijuana use can impair coordination, distort perception, and lead to memory loss and difficulty in problem-solving.^{1-3, 7-9}
- The risk of impaired driving associated with marijuana in combination with alcohol appears to be greater than that for either by itself.^{2, 9}

What You Need to Know About Marijuana Use and Driving

References

1. Lenné MG, Dietze PM, Triggs TJ, Walmsley S, Murphy B, Redman JR. The effects of cannabis and alcohol on simulated arterial driving: Influences of driving experience and task demand. *Accid Anal Prev.* 2010;42(3):859-866. doi:10.1016/j.aap.2009.04.021.
2. Hartman RL, Huestis MA. Cannabis effects on driving skills. *Clin Chem.* 2013;59(3):478-492. doi:10.1373/clinchem.2012.194381.
3. Hartman RL, Brown TL, Milavetz G, et al. Cannabis effects on driving lateral control with and without alcohol. *Drug Alcohol Depend.* 2015;154:25-37. doi:10.1016/j.drugalcdep.2015.06.015.
4. Azofeifa A, Mattson ME, Schauer G, McAfee T, Grant A, Lyerla R. National Estimates of Marijuana Use and Related Indicators — National Survey on Drug Use and Health, United States, 2002–2014. *MMWR Surveill Summ* 2016;65(No. SS-11):1–25. DOI: <http://dx.doi.org/10.15585/mmwr.ss6511a1> HYPERLINK "<https://www.cdc.gov/Other/disclaimer.html>".
5. Berning, A., Compton, R., Wochinger, K., Results of the 2013–2014 National Roadside Survey of alcohol and drug use by drivers. 2015, National Highway Traffic Safety Administration: Washington, DC. (DOT HS 812 118).
6. Center for Behavioral Health Statistics and Quality (CBHSQ). Behavioral Health Trends in the United States: Results from the 2014 National Survey on Drug Use and Health. Rockville, MD: Substance Abuse and Mental Health Services Administration; 2015. HHS Publication No. SMA 15-4927, NSDUH Series H-50.
7. Lenné MG, Dietze PM, Triggs TJ, Walmsley S, Murphy B, Redman JR. The effects of cannabis and alcohol on simulated arterial driving: Influences of driving experience and task demand. *Accid Anal Prev.* 2010;42(3):859-866. doi:10.1016/j.aap.2009.04.021.
8. Hartman RL, Huestis MA. Cannabis effects on driving skills. *Clin Chem.* 2013;59(3):478-492. doi:10.1373/clinchem.2012.194381.
9. Hartman RL, Brown TL, Milavetz G, et al. Cannabis effects on driving lateral control with and without alcohol. *Drug Alcohol Depend.* 2015;154:25-37. doi:10.1016/j.drugalcdep.2015.06.015.



Youth and Cannabis

It is legal for adults 21 or older to possess, consume and cultivate cannabis in California. Sale of cannabis from licensed retail outlets will become legal January 1, 2018. If you are 18 or older, you can use cannabis if you have a current qualifying physician's recommendation or a valid county-issued medical marijuana identification card. Here are some important facts you should know.



Cannabis Affects Your Health

- Like cigarettes, smoking cannabis is harmful to your lungs. The smoke from cannabis has many of the same toxins and chemicals found in cigarette smoke, and when inhaled it can increase your risk of developing lung problems.¹
- Regular cannabis use has been linked to anxiety, depression, and suicide, especially for teens with a family history of mental illness.^{2,3,4}
- Cannabis use increases the risk of schizophrenia, although it is not common. The more cannabis you use, the higher the risk.⁵
- Using cannabis as a teen can lead to cannabis dependence and increase your risk for using or abusing other substances and illegal drugs.^{6,7}

Cannabis Affects Your Brain

- Your brain is still developing. Using cannabis regularly in your teens and early 20s may lead to physical changes in your brain.⁸
- Research shows that when you use cannabis your memory, learning, and attention are harmed. Some studies suggest a permanent impact as well.⁹

Most Teens Are Not Using Cannabis

- In 2016, most high school students in California reported they were not using cannabis. Only about 15 percent (less than 1 in 5) reported using cannabis in the past 30 days.¹⁰

Cannabis Impacts Your Goals

- The harmful effects of cannabis on your brain may impact your educational and professional goals and how successful you are in life.¹¹ Research shows that if you start using cannabis before you are 18 or use cannabis regularly you may be at higher risk for:
 - Skipping classes ¹¹
 - Getting lower grades ¹²
 - Dropping out of school ¹³
 - Unemployment or not getting the job that you'd like to have ^{7,14}

Cannabis Affects Your Driving

- Cannabis can negatively affect the skills you need to drive safely, including reaction time, coordination, and concentration.¹⁵
- Driving under the influence of cannabis increases your risk of getting into a car crash.¹⁶

If You Break the Law

- If you are under 21 and caught in possession of cannabis you will be required to complete drug education or counseling and community service (unless you have a current qualifying physician's recommendation or a valid county-issued medical marijuana identification card).¹⁷

1 Jeanette M. Tetrault, Kristina Crothers, Brent A. Moore, Reena Mehra, John Concato, and David A. Fiellin. 2007. "Effects of marijuana smoking on pulmonary function and respiratory complications: A systematic review." *Archives of Internal Medicine*. 167:221-228. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 181-195).

2 Shaul Lev-Ran, Bernard Le Foll, Kwame McKenzie, Tony P. George, and Jurgen Rehm. 2013. "Bipolar disorder and co-occurring cannabis use disorders: Characteristics, co-morbidities and clinical correlates." *Psychiatry Research*. 209(3):459-465. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 308).

3 Theresa H.M. Moore, Stanley Zammit, Anne Lingford-Hughes, Thomas R.E. Barnes, Peter B. Jones, Margaret Burke, and Glyn Lewis. 2007. "Cannabis use and risk of psychotic or affective mental health outcomes: A systematic review." *Lancet*. 370(9584):319-328. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 289-326).

4 Guilherme Borges, Courtney L. Bagge, and Ricardo Orozco. 2016. "A literature review and meta-analyses of cannabis use and suicidality." *Journal of Affective Disorders*. 195(63-74). (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 311-312).

5 Arianna Marconi, Marta Di Forti, Cathryn M. Lewis, Robin M. Murray, Evangelos Vassos. 2016. "Meta-analysis of the association between the level of cannabis use and risk of psychosis." *Schizophrenia Bulletin*. 42(5):1262-1269. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 289-326).

6 Chuan-Yu Chen, Megan S. O'Brien, and James C. Anthony. 2005. "Who becomes cannabis dependent soon after onset of use? Epidemiological evidence from the United States: 2000-2001." *Drug and Alcohol Dependence*. 79(1):11-22. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 342-343).

7 Chenshu Zhang, Judith S. Brook, Carl G. Leukefeld, and David W. Brook. 2016. "Trajectories of marijuana use from adolescence to adulthood as predictors of unemployment status in the early forties." *American Journal on Addictions*. 25(3):203-209. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 280-281).

8 Albert Batalla, Sagnik Bhattacharyya, Murat Yucel, Paolo Fusar-Poli, Jose Alexandre Crippa, Santiago Nogue, Marta Torrens, et al. 2013. "Structural and Functional Imaging Studies in Chronic Cannabis Users: A Systematic Review of Adolescent and Adult Findings." *PLoS ONE*. 8(2): e55821. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 271-275). (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 271-275).

9 Samantha J. Broyd, Hendrika H. van Hell, Camilla Beale, Murat Yucel, and Nadia Solowij. 2016. "Acute and Chronic Effects of Cannabinoids on Human Cognition-A Systematic Review." *Biological Psychiatry*. 79:557-567. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 271-275).

10 California Department of Public Health and Tobacco Control Program, 2016 California Student Tobacco Survey. 2016.

11 National Academies of Sciences, Engineering, and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. doi:10.17226/24625. pp. 267, 285)

12 Amelia M. Arria, Laura M. Garnier-Dykstra, Emily T. Cook, Kimberly M. Caldeira, Kathryn B. Vincent, Rebecca A. Baron, and Kevin E. O'Grady. 2013. "Drug Use patterns in young adulthood and post-college employment." *Drug and Alcohol Dependence*. 127(1):23-30. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 277).

13 John Macleod, Rachel Oakles, Alex Copello, Ilana Crome, Matthias Egger, Mathew Hickman, Thomas Oppenkowski, et al. 2004. "Psychological and social sequelae of cannabis and other illicit drug use by young people: A systematic review of longitudinal, general population studies." *Lancet*. 363(9421):1579-1588. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 271-275).

14 David M. Fergusson and Joseph M. Boden. 2008. "Cannabis use and later life outcomes." *Addiction*. 103(6):p. 969-76; discussion 977-8. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 276-279 (education); 280-281 (unemployment)).

15 Percy Bondallaz, Bernard Favrat, Haithem Chitoui, Eleonora Fornari, Philippe Maeder, and Christian Giroud. 2016. "Cannabis and its effects on driving skills." *Forensic Sci Int*. 268:92-102.

16 Ole Rogeberg and Rune Elvik. 2016. "The effects of cannabis intoxication on motor vehicle collision revisited and revised." *Addiction*. 111(8):1348-1359. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. pp. 228-230).

17 Senate Bill No. 94, Sess. of 2017 (Cal. 2017). https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=20170180SB94.



What Parents and Mentors Need to Know about Cannabis

It is legal for adults 21 or older to possess, consume and cultivate cannabis in California. Sale of cannabis from licensed retail outlets will become legal January 1, 2018. If you are 18 or older, you can use cannabis if you have a current qualifying physician's recommendation or a valid county-issued medical marijuana identification card. Pre-teens, teens and youth in their early 20s often seek out new experiences and engage in risky behaviors, such as using cannabis. Here are some important facts you should know about cannabis and some tips for talking to youth.



Cannabis Can Affect a Young Person's Brain

- The brains of young people do not fully develop until they reach their mid-20s. Regular cannabis use during the early years of life can lead to harmful physical changes in the brain.³
- Research shows that when youth use cannabis their memory, learning, and attention are harmed. Some studies suggest a permanent impact as well.⁴

Other Negative Effects of Cannabis on Youth

- Driving under the influence of cannabis increases the risk of getting into a car crash. Cannabis can negatively affect the skills that are needed to drive safely, including reaction time, coordination, and concentration.^{5,6}
- The harmful effects of cannabis on a young person's brain may impact their educational and professional goals and how successful they are

in life.⁷ Research shows that youth who start using before 18 or who use cannabis regularly may be at higher risk for:

- Skipping classes⁷
- Getting lower grades⁹
- Dropping out of school¹⁰
- Unemployment or having less fulfilling jobs later in life^{10,11}
- Mental health problems may include:
 - Anxiety, depression, suicide, and schizophrenia^{12,13,14,15,16}
 - Cannabis dependence and a higher risk for using or abusing other substances and illegal drugs¹⁷
- Like tobacco, smoking cannabis is harmful to the lungs. The smoke from cannabis has many of the same toxins and chemicals found in tobacco smoke, and when inhaled can increase the risk of developing lung problems.¹⁸

Young People and Cannabis Use

- In 2016, most high school students in California reported they were not using cannabis. Only about 15 percent (less than 1 in 5) reported using cannabis in the past 30 days.

- However, most youth do not believe cannabis is harmful. Eight out of 10 youth in California, aged 12-17, reported believing using cannabis once a month was not risky.²



Tips for Encouraging Youth Not to Use Cannabis¹⁹

- Talk openly and provide guidance about the risks of using cannabis.
 - Youth who have supportive parents, teachers, and other adults are less likely to use cannabis and illegal drugs.
 - Stay positive.
 - Focus on how using cannabis can get in the way of achieving goals such as graduating high school, getting into college or getting a good job. Do not focus on negative outcomes.
- Listen carefully to the questions and thoughts youth have.
- Set shared guidelines and expectations for healthy behaviors.
 - Youth are less likely to use cannabis when parents set clear limits and house rules.
- Be aware of your own attitudes and behaviors.
 - You are a role model. If you use cannabis in front of young people, they are more likely to use it too.

Recognizing if a Youth is Using Cannabis²⁰

- Look for behavioral changes related to cannabis use such as: mood swings, spending less time with friends, skipping school, loss of interest in sports or other favorite activities and changes in grades and sleeping habits.
- Young people under the influence of cannabis may lack coordination, giggle for no reason, act silly, have red eyes and short-term memory loss.

What to Do if a Youth is Using Cannabis¹⁹

- Stay calm. Overreacting may lead youth to rebel, feel resentment or take greater risks.
- Talk about your concerns and give positive reasons for wanting youth to stop using cannabis.
- Keep the conversation open for problem solving.
- Remind youth of the ground rules you set earlier, or set new ground rules and consequences.
- If needed, seek help from trusted adults and resources in your community.
- Call 911 and get help if there is a medical or mental health emergency.

- 1 California Department of Public Health and Tobacco Control Program, 2016 California Student Tobacco Survey. 2016.
- 2 Substance Abuse and Mental Health Services Administration, Center for Behavioral Health Statistics and Quality. 2015. National Survey on Drug Use and Health.
- 3 Albert Batalla , Sagnik Bhattacharyya, Murat Yucel, Paolo Fusar-Poli, Jose Alexandre Crippa, Santiago Nogue, Marta Torrens, et al. 2013. "Structural and Functional Imaging Studies in Chronic Cannabis Users: A Systematic Review of Adolescent and Adult Findings." PLoS ONE. 8(2): e55821. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 271-275).
- 4 Samantha J. Broyd, Hendrika H. van Hell, Camilla Beale, Murat Yucel, and Nadia Solowij. 2016. "Acute and Chronic Effects of Cannabinoids on Human Cognition-A Systematic Review." Biological Psychiatry. 79:557-567. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 271-275).
- 5 Percy Bondallaz, Bernard Favrat, Haithem Chtioui, Eleonora Fornari, Philippe Maeder, and Christian Giroud. 2016. "Cannabis and its effects on driving skills." Forensic Sci Int. 268:92-102.
- 6 Ole Rogeberg and Rune Elvik. 2016. "The effects of cannabis intoxication on motor vehicle collision revisited and revised." Addiction. 111(8):1348-1359. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. pp. 228-230).
- 7 National Academies of Sciences, Engineering, and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. (P. 267, 285)
- 8 Amelia M. Arria, Laura M. Garnier-Dykstra, Emily T. Cook, Kimberly M. Caldeira, Kathryn B. Vincent, Rebecca A. Baron, and Kevin E. O'Grady. 2013. "Drug Use patterns in young adulthood and post-college employment." Drug and Alcohol Dependence. 127(1):23-30. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 277).
- 9 John Macleod, Rachel Oakles, Alex Copello, Ilana Crome, Matthias Egger, Mathew Hickman, Thomas Oppenkowski, et al. 2004. "Psychological and social sequelae of cannabis and other illicit drug use by young people: A systematic review of longitudinal, general population studies." Lancet. 363(9421):1579-1588. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 271-275).
- 10 David M. Fergusson and Joseph M. Boden. 2008. "Cannabis use and later life outcomes." Addiction. 103(6):p. 969-76; discussion 977-8. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 276-279 (education); 280-281 (unemployment)).
- 11 Chenshu Zhang, Judith S. Brook, Carl G. Leukefeld, and David W. Brook. 2016. "Trajectories of marijuana use from adolescence to adulthood as predictors of unemployment status in the early forties." American Journal on Addictions. 25(3):203-209. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 280-281).
- 12 Theresa H.M. Moore, Stanley Zammit, Anne Lingford-Hughes, Thomas R.E. Barnes, Peter B. Jones, Margaret Burke, and Glyn Lewis. 2007. "Cannabis use and risk of psychotic or affective mental health outcomes: A systematic review." Lancet. 370(9584):319-328. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 289-326).
- 13 Arianna Marconi, Marta Di Forti, Cathryn M. Lewis, Robin M. Murray, Evangelos Vassos. 2016. "Meta-analysis of the association between the level of cannabis use and risk of psychosis." Schizophrenia Bulletin. 42(5):1262-1269. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 289-326).
- 14 Karina Karolina Kedzior and Lisa Tabata Laeber. 2014. "A positive association between anxiety disorders and cannabis use or cannabis use disorders in the general population- A meta-analysis of 31 studies." BMC Psychiatry. 14:136. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 314-315).
- 15 Shaul Lev-Ran, Bernard Le Foll, Kwame McKenzie, Tony P. George, and Jurgen Rehm. 2013. "Bipolar disorder and co-occurring cannabis use disorders: Characteristics, co-morbidities and clinical correlates." Psychiatry Research. 209(3):459-465. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 308).
- 16 Guilherme Borges, Courtney L. Bagge, and Ricardo Orozco. 2016. "A literature review and meta-analyses of cannabis use and suicidality." Journal of Affective Disorders. 195(63-74). (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 311-312).
- 17 Chuan-Yu Chen, Megan S. O'Brien, and James C. Anthony. 2005. "Who becomes cannabis dependent soon after onset of use? Epidemiological evidence from the United States: 2000-2001." Drug and Alcohol Dependence. 79(1):11-22. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 342-343).
- 18 Jeanette M. Tetraut, Kristina Crothers, Brent A. Moore, Reena Mehra, John Concato, and David A. Fiellin. 2007. "Effects of marijuana smoking on pulmonary function and respiratory complications: A systematic review." Archives of Internal Medicine. 167:221-228. (Reviewed in: National Academies of Sciences, Engineering and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. P. 181-195).
- 19 American Academy of Pediatrics, Healthy Children. "Drug Abuse Prevention Starts with Parents." Accessed August 14, 2017. <https://www.healthychildren.org/English/ages-stages/teen/substance-abuse/Pages/Drug-Abuse-Prevention-Starts-with-Parents.aspx>
- 20 National Institute on Drug Abuse; National Institutes of Health; U.S. Department of Health and Human Services. 2016. "Marijuana: Facts Parents Need to Know."

The Legalization of Marijuana in Colorado: *The Impact*

Volume 5
October 2017



Rocky Mountain High Intensity
Drug Trafficking Area
www.rmhidta.org

PREPARED BY:
ROCKY MOUNTAIN HIDTA
STRATEGIC INTELLIGENCE UNIT

Table of Contents

Executive Summary	1
Purpose	1
Introduction.....	7
Purpose	7
The Debate	8
Background	8
Preface.....	8
Colorado's History with Marijuana Legalization	9
Medical Marijuana 2000-2008	9
Medical Marijuana Commercialization and Expansion 2009-Present	10
Recreational Marijuana 2013-Present.....	11
SECTION 1: Impaired Driving and Fatalities.....	13
Some Findings	13
Differences in Data Citations.....	14
Definitions by Rocky Mountain HIDTA	14
Data for Traffic Deaths	15
Total Number of Statewide Traffic Deaths.....	15
Traffic Deaths Related to Marijuana When a <u>Driver</u> Tested Positive for Marijuana	16
Percent of All Traffic Deaths that were Marijuana-Related when a <u>Driver</u> Tested Positive for Marijuana	17
Average Number of Traffic Deaths Related to Marijuana when a <u>Driver</u> Tested Positive for Marijuana	18
Drug Combinations for <u>Drivers</u> who Tested Positive for Marijuana, 2016	18
Traffic Deaths Related to Marijuana When an <u>Operator</u> Tested Positive for Marijuana.....	19
Percent of All Traffic Deaths that were Marijuana-Related when an <u>Operator</u> Tested Positive for Marijuana	20
Average Number of Traffic Deaths Related to Marijuana when an <u>Operator</u> Tested Positive for Marijuana	21
Drug Combinations for <u>Operators</u> who Tested Positive for Marijuana, 2016.....	21
Data for Impaired Driving.....	22
Number of Positive Cannabinoid Screens.....	22
ChemaTox and Colorado Department of Public Health and Environment (Data Combined 2009-2013).....	23
ChemaTox Data Only (2013-May2016)	23

Colorado State Patrol Number of Drivers Under the Influence of Drugs (DUIDs)	24
Marijuana as a Percent of All DUI and DUIDs	25
Denver Police Department Percent of DUIDs Involving Marijuana	26
Larimer County Sheriff's Office Percent of DUIDs Involving Marijuana.....	26
Total Number of Accidents in Colorado	27
Related Costs	27
Case Examples.....	28
Sources.....	31
SECTION 2: Youth Marijuana Use.....	33
Some Findings	33
Surveys NOT Utilized	33
Healthy Kids Colorado Survey (HKCS)	33
Current Marijuana Use for High School and Middle School Students in Colorado.....	34
Monitoring the Future (MTF) Study	35
Centers for Disease Control Youth Risk Behavior Survey (YRBS)	35
2015 YRBS Participation Map	35
Use Data	36
Youth Ages 12 to 17 Years Old.....	36
Average Past Month Use of Marijuana Youth Ages 12 to 17 Years Old.....	36
Past Month Marijuana Use Youth Ages 12 to 17 Years Old	36
Prevalence of Past 30-Day Marijuana Use Youth Ages 12 to 17 Years Old.....	37
Past Month Usage, 12 to 17 Years Old, 2014/2015.....	38
Average Past Month Use Youth Ages 12 to 17 Years Old, 2014/2015.....	39
Past Month Marijuana Use Youth Ages 12 to 17 Years Old, 2014/2015.....	39
Colorado Probation Percent of All Urinalysis Tests Positive for Marijuana Youth Ages 10 to 17 Years Old	40
School Data	41
Impact on School Violation Numbers	41
All Drug Violations, 2015-2016 School Year	41
Drug-Related Suspensions/Expulsions	42
Percent of Total Referrals to Law Enforcement in Colorado.....	42
Number of Reported School Dropouts.....	43
Colorado School Resource Officer Survey	43
Impact on Marijuana-Related Incidents, 2017.....	44
Predominant Marijuana Violations, 2017	44
Student Marijuana Source, 2017.....	45
School Counselor Survey	45
Impact on Marijuana-Related Incidents, 2015.....	46
Predominant Marijuana Violations, 2015	46
Student Marijuana Source, 2015.....	47
Case Examples.....	47

Some Comments from School Resource Officers	49
Some Comments from School Counselors	51
Sources.....	53
SECTION 3: Adult Marijuana Use	55
Some Findings	55
Use Data	56
College Age 18 to 25 Years Old.....	56
Average Past Month Use of Marijuana College Age 18 to 25 Years Old.....	56
Past Month Marijuana Use College Age 18 to 25 Years Old	56
Prevalence of Past 30-Day Marijuana Use College Age 18 to 25 Years Old.....	57
Past Month Usage, 18 to 25 Years Old, 2014/2015.....	58
Average Past Month Use College Age 18 to 25 Years Old, 2014/2015	59
Past Month Marijuana Use College Age 18 to 25 Years Old, 2014/2015	59
Adults Age 26+ Years Old.....	60
Average Past Month Use of Marijuana College Ages 26+ Years Old.....	60
Past Month Marijuana Use Adults Age 26+ Years Old	60
Prevalence of Past 30-Day Marijuana Use College Adults Age 26+ Years Old	61
Past Month Usage, 26+ Years Old, 2014/2015	62
Average Past Month Use Adults Ages 26+ Years Old, 2014/2015	63
Past Month Marijuana Use Adults Ages 26+ Years Old, 2014/2015	63
Colorado Adult Marijuana Use Demographics.....	64
Case Examples	64
Sources.....	66
SECTION 4: Emergency Department and Hospital Marijuana-Related Admissions	67
Some Findings	67
Definitions.....	68
Emergency Department Data.....	68
Colorado Department of Public Health and Environment.....	68
Average Emergency Department Rates Related to Marijuana	69
Emergency Department Rates Related to Marijuana	70
Emergency Department Visits Related to Marijuana.....	71
Hospitalization Data.....	72
Colorado Department of Public Health and Environment.....	72
Average Hospitalization Rates Related to Marijuana	72
Hospitalization Rates Related to Marijuana	73
Average Hospitalizations Related to Marijuana.....	74
Hospitalizations Related to Marijuana.....	74
Additional Sources.....	75

Children’s Hospital Marijuana Ingestion Among Children Under 9 Years Old.....	75
Cost	75
Case Examples.....	76
Sources.....	80
SECTION 5: Marijuana-Related Exposure	81
Some Findings	81
Definitions.....	81
Data	82
Average Number of Marijuana-Related Exposures, All Ages.....	82
Marijuana-Related Exposures	82
Marijuana-Related Exposures by Age Range	83
Average Percent of All Marijuana-Related Exposures, Children Ages 0 to 5 Years Old	83
Number of <u>Marijuana Only</u> Exposures Reported	84
Case Examples.....	84
Sources.....	85
SECTION 6: Treatment.....	87
Some Findings	87
Data	87
Treatment with Marijuana as Primary Substance Abuse, All Ages	87
Drug Type for Treatment Admissions, All Ages.....	88
Percent of Marijuana Treatment Admissions by Age Group	89
Marijuana Treatment Admissions Based on Criminal Justice Referrals	90
Comments from Colorado Treatment Providers	90
Case Examples.....	91
Sources.....	92
SECTION 7: Diversion of Colorado Marijuana.....	93
Some Findings	93
Definitions.....	94
Data on Marijuana Investigations	95
RMHIDTA Colorado Task Forces: Marijuana Investigation Seizures.....	95
RMHIDTA Colorado Task Forces: Marijuana Investigative Plant Seizures.....	96
RMHIDTA Colorado Task Forces: Marijuana Investigative Felony Arrests.....	96
Data on Highway Interdictions	97
Average Colorado Marijuana Interdiction Seizures	97
Colorado Marijuana Interdiction Seizures	98
Average Pounds of Colorado Marijuana from Interdiction Seizures.....	98
States to Which Colorado Marijuana Was Destined, 2016	99

Top Three Cities for Marijuana Origin	99
Case Examples of Investigations	100
Case Examples of Interdictions.....	103
Sources.....	107
SECTION 8: Diversion by Parcel.....	109
Some Findings	109
Data from U.S. Postal Service	109
Average Number of Parcels Containing Marijuana Mailed from Colorado to Another State.....	109
Parcels Containing Marijuana Mailed from Colorado to Another State.....	110
Average Pounds of Colorado Marijuana Seized by the U.S. Postal Inspection Service.....	110
Pounds of Colorado Marijuana Seized by the U.S. Postal Inspection Service	111
Number of States Destined to Receive Marijuana Mailed from Colorado	111
Private Parcel Companies	112
Case Examples.....	113
Sources.....	115
SECTION 9: Related Data	117
Topics	117
Some Findings	117
Crime	118
Colorado Crime.....	118
City and County of Denver Crime	119
Crime in Denver.....	120
Denver Police Department Unlawful Public Display/Consumption of Marijuana.....	120
Boulder Police Department Marijuana Public Consumption Citations.....	121
Case Examples.....	121
Revenue	124
Colorado's Statewide Budget, Fiscal Year 2017.....	124
Total State Revenue from Marijuana Taxes, Calendar Year 2016	124
Case Example.....	125
Event Planners' Views of Denver	126
Negative Meeting Planner Perceptions, 2014.....	126
Homeless	128
Suicide Data	130
Average Toxicology of Suicides Among Adolescents Ages 10 to 19 Years Old (With Known Toxicology)	130
Average Toxicology Results by Age Group, 2013-2015	131
THC Potency.....	132

National Average THC Potency Submitted Cannabis Samples.....	132
National Average THC Potency Submitted Hash Oil Samples.....	133
Alcohol Consumption	134
Colorado Average Consumption of Alcohol	134
Colorado Consumption of Alcohol	134
Medical Marijuana Registry	135
Percent of Medical Marijuana Patients Based on Reporting Conditions, 2016	136
Colorado Licensed Marijuana Businesses as of August 1 st , 2017	137
Business Comparisons, June 2017.....	137
Colorado Business Comparisons, June 2017	137
Demand and Market Size	138
Demand	138
Market Size	138
Marijuana Enforcement Division Reported Sales of Marijuana in Colorado.....	139
2017 Price of Marijuana	139
Local Response to Medical and Recreational Marijuana in Colorado	140
2016 Local Jurisdiction Licensing Status.....	142
Sources.....	143
SECTION 10: Reference Materials	147
Reports and Articles	147
Impaired Driving	147
Youth Marijuana Use.....	151
Adult Marijuana Use	152
Emergency Department and Hospital Marijuana-Related Admissions.....	155
Marijuana-Related Exposure	157
Treatment	157
Related Data.....	158
Sources.....	163

Executive Summary

Purpose

Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA) is tracking the impact of marijuana legalization in the state of Colorado. This report will utilize, whenever possible, a comparison of three different eras in Colorado's legalization history:

- **2006 – 2008:** Medical marijuana pre-commercialization era
- **2009 – Present:** Medical marijuana commercialization and expansion era
- **2013 – Present:** Recreational marijuana era

Rocky Mountain HIDTA will collect and report comparative data in a variety of areas, including but not limited to:

- Impaired driving and fatalities
- Youth marijuana use
- Adult marijuana use
- Emergency room admissions
- Marijuana-related exposure cases
- Diversion of Colorado marijuana

This is the fifth annual report on the impact of legalized marijuana in Colorado. It is divided into ten sections, each providing information on the impact of marijuana legalization. The sections are as follows:

Section 1 – Impaired Driving and Fatalities:

- Marijuana-related traffic deaths when a driver was positive for marijuana more than doubled from **55 deaths** in 2013 to **123 deaths** in 2016.
- Marijuana-related traffic deaths **increased 66 percent** in the four-year average (2013-2016) since Colorado legalized recreational marijuana compared to the four-year average (2009-2012) prior to legalization.
 - During the same time period, all traffic deaths **increased 16 percent**.

- In 2009, Colorado marijuana-related traffic deaths involving drivers testing positive for marijuana represented **9 percent** of all traffic deaths. By 2016, that number has more than doubled to **20 percent**.

Section 2 – Youth Marijuana Use:

- Youth past month marijuana use **increased 12 percent** in the three-year average (2013-2015) since Colorado legalized recreational marijuana compared to the three-year average prior to legalization (2010-2012).
- The latest 2014/2015 results show Colorado youth ranked **#1** in the nation for past month marijuana use, up from **#4** in 2011/2012 and **#14** in 2005/2006.
- Colorado youth past month marijuana use for 2014/2015 was **55 percent higher** than the national average compared to **39 percent higher** in 2011/2012.

Section 3 – Adult Marijuana Use:

- College age past month marijuana use **increased 16 percent** in the three-year average (2013-2015) since Colorado legalized recreational marijuana compared to the three-year average prior to legalization (2010-2012).
- The latest 2014/2015 results show Colorado college-age adults ranked **#2** in the nation for past-month marijuana use, up from **#3** in 2011/2012 and **#8** in 2005/2006.
- Colorado college age past month marijuana use for 2014/2015 was **61 percent higher** than the national average compared to **42 percent higher** in 2011/2012.
- Adult past-month marijuana use **increased 71 percent** in the three-year average (2013-2015) since Colorado legalized recreational marijuana compared to the three-year average prior to legalization (2010-2012).
- The latest 2014/2015 results show Colorado adults ranked **#1** in the nation for past month marijuana use, up from **#7** in 2011/2012 and **#8** in 2005/2006.
- Colorado adult past month marijuana use for 2014/2015 was **124 percent higher** than the national average compared to **51 percent higher** in 2011/2012.

Section 4 – Emergency Department and Hospital Marijuana-Related Admissions:

- The yearly rate of emergency department visits related to marijuana **increased 35 percent** after the legalization of recreational marijuana (2011-2012 vs. 2013-2015).
- Number of hospitalizations related to marijuana:
 - 2011 – **6,305**
 - 2012 – **6,715**
 - 2013 – **8,272**
 - 2014 – **11,439**
 - Jan-Sept 2015 – **10,901**
- The yearly number of marijuana-related hospitalizations **increased 72 percent** after the legalization of recreational marijuana (2009-2012 vs. 2013-2015).

Section 5 – Marijuana-Related Exposure:

- Marijuana-related exposures **increased 139 percent** in the four-year average (2013-2016) since Colorado legalized recreational marijuana compared to the four-year average (2009-2012) prior to legalization.
- Marijuana-Only exposures more than doubled (**increased 210 percent**) in the four-year average (2013-2016) since Colorado legalized recreational marijuana compared to the four-year average (2009-2012) prior to legalization.

Section 6 – Treatment:

- Marijuana treatment data from Colorado in years 2006 – 2016 does not appear to demonstrate a definitive trend. Colorado averages **6,683** treatment admissions annually for marijuana abuse.
- Over the last ten years, the top four drugs involved in treatment admissions were alcohol (average **13,551**), marijuana (average **6,712**), methamphetamine (average **5,578**), and heroin (average **3,024**).

Section 7 – Diversion of Colorado Marijuana:

- In 2016, RMHIDTA Colorado drug task forces completed **163 investigations** of individuals or organizations involved in illegally selling Colorado marijuana both in and out of state.
 - These cases led to:
 - **252** felony arrests
 - **7,116 (3.5 tons)** pounds of marijuana seized
 - **47,108** marijuana plants seized
 - **2,111** marijuana edibles seized
 - **232** pounds of concentrate seized
 - **29** different states to which marijuana was destined
- Highway interdiction seizures of Colorado marijuana **increased 43 percent** in the four-year average (2013-2016) since Colorado legalized recreational marijuana compared to the four-year average (2009-2012) prior to legalization.
- Of the **346** highway interdiction seizures in 2016, there were **36 different states** destined to receive marijuana from Colorado.
 - The most common destinations identified were Illinois, Missouri, Texas, Kansas and Florida.

Section 8 – Diversion by Parcel:

- Seizures of Colorado marijuana in the U.S. mail has **increased 844 percent** from an average of 52 parcels (2009-2012) to 491 parcels (2013-2016) in the four-year average that recreational marijuana has been legal.
- Seizures of Colorado marijuana in the U.S. mail has **increased 914 percent** from an average of 97 pounds (2009-2012) to 984 pounds (2013-2016) in the four-year average that recreational marijuana has been legal.

Section 9 – Related Data:

- Crime in Denver **increased 6 percent** from 2014 to 2016 and crime in Colorado **increased 11 percent** from 2013 to 2016.
- Colorado annual tax revenue from the sale of recreational and medical marijuana was **0.8 percent** of Colorado's total statewide budget (FY 2016).
- As of June 2017, there were **491 retail marijuana stores** in the state of Colorado compared to **392 Starbucks** and **208 McDonald's**.
- **66 percent** of local jurisdictions have banned medical and recreational marijuana businesses.

Section 10 – Reference Materials:

This section lists various studies and reports regarding marijuana.

THERE IS MUCH MORE DATA IN EACH OF THE TEN SECTIONS. THIS PUBLICATION MAY BE FOUND ON THE ROCKY MOUNTAIN HIDTA WEBSITE; GO TO WWW.RMHIDTA.ORG AND SELECT REPORTS.

THIS PAGE INTENTIONALLY LEFT BLANK

Introduction

Purpose

The purpose of this annual report is to document the impact of the legalization of marijuana for medical and recreational use in Colorado. Colorado serves as an experimental lab for the nation to determine the impact of legalizing marijuana. This is an important opportunity to gather and examine meaningful data and identify trends. Citizens and policymakers nationwide may want to delay any decisions on this important issue until there is sufficient and accurate data to make informed decisions.

The Debate

There is an ongoing debate in this country concerning the impact of legalizing marijuana. Those in favor argue that the benefits of removing prohibition far outweigh the potential negative consequences. Some of the cited benefits include:

- Eliminate arrests for possession and sale, resulting in fewer people with criminal records and a reduction in the prison population
- Free up law enforcement resources to target more serious and violent criminals
- Reduce traffic fatalities since users will switch from alcohol to marijuana, which does not impair driving to the same degree
- No increase in use, even among youth, because of strict regulations
- Added revenue generated through taxation
- Eliminate the black market

Those opposed to legalizing marijuana argue that the potential benefits of lifting prohibition pale in comparison to the adverse consequences. Some of the cited consequences include:

- Increase in marijuana use among youth and young adults
- Increase in marijuana-impaired driving fatalities
- Rise in number of marijuana-addicted users in treatment
- Diversion of marijuana

- Adverse impact and cost of the physical and mental health damage caused by marijuana use
- The economic cost to society will far outweigh any potential revenue generated

Background

As of 2016, a number of states have enacted varying degrees of legalized marijuana by permitting medical marijuana and eight permitting recreational marijuana. In 2010, legislation was passed in Colorado that included the licensing of medical marijuana centers (dispensaries), cultivation operations, and manufacturing of marijuana edibles for medical purposes. In November 2012, Colorado voters legalized recreational marijuana allowing individuals to use and possess an ounce of marijuana and grow up to six plants. The amendment also permits licensing marijuana retail stores, cultivation operations, marijuana edible manufacturers, and testing facilities. Washington voters passed a similar measure in 2012.

Preface

It is important to note that, for purposes of the debate on legalizing marijuana in Colorado, there are three distinct timeframes to consider: the early medical marijuana era (2000-2008), the medical marijuana commercialization era (2009 – current) and the recreational marijuana era (2013 – current).

- **2000 – 2008:** In November 2000, Colorado voters passed Amendment 20 which permitted a qualifying patient, and/or caregiver of a patient, to possess up to 2 ounces of marijuana and grow 6 marijuana plants for medical purposes. During that time there were between 1,000 and 4,800 medical marijuana cardholders and no known dispensaries operating in the state.
- **2009 – Current:** Beginning in 2009 due to a number of events, marijuana became *de facto* legalized through the commercialization of the medical marijuana industry. By the end of 2012, there were over 100,000 medical marijuana cardholders and 500 licensed dispensaries operating in Colorado. There were also licensed cultivation operations and edible manufacturers.

- **2013 – Current:** In November 2012, Colorado voters passed Constitutional Amendment 64 which legalized marijuana for recreational purposes for anyone over the age of 21. The amendment also allowed for licensed marijuana retail stores, cultivation operations and edible manufacturers. Retail marijuana businesses became operational January 1, 2014.

Colorado's History with Marijuana Legalization

Medical Marijuana 2000 – 2008

In November 2000, Colorado voters passed Amendment 20 which permitted a qualifying patient and/or caregiver of a patient to possess up to 2 ounces of marijuana and grow 6 marijuana plants for medical purposes. Amendment 20 provided identification cards for individuals with a doctor's recommendation to use marijuana for a debilitating medical condition. The system was managed by the Colorado Department of Public Health and Environment (CDPHE), which issued identification cards to patients based on a doctor's recommendation. The department began accepting applications from patients in June 2001.

From 2001 – 2008, there were only 5,993 patient applications received and only 55 percent of those designated a primary caregiver. During that time, the average was three patients per caregiver and there were no known retail stores selling medical marijuana (dispensaries). Dispensaries were not an issue because CDPHE regulations limited a caregiver to no more than five patients.

In late 2007, a Denver district judge ruled that CDPHE violated the state's open meeting requirement when it set a five-patient-to-one-caregiver ratio and overturned the rule. That opened the door for caregivers to claim an unlimited number of patients for whom they were providing and growing marijuana. Although this decision expanded the parameters, very few initially began operating medical marijuana commercial operations (dispensaries) in fear of prosecution, particularly from the federal government.

The judge's ruling, and caregivers expanding their patient base, created significant problems for local prosecutors seeking a conviction for marijuana distribution by caregivers. Many jurisdictions ceased or limited filing those types of cases.

Medical Marijuana Commercialization and Expansion 2009 – Present

The dynamics surrounding medical marijuana in Colorado began to change substantially after the Denver judge's ruling in late 2007, as well as several incidents beginning in early 2009. All of these combined factors played a role in the explosion of the medical marijuana industry and number of patients:

At a press conference in Santa Ana, California on February 25, 2009, U.S. Attorney General Eric Holder was asked whether raids in California on medical marijuana dispensaries would continue. He responded "No" and referenced the President's campaign promise related to medical marijuana. In mid-March 2009, the U.S. Attorney General clarified the position saying that the Department of Justice enforcement policy would be restricted to traffickers who falsely masqueraded as medical dispensaries and used medical marijuana laws as a shield.

Beginning in the spring of 2009, Colorado experienced an explosion to over 20,000 new medical marijuana patient applications and the emergence of over 250 medical marijuana dispensaries (allowed to operate as "caregivers"). One dispensary owner claimed to be a primary caregiver to 1,200 patients. Government took little or no action against these commercial operations.

In July 2009, the Colorado Board of Health, after public hearings, voted to keep the judge's ruling of not limiting the number of patients a single caregiver could have. They also voted to change the definition of a caregiver to a person that only had to provide medicine to patients, nothing more.

On October 19, 2009, U.S. Deputy Attorney General David Ogden provided guidelines for U.S. Attorneys in states that enacted medical marijuana laws. The memo advised to "Not focus federal resources in your state on individuals whose actions are in clear and unambiguous compliance with existing state law providing for the medical use of marijuana."

By the end of 2009, new patient applications jumped from around 6,000 for the first seven years to an additional 38,000 in just one year. Actual cardholders went from 4,800 in 2008 to 41,000 in 2009. By mid-2010, there were over 900 unlicensed marijuana dispensaries identified by law enforcement.

In 2010, law enforcement sought legislation to ban dispensaries and reinstate the one-to-five ratio of caregiver to patient as the model. However, in 2010 the Colorado

Legislature passed HB-1284 which legalized medical marijuana centers (dispensaries), marijuana cultivation operations, and manufacturers for marijuana edible products. By 2012, there were 532 licensed dispensaries in Colorado and over 108,000 registered patients, 94 percent of which qualified for a card because of severe pain.

Recreational Marijuana 2013 – Present

In November of 2012, Colorado voters passed Amendment 64 which legalized marijuana for recreational use. Amendment 64 allows individuals 21 years or older to grow up to six plants, possess/use 1 ounce or less, and furnish an ounce or less of marijuana if not for the purpose of remuneration. Amendment 64 permits marijuana retail stores, marijuana cultivation sites, marijuana edible manufacturers and marijuana testing sites. The first retail marijuana businesses were licensed and operational in January of 2014. Some individuals have established private cannabis clubs, formed co-ops for large marijuana grow operations, and/or supplied marijuana for no fee other than donations.

What has been the impact of commercialized medical marijuana and legalized recreational marijuana on Colorado? Review the report and you decide.

NOTES:

- DATA, IF AVAILABLE, WILL COMPARE PRE- AND POST-2009 WHEN MEDICAL MARIJUANA BECAME COMMERCIALIZED AND AFTER 2013 WHEN RECREATIONAL MARIJUANA BECAME LEGALIZED.
- MULTI-YEAR COMPARISONS ARE GENERALLY BETTER INDICATORS OF TRENDS. ONE-YEAR FLUCTUATIONS DO NOT NECESSARILY REFLECT A NEW TREND.
- PERCENTAGE COMPARISONS MAY BE ROUNDED TO THE NEAREST WHOLE NUMBER.
- PERCENT CHANGES ADDED TO GRAPHS WERE CALCULATED AND ADDED BY ROCKY MOUNTAIN HIDTA.
- THIS REPORT WILL CITE DATASETS WITH TERMS SUCH AS “MARIJUANA-RELATED” OR “TESTED POSITIVE FOR MARIJUANA.” THAT DOES NOT NECESSARILY PROVE THAT MARIJUANA WAS THE CAUSE OF THE INCIDENT.

THIS PAGE INTENTIONALLY LEFT BLANK

SECTION 1: *Impaired Driving and Fatalities*

Some Findings

- Marijuana-related traffic deaths when a driver tested positive for marijuana more than doubled from 55 deaths in 2013 to 123 deaths in 2016.
 - Marijuana-related traffic deaths **increased 66 percent** in the four-year average (2013-2016) since Colorado legalized recreational marijuana compared to the four-year average (2009-2012) prior to legalization.
 - During the same time period, all traffic deaths **increased 16 percent**.
 - In 2009, Colorado marijuana-related traffic deaths involving drivers testing positive for marijuana represented **9 percent** of all traffic deaths. By 2016, that number has more than doubled to **20 percent**.
 - Consistent with the past, in 2016, less than half of drivers (**44 percent**) or operators (**48 percent**) involved in traffic deaths were tested for drug impairment.
 - The number of toxicology screens positive for marijuana (primarily DUID) **increased 63 percent** in the four-year average (2013-2016) since Colorado legalized recreational marijuana compared to the four-year average (2009-2012) prior to legalization.
 - The 2016 Colorado State Patrol DUID Program data includes:
 - **76 percent** (767) of the 1004 DUIDs involved marijuana.
 - **38 percent** (385) of the 1004 DUIDs involved marijuana only.
-

Differences in Data Citations

The Denver Post article “Exclusive: Traffic fatalities linked to marijuana are up sharply in Colorado. Is legalization to blame?” cited the number of drivers identified in fatal crashes who tested positive for marijuana. There were 47 positive drivers in 2013 and 115 positive drivers in 2016, which represents a 145 percent increase.

RMHIDTA cites the number of fatalities when a driver tested positive for marijuana. There were 55 fatalities in 2014 and 123 fatalities in 2016 when a driver was positive for marijuana, which represents a 124 percent increase.

There have been some fatality numbers for “cannabinoid positive drivers” cited that use slightly higher figures than those used by RMHIDTA. After careful analysis of complete data obtained from CDOT, RMHIDTA is confident the numbers cited in this report are accurate.

Definitions by Rocky Mountain HIDTA

Driving Under the Influence of Drugs (DUID): DUID could include alcohol in combination with drugs. This is an important measurement since the driver’s ability to operate a vehicle was sufficiently impaired that it brought his or her driving to the attention of law enforcement. The erratic driving and the subsequent evidence that the subject was under the influence of marijuana helps confirm the causation factor.

Marijuana-Related: Also called “marijuana mentions,” is any time marijuana shows up in the toxicology report. It could be marijuana only or marijuana with other drugs and/or alcohol.

Marijuana Only: When toxicology results show marijuana and no other drugs or alcohol.

Fatalities: Any death resulting from a traffic crash involving a motor vehicle.

Operators: Anyone in control of their own movements such as a driver, pedestrian or bicyclist.

Drivers: An occupant who is in physical control of a transport vehicle. For an out-of-control vehicle, an occupant who was in control until control was lost.

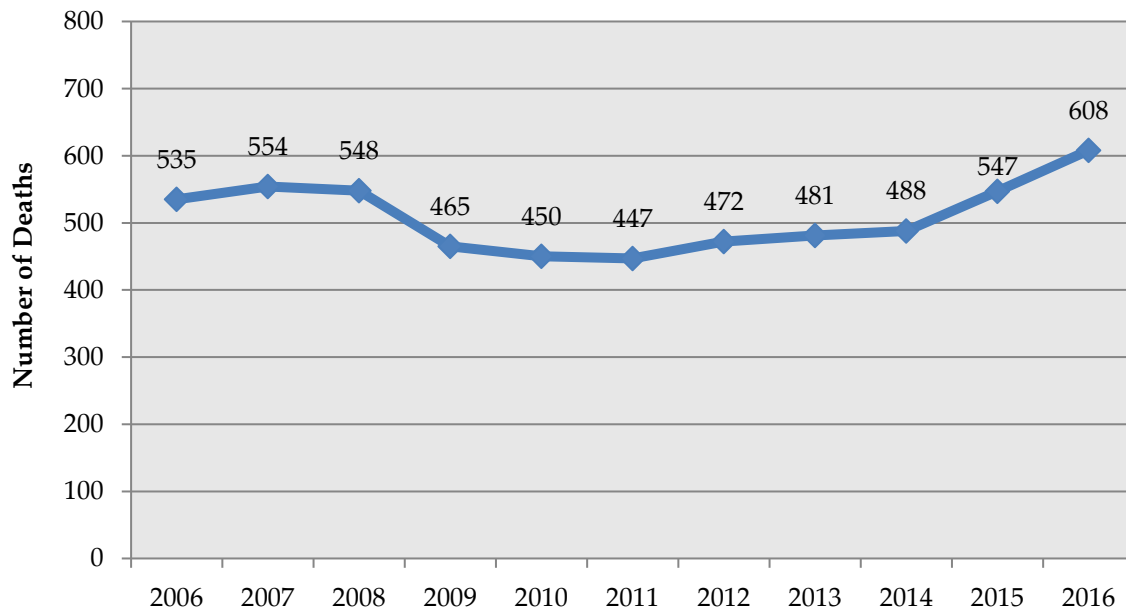
Personal Conveyance: Non-motorized transport devices such as skateboards, wheelchairs (including motorized wheelchairs), tricycles, foot scooters, and Segways. These are more or less non-street legal transport devices.

Data for Traffic Deaths

NOTE:

- THE DATA FOR 2012 THROUGH 2015 WAS OBTAINED FROM THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT). CDOT AND RMHIDTA CONTACTED CORONER OFFICES AND LAW ENFORCEMENT AGENCIES INVESTIGATING FATALITIES TO OBTAIN TOXICOLOGY REPORTS. THIS REPRESENTS 100 PERCENT REPORTING. PRIOR YEAR(S) MAY HAVE HAD LESS THAN 100 PERCENT REPORTING TO THE COLORADO DEPARTMENT OF TRANSPORTATION, AND SUBSEQUENTLY THE FATALITY ANALYSIS REPORTING SYSTEM (FARS). ANALYSIS OF DATA WAS CONDUCTED BY ROCKY MOUNTAIN HIDTA.
- 2016 FARS DATA WILL NOT BE OFFICIAL UNTIL JANUARY 2018.

Total Number of Statewide Traffic Deaths



SOURCE: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS) and Colorado Department of Transportation

❖ In 2016 there were a total of 608 traffic deaths of which:

- 390 were drivers
- 116 were passengers
- 79 were pedestrians
- 16 were bicyclists
- 5 were in personal conveyance
- 2 had an unknown position in the vehicle

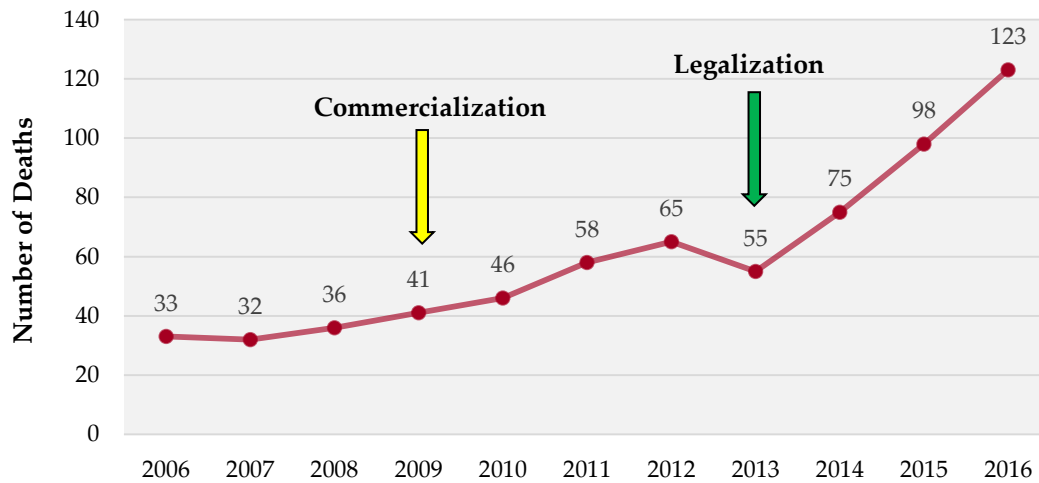
Traffic Deaths Related to Marijuana When a DRIVER Tested Positive for Marijuana			
Crash Year	Total Statewide Fatalities	Fatalities with <u>Drivers</u> Testing Positive for Marijuana	Percentage Total Fatalities
2006	535	33	6.17%
2007	554	32	5.78%
2008	548	36	6.57%
2009	465	41	8.82%
2010	450	46	10.22%
2011	447	58	12.98%
2012	472	65	13.77%
2013	481	55	11.43%
2014	488	75	15.37%
2015	547	98	17.92%
2016	608	123	20.23%

SOURCE: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS), 2006-2011 and Colorado Department of Transportation 2012-2016

- ❖ In 2016 there were a total of 123 marijuana-related traffic deaths when a driver tested positive for marijuana. Of which:
 - 100 were drivers
 - 19 were passengers
 - 2 were pedestrians
 - 2 were bicyclists

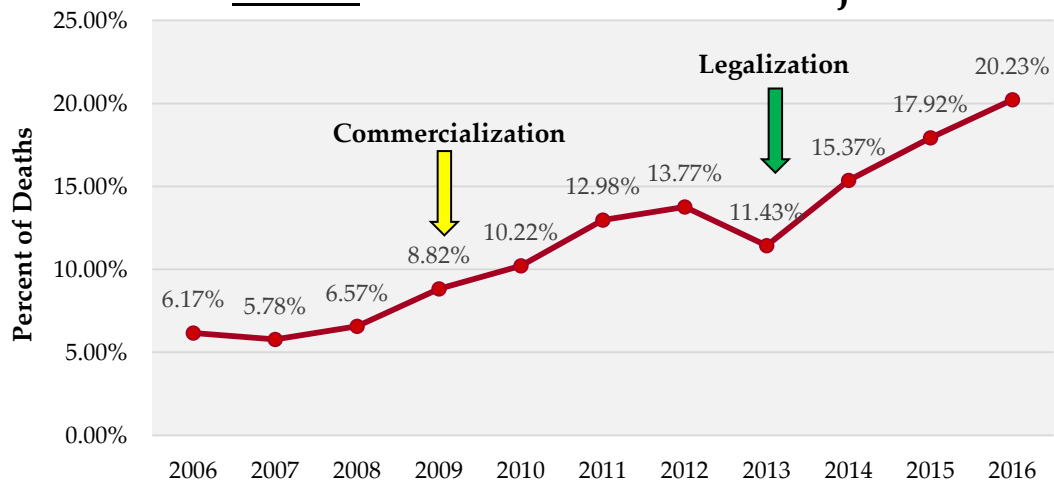
- ❖ “In 2016, of the 115 drivers in fatal wrecks who tested positive for marijuana use, 71 were found to have Delta 9 tetrahydrocannabinol, or THC, the psychoactive ingredient in marijuana, in their blood, indicating use within hours, according to state data. Of those, 63 percent were over 5 nanograms per milliliter, the state’s limit for driving.” ¹

Traffic Deaths Related to Marijuana when a Driver Tested Positive for Marijuana



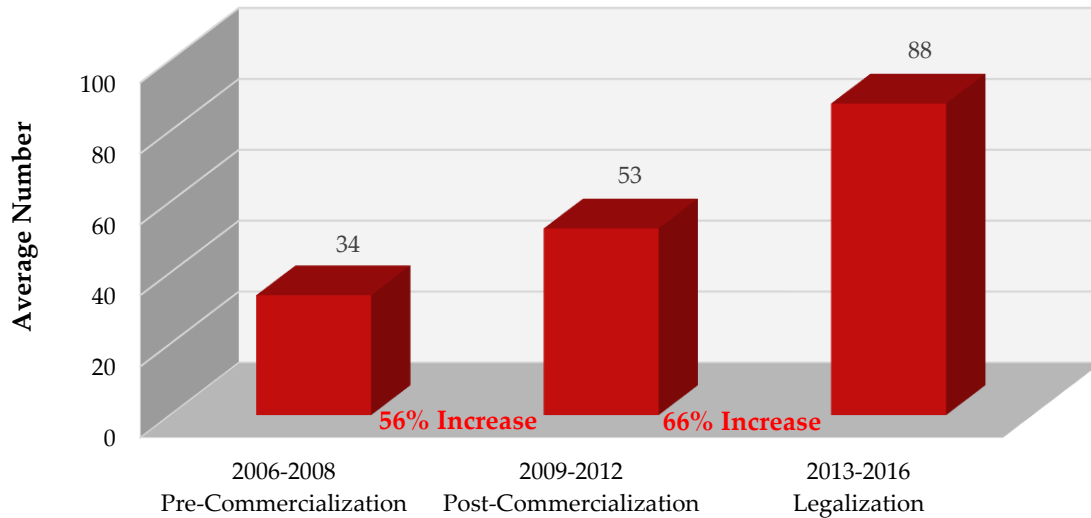
SOURCE: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS), 2006-2011 and Colorado Department of Transportation 2012-2016

Percent of All Traffic Deaths that were Marijuana-Related when a Driver Tested Positive for Marijuana



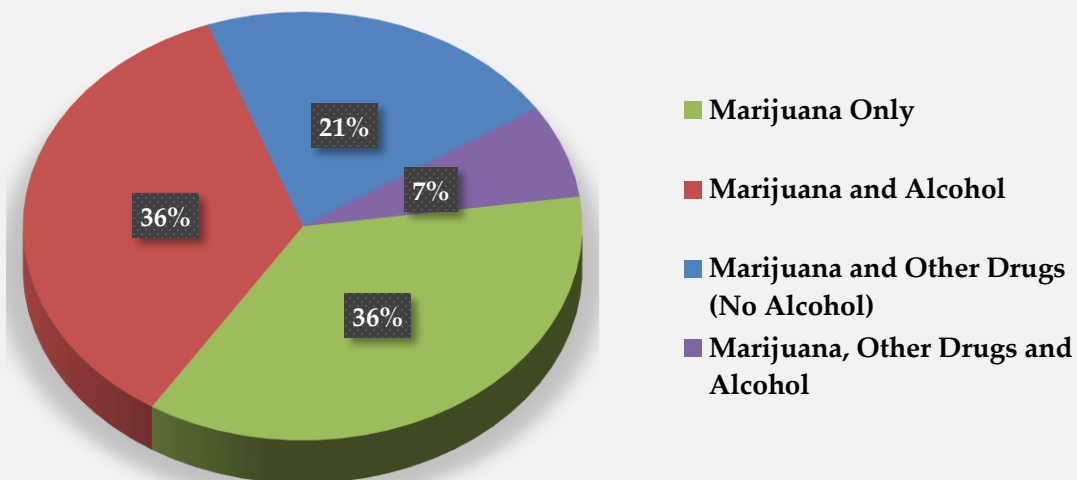
SOURCE: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS), 2006-2011 and Colorado Department of Transportation 2012-2016

Average Number of Traffic Deaths Related to Marijuana when a Driver Tested Positive for Marijuana



SOURCE: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS), 2006-2011 and Colorado Department of Transportation 2012-2016

Drug Combinations for Drivers who Tested Positive for Marijuana*, 2016



*Toxicology results for all substances present in individuals who tested positive for marijuana

SOURCE: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS), 2006-2011 and Colorado Department of Transportation 2012-2016

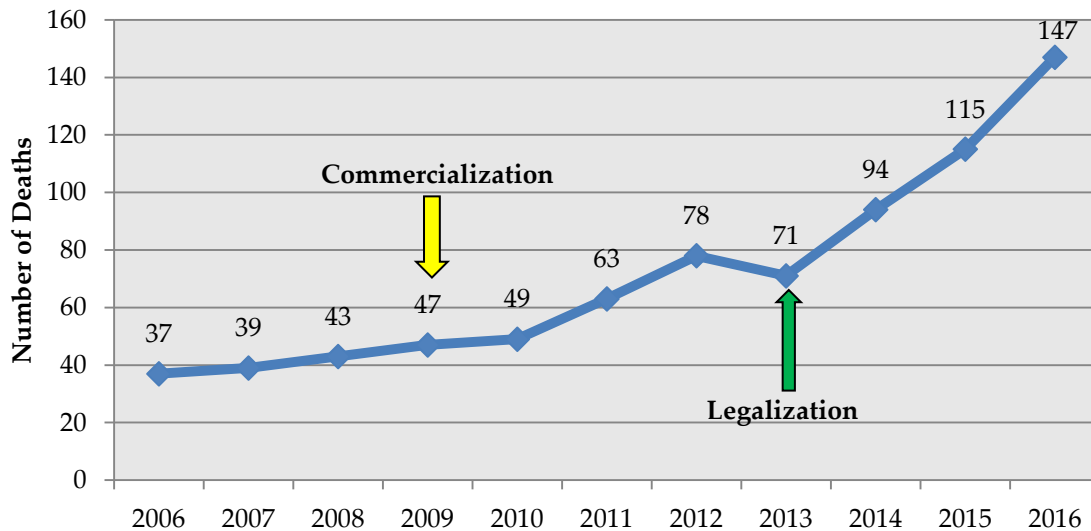
Traffic Deaths Related to Marijuana* When an OPERATOR Tested Positive for Marijuana			
Crash Year	Total Statewide Fatalities	Fatalities with Operators Testing Positive for Marijuana	Percent of Total Fatalities
2006	535	37	6.92%
2007	554	39	7.04%
2008	548	43	7.85%
2009	465	47	10.10%
2010	450	49	10.89%
2011	447	63	14.09%
2012	472	78	16.53%
2013	481	71	14.76%
2014	488	94	19.26%
2015	547	115	21.02%
2016	608	147	24.18%

SOURCE: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS), 2006-2011 and Colorado Department of Transportation 2012-2016

❖ In 2016 there were a total of 147 marijuana-related traffic deaths of which:

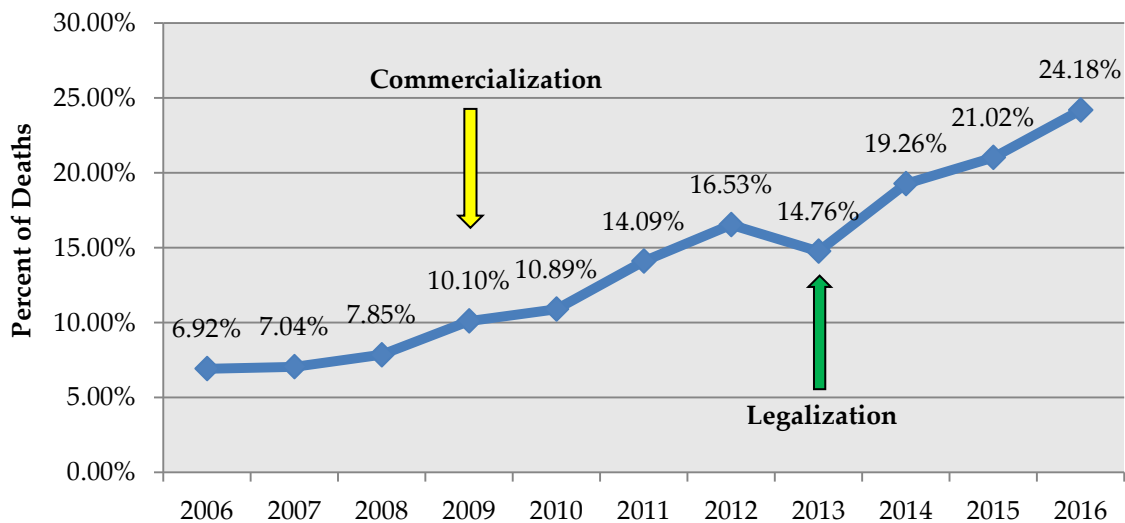
- 100 were drivers
- 19 were passengers
- 21 were pedestrians
- 7 were bicyclists

Traffic Deaths Related to Marijuana when an Operator Tested Positive for Marijuana



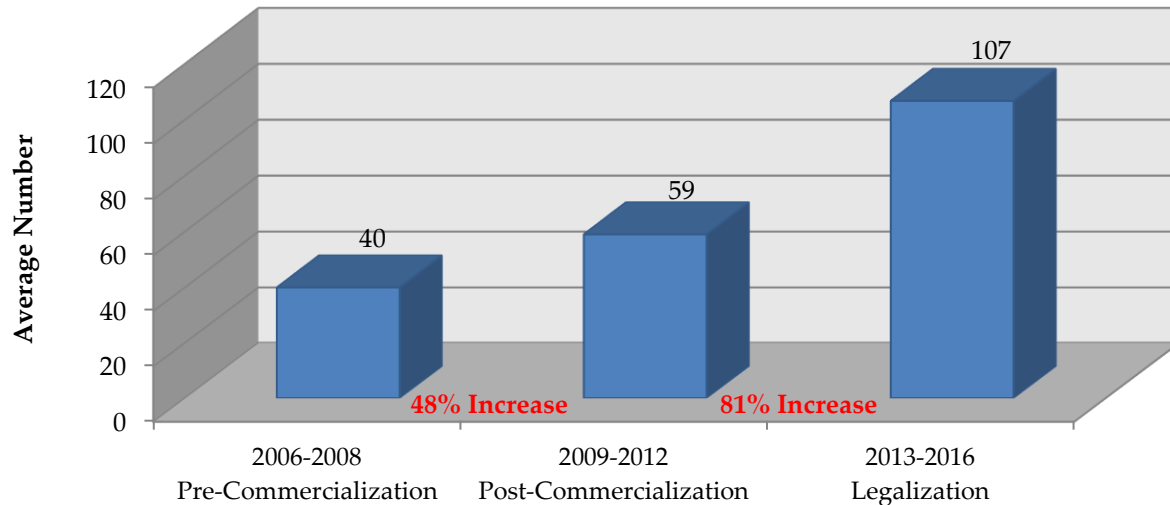
SOURCE: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS), 2006-2011 and Colorado Department of Transportation 2012-2016

Percent of All Traffic Deaths that were Marijuana-Related when an Operator Tested Positive for Marijuana



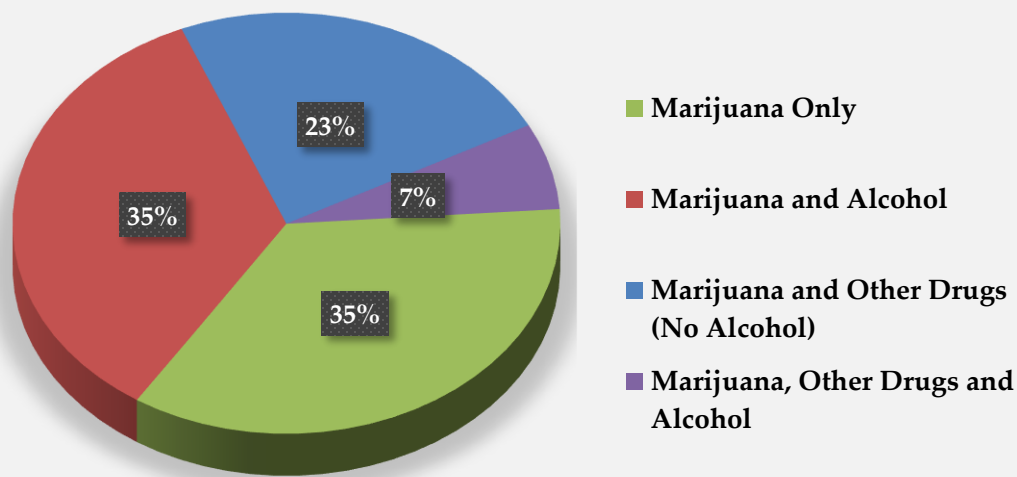
SOURCE: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS), 2006-2011 and Colorado Department of Transportation 2012-2016

Average Number of Traffic Deaths Related to Marijuana when an Operator Tested Positive for Marijuana



SOURCE: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS), 2006-2011 and Colorado Department of Transportation 2012-2016

Drug Combinations for Operators who Tested Positive for Marijuana*, 2016



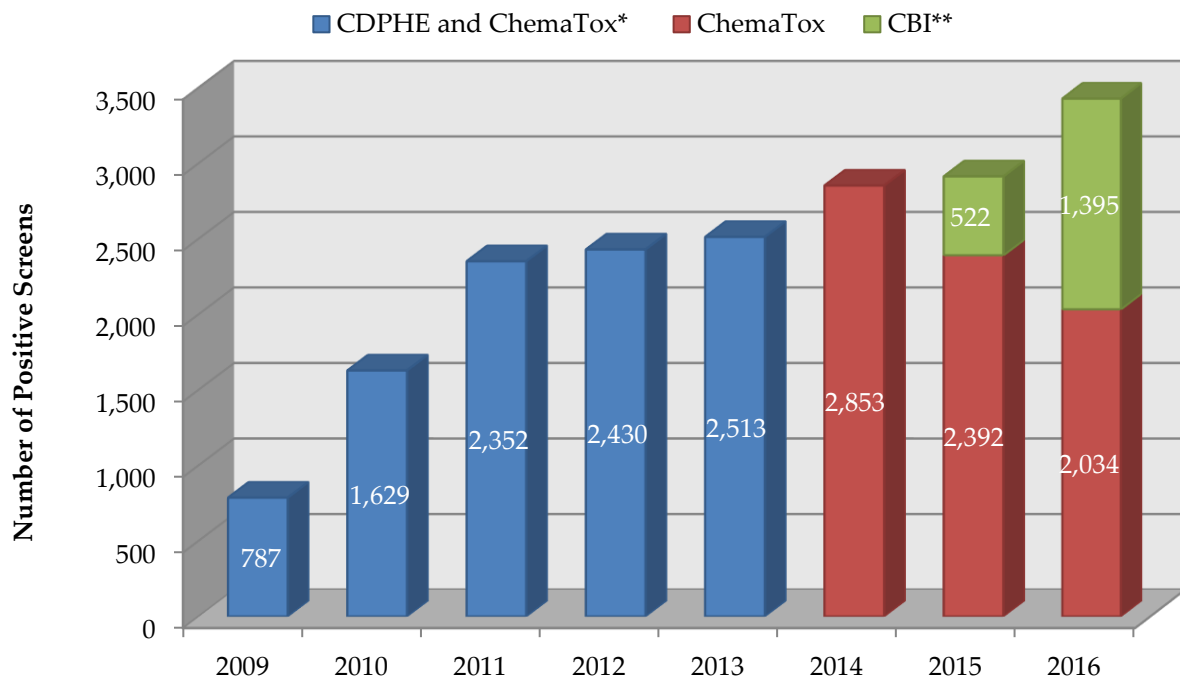
*Toxicology results for all substances present in individuals who tested positive for marijuana

SOURCE: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS), 2006-2011 and Colorado Department of Transportation 2012-2016

Data for Impaired Driving

NOTE: IF SOMEONE IS DRIVING INTOXICATED FROM ALCOHOL AND UNDER THE INFLUENCE OF ANY OTHER DRUG (INCLUDING MARIJUANA), ALCOHOL IS ALMOST ALWAYS THE ONLY INTOXICANT TESTED FOR. WHETHER OR NOT HE OR SHE IS POSITIVE FOR OTHER DRUGS WILL REMAIN UNKNOWN BECAUSE OTHER DRUGS ARE NOT OFTEN TESTED.

Number of Positive Cannabinoid Screens



*Data from the Colorado Department of Public Health and Environment was merged with ChemaTox data from 2009 to 2013. CDPHE discontinued testing in July 2013.

**The Colorado Bureau of Investigation began toxicology operations in July 1, 2015.

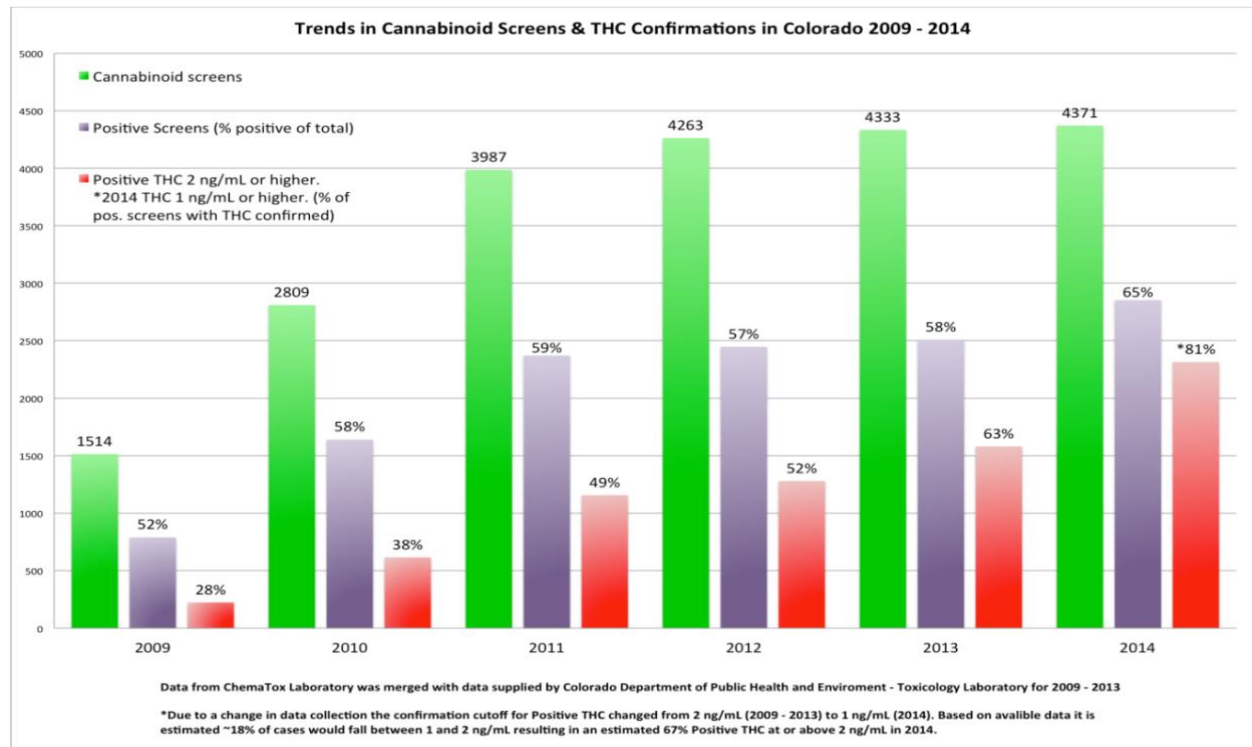
SOURCE: Colorado Bureau of Investigation and Rocky Mountain HIDTA

- ❖ The above graph is Rocky Mountain HIDTA's conversion of the following ChemaTox data as well as data from the Colorado Bureau of Investigation's state laboratory.

NOTE: THE ABOVE GRAPHS INCLUDE DATA FROM CHEMATOX LABORATORY WHICH WAS MERGED WITH DATA SUPPLIED BY COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT - TOXICOLOGY LABORATORY. THE VAST MAJORITY OF THE SCREENS ARE DUID SUBMISSIONS FROM COLORADO LAW ENFORCEMENT.

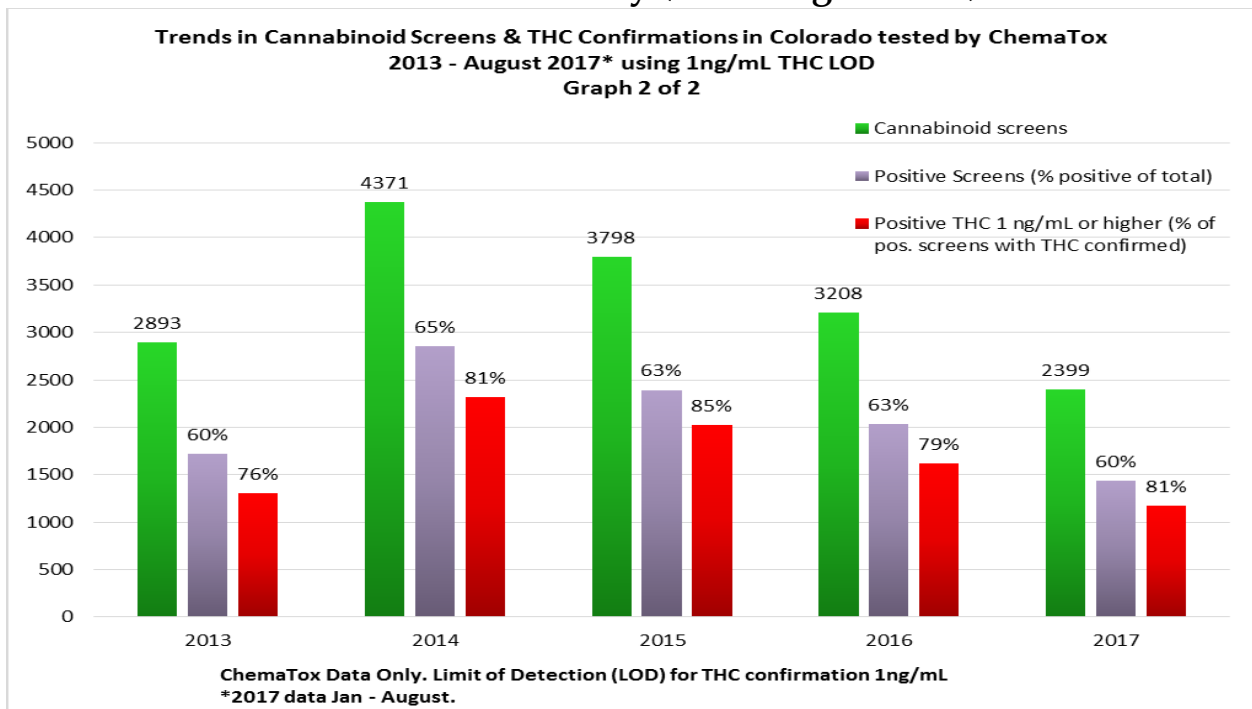
NOTE: COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT DISCONTINUED TESTING IN JULY 2013. THE COLORADO BUREAU OF INVESTIGATION BEGAN TESTING ON JULY 1, 2015.

ChemaTox and Colorado Department of Public Health and Environment (Data Combined 2009-2013)



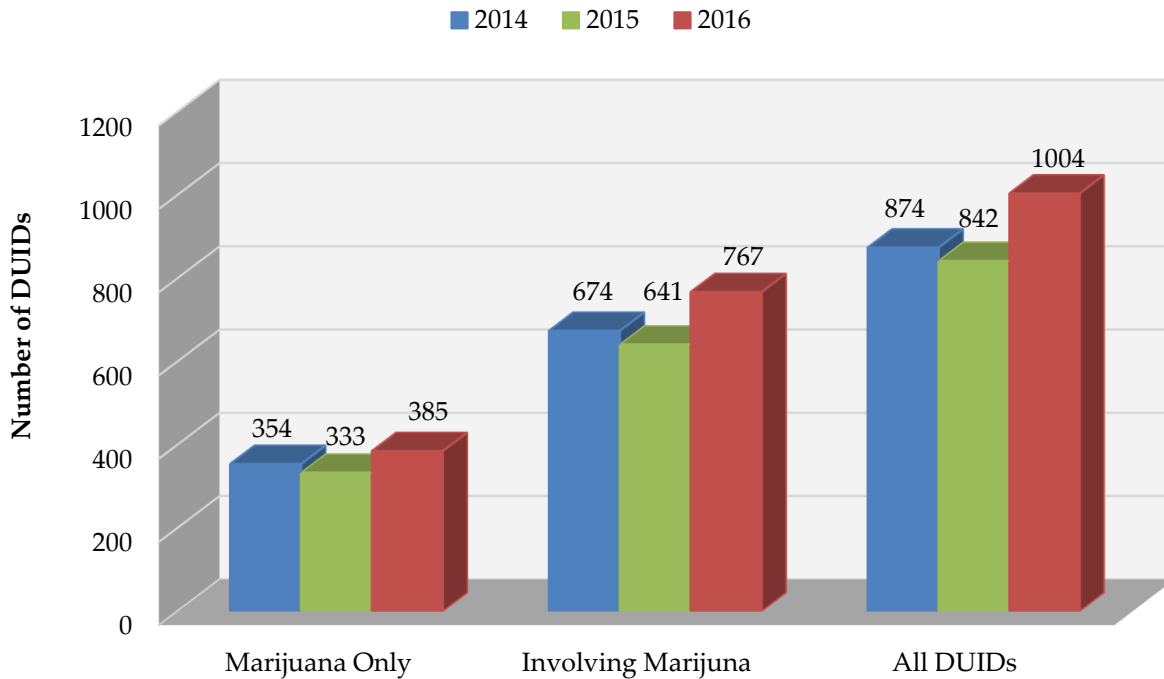
SOURCE: Sarah Urfer, M.S., D-ABFT-FT; ChemaTox Laboratory

ChemaTox Data Only (2013-August 2017)



SOURCE: Sarah Urfer, M.D., D-ABFT-FT, ChemaTox Laboratory

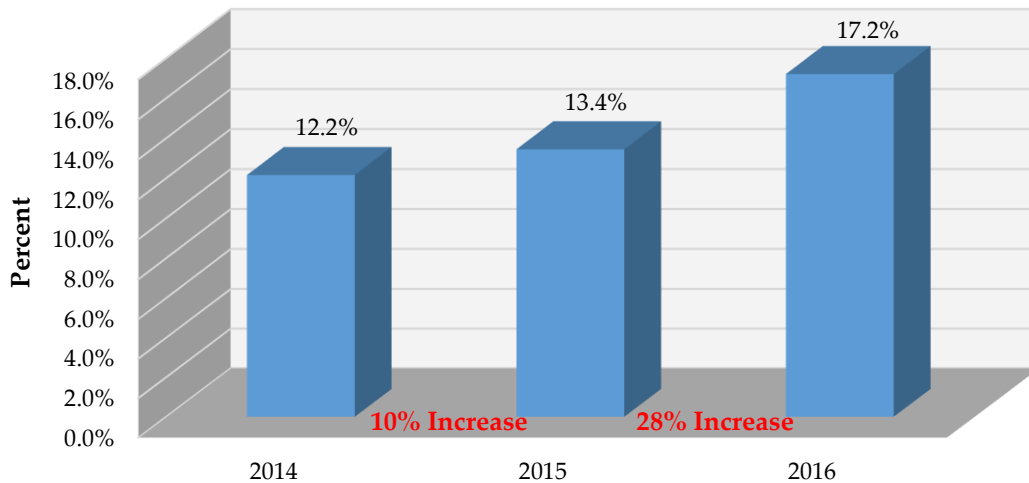
Colorado State Patrol Number of Drivers Under the Influence of Drugs (DUIDs)



SOURCE: Colorado State Patrol, CSP Citations for Drug Impairment by Drug Type

- ❖ In 2016, 76 percent of total DUIDs involved marijuana and 38 percent of total DUIDs involved marijuana only

Marijuana as a Percent of All DUI and DUIDs*



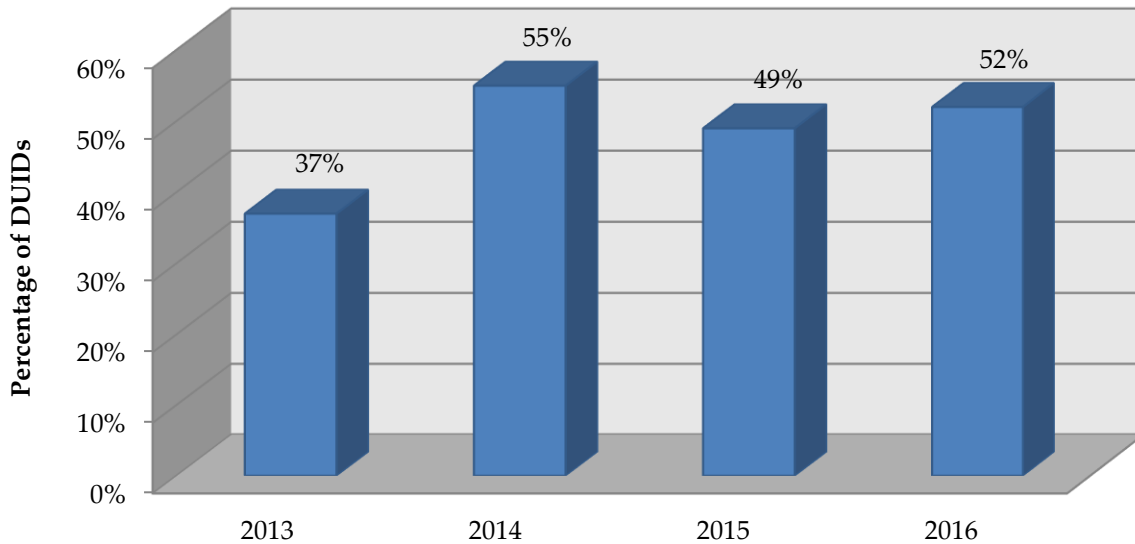
*Driving Under the Influence of Alcohol and Driving Under the Influence of Drugs

SOURCE: Colorado State Patrol, CSP Citations for Drug Impairment by Drug Type

- ❖ In 2016, Colorado State Patrol made about 300 fewer DUI and DUID cases than in 2015.
 - However, marijuana made up 17 percent of the total in 2016 compared to 13 percent of the total in 2015 and 12 percent of the total in 2014.

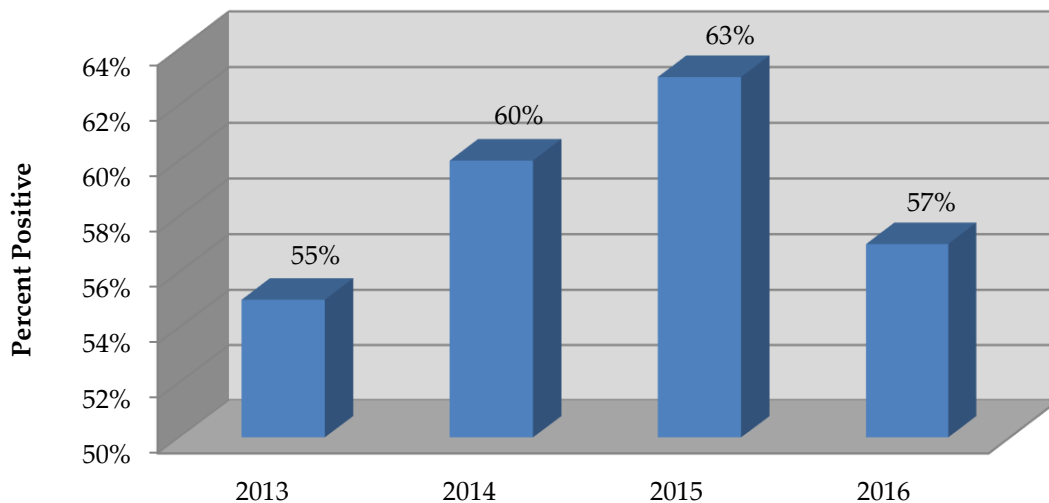
NOTE: "MARIJUANA CITATIONS DEFINED AS ANY CITATION WHERE CONTACT WAS CITED FOR DRIVING UNDER THE INFLUENCE (DUI) OR DRIVING WHILE ABILITY IMPAIRED (DWAI) AND MARIJUANA INFORMATION WAS FILLED OUT ON TRAFFIC STOP FORM INDICATING MARIJUANA & ALCOHOL, MARIJUANA & OTHER CONTROLLED SUBSTANCES, OR MARIJUANA ONLY PRESENT BASED ON OFFICER OPINION ONLY (NO TOXICOLOGICAL CONFIRMATION)." - COLORADO STATE PATROL

Denver Police Department Percent of DUIDs Involving Marijuana



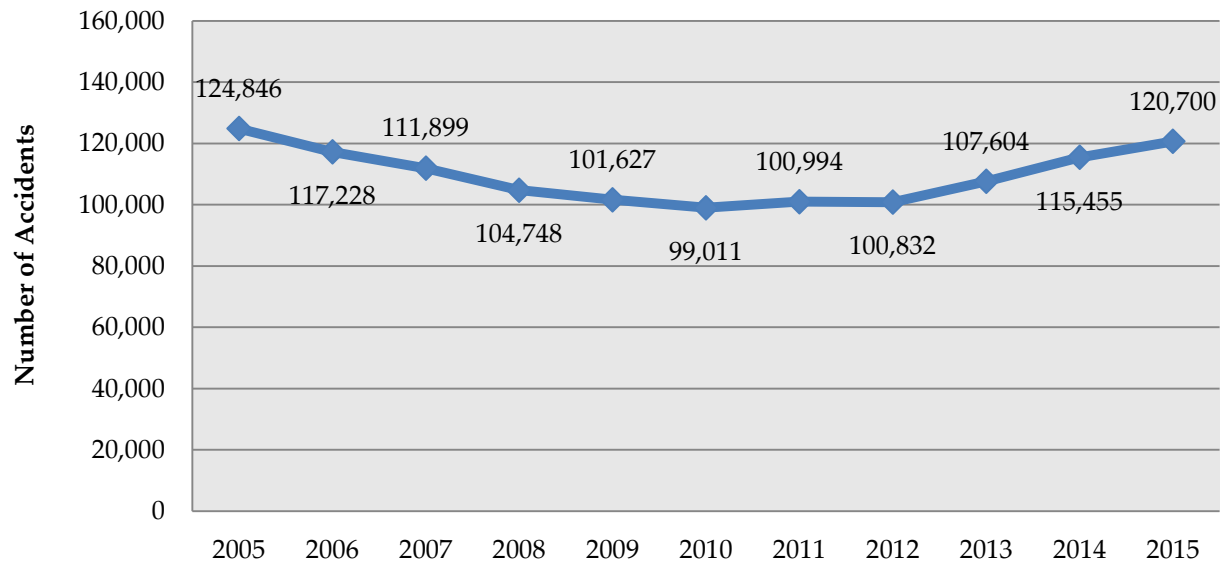
SOURCE: Denver Police Department, Traffic Operations Bureau via Data Analysis Unit

Larimer County Sheriff's Office Percent of DUIDs Involving Marijuana



SOURCE: Larimer County Sheriff's Office, Records Section

Total Number of Traffic Accidents in Colorado



SOURCE: Colorado Department of Transportation (CDOT)

- ❖ Per CDOT, the total number of traffic accidents in Colorado for 2016 was not available at the time of this report's publication.

NOTE: ROCKY MOUNTAIN HIDTA HAS BEEN ASKED ABOUT THE TOTAL NUMBER OF TRAFFIC ACCIDENTS SEEN IN COLORADO SINCE LEGALIZATION AND IS, THEREFORE, PROVIDING THE DATA. ROCKY MOUNTAIN HIDTA IS NOT EQUATING ALL TRAFFIC ACCIDENTS WITH MARIJUANA LEGALIZATION.

Related Costs

Economic Cost of Vehicle Accidents Resulting in Fatalities: According to the National Highway Traffic Safety Administration report, *The Economic and Societal Impact of Motor Vehicles Crashes, 2010*, the total economic costs for a vehicle fatality is \$1,398,916. That includes property damage, medical, insurance, productivity, among other considerations.²

Cost of Driving Under the Influence: The cost associated with the first driving-under-the-influence (DUI) offense is estimated at \$10,270. Costs associated with a DUID (driving-under-the-influence-of-drugs) are very similar to those of a DUI/alcohol.³

Case Examples

Traffic Fatalities Linked to Marijuana are up Sharply in Colorado: Since the legalization of recreational marijuana, the number of fatal accidents involving drivers who tested positive for marijuana has “increased at a quicker rate than the increase of pot usage in Colorado since 2013.” Many family members and loved ones of victims involved in these fatal accidents are speaking out about the inability for authorities to properly test for impairment.

“‘I never understood how we’d pass a law without first understanding the impact better,’ said Barbara Deckert, whose fiancée, Ron Edwards, was killed in 2015 in a collision with a driver who tested positive for marijuana use below the legal limit and charged only with careless driving. ‘How do we let that happen without having our ducks in a row? And people are dying.’”

On January 13, 2016 just past 2 a.m., “Cody Gray, 19, and his running buddy, Jordan Aerts, 18, were joyriding around north Denver in a car they had stolen a few hours earlier. Ripping south along Franklin Street, where it curves hard to the right onto National Western Drive, Gray lost control, drove through a fence and went straight onto the bordering railroad tracks. The car rolled and Gray was ejected. Both died.” Corina Triffet, mother of Cody Gray, did not know that an autopsy done revealed that her son had 10ng/mL, twice the legal limit, of THC in his system when he died, until the *Denver Post* contacted her. “There’s just no limit on what they can take, whether it’s smoking it or edibles,” said Triffet and “I just can’t imagine people are getting out there to drive when they’re on it. But my son apparently did, and there it is.”

Too little is understood about how marijuana impairs a person’s ability to operate a vehicle. Due to this lack of understanding the *Denver Post* stated, “Even coroners who occasionally test for the drug bicker over whether to include pot on a driver’s death certificate.”

“‘No one’s really sure of the broad impact because not all the drivers are tested, yet people are dying,’ said Montrose County Coroner Dr. Thomas Canfield. ‘It’s this false science that marijuana is harmless, ... but it’s not, particularly when you know what it does to your time and depth perception, and the ability to understand and be attentive to what’s around you.’”

Colorado now mandates that traffic fatalities within the state be analyzed to see what role drugs played in the crashes. State police are re-analyzing samples from suspected drunk drivers in 2015 and a *Denver Post* source stated, “more than three in five also tested positive for active THC.” However, testing remains expensive and most departments will stop testing when a driver tests positive for alcohol impairment.¹

20-Year-Old Colorado Man Kills 8-Year-Old Girl While Driving High: A former star athlete at Mead High School accused of fatally running over an 8-year-old Longmont girl on her bike told police he thought he'd hit the curb — until he saw the girl's stepfather waving at him, according to an arrest affidavit released July 29, 2016.

Kyle Kenneth Couch, 20, turned right on a red light at the same time Peyton Knowlton rolled into the crosswalk on May 20, 2016. The girl was crushed by the rear right tire of the Ford F-250 pickup, and died from her injuries. Couch, of Longmont, surrendered to police Friday on an arrest warrant that included charges of vehicular homicide and driving under the influence of drugs. One blood sample collected more than two hours after the collision tested positive for cannabinoids, finding 1.5 nanograms of THC per milliliter of blood. That's below Colorado's legal limit of 5 nanograms per milliliter. But Deputy Police Chief Jeff Satur said the law allows the DUI charge when those test results are combined with officer observations of impaired behavior and marijuana evidence found inside Couch's pickup.

The presumptive sentencing range for vehicular homicide, a Class 3 felony, is four to 12 years in prison.

Couch attends Colorado Mesa University where, in 2015, he appeared in six games as a linebacker as a red shirt freshman for the football team. In 2013, Couch became the first athlete from Mead High School to win a state title when he captured the Class 4A wrestling championship at 182 pounds. He was named the *Times-Call's* Wrestler of the Year that season and was able to defend his crown a year later, winning the 4A title at 195 pounds to cap his senior season with a 49-1 record.

Couch, now 20, has been arrested on suspicion of vehicular homicide and driving under the influence of marijuana in connection with the death of 8-year-old Peyton Knowlton.⁴

Valedictorian and Friends Die in Fatal Crash after Using Marijuana: An 18 year old recent valedictorian of St. John's Military School, Jacob Whitting, was driving his truck with his friends when he “lost control and ran off the road, rolling down an embankment and into a creek.” Whitting, along with 2 of the 3 other passengers, ages 16 and 19, died in the crash. According to the toxicology report, all three deceased teenagers had taken Xanax and marijuana. Whitting's toxicology “recorded THC levels at higher than 5 nanograms or more of active THC (delta-9 tetrahydrocannabinol) per milliliter of blood, which under Colorado law is considered impaired while driving.”⁵

Man Killed, Woman and Two Children Injured after Vehicle Careens off I-76:

Anthony Griego, 28, “was driving very aggressively and speeding, and had been trying to pass a semi-truck using the shoulder when he lost control,” according to Colorado State Patrol, just before 7 a.m. on December 27, 2016. “Troopers say Griego lost control, blew through a guardrail, went airborne and flipped the truck nearly 20 feet down onto the road below.” Both Griego and the adult female passenger were not wearing seatbelts and were ejected from the vehicle. Griego died at the scene. The female passenger suffered a shattered pelvis, broke her spine in three places, and was in a coma. The two children passengers, 7 year-old Jazlynn, had a punctured lung and, 6 year-old Alexis, had a fractured skull and broken collar bone. An autopsy of Griego showed he had 19ng/mL of THC in his system at the time of the crash. That is nearly 4 times the legal limit.^{6,7}

“I fell asleep” Boulder Teen Pleads Guilty to Vehicular Homicide: Quinn Hefferan faces up to two years in the Colorado Department of Youth Corrections for killing Stacy Reynolds (30) and Joe Ramas (39) on May 7th 2016. Hefferan, who was 17 years old at the time of the accident, told the judge he “had split a joint with his friends” and fell asleep at the wheel while trying to make his midnight curfew. Hefferan rear ended the couple “at speeds upwards of 45 miles per hour... police did not find any evidence the teen driver tried to brake before the crash.” According to the toxicology report, he had 4 times the legal limit of THC in his system. Cassie Drew, a friend of the couple says, “It’s not about resentment or getting back, or feeling angry. [Hefferan’s] life is forever changed and we recognize that, we recognize how much this will impact him and his family.”^{8,9}

Middle School Counselor Killed by High Driver as She Helped Fellow Motorist:

On July 10, 2016, a counselor at Wolf Point Middle School, in Montana, was hit by a car and killed by an impaired driver in Colorado as she stopped to help another driver. The Jefferson County coroner in Colorado identified the woman as Jana Elliott, 56. She died of multiple blunt force trauma injuries. Elliott is identified as a counselor for the sixth grade in Montana.

The driver who hit Elliott, identified as Curtis Blodgett, 24, is being charged with vehicular homicide for allegedly smoking marijuana prior to the crash, according to *The Denver Post*. Blodgett allegedly admitted he had smoked marijuana that day. Detectives are working to determine whether Blodgett was legally impaired at the time of the crash. “How much he had in his system and what he had in his system will determine whether additional charges could be filed,” Lakewood Police Spokesman Steve Davis told *The Post* (subsequent testing revealed Blodgett had 4.8 ng/mL of THC in his system).

According to the Lakewood Police Department Traffic Unit, Elliott was driving on US Highway 6 when a vehicle traveling in the left lane lost the bicycle it was carrying on its top. The driver of the vehicle stopped to retrieve the bike and Elliott stopped along the shoulder as well to help. After they retrieved the bicycle and were preparing to drive away, another vehicle rear ended Elliott's vehicle at a speed of 65 mph. Elliott was killed in the crash.¹⁰

Suspected DUI Driver Runs A Red Light: On August 30th, 2017, at around 5:30 a.m. a driver in a Toyota 4Runner ran a red light and crashed into a public transit bus. Two people were injured in the crash. Police investigating the crash found "marijuana in the 4Runner and the crash is being investigated as a possible DUI for alcohol and marijuana." The typically busy intersection in Wheat Ridge, CO had to be closed down for several hours during rush hour.¹¹

For Further Information on Impaired Driving See Page 147

Sources

¹ David Migoya, "Exclusive: Traffic fatalities linked to marijuana are up sharply in Colorado. Is legalization to blame?" *The Denver Post*, August 25th, 2017, <<http://www.denverpost.com/2017/08/25/colorado-marijuana-traffic-fatalities/>>, accessed August 25th, 2017.

² National Center for Statistics and Analysis, "The Economic and Societal Impact Of Motor Vehicle Crashes," National Highway Traffic Safety Administration, Washington, DC, revised May 2015, <<https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812013>>, accessed August 31st, 2017.

³ *Cost of a DUI brochure*, <<https://www.codot.gov/library/brochures/COSTDUI09.pdf/view>>, accessed February 19, 2015.

⁴ Amelia Arvesen, *Times-Call*, July 29, 2016, "Driver accused of killing Longmont girl riding bike thought he'd hit curb," <http://www.timescall.com/news/crime/ci_30185142/driver-accused-killing-longmont-girl-bike-thought-hed>," accessed July 29, 2016.

⁵ Yesenia Robles, "Autopsy shows teens in fatal Conifer crash had traces of Xanax and marijuana in their system," *The Denver Post*, July 7th 2016, <<http://www.denverpost.com/2016/07/07/teens-conifer-crash-traces-drugs-thc/>>," accessed August 28th, 2017.

⁶ Allison Sylte, "Man killed, woman and two children injured after vehicle careens off I-76," *9NEWS*, December 27, 2016, <<http://www.9news.com/traffic/man-killed-woman-and-two-children-injured-after-vehicle-careens-off-i-76/379100251>>," accessed September 25, 2017.

⁷ Macradee Aegerter, "CSP: Driver who went off elevated section of I-76 may have been high," *FOX31 Denver*, December 28, 2016, <<http://kdvr.com/2016/12/28/csp-marijuana-may-have-been-contributing-factor-in-deadly-crash/>>," accessed September 25, 2017.

⁸ Michell Byars, "'I fell asleep': Boulder teen pleads guilty to vehicular homicide, DUI in crash that killed 2," *The Daily Camera*, December 16th, 2016, <http://www.dailycamera.com/news/boulder/ci_30665690/quinn-hefferan-boulder-fatal-crash-dui>," accessed August 23, 2017.

⁹ Lauren DiSpirito, "Teen Accused Of Being Stoned In Crash That Killed Boulder Couple," *CBS Denver*, June 11th 2016, <<http://Denver.cbslocal.com/2016/06/11/stacey-reynolds-joe-rama-fatal-crash/>>," accessed August 23rd, 2017.

¹⁰ Aja Goare, "Wolf Point school counselor killed by car while helping other driver in Colorado," *KTVS.com*, July 13, 2016, <<http://www.ktvq.com/story/32440083/wolf-point-school-counselor-killed-by-car-while-helping-other-driver-in-colorado>>," accessed July 13, 2016.

¹¹ Chuck Hickey, "Police: Suspected DUI driver runs red light, crashed into RTD bus in Wheat Ridge," *Fox 31 Denver*, August 30th 2017, <<http://kdvr.com/2017/08/30/rtd-bus-3-vehicles-involved-in-wheat-ridge-crash/>>," accessed August 30th, 2017.

SECTION 2: Youth Marijuana Use

Some Findings

- Youth past month marijuana use **increased 12 percent** in the three-year average (2013-2015) since Colorado legalized recreational marijuana compared to the three-year average prior to legalization (2010-2012).
- The latest 2014/2015 results show Colorado youth ranked **#1** in the nation for past month marijuana use, up from **#4** in 2011/2012 and **#14** in 2005/2006.
- Colorado youth past month marijuana use for 2014/2015 was **55 percent higher** than the national average compared to **39 percent higher** in 2011/2012.
- The top ten states with the highest rate of current marijuana youth use were all medical marijuana states, whereas the bottom ten were all non-medical-marijuana states.

Surveys NOT Utilized

- ❖ **Rocky Mountain HIDTA did not use the following datasets in this report because of the following reasons:**

Healthy Kids Colorado Survey (HKCS)

The HKCS shows a 7.6 percent increase in student marijuana use from 2013 (19.7 percent) to 2015 (21.2 percent). According to a front page article in *The Denver Post* (June 21, 2016), the increase was not statistically significant and thus “Pot use among Colorado teens flat.” In fact, *The Denver Post* released an editorial on June 22, 2016 titled “Colorado’s good news on teen pot use.” An analysis of the data paints a different picture of student marijuana use in Colorado.

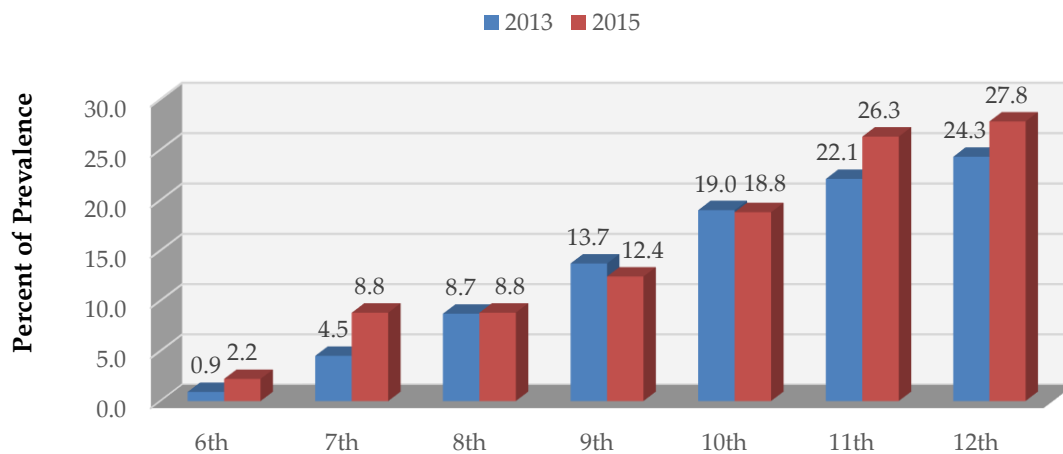
Some concerns with the HKCS include:

- Jefferson County (the 2nd largest school district), Douglas County (the 3rd largest school district), El Paso County (Colorado Springs, 2nd largest metro area), and Weld County results were listed as N/A which means data not available due to low participation in the region.

NOTE: This is a similar reason why HKCS results were considered unweighted by the national YRBS survey.

- In 2015 the HKCS survey had a response rate of 46 percent, which is well below the 60 percent rate required by YRBS. Even though HKCS samples a large number of students, their participation rate is below the industry standard for weighted data.
- From 2013 to 2015, marijuana use:
 - High School – **increased 14 percent** among seniors and **19 percent** among juniors.
 - Middle School – **increased 96 percent** for 7th Graders and **144 percent** among 6th Graders.

Healthy Kids Colorado Survey: Current Marijuana Use for High School and Middle School Students in Colorado



SOURCE: Colorado Department Public Health and Environment, Healthy Kids Colorado Survey

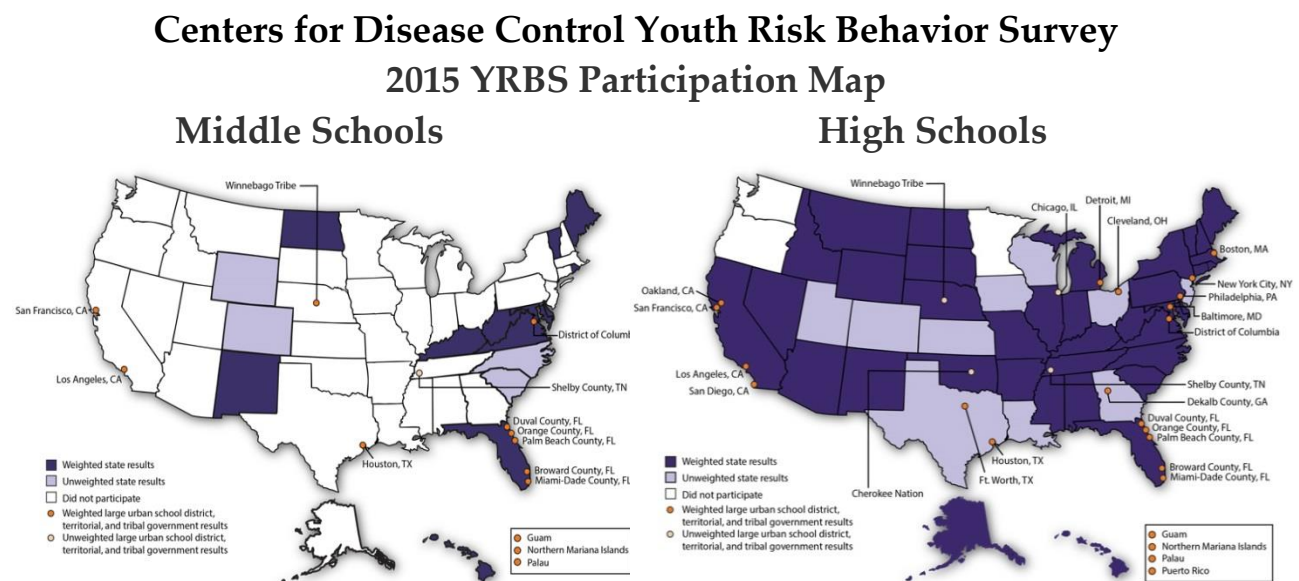
For a detailed analysis and additional data, go to www.rmhidta.org and click on the Reports tab to read “Colorado Youth Marijuana Use: Up – Down – Flat? Examine the Data and You Decide!”

Monitoring the Future (MTF) Study

Although Colorado cited Monitoring the Future data in a response letter to Attorney General Jeff Sessions, the study is designed to be nationally-representative and not state-representative. MTF does not provide usable estimates for the specific state of Colorado because of the state's relatively small size. Colorado is only 1.6 percent of the total U.S. population; thus, the sampling would only be 1.6 percent of Colorado schools (400) or about 6 schools per year. Since 2010, the survey sampled an average of 4.6 Colorado schools. In 2014 and 2015, there were four schools surveyed each year of which three were eighth grade. Therefore, the MTF study is not useful for state data pertaining to Colorado for school-age drug use data and trends.

Centers for Disease Control Youth Risk Behavior Survey (YRBS)

In 2015, Colorado fell short of the required 60 percent participation rate and was, therefore, not included with weighted data in this survey. Additionally, upon further review, it was discovered that since 1991 the state of Colorado has only been represented in the High School YRBS survey with weighted data four times. Since 1995, Colorado has only been represented in the Middle School YRBS survey by weighted data twice. States that participated in the 2015 Middle School and High School YRBS surveys are represented in dark purple in the below maps. It should be noted, in 2015, high schools in the following ten states were not included with weighted high school data: Utah, Colorado, Kansas, Texas, Louisiana, Georgia, Iowa, Wisconsin, Ohio, and New Jersey. Washington, Oregon, and Minnesota did not participate in the survey.

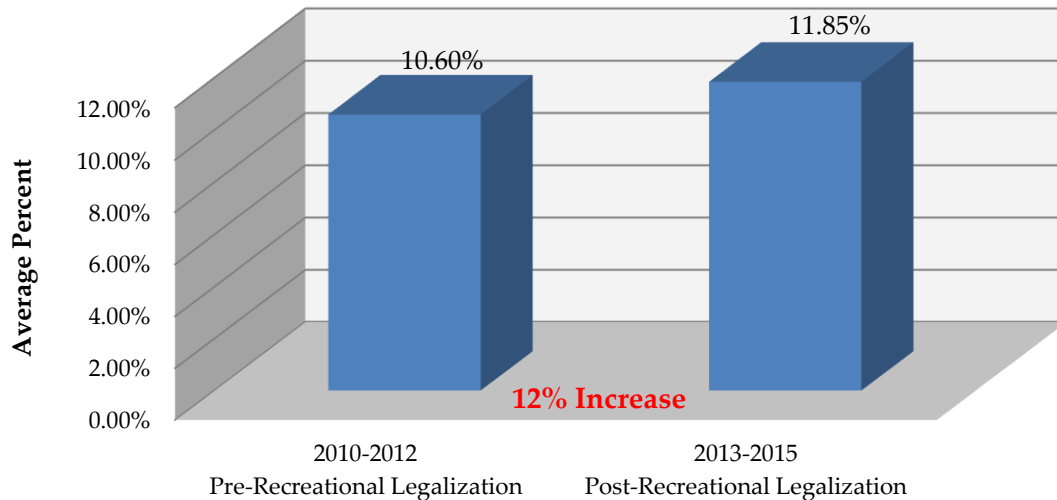


SOURCE: Centers for Disease Control and Prevention, Adolescent and School Health, YRBS Participation Maps and History <http://www.cdc.gov/healthyyouth/data/yrbs/participation.htm>

Use Data

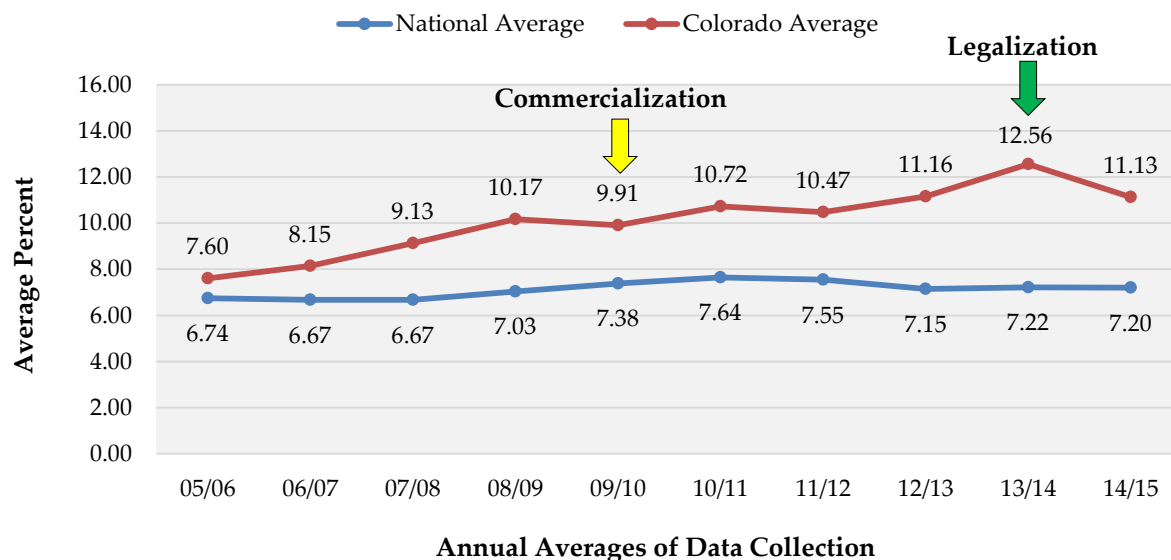
Youth Ages 12 to 17 Years Old

Average Past Month Use of Marijuana Youth Ages 12 to 17 Years Old



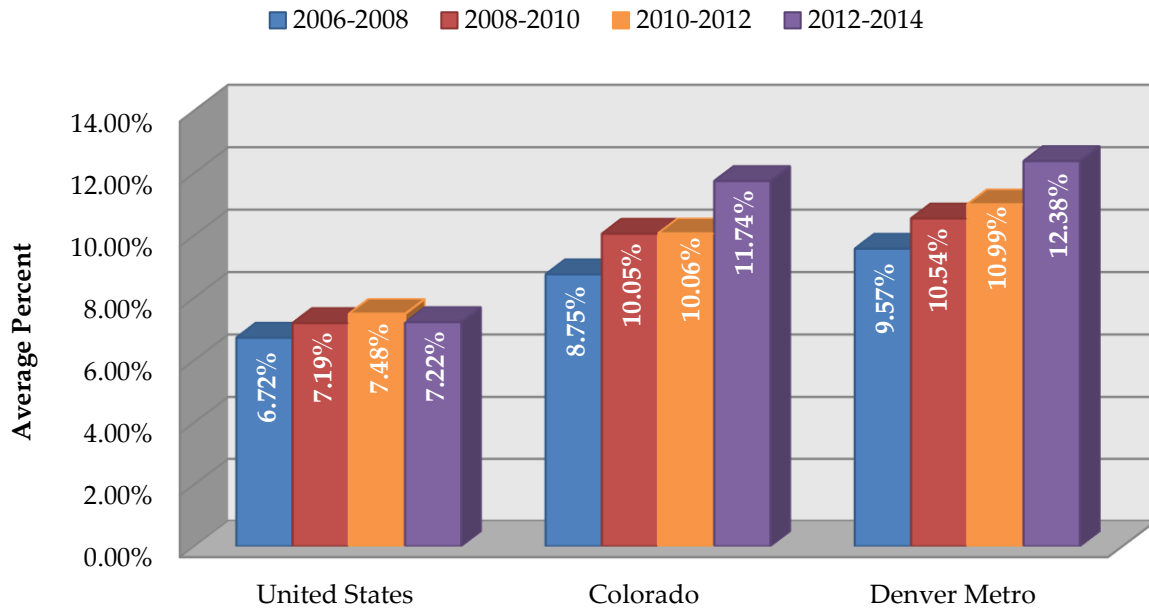
SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2014 and 2015

Past Month Marijuana Use Youth Ages 12 to 17 Years Old



SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2014 and 2015

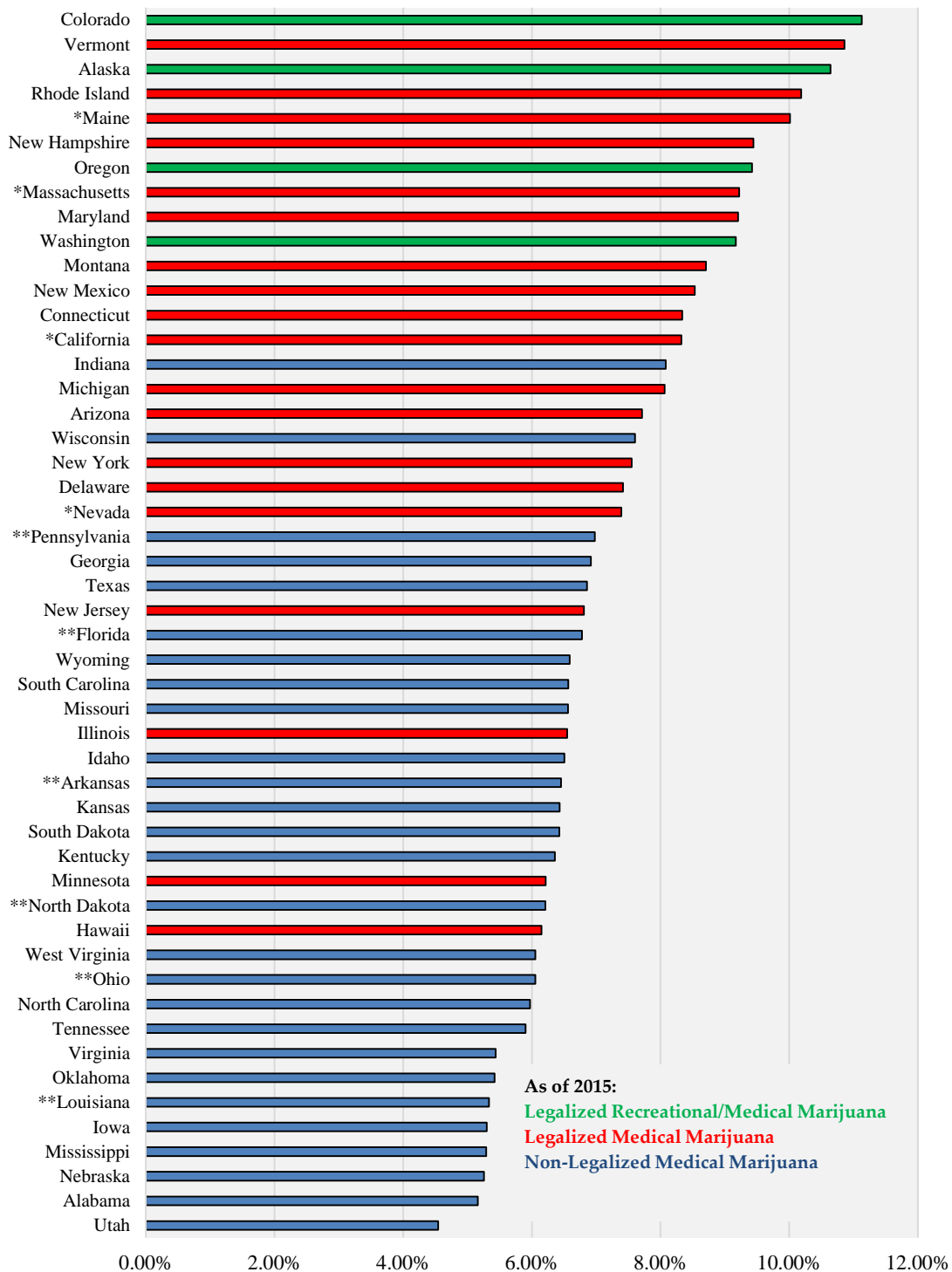
Prevalence of Past 30-Day Marijuana Use Youth Ages 12 to 17 Years Old



SOURCE: SAMHSA.gov, National Survey on Drug Use and Health, Substate Region Estimates 2006-2014

NOTE: SUB-STATE DATA IS ONLY AVAILABLE FROM THE NATIONAL SURVEY ON DRUG USE AND HEALTH IN THE ABOVE TIMEFRAMES.

Past Month Usage, 12 to 17 Years Old, 2014/2015

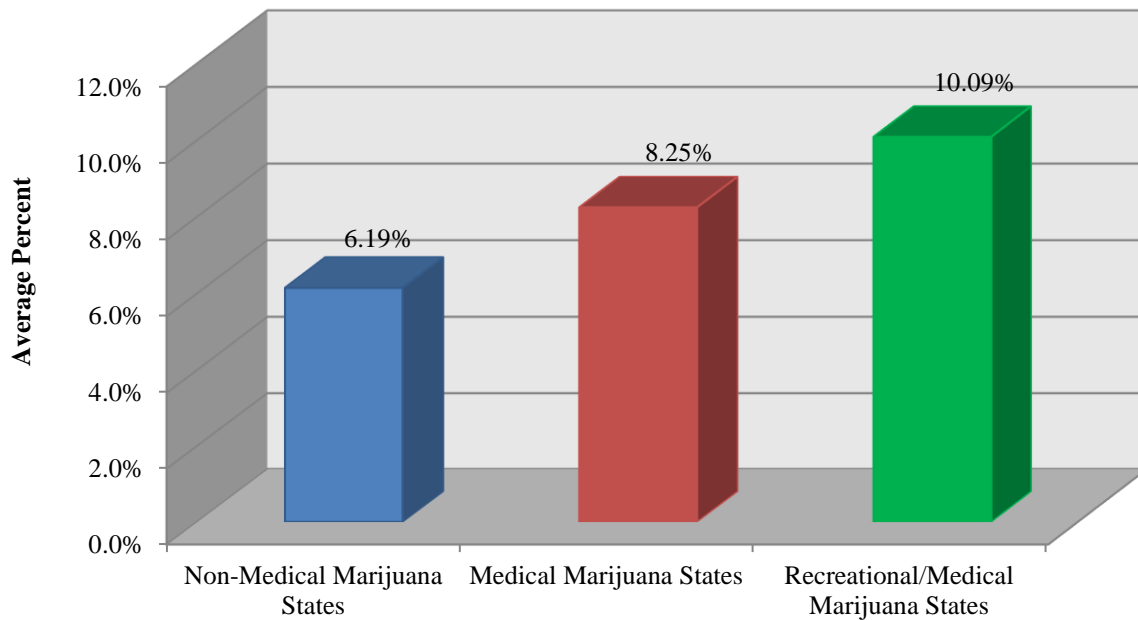


SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2014 and 2015

NOTE: *California, Massachusetts, Maine and Nevada voted to legalize recreational marijuana in November 2016

**States that had legislation for medical marijuana signed into effect during 2015

Average Past Month Use Youth Ages 12 to 17 Years Old, 2014/2015



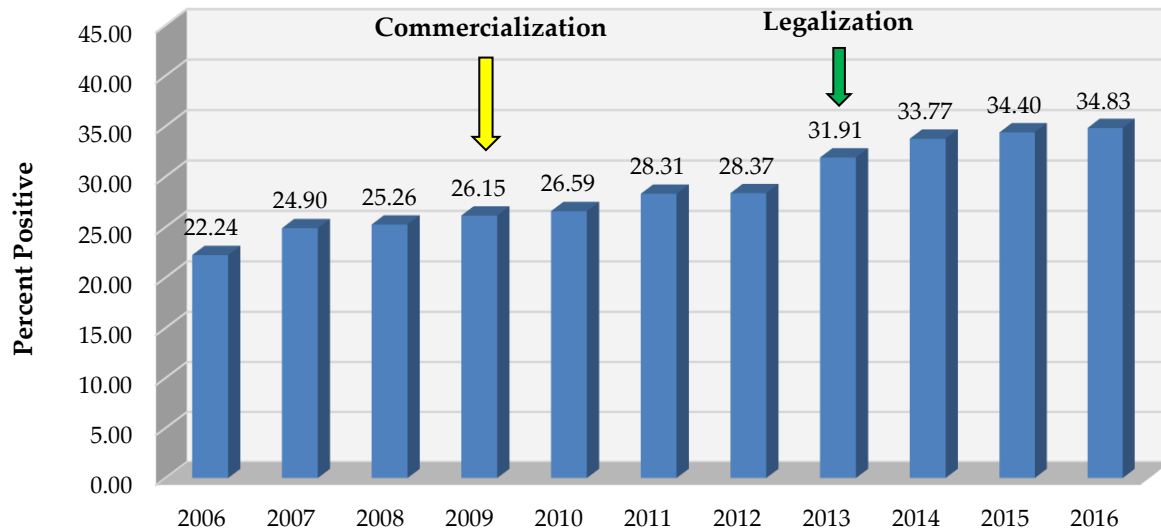
SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2014 and 2015

Past Month Marijuana Use Youth Ages 12 to 17 Years Old, 2014/2015

Top 10 (Medical/Recreational States)	Bottom 10 (Non-Medical or Recreational States)
National Average = 7.20%	
1. Colorado – 11.13%	41. North Carolina – 5.97%
2. Vermont – 10.86%	42. Tennessee – 5.90 %
3. Alaska – 10.64%	43. Virginia – 5.44%
4. Rhode Island – 10.19%	44. Oklahoma – 5.42%
5. Maine – 10.01%	45. Louisiana – 5.33%
6. New Hampshire – 9.44%	46. Iowa – 5.30%
7. Oregon – 9.42%	47. Mississippi – 5.29%
8. Massachusetts – 9.22%	48. Nebraska – 5.26%
9. Maryland – 9.20%	49. Alabama – 5.16%
10. Washington – 9.17%	50. Utah – 4.54%

SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2014 and 2015

Colorado Probation Percent of All Urinalysis Tests Positive for Marijuana Youth Ages 10 - 17 Years Old



SOURCE: Division of Probation Services/State Court Administrator's Office

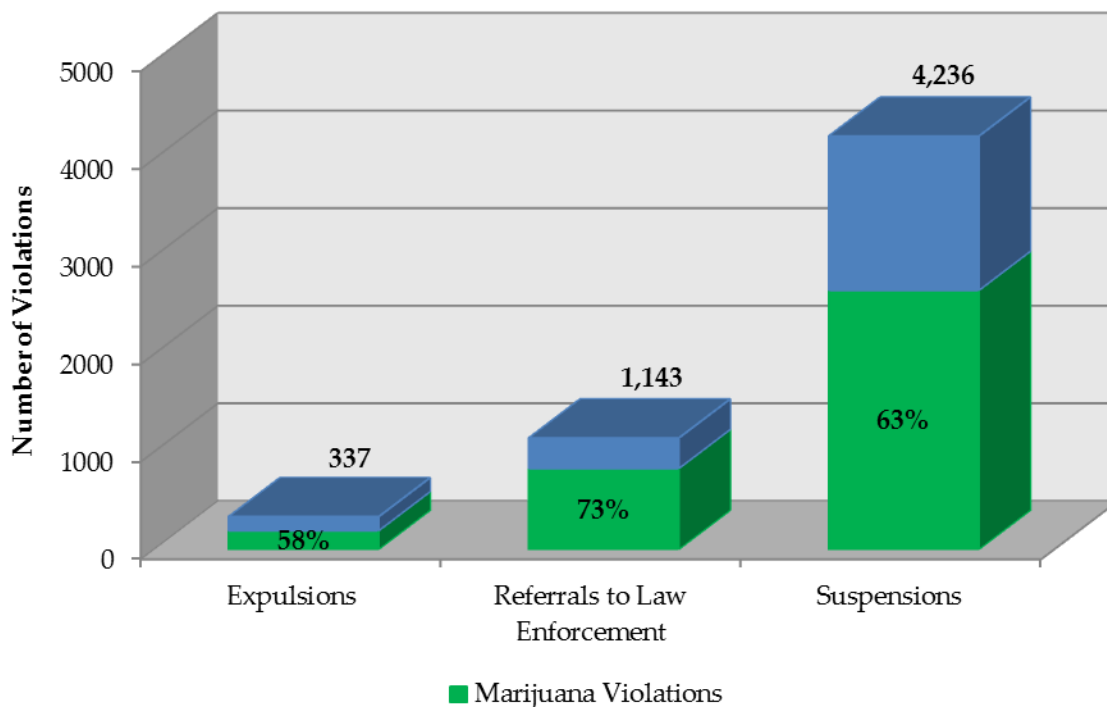
School Data

Impact on School Violation Numbers

- ❖ “Note that Senate Bill 12-046 and House Bill 12-1345 targeted reform of ‘zero tolerance’ policies in schools, and appear to have decreased expulsions, suspensions and referrals to law enforcement.” – Colorado Department of Public Safety, *Marijuana Legalization in Colorado: Early Findings, A Report Pursuant to Senate Bill 13-283*, March 2016

Data for the 2016-2017 school year were not available by the time of release for this report.

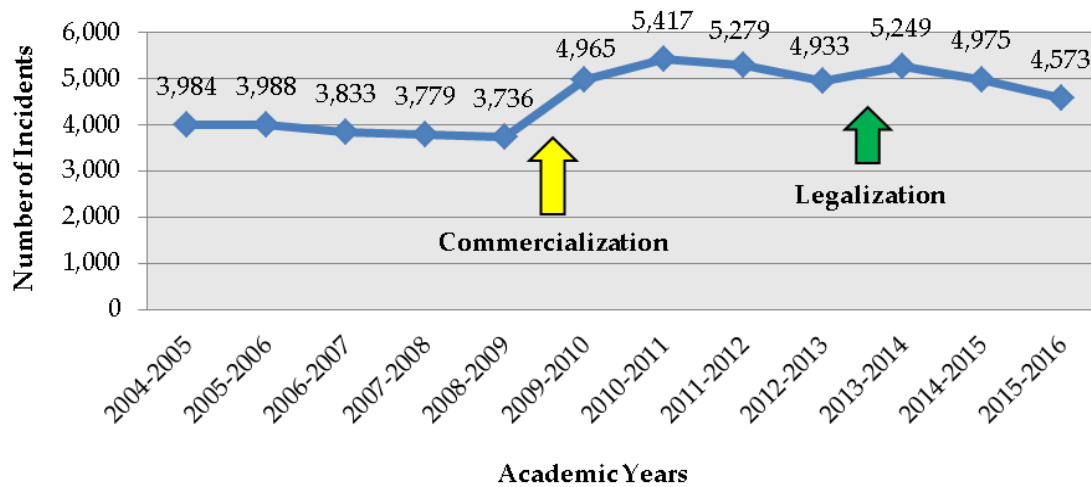
All Drug Violations, 2015-2016 School Year



SOURCE: Colorado Department of Education, 10-Year Trend Data: State Suspension and Expulsion Incident Rates and Reasons

NOTE: THE COLORADO DEPARTMENT OF EDUCATION BEGAN COLLECTING MARIJUANA VIOLATIONS SEPARATELY FROM ALL DRUG VIOLATIONS DURING THE 2015-2016 SCHOOL YEAR.

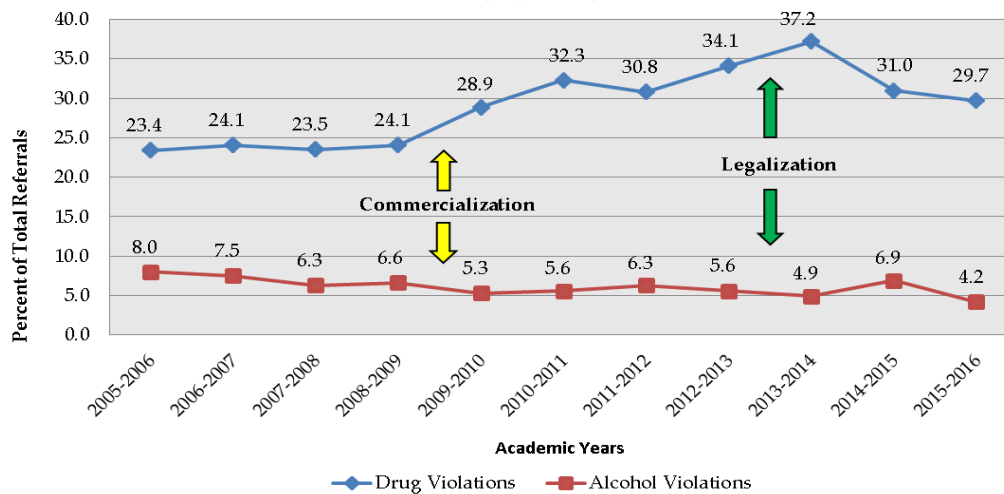
Drug-Related Suspensions/Expulsions



SOURCE: Colorado Department of Education, 10-Year Trend Data: State Suspension and Expulsion Incident Rates and Reasons

- ❖ In school year 2015/2016, 62 percent of all drug expulsions and suspensions were for marijuana violations.

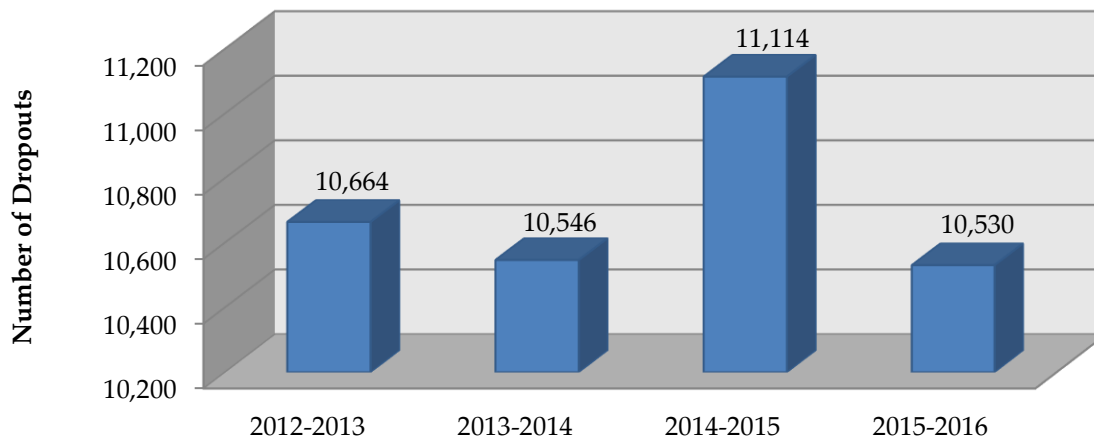
Percent of Total Referrals to Law Enforcement in Colorado



SOURCE: Colorado Department of Education, 10-Year Trend Data: State Suspension and Expulsion Incident Rates and Reasons

- ❖ In school year 2015/2016, 73 percent of all drug related referrals to law enforcement were for marijuana violations.

Number of Reported School Dropouts



SOURCE: Colorado Department of Education

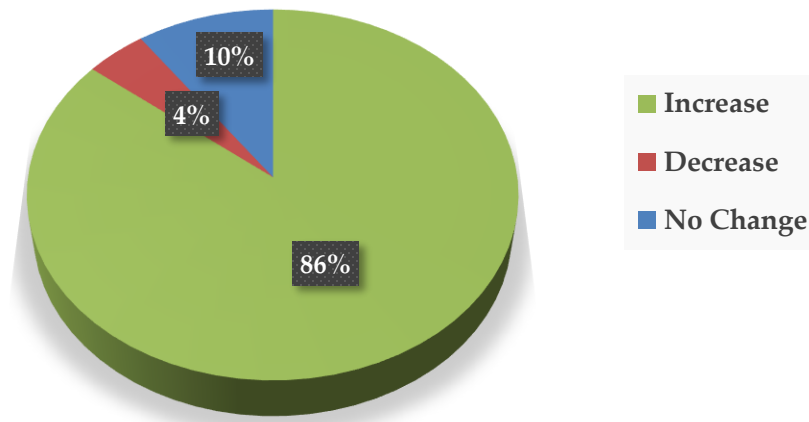
NOTE: ROCKY MOUNTAIN HIDTA HAS BEEN ASKED ABOUT THE NUMBER OF SCHOOL DROPOUTS IN COLORADO NUMEROUS TIMES AND IS, THEREFORE, PROVIDING THE DATA. ROCKY MOUNTAIN HIDTA IS NOT ATTRIBUTING THE NUMBER OF DROPOUTS TO MARIJUANA LEGALIZATION.

Colorado School Resource Officer Survey

In June 2017, 76 school resource officers (SRO) participated in a survey concerning marijuana in schools. The majority were assigned to high schools and had a tenure of three years or more as a SRO. They were asked for their professional opinion on a number of questions. The questions and their responses are shown in the following pages.

Question: Since the legalization of recreational marijuana, what impact has there been on marijuana-related incidents at your school?

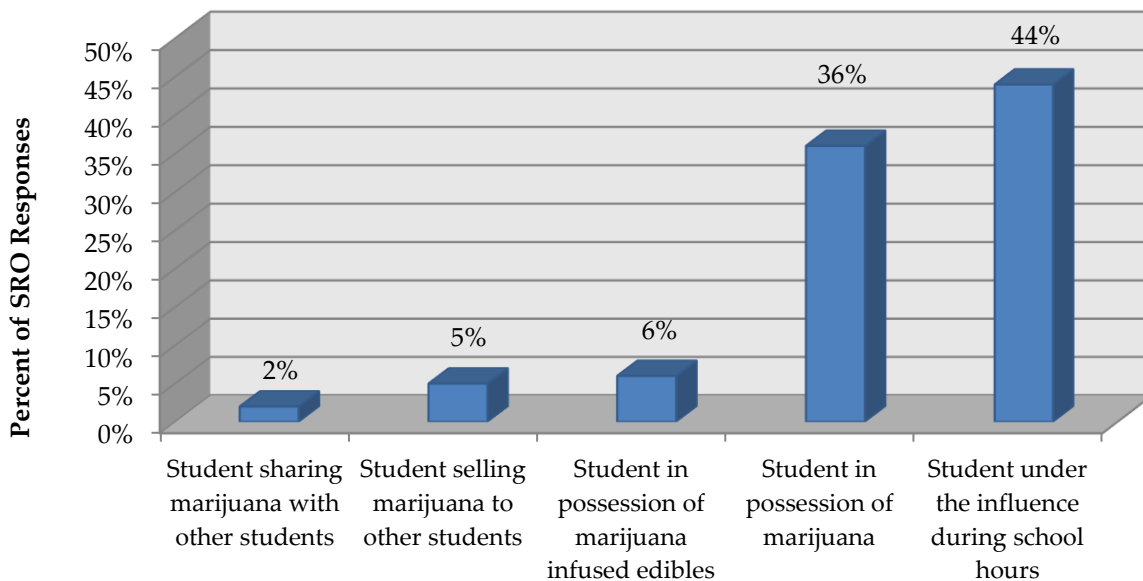
Impact on Marijuana-Related Incidents, 2017



SOURCE: Colorado Association of School Resource Officers (CASRO) and Rocky Mountain HIDTA

Question: What were the most predominant marijuana violations by students on campus?

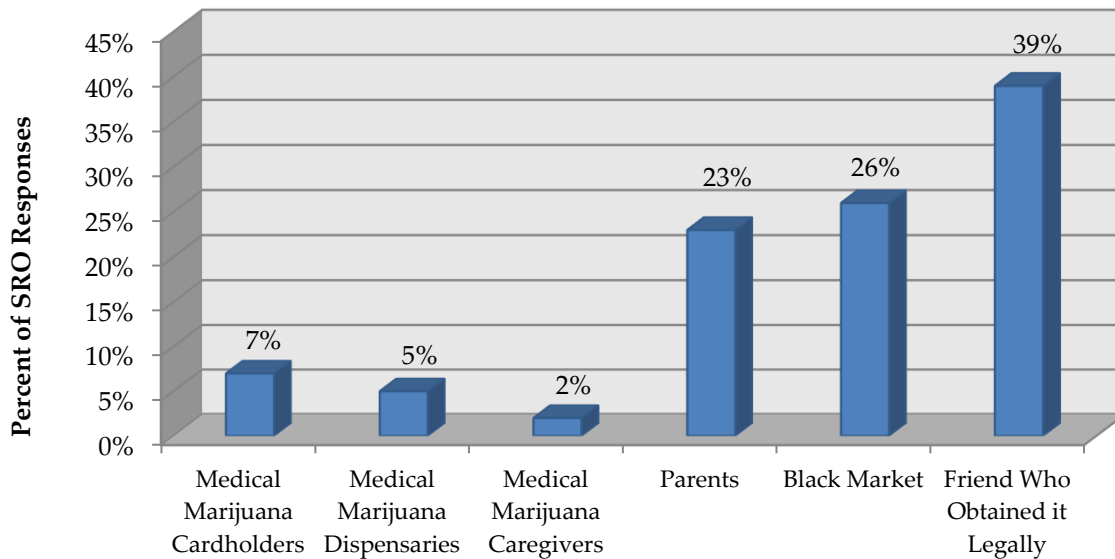
Predominant Marijuana Violations, 2017



SOURCE: Colorado Association of School Resource Officers (CASRO) and Rocky Mountain HIDTA

Question: Where do the students get their marijuana?

Student Marijuana Source, 2017



SOURCE: Colorado Association of School Resource Officers (CASRO) and Rocky Mountain HIDTA

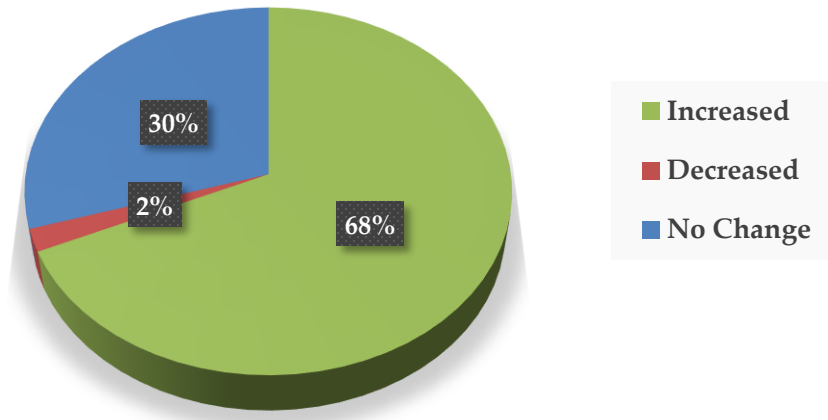
School Counselor Survey

- ❖ Since the 2015 survey, the Colorado School Counselor Association has elected not to participate in any further surveys.

In August 2015, 188 school counselors participated in a survey concerning the legalization of marijuana in schools. The majority were assigned to high schools with an average tenure of ten years. They were asked for their professional opinion on a number of question. The questions and their responses are shown in the following pages.

Question: Since the legalization of recreational marijuana, what impact has there been on marijuana-related incidents at your school?

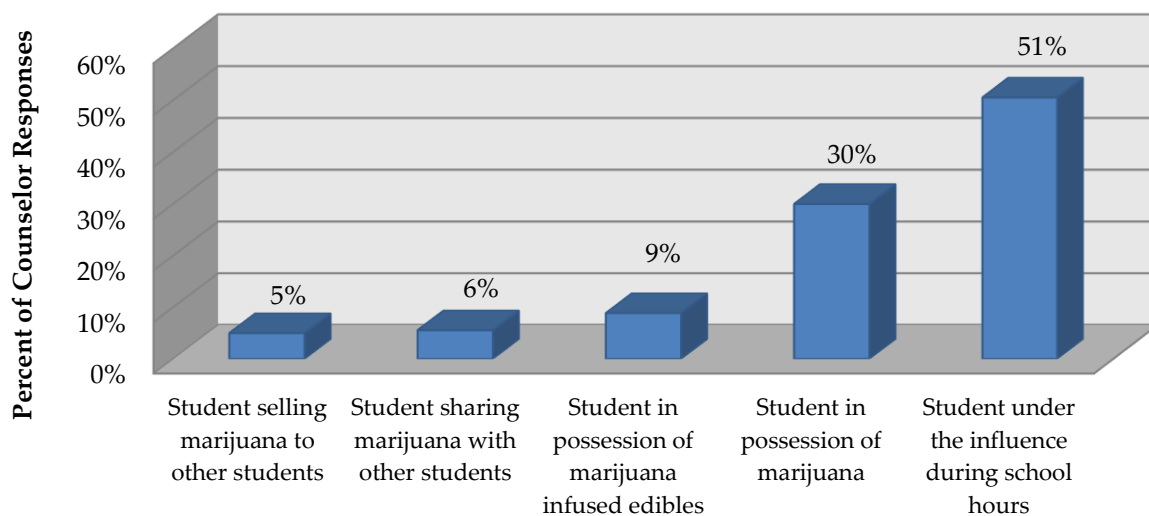
Impact on Marijuana-Related Incidents,



SOURCE Colorado School Counselor Association (CSCA) and Rocky Mountain HIDTA

Question: What were the most predominant marijuana violations by students on campus?

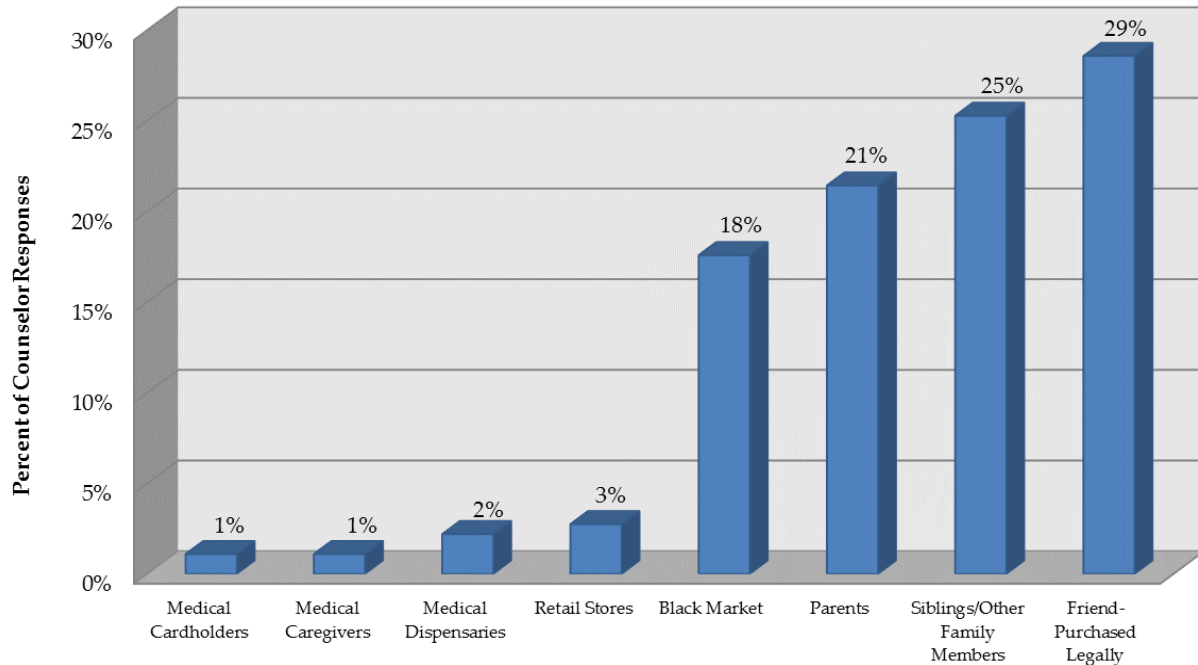
Predominant Marijuana Violations, 2015



SOURCE Colorado School Counselor Association (CSCA) and Rocky Mountain HIDTA

Question: Where do the students get their marijuana?

Student Marijuana Source, 2015



SOURCE Colorado School Counselor Association (CSCA) and Rocky Mountain HIDTA

Case Examples

My son and his Marijuana: “It was February 6th at 3:15 a.m. when my oldest son woke me and urgently whispered that his brother had just tried to take his own life. I couldn’t comprehend that my second-born, a high achieving, gifted young man had just attempted suicide by hanging. Thankfully, his brother discovered him and saved his life before we lost him. It changed our family forever.

Later that morning after the assessment and intake procedure, the hospital social worker explained that my son’s prescription for Adderall combined with his heavy marijuana use had caused a psychotic break called marijuana induced psychosis. She said this was quite common among young people today. I felt blindsided as I had no idea my son was using marijuana.

Sadly, in-patient treatment was not successful, nor was out-patient treatment. Our lives began to revolve around our son’s addiction and the never-ending appointments, meetings, confrontations, stress, and bizarre drama that we never

imagined we would experience. It was both frustrating and heartbreaking to listen as my son frequently described his passionate commitment to marijuana and observe his inability to see how negatively it impacted – even controlled him.

We learned we were not fighting a behavior but a mind-set that was cemented into his belief system. Marijuana had become his life, his religion, and his identity. In spite of a multitude of problems and ongoing depression that continue to prevent him from living successfully, his belief that marijuana will solve all of his troubles remains ingrained in him and leaves our family feeling fearful and often hopeless to help him.”¹

Teen Shot While Trying to Sell Marijuana: While attempting to sell marijuana to a car filled with four other teenagers, an 18 year old in Greeley, Colorado was shot with a handgun. The seller had been leaning into the car window when the occupants shot him and quickly drove away. The wound sustained by the teenager was not life threatening.²

One Teen Wounded, Another Killed While Trying to Steal Marijuana: Shortly after 2 a.m. on Sunday, October 9th, 2016, Denver Police received a call from a 14-year-old boy stating that he and his friend had been shot. Both boys had been trying to steal marijuana plants from a backyard when the resident was alerted to their presence and fired multiple shots at the boys. Both boys were struck as they were trying to escape the backyard, the 14-year-old was wounded and the 15-year old boy was killed. The home owner was arrested and held for investigation of murder, attempted murder and investigation of felony marijuana cultivation.³

Some Comments from School Resource Officers

They End Up Sick:

- “A student came to after-prom after eating some marijuana edibles. She later got very sick and was transported by ambulance to the hospital. She later admitted to being given the edibles by another student.”
- “A student asked another to get them marijuana. Student brought some edibles, later that week, and then the other student shared the edibles with 5 other people, who became sick. All students were disciplined. It is very common for students to bring edibles and share with others, and they end up sick from eating too much.”
- “8th grader brought marijuana brownies to school, gave them to friends and then overdosed on them and ended up in the hospital.”

Organized and Well-planned Distribution:

- “Students sometimes put Marijuana in Cheetos bags and sell to each other.”
- “Our agency just processed a 12 year old student for distribution of MJ. The child admitted to stealing ‘unnoticeable’ amounts of MJ from several different relatives, who purchased the recreational MJ legally, then sold it to other students. The 12 year old suspect had also recruited other students to sell the MJ. The crime was eventually reported by the sister of one of the accomplices.”
- “Student, age 16 (10th grade) recently came with father from California (father wanted to start a grow operation) frequently peddled marijuana on and around campus. Eventually, school/police alerted that he was packing a gun.”
- “Student has a medicinal marijuana card, became marijuana dealer to fellow students, arrested and is being prosecuted for distribution.”
- “A student baked THC brownies and sold them at school (10-12 grades). Students were charged [with distribution] of marijuana, it was organized and well-planned in school distribution (9-11 grades).

Burglarized Dispensary: “Five male students were found on school grounds with an overabundance of dabs and shatter that was still in the packaging from a dispensary that had been burglarized the previous weekend by five masked individuals that were caught on surveillance tape.”

Student Commits Suicide: “Sophomore caught selling marijuana to students on campus. He was distributing for another student. That student was obtaining high quality marijuana on the black market. Original was charged and committed suicide 3 days later. Other subject made suicidal statements and received treatment.”

Fine for Their Kids to Use: “Multiple students at my ‘affluent’ middle school obtain marijuana and use marijuana with their families who all seem to have their own marijuana grows. Most of these parents think their ‘medicine’ is fine for their kids to use.”

Social Media Delivery Service: “Students using social media to order up their hash/marijuana/shatter and have it delivered to their local park or fast food joint. No names exchanged and very difficult to prove a case. Was able to get a warrant on a suspect with the help of MED (Marijuana Enforcement Division).”

Attempting to Official a Game: “Referee in possession and smelling like marijuana while attempting to official a game.”

Leave Campus and Come Back High:

- “Students will leave campus and smoke either in their home, parks, or cars and come back after lunch. Adult dealers have trolled [the] parking lot for students looking to buy marijuana. Lots of marijuana use at juvenile parties on the weekend.”
- “Most of our marijuana offenses in the schools are at the middle school and high school level where students leave campus, get high and come back to school. Some are caught with possession of marijuana and some are only consuming.”

Young Students Stealing from Parents:

- “Ten year old in possession and consuming in school using parents pot and pipe”
- “6th grader stealing and then bringing mom’s medical marijuana to school, sharing with friends and smoking in bathrooms before school.”
- “5th grader stealing recreational marijuana from parents and bringing it to school, showing it to all his friends and then smoking it at school.”

Some Comments from School Counselors

Halls Reek of Pot After Lunch:

- “Many kids come back from lunch highly intoxicated from marijuana use. Halls reek of pot, so many kids are high that it is impossible to apprehend all but the most impaired.”
- “They go off campus and smoke during lunch with friends. They will run home with friends during lunch and smoke then.”
- “There have been several instances of students in their cars on lunch or during their off hours ‘hotboxing’ or smoking marijuana. Most students are seniors but on occasion, seniors will provide marijuana to 9th or 10th grade students.”
- “2014/2015 school year, several students caught coming back from off-campus lunch under the influence of marijuana.”
- “Had a student come back from lunch, teacher believed that they were high. Student was escorted to the office, student admitted they were indeed high to the administrator.”
- “Students are often referred after lunch (open campus) after they have been riding around smoking marijuana with their friends.”
- “More and more students are coming back to school high after lunch.”
- “In April 2015, students were going out for a break. 2-3 students smoked marijuana about a block away from school. They smelled like pot when they got back.”

Just a Plant: “In March of 2015 a fifth grade boy offered marijuana to another fifth grader on the playground. In October of 2014 a kindergarten girl described the pipe in her grandmother’s car and the store where you go to buy pipes. In May of 2015 a first grade girl reported that her mom smokes weed in the garage. ‘It’s not a drug, it’s just a plant.’”

Arrives at School Stoned:

- “At the beginning of the second semester, three middle school boys were routinely arriving late at school, and noticeable intoxicated.”
- “We have middle school students who either come to school high, or have it on them in a bag. Or they have pipes on them.”
- “In May 2015, a teacher witnessed 2 seniors smoking marijuana while driving to school. One student admitted to having done so; the other denied it.”
- “Teaching a lesson in class during first period that started 7:30 AM and 2 students were already high in class.”

- “A male 13 y/o student fell asleep in several classes. He was interviewed by the school counselor and the RSO (sic). He was assessed as being high and admitted that he uses marijuana often before school. He steals it from his older brother.”
- “12 yr. old, sixth grader, was suspected of coming to summer school high. When confronted he told the teacher that he smoked it at home the night before but denied being high at the time. Later, he confirmed that he had smoked early that morning. The marijuana came from his mother’s stash.”

New Use of Bathrooms:

- “2 students were smoking marijuana in the restroom last year.”
- “8th grade male student had marijuana in his locker, classmates reported it. 8th grade female student smoked a joint in a school bathroom during school hours. Shared it with a friend.”
- “7th grade girl last year had hidden marijuana and a pipe in the girl’s restroom and told several friends who began getting bathroom break passes from various classrooms. Security noted an increased traffic flow to and from that restroom and found the weed and soon after the violators.”

It’s Legal:

- “3 or 4 times in the last school year, students have come to school under the influence after meeting at homes where parents were absent, sharing marijuana off campus and then bringing it on campus. 7th and 8th grade students have been involved, and most often their reaction when caught is ‘it’s legal’.”
- “I met with at least 5 students last year alone that have been showing significant signs of drug use or were caught and they all said they will not stop using weed on a daily basis. Their justification was it’s fine because it’s legal. If it’s legal it’s not as bad as what adults say about the risks.”

Grades Decline: “I would like to say that in general our Marijuana incidents have not gone up. We have a savvy population that knows to keep it away from school. However, I have seen a huge spike in talking with kids about it in my sessions. Last year I had two very intelligent students (above 4.0) that used marijuana 2-6 times a week. Both of them had grades decline and significant social emotional issues spike in the spring of their Senior Year. They also both had violations at school.”

Dad Allows Pot Smoking: “We had reports of two students (brothers) appear to be high at school. Our officer assessed both of them and discovered that their father, who had a medical marijuana card, was having them both “smoke a bowl” before school. He thought it would make their school day easier.”

Parents High: “At our elementary school, we have noticed an increased number of parents showing up to school high. Kids have also brought [marijuana] to school to show their friends.”

Difficulty in Assessment: “For school personnel, it is more difficult to evaluate what substance a student is under the influence of. We can smell alcohol and smoked marijuana but the edibles and vapes are hard to detect.”

Drug Canine Use: “I would like to just offer that we need policy that allows for more use of drug dogs and not having to forewarn students or parents when these dogs will be present. Students and especially dealers, the ones we need to catch, are very vigilant in making adjustments when these resources are used.”

For Further Information on Youth Marijuana Use See Page 151

Sources

¹ Jo McGuire, “One Mom’s Story: Marijuana and My Kid,” *Jo McGuire Inc.*, August 29th, 2017, < <https://jomcguire.wordpress.com/>>, accessed August 29th, 2017.

² Nate Miller, “Sheriff’s office seeks public’s help to learn more about northeast Greeley shooting,” *The Tribune*, May 16, 2017, <<http://www.greeleytribune.com/news/crime/sheriffs-office-seeks-publics-help-to-learn-more-about-northeast-greeley-shooting/>>, accessed September 12, 2017.

³ Kirk Mitchell, “Denver man arrested after allegedly shooting, killing teen in marijuana-filled backyard,” *Denver Post*, October 10, 2016, <<http://www.denverpost.com/2016/10/10/marijuana-grow-house-slaying-denver-man-arrested/>>, accessed September 12, 2017.

THIS PAGE INTENTIONALLY LEFT BLANK

SECTION 3: Adult Marijuana Use

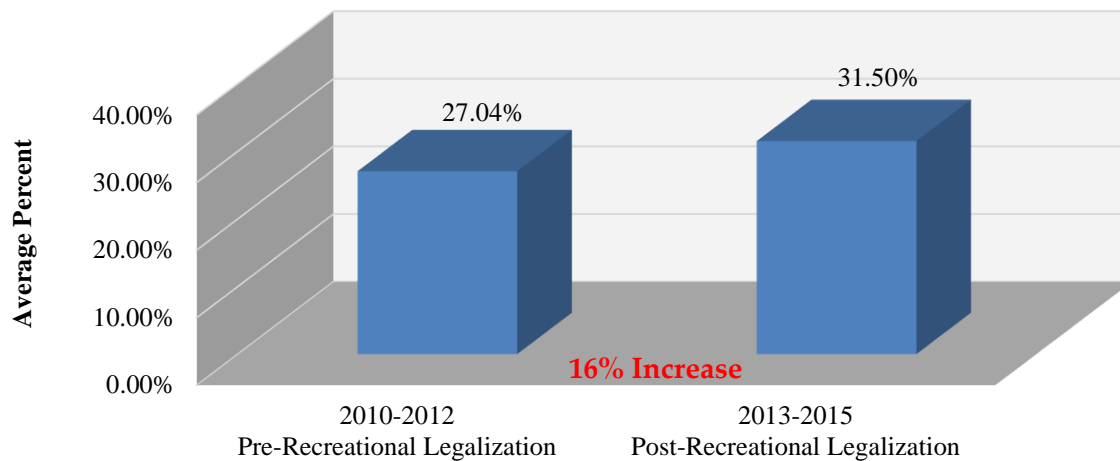
Some Findings

- College age past month marijuana use **increased 16 percent** in the three-year average (2013-2015) since Colorado legalized recreational marijuana compared to the three-year average prior to legalization (2010-2012).
- The latest 2014/2015 results show Colorado college-age adults ranked **#2** in the nation for past-month marijuana use, up from **#3** in 2011/2012 and **#8** in 2005/2006.
- Colorado college age past month marijuana use for 2014/2015 was **61 percent higher** than the national average compared to **42 percent higher** in 2011/2012.
- Adult past-month marijuana use **increased 71 percent** in the three-year average (2013-2015) since Colorado legalized recreational marijuana compared to the three-year average prior to legalization (2010-2012).
- The latest 2014/2015 results show Colorado adults ranked **#1** in the nation for past month marijuana use, up from **#7** in 2011/2012 and **#8** in 2005/2006.
- Colorado adult past month marijuana use for 2014/2015 was **124 percent higher** than the national average compared to **51 percent higher** in 2011/2012.

Use Data

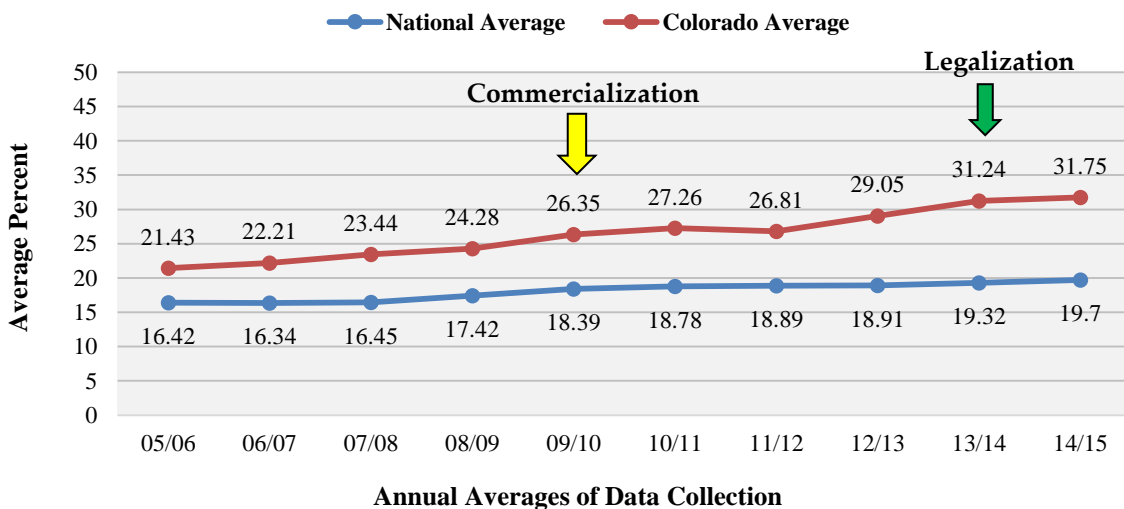
College Age 18 to 25 Years Old

Average Past Month Use of Marijuana College Age 18 to 25 Years Old



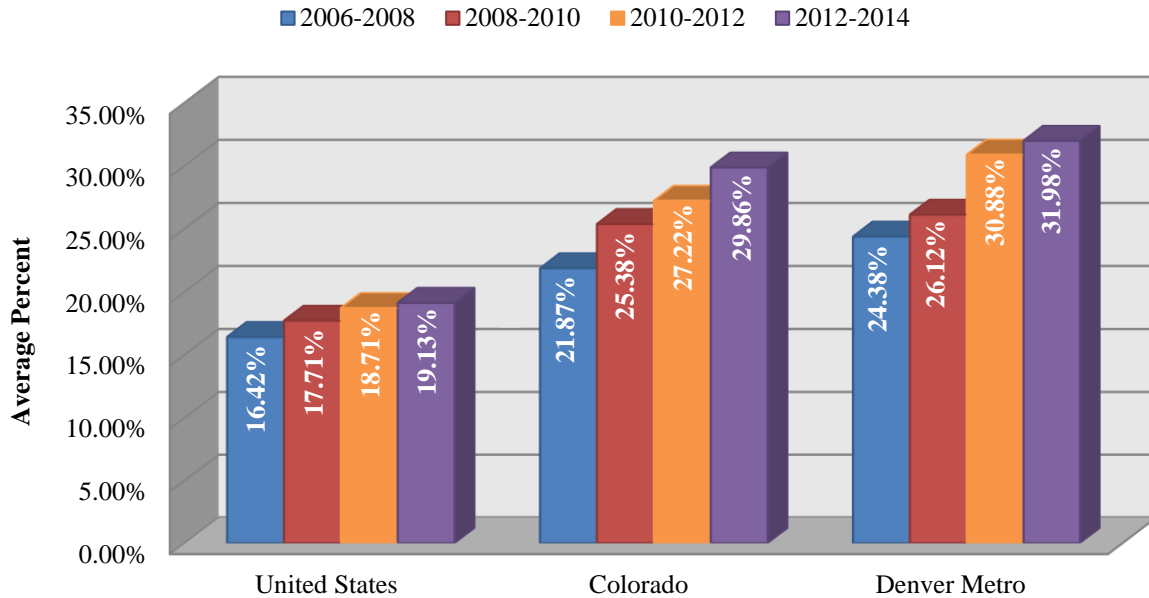
SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2014 and 2015

Past Month Marijuana Use College Age 18 to 25 Years Old



SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2014 and 2015

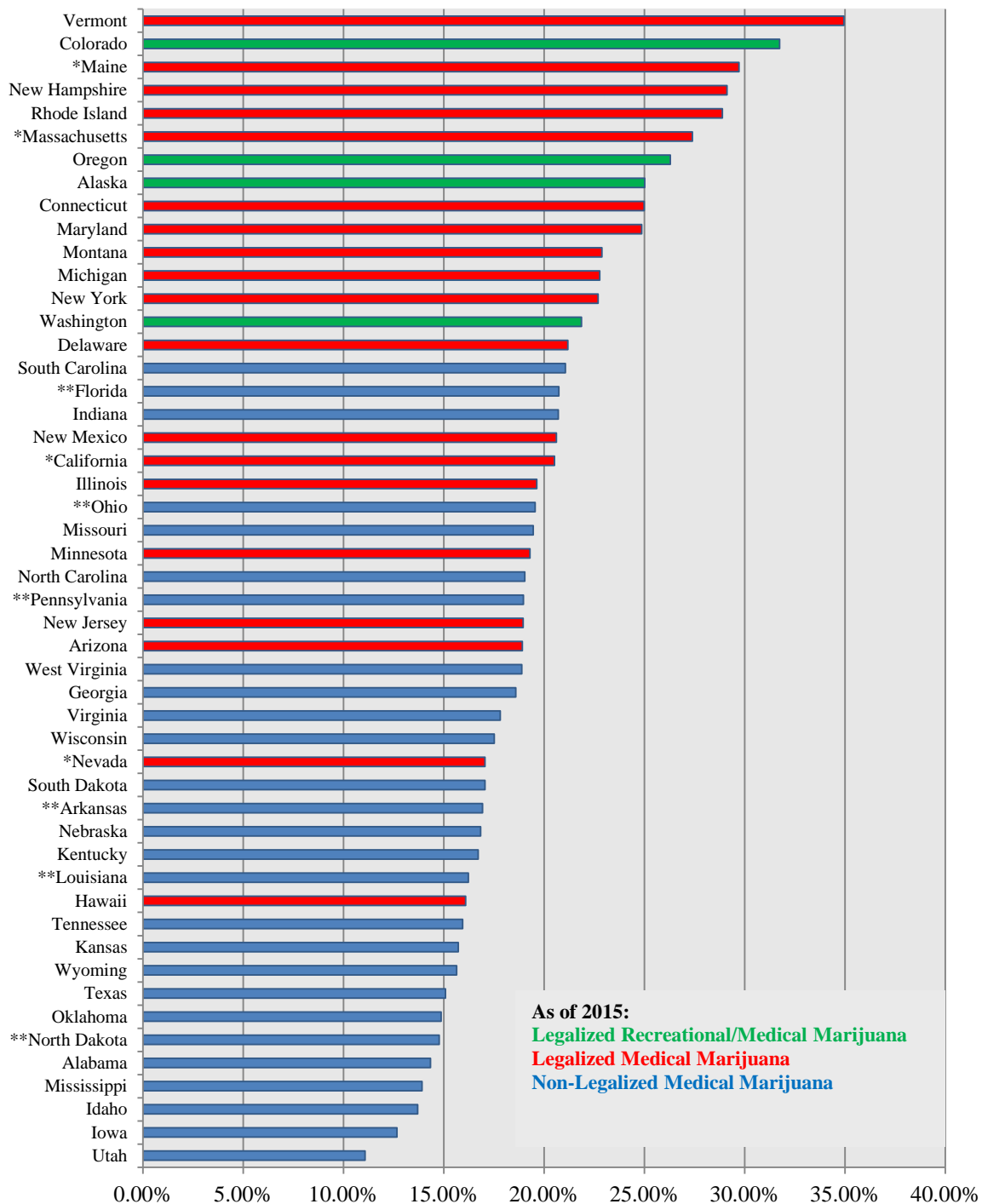
Prevalence of Past 30-Day Marijuana Use College Age 18 to 25 Years Old



SOURCE: SAMHSA.gov, National Survey on Drug Use and Health, Substate Region Estimates 2006-2014

NOTE: SUB-STATE DATA IS ONLY AVAILABLE FROM THE NATIONAL SURVEY ON DRUG USE AND HEALTH IN THE ABOVE TIMEFRAMES.

Past Month Usage, 18 to 25 Years Old, 2014/2015

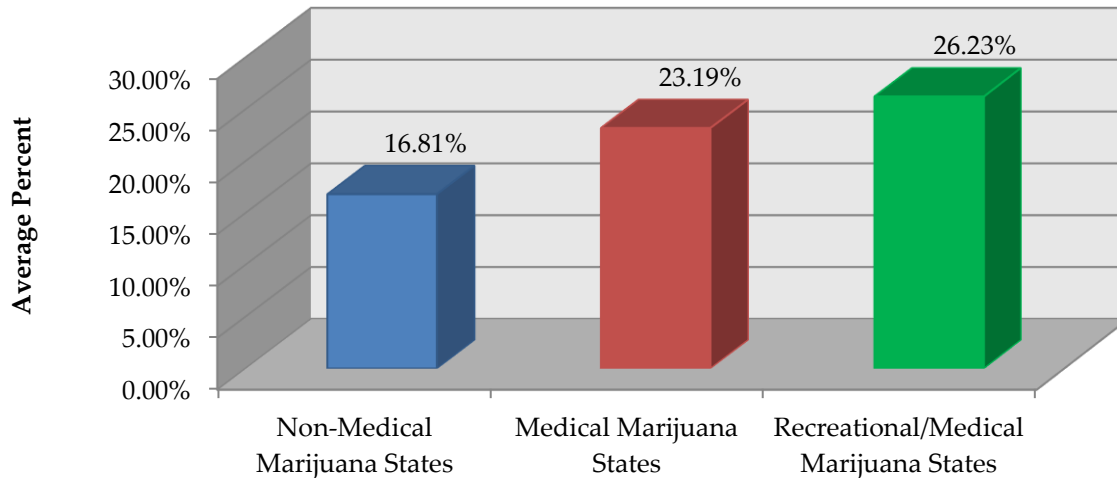


SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2013 and 2014

NOTE: *California, Massachusetts, Maine and Nevada voted to legalize recreational marijuana in November 2016

**States that had legislation for medical marijuana signed into effect during 2015

Average Past Month Use College Age 18 to 25 Years Old, 2014/2015



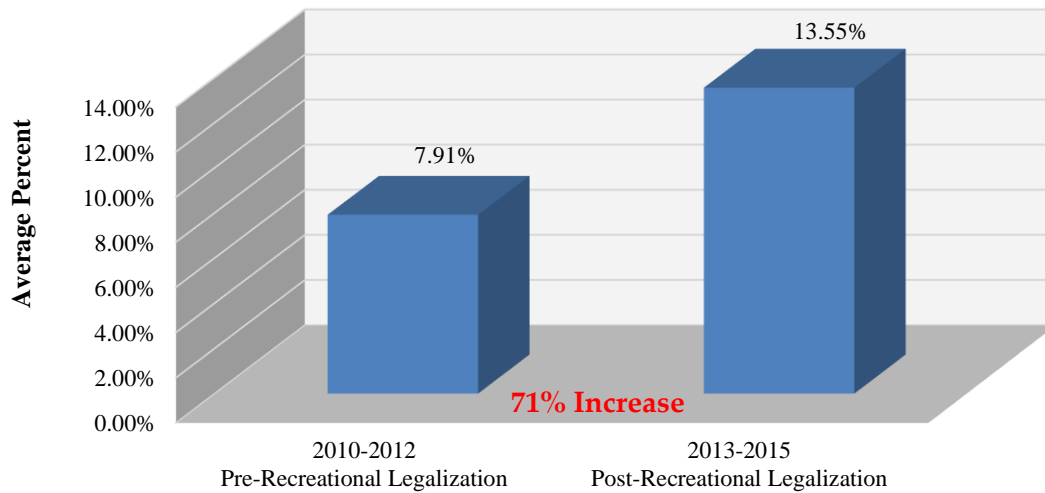
SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2014 and 2015

Past Month Marijuana Use College Age 18 to 25 Years Old, 2014/2015

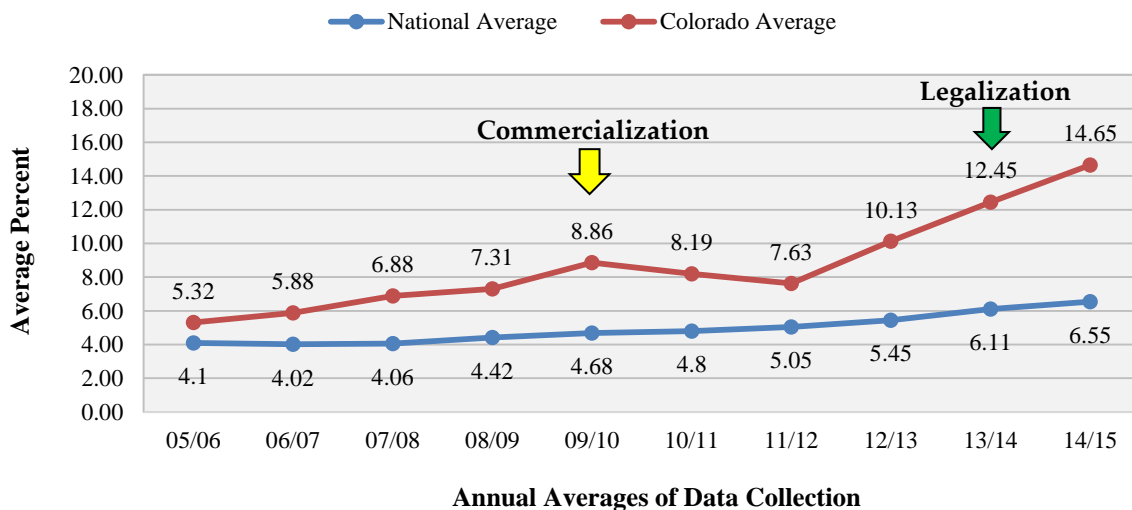
<u>Top 10</u> (Medical/Recreational States)	<u>Bottom 10</u> (Non-Medical or Recreational States)
National Average = 19.99%	
1. Vermont – 34.95%	41. Kansas – 15.73%
2. Colorado – 31.75%	42. Wyoming – 15.64%
3. Maine – 29.72%	43. Texas – 15.08%
4. New Hampshire – 29.12%	44. Oklahoma – 14.87 %
5. Rhode Island – 28.89%	45. North Dakota – 14.77%
6. Massachusetts – 27.39%	46. Alabama – 14.33%
7. Oregon – 26.29%	47. Mississippi – 13.91%
8. Alaska – 25.02%	48. Idaho – 13.69%
9. Connecticut – 24.99%	49. Iowa – 12.67%
10. Maryland – 24.87%	50. Utah – 11.07%

SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2014 and 2015

Adults Age 26+ Years Old

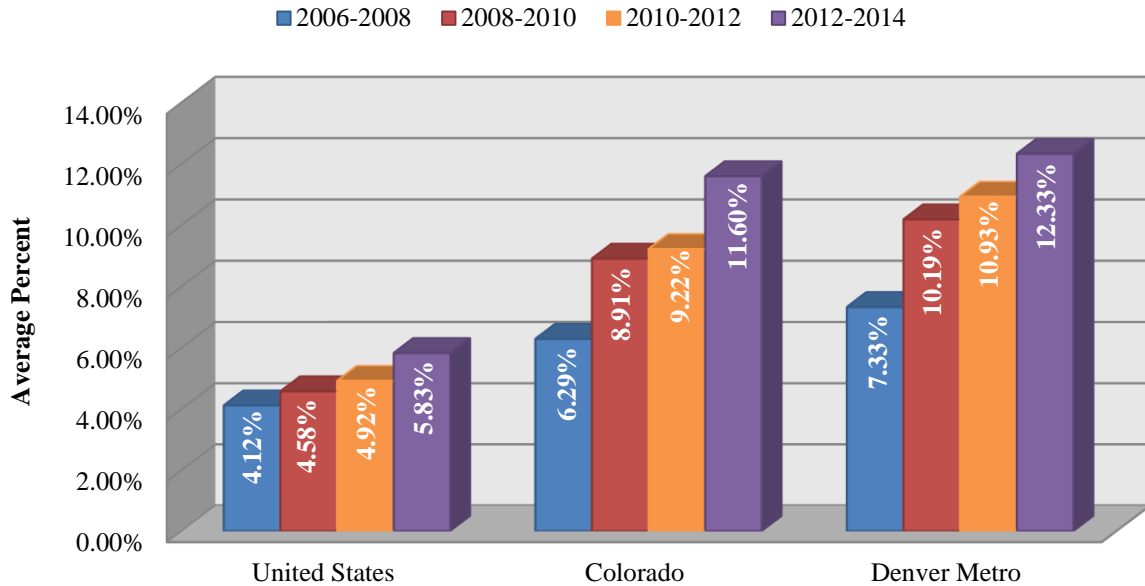
Average Past Month Use of Marijuana
Adults Ages 26+ Years Old

SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2014 and 2015

Past Month Marijuana Use
Adults Age 26+ Years Old

SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2014 and 2015

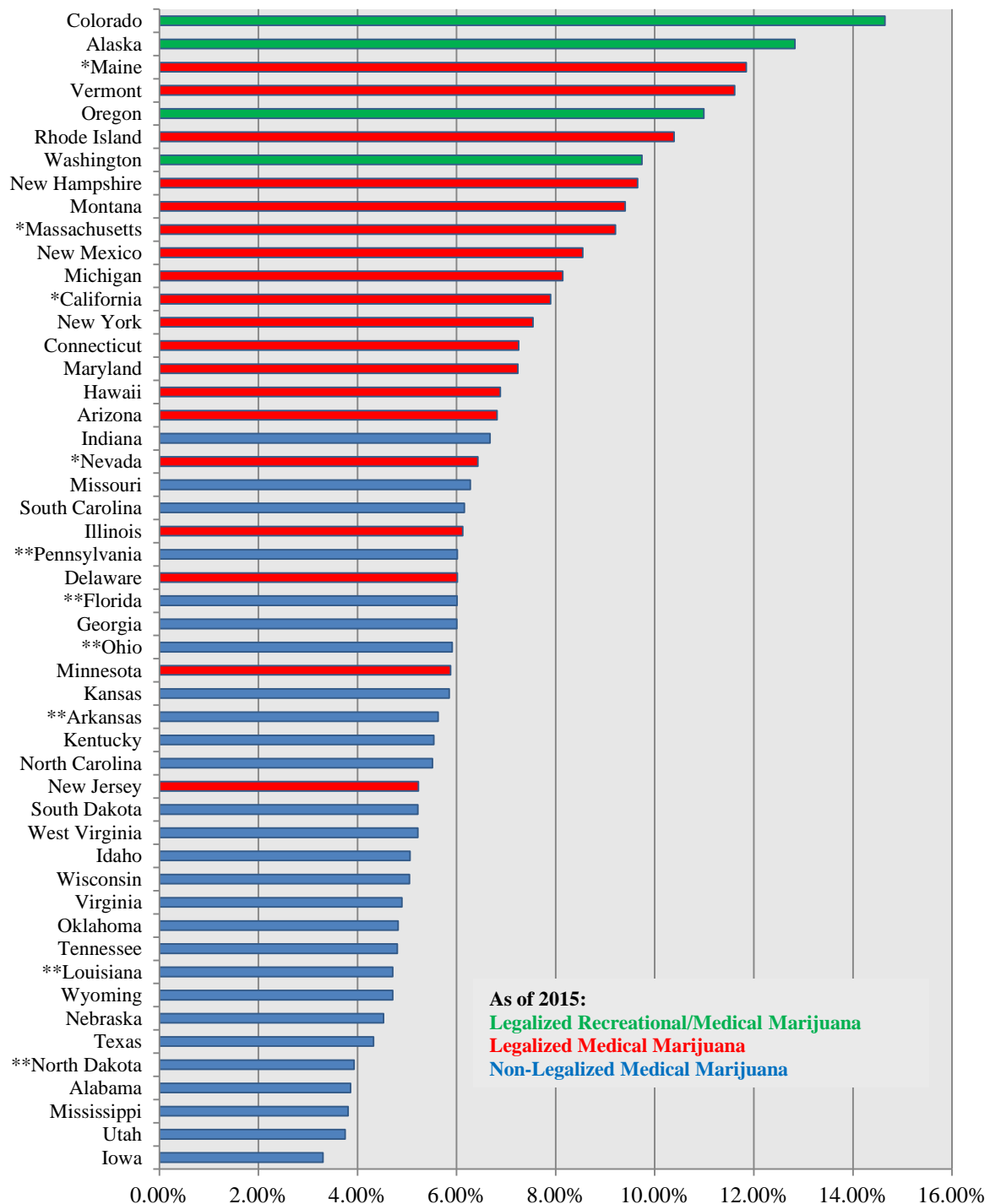
Prevalence of Past 30-Day Marijuana Use Adults Age 26+ Years Old



SOURCE: SAMHSA.gov, National Survey on Drug Use and Health, Substate Region Estimates 2006-2014

NOTE: SUB-STATE DATA IS ONLY AVAILABLE FROM THE NATIONAL SURVEY ON DRUG USE AND HEALTH IN THE ABOVE TIMEFRAMES.

Past Month Usage, 26+ Years Old, 2014/2015

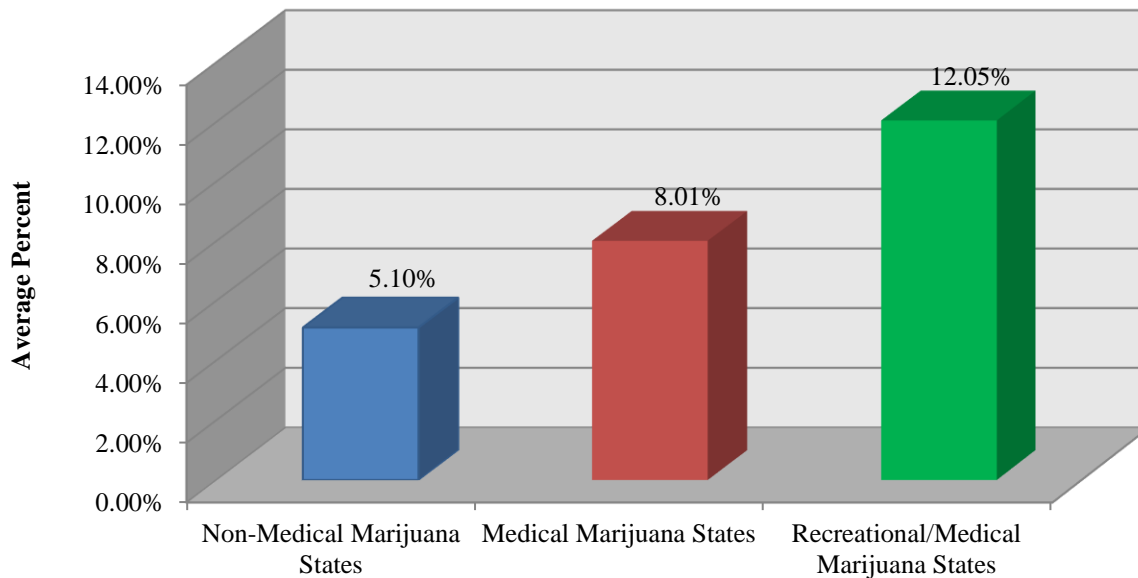


SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2014 and 2015

NOTE: *California, Massachusetts, Maine and Nevada voted to legalize recreational marijuana in November 2016

**States that had legislation for medical marijuana signed into effect during 2015

Average Past Month Use Adults Ages 26+ Years Old, 2014/2015



SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2014 and 2015

Past Month Marijuana Use Adults Ages 26+ Years Old, 2014/2015

<u>Top 10</u> (Medical/Recreational States)	<u>Bottom 10</u> (Non-Medical or Recreational States)
National Average = 6.76%	
1. Colorado – 14.65%	41. Tennessee – 4.81%
2. Alaska – 12.83%	42. Louisiana – 4.71%
3. Maine – 11.84%	43. Wyoming – 4.71%
4. Vermont – 11.61%	44. Nebraska – 4.53%
5. Oregon – 10.99%	45. Texas – 4.32%
6. Rhode Island – 10.39%	46. North Dakota – 3.93%
7. Washington – 9.74%	47. Alabama – 3.86%
8. New Hampshire – 9.65%	48. Mississippi – 3.81%
9. Montana – 9.41%	49. Utah – 3.75%
10. Massachusetts – 9.21%	50. Iowa – 3.30%

SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2014 and 2015

Colorado Adult Marijuana Use Demographics¹

According to the Colorado Behavior Risk Factor Surveillance System, 2016:

- 13.6 percent of adults (18+ years old) are current users of marijuana
 - Nearly half of current users (47 percent) report using marijuana daily
- 1 out of 5 current users (20 percent) report driving after using marijuana
- Top demographics of those who report current marijuana use:
 - Between 18 to 25 years old
 - Next highest are those 26 to 34 years old
 - Black, Non- Hispanic individuals
 - Next highest are Multiracial (Non-Hispanic) individuals
 - Gay/Lesbian/Bisexual adults
 - Males
- The Southwest region of Colorado reports the highest current marijuana use
 - The Southeast and Northwest regions are tied for second highest

NOTE: THE BEHAVIORAL RISK FACTOR SURVEILLANCE SYSTEM (BRFSS) COLLECTS DATA ON ADULT, INDIVIDUAL-LEVEL BEHAVIORAL HEALTH RISK FACTORS. QUESTIONS SPECIFICALLY REGARDING MARIJUANA USE WERE NOT ADDED UNTIL 2014. – MONITORING HEALTH CONCERNS RELATED TO MARIJUANA IN COLORADO: 2016, COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Case Examples

Young Professional Commits Suicide at 23, Parents Question if THC is to Blame:

Marc Bullard, a young professional with no apparent signs of depression or mental illness committed suicide in April 2016. He had recently graduated college “near the top of his college class,” and had been hired at a consulting firm in Denver. “In December of 2015, he was on top of the world explaining in a video documenting his success that, ‘It’s been a good year..’ and that he was looking forward to making plans for 2016.” After his death, his parents began reading Marc’s personal diaries and found that he had been writing entries such as:

I found out I was dabbing too much which I already knew and had cut back in February. But apparently if you overdo it, you can get almost like poison and experience some negative effects.

Marc's parents began to question "whether his death [was] related to his use of high potency THC." Before Marc's death neither of them had even heard of dabbing. Marc's father Mike explained "I had the mindset, well, it's just marijuana, it's not going to hurt anything." While Marc's death certificate does not say marijuana was the cause of death, it "lists a contributing factor to 'use of concentrated marijuana products.'"²

Parents Charged with Child Abuse for Identical Deaths of Two Babies: In Aurora, Colorado a couple was booked into jail on two counts of misdemeanor child abuse. Charges were filed against the couple after their second child died under similar circumstances as their first child who died two years previously. According to police reports, both babies "died while sleeping in bed with the parents" and both parents "appear[ed] to be intoxicated or under the influence." During the investigation of the first child's death there were "indications of alcohol and marijuana use." The cause of death as shown on autopsy reports for each child was listed as undetermined, however per the Arapahoe County Coroner Dr. Kelly Lear-Kaul this is "because suffocation leaves no trace."³

Man Shoots Wife and Kills Neighbor in a "Marijuana and Caffeine-Fueled Paranoid State": While home for lunch, Dr. Kenneth Atkinson heard shots being fired next door at his neighbor's home. He went outside to see what was going on and "found his neighbor, Elizabeth Lyons, lying in a driveway, covered in blood." Elizabeth Lyons had been shot in the back by her husband Kevin Lyons. Dr. Atkinson attempted to attend to Mrs. Lyons' wounds when Kevin Lyons shot at him striking him in the leg. Dr. Atkinson attempted to call 911 but "more shots rang out as Lyons fired at Atkinson's head at point-blank range, fatally wounding him."

Lyons was sentenced to life in prison plus 352 years in May 2017. Lyons' public defender stated in defense of his actions that "Lyons suffered repeated head injuries – from sports, a car wreck and other activities – that, combined with substance abuse and difficult circumstances in his life, including marital and financial problems, left him delusional. Lyons was also in a marijuana and caffeine-fueled paranoid state on the day of the shooting."⁴

For Further Information on Adult Marijuana Use See Page 152

Sources

¹ Colorado Behavioral Risk Factor Surveillance System 2016, "Marijuana Use in Colorado," Colorado Department of Public Health and Environment.

² John Ferrugia, "Marijuana in Colorado: A warning about dabbing," *9News*, <<http://www.9news.com/news/health/marijuana-in-colorado-a-warning-about-dabbing/346018775>>, accessed September 12, 2017.

³ Rob Low, March 7, 2017, "Aurora parents charged with child abuse for identical deaths of 2 babies," Fox 31News, <<http://kdvr.com/2017/03/07/parents-charged-with-child-abuse-for-identical-deaths-of-2-babies/>>, accessed April 19, 2017.

⁴ Jesse Paul, "Kevin Lyons apologizes for Centennial shooting rampage that killed beloved doctor, gets life in prison plus 352 years," *Denver Post*, <<http://www.denverpost.com/2017/06/05/kevin-lyons-centennial-shooting-rampage-killed-kenneth-atkinson/>>, accessed September 12, 2017.

SECTION 4: *Emergency Department and Hospital Marijuana-Related Admissions*

Some Findings

- The yearly rate of emergency department visits related to marijuana **increased 35 percent** after the legalization of recreational marijuana (2011-2012 vs. 2013-September 2015).
- Number of hospitalizations related to marijuana:
 - 2011 – **6,305**
 - 2012 – **6,715**
 - 2013 – **8,272**
 - 2014 – **11,439**
 - Jan-Sept 2015 – **10,901**
- The yearly number of marijuana-related hospitalizations **increased 72 percent** after the legalization of recreational marijuana (2009-2012 vs. 2013-September 2015).

Definitions

Marijuana-Related: Also referred to as “marijuana mentions.” Data could be obtained from lab tests, patient self-admission or some other form of validation obtained by the provider. Being marijuana-related does not necessarily prove marijuana was the cause of the emergency department admission or hospitalization.

International Classification of Disease (ICD): A medical coding system used to classify diseases and related health problems.

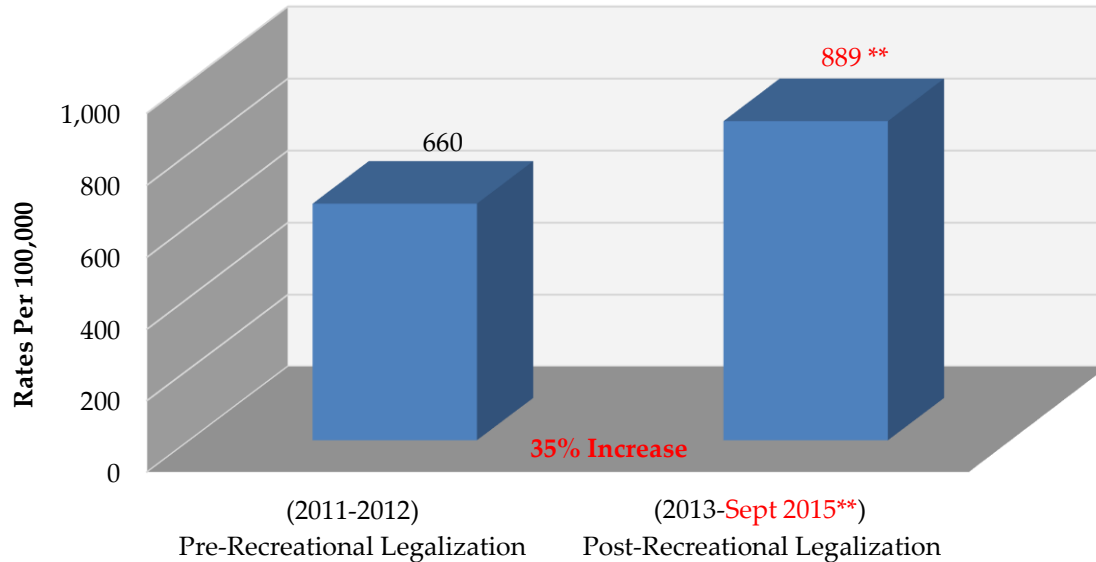
❖ ****In 2015, ICD-10 (the tenth modification) was implemented in place of ICD-9. Although ICD-10 will allow for better analysis of disease patterns and treatment outcomes for the advancement of medical care, comparison of trends before and after the conversion can be made difficult and/or impossible. The number of codes increased from approximately 13,600 codes to approximately 69,000 codes. For the above reasons, hospitalization and emergency department data is only provided pre-conversion to ICD-10.¹**

Emergency Department Data

Colorado Department of Public Health and Environment

NOTE: "POSSIBLE MARIJUANA EXPOSURES, DIAGNOSES, OR BILLING CODES IN ANY OF LISTED DIAGNOSIS CODES: THESE DATA WERE CHOSEN TO REPRESENT THE HD AND ED VISITS WHERE MARIJUANA COULD BE A CAUSAL, CONTRIBUTING, OR COEXISTING FACTOR NOTED BY THE PHYSICIAN DURING THE HD OR ED VISIT. FOR THESE DATA, MARIJUANA USE IS NOT NECESSARILY RELATED TO THE UNDERLYING REASON FOR THE HD OR ED VISIT. SOMETIMES THESE DATA ARE REFERRED TO AS HD OR ED VISITS 'WITH ANY MENTION OF MARIJUANA.'" - COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, *MONITORING HEALTH CONCERNS RELATED TO MARIJUANA IN COLORADO: 2014*

Average Emergency Department Rates Related to Marijuana*

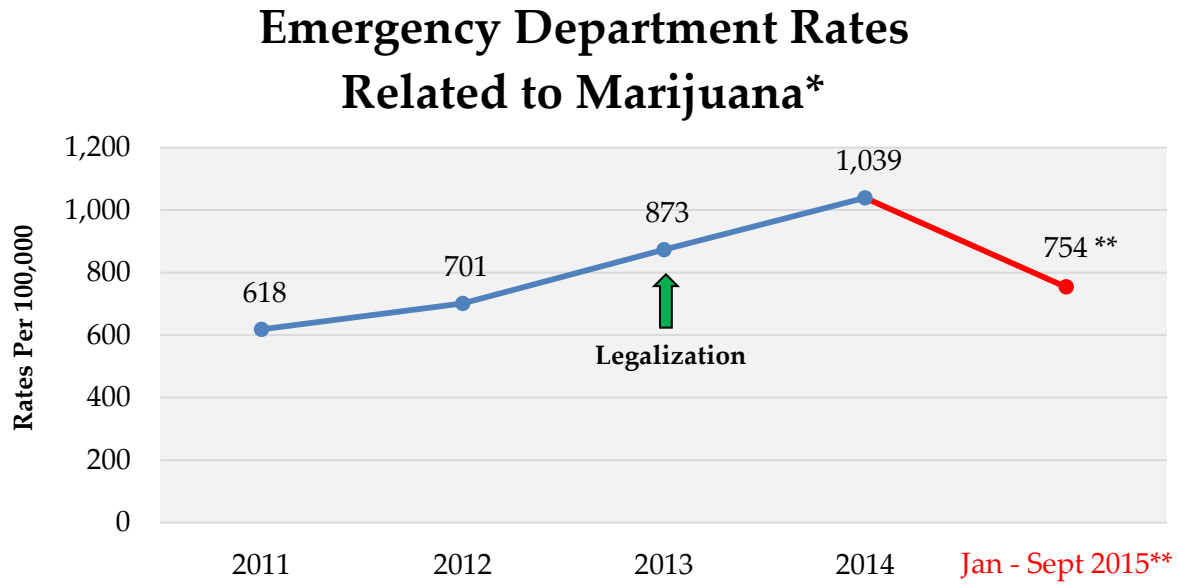


*Rates of Emergency Department (ED) Visits with Possible Marijuana Exposures, Diagnoses, or Billing Codes per 100,000 ED Visits by Year in Colorado

**Only 9 months of comparable 2015 data, see ICD definition on page 68

SOURCE: Colorado Department of Public Health and Environment

NOTE: DATA NOT AVAILABLE PRE-2011. EMERGENCY DEPARTMENT DATA FROM 2011 AND 2012 REFLECTS INCOMPLETE STATEWIDE REPORTING. INFERENCES CONCERNING TRENDS, INCLUDING 2011 AND 2012, SHOULD NOT BE MADE.



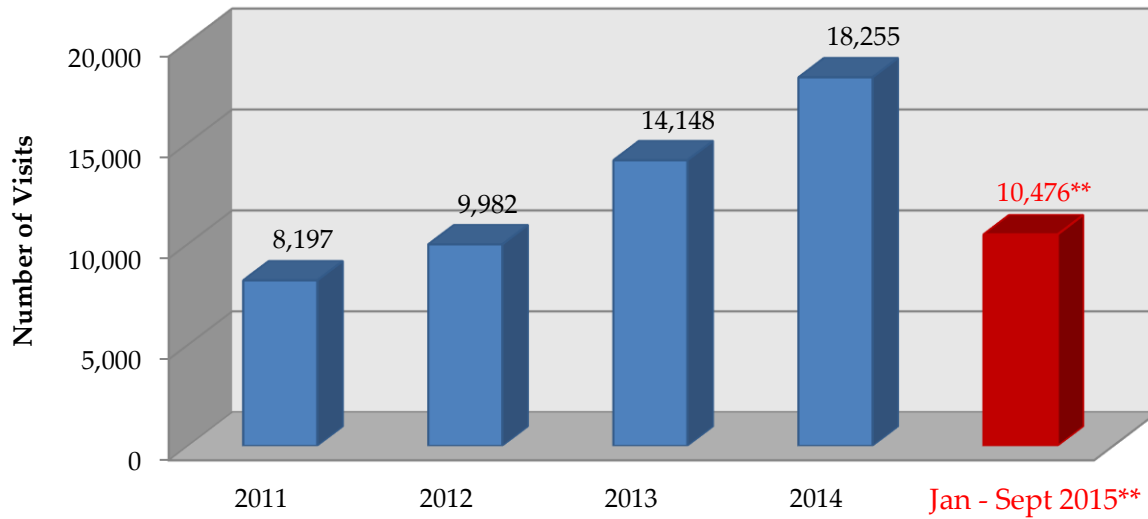
*Rates of Emergency Department (ED) Visits with Possible Marijuana Exposures, Diagnoses, or Billing Codes per 100,000 ED Visits by Year in Colorado

**Only 9 months of comparable 2015 data, see ICD definition on page 68

SOURCE: Colorado Department of Public Health and Environment, *Monitoring Health Concerns Related to Marijuana in Colorado: 2016*

NOTE: DATA NOT AVAILABLE PRE-2011. EMERGENCY DEPARTMENT DATA FROM 2011 AND 2012 REFLECTS INCOMPLETE STATEWIDE REPORTING. INFERENCES CONCERNING TRENDS, INCLUDING 2011 AND 2012, SHOULD NOT BE MADE.

Emergency Department Visits Related to Marijuana



****Only 9 months of comparable 2015 data, see ICD definition on page 68**

SOURCE: Colorado Hospital Association, Emergency Department Visit Dataset. Statistics prepared by the Health Statistics and Evaluation Branch, Colorado Department of Public Health and Environment

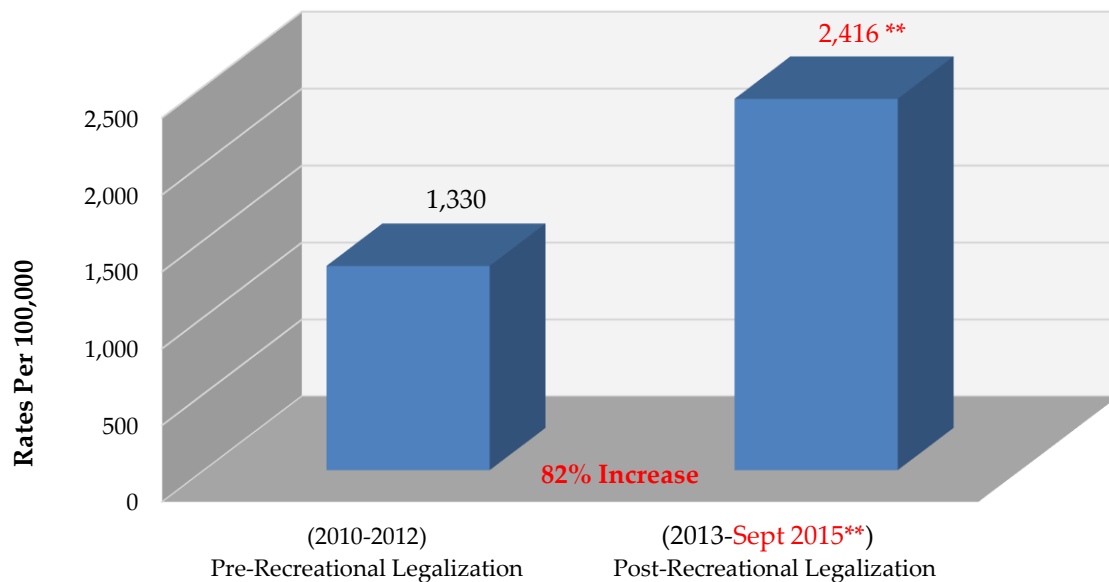
NOTE: DATA NOT AVAILABLE PRE-2011. EMERGENCY DEPARTMENT DATA FROM 2011 AND 2012 REFLECTS INCOMPLETE STATEWIDE REPORTING. INFERENCES CONCERNING TRENDS, INCLUDING 2011 AND 2012, SHOULD NOT BE MADE.

Hospitalization Data

Colorado Department of Public Health and Environment

NOTE: "POSSIBLE MARIJUANA EXPOSURES, DIAGNOSES, OR BILLING CODES IN ANY OF LISTED DIAGNOSIS CODES: THESE DATA WERE CHOSEN TO REPRESENT THE HD AND ED VISITS WHERE MARIJUANA COULD BE A CAUSAL, CONTRIBUTING, OR COEXISTING FACTOR NOTED BY THE PHYSICIAN DURING THE HD OR ED VISIT. FOR THESE DATA, MARIJUANA USE IS NOT NECESSARILY RELATED TO THE UNDERLYING REASON FOR THE HD OR ED VISIT. SOMETIMES THESE DATA ARE REFERRED TO AS HD OR ED VISITS 'WITH ANY MENTION OF MARIJUANA.'" - COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, *MONITORING HEALTH CONCERNS RELATED TO MARIJUANA IN COLORADO: 2014*

Average Hospitalization Rates Related to Marijuana*

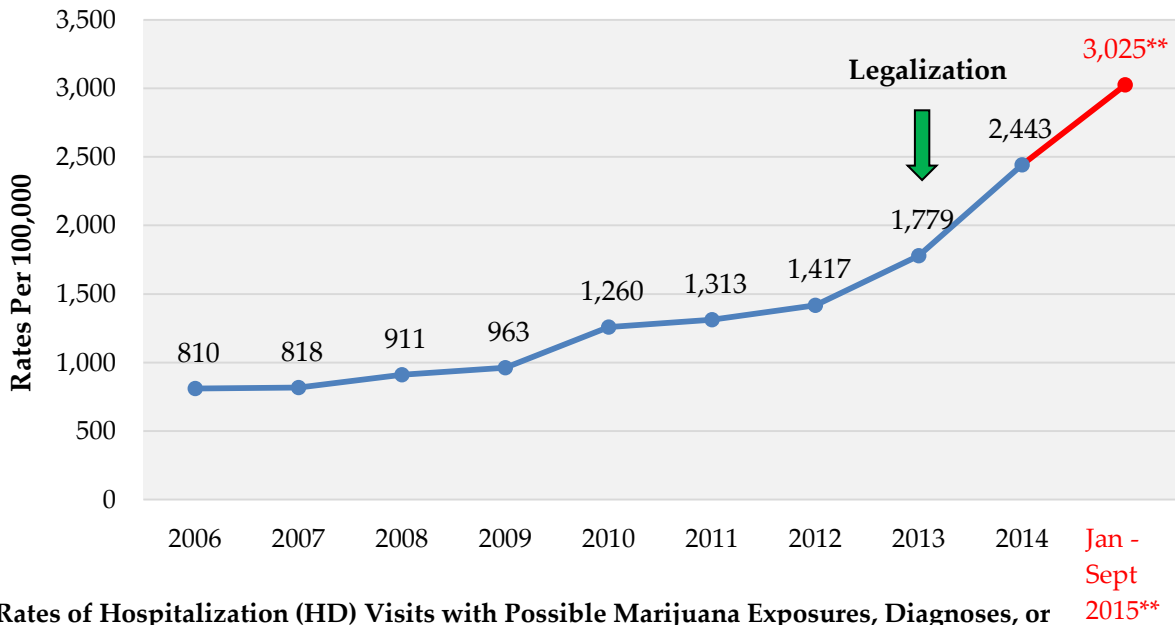


*Rates of Hospitalization (HD) Visits with Possible Marijuana Exposures, Diagnoses, or Billing Codes per 100,000 HD Visits by Year in Colorado

**Only 9 months of comparable 2015 data, see ICD definition on page 68

SOURCE: Colorado Department of Public Health and Environment

Hospitalization Rates Related to Marijuana*

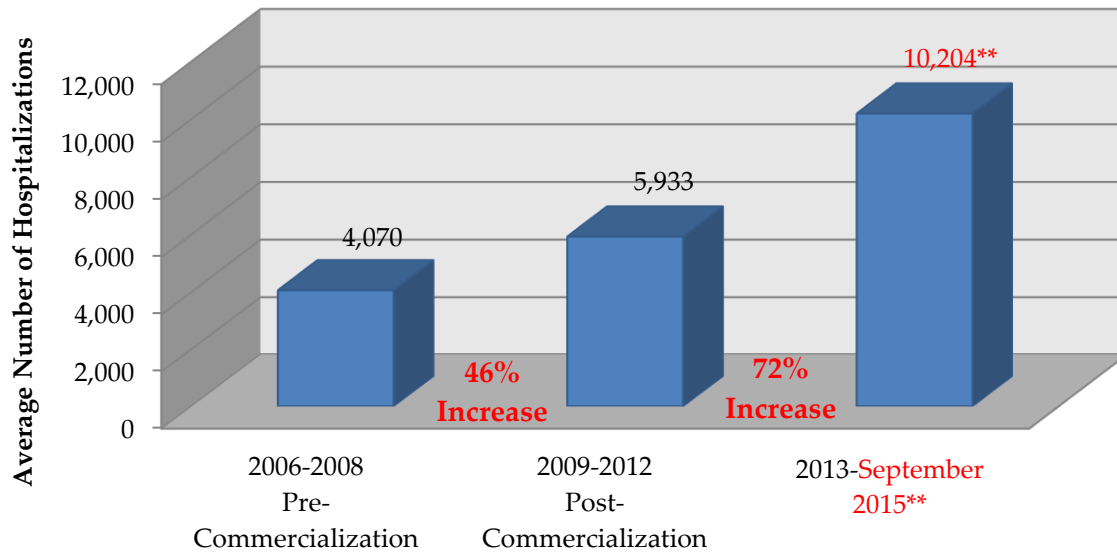


*Rates of Hospitalization (HD) Visits with Possible Marijuana Exposures, Diagnoses, or Billing Codes per 100,000 HD Visits by Year in Colorado

**Only 9 months of comparable 2015 data, see ICD definition on page 68

SOURCE: Colorado Department of Public Health and Environment, *Monitoring Health Concerns Related to Marijuana in Colorado: 2014*

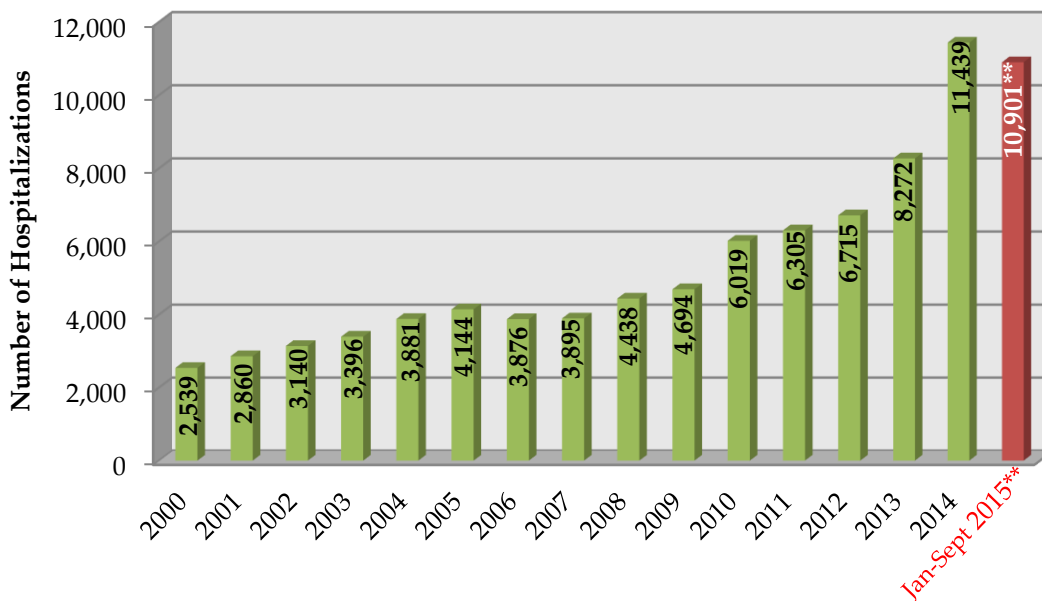
Average Hospitalizations Related to Marijuana



****Only 9 months of comparable 2015 data, see ICD definition on page 68**

SOURCE: Colorado Hospital Association, Hospital Discharge Dataset. Statistics prepared by the Health Statistics and Evaluation Branch, Colorado Department of Public Health and Environment

Hospitalizations Related to Marijuana

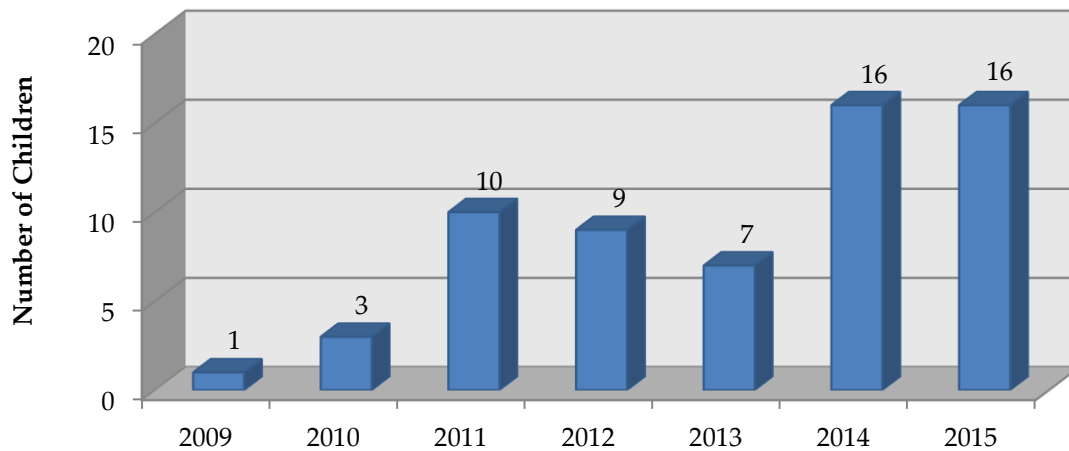


****Only 9 months of comparable 2015 data, see ICD definition on page 68**

SOURCE: Colorado Hospital Association, Hospital Discharge Dataset. Statistics prepared by the Health Statistics and Evaluation Branch, Colorado Department of Public Health and Environment

Additional Sources

Colorado Children's Hospital, Marijuana Ingestion Among Children Under 9 Years Old



SOURCE: George Sam Wang, MD, Marie-Claire Le Lait, MS, Sara J. Deakyne, MPH, Alvin C. Bronstein, MD, Lalit Bajaj, MD, MPH, Genie Roosevelt, MD, MPH, July 25, 2016

Cost

Cost of Emergency Room: The U.S. Department of Health and Human Services estimates the average cost of an emergency room visit in 2014 was \$1,533.00.”²

Case Examples

Elderly Male with Altered Mental Status: “I had an elderly male come to the [emergency department] with a family chief complaint of ‘altered mental status’ or stroke. The patient was essentially catatonic (awake but not responsive and not following commands). He had a very expensive stroke work up (including an EKG, CT, labs, etc.). Work up was negative and then family stated that he ate [marijuana] butter on his toast in the morning and then became catatonic. He had consumed at least 200 mg of THC. He was observed for many hours and improved. His [emergency department] visit costs probably topped \$10,000.”³

Elderly Woman with Nausea and Vomiting: “I had an elderly female who came to the [emergency department] with a chief complaint of significant nausea and vomiting. The patient had come to visit a family member who happened to work at a pot shop. They thought it would be fun to get ‘grandma high’ and gave her edibles. She ate too much and spent 12 hours in the emergency department vomiting and screaming (probably some psychosis induced at the time).”³

Marijuana Laced with Methamphetamine: “I had a young woman who was in her last trimester of pregnancy, she came to the ED for ‘anxiety.’ Her urine drug screen was positive for methamphetamines and [marijuana]. The patient states that the MJ (street) sellers, dip their products in cocaine or methamphetamines to make them ‘better.’ She was using both and was pregnant. She justified the use of MJ for her anxiety and did not want to hear about how the MJ would or could affect her child.”³

High on Marijuana while Riding a Bicycle: “A 16 [year old] male came after being struck by a car while riding a bike. He had been smoking marijuana. He was morbidly obese (over 300 pounds), not in school and getting his MJ from his parents who thought ‘it’s ok because it’s legal.’”³

Unresponsive after an Edible Overdose: “I just had a case last week of a young patient who ate a full bag of the chocolates, 100 mcg of THC per chocolate. She presented unresponsive, GCS of 6. (Only slightly withdrew to painful stimuli, otherwise unresponsive). She went to the ICU and there was just observed until she woke up. She stayed in the ED for over 8 hours with no change before going to the ICU. There were no other substances on her drug screens that were positive.”⁴

Dangers of Marijuana Experienced Firsthand: A May 2017 article written by Dr. Brad Roberts described his experience of returning to his home town of Pueblo, CO in order to serve the community he grew up in.

I recently finished my residency in emergency medicine and began to practice in Pueblo, Colorado. I grew up there, and I was excited to return home. However, when I returned home, the Pueblo I once knew had drastically changed. Where there were once hardware stores, animal feed shops, and homes along dotted farms, I now found marijuana shops—and lots of them.

Among the various observations the newly minted doctor noted:

Multiple different types of patients are coming into the emergency department with a variety of unexpected problems such as marijuana-induced psychosis, dependence, burn injuries, increased abuse of other drugs, increased homelessness and its associated problems, and self-medication with marijuana to treat their medical problems instead of seeking appropriate medical care.

Dr. Roberts recalled a few specific incidents in which marijuana was directly involved in the patient's visit to the emergency department. Among the specific incidents were cases in which a teenage girl had to be restrained after dabbing highly potent THC. Additionally, a young man reported that after smoking marijuana "all day, every day" and he was "seeing ghosts" that were telling him to kill himself (he tried to hang himself three times). Lastly, two young men presented with severe burns due to a butane hash oil explosion they created when trying to make concentrated THC.

The greatest concern that I have is the confusion between medical and recreational marijuana. Patients are being diagnosed and treated from the marijuana shops by those without any medical training. I have had patients bring in bottles with a recommended strain of cannabis and frequency of use for a stated medical problem given at the recommendation of a marijuana shop employee. My colleagues report similar encounters, with one reporting seeing two separate patients with significantly altered sensorium and with bottles labeled 60 percent THC. They were taking this with opioids and benzodiazepines.

After discussing a variety of significantly adverse health effects of marijuana use, Dr. Roberts stated "We need to provide immediate treatment and assistance in stopping use. If we are going to use this as a medication, then we should use it as we use other medications. It should have to undergo the same scrutiny, Food and Drug Administration approval, and regulation that any other medication does."⁵

Pot-Related ER Visits Increase among Visitors to Colorado: In February 2017, Matt Kroschel of CBS Denver described how “some of Colorado’s mountain towns helped push Summit County to the top of the list for emergency room visits related to people getting high.”

Summit County reported 21 marijuana-related emergency room visits (per 1,000 people) from 2011-2013. In 2014-2015, that number increased to 56 visits per 1,000 people.

Dr. Marc Doucette of St. Anthony Summit Medical Center stated, “We certainly do see patients that come in with adverse effects related to marijuana.” In response to the recent statistics released by the Colorado Department of Public Health and Environment, Doucette said, “I was a little surprised to see that but it speaks to the fact that most of our population, especially in the ski season, are out-of-state patients and tourists.” Discussing the types of patients and cases presenting to the emergency room, Dr. Doucette reported “Often we see complications related to edible products.”

“Hospital officials say they did notice the uptick in people coming in for help following the legalization of marijuana in the state in 2014. They say most of those cases were patients visiting from outside of Colorado.”⁶

ER Visits for Kids Rise Significantly after Pot Legalized in Colorado: In 2017, researchers reported “the number of teenagers sent to emergency rooms more than quadrupled after marijuana was legalized in Colorado – mostly for mental health symptoms.”

Dr. George Sam Wang, a Colorado physician, was the lead researcher who authored a study which examined Colorado youth, marijuana use and associated emergency room visits. According to a May 2017 article published by NBC News, “639 teenagers who went to one hospital system in Colorado in 2015 had either cannabis in their urine or told a doctor they’d been using cannabis. That’s up from 146 in 2005, before the use of marijuana was legalized in Colorado.”

“In 2016 Wang found that the average rate of marijuana-related visits to the children’s hospital doubled after legalization. Poison center calls about marijuana went from nine in 2009 to 47 in 2015.”

In the 2017 interview by NBC News, Dr. Wang explained that “The perception of risk has gone down quite a bit.” In the same interview, he goes on to say that “People believe marijuana is safe – but it is not.”⁷

Mysterious Illness Tied to Marijuana Use on the Rise in States with Legal Weed: An Indianapolis physician recently diagnosed a condition in a patient, Lance Crowder, who had been experiencing severe abdominal pain and vomiting for over two years. None of the local physicians had been able to diagnose the problem, until now. Over the past several years there has been an increase in the number of emergency room visitors presenting with the same exact signs and symptoms as Lance, known as cannabinoid hyperemesis syndrome (CHS).

Dr. Kennon Heard of Aurora, Colorado co-authored a study published in 2015 which showed that when medical marijuana became widely available, emergency room visit diagnoses for CHS in two Colorado hospitals nearly doubled. “It is certainly something that, before legalization, we almost never saw,” Heard said in an interview. “Now we are seeing it quite frequently.”

“CHS has only been recognized for about the past decade, and nobody knows exactly how many people suffer from it. But as more states move towards the legalization of marijuana, emergency room physicians like Dr. Heard are eager to make sure both doctors and patients have CHS on their radar.”⁸

For Further Information on Emergency Department Visits and Hospitalizations See Page 155

Sources

¹ American Academy of Professional Coders, "ICD-10 FAQ," <<https://www.aapc.com/icd-10/faq.aspx>>, accessed August 1, 2017.

² Medical Expenditure Panel Survey 2014, "Emergency Room Services-Median and Mean Expenses per Person With Expense and Distribution of Expenses by Source of Payment: United States," U.S. Department of Health and Human Services.

³ Karen Randall, DO, "MJ ER Visits/Exposure," e-mail message, September 14, 2017.

⁴ Brad Roberts, MD, "MJ ER Visits/Exposure," e-mail message, September 15, 2017.

⁵ Brad Roberts, MD, "Dangers of Marijuana Experienced Firsthand," May 15, 2017, <<http://www.acepnow.com/article/dangers-marijuana-experienced-firsthand/>>, accessed August 9, 2017.

⁶ Matt Kroschel, "Pot-Related ER Visits Increase Among Visitors To Colorado," February 14, 2017, <<http://denver.cbslocal.com/2017/02/14/pot-related-er-visits-increase-among-visitors/>>, accessed September 12, 2017.

⁷ Maggie Fox, "ER Visits for Kids Rise Significantly After Pot Legalized in Colorado," NBC News, May 5, 2017, <<http://www.nbcnews.com/health/health-news/er-visits-kids-rise-significantly-after-pot-legalized-colorado-n754781>>, accessed May 4, 2017.

⁸ Jonathan Lapook, "Mysterious illness tied to marijuana use on the rise in states with legal weed," KKTv/CBS, December 28, 2016, <<http://www.kktv.com/content/news/Mysterious-illness-tied-to-marijuana-use-on-the-rise-in-states-with-legal-weed-408565045.html>>, accessed August 2, 2017.

SECTION 5: *Marijuana-Related Exposure*

Some Findings

- Marijuana-related exposures **increased 139 percent** in the four-year average (2013-2016) since Colorado legalized recreational marijuana compared to the four-year average (2009-2012) prior to legalization.
- Marijuana-related exposures in children (ages 0 to 5) nearly tripled in the four-year average (2013-2016) since Colorado legalized recreational marijuana compared to the four-year average (2009-2012) prior to legalization.
- For adults 26 years of age or older, nearly triple the amount of yearly marijuana-related exposures occurred in 2013-2016 as compared to 2009-2012.
- Marijuana only exposures more than doubled (**increased 210 percent**) in the four-year average (2013-2016) since Colorado legalized recreational marijuana compared to the four-year average (2009-2012) prior to legalization.

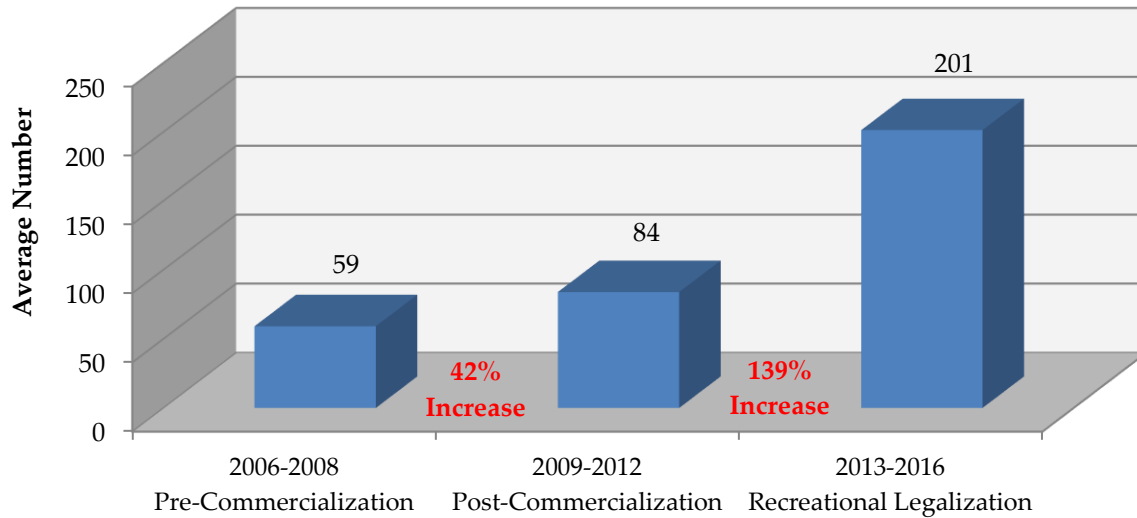
Definitions

Marijuana-Related Exposure: Any phone call to the Rocky Mountain Poison and Drug Center in which marijuana is mentioned.

Marijuana Only Exposure: Marijuana was the only substance referenced in the call to the poison control center.

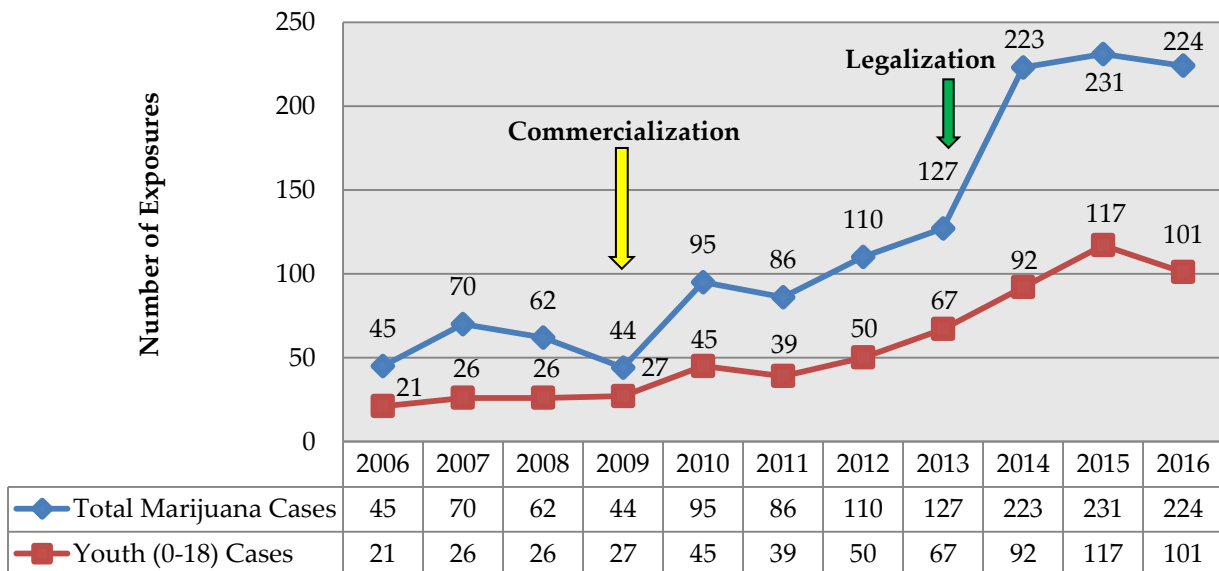
Data

Average Number of Marijuana-Related Exposures, All Ages



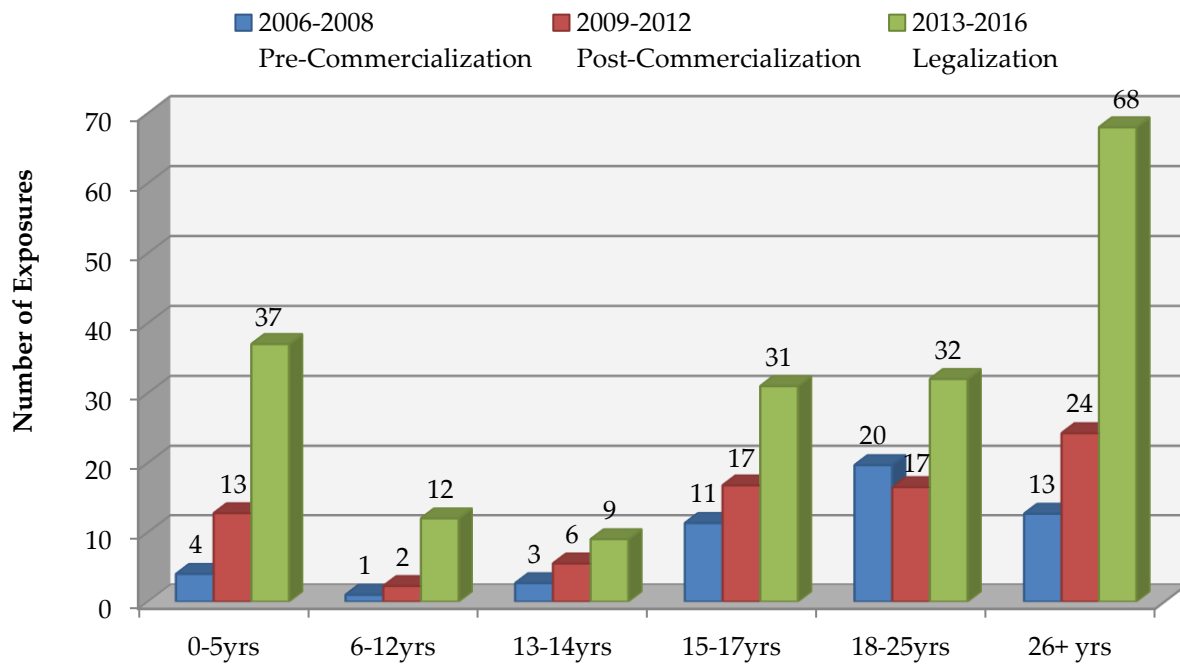
SOURCE: Rocky Mountain Poison and Drug Center

Marijuana-Related Exposures



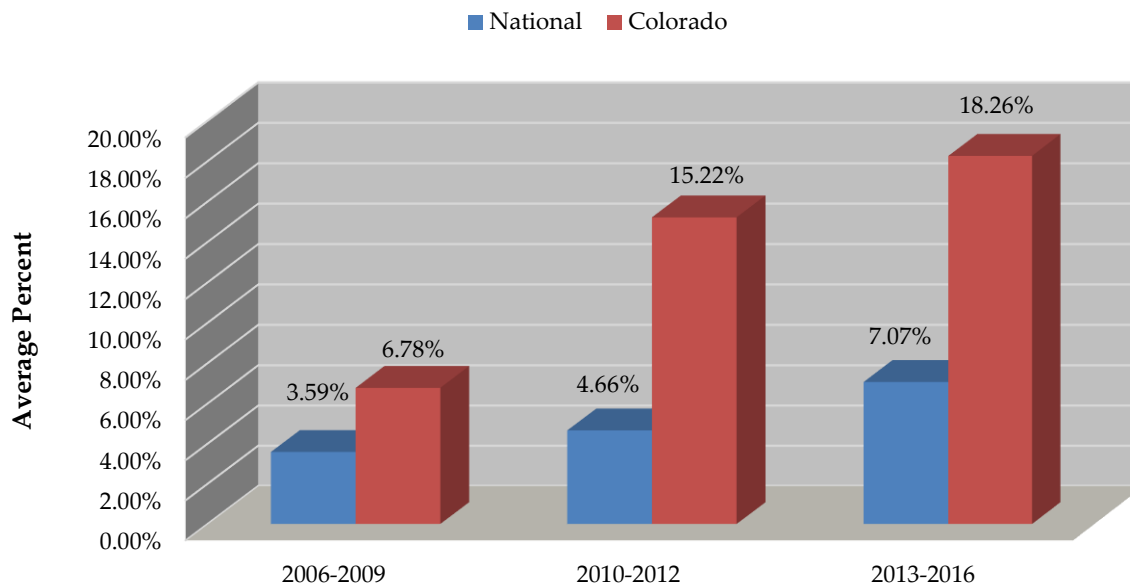
SOURCE: Rocky Mountain Poison and Drug Center Report, Colorado Marijuana Statistics for 2016

Average Marijuana-Related Exposures by Age Range



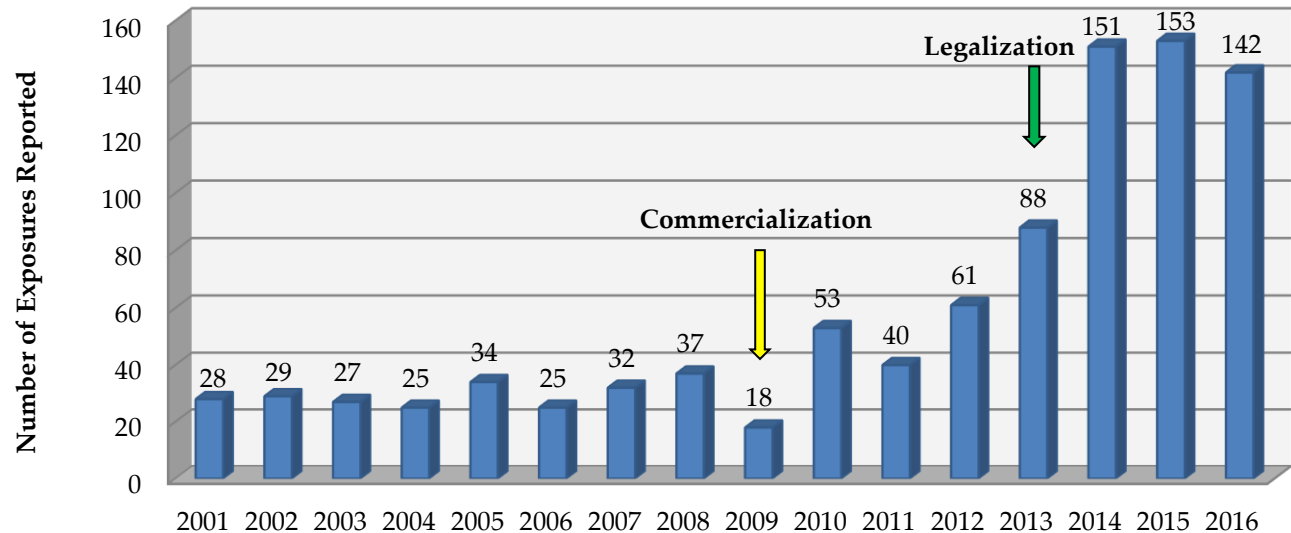
SOURCE: Rocky Mountain Poison and Drug Center

Average Percent of All Marijuana-Related Exposures, Children Ages 0 to 5 Years Old



SOURCE: Rocky Mountain Poison and Drug Center

Number of Marijuana Only* Exposures Reported



*Marijuana was the only substance referenced in the call to the poison control center

SOURCE: Rocky Mountain Poison and Drug Center

Case Examples

Rocky Mountain Poison and Drug Center: ¹

“Caller asking if there is such thing as a withdrawal phenomenon with marijuana? Her daughter is home from college and she is having major anxiety since being home and not smoking her daily weed. She also wants to know if it will ‘hurt her brain’ while in college if she smokes regularly? She was advised that yes, withdrawal has been described after heavy use. And that yes, there could be effects to her brain.”

“Caller concerned – had out of town guests staying at her house. Made a favorite pie one day when they were out, and substituted marijuana oil for the normal amount of oil. She did not intend for her guests to eat her pie. Guests ate a significant amount one day when she was upstairs and developed paranoia, confusion, and feeling ‘stoned.’ The effects wore off the next day.”

"Caller ate a couple marijuana gummys [sic] while at work, not knowing they were MJ-containing. Developed lightheadedness and dizziness, which resolved the next day without any treatment."

"Caller asking if marijuana can be transferred to baby who is breast-feeding."

"Caller says her spouse ingested an edible containing THC and felt nauseous. Then took an OTC [over the counter] medicine to counteract the queasiness, and then felt worse (foggy, dizzy, confused). PC referred caller to an Emergency Department because of her worsened status."

Colorado dog dazed and confused: In late 2016, Colorado resident Heidi Sodetz took her two golden retrievers for a run on Tenderfoot Mountain. According to the resident, one of the dogs began to act strangely approximately an hour after the run. Lenni was "...barely moving, not responsive and even peed herself on the carpet, something she never does." The dog was taken to the Buffalo Mountain Animal Hospital in Silverthorne, CO to investigate what was happening.

Based on the signs and symptoms, the local veterinarian was immediately suspicious of THC being in the dog's blood. The dog tested positive for THC, the psychoactive ingredient in marijuana. According to the owner, who claims to not use the drug, "the only plausible explanation was that Lenni had eaten a marijuana edible that someone had dropped on the trail."

Dr. Michelle Gross, Lenni's primary care provider said "For me, lately it's been about one or two a month, but it used to be maybe once a year." Coincidentally, there were two additional dogs being treated for marijuana exposure at the same facility at the same time. ²

For Further Information on Exposures See Page 157

Sources

¹ Rocky Mountain Poison and Drug Center, August 2017.

² Jack Queen, "Colorado dog dazed and confused after eating marijuana edibles found on trail," *Summit Daily*, <<http://www.summitdaily.com/news/marijuana/in-colorado-marijuana-edibles-increasingly-sending-dogs-to-the-animal-er/>>, accessed September 12th, 2017.

THIS PAGE INTENTIONALLY LEFT BLANK

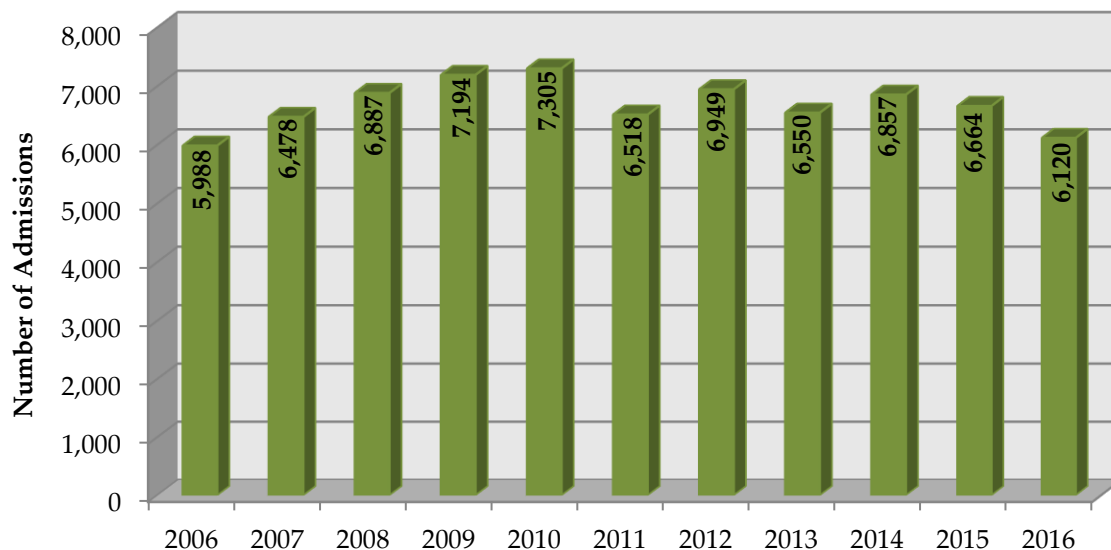
SECTION 6: Treatment

Some Findings

- Marijuana treatment data from Colorado in years 2006 – 2016 does not appear to demonstrate a definitive trend. Colorado averages **6,683** treatment admissions annually for marijuana abuse.
- Over the last ten years, the top four drugs involved in treatment admissions were alcohol (average **13,551**), marijuana (average **6,712**), methamphetamine (average **5,578**), and heroin (average **3,024**).

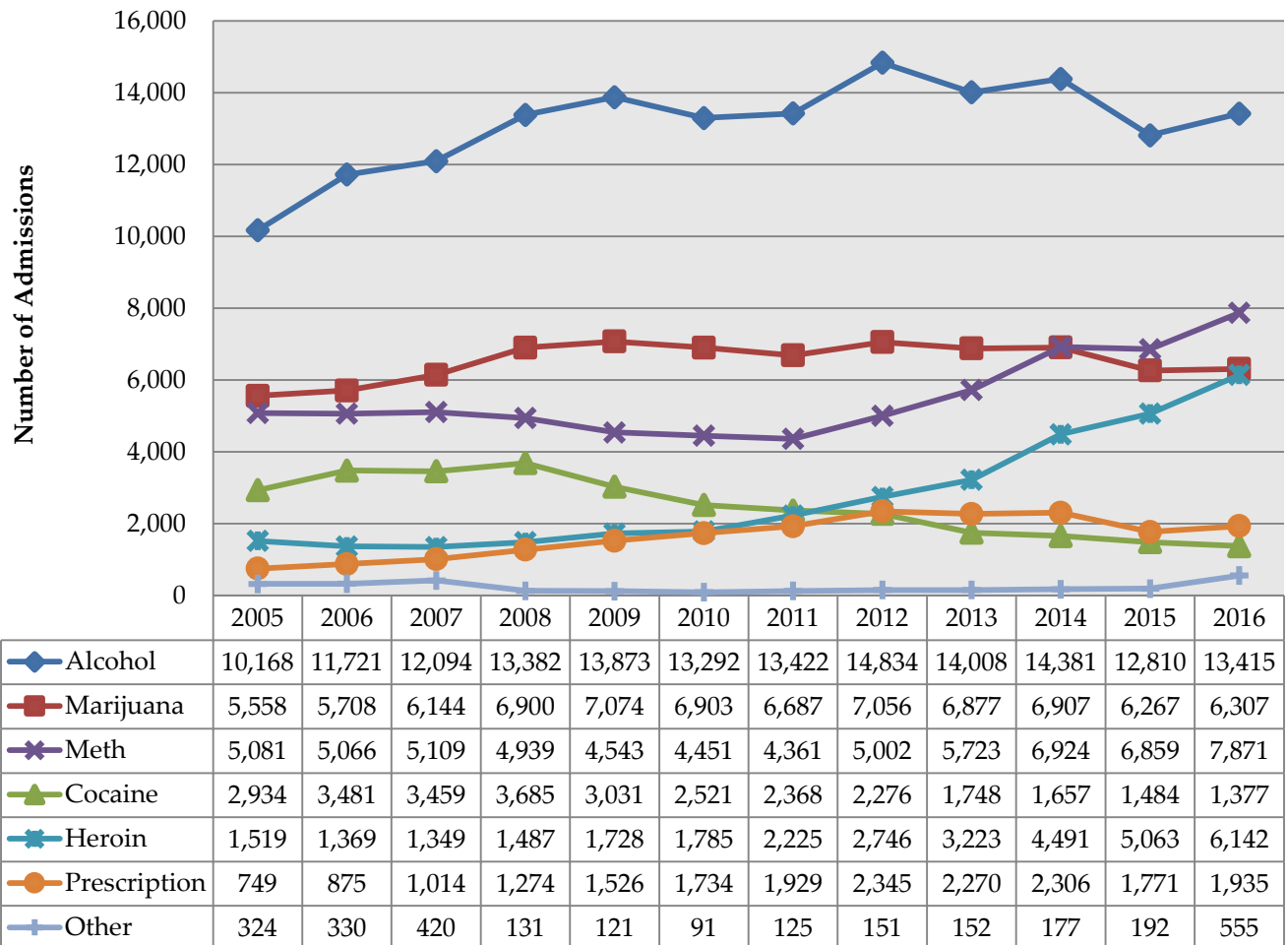
Data

Treatment with Marijuana as Primary Substance of Abuse, All Ages



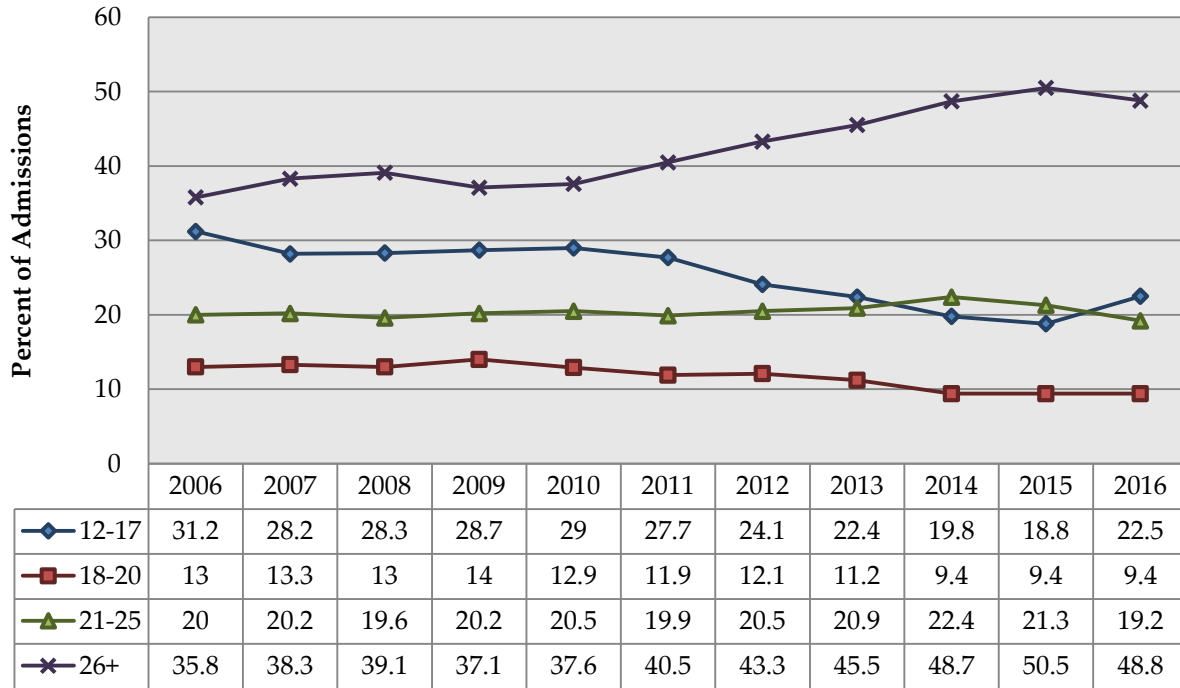
SOURCE: Center for Behavioral Health Statistics and Quality, Substance Abuse and Mental Health Services Administration, Treatment Episode Data Set (TEDS) Based on administrative data reported by States to TEDS through July 6, 2017

Drug Type for Treatment Admissions, All Ages



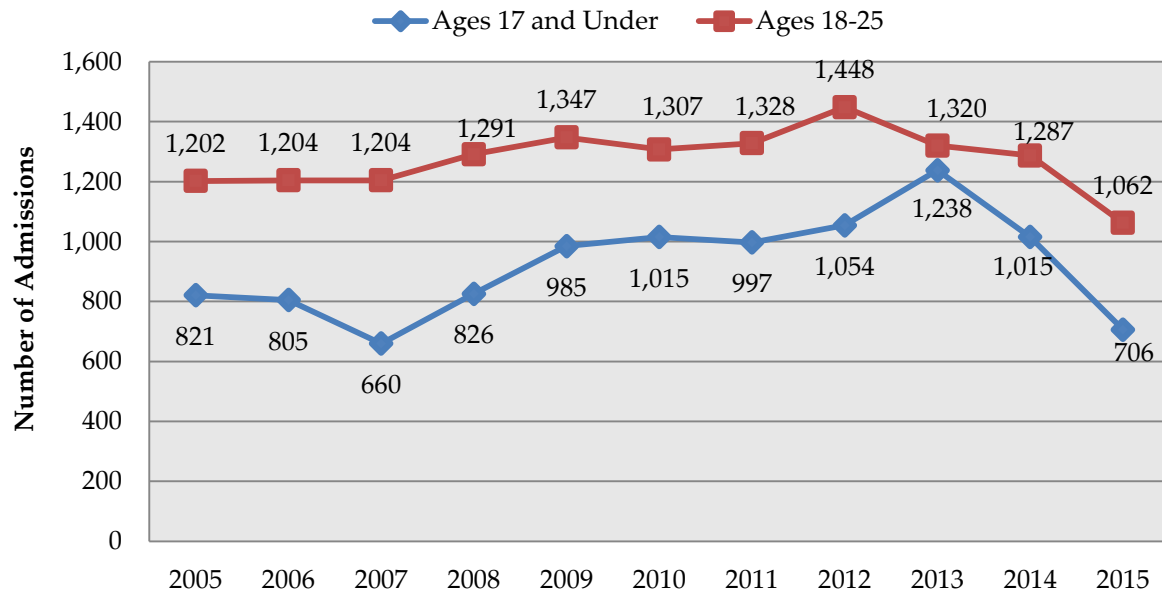
SOURCE: Colorado Department of Health Services, Office of Behavioral Health, 2005-2016

Percent of Marijuana Treatment Admissions by Age Group



SOURCE: Center for Behavioral Health Statistics and Quality, Substance Abuse and Mental Health Services Administration, Treatment Episode Data Set (TEDS) Based on administrative data reported by States to TEDS through July 6, 2017

Marijuana Treatment Admissions Based on Criminal Justice Referrals



SOURCE: Colorado Department of Health Services, Office of Behavioral Health, 2005-2016

Comments from Colorado Treatment Providers

“...Symptoms Are So Debilitating...”: “Many patients minimize the consequences of cannabis use, yet they consistently report that they have become isolated, paranoid and unable to effectively interact with the outside world. In treatment, there has been a consistent increase in psychosis associated with patients who use cannabis. Thought broadcasting, thought insertion, ideas of reference and command hallucinations are not uncommon. These symptoms often occur in the absence of any other psychiatric disorder. The symptoms appear to decrease over time, with more time in recovery, but it is unclear whether the symptoms are long lasting. Since these symptoms are so debilitating, it is crucial to learn more about the long term effects of cannabis use.”¹

“...Lives Have Been Completely Disrupted...”: “In my professional experience, have definitely seen more cannabis use in the individuals I am treating. I've also seen an increasing number of young men coming into treatment with symptoms of mania, psychosis and dangerous behaviors associated with cannabis use. Their lives have been completely disrupted due to the cannabis use. Unfortunately, abstinence from the cannabis use alone is not enough to make the symptoms go away. They require mood stabilizing and anti-psychotic medications to get to a point that they can communicate

coherently enough and trust others enough to participate in therapy. I do think this is related to the increased availability and potency, and this is consistent with the scientific literature.

On a personal note, my 10 and 11 year old children know what cannabis smoke smells like, identifying cannabis in the area rather than wondering if it is a skunk. Public use occurs everywhere. Children call each other, ‘vapers,’ in their less kind moments, and children with anything green are made fun of. One of my 11 year old's friends since preschool was allegedly expelled for selling cannabis on the 5th grade campus. As a parent, I'm terrified for the future of our children.”²

“...Psychosis and Cannabis is Well Documented...”: “We recently reviewed data for patients receiving treatment in the residential portion of our substance abuse treatment center, CeDAR. What we found was that patients who met criteria for a cannabis use disorder were markedly younger than those that did not, were much more likely to have other substance use disorders (an average of 2.8 substance use disorder diagnoses vs 1.9 substance use disorder diagnoses when cannabis use disorder was excluded) and there was a trend towards more mental health pathology in this data set as well.

Anecdotally, I and my colleagues have seen the number of patients with cannabis use disorder admitted to our facility increase over time. The amount of cannabis that patients describe consuming is also increasing, while the age they report first starting to use is decreasing. Overall the severity of cannabis use disorder we see appears more severe as do the psychosocial sequelae of this addiction. The link between psychosis and cannabis is well documented and it is becoming routine to admit young men who have used cannabis since early adolescence and who present with psychosis. Many of these patients may suffer long standing neuropsychiatric symptoms as the result of cannabis use. The burden of this illness is disproportionately falling on our younger population.”³

Case Examples

Colorado Doctor's Warning to Vermont: Dr. Karen Randall, a practicing emergency medicine physician out of Pueblo, CO, described her first-hand experience of how marijuana has affected her community in Pueblo. Dr. Randall tells Vermont voters how the marijuana industry originally lured her community into becoming “the Napa Valley of Pot” by promising jobs and tax income but instead her community received an influx of homeless and low income jobs where workers are a burden on the Medicaid system

and other government assistance programs. Furthermore, she describes how “the number of youth testing positive for marijuana plus methamphetamine and/or heroin” has increased in her hospital as marijuana use becomes “normalized in public by some parents.” According to Dr. Randall, in 2016, “257 of 300 community physicians signed an open petition in the paper in support of reversing the marijuana stance in [Pueblo] county.” She urges Vermont voters to ask “local professionals how they feel” about the issue before voting.⁴

For Further Information on Treatment See Page 157

Sources

¹ Bari K Platter, MS, RN, PMHCNS-BC, Clinical Nurse Specialist, Center for Dependency, Addiction and Rehabilitation (CeDAR), University of Colorado Health, Aurora, Colorado, August 2016.

² Laura F. Martin, M.D. Distinguished Fellow of the American Psychiatric Association, American Board of Addiction Medicine Diplomate Medical Director, Center for Dependency, Addiction and Rehabilitation (CeDAR), Associate Professor, Department of Psychiatry, University of Colorado School of Medicine, August 2016.

³ Ruth Marie Huhn, M.D., Board Certified Attending Psychiatrist at the Center for Dependency, Addiction and Rehabilitation (CeDAR), Instructor, Department of Psychiatry, University of Colorado School of Medicine, August 2016.

⁴ Dr. Karen Randall, *VTDIGGER*, “Karen Randall: Marijuana legalization from a Colorado community member,” <<https://vtdigger.org/2017/06/20/karen-randall-marijuana-legalization-colorado-community-member/#.WcFCX8KWY71>> accessed September 19, 2017.

SECTION 7: *Diversion of Colorado Marijuana*

Some Findings

- In 2016, RMHIDTA Colorado drug task forces completed **163 investigations** of individuals or organizations involved in illegally selling Colorado marijuana both in and out of state.
 - These cases led to:
 - **252** felony arrests
 - **7,116 pounds (3.5 tons)** of marijuana seized
 - **47,108** marijuana plants seized
 - **2,111** marijuana edibles seized
 - **232** pounds of concentrate seized
 - **29** different states to which marijuana was destined
- Highway interdiction seizures of Colorado marijuana **increased 43 percent** in the four-year average (2013-2016) since Colorado legalized recreational marijuana compared to the four-year average (2009-2012) prior to legalization.
- Highway interdiction seizures of Colorado marijuana **increased 20 percent** from **288** in 2013, when recreational marijuana was legalized, to **346** in 2016.
- Of the **346** highway interdiction seizures in 2016, there were **36 different states** destined to receive marijuana from Colorado.
 - The most common destinations identified were Illinois, Missouri, Texas, Kansas and Florida.
 - Approximately half of all seizures (**48 percent**) containing Colorado marijuana originated from Denver.

Definitions

Colorado Marijuana Investigations: RMHIDTA Colorado drug task forces investigating individual or organizations involved in illegally selling Colorado marijuana, both within and outside of the state. These investigations only include those reported by the ten RMHIDTA drug task forces.

Colorado Marijuana Interdictions: Incidents where state highway patrol officers stopped a driver for a traffic violation and subsequently found Colorado marijuana destined for other parts of the country. These interdiction seizures are reported on a voluntary basis to the National Seizure System (NSS) managed by the El Paso Intelligence Center (EPIC). These are random traffic stops, not investigations, and do not include local law enforcement data.

- ❖ A Colorado document contained the following statement in one of their presentation slides: “Data prior to 2014 is not comparative due to changes in the reporting. The RMHIDTA began entering seizure data into the NSS beginning January 1, 2014 and that resulted in a spike of seizures being reported. There has not been a discernable upward trend in seizures since retail sales began in 2014.”

This statement is inaccurate and misleading. The data used in the Rocky Mountain HIDTA report is only highway patrol seizures and not from any of the task forces or drug units. This is the same dataset that RMHIDTA has been using since 2005.

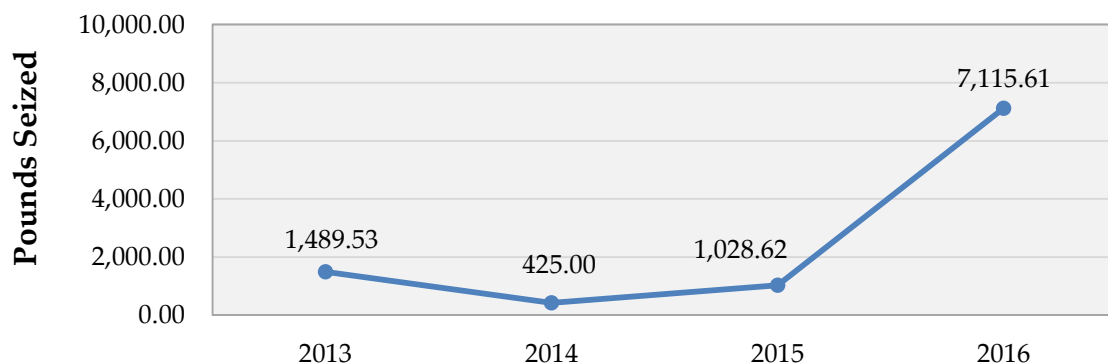
Data on Marijuana Investigations

NOTE: THE CHARTS ONLY INCLUDE COMPLETED INVESTIGATIONS REPORTED BY THE TEN RMHIDTA DRUG TASK FORCES. IT IS UNKNOWN HOW MANY OF THESE TYPES OF INVESTIGATIONS WERE COMPLETED BY NON-RMHIDTA DRUG UNITS OR TASK FORCES.

- ❖ The RMHIDTA drug task force unit commanders feel that the Colorado marijuana investigations completed in 2016 only impacted a relatively small portion of actual operations involved in illegally selling Colorado marijuana both in and out of state.

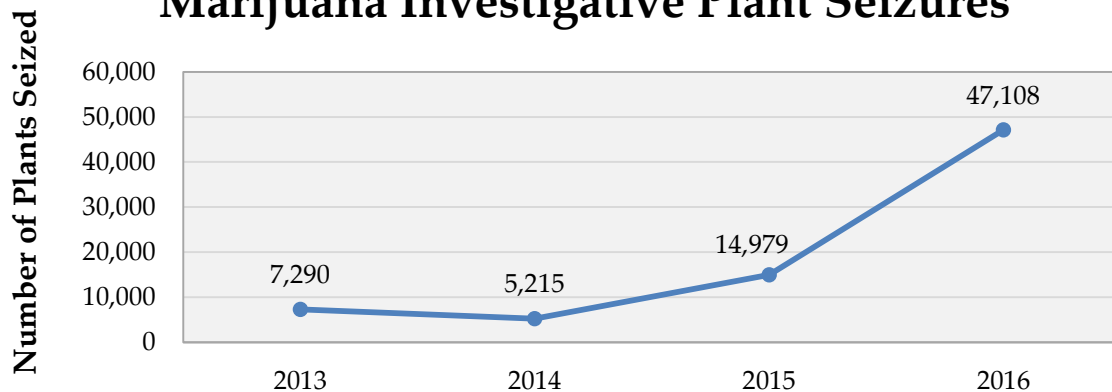
In 2016, ten RMHIDTA Colorado drug task forces completed **163 investigations** of individuals or organizations involved in illegally selling Colorado marijuana both within and outside of the state. The task forces seized approximately **3.5 tons of marijuana**; **47,108 plants**; **2,111 edibles**; and **232 pounds of concentrate**. There were **252 felony marijuana arrests** and **29 different states** identified as to where the Colorado marijuana was being sent.

RMHIDTA Colorado Task Forces: Marijuana Investigation Seizures



SOURCE: Rocky Mountain HIDTA Performance Management Process (PMP) Data

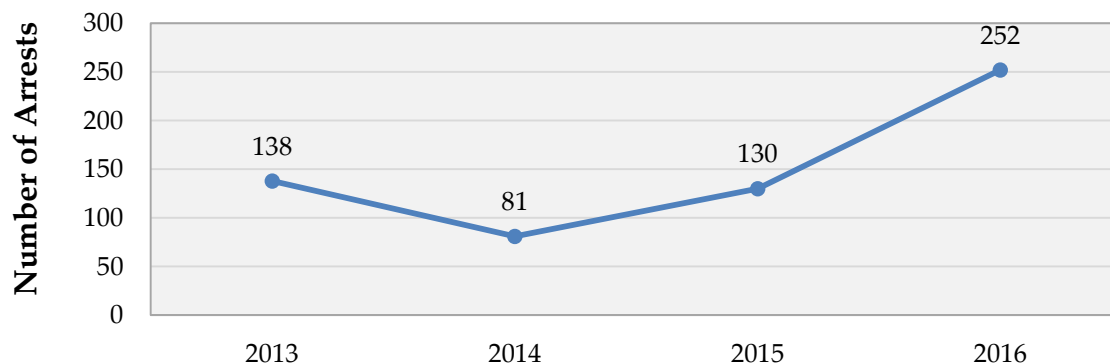
RMHIDTA Colorado Task Forces: Marijuana Investigative Plant Seizures



SOURCE: Rocky Mountain HIDTA Performance Management Process (PMP) Data

- **Marijuana Concentrate Seizures**
 - 2016: 232.12 pounds of hash oil (1,099 percent increase from 2015).
 - 2015: 19.36 pounds of hash oil.
 - Data not collected prior to 2015.
- **Marijuana Edible Seizures**
 - 2016: 2,111 individual edible items (633 percent increase from 2015).
 - 2015: 288 individual edible items.
 - Data not collected prior to 2015.

RMHIDTA Colorado Task Forces: Marijuana Investigative Felony Arrests



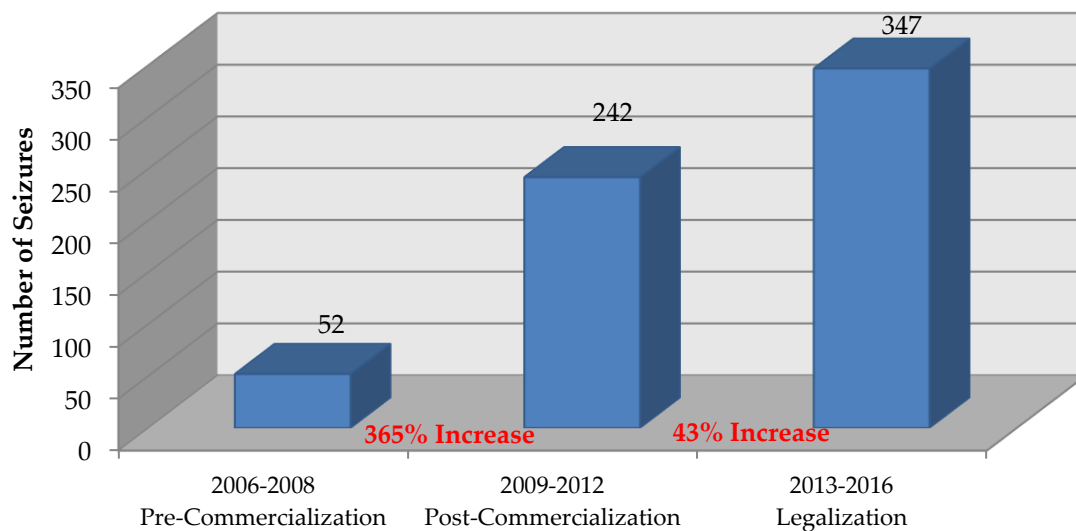
SOURCE: Rocky Mountain HIDTA Performance Management Process (PMP) Data

Data on Highway Interdictions

NOTE: THE CHARTS ONLY INCLUDE CASES WHERE COLORADO MARIJUANA WAS ACTUALLY SEIZED AND REPORTED. IT IS UNKNOWN HOW MANY COLORADO MARIJUANA LOADS WERE NOT DETECTED OR, IF SEIZED, WERE NOT REPORTED.

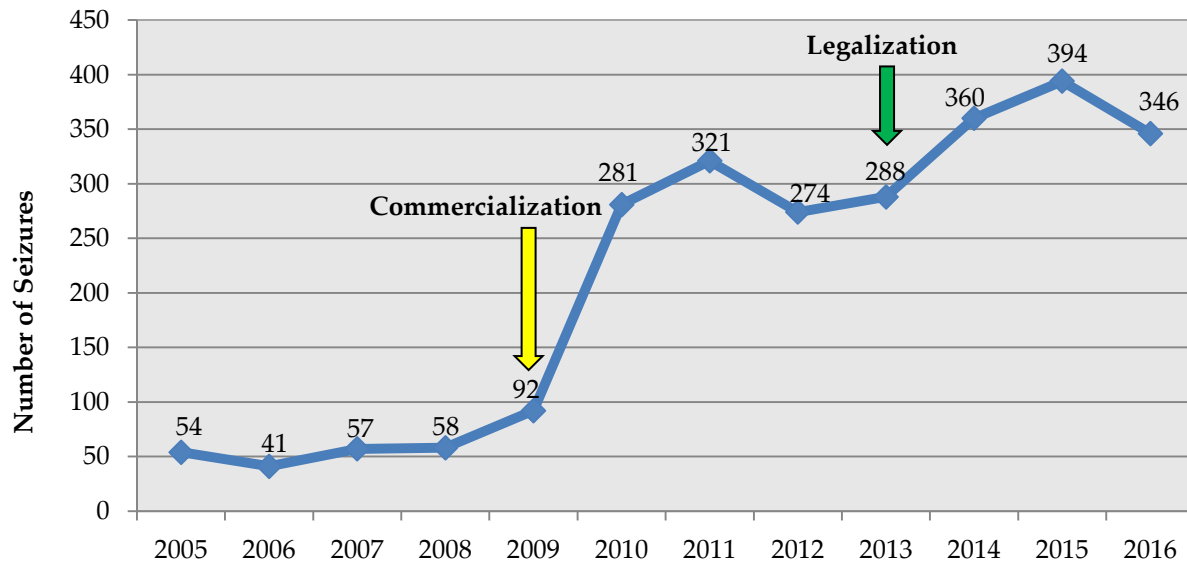
- ❖ A 2014 survey of approximately 100 interdiction experts estimates that 10 percent or less of marijuana being trafficked is seized by state highway patrol agencies.

Average Colorado Marijuana Interdiction Seizures



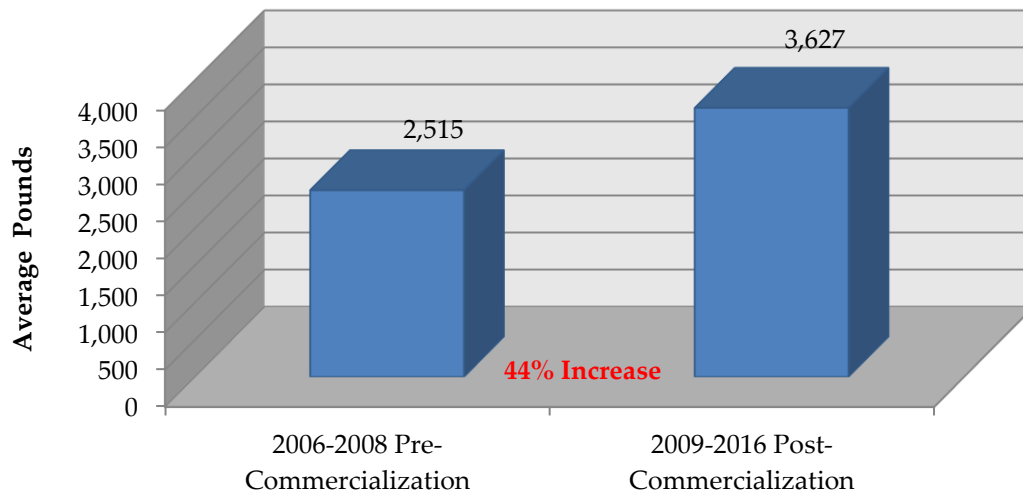
SOURCE: El Paso Intelligence Center, National Seizure System, as of August 28th, 2017

Colorado Marijuana Interdiction Seizures



SOURCE: El Paso Intelligence Center, National Seizure System, as of August 28th, 2017

Average Pounds of Colorado Marijuana from Interdiction Seizures



SOURCE: El Paso Intelligence Center, National Seizure System, as of August 28th, 2017

- ❖ In the four years (2013-2016) of legalized recreational marijuana in Colorado, highway patrol seizures have resulted in over 6 tons of Colorado marijuana being seized (12,873 pounds).

States to which Colorado Marijuana was Destined, 2016 (Total Reported Incidents per State)



❖ There were 15 seizures for which the destination was unknown.

Top Three Cities for Marijuana Origin

Originating City Rank	Number of Seizures from Originating City	Percent
1. Denver	166	48%
2. Colorado Springs	34	10%
3. Aurora	13	4%

* Of the 346 seizures, only 283 seizures had an origin city identified. The numbers above represent the top three cities from which Colorado marijuana originated. The percent was calculated from known origin cities.

SOURCE: El Paso Intelligence Center, National Seizure System, as of August 28th, 2017.

Case Examples of Investigations

NOTE: THE EXAMPLES BELOW ARE ONLY A SMALL SAMPLE OF THE MANY INVESTIGATIONS INVOLVING COLORADO MARIJUANA CITED BY VARIOUS DRUG UNITS.

Dozens of Indictments in Largest Illegal Marijuana Trafficking Ring Bust since Legalization:

Colorado Attorney General Cynthia Coffman announced that the largest illegal marijuana trafficking investigation has resulted in arrests in late June of 2017. The trafficking organization spanned five states, and the investigation resulted in 62 people having files charged against them. More than 20 law enforcement organizations were involved in the investigation and/or takedown which included the Denver Police Department and the U.S. Drug Enforcement Administration. According to Coffman, this single investigation is a prime example of how the marijuana black market continues to flourish in Colorado.

During raids, agents seized 2,600 marijuana plants and another 4,000 lbs. of marijuana. As a whole, the trafficking ring produced an estimated 100 lbs. of marijuana a month, which is sold for approximately \$2,000 per pound on the black market in Colorado.¹

Indictment in Colorado Pot Biz's Largest Fraud Case Ever: Scott Pack was indicted by a grand jury in what attorney Matthew Buck referred to as "the largest fraud case in the history of Colorado's marijuana industry." The large operation that distributed Colorado grown marijuana across state lines ended in the indictment of sixteen people. Among those indicted was Renee Rayton, a former Marijuana Enforcement Division employee.

According to attorney Matthew Buck, "There are potentially victims for as much as \$10 million. Scott Pack's company is one of the larger marijuana companies in Colorado. They own a significant number of licenses, and through a series of shell companies, they hold the leases on many buildings across the state."

In the *Westword* article published June of 2017, Buck continued to describe the details of the indictment, and said "[Scott Pack] had a sophisticated understanding of how to use loopholes to get around state law."²

Arrests Made in South Pueblo County Marijuana Grow: According to a press release by the Pueblo County Sheriff's Office, three individuals were arrested on April 13th, 2016 in connection with an illegal marijuana grow operating from within a Pueblo, CO home. In total, 180 marijuana plants were found growing in the home being occupied by the three individuals.

The three individuals had been living in Florida, but were originally from Cuba. One of the three individuals had recently purchased the home in February of 2016.

Although the press release did not specifically state that the marijuana was being illegally trafficked outside the state, several indicators suggest that the marijuana was intended to leave Colorado. Twelve people, all from Florida, have been arrested in seven separate illegal marijuana grow operations discovered in Pueblo County on March 30th and April 14th, 2016. Five of the twelve individuals were originally from Cuba.³

Individuals Indicted for an Illegal Home-grow Also Possess Legal Marijuana

Licenses: In March 2017, 16 people were indicted for participating in a massive illicit marijuana home-grow operation. Of the 16, eight are recorded as having active or expired licenses to work in the legal marijuana business including the ringleader, Michael Alan Stonehouse, who acts as a consultant for the marijuana industry in Colorado. According to authorities, the group cultivated their marijuana in properties in Colorado Springs, Castle Rock, Elbert County and Denver and then diverted the marijuana to **Illinois, Arkansas, Minnesota and Missouri** to make a higher profit.⁴

All in the Family Marijuana Operation: Weld County Drug Task Force received a crime tip that a family was involved in cultivating and distributing marijuana from properties located in Weld County. Information was that they were shipping the marijuana out of state as motor cycle parts using “runners” utilizing parcel post. A search warrant was served on the rural properties of the father and mother where officers discovered 101 marijuana plants and marijuana in vacuum sealed bags. However, the mother and father were able to show they had medical marijuana licensing allowing them to have 50 marijuana plants each and 16 ounces of edibles. A search warrant on the son’s and daughter-in-law’s rural residence did not have any documentation and led to the seizure of 379 marijuana plants, 70 pounds of marijuana, 13 pounds of edibles, 6 shot guns, 6 rifles, and 6 pistols. One of the “runners” was at the scene and arrested for having multiple pounds of dried marijuana in vacuum sealed containers and edibles hidden in his vehicle.⁵

Laotian Marijuana Operation: Southern Colorado Drug Task Force managed by DEA began an investigation of a Laotian drug trafficking organization that had relocated to Colorado from Arkansas and California. This organization had 12 different cultivation marijuana sites located in 5 different counties in southeast Colorado. Task force officers served search warrants seizing 2,291 marijuana plants, 2,393 pounds of processed marijuana. Also seized were 4 hand guns and 6 long guns.⁵

Rental House Remodel: In February 2016, Western Colorado Drug Task Force arrested two Cubans from Florida for illegally growing marijuana for distributions. These two rented a \$750,000 house and modified it to cultivate marijuana at a cost of about

\$50,000. Both subjects obtained medical marijuana cards with a doctor's recommendation for 99 plants each. Agents seized the "first round of plants" (63), equipment for a butane hash-oil lab and a hand gun.⁵

Florida and Colorado Connection: Southern Colorado Drug Task Force managed by DEA executed search warrants in the Pueblo area targeting a drug trafficking organization that had relocated from Florida to Colorado for sole purpose of setting up a large scale marijuana grow operation. As a result of a search warrant, officers seized 1,900 marijuana plants, 17 pounds of processed marijuana, 2 butane hash oil extraction labs and 9 fire arms. There was an independent seizure in Texas that the group was responsible for which included 12 pounds of marijuana and marijuana shatter. The search warrant resulted in 7 arrests.⁵

Marijuana and Guns: Southwest DTF with DEA targeted a drug trafficking organization responsible for cultivation and distribution of hundreds of pounds of marijuana outside the state of Colorado. Search warrants were served on a number of residents where officers discovered marijuana cultivation as well as 480 pounds of packaged marijuana, 13 fire arms and numerous expired "medical" marijuana licensing documents.⁵

Large BHO Lab Seized: West Metro Drug Task Force served a search warrant on a residence in Jefferson County. Officers seized 2 large butane hash oil labs along with 5 five-gallon butane tanks, 271 marijuana plants, hash and numerous guns. Officers also discovered documentation confirming the distribution of hash and marijuana to Florida.⁵

Florida Cuban Drug Trafficking Organization: In May 2016, Southern Colorado Drug Task Force executed search warrants at 5 different residential locations operated by a group of Cubans from Florida. These grow operations were in Pueblo County and offices seized a total of 214 marijuana plants, 55 pounds of processed marijuana and over \$100,000 in grow equipment.⁵

Mississippi Connection: In August 2016, Western Colorado Drug Task Force arrested two suspects from Mississippi who recently moved to Colorado to cultivate marijuana and to distribute it back to Mississippi. They rented an upscale house and made major modifications including theft of electrical power. About 50 percent of the living space of the home was used to cultivate marijuana. Agents seized 306 marijuana plants and turned the three young children who were living in the house over to Child Protective Services.⁵

Marijuana Bust in Northeast Colorado Springs: In July of 2017, federal agents hauled at least 180 marijuana plants out of a private residence in northeast Colorado Springs. Although authorities did not disclose many details of the investigation, they did disclose that one person was taken into custody, and that they had prior knowledge of the illegal marijuana grow inside the home.

The home was currently being rented, and the owner lived out of state. It wasn't stated whether or not marijuana was being trafficked outside of Colorado, but a 180 marijuana plant operation is certainly enough to contribute significantly to an illegal trafficking operation. ⁶

Colorado Deputy Finds 180 Pounds of Marijuana Mixed in with Tractor Trailer's Onion Load: In December of 2016, a Sheriff's Deputy with Prowers County in southeastern Colorado made an interesting discovery. The truck was pulled over after remaining in the passing lane while traveling from Brighton, CO to **Naples, Florida**. The driver of the vehicle consented to the search of the vehicle after the deputy issued a warning for the driving infraction. Upon further investigation, the deputy found over 180 lbs. of marijuana mixed in among a load of onions being hauled by a tractor-trailer. In total, there were three trash bags containing marijuana, and eight packages of plastic wrapped marijuana concealed in the trailer. ⁷

Case Examples of Interdictions

Tractor-Trailer Marijuana Transport: May 2017, Florida Highway Patrol stopped a semi-truck and trailer traveling southbound through Alachua, FL. Upon search of the vehicle, 170 lbs. of marijuana was located and seized by state troopers. The vehicle was traveling from Colorado to **Florida**. ⁸

Motorhome Carrying 100 Pounds of Pot Seized in Tennessee: In August of 2016, a Tennessee Highway Patrol trooper pulled over a vehicle after observing several indicators of possible criminal activity. After requesting backup and obtaining permission to search the vehicle, law enforcement officials found several duffel bags and boxes filled with marijuana. The various containers of marijuana were located in the bedroom area of the motorhome. In total, the various bags and boxes contained approximately 100 pounds of illegally trafficked marijuana. The driver admitted that he obtained the marijuana in Colorado and he was headed to **Florida**. ⁹

Texas DPS Seizes Load Destined for Florida: January 2016, the Texas Department of Public Safety stopped a passenger van traveling southbound US-81. The state trooper

developed reasonable suspicion of criminal activity, and searched the vehicle based on verbal consent provided by the driver. Upon search of the vehicle, over 72 lbs. of marijuana was located in the vehicle. The trip originated in Colorado Springs, CO and was destined for **Jacksonville, Florida**.⁸

Reckless Driving Leads to Over 76 lbs of Marijuana: February 2016, Colorado State Patrol stopped a vehicle due to several public complaints of reckless driving. Initially, the driver of the vehicle would not pull over, but eventually pulled to the side of the road. Upon further investigation, the trooper discovered over 76 lbs. of marijuana and over \$20,000 inside the vehicle. Although the driver's travel plans were not made clear, the driver was a Florida resident.⁸

Colorado Marijuana Variety Headed to Illinois: April 2017, two Illinois residents who recently left Colorado were stopped by Nebraska State Patrol while speeding eastbound along I-80. Upon contact with the driver and passenger, the smell of marijuana was immediately detected by the state trooper. After both occupants admitted that there was marijuana in the vehicle, a thorough search was conducted. Over 4 ounces of marijuana, a limited amount of hash oil infused marijuana, 161 THC infused edibles, marijuana seeds, THC vaporizer oil cartridges, marijuana wax and several items of paraphernalia were discovered in the vehicle.⁸

Illinois: May 2017, a Dodge Charger was stopped for speeding while traveling eastbound along I-80 in Nebraska. The smell of marijuana was immediately detected as the state trooper approached the vehicle. Upon a probable cause search, the four Illinois residents inside the vehicle were found to be in possession of approximately 1.5 lbs. of marijuana, over a hundred THC edibles, nearly two ounces of THC "shatter," 5 grams of THC "wax," 8 freshly rolled "joints," several recently smoked "joints," and other items of paraphernalia.⁸

Indiana "Marijuana Head" with Colorado Marijuana: April 2017, a Kansas Highway Patrol Trooper stopped a vehicle traveling from Colorado to **Indiana** with THC "Shatter," THC "Budder," 54 THC cartridges, 6 lbs. of marijuana, various other marijuana items and a loaded .40 caliber handgun. The suspect claimed all the marijuana was for the consumption of those within the vehicle, and he went on to explain that he is a "marijuana head" and that he had been smoking marijuana since he was a kid.⁸

Colorado Marijuana to Iowa: February 2016, Colorado State Patrol stopped a vehicle traveling from Brighton, Colorado to **Des Moines, Iowa**. The stop resulted in the arrest of the driver from Des Moines, Iowa, passenger from Clearlake, Iowa and the seizure of

8 lbs. of marijuana, 85.05 grams marijuana concentrate, and a S/W M&P 9mm handgun. The vehicle was initially stopped for a signal violation. The marijuana was located inside a large clothing duffel bag in the vehicle's trunk.¹⁰

Colorado Marijuana Plants to Kentucky: May 2017, a vehicle was stopped in eastern Colorado while traveling eastbound from Boulder, Colorado to **Lexington, Kentucky**. After the driver provided his consent to search the vehicle, Colorado State Patrol located 288 individual marijuana plants inside the vehicle.⁸

Colorado Marijuana to Maryland: November 2016, an Ohio State Highway Patrol Trooper stopped a vehicle traveling eastbound along I-80. The driver was a Colorado resident traveling to **Maryland**. After the driver displayed several indications of criminal activity, a canine was allowed to perform an "exterior sniff" of the vehicle. The canine alerted to the presence of an illegal substance. After a thorough search, law enforcement found a variety of cannabis products in the vehicle (chocolate bars, gummies, etc.). Upon questioning, the driver said that he's from Colorado where it's legal to have marijuana.¹¹

Maryland: June 2017, an Ohio State Highway Patrol Trooper stopped a car-hauler traveling eastbound along I-70. Upon investigation, the State Trooper became suspicious of both vehicles being transported on the car-hauler. After driver consent and a subsequent external canine search, a probable cause search was performed and approximately 5 lbs. of marijuana along with 108 vials of liquid THC were discovered in one of the vehicles being transported. The vehicle was being shipped from Denver, Colorado to **Bethesda, Maryland**. There were no indications that the driver of the car-hauler knew he was illegally transporting marijuana.¹²

Minnesota – Medical Marijuana for Distribution: April 2017, a vehicle was stopped while traveling eastbound along I-80 in North Platte, Nebraska. The driver immediately claimed to be a medical marijuana patient who had been diagnosed with multiple sclerosis. Upon further investigation, the driver was found to be in possession of a substantial amount of marijuana, THC liquid vials, and other edible THC products that were packaged in a way that made the state trooper suspicious that the marijuana was intended for distribution. Several of the bags of THC edibles were actually labeled with individual's names. It is assumed that these individual were the intended recipients of the marijuana infused products. The vehicle was traveling from Colorado to **Minnesota**.⁸

Destination Unknown: March 2017, Missouri State Highway Patrol stopped a vehicle from Colorado which was southbound I-29. The Colorado driver would not disclose

where he was traveling to. After several indicators of criminal behavior were noted, a search of the vehicle yielded 26 lbs. of marijuana concealed inside a red duffel bag on the back seat.¹³

Missouri: May 2017, Kansas Highway Patrol stopped a car hauler traveling from Denver, Colorado to **Missouri**. A subsequent search of one of the vehicles being hauled yielded 50 lbs. of high-grade marijuana.¹⁴

New York Distribution: January 2016, Ohio State Patrol stopped a vehicle traveling eastbound along I-70 in Madison County, Ohio. After displaying suspicious behavior when interacting with the state trooper, a canine search was performed on the vehicle. The canine indicated a positive response on the vehicle, and a full search ensued. During the search, 123 lbs. of marijuana were discovered in rubber totes in the rear storage area of the vehicle along with a vacuum sealer machine. The vehicle was traveling from Colorado to **New York**.⁸

Flying to Buy Colorado Marijuana: April 2016, a Kansas Highway Patrol Trooper stopped an eastbound vehicle traveling along I-70. Upon investigation, the sole occupant was found to be in possession of 4.3 lbs. of marijuana, 158 marijuana edibles, and 8 ounces of a THC infused drink. The driver had flown from his home in Pennsylvania and through a third-party had obtained a one way rental from Aurora, Colorado. After buying the recreational marijuana products, the driver was transporting the product to his home state (**Pennsylvania**).⁸

Note: Flying to Colorado and driving back home is a common method for illegally transporting marijuana out of state.

South Carolina Dealer Uses Rental Vehicle: March 2017, Kansas Highway Patrol stopped a vehicle traveling eastbound along I-70 in Goodland, Kansas. After a short roadside investigation, the driver of the vehicle was found to be in possession of 13 lbs. of marijuana, 101 THC vapor cartridges, and 378 fl. oz. of THC infused beverages (20 individual drinks). The driver had rented the vehicle four days prior. He had driven from South Carolina to Colorado, and was headed back to **South Carolina** when he had been stopped in Kansas.⁸

Note: Rental vehicles are commonly used to buy and transport Colorado marijuana out of state.

Marijuana and Concentrate to Iowa: In February 2017, Kansas Highway Patrol stopped a vehicle traveling from Loveland, Colorado to **Iowa**. A search of the vehicle yielded 25 lbs. of marijuana and 1 lb. of THC shatter.¹⁵

Sources

¹ Chuck Hickey, “Dozens of indictments in largest illegal marijuana trafficking ring bust since legalization,” KDVR-TV Channel 2 Denver, June 28, 2017, <<http://kdvr.com/2017/06/28/62-people-12-businesses-indicted-in-largest-illegal-marijuana-ring-bust-in-colorado-history/>>, accessed June 28, 2017.

² Michael Roberts, “Scott Pack Indicted in Colorado Pot Biz’s Largest Fraud Case Ever, Attorney Says,” *Westword*, June 14, 2017, <<http://www.westword.com/news/scott-pack-indicted-in-huge-colorado-marijuana-fraud-case-9156890>>, accessed August 11, 2017.

³ Pueblo County Sheriff’s Office, April 14, 2016, “Arrests Made in South Pueblo County Illegal Marijuana Grow,” <<http://www.sheriff.co.pueblo.co.us/pio/?p=2405>>, accessed July 26, 2017.

⁴ Jesse Paul, “Eight of 16 people indicted in Colorado marijuana trafficking operation listed as having state pot licenses,” *The Denver Post*, March 24, 2017, <<http://www.denverpost.com/2017/03/24/denver-marijuana-smuggling-operation-medical-marijuana-licenses/http://www.denverpost.com/2017/03/24/denver-marijuana-smuggling-operation-medical-marijuana-licenses/>>, accessed April 19, 2017.

⁵ Rocky Mountain HIDTA Task Force Quarterly Reports, Calendar Year 2016-2017.

⁶ Danielle Kreutter, “Marijuana bust in northeast Colorado Springs,” July 12, 2017, <<http://www.kktv.com/content/news/DEA-search-warrant-in--434154383.html>>, accessed July 26, 2017.

⁷ Jesse Paul, “Colorado deputy finds 180 pounds of marijuana mixed in with tractor-trailer’s onion load,” *The Denver Post*, December 8, 2016, <<http://www.denverpost.com/2016/12/08/colorado-deputy-finds-180-pounds-of-marijuana-mixed-in-with-tractor-trailers-onion-load/>>, accessed December 8, 2016.

⁸ El Paso Intelligence Center, National Seizure System. Data pull August 28th, 2017.

⁹ The Associated Press, “Motorhome carrying 100 pounds of pot seized in Tennessee,” August 28, 2016, <<http://www.denverpost.com/2016/08/28/motorhome-100-pounds-marijuana-seized-tennessee/>>, accessed August 28, 2016.

¹⁰ RMHIDTA Quarterly Report. Colorado Criminal Interdiction, 1st Quarter 2016.

¹¹ Ohio State Highway Patrol Report of Investigation, via e-mail dated July 31st, 2017; accessed August 1st, 2017.

¹² Ohio State Highway Patrol Report of Investigation, via e-mail dated July 13th, 2017; accessed July 22nd, 2017.

¹³ Midwest HIDTA Interdiction Bulletin 2017-47.

¹⁴ Midwest HIDTA Interdiction Bulletin 2017-84.

¹⁵ Midwest HIDTA Interdiction Bulletin 2017-26.

SECTION 8: *Diversion by Parcel*

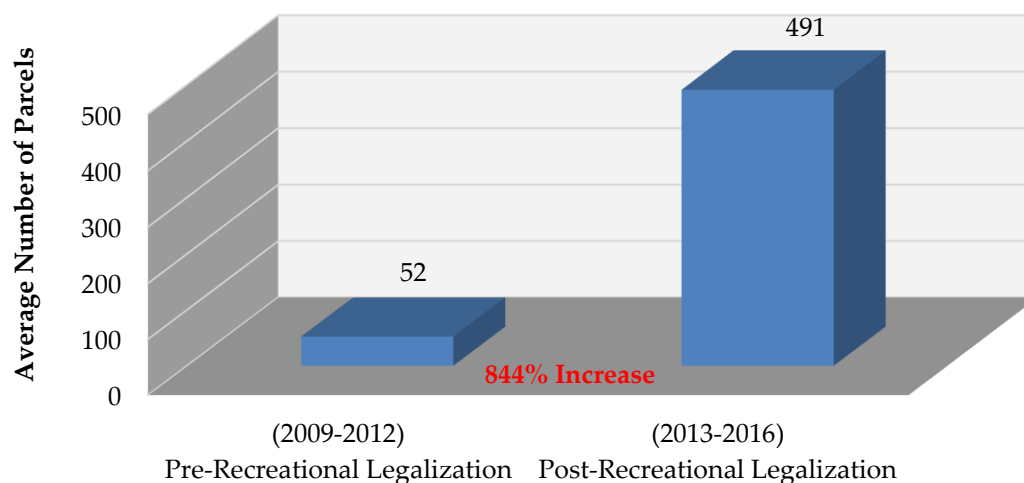
Some Findings

- Seizures of Colorado marijuana in the U.S. mail has **increased 844 percent** from an average of 52 parcels (2009-2012) to 491 parcels (2013-2016) in the four-year average that recreational marijuana has been legal.
- Seizures of Colorado marijuana in the U.S. mail has **increased 914 percent** from an average of 97 pounds (2009-2012) to 984 pounds (2013-2016) in the four-year average that recreational marijuana has been legal.

Data from U.S. Postal Service

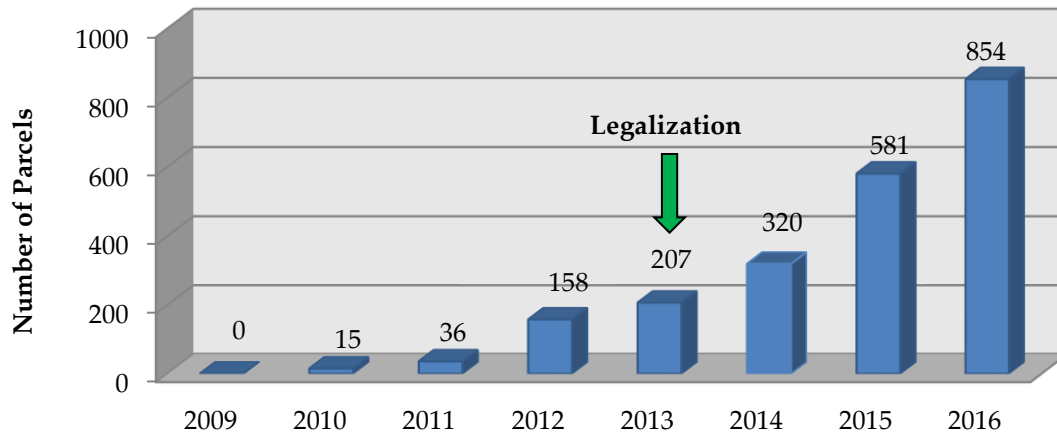
NOTE: THESE FIGURES ONLY REFLECT PACKAGES SEIZED; THEY DO NOT INCLUDE PACKAGES OF COLORADO MARIJUANA THAT WERE MAILED AND REACHED THE INTENDED DESTINATION. INTERDICTION EXPERTS BELIEVE THE PACKAGES SEIZED WERE JUST THE "TIP OF THE ICEBERG."

Average Number of Parcels Containing Marijuana Mailed from Colorado to Another State



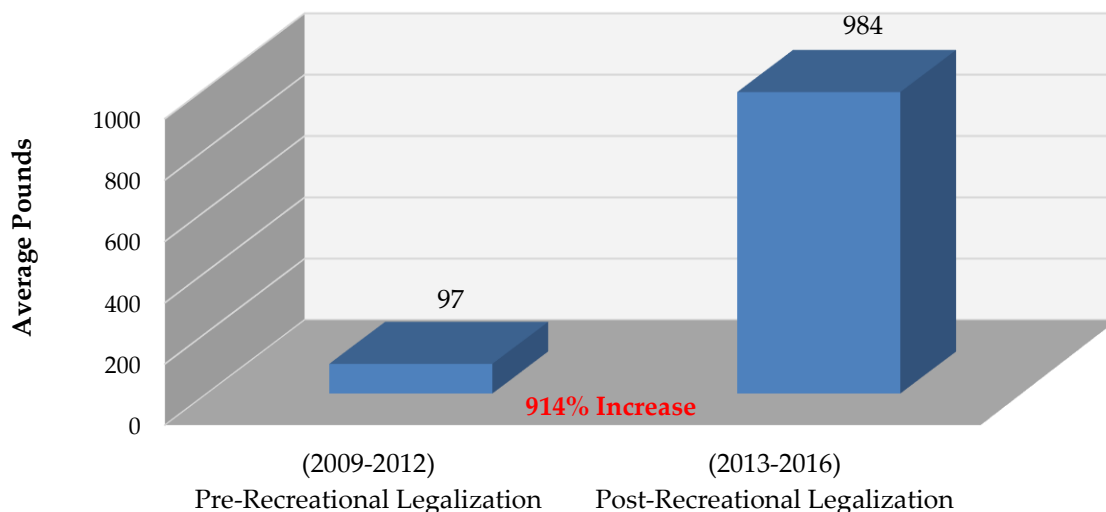
SOURCE: United States Postal Inspection Service, Prohibited Mailing of Narcotics

Parcels Containing Marijuana Mailed from Colorado to Another State



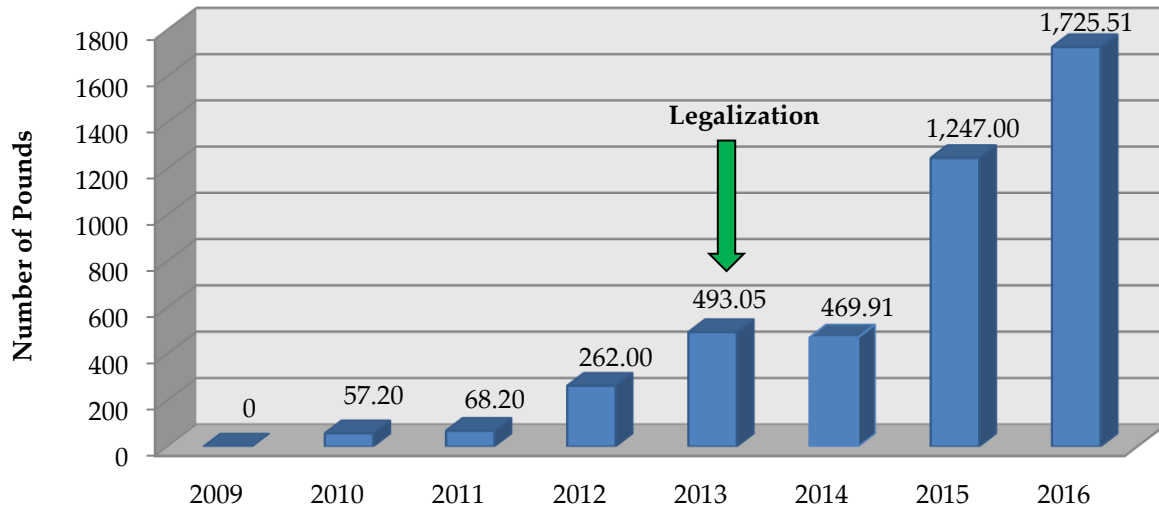
SOURCE: United States Postal Inspection Service, Prohibited Mailing of Narcotics

Average Pounds of Colorado Marijuana Seized by the U.S. Postal Inspection Service



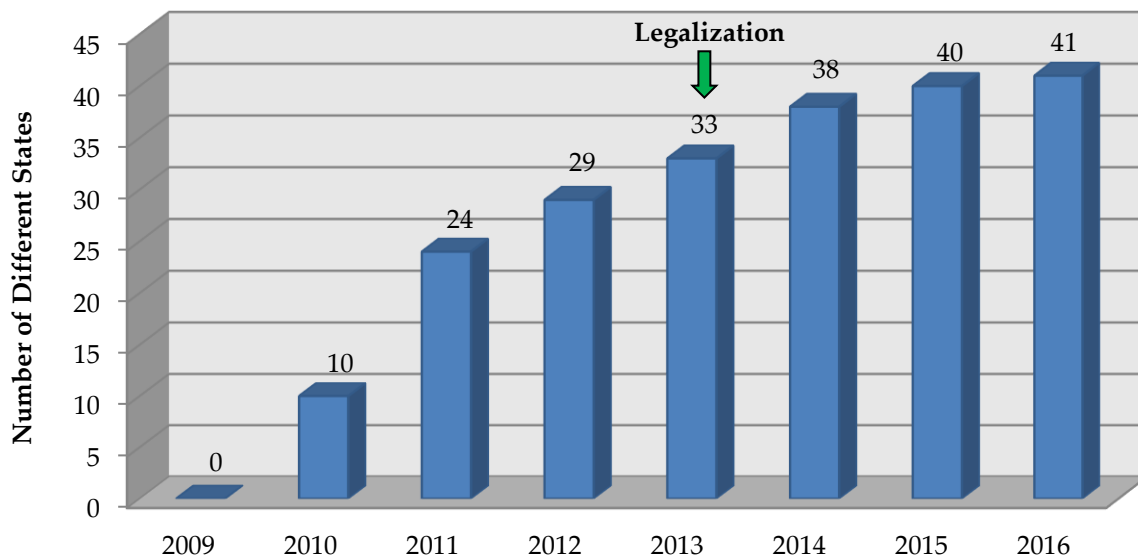
SOURCE: United States Postal Inspection Service, Prohibited Mailing of Narcotics

Pounds of Colorado Marijuana Seized by the U.S. Postal Inspection Service



SOURCE: United States Postal Inspection Service, Prohibited Mailing of Narcotics

Number of States Destined to Receive Marijuana Mailed from Colorado



SOURCE: United States Postal Inspection Service, Prohibited Mailing of Narcotics

Private Parcel Companies

- ❖ There are courier delivery service companies, with locations throughout the country, from which Colorado marijuana destined for other states has been seized. Unlike the U.S. Postal Service, a central data system does not exist for these various private couriers.

Several HIDTA regions were asked about parcel interdictions of marijuana from Colorado during calendar year 2016. The following data were provided by those HIDTA regions, although they do not represent 100% reporting for any state or region:

Chicago: There were a total of 23 separate parcel interdictions in which Colorado marijuana, edibles, and/or marijuana concentrates (THC/wax) were seized by law enforcement. Totalling more than 47 lbs. of product, Chicago region law enforcement estimates the street value of products seized to be approximately \$420,000.

Houston: 6 packages of Colorado marijuana, weighing 5.3 lbs.

Midwest: 18 packages of Colorado marijuana weighing 9.3 lbs.

North Florida: 25 packages of Colorado marijuana, hashish and concentrated THC were seized, totaling 64 lbs.

Ohio: 15 packages of Colorado marijuana, hash oil, concentrated THC wax and edibles were seized, weighing approximately 30 lbs.

Washington/Baltimore: 25 packages containing over 37 lbs. of Colorado marijuana and/or THC concentrates were seized.

Rocky Mountain: (packages destined outside of Colorado) 75 packages in total, which included 132 lbs. of marijuana products, and 89 individual edible products (brownies, candies, bars, etc.), and 6 live plants.

When asked where the packages were destined, it was reported that these marijuana packages are being shipped all over the United States and out of the country. The furthest destination noted was the United Kingdom.

Case Examples

From the Mountains to the Beach: In March of 2016, over 11 lbs. of high-grade marijuana was seized as it was being transported by FedEx Express. The marijuana was sent from Aspen, Colorado to **Neptune Beach, Florida.** ¹

\$12,000 Worth of Marijuana in the Mail: In December of 2016, over 6 lbs. of marijuana was seized as it was being transported by United Parcel Service (UPS). The marijuana was mailed from Grand Junction, Colorado to **Riviera Beach, Florida.** ¹

New Year's Gift from Longmont, CO: In January of 2017, over 6.5 lbs. of high-grade marijuana were seized as it was being transported by FedEx Express. The marijuana was mailed from Longmont, Colorado to **Jacksonville Beach, Florida.** ¹

Sending "Green" from Evergreen, CO: In March of 2017, 13 lbs. of high-grade marijuana was seized as it was being transported by UPS. The marijuana was mailed from Evergreen, Colorado to **Atlantic Beach, Florida.** ¹

Headed to the Atlantic: In June of 2017, over 8.5 lbs. of high-grade marijuana was seized as it was being transported by FedEx Ground. The marijuana was sent from Littleton, Colorado to **Jacksonville Beach, Florida.** ¹

Arvada Man Gets One Year in Prison for Mailing Edibles: On February 18, 2017, 27 year-old Stephen Paul Anderson was sentenced to serve a year and one day in federal prison and three years of community supervised release for sending boxes of illegal marijuana edibles through the U.S. Postal Service. Anderson, who moved from Texas to Colorado, was manufacturing highly concentrated THC oil in his basement using an open flame fueled by a propane tank. This method of extracting oil has led to multiple fires and explosions throughout the Denver area. ²

Seizure of Marijuana-Filled Parcels Increasing: Police Chief Aaron Jimenez (St. Ann Police, Missouri) was recently interviewed by a St. Louis news media outlet. The article mentioned, "pounds upon pounds of high-grade marijuana are being shipped to the **St. Louis area** from states where the drug is legal."

Jimenez explained how it was not always that way. "We might've had 5 to 10 maybe in a year, but since I've started the narcotics unit here, I can tell you within the last year, these guys probably get one or two a week."

U.S. Postal Inspector Dan Taylor said, "Just here in the St. Louis area, our postal inspectors have seized over 1,200 pounds of marijuana, from the mail, in the last year."

We've become very good at identifying these packages." It is worth noting that this amount of seized marijuana equates to over 32 pounds a day.

According to police, "marijuana is most commonly sent from Colorado and California, but the packages nearly always have fake names and addresses." ³

Second Bust of Illegal Grow, Same Two People Arrested on the Same Property:

"Nearly 150 marijuana plants, packaged marijuana and firearms were seized from a property that has been busted before for illegally growing marijuana. The two arrested were the same two busted nearly a year ago." While the El Paso Sheriff's office led the operation, agents from the Drug Enforcement Administration assisted with the investigation and seizure of the marijuana plants, cash, grow equipment, and four firearms. Of note, investigators found several packages of processed marijuana located in numerous United States Postal Services boxes, which appeared to be nearly ready to ship. According to the August article published by KKTV, the Colorado Springs news outlet, "The DEA estimates there was between \$25,000 to \$30,000 worth of lighting equipment inside the single grow house. The marijuana seized has an estimated value greater than \$125,000." ⁴

Home Improvement Goods: In November of 2016, the North Metro Task Force (NMTF) intercepted a package to be shipped via UPS that contained 18.5lbs of marijuana packaged in a Home Depot bucket. The package was being shipped to an address in **Stanley, North Carolina**. The investigation has resulted in the arrest of two suspects. ⁵

Heading South: In November of 2016, the North Metro Task Force (NMTF) intercepted a UPS shipment that contained 7.5lbs of marijuana and marijuana edibles. The two packages within the shipment were addressed to **Dallas, Texas**, and **Magnolia, Texas**. ⁵

April Fools' Delivery: In April of 2017, the North Metro Task Force (NMTF) intercepted a package shipped via UPS that contained over 23lbs of marijuana. The package was being shipped to an address in **Malden, Massachusetts**. With the help of the Malden Police Department, a coordinated investigation took place which resulted in the arrest of a single suspect. ⁵

Sources

¹ North Florida HIDTA Information Bulletins, Package Interdiction Summaries. Received July 25th, 2017.

² Kirk Mitchell, "Arvada man who used post office to distribute marijuana edibles sentenced to a year and a day," *The Denver Post*, February 22, 2017, <<http://www.denverpost.com/2017/02/22/arvada-man-usps-marijuana-edibles/>>, accessed April 19, 2017.

³ Rebecca Roberts, "Seizure of marijuana filled parcels increasing," Fox 2 Now/St. Louis, June 17, 2017, <<http://fox2now.com/2014/06/17/seizure-of-marijuana-filled-parcels-increasing/>>, accessed August 17, 2017.

⁴ Khloe Keeler, "2nd bust of illegal grow, same 2 people arrested on the same property," KKTV/11 News, August 8, 2017, <<http://www.kktv.com/content/news/Illegal-grow-bust-guns-and-marijuana-seized-in-El-Paso-County-438387943.html>>, accessed August 10, 2017.

⁵ Rocky Mountain HIDTA Task Force Quarterly Reports, Calendar Year 2016-2017.

THIS PAGE INTENTIONALLY LEFT BLANK

SECTION 9: *Related Data*

Topics

- Crime
- Revenue
- Event Planners' Views of Denver
- Homeless
- Suicides
- THC Potency
- Marijuana Use and Alcohol Consumption
- Medical Marijuana Registry
- Licensed Marijuana Businesses
- Business Comparisons
- Demand and Market Size
- Reported Sales of Marijuana
- Price of Marijuana
- Local Response to the Medical and Recreational Marijuana Industry in Colorado

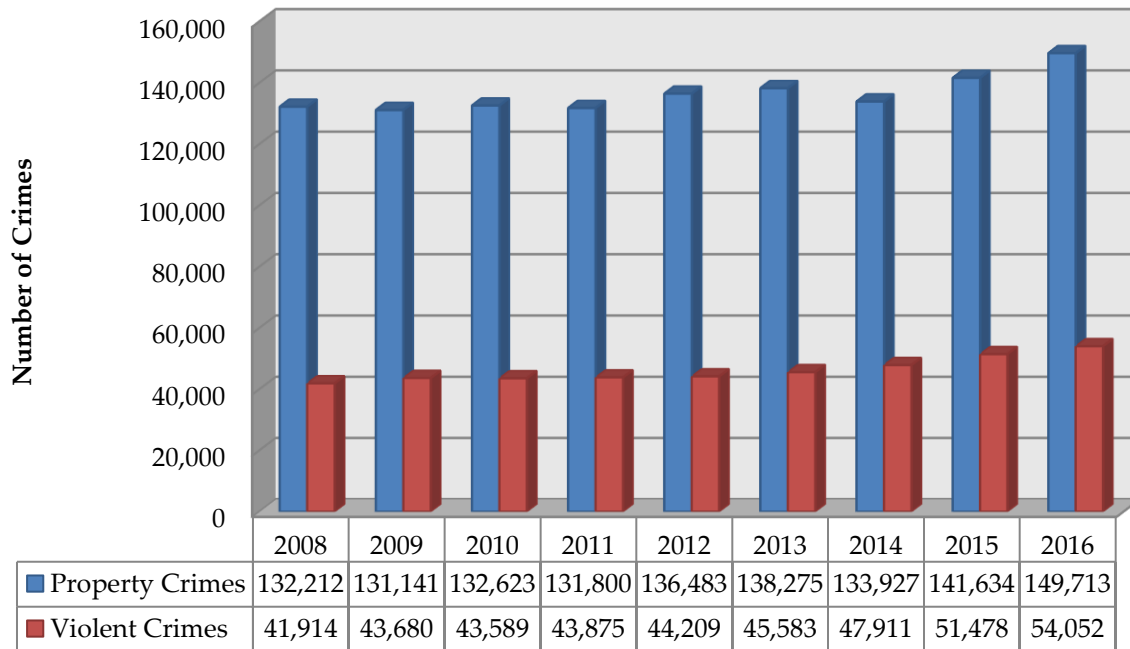
NOTE: SOME OF THE DATA REPORTED IN THIS SECTION IS BECAUSE THERE HAVE BEEN SO MANY INQUIRIES ON THE PARTICULAR SUBJECT, SUCH AS CRIME AND SUICIDES. THIS IS NOT TO INFER THAT THE DATA IS DUE TO THE LEGALIZATION OF MARIJUANA.

Some Findings

- Crime in Denver **increased 6 percent** from 2014 to 2016 and crime in Colorado **increased 11 percent** from 2013 to 2016.
- Colorado annual tax revenue from the sale of recreational and medical marijuana was **0.8 percent** of Colorado's total statewide budget (FY2017).
- As of June 2017, there were **491 retail marijuana stores** in the state of Colorado compared to **392 Starbucks** and **208 McDonald's**.
- **66 percent** of local jurisdictions have banned medical and recreational marijuana businesses.

Crime

Colorado Crime

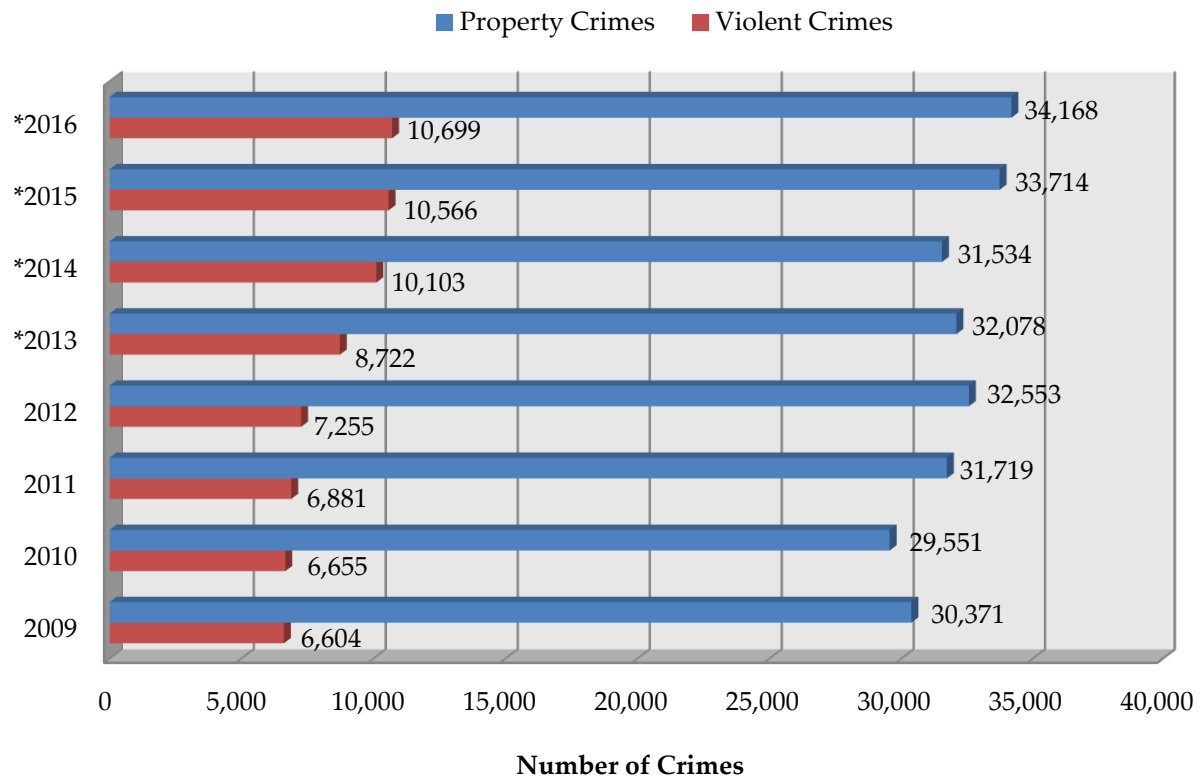


SOURCE: Colorado Bureau of Investigation, <http://crimeinco.cbi.state.co.us/>

Colorado Crime	From 2009 to 2012	From 2013 to 2016
Property Crime	Increased 4.1%	Increased 8.3%
Violent Crime	Increased 1.2%	Increased 18.6%
All Crime	Increased 3.4%	Increased 10.8%

SOURCE: Colorado Bureau of Investigation, <http://crimeinco.cbi.state.co.us/>

City and County of Denver Crime



*In May 2013 the Denver Police Department implemented the Unified Summons and Complaint (US&C) process. This process unifies multiple types of paper citations, excluding traffic tickets, into an electronic process. That information is transmitted to the Denver Sheriff, County Court, City Attorney and District Attorney through a data exchange platform as needed. As a result of this process a reported offense is generated which was previously not captured in National Incident Based Reporting System (NIBRS).

SOURCE: City and County of Denver, Denver Police Department, Crime Statistics and Maps, April 2016

Crime in Denver (City and County)				
	2013	2014	2015	2016
*All Reported Crimes (To include all categories listed below)	55,115 **	61,276	64,317	64,736

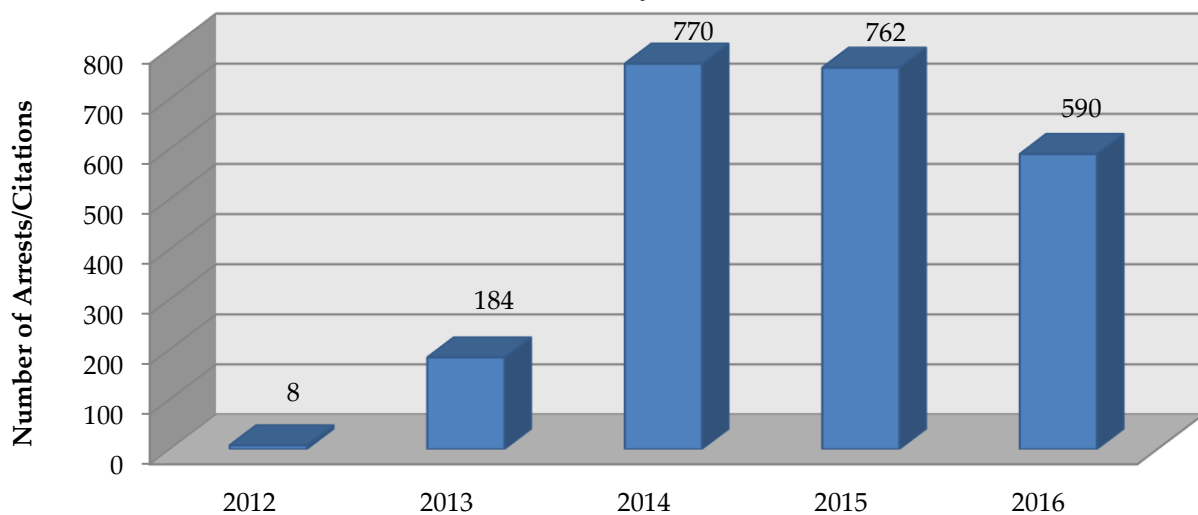
*Denver Crime	From 2014 to 2016
Crimes Against Persons	Increased 6%
Crimes Against Property	Increased 8%
Crimes Against Society	Increased 31%
All Other Offenses	Decreased 9%
All Denver Crimes	Increased 6%

* Actual number of crimes in Denver

** New process began in May 2013 and 2013 data is not comparable to 2014-2016

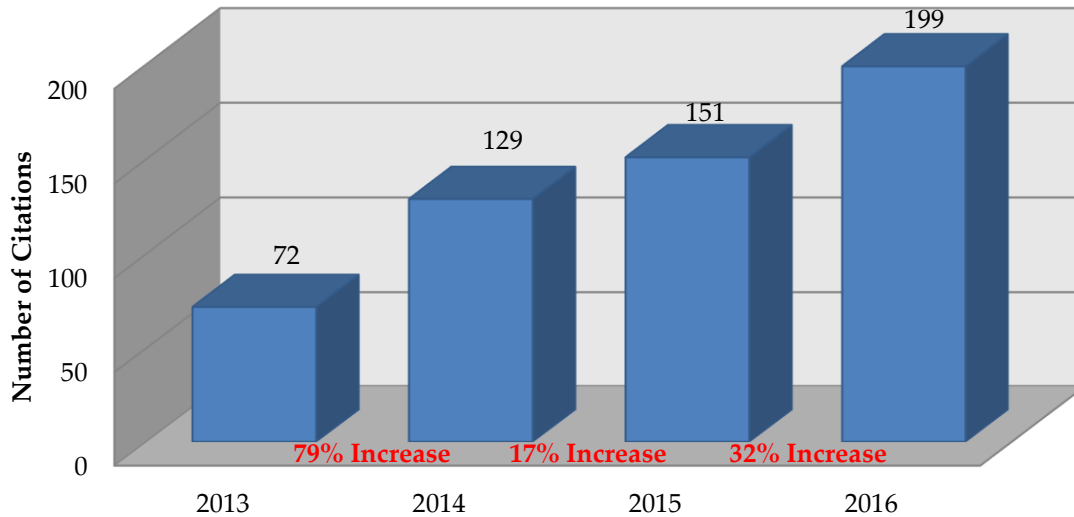
SOURCE: City and County of Denver, Denver Police Department, Crime Statistics and Maps, April 2016

Denver Police Department Unlawful Public Display/Consumption of Marijuana



SOURCE: Denver Police Department, Traffic Operations Bureau/Vice/Drug Bureau via Data Analysis Unit

Boulder Police Department Marijuana Public Consumption Citations



SOURCE: Boulder Police Department, Records and Information Services

NOTE: THE CITY OF BOULDER DID NOT HAVE A MUNICIPAL STATUTE SPECIFIC TO PUBLIC CONSUMPTION OF MARIJUANA UNTIL MID-2013.

Case Examples

“Marijuana is the Gateway Drug to Homicide”: After indicting thirteen people involved in illegally distributing around 200 pounds of marijuana District Attorney Dan May stated in a public announcement, “Colorado Springs Police Department... had 22 homicides in Colorado Springs last year, 2016. Eight of those were directly marijuana.” During the public announcement May explained that authorities are overwhelmed having to deal with the crime that is associated with marijuana and claimed that “marijuana is the gateway drug to homicide.”¹

Homicides have “Marijuana Nexus”: Colorado Springs is Colorado’s second largest urban area located in El Paso County. Neither the city nor the county permit the sale of recreational marijuana but both allow medical marijuana. Even so, the Colorado Springs Police Department stated 11 of the 59 homicides that occurred in Colorado Springs between 2015 and early 2017 have a “marijuana nexus.” According to the

report, “In most cases robbery of marijuana was a motive or the victim was killed during a marijuana narcotics transaction.” ²

Pot Deal Ends in Gunfire when Buyer Realizes they Bought Broccoli: Local Colorado drug dealers, Tercell Davis and Sababu Colbert-Evans, “accepted \$10,000 for a marijuana sale, but Davis substituted broccoli for the pot.” Both parties had already driven off when the buyers realized they had actually purchased broccoli instead of marijuana. The buyers noticed they had been duped and arranged another meeting with Davis using a different name. The next night they all met up again and “an argument broke out, and Colbert-Evans and Davis fired 11 shots at the fleeing would-be buyers. One was hit in the torso.” ³

Texas Trio Charged with Murder during Marijuana Robbery: Three individuals from Texas were charged with first-degree murder while attempting to rob David Gaytan in May 2017. The shooting that led to the death of David Gaytan occurred at a mobile home park in Lightner Creek, Colorado. District Attorney Christian Champagne, in a response to the shooting, stated,

Colorado voters have clearly stated they are in favor of legalized marijuana... which makes the state a target for people with nefarious intent from other states. It's a problem; I don't know where the solution is..., I think it's important that we send a message that we're taking it very seriously, and people who come from other states to commit crimes in our community are going to be dealt with very seriously, and that's how we're approaching it. ⁴

At Least Eleven Pot-Related Homicides Since Legalization: In response to the recent conviction of Shawn Geerdes, an owner of a shared marijuana grow who murdered his business partner, a local Colorado District Attorney indicated that there have been “at least eleven pot-related homicides since legalization.” District Attorney George Brauchler claimed that “since the passage of Amendment 64, jurisdictions across the state have noted significant violent crime related to marijuana cultivation and distribution.” In addition to homicide, he noted that there are additional crimes such as “robbery, burglary, and attempted-murder cases in our community also motivated by marijuana.” ⁵

Triple Homicide at Illegal Marijuana Grow: 24-year-old Garrett Coughlin was charged with six counts of first degree murder after being accused of killing 3 people in Boulder County. Police believed “the home was specifically targeted” by Coughlin on April 13, 2017. Witnesses told investigators they “saw Coughlin with large amounts of marijuana packaged in a manner consistent with the marijuana owned by the victims, as well as

large amounts of cash following the homicides.” Over 100 plants were found at the murder location.^{6, 7}

A Troubling Weakness in Colorado Marijuana Enforcement: Former Colorado Marijuana Enforcement Officer, Renee Rayton, was recently indicted due to her involvement in shipping millions of dollars worth of marijuana outside the state. Within weeks after leaving her state employment she was working for a shell company, Harmony & Green. “Harmony & Green...bought legal pot cultivation licenses and tricked investors into helping finance the scheme.” In addition to breaking state and federal law by shipping marijuana outside of Colorado, Rayton also breached a specific policy that prevents “former regulators from working in the industries they oversaw for six months.”

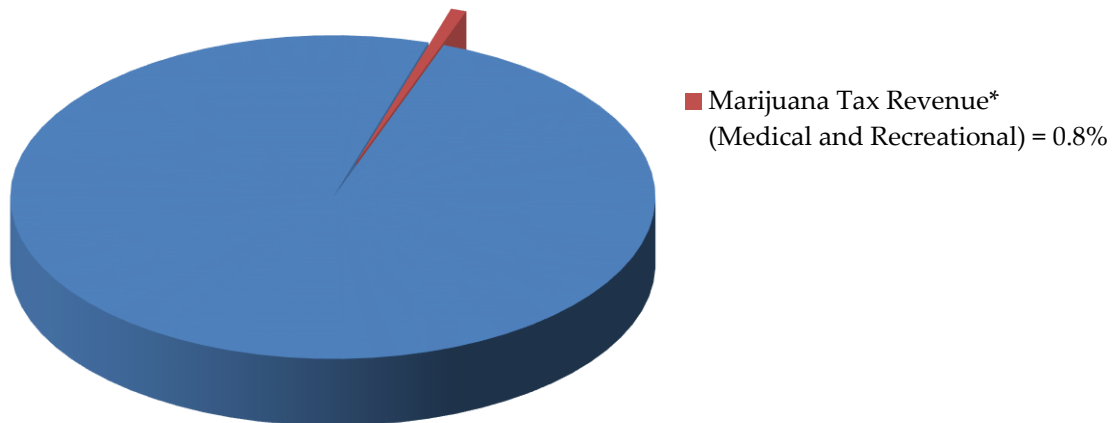
During her time with Harmony & Green, Rayton reportedly bragged about knowing someone at the Colorado Department of Revenue who would help the company “get legal.” According to investigators assigned to the case, it is doubtful that she was unaware of the “duplicitous practices that were lining her pocket,” given her vast regulatory field experience.

Although Colorado’s Enforcement Division was correct in asking the Colorado Bureau of Investigation to conduct an independent investigation, this example of an Enforcement Officer gone bad highlights the complexities and challenges involved in regulating recreational marijuana. This case made it pretty clear that the “Department of Revenue should launch a review of its enforcement division’s practices and ensure, through education and otherwise, that its regulators can be trusted.”⁸

County Official Arrested Over Illegal Pot Grow: According to investigators, Ted Archibeque, the elected Eagle County surveyor, and his brother Thomas Archibeque are “suspected of knowingly allowing the cultivation/manufacturing of marijuana” at an illegal grow. Local officials and the DEA served a warrant to a property owned by Ted Archibeque and found “28 growing plants and 65 pounds of processed marijuana” they also observed “what appeared like recent construction of multiple greenhouses and an airfield.” According to Kris Friel, an Eagle County spokeswoman, “Ted is still the county surveyor” because as an elected position “there is no provision for placing the surveyor on administrative suspension.”⁹

Revenue

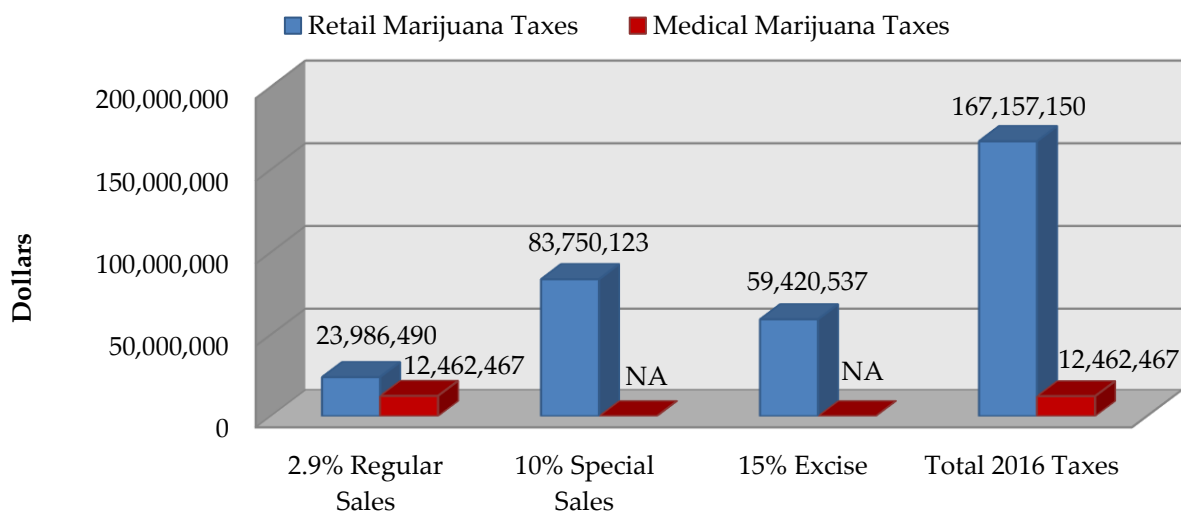
Colorado's Statewide Budget, Fiscal Year 2017



*Revenue from marijuana taxes as a portion of Colorado's total statewide budget

SOURCE: Governor's Office of State Planning and Budgeting

Total Revenue from Marijuana Taxes, Calendar Year 2016



SOURCE: Department of Revenue, Monthly Marijuana Taxes, Licenses and Fees Transfers and Distribution, 2016

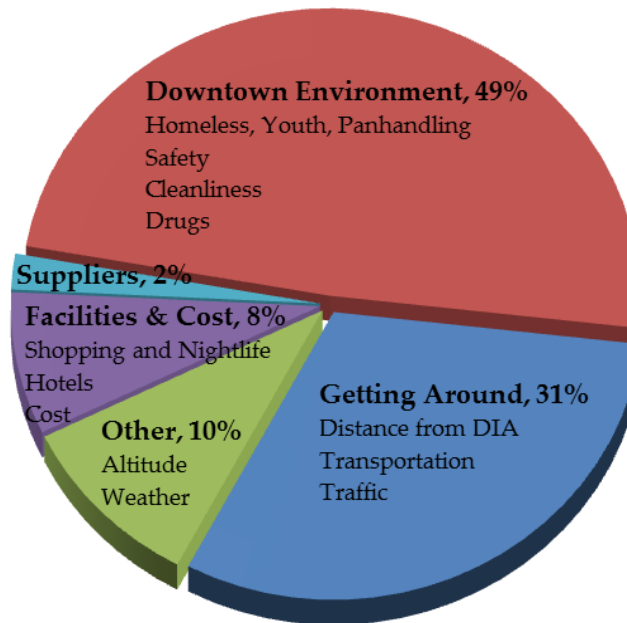
NOTE: FIGURES DO NOT INCLUDE ANY CITY TAXES; THE STATE DOES NOT ASSESS OR COLLECT THOSE TAXES.

Case Example

Falling Marijuana Prices Mean Trouble for States that Have Legalized: As more time elapses since marijuana legalization, prices for marijuana are expected to continue to drop. However, states like Colorado “that tax legal marijuana sales based solely on price” may begin to have budgetary issues. “The progression of marijuana prices over time in Colorado perfectly parallels the pattern in Washington after that state legalized: Prices briefly spiked due to initial supply shortages, but then began dropping as the marijuana industry matured and expanded. Wholesale prices in Colorado tumbled 24.5 percent over the past year to \$1,471 per pound.” While prices dropping may be good for consumers it may not be good for Colorado as “sinking prices translate automatically into sinking tax revenue per sale.” In order for Colorado to compensate for this reduction and ensure that tax revenue remains the same, it will need to “have substantially increased sales volume.” However, increasing consumption comes with its own risks “such as more auto accidents by drivers who are stoned, an increase in heavy cannabis users dropping out of school, and so on. If the state adopts measures to cut soaring consumption, it will by definition lose tax revenue, potentially making the recreational marijuana system unable to pay for its own regulatory costs.”¹⁰

Event Planners' Views of Denver

Negative Meeting Planner Perceptions, 2014



SOURCE: VISIT DENVER, *Impacts of the Downtown Environment on the Tourism Industry and Visitor Perceptions* report

VISIT DENVER is the marketing organization for the city and it measures, records and reports hundreds of data points, to include safety trends and feedback received from convention and leisure visitors. Based on data collected they came away with three key takeaways:

1. "The downtown environment is the #1 complaint from meeting planners, far surpassing any other categories. The severity of this issue has increased and as of 2014 nearly 50% of meeting planners negatively commented on homeless, youth, panhandling, safety, cleanliness, and drugs including public marijuana consumption."
2. "Denver ranks very high on walkability, affordability, facilities, and other factors. However, Denver as a 'safe city' ranks significantly lower according to interviews with key convention planners conducted by an independent third-party."
3. "Denver is losing visitors and valuable convention business as a result of these overall safety (or perception of safety) issues. Unfortunately, word is beginning to spread among meeting planners about the safety challenges Denver is facing."

As the market organization for the city, we fear not being able to brand Denver away from this growing reputation.”

Comments made by the Colorado Convention Center clients and visitors to Denver:

- “I’m sorry but I would never consider putting attendees in danger by holding a convention in your city. We are staying at Embassy Suites downtown on 16th, and last night witnessed a group of about 30 teenagers attack a man walking along 16th street. I am told this is not an unusual occurrence. The homeless situation is very sad, and public streets reek of weed. The Denver police should be more alert to large groups of minors congregating on city streets attacking tourists. My feedback from this meeting will be to never locate here again; I have felt much safer in downtown NYC, Philly, Seattle, and Chicago.”
- “I am a 5th generation Colorado native. I am downtown for a national convention and within 10 minutes of walking to the Convention Center I was so disheartened: I didn’t feel safe and it was 2:00 in the afternoon. I passed drunks, disheveled people, smelled weed being smoked in the open. It was disgusting and I thought so this is where the current government is taking us. I use [sic] to be so proud of Denver and Colorado; today I was heart sick and embarrassed, knowing I’d be apologizing to colleagues coming from other states that didn’t have sanctuary cities, legalized pot etc. Mayor Hancock, you need to rethink what you’re doing before the Denver that was beautiful and safe is gone.”
- “This client chose to contract with the Hyatt Regency San Antonio. I would like to share with you why Denver dropped off his list. This client does a lot of business in Denver and was disappointed to see, in his opinion, how things have changed in the city since marijuana was legalized. He says he sees lots of people walking around looking ‘out of it’ and does not want to expose his attendees to this. I hope you don’t mind the honestly [sic] but I wanted you to know exactly ‘why’.”
- “Greetings, we wanted to pass along some comments based on a national meeting we hosted for our industry in Denver in July [2015]. It was held with delegates arriving as early as July 11 and continued through July 15. This is a meeting of industry executives and business owners from around the entire country. The meeting was headquartered at the Sheraton downtown. The chairman commented, ‘We will most likely not return to Denver based on the current situation with all the street people.’ This was followed up by comments from the President who echoed these comments about a reluctance to return to Denver based on the condition of the City and the abundance of homeless people walking the mall and in and about the downtown area. The

attendees were also less than complementary with Denver and in particular the downtown area. Some of the comments received from attendee in survey after the conference were:

- 'Denver seems less safe now that pot is legalized.'
- 'Don't have a meeting in downtown Denver...what a depressing downtown area.'
- 'The neighborhood had way too many vagrants. I don't remember Denver being that bad.'
- 'Poor area, lots of crime as we sat outside on a patio on the 16th Street mall on Sunday evening having a beer, I turned my head to look at a television, when I turned back a street person was drinking my beer. I am sure this is not an image Denver wants portrayed around the country.'"

Homeless

How Recreational Weed is attracting People, but Spiking the State's Homeless Rate:

An article written in the summer of 2016 described the journey of a young man from a small town in Texas to the Southern Colorado town of Pueblo. In the first half of a two-part article, Devin Butts describes his journey to Colorado which was made largely due to the current recreational marijuana laws. "He'd come to Colorado...because he'd decided that cannabis would be the only indulgence he would keep as he tore himself away from all the other, far more dangerous substances and habits he was used to."

Devin is not alone in his journey to Colorado; in fact, there are many others that have followed a similar fate and ended up in one of Colorado's overcrowded homeless shelters while trying to make a new future.

At Denver's St. Francis Center day shelter, executive director Tom Luehrs said a survey conducted by a grad student last year found that between 17 and 20 percent of the 350 or so new people the center was seeing each month said they'd come to the area in part because of medical marijuana. If anything, said Luehrs and his colleagues, that figure is low. At the nearby Salvation Army Crossroads Shelter, an informal survey of 500 newcomers in the summer of 2014 determined that nearly 30 percent were there because of cannabis.¹¹

Marijuana Legalization: Pot Brings Poor People to Colorado, but What's Being Done To Help Them?:

In the second part of a summer 2016 article written to describe the journey of a young man to Colorado, Devin Butts describes his newfound perspective. Devin, along with hundreds of other individuals who relocated to Colorado in pursuit of marijuana-related opportunities, found that the journey isn't quite what he was hoping for – especially with regards to finding employment.

The vice president of communications and public policy for the Colorado Coalition for the Homeless spoke about hourly wage requirements to live in Denver, which is bad news for marijuana migrants looking for work. According to Cathy Alderman, “Workers need to make at least \$19 an hour to afford housing in the Denver area. But marijuana trimmers usually start at around \$10 an hour, and budtenders working in the dispensaries often don't make much more than that.” This news, along with the fact that Colorado's housing market has been skyrocketing, seems to indicate significant challenges for those hoping to move to Colorado in pursuit of greater futures.

Relatedly, an unexpected consequence of the legalization of recreational marijuana is the surge in the homeless population in many Colorado cities. Recently, the city of Aurora pledged \$4.5 million in cannabis revenue to homeless programs – certainly an unforeseen cost. Although this might seem to be a step in the right direction in order to help those in need, it might also signal a trend in government spending and population dependency at least partially brought-on by the legalization of recreational marijuana.¹²

Denver on 'breaking point' with homeless population: A Salvation Army Captain recently spoke with reporters about the growing homeless population. Captain Eric Wilkerson said that the cause is most likely what many Denver citizens suspect, the cause is marijuana. “People are coming here from out of state to smoke weed,” a trend that hasn't gone unnoticed by many of Colorado's residents.

Additionally, “The city of Denver is not denying legal marijuana has resulted in an increase in homelessness.” In an email from a local social services employee, it was said that “While there isn't a formal study on the issue, many service providers for those experiencing homelessness tell us, anecdotally, that 20 (percent) to 30 percent of people they encounter who are moving to Colorado tell them that they are moving here, in part, because of legalized marijuana or to try to find work in the industry.”

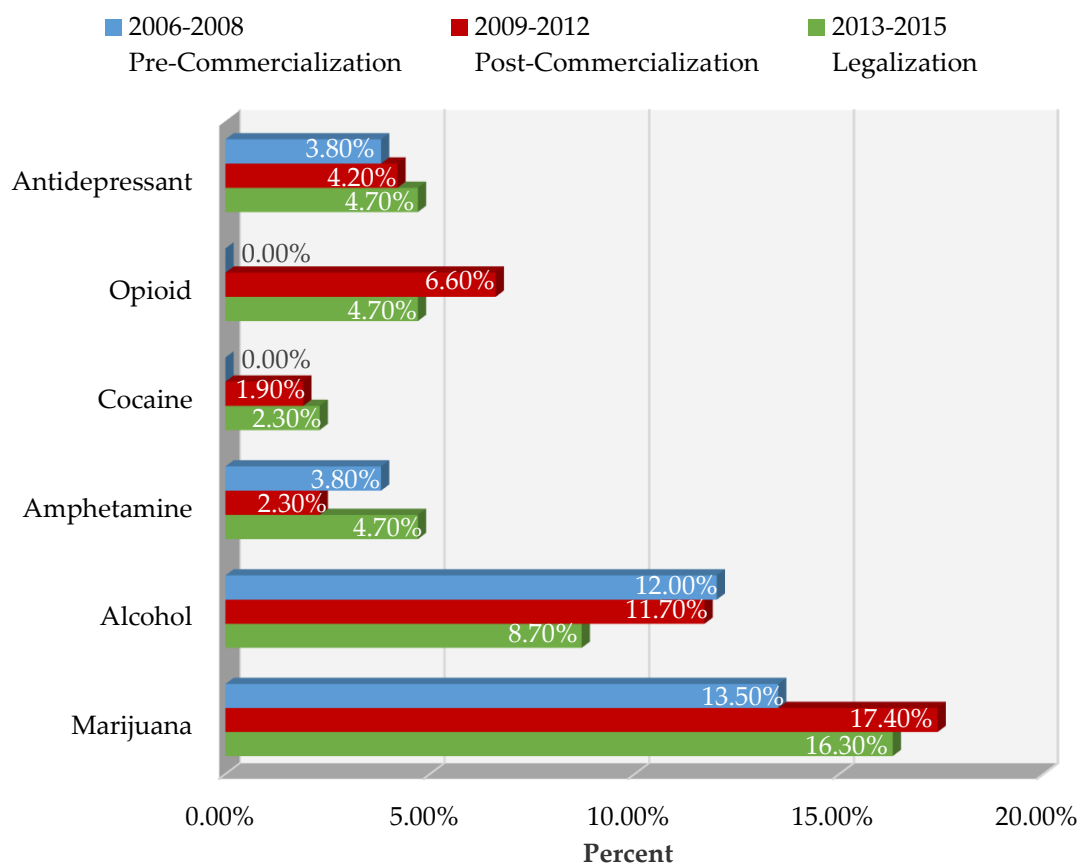
Although the city of Denver has pledged large sums of money to those in need of affordable housing, a local branding and marketing expert expressed her concern that we get ahead of this growing trend as the last thing she wants is for her city to have the perception of a “homeless problem.”¹³

Legalized Marijuana Turns Colorado Resort Town into Homeless Magnet: Several people holding cardboard signs can be seen lining the sidewalks and streets of Durango, CO. Durango is a picturesque, upscale community where many businesses

rely on tourism. The city has recently become overrun with transients and panhandlers, many of them people between the ages of 20-30. One resident and business owner mentioned “most of the kids here are from out of state, and I would say it has a lot to do with the legalized pot.” The small city has also experienced an increase in crime, placing its property crime rate 12 percent higher than the national average.¹⁴

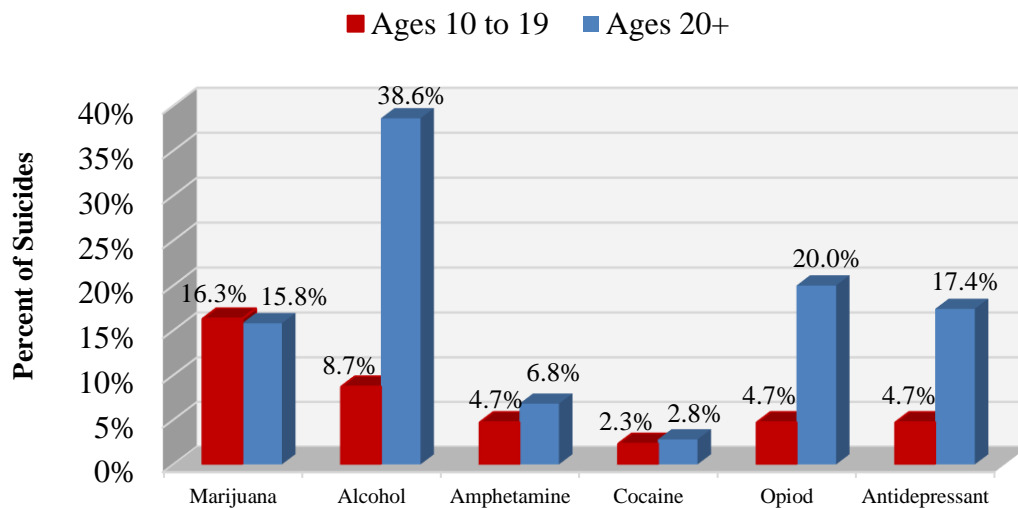
Suicide Data

Average Toxicology of Suicides Among Adolescents Ages 10 to 19 Years Old (With Known Toxicology)



SOURCE: Colorado Department of Public Health and Environment (CDPHE), Colorado Violent Death Reporting System

Average Toxicology Results by Age Group, 2013-2015

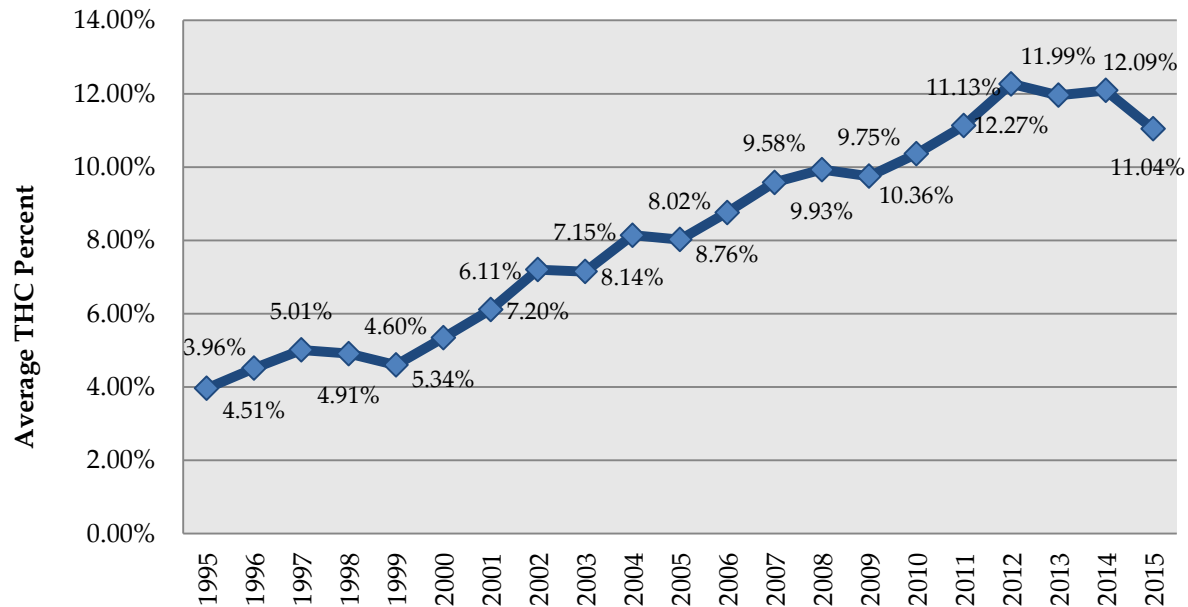


SOURCE: Colorado Department of Public Health and Environment (CDPHE), Colorado Violent Death Reporting System

- ❖ Marijuana is the only substance where youth, ages 10 to 19, have a higher percentage than adults, ages 20 and older.

THC Potency

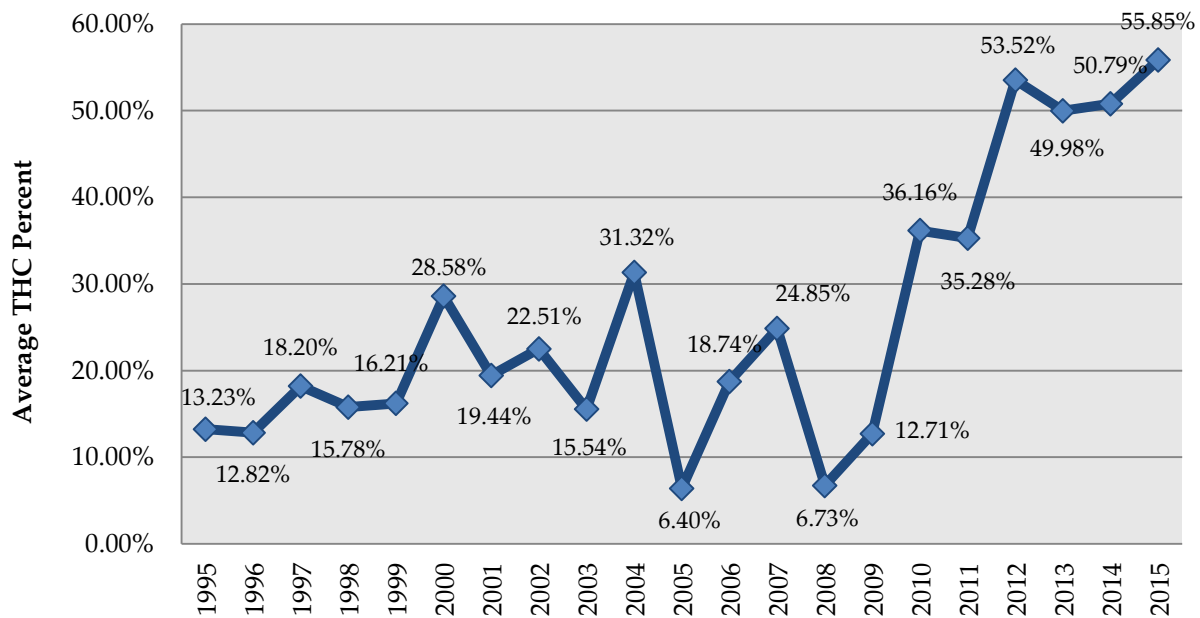
National Average THC Potency Submitted Cannabis Samples



SOURCE: Potency Monitoring Program, Quarterly Report Number 135, National Center for Natural Products Research (NCNPR) at the University of Mississippi, under contract with the National Institute on Drug Abuse.

❖ The average potency for buds/flower in Colorado is 17.1 percent.¹⁵

National Average THC Potency Submitted Hash Oil Samples



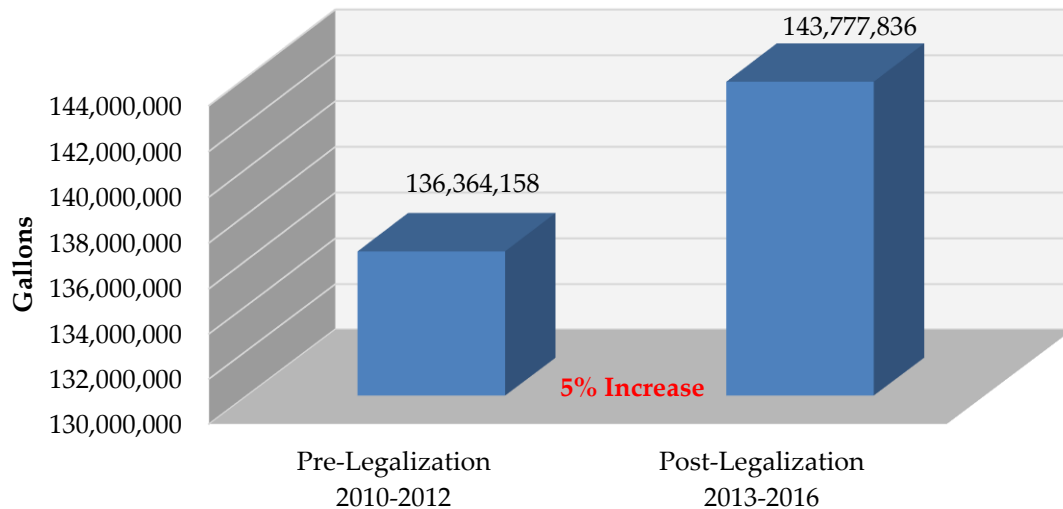
SOURCE: Potency Monitoring Program, Quarterly Report Number 135, National Center for Natural Products Research (NCNPR) at the University of Mississippi, under contract with the National Institute on Drug Abuse.

❖ The average potency for concentrates in Colorado is 62.1 percent.¹⁵

Alcohol Consumption

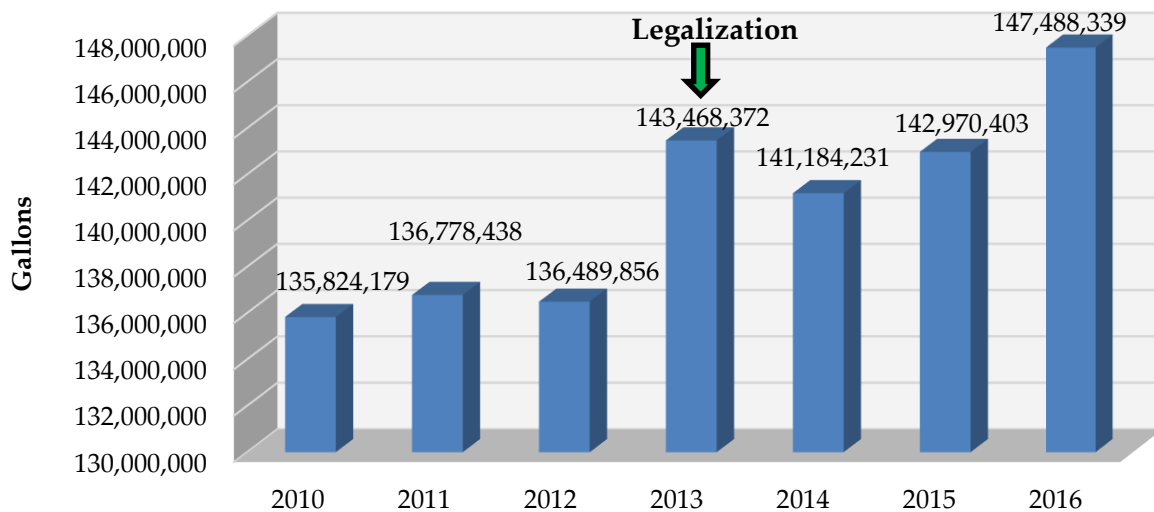
- ❖ It has been suggested that legalizing marijuana would reduce alcohol consumption. Thus far that theory is not supported by the data.

Colorado Average Consumption of Alcohol



SOURCE: Colorado Department of Revenue, Colorado Liquor Excise Tax

Colorado Consumption of Alcohol



SOURCE: Colorado Department of Revenue, Colorado Liquor Excise Tax

Medical Marijuana Registry ¹⁶

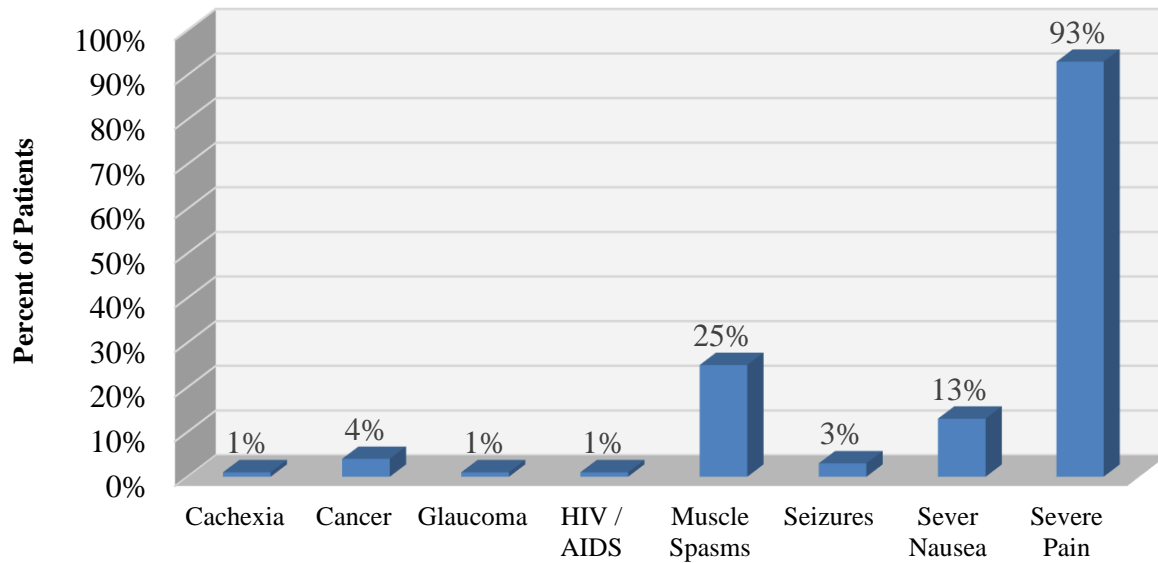
Medical Marijuana Registry Identification Cards

- December 31, 2009 – 41,039
- December 31, 2010 – 116,198
- December 31, 2011 – 82,089
- December 31, 2012 – 108,526
- December 31, 2013 – 110,979
- December 31, 2014 – 115,467
- December 31, 2015 – 107,534
- December 31, 2016 – 94,577

Profile of Colorado Medical Marijuana Cardholders:

- Age of cardholder
 - 63 percent male, with an average age of 43 years
 - 0.3 percent between the ages of 0 and 17
 - 46 percent between the ages of 18 and 40
 - 21 percent between the ages of 21 and 30
- Reporting medical condition of cardholder
 - 93 percent report severe pain as the medical condition
 - 6 percent collectively report cancer, glaucoma and HIV/AIDS
 - 3 percent report seizures

Percent of Medical Marijuana Patients Based on Reporting Conditions, 2016



SOURCE: Colorado Department of Public Health and Environment, Medical Marijuana Statistics

NOTE: TOTAL DOES NOT EQUAL 100 PERCENT AS SOME PATIENTS REPORT USING MEDICAL MARIJUANA FOR MORE THAN ONE DEBILITATING MEDICAL CONDITION.

Colorado Licensed Marijuana Businesses as of August 1st, 2017 ¹⁷

Medical Marijuana:

- 759 marijuana cultivation facilities
- 507 medical marijuana centers (dispensaries)
- 255 infused products (edibles) businesses
- 14 testing facilities

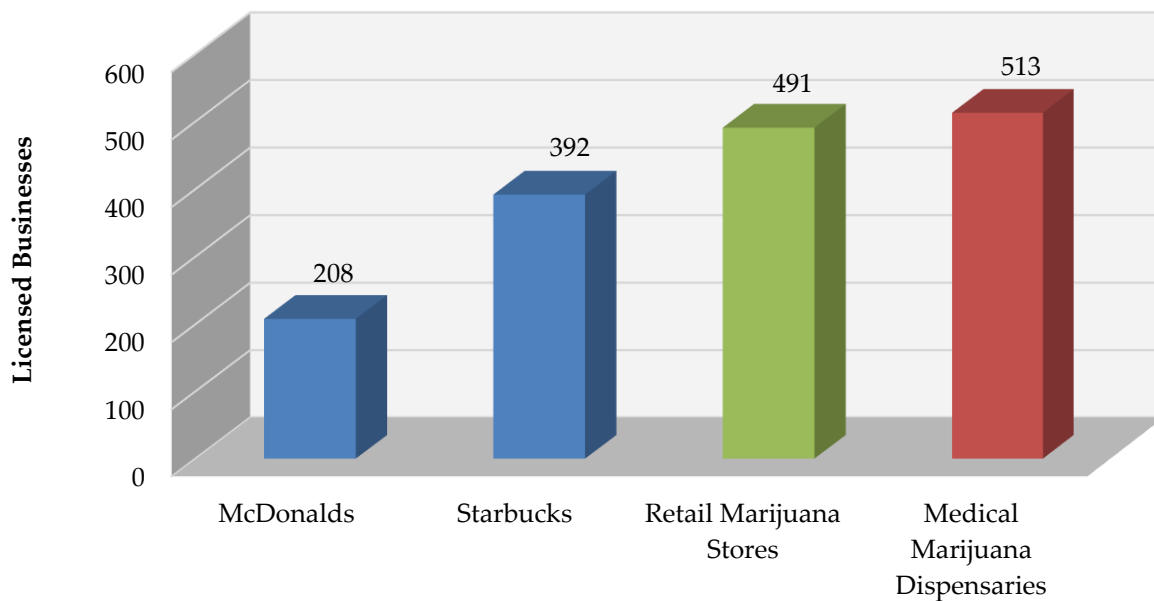
Recreational Marijuana:

- 701 marijuana cultivation facilities
- 498 marijuana retail stores
- 273 infused product (edibles) businesses
- 13 testing facilities

Business Comparisons, June 2017

- ❖ Figures for business comparisons were all acquired by June of 2017 for comparable data.

Colorado Business Comparisons, June 2017



SOURCE: Colorado Department of Revenue; Starbucks Coffee Company, Corporate Office Headquarters; McDonalds Corporation, Corporate Office Headquarters

Demand and Market Size ¹⁸

The Colorado Department of Revenue published a report in July 2014 called, “Market Size and Demand for Marijuana in Colorado.” A follow-up to this report showed data for 2015. Some of the information included:

Demand

- In 2015, the established demand for marijuana by Colorado residents 21 years and older is **134.7 metric tons (296,962.67 pounds)** of marijuana.
- In 2015, the estimated demand for marijuana by out-of-state visitors 21 years and older is **14.0 metric tons (30,864.7 pounds)**.

Market Size

- There are an estimated 569,000 Colorado adult regular marijuana users (at least once per month).
- Heavy users who consume marijuana nearly daily make up less than **25 percent** of the user population but account for **76.4 percent** of the demand for marijuana.

Marijuana Enforcement Division Reported Sales of Marijuana in Colorado ^{19, 20}

In 2015:

- 144,537 pounds of medical marijuana flower
- 106,932 pounds of recreational marijuana flower
- 2,261,875 units of medical edible products
- 5,280,297 units of recreational edible products

In 2016:

- 159,998 pounds of medical marijuana flower
- 175,642 pounds of recreational marijuana flower
- 2,117,838 units of medical edible products
- 7,250,936 units of recreational edible products

- ❖ **A single ounce of marijuana, depending on the solvent type and production method, can produce “between 347 and 413 edibles of 10 mg [THC] strength.”¹⁵**

2017 Price of Marijuana

Marijuana prices as of July 2017 are based off a compilation of medical and recreational prices from local dispensaries and averaged:

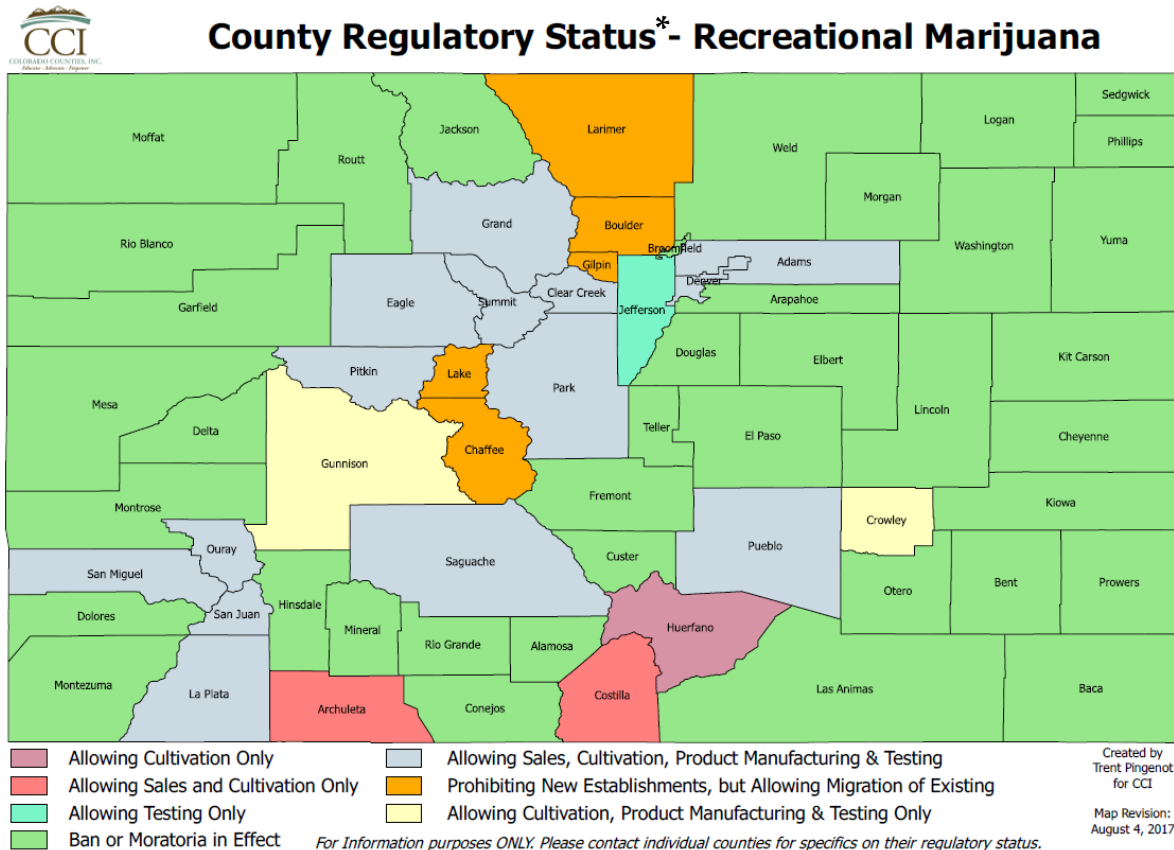
Area	Gram	Ounce
State Average	\$11.00	\$191.00
Denver	\$11.00	\$159.00
Boulder	\$13.00	\$213.00
Fort Collins	\$11.00	\$235.00
Colorado Springs*	\$8.00	\$157.00

*Colorado Springs does not allow selling of recreational marijuana within city limits.

SOURCE: “Colorado marijuana prices for July 2017,” Marijuanarates.com, Accessed August 29, 2017

Local Response to Medical and Recreational Marijuana in Colorado

Recreational Marijuana Business and Local Jurisdiction Response: 21, 22



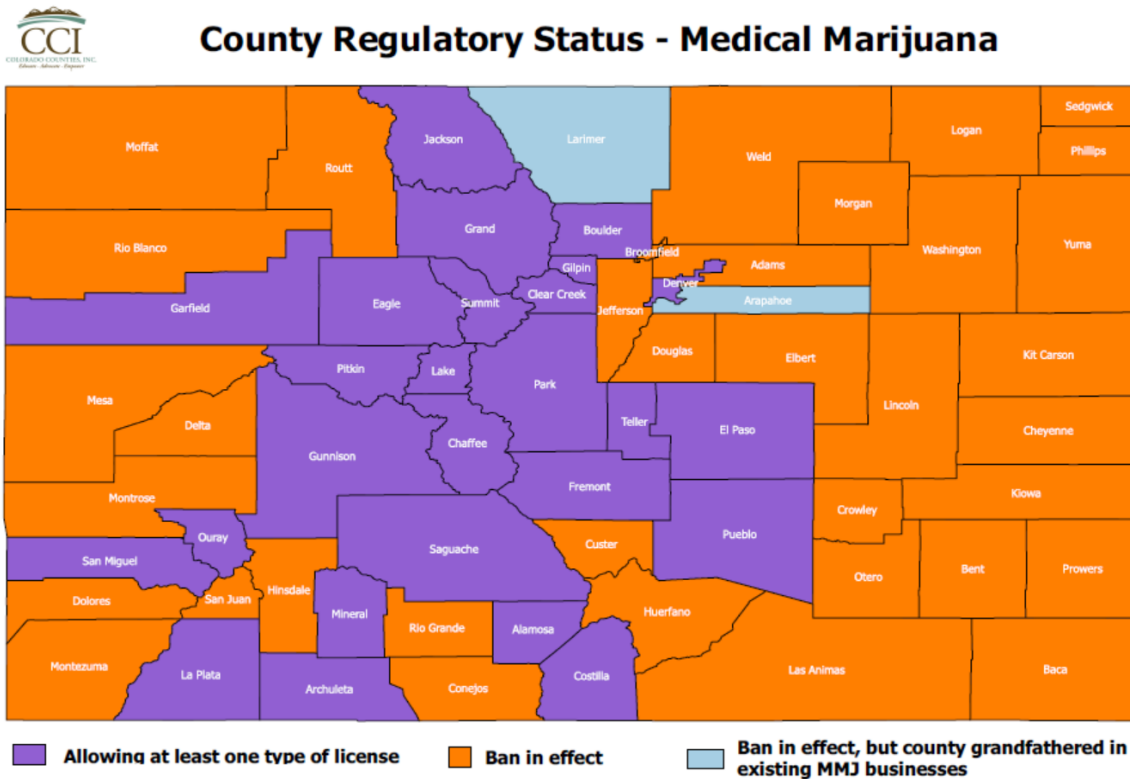
SOURCE: Colorado Counties, Inc.; as of August 4th, 2017

***NOTE: THIS MAP SHOWS THE REGULATORY STATUSES OF UNINCORPORATED AREAS WITHIN EACH COUNTY. MUNICIPALITIES WITHIN EACH COUNTY SET POLICY WITHIN THEIR BOUNDARIES.**

- 64 counties*
 - 61 percent have prohibited or have a moratorium (39)
 - 39 percent have allowed (25)

* Broomfield and Denver are both a city and county but included only once in county data.

- 243 municipalities (cities and incorporated areas) have taken action on the issue
 - 72 percent have prohibited (167) or have a moratorium (8)
 - 28 percent have allowed (68)

Medical Marijuana Business and Local Jurisdiction Response:^{21, 22}

SOURCE: Colorado Counties, Inc.; as of July 31, 2017

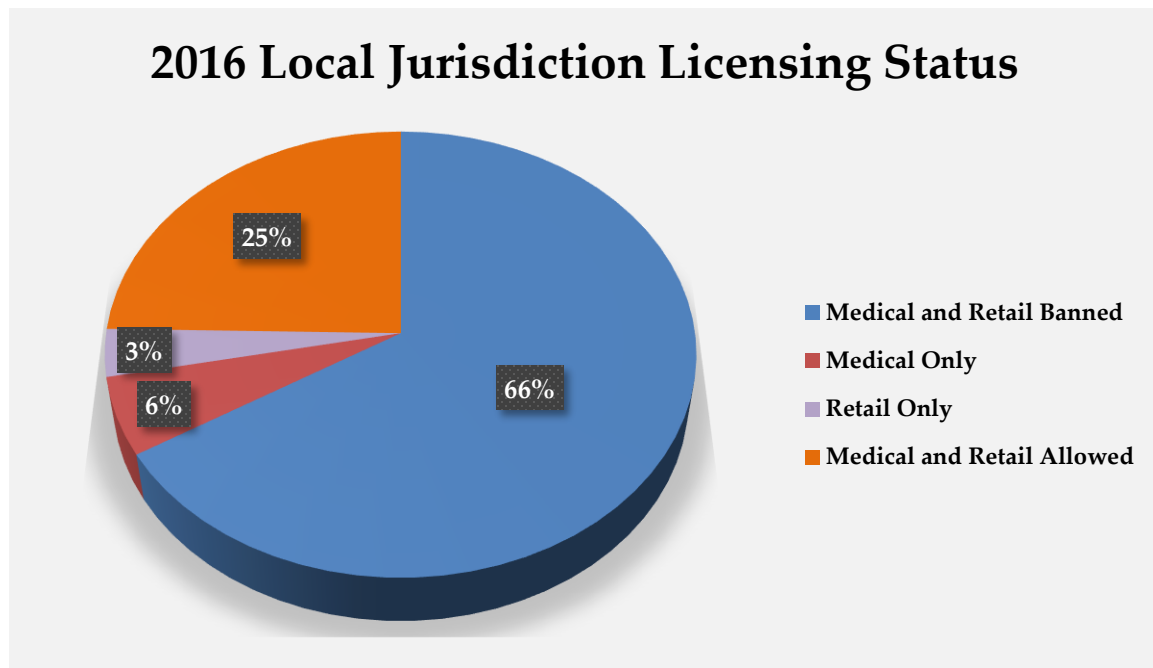
***NOTE: THIS MAP SHOWS THE REGULATORY STATUSES OF UNINCORPORATED AREAS WITHIN EACH COUNTY. MUNICIPALITIES WITHIN EACH COUNTY SET POLICY WITHIN THEIR BOUNDARIES.**

- 64 counties*
 - 59 percent have prohibited or have a ban on new businesses (38)
 - 41 percent have allowed (26)

* Broomfield and Denver are both a city and county but included only once in county data.

- 177 municipalities have taken action on the issue
 - 65 percent have prohibited (115)
 - 35 percent have allowed (62)

Local Jurisdictions Reporting Marijuana Licensing Status as of December 31, 2016 ²⁰	
Medical and Retail Marijuana Banned	212
Medical Marijuana Licenses Only	18
Retail Marijuana Licenses Only	11
Medical and Retail Marijuana Licenses	79



SOURCE: Marijuana Enforcement Division, 2016 Annual Update

For Further Related Data See Page 158

Sources:

¹ Colorado Springs, Colo. (KKTv), "Black market marijuana bust leaves bruises on Colorado's marijuana industry," July 25, 2017, <<http://www.kktv.com/content/news/Black-market-marijuana-bust-leaves-bruises-on-Colorados-marijuana-industry-436622893.html>>, accessed July 31, 2017.

² Blair Miller, "Colorado Springs Police: 18 Percent of Homicides Since 2015 Have 'Marijuana Nexus'; No State Data." *Denver Channel*, March 15th, 2017, <<http://www.thedenverchannel.com/news/local-news/colorado-springs-police-18-percent-of-homicides-since-2015-have-marijuana-nexus-no-state-data>>, accessed August 29th, 2017.

³ Kieran Nicholson, "Bogus pot deal, involving broccoli, and gunfire at Aurora mall gets man 16 years in prison," *Denver Post*, <<http://www.denverpost.com/2017/07/25/aurora-marijuana-deal-broccoli-town-center-gunfire-sentenced/>>, accessed September 12th, 2017.

⁴ Shane Benjamin, "Texas trio charged with first-degree murder in Lightner Creek shooting," *Durango Herald*, <<https://durangoherald.com/articles/164814-texas-trio-charged-with-first-degree-murder-in-lightner-creek-shooting>>, accessed September 12th, 2017.

⁵ George Brauchler, "At Least Eleven Pot-Related Homicides Since Legalization, DA Says," *Westword*, <<http://www.westword.com/news/marijuana-related-homicides-in-colorado-since-legalization-9345285>>, accessed September 12th, 2017.

⁶ Mitchel Byars, "Suspect in Coal Creek Canyon Triple Homicide To Appear in Court Thursday," *Daily Camera*, <http://www.dailycamera.com/boulder-county-news/ci_30994865/suspect-coal-creek-canyon-triple-homicide-appear-court?source=pkg>, accessed September 11, 2017.

⁷ Mitchel Byars, "Garrett Coughlin Charged With 6 Murder Counts in Coal Creek Canyon Killings," *Daily Camera*, <http://www.dailycamera.com/boulder-county-news/ci_30996366/suspect-coal-creek-canyon-triple-homicide-charged-six?source=pkg>, accessed September 11, 2017.

⁸ The Denver Post Editorial Board, "A troubling weakness in Colorado Marijuana enforcement," June 16, 2017, *The Cannabist*,

<<http://www.thecannabist.co/2017/06/16/colorado-marijuana-enforcement-indictment-wakeup-call/82104/>>, accessed September 21, 2017.

⁹ Jesse Paul, “Eagle County official and his brother arrested in connection with illegal marijuana grow,” *The Denver Post*, December 8, 2016, <<http://www.denverpost.com/2016/12/08/eagle-county-official-brother-arrested-illegal-marijuana-grow/>>, accessed September 22, 2017.

¹⁰ Keith Humphreys, “Falling marijuana prices mean trouble for states that have legalized,” *The Washington Post*, January 18th, 2017, <<http://www.thecannabist.co/2017/01/18/marijuana-price-drops-state-revenue/71657/>>, accessed August 3rd, 2017.

¹¹ Joel Warner, “Marijuana Legalization in Colorado: How Recreational Weed Is Attracting People, But Spiking The State’s Homeless Rate {PART ONE},” *International Business Times*, June 20, 2016, <<http://www.ibtimes.com/marijuana-legalization-colorado-how-recreational-weed-attracting-people-spiking-2374204>>, accessed October 9, 2016.

¹² Joel Warner, “Marijuana Legalization: Pot Brings Poor People To Colorado, But What’s Being Done To Help Them? {PART TWO},” *International Business Times*, June 21, 2016, <<http://www.ibtimes.com/marijuana-legalization-pot-brings-poor-people-colorado-whats-being-done-help-them-2378769>>, accessed October 9, 2016.

¹³ Joe St. George, “Salvation Army: Denver on ‘breaking point’ with homeless population, Fox31 Denver, July 7, 2016, <<http://kdvr.com/2016/07/07/salvation-army-denver-on-breaking-point-with-homeless-population/>>, accessed October 9, 2016.

¹⁴ Joseph J. Kolb, “Legalized marijuana turns Colorado resort town into homeless magnet,” FoxNews.com, May 17, 2017, <<http://www.foxnews.com/us/2017/05/17/legalized-marijuana-turns-colorado-resort-town-into-homeless-magnet.html>>, accessed May 17, 2017.

¹⁵ Marijuana Policy Group, “Marijuana Equivalency in Portion and Dosage (as of August 10th, 2015),” <https://www.colorado.gov/pacific/sites/default/files/MED%20Equivalency_Final%2008102015.pdf>, accessed May 12th, 2017.

¹⁶ Colorado Department of Public Health and Environment, “Medical Marijuana Registry Program Update (as of December 31st, 2016),”

<https://www.colorado.gov/pacific/sites/default/files/CHED_MMR_Report_December_2016.pdf> accessed May 12th, 2017.

¹⁷ Colorado Department of Revenue, "Licensees – Marijuana Enforcement Division (As of August 1st, 2017)," <<https://www.colorado.gov/pacific/enforcement/licensees-marijuana-enforcement-division>>, accessed August 31, 2017.

¹⁸ Marijuana Policy Group, "The Economic Impact of Marijuana Legalization in Colorado," Marijuana Enforcement Division, received August 1, 2017.

¹⁹ Marijuana Enforcement Division, "MED 2015 Annual Update," Colorado Department of Revenue, September 26, 2016.

²⁰ Marijuana Enforcement Division, "MED 2016 Annual Update," Colorado Department of Revenue, August 2, 2017.

²¹ Colorado Municipal League, "Municipal Retail Marijuana Status," <<http://www.cml.org/rmj-action-visual/>>, accessed 8/29/2017>.

²² Colorado Counties Inc., <ccionline.org>, August 28, 2017.

THIS PAGE INTENTIONALLY LEFT BLANK

SECTION 10: Reference Materials

Reports and Articles

Impaired Driving

Higher Levels of THC: In Colorado, the legal limit of THC in a driver's blood is 5ng/mL. However, according to the *Denver Post*, "THC levels in drivers killed in crashes in 2016 routinely reached levels of more than 30 ng/mL... [t]he year before, levels only occasionally topped 5 ng/mL." This trend has coroners concerned because some are "uncertain about listing the presence of THC on a death certificate because of doubts on what constitutes impairment." Police Chief Jackson of Greenwood Village, CO attributes the rise in THC levels of drivers to the rise in THC potency in marijuana oils and concentrates. He states, "This is not your grandfather's weed." ¹

Cannabis-Impaired Driving is a Public Health and Safety Concern: According to a 2015 study which aimed to examine some of the issues surrounding cannabis impaired driving, "The percentage of weekend nighttime drivers with measureable Δ^9 -tetrahydrocannabinol (THC) in blood or oral fluid increased to 12.6%, a 48% increase since 2007." With the recent recreational legalization of marijuana in multiple states, this is likely a national trend we will see continue in the years to come. ²

Controlled Cannabis Vaporizer Administration with and without Alcohol: Researchers behind a 2015 study examined the vaporization of cannabis both with and without blood alcohol present in the systems of thirty-two regular cannabis smokers. As noted in the *Clinical Chemistry* article, smoking is the most common administration route of cannabis but the use of vaporization is increasing rapidly. The conclusions section of the study stated that the significantly higher blood THC concentration values in combination with blood alcohol "possibly explain[s] increased impairment observed from cannabis-alcohol combinations." The conclusions of this study further underscore the complexities and issues that need to be closely examined, especially when considering drugged driving legislation. ³

Correlates of Marijuana Drugged Driving and Openness to Driving While High:

A 2015 study funded and independently conducted by RTI International, a nonprofit research and technical services organization, examined 865 Colorado and Washington residents who self-reported using marijuana in the past 30 days. Two behaviors were looked at among the group of study participants; any instances of driving while high in the last year, and driving within 1 hour of using marijuana 5 or more times in the past month.

Researchers found that the “Prevalence of past-year driving while under the influence of marijuana was 43.6% among respondents.” Additionally, “The prevalence of driving within 1 hour of using marijuana at least 5 times in the past month was 23.9%.”

Furthermore, it was concluded that “Interventions for reducing the incidence of marijuana DUI are likely to be more successful by targeting safety perceptions related to marijuana DUI rather than knowledge of DUI laws.” ⁴

A 2-Year Study of THC Concentrations in Drivers: A recent study aimed to examine police and Drug Recognition Expert (DRE) evaluations with regards to driving under the influence of marijuana. Researchers hoped to determine whether or not a correlation exists between whole-blood THC concentrations and field sobriety test performance.

“As suspected, the findings of this study did not find a correlation between performance on field sobriety tests and the concentration of THC tested in whole-blood samples.” This information further adds to the discussion around marijuana use and permissible driving limits. Much more research is needed in order to come up with appropriate marijuana driving laws/legislation throughout the country.

Furthermore, the researchers concluded that, “The driving behaviors seen in THC-impaired drivers are similar to those seen in alcohol-impaired drivers.” Contrary to anecdotal accounts of “high” drivers being slow and cautious drivers, the most often observed driving behaviors of study participants included speeding, the inability to maintain lane position, and running red lights or stop signs. ⁵

57 Percent of Marijuana Users in Colorado Admit Driving within 2 Hours: A survey conducted by the Colorado Department of Transportation discovered that 57 percent of people who reported using marijuana drove within two hours after consumption. The survey also indicated that, on average, those participants who reported consuming marijuana and then driving within 2 hours did so on 11.7 of 30 days. By comparison, 38 percent of respondents who drank alcoholic beverages reported driving within 2 hours after consumption and only reported doing so on 2.8 of 30 days. ⁶

DRE Examination Characteristics of Cannabis Impairment: The frequently-debated 5ng/mL blood THC *per se* cutoff has been the source of much controversy since

legalized marijuana has hit the scene. In 2016, a study of Drug Recognition Expert (DRE) characteristics of cannabis impairment further highlighted the “limited relevance” of the 5ug/L cutoff. “Combined observations on psychophysical and eye exams produced the best cannabis-impairment indicators.” Additionally, “No significant differences were detected between cases with blood THC >5ng/mL versus ≤5ng/mL.” More specifically the finger-to-nose test was seen as the best indicator of cannabis impairment, with the values of sensitivity, specificity, predictive value and efficiency being considered.⁷

Smoked Cannabis Psychomotor and Neurocognitive Effects in Occasional and Frequent Smokers:

A group of researchers interested in examining the severity of psychomotor performance, cognition, and driving ability differences among frequent and occasional users of cannabis found substantial differences among the frequent users and the occasional users. During the study, “fourteen frequent (equal or greater than 4x/week) and 11 occasional (less than 2x/week) cannabis smokers entered a secure research unit approximately 19 hours prior to smoking one 6.8% THC cigarette.” Cognitive and psychomotor performance was measured in a variety of ways at certain intervals of time both prior to and after the drug use.

Researchers concluded that there are “significant differences between occasional and frequent cannabis smokers in psychomotor, subjective and physiological effects following cannabis smoking, with weaker effects in frequent smokers suggesting tolerance development. Impairment domains included those that play a key role in driver’s ability to accurately control a car or to react to events on the road.”⁸

Time Profile of Serum THC Levels in Occasional and Chronic Marijuana

Users after Acute Drug Use: Although it is commonly accepted that cannabis consumption has the ability to influence cognitive and psychomotor functions, the rules on how to assess the ability to drive while under the influence of cannabis are not very clear. “The psychoactive compound delta-9-tetrahydrocannabinol (THC) impairs cognition, psychomotor behavior and driving performance in a dose-related manner approximately.” After researching the time profile related to cannabis consumption and the related physiologic affects (through observation of human volunteers), it is apparent that there is “great individual variability of the kinetic profile of THC in blood...” The research article goes on to describe that “Low blood concentrations of THC close to the limit of detection... are justified in an effective traffic legislation.”⁹

Effect of Blood Collection Time: Drug testing is a highly scrutinized topic when it comes to marijuana use and the operation of motor vehicles. This topic has been made even more controversial as several states have legalized marijuana for medical and/or

recreational use. Therefore, a group of researchers examined the impact of blood collection time on toxicological evaluation for THC.

Researchers found that blood THC concentrations at the time of driving cannot be reliably determined due to individual variances.¹⁰

Drivers Killed in Crashes More Likely to be on Drugs than Alcohol: A recent study using data available from 2015 indicates that “[d]rivers who are killed in car crashes are now more likely to be on drugs than alcohol.” Drugs were present in 43 percent of drivers in fatal accidents compared to 37 percent with alcohol above the legal limit. Additionally, 36 percent of the drivers tested had marijuana present in their system at the time of the accident. In general, traffic fatalities are rising and can be attributed to factors such as improved economy, more distracted drivers, and more drugged drivers.¹¹

Drug-impaired Driving: In this report, Dr. James Hedlund, under contract with the Governors Highway Safety Association (GHSA), described “the current state of knowledge on drug-impaired driving, including what little is known about the costs and effectiveness of these actions, and identifies actions states can take to reduce drug-impaired driving.” The report cites a variety of sources, including the Fatality Analysis and Reporting System (FARS) and various roadside surveys conducted in multiple states. Through these data sources, Dr. Hedlund determined “marijuana is by far the most common drug that is used.” He also described that while drug-impaired driving is more complex than alcohol-impaired driving, “43% of fatally-injured drivers with known test results tested positive for drugs or marijuana in 2015, more than tested positive for alcohol”. The report pointed out additional differences between alcohol-impaired driving and drug-impaired driving and made recommendations for states to enact education programs, legislation, and officer training programs.¹²

Youth Marijuana Use

Marijuana Use up among Teens since Legalized in Colorado, Washington:

Researchers at the University of California Davis and Columbia University Mailman School of Public Health conducted a study involving teens' perception of marijuana use before and after recreational marijuana was legalized in their state. The study, which used nation-wide data of nearly 254,000 students who participated in the Monitoring the Future survey, showed that legalization of recreational marijuana significantly reduced perceptions of marijuana's harmfulness by 14 percent in 8th graders and 16 percent in 10th graders in Washington state but not in Colorado. Researchers attribute the lack of change in perception in Colorado to the state's robust medical marijuana industry that was established prior to recreational legalization. Youth were exposed to substantial advertising from the medical marijuana industry and therefore Colorado has had lower rates of perceived harmfulness and higher rates of use compared to Washington state and other states. The researchers recommend that states considering legalizing recreational marijuana should also consider investing in substance abuse prevention programs for adolescents.¹³

Pot Smoking Common among Pregnant Teens: A recent national survey given to approximately 14,400 pregnant women aged 12-44, found "more than twice as many pregnant 12- to 17-year-olds use marijuana as their non-pregnant peers." This constituted 14% of the surveyed mothers-to-be. Teen pregnancies are already "associated with smaller babies," but there may be other risks to a pregnancy caused by marijuana use. According to Dr. Judy Chang, associate professor of obstetrics, gynecology and reproductive sciences at the University of Pittsburgh, "some of the studies that do exist suggest that there are risks to the pregnancy from pot use." Some of those risks may include "scrawnier babies, kids who have some problems with their thinking and learning abilities, [and] kids who find it harder to do more complicated brain tasks when they are teenagers." Additional evidence may suggest that "there could be a risk of causing brain damage in a developing baby," and that the tetrahydrocannabinol (THC) "may also influence neural development and brain maturation," which could lead to a "long-term risk for addiction."¹⁴

Unintentional Pediatric Exposures to Marijuana in Colorado, 2009-2015: Colorado researchers examined the effects of the legalization of marijuana on youth in Colorado by analyzing data regarding pediatric marijuana exposures. Specifically, researchers set out to compare the incidence of pediatric marijuana exposures before and after recreational marijuana legalization. Additionally, this study compared Colorado data with nationwide data.

It was found that cases for pediatric marijuana exposure increased significantly and at a higher rate than the rest of the United States. “Almost half of the patients seen in the children’s hospital in the 2 years after legalization had exposures from recreational marijuana, suggesting that legalization did affect the incidence of exposures.”¹⁵

Pediatricians Warn against Use of Pot: A report released in 2017 from the American Academy of Pediatrics describes why many doctors are now “beefing up warnings about marijuana’s potential harms for teens amid increasingly lax laws and attitudes on pot use.” This report states that the group “opposes medical and recreational marijuana use for kids.” A youth’s brain continues to develop through their early 20s, so “the potential short-term and long-term effects of a mind-altering drug” are of great concern. Some of these effects may even be permanent. This is particularly true for frequent users who begin at an early age. “Teens who use marijuana at least 10 times a month develop changes in brain regions affecting memory and the ability to plan” as well as lowered IQ scores in some cases. Also some studies have shown that “starting marijuana use at a young age is more likely to lead to addiction than starting in adulthood.” These doctors stress that messaging is particularly important because according to government data “kids 12-17 increasingly think marijuana use is not harmful.”¹⁶

Adult Marijuana Use

Study Finds Increase in Illicit Pot Use, Abuse in States that Allow Medical Marijuana: “In a study published in the Journal of American Medical Association (JAMA) Psychiatry, researchers noted a significant increase in illegal cannabis use and so-called cannabis-use disorders in states with medical marijuana laws” Although a small minority of the population might potentially benefit from medical marijuana use, this study aims to quantify how much non-medical, illicit use is taking place over a multi-year timespan. The research study defined illegal or illicit use as “obtaining marijuana not from a prescription or a dispensary with the intent of getting high.” Those with cannabis-use disorders are described as having withdrawal symptoms, developing a tolerance for the drug, having cravings for the drug, and suffering impaired functioning in daily activities.

The lead author of the study, Dr. Deborah Hasin of the Columbia University Mailman School of Public Health said “[Americans have] come to see cannabis as a harmless drug or harmless substance.” More education is certainly needed on the risks associated with marijuana use.

The study examined cannabis use and cannabis use disorder from 1991-1992 through 2012-2013 timeframes. In the *Washington Times* article, Dr. Hasin said “I was somewhat surprised with rates that increased so sharply in Colorado and California, who most experienced increase in dispensaries in 2009 and 2010.”¹⁷

Drug Positivity in U.S. Workforce Rises to Nearly Highest Level in a Decade:

According to the world’s leading provider of diagnostic drug testing services, “The percentage of employees in the combined U.S. workforce testing positive for drugs has steadily increased over the last three years to a 10-year high.” The three primary diagnostic tests offered by Quest Diagnostics include oral, urine and hair follicle drug tests. Speaking to oral fluid testing, which provides a 24-48 hour history, the positivity rate increased 47 percent in the past three years. According to the diagnostics corporation, “The increase was largely driven by double-digit increases in marijuana positivity during this time period. In 2015, there was a 25 percent relative increase in marijuana detection as compared to 2014.” Additionally, “Almost half (45 percent) of individuals in the general U.S. workforce with a positive drug test for any substance in 2015 showed evidence of marijuana use.”¹⁸

Marijuana is Not Safe to Smoke: A study conducted by UC Davis academics found multiple bacterial and fungal pathogens in marijuana that can cause serious infections. The weed tested originated from Northern California dispensaries where the Department of Public Health is working on guidelines for marijuana testing to ensure marijuana is safe. George Thompson III, an associate professor of clinical medicine at the university who helped conduct the study, stressed that “there really isn’t a safe way to smoke marijuana buds, even for those who are healthy”. Inhaling marijuana smoke leads the pathogens directly into the lungs where they can cause serious illness and even death.¹⁹

These College Students Lost Access to Legal Pot – and Started Getting Better Grades:

A recent study out of the Netherlands found that “college students with access to recreational cannabis on average earn worse grades and fail classes at a higher rate.” Due to a new policy change to cannabis cafes, noncitizens were barred from buying recreational marijuana from the cafes. Due to this policy change, an experiment regarding college students and marijuana use was conducted. “The research on more than 4,000 students... found that those who lost access to legal marijuana showed substantial improvement in their grades. Specifically, those banned from cannabis cafes had a more than 5 percent increase in their odds of passing their courses.”²⁰

More U.S. Women Report Using Marijuana during Pregnancy, Amid Uncertainty on Potential Harms: About 4 percent of pregnant women ages 18 to 44 reported using

marijuana during pregnancy. The study conducted between 2002 and 2014 showed an increase of 62 percent from numbers in 2002 to numbers in 2014. Pregnant women are turning towards marijuana to help alleviate nausea caused during pregnancy even though it is discouraged by the American College of Obstetricians and Gynecologists. Studies show links between prenatal marijuana exposure and impaired functions such as impulse control, visual memory, and attention during school years. Other studies showed smoking marijuana during pregnancy may also lead to restricted fetal growth during pregnancy as well as increased frontal cortical thickness among school-aged children.²¹

Pregnant Women Turn to Marijuana, Perhaps Harming Infants: Doctors and researchers are concerned that due to “an increased perception of the safety of cannabis use, even in pregnancy,” it is becoming more common for people to “presume that cannabis has no consequences for developing infants.” Evidence on the effects of prenatal marijuana use has been limited up to this point, which may contribute to the false perception of safety by some. However, preliminary research indicates that marijuana’s psychoactive ingredient, tetrahydrocannabinol (THC), can cross the placenta and reach the fetus potentially harming development. In addition, because THC is stored in fat and can linger there for weeks or months, breast milk can contain THC.

Despite evidence being limited, several studies linking maternal marijuana use have found “changes in the brains of fetuses, 18 to 22 weeks old.” Additional studies conducted in Pittsburgh and Ottawa show that children whose mothers used marijuana heavily in the first trimester may have difficulty “understand[ing] concepts in listening and reading,” and had “lower scores in reading, math and spelling... than their peers.” Much of the research that has been done in this area was done when marijuana was far less potent. An epidemiologist with the University of Washington stated “all those really good earlier studies on marijuana effects aren’t telling us what we need to know now about higher concentration levels.” Not much is known about the lingering effects of marijuana, and whether or not the fetus’s exposure is limited to the time a mother feels high. Both the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists advise expecting mothers against the use of cannabis during pregnancy citing cognitive impairment and academic underachievement as areas of concern.²²

Causal Relationship Identified between Marijuana Use and Numerous Fetal Issues during Pregnancy: Since 2002, there has been a 62% increase in pregnant marijuana users. “Estimates suggest that marijuana use complicates 2% to 5% of all pregnancies” in the United States. The amount of studies regarding marijuana use is limited due to the drug’s complicated legal status. However, “evidence has identified a causal

relationship between marijuana use and decreased birth weight, increased spontaneous abortion, impaired neurodevelopment, and functional deficits among children and adults who were exposed [to marijuana] in utero.” It is not yet known how exactly fetal development is effected by marijuana which leads obstetricians and gynecologists to “urge their patients who are pregnant or contemplating pregnancy to discontinue marijuana use.” Further concern for the effects of marijuana during pregnancy are warranted “due to its lipophilic nature, [it] can easily cross the blood brain barrier and enter the placenta.” Additionally, the nature of Tetrahydrocannabinol (THC) is such that it can remain in maternal blood for weeks and “[a]s a result, occasional use of marijuana during pregnancy, as little as once per month, results in fetal exposure that persists throughout the pregnancy.”²³

Emergency Department and Hospital Marijuana-Related Admissions

Marijuana Abuse Linked to Increased Myocardial Infarction (MI) Risk: Cardiology News recently published an article about marijuana being linked with an “eye-opening doubled risk of acute MI.” Myocardial infarction (MI) is more commonly known as a heart attack.

The March 2017 article summarized the results of a study led by Dr. Ahmad Tarek Chami: “The link was strongest by far in young adult marijuana abusers, with an adjusted 3.2-fold increased risk of MI in 25- to 29-year-olds with marijuana abuse noted in their medical records, compared with age-matched controls and a 4.56-fold greater risk among the 30- to 34-year-old cannabis abusers.” The study examined over 200,000 patients with cannabis abuse noted in their medical records, and spanned a five year period (October, 2011 through September, 2016).

Dr. Chami observed that “Our study raises the possibility [of] an association between cannabis and MI independent of age, hypertension, diabetes, smoking, and abuse of other substances.” Admittedly, there is much need for further research on this topic.

“The cannabis plant contains more than 60 cannabinoids. Although marijuana is widely prescribed for treatment of nausea, anorexia, neuropathic pain, glaucoma, seizure disorders, and other conditions, the long-term effects of marijuana on the cardiovascular system are largely unknown.”²⁴

Marijuana Use and Schizophrenia: New Evidence Suggests Link: New research on marijuana use and its connection to schizophrenia shows that “not only are people who are prone to schizophrenia more likely to try cannabis, but that cannabis may also increase the risk of developing symptoms.” Cannabis use has been shown to be more common among individuals with psychosis than it is with the general population. This

may be particularly troubling as people with schizophrenia who use cannabis “are more likely to be hospitalized than those with the condition who do not use the drug.” Further research is needed to determine if there is a definitive genetic link between marijuana use and schizophrenia.²⁵

Colorado Cannabis Legalization and Its Effect on Emergency Care: With the early commercialization of marijuana in Colorado dating back to the year 2000, and recreational marijuana being voted into law in 2012, Colorado provides a unique opportunity to educate physicians on the different considerations related to increased marijuana-related emergency department visits. This document not only summarizes the epidemiologic effect of legalization, but also discusses the effect of legalization on emergency care. Specifically, researchers discuss acute marijuana intoxication, cannabinoid hyperemesis syndrome, and pediatric exposures in an effort to educate healthcare providers everywhere. With Colorado leading the way regarding marijuana legalization, Colorado physicians are leading the way with regards to recognizing and addressing the associated healthcare trends noted in the population.²⁶

Trends and Correlates of Cannabis-involved Emergency Department Visits 2004 to 2011: This study published in the Journal of Addiction Medicine utilized data obtained from the Drug Abuse Warning Network over the period of 2004 to 2011. Trends in cannabis-involved emergency department visits were examined for both cannabis-only and cannabis-polydrug instances. Cannabis-polydrug instances are those in which other drugs were detected in the patient’s body, in addition to cannabis. The findings of this study suggest that there is a notable increase in the number of emergency department visits for both cannabis-only and cannabis-polydrug users. In particular, this study highlights the increased numbers for youth and non-Hispanic blacks.²⁷

Marijuana-Related Exposure

Cannabis Use Causing Alarming Increase in Emergency Hospital Visits and Childhood Poisoning:

Dr. Mark S. Gold, a world renowned expert on addiction-related diseases, summarizes a study published in late 2016 that aimed to examine trends and correlates of cannabis-involved emergency department visits in the United States from 2004-2011. “The ED visit rate increased for both cannabis-only use (51 to 73 visits per 100,000) and cannabis-polydrug use (63 to 100 per 100,000) in those aged 12 and older. Of note, the largest increase occurred in adolescents aged 12-17, and among persons who identified as non-Hispanic black.”

Dr. Gold goes on to highlight the findings of the study which state that “The odds of hospitalization increased with older age users, as compared to adolescent admissions. These data suggest a heavier burden to both the patient and to the health care system as a result of increasing cannabis use among older adults. The severity of the “burden” is associated with the prevalence of cannabis use, specific cannabis potency and dose (which is increasing over time), the mode of administration, and numerous individual risk factors.”²⁸

Treatment

Cannabinoid Hyperemesis Syndrome: Cannabinoid Hyperemesis Syndrome, a relatively new clinical condition, is “characterized by chronic cannabis use, cyclic episodes of nausea and vomiting, and frequent hot bathing.” A 2011 study published by the National Institutes of Health explores various aspects of this clinical condition including the associated epidemiology, pharmacology, clinical presentation, and treatment options. This condition has grabbed the attention of emergency room physicians across the country as many physicians fail to diagnose the condition. According to the study, “further initiatives are needed to determine this disease prevalence and its other epidemiological characteristics, natural history, and pathophysiology.”²⁹

Use and Diversion of Medical Marijuana among Adults Admitted to Inpatient Psychiatry: Many states, including Colorado, have legalized the medical use of marijuana, but it is unclear how much medical marijuana is being diverted from those medical marijuana patients. Furthermore, marijuana is linked to anxiety, depressive, psychotic, neurocognitive, and substance use disorders, but it is also unclear how many psychiatric patients use marijuana. In this study, a group of Colorado researchers aimed to determine the prevalence of medical marijuana use and diversion among psychiatric

inpatients in Colorado. Over 600 participants responded to an anonymous 15-item survey administered at discharge. It was concluded that “medical marijuana use is much more prevalent among adults hospitalized with a psychiatric emergency than in the general population.” It was also found that “diversion is common.”³⁰

Related Data

Everything You Need to Know about Pot’s Environmental Impact: Indoor marijuana grows are estimated to use a total of one percent of all electricity used in the United States every year. One percent is “about the same amount of electricity consumed by every computer in every home and apartment in the country annually... In order to power all those light fixtures, as well as dehumidifiers and heating and ventilation systems, indoor grow operations use about eight times the amount of energy per square foot as a normal commercial building. That’s on par with a modern data center.”

In addition to the electricity needed to sustain a marijuana grow, the plants require a significant amount of water to grow. “Some estimates suggest that pot plants use six gallons of water per day per plant over the summer. For reference, it takes about four gallons of water to run an energy-efficient dishwasher once.”³¹

High Time to Assess the Environmental Impacts of Cannabis Cultivation: In an attempt to understand the impact that the cultivation of marijuana has on the environment, researchers “have identified potentially significant environmental impacts due to excessive water and energy demands and local contamination of water, air, and soil with waste products such as organic pollutants and agrochemicals [fungicides, pesticides, etc.].” Additionally, they pointed out that, cannabis plants require “high temperatures..., strong light..., highly fertile soil, and large volumes of water (...around twice that of wine grapes).” Naturally, due to these needs for proper cultivation in either an indoor or outdoor grow requires a significant amount of maintenance and energy. “It has been estimated that the power density of marijuana cultivation facilities is equal to that of data centers.” Typically, with new industries, it is the responsibility of U.S. Federal agencies such as the “U.S. Department of Agriculture, Environmental Protection Agency, National Institutes of Health, and Occupation Safety and Health Administration” to research and fund research for what that industry’s environmental impact will be and how to reduce the footprint. However, when it comes to the marijuana industry due to “[t]he ambiguous legal status of marijuana in the U.S... [it] has made it historically difficult for those agencies to actively fund research in this field.”³²

Cartels are Growing Marijuana Illegally in California – and there’s a War Brewing:

“Even as California embraces the booming legal marijuana market... it is also seeing an explosion in illegal cultivation, much of it on the state’s vast and remote stretches of public land.” Growing marijuana on public lands is creating “insidious side effects: The lethal poisons growers use to protect their crops and campsites from pests are annihilating wildlife, polluting pristine public lands, and maybe even turning up in your next bong hit.” Some of these poisons are so powerful that they have been “banned in the U.S., Canada and the EU” and “farmers in Kenya have used [them] to kill lions.” These toxicants are often used by growers as a means to “keep rodents and other animals from eating the sugar-rich sprouting plants, from gnawing on irrigation tubing, and from invading their campsites in search of food.” According to Craig Thompson, a wildlife ecologist working for the U.S. Forest Service “People don’t tend to grasp the industrial scale of what’s going on. There are thousands of these sites in places the public thinks are pristine, with obscene amounts of chemicals at each one. Each one is a little environmental disaster.”

In addition to toxicants, these illegal grows present another environmental problem due to water consumption. “In a controlled setting, a marijuana plant uses about six gallons of water per day... Illegal grows, of course, are another story [its] estimated that trespass grows use 50 percent more water because of less efficient irrigation systems and added stressors like pests, pathogens, and drier weather at higher elevations. Worse, some trespass growers leave their irrigation systems running around the clock throughout the year, even when nothing is growing.”³³

Thousands of Marijuana Plants Found on Forest Land in Pueblo County: According to *Fox31 Denver*, there were more than 7,400 marijuana plants discovered in an illegal grow which included two separate fields. Both of the fields were on U.S. Forest Service land near Rye, Colorado.

The July 2017 article stated, “Narcotics detectives said it was the second-largest operation uncovered in Pueblo County to date and the fifth found in fields on or near the San Isabel National Forest in the past five years. The four previous grows are believed to be connected to a Mexican cartel. Detectives are investigating whether Friday’s grow is connected to previous grows.”

Pueblo County Sheriff Kirk Taylor reported, “These grows are not indigenous to Colorado and the water and fertilizers required for these grow operations represent a clear environmental hazard for our beautiful Colorado mountains,”

Two of the past incidents within the San Isabel National Forest include an August 2012 operation in which over 9,400 plants were involved, and an October 2015 operation in which 2,400 plants were involved. There are countless other illegal grow operations within U.S. Forest Service land, but limited resources prevent any further action to stop these grows and prevent further environmental impact.³⁴

Marijuana Grows Leaving More Colorado Homes Filled with Mold: It is unclear how many homes throughout Colorado are being used to grow marijuana, but Denver Detective Brian Matos estimated it could be as high as “one in every 10 homes in [Denver].” When people grow marijuana plants indoors they bring moisture into the home which is likely to cause mold problems especially if it is a large grow. In many cases, these grows are illegal and the homeowner is simply using the home for the purpose of growing marijuana without any concern for the damage caused. The damage is often compared to that of meth labs, but environmental lawyer Timothy Gablehouse disagrees, “Since [meth] labs are smaller now, contamination from meth is usually confined to small areas of the home where it was smoked.” Whereas, marijuana grow contamination and destruction can be seen throughout the home. According to the *Denver Post*, “Illegal growers also sometimes dig into the foundation to tap a power line before the line can reach the meter to ensure they don’t have to pay for the electricity they are using.” This practice is often associated with punching holes through the walls or ceilings for ventilation. The DEA tells the *Denver Post* that illegal grows are often “expensive properties in upper-middle-class, high-income neighborhoods.” Sometimes these homeowners lay a fresh coat of paint on the home and resell the home to unsuspecting buyers. This was the case of David and Christine Lynn who recently purchased a \$388,000 home that turned out to be a former grow and are currently suing the previous homeowners.³⁵

Mid-Year Update, by the Colorado Department of Revenue, Marijuana Enforcement Division: This report includes information on marijuana business licensing status, number of plants cultivated for medical and recreational purposes, volume of marijuana sold within both recreational and medical markets, units of infused edibles and non-edibles sold, mandatory retail testing for edibles, enforcement activity and administrative actions taken by the state’s licensing authority from January through June 2016.³⁶

Cannabinoid Dose and Label Accuracy in Edible Medical Cannabis Products: A study including 3 California and Washington cities sought to determine the accuracy of dosage labels on edible medical cannabis products. Nine dispensaries selling baked goods, beverages, and candy or chocolate were selected for the study. Individuals with a physician’s letter were assigned to purchase a “large variety of products... within budget (\$400/city).” The resulting 75 purchased products were tested by researchers to determine whether the indicated levels of tetrahydrocannabinol (THC) and cannabidiol (CBD) of the edible products were accurate, within 10%.

Of the purchased products, which included 47 different brands, 17% were determined to be accurately labeled, 23 percent were under labeled, and 60 percent

were over labeled for THC content. Forty-four products (59 percent) were found to have detectable levels of CBD, of which only 13 were labeled to include CBD. None of the 13 labels for CBD were accurate, 4 were under labeled, and 9 were over labeled. Inaccurate labeling of products may lead consumers to get more of an effect than desired or not enough to produce the desired medical benefit.³⁷

Tracking the Money That's Legalizing Marijuana and why it Matters: The National Families in Action (NFIA) released a report in the early part of 2017 regarding the financial support behind marijuana related ballot initiatives. The NFIA tracked the majority of the financial support on these initiatives for the past two decades to three private parties worth billions of dollars. The report outlines how much money per initiative is contributed by the three billionaires compared to other sources. Additionally, the report gives reasons for why the financial contributions of three individuals matter for the overall legalization of marijuana in the nation.³⁸

Seed to Sale Tracking for Commercial Marijuana: This report examines the concept of seed to sale tracking for marijuana plants. Radio Frequency Identification (RFID) tracking is discussed along with some of the positives and negatives of Inventory Tracking Systems.³⁹

Houston HIDTA Marijuana Legalization Threat Assessment, "Why Marijuana Legalization is NOT a Good Idea for Texas": This document, put together by the Houston Investigative Support Center, intends to provide easy access to salient facts regarding the serious negative consequences of marijuana legalization in the United States. Topics addressed include public health and safety ramifications, as well as economic and social impacts of marijuana legalization.⁴⁰

Is the Marijuana Industry Actually Making Money for Alaska? One of the most compelling arguments for marijuana legalization is the amount of tax revenue that marijuana would generate. However, with legalization also comes the need for regulation, which also requires money to maintain. In Alaska, the amount of money generated for the 2017 fiscal year was \$1.75 million, but the amount of money budgeted for regulation by The Alcohol and Marijuana Control Office was \$1.9 million. The goal is that, eventually, the tax revenue generated from the marijuana industry will fully fund the agency. Until then, however, general fund money has to be used to supplement the rest of the budget. From 2015 through 2018 a total of "\$4.57 million has been budgeted from the state's general fund to regulate marijuana." It is the goal of The Alcohol and Marijuana Control Office that by the year 2020 the agency will be self-supported.⁴¹

Working Paper on Projected Costs of Marijuana Legalization in Rhode Island: This paper was written in an effort to inform Rhode Island legislators about the potential economic impact of marijuana legalization in Rhode Island. The paper indicates that “although a full cost accounting of marijuana legalization would be impossible at present, enough data exists to make rough-and-ready estimates of certain likely direct and short-term costs.” Some of the costs covered by the paper include administrative and enforcement costs for regulators, costs from drugged driving, health costs from emergency room visits, potential costs related to homelessness, and costs to employers. Costs reported in this paper are projections based off of figures from states with full marijuana legalization.⁴²

Monitoring Health Concerns Related to Marijuana in Colorado: This 2016 report was published by the Colorado Department of Public Health and Environment in order to address the changes in marijuana use patterns, provide a systematic literature review, and address possible marijuana related health effects in the state of Colorado. The report covers findings addressed by such surveys as the Behavioral Risk Factor Surveillance Survey (BRFSS), Child Health Survey (CHS), Healthy Kids Colorado Survey (HKCS), and the Pregnancy Risk Assessment Monitoring System (PRAMS). In addition to the survey data, the report covers possible marijuana related health effects in Colorado, specifically looking at data from the Rocky Mountain Poison and Drug Center (RMPDC) and the Colorado Hospital Association (CHA).⁴³

Sources:

¹ David Migoya, "Exclusive: Traffic fatalities linked to marijuana are up sharply in Colorado. Is Legalization to blame?" *The Denver Post*, August 25th, 2017, <<http://www.denverpost.com/2017/08/25/colorado-marijuana-traffic-fatalities/>>, accessed August 26th, 2017.

² Marilyn A. Huestis, "Cannabis-Impaired Driving: A Public Health and Safety Concern," *Clinical Chemistry*, September 28, 2015, <<http://clinchem.aaccjnls.org/content/61/10/1223>>, accessed September 29, 2016.

³ Hartman, RL, Brown TL, Milavetz G, Spurgin A, Gorelick DA, Gaffney G, Huestis MA, "Controlled Cannabis Vaporizer Administration: Blood and Plasma Cannabinoids with and without Alcohol," *Clinical Chemistry*, May 27, 2015, <<https://www.ncbi.nlm.nih.gov/pubmed/26019183>>, accessed September 29, 2016.

⁴ Davis KC, Allen J, Duke J, Nonnemaker J, Bradfield B, Farrelly MC, et al. (2016) Correlates of Marijuana Drugged Driving and Openness to Driving While High: Evidence from Colorado and Washington. *PLoS ONE* 11(1): e0146853. doi:10.1371/journal.pone.0146853.

⁵ Sewell, R. Andrew, James Poling, and Mehmet Sofuoglu. "The Effect of Cannabis Compared with Alcohol on Driving." *The American journal on addictions / American Academy of Psychiatrists in Alcoholism and Addictions* 18.3 (2009): 185–193. PMC. Web. 7 Feb. 2017.

⁶ Anica Padilla, "Study: 57 percent of marijuana users in Colorado admit driving within 2 hours," KDVR/Fox 31 Denver, March 9, 2017, <<http://kdvr.com/2017/03/09/study-57-percent-of-marijuana-users-in-colorado-admit-driving-within-2-hours/>>, accessed March 21, 2017.

⁷ Hartman RL, Richjan JE, Hayes CE, Huestis MA, "Drug Recognition Expert (DRE) examination characteristics of cannabis impairment," April 22, 2016, <<https://www.ncbi.nlm.nih.gov/pubmed/27107471>>, accessed September 20, 2016.

⁸ Desrosiers NA, Ramaekers JG, Chauchard E, Gorelick DA, Huestis MA, "Smoked cannabis' psychomotor and neurocognitive effects in occasional and frequent smokers," March 4, 2015, <<https://www.ncbi.nlm.nih.gov/pubmed/25745105>>, accessed July 29, 2017.

⁹ Balikova M, Hlozek T, Palenicek T, Tyls F, Viktorinova M, Melicher T, Androvicova R, Tomicek P, Roman M, Horacek J, "Time profile of serum THC levels in occasional and chronic marijuana smokers after acute drug use – implication for driving motor vehicles," 2014, <<https://www.ncbi.nlm.nih.gov/pubmed/24625019>>, accessed July 29, 2017.

¹⁰ Hartman RL, Brown TL, Milavetz G, Spurgin A, Gorelick DA, Gaffney GR, Huestis MA, "Effect of Blood Collection Time on Measured Δ^9 -Tetrahydrocannabinol Concentrations: Implications for Driving Interpretation and Drug Policy," January 2016, <<https://www.ncbi.nlm.nih.gov/pubmed/26823611>>, accessed July 29, 2017.

¹¹ Melanie Zanona, "Study: Drivers Killed in Crashes More Likely to be on Drugs than Alcohol," *The Hill*, April 26th, 2017, <<http://thehill.com/policy/transportation/330648-drivers-in-fatal-crashes-more-likely-to-be-on-drugs-than-alcohol>>, accessed August 17th, 2017.

¹² James Hedlund, "Drug-impaired Driving: A Guide for States," Governors Highway Safety Association (GHSA), April 2017 Update, <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjLrNHUirfWAhUI2oMKHVVWBuIQFggoMAA&url=http%3A%2F%2Fwww.ghsa.org%2Fsites%2Fdefault%2Ffiles%2F2017-04%2FGHSA_DruggedDriving2017_FINAL.pdf&usg=AFQjCNFoM3Mj52HFSwYS1m-yFYNYaoBGEA> , Accessed September 22, 2017.

¹³ Janice Wood, "Marijuana Use Up Among Teens Since Legalized in Colorado, Washington," PsychCentral, December 27, 2016, <<https://psychcentral.com/news/2016/12/27/marijuana-use-up-among-teens-since-legalized-in-colorado-washington/114378.html>>, accessed December 29, 2016.

¹⁴ Alan Mozes, "Pot smoking common among pregnant teens," Healthday, April 28, 2017, <<http://www.cbsnews.com/news/pot-smoking-common-among-pregnant-teens/>>, accessed April 24, 2017.

¹⁵ George Sam Wang, MD; Marie-Claire Le Lait, MS; Sara J. Deakyne, MPH; et al, "Unintentional Pediatric Exposures to Marijuana in Colorado, 2009-2015," September 6, 2016, <<http://jamanetwork.com/journals/jamapediatrics/article-abstract/2534480>>, accessed August 3, 2017.

¹⁶ Lindsey Tanner, "Pediatricians warn against teen pot use amid increasingly lax laws," *The Associated Press*, as published in *The Denver Post*, February 27, 2017, <<http://www.denverpost.com/2017/02/27/pediatricians-warn-against-pot-use/>>, accessed March 7, 2017.

¹⁷ Laura Kelly, "Study finds increase in illicit pot use, abuse in states that allow medical marijuana," *The Washington Times*, April 26, 2017, <<http://www.washingtontimes.com/news/2017/apr/26/study-finds-increase-in-illicit-pot-use-abuse-in-s/>>, accessed August 17, 2017.

¹⁸ Quest Diagnostics, "Drug Positivity in U.S. Workforce Rises to Nearly Highest Level in a Decade, Quest Diagnostics Analysis Finds," Press Release, September 25, 2016, <<http://ir.questdiagnostics.com/phoenix.zhtml?c=82068&p=irol-newsArticle&ID=2202029>>, accessed September 15, 2016.

¹⁹ Dennis Romero, "Marijuana Is Not Safe to Smoke, Researchers Say," *LA Weekly*, February 14, 2017, <<http://www.laweekly.com/news/marijuana-is-not-safe-to-smoke-researchers-say-7927826>>, accessed March 2, 2017.

²⁰ Keith Humphreys, "These College Students Lost Access to Legal Pot – and Started Getting Better Grades," *The Washington Post*, July 25th 2017, <https://www.washingtonpost.com/news/wonk/wp/2017/07/25/these-college-students-lost-access-to-legal-pot-and-started-getting-better-grades/?utm_term=.5b072778f294>, accessed August 9th 2017.

²¹ Samantha Smith, "More U.S. women report using marijuana during pregnancy, amid uncertainty on potential harms," *The Cannabist*, February 9, 2017, <<http://www.thecannabist.co/2016/12/19/study-women-marijuana-use-pregnancy/69672/>>, accessed May 17, 2017.

²² Catherine Saint Louis, "Pregnant Women Turn to Marijuana, Perhaps Harming Infants," *The New York Times*, February 2, 2017, <https://www.nytimes.com/2017/02/02/health/marijuana-and-pregnancy.html?_r=1>, accessed March 8, 2017.

²³ Mark Gold, MD, "Researchers & NIDA Warn Marijuana Use Could Be Toxic and Is Contraindicated in Pregnancy," *Rivermend Health*, September 15th, 2017, <<https://www.rivermendhealth.com/resources/researchers-nida-warn-marijuana-use-toxic-contraindicated->

pregnancy/?utm_source=RYCUNewsletter&utm_medium=email&utm_campaign=RYCU>, accessed September 18th, 2017.

²⁴ Bruce Jancin, "Marijuana abuse linked to increased MI risk," *Cardiology News*, March 31, 2017, <<http://www.mdedge.com/ecardiologynews/article/134784/acute-coronary-syndromes/marijuana-abuse-linked-increased-mi-risk>>, accessed August 9, 2017.

²⁵ Yvetter Brazier, "Marijuana Use and Schizophrenia: New evidence suggests link," *Medical News Today*, December 25, 2016, <<http://www.medicalnewstoday.com/articles/314896.php>>, accessed April 24, 2017.

²⁶ Howard S. Kim, MD and Andrew A. Monte, MD, "Colorado Cannabis Legalization and Its Effect on Emergency Care," *Annals of Emergency Medicine*, July 2016, <<http://www.bumc.bu.edu/emergencymedicine/files/2016/08/MJ-legalization-and-impact-on-EM-care.pdf>>, accessed August 9, 2017.

²⁷ Zhu, He PhD; Wu, Li-Tzy ScD, RN, MA, "Trends and Correlates of Cannabis-involved Emergency Department Visits: 2004 to 2011," *Journal of Addiction Medicine*: November/December 2016 – Volume 10 – Issue 6 – p 429-436, <http://journals.lww.com/journaladdictionmedicine/Abstract/2016/12000/Trends_and_Correlates_of_Cannabis_involved.9.aspx>, accessed April 17th, 2017.

²⁸ Mark Gold, MD, "Cannabis Use Causing Alarming Increase in Emergency Hospital Visits and Childhood Poisoning," Rivermend Health, <<https://www.rivermendhealth.com/resources/cannabis-use-causing-alarming-increase-emergency-hospital-visits-childhood-poisoning/>>, accessed April 17, 2017.

²⁹ Jonathan A. Galli, MD; Ronald Andari Sawaya, MD; and Frank K. Friedenberg, MD, "Cannabinoid Hyperemesis Syndrome", Department of Gastroenterology, Temple University School of Medicine, December 2011, <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3576702/pdf/nihms353647.pdf>>, accessed August 2, 2017.

³⁰ Abraham M. Nussbaum, Christian Thurstone, Laurel McGarry, Brendan Walker and Allison L. Sabel, "Use and diversion of medical marijuana among adults admitted to inpatient psychiatry," *The American Journal of Drug and Alcohol Abuse*, <<http://www.tandfonline.com/doi/pdf/10.3109/00952990.2014.949727?needAccess=true>>, accessed August 11, 2017.

³¹ Clayton Aldern, "Everything you need to know about pot's environmental impact," *Grist*, April 19, 2016, <<http://grist.org/living/everything-you-need-to-know-about-pots-environmental-impact/>>, accessed July 31, 2017.

³² K. Ashworth and W. Vizuite, "High Time to Assess the Environmental Impacts of Cannabis Cultivation," *Environmental Science and Technology*, February 17, 2017, <<http://pubs.acs.org/doi/ipdf/10.1021/acs.est.6b06343>>, accessed July 31, 2017.

³³ Julian Smith, "Cartels are growing marijuana illegally in California – and there's a war brewing," *Business Insider*, April 08, 2017, <<https://finance.yahoo.com/news/cartels-growing-marijuana-illegally-california-194700553.html>>, accessed August 3, 2017.

³⁴ Sarah Schueler, "Thousands of marijuana plants found on forest land in Pueblo County," *Fox 31 News/Denver*, July 3, 2017, <<http://kdvr.com/2017/07/03/thousands-of-marijuana-plants-found-on-forest-land-in-pueblo-county/>>, accessed August 16, 2017.

³⁵ Tom McGhee, "Marijuana grows leaving more Colorado homes filed with mold," *The Denver Post*, July 31, 2017, <<http://www.denverpost.com/2017/07/31/marijuana-leaving-colorado-homes-mold/>> accessed September 11, 2017.

³⁶ Brohl, Kammerzell, Koski and Burack, "Colorado Marijuana Enforcement Division: 2016 Mid Year Report (January 1-June 30, 2016)," <<https://www.colorado.gov/pacific/sites/default/files/Final%20Mid%20year%202016.pdf>>, accessed April 19, 2017.

³⁷ Ryan Vandrey, PhD; Jeffrey C. Raber, PhD; Mark E. Raber; et al, "Cannabinoid Dose and Label Accuracy in Edible Medical Cannabis Products," *The JAMA Network*, June 2015, <<http://jamanetwork.com/journals/jama/fullarticle/2338239>>, accessed March 13, 2017.

³⁸ National Families in Action, "Tracking the Money That's Legalizing Marijuana And Why It Matters," <https://www.dalgarnoinstitute.org.au/images/resources/pdf/cannabis-conundrum/Tracking_Marijuana_Money.pdf>, accessed April 20, 2017.

³⁹ National Marijuana Initiative, "Seed To Sale Tracking For Commercial Marijuana," March 2017, <https://hidtanmidotorg.files.wordpress.com/2017/03/seed-to-sale_march-2017.pdf>, accessed March 2017.

⁴⁰ Houston HIDTA Investigative Support Center, December 2016, <<https://hidtanmidotorg.files.wordpress.com/2016/10/2016-houston-hidta-marijuana-legalization-threat-assessment.pdf>>, accessed December 2016.



⁴¹ Laurel Andrews, "Is the Marijuana Industry Actually Making Money for Alaska?" *Alaska Dispatch News*, August 12th, 2017, <<https://www.adn.com/alaska-marijuana/2017/08/12/is-the-marijuana-industry-actually-making-money-for-alaska/>>, accessed August 17th, 2017.

⁴² Smart Approaches to Marijuana, "Working Paper on Projected Costs of Marijuana Legalization in Rhode Island," April 2017, <<https://learnaboutsam.org/wp-content/uploads/2017/04/10Apr2017-report-re-RI-costs.pdf>>, accessed June 2017.

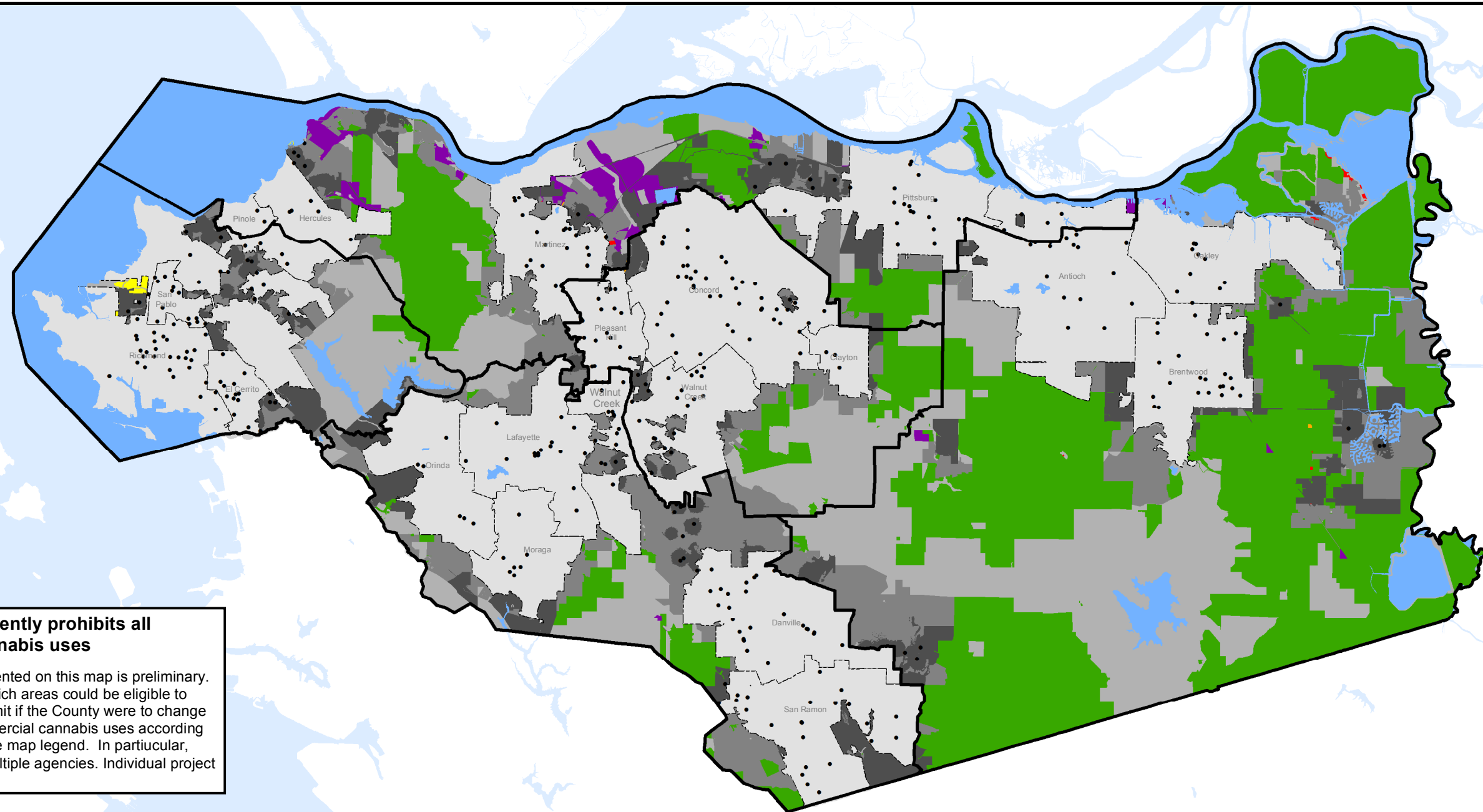
⁴³ Colorado Department of Public Health and Environment, "Monitoring Health Concerns Related to Marijuana in Colorado: 2016," <https://localtvkdvr.files.wordpress.com/2017/01/monitoring_health_concerns_report_final.pdf>, accessed March 2017.

Map 1A Preliminary Cannabis Land Use Matrix and Map Unincorporated Contra Costa County

Sensitive Site and Residential Buffers

 Parcels within 1,000 feet of a Sensitive Site
 Parcels within 500 feet of Residential Zoning

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.





The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees /trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location


**** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.**

 Areas with Incompatible Zoning District or General Plan Land Use Designation

 City Limits

• **Child Care Facilities**

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development



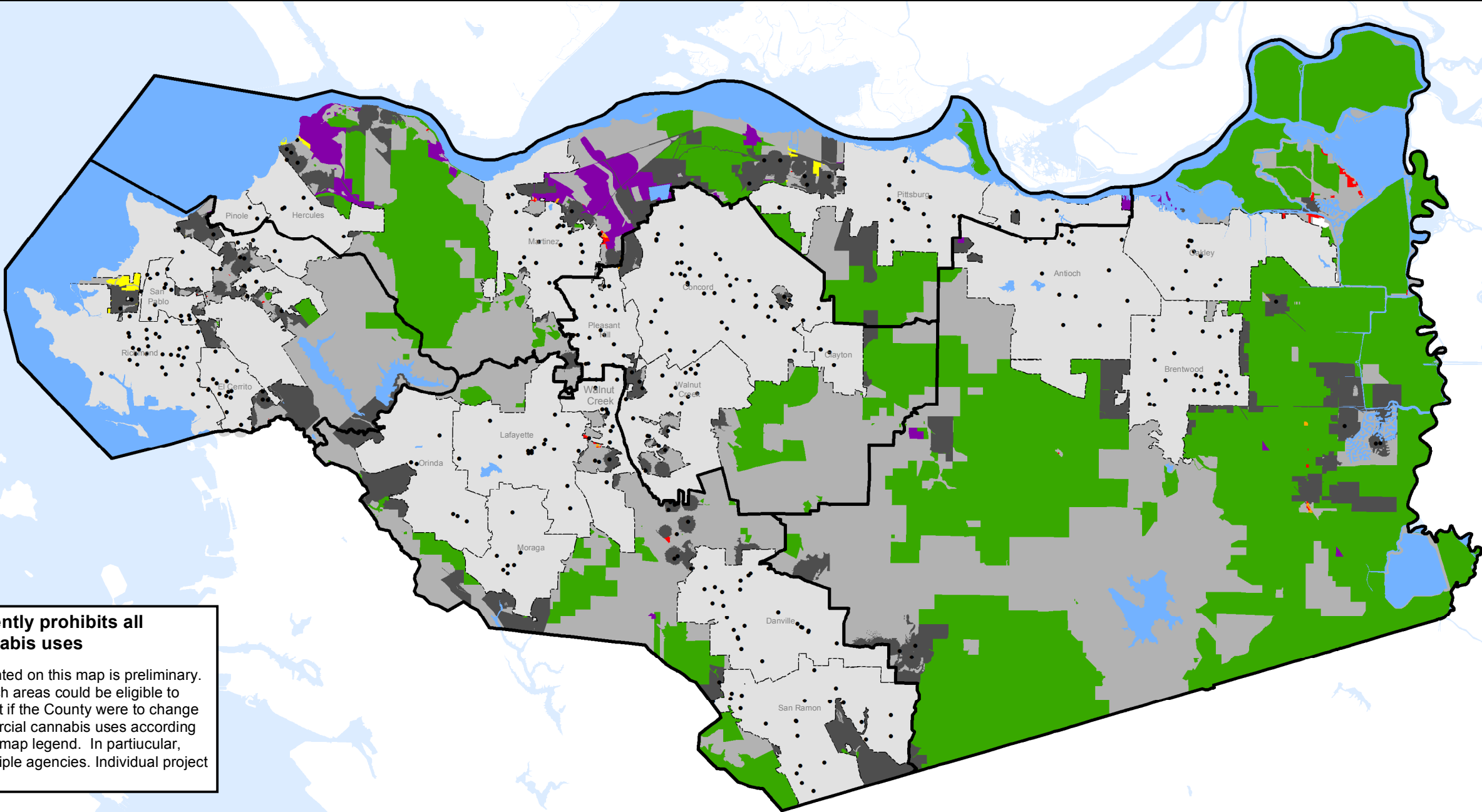
Map 1B

Preliminary Cannabis Land Use Matrix and Map
Unincorporated Contra Costa County

Sensitive Site Buffers

Parcels within 1,000 feet of a Sensitive Site

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.



STOP

The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees /trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation



City Limits

- Child Care Facilities

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development

Map 2A Preliminary Cannabis Land Use Matrix and Map Alamo and Diablo Areas

Sensitive Site and Residential Buffers

 Parcels within 1,000 feet of a Sensitive Site
 Parcels within 500 feet of Residential Zoning

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.




The County currently prohibits all commercial cannabis uses


NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location


**** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.**

 Areas with Incompatible Zoning District or General Plan Land Use Designation

 City Limits

0 0.5 1 2 Miles

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development



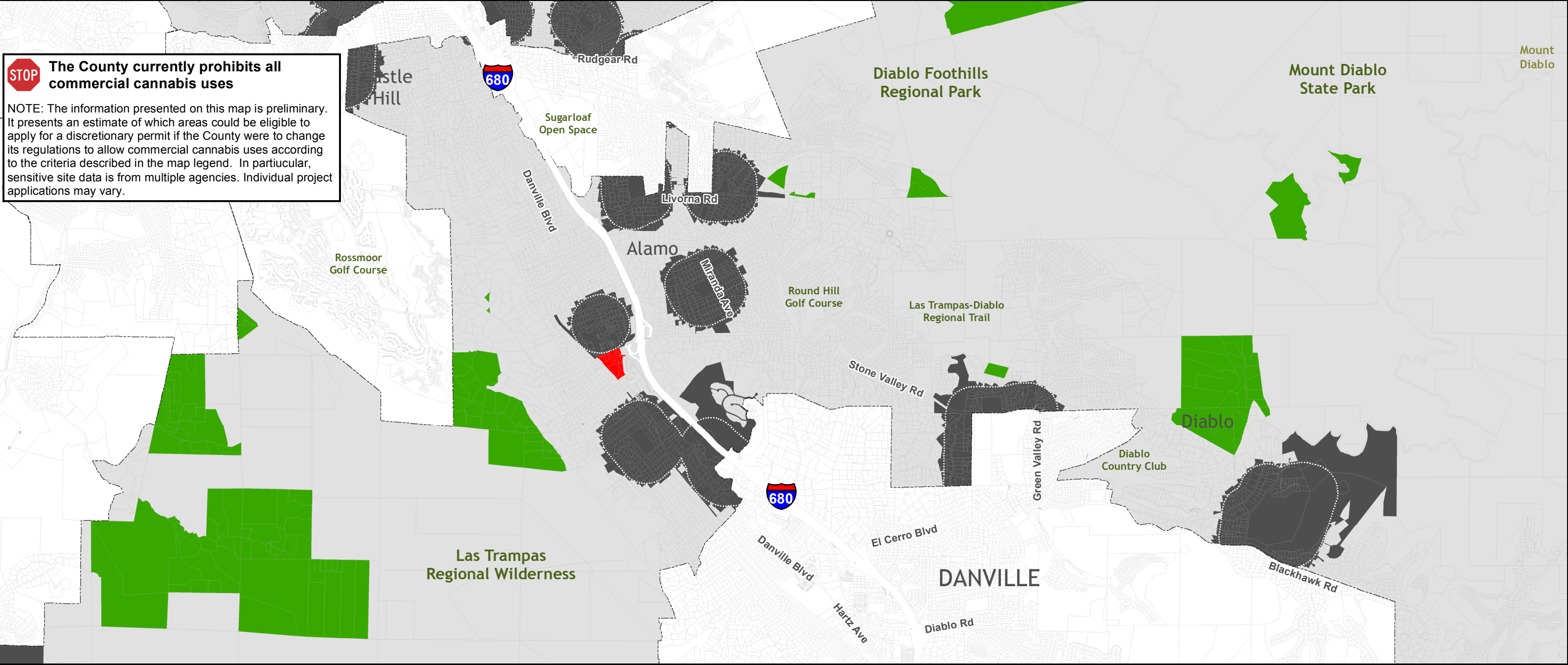
Map 2B

Preliminary Cannabis Land Use Matrix and Map Alamo Area

Sensitive Site Buffers

Parcels within 1,000 feet of a Sensitive Site

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District orGeneral Plan Land Use Designation

City Limits

00.512

Miles

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development

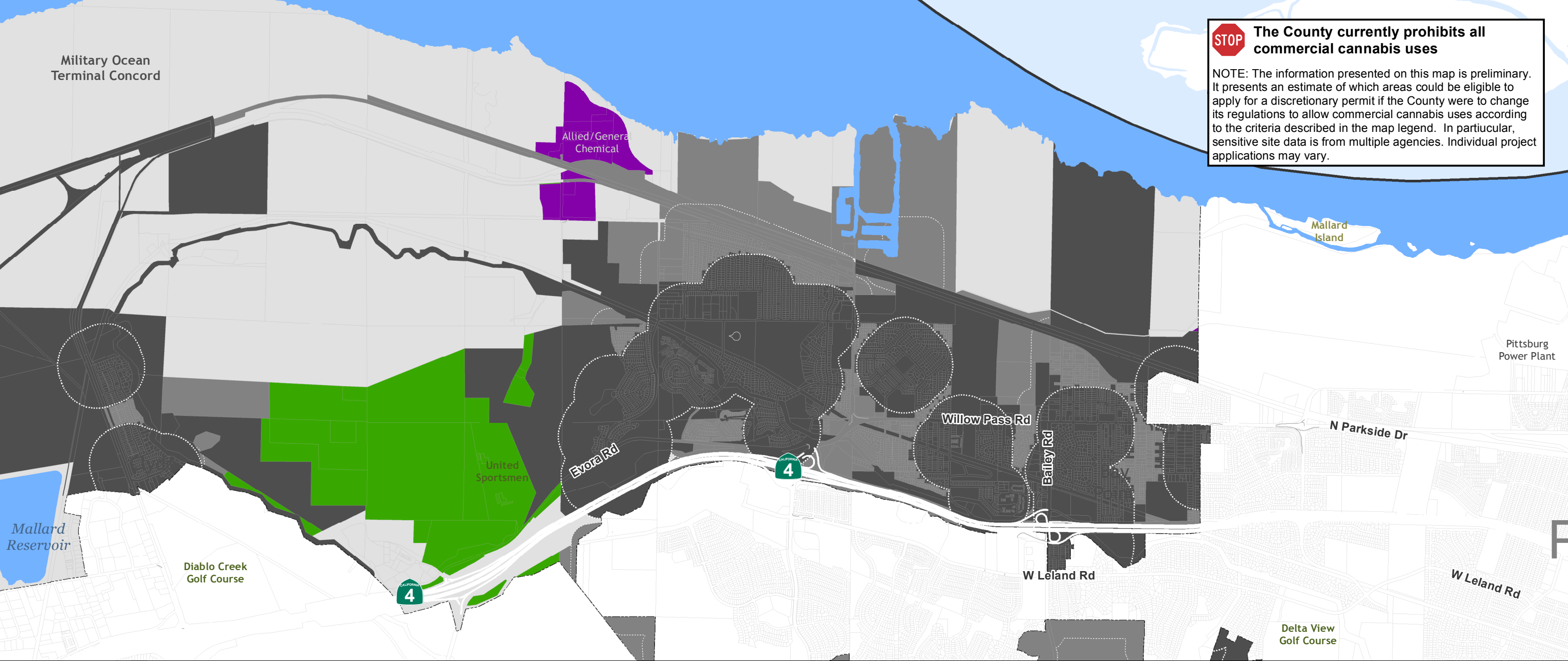
Map 3A

Preliminary Cannabis Land Use Matrix and Map Bay Point Area

Sensitive Site and Residential Buffers

- Parcels within 1,000 feet of a Sensitive Site
- Parcels within 500 feet of Residential Zoning

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

00.3750.751.5

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development

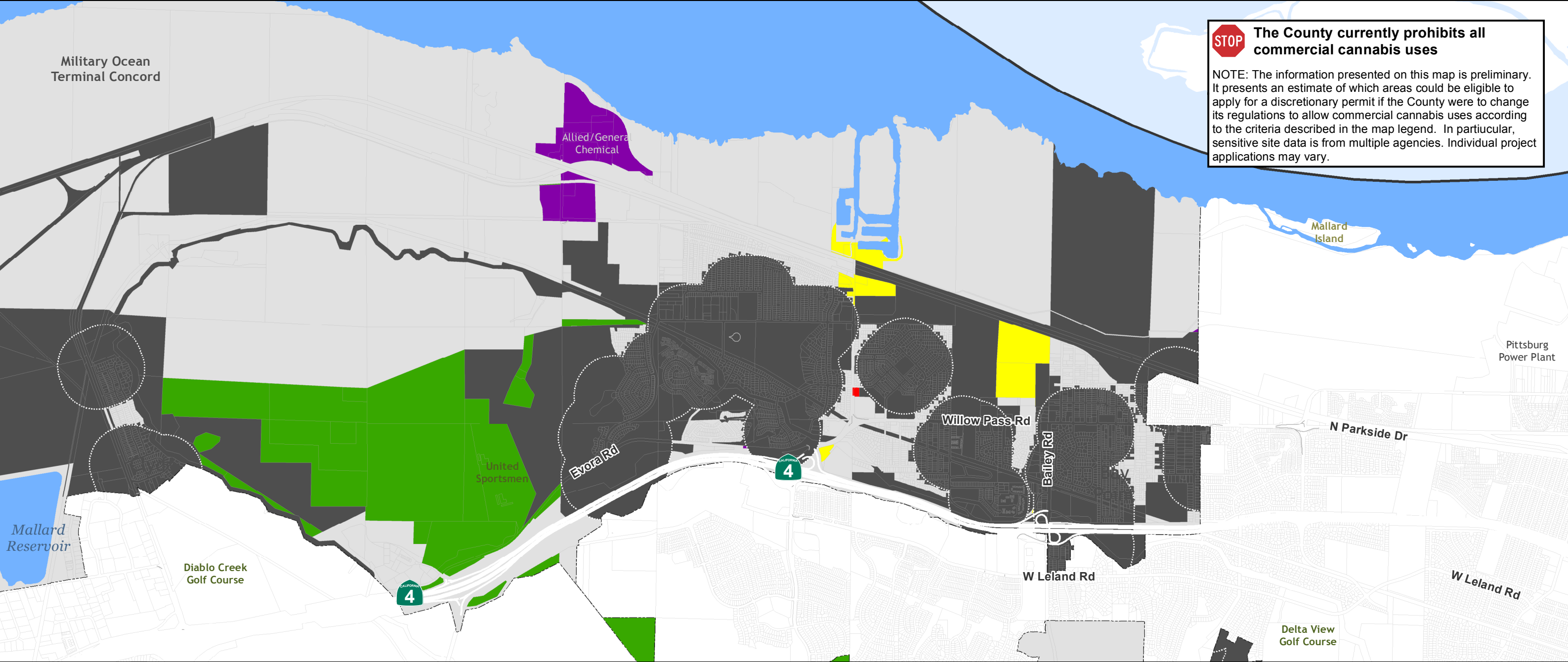
Map 3B

Preliminary Cannabis Land Use Matrix and Map Bay Point Area

Sensitive Site Buffers

Parcels within 1,000 feet of a Sensitive Site

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.



STOP

The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

00.3750.751.5

Miles

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development

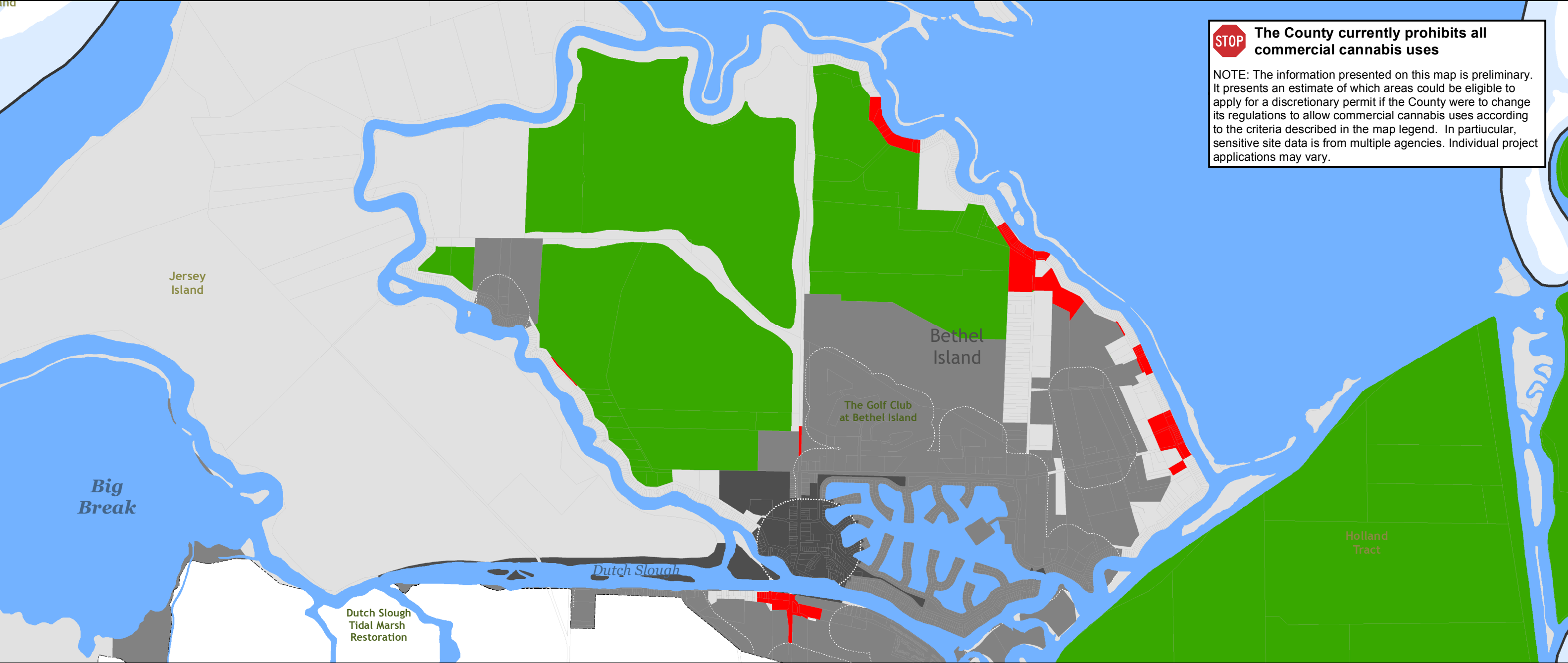
Map 4A

Preliminary Cannabis Land Use Matrix and Map
Bethel Island Area

Sensitive Site and Residential Buffers

- Parcels within 1,000 feet of a Sensitive Site
- Parcels within 500 feet of Residential Zoning

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.



STOP The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

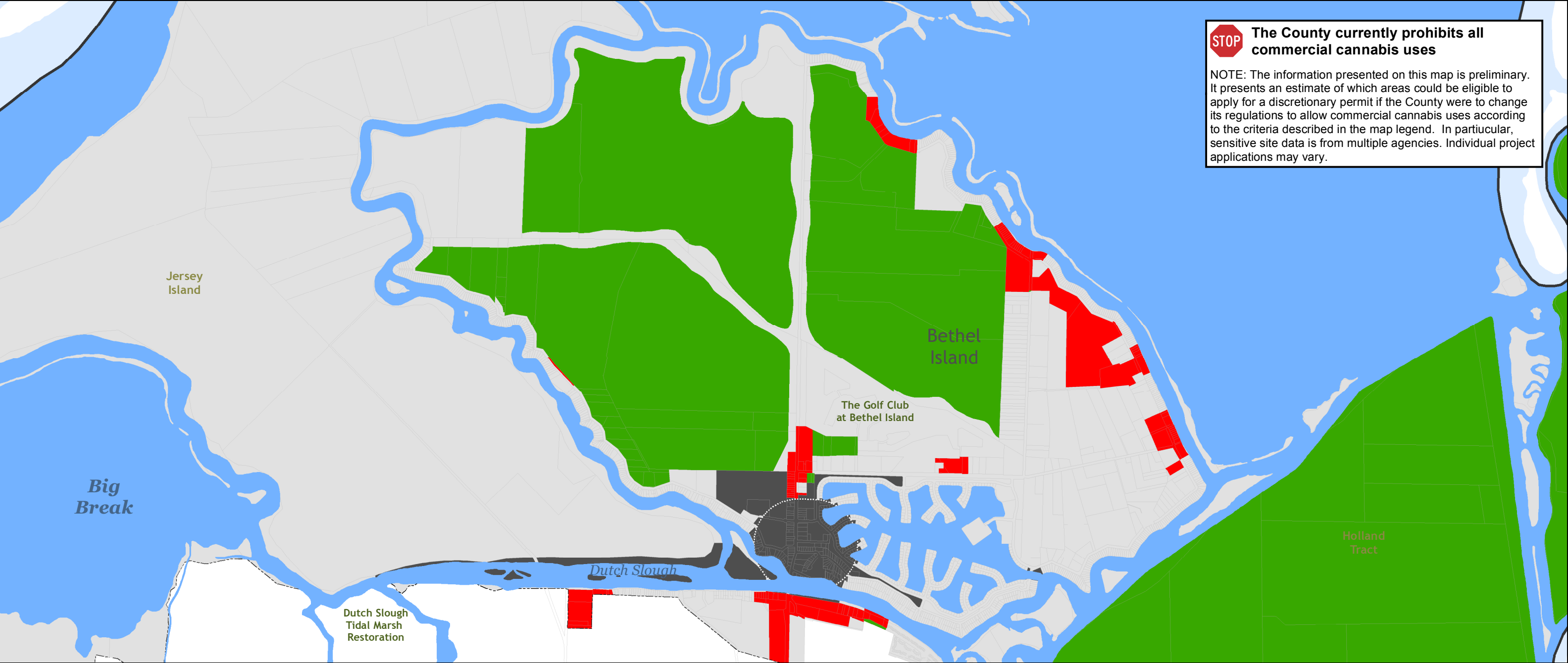
Map 4B

Preliminary Cannabis Land Use Matrix and Map
Bethel Island Area

Sensitive Site Buffers

Parcels within 1,000 feet of a Sensitive Site

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limit on number of employees/trip outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

0 0.325 0.65 1.3 Miles

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development

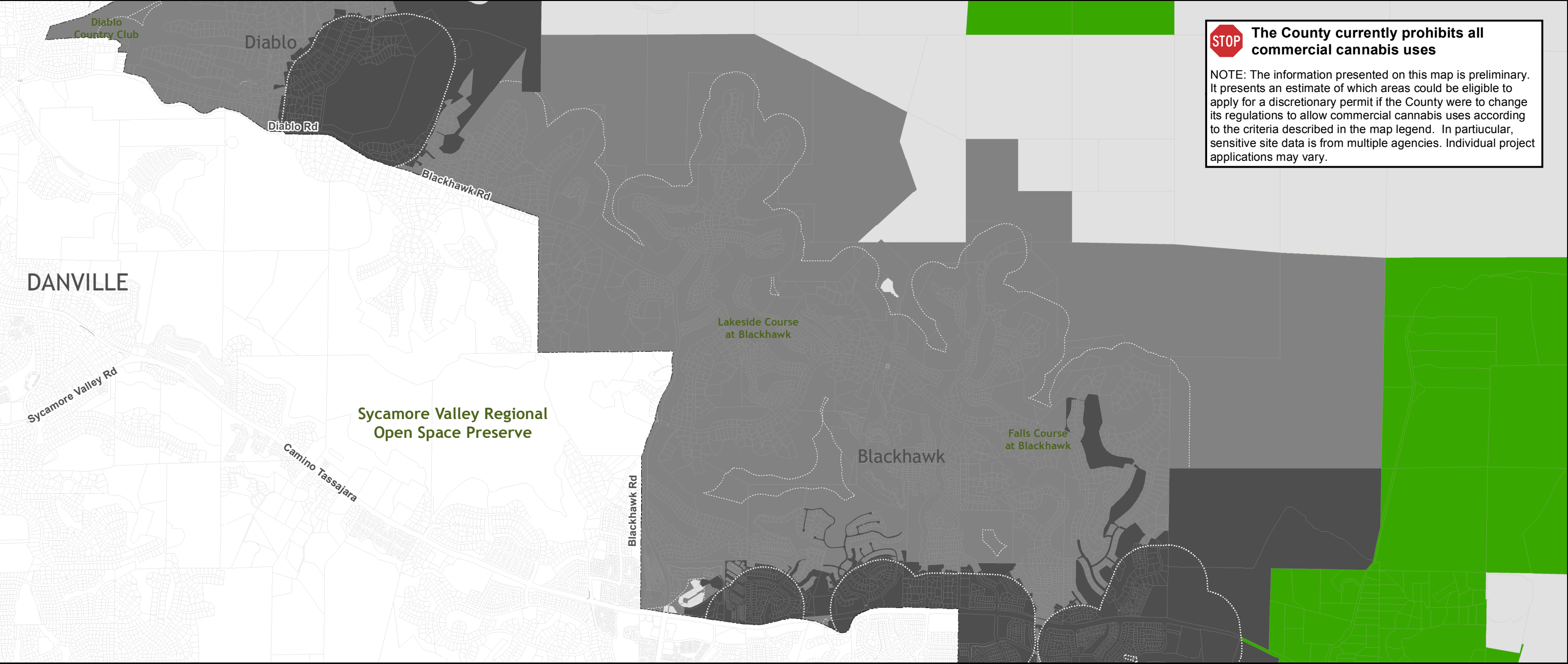
Map 5A

Preliminary Cannabis Land Use Matrix and Map Blackhawk Area

Sensitive Site and Residential Buffers

- Parcels within 1,000 feet of a Sensitive Site
- Parcels within 500 feet of Residential Zoning

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trip outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

00.350.71.4

Miles

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development

Map 5B

Preliminary Cannabis Land Use Matrix and Map Blackhawk Area

Sensitive Site Buffers

Parcels within 1,000 feet of a Sensitive Site

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trip outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

00.350.71.4

Miles

N

E

S

W

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development

Preliminary Cannabis Land Use Matrix and Map

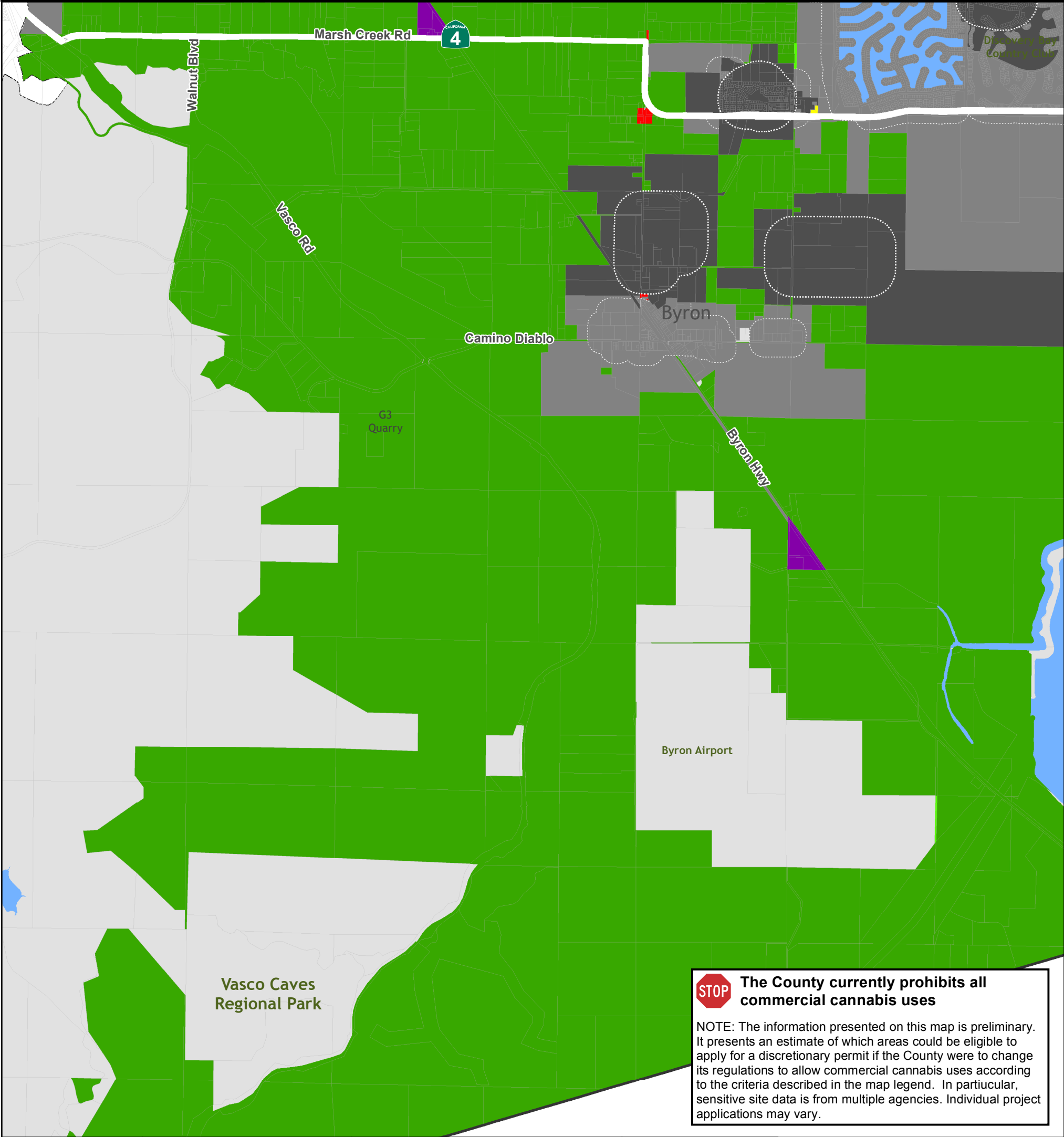
Byron Area

Map
6A

Sensitive Site and Residential Buffers

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.

- Parcels within 1,000 feet of a Sensitive Site
- Parcels within 500 feet of Residential Zoning



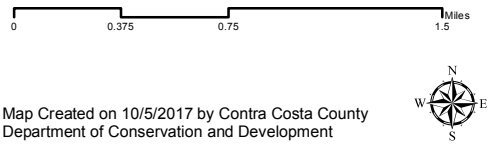
The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES		** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront	
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*				
Area Wide Planned Unit Development (P-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*	
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply						
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from aother retail location	

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits



Map
6B

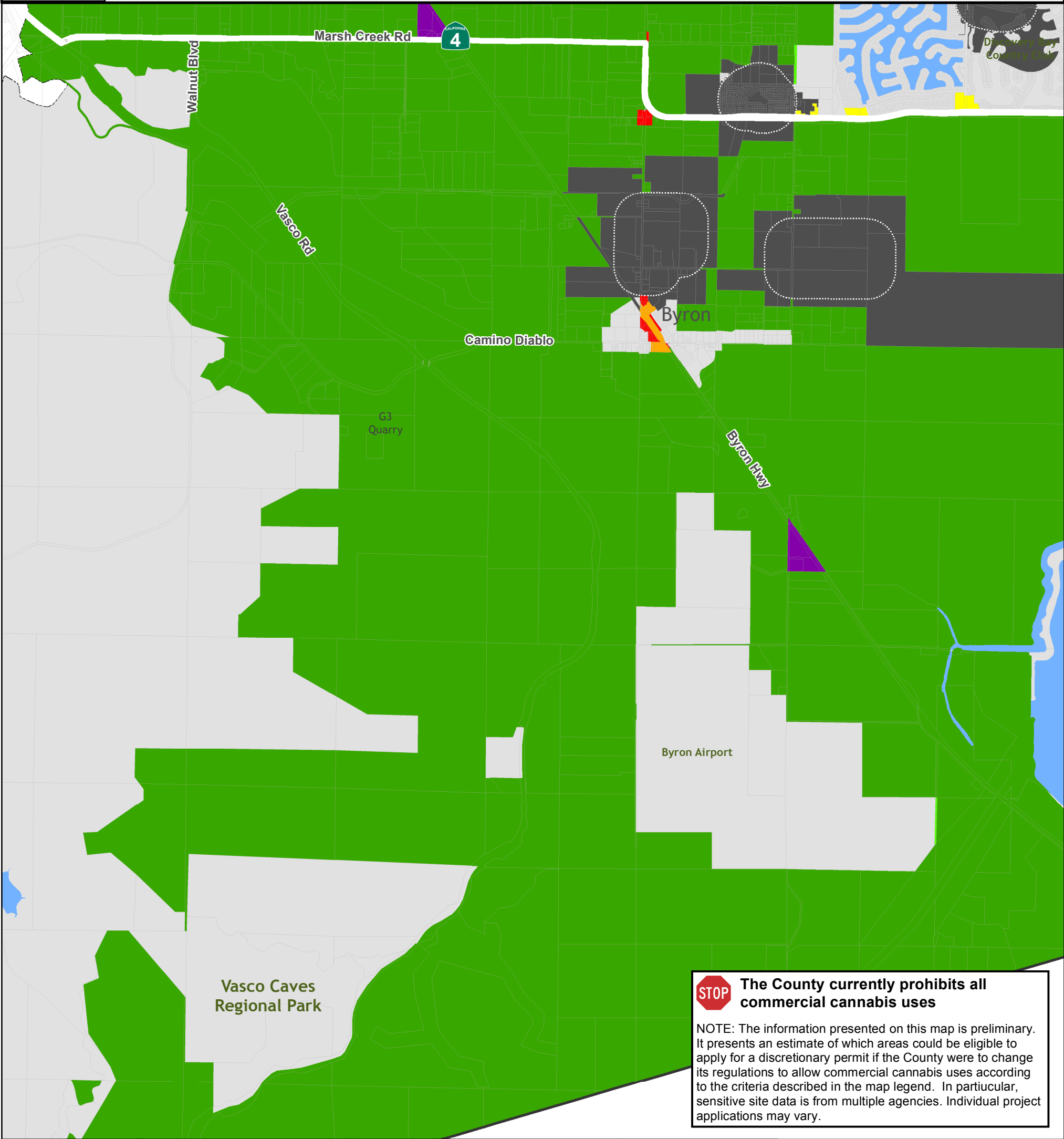
Preliminary Cannabis Land Use Matrix and Map

Byron Area

Sensitive Site Buffers

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.

Parcels within 1,000 feet of a Sensitive Site



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	500 ft from aother retail location

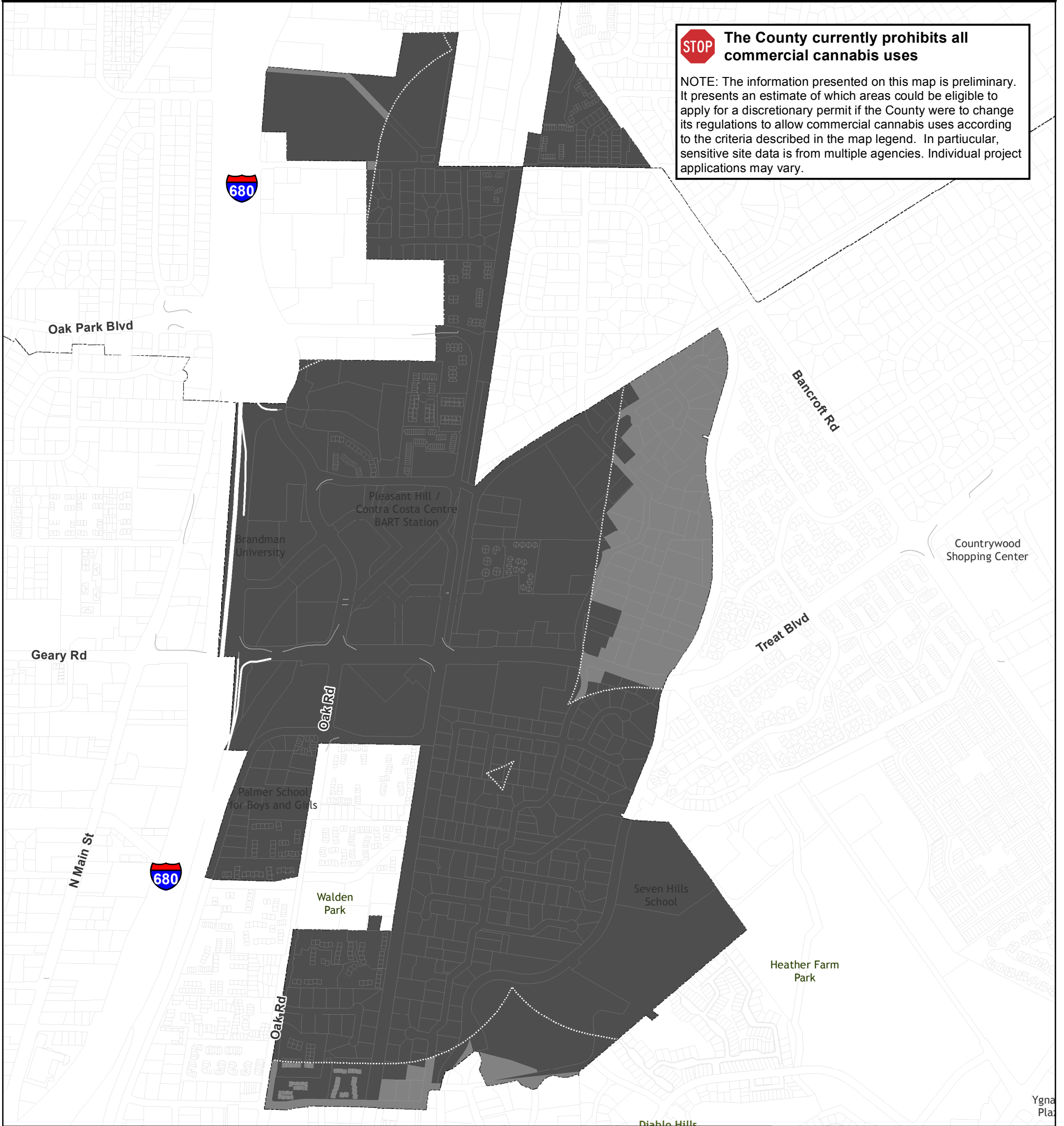
**** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.**

Areas with Incompatible Zoning District or General Plan Land Use Designation

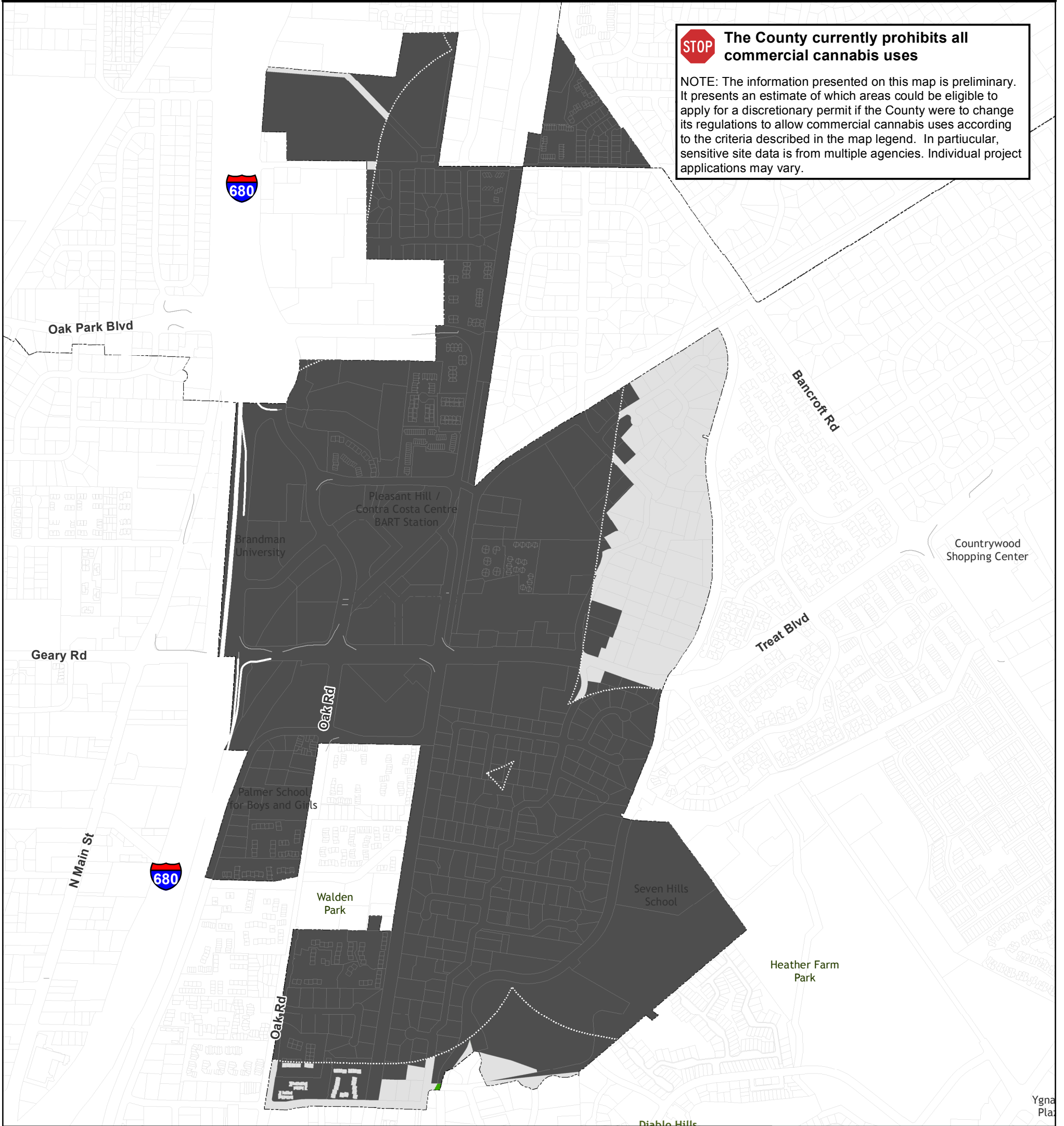
City Limits

0 0.375 0.75 1.5 Miles

Map Created on 10/5/2017 by Contra Costa County Department of Conservation and Development



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES		<div><div></div>Areas with Incompatible Zoning District or General Plan Land Use Designation</div> <div><div></div>City Limits</div> <div><div>00.0750.150.3Miles</div><div>Map Created on 10/5/2017 by Contra Costa County Department of Conservation and Development</div><div><div>N</div><div>W</div><div>E</div><div>S</div></div></div>
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront	
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*				
Area Wide Planned Unit Development (P-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*	
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply						
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from aother retail location	




LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES		<div><div></div>Areas with Incompatible Zoning District or General Plan Land Use Designation</div> <div><div></div>City Limits</div> <div><div>00.0750.150.3Miles</div><div>Map Created on 10/5/2017 by Contra Costa County Department of Conservation and Development</div><div><div>N</div><div>W</div><div>E</div><div>S</div></div></div>
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront	
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*				
Area Wide Planned Unit Development (P-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*	
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply						
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from aother retail location	

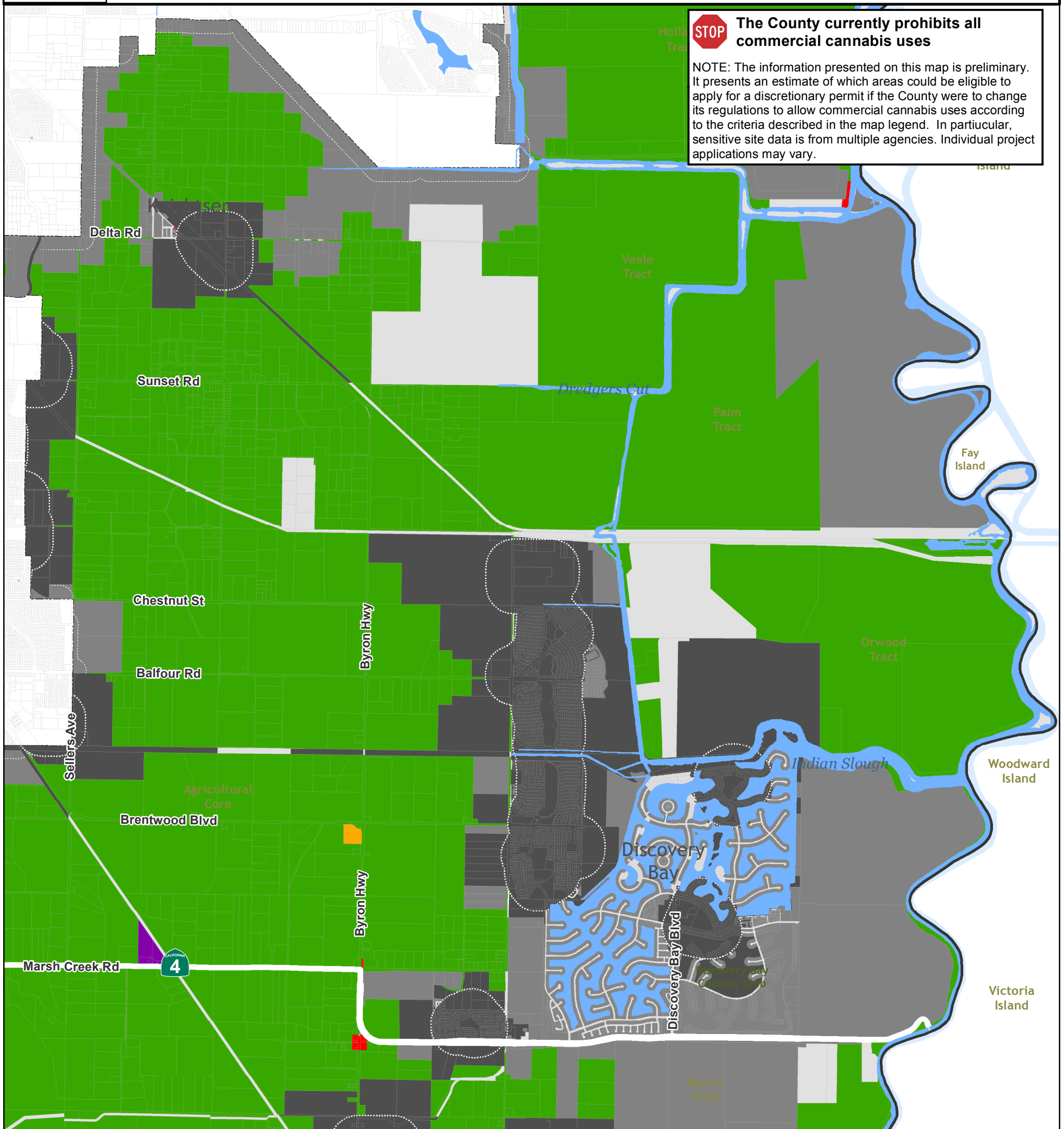
Preliminary Cannabis Land Use Matrix and Map

Discovery Bay and Knightsen Areas

Sensitive Site and Residential Buffers


 Parcels within 1,000 feet of a Sensitive Site
 Parcels within 500 feet of Residential Zoning


NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

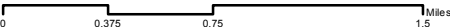



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from aother retail location

**** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.**

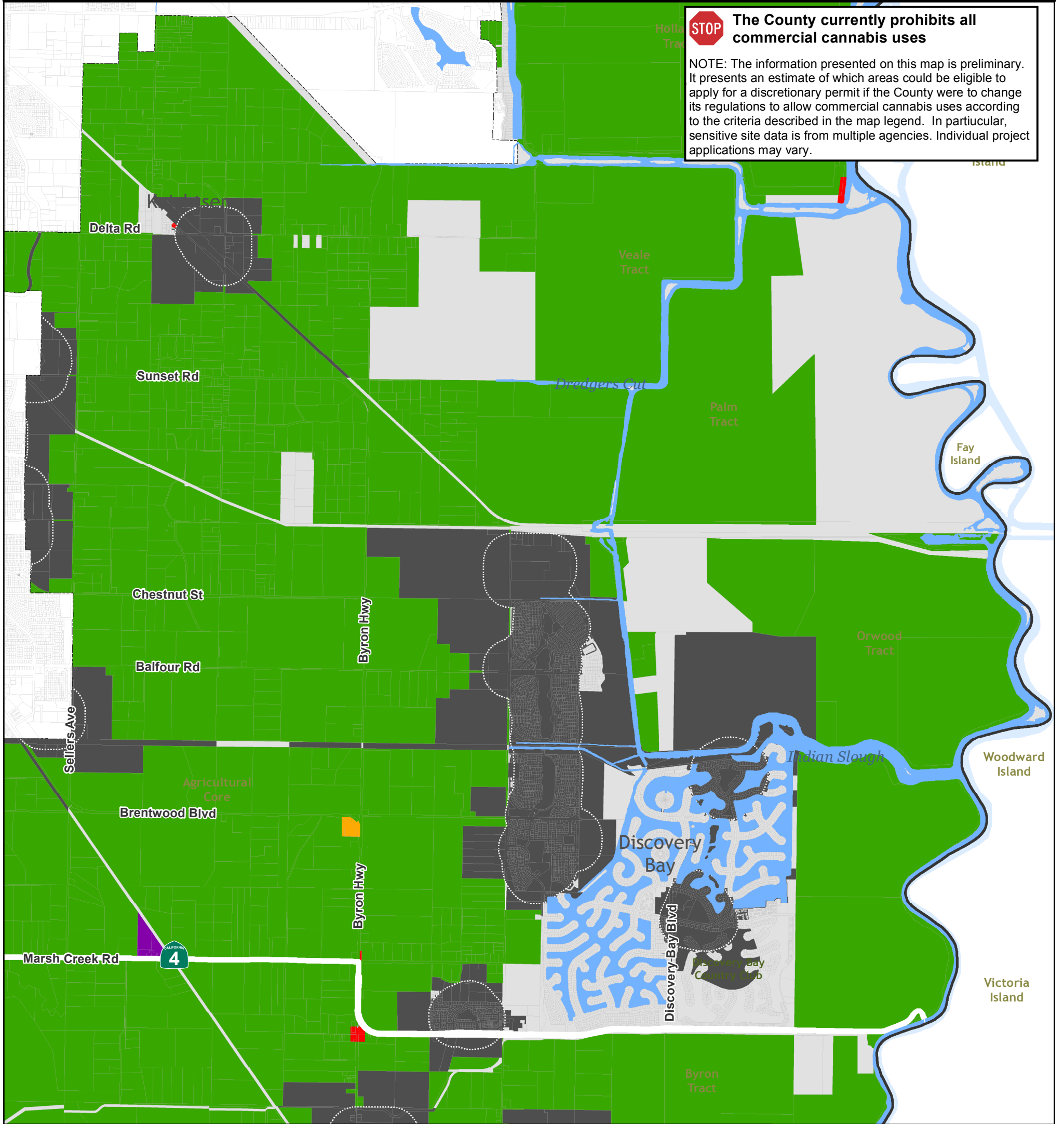
 Areas with Incompatible Zoning District or General Plan Land Use Designation

 City Limits





Map Created on 10/5/2017 by Contra Costa County Department of Conservation and Development



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heavy Industrial (H-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation



City Limits

0 0.375 0.75 1.5 Miles

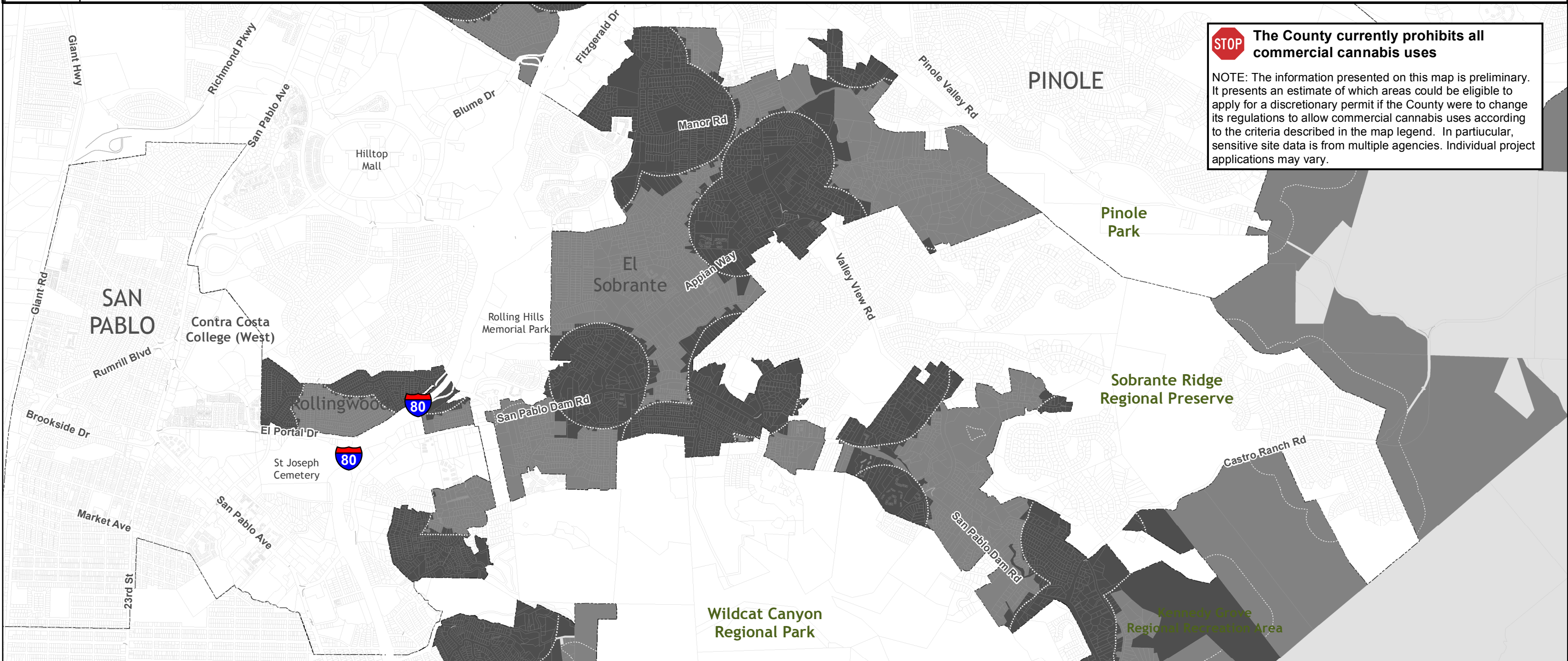
Map Created on 10/5/2017 by Contra Costa County Department of Conservation and Development

Map 9A Preliminary Cannabis Land Use Matrix and Map El Sobrante Area

Sensitive Site and Residential Buffers

 Parcels within 1,000 feet of a Sensitive Site
 Parcels within 500 feet of Residential Zoning

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees /trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

**** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.**

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development

Map 9B Preliminary Cannabis Land Use Matrix and Map El Sobrante Area

Sensitive Site Buffers

■ Parcels within 1,000 feet of a Sensitive Site

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.



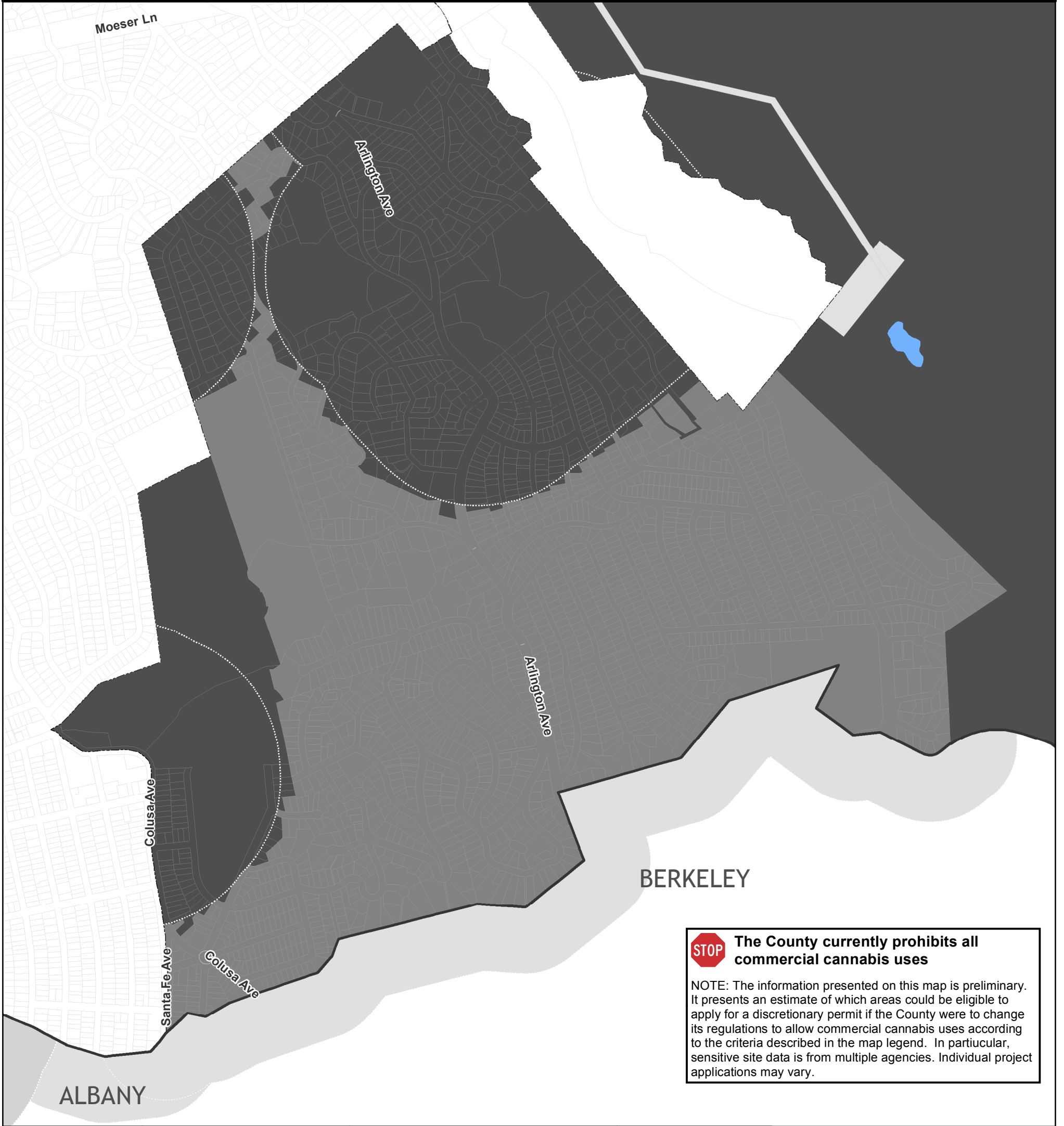
LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees /trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

**** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.**

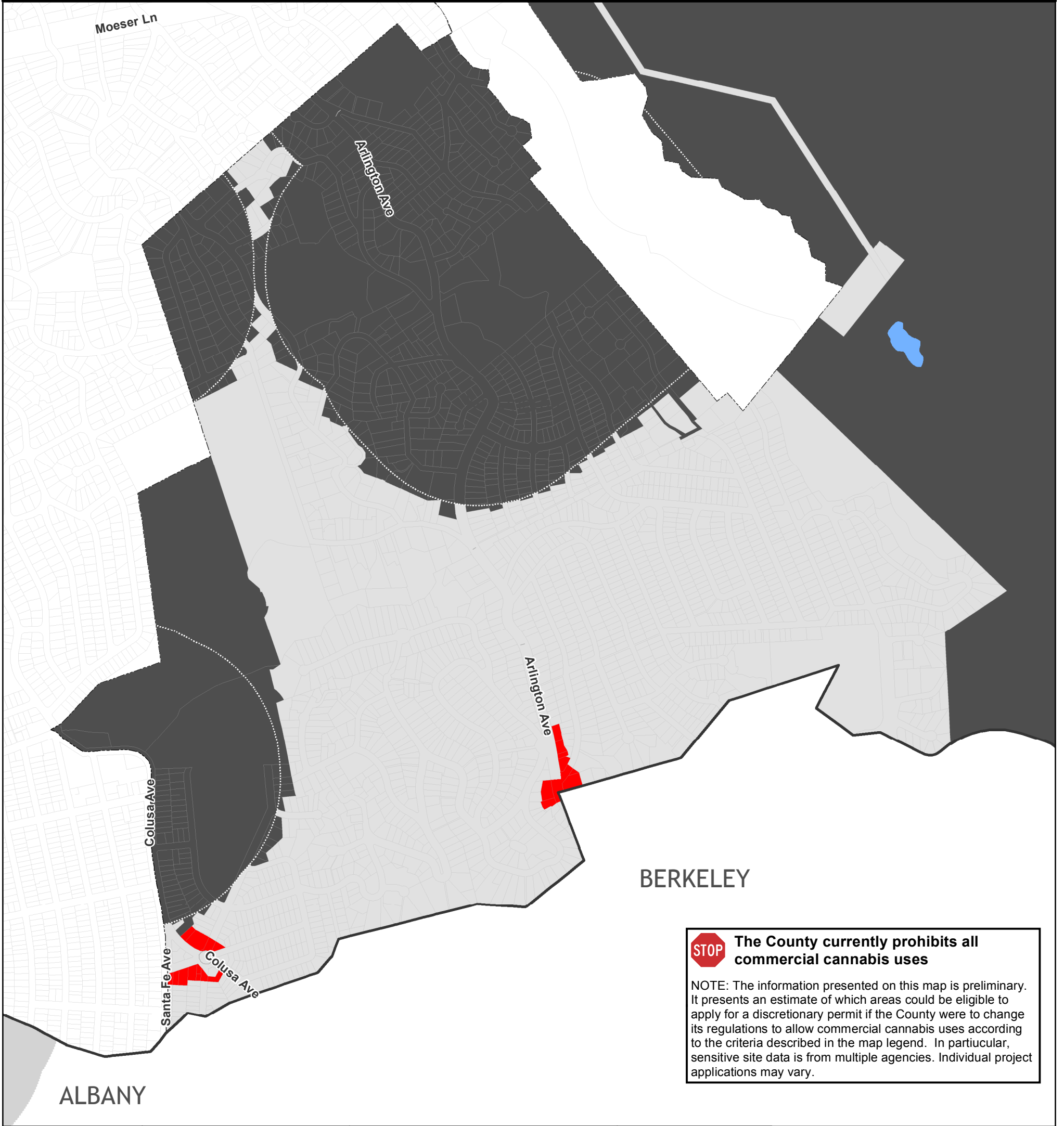
Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES		<div><div></div>Areas with Incompatible Zoning District or General Plan Land Use Designation</div> <div><div></div>City Limits</div> <div><div>00.0750.150.3Miles</div><div>Map Created on 10/5/2017 by Contra Costa County Department of Conservation and Development</div><div><div>N</div><div>W</div><div>E</div><div>S</div></div></div>
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront	
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*				
Area Wide Planned Unit Development (P-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*	
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply						
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from aother retail location	



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES		<div><div></div>Areas with Incompatible Zoning District or General Plan Land Use Designation</div> <div><div></div>City Limits</div> <div><div>00.0750.150.3Miles</div><div>Map Created on 10/5/2017 by Contra Costa County Department of Conservation and Development</div><div><div>N</div><div>W</div><div>E</div><div>S</div></div></div>
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront	
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*				
Area Wide Planned Unit Development (P-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*	
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply						
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from aother retail location	

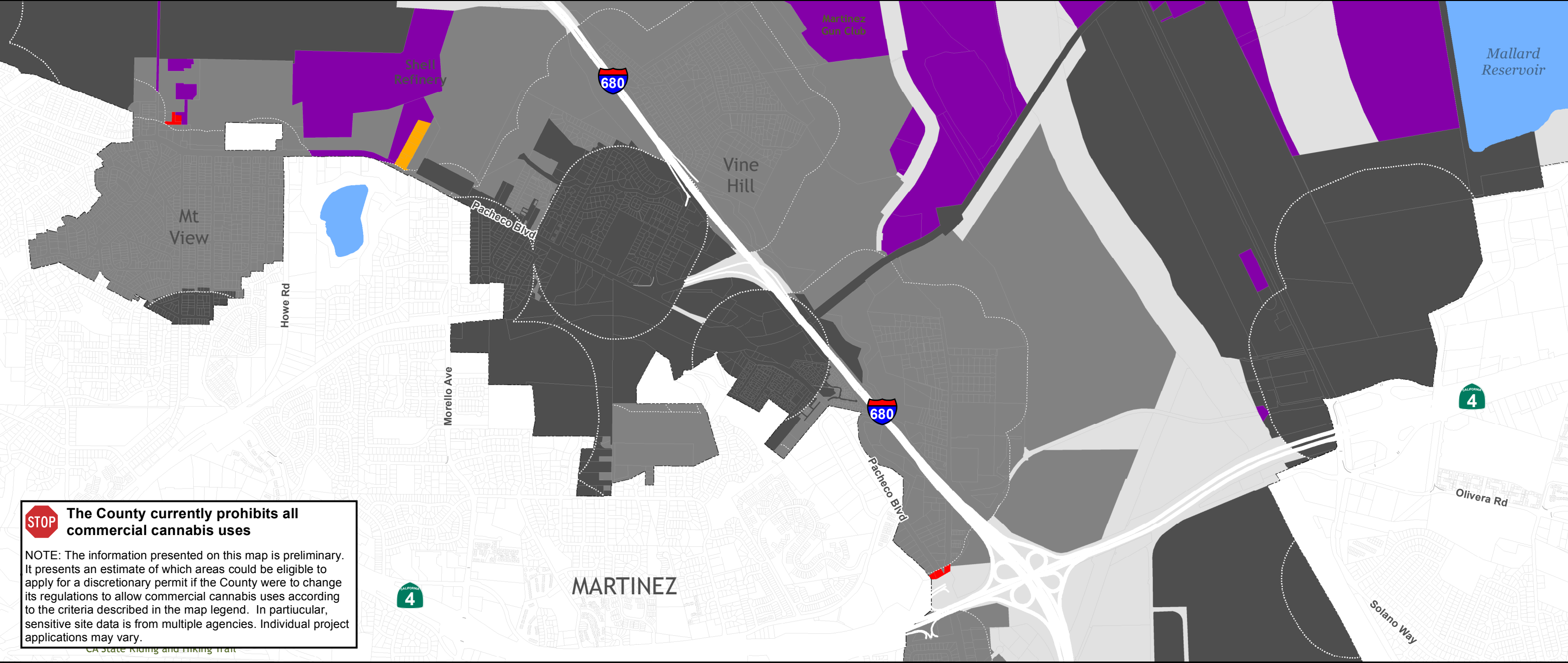
Map 11A

Preliminary Cannabis Land Use Matrix and Map
Unincorporated Martinez and Clyde Areas

Sensitive Site and Residential Buffers

- Parcels within 1,000 feet of a Sensitive Site
- Parcels within 500 feet of Residential Zoning

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.



STOP

The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees /trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

00.20.40.8

Miles

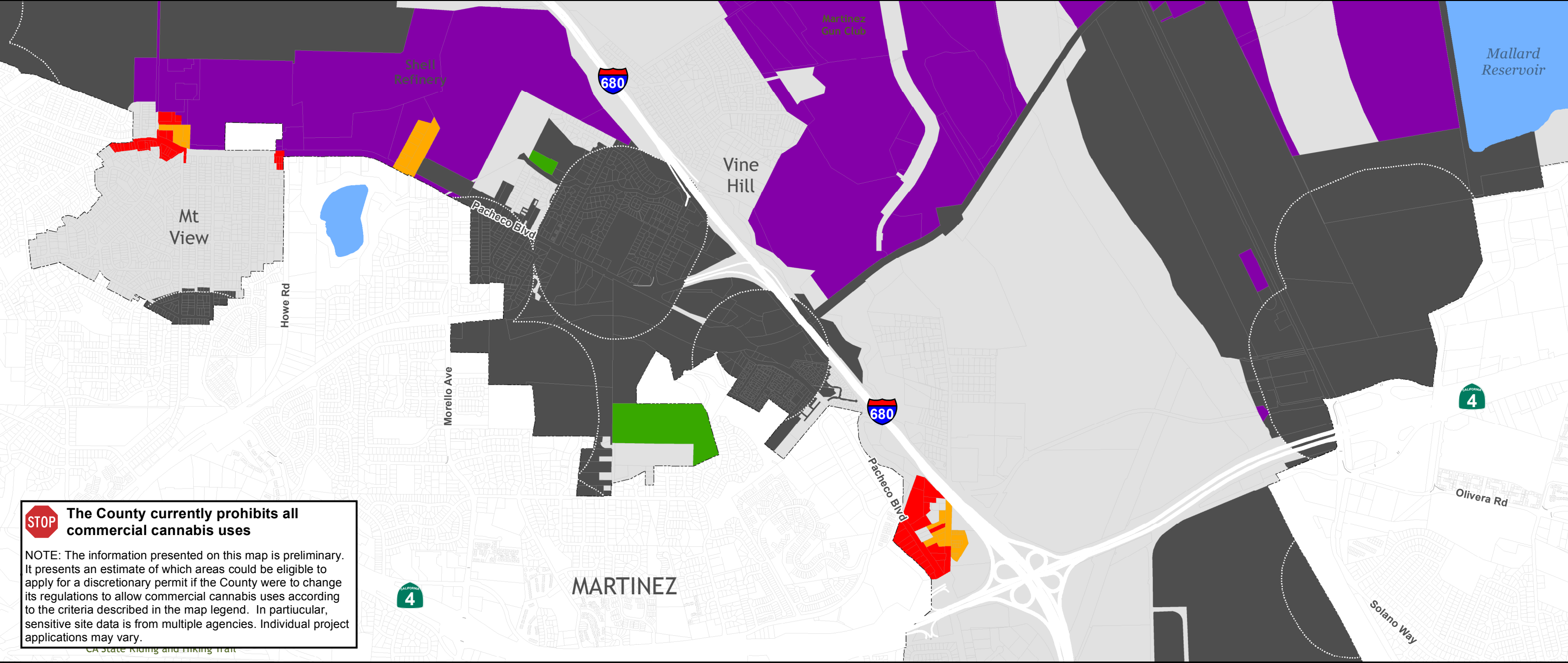
Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development

Map 11B Preliminary Cannabis Land Use Matrix and Map Unincorporated Martinez and Clyde Areas

Sensitive Site Buffers

Parcels within 1,000 feet of a Sensitive Site

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees /trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

0 0.2 0.4 0.8 Miles

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development

Map 12A

Preliminary Cannabis Land Use Matrix and Map
Montalvin Manor, Bay View, and Tara Hills Area

Sensitive Site and Residential Buffers

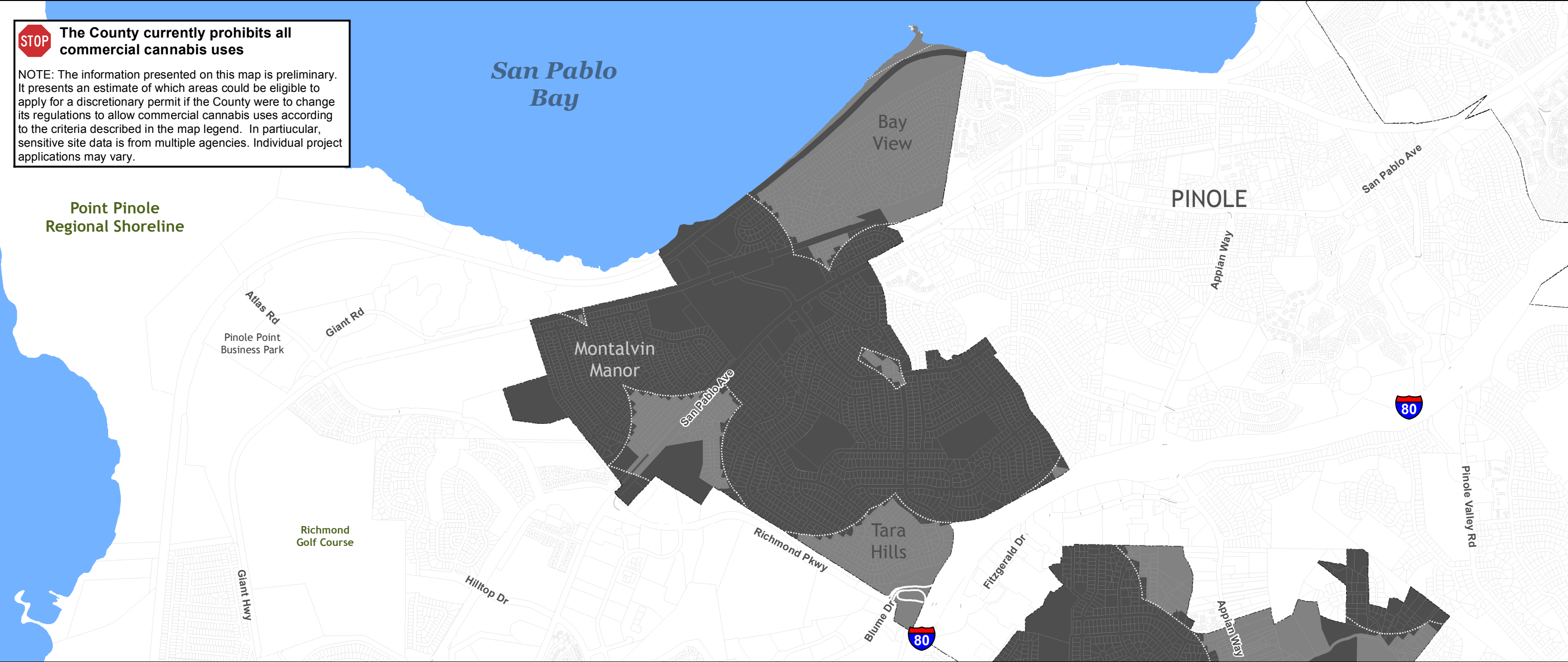
- Parcels within 1,000 feet of a Sensitive Site
- Parcels within 500 feet of Residential Zoning

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.

STOP

The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In partiucular, sensitive site data is from multiple agencies. Individual project applications may vary.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees /trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District orGeneral Plan Land Use Designation

City Limits

00.2250.450.9Miles

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development

Map 12B

Preliminary Cannabis Land Use Matrix and Map
Montalvin Manor, Bay View, and Tara Hills Area

Sensitive Site Buffers

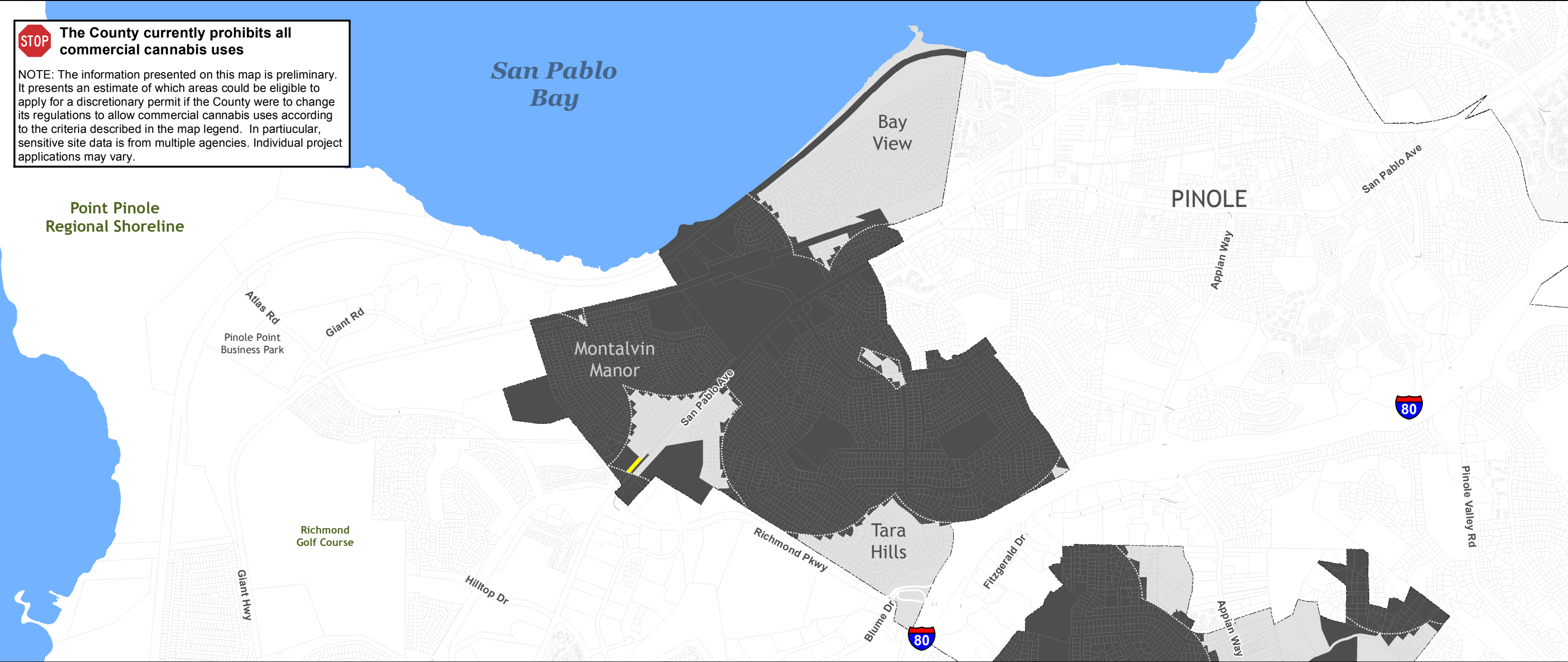
Parcels within 1,000 feet of a Sensitive Site

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.

STOP

The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In partiucular, sensitive site data is from multiple agencies. Individual project applications may vary.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees /trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

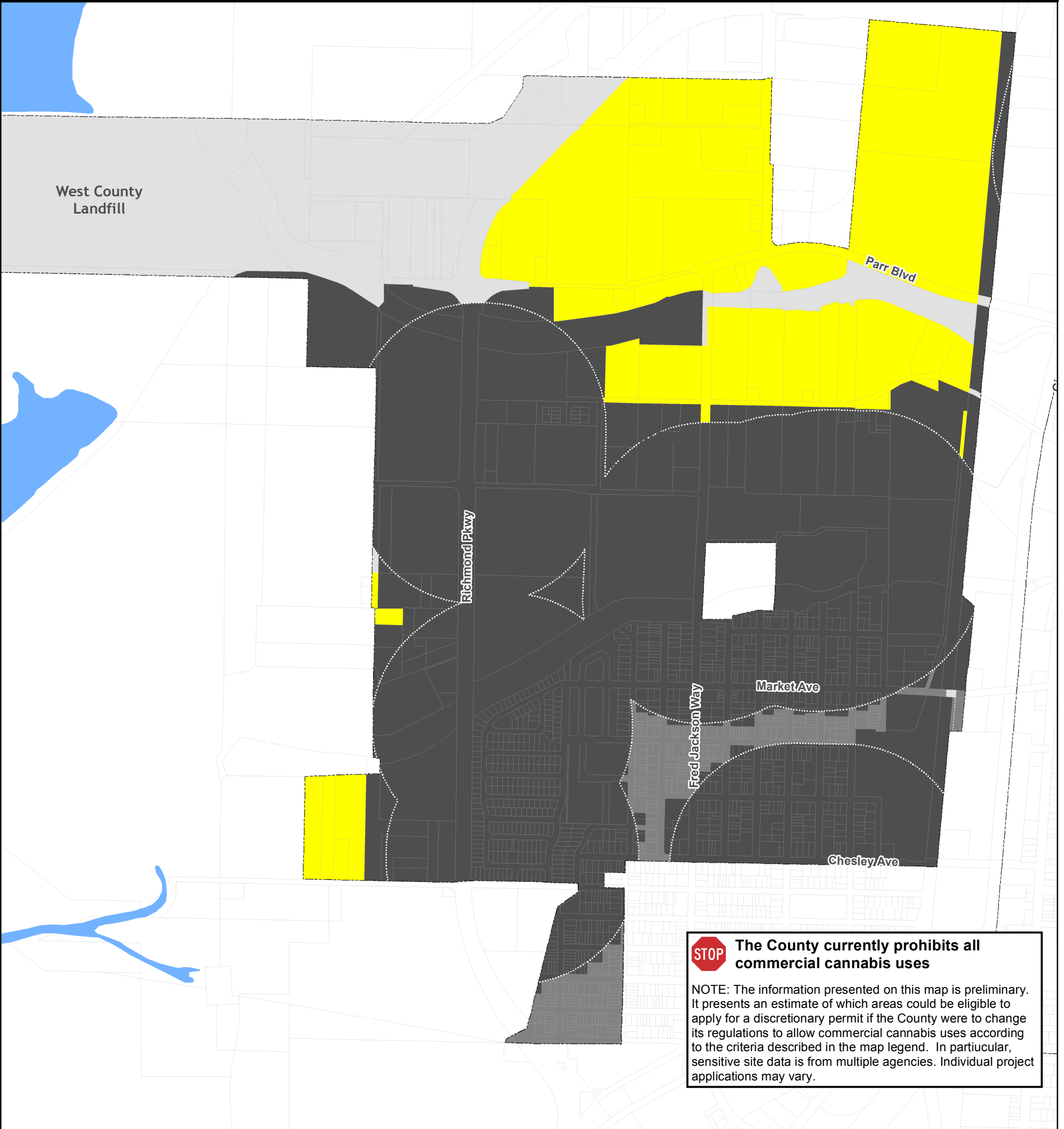
** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District orGeneral Plan Land Use Designation

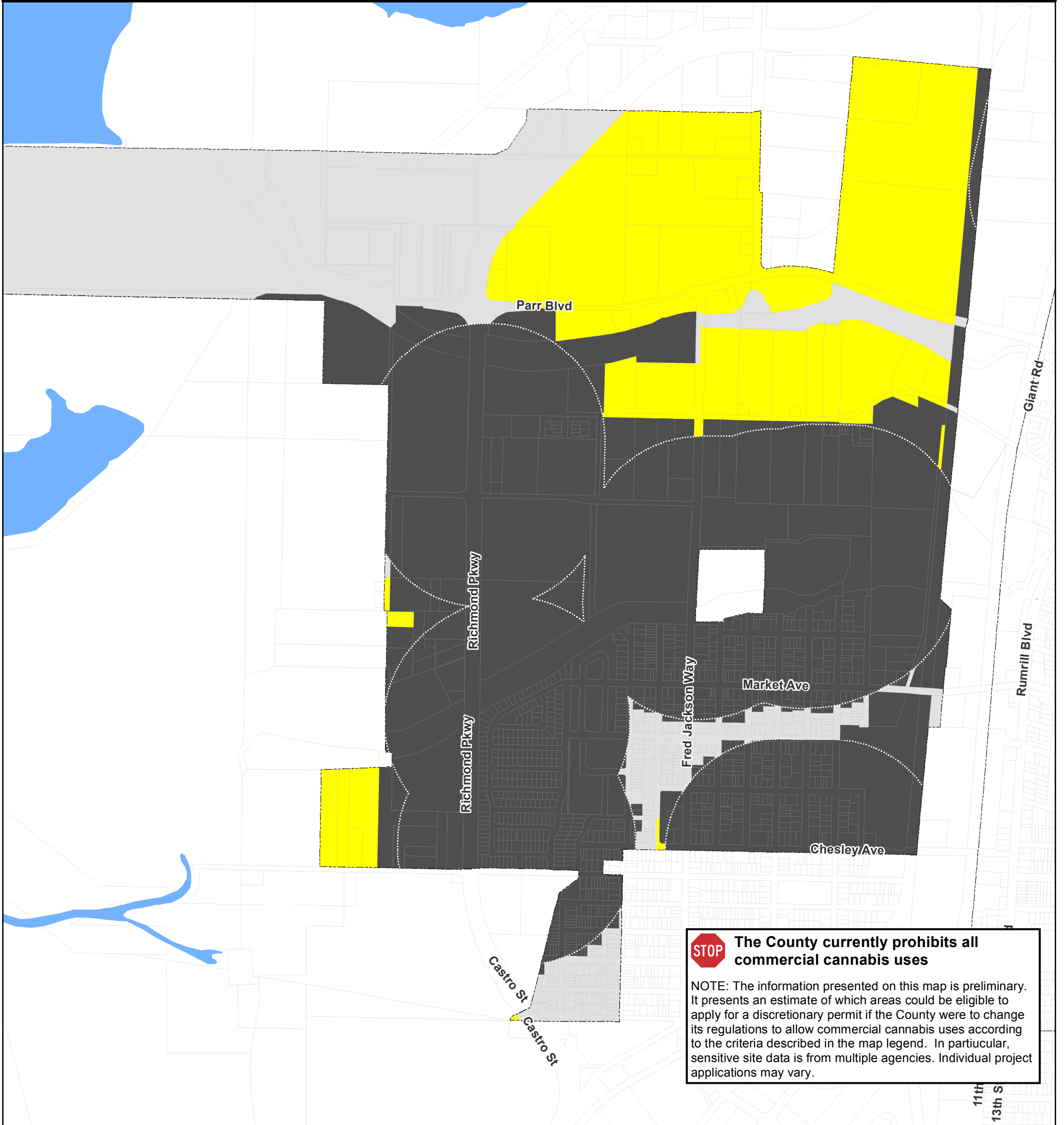
City Limits

00.2250.450.9Miles

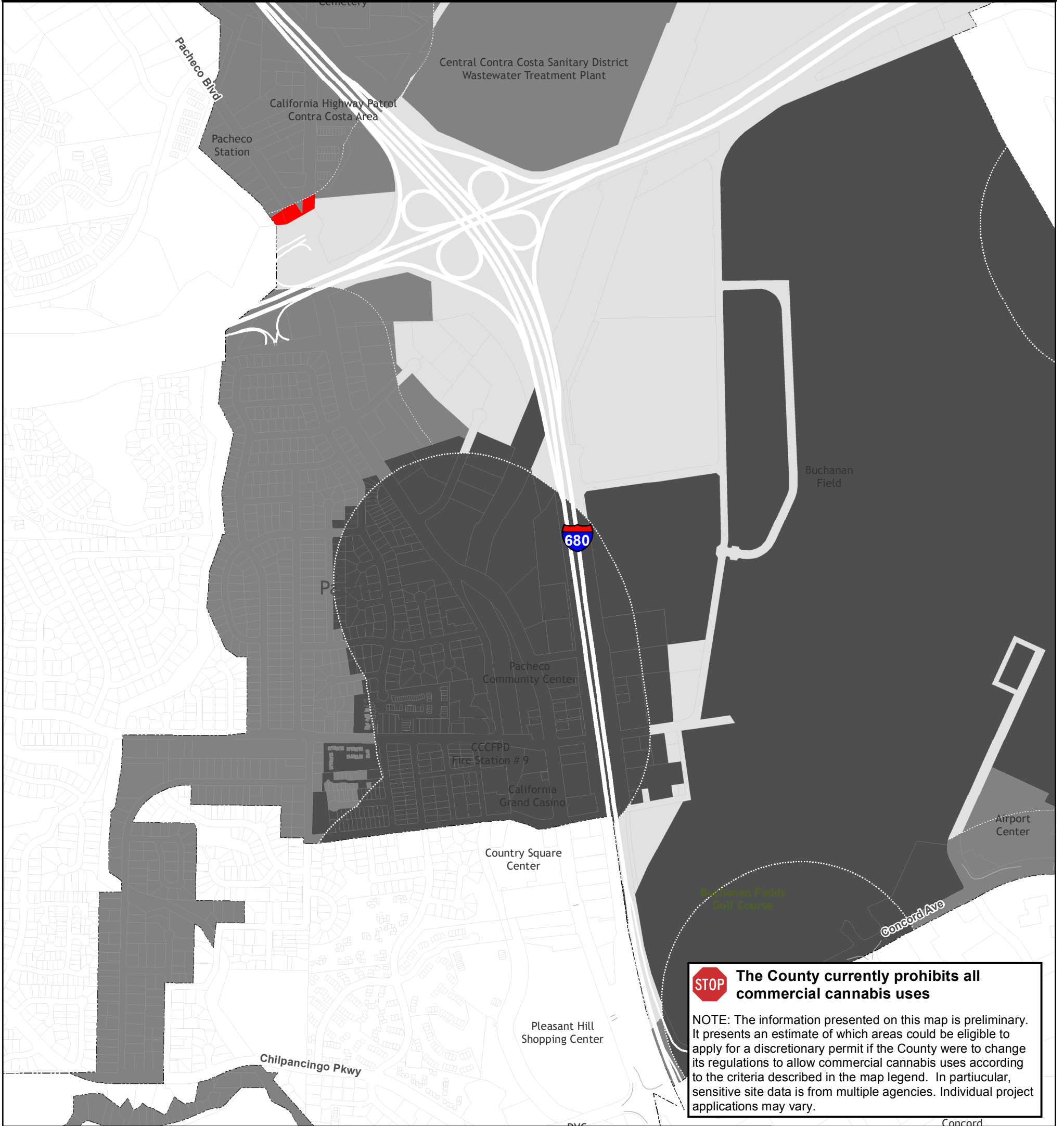
Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES		<div><div></div>Areas with Incompatible Zoning District or General Plan Land Use Designation</div> <div><div></div>City Limits</div> <div><div>00.0750.150.3</div>Miles</div> <div>Map Created on 10/5/2017 by Contra Costa County Department of Conservation and Development</div> <div><div><div>N</div><div>W</div><div>E</div><div>S</div></div></div>
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront	
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*				
Area Wide Planned Unit Development (P-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*	
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply						
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from aother retail location	



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES		<div><div></div>Areas with Incompatible Zoning District or General Plan Land Use Designation</div> <div><div></div>City Limits</div> <div><div>00.0750.150.3Miles</div><div>Map Created on 10/5/2017 by Contra Costa County Department of Conservation and Development</div><div><div>N</div><div>W</div><div>E</div><div>S</div></div></div>
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront	
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*				
Area Wide Planned Unit Development (P-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*	
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply						
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from aother retail location	



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES		<div><div></div>Areas with Incompatible Zoning District or General Plan Land Use Designation</div> <div><div></div>City Limits</div> <div><div>00.0750.150.3Miles</div><div>Map Created on 10/5/2017 by Contra Costa County Department of Conservation and Development</div><div><div>N</div><div>W</div><div>E</div><div>S</div></div></div>
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront	
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*				
Area Wide Planned Unit Development (P-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*	
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply						
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from aother retail location	

Map
14B

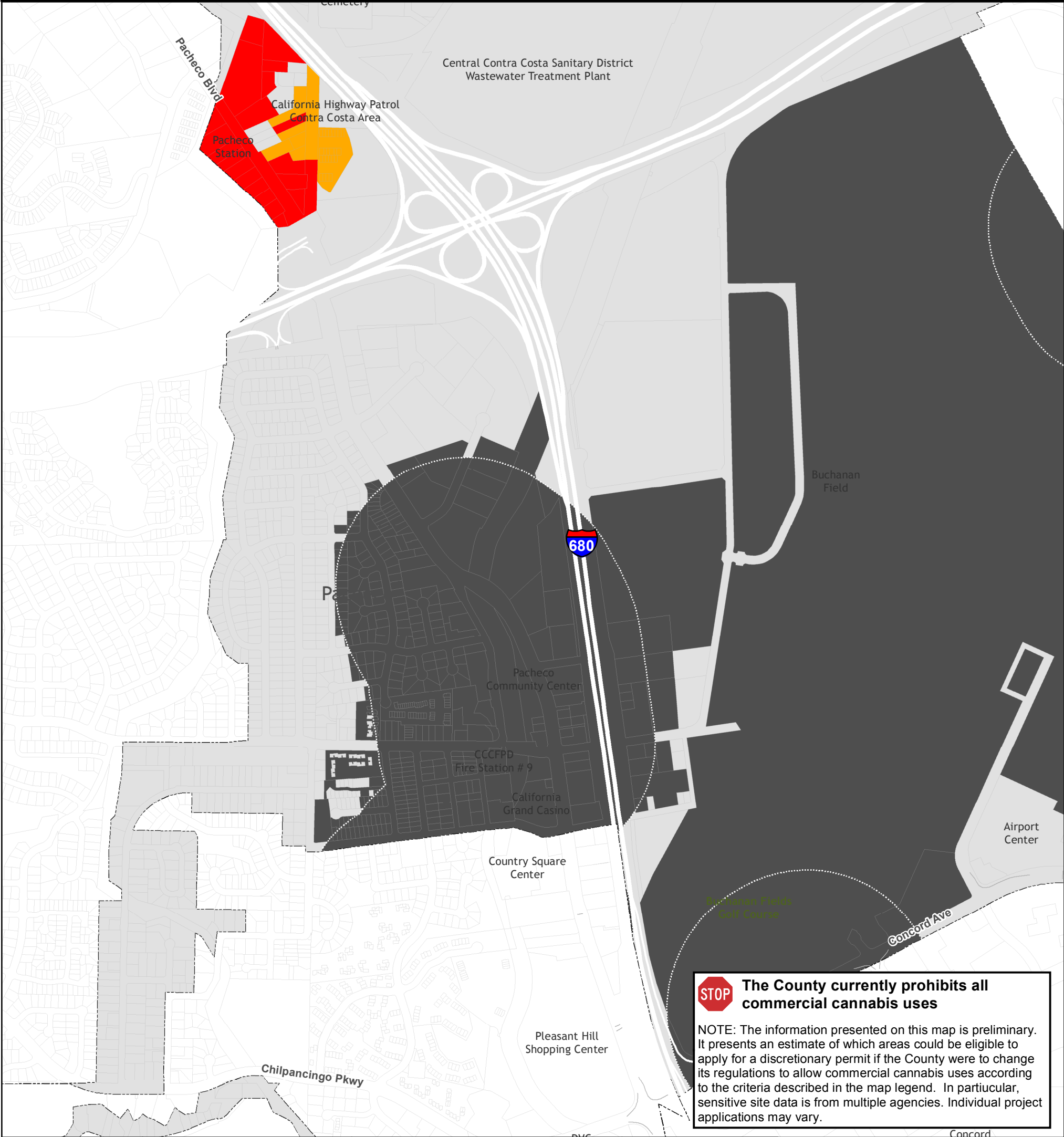
Preliminary Cannabis Land Use Matrix and Map

Pacheco Area

Sensitive Site Buffers

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.

Parcels within 1,000 feet of a Sensitive Site



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES		<div><div></div>Areas with Incompatible Zoning District or General Plan Land Use Designation</div> <div><div></div>City Limits</div> <div><div>00.0750.150.3Miles</div><div>Map Created on 10/5/2017 by Contra Costa County Department of Conservation and Development</div><div><div>N</div><div>W</div><div>E</div><div>S</div></div></div>
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront	
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*				
Area Wide Planned Unit Development (P-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*	
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply						
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from aother retail location	

Map 15A

Preliminary Cannabis Land Use Matrix and Map Rodeo, Crockett, and Port Costa Areas

Sensitive Site and Residential Buffers

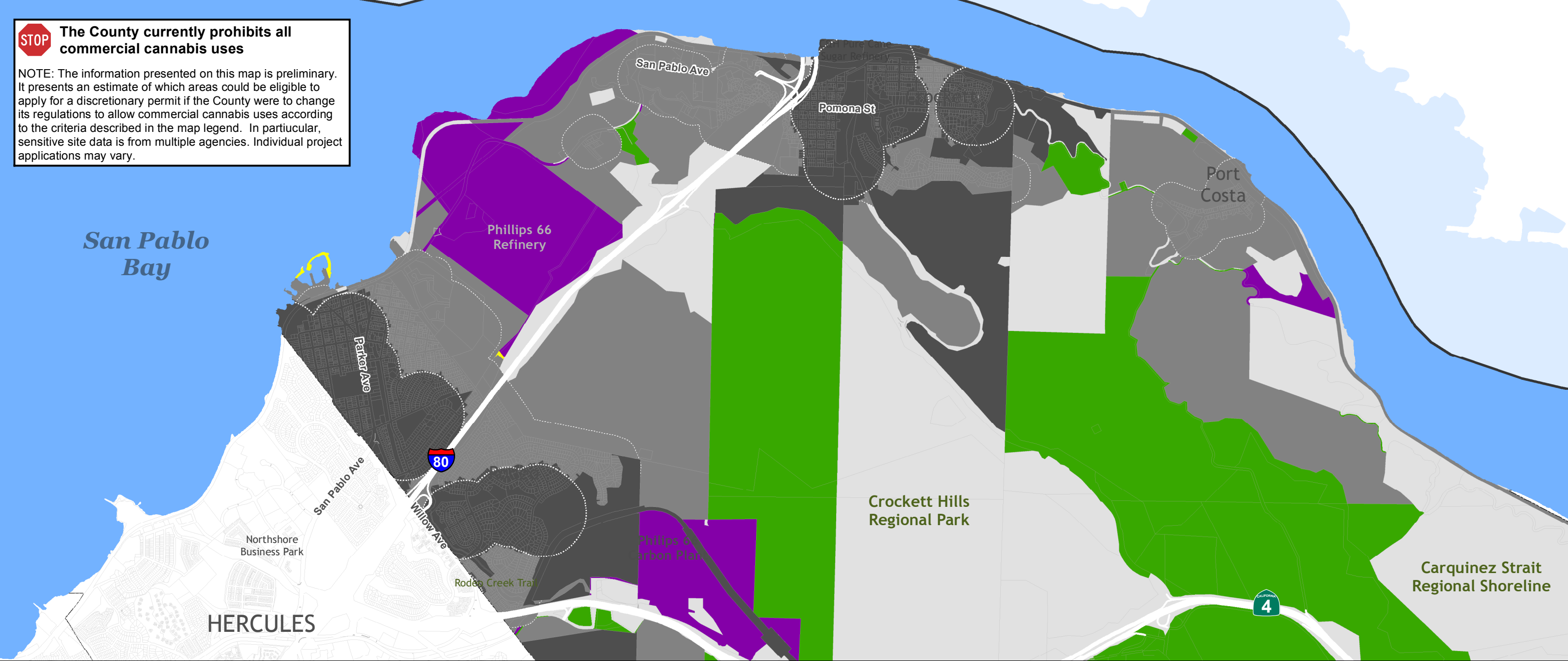
- Parcels within 1,000 feet of a Sensitive Site
- Parcels within 500 feet of Residential Zoning

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.

STOP

The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees /trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

00.3750.751.5

Miles

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development

Map 15B Preliminary Cannabis Land Use Matrix and Map Rodeo, Crockett, and Port Costa Areas

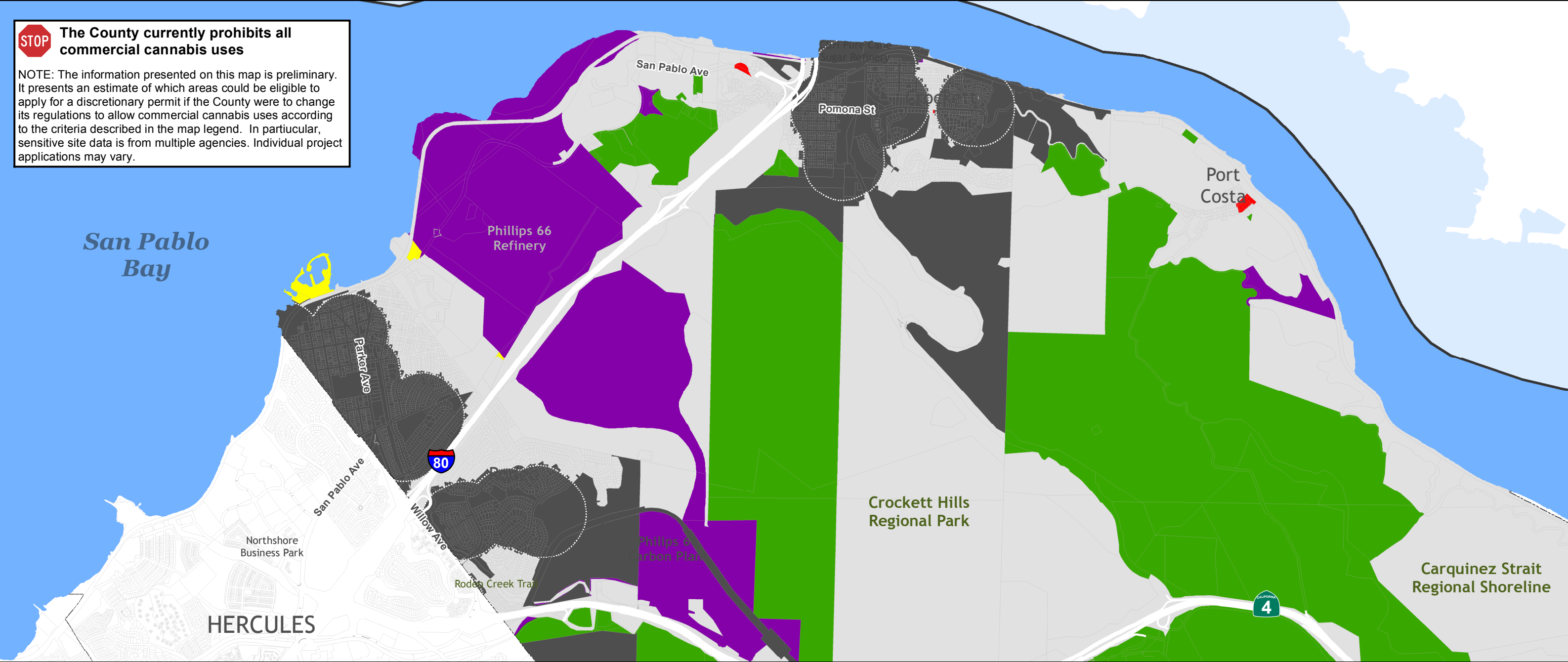
Sensitive Site Buffers

Parcels within 1,000 feet of a Sensitive Site

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.

STOP The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.



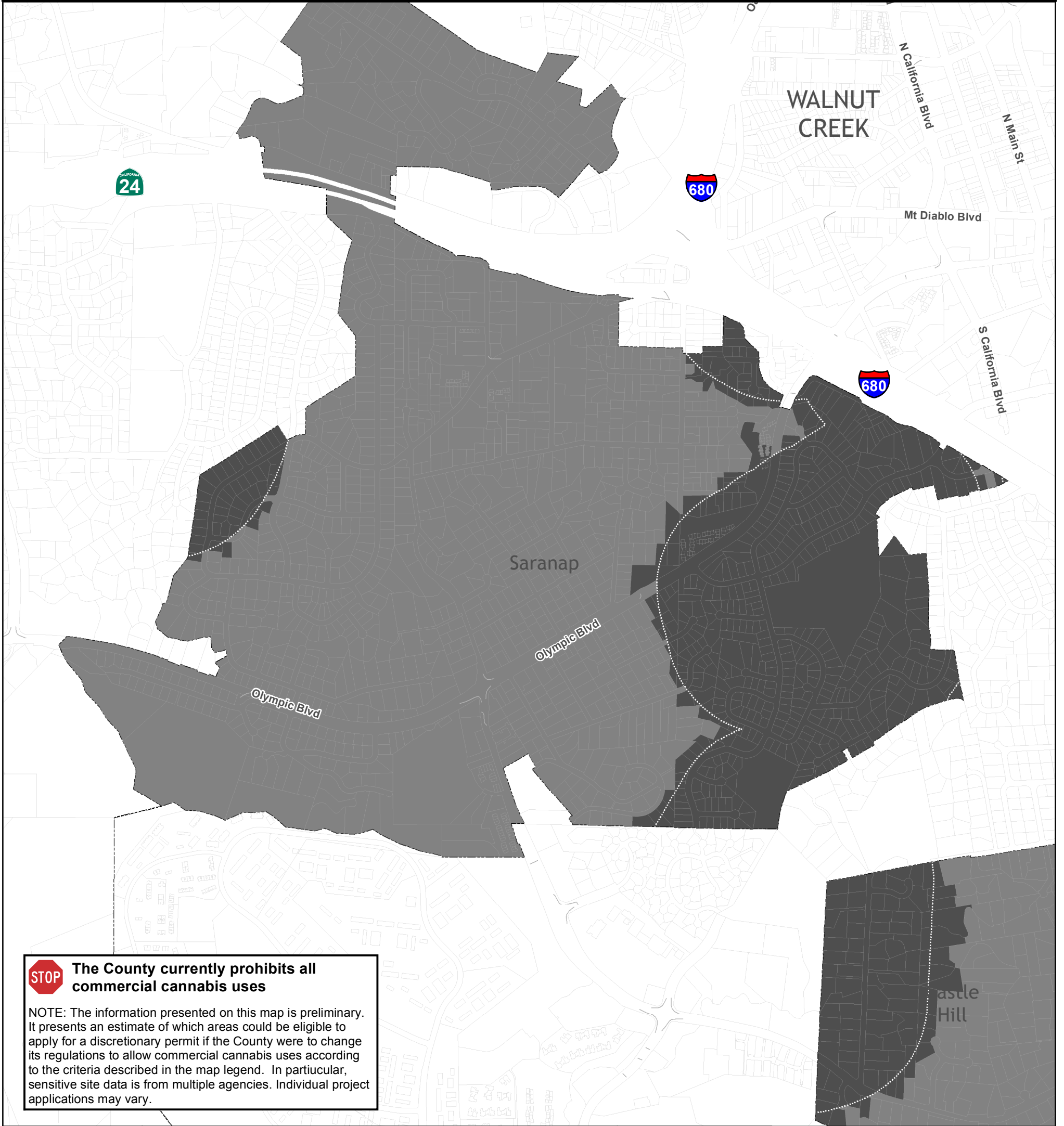
LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply					
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees /trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES		<div><div></div>Areas with Incompatible Zoning District or General Plan Land Use Designation</div> <div><div></div>City Limits</div> <div><div>00.10.20.4</div>Miles</div> <div>Map Created on 10/5/2017 by Contra Costa County Department of Conservation and Development</div> <div><div>N</div><div>W</div><div>E</div><div>S</div></div>
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront	
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*				
Area Wide Planned Unit Development (P-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*	
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply						
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from aother retail location	

Map
16B

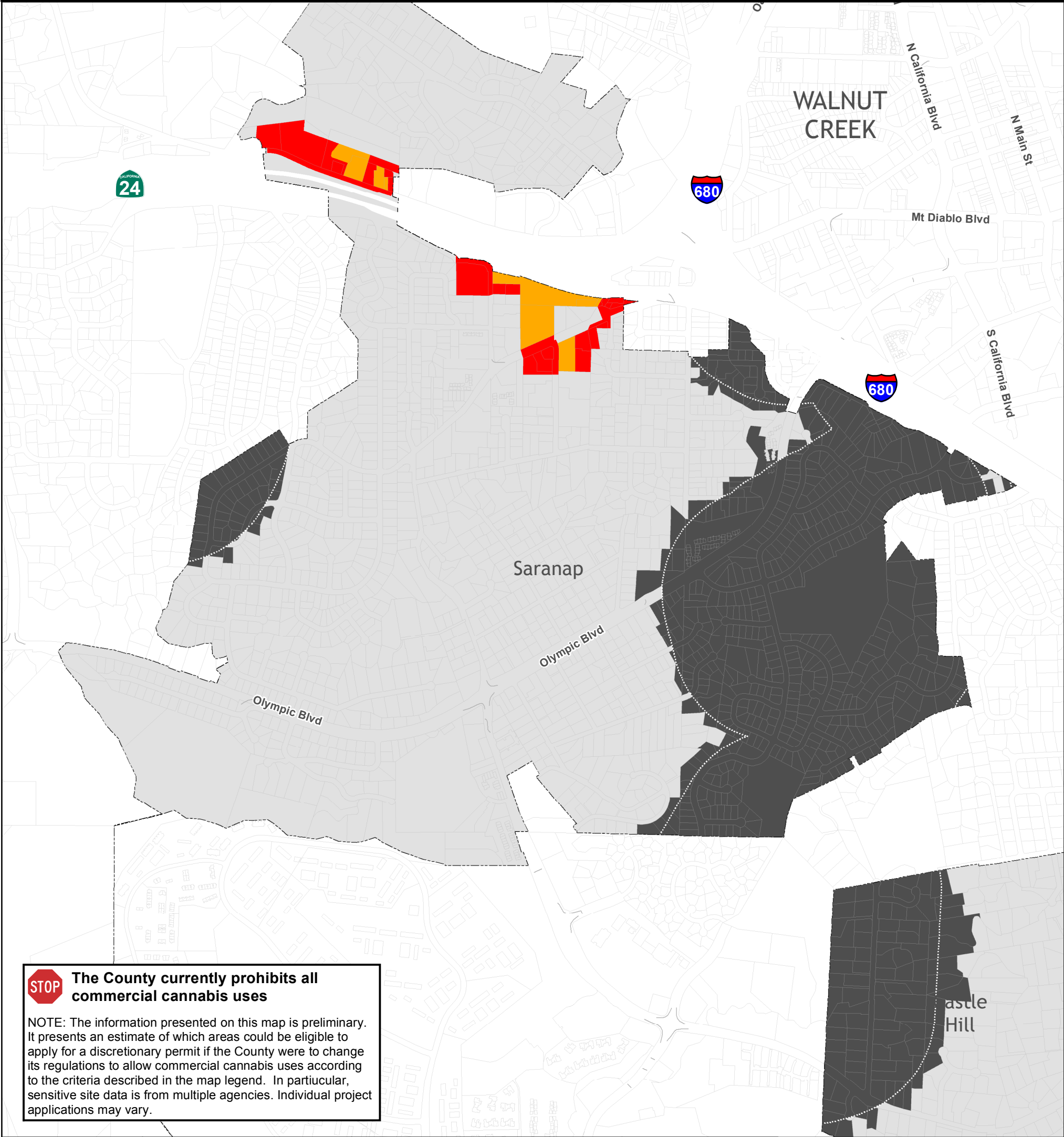
Preliminary Cannabis Land Use Matrix and Map

Saranap Area

Sensitive Site Buffers

Sensitive Sites include schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters.

Parcels within 1,000 feet of a Sensitive Site



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES		<div><div></div>Areas with Incompatible Zoning District or General Plan Land Use Designation</div> <div><div></div>City Limits</div> <div><div>00.10.20.4</div>Miles</div> <div>Map Created on 10/5/2017 by Contra Costa County Department of Conservation and Development</div> <div><div>N</div><div>W</div><div>E</div><div>S</div></div>
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront	
Agricultural Zoning Districts (A-)	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*				
Area Wide Planned Unit Development (P-1)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Retail- Business (R-B)							Land Use Permit*	Land Use Permit*	
General Commercial (C)				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	
Potential Sustainability Requirements	Renewable Energy Sustainable Water Supply		Sustainable Water Supply						
Key Considerations and Limitations by Use	Maximum 22,000 sf: Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from aother retail location	

Preliminary Draft Schedule (Draft date: 10-24-17)

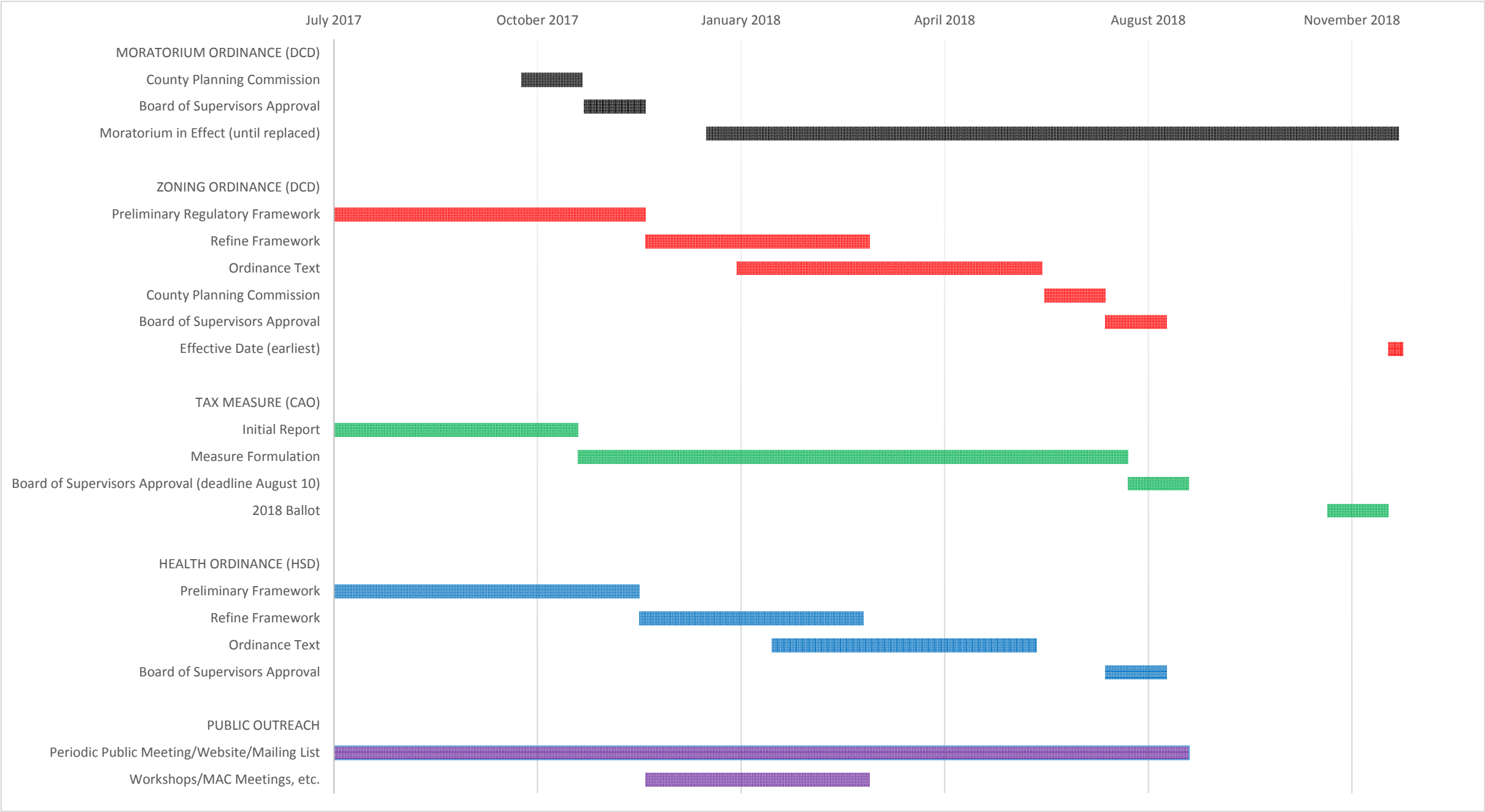


Table 1: OPTIONS FOR SETTING LIMITS ON THE GRANTING OF DISCRETIONARY LAND USE PERMITS FOR COMMERCIAL CANNABIS

(DRAFT)

Contra Costa County Department of Conservation and Development
Board of Supervisors
October 24, 2017

I. OPTIONS FOR NUMBER OF PERMITS TO BE ISSUED		PROS	CONS	STAFF RECOMMENDATION
A.	No Limit (LUP for cannabis use may be approved on any qualifying parcel)	<ul style="list-style-type: none"> -Promotes Cannabis Businesses -Maximum Revenue Potential -Open to All Businesses Large and Small 	<ul style="list-style-type: none"> -Risk of Proliferation of Cannabis Uses/Influence -Community Impact/Nuisance/Crime Issues -More Extensive and Less Predictable Enforcement Demands 	Consider for Manufacturing, Distribution, Testing
B.	Hard Cap (permanent limit on # of each type of cannabis use)	<ul style="list-style-type: none"> -Limits Cannabis Influence -Restricts Proliferation of Cannabis Uses -County Maintains Control -Limits Impacts on Communities 	<ul style="list-style-type: none"> -Possibly Cumbersome Selection Process -Restricts Cannabis Related Businesses and Access -Limits Revenue Potential 	Consider for commercial cultivation and retail sales
C.	Gradual Annual Increase (aka “Ramp-up”) (increase # of permits over time <u>with or w/out</u> hard limit)	<ul style="list-style-type: none"> -County Maintains Control of # of Cannabis Uses -Restricts Proliferation of Cannabis Uses -Allows Enforcement Capability to Keep Pace with New Uses 	<ul style="list-style-type: none"> -Slows Approval of Commercial Cannabis - Restricts Cannabis Related Businesses Less revenue over the near term 	Consider for all commercial uses
II. OPTIONS FOR APPLICANT SELECTION PROCESS		PROS	CONS	STAFF RECOMMENDATION
A.	1ST Come, 1ST Served (cannabis applications processed like other Land Use Permits on a 1 st come 1 st served basis; cut-off is based on time application is deemed complete)	<ul style="list-style-type: none"> -Uses Established Process (in part) -Simple. Minimizes # of Decisions to be Made -Deemed Complete Cut-off Favors Capable Applicants 	<ul style="list-style-type: none"> -Applicants May Race Each Other -Less County Discretion, Though Still Able to Deny - No Ability to Prioritize Applications 	2 nd choice
B.	RFP with Scoring (“Request for Proposal” process with scoring system where County requests that qualified applicants submit proposal by specified date to be selected by County through a criteria-based review)	<ul style="list-style-type: none"> -Additional Layer of Discretion for County -Encourages Professionalism and “Good” Business Practices -May be able to pursue policy priorities through scoring system 	<ul style="list-style-type: none"> -More Staff Work to Develop and Implement -Establishes New Process and Learning Curve -May be Perceived as not Objective -Developing Scoring System May Be Controversial Process 	Consider for any use category that will have a hard-cap or an interim cap
C.	Lottery (Project proponents selected to apply by a lottery process)	<ul style="list-style-type: none"> -Transparent Selection Process -Simple Selection Process 	<ul style="list-style-type: none"> -Less County Discretion Though Still Able to Deny -Less Desirable Proposals May Be Invited to Apply and Receive Approvals 	3 rd choice



GODBE RESEARCH
Gain Insight

CITY OF CONCORD

2017 Cannabis Planning Survey

Topline Report

n=1,155

16-minutes

Likely November 2020 Voters

September 27, 2017

www.godberesearch.com

Northern California and Corporate Offices
1575 Old Bayshore Highway, Suite 102
Burlingame, CA 94010

Nevada
59 Damonte Ranch Parkway, Suite B309
Reno, NV 89521

Pacific Northwest
601 108th Avenue NE, Suite 1900
Bellevue, WA 98004

METHODOLOGY

Sample Universe:
- 52,156 Likely Voters

Sample Size:
n=1,155

Data Collection: Landline, Cell Phone & Online Interviewing from email invitation
Landline=112
Cell phone=72
Email Invite=289
Text Invite=682

Languages: English n=1,151 & Spanish n=4

Margin of Error: \pm 2.85%

Interview Dates: August 22 to August 29, 2017

CONCORD CLIMATE

		Column N %	Count	Mean
1. Overall, how would you rate the quality of life in Concord today? Is it excellent, good, just fair, or poor?	Excellent	17.8%	206	
	Good	60.2%	695	
	Just fair	17.6%	204	
	Poor	4.1%	47	
	DK/NA	0.4%	4	

GENERAL AWARENESS & SUPPORT OR OPPOSITION

		Column N %	Count	Mean
2. Do you support or oppose the sale of medical marijuana in Concord?	Strongly support	46.0%	531	
	Somewhat support	23.0%	265	
	Somewhat oppose	8.0%	92	
	Strongly oppose	20.3%	235	
	DK/NA	2.7%	31	
	Total Support	69.0%	797	
	Total Oppose	28.3%	327	
3. Do you support or oppose the sale of recreational marijuana in Concord?	Strongly support	31.6%	365	
	Somewhat support	18.9%	218	
	Somewhat oppose	10.4%	120	
	Strongly oppose	35.4%	409	
	DK/NA	3.7%	42	
	Total Support	50.5%	584	
	Total Oppose	45.8%	529	

PERMITTING & LOCATION OF MARIJUANA FACILITIES IN CONCORD

		Column N %	Count	Mean
4. Do you support or oppose each of the following medical marijuana activities in Concord?				
4A. Testing labs	Strongly Support	39.8%	460	
	Somewhat Support	26.0%	301	
	Somewhat Oppose	6.4%	74	
	Strongly Oppose	20.5%	236	
	DK/NA	7.3%	84	
	Total Support	65.8%	760	
	Total Oppose	26.9%	311	
4B. Shipping and distribution facilities	Strongly Support	34.6%	399	
	Somewhat Support	24.3%	281	
	Somewhat Oppose	11.2%	130	
	Strongly Oppose	25.0%	289	
	DK/NA	4.9%	57	
	Total Support	58.8%	680	
	Total Oppose	36.2%	418	
4C. Indoor commercial cultivation facilities	Strongly Support	36.2%	418	
	Somewhat Support	23.7%	274	
	Somewhat Oppose	9.9%	114	
	Strongly Oppose	26.2%	303	
	DK/NA	4.0%	47	
	Total Support	59.9%	692	
	Total Oppose	36.1%	417	
4D. Outdoor commercial cultivation facilities	Strongly Support	27.2%	315	
	Somewhat Support	19.5%	225	
	Somewhat Oppose	12.3%	143	
	Strongly Oppose	36.1%	417	
	DK/NA	4.9%	56	
	Total Support	46.7%	540	
	Total Oppose	48.4%	559	
4E. Manufacturing of marijuana products	Strongly Support	35.1%	405	
	Somewhat Support	22.9%	264	
	Somewhat Oppose	9.5%	110	
	Strongly Oppose	27.0%	312	
	DK/NA	5.4%	63	
	Total Support	58.0%	670	
	Total Oppose	36.6%	422	
4F. Medical dispensaries	Strongly Support	47.0%	543	
	Somewhat Support	21.7%	250	
	Somewhat Oppose	8.3%	96	
	Strongly Oppose	20.2%	233	
	DK/NA	2.8%	32	
	Total Support	68.7%	793	
	Total Oppose	28.5%	330	

		Column N %	Count	Mean
4F. Medical dispensaries				0.69
4A. Testing labs				0.63
4C. Indoor commercial cultivation facilities				0.35
4B. Shipping and distribution facilities				0.34
4E. Manufacturing of marijuana products				0.31
4D. Outdoor commercial cultivation facilities				-0.11
5. Do you support or oppose each of the following recreational marijuana activities in Concord?				
5A. Testing labs	Strongly Support	32.2%	372	
	Somewhat Support	19.5%	226	
	Somewhat Oppose	9.7%	112	
	Strongly Oppose	32.2%	372	
	DK/NA	6.3%	72	
	Total Support	51.8%	598	
	Total Oppose	42.0%	485	
5B. Shipping and distribution facilities	Strongly Support	29.1%	336	
	Somewhat Support	18.2%	210	
	Somewhat Oppose	9.9%	114	
	Strongly Oppose	38.9%	449	
	DK/NA	4.0%	46	
	Total Support	47.3%	546	
	Total Oppose	48.8%	563	
5C. Indoor commercial cultivation facilities	Strongly Support	29.3%	338	
	Somewhat Support	19.9%	229	
	Somewhat Oppose	9.8%	113	
	Strongly Oppose	36.8%	425	
	DK/NA	4.3%	50	
	Total Support	49.1%	568	
	Total Oppose	46.6%	538	
5D. Outdoor commercial cultivation facilities	Strongly Support	23.8%	275	
	Somewhat Support	15.3%	177	
	Somewhat Oppose	12.0%	138	
	Strongly Oppose	44.9%	518	
	DK/NA	4.0%	46	
	Total Support	39.1%	452	
	Total Oppose	56.9%	657	
5E. Manufacturing of marijuana products	Strongly Support	29.2%	338	
	Somewhat Support	16.2%	188	
	Somewhat Oppose	11.1%	128	
	Strongly Oppose	39.4%	456	
	DK/NA	4.0%	46	
	Total Support	45.5%	525	
	Total Oppose	50.5%	584	

		Column N %	Count	Mean
5F. Recreational marijuana dispensaries	Strongly Support	30.7%	354	
	Somewhat Support	18.4%	213	
	Somewhat Oppose	7.8%	90	
	Strongly Oppose	40.0%	462	
	DK/NA	3.1%	35	
	Total Support	49.1%	567	
	Total Oppose	47.8%	552	
5G. Adult marijuana clubs	Strongly Support	23.8%	275	
	Somewhat Support	16.3%	188	
	Somewhat Oppose	12.0%	139	
	Strongly Oppose	40.0%	462	
	DK/NA	7.9%	91	
	Total Support	40.1%	463	
	Total Oppose	52.0%	601	
5A. Testing labs				0.10
5C. Indoor commercial cultivation facilities				-0.05
5F. Recreational marijuana dispensaries				-0.08
5B. Shipping and distribution facilities				-0.12
5E. Manufacturing of marijuana products				-0.16
5G. Adult marijuana clubs				-0.30
5D. Outdoor commercial cultivation facilities				-0.40
6. Do you support or oppose allowing personal outdoor cultivation of 6 or fewer marijuana plants in Concord?	Strongly Support	31.1%	359	
	Somewhat Support	20.0%	231	
	Somewhat Oppose	12.7%	146	
	Strongly Oppose	31.6%	365	
	DK/NA	4.5%	52	
	Total Support	51.1%	591	
	Total Oppose	44.3%	512	
7. Do you support or oppose allowing personal outdoor cultivation of 3 or fewer marijuana plants in Concord?	Strongly Support	35.6%	411	
	Somewhat Support	19.1%	220	
	Somewhat Oppose	11.2%	129	
	Strongly Oppose	29.7%	343	
	DK/NA	4.5%	52	
	Total Support	54.7%	632	
	Total Oppose	40.9%	472	

		Column N %	Count	Mean
8. For each of the following areas in Concord, do you support or oppose allowing medical marijuana dispensaries?				
8A. Downtown	Strongly Support	27.0%	312	
	Somewhat Support	24.5%	283	
	Somewhat Oppose	10.2%	117	
	Strongly Oppose	35.2%	407	
	DK/NA	3.1%	35	
	Total Support	51.6%	595	
	Total Oppose	45.4%	524	
8B. Local shopping centers	Strongly Support	23.8%	275	
	Somewhat Support	21.2%	244	
	Somewhat Oppose	13.6%	158	
	Strongly Oppose	37.9%	437	
	DK/NA	3.5%	41	
	Total Support	44.9%	519	
	Total Oppose	51.5%	595	
8C. Residential neighborhoods	Strongly Support	10.7%	124	
	Somewhat Support	10.5%	121	
	Somewhat Oppose	15.0%	174	
	Strongly Oppose	61.3%	708	
	DK/NA	2.5%	29	
	Total Support	21.2%	245	
	Total Oppose	76.3%	881	
8D. Near the police department	Strongly Support	43.3%	500	
	Somewhat Support	21.6%	249	
	Somewhat Oppose	9.3%	107	
	Strongly Oppose	23.1%	267	
	DK/NA	2.8%	32	
	Total Support	64.9%	749	
	Total Oppose	32.4%	374	
8E. Regional shopping centers	Strongly Support	25.1%	290	
	Somewhat Support	19.3%	223	
	Somewhat Oppose	15.0%	173	
	Strongly Oppose	35.7%	412	
	DK/NA	4.9%	57	
	Total Support	44.4%	513	
	Total Oppose	50.7%	585	
8F. Industrial areas	Strongly Support	35.4%	409	
	Somewhat Support	27.4%	317	
	Somewhat Oppose	7.1%	82	
	Strongly Oppose	26.6%	307	
	DK/NA	3.5%	41	
	Total Support	62.8%	725	
	Total Oppose	33.7%	389	

		Column N %	Count	Mean
8G. Office buildings	Strongly Support	23.3%	269	
	Somewhat Support	20.5%	237	
	Somewhat Oppose	13.1%	151	
	Strongly Oppose	37.9%	438	
	DK/NA	5.2%	60	
	Total Support	43.8%	506	
	Total Oppose	51.0%	589	
8D. Near the police department				0.54
8F. Industrial areas				0.39
8A. Downtown				-0.02
8E. Regional shopping centers				-0.18
8B. Local shopping centers				-0.21
8G. Office buildings				-0.23
8C. Residential neighborhoods				-1.08
9. For each of the following areas in Concord, do you support or oppose allowing recreational marijuana dispensaries?				
9A. Downtown	Strongly Support	23.5%	271	
	Somewhat Support	15.7%	181	
	Somewhat Oppose	11.9%	138	
	Strongly Oppose	46.4%	536	
	DK/NA	2.5%	29	
	Total Support	39.2%	452	
	Total Oppose	58.4%	674	
9B. Local shopping centers	Strongly Support	21.6%	250	
	Somewhat Support	13.5%	156	
	Somewhat Oppose	13.2%	152	
	Strongly Oppose	48.5%	560	
	DK/NA	3.2%	37	
	Total Support	35.2%	406	
	Total Oppose	61.7%	712	
9C. Residential neighborhoods	Strongly Support	10.2%	118	
	Somewhat Support	6.6%	76	
	Somewhat Oppose	12.8%	148	
	Strongly Oppose	67.7%	781	
	DK/NA	2.7%	31	
	Total Support	16.8%	194	
	Total Oppose	80.5%	929	
9D. Near the police department	Strongly Support	34.8%	401	
	Somewhat Support	17.9%	206	
	Somewhat Oppose	10.1%	116	
	Strongly Oppose	34.8%	402	
	DK/NA	2.5%	29	
	Total Support	52.6%	608	
	Total Oppose	44.9%	518	

		Column N %	Count	Mean
9E. Regional shopping centers	Strongly Support	22.4%	259	
	Somewhat Support	14.4%	167	
	Somewhat Oppose	11.5%	133	
	Strongly Oppose	48.1%	556	
	DK/NA	3.5%	40	
	Total Support	36.8%	425	
	Total Oppose	59.7%	689	
9F. Industrial areas	Strongly Support	28.2%	325	
	Somewhat Support	18.7%	216	
	Somewhat Oppose	9.6%	111	
	Strongly Oppose	39.6%	458	
	DK/NA	3.9%	46	
	Total Support	46.8%	541	
	Total Oppose	49.2%	569	
9G. Office buildings	Strongly Support	19.1%	221	
	Somewhat Support	13.5%	156	
	Somewhat Oppose	14.7%	170	
	Strongly Oppose	49.6%	573	
	DK/NA	3.2%	37	
	Total Support	32.6%	376	
	Total Oppose	64.3%	742	
9D. Near the police department				0.08
9F. Industrial areas				-0.14
9A. Downtown				-0.43
9E. Regional shopping centers				-0.50
9B. Local shopping centers				-0.55
9G. Office buildings				-0.64
9C. Residential neighborhoods				-1.24
10. How many marijuana dispensaries should be allowed in the City of Concord?	1 to 3	30.6%	354	
	4 to 6	19.3%	223	
	7 to 9	5.9%	68	
	10 or more	11.0%	127	
	None	23.6%	273	
	DK/NA	9.6%	110	

		Column N %	Count	Mean
11. Are there any requirements or regulations regarding medical or recreational marijuana that you want to see in place in the City of Concord?	Not near schools	7.4%	86	
	Not in the city of concord/My neighborhood/Don't allow it	5.1%	59	
	Controlled/Obey laws/Rules/Regulations	4.6%	53	
	Regulate like cigarettes/Alcohol/Bars	4.5%	52	
	Require prescription/Doctor issued/Medical card	4.5%	52	
	Not in public/Family areas/Venues	4.1%	48	
	Not in residential areas	3.7%	43	
	No sales to minors/21 plus	3.6%	41	
	ID require for purchase	3.1%	36	
	Opposed to recreation marijuana	3.0%	35	
	Keep away from children	2.8%	32	
	Medical marijuana is OK	2.8%	32	
	Opposed to marijuana	2.0%	23	
	Security/Police at dispensaries	1.9%	22	
	Driving while high/Accidents/Need punishment	1.7%	20	
	Need test for sobriety/DUI with marijuana	1.7%	19	
	Dispense at pharmacy/Hospital/Doctors office	1.7%	19	
	Crime/Increased crime/Homeless	1.6%	19	
	Concerns of smell/Second hand smoke/Coming into apartment	1.6%	18	
	Tax it/City can benefit financially	1.3%	15	
	Funding for education/Treatment/Programs/ City projects	1.1%	13	
	No loitering around dispensaries	1.1%	13	
	Not near parks	1.0%	12	
	Periodic review/Inspections/Police checks/Oversight	1.0%	11	
	Record keeping of sales	0.9%	10	
	Limit hours of operation	0.8%	9	
	Unhealthy/Dangerous	0.8%	9	
	Not downtown	0.7%	8	
	Consumed at home	0.7%	8	
	Close to police department	0.7%	8	
	Don't over regulate it	0.7%	8	
	Limit store front advertisement	0.6%	7	
	Dispense like prescription/Labels/Warnings	0.6%	7	

		Column N %	Count	Mean
11. Are there any requirements or regulations regarding medical or recreational marijuana that you want to see in place in the City of Concord? (continued)	Concerned about other things	0.6%	6	
	Reduces quality of life/Hurt community	0.5%	6	
	Limit amount purchased per week/Month	0.5%	6	
	Product quality/Tested/Safe	0.5%	6	
	Background checks on owners/Employees	0.5%	5	
	Environment/water/soil	0.5%	5	
	No toxins/Chemicals/Pesticides	0.4%	5	
	Illegal/Federal drug laws	0.4%	5	
	In warehouses/Industrial areas/City outskirts	0.4%	4	
	Cultivation for personal use	0.3%	3	
	Protections for personal growers/Users	0.2%	3	
	Positive relationship between city/Businesses	0.2%	2	
	Owned/Operated by Concord residents	0.2%	2	
	Limit number of stores/dispensaries	0.2%	2	
	No way to enforce regulations	0.2%	2	
	Banking access/Not keep cash on site	0.1%	1	
	Sales only to Concord residents	0.1%	1	
	Provision to pay for additional police services	0.1%	1	
	Provide places to smoke/Shops/Lounge	0.1%	1	
	Not all users are responsible	0.0%	0	
	Users be registered	0.0%	0	
	Other Mention - Positive	0.1%	1	
	Other Mention - Negative	0.2%	3	
	No/None/Nothing	15.1%	175	
	Other	0.1%	1	
	DK/NA/Not sure	30.1%	348	
12. Are you concerned with increased crime associated with marijuana dispensaries and deliveries in Concord?	Yes	50.8%	586	
	No	42.7%	493	
	DK/NA	6.6%	76	
13. How concerned are you?	Extremely concerned	45.1%	264	
	Very concerned	30.2%	177	
	Somewhat concerned	24.6%	144	
	DK/NA	0.1%	1	

		Column N %	Count	Mean
14. If the Concord City Council and the Police Department agree on a location for a medical marijuana dispensary in Concord, would you support or oppose that decision?	Strongly Support	48.7%	563	
	Somewhat Support	20.1%	232	
	Somewhat Oppose	6.6%	76	
	Strongly Oppose	16.5%	191	
	DK/NA	8.1%	93	
	Total Support	68.8%	795	
	Total Oppose	23.1%	267	

GROSS RECIEPTS TAX

		Column N %	Count	Mean
15. In addition to the City's efforts to create a comprehensive marijuana program, the City may also consider the local taxation of marijuana. Would you support a local tax on marijuana businesses in Concord?	Definitely Yes	69.8%	806	
	Probably Yes	13.5%	156	
	Probably No	2.7%	31	
	Definitely No	9.8%	114	
	DK/NA	4.2%	48	
	Total Yes	83.3%	962	
	Total No	12.5%	144	

DEMOGRAPHICS

		Column N %	Count	Mean
A. Respondent's Gender	Male	45.9%	530	
	Female	53.3%	616	
	Other	0.8%	9	
B. Age	18-29	12.7%	147	
	30-39	15.9%	184	
	40-49	15.1%	174	
	50-64	29.9%	346	
	65+	26.3%	304	
	Not coded	0.0%	0	
C. Ethnic Surname	Japanese	0.5%	6	
	Chinese	1.0%	12	
	Hispanic	8.0%	92	
	Jewish	1.3%	15	
	Armenian	0.1%	2	
	Vietnamese	0.4%	5	
	Italian	2.7%	31	
	Korean	0.1%	1	
	African American	0.0%	0	
	Not Coded	85.8%	991	
D. Homeownership Status	Owner	63.4%	732	
	Renter	36.6%	423	
E. Survey Type	Cell phone	24.9%	288	
	Landline	24.9%	288	
	Email to online	24.9%	288	
	Text to online	25.2%	291	
F. Party	Democrat	50.8%	586	
	Republican	23.4%	270	
	Other	4.7%	54	
	DTS	21.1%	244	
G. Household Party Type	Dem 1	25.3%	293	
	Dem 2+	16.1%	186	
	Rep 1	8.3%	96	
	Rep 2+	8.3%	96	
	Other 1	13.8%	159	
	Other 2+	4.0%	47	
	Dem & Rep	5.7%	66	
	Dem & Other	9.3%	107	
	Rep & Other	6.6%	76	
	Dem, Rep & Other	2.5%	29	

		Column N %	Count	Mean
H. Registration Date	2013 to 2017	50.2%	580	
	2009 to 2012	8.5%	98	
	2005 to 2008	9.9%	115	
	2001 to 2004	7.0%	80	
	1997 to 2000	6.5%	75	
	1993 to 1996	3.7%	43	
	1981 to 1992	7.2%	83	
	1980 or before	7.1%	82	
	Not Coded	0.0%	0	
I. Voting History		see detailed crosstabs		
J. Times Voted in Last Elections	0	13.8%	159	
	1	10.1%	117	
	2	7.4%	86	
	3	5.6%	65	
	4	5.5%	64	
	5	5.4%	63	
	6	3.9%	45	
	7	6.4%	73	
	8	4.4%	50	
	9	2.3%	26	
	10	4.9%	57	
	11	5.8%	67	
	12	6.3%	72	
	13	9.5%	109	
	14	8.7%	100	
	15	0.1%	1	
	16	0.0%	0	
K. Absentee Voter	0	44.1%	509	
	1	14.3%	165	
	2	5.1%	59	
	3	3.4%	39	
	4	3.9%	45	
	5	2.1%	25	
	6	2.4%	28	
	7	2.6%	30	
	8	2.1%	25	
	9	1.3%	15	
	10	2.8%	32	
	11	2.9%	33	
	12	2.8%	33	
	13	5.0%	57	
	14	5.1%	59	
	15	0.1%	1	
	16	0.0%	0	
L. Likely November 2020 Voter	Yes	100.0%	1155	
	No	0.0%	0	

		Column N %	Count	Mean
M. Likely June 2020 Voter	Yes	61.7%	713	
	No	38.3%	442	
N. Likely November 2018 Voter	Yes	77.8%	898	
	No	22.2%	257	
O. Likely June 2018 Voter	Yes	43.3%	500	
	No	56.7%	655	
P. Permanent Absentee Voter	Yes	63.4%	732	
	No	36.6%	423	
Q. Likely Absentee Voter	Yes	47.8%	552	
	No	52.2%	603	



GODBE RESEARCH
Gain Insight

CITY OF CONCORD

2017 Cannabis Planning Survey

Topline Report Addendum

n=1,155

16-minutes

Likely November 2020 Voters

October 5, 2017

www.godberesearch.com

Northern California and Corporate Offices
1575 Old Bayshore Highway, Suite 102
Burlingame, CA 94010

Nevada
59 Damonte Ranch Parkway, Suite B309
Reno, NV 89521

Pacific Northwest
601 108th Avenue NE, Suite 1900
Bellevue, WA 98004

ADDENDUM METHODOLOGY

Sample Universe:

- 52,156 Likely Voters

Sample Size:

Q2 Support n=797

Q3 Support n=584

Margin of Error:

Q2 Support \pm 3.44%

Q3 Support \pm 4.03%

SUPPORT FOR DISPENSARY LOCATION BY SUPPORT FOR MARIJUANA

		Subset of those who supported medical marijuana in Q2 *		Subset of those who supported recreational marijuana in Q3 *	
		Column N %	Count	Column N %	Count
8. For each of the following areas in Concord, do you support or oppose allowing medical marijuana dispensaries?					
8A. Downtown	Strongly Support	38.1%	303	46.9%	274
	Somewhat Support	33.5%	267	31.5%	184
	Somewhat Oppose	11.2%	89	9.7%	57
	Strongly Oppose	14.4%	115	9.6%	56
	DK/NA	2.8%	22	2.2%	13
	Total Support	71.6%		78.4%	
	Total Oppose	25.6%		19.3%	
8B. Local shopping centers	Strongly Support	34.0%	271	44.8%	261
	Somewhat Support	27.8%	221	28.8%	168
	Somewhat Oppose	16.1%	128	13.8%	81
	Strongly Oppose	18.7%	149	9.5%	55
	DK/NA	3.4%	27	3.1%	18
	Total Support	61.8%		73.6%	
	Total Oppose	34.8%		23.3%	
8C. Residential neighborhoods	Strongly Support	15.2%	121	20.3%	118
	Somewhat Support	14.8%	118	18.2%	106
	Somewhat Oppose	20.0%	159	20.1%	117
	Strongly Oppose	47.8%	381	38.5%	225
	DK/NA	2.2%	17	2.9%	17
	Total Support	30.0%		38.5%	
	Total Oppose	67.8%		58.6%	
8D. Near the police department	Strongly Support	59.0%	470	63.5%	371
	Somewhat Support	24.1%	192	21.2%	124
	Somewhat Oppose	7.3%	58	5.8%	34
	Strongly Oppose	7.0%	56	6.9%	40
	DK/NA	2.6%	21	2.6%	15
	Total Support	83.1%		84.7%	
	Total Oppose	14.3%		12.7%	
8E. Regional shopping centers	Strongly Support	35.5%	283	46.4%	271
	Somewhat Support	25.5%	203	26.4%	154
	Somewhat Oppose	17.6%	140	15.3%	89
	Strongly Oppose	16.4%	130	7.9%	46
	DK/NA	5.0%	40	4.1%	24
	Total Support	61.0%		72.8%	
	Total Oppose	33.9%		23.1%	

		Subset of those who supported medical marijuana in Q2 *		Subset of those who supported recreational marijuana in Q3 *	
		Column N %	Count	Column N %	Count
8F. Industrial areas	Strongly Support	50.0%	398	58.0%	339
	Somewhat Support	34.3%	273	29.3%	171
	Somewhat Oppose	4.2%	33	3.3%	19
	Strongly Oppose	7.9%	63	5.7%	34
	DK/NA	3.7%	29	3.5%	21
	Total Support	84.3%		87.4%	
	Total Oppose	12.1%		9.1%	
8G. Office buildings	Strongly Support	33.3%	265	39.4%	230
	Somewhat Support	27.9%	222	27.9%	163
	Somewhat Oppose	14.7%	117	13.3%	78
	Strongly Oppose	18.4%	147	12.9%	76
	DK/NA	5.7%	46	6.4%	38
	Total Support	61.2%		67.3%	
	Total Oppose	33.1%		26.3%	

9. For each of the following areas in Concord, do you support or oppose allowing recreational marijuana dispensaries?					
9A. Downtown	Strongly Support	33.6%	268	45.5%	266
	Somewhat Support	22.3%	177	25.1%	147
	Somewhat Oppose	13.6%	108	11.7%	68
	Strongly Oppose	28.4%	226	15.5%	90
	DK/NA	2.1%	17	2.2%	13
	Total Support	55.9%		70.6%	
	Total Oppose	41.9%		27.2%	
9B. Local shopping centers	Strongly Support	31.0%	247	41.5%	242
	Somewhat Support	19.1%	152	23.8%	139
	Somewhat Oppose	16.1%	128	16.9%	99
	Strongly Oppose	30.7%	245	14.5%	85
	DK/NA	3.1%	25	3.2%	19
	Total Support	50.1%		65.3%	
	Total Oppose	46.8%		31.4%	
9C. Residential neighborhoods	Strongly Support	14.5%	115	20.2%	118
	Somewhat Support	9.5%	76	12.5%	73
	Somewhat Oppose	17.0%	135	19.5%	114
	Strongly Oppose	56.7%	452	44.8%	262
	DK/NA	2.3%	18	2.9%	17
	Total Support	24.0%		32.7%	
	Total Oppose	73.6%		64.3%	
9D. Near the police department	Strongly Support	48.0%	383	59.2%	346
	Somewhat Support	21.2%	169	21.9%	128
	Somewhat Oppose	9.7%	78	7.1%	41
	Strongly Oppose	18.5%	147	9.3%	54
	DK/NA	2.5%	20	2.5%	15
	Total Support	69.3%		81.1%	
	Total Oppose	28.2%		16.4%	

		Subset of those who supported medical marijuana in Q2 *		Subset of those who supported recreational marijuana in Q3 *	
		Column N %	Count	Column N %	Count
9E. Regional shopping centers	Strongly Support	32.1%	256	43.5%	254
	Somewhat Support	20.0%	159	25.0%	146
	Somewhat Oppose	14.1%	113	12.8%	75
	Strongly Oppose	30.0%	239	14.7%	86
	DK/NA	3.8%	30	4.0%	24
	Total Support	52.0%		68.5%	
	Total Oppose	44.2%		27.5%	
9F. Industrial areas	Strongly Support	40.2%	320	53.6%	313
	Somewhat Support	24.2%	193	25.9%	151
	Somewhat Oppose	9.4%	75	6.9%	40
	Strongly Oppose	22.1%	176	8.7%	51
	DK/NA	4.2%	33	4.9%	29
	Total Support	64.4%		79.5%	
	Total Oppose	31.4%		15.5%	
9G. Office buildings	Strongly Support	27.2%	217	37.2%	217
	Somewhat Support	18.6%	148	22.4%	131
	Somewhat Oppose	17.4%	139	17.9%	104
	Strongly Oppose	33.7%	269	18.7%	109
	DK/NA	3.0%	24	3.8%	22
	Total Support	45.8%		59.7%	
	Total Oppose	51.2%		36.5%	

* Subset of those who supported medical (Q2) or recreational (Q3) marijuana is defined as those who said they "strongly support" plus those who said they "somewhat support" in each question respectively. The specific wording of each question was:

Q2: Do you support or oppose the sale of medical marijuana in Concord?

Q3: Do you support or oppose the sale of recreational marijuana in Concord?



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer
Date: October 24, 2017

Subject: CONTINUE the emergency action for the repair of the Alhambra Valley Road Washout, Pinole area.

RECOMMENDATION(S):

CONTINUE the emergency action originally taken by the Board of Supervisors on February 14, 2017, pursuant to Public Contract Code Sections 22035 and 22050, to repair the Alhambra Valley Road Washout Project, as recommended by the Interim Public Works Director, Pinole area. Project No. 0672-6U6201 (District I)

FISCAL IMPACT:

The total cost of the project is not expected to exceed \$4,000,000. The project will be funded by Local Road Funds (100%). The project is eligible for prorated reimbursement under the state of emergency declared by Governor Brown on January 23, 2017.

BACKGROUND:

On February 14, 2017, the Board of Supervisors declared an emergency and authorized the Public Works Director to proceed in the most expeditious manner to repair the washed out portion of Alhambra Valley Road.

The repair work requires the construction of a new bridge with wingwalls, slope protection and roadway conform work.

Public Works Department staff completed the bridge design and requested prices for the necessary equipment,

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Kevin Emigh, 925.
313-2233

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

services, and supplies to perform the emergency repair project as expeditiously as possible. The resulting price quotes were received on May 23, 2017.

On May 24, 2017, the Public Works Director signed a construction contract with Flatiron West, Inc. to perform the emergency repair work. The emergency repairs began June 12 with completion anticipated by the end of October 2017.

A sinkhole opened up in Pinole Valley Road immediately adjacent to the bridge work and is currently being repaired by the bridge contractor.

Public Contract Code Section 22050 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. Since the conditions that warranted the emergency declaration persist, it is appropriate for the Board to continue the emergency actions regarding the hazardous conditions caused by storm damage.

CONSEQUENCE OF NEGATIVE ACTION:

Non-concurrence at this point in the project could cause delays in completion of the washout repairs.



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer
Date: October 24, 2017

Subject: CONTINUE the emergency action for the Morgan Territory Road Slide Repair project, Clayton area.

RECOMMENDATION(S):

CONTINUE the emergency action originally taken by the Board of Supervisors on March 7, 2017, pursuant to Public Contract Code Sections 22035 and 22050, to repair the Morgan Territory Road Slide Repair Project, as recommended by the Interim Public Works Director, Clayton area. Project No. 0672-6U6203 (District III)

FISCAL IMPACT:

The total cost of the project is not expected to exceed \$6,000,000. The project will be funded by Local Road Funds (100%). County staff is actively pursuing reimbursement through the Federal Emergency Management Agency (FEMA) as a result of the State and Federal emergency declarations.

BACKGROUND:

On March 7, 2017, the Board of Supervisors declared an emergency and authorized the Public Works Director to proceed in the most expeditious manner to repair Morgan Territory Road approximately 1 mile south of Marsh Creek Road.

The repair work requires the installation of two structural retaining wall systems, excavation and backfill of embankment between the wall systems, reconstruction of pavement, drainage improvements, and pavement striping. Public Works Department

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Kevin Emigh,
925.313-2233

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

staff completed the road repair design and requested prices for the necessary equipment, services, and supplies to perform the emergency repair project as expeditiously as possible. The resulting price quotes were received on May 23, 2017. On June 1, 2017, the Public Works Director signed a construction contract with Flatiron West, Inc. to perform the emergency repair work.

The emergency repairs began on July 17, 2017 and will be complete by November 18, 2017. During the construction period, Morgan Territory Road will be closed at the slide site and local traffic will use a temporary access on Leon Drive through the Marsh Creek Detention Facility driveway. The Public Works Director signed an agreement, "License Agreement for Temporary Use of Private Road (Leon Drive)", with each owner of Leon Drive for public use of the private road as needed for the duration of the construction phase of the emergency repairs.

The temporary detour road on Leon Drive must be repaved prior to returning it to the owners in accordance with the signed License Agreement. The County plans to hire a contractor to repave Leon Drive in late November/early December after the repairs to Morgan Territory Road are complete.

Public Contract Code Section 22050 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. Since the conditions that warranted the emergency declaration persist, it is appropriate for the Board to continue the emergency actions regarding the hazardous conditions caused by storm damage.

CONSEQUENCE OF NEGATIVE ACTION:

Non-concurrence at this point in the project could cause delays in completion of the slide repairs.



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer
Date: October 24, 2017

Subject: Approve the Final Map and Subdivision Agreement for subdivision SD17-09299, San Ramon (Dougherty Valley) area.

RECOMMENDATION(S):

ADOPT Resolution No. 2017/373 approving the Final Map and Subdivision Agreement for subdivision SD17-9299, for a project being developed by Shapell Industries, Inc., a Delaware Corporation, as recommended by the Interim Public Works Director, San Ramon (Dougherty Valley) area. (District II)

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The Public Works Department has reviewed the conditions of approval for subdivision SD17-9299 and has determined that all conditions of approval for Final Map approval have been satisfied.

CONSEQUENCE OF NEGATIVE ACTION:

The Final Map and Subdivision Agreement will not be approved and recorded.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 10/24/2017 ☐ 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 24, 2017

Contact: Jocelyn LaRocque, 925.
313-2315

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

By: , Deputy

cc: Sherri Reed, Design/Construction , Ruben Hernandez, Dept of Conservation , Craig Standafer, Engineering Services, T-8/9/18, Dave Suico, Western Surety Company, First American Title Company, Chris Low - City of San Ramon

ATTACHMENTS

Resolution No.

2017/373

Subdivision Agreement

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

Adopted this Resolution on 10/24/2017 by the following vote:

AYE: ☐
NO: ☐
ABSENT: ☐
ABSTAIN: ☐
RECUSE: ☐



Resolution No. 2017/373

IN THE MATTER OF approving the Final Map and Subdivision Agreement for subdivision SD17-9299, a project being developed by Shapell Industries, Inc., a Delaware Corporation, as recommended by the Interim Public Works Director, San Ramon (Dougherty Valley) area. (District II)

WHERE AS, the following documents were presented for board approval this date:

I. Map

The Final Map of subdivision, SD17-9299, property located in the San Ramon (Dougherty Valley) area, Supervisorial District II, said map having been certified by the proper officials.

II. Subdivision Agreement

A subdivision agreement with Shapell Industries, Inc., a Delaware Corporation, principal, whereby said principal agrees to complete all improvements as required in said subdivision agreement within 2 years from the date of said agreement. Accompanying said subdivision agreement is security guaranteeing completion of said improvements as follows:

A. Cash Bond

Performance amount: \$12,000

Auditor's Deposit Permit No. 744864 Date: September 1, 2017

Submitted by: Toll Brothers, Inc.

B. Surety Bond/Letter of Credit

Bond Company: Philadelphia Indemnity Insurance Company

Bond Number: PB00579800079 Date: August 7, 2017

Performance Amount: \$1,098,000

Labor & Materials Amount: \$555,000

Principal: Shapell Industries, Inc., a Delaware Corporation

III. Tax Letter

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 and the 2016-2017 tax lien, which became a lien on the first day of January 2017, is estimated to be \$544,909.08 with security guaranteeing payment of said tax lien as follows:

Tax Surety

Bond Company: Western Surety Company

Bond Number: 30019992 Date: October 2, 2017

Amount: \$544,909.88

Submitted by/Principal: Shapell Industries, Inc., a Delaware Corporation

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 Final map is APPROVED and this Board does hereby accept subject to installation and acceptance of improvements on behalf of the public any of the streets, paths, or easements shown thereon as dedicated to public use.
3. That said Subdivision Agreement is also APPROVED.

I hereby certify that this 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 24, 2017

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

By: , Deputy

cc: Sherri Reed, Design/Construction , Ruben Hernandez, Dept of Conservation , Craig Standafer, Engineering Services, T-8/9/18, Dave Suico, Western Surety Company, First American Title Company, Chris Low - City of San Ramon

SUBDIVISION AGREEMENT
(Gov. Code, §§ 66462 and 66463)

Subdivision: 9299
Subdivider: Shapell Industries, Inc., A Delaware Corp.

Effective Date: _____
Completion Period: 2 years

THESE SIGNATURES ATTEST TO THE PARTIES' AGREEMENT HERETO:

CONTRA COSTA COUNTY

Julia R. Bueren, Public Works Director

By: _____

RECOMMENDED FOR APPROVAL:

By: _____
Engineering Services Division

FORM APPROVED: Silvano B. Marchesi, County Counsel

SUBDIVIDER

Print Name Steve Savage

Print Title Vice President

Print Name Robert D. Moore

Print Title Group President

[Note: If Subdivider is a corporation, two officers must sign. The first must be the chairman of the board, president or any vice president; the second must be the secretary, assistant secretary, chief financial officer or any assistant treasurer. (Corp. Code, § 313; Civ. Code, § 1190.) If Subdivider is a limited liability company, Subdivider shall sign in the manner required of corporations, or by two managers, or by one manager, pursuant to the articles of organization (see Corp. Code, §§ 17151, 17154, 17157.) If Subdivider is a partnership, any authorized partner may sign. Signatures by Subdivider must be notarized.]

1. PARTIES & DATE. Effective on the above date, the County of Contra Costa, California (hereinafter "County"), and the above-mentioned Subdivider mutually promise and agree as follows concerning this Subdivision:

2. IMPROVEMENTS. Subdivider agrees to install certain road improvements (both public and private), drainage improvements, signs, street lights, fire hydrants, landscaping and such other improvements (including appurtenant equipment) as required in the improvement plans for this Subdivision as reviewed and on file with the Contra Costa County Public Works Department, as required by the Conditions of Approval for this Subdivision, and in conformance with the Contra Costa County Ordinance Code, including future amendments thereto (hereinafter "Ordinance Code").

Subdivider shall complete said improvements (hereinafter "Work") within the above completion period from date hereof, as required by the California Subdivision Map Act (Gov. Code, §§ 66410 et. seq.) in a good workmanlike manner, in accordance with accepted construction practices and in a manner equal or superior to the requirements of the Ordinance Code and rulings made thereunder; and where there is a conflict among the improvement plans, the Conditions of Approval and the Ordinance Code, the stricter requirements shall govern.

3. IMPROVEMENTS SECURITY. Upon executing this Agreement, the Subdivider shall, pursuant to Gov. Code § 66499 and the County Ordinance Code, provide as security to the County:

A. For Performance and Guarantee: \$ 12,000 cash, plus additional security, in the amount of \$ 1,098,000, which together total one hundred percent (100%) of the estimated cost of the Work. Such additional security is presented in the form of:

_____ Cash, certified check or cashier's check.
X _____ Acceptable corporate surety bond.
_____ Acceptable irrevocable letter of credit.

With this security, Subdivider guarantees performance under this Agreement and maintenance of the Work for one year after its completion and acceptance against any defective workmanship or materials or any unsatisfactory performance.

B. For Payment: Security in the amount: \$ 555,000, which is fifty percent (50%) of the estimated cost of the Work. Such security is presented in the form of:

_____ Cash, certified check, or cashier's check
X _____ Acceptable corporate surety bond.
_____ Acceptable irrevocable letter of credit.

With this security, Subdivider guarantees payment to the contractor, to its subcontractors and to persons renting equipment or furnishing labor or materials to them or to the Subdivider.

Upon acceptance of the Work as complete by the Board of Supervisors and upon request of Subdivider, the amounts held as security may be reduced in accordance with Sections 94-4.406 and 94-4.408 of the Ordinance Code.

4. GUARANTEE AND WARRANTY OF WORK. Subdivider guarantees that the Work shall be free from defects in material or workmanship and shall perform satisfactorily for a period of one (1) year from and after the Board of Supervisors accepts the Work as complete in accordance with Article 96-4.6, "Acceptance," of the Ordinance Code. Subdivider agrees to correct, repair, or replace, at Subdivider's expense, any defects in said Work.

The guarantee period does not apply to road improvements for private roads that are not to be accepted into the County road system.

5. PLANT ESTABLISHMENT WORK. Subdivider agrees to perform plant establishment work for landscaping installed under this Agreement. Said plant establishment work shall consist of adequately watering plants, replacing unsuitable plants, doing weed, rodent and other pest control and other work determined by the Public Works Department to be necessary to ensure establishment of plants. Said plant establishment work shall be performed for a period of one (1) year from and after the Board of Supervisors accepts the Work as complete.

6. IMPROVEMENT PLAN WARRANTY. Subdivider warrants the improvement plans for the Work are adequate to accomplish the Work as promised in Section 2 and as required by the Conditions of Approval for the Subdivision. If, at any time before the Board of Supervisors accepts the Work as complete or during the one year guarantee period, said improvement plans prove to be inadequate in any respect, Subdivider shall make whatever changes are necessary to accomplish the Work as promised.

7. NO WAIVER BY COUNTY. Inspection of the Work and/or materials, or approval of the Work and/or materials or statement by any officer, agent or employee of the County indicating the Work or any part thereof complies with the requirements of this Agreement, or acceptance of the whole or any part of said Work and/or materials, or payments therefor, or any combination or all of these acts, shall not relieve the Subdivider of its obligation to fulfill this Agreement as prescribed; nor shall the County be thereby stopped from bringing any action for damages arising from the failure to comply with any of the terms and conditions hereof.

8. INDEMNITY. Subdivider shall defend, hold harmless and indemnify the indemnitees from the liabilities as defined in this section:

A. The indemnitees benefitted and protected by this promise are the County and its special districts, elective and appointive boards, commissions, officers, agents and employees.

B. The liabilities protected against are any liability or claim for damage of any kind allegedly suffered, incurred or threatened because of actions defined below, and including personal injury, death, property damage, inverse condemnation, or any combination of these, and regardless of whether or not such liability, claim or damage was unforeseeable at any time before County reviewed said improvement plans or accepted the Work as complete, and including the defense of any suit(s), action(s), or other proceeding(s) concerning said liabilities and claims.

C. The actions causing liability are any act or omission (negligent or non-negligent) in connection with the matters covered by this Agreement and attributable to Subdivider, contractor, subcontractor, or any officer, agent, or employee of one or more of them.

D. Non-Conditions. The promise and agreement in this section are not conditioned or dependent on whether or not any indemnitee has prepared, supplied, or approved any plan(s) or specification(s) in connection with this Work or Subdivision, or has insurance or other indemnification covering any of these matters, or that the alleged damage resulted partly from any negligent or willful misconduct of any indemnitee.

9. COSTS. Subdivider shall pay, when due, all the costs of the Work, including but not limited to the costs of relocations of existing utilities required thereby; inspections; material checks and tests; and other costs incurred by County staff arising from or related to the Work, and prior to acceptance of the Work as complete or expiration of any applicable warranty periods, whichever is later.

10. SURVEYS. Subdivider shall set and establish survey monuments in accordance with the filed map and to the satisfaction of the County Road Commissioner-Surveyor before acceptance of the Work as complete by the Board of Supervisors.

11. NON-PERFORMANCE AND COSTS. If Subdivider fails to complete the Work within the time specified in this Agreement, and subsequent extensions, or fails to maintain the Work, County may proceed to complete and/or maintain the Work by contract or otherwise and Subdivider agrees to pay all costs and charges incurred by County (including, but not limited to, engineering, inspection, surveys, contract, overhead, etc.) immediately upon demand.

Once action is taken by County to complete or maintain the Work, Subdivider agrees to pay all costs incurred by County, even if Subdivider subsequently completes the Work.

Should County sue to compel performance under this Agreement or to recover costs incurred in completing or maintaining the Work, Subdivider agrees to pay all attorney's fees, staff costs and all other expenses of litigation incurred by County in connection therewith, even if Subdivider subsequently proceeds to complete the Work.

12. INCORPORATION/ANNEXATION. If, before the Board of Supervisors accepts the Work as complete, the Subdivision is included in territory incorporated as a city or is annexed to an existing city, except as provided in this paragraph, County's rights under this Agreement and/or any deposit, bond, or letter of credit securing said rights shall be transferred to the new or annexing city. Such city shall have all the rights of a third party beneficiary against Subdivider, who shall fulfill all the terms of this Agreement as though Subdivider had contracted with the city originally. The provisions of paragraph 8 (Indemnity) shall continue to apply in favor of the indemnitees listed in paragraph 8.A. upon any such incorporation or annexation.

13. RECORD MAP. In consideration hereof, County shall allow Subdivider to file and record the final map or parcel map for said Subdivision.

14. RIGHT OF ENTRY. Subdivider hereby consents to entry onto the Subdivision property, and onto any other property over which Subdivider has land rights and upon which any portion of the Work is to be installed pursuant to the improvement plans, by County and its forces, including contractors, for the purpose of inspection, and, in the event of non-performance of this Agreement by Subdivider, completion and/or maintenance of the Work.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Alameda

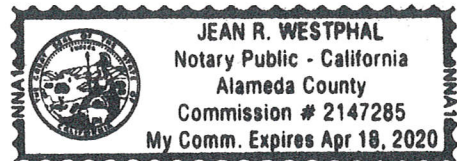
On October 9, 2017 before me, Jean R. Westphal, Notary Public
(insert name and title of the officer)

personally appeared Steve Savage,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in
his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jean R. Westphal (Seal)



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Alameda

On October 9, 2017 before me, Jean R. Westphal, Notary Public
(insert name and title of the officer)

personally appeared Robert D. Moore,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in
his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

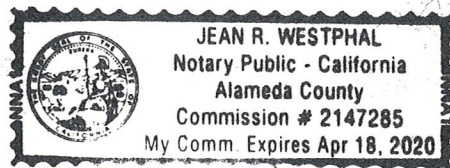
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Jean R. Westphal

(Seal)



Subdiv. 9299
Bond No.: PB00579800079
Premium: \$8235.00
Any claim under this Bond should be sent
to the following address:
8259 S. Monarch Road
San Ramon, CA 94583
925-362-3019

**IMPROVEMENT SECURITY BOND
FOR SUBDIVISION AGREEMENT**
(Performance, Guarantee and Payment)
(Gov. Code, §§ 66499-66499.10)

1. **RECITAL OF SUBDIVISION AGREEMENT.** The Principal has executed an agreement with the County of Contra Costa (hereinafter "County") to install and pay for street, drainage and other improvements in Subdivision 9299 as specified in the Subdivision Agreement, and to complete said work within the time specified for completion in the Subdivision Agreement, all in accordance with State and local laws and rulings thereunder in order to satisfy conditions for filing of the Final Map or Parcel Map for said subdivision. Under the terms of the Subdivision Agreement, Principal is required to furnish a bond to secure the faithful performance of the Subdivision Agreement and payment to laborers and materialmen.

2. **OBLIGATION.** Shappell Industries Inc., a Delaware Corporation, as Principal,
and Philadelphia Indemnity Insurance Company, a corporation organized and existing
under the laws of the State of Pennsylvania and authorized to transact surety business in California, as Surety, hereby jointly and
severally bind ourselves, our heirs, executors, administrators, successors and assigns to the County of Contra Costa, California to pay it:

(A. Performance and Guarantee) One Million Ninety Eight Thousand and 00/100 Dollars
(\$ 1,098,000.00) for itself or any city assignee under the above Subdivision Agreement.

(B. Payment) Five Hundred Fifty Five Thousand and 00/100 Dollars
(\$ 555,000.00) to secure the claims to which reference is made in Title XV (commencing with Section 3082) of Part 4 of Division III of the Civil Code of the
State of California.

3. **CONDITION.** This obligation is subject to the following condition.

A. The condition of this obligation as to Section 2.(A) above is such that if the above bounded Principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the County of Contra Costa (or city assignee), its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As part of the obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by the County of Contra Costa (or city assignee) in successfully enforcing such obligation, and to be taxed as costs and included in any judgment rendered.

B. The condition of this obligation, as to Section 2.(B) above, is such that said Principal and the undersigned as corporate surety are held firmly bound unto the County of Contra Costa and all contractors, subcontractors, laborers, materialmen and other persons employed in the performance of the aforesaid Subdivision Agreement and referred to in the aforesaid Civil Code for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to this work or labor, and that the Surety will pay the same in an amount not exceeding the amount hereinabove set forth, and also in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by the County of Contra Costa (or city assignee) in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies, and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

C. No change, extension of time, alteration, or addition to the terms of said Subdivision Agreement or the work to be performed thereunder or any plan or specifications of said work, agreed to by the Principal and the County of Contra Costa (or city assignee) shall relieve any Surety from liability on this bond; and consent is hereby given to make such change, extension of time, alteration or addition without further notice to or consent by Surety; and Surety hereby waives the provisions of Civil Code Section 2819 and holds itself bound without regard to and independently of any action against the Principal whenever taken.

SIGNED AND SEALED on August 7, 2017.

Principal: Shappell Industries Inc., a Delaware Corporation

Address: 250 Gibraltar Road

Horsham, PA Zip: 19044

By: [Signature]

Print Name: Steve Savage

Title: Vice President

Surety: Philadelphia Indemnity Insurance Company

Address: One Bala Avenue, Suite 100

Bala-Cynwyd, PA Zip: 19004

By: [Signature]

Print Name: Daniel P. Dunigan

Title: Attorney-in-Fact

[Note: All signatures must be acknowledged. For corporations, two officers must sign. The first signature must be that of the chairman of the board, president, or vice-president; the second signature must be that of the secretary, assistant secretary, chief financial officer, or assistant treasurer. (Civ. Code, § 1190 and Corps. Code, § 313.)]

Form Approved by County Counsel
[Rev. 1/06]

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

Civil Code § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

State of PENNSYLVANIA

County of CHESTER

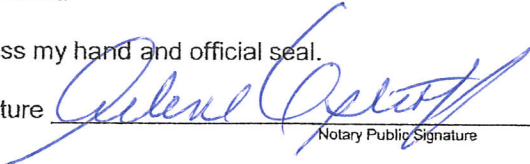
On August 7, 2017 before me, ARLENE OSTROFF, Notary Public

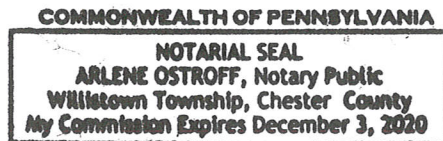
personally appeared DANIEL P. DUNIGAN

Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature 



Place Notary Public Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to the persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document _____

Document Date _____ Number of Pages: _____

Signer's Name: _____

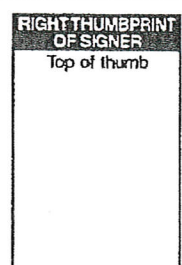
- ☐ Individual
- ☐ Corporate Officer – Title(s): _____
- ☐ Partner - ☐ Limited ☐ General
- ☐ Guardian or Conservator
- ☒ Attorney-in-Fact
- ☐ Trustee
- ☐ Other: _____

Signer is representing _____
Philadelphia Indemnity Insurance Company



- ☐ Individual
- ☐ Corporate Officer – Title(s): _____
- ☐ Partner - ☐ Limited ☐ General
- ☐ Guardian or Conservator
- ☐ Attorney-in-Fact
- ☐ Trustee
- ☐ Other: _____

Signer is representing _____



PHILADELPHIA INDEMNITY INSURANCE COMPANY

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint **Joseph W. Kolok, James L. Hahn, Daniel P. Dunigan, Richard J. Decker, Brian C. Block & William F. Simkiss of The Simkiss Agency, Inc.**, its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$25,000,000.00.

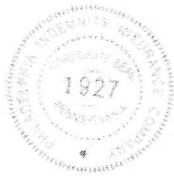
This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November, 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

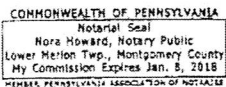
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 14TH DAY OF NOVEMBER, 2016.

(Seal)



Robert D. O'Leary Jr., President & CEO
Philadelphia Indemnity Insurance Company

On this 14th day of November, 2016, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



Notary Public:

residing at:

Bala Cynwyd, PA

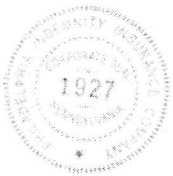
(Notary Seal)

My commission expires:

January 8, 2018

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto on this 14th day of November, 2016 are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 7TH day of **AUGUST**, 20 **17**



Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Alameda

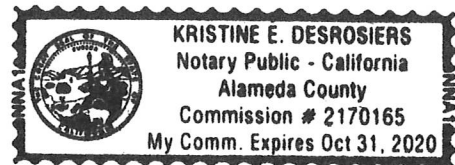
On August 16, 2017 before me, Kristine E. Desrosiers, Notary Public
(insert name and title of the officer)

personally appeared Steve Savage,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Kristine E Desrosiers (Seal)



11/3/17

First American \$ 47.00

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

Lulis Lopez
Assistant Tax Collector



Date: 9/19/2017

IF THIS TRACT IS NOT FILED PRIOR TO THE DATE TAXES ARE OPEN FOR COLLECTION (R&T CODE 2608) **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>
9299	SAN RAMON	66405
Parcel #:	222-270-051-6	

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. The current Secured 2017-2018 tax lien, which became a Lien on the 1st day of January, 2017 is :

\$544,909.88

This tract is not subject to a 1915 Act Bond.

The amount calculated is void 45 days from the date of this letter, unless this letter is accompanied with security approved by the Contra Costa County Tax Collector **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.**

RUSSEL V. WATTS
Treasurer-Tax Collector

By: 

PRINCIPAL

Shapell Industries, Incorporated
100 North Milpitas Boulevard
Milpitas, CA 95035
Attn: Dave Suico
408-946-1550

TITLE COMPANY

First American Title Co.
6683 Owens Drive
Pleasanton, CA 94588
Attn: Bernadette Salas
Phone: 925-738-4043

Order Number:

SURETY

Name: Western Surety Company
Address: 100 Matsonford Road, Suite 200
Radnor, PA 19087
Phone #: 610-964-5807

BOND NO. 30019992

Tax year 2017/ 2018

BOND AGAINST TAXES

KNOW ALL MEN BY THESE PRESENTS:

THAT, **Shapell Industries, Inc., a Delaware Corporation** as principal and (Surety) **Western Surety Company**, a corporation organized and existing under the laws of the State of **South Dakota**, and authorized to transact surety business in California as surety are held and firmly bound unto the County of **Contra Costa**, State of California, in the penal sum of **Five Hundred Forty Four Thousand Nine Hundred Nine and 88/100 Dollars (\$544,909.88)**, to be paid to said County of **Contra Costa**, for the payment of which will and truly be made, we and each of us bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

Sealed with our Seals and dated this 2 ND day of OCTOBER, 2017.

The conditions of the above obligation is such that WHEREAS, the above bounded principal is about to file a map entitled **Subdivision Map 9299** and covering a subdivision of a tract of land in said County of **Contra Costa** and there are certain liens for taxes and special assessments collected as taxes, against the said tract of land covered by said map, which taxes and special assessments collected as taxes, are not as yet due or payable.

NOW, THEREFORE, if the said **Principal**, shall pay all of the taxes and special assessments collected as taxes which are a lien against said tract of land covered by said map, at the time of the filing of said map of said tract, then this obligation shall be void and of no effect, otherwise it shall remain in full force and effect.

Shapell Industries, Incorporated, a Delaware Corporation WESTERN SURETY COMPANY

By: [Signature]
Name: Steve Sabage
Title: Vice President
Principal

[Signature]
Daniel P. Dunigan, Attorney-in-Fact
Surety

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California)SS
COUNTY OF Alameda)

On October 2, 2017, before me, Jean R. Westphal, Notary Public, personally appeared Steve Sabage, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

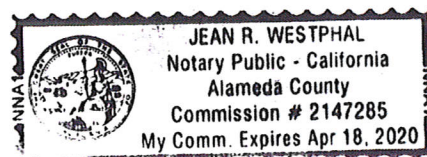
WITNESS my hand and official seal.

Signature

Jean R. Westphal

My Commission Expires: April 18, 2020

Notary Name: Jean R. Westphal
Notary Registration Number: 2147285



This area for official notarial seal

Notary Phone: 925.249.6023
County of Principal Place of Business: Alameda

SEE ATTACHED NOTARY ACKNOWLEDGEMENT FOR ATTORNEY-IN-FACT

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

Civil Code § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

State of PENNSYLVANIA
County of CHESTER



On October 2, 2017 before me, ARLENE OSTROFF, Notary Public
Date Name and Title of Notary

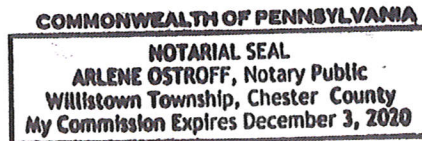
personally appeared DANIEL P. DUNIGAN
Name and or Names of Signer(s)

Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal

Signature *Arlene Ostroff*
Notary Public Signature



Place Notary Public Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to the persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document _____

Document Date _____ Number of Pages: _____

Signer's Name: _____

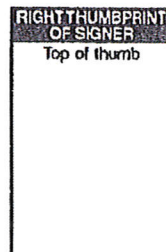
- ☐ Individual
- ☐ Corporate Officer – Title(s): _____
- ☐ Partner - ☐ Limited ☐ General
- ☐ Guardian or Conservator
- ☒ Attorney-in-Fact
- ☐ Trustee
- ☐ Other: _____

Signer is representing _____
Western Surety Company



- ☐ Individual
- ☐ Corporate Officer – Title(s): _____
- ☐ Partner - ☐ Limited ☐ General
- ☐ Guardian or Conservator
- ☐ Attorney-in-Fact
- ☐ Trustee
- ☐ Other: _____

Signer is representing _____



Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**William F Simkiss, Richard J Decker, Daniel P Dunigan, Joseph W Kolok Jr, Brian C Block,
James L Hahn, Individually**

of Paoli, PA, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 10th day of February, 2016.



WESTERN SURETY COMPANY

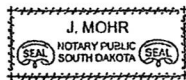
Paul T. Bruflat, Vice President

State of South Dakota }
County of Minnehaha } ss

On this 10th day of February, 2016, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

June 23, 2021



J. Mohr, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 2ND day of OCTOBER, 2017.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Alameda)

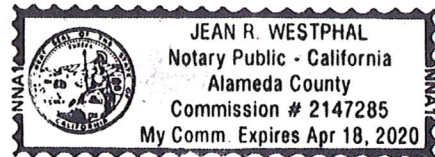
On October 2, 2017 before me, Jean R. Westphal, Notary Public
(insert name and title of the officer)

personally appeared Steve Savage
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jean R. Westphal (Seal)



OWNER'S STATEMENT

THE UNDERSIGNED, BEING THE PARTIES HAVING A RECORD TITLE INTEREST IN THE LANDS DELINEATED AND EMBRACED WITHIN THE SUBDIVISION BOUNDARY ON THIS MAP ENTITLED "SUBDIVISION 9299, GALE RANCH, CONTRA COSTA COUNTY, CALIFORNIA", DO HEREBY CONSENT TO THE MAKING AND RECORDATION OF THE SAME; AND DO HEREBY DECLARE THAT THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC PURPOSES: THOSE PORTIONS OF SAID LANDS DESIGNATED ON THIS MAP AS: BERGAMOT LANE, THYME WAY, AND PHOTINIA COURT.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "PUBLIC UTILITY EASEMENT" OR "PUE" ARE FOR PUBLIC UTILITY PURPOSES INCLUDING POLES, WIRES, CONDUITS, STORM DRAINS, FLOOD AND SURFACE WATER DRAINAGE, WATER LINES, GAS LINES, ELECTRIC, TELEPHONE AND CABLE TELEVISION UTILITIES, INCLUDING THE RIGHTS OF INGRESS, EGRESS, CONSTRUCTION, RECONSTRUCTION, ACCESS FOR MAINTENANCE OF WORKS, IMPROVEMENTS AND STRUCTURES, AND THE CLEARING OF OBSTRUCTIONS AND VEGETATION.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "SIGHT DISTANCE EASEMENT" OR "SE" ARE FOR DEDICATION TO THE COUNTY OF CONTRA COSTA OR ITS DESIGNEE OR SUCCESSOR AS A NON-EXCLUSIVE SURFACE EASEMENT FOR SIGHT DISTANCE PURPOSES INCLUDING THE CLEARING OF OBSTRUCTIONS AND VEGETATION ARE HIGHER THAN 2 FEET ABOVE THE TOP OF CURB.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "STORM DRAIN EASEMENT" OR "SDE" ARE FOR DEDICATION TO THE COUNTY OF CONTRA COSTA OR ITS DESIGNEE OR SUCCESSOR FOR STORM, FLOOD AND SURFACE WATER DRAINAGE, INCLUDING CONSTRUCTION, RECONSTRUCTION, ACCESS FOR MAINTENANCE OF WORKS, IMPROVEMENTS AND STRUCTURES, WHETHER COVERED OR OPEN, AND FOR THE CLEARING OF OBSTRUCTIONS AND VEGETATION.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "TRAIL EASEMENT" OR "TE" ARE FOR DEDICATION TO THE COUNTY OF CONTRA COSTA OR ITS DESIGNEE OR SUCCESSOR FOR MAINTENANCE, INGRESS, EGRESS, CONSTRUCTION, RECONSTRUCTION, AND TRAIL PURPOSES.

THE AREA MARKED "SANITARY SEWER EASEMENT" OR "SSE" IS OFFERED FOR DEDICATION TO THE CENTRAL CONTRA COSTA SANITARY DISTRICT (CCOSD) OR ITS SUCCESSORS OR ASSIGNS IN GROSS, AS AN EXCLUSIVE SUBSURFACE EASEMENT (OR AS A NON-EXCLUSIVE SUBSURFACE EASEMENT, WHERE INDICATED) AND NON-EXCLUSIVE SURFACE EASEMENT FOR THE RIGHT TO CONSTRUCT, RECONSTRUCT, RENEW, ALTER, OPERATE, MAINTAIN, REPLACE (WITH THE INITIAL OR OTHER SIZE) AND REPAIR SUCH SEWER LINE OR LINES AS CCOSD SHALL FROM TIME TO TIME ELECT FOR CONVEYING SEWAGE OR RECYCLED WATER, AND ALL NECESSARY MAINTENANCE ACCESS STRUCTURES, LATERALS AND APPURTENANCES THERETO, OVER AND WITHIN SUCH EASEMENT AREA, TOGETHER WITH THE FREE RIGHT OF INGRESS, EGRESS, AND EMERGENCY ACCESS TO SAID EASEMENT OVER AND ACROSS THE REMAINING PORTION OF THE OWNER'S PROPERTY; PROVIDED THAT SAID RIGHTS OF INGRESS, EGRESS AND EMERGENCY ACCESS SHALL BE LIMITED TO ESTABLISHED ROADWAYS, PATHWAYS, AVENUES OR OTHER ROUTES TO THE EXTENT POSSIBLE AND AS REASONABLY NECESSARY FOR THE PROPER USE OF THE RIGHTS GRANTED HEREIN. THIS OFFER OF DEDICATION ALSO INCLUDES THE RIGHT TO CLEAR OBSTRUCTIONS AND VEGETATION FROM THE EASEMENT AS MAY BE REQUIRED FOR THE PROPER USE OF THE OTHER RIGHTS GRANTED HEREIN.

THE OWNER RESERVES THE RIGHT TO LANDSCAPE OR MAKE SUCH OTHER USE OF THE LANDS INCLUDED WITHIN THE EASEMENTS WHICH ARE CONSISTENT WITH CCOSD'S USE; HOWEVER, SUCH USE BY THE OWNER SHALL NOT INCLUDE THE PLANTING OF TREES OR CONSTRUCTION OF PERMANENT STRUCTURES, INCLUDING BUT NOT LIMITED TO HOUSES, GARAGES, OUTBUILDINGS, SWIMMING POOLS, TENNIS COURTS, RETAINING WALLS, DECKS, PATIOS, ENGINEERED DRAINAGE FACILITIES (BIO-SWALES) OR OTHER ACTIVITY WHICH MAY INTERFERE WITH CCOSD'S ENJOYMENT OF THE EASEMENT RIGHTS GRANTED HEREIN.

MAINTENANCE ACCESS STRUCTURES (MANHOLES, RODDING INLETS, ETC.) CONSTRUCTED WITHIN THE EASEMENT SHALL NOT BE COVERED BY EARTH OR OTHER MATERIAL AND SHALL REMAIN IN AN EXPOSED AND ACCESSIBLE CONDITION AT ALL TIMES FOR ROUTINE AND/OR EMERGENCY MAINTENANCE THAT MAY BE DEEMED NECESSARY BY CCOSD FROM TIME TO TIME.

CCOSD, AND ITS SUCCESSORS OR ASSIGNS, SHALL INCUR NO LIABILITY WITH RESPECT TO SUCH OFFER OF DEDICATION, AND SHALL NOT ASSUME ANY RESPONSIBILITY FOR THE OFFERED EASEMENTS OR ANY IMPROVEMENTS THEREON OR THEREIN, UNTIL SUCH OFFER HAS BEEN ACCEPTED BY THE APPROPRIATE ACTION OF CCOSD, OR ITS SUCCESSORS OR ASSIGNS. FURTHER, THE OWNER SHALL INDEMNIFY, DEFEND, SAVE AND HOLD HARMLESS CCOSD FROM ANY LIABILITY WITH RESPECT TO THE EASEMENTS, PRIOR TO THE FORMAL ACCEPTANCE OF SAID EASEMENTS BY APPROPRIATE ACTION OF CCOSD.

SUBDIVISION 9299
GALE RANCH

BEING A SUBDIVISION OF A PORTION OF
"NEW PARCEL L" AS DESCRIBED IN THE DEED
RECORDED DECEMBER 4, 2015
UNDER DOCUMENT NO. 2015-0250738
CONTRA COSTA COUNTY RECORDS

CONTRA COSTA COUNTY
CALIFORNIA

RUIGER-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
JULY 2017

OWNER'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF California
COUNTY OF Alameda

ON August 29, 2017, BEFORE ME, Jean R. Westphal,
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY
APPEARED Robert D. Moore AND Steve Savage
PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING
STATEMENT AND ACKNOWLEDGED TO ME THAT ~~HE~~^{SHE}/THEY EXECUTED THE
SAME IN ~~HIS~~^{HER}/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY THE
SIGNATURE(S) ON THE STATEMENT THE PERSON(S) OR THE ENTITY UPON
BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE STATEMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF
CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND,

SIGNATURE: Jean R. Westphal
PRINT NAME: Jean R. Westphal
MY COMMISSION NUMBER: 2147285
MY COMMISSION EXPIRES: April 18, 2020
PRINCIPAL COUNTY OF BUSINESS: Alameda

OWNER'S STATEMENT (CONTINUED)

THE REAL PROPERTY DESIGNATED AS "DRIVEWAY RECIPROCAL ACCESS,
DRAINAGE AND UTILITY EASEMENT" OR "DRA" ARE FOR THE PURPOSES
OF INGRESS AND EGRESS TO ADJOINING LOTS (BOTH VEHICULAR AND
PEDESTRIAN), MAINTENANCE OF PRIVATE STORM DRAINAGE, PRIVATE
SANITARY SEWER, AND WATER SERVICES. MAINTENANCE OF SAID AREAS
WILL BE AS SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS WHICH WILL ENCUMBER THIS SUBDIVISION. SAID AREAS
ARE NOT OFFERED FOR DEDICATION TO THE PUBLIC.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE TO CONTRA
COSTA COUNTY FOR PUBLIC PURPOSES: THE PARCEL DESIGNATED AS
PARCEL "A" FOR DRAINAGE PURPOSES.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE TO CONTRA
COSTA COUNTY FOR PUBLIC PURPOSES: THE PARCELS DESIGNATED AS
PARCELS "B" AND "C" ARE FOR LANDSCAPE PURPOSES AND SHALL BE
MAINTAINED BY CONTRA COSTA COUNTY.

THE REAL PROPERTY DESIGNATED AS PARCEL "D" IS HEREBY RETAINED
BY THE OWNER FOR DEDICATION TO THE HOMEOWNERS ASSOCIATION.

THE MAP SHOWS ALL EASEMENTS ON THE PREMISES, OR OF RECORD.

SHAPELL INDUSTRIES, INC., A DELAWARE CORPORATION

DATE: _____ BY: Robert D. Moore
NAME: Robert D. Moore
TITLE: Group President
BY: Steve Savage
NAME: Steve Savage
TITLE: Vice President

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2017, AT _____ M.
IN BOOK _____ OF MAPS AT PAGES _____, AT THE REQUEST OF
FIRST AMERICAN TITLE COMPANY.

DOCUMENT NO. _____

JOSEPH E. CANCIAMILLA
COUNTY RECORDER

BY: _____
DEPUTY COUNTY RECORDER



**Contra
Costa
County**

To: Board of Supervisors
From: Jeff Carman, Chief, Contra Costa County Fire Protection District
Date: October 24, 2017

Subject: Contract Extension for Development Impact Fee and CFD Study

RECOMMENDATION(S):

Acting as the Governing Board of the Contra Costa County Fire Protection District:

1. APPROVE and AUTHORIZE the Fire Chief, or his designee, to execute a contract amendment with Willdan Financial Services to extend the term from October 31, 2017, to June 30, 2018, for a Development Impact Fee Study, with no change to the contract payment limit.

FISCAL IMPACT:

There is no change in the contract payment limit of \$46,000.

BACKGROUND:

The Contra Costa County Fire Protection District (District) executed a contract with Willdan Financial Services effective September 15, 2016, to conduct a Development Impact Fee Study and assist in updating existing development impact fees to reflect current fire facility costs and growth projections within the District. The original contract termination date was October 31, 2017. The contractor will not complete all of the services described in the contract service plan before the termination date. Extending the contract termination date to June 30, 2018, will allow time for the contractor to complete all of the services detailed in the contract service plan.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Lewis Broschard, Deputy Fire
Chief (925) 941-3501

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The contract will expire before the District receives a completed Development Impact Fee Study.



Contra
Costa
County

To: Board of Supervisors
From: Keith Freitas, Airports Director
Date: October 24, 2017

Subject: Contra Costa Airports Authorization to Negotiate Long-Term Lease for Property Located at 101 John Glenn Drive at Buchanan Field Airport, Pacheco Area

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Director of Airports, or designee, to negotiate a long-term lease between the County, as Landlord, and one of two parties, in priority ranking order, that have submitted a final property use proposal for the approximately 3.5 acres located at 101 John Glenn Drive, at the Buchanan Field Airport.

FISCAL IMPACT:

There is no negative impact on the General Fund. The Airport Enterprise Fund could realize lease and other revenue. The County General Fund could realize property, sales and possessory interest tax revenues if a lease is successfully negotiated.

BACKGROUND:

The over 50-year old hangar became the property of the County in October 2014, when the term of the former tenant's ground lease ended. Since that time, the County has managed and leased the facility. The facility is comprised of three hangar bays and office space. Two of the three hangar bays are currently vacant. The third is currently rented to different tenants. A majority of the office space in the third hangar is currently rented to Pacific States Aviation for its flight school.

For projects with a competitive interest, the selection process approved by the Board of Supervisors on May 23, 2006, includes: (1) requesting project information and a development/lease deposit; (2) convening a selection committee; (3) reviewing, interviewing, if deemed necessary, and ranking the proposals; (4) seeking Board approval

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Beth Lee, (925)
681-4200

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

By: , Deputy

cc:

of ranking order and authorization to negotiate lease terms; (5) facilitating meetings between the project developer/sponsor and stakeholders; and (6) seeking Board approval of the final lease.

On June 21, 2017, Airports staff initiated the selection process by sending notices for competitive interest to lease the facility to businesses at both County airports and to our interested party list. The solicitation provided a response deadline of 5:00 p.m. on Wednesday, July 12, 2017. At the close of the solicitation period, the County had received three letters of interest. The responses, each of which expressed an interest in a long-term lease of the property, came from Pacific States Aviation, PG&E, and an unidentified party, represented by the law firm of Bryant, Lovlien & Jarvis.

On July 18, 2017, the County sent the three interested parties a letter requesting that specified detailed information be provided by 5:00 p.m. on Wednesday, August 23, 2017. The additional detail requested related to the proposed use of the Premises, the proposed business use or other business activities, the desired terms of the lease and the proposed building improvements. The letter also requested a cashier's check in the amount of \$10,000 as a performance guarantee. The performance guarantee would be returned to unsuccessful party(ies) at the completion of the selection process. For the successful candidate, the guarantee would be applied to cover the cost of the project's lease development process. Any remaining funds could be applied to the ground rent or refunded. The letter also advised recipients that the County may elect to negotiate with another candidate, in priority ranked order, if we are unable to consummate a lease with the top ranked candidate.

The County received two (2) complete proposals by the deadline. One proposal was from Pacific States Aviation and the other from Sterling Aviation (which was previously represented by Bryant, Lovlien & Jarvis). A selection committee, comprised of County staff and two Aviation Advisory Committee members, reviewed and ranked the

proposals. Both proposals were excellent and worthy of consideration, which resulted in the selection committee interviewing both candidates. The selection committee ranked the proposals and interviews based on the following factors:

-

BACKGROUND: (CONT'D)

Compatibility of proposed use(s) with governing policies

- Proposed accommodation of the existing tenants into the leasehold
- Proposed financial and lease terms Proposed enhancements to the Premises
- Track record and experience relative to proposed use of the Premises
- Proposed schedule and timing

The selection committee ranked the proposal submitted by Pacific States Aviation first and the proposal from Sterling Aviation second.

Selection of a leasehold tenant would expand economic development activity at Buchanan Field Airport and result in increased revenues to the Airport Enterprise Fund and County General Fund. To be considered, the proposed use of the property had to be consistent with the Airport Master Plan. Based on the location of the property, the use proposed under both proposals is consistent with the Buchanan Field Airport Master Plan and the Mitigated Negative Declaration that was adopted by the Board of Supervisors on October 24, 2008.

Unless and until a final lease agreement is fully executed by all parties, this Board Order, any draft lease agreement, other communications or conduct of the parties shall have absolutely no legal effect, may not be used to impose any legally binding obligation on the County and may not be used as evidence of any oral or implied agreement between the parties or as evidence of the terms and conditions of any implied agreement.

CONSEQUENCE OF NEGATIVE ACTION:

Delay in approving the lease term negotiations will result in a delay of securing a long-term tenant for the property, which will negatively impact the Airport Enterprise Fund.



Contra
Costa
County

To: Board of Supervisors
From: Beth Ward, Animal Services Director
Date: October 24, 2017

Subject: Discharge from Accountability for Uncollected Accounts for the Animal Services Department

RECOMMENDATION(S):

AUTHORIZE the discharge from accountability for delinquent accounts transferred from the former Office of Revenue Collection to Animal Services totaling \$168,614.47, which have been deemed uncollectible.

FISCAL IMPACT:

The accounts to be discharged total \$168,614.47. The past due amounts were transferred from closed accounts which the Office of Revenue Collections was unable to collect. These are 100% user fee funds.

BACKGROUND:

The delinquent accounts contained unpaid fees for services provided by Animal Services. When the accounts were transferred from the Office of Revenue Collection to the department, the department was unable to collect on these accounts. The likelihood of collection on these closed accounts does not warrant the expense involved. Therefore, the Department is requesting a discharge from accountability.

CONSEQUENCE OF NEGATIVE ACTION:

Animal Services would need additional assistance in the collection process including, but not limited to, legal consultation.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Beth Ward,
925-608-8470

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 24, 2017

Subject: DWR's WaterFix Bond Validation Action – Joint Defense Agreement and Legal Services Contracts

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Counsel, or designee, to execute, on behalf of the County and the Contra Costa County Water Agency, a joint defense and fee allocation agreement and a contract for legal services with The Freeman Firm, effective July 1, 2017, and a contract for legal services with Rossmann & Moore, LLP, effective July 21, 2017, in connection with *California Department of Water Resources v. All Persons Interested in the Matter, etc.*, Sacramento County Superior Court Case No. 34-2017-00215965.

FISCAL IMPACT:

The County and Water Agency will be jointly responsible for one-seventh of the attorneys' fees and costs charged by The Freeman Firm and Rossmann & Moore to represent the co-defendants in the litigation.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Stephen M. Siptroth, Deputy
County Counsel, 335-1817

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

By: , Deputy

cc:

BACKGROUND:

The County and the Water Agency are defendants in *California Department of Water Resources v. All Persons Interested in the Matter, etc.*, Sacramento County Superior Court Case No. 34-2017-00215965, filed July 21, 2017. This Board Order authorizes the County Counsel, or her designee, to execute three agreements in connection with the lawsuit.

The joint defense and fee allocation agreement will be executed by nine co-defendants in the case – Contra Costa County, the Contra Costa County Water Agency, San Joaquin County, Solano County, Yolo County, Central Delta Water Agency, Butte County, Plumas County, and the Plumas County Flood Control and Water Conservation District. This agreement authorizes the co-defendants to share privileged litigation-related communications and documents and describes how the co-defendants will pay the attorneys' fees and costs incurred in the litigation.

The above nine agencies will be represented by two law firms – The Freeman Firm and Rossmann & Moore. The contracts for legal services with The Freeman Firm and Rossmann & Moore authorize those law firms to represent all of the above agencies in this lawsuit. For billing purposes, the County and Water Agency constitute one client, and Plumas County and the Plumas County Flood Control and Water Conservation District constitute one client. Under these contracts, the County and Water Agency, together, and each of the other clients, will be responsible for paying one-seventh of all attorneys' fees and costs charged by the two law firms.

CONSEQUENCE OF NEGATIVE ACTION:

The County and Water Agency would not be represented by these law firms, and there would be no agreement regarding the sharing of privileged documents and communications among the co-defendants in this lawsuit.



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 24, 2017

Subject: Claims

RECOMMENDATION(S):

DENY claim filed by Rodney Lum.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

Rodney Lum: Property claim for damage to bicycle in the amount of \$649.49

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Scott Selby
925.335.1400

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

By: , Deputy

cc:



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 24, 2017

Subject: ACCEPT Board members meeting reports for September 2017

RECOMMENDATION(S):

ACCEPT Board members meeting reports for September 2017.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

Government Code section 53232.3(d) requires that members of legislative bodies report on meetings attended for which there has been expense reimbursement (mileage, meals, lodging ex cetera). The attached reports were submitted by the Board of Supervisors members in satisfaction of this requirement.

CONSEQUENCE OF NEGATIVE ACTION:

The Board of Supervisors will not be in compliance with Government Code 53232.3(d).

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☒ 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 24, 2017

Contact: Joellen Bergamini
925.335.1906

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

By: , Deputy

cc:

ATTACHMENTS

District II September 2017
Report

District I September 2017 Report

Supervisor Candace Andersen – Monthly Meeting Report *September 2017*

Date	Meeting	Location
6	Rossmoor Rotary	Walnut Creek
7	East Bay EDA	Walnut Creek
8	SRV Mental Health	San Ramon
8	TRAFFIX	Danville
9	San Ramon 150 anniversary	San Ramon
10	San Ramon ARC dedication	San Ramon
11	Internal Operations	Martinez
11	Exchange Club 9-11 ceremony	Danville
12	Board of Supervisors	Martinez
13	CCCERA	Concord
13	LAFCO	Martinez
14	East Bay EDA	Pleasanton
14	Street Smarts	San Ramon
15	Joint Conf Committee	Martinez
15	APAPA event	San Ramon
16	Friends of Library	Walnut Creek
16	Mental Health Retreat	Martinez
18	Alamo Liaison	Danville
18	SWAT	Orinda
19	Board of Supervisors	Martinez
19	TRAFFIX	Danville
20	Alamo Rotary	Alamo
20	Sustainable CC Awards	Concord
21	CCCTA	Concord
21	EBMUD update	Orinda
21	ABAG exec board	Oakland
23	Hemme Station Park Grand Opening	Alamo
25	Family & Human Services	Martinez
25	Orinda Town Hall	Orinda
26	Board of Supervisors	Martinez
27	CCCERA	Concord

Supervisor John Gioia

September – 2017 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.).

1. Meeting Date: September 8, 2017

Meeting: SF Bay Restoration Authority Board Meeting

Location: Fremont, CA

2. Meeting Date: September 8, 2017

Meeting: SF Bay Restoration Authority Board Tour

Location: Eden Landing

Supervisor sought reimbursement from the County for one meeting that he attended in his capacity as a County Supervisor during the month of September, 2017.



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 24, 2017

Subject: APPROVE the Board meeting minutes for September 2017

RECOMMENDATION(S):

APPROVE Board meeting minutes for September 2017, as on file with the Office of the Clerk of the Board.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

Government Code Section 25101(b) requires the Clerk of the Board to keep and enter in the minute book of the Board a full and complete record of the proceedings of the Board at all regular and special meetings, including the entry in full of all resolutions and of all decisions on questions concerning the allowance of accounts. The vote of each member on every question shall be recorded.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☒ 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 24, 2017

Contact: Joellen Bergamini
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: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: CAER 2017 Shelter-in-Place Education Day

RECOMMENDATION(S):

ADOPT Resolution NO. 2017/314 proclaiming November 1, 2017 as the Contra Costa County Shelter-in-Place Education Day.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

Contra Costa County Community Awareness and Emergency Response Group, Inc. has worked with schools and day care facilities for the last sixteen years on sheltering in place when there is a hazardous material release that could impact them. This protective action is the best immediate action that a person can take to protect them against exposure to hazardous materials that could occur from an accidental release or spill. Attached find the proclamation and a flyer announcing November 1, 2017 as Shelter-in-Place Education Day.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Randy Sawyer,
925-335-3210

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

By: , Deputy

cc: T Scott, M Wilhelm

ATTACHMENTS

Resolution No.

2017/314

CAER Fact Sheet

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

In the matter of:

Resolution No. 2017/314

Proclaiming November 1, 2017 as Shelter-in-Place Education Day in Contra Costa County.

Whereas public and private schools throughout Contra Costa County will be participating in the Shelter-in-Place Drill on November 1st; and

Whereas Contra Costa Community Awareness Emergency Response Group – CAER – is sponsoring the 16th Annual Shelter-in-Place Drill and assisting schools with their emergency preparedness; and

Whereas emergency response agencies including fire, sheriff and health officials all recommend Shelter-in-Place as the immediate action to take in case of a hazardous release; and

Whereas the Shelter-in-Place Drill increases public awareness about Shelter-in-Place as a protective action and gives students and teachers practice in implementing this important procedure; and

Whereas the County Office of Education has endorsed the Shelter-in-Place Drill and encouraged all sites to participate.

Now, Therefore, Be It Resolved: the Contra Costa County Board of Supervisors recognizes the importance of preparing for emergencies and encourages participation in the Contra Costa CAER Group’s public education efforts. In support of the parents, teachers, students and staff that will be participating with hundreds of other schools in the Shelter-in-Place Drill, we proclaim November 1, 2017 as “Shelter-in-Place Education Day.”

FEDERAL D. GLOVER
Chair, District V Supervisor

JOHN GIOIA
District I Supervisor

CANDACE ANDERSEN
District II Supervisor

DIANE BURGIS
District III Supervisor

KAREN MITCHOFF
District IV Supervisor

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

ATTESTED: October 24, 2017

David J. Twa,

By: _____, Deputy



2017 Shelter-in-Place Drill FACT SHEET

- The Shelter-in-Place drill will begin at 11:00 a.m. on Wednesday November 1st.

Or, if necessary, you can change to a time better suited to your site.



Please note: If you do not normally hear the sound of the sirens on the first Wednesday of every month YOU WILL NOT HEAR THEM ON Nov. 1st Sirens are only one of the ways a Shelter-in-Place alert is broadcast. In an actual emergency, other tools to alert the public would also be used, such as KCBS 740AM radio, e-mail notifications (visit www.incident.com to sign up), scrolling messages on CCTV, weather radio alerts, and the TENS system (automated telephone calls).

- Each site will determine how complex they want the Shelter-in-Place drill to be at their own facility. The scope can range from a tabletop exercise with staff to a full-scale drill bringing everyone inside to Shelter-in-Place. Drill can be as long as you want it to be.
- The drill is being sponsored by Contra Costa County CAER (Community Awareness Emergency Response) Group. CAER is a non-profit organization with members from fire, law enforcement, health services, emergency services, plus community and industry representatives.
- All public and private schools and childcare centers are encouraged to participate. This is a chance to be part of a countywide exercise that will receive media coverage and promote further awareness about Shelter-in-Place training and procedures.
- Participating schools and childcare centers that return a "participation sheet" will have their names posted on the CAER Web site at www.cococaer.org.
- City Councils in the County are being asked to proclaim November 1st as "Shelter-in-Place Education Day." The County Board of Supervisors will also proclaim November 1st as Shelter-in-Place Education Day.
- The Shelter-in-Place Drill is an annual event on the first Wednesday in November. Last year, approx. 200 sites participated and even more are expected to practice their Shelter-in-Place procedures this year. CAER sponsors the drill to promote emergency preparedness in our schools and childcare centers.

***Sponsored by CCC CAER Group, Inc.
Community Awareness Emergency Response
www.cococaer.org***



Contra
Costa
County

To: Board of Supervisors
From: Karen Mitchoff, District IV Supervisor
Date: October 24, 2017

Subject: Adopt Resolution No. 2017/383 honoring the 10th Anniversary of Putnam Clubhouse

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Colleen Isenberg,
925-521-7100

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

By: , Deputy

cc:

ATTACHMENTS

Resolution No.
2017/383

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

In the matter of:

Resolution No. 2017/383

Honoring Putnam Clubhouse on their 10th Anniversary

Whereas, over the last ten years Putnam Clubhouse, an outstanding mental health recovery program, has provided comprehensive social and vocational rehabilitation for adults with a severe mental illness in Contra Costa County; and

Whereas, more than 10,000 Contra Costa County residents are hospitalized each year for a severe mental illness, and Adults recovering from mental illness yearn to participate in society in meaningful and productive ways and that's why concerned citizens formed The Contra Costa Clubhouses, Inc. 10 years ago and opened Putnam Clubhouse, and

Whereas, Putnam Clubhouse has the underlying premise that each member can sufficiently recover from the effects of mental illness to lead a personally satisfying and productive life; and

Whereas, Putnam Clubhouse offers a full array of programs, including Work-Ordered Day, structured support for returning to school and work, a variety of recreational activities, Wellness and Outreach to members and a multi-media training in a state-of-art Multi-Media Lab, and

Whereas, Putnam Clubhouse has served over 800 members during nearly 10 years of operation; and

Whereas, currently more than 350 members attend annually and spend nearly 60,000 hours participating in programming; and

Whereas, Putnam Clubhouse was the first program in Northern California to be accredited by Clubhouse International, a global organization that start and grow Clubhouses where individuals with mental illness can work to get their lives back; and

Whereas, extensive research indicates Clubhouse International program participants and the communities in which they live benefit from higher employment, reduced hospitalization and incarceration, improved well-being, and reduced cost of services compared to other programs; and

Whereas, Putnam Clubhouse has received the John Muir Health Award for program excellence.

Now, Therefore, Be It Resolved that the Board of Supervisors does hereby honor Putnam Clubhouse on their 10th anniversary which provides an invaluable service to the citizens of Contra Costa County

FEDERAL D. GLOVER
Chair, District V Supervisor

JOHN GIOIA
District I Supervisor

CANDACE ANDERSEN
District II Supervisor

DIANE BURGIS
District III Supervisor

KAREN MITCHOFF
District IV Supervisor

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

ATTESTED: October 24, 2017

David J. Twa,

By: _____, Deputy



Contra
Costa
County

To: Board of Supervisors
From: Federal D. Glover, District V Supervisor
Date: October 24, 2017

Subject: Recognizing the Soroptimist International of Martinez Club Seventy Fifth Anniversary November 14, 2017

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Lynn Enea, (925)
335-8200

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

By: , Deputy

cc:

ATTACHMENTS

Resolution No.
2017/377

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

In the matter of:

Resolution No. 2017/377

Recognizing the Martinez Soroptimist International Martinez Clubs Seventy Fifth Anniversary November 14, 2017

Whereas, Soroptimist International was founded in Oakland, California, in 1921, as the first service club for women, which now has over 80,000 members in 120 countries and territories, and whose mission is to improve the lives of women and girls through programs leading to social and economic empowerment; and Whereas, Soroptimist International of Martinez was chartered on November 14, 1942, and is a long-standing member of the Chamber of Commerce annually sponsoring their Woman of the Year Award, who participated in the establishment of Mountain View House and continues to support this Shelter, Inc. facility; and

Whereas, Soroptimist International of Martinez established an S Club at Alhambra High School to promote the development of community leaders by providing students the opportunity to acquire and utilize leadership skills through activities supporting local charities; and

Whereas, Soroptimist International of Martinez annually presents two deserving girls attending Alhambra or Briones/Vicente Martinez High Schools, the Violet Richardson Award and the Rose Camarata Gaffney Scholarship, honoring them for their accomplishments; and

Whereas, in addition, Soroptimist International of Martinez participates annually in the Dream It, Be It Career Support for Girls Program, which they co-founded, a one-day broad-ranging seminar for high school senior girls preparing them for effective transition into successful adult lives; and

Whereas, Soroptimist International of Martinez provides Live Your Dream Awards for women who provide the primary source of financial support for their families by giving them the resources they need to improve their education, skills, and employment prospects; and

Whereas, Soroptimist International of Martinez will be celebrating their Seventy Fifth Anniversary on November 13, 2017.

Now, Therefore, Be It Resolved that the Board of Supervisors of Contra Costa County does hereby honor and acknowledge the Soroptimist International of Martinez club for its seventy-five years of positive community involvement and continued commitment to improving the lives of women and girls locally and throughout the world.

FEDERAL D. GLOVER
Chair, District V Supervisor

JOHN GIOIA
District I Supervisor

CANDACE ANDERSEN
District II Supervisor

DIANE BURGIS
District III Supervisor

KAREN MITCHOFF
District IV Supervisor

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

ATTESTED: October 24, 2017

David J. Twa,

By: _____, Deputy



Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: October 24, 2017

Subject: Advisory Council on Aging Resignation

RECOMMENDATION(S):

ACCEPT resignation of Kristin Haegeland, DECLARE a vacancy in Local Committee Seat, City of Pinole on the Advisory Council on Aging, and DIRECT the Clerk of the Board to post the vacancy, as recommended by the Employment and Human Services Department Director.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

Ms. Haegeland resigned upon relocating out of state. She was appointed to the Local Committee Seat, City of Pinole on the Advisory Council on Aging on September 13, 2016. The seat will expire September 30, 2018.

CONSEQUENCE OF NEGATIVE ACTION:

The Advisory Council on Aging may be unable to conduct routine business.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 10/24/2017 ☐ 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 24, 2017

Contact: Elaine Burres,
608-4960

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

By: , Deputy

cc:



Contra
Costa
County

To: Board of Supervisors
From: Diane Burgis, District III Supervisor
Date: October 24, 2017

Subject: Appointments to the First 5 Contra Costa Children and Families Commission

RECOMMENDATION(S):

REAPPOINT Petural Shelton to the District 3 seat and Lee Ross to the District 3 Alternate seat on the First 5 Contra Costa Children and Families Commission to a term expiring August 16, 2020, as recommended by Supervisor Diane Burgis.

FISCAL IMPACT:

None.

BACKGROUND:

The District 3 seats expired August 16, 2017. Applications were accepted and the recommendation to reappoint the above individuals was then determined.

CONSEQUENCE OF NEGATIVE ACTION:

The seat will remain vacant.

CHILDREN'S IMPACT STATEMENT:

The First 5 Children and Families Commission achieves all 5 Children's Impact Statement:

- Children Ready for and Succeeding in School
- Children and Youth Healthy and Preparing for Productive Adulthood
- Families that are Economically Self Sufficient
- Families that are Safe, Stable and Nurturing
- Communities that are Safe and Provide a High Quality of Life for Children and Families

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 10/24/2017 ☐ 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 24, 2017

Contact: Lea Castleberry, (925)
252-4500

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

By: , Deputy

cc:



Contra
Costa
County

To: Board of Supervisors
From: Diane Burgis, District III Supervisor
Date: October 24, 2017

Subject: Resignation on Contra Costa Commission for Women

RECOMMENDATION(S):

ACCEPT the resignation of Jennifer Cohen, DECLARE a vacancy in the District 3 seat on the Contra Costa Commission for Women, and DIRECT the Clerk of the Board to post the vacancy, as recommended by Supervisor Diane Burgis.

FISCAL IMPACT:

None.

BACKGROUND:

The functions of the Commission for Women is to identify major economic, educational and social concerns of women in Contra Costa County, to reach and inform all women on a variety of issues.

Ms. Cohen notified the Chair of the Commission and the District office of her resignation effective immediately.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 10/24/2017 ☐ 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 24, 2017

Contact: Lea Castleberry, (925)
252-4500

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

By: , Deputy

cc:



Contra
Costa
County

To: Board of Supervisors
From: Diane Burgis, District III Supervisor
Date: October 24, 2017

Subject: Reappointment on the Contra Costa Fire Protection District

RECOMMENDATION(S):

REAPPOINT Ed Haynes to the District 3 seat on the Contra Costa County Fire Protection District Fire Advisory Commission to a term expiring June 30, 2021, as recommended by Supervisor Diane Burgis.

FISCAL IMPACT:

None.

BACKGROUND:

Contra Costa County Fire Protection District's Fire Advisory Commission performs the duties specified in Section 11809 and Subdivision (k) of Section 11964 of the Health and Safety Code, with the exception of budget approval. This Commission reviews and advises on the annual operations, capital budgets, and all district expenditures; reviews and advises on long-range capital improvement plans; pursuant to district ordinance serves as the Appeals Board on weed abatement matters; and advises the Fire Chief on district service matters. Members serve four year terms ending June 30.

This seat term expired June 30, 2017. Applications were accepted and the recommendation to reappoint the above individual was then determined.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Lea Castleberry, (925)
252-4500

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

By: , Deputy

cc:



**Contra
Costa
County**

To: Board of Supervisors
From: Candace Andersen, District II Supervisor
Date: October 24, 2017

Subject: RESIGNATION FROM THE CONTRA COSTA COMMISSION FOR WOMEN

RECOMMENDATION(S):

ACCEPT the resignation of the following individual from the District II seat of the Contra Costa Commission for Women effective immediately, as recommended by Supervisor Candace Andersen:

Beth Mora
Danville, CA 94506

DECLARE a vacancy in the District II seat on the Contra Costa Commission for Women, and DIRECT the Clerk of the Board to post the vacancy.

FISCAL IMPACT:

None.

BACKGROUND:

The Commission for Women was established to identify major economic, educational, and social concerns of women in Contra Costa County, and to reach and inform all women on a variety of issues. The Commission consists of 26 members: one member from each Supervisorial District, 20 At Large members, and 1 Alternate At Large member. The IO Committee reviews nominations to the 20 At Large seats and their Alternate. Terms for all Commission seats are three years.

CONSEQUENCE OF NEGATIVE ACTION:

The seat will remain filled, which could effect quorum.

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Jill Ray,
925-957-8860

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

By: , Deputy

cc: District 2 Supervisor, Maddy Book, Women's Commission, Appointee



Contra
Costa
County

To: Board of Supervisors
From: Candace Andersen, District II Supervisor
Date: October 24, 2017

Subject: APPOINTMENT TO THE CONTRA COSTA COUNTY PLANNING COMMISSION

RECOMMENDATION(S):

REAPPOINT the following individual to the District II seat of the Contra Costa County Planning Commission for a four-year term with an expiration date of June 30, 2021, as recommended by Supervisor Candace Andersen:

Rand Swenson
Alamo, CA 94507

FISCAL IMPACT:

None.

BACKGROUND:

The Planning Commission's powers and duties include:

1. Exercise all powers and duties prescribed by law (statute, ordinance or board order), including consideration of matters referred to it by the Zoning Administrator except those powers and duties specifically reserved or delegated to other divisions of the planning agency;
2. Initiate preparation of general plans, specific plans, regulations, programs and legislation to implement the planning power of the county;
3. Be generally responsible for advising the legislative body of matters relating to planning, which, in the opinion of the commission, should be studied;
4. Be the advisory agency as designated in Title 9 of this code for the purpose of passing on subdivisions;
5. Hear and decide all applications or requests for proposed entitlements

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Jill Ray,
925-957-8860

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

By: , Deputy

cc: District 2 Supervisor, Maddy Book, Planning Commission, Appointee

BACKGROUND: (CONT'D)

estimated to generate one hundred or more peak hour trips unless otherwise provided by this code or board order;
6. Hear and make recommendations regarding proposed development agreements when it is hearing the related project applications being processed concurrently with the development agreements.

Supervisor Andersen has been pleased with Mr. Swenson's service in the District II Seat and would like for him to continue.

CONSEQUENCE OF NEGATIVE ACTION:

The seat will become vacant, which could lead to quorum issues on the Commission.



Contra
Costa
County

To: Board of Supervisors
From: Todd Billeci, County Probation Officer
Date: October 24, 2017

Subject: Appropriation Adj. to Recognize Revenue for the US DOJ Smart Reentry Grant

RECOMMENDATION(S):

APPROVE Appropriations and Revenue Adjustment No. 5010 authorizing new revenue in the amount of \$1,000,000 from the U.S. Department of Justice "Smart Reentry: Focus on Evidence-Based Strategies for Successful Reentry from Incarceration to Community" grant and appropriating it to implement responsive services for transitional aged youth (TAY) offenders (18-25 years old).

FISCAL IMPACT:

This action increases revenue and appropriations by \$1,000,000. 100% Federal; \$1,015,528 grant match is required and will be provided by both the County and Community Based Organizations.

BACKGROUND:

The goal of the Smart Reentry Program is to support jurisdictions to develop and implement comprehensive and collaborative strategies that address the challenges posed by reentry to increase public safety and reduce recidivism for individuals reentering communities from incarceration who are at medium to high risk for recidivating. Within the context of this initiative, "reentry" is not envisioned to be a specific program, but rather a process that begins when the individual is first incarcerated (pre-release) and ends with his or her successful community reintegration and reduction in risk of recidivism (post-release). In Contra Costa County TAY population constitutes the largest age cohort within the jail, and experiences the highest rates of homelessness outside of jail. There is a growing state and national awareness of the inadequacy of existing practices in serving the needs of young adults aged 18 to 25 in the justice system. This funding will allow the County to better serve the needs of the TAY population.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Danielle Fokkema,
925-313-4195

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The new revenue and associated expenditures will not be properly recognized in the department operating budget.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Appropriation and Revenue Adjustment No. 5010

CONTRA COSTA COUNTY
ESTIMATED REVENUE ADJUSTMENT
T/C 24

ACCOUNT CODING		BUDGET UNIT: 0308 Probation Programs			
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE		<DECREASE>
3037	9551	FED AID CRIME CONTROL	1,000,000	00	00
TOTALS			1,000,000	00	00

APPROVED

AUDITOR-CONTROLLER:
BY: [Signature] DATE 10/6/17

COUNTY ADMINISTRATOR:
BY: [Signature] DATE 10/10/17

BOARD OF SUPERVISORS:

YES:

NO:

EXPLANATION OF REQUEST

To appropriate revenue received from the US Department of Justice "Smart Reentry" grant to help reduce recidivism in transitional aged youth offenders (18-25 years old).

Danielle Sukuma Chf of Admin Svcs 10-2-17
SIGNATURE TITLE DATE

BY: _____ DATE _____

REVENUE ADJ. JOURNAL NO. RAOO 5010

CONTRA COSTA COUNTY
APPROPRIATION ADJUSTMENT

T/C 27

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

☒ BOARD OF SUPERVISORS

☒ COUNTY ADMINISTRATOR

ACCOUNT CODING		BUDGET UNIT: 0308 Probation Programs			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
3037	2303	OTHER TRAVEL EMPLOYEES			6,060 00
3037	2310	NON CNTY PROF SPCLZD SVCS			993,940 00
TOTALS					1,000,000 00

APPROVED

AUDITOR-CONTROLLER:

BY: [Signature] DATE 10/6/17

COUNTY ADMINISTRATOR:

BY: [Signature] DATE 10/10/17

BOARD OF SUPERVISORS:

YES:

NO:

BY: _____ DATE _____

EXPLANATION OF REQUEST

To appropriate revenue received from the US Department of Justice "Smart Reentry" grant to help reduce recidivism in transitional aged youth offenders (18-25 years old)

[Signature] Chf of Admin Svcs 10-2-17
SIGNATURE TITLE DATE

APPROPRIATION APOO 5010

ADJ. JOURNAL NO.



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Sheriff-Coroner
Date: October 24, 2017

Subject: Appropriation Adjustment - Reallocation of Funds

RECOMMENDATION(S):

APPROVE Appropriation Adjustment No. 5013 authorizing the transfer of appropriations in the amount of \$95,200 from the Office of the Sheriff's-Custody Services Bureau (0300) to the Office of the Sheriff's-Support Services Bureau (0255) to reallocate existing expenditures due to the movement of a position.

FISCAL IMPACT:

This action will increase appropriations in the Sheriff's Office-Support Services Bureau (0255) and reduce appropriations in the Sheriff's Office-Custody Services Bureau (0300) by \$95,200. No change to Net County Cost.

BACKGROUND:

The Office of the Sheriff's requirements are constantly changing and these changes allow the department to serve the public at the most efficient level. Due to the operational needs of the Office of the Sheriff, it is necessary to appropriate budget to the budget units where positions have been moved and are permanently assigned.

CONSEQUENCE OF NEGATIVE ACTION:

The Office of the Sheriff's budget will not appropriately reflect the movement of the positions between departments.

CHILDREN'S IMPACT STATEMENT:

No impact.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 10/24/2017 ☐ 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 24, 2017

Contact: Liz Arbuckle,
335-1529

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

By: , Deputy

cc: Heike Anderson, Liz Arbuckle, Timothy Ewell

ATTACHMENTS

Appropriations Adjustment No.
5013

CONTRA COSTA COUNTY
APPROPRIATION ADJUSTMENT

T/C 27

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:



BOARD OF SUPERVISORS




COUNTY ADMINISTRATOR

ACCOUNT CODING		BUDGET UNIT: Sheriff's Office (0300) (0255)			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
2590	1011	Permanent Salaries	59,258	00	
2590	1042	FICA	4,533	00	
2590	1044	Retirement Expense	19,752	00	
2590	1060	Employee Group Insurance	9,316	00	
2590	1063	Unemployment Insurance	130	00	
2590	1070	Workers Comp Ins	2,211	00	
2512	1011	Permanent Salaries			59,258 00
2512	1042	FICA			4,533 00
2512	1044	Retirement Expense			19,752 00
2512	1060	Employee Group Insurance			9,316 00
2512	1063	Unemployment Insurance			130 00
2512	1070	Workers Comp Ins			2,211 00
TOTALS			95,200	00	95,200 00

APPROVED

AUDITOR-CONTROLLER:

BY:  DATE 10/12/17

COUNTY ADMINISTRATOR:

BY: _____ DATE _____

BOARD OF SUPERVISORS:

YES:

NO:

EXPLANATION OF REQUEST

To move appropriations for S&B from Org 2590 to
Org 2512.



Fiscal Officer

SIGNATURE

TITLE

10/9/2017

DATE

APPROPRIATION

APOO

5013

ADJ. JOURNAL NO.

BY: _____ DATE _____



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Sheriff-Coroner
Date: October 24, 2017

Subject: Appropriation Adjustment - Reallocation of Funds

RECOMMENDATION(S):

APPROVE Appropriation Adjustment No.5014 authorizing the transfer of appropriations in the amount of \$70,812 from the Office of the Sheriff's-Support Services Bureau (0255) to the Office of the Sheriff's Custody-Services Bureau (0300) to reallocate existing expenditures due to the movement of a position.

FISCAL IMPACT:

This action will increase appropriations in the Sheriff's Office-Custody Services Bureau (0300) and reduce appropriations in the Sheriff's Office-Support Services Bureau (0255) by \$70,812. No change to Net County Cost.

BACKGROUND:

The Office of the Sheriff's requirements are constantly changing and these changes allow the department to serve the public at the most efficient level. Due to the operational needs of the Office of the Sheriff, it is necessary to appropriate budget to the budget units where positions have been moved and are permanently assigned.

CONSEQUENCE OF NEGATIVE ACTION:

The Office of the Sheriff's budget will not appropriately reflect the movement of the positions between departments.

CHILDREN'S IMPACT STATEMENT:

No impact.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Liz Arbuckle,
335-1529

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

By: , Deputy

cc: Liz Arbuckle, Heike Anderson, Tim Ewell

ATTACHMENTS

Appropriations Adjustment No.
5014

CONTRA COSTA COUNTY
APPROPRIATION ADJUSTMENT

T/C 27

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:



BOARD OF SUPERVISORS



COUNTY ADMINISTRATOR

ACCOUNT CODING		BUDGET UNIT: Sheriff's Office (0255) (0300)			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
2545	1011	Permanent Salaries	39,687	00	
2545	1015	Deferred Comp Cty Contrb	1,800	00	
2545	1042	FICA	3,036	00	
2545	1044	Retirement Expense	11,190	00	
2545	1060	Employee Group Insurance	13,531	00	
2545	1063	Unemployment Insurance	87	00	
2545	1070	Workers Comp Ins	1,481	00	
2590	1011	Permanent Salaries			39,687 00
2590	1015	Deferred Comp Cty Contrb			1,800 00
2590	1042	FICA			3,036 00
2590	1044	Retirement Expense			11,190 00
2590	1060	Employee Group Insurance			13,531 00
2590	1063	Unemployment Insurance			87 00
2590	1070	Workers Comp Ins			1,481 00
TOTALS			70,812	00	70,812 00

APPROVED

AUDITOR-CONTROLLER:

BY:  DATE 10/12/17

COUNTY ADMINISTRATOR:

BY: _____ DATE _____

BOARD OF SUPERVISORS:

YES:

NO:

EXPLANATION OF REQUEST

To move appropriations for S&B from Org 2545 to
Org 2590.



SIGNATURE TITLE

10/9/2017
DATE

APPROPRIATION APOO

5014

ADJ. JOURNAL NO.

BY: _____ DATE _____



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Sheriff-Coroner
Date: October 24, 2017

Subject: Appropriation Adjustment - Reallocation of Funds

RECOMMENDATION(S):

APPROVE Appropriation Adjustment No. 5015 authorizing the transfer of appropriations in the amount of \$935,007 from the Office of the Sheriff's-Field Operations Bureau (0255) to the Office of the Sheriff's Custody-Services Bureau (0300) to reallocate existing expenditures due to the movement of positions.

FISCAL IMPACT:

This action will increase appropriations in the Sheriff's Office-Custody Services Bureau (0300) and reduce appropriations in the Sheriff's Office-Field Operations Bureau (0255) by \$935,007. No change to Net County Cost.

BACKGROUND:

The Office of the Sheriff's requirements are constantly changing and these changes allow the department to serve the public at the most efficient level. Due to the operational needs of the Office of the Sheriff, it is necessary to appropriate budget to the budget units where positions have been moved and are permanently assigned.

CONSEQUENCE OF NEGATIVE ACTION:

The Office of the Sheriff's budget will not appropriately reflect the movement of the positions between departments.

CHILDREN'S IMPACT STATEMENT:

No impact.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Liz Arbuckle,
335-1529

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

By: , Deputy

cc: Liz Arbuckle, Heike Anderson, Tim Ewell

ATTACHMENTS

Appropriations Adjustment No.
5015

CONTRA COSTA COUNTY
APPROPRIATION ADJUSTMENT

T/C 27

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:


☒ BOARD OF SUPERVISORS

☐ COUNTY ADMINISTRATOR

ACCOUNT CODING		BUDGET UNIT: Sheriff's Office (0255) (0300)			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
2505	1011	Permanent Salaries	460,575	00	
2505	1015	Deferred Comp Cty Contrb	3,600	00	
2505	1042	FICA	6,678	00	
2505	1044	Retirement Expense	367,141	00	
2505	1060	Employee Group Insurance	71,237	00	
2505	1063	Unemployment Insurance	1,013	00	
2505	1070	Workers Comp Ins	24,763	00	
2580	1011	Permanent Salaries			460,575 00
2580	1015	Deferred Comp Cty Contrb			3,600 00
2580	1042	FICA			6,678 00
2580	1044	Retirement Expense			367,141 00
2580	1060	Employee Group Insurance			71,237 00
2580	1063	Unemployment Insurance			1,013 00
2580	1070	Workers Comp Ins			24,763 00
TOTALS			935,007	00	935,007 00

APPROVED

AUDITOR-CONTROLLER:

BY:  DATE 10/12/17

COUNTY ADMINISTRATOR:

BY: _____ DATE _____

BOARD OF SUPERVISORS:

YES:

NO:

EXPLANATION OF REQUEST

To move appropriations for S&B from Org 2505 to
Org 2580.



Fiscal Officer

10/9/2017

SIGNATURE

TITLE

DATE

APPROPRIATION

APOO

5015

ADJ. JOURNAL NO.

BY: _____ DATE _____



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Sheriff-Coroner
Date: October 24, 2017

Subject: Appropriation Adjustment - Reallocation of Funds

RECOMMENDATION(S):

APPROVE Appropriation Adjustment No. 5016 authorizing the transfer of appropriations in the amount of \$1,046,570 from the Office of the Sheriff's-Field Operations Bureau (0255) to the Office of the Sheriff's Custody-Services Bureau (0300) to reallocate existing expenditures due to the movement of positions.

FISCAL IMPACT:

This action will increase appropriations in the Sheriff's Office-Custody Services Bureau (0300) and reduce appropriations in the Sheriff's Office-Field Operations Bureau (0255) by \$1,046,570. No change to Net County Cost.

BACKGROUND:

The Office of the Sheriff's requirements are constantly changing and these changes allow the department to serve the public at the most efficient level. Due to the operational needs of the Office of the Sheriff, it is necessary to appropriate budget to the budget units where positions have been moved and are permanently assigned.

CONSEQUENCE OF NEGATIVE ACTION:

The Office of the Sheriff's budget will not appropriately reflect the movement of the positions between departments.

CHILDREN'S IMPACT STATEMENT:

No impact.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Liz Arbuckle,
335-1529

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

By: , Deputy

cc: Liz Arbuckle, Heike Anderson, Tim Ewell

ATTACHMENTS

Appropriations Adjustment No.
5016

CONTRA COSTA COUNTY
APPROPRIATION ADJUSTMENT

T/C 27

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

☒ BOARD OF SUPERVISORS

☐ COUNTY ADMINISTRATOR

ACCOUNT CODING		BUDGET UNIT: Sheriff's Office (0255) (0300)			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
2505	1011	Permanent Salaries	510,849	00	
2505	1042	FICA	7,424	00	
2505	1044	Retirement Expense	427,260	00	
2505	1060	Employee Group Insurance	72,522	00	
2505	1063	Unemployment Insurance	1,127	00	
2505	1070	Workers Comp Ins	27,388	00	
2578	1011	Permanent Salaries			510,849 00
2578	1042	FICA			7,424 00
2578	1044	Retirement Expense			427,260 00
2578	1060	Employee Group Insurance			72,522 00
2578	1063	Unemployment Insurance			1,127 00
2578	1070	Workers Comp Ins			27,388 00
TOTALS			1,046,570	00	1,046,570 00

APPROVED

AUDITOR-CONTROLLER:

BY:  DATE 10/12/17

COUNTY ADMINISTRATOR:

BY: _____ DATE _____

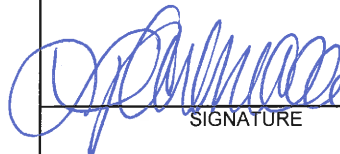
BOARD OF SUPERVISORS:

YES:

NO:

EXPLANATION OF REQUEST

To move appropriations for S&B from Org 2505 to
Org 2578.



SIGNATURE TITLE

10/9/2017
DATE

APPROPRIATION APOO 5016

ADJ. JOURNAL NO.

BY: _____ DATE _____



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: Appropriation Adjustment for Behavioral Health Services Administration

RECOMMENDATION(S):

Health Services Department (0467/5899)/Fleet ISF (0064): Approve Appropriation and Revenue Adjustment # 5019 authorizing the transfer of appropriations in the amount of \$27,959 from Behavioral Health Services Division – Mental Health Services Act Innovation to General Services – ISF Fleet Services (0064) for the purchase of one (1) vehicle for the implementation of the Overcoming Transportation Barriers Project.

FISCAL IMPACT:

This action increases appropriations in General Services – Fleet Services (0064) and reduces appropriations in Behavioral Health Services (0467/5899) by \$27,959. This purchase is funded 100% by Mental Health Services Act funds.

BACKGROUND:

The Overcoming Transportation Barriers project seeks to provide coordinated transportation efforts and resources to help consumers build self-sufficiency and apply independent travel skills. The project will target clients throughout Contra Costa County's Behavioral Health system of care while helping increase access to mental health services. The project will include peer support workers who will serve as regional transportation coordinators who will support existing transportation resources.

The purchase of this vehicle will allow the County to implement the Overcoming Transportation Barriers Project. The vehicle will be used for travel between County programs, service providers, schools and transit authorities. The peer support workers

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Cynthia Belon,
925-957-5201

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

By: , Deputy

cc: Tasha Scott, Marcy Wilhelm, Miu Tam

BACKGROUND: (CONT'D)

assigned to the vehicle attend various trainings and committee meetings regionally. They represent consumers, families and caregivers which requires consistent contact with many different public agencies within the County. This contact ensures ongoing coordination of transportation assets and resources. Conclusively, training is also provided by the workers which demands additional travel when requested.

CONSEQUENCE OF NEGATIVE ACTION:

If this appropriation adjustment is not approved, the Division will not be able to purchase a vehicle needed to fully implement the Overcoming Transportation Barriers project plans.

ATTACHMENTS

TC24 & TC27 No. 5019 HSD

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 : Health Services - Behavioral Health		
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>	INCREASE
5899	1011	Permanent Salaries	27,959	
5899	5011	Reimbursement Gov/Gov		27,959
4284	4953	Autos & Trucks		27,959
TOTALS			27,959	55,918

APPROVED

AUDITOR-CONTROLLER:

BY: [Signature] DATE 10/18/17

COUNTY ADMINISTRATOR:

BY: [Signature] DATE 10/18/17

BOARD OF SUPERVISORS:

YES:

NO:

EXPLANATION OF REQUEST:

Appropriation adjustment for vehicle purchase authorized by the Board in the MHSA innovation project.

[Signature]

Health Services COO/ CFO

SIGNATURE TITLE DATE

APPROPRIATION APOO 5019
ADJ. JOURNAL NO.

BY: _____ DATE _____

CONTRA COSTA COUNTY
ESTIMATED REVENUE ADJUSTMENT/
ALLOCATION ADJUSTMENT
T/C 24

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

- ☒ BOARD OF SUPERVISORS
☐ COUNTY ADMINISTRATOR
☐ AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT : Health Services - Behavioral Health		
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE	<DECREASE>
4284	9951	Reimbursement Gov/Gov	27,957	
TOTALS			27,957	0 00

APPROVED

AUDITOR-CONTROLLER:

BY: [Signature] DATE 10/18/17

COUNTY ADMINISTRATOR:

BY: [Signature] DATE 10/18/17

BOARD OF SUPERVISORS:

YES:

NO:

EXPLANATION OF REQUEST:

Appropriation adjustment for vehicle purchase authorized by the Board in the MHSA innovation project.

[Signature]

Health Services COO/ CFO

SIGNATURE

TITLE

DATE

REVENUE ADJ.

RAOO

5019

JOURNAL NO.

BY: _____ DATE _____



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 24, 2017

Subject: Appropriation Transfer for Approved FY 17-18 Venture Capital Projects

RECOMMENDATION(S):

Approve Appropriation Adjustment No. 5020 transferring \$1,100,755 in appropriations to Animal Services (0366), Child Support Services (0249), Department of Information Technology (0147), District Attorney (0242), Employment and Human Services (0588), Probation (0308), Public Defender (0243), Conservation and Development (0280), Public Works (0650), Sheriff-Coroner (0255), and the Treasurer-Tax Collector (0015) for fiscal year 2017-18 Venture Capital Projects.

FISCAL IMPACT:

Project funds are budgeted in the General Fund Contingency for FY 2017-18 (100% General Fund).

BACKGROUND:

The Board of Supervisors adopted a Budget Policy in 2006, which included a resource intended to improve departmental operations. Per this policy, in FY 2017-18 funding was made available for technology projects to be used to increase efficiencies and economies in departments that did not have resources available within their normal operating budgets for such expense. Requests for these funds were submitted with the Departments' baseline budgets. Departments included requests of \$2,080,962 and the County Administrator was able to approve \$1,100,755.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Lisa Driscoll, (925)
335-1023

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

By: , Deputy

cc: Robert Campbell, Auditor-Controller, All County Departments (via County Administration)

CONSEQUENCE OF NEGATIVE ACTION:

Departments will not receive the resources needed to fund the aforementioned projects.

ATTACHMENTS

TC 27 & 24

CONTRA COSTA COUNTY
APPROPRIATION ADJUSTMENT

T/C 27

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

☒ BOARD OF SUPERVISORS

☐ COUNTY ADMINISTRATOR

ACCOUNT CODING		BUDGET UNIT: County - Various			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
0990	6301	Appropriations for Contingencies	1,100,755		
3342	2251	Computer Software Cost			15,486
1780	2251	Computer Software Cost			45,569
1070	2251	Computer Software Cost			50,000
2800	2132	Minor Computer Equipment			72,500
1409	4951	Office Equip & Furniture			180,000
3003	2132	Minor Computer Equipment			82,000
3003	2251	Computer Software Cost			10,000
2900	2251	Computer Software Cost			100,000
2900	2132	Minor Computer Equipment			25,000
2651	2310	Non-County Professional/Specialized Services			275,200
2512	2132	Minor Computer Equipment			125,000
0015	4951	Office Equip & Furniture			120,000
1691	5016	Interfund Transfers - Gov/Gov			320,769
TOTALS			1,100,755	00	1,421,524 00

APPROVED

AUDITOR-CONTROLLER:

BY: [Signature] DATE 10/18/17

COUNTY ADMINISTRATOR:

BY: [Signature] DATE 10/18/17

BOARD OF SUPERVISORS:

YES:

NO:

BY: _____ DATE _____

EXPLANATION OF REQUEST

Transfer appropriations approved for FY 2017-18 Venture Capital Projects.

[Signature]

10/17/2017

SIGNATURE

TITLE

DATE

APPROPRIATION

APOO


5020

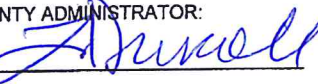
ADJ. JOURNAL NO.

CONTRA COSTA COUNTY
ESTIMATED REVENUE ADJUSTMENT
T/C 24

ACCOUNT CODING		BUDGET UNIT: County-Variou			
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE		<DECREASE>
1780	9956	Interfund Transfers - Gov/Gov	45,569		
2651	9956	Interfund Transfers - Gov/Gov	275,200		
			TOTALS	320,769	0 00

APPROVED

AUDITOR-CONTROLLER:
 BY:  DATE 10/16/17

COUNTY ADMINISTRATOR:
 BY:  DATE 10/18/17

BOARD OF SUPERVISORS:


YES:

NO:

BY: _____ DATE _____

EXPLANATION OF REQUEST

Transfer revenue approved for FY 2017-18 Venture Capital Projects (non-General Fund departments)


 10/17/2017
 DATE

SIGNATURE
TITLE

REVENUE ADJ. JOURNAL NO.
RAOO 5020



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Sheriff-Coroner
Date: October 24, 2017

Subject: Appropriation Adjustment - Office of the Sheriff Delta Station

RECOMMENDATION(S):

APPROVE Appropriations and Revenue Adjustment No.5011 authorizing new revenue in the amount of \$100,000 from CSA P-6 Zone funding and appropriating it into the Plant Acquisition-Sheriff account (0111/4407) to partially fund the relocation of the Sheriff's Office - Delta Patrol station from the old Oakley Library to the Brentwood Police Department.

FISCAL IMPACT:

This action increases revenues and appropriations by \$100,000. There is no impact on the County General Fund.

BACKGROUND:

The Office of the Sheriff's Delta Patrol station is currently housed in the old Oakley Library. This patrol station is inadequate for our needs, as it is in a state of disrepair and not centrally located for deployment. Moving Sheriff's Office personnel to the Brentwood Police Department building will provide a modern, clean and professional work environment that is ideally located for service to all East County residents. This will also allow for a collaborative approach to policing in East County, as it will

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☒ 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 24, 2017

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

BACKGROUND: (CONT'D)

provide an excellent opportunity for Sheriff's Office Deputies to work closely with Brentwood PD Officers to exchange area information and crime trends.

CONSEQUENCE OF NEGATIVE ACTION:

Expenditure appropriations and offsetting revenue identified to fund the facility transfer will not be reflected in the County Budget.

CHILDREN'S IMPACT STATEMENT:

No impact.

ATTACHMENTS

Appropriations and Revenue Adjustment No. 5011

CONTRA COSTA COUNTY
ESTIMATED REVENUE ADJUSTMENT
T/C 24

ACCOUNT CODING		BUDGET UNIT: (0111) PLANT ACQ SHERIFF-CORONER			
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE		<DECREASE>
4407	9956	TRANSFERS - GOV/GOV	100,000	00	
TOTALS			100,000	00	0 00

APPROVED

AUDITOR-CONTROLLER:

BY:  DATE 10/12/17

COUNTY ADMINISTRATOR:

BY: _____ DATE _____

BOARD OF SUPERVISORS:

YES:

NO:

EXPLANATION OF REQUEST

To appropriate additional revenue for relocation of Delta Station.



SIGNATURE

Fiscal Officer

TITLE

10/6/2017

DATE

BY: _____ DATE _____

REVENUE ADJ.
JOURNAL NO.

RAOO

5011

CONTRA COSTA COUNTY
APPROPRIATION ADJUSTMENT

T/C 27

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

☒ BOARD OF SUPERVISORS

☐ COUNTY ADMINISTRATOR

ACCOUNT CODING		BUDGET UNIT: (0111) PLANT ACQ SHERIFF-CORONER			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
4407	4437	SHERIFF'S FACILITIES IMPS			100,000 00
TOTALS			0	00	100,000 00

APPROVED

AUDITOR-CONTROLLER:

BY:  DATE 10/12/17

COUNTY ADMINISTRATOR:

BY: _____ DATE _____

BOARD OF SUPERVISORS:

YES:

NO:

EXPLANATION OF REQUEST

To appropriate additional revenue for relocation of Delta Station.



Fiscal Officer

SIGNATURE

TITLE

10/6/2017

DATE

APPROPRIATION

APOO

5011

ADJ. JOURNAL NO.

BY: _____ DATE _____



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Sheriff-Coroner
Date: October 24, 2017

Subject: Cal ID Appropriation Adjustment

RECOMMENDATION(S):

APPROVE Appropriation and Revenue Adjustment No.5012 authorizing an adjustment in revenue for the Sheriff's Office (0255) in the amount of \$19,997 and adjusting appropriations to agree with Remote Access Network (RAN) Board approved budget for FY 2017-18.

FISCAL IMPACT:

This action decreases revenue and appropriations by \$19,997. There is no change in net county cost.

BACKGROUND:

The Cal-ID network is composed of independent Automated Fingerprint Identification Systems (AFIS) and dedicated California Department of Justice (DOJ) workstations throughout the State. In 1987, Contra Costa and Alameda Counties formed a Regional Access Network (RAN) Board to qualify for funding from the DOJ to implement AFIS. Over the years, the scope of AFIS has expanded to include LiveScan technology and the collection of both fingerprints and palm prints.

This appropriation adjustment will bring the budget in the County Finance System in line with the RAN Board approved budget for FY 17-18.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☒ 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 24, 2017

Contact: Liz Arbuckle (925)
335-1529

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

By: , Deputy

cc: Heike Anderson, Liz Arbuckle, Tim Ewell

CONSEQUENCE OF NEGATIVE ACTION:

The Sheriff's Office budget will not reflect anticipated expenditure and revenue activity for fiscal year 2017/18.

CHILDREN'S IMPACT STATEMENT:

No impact.

ATTACHMENTS

Appropriations and Revenue Adjustment No. 5012

CONTRA COSTA COUNTY
ESTIMATED REVENUE ADJUSTMENT
T/C 24

ACCOUNT CODING		BUDGET UNIT: (0255) Sheriff's Office			
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE		<DECREASE>
2517	9951	REIMBURSEMENTS - GOV/GOV			20,000 00
2557	9951	REIMBURSEMENTS - GOV/GOV	3	00	
TOTALS			3	00	20,000 00

APPROVED

AUDITOR-CONTROLLER:

BY:  DATE 10/12/17

COUNTY ADMINISTRATOR:

BY:  DATE 10/17/17

BOARD OF SUPERVISORS:

YES:

NO:

BY: _____ DATE _____

EXPLANATION OF REQUEST

To adjust revenue for Cal-ID to RAN Board approved budget
for FY 17-18.



SIGNATURE

Fiscal Officer

TITLE

10/9/2017

DATE

REVENUE ADJ.
JOURNAL NO.

RAOO 5012

CONTRA COSTA COUNTY
APPROPRIATION ADJUSTMENT

T/C 27

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

☒ BOARD OF SUPERVISORS

☐ COUNTY ADMINISTRATOR

ACCOUNT CODING		BUDGET UNIT: Sheriff's Office (0255)			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
2517	2100	OFFICE EXPENSE			5,000 00
2517	2110	COMMUNICATIONS			1,348 00
2517	2111	TELEPHONE EXCHNGE SERVICE	1,649	00	
2517	2160	CLOTHING & PERSONAL SUPPL			700 00
2517	2250	RENTS & LEASES - EQUIPMENT			10,000 00
2517	2303	OTHER TRAVEL EMPLOYEES			10,000 00
2517	2310	NON CNTY PROF SPCLZD SVCS	19,872	00	
2517	5011	REIMBURSEMENTS-GOV/GOV	5,524	00	
2557	2310	NON CNTY PROF SPCLZD SVCS	20,000	00	
TOTALS			47,045	00	27,048 00

APPROVED

AUDITOR-CONTROLLER:

BY: [Signature] DATE 10/12/17

COUNTY ADMINISTRATOR:

BY: [Signature] DATE 10/17/17

BOARD OF SUPERVISORS:

YES:

NO:

EXPLANATION OF REQUEST

To adjust appropriations for Cal-ID to RAN Board approved budget for FY 17-18.

[Signature]

SIGNATURE

Fiscal Officer

TITLE

10/9/2017

DATE

APPROPRIATION

APOO

5012

ADJ. JOURNAL NO.

BY: _____ DATE _____



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: October 24, 2017

Subject: Resolution Supporting the East Bay Regional Park District's Bay Point Project Grant Application to the Delta Conservancy Grant Program

RECOMMENDATION(S):

ADOPT Resolution No. 2017/382 supporting the East Bay Regional Park District's Bay Point Restoration Project grant application to the Delta Conservancy Ecosystem Restoration and Water Quality Grant Program.

FISCAL IMPACT:

No impact.

BACKGROUND:

The Sacramento-San Joaquin Delta Conservancy currently has issued a call for proposals for its Delta Conservancy Ecosystem Restoration and Water Quality Grant Program (Exhibit A). The East Bay Regional Park District (EBRPD) will be submitting a grant proposal in the amount of \$2,900,000 for the Bay Point Restoration Project (Exhibit B). The grant will supplement the \$1,200,000 already secured for the project (for a total of \$4,100,000), and go towards final design, environmental permitting, construction, and maintenance for the project at the Bay Point Regional Shoreline..

The project has four major objectives:

1. Restore wetlands
2. Enhance uplands
3. Enhance wildlife habitats
4. Adapt to sea level rise

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Robert Sarmiento (925)
674-7822

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

>

Once implemented, the project will restore and protect the ecosystem, improve water quality, and restore or maintain the wildlife in the project area.

If grant funding is secured, EBRPD plans to go out to bid for the 2018 construction season.

EBRPD is seeking a resolution of support from the County Board of Supervisors for the project, which is a requirement for the grant proposal.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board of Supervisors does not adopt the resolution in support of the project, the East Bay Regional Park District will be missing a required component in its grant proposal to the Delta Conservancy Ecosystem Restoration and Water Quality Grant Program.

ATTACHMENTS

Resolution No. 2017/382

Exhibit A - Delta Conservancy Ecosystem Restoration and Water Quality Grant Program Guidelines

Exhibit B - EBRPD Bay Point Restoration Project Proposal

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

Adopted this Resolution on 10/24/2017 by the following vote:

AYE: ☐
NO: ☐
ABSENT: ☐
ABSTAIN: ☐
RECUSE: ☐



Resolution No. 2017/382

Resolution of the Contra Costa County Board of Supervisors supporting an application for funding from the Sacramento-San Joaquin Delta Conservancy for the the Bay Point Restoration Project

WHEREAS, in 2009, the California legislature enacted Senate Bill 1, which established the Sacramento-San Joaquin Delta Conservancy ("Conservancy") in the Natural Resources Agency; and

WHEREAS, the Conservancy is required to act as the primary state agency to implement ecosystem restoration in the Delta and to support efforts that advance environmental protection and the economic well-being of Delta residents; and

WHEREAS, Proposition 1, the "Water Quality, Supply, and Infrastructure Improvement Act of 2014," was enacted by the voters on November 4, 2014 to provide a comprehensive and fiscally responsible approach for addressing the array of facing California's limited water resources; and

WHEREAS, In Proposition 1, \$50 million is identified for the Conservancy "for competitive grants for multi-benefit ecosystem and watershed protection and restoration projects in accordance with statewide priorities (Sec. 79730 and 79731)"; and

WHEREAS, the East Bay Regional Park District's Bay Point Restoration Project ("Project") is consistent with Proposition 1 objectives and will improve the Bay Point Regional Shoreline by restoring wetlands, enhancing uplands, enhancing wildlife habitats, and adapting to sea level rise;

WHEREAS, the East Bay Regional Park District desires to submit a grant application to the Conservancy for \$2,900,000 to fund the Project; and

WHEREAS, the County of Contra Costa is a California Public Agency with authority over land use in the project area.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County supports the funding of the Project by the Conservancy.

I hereby certify that this is 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 24, 2017

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

Contact: Robert Sarmiento (925) 674-7822

By: , Deputy

cc:



SACRAMENTO - SAN JOAQUIN

DELTA CONSERVANCY

A California State Agency

GRANT GUIDELINES

Fiscal Year 2017-18

PROPOSITION 1

Delta Conservancy Ecosystem Restoration and Water Quality Grant Program

FUNDED BY THE

Water Quality, Supply, and Infrastructure Improvement Act of 2014



Table of Contents

Quick Facts	5
A. Types of Projects the Conservancy Funds	5
B. Where Projects Can be Located	5
C. Entities Eligible to Receive Funding	5
D. Available Funding	5
E. Timeline	5
F. Contact Information	5
Introduction.....	6
A. Background.....	6
B. Purpose of Grant Guidelines	6
Grant Program Overview	7
A. Program Description and Focal Areas	7
B. Grant Categories.....	9
C. Geographic Area of Focus.....	10
D. Funding Available	10
E. Grant Terms.....	11
Eligibility Requirements.....	12
A. Bond Eligibility Requirements	12
B. Eligible Applicants.....	12
C. Ineligible Projects	13
D. Eligible Expenses.....	13
E. Ineligible Expenses	13
Grant Cycle Overview	15
A. 2017-2018 Grant Cycle Important Dates.....	15
B. Concept Proposal Solicitation Process	15
C. Full Proposal Solicitation Process	16
D. Scoring Threshold and Funding Decisions	16

Proposal Instructions	18
A. Concept Proposal Instructions.....	18
B. Concept Proposal Review	20
C. Full Proposal Instructions	21
D. Evaluation Criteria for Full Proposal	24
Proposal Requirements	27
A. Conflict of Interest.....	27
B. Confidentiality	27
C. California Conservation Corps	27
D. Environmental Compliance	28
E. Water Rights	28
F. Best Available Science	30
G. Adaptive Management.....	30
A. Performance Monitoring and Assessment	32
B. Long-Term Management	35
C. Land Tenure.....	36
D. Land Acquisitions.....	36
E. Budget Tables	38
F. Cost Share and State-Leveraged Funds	39
G. Financial Management Systems Questionnaire and Cost Allocation Plan	40
H. Consultation and Cooperation with State and Local Agencies and Demonstration of Local Support	40
I. Disadvantaged Communities.....	41
Requirements if Funded	42
A. Grant Provisions	42
B. Loss of Funding	42
C. Labor Code Compliance.....	43
D. Reporting	43
E. Signage and Recognition	43
Appendices	44
Appendix A: Glossary of Terms	44

Appendix B: Key State, Federal, and Local Plans and Tools48

Appendix C: Program Requirements Checklist.....50

Appendix D: Ecosystem and Land Use Types57

Appendix E: Land Acquisition Checklist.....62

Appendix F: State Auditing Requirements64

Quick Facts

A. Types of Projects the Conservancy Funds

The Conservancy's Proposition 1 Ecosystem Restoration and Water Quality Grant Program funds competitive grants for multibenefit ecosystem and watershed protection and restoration projects in accordance with statewide priorities. The Conservancy will fund projects that address at least one of the following programmatic focal areas:

- Ecosystem Protection, Restoration, and Enhancement
- Water Quality
- Water-related Agricultural Sustainability

The Conservancy will grant funds for two project categories:

- Category 1 planning projects that advance pre-project activities necessary for a specific, on-the-ground project.
- Category 2 implementation projects that advance on-the-ground implementation projects and land acquisition projects. Category 2 projects must have an expected useful life of at least fifteen years.

B. Where Projects Can be Located

The Conservancy will fund projects within or benefitting the Delta and Suisun Marsh as defined in Public Resources Code Section 85058 (a map can be found at this link:

<http://deltacouncil.ca.gov/docs/dsc-tabloid-size-map-legal-delta>).

C. Entities Eligible to Receive Funding

- California public agencies
- Nonprofit organizations
- Tribal organizations
- Public utilities
- Mutual water companies, including local and regional companies

D. Available Funding

The Conservancy will award up to \$9.3 million during the 2017-2018 grant cycle.

E. Timeline

- Concept Proposal Due: August 31, 2017
- Full Proposal Due: November 30, 2017
- Board Consideration of Awards: March 28, 2018
- Grant Agreements Executed: Fall 2018

F. Contact Information

Please contact the Delta Conservancy at prop1grants@deltaconservancy.ca.gov. More information can be found at: <http://deltaconservancy.ca.gov/prop-1/>.

Introduction

A. Background

The Sacramento-San Joaquin Delta Conservancy (Conservancy) is a primary State agency in the implementation of ecosystem restoration in the Delta and supports efforts that advance environmental protection and the economic well-being of Delta residents. The Conservancy works collaboratively and in coordination with local communities, leading efforts to protect, enhance, and restore the Delta's economy, agriculture and working landscapes, and environment, for the benefit of the Delta region, its local communities, and the citizens of California.

Voters approved the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1) in November 2014. Proposition 1 provides funding to implement the three objectives of the California Water Action Plan: more reliable water supplies, restoration of important species and habitat, and a more resilient and sustainably managed water infrastructure. Proposition 1 identifies \$50 million for the Conservancy "for competitive grants for multibenefit ecosystem and watershed protection and restoration projects in accordance with statewide priorities" (Sec. 79730 and 79731). Per Proposition 1 and the Conservancy's enabling legislation, the Conservancy's Grant Program will emphasize projects using public lands and private lands purchased with public funds, and those that maximize voluntary landowner participation in projects that provide measureable and long-lasting habitat or species improvements in the Delta. To the extent feasible, projects need to promote State planning priorities and sustainable communities strategies consistent with Government Code 65080(b)(2)(B). All proposed projects must be consistent with statewide priorities as identified in Proposition 1, the California Water Action Plan, the Conservancy's enabling legislation and Conservancy's 2017-2022 Strategic Plan, the Delta Plan, and applicable species recovery plans. Links to Proposition 1 and the other plans and documents can be found in Appendix B: Key State, Federal, and Local Plans and Tools.

B. Purpose of Grant Guidelines

The Grant Guidelines (Guidelines) establish the process and criteria that the Conservancy will use to administer its Proposition 1 Ecosystem Restoration and Water Quality Grant Program. These Guidelines provide instructions for completing the required concept and full proposals. Prior to their initial adoption in 2015, the Conservancy posted draft Guidelines on its website for 30 days and hosted three public meetings as required by Section 79706(b) of Proposition 1. The Guidelines have been subsequently revised and reposted on the Conservancy's website for 30 days, and comment was invited at another public meeting.

Grant Program Overview

A. Program Description and Focal Areas

The Conservancy's Proposition 1 Ecosystem Restoration and Water Quality Grant Program funds competitive grants for multibenefit ecosystem and watershed protection and restoration projects in accordance with statewide priorities. The Conservancy will fund projects that address at least one of the following programmatic focal areas:

- Ecosystem Protection, Restoration, and Enhancement
- Water Quality
- Water-related Agricultural Sustainability

Ecosystem Protection, Restoration, and Enhancement

The objective of this programmatic focal area is to protect, restore, and enhance ecosystem functions to improve the health and resiliency of native wildlife species in the Delta. This will require restoring greater extent, diversity, and connectivity of habitats as linked mosaics throughout the Delta landscape, as well as the underlying physical processes that create and maintain ecosystem function. The Conservancy is seeking to fund projects that are consistent with State priorities, including those that:

- Protect, restore, and/or enhance open water, wetland, riparian, and upland ecosystems, including:
 - Creating or improving fish and wildlife corridors.
 - Enhancing habitat value along levees.
 - Creating or enhancing habitat value of managed wetlands.
 - Improving watershed health, restoring inland wetlands, or implementing natural community conservation plans and/or habitat conservation plans to benefit endangered, threatened, or migratory species.
 - Acquiring land or conservation easements.
- Recover anadromous fish populations and their habitats, including fish passage barrier removal projects.
- Enhance habitat values on agricultural lands.
- Reduce or eliminate invasive species.
- Adapt watersheds to reduce the impacts of climate change, including developing wetlands for carbon management.

The Conservancy will not fund projects associated with regulatory compliance responsibilities.¹

¹ Proposition 1 funds cannot be used to meet the existing obligations for habitat restoration established through the biological opinions for the State Water Project (SWP) and Central Valley Project operations (USFWS 2008, NMFS 2009), the CDFW Longfin Smelt Incidental Take Permit for SWP Delta operations, or any other mitigation obligation of any party.

Water Quality

The objective of this focal area is to implement projects that contribute to the improvement of water quality in the Delta, and that will improve ecosystem or watershed condition, function, and resiliency, including projects that provide multiple public benefits and improve drinking and agricultural water quality or water supplies. Examples of water quality projects include those that:

- Improve management practices to reduce the use, availability, and/or runoff of chemicals (such as nutrients or bio-stimulatory substances, pesticides, or other contaminants) into waterbodies.
- Reduce erosion or runoff of sediment into waterbodies.
- Improve water management practices to improve water quality in waterways.
- Improve water quality by addressing impacts of non-native, invasive vegetation.
- Protect sensitive watershed lands to avoid or reduce water quality impacts from encroaching land uses.
- Increase flow in periods of limited water supply.

Water-related Agricultural Sustainability

The objective of this focal area is to promote water-related agricultural sustainability projects that also provide ecosystem and/or watershed protection and/or restoration benefits. Examples of water-related agricultural sustainability projects include those that:

- Improve water management to support agriculture and provide ecosystem and/or watershed protection and/or restoration benefits.
- Develop infrastructure or implement other improvements that enhance agricultural productivity and provide ecosystem and/or watershed protection and/or restoration benefits.
- Minimize the detrimental impacts of water diversions for agriculture, including by consolidating existing intakes and screening new intakes.
- Sustain agricultural productivity and enhance the ecosystem and/or watershed protection and/or restoration benefits of agricultural lands, including:
 - Planting hedgerows and native vegetation to increase support for native terrestrial wildlife (e.g., native pollinators beneficial to agricultural productivity).
 - Modifying planting, harvesting, irrigating, or other practices on productive fields.
 - Implementing flexible management in agricultural areas to support diverse and dynamic ecosystems and watersheds.
 - Installing livestock exclusion fencing along drainage canals and other sensitive waterways to improve water quality and/or reduce habitat disturbance.
- Support continued farming and minimize detrimental impacts to water quality, including:
 - Assisting with the exclusion or drainage of seepage water to reduce salinity intrusion affecting agricultural lands and improve the quality of agricultural discharges.
 - Developing and implementing best management practices to improve the quality of agricultural discharges.

- Acquire an interest in real property to protect agriculture and to provide ecosystem and/or watershed protection and/or restoration benefits.

The examples provided above are offered as guidance for potential applicants and are not exhaustive nor a guarantee of individual project eligibility or funding. Eligibility and funding determinations will be made on a project-by-project basis. Projects must comply with all legal requirements, including the [State General Obligation Bond Law](#), to be eligible.

B. Grant Categories

The Conservancy will grant funds for two project categories:

Category 1: Planning

Planning projects advance pre-project activities necessary for a specific on-the-ground project that meets the Conservancy's Grant Program eligibility criteria. Please note that receiving a Category 1 grant for a project does not guarantee that a Category 2 implementation grant will be awarded for the same project.

The Conservancy seeks to fund planning projects that will lead to eligible implementation projects, and is committed to promoting the development of projects in the Delta that will address at least one of the Grant Program's focal areas. The Conservancy encourages the use of Category 1 grants to develop projects that are based on best available science.

Examples of Category 1 project activities include:

- Project management/administration
- Project scoping: partnership development, outreach to impacted parties, stakeholder coordination, negotiation of site access and land tenure
- Planning and design: engineering design, planting plans, identifying appropriate best management practices
- Environmental compliance: permitting, California Environmental Quality Act (CEQA) activities, Delta Plan consistency
- Science: developing adaptive management and monitoring plans, baseline monitoring, biological surveys, and studies that will inform and aid in implementation of an on-the-ground project
- Grant development for Proposition 1 project implementation funds (as part of a larger planning grant; cannot be a stand-alone proposal for grant development).

Category 2: Implementation

Implementation projects advance on-the-ground implementation and land acquisition projects. Implementation projects must result in the construction, improvement, or acquisition of a capital asset that will be maintained for a minimum of 15 years.

Category 2 projects are "shovel ready" projects that have advanced to the stage where planning and engineering design plans are near completion. Applicants must, at a minimum, have completed intermediate plans (i.e., design plans at least 65% level of development; see Appendix A: Glossary of Terms for a complete definition of project engineering design terms). Implementation projects may include final design and permitting as project activities.

CEQA and National Environmental Policy Act (NEPA) compliance must be completed prior to grant award. The Board may, however, elect to reserve funds for projects that have not yet completed CEQA/NEPA. A reservation of funds does not guarantee that the grant will be awarded. For the Board to consider reserving funds, the applicant must anticipate completing environmental review within six months of the date the Board considers awards. Once complete, the Board will review the environmental document(s), determine whether to make the necessary CEQA findings, and approve the project.

Examples of Category 2 project activities include:

- Final planning and design
- Environmental compliance: permitting, Delta Plan consistency
- Science: developing adaptive management and monitoring plans, baseline monitoring, pre- and post-project monitoring
- Construction activities: dredging, earthmoving, construction of infrastructure
- Habitat restoration and enhancement: planting and revegetation, invasive vegetation removal, implementation of Best Management Practices
- Acquisition of real property: appraisals (including water rights appraisals), negotiation, due diligence, surveys, escrow fees, title insurance, closing costs
- Post-project maintenance within the three-year funding term
- Project management/administration

C. Geographic Area of Focus

The Conservancy will fund projects within or benefitting the Delta and Suisun Marsh as defined in Public Resources Code Section 85058 (a map can be found at this link: <http://deltacouncil.ca.gov/docs/dsc-tabloid-size-map-legal-delta>).

The Conservancy may take or fund an action outside the Delta and Suisun Marsh if the Board makes all of the findings described in the Sacramento-San Joaquin Delta Reform Act of 2009, Sec. 32360.5. Applicants applying for funds for projects outside of the Delta and Suisun Marsh must be prepared to address the following:

- How the project implements the ecosystem goals of the Delta Plan.
- How the project is consistent with the requirements of any applicable State and federal permits.
- How the project will provide significant benefits to the Delta.

D. Funding Available

The Conservancy will award up to \$9.3 million during the 2017-2018 grant cycle to eligible entities pursuant to these Guidelines.

E. Grant Terms

Grant Funding Term: The time period, not to exceed three years, during which grantees may incur and be reimbursed for grant-related expenses.

Grant Term: The 15-year time period during which Category 2 projects must be maintained to comply with the State General Obligation Bond Law.

All grantees should be able to spend Conservancy-awarded funding within the three-year Grant Funding Term. For grants for Category 2 projects, the Grant Term extends for an additional 12 years beyond the Grant Funding Term, for a total of 15 years, to comply with the [State General Obligation Bond Law](#). For Category 2 projects, grantees must submit their final report and invoice at the end of the Grant Funding Term, but will be held to the terms of the grant agreement until the end of the 15-year Grant Term.

Eligibility Requirements

A. Bond Eligibility Requirements

The Conservancy's Grant Program funds competitive grants for multibenefit ecosystem and watershed protection and restoration projects that benefit the Delta and align with statewide priorities. Grants are available for the planning and implementation of specific, on-the-ground projects that comply with all legal requirements, including the [State General Obligation Bond Law](#). The State General Obligation Bond Law limits the use of bond funds to the construction, acquisition, and long-term improvement of capital assets that have an expected useful life of at least fifteen years (section 16727(a)).

B. Eligible Applicants

Eligible grant applicants are:

- **California public agencies.** Any city, county, district, or joint powers authority; State agency; or public university.
- **Nonprofit organizations.** "Nonprofit organization" means an organization that is qualified to do business in California and qualified under Section 501(c)(3) of Title 26 of the United States Code and that has among its principal charitable purposes preservation of land for scientific, recreational, scenic, or open-space opportunities, protection of the natural environment, preservation or enhancement of wildlife, preservation of cultural and historical resources, or efforts to provide for the enjoyment of public lands.
- **Tribal organizations.** Eligible tribal organizations include any Indian Tribe, band, nation, or other organized group or community, or a tribal agency authorized by a tribe, which is listed on the National Heritage Commission's California Tribal List or is federally recognized.
- **Public utilities.** To be eligible for funding, projects proposed by public utilities that are regulated by the Public Utilities Commission must have a clear and definite public purpose and shall benefit the customers and not the investors.
- **Mutual water companies, including local and regional companies.** Additionally, in order to be eligible:
 - Projects proposed by mutual water companies must have a clear and definite public purpose and shall benefit the customers of the water system and not the investors.
 - An urban water supplier must have adopted and submitted an urban water management plan in accordance with the Urban Water Management Planning Act.
 - An agricultural water supplier must have adopted and submitted an agricultural water management plan in accordance with the Agricultural Water Management Planning Act.
 - An agricultural water supplier or an urban water supplier must comply with the requirements of Part 2.55 of their respective water management planning acts.

C. Ineligible Projects

The following projects are ineligible for the Conservancy's Grant Program:

- Implementation projects that will not result in the construction, acquisition, or long-term enhancement of a capital asset.
- Planning projects that do not relate to an eligible implementation project.
- Projects consisting solely of education, outreach, or events activities; however, these types of activities may be included as part of the overall implementation of a project eligible for Conservancy grant funds to the extent they contribute to project implementation.
- Projects to design, construct, operate, mitigate, or maintain Delta conveyance facilities.
- Projects dictated by a legal settlement or mandated to address a violation of, or an order (citation) to comply with, a law or regulation.
- Projects that subsidize or decrease the pre-existing mitigation obligations of any party.
- Projects that do not comply with all legal requirements of Proposition 1 and other applicable laws.

D. Eligible Expenses

Eligible expenses incurred upon the start date listed in the grant agreement and prior to the end of the Grant Funding Term may be directly reimbursed. Direct costs which can be specifically and easily identified as generated by and in accordance with the provisions or activity requirements of the project, and which are for work performed within the specified terms and conditions of the grant agreement, are eligible for reimbursement. Cost share may be used between the time that the full proposal is submitted to the Conservancy and the end of the Grant Funding Term.

Indirect costs that do not have a specific direct relationship to the project but are a requirement for the completion of the project may be eligible for reimbursement, at a rate of up to twenty (20) percent of the project implementation costs associated with personnel services and general operating expenses. See the Budget Tables section below for more information.

E. Ineligible Expenses

Grant funding may not be used to:

- Establish or increase an endowment or legal defense fund.
- Make a monetary donation to other organizations.
- Pay for food or refreshments.
- Pay for tours.
- Pay for eminent domain processes.
- Subsidize or decrease the mitigation obligations of any party.
- Pay for the completion of environmental review pursuant to CEQA/NEPA for a Category 2 project (environmental review must be complete prior to the award of funds for a Category 2 project).

If ineligible expenses are included in the project budget, the Conservancy may deem the project to be ineligible. In some cases, the Conservancy may approve a project for funding with the total amount of the award reduced by the amount of the ineligible expenses. In that event, the Conservancy will contact the applicant to confirm that the project is still viable. Applicants should avoid including ineligible expenses in the application and should contact Conservancy staff with questions.

Grant Cycle Overview

The application process consists of two steps, a concept proposal and a full proposal. Applicants are encouraged to contact Conservancy staff at any time during the grant proposal process. Because of the competitive nature of the grant cycle, staff may be constrained in the type and amount of feedback that it can provide during the full proposal submission period. The Conservancy will post any questions of universal relevance on the Proposition 1 Grant Program web page to assist others with similar questions. The Conservancy will post public workshop opportunities to the training page on its website: <http://deltaconservancy.ca.gov/prop-1-trainings/>.

A. 2017-2018 Grant Cycle Important Dates

The Conservancy's grant application process is approximately eight months long. Concept proposals are solicited in the summer, full proposals are solicited in the fall, and funding is awarded the following spring. Following grant awards, negotiating and executing a grant agreement takes an additional three to six months. An applicant should not expect to begin work prior to six months after Board approval of full proposals. All dates for the Conservancy's 2017-2018 grant cycle are subject to change. Please check the [Proposition 1 Grant Program](#) web page for the most up-to-date information.

Important dates for the 2017-18 grant cycle:

- Concept Proposal Submission Period – August 1–31, 2017
- Concept Proposal Review and Consultation Period – September 1–30, 2017
- Full Proposal Submission Period – October 2–November 30, 2017
- Full Proposal Review Period – December 1, 2017–March 27, 2018
- Board Consideration of Awards – March 28, 2018
- Grant Negotiation and Execution – April 1–September 30, 2018

B. Concept Proposal Solicitation Process

The first step in the application process is submittal of a short concept proposal that describes the project that will be submitted for consideration during the full proposal solicitation. **Concept proposals are required.**

Concept proposals are encouraged from any eligible applicant. Conservancy staff will review concept proposals and provide feedback to all applicants to aid them in assembling a complete, clear, and responsive full proposal. Concept proposals will not be scored. All applicants will be provided with written comments on their concept proposals, as well as an opportunity to meet with Conservancy staff to discuss feedback. Only proposals submitted prior to the submission deadline (currently expected to be August 31, 2017) will be reviewed.

Applicants may, and are encouraged to, consult with the Conservancy during the drafting of their concept proposal. Once a concept proposal has been submitted, Conservancy staff will only be able to provide status updates until the proposal has been reviewed and a feedback meeting is scheduled.

C. Full Proposal Solicitation Process

The second step in the application process is submittal of a full proposal. Each applicant is responsible for deciding whether or not to submit a full proposal based on feedback received at the concept proposal stage. A full proposal will only be accepted if a concept proposal was submitted. Only full proposals submitted prior to the submission deadline (currently expected to be November 30, 2017) will be considered.

After the full proposal application period ends, the Conservancy will conduct an administrative review of full proposals. Projects that fail to meet the administrative review requirements may not be moved on for full scoring. Administrative review includes:

- Review for eligibility, consistency with program requirements, and completeness
- Review for conflicts of interest
- Review of financial systems
- Legal review
- Notification of State and local agencies
- Site visits with all eligible applicants

Full proposals will also be evaluated and scored by Conservancy staff and an independent professional review panel made up of State and federal agency technical experts. The professional review panel will provide an additional independent review. Final scores will be based on internal and external reviews.

Final scores and staff recommendations for funding will be posted on the Conservancy's website and shared with all applicants in advance of the Board's consideration of projects for funding. Submitted proposals will be available to the public upon request. The Board will consider and take action on staff recommendations at a public meeting. Only projects approved by the Board will be awarded funding. All applicants and members of the public will have the opportunity to appear before the Board at this time. Any applicant whose proposal was not recommended for full scoring or funding may contest the recommendations by notifying Conservancy staff in writing by 5:00 p.m. at least three business days prior to the Board meeting at which funding recommendations will be considered. The notification must describe the specific issues the applicant wishes to contest.

If funding for a grant proposal is approved, Conservancy staff will work with the applicant to complete a grant agreement that outlines reporting requirements, specific performance measures, invoice protocols, and funding disbursement. This typically takes three to six months from the date funding is awarded.

D. Scoring Threshold and Funding Decisions

All full proposals will be scored. Only proposals scoring 75 points or more are eligible to be recommended to the Board for funding. A score of 75 points during the full proposal stage does not guarantee that a grant award will be made or that a project will receive all of the requested funding. Funding recommendations and decisions will be based upon scores and the reasonableness of costs, as well as the diversity of the types of projects and their locations, which together will create the maximum benefit within the Delta as a whole. If funding requested by proposals that receive at least 75 points exceeds the funds available for the grant

cycle, the Conservancy may choose to award partial funding. The Board may also choose to prioritize for approval any unfunded projects that scored more than 75 points, should subsequent funding become available. If a project scores at least 75 points but does not demonstrate strong local support or a lack of significant conflict from local interests, the Conservancy reserves the right to not fund the project or require that the conflict is satisfactorily resolved before awarding funding. The Board may, within its discretion, approve a conditional award of funds or reserve funds to accommodate pending actions (e.g., completion of CEQA).

Proposal Instructions

A. Concept Proposal Instructions

Please read the instructions below to submit a complete, clear, and responsive concept proposal. All files should be submitted electronically one of two ways:

- (1) via email to prop1grants@deltaconservancy.ca.gov; or
- (2) via a removable storage device (such as a flash drive) or CD and mailed or hand delivered to 1450 Halyard Drive, Suite 6, West Sacramento, CA 95691. In person delivery should occur on normal business days between the hours of 8:00 am and 4:30 pm, with the exception of August 31, 2017 when drop-offs until 5:00 pm will be accepted.

The concept proposal narrative should not exceed six pages (not including the required supplementary materials, listed below). Applicants must use at least 11-point standard font, single line spacing with one-inch page margins.

Concept Proposal Narrative

The following concept proposal requirements align with the required components of the full proposal. The Conservancy expects concept proposals to provide a concise overview of the requested information; full details are required in the full proposal.

Project Description and Organizational Capacity

Provide a clear description of the project proposed for Conservancy funding. The project description must include:

- The need for the project.
- The project's goals and objectives.
- General tasks that will be undertaken and work products or deliverables.
- Experience and qualifications of parties working on the project.
- For acquisition projects only, address the status of meeting the specific requirements for acquisitions (see the Land Acquisitions section for more information).

Funding Request and Budget

In addition to the Budget Table (part of the supplementary materials), provide a description that explains how budget items in the Budget Table align with project tasks described in the project description. Along with other expenses, the description should explain how grant management and reporting costs will be funded, either by the Conservancy's Grant Program or using cost share or State leveraged funds. Applicants are encouraged to review other Grant Program requirements that may be eligible for Conservancy grant funding (e.g., Delta Plan consistency, developing a landowner access agreement, etc.; see Appendix C: Proposal Requirements Checklist for more information) and include these in their budgets where applicable. Describe the status of cost share efforts, including the leveraging of State funds.

State Priorities/Project Benefits

Demonstrate that the project will yield multiple benefits aligned with State priorities as described in:

- Proposition 1
- California Water Action Plan
- The Conservancy's [enabling legislation](#)
- The Conservancy's 2017-2022 Strategic Plan
- The Delta Plan
- Applicable species recovery plans and other related efforts, including the Sustainable Groundwater Management Act (SGMA)

Category 1 projects should describe alignment with the above for the specific, on-the-ground project for which planning is being conducted.

Readiness

Describe the readiness to proceed with the project, indicating any work that has already been done and any additional work to be completed before beginning the work being proposed for Conservancy funding. Describe permits and landowner agreements that will be required, if applicable. Discuss the status of CEQA compliance, identify the CEQA lead agency, and specify whether or not the Delta Conservancy is the expected lead agency at this stage. For Category 1 planning projects, describe how the proposed planning activities will advance the project toward implementation.

Local Support

Describe support for the project, including individuals who and organizations that will be participating in the project, cooperating on the project (providing guidance, etc.), and supporting the project (not actively engaged, but aware of the project and supportive). Describe the project's approach to informing and consulting affected parties. At the full proposal stage, applicants should be prepared to submit letters of support.

Scientific Merit

Describe the scientific basis of the proposed project and how best available science has been or will be integrated into the project. In addition, describe how the project is applying the Delta Plan's adaptive management framework, as appropriate to the scope of the project. Describe how climate change considerations are being taken into account. For Category 2 projects, include a general description of the project's approach to performance monitoring and assessment, and include a Performance Measures Table using the Performance Measures Table template provided on the Grant Program web page.

Concept Proposal Supplementary Materials

In addition to the six-page narrative, applicants must include:

1. Cover page listing the following information (one page maximum):
 - Project name
 - Project location (county, city/community, and any information that is more specific to the project site)
 - Project category (Category 1 or Category 2)
 - Programmatic focal area (ecosystem protection, restoration, and enhancement, water quality, and/or water-related agricultural sustainability)

- Proposed start/end date for the Grant Funding Term (note: start date may be no earlier than six months after Board approval of the full proposal and end date may be no later than three years after the start date)
 - Organization/agency name and type (California public agency, nonprofit, tribe, public utility, or mutual water company) and mailing address
 - Primary contact's name and contact information (mailing address, telephone number, and email)
 - Organization's federal tax ID number
2. Map of project site. The map should provide detail sufficient to allow a person unfamiliar with the area to locate the project, and must include a legend, scale, and polygon indicating the footprint(s) of the project, and appropriately-labeled identifying factors such roads, waterways, towns, and county boundaries.
 3. Budget Table (template will be provided on the Grant Program web page).
 4. Performance Measures Table (category 2 projects only; template will be provided on the Grant Program web page).

B. Concept Proposal Review

Eligibility Review

Conservancy staff will review your proposal for eligibility and provide feedback based on the following eligibility questions. Eligibility will be reassessed during the full proposal review process.

Eligibility Questions

1. Will the project result in the construction, acquisition or long-term improvement of a capital asset or is the project a planning effort that will lead to such project? A capital asset is tangible physical property that has a useful life of at least fifteen years.
2. Is the project a mulitbenefit ecosystem or watershed protection or restoration project?
3. Is the project an ecosystem protection, restoration, or enhancement project; a water quality project; or a water-related agricultural sustainability project that has ecosystem or watershed benefits?
4. Is the project aligned with State priorities as described in Proposition 1, the California Water Action Plan, the Conservancy's enabling legislation and 2017-2022 Strategic Plan, and the Delta Plan?

Evaluation

Staff will review proposals and provide feedback based on the evaluation questions below. All concept proposal applicants will be provided with feedback regarding the soundness of the concept and the readiness of a project to submit a full proposal, and to indicate what additional information is recommended for inclusion in a proposal.

Project Description and Organizational Capacity

1. Does the project description explain the need, goals and objectives, tasks and deliverables, and the related experience and qualifications of all parties working on the project? For acquisition projects, what is the status of the project in addressing requirements specific to acquisition projects? Is the budget reasonable?

Funding: Cost Share and Leveraging

2. Are cost share and leveraging addressed?

State Priorities

3. Does the project further Proposition 1 and State priorities, including implementation of the California Water Action Plan, the Conservancy's enabling legislation and 2017-2022 Strategic Plan, the Delta Plan, and applicable species recovery plans?

Readiness

4. For a Category 1 project, does the proposal demonstrate how the proposed planning activities will advance the project toward implementation in a timely manner? For a Category 2 project, what is the status of planning and permitting, and is the project ready to begin?

Local Support

5. Does the project have local support and does it demonstrate an approach to informing and consulting potentially affected parties?

Scientific Merit and Performance Measures

6. Is the scientific basis of the proposed project described, and does it demonstrate the use of best available science? Is the applicant applying the Delta Plan's adaptive management framework, as appropriate to the scope of the project? Are climate change considerations being taken into account? For Category 2 projects, how well is performance monitoring and assessment described?

C. Full Proposal Instructions

Applicants may choose to submit a full proposal after submitting and receiving feedback on a concept proposal. Concept proposals are required before a full proposal will be accepted. Additional information about the content of the full proposal is included in the Proposal Requirements section, below. The Conservancy will post full proposal application materials on the Grant Program web page. For a checklist of all of the information required for the full proposal, see Appendix C: Program Requirements Checklist. The full proposal includes the following components:

1. Application form
2. Attachments
3. Supplementary materials

Application Form

The Conservancy will provide the application form, which is designed to collect information about the project and the applicant and will serve as the basis of the project narrative on which the proposal is evaluated. For more information about what is required on the application form, please carefully read the Full Proposal Evaluation and Proposal Requirements sections below.

Attachments

Each application must include the required attachments, in the specified file type (Word or Excel) and using the templates that the Conservancy provides. Required attachments include:

- Financial Management System Questionnaire and Cost Allocation Plan
- Schedule and List of Deliverables
- Line Item Budget by Task
- Funding by Source

The following attachments are required if relevant to the proposed project:

- California Conservation Corps Consultation
- Acquisition Table
- Performance Measures Table
- Ecosystem and Land Use Types

Supplementary Materials

Applicants must submit the following supplementary materials if they are relevant to the proposed project.

Authorization or Resolution to Apply

Provide documentation of authorization to submit an application for grant funding to the Conservancy.

- **Nonprofit organizations, tribes, and local government agencies** - A project-specific governing board resolution is required. However, if the organization's governing board has delegated authority to a specific officer to act on behalf of that organization, that officer may, in lieu of a resolution, submit a letter of authorization along with documentation of the delegated authority. The documentation of delegated authority must include language granting such authority and the date of delegation.
- **State agencies** - In lieu of a resolution, State agencies may submit a letter authorizing the application. The letter must be on the agency's letterhead, and must identify the position (job title) of the authorized representative.

For both letters and resolutions, the authorized representative may be a particular person (or persons) or a position (or positions). The advantage of having a position named as the authorized representative is that a new letter or resolution will not be required should the person currently holding the position change.

Documents Required of Nonprofit Applicants

Nonprofit applicants must submit Articles of Incorporation, IRS letters, and signed bylaws. Nonprofits incorporated outside of California must submit documentation from the California Secretary of State showing that they are permitted to do business in the State of California.

Documents Required of Tribal Organizations Tribes must show proof of its inclusion on the National Heritage Commission's California Tribal List, or proof of federal recognition.

Documents Required of Mutual Water Company

Urban water suppliers must submit their urban water management plan in accordance with the Urban Water Management Planning Act (Part 2.6 (commencing with Sec. 10610) of Division 6).

Agricultural water suppliers must submit their agricultural water management plan in accordance with the Agricultural Water Management Planning Act (Part 2.8 (commencing with Sec. 10800) of Division 6).

Urban water suppliers and agricultural water suppliers must show proof of how they comply with the requirements of Part 2.55 (commencing with Section 10608) of Division 6.

Information Required for Acquisition Projects

For acquisition projects, the following supplementary materials are required at the time of application:

- Copy of the Purchase and Sale Agreement, Option Agreement, or Willing Seller Letter(s)
- Appraisal or Estimation of Fair Market Value
- Parcel Map with County Assessor's Parcel Number(s)

Maps, Photos, and Site Plans

- **Project Location Map** – All full proposals must include a map identifying the project site(s). The map should provide detail sufficient to allow a person unfamiliar with the area to locate the project, and must include a legend, scale, and polygon indicating the footprint(s) of the project, and appropriately-labeled identifying factors such roads, waterways, towns, and county boundaries. Applicants are encouraged to provide a satellite image or aerial photograph as the background of the map, if available. Maps may not be hand drawn.
- **Project Location Electronic File (kmz or Shapefile)** – Required of all projects.
- **Parcel Map with County Assessor's Parcel Number(s)** – For all acquisition projects (required), and as applicable for other projects, provide an Assessor's Parcel Map of the project area with the parcel(s) identified by parcel number.
- **Topographic Map** – If applicable, submit a topographic map (preferred 1:24,000 scale) detailed enough to identify the project area and elements as described in the proposal.
- **Photos of the Project Site** – If applicable, submit no more than 10 photos of the project.
- **Site Plan** – If applicable, provide a drawing or depiction indicating scale, project orientation (e.g., north-south), what work the grantee will accomplish, where the work will be done and the approximate square footage or acreage of any improvements that are part of the grant scope. The plan should also indicate access points to the site.

Environmental Compliance

For all Category 2 projects for which CEQA requirements are complete, the applicant must include all final CEQA documents. All Category 2 projects must submit a covered action checklist with the full proposal. For more information on environmental compliance requirements, please see the Proposal Requirements section, below.

Letters of Support and Cost Share Commitment Letters

Applicants must provide cost share commitment letters from all partners that are providing a cost share. These letters must specifically confirm the dollar amount committed. Applicants must provide a letter of support from the landowner of the project site if the applicant is not the landowner. If applicable, applicants are strongly encouraged to provide a letter of support from the entity providing water for a Category 2 implementation project. Applicants are encouraged to provide letters of support for the project from project partners and stakeholders. Letters of support should be submitted to the Conservancy with the full application materials.

Resolutions of Support from Applicable Local Government Agencies

A resolution of support from the Board of Supervisors from the county in which the project is located is a component of the full proposal. If an applicant has another project-specific resolution of support from the affected city, county, or local district, it should be included with the full proposal in order to facilitate the overall assessment process.

D. Evaluation Criteria for Full Proposal

Eligibility Review

Conservancy staff will review your proposal for eligibility based on the following questions. Projects will be deemed eligible only all four eligibility questions can be answered affirmatively.

Eligibility Questions (Yes/No)

1. Will the project result in the construction, acquisition or long-term improvement of a capital asset or is the project a planning effort that will lead to such a project? A capital asset is tangible physical property that has a useful life of at least fifteen years.
2. Is the project a multitbenefit ecosystem or watershed protection or restoration project?
3. Is the project an ecosystem protection, restoration, or enhancement project; a water quality project; or a water-related agricultural sustainability project that has ecosystem or watershed benefits?
4. Is the project aligned with State priorities as described in with Proposition 1, the California Water Action Plan, the Conservancy's enabling legislation and 2017-2022 Strategic Plan, and the Delta Plan?

Evaluation and Scoring

Full proposals will be evaluated using the following criteria (for a maximum of 100 points). The number of total possible points is indicated for each criterion. Projects must score a total of 75 points or more to be recommended for funding.

Project Description, Budget, and Organizational Capacity

1. How well does the proposal provide a clear description of the project, including:
 - the need for the project, and project goals and objectives;
 - the project's tasks and deliverables (deliverables should be recorded on the Schedule and List of Deliverables attachment); and
 - for acquisition projects, how well does the proposal address the specific requirements of the Conservancy's enabling legislation and Grant Guidelines that apply to acquisitions? (10 points)
2. How clear, reasonable, and justified is the project's budget, including all budget tables? (5 points)
3. To what extent does the proposal describe appropriate partnerships and organizational capacity, and demonstrate the appropriate qualifications of affiliated staff and committed partners? (5 points)

Funding: Cost Share and Leveraging

4. To what extent does the project have a cost share with private, federal, or local funding to maximize benefits? (5 points)
 - Cost share of >40% (5 points)
 - Cost share of 31-40% (4 points)
 - Cost share of 21-30% (3 points)
 - Cost share of 11-20% (2 points)
 - Cost share of 1-10% (1 point)
 - Cost share of < 1% (0 points)
5. To what extent does the project leverage other State funds? (3 points)
 - Cost share of >20% (3 points)
 - Cost share of 11-20% (2 points)
 - Cost share of 1-10% (1 point)
 - Cost share of <1% (0 points)

State Priorities

6. How well does the proposal demonstrate alignment between a specific, on-the-ground project and State priorities as described in Proposition 1, the California Water Action Plan, the Conservancy's enabling legislation and 2017-2022 Strategic Plan, the Delta Plan, and applicable species recovery plans? Where relevant, proposals should discuss a project's alignment with regional plans. (15 points)
7. (a). For Category 1 projects, how well does the proposal explain how the planning effort will contribute to a specific, on-the-ground project? (5 points)
7. (b). For Category 2 projects, how well does the proposal demonstrate plans for long-term management and sustainability of the project for the required minimum of 15 years? (5 points)

Readiness

8. (a). For Category 1 projects, how well does the proposal demonstrate how the proposed planning activities will advance the project toward implementation in a timely manner, and how previous and subsequent phases will ensure that environmental compliance and all data gaps are addressed? (12 points)
8. (b). For Category 2 projects, how complete is project planning including the status of CEQA and permitting efforts, when will the project be ready to begin implementation, and what is the status of land tenure (where applicable)? (12 points)

Local support

9. How well does the proposal demonstrate that the project has local support? How well does the proposal demonstrate an approach to informing and consulting potentially affected parties, and to avoiding, reducing, or mitigating conflicts with existing and adjacent land uses? (20 points)

Scientific Merit

10. How well does the proposal explain the scientific basis of the proposed project including the application of best available science? Does the proposal demonstrate the application of the Delta Plan's adaptive management framework, appropriate to the scope of the proposed project? How well does the proposal address potential vulnerabilities of the project site to climate change effects, and how the project will account for and provide adaptation and/or resiliency to potential climate change effects? For Category 2 projects, how well is performance assessment and monitoring described? (20 points)

Proposal Requirements

A. Conflict of Interest

All applicants and individuals who participate in the review of submitted proposals are subject to State and federal conflict of interest laws. Any individual who has participated in planning or setting priorities for a specific solicitation or who will participate in any part of the grant development and negotiation process on behalf of the public is ineligible to receive funds or personally benefit from funds awarded through that solicitation. Employees of State and federal agencies may participate in the review process as scientific/technical reviewers, but are subject to the same State and federal conflict of interest laws.

If an applicant has a contract with the Conservancy and is contemplating applying for a grant, the applicant should consult with Conservancy staff to determine eligibility. Failure to comply with the conflict of interest laws, including business and financial disclosure provisions, will result in the proposal being rejected and any grant agreement being declared void. Other legal actions may also be taken. Applicable statutes include, but are not limited to, California Government Code Section 1090 and Public Contract Code Sections 10365.5, 10410 and 10411.

B. Confidentiality

Once an applicant has submitted a proposal to the Conservancy, any privacy rights, as well as other confidentiality protections afforded by law with respect to the application package, will be waived. All proposals are public records under the California Government Code Sections 6250-6276.48, and will be provided to the public upon request.

C. California Conservation Corps

The California Conservation Corps (CCC) is a State agency with local operations throughout the State. The Certified Community Conservation Corps (as represented by the California Association of Local Conservation Corps [CALCC]), is the representative for the certified local conservation corps defined in Section 14507.5 of the Public Resources Code. Collectively, these entities are referred to as the Corps. Prior to submitting a full proposal, all applicants shall first consult with the Corps as to the feasibility of using their services to implement projects [California Water Code (CWC) §79734] unless noted exceptions apply (Category 1 projects and Category 2 acquisition projects are generally exempt). Applicants that fail to engage in such consultation are not eligible to receive funding through the Conservancy's grant program. The Conservancy will provide on its Grant Program web page a form with additional guidance on the steps necessary to ensure compliance, as well as sections to be completed by the applicant, the CCC, and the CALCC.

If an applicant submits a proposal to the Conservancy for a project for which it has been determined that Corps services can be used, the applicant must identify in the proposal the appropriate Corps and the component(s) of the project in which they will be involved, and include estimated costs for those services in the Budget Tables. Further, applicants awarded funding must thereafter work with either the CCC or CALCC to develop a statement of work and enter into a contract with the appropriate Corps.

D. Environmental Compliance

Activities funded under this Grant Program must be in compliance with applicable State and federal laws and regulations, including the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), the Delta Plan, and other environmental permitting requirements. The applicant is solely responsible for project compliance. All applicants must list and describe existing and additional permits required for the project. Applicants should be prepared to submit, upon request, any permits, surveys, or reports that support the status of their environmental compliance. As part of the grant agreement, the grantee is required to certify that it understands that it is the grantee's responsible for complying with all federal, State and local laws that apply to the project.

Applicants may include in their budgets the funding necessary for compliance related tasks; however, awards for Category 2 projects cannot be finally approved until the required CEQA documents have been completed and the necessary findings made. The Board may, within its discretion, reserve funds for projects that have not yet completed their environmental review as required by CEQA. However, a reservation of funds is not a guarantee of grant award. A Category 1 grant may be proposed in order for an applicant to complete the CEQA process in advance of submitting an application for a Category 2 project. Approval of grant funding for a Category 1 project is not a guarantee of any future funding and the Conservancy retains full discretion to approve or reject an associated Category 2 project application.

Proposals for projects that are subject to CEQA must identify the lead agency and explain how the project will comply with CEQA. If the lead agency has not completed its CEQA process at the time of application, the applicant shall indicate when it anticipates completing the CEQA process. For most projects subject to CEQA, the Conservancy will serve as a responsible agency, unless there is no other public agency responsible for carrying out or approving the project for which the applicant seeks funding, in which case the Conservancy will serve as the lead agency. The applicant must coordinate with the Conservancy prior to full proposal submission if the Conservancy is anticipated to act as the lead agency for the project.

For proposed projects that include an action that is likely to be deemed a covered action, pursuant to CWC Section 85057.5, the applicant is responsible for ensuring consistency with the Delta Plan. The Conservancy encourages all applicants to communicate with the Delta Stewardship Council to better understand whether or not their projects will need to certify their consistency with the Delta Plan. For all Category 2 projects, a covered action checklist must be submitted with the full proposal (see Appendix B: Key Local, State and Federal Plans and Tools for more information) For those projects that will need to certify consistency, the proposal shall include a description of how consistency will be achieved, and may include in its budget the funding necessary to complete related tasks, including the development of an Adaptive Management Plan. The project must be certified as consistent with the Delta Plan before funds are disbursed for construction or the physical implementation of the project. The applicant must coordinate with the Conservancy prior to proposal submission if the Conservancy is anticipated to act as the covered action lead agency for the project.

E. Water Rights

Funded projects that address stream flows and water use shall comply with the CWC, as well as any applicable State or federal laws or regulations. Any project that would require a change to

water rights, including, but not limited to, bypass flows, point of diversion, location of use, purpose of use, or off-stream storage shall demonstrate in their grant proposal an understanding of the State Water Resources Control Board (SWRCB) processes, timelines, and costs necessary for project approvals by SWRCB and the ability to meet those timelines within the funding term of a grant. In addition, any project that involves modification of water rights for an adjudicated stream shall identify the required legal process for the change as well as associated legal costs. Projects that propose to acquire a permanent dedication of water must be in accordance with Section 1707 of the CWC; specifically the SWRCB must specify that the water proposed for acquisition is in addition to the water that is needed to meet regulatory requirements (Section 79709(a)). Applicants may apply for funding from the Conservancy to complete the Section 1707 petition process, but SWRCB must approve the petition prior to the dispersal of funds for any other project tasks. Prior to its completion, any water right acquisition must be supported by a water rights appraisal approved by the Department of General Services, Real Property Services Section.

It is the responsibility of the applicant to comply with SWRCB regulations regarding the diversion and use of water, including ensuring that the applicant has adequate water rights to complete the project and that the project will not reduce or otherwise affect the rights of other water rights holders (Section 79711(d)). For Category 2 projects that require water application (e.g., restoration, working lands enhancements, etc.), applicants must submit a statement or application number for the water right they propose to use, as well as a short statement demonstrating that the project's water use has been considered, is reasonable, and that there is sufficient water to implement and maintain the project without causing adverse impacts to downstream users or surrounding landowners. Conservancy staff will consult with the office of the Delta Watermaster regarding projects that propose to use water. The Delta Watermaster will review the water rights affiliated with the proposed projects and will provide an informal opinion as to whether or not these water rights appear to be subject to challenge. When considering if a project should be recommended for funding, Conservancy staff will consider the Watermaster's input and any issues identified during internal review.

If applicable, applicants are strongly encouraged to provide a letter of support from the entity providing water for a Category 2 implementation project. As a condition of the grant agreement, if a grantee is not the water right holder and the landowner is the water rights holder, the grantee must submit a landowner access agreement that includes a clause that specifically grants the grantee the right to use water for the purposes of implementing the proposed project (see Land Tenure section, below, for more information about the landowner access agreement: page 3, paragraph 4 of the landowner access agreement template, found on the Conservancy's Grant Program web page, includes the water rights clause referenced here). If neither the grantee nor the landowner is the water right holder, as a condition of the grant agreement, the grantee must submit a written statement from the water right holder that verifies that the water right holder has the right to deliver water to the property on which the proposed project will be implemented, and that the water rights holder recognizes its obligation to provide water to that property for the purposes of implementing the proposed project. The Conservancy may at any time request that an applicant or grantee provide additional proof that it has a legal right to divert water and sufficient documentation regarding actual water availability and use.

F. Best Available Science

All proposals will be evaluated on the scientific basis of their project. Applicants must provide a description of the scientific foundation of their project, including scientific literature, studies, or expert opinion that they have consulted. Applicants must use the best available science when planning and implementing their proposed projects. By using the best available science, applicants maximize the chances of success for their project. Best available science should be:

- Relevant
- Inclusive
- Objective
- Transparent and Open
- Timely
- Peer reviewed

A more complete review of best available science can be found in [Appendix 1A of the Delta Plan](#).

Applicants proposing ecosystem restoration and enhancement projects are encouraged to take into account the landscape considerations and guidelines discussed in *A Delta Renewed: A Guide to Science-Based Ecological Restoration in the Sacramento-San Joaquin Delta* (A Delta Renewed, SFEI-ASC, 2016) when determining appropriate habitat restoration or enhancement actions. All applicants are encouraged to consult recent resources on climate change in California, which include the following: [California Natural Resources Agency's Safeguarding California Plan: 2017 Update](#) (particularly the Biodiversity and Habitat Section), [Cal-Adapt](#) (includes climate tools, data, and resources), the [California Climate Commons](#), Point Blue Conservation Science's [Climate-Smart Restoration Toolkit](#), and the Ocean Protection Council's [2017 Rising Seas in California: An Update on Sea-Level Rise Science](#).

G. Adaptive Management

Adaptive management is a framework and flexible decision making process for ongoing knowledge acquisition, monitoring, and evaluation leading to continuous improvements in management planning and implementation of a project to achieve specified objectives. Adaptive management provides for taking actions designed to achieve desired outcomes through an iterative learning process that advances scientific understanding and increases the likelihood for a project to achieve desired goals and objectives. Adaptive management acknowledges uncertainty and promotes flexible decision making that can be adjusted in the face of uncertainties as outcomes from management actions and other events, such as climate change, become better understood. Long-term management is related to adaptive management, and the two terms are frequently conflated. Adaptive management describes the scientific process in which the entire project is embedded, whereas long-term management deals with the on-going stewardship and maintenance of the site. All applicants are required to develop and utilize science-based adaptive management that is consistent with the Delta Plan's adaptive management framework, found here:

http://deltacouncil.ca.gov/sites/default/files/documents/files/AppC_Adaptive%20Management_2013.pdf.

Since the adaptive management approach should be integrated throughout the project, it will be incorporated across many sections of the proposal. Applicants will be asked to summarize their approach to adaptive management in the Scientific Merit section of the full proposal.

1. **Define/redefine problem.** The problem/need for the project should be stated in the project description.
2. **Establish goals and objectives.** Goals and objectives should be discussed in the project description, and be included in the Performance Measures Table for Category 2 projects.
3. **Model linkages between objectives and proposed actions.** Linking goals and objectives to conceptual and other models is a critical component of establishing the project's scientific merit. Models link the objectives to the proposed action and clarify why an intended action is expected to result in meeting its objectives. This should be described in the section on scientific basis.
4. **Select action(s) and develop performance measures.** The project description describes the actions that will be completed, and, for Category 2 projects, the Performance Measures Table captures the project's performance measures.
5. **Design and implement action(s).** The project description should describe how selected actions will be designed and implemented.
6. **Design and implement monitoring plan.** For Category 2 projects, the performance monitoring and assessment framework should describe how actions will be monitored.
7. **Analyze, synthesize, and evaluate.** For Category 2 projects, the performance monitoring and assessment framework should describe how results will be analyzed, synthesized, and evaluated.
8. **Communicate current understanding.** For Category 2 projects, the performance monitoring and assessment framework should describe how results will be communicated to decision-makers, and more broadly.
9. **Adapt.** All projects, when explaining their adaptive management approach, should address how institutional support, decision-making mechanisms, and governance structures will allow adaptive management to be carried out by making changes to the project or extracting and applying learning from the project to future projects.

Depending on the status and type of project being proposed, adaptive management expectations will vary. Category 1 projects may not have all nine steps fully fleshed out, but are expected to describe how they will be considered and incorporated as the project progresses. Conservation easement projects must describe the application of an adaptive management framework, but may not have much leeway to alter easement terms. Projects that employ well-established best management practices do not carry the same burden of proof as those attempting new, untested approaches.

All Category 2 projects that include an action that is likely to be deemed a covered action, pursuant to CWC Section 85057.5, are responsible for ensuring consistency with the Delta Plan, which includes developing a formal Adaptive Management Plan. The Conservancy encourages all applicants to communicate with the Delta Stewardship Council to learn more about adaptive management and to better understand whether or not their projects are potential covered actions and will need to certify their consistency with the Delta Plan. For those projects that will need to certify consistency, the proposal shall include a description of how consistency will be achieved, and may include in its budget the funding necessary to complete related tasks, including the development of an Adaptive Management Plan. Grantees must complete the self-

certification process and demonstrate consistency with the Delta Plan before funds are disbursed for construction or the physical implementation of the project.

A. Performance Monitoring and Assessment

All Category 2 project proposals (including those for acquisition projects) must describe a performance monitoring and assessment framework that identifies the performance measures that will be used to demonstrate the ecosystem and/or watershed benefits of the project, how they will be monitored and assessed, and how monitoring data will be reported. The performance monitoring and assessment framework will vary depending on the scope and nature of the project. A performance monitoring and assessment framework is not required for Category 1 projects. Performance of Category 1 projects will be evaluated based on completion of project deliverables per the grant agreement. For projects deemed covered actions under the Delta Plan, performance monitoring and assessment will be a component of the Adaptive Management Plan required as part of the process of certifying consistency with the Delta Plan.

The Conservancy reserves the right to negotiate specific terms and conditions for performance monitoring and assessment prior to grant execution to ensure appropriate methods and measures are identified, and to assist with consistency of nomenclature, units, and measurements. Applicants may include finalizing a performance monitoring and assessment plan as an expense reimbursable by the grant.

Performance Measures

A key attribute of the performance monitoring and assessment framework is the development of project-specific performance measures. Performance measures must be designed so the Conservancy can ensure that projects achieve outputs, are on-track to meet their intended objectives, and provide value to the State of California.

Applicants for Category 2 projects must prepare and submit a Performance Measures Table, specific to their proposed project, as part of the full proposal. A template for will be available on the Conservancy's Grant Program web page. The focus should be on performance measures that demonstrate ecosystem and watershed benefits. Administrative tasks (such as completion of progress reports, invoices, or other financial or contractual tasks) should not be included. Developing a Performance Measures Table can be a challenging process. Draft tables are required as a component of the concept proposal so that the Conservancy can guide applicants in preparing their final Performance Measures Table for the full proposal. Applicants are encouraged to contact Conservancy staff to discuss performance measures prior to submitting a concept proposal.

The Performance Measures Table requires applicants to align their project objectives with measurable outputs and outcomes. For the purposes of this Grant Program, goals, objectives, outputs, and outcomes are defined using the Delta Plan's definitions included in [Appendix C: Adaptive Management and the Delta Plan](#) (see page 9 for more information about developing performance measures). The italicized text below provides explanation beyond the Delta Plan definitions.

- **Goals** - Broad statements that propose general solutions.

- **Objectives** - More specific than goals, and often quantitative, specific, narrative statements of desired outcomes, allowing evaluation of how well the objectives are being achieved.
- **Outputs** - Performance measures that evaluate factors that may be influencing outcomes and include on-the-ground implementation and management actions. *Output performance measures track whether on-the-ground activities were completed successfully and evaluate factors that may be influencing ecosystem outcomes (e.g., acres of ecosystem restored or preserved, number of trees planted, and number of barriers to fish migration removed). Project outputs are the things that will be produced as a result of working toward your objective.*
- **Outcomes** - Performance measures that evaluate ecosystem responses to management actions or natural outputs. *These are the benefits or long-term changes that are sought from undertaking the project. Outcome performance measures evaluate direct ecosystem responses to project activities (e.g., responses by target wildlife populations, and responses in ecosystem function). They are achieved from the utilization of the project's outputs. Outcomes are linked with objectives, in that if the outcomes are achieved then the project's objective(s) have been met. At the end of the project, the outcomes will help answer questions such as, 'what have we achieved?' and 'how do we know?'.*

The Delta Conservancy has identified a suite of standard performance measures intended to measure the ecosystem and/or watershed benefits of a project. Applicants are required to utilize these performance measures to the extent that they are reasonably applicable to the project proposed, and are encouraged to discuss selection with Conservancy staff during the preparation of concept proposals. The list of standard performance measures is not exhaustive. Additional project-specific outputs and outcomes may be required to meet the project objectives. If a project is likely to be deemed a covered action under the Delta Plan, the applicant should also consider the applicability of incorporating Delta Plan performance measures. All projects as applicable will be required to define their outputs in terms of the ecosystem/land use types included in Appendix D: Ecosystem and Land Use Types.

Outputs:

1. Increased acres or linear feet of ecosystem/land use type protected, restored, or enhanced
2. Increased acres or linear feet with a best management practice implemented (identify by type of best management practice)
3. Increased acres or linear feet of invasive species treated
4. Increased acre-feet of water protected or conserved per year to increase flow in periods of limited water supply
5. Increased metric tons of carbon sequestered per year
6. Increased acre-feet of contaminated runoff treated or retained on-site
7. Reduced concentrations and/or loading of point source pollutants (such as from municipal stormwater) into associated waterbody or into offsite discharge

8. Reduced concentrations and/or loading of non-point source pollutants such as sediment, pesticides, bio-stimulatory substances (inorganic nutrients such as including ammonium, nitrate, and phosphate) or other pollutants into associated waterbody or into offsite discharge

Outcomes:

1. Increased use/occurrence of native animal species at restored/enhanced project site
2. Maintained use/occurrence of native animal species at protected project site
3. Increased ratio of native to nonnative plant species at restored/enhanced project site
4. Increased abundance of desirable aquatic macro-invertebrates at project site
5. Increased desirable primary productivity at project site
6. Increased water supply to associated waterbody or for groundwater recharge
7. Increased use/occurrence of native fish species in associated waterbody
8. Increase in dissolved oxygen concentrations in associated waterbody
9. Reduced toxicity² of water or sediment in associated waterbody
10. Improvement in other water quality conditions (such as decreased water temperature) in associated waterbody

Monitoring and Assessment Framework

In addition to identifying performance measures, applicants must describe their approach to monitoring and assessing performance.

The monitoring and assessment framework should answer the following questions:

- **Why is monitoring being done? What is being monitored?** Provide linkage to outcomes and outputs and relevant conceptual models.
- **Who will be conducting the monitoring?** Provide linkage to project team experience.
- **How will monitoring be conducted?** Describe the methods that will be used and how they relate to existing methods, particularly standardized State monitoring programs, existing monitoring at similar sites, and requirements based on relevant permits. Describe quality assurance/quality control procedures.
- **When will monitoring occur?** Describe the timing, frequency, and duration of monitoring. For example, will monitoring occur prior to and at a certain frequency after activities occur? Are there constraints on when particular monitoring/surveys need to occur (e.g., relative to particular tasks or seasons)? Describe opportunities to extend monitoring beyond the Grant Funding Term (e.g., by using standardized, readily replicated monitoring and evaluation processes; leveraging on-going monitoring programs; and building partnerships capable of attracting funding from multiple sources over time).
- **Where will monitoring occur?** Will monitoring occur at multiple sites within the footprint of the activity as well as similar or adjacent sites outside?
- **Who will manage the data?** Provide linkage to project team experience.
- **What types of data will be created?**

² Evaluated with toxicity testing using standard methods approved by the USEPA for fish, invertebrates, or algae and/or SWRCB for sediment and benthic invertebrates (as appropriate).

- **How will data be analyzed, synthesized, and evaluated?**
- **How will data be accessed and shared?**
- **When will data be available?** At what point will the data be provided to statewide data systems and how often will it be updated? How long will the data be saved?
- **Where will the data be stored and shared?** Ecosystem and watershed project data shall be uploaded to EcoAtlas Project Tracker; see below for additional sites for standardized data reporting.
- **How will results be communicated?**

Standardized Methods and Centralized Data Management

Applicants should incorporate standardized monitoring approaches, where applicable, into their monitoring and assessment frameworks and evaluate opportunities to coordinate with existing monitoring efforts or produce information that can readily be integrated into such efforts. If an applicant determines that the use of standardized approaches is not appropriate, the proposal must provide a clear justification and a description of the proposed approach. Types of standardized methods and related data portals include:

- **Water quality, toxicity, and bioassessment data:** [Surface Water Ambient Monitoring Program](#) (SWAMP) for standardized methods and data collection, [California Environmental Data Exchange Network](#) (CEDEN) for data reporting
- **Coastal salmonids:** [California Coastal Monitoring Program](#) for both methods and reporting
- **Wetland and riparian restoration:** [Wetland and Riparian Area Monitoring Program](#) (WRAMP) framework for data collection, [EcoAtlas](#) for data reporting

Grantees will be required to add their project into EcoAtlas Project Tracker and provide periodic updates. For the purpose of this requirement, examples of project information include project proponent, project name, location (e.g., latitude/longitude, project boundary), pertinent dates (e.g., site construction), activity type (e.g., restoration), and ecosystem type and amount. For additional information, refer to the "[Project Tracker](#)" online tool on the EcoAtlas website.

Environmental data and information collected under the Conservancy's Proposition 1 Grant Program must be made visible, accessible, and independently understandable to general users in a timely manner, except where limited by law, regulation, policy, or security requirements. Unless otherwise stipulated, all data collected and created is a required deliverable and will become the property of the Conservancy.

B. Long-Term Management

The goal of long-term management is to foster the ongoing success of the project and viability of the site's natural resources, ensuring that the benefits arising from the project endure beyond the end of the Grant Funding Term. Applicants submitting full proposals for Category 2 projects must describe future land management activities beyond the three-year Grant Funding Term, explaining how the project will be stewarded for at least 15 years per the requirement for capital outlay projects as specified in the [State General Obligation Bond Law](#). Applicants must identify possible risks to the project's benefits, and describe long-term management activities designed to abate these risks, including who will manage the project, how the project will be maintained, how management and maintenance will be funded, and how long-term

management will be integrated into the project's adaptive management. Long-term management deals with the on-going stewardship and maintenance of the site, whereas adaptive management describes the scientific process in which the entire project is embedded. The process for collecting and analyzing science-based information – a critical component of adaptive management – should be a factor in long-term management planning and decisions. Properties restored, enhanced, or protected, and facilities constructed or enhanced with funds provided by the Conservancy shall be operated, used, and maintained consistent with the purposes of the grant.

C. Land Tenure

For all projects conducted on land that is not owned by the grantee, the grantee must demonstrate that they have adequate site control prior to the disbursement of grant funds. At the time of application, all projects that require site access must describe the current status of site control. Once funds are awarded, Category 2 projects must submit documentation showing that they have adequate tenure to, and site control of, the properties to be improved or restored, including adequate control for maintenance of the project for a minimum of 15 years. Grantees may assign without novation the responsibility to implement, monitor, and maintain a project. If the grantee owns the land on which the project is being implemented, the grant agreement will be recorded against the deed of the property. If the grantee does not own the land on which the project will be implemented, a landowner access agreement will be required as a condition of the grant agreement and must be executed and recorded before funds are disbursed. The landowner access agreement must be signed by the grantee and the landowner, and must include a legal description of the land on which the project is being implemented; the Conservancy will approve as to form. A landowner access agreement template can be found on the Conservancy's Grant Program web page. Grantees opting not to use the template must submit an alternate agreement that conforms to the terms of the template. Costs associated with the development of the land tenure agreement can be included in the project budget, but cannot be reimbursed until the landowner access agreement is approved as to form by the Conservancy. For lands being acquired with Conservancy funds, the Land Acquisitions section, below, describes land tenure requirements.

D. Land Acquisitions

The Conservancy may award funds for a land acquisition project. Acquisition projects must adhere to the following requirements:

- Property must be acquired from a willing seller and in compliance with current laws governing acquisition of real property by public agencies³ in an amount not to exceed fair market value, as approved by the State.
- If a signed purchase and sale or option agreement is unavailable to be submitted with the application, a Willing Seller Letter is required from each landowner indicating they are a willing participant in the proposed real estate transaction. The letter should clearly identify the parcels to be purchased and state that "if grant funds are awarded, the seller is willing to enter into negotiations for sale of the property at a purchase price not to exceed fair market value."

³ Government Code, Chapter 16, Section 7260 et seq.

- Once funds are awarded and an agreement is signed with the Conservancy, another property cannot be substituted for the property specified in the application. Therefore it is imperative that the applicant demonstrate that the seller is negotiating in good faith, and that discussions have proceeded to a point of confidence.
- Department of General Services must review and approve all appraisals of real property. Appraisals must be in compliance with section 5096.510 of the Public Resources Code.

Acquisition projects are also subject to a specific set of additional requirements that must be met prior to and immediately after closing escrow. For more information, please refer to the checklist provided in Appendix E: Land Acquisition Checklist. Note that the Conservancy will do an assessment of mineral rights based on information provided by the applicant. Based on its assessment, the Conservancy will determine whether the risk posed by exercising existing mineral rights and the related consequences for intended conservation purposes is acceptable to the Conservancy. If the Conservancy determines that the risk is not acceptable and the risk cannot be reduced to an acceptable level within a reasonable amount of time, then the Conservancy may rescind the grant award.

In addition to the purchase of real property, acquisition projects may seek reimbursement for costs associated with personnel time, appraisal and appraisal review, due diligence costs, closing costs, and other costs related to the acquisition of real property. The Conservancy will not directly pay the Department of General Services (DGS) to review and approve the required appraisal; the grantee must pay DGS directly for this expense and seek reimbursement from the Conservancy. In total, appraisal and appraisal review, personnel time, due diligence costs, closing costs, and other costs related to the acquisition of real property may not exceed ten percent of the land acquisition cost that is being requested from the Conservancy. Note that the land acquisition cost may not be factored into the indirect cost calculation. Funding will be dispersed quarterly in arrears for all costs save for the land acquisition cost, for which funds will be transferred into escrow once all requirements have been met as specified in Appendix E: Land Acquisition Checklist.

Acquisition projects must address all other requirements of Category 2 projects, including the development of scientific outputs and outcomes and a performance monitoring and assessment framework. The following additional information is required at the time of application:

- A table including: parcel numbers, acreage, willing seller name and address, breakdown of how the funds will be budgeted, and an acquisition schedule (the Conservancy will provide an Acquisition Table template on its Grant Program web page)
- Copy of the Purchase and Sale or Option Agreement, or Willing Seller Letter(s)
- Appraisal or Estimation of Fair Market Value
- Map showing lands that will be acquired, including parcel lines and numbers

Proposals for acquisition of real property must also address the following, as required by section 32364.5(b) of the Conservancy's enabling legislation:

- The intended use of the property.
- The manner in which the land will be managed.

- How the cost of ongoing operations, maintenance, and management will be provided, including an analysis of the maintaining entity's financial capacity to support those ongoing costs.
- How payments will be provided in lieu of taxes, assessments, or charges otherwise due to local government, if applicable.

NOTE: Any grantee acquiring land with Proposition 1 grant funding may be eligible to use the Natural Heritage Preservation Tax Credit Act of 2000 (Division 28 (commencing with Section 37000) of the Public Resources Code) (Section 79711[h]). Interested applicants should consult a tax advisor.

E. Budget Tables

Using the Budget Tables provided with the full proposal application materials, all applicants must identify all project expenses for which Conservancy funds are being requested. Budget Tables include the concept proposal Budget Table template and the following full proposal attachments: Line Item Budget by Task and Funding by Source. All expenses must be eligible, and must conform to the following cost categories in the Conservancy's line item budget:

- **Personnel Services.** Personnel rates may only include salary and wages, fringe benefits, and payroll taxes. Compensation for personnel services includes all compensation paid by the organization for services of employees working directly on the project during the Grant Funding Term. The expenditures are allowable to the extent that the total compensation for individual employees is reasonable for the services rendered and supported. Fringe benefit expenses may include holidays, vacation, sick leave, actual employer contributions or expenses for social security, employee insurance, workmen's compensation insurance, and pension plan costs. During invoicing, grantees must provide timesheets to the Conservancy to verify the staff time charged is authorized under the grant agreement.
- **Operating Expenses (General).** General Operating Expenses include all materials, supplies, such as field supplies, office supplies, permits and fees, travel expenses, and other general expenses required to directly implement the project. All costs should be allocated according to the most equitable basis practical. During invoicing, all expenses must be supported by receipts.
- **Operating Expenses (Subcontractor).** Subcontractor expenditures including equipment rentals are allowable if work to be completed or services to be provided are directly linked to the proposed project and are consistent with the tasks and schedule provided in the proposal. Grantees will be expected to provide copies of all contracts to the Conservancy for review. Note that subcontractor expenses may not be factored into the indirect cost calculation.
- **Operating Expenses (Equipment).** Equipment includes nonexpendable, tangible personal property having a useful life of more than one year and a cost which equals or exceeds the lesser of the capitalization level established for a financial statement purpose or \$5,000. Equipment purchases are allowable if specified as a requirement for the completion of the project. Justification for the purchase of equipment must be provided. Grantees must keep an inventory record including the date acquired, total cost, serial number, model identification, and any other information or description

necessary to identify said equipment must be maintained for the duration of the Grant Funding Term. Note that equipment expenses may not be factored into the indirect cost calculation.

- **Acquisition Cost.** The acquisition cost includes only the purchase of real property. In total, appraisal and appraisal review, personnel time, due diligence costs, closing costs, and other costs related to the acquisition of real property may not exceed ten percent of the acquisition cost that is being requested from the Conservancy. Note that the acquisition cost may not be factored into the indirect cost calculation.
- **Indirect Costs.** Indirect costs that do not have a specific direct relationship to the project but are a requirement for the completion of the project may be eligible for reimbursement. Indirect costs are capped at a rate of 20 percent of the Personnel Services and Operating Expenses (General) line items. To determine the amount of eligible indirect costs, the applicant must first determine the cost of implementing the project, not including any indirect costs. Once the project implementation cost has been determined, the applicant may calculate indirect costs and include them in the total grant request up to the allowable 20 percent cap on the specified line items. Indirect costs may not be applied to subcontractor or equipment line items, nor to land acquisition costs. Indirect costs must be reasonable, allocable, and applicable and may include administrative support (e.g., personnel time for accounting, legal, executive, information technology, or other staff who support the implementation of the proposed project but who are not directly billing their time to the project), and office-related expenses (e.g., insurance, rent, utilities, printing/copying equipment, computer equipment, and janitorial expenses). These costs are subject to audit and must be documented by the grantee. Indirect costs may not be included in the hourly rate for personnel billing directly to the grant. Indirect rates are strictly enforced for all applicants.

Budget Tables should include costs for the tasks described in the full proposal and must demonstrate how grant management and reporting costs will be funded, either by the Conservancy's Grant Program or using cost share or State leveraged funds. Applicants are encouraged to review other Conservancy Grant Program requirements that may be eligible for Conservancy grant funding (e.g., Delta Plan consistency, developing a landowner access agreement, etc.; see Appendix C: Proposal Requirements Checklist for more information) and include these in their budgets where applicable.

Applicants must also identify cost share contributions if receiving funding for the project from a source other than the Conservancy.

F. Cost Share and State-Leveraged Funds

The Conservancy's grant program does not have a formal match requirement; however, applicants are encouraged to develop a cost share program to support their project. Cost sharing is the portion of the project expense not borne by the Conservancy's grant monies. Cost sharing encourages collaboration and cooperation. The Conservancy will provide points to proposals with a federal, local, or private cost share component (other State funds may not count toward the cost share). Only cost share commitments made explicitly for the project may count toward the cost percentage for purposes of evaluation and scoring of proposals. Applicants stating that they have a cost share component must include commitment letters from cost share partners at the time the full proposal is submitted; these letters must

specifically confirm the dollar amount committed. Cost share funds must be spent between the time that the full proposal is submitted to the Conservancy and the end of the Grant Funding Term.

In-kind cost share is defined as all non-cash contributions to the project with an assigned value, and may include volunteer time, supplies, and equipment. Up to 50 percent of a cost share may be in-kind, meaning all in-kind cost share must be matched with cash at a one-to-one ratio. For example, if a project has \$25,000 of cash cost share, the maximum qualifying in-kind cost share is \$25,000. Points would not be awarded for any in-kind cost share that exceeds \$25,000. For projects without any cash match, in-kind cost share will not be calculated into the project's cost share score. Points are awarded based on cost share percent (see Evaluation Criteria for Full Proposal for more information) which is calculated by dividing the total eligible cost share (only that from federal, local, or private sources, with all in-kind matched one-to-one with cash) by the total dollar amount requested from the Conservancy.

The Conservancy will also provide up to three points for proposals that leverage State funds for multibenefit projects. These projects must support multiple objectives as identified in various planning documents (see Appendix B: Key State, Federal, and Local Plans and Tools). State funds may not count toward the cost share. Applicants stating that they are leveraging other State funds must include commitment letters from leverage partners when submitting the full proposal, and cost share funds must be spent between the time that proposals are submitted to the Conservancy and the end of the Grant Funding Term. The same cash to in-kind ratio applies, and points are calculated as noted above.

G. Financial Management Systems Questionnaire and Cost Allocation Plan

A Financial Management Systems Questionnaire and Cost Allocation Plan form is required from all applicants at the time of full proposal (a template will be provided on the Grant Program web page). The information provided will be used to assess the applicant's financial capacity for managing the proposed grant. The Financial Management Systems Questionnaire must be signed and dated and requires the applicant to provide the following information:

- Organizational Data
- Financial Audit Data
- Financial Statement
- Accounting System Data
- Timekeeping System Data
- Purchasing System

The Cost Allocation Plan should be tailored to fit the specific policies of the applicant. The plan requires information about how the applicant allocates costs to ensure an equitable distribution of costs to programs. Recipients must have a system in place to equitably charge costs.

H. Consultation and Cooperation with State and Local Agencies and Demonstration of Local Support

It is the applicant's responsibility to contact, seek support from, and coordinate with applicable State agencies, cities, counties, and local districts, as well as other private stakeholders and

surrounding landowners. Letters of support can be included with the full proposal. If an applicant has a project-specific resolution of support from the affected city, county, or local district, it should be included with the full proposal in order to facilitate the overall assessment process. A resolution of support from the Board of Supervisors from the county in which the project is located is a component of the full proposal.

In compliance with the Conservancy's governing statute (Public Resources Code Section 32363) and Proposition 1, the Conservancy will notify local government agencies – such as counties, cities, and local districts – about eligible grant projects being considered for funding in their area. Conservancy staff will also notify the applicable public water agency, levee, flood control, or drainage agency (when appropriate). The individual Conservancy Board members representing each of the five Delta counties will also be notified at this time and may wish to communicate with the affected entities. The Conservancy will request comments from all entities within 15 business days following notification. For acquisition projects, the Conservancy shall coordinate and consult with the Delta Protection Commission and the city or county in which a grant is proposed to be implemented or an interest in real property is proposed to be acquired. The Conservancy will work with the grantee to make all reasonable efforts to address concerns raised by local governments.

The Conservancy will also coordinate with the appropriate departments in State government that are doing work in the Sacramento-San Joaquin Delta, including the Central Valley Flood Protection Board. In particular, the Conservancy will work with California Department of Fish and Wildlife (CDFW) Proposition 1 program staff to coordinate funding requests. If the Conservancy and CDFW are co-funding a project, the agencies will work to ensure that each funder has a discreet scope of work, and that the project is managed as two distinct grant agreements. Each agency will be required to report on the specific metrics of the project it is funding in order to ensure that funds are being managed in the best interest of the State. The Conservancy strongly encourages applicants to reach out to both agencies prior to applying for funding to discuss options for funding projects. It is the responsibility of the applicant to ensure that proposals submitted to both the Conservancy and to CDFW clearly describe the work that will be funded by each agency. The proposed scope of each proposal should be distinct and without overlap. Applicants must describe the overall project and how the proposals relate.

I. Disadvantaged Communities

Proposition 1 does not require that the Conservancy direct a specific portion of funding to projects that benefit disadvantaged communities (less than 80 percent of the State's median household income based on U.S. Census). However, a large majority of the communities found within the Delta are considered disadvantaged communities according to the U.S. Census, as are many of the communities immediately outside of the Delta. Any Proposition 1 funds spent on improving aspects of the Delta will very likely have some benefit to one or more disadvantaged communities. Applicants must identify any disadvantaged communities that overlap with the footprint of the proposed project, which disadvantaged communities occur within one mile of the footprint, and which disadvantaged communities occur within five miles of the project footprint. Refer to the Disadvantaged Communities Mapping Tool found at: http://www.water.ca.gov/irwm/grants/resources_dac.cfm.

Requirements if Funded

A. Grant Provisions

For each awarded grant, the Conservancy will develop an individual grant agreement with detailed provisions and requirements specific to that project. A draft grant agreement template is provided on the Conservancy's Grant Program web page. Please be aware that if you receive a grant from the Conservancy, the provisions listed below will apply:

- Actual awards are conditional upon funds being available from the State (see Loss of Funding section, below).
- Eligible expenses incurred upon the start date listed in the grant agreement and prior to the end of the Grant Funding Term may be directly reimbursed. Grant eligible costs will only be paid in areas on a reimbursement basis, require supporting documentation, and may be subject to audit (see Appendix F: State Auditing Requirements).
- For all Category 2 projects, adequate proof of land tenure allowing the grantee to access property to construct and maintain the proposed project must be in place prior to the disbursement of funds.
- For Category 2 projects, funds for construction will not be disbursed until all of the required environmental compliance and permitting documents have been received by the Conservancy, including certification of consistency with the Delta Plan.
- Grantees will not be reimbursed if any of the following conditions occur:
 - the applicant has been non-responsive or does not meet the conditions outlined in the grant proposal and grant agreement;
 - the project has received alternative funding from other sources that duplicates the portion or work or costs funded by a Conservancy grant;
 - the project description has changed and is no longer eligible for funding; or
 - the applicant requests to end the project.

B. Loss of Funding

Work performed under the grant agreement is subject to availability of funds through the State's budget process. If funding for the grant agreement is reduced, eliminated, or delayed by the Budget Act or through other budget control actions, the Conservancy shall have the option to cancel the grant agreement, offer to the Grantee a grant agreement amendment reflecting a reduced amount, or suspend work. In the event of cancellation of the grant agreement or suspension of work, the Conservancy shall provide written notice to the grantee and be liable only for payment for any work completed pursuant to the grant agreement up to the date of the written notice. The Conservancy shall have no liability for payment for work carried out or undertaken after the date of written notice of cancellation or suspension. In the event of a suspension of work, the Conservancy may remove the suspension of work by written notice to the Grantee. The Conservancy shall be liable for payment for work completed from the date of written notice of the removal of the suspension of work, consistent with other terms of the grant agreement. In no event shall the Conservancy be liable to the grantee for any costs or damages associated with any period of suspension, nor shall the Conservancy be liable for any costs in the event that, after a suspension, no funds are available and the grant agreement is then cancelled based on budget actions.

C. Labor Code Compliance

Grants awarded through the Conservancy's Ecosystem Restoration and Water Quality Grant Program may be subject to prevailing wage provisions of Part 7 of Division 2 of the California Labor Code (CLC), commencing with Section 1720. Typically, the types of projects that are subject to the prevailing wage requirements are public works projects. Existing law defines "public works" as, among other things, construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds. Any work performed by volunteers is not subject to prevailing wage provisions per California Labor Code (CLC) Section 1720.4, which shall remain in effect until January 1, 2024.

The grantee shall pay prevailing wage to all persons employed in the performance of any part of the project if required by law to do so. Any questions of interpretation regarding the CLC should be directed to the Director of the Department of Industrial Relations (DIR), the State department having jurisdiction in these matters. For more details, please refer to the DIR website at <http://www.dir.ca.gov>.

D. Reporting

All projects will be required to provide quarterly progress reports during the Grant Funding Term and a final report prior to the formal close-out of the Grant Funding Term. Specific reporting requirements will be included in the grant agreement. Among other requirements, all reports will include an evaluation of project performance that links to the project's performance measures. The final report will include, among other things, a discussion of findings, conclusions, or recommendations for follow-up, ongoing, or future activities.

E. Signage and Recognition

To the extent practicable, grantees shall inform the public that the project received funds through the Delta Conservancy and from the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (CWC §79707[g]). Grantees shall recognize the Conservancy on signs, websites, press or promotional materials, advertisements, publications, or exhibits that they prepare or approve and that reference funding of a project. For Category 2 projects, grantees shall post signs at the project site acknowledging the source of the funds. Size, location and number of signs shall be approved by the Conservancy. Required signage must be in place prior to final distribution of grant funds.

Appendices

Appendix A: Glossary of Terms

Adaptive Management – A framework and flexible decision making process for ongoing knowledge acquisition, monitoring, and evaluation leading to continuous improvements in management planning and implementation of a project to achieve specified objectives. For more information, refer to http://deltacouncil.ca.gov/sites/default/files/documents/files/AppC_Adaptive%20Management_2013.pdf.

Application – The individual application form and its required attachments and supplementary materials for grants pursuant to the Delta Conservancy’s Proposition 1 Ecosystem Restoration and Water Quality Grant Program.

Best Available Science – Science with the following elements: (a) well-stated objectives; (b) a clear conceptual or mathematical model; (c) a good experimental design with standardized methods for data collection; (d) statistical rigor and sound logic for analysis and interpretation; and (e) clear documentation of methods, results, and conclusions. For more information, refer to http://deltacouncil.ca.gov/sites/default/files/documents/files/AppC_Adaptive%20Management_2013.pdf.

Best Practices – A best practice is a method or technique that has consistently shown results superior to those achieved with other means, can be used as a benchmark or standard, and is widely recognized as the most efficient and effective way to accomplish a desired outcome. A best practice is used to describe the process of developing and following a standard way of doing things that multiple organizations can use.

CEQA – The California Environmental Quality Act (CEQA) is set forth in the Public Resources Code Section 21000 et seq. CEQA is a law establishing policies and procedures that require agencies to identify, disclose to decision makers and the public, and attempt to lessen significant impacts to environmental and historical resources that may occur as a result of a proposed project to be undertaken, funded, or approved by a local or State agency. For more information, refer to: <http://resources.ca.gov/ceqa>.

Conservancy – See Sacramento-San Joaquin Delta Conservancy.

Cost Share – The portion of the project borne by private, federal, or local funds that will supplement the Conservancy’s Proposition 1 funding.

Disadvantaged Community – Community with less than 80 percent of the State's median household income based on U.S. Census. See Disadvantaged Communities Mapping Tool at: http://www.water.ca.gov/irwm/grants/resources_dac.cfm.

Ecosystem Function - An intrinsic ecosystem characteristic whereby an ecosystem maintains its integrity. Ecosystem processes include decomposition, production, nutrient cycling, and fluxes of nutrients and energy.

Eligible Expenses – Approved expenses incurred by the grantee between the time that the full proposal is submitted to the Conservancy and the end of the Grant Funding Term.

Enhancement - Actions that improve existing ecosystems with the goal of returning natural or historic functions and characteristics.

Grant – Funds made available to a grantee for eligible costs during a Grant Funding Term.

Grant Agreement – An agreement between the Conservancy and the grantee specifying the payment of funds by the Conservancy for the performance of the project scope within the specific performance period.

Grant Funding Term - The time period, not to exceed three years, during which grantees may incur and be reimbursed for grant-related expenses.

Grant Term - The 15-year time period during which Category 2 projects must be maintained to comply with the State General Obligation Bond Law.

Indirect Costs – Indirect costs include expenses which do not relate directly to project implementation, but are a requirement for the completion of the project. Indirect costs must be reasonable, allocable, and applicable and may include administrative support (e.g., personnel time for accounting, legal, executive, information technology, or other staff who support the implementation of the proposed project but who are not directly billing their time to the project), and office-related expenses (e.g., insurance, rent, utilities, printing/copying equipment, computer equipment, and janitorial expenses).

In-kind Contributions – Non-cash contributions to the project with an assigned value, and may include volunteer time, supplies, and equipment.

Lead Agency – The public agency which has the principal responsibility for carrying out or approving a project under CEQA (see <http://resources.ca.gov/ceqa/guidelines/art20.html>).

Long-term Management – The ongoing stewardship of a project site that fosters the success of the project and viability of the site's natural resources, ensuring that the benefits arising from the project endure for at least 15 years per the requirement for capital outlay projects as specified in the State General Obligation Bond Law.

Monitoring Activities – The collection and analysis of observations or data repeated over time and in relation to a conservation or management objective.

NEPA – The National Environmental Policy Act (NEPA) requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions. Using the NEPA process, agencies evaluate the environmental and related social and economic effects of their proposed actions. Agencies also provide opportunities for public review and comment on those evaluations. For more information, refer to: <https://www.epa.gov/nepa/what-national-environmental-policy-act>.

Nonprofit Organization – A private, nonprofit organization that qualifies for exempt status under Section 501(c)(3) of Title 26 of the United States Code, and whose charitable purposes are consistent with those of the Conservancy as set forth in Public Resources Code Section 32320 et seq.

Outcomes – Performance measures that evaluate ecosystem responses to management actions or natural outputs. These are the benefits or long-term changes that are sought from undertaking the project. Outcome performance measures evaluate direct ecosystem responses to project activities (e.g., responses by target wildlife populations, and responses in ecosystem function). They are achieved from the utilization of the project's outputs. Outcomes are linked with objectives, in that if the outcomes are

achieved then the project's objective(s) have been met. At the end of the project, the outcomes will help answer questions such as, 'what have we achieved?' and 'how do we know?'.

Outputs - Performance measures that evaluate factors that may be influencing outcomes and include on-the-ground implementation and management actions. Output performance measures track whether on-the-ground activities were completed successfully and evaluate factors that may be influencing ecosystem outcomes (e.g., acres of ecosystem restored or preserved, number of trees planted, and number of barriers to fish migration removed). Project outputs are the things that will be produced as a result of working toward your objective.

Performance Measure – Metrics used to ensure that projects are on-track to meet their intended objectives and provide value to the State of California.

Planning Activities – Pre-project activities necessary for a specific on-the-ground project that meets the Conservancy's Grant Program eligibility criteria.

Pollutant – As defined in Clean Water Act Sec. 502(6), a pollutant means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

Project Engineering Design –A process of creating the design for a project. The process consists of several phases that relate to the percentage of development of the design plans. The naming convention for these phases may vary, depending on the agency or locality, but generally the process includes components similar to what is described below.

- Project Engineering Design: Conceptual Plans – Conceptual plans, along with the Basis of Design Report, should indicate the general location of any activities and project elements, show overall layout of the project location, and identify any constraints. Conceptual plans are insufficient for submittal for Category 2 project funding.
- Project Engineering Design: The Basis of Design Report – The Basis of Design Report, along with the Conceptual Plans, should demonstrate that the project is feasible and reflect a preferred alternative. Alternatives analysis often compares a number of concept level plans. Basis of Design Reports are insufficient for submittal for Category 2 project funding.
- Project Engineering Design: Intermediate Plans (or 65% plans) – The Intermediate Plans should show detailed plan views and profiles of any improvements and standard details. Individuals reviewing Intermediate Plans should be able to interpret exactly where the project will be built and where project impacts will occur. A Basis of Design Report should be included. Intermediate Plans (65%) is the minimum level of planning required to apply for Category 2 funds.
- Project Engineering Design: Draft Plans (or 90% plans) – These plans should incorporate revisions to the Intermediate Plans (65% plans) and add details that are required for construction, such as survey notes, instructions for erosion and sediment control, staging areas, access, and the like.
- Project Engineering Design: Final Plans (or 100% plans) – These plans should incorporate any revisions to the Draft Plans (90% plans) and should represent the final set of design documents. These are the plans used for construction bids.

Protection – Action taken, often by securing a conservation easement or purchasing fee title to a piece of land, to ensure that ecosystems or conservation values are maintained.

Public Agencies – Any city, county, district, or joint powers authority; State agency; or public university.

Reasonable Costs – Costs that are consistent with what a reasonable person would pay in the same or similar circumstances.

Responsible Agency – Includes all public agencies other than the Lead Agency which have discretionary approval power over the project under CEQA (see <http://resources.ca.gov/ceqa/guidelines/art20.html>).

Restoration – Actions that re-establish or substantially rehabilitate ecosystems with the goal of returning natural or historic functions and characteristics.

Sacramento-San Joaquin Delta – The confluence of the Sacramento River and San Joaquin River basins, forming an inland delta. The Conservancy's service area is the statutory Delta (as defined by California Water Code, CWC Section 12220) and Suisun Marsh.

Sacramento-San Joaquin Delta Conservancy – As defined in Public Resources Code Section 32320, the Conservancy acts as a primary State agency to implement ecosystem restoration in the Delta and support efforts that advance environmental protection and the economic well-being of Delta residents. The Conservancy's service area is the statutory Delta (see CWC Section 12220) and Suisun Marsh.

Statutory Delta – The Delta as defined in CWC Section 12220.

Suisun Marsh – The largest contiguous brackish water marsh remaining on the west coast of North America and a critical part of the San Francisco Bay and Sacramento-San Joaquin River Delta estuary ecosystem. The Suisun Marsh Preservation Act—further defining the Marsh—can be found at http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=781.

Appendix B: Key State, Federal, and Local Plans and Tools

Links to potentially relevant resources are provided below under the primary authoring agency (in alphabetical order).

Bureau of Reclamation

Bureau of Reclamation – Suisun Marsh Habitat Management, Preservation, and Restoration Plan (2013): http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=781

California State Parks

California State Parks – Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh (2011): http://www.parks.ca.gov/pages/795/files/delta%20rec%20proposal_08_02_11.pdf

California Water Quality Monitoring Council

California Wetlands Monitoring Workgroup:
http://www.mywaterquality.ca.gov/monitoring_council/wetland_workgroup/

Wetland and Riparian Area Monitoring Plan (WRAMP):
http://www.mywaterquality.ca.gov/monitoring_council/wetland_workgroup/index.html#frame

Central Valley Joint Venture

Central Valley Joint Venture – 2006 Implementation Plan (2006):
<http://www.centralvalleyjointventure.org/science>

Delta Stewardship Council

Delta Plan (2013): <http://deltacouncil.ca.gov/delta-plan-0>

Delta Science Plan: <http://deltacouncil.ca.gov/sites/default/files/documents/files/Delta-Science-Plan-12-30-2013.pdf>

Delta Plan – Best Available Science:
http://deltacouncil.ca.gov/sites/default/files/documents/files/AppC_Adaptive%20Management_2013.pdf

Delta Stewardship Council – Covered Actions: <http://deltacouncil.ca.gov/covered-actions>

Department of Water Resources

Department of Water Resources Agricultural Land Stewardship Strategies:
<https://agriculturallandstewardship.water.ca.gov/>

Central Valley Flood Protection Plan:
http://www.water.ca.gov/floodsafe/fessro/docs/flood_tab_cvfpp.pdf

Disadvantaged Communities Mapping Tool:
http://www.water.ca.gov/irwm/grants/resources_dac.cfm

Delta Protection Commission

Delta Protection Commission – Land Use and Resource Management Plan:
https://www.delta.ca.gov/land_use/land_use_plan/

Delta Protection Commission – Economic Sustainability Plan for the Sacramento-San Joaquin Delta. (2012): http://www.delta.ca.gov/regional_economy/economic_sustainability/

National Oceanic and Atmospheric Administration

National Oceanic and Atmospheric Administration's Recovery Plans:

http://www.westcoast.fisheries.noaa.gov/protected_species/salmon_steelhead/recovery_planning_and_implementation/

Natural Resources Agency

Proposition 1: <http://bondaccountability.resources.ca.gov/p1.aspx>;

http://bondaccountability.resources.ca.gov/PDF/Prop1/PROPOSITION_1_text.pdf

California Water Action Plan: http://resources.ca.gov/california_water_action_plan/

Sacramento-San Joaquin Delta Conservancy

Delta Conservancy's Enabling Legislation: <http://deltaconservancy.ca.gov/legislation/>.

Strategic Plan. Sacramento-San Joaquin Delta Conservancy (2017-2022):

<http://deltaconservancy.ca.gov/strategic-plan/>

San Francisco Estuary Institute

California Aquatic Resources Inventory: www.sfei.org/it/gis/cari

California Rapid Assessment Method: www.cramwetlands.org

Delta Landscapes Project: <http://www.sfei.org/projects/delta-landscapes-project#sthash.Ci0ssN4g.dpbs>

Delta Renewed: <http://www.sfei.org/documents/delta-renewed-guide-science-based-ecological-restoration-sacramento-san-joaquin-delta>

Delta Transformed: <http://ebooks.sfei.org/DeltaLandscapes/#page/1>

EcoAtlas: www.ecoatlas.org

Sacramento-San Joaquin Delta Historical Ecology Investigation: Exploring Pattern and Process:

<http://www.sfei.org/documents/sacramento-san-joaquin-delta-historical-ecology-investigation-exploring-pattern-and-proces>

State Water Resources Control Board

Surface Water Ambient Monitoring Program:

http://www.waterboards.ca.gov/water_issues/programs/quality_assurance/comparability.shtml.

California Environmental Data Exchange Network: <http://www.ceden.org>

Yolo County

Yolo County Agricultural Economic Development Fund. Consero Solutions (2014):

<http://www.yolocounty.org/home/showdocument?id=26874>

Appendix C: Program Requirements Checklist

The checklist below is included to assist applicants in identifying and planning for the numerous requirements necessary for a successful proposal.

	Requirement	Required of	Expectation for Concept Proposal	Expectation for Full Proposal	Additional Expectation for Grant Agreement
SUMMARY INFORMATION					
<input type="checkbox"/>	Organizational Documents	Non-profits, tribes, or mutual water companies	None	Submit supplementary material required by organization type	None
<input type="checkbox"/>	Authorization to Apply	All applicants	None	Submit documentation (resolution or letter)	None
<input type="checkbox"/>	Verification of project's public benefit	Public utilities and mutual water companies	None	Verify project's clear and definite public purpose and benefits to customers (not the investors)	None
<input type="checkbox"/>	Financial Management Systems Questionnaire and Cost Allocation Plan	All applicants	None	Submit attachment and additional required documents	None
<input type="checkbox"/>	Additional requirements if outside the Delta or Suisun Marsh	Projects located outside the Legal Delta or Suisun Marsh	None	Describe how the project: <ul style="list-style-type: none"> • Implements the ecosystem goals of the Delta Plan • Is consistent with the requirements of any applicable State and federal permits • Will provide significant benefits to the Delta 	None
<input type="checkbox"/>	Disadvantaged Communities	All applicants	None	Identify disadvantaged communities within three distances from the project site	None
<input type="checkbox"/>	Special Districts	All applicants	None	Identify relevant districts	None

	Requirement	Required of	Expectation for Concept Proposal	Expectation for Full Proposal	Additional Expectation for Grant Agreement
<input type="checkbox"/>	Water use for project	All Category 2 implementation projects (if water use required to implement)	None	Include: <ul style="list-style-type: none"> • Water rights statement or application number • Identity of water rights holder • Narrative statement of water use and sufficiency 	Noted in land tenure agreement (if grantee is not landowner and landowner is water rights holder) Submit a written statement from the water right holder verifying right and obligation to deliver water to the project (if neither the grantee nor the landowner is the water right holder)
<input type="checkbox"/>	Water rights for project	Any Category 2 implementation projects that requires change in water rights	None	<ul style="list-style-type: none"> • Demonstrate understanding of SWRCB process requirements • Include in tasks and budget 	
<input type="checkbox"/>	California Conservation Corps (CCC) consultation	All non-acquisition Category 2 implementation projects	None	<ul style="list-style-type: none"> • Submit consultation form • Include CCC in tasks and budget (if CCC can be used) 	

	Requirement	Required of	Expectation for Concept Proposal	Expectation for Full Proposal	Additional Expectation for Grant Agreement
CONFLICT OF INTEREST					
<input type="checkbox"/>	Conflict of interest	All applicants	<ul style="list-style-type: none"> Identify parties involved Contact Conservancy staff if applicant has a current contract with the Conservancy 	Identify applicant team members, subcontractors, and others involved in proposal development	
PROJECT DESCRIPTION AND ORGANIZATIONAL CAPACITY					
<input type="checkbox"/>	Project description	All applicants	Describe: <ul style="list-style-type: none"> Need for project Goals and objectives General task list and work products or deliverables 	Describe: <ul style="list-style-type: none"> Need for project Goals and objectives Tasks and timeline Submit Schedule & List of Deliverables 	
<input type="checkbox"/>	Organizational capacity	All applicants	Describe experience and qualifications of parties	Describe experience and qualifications of parties	
<input type="checkbox"/>	Map of project site	All applicants	Submit project map	Submit: <ul style="list-style-type: none"> Project map Project location (kmz or shapefile) Topographic map (optional) Photos (optional) Site plan (optional) 	Include polygon in EcoAtlas Project Tracker

	Requirement	Required of	Expectation for Concept Proposal	Expectation for Full Proposal	Additional Expectation for Grant Agreement
<input type="checkbox"/>	Specific requirements for acquisitions	All acquisition Category 2 implementation projects	Describe how project will address factors in enabling legislation.	<ul style="list-style-type: none"> Describe how project will address factors in enabling legislation. Acquisitions Table attachment Copy of Purchase & Sale/Option Agreement, or Willing Seller Letter(s) Appraisal or Estimation of Fair Market Value Map showing lands to be acquired, including parcel lines & numbers <p>Note:</p> <ul style="list-style-type: none"> All other line item costs cannot exceed 10% of total land acquisition cost requested from the Conservancy 	Submit materials required by acquisitions checklist
BUDGET DETAILS					
<input type="checkbox"/>	Funding Request and Budget	All applicants	<ul style="list-style-type: none"> Describe budget Submit Concept Proposal budget table 	<ul style="list-style-type: none"> Budget narrative <p>Submit the following:</p> <ul style="list-style-type: none"> Budget Breakdown by Task Line Item Budget Subcontractor Line Item (if applicable) Funding by Source <p>Note:</p> <ul style="list-style-type: none"> Budget tables must demonstrate how grant management and reporting costs will be funded 	

	Requirement	Required of	Expectation for Concept Proposal	Expectation for Full Proposal	Additional Expectation for Grant Agreement
<input type="checkbox"/>	Cost share	All applicants with cost share	Include in budget tables and description	<ul style="list-style-type: none"> • Include in budget tables and narrative • Submit commitment letters with specific dollar amounts of secured funding to receive points. 	
STATE PRIORITIES / PROJECT BENEFITS					
<input type="checkbox"/>	Alignment with State Priorities	All applicants	Describe alignment with State priorities	Describe alignment with State priorities	None
<input type="checkbox"/>	Long-Term Management and Maintenance	Category 1 projects	None	<ul style="list-style-type: none"> • Describe efforts to develop approach 	
<input type="checkbox"/>	Long-Term Management and Maintenance	Category 2 projects	None	<ul style="list-style-type: none"> • Identify risks and describe long-term management and maintenance 	<ul style="list-style-type: none"> • Noted in land tenure agreement (if applicant is not landowner)
READINESS AND ENVIRONMENTAL COMPLIANCE					
<input type="checkbox"/>	Readiness	All applicants	Describe readiness to proceed including status of CEQA and permitting	Describe in more detail the readiness to proceed including status of CEQA and permitting	
<input type="checkbox"/>	CEQA	All Category 2 implementation projects that are “projects” under CEQA	<ul style="list-style-type: none"> • Identify CEQA lead agency • Describe status of CEQA process 	Prior to awarding funds, submit: <ul style="list-style-type: none"> • CEQA documents • Lead agency resolution • CDFW filing fee receipt 	<ul style="list-style-type: none"> • Certification of grantee responsibility to comply with all federal, state, and local laws that apply to the project.

	Requirement	Required of	Expectation for Concept Proposal	Expectation for Full Proposal	Additional Expectation for Grant Agreement
<input type="checkbox"/>	Environmental compliance	All Category 2 implementation projects (as applicable)	Identify permits that will be required (as applicable) and their status	<ul style="list-style-type: none"> Identify permits that will be required (as applicable) and their status. Submit copies of permits (as complete and applicable) 	<ul style="list-style-type: none"> Prior to construction, submit copies of permits (as applicable) Certification of grantee responsibility to comply with all federal, state, and local laws that apply to the project.
<input type="checkbox"/>	Delta Plan Covered Actions	All Category 2 implementation projects that are not covered actions	None	<ul style="list-style-type: none"> Submit Delta Plan Consistency Covered Action Checklist Describe rationale 	
<input type="checkbox"/>	Delta Plan Consistency	All Category 2 implementation projects that are covered actions	None	<ul style="list-style-type: none"> Submit Delta Plan Consistency Covered Action Checklist Describe status and approach to ensuring consistency 	Prior to construction, complete Delta Plan consistency certification
<input type="checkbox"/>	Site access to implement project	Category 1 planning projects (as applicable)	None	<ul style="list-style-type: none"> Identify landowner type and need for site control Identify status of agreements Include in tasks and budget 	Site access agreement in place prior to funds being dispersed
<input type="checkbox"/>	Site Control / Land Tenure (15 years)	All non-acquisition Category 2 implementation projects (if not landowner)	None	<ul style="list-style-type: none"> Identify landowner type and need for site control Identify status of agreements Include in tasks and budget 	Prior to funds being dispersed, recorded land tenure agreement with legal description of the property

	Requirement	Required of	Expectation for Concept Proposal	Expectation for Full Proposal	Additional Expectation for Grant Agreement
LOCAL SUPPORT					
<input type="checkbox"/>	Local support	All applicants	Describe support and approach towards affected parties	<ul style="list-style-type: none"> Describe support and approach towards affected parties Submit letters of support Submit County Board of Supervisors resolution 	None
SCIENTIFIC MERIT AND PERFORMANCE MEASURES					
<input type="checkbox"/>	Scientific Merit	All applicants	Describe: <ul style="list-style-type: none"> Scientific basis Use of best available science Application of adaptive management Climate change considerations 	Describe in more detail: <ul style="list-style-type: none"> Scientific basis and use of best available science Application of adaptive management Climate change considerations 	None
<input type="checkbox"/>	Performance monitoring and assessment	All Category 2 implementation projects	<ul style="list-style-type: none"> Describe performance monitoring and assessment approach Submit Performance Measures Table 	<ul style="list-style-type: none"> More detailed description of monitoring and assessment approach Submit Performance Measures Table Submit Ecosystem and Land Use Types Table 	
ADDITIONAL REQUIREMENTS NOT SPECIFICALLY NOTED IN FULL APPLICATION					
<input type="checkbox"/>	Signage	All Category 2 implementation projects	None	None	Signage required as condition of agreement

Appendix D: Ecosystem and Land Use Types

All projects as applicable will be required to define their outputs in terms of the ecosystem and land use types in the table below.

Primary Ecosystem/Land Use Types	Units	Ecosystem/Land Use Type Definition ⁴
Upland / terrestrial	acres	Vegetated areas not adjacent to open water.
Grassland	acres	Low herbaceous communities occupying well-drained soils and composed of native forbs and annual and perennial grasses and usually devoid of trees. Few to no vernal pools present.
Oak woodland/savanna	acres	Oak dominated communities with sparse to dense cover (10-65% cover) and an herbaceous understory.
Stabilized interior dune vegetation	acres	Vegetation dominated by shrub species with some locations also supporting live oaks on the more stabilized dunes with more well-developed soil profiles.
Agriculture - high intensity	acres	Active agricultural lands in crops such as fruit or nut orchards and/or vineyards.
Agriculture - low intensity	acres	Active agricultural lands in crops such as row crops, rice fields, alfalfa or pasture.
Ruderal / non-native	acres	Areas dominated by disturbed ground or non-native vegetation.
Riparian	acres	Vegetated areas adjacent to tidal or fluvial channels.
Valley foothill riparian	acres	Mature riparian forest usually associated with a dense understory and mixed canopy, including sycamore, oaks, willows, and other trees. Historically occupied the supratidal natural levees of larger rivers that were occasionally flooded.
Willow riparian scrub-shrub	acres	Riparian vegetation dominated by woody scrub or shrubs with few to no tall trees. This ecosystem type generally occupies long, relatively narrow corridors of lower natural levees along rivers and streams.
Willow thicket	acres	Perennially wet, dominated by woody vegetation (e.g., willows). Emergent vegetation may be a significant component. Generally located at the “sinks” of major creeks or rivers as they exit alluvial fans into the valley floor.

⁴ These types are predominately from San Francisco Estuary Institute’s [Delta Transformed](#) (SFEI-ASC, 2014; page 18). The report includes representative photographs for most types (page 19) and includes a map of recent locations where these types occur in the primary Delta (pages vi, vii, and 25).

Primary Ecosystem/Land Use Types	Units	Ecosystem/Land Use Type Definition ⁵
Perennial Wetland	acres	Areas dominated by emergent vegetation with perennial flooding and/or permanent saturation.
Freshwater emergent wetland/marsh - tidal	acres	Perennially wet, high water table, dominated by emergent vegetation. Woody vegetation (e.g., willows) may be a significant component for some areas, particularly the western-central Delta. Wetted or inundated by spring tides at low river stages (approximating high tide levels).
Freshwater emergent wetland/marsh - non-tidal	acres	Temporarily to permanently flooded, permanently saturated, freshwater non-tidal wetlands dominated by emergent vegetation. In the Delta, occupy upstream floodplain positions above tidal influence.
Saline emergent wetland⁶	acres	Salt or brackish marshes consisting mostly of perennial vegetation (such as pickleweed, cordgrass, and tules) along with algal mats ⁷ . Occurs in upper intertidal zone above intertidal sand and mud flats and below upland communities not subject to tidal action. Located along the margins of bays, lagoons, and estuaries sheltered from excessive wave action.
Seasonal Wetland	acres	Areas dominated by emergent vegetation with seasonal flooding.
Vernal pool complex	acres	Area of seasonally flooded depressions, characterized by a relatively impermeable subsurface soil layer and distinctive vernal pool flora. These often comprise the upland edge of perennial wetlands.
Alkali seasonal wetland complex	acres	Temporarily or seasonally flooded, herbaceous or scrub communities characterized by poorly-drained, clay-rich soils with a high residual salt content. These often comprise the upland edge of perennial wetlands.
Wet meadow and seasonal wetland	acres	Temporarily or seasonally flooded, herbaceous communities characterized by poorly-drained, clay-rich soils. These often comprise the upland edge of perennial wetlands.
Managed wetland	acres	Areas that are intentionally flooded and managed during specific seasonal periods, often for recreational uses (such as duck clubs) or to reverse subsidence.

⁵ These types are predominately from San Francisco Estuary Institute's [Delta Transformed](#) (SFEI-ASC, 2014; page 18). The report includes representative photographs for most types (page 19) and includes a map of recent locations where these types occur in the primary Delta (pages vi, vii, and 25).

⁶ Saline emergent wetland type was added to be comprehensive for projects occurring in Suisun Marsh.

⁷ Definition derived from California Wildlife Habitat Relationships (CWHR, <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=67392&inline>). CWHR-CalVeg cross-walk (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=65861&inline>).

Primary Ecosystem/Land Use Types	Units	Ecosystem/Land Use Type Definition ⁸
Open water	acres/linear feet	Aquatic areas not dominated by emergent vegetation.
Fluvial low order channel	linear feet	Distributaries, over flow channels, side channels, swales. No influence of tides. These occupy non-tidal floodplain environments or upland alluvial fans.
Fluvial mainstem channel	linear feet	Rivers or major creeks with no influence of tides.
Freshwater pond / lake	acres	Permanently flooded depressions, largely devoid of emergent Palustrine vegetation. These occupy the lowest-elevation positions within wetlands.
Flooded island	acres	Subsided islands with remnant levees that have been permanently flooded and are exposed to tidal action.
Freshwater intermittent pond or lake	acres	Seasonally or temporarily flooded depressions, largely devoid of emergent Palustrine vegetation. These are most frequently found in vernal pool complexes at the Delta margins and also in the non-tidal floodplain environments.
Tidal mainstem channel ⁹	linear feet	Rivers, major creeks, or major sloughs where water is understood to have ebb and flow in the channel at times of low river flow. These channels are of high order with large contributing watersheds or are subtidal sloughs that delineate the islands of the Delta.
Tidal low order channel ¹⁰	linear feet	Dendritic tidal channels (i.e., dead-end channels terminating within wetlands) where tides ebb and flow within the channel at times of low river flow. Tidal low order channels are usually first or second order channels and occur within tidal (freshwater or saline emergent) wetlands. Exceptions include the headward reaches of tidal channels that intersect non-tidal uplands.

⁸ These types are predominately from San Francisco Estuary Institute's [Delta Transformed](#) (SFEI-ASC, 2014; page 18). The report includes representative photographs for most types (page 19) and includes a map of recent locations where these types occur in the primary Delta (pages vi, vii, and 25).

⁹ Additional description of tidal mainstem channel included from SFEI's Historical Ecology Report (SFEI, 2012; page 34).

¹⁰ Additional description of tidal low order channel included from SFEI's Historical Ecology Report (SFEI, 2012; page 34).

Overlapping Ecosystem Features

There are several ecosystem features that may overlap multiple primary ecosystem and land use types described above, including floodplains, shaded riverine aquatic, and transition zones. As described in San Francisco Estuary Institute's [Delta Renewed](#) (SFEI-ASC, 2016), these features are important in restoring the processes that will create dynamic, resilient ecosystems. Further details and definitions are included below. For seasonal floodplains, applicants will be asked to identify the quarters of the year during which flooding is predicted (December-February, March-May, June-August, September-November).

OVERLAPPING ECOSYSTEM FEATURES	Units	Definitions
Floodplain¹¹	acres	The area at low to mid elevations adjacent to and transitioning between fluvial, or riverine, and tidal areas, that is subject to flooding during periods of high discharge.
Floodplain – Seasonal, Short-Term	acres	Short-term fluvial inundation <ul style="list-style-type: none"> • intermediate recurrence (~10 events per year) • low duration (days to weeks per event) • generally shallower than seasonal long-duration flooding
Floodplain - Seasonal, Long Duration	acres	Prolonged inundation from river over flow into flood basins <ul style="list-style-type: none"> • low recurrence (~1 event per year) • high duration (persists up to 6 month) • generally deeper than seasonal short-term flooding
Floodplain - Tidal Inundation	acres	Diurnal over flow of tidal sloughs into marshes <ul style="list-style-type: none"> • high recurrence (twice daily) • low duration (<6 hrs per event) • low depth (“wetted” up to 0.5 m)
Floodplain - Ponds, Lakes, Channels, & Flooded Islands	acres	Perennial open water features (with the exception of historical intermittent ponds and streams) <ul style="list-style-type: none"> • recurrence not applicable (generally perennial features) • high duration (generally perennial features) • variable depth

¹¹ These floodplain types are from San Francisco Estuary Institute's Delta Transformed (SFEI-ASC, 2014; pages 38-41). The report includes a map of recent locations where these types occur in the Delta (page 39).

OVERLAPPING ECOSYSTEM FEATURES	Units	Definitions
Transitional Zones	Linear feet	
Shaded riverine aquatic¹²	Linear feet	<p>This feature of open water ecosystem type is the unique, near-shore aquatic area occurring at the interconnection between river channels and levees/banks. The greatest characteristic, and the one most commonly measured, is the presence of woody shoreline vegetation overhanging the water and creating shade. Other characteristics, which may or may not be present, but which nearly always increase habitat values include the following:</p> <ul style="list-style-type: none"> • Live or dead woody vegetation protruding into the water • Leaves, twigs, or other dying or dead plant material accumulation • Naturally eroding banks <p>Seasonally and tidally inundated areas are not included as open water in this evaluation.</p>
Wetland-terrestrial transition zone¹³	Linear feet	<p>The area of interactions between adjacent wetland/marsh and terrestrial processes that result in mosaics of habitat types, assemblages of plant and animal species, and sets of ecosystem services that are distinct from those of the adjoining wetland/marsh or terrestrial ecosystems. “Wetland/marsh” includes both tidal and non-tidal freshwater emergent wetland. “Terrestrial” include oak woodlands/savanna, seasonal wetlands, and riparian types, among others (i.e. everything other than wetland/marsh, open water, agricultural, ruderal/non-native).</p>

¹² The shaded riverine aquatic definition is from Department of Water Resources’ Delta Levees Significant Habitat Types. This type is also referenced in the Delta Stewardship Council’s white paper on “Improving Habitats Along Delta Levees” (DSC, 2016).

¹³ The wetland-terrestrial transition zone definition is from SFEI’s Delta Renewed (SFEI, 2016; page 66).

Appendix E: Land Acquisition Checklist

Checklist for Conservation Easement or Fee Title Proposals

- I. Information Submitted with Application**
 - ☐ A table including: parcel numbers, acreage, willing seller name and address, breakdown of how the funds will be budgeted, and an acquisition schedule
 - ☐ Copy of Purchase and Sale or Option Agreement, or Willing Seller Letter(s)
 - ☐ Appraisal or Estimation of Fair Market Value
 - ☐ Map showing lands that will be acquired, including parcel lines and numbers
- II. Information Required Prior to Execution of Grant Agreement**
 - ☐ Grantee Board resolution for Grant Authority that certifies:
 - i. Signatory has authority
 - ii. Acceptance of grant
 - iii. Acceptance of property interest
- III. Information Required as a Condition of the Grant Agreement**
 - ☐ Purchase and Sale or Option Agreement, if not provided at application stage
 - ☐ Appraisal that has been reviewed and approved by the Department of General Services (DGS)
 - [DGS APPRAISAL GUIDELINES](#)
 - ☐ Assessment of State Land Commission holdings, if applicable
 - ☐ Preliminary Title Report
 - ☐ Analysis of mineral rights issues, if applicable
 - ☐ Environmental documentation/hazardous materials assessment
 - ☐ Draft grant deed or conservation easement
 - ☐ Copies of any instruments that create a covenant, obligation, or restriction affecting the property to be acquired
 - ☐ Stewardship plan:
 - i. Management Plan for fee title
 - ii. Easement Monitoring Plan for conservation easements
 - ☐ Plan for signs
- IV. Information Required Prior to Transfer of Funds into Escrow**
 - ☐ Disbursement request with an original signature of Grantee's authorized signatory and the following information/attachments:
 - i. Name and address of grantee
 - ii. Agreement number
 - iii. Dollar amount requested
 - iv. Statement of other funds that have been or will be deposited into escrow prior to or at the time of deposit of Conservancy's grant funds
 - v. Anticipated date of escrow close
 - vi. This checklist, indicating that all prerequisites for transfer of funds into escrow have been met
 - vii. Buyer's closing statement
 - viii. Baseline conditions report
 - ix. Original, certified copy of the fully-executed grant deed of conservation easement certified by the escrow offer holding the document
 - x. Escrow instructions:

1. Title company (or escrow holder) name, address, and telephone number
2. Escrow officer
3. Escrow account number

☐ Payee Data Record (STD 204) for the title company (which completes and signs); must include address to send escrow payment

V. Information Required After Close of Escrow

- ☐ Final title policy
- ☐ Final recorded deed or conservation easement
- ☐ Notice of recorded grant agreement (unless expressly referenced in recorded deed or easement)

Appendix F: State Auditing Requirements

The list below details the documents or records that State Auditors may need to review in the event of a grant agreement being audited. This list may not be inclusive. Grant recipients should ensure that such records are maintained for each State funded project. For additional details including specific audit tasks performed during a bond audit, see the California Department of Finance Bond Accountability and Audits Guide and the Bond Audit Bulletins (www.dof.ca.gov/osae/prior_bond_audits/).

State Audit Document Requirements

Internal Controls:

1. Organization chart (e.g. Grant recipient's overall organization chart and organization chart for the State funded project).
2. Written internal procedures and flowcharts for the following:
 - a. Receipts and deposits
 - b. Disbursements
 - c. State reimbursement requests
 - d. State funding expenditure tracking
 - e. Guidelines, policies, and procedures on State funded project
3. Audit reports of the Grant recipient's internal control structure and financial statements within the last two years.
4. Prior audit reports on State funded projects.

State Funding:

1. Original grant agreement, any amendment(s) and budget modification documents.
2. A list of all bond-funded grants, loans or subventions received from the State.
3. A list of all other funding sources for each project.

Agreements:

1. All subcontractor and consultant contracts and related documents, if applicable.
2. Agreements between the grant recipient, member agencies, and project partners as related to the State funded project.

Invoices:

1. Invoices from vendors and subcontractors for expenditures submitted to the State for payments under the grant agreement.
2. Documentation linking subcontractor invoices to State reimbursement requests and related grant agreement budget line items.
3. Reimbursement requests submitted to the State for the grant agreement.

Cash Documents:

1. Receipts (copies of warrants) showing payments received from the State.
2. Deposit slips or bank statements showing deposit of the payments received from the State.
3. Cancelled checks or disbursement documents showing payments made to vendors, subcontractors, consultants, or agents under the grant agreement.

Accounting Records:

1. Ledgers showing receipts and cash disbursement entries for State funding.

2. Ledgers showing receipts and cash disbursement entries of other funding sources.
3. Bridging documents that tie the general ledger to reimbursement requests submitted to the State for the grant agreement.

Indirect Costs:

1. Supporting documents showing the calculation of indirect costs.

Personnel:

2. List of all contractors and grant recipient staff that worked on the State funded project.
3. Payroll records including timesheets for contractor staff and the grant recipient's.

Project Files:

1. All supporting documentation maintained in the files.
2. All grant agreement related correspondence.

**Sacramento-San Joaquin Delta Conservancy
Proposition I Grant Concept Proposal**

August 31, 2017

Project Name: Bay Point Restoration Project

Project Location: The project is located at Bay Point Regional Shoreline in the unincorporated community of Bay Point in northern Contra Costa County, California.

Project Category: Category 2 Implementation Project

Programmatic Focal Area: Ecosystem Protection, Restoration and Enhancement

Grant Funding Term: September 1, 2018 to August 31, 2021

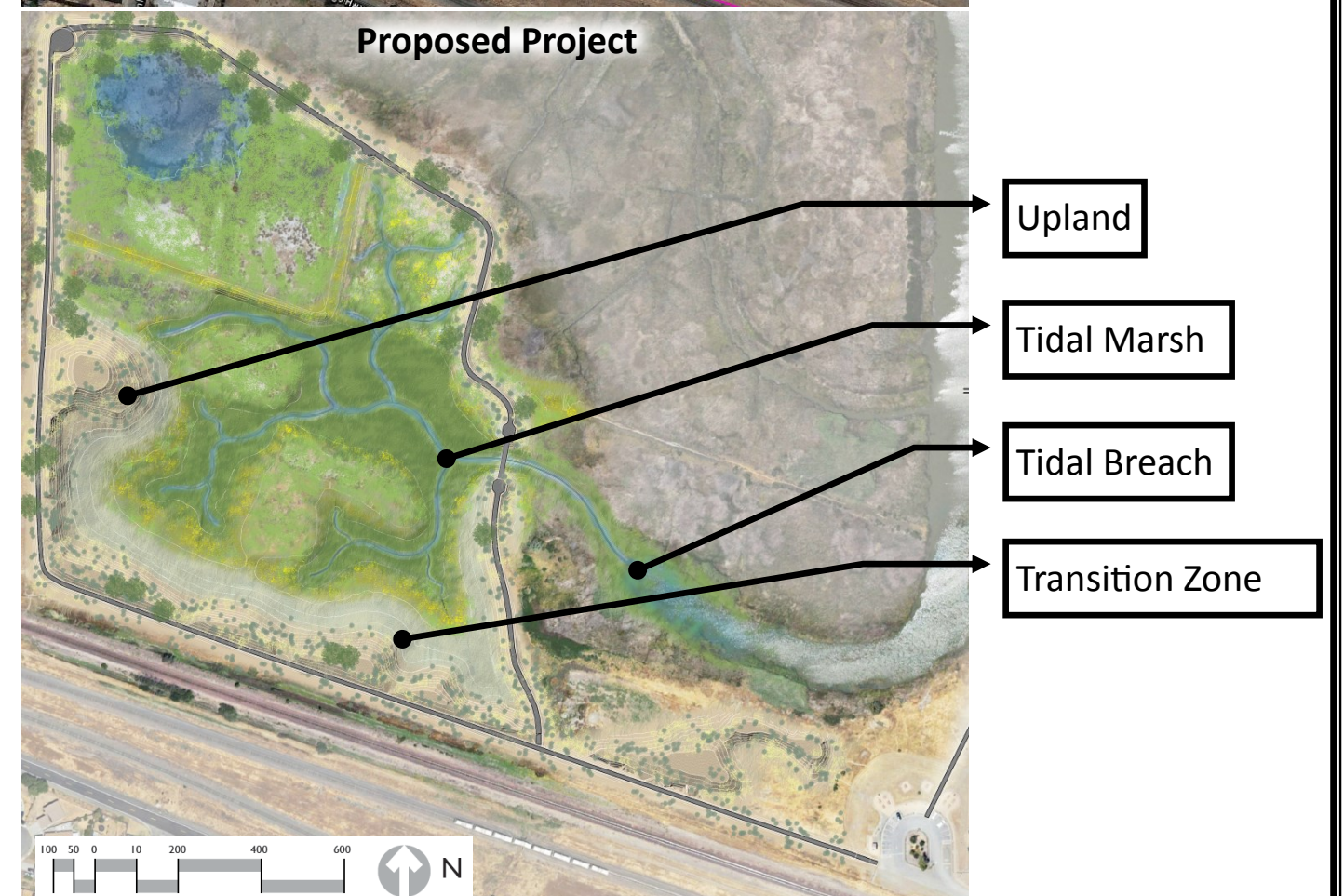
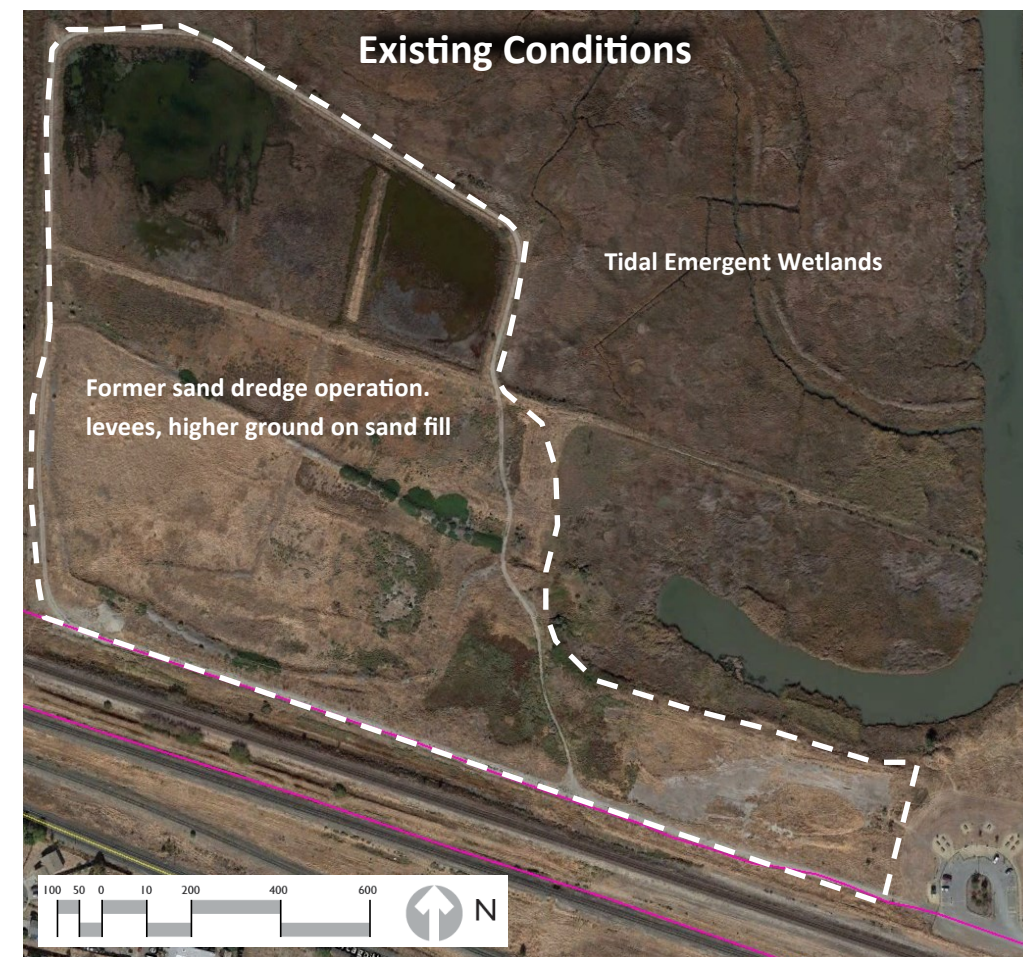
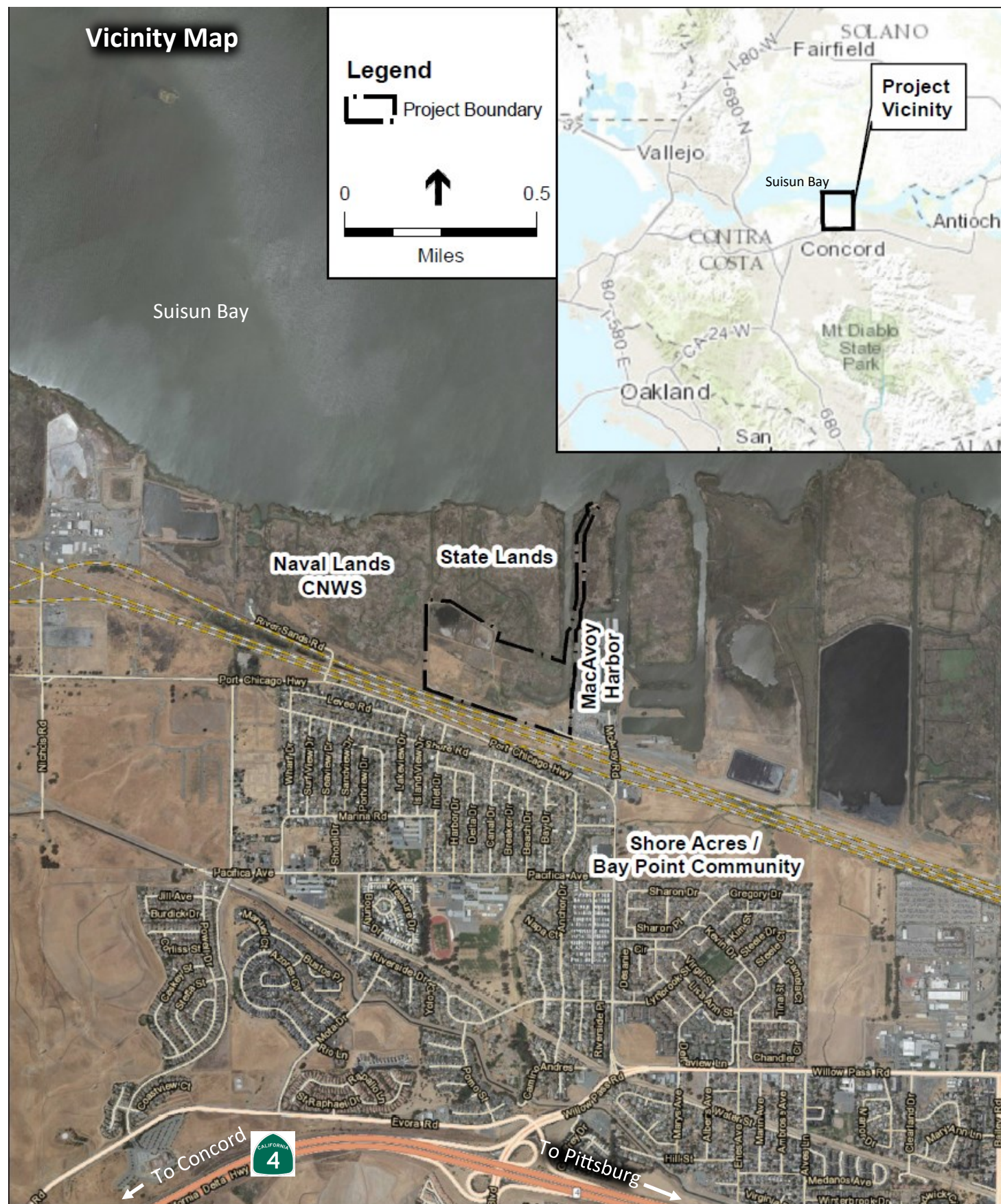
Organizational Name/Type: East Bay Regional Park District, a California special district

Primary Contact Name: Tiffany Margulici, Grants Manager
East Bay Regional Park District
2950 Peralta Oaks Court
Oakland, CA 94609
(510) 544-2204
tmargulici@ebparks.org

Federal Tax ID: 94-6000591



Bay Point Wetlands, Contra Costa County



Concept Proposal Narrative

I. Project Description and Organizational Capacity

Need for the Project: The Project Area is marginal quality seasonal wetlands, brackish tidal marsh and uplands. Approximately 27 acres of this area is diked marshland historically used for dredged sand processing. Wildlife habitat has been degraded by imported fill and industrial use. The Project Area is hydrologically disconnected from adjacent high value tidal marsh that provides high quality habitat endangered salt marsh harvest mouse and Ridgeways rail, waterfowl, shorebirds, passerine birds, mammals, reptiles, amphibians, fish and invertebrates. Sea level rise projections show that adjacent high marsh and transition habitat will be lost if no action is taken. The project presents a unique opportunity to offset these impacts by restoring hydrologic connectivity and designing for future transition zones and high marsh habitats.

Goals and Objectives: The project has four restoration goals and related objectives for restoring and enhancing wetlands and uplands, providing wildlife habitat and adapting to sea level rise. Proposed performance measures describing objectives, outcomes, outputs and completion dates are included in the attached supplementary “Concept Proposal Performance Measures” table.

Goal #1: Restore Wetlands. The project will restore and enhance approximately 17.9 acres of wetlands and special aquatic sites. This consists of approximately 16.0 acres of tidal marsh and channel, 1.6 acres of tidal panne and 0.3 acres of seasonal wetland.

Goal #2: Enhance Uplands. Establish approximately 11.1 acres of coastal grassland and coastal scrub by recontouring upland areas and planting with native vegetation.

Goal #3: Enhance Wildlife Habitats. Restore approximately 29 acres of wildlife habitat in wetlands, uplands and transitional areas. Restored tidal wetlands will provide new habitat for several special-status species, including California black rail, Ridgeways rail, Suisun song sparrow, tricolored blackbird, salt marsh common yellowthroat, salt marsh harvest mouse, Suisun shrew and several Delta fish species. Restored seasonal wetlands will benefit waterfowl and shorebirds. Restored uplands will provide habitat for loggerhead shrike and raptors such as white-tailed kite, northern harrier and burrowing owl.

Goal #4: Adapt to Sea Level Rise. The project will be designed to provide long term value for key species by taking an adaptive retreat approach to sea level rise. Habitat design will ensure a mix of diverse habitat types, including transition zone and high marsh, to help offset sea level rise impacts. The plan will be self-sustaining with tidal channels and other marsh features maintained passively through tidal exchange and seasonal inundation.

General Tasks and Deliverables: The Bay Point project will design and construct habitat improvements in a 57-acre project area. Several tasks are required to complete the project. These are described along with a deliverable date or metric for each task.

- Draft and final construction plans, specifications and estimates. Draft plans are complete and final plans are being developed – *Metric: Project Engineer’s approval by winter 2018.*
- Permit applications to federal, State and local agencies, including the US Army Corps of Engineers, US Fish and Wildlife Service, National Marine Fisheries Service, San Francisco Bay Conservation and Development Commission, San Francisco Regional Water Quality Control Board, California Department of Fish and Wildlife and Contra Costa County. All permit applications have been submitted – *Metric: Permit approvals by 2018.*

- Competitive bidding and bid award – *Metric: EBRPD Board of Directors approval by 2019.*
- Project construction and management, as built plans — *Metric: EBRPD project acceptance and contract closeout by 2020.*
- Processing and payment of contractor invoices – *Metric: Payment within 30-days through life of construction contracts.*
- Monitoring and reporting on grant and permit requirements - *Metric: Meets required submission dates through life of grant contract.*
- Long-term maintenance. Anticipated to be conducted for at least five years and potentially ten to meet permit requirements and implement adaptive management actions – *Metric: Regulatory sign-off as complete.*

Experience and Qualifications: The East Bay Regional Park was established in 1934 as a California special district. It currently operates and manages over 120,000 acres of land in 65 regional parks. The Park District has approximately 805 employees, including planners, project managers, biologists and rangers that will be involved in the day to day management of the completed project. The project team also includes several scientists and engineers from Environmental Science Associates (ESA) and the project area is currently being managed by Habitat Restoration Sciences, Inc. for invasive non-native weeds in advance of restoration work.

Over the past twenty years the Park District has performed more than thirty restoration and enhancement projects within several of its parks. Most recently this has included the Dotson Family Marsh at Point Pinole Regional Shoreline in Richmond, and Albany Beach and Berkeley Meadow at McLaughlin Eastshore State Park in Berkeley and Albany.

Mr. Chris Barton is the project manager for the Bay Point Project. Mr. Barton has been at the Park District for 10+ years and has managed more than a dozen restoration projects, including Dotson Family (Breuner) Marsh in Richmond, Berkeley Meadow and Albany Beach. He is currently developing a riparian and wetland restoration project at Coyote Hills Regional Park in Fremont and a beach/dune restoration project in Albany. Chris is the Park District lead in the planning and implementation of the East Contra Costa County Habitat Conservation Plan.

2. Funding Request and Budget

The \$2,920,000 Delta Conservancy Prop I Grant would fully fund the project, which has an estimated total cost of \$4,705,000. Cost estimate encompasses all hard and soft costs including 10-years of maintenance and monitoring which will be funded by EBRPD Measure WW Bonds.

Project has \$1,200,000 in local and federal cost share funds:

- \$450,000 Contra Costa County
- \$750,000 Outdoor Recreation Legacy Partnership/Land and Water Conservation Fund

Project leverages \$270,000 in other state funds:

- \$70,000 Housing Related Parks Project State Grant
- \$200,000 California State Parks Habitat Conservation Fund Grant

Of the \$2,920,000 Delta Conservancy Prop I request, \$90,000 is requested for staff time (project management, design review and regulatory agency coordination and permit submission). \$2,740,000 is requested for subcontractors (including design, engineering, permitting, construction contract, construction management, design support during construction, biological monitoring and environmental compliance). In addition, \$90,000 is requested for Year 1 and 2 of maintenance and monitoring (also in the subcontractor category).

Years 3-7 of maintenance and monitoring would be funded by \$315,000 in EBRPD Measure VWW Bonds. While not included in either cost share or leveraging, it is important to note that this funds are available to ensure the long-term success of the project.

The District has Grants Department with a full-time Grants Manager, Administrative Analyst and Account Clerk who are exclusively dedicated to grant management, grant compliance, invoicing and grant reporting. These positions are part of the District's General Fund budget.

3. **State Priorities and Project Benefits**

The project supports and is consistent with several statewide plans, policies and programs.

Proposition 1: The project supports many of the Proposition 1 goals, including the following:

- | | |
|---|--|
| <ul style="list-style-type: none"> ✓ Protect and restore aquatic, wetland and migratory bird ecosystems including fish and wildlife corridors and the acquisition of water rights for in-stream flow. ✓ Reduce pollution or contamination of rivers, lakes, streams or coastal waters, prevent and remediate mercury contamination from legacy mines, and protect or restore natural system functions that contribute to water supply, water quality or flood management. | <ul style="list-style-type: none"> ✓ Protect and restore coastal watersheds including but not limited to, bays, marine estuaries and near shore ecosystems. ✓ Assist in the recovery of endangered, threatened or migratory species by improving watershed health, instream flows, fish passage, coastal or inland wetland restoration or other means, such as natural community conservation plan and habitat conservation plan implementation. |
|---|--|

California Water Action Plan: The project will promote and implement the *Restoration and Resilience* goals of the Plan. The project will also work towards:

- | | |
|--|---|
| <ul style="list-style-type: none"> ✓ Action #3 - "Achieve the Co-Equal Goals for the Delta" by protecting, restoring and enhancing the Delta ecosystem. | <ul style="list-style-type: none"> ✓ Action #4 "Protect and Restore Important Ecosystems" by restoring coastal wetlands. |
|--|---|

Conservancy's Enabling Legislation: The project is consistent with the Conservancy's enabling legislation. It implements ecosystem restoration in the Delta and advances environmental protection and the economic well-being of delta residents in that it

- | | |
|--|---|
| <ul style="list-style-type: none"> ✓ Protects, enhances and restores habitat (PRC §32322(b)(1)); ✓ Provides increased opportunities for recreation in the Delta (PRC §32322(b)(3)) by improving physical and visual public access to the Delta (trails and overlooks); ✓ Protects and improves water quality (PRC §32322(b)(6)) by increasing the amount of bayland and tidal channels; | <ul style="list-style-type: none"> ✓ Protects, conserves and restores the region's living resources (PRC §32322(b)(9)) via climate change adapted design to provide habitat for special status species in areas projected to be lost by year 2050; ✓ Facilitates the promotion of environmental education (PRC §32322(b)(12)) to nearby severely disadvantaged and open space deprived community by providing EBRPD's naturalists a real time classroom to teach about climate change, ecology and habitat restoration science in the context of the Bay/Delta ecosystem. |
|--|---|

Conservancy's 2017 Strategic Plan: The draft plan identifies three broad goals. Goal #2, Ecosystem Vitality, establishes several plan objectives, including:

- ✓ Objective 1 - Protect, restore or enhance habitat and improve water quality through implementation of grant-funded projects.
- ✓ Objective 8 - Fund Proposition I-eligible projects that provide ecological, watershed, and/or water quality benefits.
- ✓ Objective 9 - Seek funding and project development resources for high priority restoration projects identified through regional planning efforts.

Delta Plan: Strategy 4.2 Restore Habitat of the Delta Plan includes restoring habitats at appropriate elevations, restoring habitat that support food webs and provide habitat for native species. The project will restore 17 acres of tidal wetlands, 4 acres of seasonal wetlands, 10 acres of coastal prairie and use the adaptive retreat approach to sea level rise.

Recovery Plans: Salt Marsh Harvest Mouse and California Clapper Rail (Ridgeway's rail) USFWS, 1984; and USFWS Tidal Marsh Ecosystem Recovery Plan, 2015 http://www.fws.gov/sacramento/es/Recovery-Planning/Tidal-Marsh/es_recovery_tidal-marsh-recovery.htm

San Francisco Estuary Partnership Comprehensive Conservation and Management Plan -

- ✓ Protect, restore, and enhance ecological conditions and processes that support self-sustaining natural communities.
- ✓ Eliminate or reduce threats to natural communities.
- ✓ Increase resilience of communities at risk from climate change impacts while promoting and protecting natural resources.
- ✓ Promote integrated, coordinated, multi-benefit approaches to increasing resiliency.
- ✓ Reduce contaminants entering the system and improve water quality.

Bay Area Integrated Regional Water Management Plan -

- ✓ Protect and Improve Watershed Health, Function and Bay Water Quality.
- ✓ Create, Protect, Enhance and Maintain Environmental Resources and Habitats.

Baylands Ecosystem Habitat Goals -

- ✓ Restore tidal marsh in diked and muted tidal areas.
- ✓ Enhance and restore tidal marsh transitions and protective buffers.
- ✓ Contain or eliminate populations of perennial pepperweed.
- ✓ Prevent spread of invasive species coincident with marsh migration.

4. **Readiness**

Habitat restoration design and CEQA is complete. All of the project permit applications are complete and have been submitted for processing. The project design has advanced to 60% and permits and final bid package should be completed by April of 2018. The project is included in the Park District's capital improvement program and is positioned to go out to bid for the 2018 or 2019 construction season depending on the availability of funding.

5. **Local Support**

The District has a well-developed system for communicating with its constituency. Regular project updates are posted on its website, notices and project fact sheets are provided at park entrances. Staff

regularly communicates with elected officials, community leaders and environmental advocates, conducts press releases and interviews, supports community events and conducts interpretive and recreation programs at Bay Point Regional Shoreline to increase awareness about the delta habitat and restoration needs at this unique location.

The land use planning process completed in 2001 engaged residents of the target neighborhoods in the project's development and included several community meetings. Community engagement and support of the project has been strong and ongoing. Additional public meetings and presentations to stakeholders have been made in the past year to keep interested parties up to date on progress EBRPD has made towards implementing the restoration and public access portions of the 2001 development plan.

Multiple levels of government are engaged and supportive of the project including the San Francisco Bay Joint Venture, Contra Costa County, the State Lands Commission, Ambrose Park and Recreation District, State Senator Stephen Glazer, and County Supervisor Federal Glover. Letters of support will be included with the full application.

6. Scientific Merit

Project goals, objectives and design are grounded in the science of plans guiding ecosystem restoration and water quality protection/improvement in the Bay/Delta, including:

- San Francisco Bay Area Wetlands Ecosystem Goals Project (Goals Project 2015) in that the Project restores wetlands and broad transition zone in a way that is resilient to sea level rise (additional discussion below).
- San Francisco Bay Plan (Bay Plan; BCDC 2012) in that the project restores wetlands, improves shoreline public access, and includes features to increase sea-level rise resiliency (additional discussion below).
- U.S. Fish and Wildlife Service Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California (USFWS 2013) in that the Project restores tidal wetlands and adjacent habitats critical to marsh-dependent special status species, as specified in the Plan.
- California State Wildlife Action Plan (CDFW 2015) in that the Project creates habitat beneficial to special status species.
- California Water Action Plan (California Natural Resources Agency et al. 2016) in that the Project creates and enhances native species conditions in the Delta.
- San Francisco Bay Integrated Regional Water Management Plan (Kennedy Jenks et al. 2013) in that the Project implements a priority project specified in the Plan

The project implements the San Francisco Bay Goals Project (Goals Project 2015) which identifies habitat restoration goals for San Francisco Bay as a whole, with additional specificity for the Suisun Bay subregion, and the Contra Costa North shoreline. The Goals Report recommends restoring a large band of tidal marsh within the southern edge of the Suisun Subregion, in large part to improve fish habitat and productivity. For tidal marsh in Contra Costa North, the Habitat Goals Report specifically recommends: restoring tidal marsh in diked and muted tidal marsh areas to create a tidal marsh corridor along the shore; improving water management to enhance diked wetlands where tidal marsh cannot be restored; including broad transition zones with diverse plant communities between marshes and adjacent uplands; and creating terrestrial buffers along this corridor to protect baylands habitats and wildlife from disturbance.

Bay Point Regional Shoreline is located within the region of the Bay-Delta that has been designated by the U.S. Fish and Wildlife Service and National Marine Fisheries Service as Critical Habitat and Essential Fish Habitat for a number of special-status fish species, including delta smelt, winter-, spring-, fall-, and late fall-run Chinook salmon; steelhead, green sturgeon, northern anchovy, Pacific sardine, and starry flounder (USFWS, 2013). In addition, the Suisun Bay area – which includes the area adjacent to Bay Point – is the focus of efforts by resource and regulatory agencies to improve fisheries. This includes managing freshwater outflows from Central Valley rivers and the Delta to position the low salinity mixing zone in Suisun Bay to maximize food web productivity and improve rearing habitat functions for fish (USBR, 2013). With these regional planning considerations in mind, Bay Point is in a good location to benefit multiple special-status fish species and tidal marsh restoration at Bay Point fits well with these regional efforts to improve the aquatic ecosystem and aid in the recovery of Bay-Delta fisheries (ESA, 2017).

The Bay Point Project was planned and designed using current science by Environmental Science Associates under the direction of Michelle Orr (ESA 2017). Channel hydrology, sea level rise and sediment supply were key considerations in designing a resilient project that will not require dredging, but that will accrete sediment on the marsh plain to keep pace with sea level rise (Orr, 2012; Williams, 2002; NOAA CO-OPS, 2010).

The project uses a 30-year planning horizon, designing the restoration features to be resilient to a sea-level rise of 24 inches of sea level rise. The selected sea-level rise scenario is representative of the high estimate recommended in California State guidance (NRC 2012) and is consistent with scenarios in the BCDC Contra Costa County “Adapting to Rising Tides” Project (Contra Costa County Public Works, 2016).

The project follows the 3 phase 9 step adaptive management framework adopted by the Delta Stewardship Council. Phases 1 (Plan) is supported by and formulated with the conclusions, findings and recommendations of existing publications (see literature cited). Phase 2 (Do) is based on field work and site evaluation conducted by the project team to identify implementation opportunities and constraints and determine appropriate actions to include in the project scope (ESA, 2017). Phase 3 (evaluate and respond) is tied to EBRPD’s long term program for maintenance and monitoring. Post-construction maintenance and monitoring will occur for at least five years. A maintenance and monitoring plan will be developed using the best available science to track and ensure project goals are achieved and the Phase 3 (evaluate and respond) component of the adaptive management framework is implemented. The plan will also address compliance with regulatory permit conditions.

Literature citations are included as a supplementary attachment.



Concept Proposal Budget Table

Instructions: Enter projected funding requests into the yellow highlighted cells in the table below. All funding requests should be based on projected expenses that are eligible, and must conform to the descriptions of the cost categories provided on **pages 38-39 of the Grant Guidelines**. More information about the budget and cost share should be provided in the concept proposal narrative, as explained on **page 18 of the Grant Guidelines**.

Bay Point Restoration

Budget Category	Projected Funding Request	Cost Share
	Conservancy	Cost Share
Personnel Services	\$ 90,000.00	
Operating Expense (General)		
Operating Expenses (Subcontractor)	\$ 2,830,000.00	\$ 1,200,000.00
Operating Expenses (Equipment)		
Acquisition Cost		
Indirect Costs		
TOTAL	\$ 2,920,000.00	\$ 1,200,000.00

Concept Proposal Performance Measures Table

PROJECT TITLE: BAY POINT RESTORATION PROJECT

Objective	Outcome	Outputs	Output Completion Dates
1. Restore and enhance approximately 17.9 acres of wetlands and special aquatic sites. (Goal #1)	<ol style="list-style-type: none"> 1. Establish 80% vegetative cover of marsh plain. Vegetation will consist of primarily native wetland vegetation, such as pickleweed, saltgrass and sedges. 2. Provide self-scouring fully-tidal channels where neither excessive erosion or siltation occurs that might adversely affect the long term success of tidal wetland areas. 3. Limit vegetative cover of pannes to less than 20% cover by controlling vegetation with special focus on invasive non-native species. 	<ol style="list-style-type: none"> 1. Restore and enhance 16.0 acres of tidal marsh by removing imported fill and improving tidal circulation. 2. Create 1.6 acres of tidal panne in higher elevation tidal areas by elevating soil salinities to prevent vegetative growth. 3. Create 0.3 acres of seasonal wetland by removing imported fill and establishing a moisture regime that allows for seasonal ponding and/or soil saturation. 4. Reduce the extent of highly invasive species, such as perennial pepperweed, by 75% through implementation of a vegetation management plan. 	<p>2025</p> <p>2025</p> <p>2025</p> <p>2020</p>
2. Establish approximately 11.1 acres of coastal grassland and coastal scrub. (Goal #2)	<ol style="list-style-type: none"> 1. Establish native plant cover on steep slopes to reduce erosion. 2. Reduce monoculture stands of invasive non-native species and increased plant diversity 	<ol style="list-style-type: none"> 1. Remove fill material that may contain soil contaminants. 2. Recontour upland areas to allow for self-sustaining, relatively weed-free vegetation. 	<p>2020</p> <p>2020</p>

Objective	Outcome	Outputs	Output Completion Dates
	3. Establish approximately 90% vegetative cover. 4. Increase connectivity between wetland and upland habitats.	3. Implement early detection and rapid response program to avoid and control weed outbreaks, placing the highest priority on those threatening to establish a monoculture. 4. Plant areas with native vegetation. This may include direct seeding or container plants.	2020 2020
3. Restore approximately 29 acres of wildlife habitat in wetlands, uplands and transitional areas. (Goal #3)	1. Tidal wetlands will provide habitat for several special-status species, including California black rail, Ridgeways rail, Suisun song sparrow, tricolored blackbird, salt marsh common yellowthroat, salt marsh harvest mouse, Suisun shrew and several Delta fish species. 2. Restored seasonal wetlands will benefit waterfowl and shorebirds. 3. Restored uplands will provide habitat for loggerhead shrike and raptors, such as white-tailed kite, northern harrier and burrowing owl. 4. Transitional areas will provide habitat for wildlife displaced as a result of sea level rise.	1. Remove barriers to tidal circulation to allow for creation of tidal habitats. 2. Remove predator corridors by removal of levees and connection to levee corridors that extend into the existing emergent tidal marsh. 3. Remove imported fill and recontour slopes to establish natural habitat free of debris and other hazards. 4. Remove invasive non-native species to allow for establishment of native vegetation and forage for wildlife. 5. Plant native vegetation where necessary to establish cover.	2020 2020 2020 2020 2020

Objective	Outcome	Outputs	Output Completion Dates
<p>4. Design project to provide long-term value for key species by taking an adaptive retreat approach to sea level rise. (Goal #4)</p>	<p>I. Restored habitat should remain viable for up to 24 inches of sea level rise.</p>	<p>1. Habitat design will ensure a mix of diverse habitat types, including transition zone and high marsh, to help offset sea level rise impacts.</p> <p>2. Tidal areas and adjacent transitional areas will be contoured to allow for transgression of tidal habitat inland as sea levels rise.</p> <p>3. As-built construction drawings.</p> <p>4. The plan will be self-sustaining with tidal channels and other marsh features maintained passively through tidal exchange and seasonal inundation.</p>	<p>2018</p> <p>2020</p> <p>2020</p> <p>2020</p>

BCDC (San Francisco Bay Conservation and Development Commission), 2012. San Francisco Bay Plan. Reprinted in 2012. Available online at www.bcdc.ca.gov/pdf/bayplan/bayplan.pdf

CDFW (California Department of Fish and Wildlife), 2015. California State Wildlife Action Plan: A Conservation Legacy for Californians – 2015 Update: Volume I Plan Update. Available online at <https://www.wildlife.ca.gov/SWAP/Final>

California Natural Resources Agency, California Department of Food & Agriculture, and California Environmental Protection Agency, 2016. California Water Action Plan 2016. Available online at http://resources.ca.gov/docs/california_water_action_plan/Final_California_Water_Action_Plan.pdf

Contra Costa Public Works, Contra Costa County Flood Control and Water Conservation District, and Bay Development and Conservation District, 2016. Adapting to Rising Tides Contra Costa County Sea Level Rise Vulnerability Assessment Final Report.

ESA, Bay Point Restoration and Public Access Plan, 2017.

Goals Project. 2015. The Baylands and Climate Change: What We Can Do. Baylands Ecosystem Habitat Goals Science Update 2015 prepared by the San Francisco Bay Area Wetlands Ecosystem Goals Project. California State Coastal Conservancy, Oakland, CA.

Kennedy/Jenks Consultants, ESA, Kearns & West, and Zentraal, 2013. San Francisco Bay Integrated Regional Water Management Plan. Available at http://www.water.ca.gov/irwm/grants/docs/PlanReviewProcess/San_Francisco_Bay_Area_IRWMP%20Plan/San%20Francisco%20Bay%20Area%20IRWMP%20Final_September%202013.pdf

NOAA CO-OPS (National Oceanic and Atmospheric Administration Center for Operations Oceanographic Products and Services), 2010. URL: <https://tidesandcurrents.noaa.gov/benchmarks/9415144.html>. Accessed October 2017.

NRC (National Research Council), 2012. “Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future.” Prepublication. National Academy Press: Washington, D. C.

Orr, M. and L. Sheehan, 2012. Memo to Rebecca Sloan, ICF. BDCP Tidal Habitat Evolution Assessment. August.

USBR (U.S. Bureau of Reclamation), U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, 2013. Suisun Marsh Habitat Management, Preservation and Restoration Plan. URL: https://www.usbr.gov/mp/nepa/documentShow.cfm?Doc_ID=17283

Williams, P. B., Orr, M. K. and Garrity, N. J., 2002. Hydraulic Geometry: A Geomorphic Design Tool for Tidal Marsh Channel Evolution in Wetland Restoration Projects. Restoration Ecology, vol. 10, pp. 577–590.

USFWS (U.S. Fish and Wildlife Service), 2013. Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California. Sacramento, California.



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: October 24, 2017

Subject: Add One Structural Engineer for DCD Building Inspection Division

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 22181 to add one (1) full-time Structural Engineer (NCSA) (represented) position at salary plan and grade ZB5 1813 (\$7,177.99 - \$8,724.90) in the Department of Conservation and Development.

FISCAL IMPACT:

No impact to County General Fund. The annual cost for this new position is approximately \$165,000, of which \$60,000 represents pension costs. The Land Development Fund, Building Permit fees will cover all costs.

BACKGROUND:

The Department of Conservation and Development ("Department") requests to add one (1) Structural Engineer to meet the operational needs of the Department. Structural Engineers are responsible for performing professional engineering work in checking plans, calculations and specifications for legal and technical compliance with ordinances and building laws. Currently, the department has six (6) Structural Engineers. It is expected that the workload of the Engineering Unit under the Building Inspection Division will increase with the building of the new County Administration and Emergency Operation Center buildings. Additionally, there has been an increase in private sector activity which has increased the demand for Structural Engineer services. By adding one (1) Structural Engineer position, the department will be in a better position to meet the demands of our internal and external customers.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Arnai Maxey
925-674-7876

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

By: , Deputy

cc: Arnai Maxey

CONSEQUENCE OF NEGATIVE ACTION:

Without the additional engineering staff, the Department of Conservation and Development cannot guarantee efficient, timely and accurate plan check service for our customers as required under the County Ordinance.

ATTACHMENTS

P300 22181_Add 1 Structural Engineer Position to DCD

POSITION ADJUSTMENT REQUEST

NO. 22181
DATE 9/19/2017

Department Conservation & Development

Department No./

Budget Unit No. 0280 Org No. 2661 Agency No. 38

Action Requested: Add one (1) full-time Structural Engineer (NCSA) (represented) at salary level ZB5 1813 (\$7,177.99 - \$8,724.90 in the Department of Conservation and Development.

Proposed Effective Date: 10/1/2017

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☒ No ☐

Total One-Time Costs (non-salary) associated with request: _____

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$162,352.00

Net County Cost _____

Total this FY \$153,627.10

N.C.C. this FY _____

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Land Development and Building Permit Fees

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

John Kopchik

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

BR for JE

10/10/2017

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 10/11/2017

Add one (1) full-time Structural Engineer (NCSA) (represented) position at salary plan and grade ZB5 1813 (\$7,177 - \$8,724).

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ _____(Date)

Mary Jane De Jesus-Saepharn

10/11/2017

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 10/19/2018

☒ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: _____

/s/ Julie DiMaggio Enea

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☐ DISAPPROVED ☐

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

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date 10/19/2017

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 24, 2017

Subject: Add One Full Time Public Health Program Specialist I –Project Position in the Health Services Department

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 22167 to add one (1) Public Health Program Specialist I-Project (VBS2) position at salary grade Z15-1602 (\$5,824-\$7,079) in the Health Services Department. (Represented)

FISCAL IMPACT:

Upon approval, this action has an annual cost of approximately \$139,823 with estimate pension costs of \$30,160 included. The cost will be 100% funded by the Bay Area Local Health Jurisdictions Grant.

BACKGROUND:

The Health Emergency Response Unit in the Public Health Division of the Health Services Department is responsible for regional preparedness planning, training, and medical countermeasure response activities for 12 Bay Area Local Health Jurisdictions (LHJs). The LHJs are comprised of: Contra Costa County, San Francisco, San Benito, Monterey, Santa Cruz, Alameda, Sonoma, Marin, San Mateo, Napa, Santa Clara and the City of Berkeley. The 12 LHJs represent a combined population of over 8 million people.

The primary responsibility of the Public Health Program Specialist I –Project position is to ensure a strong regional and local public health preparedness and response capability through coordination, policy and resource development. In order to carry out this position, the incumbent must have strong interpersonal skills and solid knowledge of administrative principles that are applicable to program assignments. A project position is generally added to help implement a specific project for a limited duration and its term is extended on a year-to-year basis based upon availability of grant funding.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Arlene Lozada, (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, advancing public health emergency preparedness and response activities within the 12 LHJs will not be accomplished.

ATTACHMENTS

P300 No. 22167 HSD

POSITION ADJUSTMENT REQUEST

NO. 22167
DATE 9/20/2017

Department Health Services

Department No./

Budget Unit No. 0450 Org No. 5752 Agency No. A18

Action Requested: Add one (1) Public Health Program Specialist I-Project (VBS2) position in the Health Services Department.

Proposed Effective Date: 10/25/2017

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☐ No ☒

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$139,823.72

Net County Cost \$0.00

Total this FY \$93,215.81

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% Bay Area Local Health Jurisdictions Grant

Department must initiate necessary adjustment and submit to CAO.

Use additional sheet for further explanations or comments.

Arlene J. Lozada

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Enid Mendoza

10/17/2017

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 10/17/2017

☐ 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 10/17/2017

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 24, 2017

Subject: Cancel One Pharmacist I Position in the Health Services Department

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 22172 to cancel one vacant Pharmacist I (VYWA) position #17302 at salary plan and grade level TC5-1998 (\$10,345-\$11,975) in the Health Services Department. (Represented)

FISCAL IMPACT:

This action is cost neutral due to it cancelling a position previously requested by the Department and approved by the Board that was a duplicate board order.

BACKGROUND:

The Contra Costa Health Plan requested only one Pharmacist position, however, due to an administrative error the Department submitted two separate board orders and position adjustment requests on different agenda dates and two positions were added. The duplicate request was submitted to the Board on September 26, 2017 agenda (Item C.29), and it is that vacant unfunded position (#17302) that the Department is requesting to cancel with this current board order.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, there will be an extra unfunded position in the Contra Costa Health Plan that will not be utilized.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Jo-Anne Linares, (925)
957-5240

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

By: , Deputy

cc:

ATTACHMENTS

P300 No. 22172 HSD

POSITION ADJUSTMENT REQUEST

NO. 22172
DATE 10/4/2017

Department Health Services

Department No./

Budget Unit No. 0860 Org No. 6105 Agency No. A18

Action Requested: Cancel one Pharmacist I (VYWA) position #17302 in the Health Services Department.

Proposed Effective Date: 10/26/2017

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☒ No ☐

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$0.00

Net County Cost _____

Total this FY \$0.00

N.C.C. this FY _____

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Cost neutral due to duplicate position added in error

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

Susan Smith

10/4/2017

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 10/9/2017

☐ 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 10/9/2017

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 24, 2017

Subject: Add One Mental Health Clinical Specialist Position in the Health Services Department

RECOMMENDATION(S):

Adopt Position Adjustment Resolution No. 22173 to add one Mental Health Clinical Specialist (VQSB) position at salary plan and grade level TC2-1384 (\$4,835 - \$7,178) in the Health Services Department. (Represented)

FISCAL IMPACT:

Upon approval, there is an annual cost of approximately \$141,568, which includes estimated pension costs of \$30,581. The cost will be funded 100% by the Proposition 47 grant.

BACKGROUND:

The Health Services Department is requesting to add one Mental Health Clinical Specialist position in Behavioral Health division's Adult Mental Health program. Proposition 47 was approved by voters in November 2014 and reduced the classification of most "nonserious and nonviolent property and drug crimes" from a felony to a misdemeanor. Contra Costa County was awarded funding for Proposition 47's Contra Costa Lead Plus Project, which is a multi-sector partnership with the City of Antioch and the non-profit organization HealthRIGHT 360.

This position will partner with participating organizations serving Proposition 47 consumers in the Antioch community. Duties include: performing behavioral health screenings, intakes, and assessments of mentally ill consumers; conducting linkage and referrals to appropriate providers; providing case management as needed; convening team meetings; coordinating with project partners and data evaluators; and preparing reports to submit to the project manager. The Department has determined the appropriate classification to fulfill this need is a Mental Health Clinical Specialist.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Melissa Carofanello,
925-957-5248

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 Health Services' Behavioral Health division's Adult Mental Health program will not be able to properly staff the service delivery needs of Proposition 47 consumers in the Antioch community.

ATTACHMENTS

P300 No. 22173 HSD

POSITION ADJUSTMENT REQUEST

NO. 22173
DATE 10/11/2017

Department HEALTH SERVICES

Department No./

Budget Unit No. 0467 Org No. 5960 Agency No. A18

Action Requested: Add one full-time Mental Health Clinical Specialist (VQSB) position in the Health Services Department.

Proposed Effective Date: 10/25/2017

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 \$141,568.00

Net County Cost \$0.00

Total this FY \$82,581.00

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% Prop. 47 grant

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

Susan Smith

10/12/2017

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 10/19/2017

☐ 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 10/19/2017

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 24, 2017

Subject: Add One Health Services Planner/Evaluator-Level B position in the Health Services Department

RECOMMENDATION(S):

Adopt Position Adjustment Resolution No. 22174 to add one (1) Health Services Planner/Evaluator Level B (VCXD) position at salary plan and grade level ZB2-1323 (\$4,552 - \$7,459) in the Health Services Department. (Represented)

FISCAL IMPACT:

Upon approval, there will be an annual cost of approximately \$146,521 with pension costs of \$31,778 already included. The cost will be funded 100% by the Drug Medi-Cal Waiver.

BACKGROUND:

The Health Services Department is requesting to add one (1) Health Services Planner/Evaluator-Level B position in Behavioral Health Division's Alcohol and Other Drug Services Program. Under the Drug Medi-Cal Organized Delivery System Waiver, the Alcohol and Other Drug Services Program is required to implement, collect and report to the Department of Health Care Services (DHCS) on several areas of quality improvement. The Health Services Planner/Evaluator-Level B position will perform the following duties to support that effort: implement treatment satisfaction surveys, measure performance improvement project outcomes, develop quality improvement goals and objectives in the integrated Quality Improvement plan and evaluate these goals, assess timeliness to treatment services, and evaluate fidelity to the evidence based practice models.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Melissa Carofanello,
925-957-5248

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 Behavioral Health Division's Alcohol and Other Drugs Services Program will not be properly staffed to administer Contra Costa County's Drug Medi-Cal Organized Deliver System monitored by the California Department of Health Care Services.

ATTACHMENTS

P300 No. 22174 HSD

POSITION ADJUSTMENT REQUEST

NO. 22174
DATE 10/10/2017

Department HEALTH SERVICES

Department No./

Budget Unit No. 0466 Org No. 5920 Agency No. A18

Action Requested: Add one full-time Health Services Planner/Evaluator Level B (VCXD) position in the Health Services Department.

Proposed Effective Date: 10/25/2017

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 \$146,521.99

Net County Cost \$0.00

Total this FY \$85,471.16

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% Drug Medi-Cal Waiver

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

10/18/2017

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 10/18/2017

☐ 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 10/18/2017

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 24, 2017

Subject: Add One Substance Abuse Lead Counselor Position in the Health Services Department

RECOMMENDATION(S):

Adopt Position Adjustment Resolution No. 22175 to add one Substance Abuse Lead Counselor (VHTC) position at salary plan and grade level TC5-1503 (\$5,280 - \$6,418) in the Health Services Department. (Represented)

FISCAL IMPACT:

Upon approval, there will be an annual cost of approximately \$128,162 with pension costs of \$27,344 already included. The cost will be funded 100% by the Drug Medi-Cal Waiver.

BACKGROUND:

The Health Services Department is requesting to add one Substance Abuse Lead Counselor position in Behavioral Health Division's Access Line Unit. In July 2017, Behavioral Health added four substance abuse counselors assigned to our Access Line Unit in anticipation of the Drug Medi-Cal Waiver implementation. In addition to the increase of counselors assigned to the Access Line Unit, the complexity and variety of tasks and procedures changed rapidly as the unit became the entry point for all alcohol and other drugs treatment services. A lead counselor position is needed to provide training, coaching and orientation to new staff; assist in the coordination of program activities to ensure effective service delivery; oversee the daily operation of activities, and assist management with the development of new procedures to support the most recent organizational change. The department has determined the appropriate classification to fulfill this need is a Substance Abuse Lead Counselor.

☐ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Melissa Carofanello,
925-957-5248

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 Behavioral Health Division's Access Line Unit will not be able to adequately train and lead the substance abuse counselors assigned to Access Line which is monitored by the California Department of Health Care Services.

ATTACHMENTS

P300 No. 22175 HSD

POSITION ADJUSTMENT REQUEST

NO. 22175
DATE 10/10/2017

Department HEALTH SERVICES

Department No./

Budget Unit No. 0466 Org No. 5920 Agency No. A18

Action Requested: Add one full-time Substance Abuse Lead Counselor (VHTC) position in the Health Services Department.

Proposed Effective Date: 10/25/2017

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☐ No ☒

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$128,162.50

Net County Cost \$0.00

Total this FY \$74,761.46

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% Drug Medi-Cal Waiver

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

10/18/2017

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 10/18/2017

☐ 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 10/18/2017

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 24, 2017

Subject: Add One Administrative Services Assistant II Position in the Health Services Department

RECOMMENDATION(S):

Adopt Position Adjustment Resolution No. 22176 to add one (1) Administrative Services Assistant II (APVA) position at salary plan and grade level ZB5-1475 (\$5,136 - \$6,243) in the Health Services Department. (Represented)

FISCAL IMPACT:

Upon approval, there will be an annual cost of approximately \$125,066 with pension costs of \$26,596 already included. The cost will be funded 100% by the Mental Health Realignment Act.

BACKGROUND:

The Health Services Department is requesting to add one Administrative Services Assistant II position in Behavioral Health Division's Children's Mental Health Services Program. The position will be assigned to the Children's Services Administration and will primarily support the implementation and continued expansion of the Continuum of Care Reform. The position will also: assist with the certification, billing and reconciliation of short-term residential treatment placement facilities and foster family agency; provide additional support to the Service Authorization Request process; serve as the primary person responsible for tracking and reporting on a database for Behavioral Health and Child and Family Services related to the newly required and implemented Presumptive Transfer for Child and Family Services for youth crossing county lines; assist the project manager, Continuum of Care Reform program manager, and program chief in gathering information for reports and conduct data analyses

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Melissa Carofanello,
925-957-5248

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

related to presumptive transfer, Service Authorization Requests, and Continuum of Care initiatives and their interrelationship; and assist in monitoring and evaluating contracts for the Children's System of Care. The department has determined the appropriate classification to fulfill this need is an Administrative Services Assistant II.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the Behavioral Health Division's Children's Mental Health Program will not have adequate staff to support the Continuum of Care Reform implementation nor be able to properly manage and monitor its contractual agreements, budgets and service plans as effectively.

ATTACHMENTS

P300 No. 22176 HSD

POSITION ADJUSTMENT REQUEST

NO. 22176
DATE 10/10/2017

Department HEALTH SERVICES

Department No./

Budget Unit No. 0467 Org No. 5946 Agency No. A18

Action Requested: Add one full-time Administrative Services Assistant II (APVA) position in the Health Services Department.

Proposed Effective Date: 10/25/2017

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 \$125,066.47

Net County Cost \$0.00

Total this FY \$72,955.44

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% Mental Health Realignment Act

Department must initiate necessary adjustment and submit to CAO.

Use additional sheet for further explanations or comments.

Melissa Carofanello

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Enid Mendoza

10/18/2017

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 10/18/2017

☐ 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 10/18/2017

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 24, 2017

Subject: Add Six Full-Time Mental Health Positions in the Health Services Department

RECOMMENDATION(S):

Adopt Position Adjustment Resolution No. 22177 to add four (4) full-time Mental Health Clinical Specialist (VQSB) positions at salary plan and grade level TC2-1384 (\$4,835 - \$7,178), one (1) Mental Health Program Supervisor (VQHP) position at salary plan and grade level ZA5-1749 (\$6,737 - \$8,189), and one (1) Mental Health Community Support Worker II (VQVB) position at salary plan and grade level TC5-0968 (\$3,109 - \$3,779) in the Health Services Department. (Represented)

FISCAL IMPACT:

Upon approval, there will be an annual cost of approximately \$762,461 with pension costs of \$173,312 already included. The cost will be funded 100% by the Mental Health Services Act.

BACKGROUND:

The Mental Health Services Oversight and Accountability Commission approved two new Mental Health Services Act Innovation Projects on August 24, 2017: Center for Recover and Empowerment (CORE) and Cognitive Behavioral Social Skills Training (CBSST).

The CORE project will be an outpatient treatment program offering three levels of care (intensive, transitional, and continuing) to adolescents dually diagnosed with substance use and mental health disorders. Services will be provided by a multi-disciplinary team and will include individual, group and family therapy, and linkage to community services.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Melissa Carofanello,
925-957-5248

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

The CBSST project proposes to apply social skills therapeutic practice to individuals who have been placed in augmented board and care facilities. The project will create a clinical team, consisting of a licensed clinician and peer support worker, to lead cognitive behavioral social skills training groups at board and care facilities. The department has determined the appropriate number and types of classification to fulfill this need are one Mental Health Program Supervisor, four Mental Health Clinical Specialists and one Mental Health Community Support Worker II.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the Behavioral Health Division will not be able to adequately staff and administer Mental Health Services Act Innovation Projects sanctioned by Mental Health Services Oversight and Accountability Commission.

ATTACHMENTS

P300 No. 22177 HSD

POSITION ADJUSTMENT REQUEST

NO. 22177
DATE 10/10/2017

Department HEALTH SERVICES

Department No./

Budget Unit No. 0467 Org No. 5899 Agency No. A18

Action Requested: Add four full-time Mental Health Clinical Specialist (VQSB) positions, one full-time Mental Health Program Supervisor (VQHP) position and one full-time Mental Health Community Support Worker II (VQVB) position in the Health Services Department.

Proposed Effective Date: 10/25/2017

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 \$762,461.50

Net County Cost \$0.00

Total this FY \$444,769.21

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% Mental Health Services Act

Department must initiate necessary adjustment and submit to CAO.

Use additional sheet for further explanations or comments.

Melissa Carofanello

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Enid Mendoza

10/18/2017

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 10/18/2017

☐ 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 10/18/2017

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 24, 2017

Subject: Add Seventeen Positions in the Health Services Department

RECOMMENDATION(S):

Adopt Position Adjustment Resolution No. 22178 to add four (4) full-time and three (3) part-time (20/40) Mental Health Clinical Specialist (VQSB) positions at salary plan and grade level TC2-1384 (\$4,835 - \$7,178), one (1) full-time Mental Health Program Supervisor (VQHP) position at salary plan and grade level ZA5-1749 (\$6,737 - \$8,189), four (4) full-time and three (3) part-time (20/40) Mental Health Community Support Worker II (VQVB) positions at salary plan and grade level TC5-0968 (\$3,109 - \$3,779), one (1) full-time Clerk – Senior Level (JWXC) position at salary plan and grade level 3RX-1033 (\$3,307 - \$4,223), and one (1) full-time Family Nurse Practitioner (VWSB) position at salary plan and grade level L35-1873 (\$9,829 - \$12,275) in the Health Services Department. (Represented)

FISCAL IMPACT:

Upon approval, there is an annual cost of approximately \$1,603,180 with pension costs of \$361,917 already included. The cost will be funded 100% by the Mental Health Services Act.

BACKGROUND:

As part of the Mental Health Services Act, the Health Services' Behavioral Health Division has been tasked with developing and implementing a 24/7 Mobile Crisis Intervention Team (MCIT), which will service three regions of the County and address consumers experiencing mental health crises. The MCIT will be an interdisciplinary team composed of licensed mental health clinical specialists, mental health community support workers, and a family nurse practitioner.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Melissa Carofanello,
925-957-5248

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

The team will provide assessments, brief crisis response, short-term triage, and emergency services to severely and persistently mentally ill consumers in order to prevent acute psychiatric crises and subsequent hospitalization. The MCIT will work closely with law enforcement partners to decrease 5150s and psychiatric emergency services visits and refer consumers to appropriate services in their communities. The department has determined these requested positions are the appropriate classifications for the MCIT and a clerk-senior level position is also being requested to provide administrative support to the team.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the Behavioral Health Division will not be able to create and adequately staff a much needed 24/7 MCIT. Without the MCIT, the department would lose a valuable tool in reducing 5150s and psychiatric emergency services visits for consumers who are experiencing mental health crises.

ATTACHMENTS

P300 No. 22178 HSD

POSITION ADJUSTMENT REQUEST

NO. 22178
DATE 10/10/2017

Department HEALTH SERVICES

Department No./
Budget Unit No. 0467 Org No. 5957 Agency No. A18

Action Requested: Add four full-time and three part-time 20 hour Mental Health Clinical Specialist (VQSB) positions, one full-time Mental Health Program Supervisor (VQHP) position, four full-time and three part-time 20 hour Mental Health Community Support Worker II (VQVB) positions, one full-time Clerk - Senior Level (JWXC) position and one full-time Family Nurse Practitioner (VWSB) position in the Health Services Department.

Proposed Effective Date: 10/25/2017

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 \$1,603,180.40 Net County Cost \$0.00

Total this FY \$935,188.57 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% Mental Health Services Act

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Melissa Carofanello

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Enid Mendoza

10/18/2017

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 10/18/2017

☐ 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 10/18/2017

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 24, 2017

Subject: Add Two Substance Abuse Counselor Positions in the Health Services Department

RECOMMENDATION(S):

Adopt Position Adjustment Resolution No. 22179 to add two Substance Abuse Counselor (VHVC) positions at salary plan and grade level TC5-1436 (\$4,941 - \$6,006) in the Health Services Department. (Represented)

FISCAL IMPACT:

Upon approval, there is an annual cost of approximately \$241,789 with pension costs of \$51,178 already included. The cost will be funded 100% by the Drug Medi-Cal Waiver.

BACKGROUND:

The Health Services Department is requesting to add two substance abuse counselor positions in Behavioral Health Division's Access Line Unit. These positions will be exclusively responsible for handling calls from clients who are currently in jail and mandated to alcohol and other drug treatment. Since our go-live date for Drug Medi-Cal Waiver implementation on July 1, 2017, the volume of calls specific to Alcohol and Other Drugs Services has increased from 400 the first week to 856 and continues to rise. In the past, inmates were able to call the programs directly. The new substance abuse counselors will be dedicated to conducting phone screenings during specific dates and blocks of time, will potentially conduct face-to-face screenings with a list of prearranged clients, and handle communication with the court and criminal justice system to prevent a bottleneck of clients and calls. The department has determined the appropriate classification to fulfill this need would be two substance abuse counselors.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Melissa Carofanello,
925-957-5248

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 Behavioral Health Division's Access Line Unit will not have the appropriate classification nor be adequately staffed to handle the increased call volume from these specific consumers the Access Line Unit is currently experiencing.

ATTACHMENTS

P300 No. 22179 HSD

POSITION ADJUSTMENT REQUEST

NO. 22179
DATE 10/10/2017

Department HEALTH SERVICES

Department No./

Budget Unit No. 0466 Org No. 5920 Agency No. A18

Action Requested: Add two full-time Substance Abuse Counselor (VHVC) positions in the Health Services Department.

Proposed Effective Date: 10/25/2017

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 \$241,789.43

Net County Cost \$0.00

Total this FY \$181,342.07

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% Drug Medi-Cal Waiver

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

Susan Smith

10/16/2017

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 10/18/2017

☐ 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 10/18/2017

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: Brian M. Balbas, Interim Public Works Director/Chief Engineer
Date: October 24, 2017

Subject: Terminate Rental Agreement for 864 Diablo Road, Danville area

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Interim Chief Engineer, or designee, to terminate the Rental Agreement, effective March 17, 1998, for 864 Diablo Road in Danville, with Jeff Gary and Naomi Gary (Tenants). (Project No.:4500-6)

AUTHORIZE County Counsel to pursue legal action if Tenants remain in occupancy sixty (60) days after service of the Termination Notice (Notice) pursuant to Civil Code of Procedure Sections 1162-1164.

DIRECT the Auditor-Controller's office to return Tenant's security deposit in the amount of \$1,400 payable to Jeffrey Gary.

FISCAL IMPACT:

Contra Costa County Flood Control and Water Conservation District (District) Zone 3B will no longer receive monthly revenue in the amount of \$1,295.

BACKGROUND:

In 1998, the District acquired a 3 bedroom, 2 bathroom single family residence located at 864 Diablo Road in Danville (Property)

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Angela Bell, (925)
313-2337

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

By: , Deputy

cc: Eric Angstadt, Assistant County Administrator

BACKGROUND: (CONT'D)

as an advanced acquisition in connection with the Green Valley Creek Improvement project (Project).

On March 24, 1998, the District entered into a Rental Agreement (Agreement) with Jeffery and Naomi Gary for occupancy of the Property on a month-to-month tenancy. The Tenants previously lived at 1420 Livorna Avenue in Alamo, formerly owned by the District, and provided a security deposit of \$1,400, which was transferred to the new rental agreement at 864 Diablo Road.

In April 2015, Public Works Real Estate staff reviewed the Agreement and conducted a visual interior and exterior inspection of the Property. During the inspection, the District was informed that Naomi Gary no longer resides on the premises.

The District wishes to have the Property vacated in order for the structure to be demolished in preparation for the Project and to eliminate ongoing maintenance costs for a structure that will be demolished.

The District intends to issue the attached sixty (60) day Termination Notice on November 6, 2017.

If the Tenants fail to vacate the Property within sixty (60) days, the District may initiate legal proceedings in order to obtain possession of the Property. Legal proceedings must be approved by the Board of Supervisors.

CONSEQUENCE OF NEGATIVE ACTION:

Without approval from the Board of Supervisors, the District will not be able to initiate legal proceedings, if necessary.

ATTACHMENTS

Termination Notice

CONTRA COSTA COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Termination Notice

To: Jeff Gary and Naomi Gary, tenant in possession of premises located at 864 Diablo Road, Alamo, County of Contra Costa, State of California

Within 60 days after service of this notice, that is, by January 6, 2018, you must surrender possession of the premises to the undersigned landlord. Your failure to vacate the premises within 60 days will cause the undersigned to initiate legal proceedings against you to recover possession of the premises, and to seek a judgment for damages for each day of occupancy after the expiration date of this notice.

This notice is intended as a 60-day notice terminating your month-to-month tenancy. Rent of \$1,295 will be due for the month of December. Prorated rent totaling \$258.00 will be due January 1, 2018. If the premises are vacated before January 6, 2018, rent will be prorated at \$43.00/day.

Under California law, you have a right to request that an authorized agent of landlord make an initial inspection of the premises to determine its condition before you vacate, and you have the right to be present during the inspection. The purpose of the inspection is to allow you an opportunity to remedy identified deficiencies or damage to the premises, if any, caused by you. If you wish to have such an inspection, please contact Angela Bell as soon as possible at 255 Glacier Drive, Martinez, CA 94553-4825, or (925) 313-2337. If you request an inspection, you will be given 48 hours' notice and have the inspection done sooner.

State law permits former tenants to reclaim abandoned personal property left at the former address of the tenant, subject to certain conditions. You may or may not be able to reclaim property without incurring additional costs, depending on the cost of storing the property and the length of time before it is reclaimed. In general, these costs will be lower the sooner you contact your former landlord after being notified that the property belonging to you was left behind after you moved out.

Date: _____

Contra Costa County
Flood Control and Water Conservation District

By: _____
Brian M. Balbas, Interim Chief Engineer



**Contra
Costa
County**

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: October 24, 2017

Subject: California Health Advocates Funding

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to accept funding in the amount of \$3,000 from California Health Advocates for the Senior Medicare Patrol Volunteer Liaison for the period June 1, 2017 through May 31, 2018.

FISCAL IMPACT:

County to receive \$3,000 from California Health Advocates. (100% Federal) (No County match)

CFDA #93.048

BACKGROUND:

California Health Advocates will provide funding to the Employment and Human Services Department, Health Insurance Counseling and Advocacy Program (HICAP) for a Senior Medicare Patrol (SMP) volunteer liaison who will focus on outreach and education regarding prevention and reporting of Medicare fraud. The funding will be used to support the SMP volunteer liaison for data collection, monitoring, and reporting customer inquiries; volunteer recruitment, training, retention and support; community education, outreach and training; and fraud prevention activities.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Elaine Burres,
608-4960

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Senior Medicare Fraud liaison services would not be provided through the Health Insurance Counseling and Advocacy Program (HICAP) in Contra Costa County.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: October 24, 2017

Subject: 2017-18 California Department of Education Preschool Program Contract, Amendment 1

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Department Director, or designee, to execute a contract amendment with the California Department of Education to increase payment to the County by \$1,185,449 to a new payment limit not to exceed \$10,267,300, for the provision of State Preschool services, with no change to the term of July 1, 2017 through June 30, 2018.

FISCAL IMPACT:

This contract amendment increases revenue by an amount not to exceed \$1,185,449. The increase is funded 100% by State funds to be received by the California Department of Education. There is no County match requirement.

CFDA #s 93.596 (\$1,015,897) and 93.575 (\$466,594).
State Agreement CSPP 7050, Amend 1 / CCC Agreement 39-908-23

BACKGROUND:

The California Department of Education notified the Employment and Human Services Department on May 31, 2017 of the 2017-2018 funding allocation for the provision of California State Preschool program services to program-eligible County residents. The Board approved the contract at its June 13, 2017 meeting (C.29). The State routinely amends these agreements throughout the program year as more funding becomes available and the school calendars are finalized. This contract amendment increases the daily rate per child day of enrollment from \$40.45 to \$45.73, and decreases the minimum days of school operation from 250 to 249.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☒ 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 24, 2017

Contact: CSB (925)
681-6333

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

By: , Deputy

cc: Ressie Dayco

CONSEQUENCE OF NEGATIVE ACTION:

If not approved, the County will not receive funding to operate childcare programs.

CHILDREN'S IMPACT STATEMENT:

The Employment and Human Services Department, Community Services Bureau supports three of the community outcomes established in the Children's Report Card: 1) Children Ready for and Succeeding in School; 3) Families that are Economically Self-sufficient; and 4) Families that are Safe, Stable, and Nurturing, by offering comprehensive services, including high quality early childhood education, nutrition, and health services to low-income children throughout Contra Costa County.



Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services
Date: October 24, 2017

Subject: 2018 Low Income Home Energy Assistance Program Funding

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract containing modified indemnification language with the California Department of Community Services and Development to pay the County in an amount not to exceed \$1,919,892 for Low Income Home Energy Assistance Programs for the period of October 1, 2017 through December 31, 2018.

FISCAL IMPACT:

This contract will increase revenue in an amount not to exceed \$1,919,892 from the U.S. Department of Health and Human Services via the California Department of Community Services and Development. 100% Federal funds with no County match requirement.

CFDA # 93.568

State: 18B-4005 / CCC: 39-806-37

BACKGROUND:

Contra Costa County has received funding from the State Department of Community Services and Development for 20 years wherein the County provides energy bill assistance payments and weatherization services for income-eligible County residents. The funding sources for these programs include Low Income Home Energy Assistance Program (LIHEAP), the Energy Crisis Intervention Program (ECIP), and the Department of Energy (DOE), the Low Income Weatherization Program (LIWP) and the Toilet Retrofit Program (TRP).

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 10/24/2017 ☒ 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 24, 2017

Contact: CSB,
925-681-6381

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

By: , Deputy

cc: Nelly Ige, Sam Mendoza

BACKGROUND: (CONT'D)

The Employment & Human Services Department (EHSD) partners with the Department of Conservation and Development to provide energy-saving home improvements for low-income families throughout unincorporated Contra Costa County, as well as the County's nineteen cities. The energy savings measures may provide homes with hot water heaters, furnaces, refrigerators, microwaves, doors, windows, fluorescent light bulbs, weather stripping, ceiling fans, and/or 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 and a carbon monoxide alarm.

The Home Energy Assistance Program (HEAP) allows eligible residents of the County to qualify for a credit on their energy bills.

Both programs use income based eligibility. The income levels are based on the Federal Fiscal Year 2016 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 first 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 to be a member of a 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 programs supports 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: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: Agreement #29-604-2 with the City of Walnut Creek

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Agreement #29-604-2 with the City of Walnut Creek, to pay the County an amount not to exceed \$17,000 for the operation of the Coordinated Outreach, Referral and Engagement (CORE) program, for the period from July 6, 2017 through June 30, 2018.

FISCAL IMPACT:

Approval of this agreement will allow the County to receive an amount not to exceed \$17,000 (\$5,000 in Community Development Block Grant funds and \$12,000 in Community Service Grant funds) from the City of Walnut Creek to provide homeless outreach services to individuals year-round. No additional County funds are required.

BACKGROUND:

The CORE program provides homeless outreach services aimed at identifying unsheltered homeless individuals, transitioned aged youth and families living outside and in locations not meant for human habitation.

On March 21, 2017, the Board of Supervisors approved Grant Agreement #29-604 with the City of Walnut Creek to receive Community Development Block Grant (CDBG) and Community Service Grant (CSG) funds for the operation of the CORE program from January 1, 2017 through June 30, 2017.

Approval of Agreement #29-604-2 will allow the County to continue to receive CDBG and CSG funds to provide outreach services through June 30, 2018.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Lavonna Martin,
925-313-7704

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

By: , Deputy

cc: L Walker , M Wilhelm

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, the County will not receive funding and without such funding, the CORE program may have to operate at a reduced capacity.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: Grant Agreement #28-661-15 with the City of Walnut Creek

RECOMMENDATION(S):

Approve and Authorize the Health Services Director, or his designee, to execute, on behalf of the County, Grant Agreement #28-661-15 with the City of Walnut Creek to pay the County \$6,000 of Community Development Block Grant (CDBG) funding to be used for the operation of the Adult Interim Housing Program, for the period from July 6, 2017 through June 30, 2018.

FISCAL IMPACT:

Approval of this agreement will allow the County to receive \$6,000 in CDBG funding from the City of Walnut Creek to provide emergency housing and supportive services to individuals year-round.

BACKGROUND:

The Health Services Department operates an emergency shelter program at full capacity on a year-round basis. Each year, the shelters provide interim housing and support services to over 800 individuals. The Community Development Block Grant program, funded by the U.S. Department of Housing and Urban Development, is a source of public funding for the operation of the County's Adult Interim Housing Program.

On September 9, 2016, the Board of Supervisors approved Grant Agreement #28-661-12, as amended by Amendment #28-661-13, with the City of Walnut Creek to receive CDBG funding to be used for the operation of the Adult Interim Housing Program, for the period from July 1, 2016 through June 30, 2017.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Lavonna Martin,
925-313-7704

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

By: , Deputy

cc: L Walker , M Wilhelm

BACKGROUND: (CONT'D)

Approval of Grant Agreement #28-661-15 will allow the County to receive CDBG funding from the City of Walnut Creek to continue providing interim housing and support services through June 30, 2018. The County is agreeing to indemnify and hold harmless the contractor for claims arising out of County's performance under this contract.

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, County will not receive funding and without such funding, the emergency shelter program may have to operate at a reduced capacity.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: Amendment Agreement #28-789-8 from the U. S. Department of Veteran Affairs Northern California Health Care System

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute Amendment Agreement #28-789-8 (VA #261-15-C-0239) with the U. S. Department of Veteran Affairs Northern California Health Care System, to increase the amount payable to the County by \$197,406.60, to a new amount payable to the County of \$745,257 and extend the term through September 30, 2018, to continue providing housing support to homeless veterans accessing services at the West County Adult Interim Housing Program.

FISCAL IMPACT:

Approval of this agreement will add \$197,406.60 payable to the County for operation of the West County's Adult Interim Housing Program in Richmond through September 30, 2018. (No County match)

BACKGROUND:

The Health Services Department seeks continuous funding to provide interim housing and support services for homeless veterans that access the West County emergency shelter program. Each year, the County shelters serve over 150 veterans. The Veteran Affairs Northern California Health Care System is providing funding for valuable housing and services to homeless veterans of Contra Costa County.

On December 16, 2014, the Board of Supervisors approved Agreement #28-789-5, as amended by Amendment Agreements #28-789-6 and #28-789-7, to receive continuous funding to support emergency shelter housing for homeless veterans of Contra Costa County through September 30, 2017.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Lavonna Martin,
925-313-7704

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

By: , Deputy

cc: L Walker , M Wilhelm

BACKGROUND: (CONT'D)

Approval of this Amendment Agreement #28-789-8 will allow the County to receive funding and continue to provide services through September 30, 2018. The County is agreeing to indemnify and hold harmless the contractor for claims arising out of County's performance under this contract.

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, the County will not receive funding to support services provided to veterans requiring homeless shelter.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: Amendment Agreement #29-539-6 from the U. S. Department of Veterans Affairs Northern California Health Care System

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or his designee, to execute Amendment Agreement #29-539-6 (VA #261-15-C-0105) with the U. S. Department of Veterans Affairs Northern California Health Care System, to increase the amount payable to the County by \$124,100 from \$248,200 to a new amount payable of \$372,300 and extend the term through September 28, 2018, to continue providing services and cover the associated operating cost of the Philip Dorn Respite Center through the Central County's Adult Interim Housing Program in Concord.

FISCAL IMPACT:

Approval of this agreement will provide an additional payment of \$124,100 to the County, for the West County's Adult Interim Housing Program at the Philip Dorn Respite Center in Concord, through September 28, 2018. (No County match)

BACKGROUND:

The Health Services Department seeks continuous funding to provide interim housing, treatment, and other services for homeless veterans that access the Philip Dorn Respite Center through the Central County emergency shelter program. Each year the shelters provide interim housing and support services to over 75 homeless veterans of Contra Costa County.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Lavonna Martin,
925-313-7704

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

By: , Deputy

cc: L Walker , M Wilhelm

BACKGROUND: (CONT'D)

On February 2, 2016, the Board of Supervisors approved Agreement #29-539-4, as amended by Amendment Agreement #29-539-5, to receive continuous funding to support emergency shelter housing for homeless veterans of Contra Costa County through September 28, 2017.

Approval of this Amendment Agreement #29-539-6 will allow the County to continue to receive funds to support the Central County's Adult Interim Housing Program Philip Dorn Respite Center in Concord through September 28, 2018. The County is agreeing to indemnify and hold harmless the contractor for claims arising out of County's performance under this contract.

CONSEQUENCE OF NEGATIVE ACTION:

If this Agreement is not approved, the County will not receive funding to support the veterans requiring homeless shelter.



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: October 24, 2017

Subject: Agreement between Contra Costa County and NRG Marsh Landing LLC for Building Inspection Services

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Conservation and Development (DCD) Director, or designee, to execute an agreement with NRG Marsh Landing LLC for County staff to provide building inspection services at hourly rates specified in the agreement not to exceed a total payment limit of \$100,000. The term will be from the Agreement's effective date, October 24, 2017, until both of the following occur: (a) the County's completion of all of its obligations to the California Energy Commission (CEC) under the Designation Letter, and any amendments thereto issued during the Term, and (b) NRG Marsh Landing LLC's full payment of all County fees for Chief Building Official (CBO) Activities (defined in Section 2) that the County performs under this Agreement.

FISCAL IMPACT:

None. NRG Marsh Landing LLC will pay fees to County for building inspection services provided by County staff.

BACKGROUND:

The CEC has requested the Department of Conservation and Development (DCD) to provide building inspection services to NRG Marsh Landing LLC for modifications to the fire suppression system, which will include installation of a new fire pump and piping to support a new location for water storage. The modification project will include construction of a 625-square foot building to house the fire suppression system. DCD has provided similar work on other power plants and has previously acted as the delegate Chief Building Official (CBO) under the CEC's regulatory

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Jason Crapo,
925-674-7722

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

authority for large power generating facilities. NRG Marsh Landing LLC is the owner of this facility and will compensate DCD for its services. This agreement between NRG Marsh Landing LLC and County is needed so that DCD can proceed to provide services. This agreement includes County billing rates that fully cover DCD's costs of providing such services.

CONSEQUENCE OF NEGATIVE ACTION:

If the proposed agreement is not approved, DCD will not be able to provide the requested building inspection services.



**Contra
Costa
County**

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: October 24, 2017

Subject: 2017-18 California Department of Education General Childcare & Development Contract, Amendment 1

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with the California Department of Education to increase payment to the County by \$409,885 to a new payment limit not to exceed \$3,554,271, for the provision of general childcare and development program services, with no change to the term of July 1, 2017 through June 30, 2018.

FISCAL IMPACT:

This contract amendment increases revenue by an amount not to exceed \$409,885. The increase is funded 100% by State funds to be received by the California Department of Education. There is no County match requirement.

CFDA #93.575 (\$418,414) and 93.596 (\$910,268)
State Agreement No. CCTR 7025 / Amend 1
County No. 39-801-42

BACKGROUND:

California Department of Education notified the Department on June 5, 2017 of the 2017-2018 funding allocation for general childcare and development programs. The County receives funds from the California Department of Education to provide state preschool general childcare services to program eligible County residents. The Board approved the contract at its June 20, 2017 meeting (C.42). The State routinely amends these agreements throughout the program year as more funding becomes available and the school calendars are finalized. This contract amendment is to increase the daily rate per child day of enrollment from \$40.20 to \$45.44, and to change the minimum days of school operation from 250 to 249.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 10/24/2017 ☒ 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 24, 2017

Contact: CSB (925)
681-6333

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

By: , Deputy

cc: Ressie Dayco

CONSEQUENCE OF NEGATIVE ACTION:

If not approved, the County will not receive funding to operate the childcare and development program.

CHILDREN'S IMPACT STATEMENT:

The Department of Education General Childcare & Development funding supports three of the community outcomes established in the Children's Report Card: 1) Children Ready for and Succeeding in School; 3) Families that are Economically Self-sufficient; and 4) Families that are Safe, Stable, and Nurturing, 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: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: Grant Award #28-767-6 from the California Department of Public Health, Refugee Health Assessment Program

RECOMMENDATION(S):

Approve and authorize the Health Services Director or his designee, to accept on behalf of the County, Grant Award #28-767-6 (17-07-90899-00) from the California Department of Public Health, to pay County in an amount not to exceed \$170,000, for the County's Refugee Health Assessment Program, for the period October 1, 2017 through September 30, 2018.

FISCAL IMPACT:

Acceptance of these awards will result in a total of \$170,000 for FY 2017-2018 from the California Department of Public Health for the Refugee Health Assessment Program. No County match required.

BACKGROUND:

The Refugee Health Assessment Program (RHAP) provides health assessment services to refugees, asylees, entrants from Haiti and Cuba, special visa immigrants, certified victims of human trafficking and other eligible entrants as required in the California Refugee Health Assessment form (CDPH 8418A). Based on the assessment, communicable diseases are treated on new arrivals, as well as, other Contra Costa residents, who are not protected from disease. In addition, this program provides highly trained and culturally appropriate medical interpreters for the County's Afghan, Russian, Vietnamese, Lao and Mien clinics (13 per week). The RHAP advocates for people with limited English skills to achieve access and care within the Contra Costa Health Services Department.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: William Walker, M.D.
925-957-5410

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

By: , Deputy

cc: E Suisala, M Wilhelm

BACKGROUND: (CONT'D)

On November 8, 2016, the Board of Supervisors approved Grant Award #28-767-5 with California Department of Public Health, Refugee Health Assessment Program (RHAP) for County's RHAP projects for October 1, 2016 through September 30, 2017.

The Health Service Department recently received a notice of award from the California Department of Public Health, granting Health Services Department funding. Acceptance of the Grant Award #28-767-6 allows the County to continue the Refugee Health Assessment Program through September 30, 2018.

CONSEQUENCE OF NEGATIVE ACTION:

If this grant award is not accepted, people with limited English skills in the RHAP program will not receive access and care within the Contra Costa Health Services Department.



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 24, 2017

Subject: Renewal of Oracle Technical Support Services For Peoplesoft Software Updates

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Administrator, or designee, to execute an ordering document under the existing Oracle Master Agreement with Oracle America, Inc., in an amount not to exceed \$215,345 for Oracle program technical support services for PeopleSoft software updates and support for the County's Human Resource system, for the period November 27, 2017 through November 16, 2018.

FISCAL IMPACT:

\$215,344.90. The cost is billed in arrears, in quarterly installments and budgeted annually under Org. #1695, supported through interdepartmental charges.

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 No. #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: **10/24/2017** ☐ 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 24, 2017

Contact: Sheryl Webster
925-313-1281

, County Administrator and Clerk of the Board of Supervisors

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 \$215,344.90. 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: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: Contract #26-779-4 with Futurenet Technologies Corporation

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-779-4 with Futurenet Technologies Corporation, in an amount not to exceed \$400,000, to provide medical records coding for Contra Costa Regional Medical Center (CCRMC) and Health Centers for the period from October 1, 2017 through September 30, 2018.

FISCAL IMPACT:

This contract is funded 100% by Hospital Enterprise Fund I. (No rate increase)

BACKGROUND:

On October 25, 2016, the Board of Supervisors approved Contract #26-779-3 with Futurenet Technologies Corporation, for the provision of medical coding, including coding inpatient and outpatient records, scanning and quality assurance for CCRMC and Health Centers, in accordance with the American Hospital Associate Coding Clinic and the American Medical Association, for the period from October 1, 2016 through September 30, 2017.

Approval of Contract #26-779-4 will allow the contractor to continue providing medical records coding services through September 30, 2018.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, the County will not have access to the contractor's services or meet regulatory requirements.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Anna Roth,
925-370-5101

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

By: , Deputy

cc: Kathleen Cyr, Marcy Wilhelm



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 24, 2017

Subject: Contract Amendment/Extension with Sirius Computer Solutions for IBM System Z Mainframe Operating System services

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Administrator, or designee, to execute a contract amendment with Sirius Computer Solutions, Inc., to extend the termination date from October 31, 2017 to October 31, 2018, and increase the payment limit by \$150,000 to a new payment limit of \$550,000 for continued IBM System Z Mainframe Operating System services, as needed by the Department of Information Technology.

FISCAL IMPACT:

As budgeted in Fiscal Year 2017/2018, 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, or designee, 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: **10/24/2017** ☒ 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 24, 2017

Contact: Scott Sullivan
925-313-1288

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 Finance, Land Information Systems (Assessor, Tax Collector & Auditor Controller), Property Tax Systems (Secured, Unsecured, Redemption and Delinquent), Courts (Criminal and Traffic), Probation (Adult & Juvenile), District Attorney Juvenile, Public Defender, and the Justice Automated Warrant 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 Twa, County Administrator
Date: October 24, 2017

Subject: Amend & Extend State Legislative Contract with Nielsen Merksamer Parrinello Gross & Leoni LLP

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Administrator, or designee to amend a contract with Nielsen Merksamer Parrinello Gross & Leoni LLP, effective January 1, 2018, to extend the term from December 31, 2017 through December 31, 2018 and increase the payment limit by \$180,000 to a new payment limit of \$1,080,000 for continued state advocacy services, subject to approval as to form by County Counsel.

FISCAL IMPACT:

Funding for state advocacy services is included in the FY 2017-18 budget. (100% General Fund)

BACKGROUND:

The firm of Nielsen, Merksamer, Parrinello, Gross & Leoni ("Nielsen Merksamer") has extensive experience in the field of governmental advocacy regarding legislative, administrative and legal issues directly affecting counties. Nielsen Merksamer is recognized for its expertise in the broad area of state and county relations, particularly fiscal relationships. The firm has been instrumental in the development and advancement of the County's state legislative platform for many years.

The Legislation Committee considered the matter at its September 11, 2017 meeting and voted unanimously to recommend a contract extension for one year, to allow staff sufficient time to conduct a procurement process for new contract effective January 1, 2019.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Lara DeLaney (925)
335-1097

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

By: , Deputy

cc: Robert Campbell, Auditor-Controller

CONSEQUENCE OF NEGATIVE ACTION:

The County would not have state advocacy services.



Contra Costa County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 24, 2017

Subject: Amend & Extend Federal Legislative Advocacy Contract with Alcalde & Fay

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Administrator, or designee, to amend a contract with Alcalde & Fay, effective January 1, 2018, to extend the term from December 31, 2017 through December 31, 2018 and increase the payment limit by \$108,500 to a new payment limit of \$633,892 for continued federal advocacy services, subject to approval as to form by County Counsel.

FISCAL IMPACT:

County General Funds have been budgeted for these legislative advocacy services.

BACKGROUND:

Alcalde & Fay, minority-controlled/employee-owned firm, is the County's current federal representative. Paul Schlesinger, the County's point person at Alcalde & Fay, has established the County's presence in Washington, D.C. and developed excellent relationships with staff of our congressional delegation. The result has been a very positive "return on investment" for the County for its appropriation and authorization requests.

The Legislation Committee considered this matter at its September 11, 2017 meeting and voted unanimously to recommend the contract extension for one year, to allow staff sufficient time to conduct a procurement process for new contract effective January 1, 2019.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Lara DeLaney (925)
335-1097

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

By: , Deputy

cc: Robert Campbell, Auditor-Controller

CONSEQUENCE OF NEGATIVE ACTION:

The County will not have representation by a firm for federal advocacy services.



**Contra
Costa
County**

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: October 24, 2017

Subject: Issuance of Request For Proposal for America's Job Center of California and Adult and Dislocated Worker Career Services

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, on behalf of the Workforce Development Board, to issue Request for Proposal #1158 in an amount not to exceed \$1,500,000, to procure America's Job Center of California operations and management and the delivery of Adult and Dislocated Worker Career Services under the Workforce Innovation and Opportunity Act, for the period of July 1, 2018 through June 30, 2019.

FISCAL IMPACT:

The Workforce Development Board of Contra Costa County requests Board Approval to release up to \$1.5 million of Workforce Innovation and Opportunity Act, Adult & Dislocated Worker federal formula funding through a Request for Proposal for the operation and management of America's Job Centers of California and a full array of Adult and Dislocated Worker career services throughout Contra Costa County for Program Years 2018-2019.

CFDA #17.278, 17.258

BACKGROUND:

On September 13th, 2017, the Workforce Development Board (WDB) Executive Committee approved the development and release of a Request For Proposal (RFP) to procure America's Job Center of California (AJCC) operations and management and the delivery of Adult and Dislocated Worker (A&DW) Career Services under the Workforce Innovation and Opportunity Act (WIOA). Since 2000, the WDB has provided these services under the administrative entity of Contra Costa County Employment and Human Services Department (EHSD).

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Gina Chenoweth
608-4961

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

In Contra Costa County, employment services are currently provided to job seekers and businesses via a workforce system that incorporates the Temporary Assistance to Needy Families (TANF)-funded California Work Opportunity and Responsibility to Kids program (CalWORKS) and the WIOA-funded AJCCs, as well as a broad network of community partners.

While AJCC Operations have benefited programmatically and fiscally from integration with CalWORKS under the County EHSD umbrella, the economics have dramatically changed within the last year. With the reduction in CalWORKS funding coupled with the reductions in WIOA funding, it has become unrealistic to continue to support the existing structure at the current level. Further, it is expected that EHSD/WDB will continue to see reductions in allocations next year for both WIOA and CalWORKS.

Local Workforce Development Boards have two options to fulfill the AJCC and A&DW Services Provider requirements under WIOA. The local WDB may serve as the A&DW Career Services Provider with the approval of the local WDB's Chief Elected Official (CEO) and the Governor of California. Contra Costa County WDB's CEO is the Board of Supervisors. Alternatively, the local WDB may also award contracts to eligible providers identified through local procurement policies and procedures. Local WDBs will use a competitive process to select Adult and Dislocated Worker Career Services Providers as it promotes efficiency and effectiveness by regularly examining performance and costs.

CONSEQUENCE OF NEGATIVE ACTION:

The Employment and Human Services Department will be unable to provide adequate career services to adult and dislocated workers.

CHILDREN'S IMPACT STATEMENT:

The services provided under this contract support three of the five of Contra Costa County's community outcomes: (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 career support services for families of adult and dislocated worker.



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer
Date: October 24, 2017

Subject: Approve the 40 Muir Road, 1st Floor, Martinez, Remodel Project and Related CEQA Actions (WH146B)

RECOMMENDATION(S):

- (1) APPROVE the 40 Muir Road, 1st Floor, Martinez, Remodel Project [Project No. 250-1512 [DCD-CP#15-29] (District 5); and
- (2) DETERMINE the Project is a California Environmental Quality Act (CEQA), Class 1(a) Categorical Exemption, pursuant to Article 19, Section 15301 of the CEQA Guidelines, and
- (3) DIRECT the Director of Department of Conservation and Development to file a Notice of Exemption with the County Clerk, and
- (4) AUTHORIZE the Interim Public Works Director, or designee, to arrange for payment of a \$25 fee to the Department of Conservation and Development for processing, and a \$50 fee to the County Clerk for filing the Notice of Exemption.

FISCAL IMPACT:

The estimated construction cost is \$1,000,000 (100% Dept of Conservation and Development - Land Development Fund).

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Ramesh Kanzaria, (925)
313-2000

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

By: , Deputy

cc:

BACKGROUND:

In its current state, part of the first floor of 40 Muir cannot be occupied or utilized by the Department of Conservation and Development or County departments. This project includes design and construction to complete the space so it can be fully utilized as office space. Major components to finish the space include: new partitions, suspended ceilings, doors, flooring, painting, plumbing, HVAC, electrical and tele/data communications.

On April 18, 2017, the Board of Supervisors awarded a job order contract (JOC) for repair, remodeling, and other repetitive work to be performed pursuant to the Construction Task Catalog to each of Federal Solutions Group, Aztec Consultants, Mark Scott Construction, Inc., and S.C. Anderson Group International, Inc., each in the amount of \$2,500,000. This project is expected to be performed by one of the four JOC contractors. A task order catalogue has been prepared for the JOC Contractor to complete this Project. In the event that the Project is not performed by a JOC contractor, the Public Works Department will return to the Board for approval of plans and specifications and authorization to advertise and solicit bids.

CONSEQUENCE OF NEGATIVE ACTION:

If the CEQA is not approved, the space cannot be utilized by County Departments.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: Novation Contract #24-700-66 with Contra Costa Crisis Center

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #24-700-66 with Contra Costa Crisis Center, a non-profit corporation, in an amount not to exceed \$100,672, to provide crisis intervention, suicide prevention and mental health rehabilitative services for the period July 1, 2017 through June 30, 2018, which includes a six-month automatic extension through December 31, 2018, in an amount not to exceed \$50,336.

FISCAL IMPACT:

This contract is funded 100% by Mental Health Realignment. (3% Cost of Living Adjustment)

BACKGROUND:

On December 13, 2016, the Board of Supervisors approved Novation Contract #24-700-65 with Contra Costa Crisis Center, for the provision of crisis intervention, suicide prevention and mental health rehabilitative services, for the period from July 1, 2016 through June 30, 2017, which included a six-month automatic extension through December 31, 2017.

Approval of Novation Contract #24-700-66 replaces the automatic extension under the prior contract and allows the contractor to continue providing services through June 30, 2018.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County residents needing crisis and suicide prevention, and intervention services will not have access to the contractor's services.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 10/24/2017 ☐ 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 24, 2017

Contact: Cynthia Belon,
925-957-5201

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

By: , Deputy

cc: L Walker , M Wilhelm

CHILDREN'S IMPACT STATEMENT:

This program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



**Contra
Costa
County**

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: October 24, 2017

Subject: 2017-18 Young Men's Christian Association of the East Bay Childcare Services Contract

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment & Human Services Director, or designee, to execute a contract with the Young Men's Christian Association of the East Bay in an amount not to exceed \$778,200 to provide Early Head Start and Head Start Program Enhancement services in Richmond, San Pablo and Rodeo for the period of July 1, 2017 through June 30, 2018.

FISCAL IMPACT:

This contract for childcare services is 100% federally funded by the U.S. Department of Health and Human Services, Administration for Children and Families Head Start Program.

CFDA #93.600

BACKGROUND:

Contra Costa County receives funds from the Administration for Children and Families (ACF) to provide Head Start program services for program eligible County residents. The Department, in turn, contracts with a number of

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☒ 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 24, 2017

Contact: CSB (925)
681-6346

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

By: , Deputy

cc: Carolyn Nguyen, Christina Reich, Haydee Ilan

BACKGROUND: (CONT'D)

community-based organizations to provide a wider distribution of services. This contract is for Early Head Start and Head Start program enhancement services for 180 children in Richmond, San Pablo and Rodeo through this partnership with the Young Men's Christian Association of the East Bay.

CONSEQUENCE OF NEGATIVE ACTION:

If not approved, the County will be unable to widely distribute childcare availability through the Young Men's Christian Association of the East Bay.

CHILDREN'S IMPACT STATEMENT:

The Employment and 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 for low-income children throughout Contra Costa County.



**Contra
Costa
County**

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: October 24, 2017

Subject: 2018 Head Start Delegate Agency Contract Renewal

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Department Director, or designee, to execute a contract with First Baptist Church of Pittsburg, California, in an amount not to exceed \$2,109,965 for Head Start Delegate Agency childcare services for the period of January 1, 2018 through December 31, 2018.

FISCAL IMPACT:

This contract is 100% federally funded by the U.S. Department of Health and Human Services, Administration for Children and Families (ACF). The contractor is responsible for the local, non-cash, in-kind match of \$527,492. No pension costs.

CFDA #93.600
33-499-48

BACKGROUND:

On September 12, 2017 (C.65), the Board approved and authorized the submission of the 2018 Head Start grant application to the U.S. Department of Health and Human Services, Administration for Children and Families (ACF), to continue the provision of Head Start services in Contra Costa County. The grant included the plan submitted by the County's Head Start Delegate Agency, First Baptist Church of Pittsburg, California. This board order approves the funding for the delegate agency for the 2018 program year.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☒ 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 24, 2017

Contact: CSB (925)
681-6346

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

By: , Deputy

cc: Carolyn Nguyen, Haydee Ilan, Christina Reich

CONSEQUENCE OF NEGATIVE ACTION:

If not approved, contract will not be executed and Head Start services will not be provided by the First Baptist Church of Pittsburg, California.

CHILDREN'S IMPACT STATEMENT:

The Employment and 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: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: Amendment #26-784-4 with Cardionet, LLC

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #26-784-4 with Cardionet, LLC, a limited liability company, to amend Contract #26-784-3, to increase the payment limit by \$50,000, from \$135,000 to a new payment limit of \$185,000, with no change in the term of November 1, 2016 through October 31, 2017.

FISCAL IMPACT:

This amendment is funded 100% by Hospital Enterprise Fund I. (No rate increase)

BACKGROUND:

On November 1, 2016, the Board of Supervisors approved Contract #26-784-3 with Cardionet, LLC, for the provision of cardiac monitoring services, for the period from November 1, 2016 through October 31, 2017.

Approval of Contract Amendment Agreement #26-784-4 will allow the contractor to continue to provide additional cardiac monitoring services through October 31, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, the contractor will not be able to provide the level of cardiac monitoring services need by the County through October 31, 2017.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Anna Roth,
925-370-5101

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

By: , Deputy

cc: L Walker, M Wilhelm



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: Amendment #23-523-4 with API Healthcare Corporation

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Amendment Agreement #23-523-4 with API Healthcare Corporation, a corporation, effective October 24, 2017, to amend Contract #23-523-2, to increase the payment limit by \$10,800, from \$691,008 to a new payment limit of \$701,808, with no change in the original term of June 30, 2016 through June 29, 2019.

FISCAL IMPACT:

This amendment is funded 100% by Hospital Enterprise fund I. (No rate increase)

BACKGROUND:

On June 21, 2016, the Board of Supervisors approved Contract #23-523-2 with API Healthcare Corporation for the implementation, licensing and hosting of contractor's patient classification software and staffing and scheduling software, for the period from June 30, 2016 through June 29, 2019.

Approval of Contract Amendment Agreement #23-523-4 will allow the contractor to provide additional software consultation and maintenance services with no change in the original term through June 29, 2019.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, the Health Services Department's Information Systems Unit will not receive the consultation and maintenance services needed for patient classification and staffing and scheduling systems.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: David Runt,
925-335-8700

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

By: , Deputy

cc: Tasha Scott, Marcy Wilhelm



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: Amendment to Purchase Order with Comcast Corporation

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute an amendment to Purchase Order # F01259 with Comcast Corporation to add \$55,000 for a new total not to exceed \$145,000 for cable television services for the Contra Costa Regional Medical Center (CCRMC) with no change in the original term of September 1, 2015 through August 31, 2018.

FISCAL IMPACT:

100% funding is included in the Hospital Enterprise Fund I budget.

BACKGROUND:

CCRMC provides cable services for patient entertainment and staff education through Comcast. The fees have increased more than Health Services anticipated and therefore it is necessary to add money to the Purchase Order.

CONSEQUENCE OF NEGATIVE ACTION:

If this change order is not authorized, CCRMC will be unable to provide cable television for patients or educational material for staff.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Anna Roth,
925-370-5101

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

By: , Deputy

cc: Tasha Scott, Marcy Wilhelm, Margaret Harris



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: Amendment #76-588-1 with Cross Country Staffing, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #76-588-1 with Cross Country Staffing, Inc., a corporation, effective July 1, 2017, to amend Contract #76-588 to modify the rate schedule to include Licensed Vocational Nurse (LVN) Sexual Assault Examiner (SANE) on-call rates, with no change in the payment limit of \$4,300,000 and no change in the original term of July 1, 2017 through June 30, 2018.

FISCAL IMPACT:

This amendment is funded 100% by Hospital Enterprise Fund I.

BACKGROUND:

On July 11, 2017, the Board of Supervisors approved Contract #76-588 with Cross Country Staffing, Inc. for the provision of temporary medical staffing services including LVN SANE, therapy, radiology, and pharmacy services at the Contra Costa Regional Medical Center (CCRMC) and Health Centers for the period from July 1, 2017 through June 30, 2018.

Approval of Contract Amendment Agreement #76-588-1 will modify the rate schedule to include LVN SANE on-call rates through June 30, 2018.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, LVN SANE on-call services provided by the contractor will not be compensated.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

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



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: Purchase Order with Groupware Technology Inc. for PureStorage Hardware and Support

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute a Purchase Order with Groupware Technology Inc., in an amount not to exceed \$399,522 for the purchase of Pure Storage Flash Array hardware and support for the period from October 31, 2017 through October 30, 2020.

FISCAL IMPACT:

100% funding is included in the Hospital Enterprise Fund I Budget.

BACKGROUND:

Health Services Department's Information Technology (IT) currently utilizes PureStorage arrays, which stores ccLink electronic medical records (EMR) data. This purchase is for new PureStorage equipment, which will be installed in a new data center location at 2380 Bisso Lane, Concord. The data center will require a new storage array to house all associated Epic EMR data and expand Epic Cache Storage. This purchase includes three years of advanced maintenance and support. Additional disc storage will expand the amount of online medical record data available to providers and provide a faster storage system.

The County and PureStorage entered into an End User Agreement dated April 21, 2017 which includes terms and conditions governing the County's use of PureStorage products.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: David Runt,
925-335-1800

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

By: , Deputy

cc: Tasha Scott, Marcy Wilhelm, Allyson Eggert

CONSEQUENCE OF NEGATIVE ACTION:

Without this purchase, Health Services Department's IT will be unable to adequately store Epic EMR patient data and other critical healthcare information. This could lead to loss of existing data through overwriting or loss of new data due to an inability to store it.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: Master Services and License Agreement with OptumInsight Inc. for Annual License Fees

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute (1) a Master Services License Agreement with OptumInsight Inc., and (2) a Product Schedule with OptumInsight Inc., in the amount of \$128,523 for the purchase of software licenses for the period of January 31, 2018 through January 30, 2023.

FISCAL IMPACT:

100% funding is included in the Hospital Enterprise Fund I Budget.

BACKGROUND:

The Health Services Department's Information Systems Unit requires licenses for Correct Coding Initiatives (CCI) and Local Code Directives (LCD) for the Contra Costa Regional Medical Center (CCRMC) and billing office with regard to the EPIC system. OptumInsight has been a long-term vendor for the CCRMC, and provides the software for CCI and LCD compliance. This product is vital to assuring submission of hospital claims to Medicare and Medi-Cal using appropriate and compliant codes.

Approval will allow the contractor to provide services through January 30, 2023. The Master Services and License Agreement requires the County to indemnify OptumInsight for third party claims arising out of the County's use of the software and to indemnify the American Dental Association ("ADA") for claims and damages arising from the County's use of the ADA's codes or any documentation from the ADA.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: David Runt,
925-335-1800

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

By: , Deputy

cc: Tasha Scott, Marcy Wilhelm, Allyson Eggert

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, the Information Systems Unit will not be able to maintain the required licenses for the billing compliance technologies associated with the Epic Project.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: Purchase Order with Lynbrook Solutions, LLC for SentinelOne Subscription and Support

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Health Services Director, to execute (1) a Purchase Order with Lynbrook Solutions, LLC, in an amount not to exceed \$144,300 for purchase of SentinelOne Endpoint Protection Platform Subscription and Support, and (2) a Solutions Agreement with Sentinel Labs, Inc., for the period October 1, 2017 through September 30, 2020.

FISCAL IMPACT:

100% funding is included in the Hospital Enterprise Fund I Budget.

BACKGROUND:

Contra Costa Health Services Department (HSD) has selected vendor Lynbrook Solutions, LLC to purchase SentinelOne endpoint computer protection. HSD utilizes a signature-based approach, requiring additional protection for HSD's computers from advanced malware, virus, email exploits and scripting tools, which are constantly changing. Identification of these threats, will be better detected and prevented by using SentinelOne's behavior-based threat detection platform.

The Solutions Agreement requires that the County defend and indemnify Sentinel from and against any claim arising out of County's use of the Sentinel One product, as well as for any taxes and fees related to County's use of the product.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: David Runt,
925-335-8700

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

By: , Deputy

cc: Tasha Scott, Marcy Wilhelm, Allyson Eggert

CONSEQUENCE OF NEGATIVE ACTION:

Without this Endpoint protection platform, HSD will not be able to adequately protect against cyber threats which would put patient data and system integrity at risk.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: Amendment #24-259-63 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 #24-259-63 with Center for Human Development, a non-profit corporation, effective July 1, 2017, to amend Contract #24-259-61, to modify the rate sheet for Substance Abuse Primary Prevention Program services for high-risk youth, with no change in the original payment limit of \$675,092 and no change in the original term of July 1, 2017 through June 30, 2018.

FISCAL IMPACT:

This amendment is funded 100% by Federal Substance Abuse Prevention and Treatment Primary Prevention. (Rate increase)

BACKGROUND:

On July 18, 2017, the Board of Supervisors approved Contract #24-259-61 with Center for Human Development, for the provision of substance abuse primary prevention services for high-risk youth, for the period from July 1, 2017 through June 30, 2018.

Approval of Contract Amendment Agreement #24-259-63 will revise the rate schedule to allow the contractor to bill at the rate agreed to by the parties and continue to provide substance abuse primary prevention services, through June 30, 2018.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, the contractor will not be paid at the correct negotiated rate.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

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



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 24, 2017

Subject: GrantStream Incorporated Master Services Contract Amendment/Extension

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Administrator, or designee, to execute a contract amendment with GrantStream, Inc., effective October 24, 2017, to extend the term through October 31, 2020 and increase the payment limit by \$43,200 to a new payment limit of \$111,200 for annual renewals of system maintenance and support for the Grants by Benevity Software-as-a-Service grant management application.

FISCAL IMPACT:

\$111,200 (100% User Fees); the annual maintenance cost of \$21,600 is budgeted under Org# 1580, Keller Canyon Mitigation Fund, FY 17/18, FY 18/19 with allocations to be appropriated for FY 19/20.

BACKGROUND:

The Department of Conservation and Development (DCD) administers, on behalf of the District V Supervisor and the Board of Supervisors, the Keller Canyon Mitigation Fund. The Board allocates Keller funds annually to community-based programs through a competitive grant program. The current in-house developed grant management system has limited capabilities and does not work with mobile computing devices. GrantStream's management system, Benevity, will reduce manual processing of grant funds distribution. It will also provide staff with better reporting and mobile computing capabilities. This proposed contract amendment will extend the term and amend the payment limit to cover the next three annual application hosting, utilization, system maintenance and support payments.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☒ 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 24, 2017

Contact: Joanne Buenger (925)
313-1202

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

In accordance with Administrative Bulletin No 611.0, County departments are required to obtain Board approval for single item purchases over \$100,000. The County Administrator's Office has reviewed this request and recommends approval.

CONSEQUENCE OF NEGATIVE ACTION:

The system would not be maintained and supported. Staff would not have an efficient means to administer the grant program.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: Amendment to Purchase Order with Tierman-Leino Dental Laboratory

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute an amendment to Purchase Order #F06787 with Tiernan-Leino Dental Laboratory to add \$99,000 for a new total not to exceed \$198,000 for dental supplies and prosthetics for the Contra Costa Regional Medical Center (CCRMC) and Health Centers, and the Martinez and West County Detention Facilities with no change in the original term of September 1, 2016 through August 31, 2018.

FISCAL IMPACT:

100% funding included in the Hospital Enterprise Fund I budget.

BACKGROUND:

CCRMC and Health Centers, and the Detention Facilities purchase large quantities of dental supplies and prosthetics from this vendor. Due to an increase in usage, it is necessary to add money to the purchase order.

CONSEQUENCE OF NEGATIVE ACTION:

If this purchase order amendment is not approved, the dental clinics at each location will be unable to treat patients.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: Anna Roth,
925-370-5101

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

By: , Deputy

cc: Tasha Scott, Marcy Wilhelm, Margaret Harris



**Contra
Costa
County**

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: October 24, 2017

Subject: Multifamily Housing Revenue Bonds - Monterey Pines Apartments

RECOMMENDATION(S):

ADOPT Resolution No. 2017/369:

1. Approving the issuance of Multifamily Housing Revenue Bonds (the "Bonds") by the California Municipal Finance Authority (CMFA) in an amount not to exceed \$47,000,000, for the benefit of Monterey Venture LP, a California limited partnership, or another partnership or other entity created by MRK Partners, or one or more affiliates thereof (the "Borrower"), to provide for the financing of the acquisition, rehabilitation, improvement and equipping of a 324-unit multifamily housing development generally known as Monterey Pines Apartments located at 680 South 37th Street in the City of Richmond. Such adoption is solely for the purposes of satisfying the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), the Code and the California Government Code Section 6500 (and following).
2. Authorizing and directing the Chair of the Board of Supervisors, the Vice-Chair of the Board of Supervisors, the County Administrator, the County Assistant Deputy Director of Conservation and Development, County Counsel and the Clerk of the Board to execute such other agreements, documents and certificates, and to perform such other acts and deeds, as may be necessary or convenient to effect the purposes of the Resolution and the transactions authorized.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☒ 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 24, 2017

Contact: Kara Douglas
925-647-7880

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

By: , Deputy

cc:

FISCAL IMPACT:

No impact to the General Fund. The County will be reimbursed for any costs incurred in the process of conducting the TEFRA Hearing. The CMFA will issue tax-exempt revenue bonds on behalf of the Borrower. Repayment of the Bonds is solely the responsibility of the Borrower.

BACKGROUND:

Monterey Venture LP, with the City of Richmond's support, requested the County to conduct a Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) hearing for the California Municipal Finance Authority (CMFA) issuance of Multifamily Housing Revenue Bonds in an amount not to exceed \$47,000,000 to be used to finance the acquisition, development and construction of a 324-unit multifamily rental housing development commonly known as Monterey Pines Apartments located at 680 South 37th Street in the City of Richmond, California (the "Project"). The Project will be operated by Apartment Management Consultants. A TEFRA Hearing must be held by an elected body of the governmental entity having jurisdiction over the area where the project is located in order for all or a portion of the Bonds to qualify as tax-exempt bonds for the financing of the Project. The County is a member of the CMFA and qualifies as an elected body of the governmental entity having jurisdiction over the area where the project is located.

The main purposes of the proposed Resolution are to acknowledge that a public hearing was held by the County's Assistant Deputy Director on October 12, 2017, where members of the community were given an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing of the project and to approve of CMFA's use of tax-exempt bonds for the financing of the Project. No public comments were received. A notice of the hearing was published in the Contra Costa Times (proof of publication attached) on September 28, 2017.

The County's only role in this transaction was to hold the TEFRA hearing and to grant the limited approval described above. Additional actions related to the bond issuance will be the responsibility of CMFA and the Borrower.

CONSEQUENCE OF NEGATIVE ACTION:

Negative action would prevent CMFA from providing tax-exempt financing for the Monterey Pines Apartments project in Richmond.

ATTACHMENTS

Resolution No. 2017/369

Proof of Publication

TEFRA Hearing Transcript

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

Adopted this Resolution on 10/24/2017 by the following vote:

AYE: ☐
NO: ☐
ABSENT: ☐
ABSTAIN: ☐
RECUSE: ☐



Resolution No. 2017/369

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA APPROVING THE ISSUANCE OF THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY MULTIFAMILY HOUSING REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$47,000,000 FOR THE PURPOSE OF FINANCING OR REFINANCING THE ACQUISITION, REHABILITATION, IMPROVEMENT AND EQUIPPING OF MONTEREY PINES APARTMENTS AND CERTAIN OTHER MATTERS RELATING THERETO

WHEREAS, Monterey Venture LP (the “Borrower”) or a partnership created by MRK Partners (the “Developer”), consisting at least of the Developer or a related person to the Developer and one or more limited partners, has requested that the California Municipal Finance Authority (the “Authority”) participate in the issuance of one or more series of revenue bonds issued from time to time, including bonds issued to refund such revenue bonds in one or more series from time to time, in an aggregate principal amount not to exceed \$47,000,000 (the “Bonds”) for the acquisition, rehabilitation, improvement and equipping of a 324-unit multifamily rental housing project located at 680 South 37th Street, Richmond, California, generally known as Monterey Pines Apartments (the “Project”) and operated by Apartment Management Consultants LLC; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the “Code”), the issuance of the Bonds by the Authority must be approved by the County of Contra Costa (the “County”) because the Project is located within the territorial limits of the County; and

WHEREAS, the Board of Supervisors of the County (the “Board of Supervisors”) is the elected legislative body of the County and is one of the “applicable elected representatives” required to approve the issuance of the Bonds under Section 147(f) of the Code; and

WHEREAS, the Authority has requested that the Board of Supervisors approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the “Agreement”), among certain local agencies, including the County; and

WHEREAS, pursuant to Section 147(f) of the Code, the Assistant Deputy Director, Department of Conservation and Development of the County has, following notice duly given, held a public hearing regarding the issuance of the Bonds, and a summary of any oral or written testimony received at the public hearing has been presented to the Board of Supervisors for their consideration; and

WHEREAS, the Board now desires to approve the issuance of the Bonds by the Authority;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Contra Costa as follows:

Section 1. The foregoing resolutions are true and correct.

Section 2. The Board of Supervisors hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the Board of Supervisors that this resolution constitute approval of the issuance of the Bonds by the Authority, for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with said Section 147(f) and (b) Section 4 of the Agreement.

Section 3. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The County shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 4. The adoption of this Resolution shall not obligate the County or any department thereof to (i) provide any financing to

acquire or construct the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, construction, rehabilitation, installation or operation of the Project; (iii) make any contribution or advance any funds whatsoever to the Authority; or (iv) take any further action with respect to the Authority or its membership therein.

Section 5. The Chair of the Board of Supervisors, the Vice-Chair of the Board of Supervisors, the County Administrator, the County Assistant Deputy Director of Conservation and Development, County Counsel, are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

Section 6. This resolution shall take effect immediately upon its adoption.

I hereby certify that this 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: Kara Douglas 925-647-7880

ATTESTED: October 24, 2017

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

By: , Deputy

cc:

West County Times

1050 Marina Way S
Richmond, CA 94804
(510) 262-2740

3646650

ORRICK PUBLIC FINANCE
405 HOWARD ST
SAN FRANCISCO, CA 94105

PROOF OF PUBLICATION

FILE NO. TEFRA Monterey Pines Apts.

In the matter of

West County Times

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the West County Times, a newspaper of general circulation, printed and published at 2640 Shadelands Drive in the City of Walnut Creek, County of Contra Costa, 94598

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of August 29, 1978. Case Number 188884.

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

09/28/2017

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 28th day of September, 2017.



Signature

Legal No.

0006034343

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Community Development Bond Program Manager of the County of Contra Costa (the "County") on Thursday, October 12, 2017 at the hour of 9:00 AM in the offices of the Contra Costa County Department of Conservation and Development, 30 Muir Road, Martinez, California, will conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, at which it will hear and consider information concerning a proposed plan of financing providing for the issuance by the California Municipal Finance Authority of multifamily housing revenue bonds in one or more series issued from time to time, including bonds issued to refund such revenue bonds in one or more series from time to time, and at no time to exceed \$47,000,000 in outstanding aggregate principal amount, to finance or refinance the acquisition and rehabilitation of a 324-unit multifamily rental housing project located at 680 South 37th Street, Richmond, California. The facilities are to be owned by Monterey Venture LP (the "Borrower") or a partnership created by MRK Partners (the "Developer"), consisting at least of the Developer or a related person to the Developer and one or more limited partners, operated by Apartment Management Consultants LLC, and are generally known as Monterey Pines Apartments (the "Project").

Those wishing to comment on the proposed financing and the nature and location of the Project may either appear in person at the public hearing or submit written comments, which must be received by the County prior to the hearing. Written comments should be addressed to: Kara Douglas Contra Costa County Department of Conservation and Development, 30 Muir Road, Martinez, California 94553.

Dated: September 28, 2017

WCT 6034343 September 28, 2017

TRANSCRIPT FOR THE TEFRA HEARING

October 12, 2017 9:00 a.m.

This noticed public hearing is required by the federal Tax Equity and Fiscal Responsibility Act (TEFRA), Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"). The hearing is on the proposed issuance by the California Municipal Finance Authority of its revenue bonds in an amount not to exceed forty-seven million dollars (\$47,000,000). Proceeds from the sale of the proposed bonds will be used to provide financing for costs of the acquisition, construction, and improvement of a multifamily housing residential facility generally known as Monterey Pines Apartments located at 680 South 37th Street in the City of Richmond, California (the "Project").

TEFRA requires that a public hearing be held by a governing body of the jurisdiction in which a project to be financed is located, and that the governing body approve the proposed financing solely for the purposes of satisfying the requirements of TEFRA, the Code, and the California Government Code Section 6500. The Projects are within the jurisdiction of the County of Contra Costa. The Contra Costa County Board of Supervisors may consider adoption of a resolution approving the issuance of the bonds on October 24, 2017. Any comments provided at this hearing will be made available to the Board of Supervisors prior to their taking action on October 24, 2017, or on such later date as the matter may be considered by the Board of Supervisors.

If there are parties present who wish to voice their opinion and provide comments on the proposed financing of the development or the issuance of the bonds, I would ask that they be recognized now by raising their hand. I will then let each person provide any written or oral testimony that they may wish to provide on this matter.

Opened hearing: 9:00 am
Speakers present: Ø
Closed hearing: 9:20 am

By: Kara Douglas
Kara Douglas,
Assistant Deputy Director,
Department of Conservation and Development,
County of Contra Costa

Date: October 12, 2017



**Contra
Costa
County**

To: Board of Supervisors

From: Matt Slattengren

Date: October 24, 2017

Subject: 2016 Crop Report for Contra Costa County Department of Agriculture

RECOMMENDATION(S):

ACCEPT the 2016 Crop Report and AUTHORIZE submittal of the report to the California Department of Food and Agriculture.

FISCAL IMPACT:

There is no fiscal impact

BACKGROUND:

Sections 2271 (a) and 2279 of the California Food and Agriculture Code require the County Agricultural Commissioner to submit an annual report to the State Secretary of the California Department of Food and Agriculture regarding the condition, acreage, production and value of agricultural products in the county. The annual report also include what is being done to eradicate, control or manage pests and actions relating to the exclusion of pests or quarantines against pests. The report includes information about organic farming, biotechnology, integrated pest management and biological control activities in the County. The 2016 Crop Report provides core agricultural statistical data and programmatic information about Contra Costa County. It contains information about the many sources of food production in the County, including commercial and small-scale diversified farms, community and school gardens, nurseries, and livestock production. In addition, articles on drought, native plants, cherry production, urban agriculture and the work being completed by Weights and Measures staff are included illustrating the diversity of farming in the County and the work that the County Agricultural Commissioner's office does to support a robust agricultural industry.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

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

Contact: (925)
646-5250

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The annual filing of a county crop report is required of the Agricultural Commissioner per Sections 2272(a) and 2279 of the California Food and Agricultural Code. A negative action would delay filing or prevent submission.

ATTACHMENTS

2016 Crop Report



Our Town Brentwood CA

Steve Verduzco



CONTRA COSTA COUNTY AGRICULTURAL CROP REPORT 2016 & 2018 CALENDAR

Table of Contents

Staff

Title	Page No	Month
Agricultural Commissioner and Sealer's Letter	2	-
Mission Statement	3	-
Leading Crops	4	Oct. – Dec. 2017
Production Summary	6	January 2018
Vegetable and Seed Crops	8	February 2018
Livestock and Livestock Products	10	March 2018
Pest Exclusion & Canine Teams	12	April 2018
Field Crops	14	May 2018
IPM Achievement Award	16	June 2018
Fruit and Nut Crops	18	July 2018
Certified Farmer's Market	20	August 2018
Nursery Production	22	September 2018
The Summer of the Glassy-Winged Sharpshooter	24	October 2018
Pest Detection	26	November 2018
And then came the Rain	28	December 2018
Weights & Measures	30	January 2019

Contra Costa County

Department of Agriculture/Weights & Measures

2366-A Stanwell Circle ♦ Concord, CA 94520 ♦ (925) 646-5250
<http://www.co.contra-costa.ca.us/1542/Agriculture-Weights-Measures>
 email: AgCommissioner@ag.cccounty.us

We are moving by the end of 2017!

Our new address and phone number will be:
 2380 Bisso Lane ♦ Concord, CA 94520 ♦ (925) 608-6600

Assistant Agricultural Commissioner

Matt Slattengren

Deputy Agricultural Commissioners and Sealers

Beth Slate, Larry Yost, Steve Reymann

Agricultural Biologists

Karen Adler, Keri Brumfield, Mariah DeNijs, Ralph Fonseca, Ivan Godwyn, Mortay Mendoza, Abdoulaye Niang, Lucas Pattie, Wil Schaub, Cecilie Siegel, Jorge Vargas

Weights and Measures Sealers

Gabriel Adebote, Christine Buelna, Patrick Bowen, Ngozi Egbuna, Harmeet Gill, Chris Michaels, Joel Rocha

Agricultural & Standards Aides

Simone Ackermann, David Hallinan, Greg Spurlock

Administrative Support

Roxann Crosby, Stephanna Hidalgo

Information Technology Support

Susan Wright

Pest Detection, Pest Management, and Glassy-Winged Sharpshooter Staff

Danilo Angcla, Artie Basavaraj, Amanda Crosby, Barry Dagenbach, Warren Kawamoto, Karin Linnen, John Luzar, Rick Mata, Linda Mazur, Kerry Motts, Eldren Prieto, Daniel Sinz, Lindsay Skidmore, Shannon Smith, Elisabeth Topete, Wendy Winter, Tom Wright, Oscar Zaldua

Pest Quarantine Detector Canines

Cairo DeNijs, Conan Siegel

Crop Report Photo Credits and our Special Thanks go to:

- Steve Verduzco for the front cover and December photographs. More of his work can be seen at www.facebook.com/ourtownbrentwoodca.
- Utopia Animal Rescue, Texas for providing the April photograph.

Background photo: Garlic harvest in Brentwood

Agricultural Commissioner and Sealer's Letter

Karen Ross, Secretary
California Department of Food and Agriculture and
The Honorable Board of Supervisors of Contra Costa County

I am pleased to submit the 2016 Agricultural Crop Report for Contra Costa County in accordance with the provisions of Section 2272 and 2279 of the California Food and Agricultural Code. This report includes information on additional topics, including Certified Farmers' Markets, the Mayor's Healthy Cook-Off Challenge, pest interceptions, and rainfall data.

The total gross value of agricultural crops in 2016 was \$128,100,000, which is a decrease of \$451,000 or 0.4% from 2015. In general, demand and prices have remained strong for agricultural crops in Contra Costa County.

Crop values vary from year to year due to factors such as production, weather, and market conditions. Some notable changes include an almost 45% increase in fruit and nut crop values due to more cultivated acreage, and a moderate decrease of \$8,700,000 in livestock and livestock product values due to lower market prices. Vegetable and seed production conditions remained largely unchanged with a small increase in production values of \$1,000,000.

Several crop categories exceeded one million dollars in value. These categories in decreasing order include cattle and calves, tomatoes, sweet corn, grapes, miscellaneous vegetables, field corn, miscellaneous field crops, cherries, rangeland, and peaches.

It should be emphasized that the values stated in this report are gross receipts and do not include the cost of production, transportation, or marketing of the products. The economic benefit of agricultural production is generally thought to be about three times the gross production value.

Of particular note is the format change of the annual report, which incorporates a 2018 calendar, as we are looking toward the next prosperous growing season.

I truly appreciate the agricultural producers and organizations that shared information and supported our efforts in completing this report. Special recognition goes to all of the staff who assisted in compiling this information to make this report possible.

Respectfully Submitted,



Humberto Izquierdo
Agricultural Commissioner
Sealer of Weights and Measures

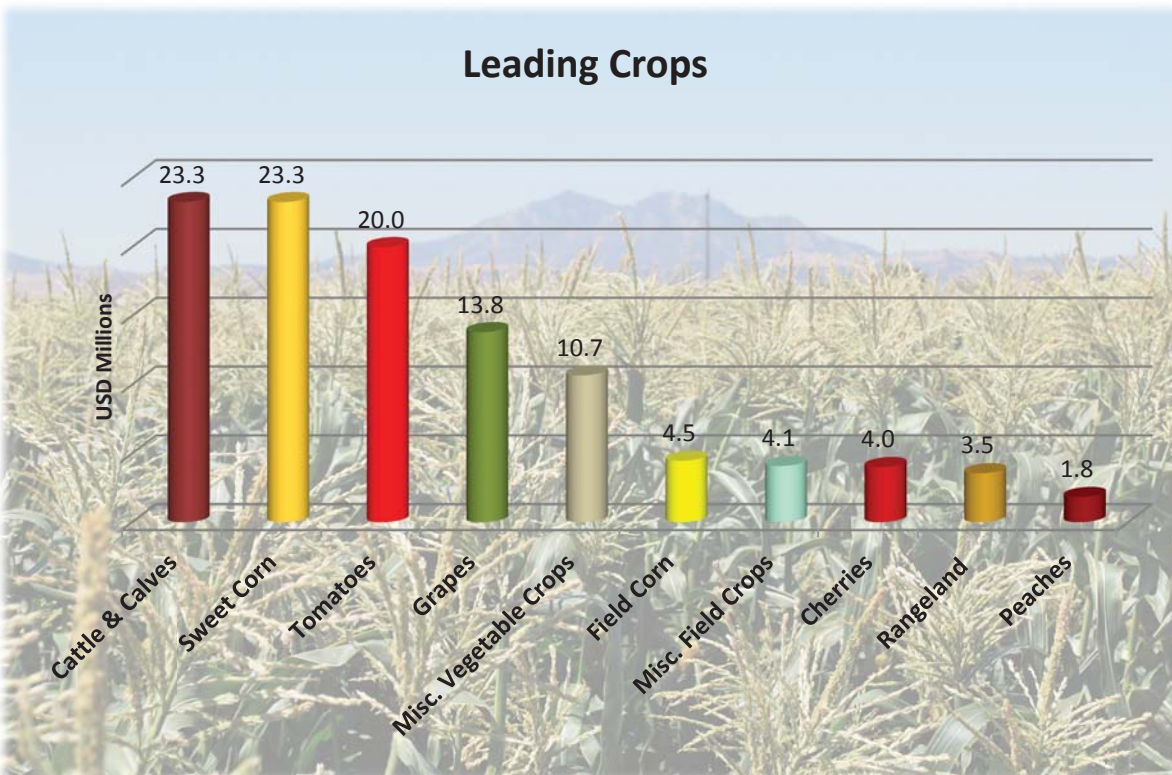
Contra
Costa
County



Mission Statement

The Contra Costa County Department of Agriculture, under the direction of the California Department of Food and Agriculture, Department of Pesticide Regulation, and Division of Measurement Standards, is responsible for conducting regulatory and service activities pertaining to the agricultural industry and the consumers of our County. The primary goal of this office is to promote and protect agriculture while safeguarding the public and the environment. Our work as County Weights and Measures officials in the community ensures a safe place to live and a fair marketplace for trade.





October 2017							November 2017							December 2017						
Su	M	Tu	W	Th	F	Sa	Su	M	Tu	W	Th	F	Sa	Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7				1	2	3	4						1	2
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9
15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23
29	30	31					26	27	28	29	30			24	25	26	27	28	29	30
														31						
10/9: Columbus Day 10/31: Halloween							11/5: End Daylight Saving Time 11/11: Veterans Day 11/23: Thanksgiving Day							12/6 + 12/9: Grower CE Classes 12/25: Christmas Day 12/31: New Year's Eve						



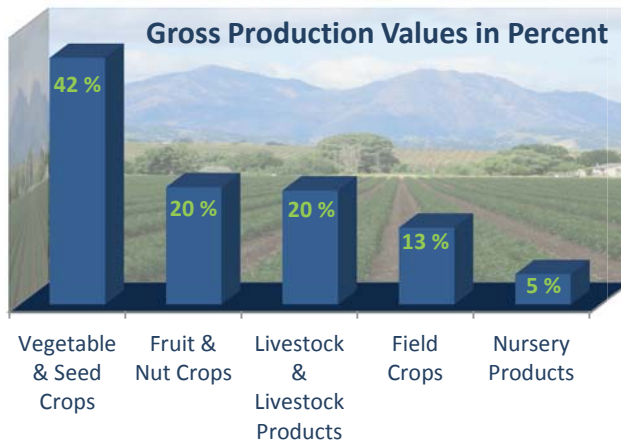
SUN	MON	TUE	WED	THU	FRI	SAT
31	1 New Year's Day	2	3	4	5	6
7	8	9	10	11	12	13
14	15 Martin Luther King Jr. Day	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	January 2018	

PRODUCTION SUMMARY

Overall total production values declined marginally in 2016. Values for fruit and nut crops increased sharply in both acreage and value, whereas livestock and livestock products experienced a strong downward trend.

Vegetable and seed crops are leading agricultural production by a wide margin, followed by fruit and nut crops in second, with livestock and livestock products in close pursuit.

Nursery production acreage has diminished by half, but gross value has remained steady.



Category	Gross Value		Change in Gross Value	Total Cultivated Acreage		Change in Acreage	Ranking	
	2016	2015	%	2016	2015	%	2016	2015
Vegetable & Seed Crops	\$53,908,000	\$52,883,000	+2	8,977	9,051	-1	1	1
Fruit & Nut Crops	\$25,673,000	\$17,724,000	+45	4,183	3,245	+29	2	4
Livestock & Livestock Products	\$24,981,000	\$33,673,000	-26	n/a	n/a	n/a	3	2
Field Crops	\$16,845,000	\$17,821,000	-5	197,405	192,958	+2	4	3
Nursery Products	\$6,649,000	\$6,405,000	+4	21	43	-51	5	5
Total	\$128,056,000	128,507,000	-0.4	210,586	205,297	-2.5		



SUN	MON	TUE	WED	THU	FRI	SAT
February 2018		30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	1	2	3



Valentine's Day

Presidents' Day

VEGETABLE AND SEED CROPS

Sweet corn remained the leading vegetable crop due to continuing demand for this Contra Costa County high quality product. Total value grew by 15% due to an increase in harvested acreage.

Total tomato value decreased by 12% due to less harvested acreage. Also noticeable was the lower total value for processing tomatoes, which was down 19%. This decrease was due to less harvested acreage and lower market prices.



Crop	Year	Harvested Acreage	Production Per Acre	Tons Harvested	Value Per Ton	Total Value ¹
Sweet Corn	2016	4,026	11.00 tons	44,300	\$525	\$23,258,000
	2015	3,629	10.63 tons	38,600	\$525	\$20,252,000
Tomatoes ²	2016	3,520	48.01 tons	169,000	various	\$19,987,000
	2015	4,172	48.89 tons	204,000	various	\$22,767,000
Misc. ³	2016	1,431	various	various	various	\$10,663,000
	2015	1,250	various	various	various	\$9,864,000
Total	2016	8,977				\$53,908,000
	2015	9,051				\$52,883,000

¹ Values represent rounded estimates based on data collected from producers, experts and literature.

² Includes fresh and processing tomatoes.

³ Includes asparagus, artichokes, beans, beets, broccoli, cabbage, cardoon, carrots, cauliflower, cucumbers, eggplant, garlic, ginseng, kohlrabi, lettuce, okra, onions, greens, herbs, melons, mushrooms, peas, peppers, potatoes, pumpkins, radishes, squash, and wheat grass.



SUN	MON	TUE	WED	THU	FRI	SAT
March 2018		27	28	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
Begin Daylight Saving Time						
18	19	20	21	22	23	24
25	26	27	28	29	30	31
					Good Friday	

LIVESTOCK & LIVESTOCK PRODUCTS

The gross value for cattle products decreased significantly in 2016 due to overall lower market prices. The relatively large price decline is presumably due to a combination of factors. One of the reasons was herd reductions during 2015/2016, which in turn oversupplied the market. Other reasons influencing prices were uncertainty factors with respect to trade agreements and federal programs that may no longer be available to farmers in the mid- to long-term.



Commodity	Year	Number of Head	Total Live Weight	Value Per CWT	Total Value ¹
Cattle & Calves	2016	19,257	169,134 lbs	\$138	\$23,267,000
	2015	20,506	182,060 lbs	\$173	\$31,519,000
Apiary Products ²	2016	N/A	N/A	N/A	\$414,000
	2015	N/A	N/A	N/A	\$454,000
Misc. Livestock ³	2016	N/A	N/A	N/A	\$1,300,000
	2015	N/A	N/A	N/A	\$1,700,000
Total	2016 2015	N/A	N/A	N/A	\$24,981,000 \$33,673,000

¹ Values represent rounded estimates based on data collected from producers, experts and literature.

² Includes honey, wax and pollination.

³ Includes chickens, ducks, emus, goats, hogs, llamas, ostriches, pigs, rabbits, sheep, turkeys, milk, wool and eggs.



Conan, Agriculture Detector Dog

SUN	MON	TUE	WED	THU	FRI	SAT
1 Easter Sunday	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	1	2	3	April 2018	



Cairo, Agriculture Detector Dog

PEST MANAGEMENT AND ERADICATION

In 2016, Department of Agriculture staff applied integrated pest management (IPM) methods, including surveying, monitoring, and chemical applications to control or eradicate noxious weed pests on public and private land. Major weed species treated were artichoke thistle and purple star thistle.



PEST EXCLUSION & CANINE TEAMS

The goal of our pest exclusion program is to keep exotic pests out of our State and County. We meet this objective by regularly inspecting shipments at nurseries and service terminals, operated by the United States Postal Service, FedEx, UPS, and others.

Agricultural detector dogs play a pivotal role in this mission as they are trained to find agricultural commodities shipped in unmarked packages assisting our inspectors with their invaluable 'sniffing' skills.

In 2016, our two canine teams worked in several counties beyond Contra Costa County. Non-native pest interceptions occurred in Santa Clara, San Joaquin, and Yolo Counties.

Pest Exclusion Statistics

Post Office / UPS / FedEx – Package Inspections	7,011
Truck Shipment Inspections from within California	2,142
Truck Shipment Inspections from other States	167
Household Goods Inspections for Gypsy Moth	83
Non-native Pest Interceptions	5
Canine Detection Non-native Pest Interceptions ¹	73
Quarantine Pest, Certification and Markings Rejections	94

¹ Interceptions in San Joaquin, Santa Clara, and Yolo Counties



SUN	MON	TUE	WED	THU	FRI	SAT
May 2018		1	2	3	4	5
		6	7	8	9	10
		11	12	13	14	15
		16	17	18	19	20
Mother's Day		21	22	23	24	25
26		27	28	29	30	31
Memorial Day						

FIELD CROPS

In 2016, the total value of all field crops decreased in spite of slightly more harvested acreage. The lower prices were especially evident for alfalfa, cereal hay, and rangeland. The value for wheat was slightly higher than during the prior year.

The harvested acreage for miscellaneous field crops more than doubled in 2016 with a 71% increase in total value. Irrigated pasture prices remained steady.



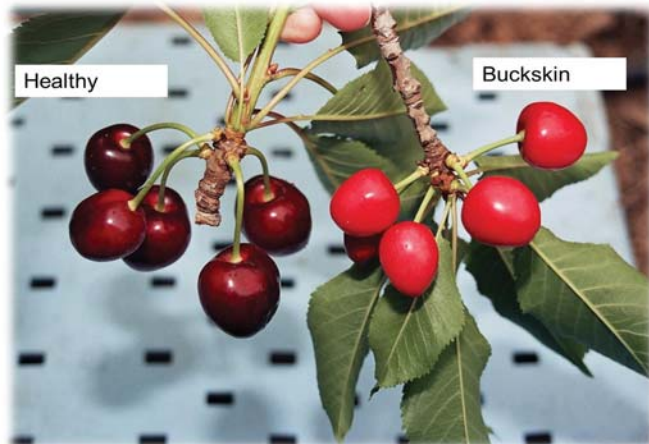
Crop	Year	Harvested Acreage	Production Per Acre	Tons Harvested	Unit	Value Per Unit	Total Value ¹
Alfalfa Hay	2016	1,909	4.16	15,100	Ton	\$155.70	\$1,236,000
	2015	2,947	5.13	7,940		\$218.42	\$3,298,000
Cereal Hay	2016	2,917	4.54	13,200	Ton	\$55.38	\$823,000
	2015	2,420	2.64	6,390		\$128.80	\$731,000
Field Corn	2016	7,408	3.92	29,000	Ton	\$153.55	\$4,453,000
	2015	6,176	3.87	23,900		\$154.18	\$3,685,000
Irrigated Pasture	2016	5,450	n/a	n/a	Acre	\$300.00	\$1,635,000
	2015	5,450	n/a	n/a		\$300.00	\$1,635,000
Rangeland	2016	169,000	n/a	n/a	Acre	\$21.00	\$3,549,000
	2015	169,000	n/a	n/a		\$29.00	\$4,918,000
Wheat	2016	3,063	2.06	6,310	Ton	\$183.68	\$1,159,000
	2015	3,921	1.76	6,550		\$164.54	\$1,078,000
Misc. ²	2016	7,658	various	various	var.	various	\$4,082,000
	2015	3,244	various	various		various	\$2,384,000
Total	2016	197,405					\$16,845,000
	2015	192,958					\$17,821,000

¹ Values represent rounded estimates based on data collected from producers, experts, and literature.

² Includes barley, forage hay, hay (wild), rye, safflower, silage, straw, Sudan grass, and sorghum.



SUN	MON	TUE	WED	THU	FRI	SAT
June 2018		29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17 Father's Day	18	19	20	21	22	23
24	25	26	27	28	29	30



INTEGRATED PEST MANAGEMENT (IPM) ACHIEVEMENT AWARD

In 1987, increased efforts to prevent the establishment of cherry buckskin disease began in Contra Costa County. The disease can destroy entire cherry orchards if left unchecked. Transmitted by leafhoppers, the disease is difficult to detect because symptoms aren't obvious until harvest, which is the busiest time for growers.

Combined collaboration of Department of Agriculture staff, UC Farm Advisor / Master Gardeners, and growers to scout for disease symptoms, followed by immediate action to remove diseased trees has resulted in disease-free cherry trees during harvest in 2016. Through proactive outreach efforts the program has eliminated the need for continuing preventative sprays.

In 2016, the Department of Pesticide Regulation (DPR) honored the success of this program with an IPM Achievement Award to prevent the establishment of Cherry Buckskin disease. In 2013, Contra Costa County Department of Agriculture received an IPM award for adopting a comprehensive IPM plan for controlling exotic insects and suppressing noxious weeds and vertebrate pests, making this the second award received from DPR since the program's inception.



SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4 Independence Day	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2		

July
2018



FRUIT AND NUT CROPS

Harvested acreage and tonnage of fruit and nut crops increased significantly in 2016. The value of grapes increased substantially, resulting in a nearly 47% higher total value. The cherry crop was unusually good this year with an almost 50% higher yield per harvested acre totaling a 43% increase in total value compared to the prior year.

Crop	Year	Harvested Acreage	Production Per Acre	Harvested Tons	Value Per Ton	Total Value ¹
Apricots	2016	101	5.15 tons	520	\$2,063	\$1,073,000
	2015	88	4.26 tons	375	\$3,635	\$1,363,000
Cherries	2016	580	1.48 tons	858	\$4,660	\$3,998,000
	2015	479	1.03 tons	493	\$4,634	\$2,285,000
Grapes	2016	2,499	5.05 tons	12,600	\$1,096	\$13,810,000
	2015	1,900	4.70 tons	8,930	\$824	\$7,368,000
Nectarines	2016	31	5.73 tons	176	\$2,712	\$483,000
	2015	23	3.37 tons	76	\$6,581	\$500,000
Olives	2016	158	2.13 tons	337	\$876	\$295,000
	2015	131	2.22 tons	291	\$685	\$199,000
Peaches	2016	125	5.88 tons	735	\$2,491	\$1,831,000
	2015	110	3.39 tons	373	\$4,683	\$1,747,000
Plums & Pluots	2016	38	5.46 tons	207	\$3,234	\$669,000
	2015	32	4.21 tons	133	\$5,253	\$699,000
Walnuts	2016	450	2.28 tons	1,030	\$1,776	\$1,829,000
	2015	374	2.08 tons	777	\$3,145	\$2,444,000
Misc. ²	2016	201	various	various	various	\$1,685,000
	2015	109				\$1,119,000
Total	2016	4,183				\$25,673,000
	2015	3,245				\$17,724,000

¹ Values represent rounded estimates based on data collected from producers, experts, and literature.

² Includes almonds, apples, apriums, Asian pears, berries, citrus, figs, melons, pears, pecans, persimmons, pistachios, prunes, pomegranates, quinces and strawberries.



SUN	MON	TUE	WED	THU	FRI	SAT
August 2018		31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1

8th Annual Contra Costa County Mayor's Healthy Cook-Off Challenge

On August 11, 2016 six Contra Costa County mayors gathered at Todos Santos Plaza in Concord to help promote healthy cooking alternatives, using all fresh ingredients. The annual event allowed the participating mayors to cook Iron Chef-style, along with a chef from a local restaurant or catering business and a sous chef from the Mt. Diablo High School nutrition and hospitality program. The event was hosted by Wellness City Challenge, the City of Concord, and Pacific Coast Farmers' Market Association. The Department of Agriculture was instrumental in procuring a bounty of fresh ingredients from the following local farms, thereby promoting the diverse agricultural production of Contra Costa County: Dal Porto Beef, Dwelley Farms, Eden Plains Organic Farm, McCauley Olive Groves, and Shelly's Eggs in Brentwood; First Generation Farmers and Smith Family Farms in Knightsen; and Sunnyside Organic Farm in Richmond. The winner of the event was Pleasant Hill, with Danville taking second, and Antioch placing third.

Certified Farmers' Markets (CFM)

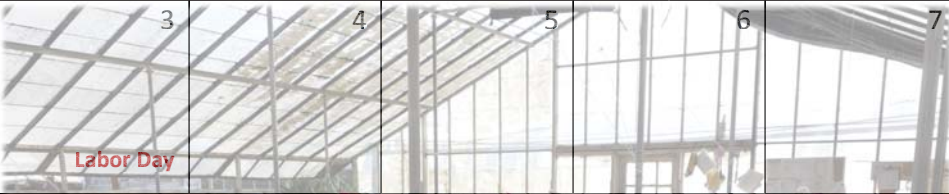


The Department of Agriculture inspects and certifies growers who plan to sell at a Certified Farmers' Market. Agricultural Biologists inspect both growing grounds and market booths to confirm that producers grow what they sell.

In 2016, Contra Costa County Agricultural Department certified 23 farmers' markets, issued 51 Certified Producer's Certificates, and conducted 100 market inspections.

Currently operating Farmers' Markets in
Contra Costa County:

CFM Name	Day
Alamo	Sun
Antioch Kaiser	Thu
Brentwood	Sat
Clayton	Sat
Concord	Tue + Thu
Danville	Sat
Diablo Valley Shadelands	Sat
El Cerrito	Tue + Sat
Kensington	Sun
Martinez	Sun
Moraga	Sun
Orinda	Sat
Pinole	Sat
Pittsburg	Sat
Pleasant Hill	Sat
Richmond	Fri
Rossmoor	Fri
San Ramon Bishop Ranch 2	Sat
San Ramon Bishop Ranch 3	Thu
Walnut Creek Kaiser	Tue
Walnut Creek	Sun



SUN	MON	TUE	WED	THU	FRI	SAT																																
September 2018		28	29	30	31	1																																
2	 Labor Day					8																																
9						15																																
16						22																																
23	24	25	26	27	28	29																																
30	<table><tr><th>Commodity</th><th>Year</th><th>Greenhouse Production</th><th>Field Production</th><th>Total Value¹</th></tr><tr><td rowspan="2">Flowers & Foliage</td><td>2016</td><td>26,000 sq.ft.</td><td>n/a</td><td>\$20,000</td></tr><tr><td>2015</td><td>72,000 sq.ft.</td><td>n/a</td><td>\$44,000</td></tr><tr><td rowspan="2">Nursery Products</td><td>2016</td><td>39,725 sq.ft.</td><td>21.0 acres</td><td>\$6,629,000</td></tr><tr><td>2015</td><td>39,725 sq.ft.</td><td>40.0 acres</td><td>\$6,361,000</td></tr><tr><td>Total</td><td>2016</td><td></td><td></td><td>\$6,649,000</td></tr><tr><td></td><td>2015</td><td></td><td></td><td>\$6,406,000</td></tr></table>					Commodity	Year	Greenhouse Production	Field Production	Total Value ¹	Flowers & Foliage	2016	26,000 sq.ft.	n/a	\$20,000	2015	72,000 sq.ft.	n/a	\$44,000	Nursery Products	2016	39,725 sq.ft.	21.0 acres	\$6,629,000	2015	39,725 sq.ft.	40.0 acres	\$6,361,000	Total	2016			\$6,649,000		2015			\$6,406,000
	Commodity	Year	Greenhouse Production	Field Production	Total Value ¹																																	
	Flowers & Foliage	2016	26,000 sq.ft.	n/a	\$20,000																																	
		2015	72,000 sq.ft.	n/a	\$44,000																																	
	Nursery Products	2016	39,725 sq.ft.	21.0 acres	\$6,629,000																																	
2015		39,725 sq.ft.	40.0 acres	\$6,361,000																																		
Total	2016			\$6,649,000																																		
	2015			\$6,406,000																																		
¹ Values represent rounded estimates based on data collected from producers, experts and literature.																																						

NURSERY PRODUCTION

In 2016, overall nursery production values significantly increased from the prior year.

The value for flowers and foliage decreased substantially due to closures of businesses that produced a variety of house plants and orchids.





SUN	MON	TUE	WED	THU	FRI	SAT
30	1	2	3	4	5	6
7	8 Columbus Day	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31 Halloween	1	October 2018	

Glassy-Winged Sharpshooter (GWSS) and Pierce's Disease

Since its introduction into California in the early 1990s, the Glassy-Winged Sharpshooter (GWSS) has become an agricultural pest that is threatening the multi-billion dollar viticulture industry of California. It is the main source of the spread of Pierce's disease in grapevines. GWSS infects plants with the bacterium *Xylella fastidiosa* while feeding on the sap of the xylem of a vine. Pierce's disease control is based entirely on preventing infection. Therefore, keeping GWSS populations in check is the primary goal. Research to develop disease resistant vines is currently underway.



The Summer of the Glassy-Winged Sharpshooter

Homalodisca vitripennis

Agricultural inspectors are instrumental in the detection of adult Glassy-winged Sharpshooters (GWSS) and egg masses on nursery stock and plant shipments that originate from infested areas, which are located mainly in southern California.

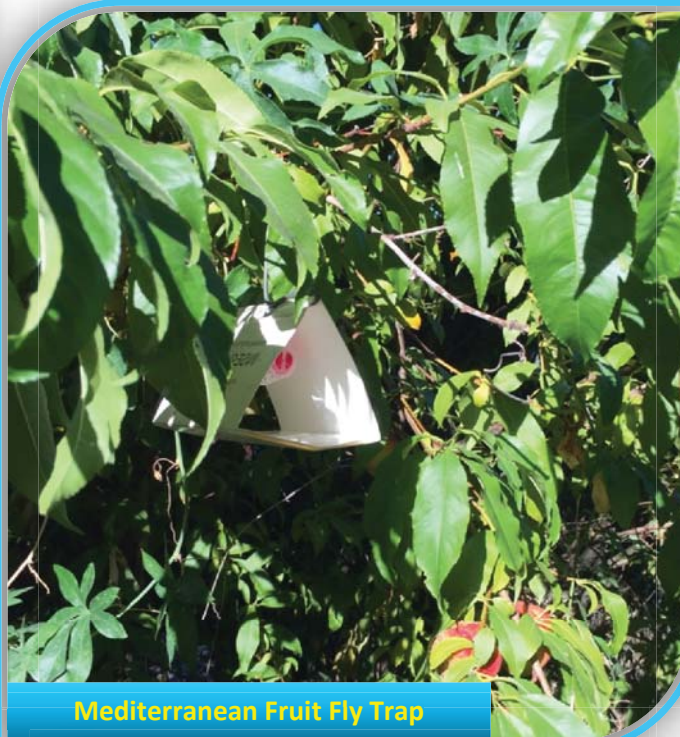
During the summer of 2016, our inspectors found adult GWSS in four different nurseries between June 15 and September 22, in San Ramon, Pleasant Hill, Lafayette, and Brentwood.

Increased monitoring and highly focused treatments at the find sites ensured complete eradication of GWSS at these nurseries. These measures have created a system that allows for environmentally sound management of this insect pest.





General Fruit Fly Trap (McPhail)



Mediterranean Fruit Fly Trap



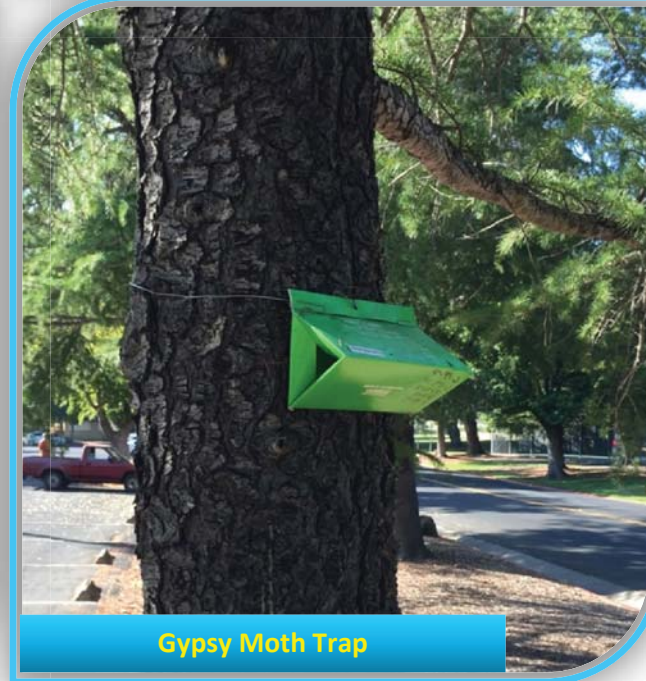
Japanese Beetle Trap



Glassy-Winged Sharpshooter Trap



Oriental Fruit Fly Trap



Gypsy Moth Trap

SUN	MON	TUE	WED	THU	FRI	SAT
November 2018		30	31	1	2 Oriental Fruit Fly	3
4 End Daylight Saving Time	5	6	7	8	9	10
11 Veterans Day	12	13 Mexican Fruit Fly	14	15	16	17
18	19	20	21	22 Thanksgiving Day	23	24
25 Mediterranean Fruit Fly	26	27	28	29	30	1

Insect Pest	Total No. of Traps	Total Trap Servicing	Insect Pest	Total No. of Traps	Total Trap Servicing
Asian Citrus Psyllid	840	2,520	Japanese Beetle	672	4,032
General Fruit Fly	887	26,610	Mediterranean Fruit Fly	891	12,474
Glassy-Winged Sharpshooter	1,023	16,431	Melon Fly	891	6,683
Gypsy Moth	722	4,332	Oriental Fruit Fly	891	12,474

PEST DETECTION

The Department of Agriculture works to ensure that new and invasive pests do not find a way to establish themselves in our County. If left unchecked, unwanted pests can trigger quarantine measures costing our agricultural industry millions of dollars in lost revenue while necessitating large increases in pesticide use to control the pest. Contra Costa County pest detection staff monitors various insect traps throughout the County, using various lures and visual attractants to detect quarantine insects before they can spread.

In December 2016, the Asian Citrus Psyllid (ACP) - pictured below - was detected in two residential citrus trees within our County. ACP acts as a vector spreading a devastating disease of citrus trees called citrus greening or “Huanglongbing” (HLB). Diseased trees will eventually die off within a few years.

If an invasive pest is found in one of our many hundreds of monitored insect traps, immediate steps are taken to eradicate the pest by disrupting its lifecycle so that the locally detected insect population doesn’t become a widespread infestation that is difficult to control.

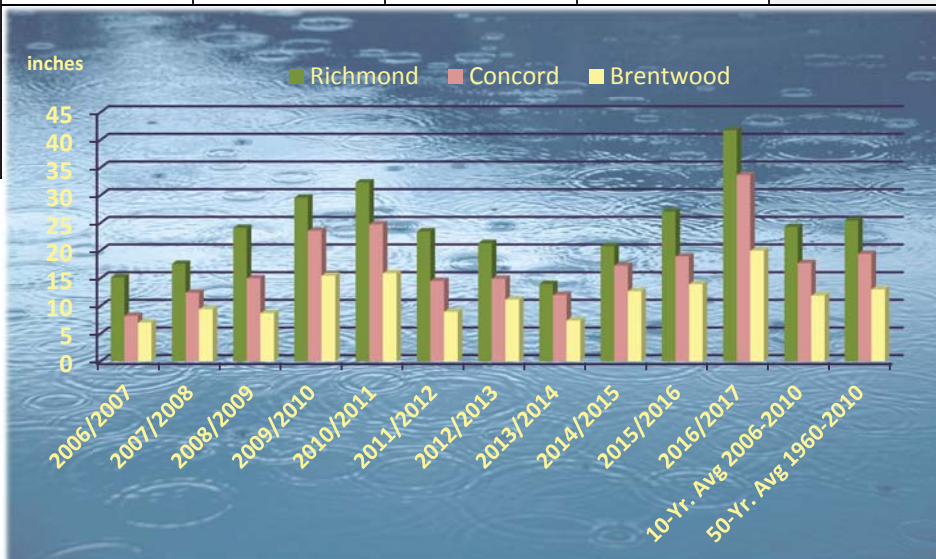
Asian Citrus Psyllid (*Diaphorina citri*)



Actual size of insect is 0.125 inches



SUN	MON	TUE	WED	THU	FRI	SAT
December 2018		27	28	29	30	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	Christmas Day				



AND THEN CAME THE RAIN

After four years of severely dry conditions, a wetter 2016 winter and spring helped California partially recover surface water storage and increased recharge to some aquifers. The USDA/Forest Service reported that approximately 102 million trees had died during California's drought years with 62 million in 2016 alone. Fortunately, with 2.61 inches of rain in October and another 3.14 inches by the end of December, the beginning of the end of a long dry period had arrived and 30% of California had emerged from the drought.

Statewide crop revenue losses due to drought conditions in 2016 were estimated \$247 million. Drought-related idle land totaled almost 79,000 acres in California.

Rainfall Accumulations and Averages (in)

Season	Richmond	Concord	Brentwood
2006/2007	15.12	8.20	6.96
2007/2008	17.61	12.38	9.39
2008/2009	24.08	14.98	8.66
2009/2010	29.55	23.58	15.48
2010/2011	32.30	24.73	15.89
2011/2012	23.44	14.52	8.93
2012/2013	21.33	14.91	11.12
2013/2014	13.95	11.97	7.36
2014/2015	20.78	17.27	12.64
2015/2016	27.05	18.92	13.92
2016/2017	41.70	33.64	19.97
10-Yr. Avg. 2006-2016	24.26	17.74	11.85
50-Yr. Avg. 1960-2010	25.43	19.40	12.99

Source: California Department of Water Resources



SUN	MON	TUE	WED	THU	FRI	SAT
January 2019		1 New Year's Day	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21 Martin Luther King Jr. Day	22	23	24	25	26
27	28	29	30	31	1	2

The Contra Costa County Division of Weights and Measures promotes a fair and equitable marketplace by performing inspections of retail packages and commercial weighing and measuring devices. These efforts certify that the sales of harvested crop, livestock, animal feed, vehicle fuel and other commodities are based on a precise weight or measure.

Weights and Measures inspectors test a large variety of devices for accuracy. Scales that are tested for accuracy range from jeweler's scales used for tiny gemstones to scales that can weigh a fully loaded rail car. Before scales can be put into commercial use, they are inspected to ensure they are accurate and approved for use. After inspection, any adjustable parts that might affect the accuracy of the device are sealed by the inspector. After successfully passing inspection, a paper county seal that is visible to the consumer is applied to the weighing device. Regularly scheduled inspections are performed to ascertain continued accuracy.

Weights & Measures

Measuring Devices	Devices Inspected ¹
Vehicle Fuel Station Meters	6,210
Electric Submeters	227
Water Meters & Submeters	193
Vapor/LPG Meters & Submeters	181
Taxi Meters	546
Other Measuring Devices	235
Weighing Devices	
Light Capacity Retail Scales	2,646
Heavy Capacity Retail Scales	306
Vehicle/Railway Scales	106
Prescription/Jewelers Scales	40
Livestock/Animal Scales	26
Other Weighing Devices	1
Advertisement & Transaction Verification	Inspections Conducted
Petroleum Gas Stations	336
Retail Price Verification	406
Quality Assurance	Audited
Weighmaster Locations	31
Consumer Complaint Investigations	72

¹ Includes reinspections





Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer
Date: October 24, 2017

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 Interim 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: **10/24/2017** ☐ 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 24, 2017

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 24, 2017

[illegible]



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: October 24, 2017

Subject: Terms and Conditions for Proofpoint, Inc. Software and Support

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute (1) General Terms and Conditions with Proofpoint, Inc., and (2) Product Exhibit with Proofpoint, Inc., which governs Proofpoint's delivery of the software and services.

FISCAL IMPACT:

100% funding is included in the Hospital Enterprise Fund I Budget.

BACKGROUND:

Proofpoint email protection software stops malware and non-malware threats such as impostor email. Proofpoint protects Health Services Department systems and data against advanced threats and compliance risks. This software also allows for sending encrypted email for protection of sensitive data.

This Board Order requests authority to execute the General Terms and Conditions and Product Exhibit with Proofpoint, Inc. Pursuant to Board Order C.77, approved on December 6, 2016, the Board authorized the Purchasing Agent to execute a Purchase Order with Optiv Security, Inc. for the purchase and support of Proofpoint software, for the period November 8, 2016 through November 7, 2019. This Board Order does not request changes to the original amount or term, but requires Board approval because the payment to Optiv Security, Inc., pursuant to Purchase Order F006600 is in the amount of \$101,703.62.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/24/2017** ☐ 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 24, 2017

Contact: David Runt,
925-335-8700

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

By: , Deputy

cc: Tasha Scott, Marcy Wilhelm, Allyson Eggert

CONSEQUENCE OF NEGATIVE ACTION:

If this Board Order is not approved, the Department will not receive critical software updates from the vendor.