

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

## **AGENDA**

**November 14, 2017**

**\*\*PLEASE NOTE TIME CHANGE\*\***

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

Inspirational Thought- *"Gratitude is not only the greatest of virtues, but the parent of all the others."* ~ Cicero

**CONSIDER CONSENT ITEMS** (Items listed as C.1 through C.88 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 launching the 2017 "Contra Costa County Cares" Holiday  
Food Fight. (Larry Sly, Executive Director, Food Bank, and Kate Sibley,  
Executive Assistant, LAFCO)

**PR.2** PRESENTATION honoring the winners of the Arts and Culture Commission of  
Contra Costa County 2017 Art Recognition Awards. (Tess Snook-O'Riva, Arts  
and Culture Commission of Contra Costa County, Chair)

### **DISCUSSION ITEMS**

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

## **D. 2 PUBLIC COMMENT (2 Minutes/Speaker)**

- D.3** CONSIDER accepting the report on Winter Storm Preparedness in Contra Costa County, as recommended by the Chief Engineer, Flood Control & Water Conservation District, Countywide. (Tim Jensen, Public Works Department)
- D.4** CONSIDER accepting the report from the Health Services Department on the Homeless Continuum of Care as recommended by the Family and Human Services Committee. (Lavonna Martin, Director of Health, Housing and Homeless Services)

D. 5 CONSIDER reports of Board members.

### **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--EXISTING LITIGATION** (Gov. Code, § 54956.9(d)(1))

1. *Seyed-Omid Mousavirad v. Hatcher, et al.*; Contra Costa County Superior Court Case No. C16-01382

*ADJOURN*

### **CONSENT ITEMS**

#### **Road and Transportation**



- C. 1** 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)
- C. 2** TERMINATE 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, and ACCEPT as complete the contracted work performed by Flatiron West, Inc., for the Alhambra Valley Road Washout Project, as recommended by the Interim Public Works Director, Pinole area. (100% Local Road Funds)
- C. 3** APPROVE and AUTHORIZE the Interim Public Works Director, or designee, to execute Contract Amendment No. 1 to the contract with Quincy Engineering, Inc., effective October 1, 2017, to increase the payment limit by \$150,000 to a new payment limit of \$450,000, for professional construction management services, Countywide. (100% Various Public Works Funds)
- C. 4** ADOPT Traffic Resolution No. 2017/4463 to prohibit parking at all time, except for those vehicles of individuals with disabilities (blue curb) on a portion of Winslow Street (Road No. 2295AD), as recommended by the Interim Public Works Director, Crockett area. (No fiscal impact)

### **Engineering Services**

- C. 5** ADOPT Resolution No. 2017/410 approving the fifth extension of the Subdivision Agreement for subdivision SD03-08791, for a project being developed by ADP Freedom 7, LLC, as recommended by the Interim Public Works Director, El Sobrante area. (No fiscal impact)
- C. 6** ADOPT Resolution No. 2017/411 approving the Road Improvement Agreement, for road acceptance RA17-01253, for a project being developed by Goldman Enterprises, Inc., as recommended by the Interim Public Works Director, North Richmond area. (No fiscal impact)

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

- C. 7** Acting as the Governing Board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the Fire Chief, or designee, to execute an agreement, including any amendments, with the California Department of Forestry and Fire Protection in an amount not to exceed \$18,250 to accept funding for the Volunteer Fire Assistance Program of the Cooperative Forestry Assistance Act of 1978 for the purchase of equipment for the reserve firefighter program. (50% Federal, 50% Local agency match)

- C. 8** APPROVE and AUTHORIZE the Interim Public Works Director, or designee, to execute a contract amendment with Quincy Engineering, Inc., effective October 1, 2017, to extend the term from September 30, 2017 through December 31, 2017, with no change to the payment limit, for professional engineering services for the Buchanan Field Airport Taxiway Echo & Kilo Improvements Project, Concord area. (90% Federal Aviation Administration Funds, 2% Caltrans Funds, 8% Airport Enterprise Funds)

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

- C. 9** DENY claims filed by Bassem Banafa, Richard Chew, Natalie Holt, and Helen Stimson.
- C. 10** Acting as the Governing Board of the Contra Costa County Housing Authority, DENY claim filed by Marcia Kowlessar.

### **Statutory Actions**

- C. 11** APPROVE Board meeting minutes for October 2017, as on file with the Office of the Clerk of the Board.
- C. 12** ACCEPT Board members meeting reports for October 2017.

### **Honors & Proclamations**

- C. 13** ADOPT Resolution No. 2017/401 launching the 2017 "Contra Costa County Cares" Holiday Food Fight, as recommended by the County Administrator.
- C. 14** ADOPT Resolution No. 2017/414 honoring the winners of the Arts and Culture Commission of Contra Costa County 2017 Art Recognition Awards, as recommended by the County Administrator.
- C. 15** ADOPT Resolution No. 2017/415, which affirms Contra Costa County's commitment to racial equity, diversity, and the Government Alliance on Race and Equity (GARE) initiative, as recommended by the Public Protection Committee.
- C. 16** ADOPT Resolution No. 2017/418 recognizing Robin Moore and the Diablo Regional Arts Association for their distinguished service and outstanding contributions to Art in Contra Costa County, as recommended by the County Administrator.

- C. 17** ADOPT Resolution No. 2017/419 declaring November 20, 2017 the International Transgender Day of Remembrance in Contra Costa County, as recommended by Supervisors Mitchoff and Gioia.

### **Ordinances**

- C. 18** ADOPT Ordinance No. 2017-28 continuing the established one dollar (\$1.00) per document recording fee for the Social Security Number Truncation Program.
- C. 19** INTRODUCE Ordinance Code 2017-27 amending the County Ordinance Code to exclude from the Merit System the new classification of Animal Services Captain-Exempt, WAIVE READING and Fix December 5, 2017, for adoption.

### **Appointments & Resignations**

- C. 20** APPROVE the medical staff appointments and reappointments, additional privileges, advancements, and voluntary resignations, as recommended by the Medical Staff Executive Committee and by the Health Services Director.
- C. 21** ACCEPT the resignation of Cindy McCann, DECLARE a vacancy in the Alternate seat on the Arts and Culture Commission of Contra Costa County (AC5), and DIRECT the Clerk of the Board to post the vacancy, as recommended by AC5 and the County Administrator.
- C. 22** APPOINT members to the 2018 Community Corrections Partnership (CCP) and 2018 CCP-Executive Committee pursuant to Penal Code sections 1230(b)(2) and 1230.1(b), respectively, as recommended by the Public Protection Committee. (No fiscal impact)
- C. 23** APPOINT in lieu of election Jim Price, Arthur John Hanson, and Walter Pierce to serve on the Board of Trustees of Reclamation District 799 (Hotchkiss Tract) for a term of four years, as recommended by the County Administrator.
- C. 24** APPOINT in lieu of election Robert Lyman, Pete Hansen, and Frank Morgan to serve on the Board of Trustees for Reclamation District 800 (Byron Tract) for a term of four years, as recommended by the County Administrator.
- C. 25** APPOINT in lieu of election Don Wagenet and Frank Savage to serve on the Board of Trustees of Reclamation District 2024 (Orwood and Palm Tracts) for a term of four years, as recommended by the County Administrator.
- C. 26** APPOINT in lieu of election Clark Misner and Randall Neudeck to the Board of Trustees for Reclamation District 2025 (Holland Tract), for a term of four years and two years respectively, as recommended by the County Administrator.

- C. 27** APPOINT in lieu of election Dave Forkel, Randall Neudeck, and Angela Wright to the Board of Trustees for Reclamation District 2026 (Webb Tract) for a term of four years, two years, and two years respectively, as recommended by the County Administrator.
- C. 28** APPOINT in lieu of election Robert Davies, William Hall, and Gilbert Orozco to serve on the Board of Trustees of Reclamation District 2059 (Bradford Island) for a term of four years, as recommended by the County Administrator.
- C. 29** APPOINT in lieu of election Coleman Foley and Thomas E. Baldocchi, Jr. to serve on the Board of Trustees of Reclamation District 2065 (Veale Tract) for a term of four years, as recommended by the County Administrator.
- C. 30** APPOINT in lieu of election Colby Heaton to the Board of Trustees for Reclamation District 2090 (Quimby Island) for a term of four years, as recommended by the County Administrator.
- C. 31** APPOINT in lieu of election Sandy Speckman Kiefer to serve on the Board of Trustees of Reclamation District 2117 (Coney Island) for a term of four years, as recommended by the County Administrator.
- C. 32** APPOINT in lieu of election Eric Schmit to the Board of Trustees for Reclamation District 2137 for a term of four years, as recommended by the County Administrator.

### **Personnel Actions**

- C. 33** ADOPT Position Adjustment Resolution No. 22106 to reallocate the salary of the Chief Quality Officer - Exempt (unrepresented) classification on the Salary Schedule in the Health Services Department. (100% Hospital Enterprise Fund I)
- C. 34** ADOPT Position Adjustment Resolution No. 22144 to establish the classification of Animal Services Captain-Exempt (unrepresented) and add one full-time position in the Animal Services Department. (32% User Fees, 31% City Revenues, 37% County General Fund)
- C. 35** ADOPT Position Adjustment Resolution No. 22187 to establish the class of Communications Equipment Specialist I Trainee (represented) and allocate it to the Salary Schedule; retitle and reallocate the salary of the class of Communications Equipment Specialist (represented) to Communications Equipment Specialist II (represented), and reallocate the salary of the class of Senior Communications Equipment Specialist (represented) on the Salary Schedule. (100% Department of Information Technology user fees)

## **Grants & Contracts**

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

- C. 36** APPROVE and AUTHORIZE the County Librarian, or designee, to apply for and accept a grant for equipment in the form of two 3-D printers from the California State Library as administered by the Southern California Library Cooperative Technology TNT for Libraries project, for the period September 1, 2017 through December 31, 2019. (No County match)
- C. 37** APPROVE and AUTHORIZE the County Librarian, or designee, to apply for and accept a grant in the amount of \$30,000 from the California State Library to provide 12 laptops and one Laptops Anytime Kiosk to the Oakley Library for the period November 1, 2017 through January 31, 2019. (42% Library Fund match)
- C. 38** APPROVE and AUTHORIZE the County Librarian, or designee, to apply for and accept a grant in the amount of \$15,000 from the Pacific Library Partnership to create *STEAM Career Success: A STEAM* (Science, Technology, Engineering, Art, & Math) *Awareness Outreach Program* that will convey the important message of STEAM careers to underserved high school students in Contra Costa County for the period January 1 to December 31, 2018. (No County match)
- C. 39** APPROVE and AUTHORIZE the County Librarian, or designee, to apply for and accept a grant in the form of ten Starling wearable word counting devices from the California State Library for the San Pablo Library for the period October 1, 2017 through September 31, 2018. (No County match)
- C. 40** APPROVE and AUTHORIZE the County Librarian, or designee, to apply for and accept a grant in the amount of \$8,020 from the Pacific Library Partnership to provide materials and equipment to the Antioch Library for the period November 1, 2017 through July 1, 2018. (No County match)
- C. 41** ADOPT Resolution No. 2017/393 supporting the East Contra Costa County Habitat Conservancy's Knightsen Wetland Restoration and Flood Protection Project application to the San Joaquin-Sacramento Delta Conservancy's Ecosystem Restoration and Water Quality Grant Program for up to \$1,500,000 in grant funds, as recommended by the Conservation and Development Director. (No fiscal impact)
- C. 42** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract containing modified indemnification language with the City of Walnut Creek, to pay the County an amount not to exceed \$71,629 for homeless outreach services for the Coordinated Outreach, Referral and Engagement Program, for the period July 6, 2017 through June 30, 2018. (No County match)

- C. 43** APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute a contract with the City and County of San Francisco, including full indemnification of the City and County of San Francisco, to pay the County an amount not to exceed \$839,820 as part of the 2017 U.S. Department of Homeland Security, Urban Area Security Initiative Grant for homeland security related projects within the County for the period November 1, 2017 through the end of the grant funding. (100% Federal)
- C. 44** APPROVE the allocation of the 2017 Housing Opportunities for Persons with HIV/AIDS funds, from the U.S. Department of Housing and Urban Development (HUD), and AUTHORIZE the Conservation and Development Director, or designee, to execute a contract with the City of Oakland to enable the County to administer \$664,708 in fiscal year 2017 Housing Opportunities for Persons with HIV/AIDS funds, to provide housing and supportive services for low-income persons with HIV/AIDS, for the period July 1, 2017 through June 30, 2020. (100% HUD)
- C. 45** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with the California Department of Health Care Services, to receive reimbursement to administer and oversee the Mental Health Services Act, Projects for Assistance in Transition from Homelessness and community mental health services grant programs for the period July 1, 2017 through June 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. 46** APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute a Products and Services Agreement with Alcohol Monitoring Systems, Inc., in an amount not to exceed \$800,000, for the purchase and lease of SCRAMx alcohol monitoring systems, monitoring services and hosted software, for the term of November 1, 2017 through October 31, 2020. (100% Custody Alternative Facility Participant Fees)
- C. 47** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract containing modified indemnification language with META Dynamic, Inc., in an amount not to exceed \$35,000 to provide a guidance navigation system, related software, accessories, and certified technicians for tumor locating services in the Surgical Unit at Contra Costa Regional Medical Center and Health Centers, for the period November 1, 2017 through October 31, 2018. (100% Hospital Enterprise Fund I)

- C. 48** APPROVE and AUTHORIZE the Purchasing Agent or designee to execute, on behalf of the Interim Public Works Director, a purchase order amendment with Caltronics Business Systems, to extend the lease from December 5, 2017 to December 4, 2019 and increase the payment limit by \$110,000 to a new payment limit of \$360,000, for three digital copiers, Martinez area. (100% Department User Fees)
- C. 49** APPROVE and AUTHORIZE the Purchasing Agent or designee to execute, on behalf of the Interim Public Works Director, a purchase order amendment with Lehr Auto Electric, Inc., to increase the payment limit by \$150,000 to a new payment limit of \$800,000 for emergency vehicle parts and accessories, with no change to the original term of February 1, 2016 through January 31, 2018, Countywide. (100% Fleet Internal Service Fund)
- C. 50** APPROVE and AUTHORIZE the Interim Public Works Director, or designee, to execute a purchase order with Enterprise Rent-A-Car in an amount not to exceed \$190,000 for car and light truck rentals, for the period November 1, 2017 through October 31, 2019, Countywide. (100% Fleet Internal Service Fund)
- C. 51** APPROVE and AUTHORIZE the County Administrator, or designee, to execute a contract amendment, effective November 14, 2017, with CherryRoad Technologies, Inc., to increase the payment limit by \$337,440 to a new payment limit of \$12,029,370, for additional assistance to upgrade the County's PeopleSoft software system, through January 2018. (100% General Fund)
- C. 52** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract containing modified indemnification language with Laboratory Corporation of America in an amount not to exceed \$325,000 to provide outside laboratory testing services for the Contra Costa Regional Medical Center and Health Centers, for the period May 1, 2017 through April 30, 2018. (100% Hospital Enterprise Fund I)
- C. 53** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Cardionet, LLC, in an amount not to exceed \$185,000 for remote cardiac monitoring services for Contra Costa Regional Medical Center patients, for the period November 1, 2017 through October 31, 2018. (100% Hospital Enterprise Fund I)
- C. 54** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Martha D. Newman in an amount not to exceed \$250,000 to provide consultation and technical assistance to Contra Costa Regional Medical Center and Health Centers on the Public Hospital Redesign and Incentives of the Medi-Cal program, for the period December 1, 2017 through November 30, 2018. (100% Hospital Enterprise Fund I)

- C. 55** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment, effective November 1, 2017, with Shelter Inc., to decrease the payment limit by \$60,428 to a new payment limit of \$1,370,441, to provide supportive housing services for homeless families at a reduced level, with no change in the term of July 1, 2017 through June 30, 2018. (100% Employment and Human Services Department)
- C. 56** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Animal Services Director, a purchase order with MWI Veterinary Supply Co. in an amount not to exceed \$900,000 for veterinary pharmaceutical supplies and chemicals, for the period October 1, 2017 through September 30, 2019. (32% User fees, 31% city revenues, 37% County General Fund)
- C. 57** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment, effective July 1, 2017, with Lifelong Medical Care to add acupuncture services for Contra Costa Health Plan members, with no change in the payment limit of \$3,000,000 nor in the term of July 1, 2017 through June 30, 2018, for primary care, urgent care and specialty medical services to Contra Costa Health Plan members. (100% Contra Costa Health Plan Enterprise Fund II)
- C. 58** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract containing modified indemnification language with Young Men's Christian Association of the East Bay in an amount not to exceed \$4,000 to develop and implement internship programs for mental health students participating in the Workforce Education and Training Program, for the period November 1, 2017 through October 31, 2018. (100% Mental Health Services Act)
- C. 59** APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute, on behalf of the Interim Public Works Director, a purchase order with Sam Clar Office Furniture Inc., in the amount of \$199,606 for office furniture, for the 40 Muir Road, 2nd Floor, Martinez, Remodel Project. (100% General Fund)
- C. 60** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with STAND! For Families Free of Violence, a non-profit corporation, in an amount not to exceed \$108,922 to provide the continued implementation of the Phase III Lethality Assessment Program for Domestic Violence Homicide Prevention for the period December 1, 2017 through September 30, 2018. (100% Federal)
- C. 61** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with BeyondTrust Software, Inc., in an amount not to exceed \$142,190 for virtual appliances, software licenses, software maintenance and support, and professional services for the Health Services Information Technology Unit, for the period November 14, 2017 through November 13, 2020. (100% Hospital Enterprise Fund I)



- C. 62** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with STAND! For Families Free of Violence, a non-profit corporation, in an amount not to exceed \$317,125 to provide domestic violence support services to California Work Opportunity and Responsibility to Kids (CalWORKs) participants for the period July 1, 2017 through June 30, 2018. (100% Federal)
- C. 63** RATIFY the Purchasing Agent's execution, on behalf of the Public Works Director, of a purchase order with Jon K. Takata, dba Restoration Management Company, in an amount not to exceed \$150,000, for emergency mold abatement at the Contra Costa Regional Medical Center Psychiatric Ward, Martinez area. (100% Health Services Enterprise Fund.)
- C. 64** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Healthright 360 in an amount not to exceed \$4,700,783, to provide pre-arrest, at-arrest and post-arrest diversion opportunities and coordination services for Antioch residents with behavioral health issues for the Contra Costa Lead Plus Project, for the period November 1, 2017 through August 15, 2020. (100% California Board of State and Community Corrections Grant)
- C. 65** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment, effective November 1, 2017, with Bay Area Surgical Specialists Services, LLC, to increase the payment limit by \$900,000 to a new payment limit of \$1,200,000 to provide additional ambulatory surgery services for Contra Costa Health Plan members, with no change in the term of March 1, 2016 through February 28, 2018. (100% Contra Costa Health Plan Enterprise Fund II)
- C. 66** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with OBHG California, P.C., in an amount not to exceed \$350,000 to provide obstetrics and gynecology services for Contra Costa Health Plan members, for the period November 1, 2017 through October 31, 2019. (100% Contra Costa Health Plan Enterprise Fund II)
- C. 67** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a contract with Brocade Communications Systems, Inc., and a purchase order with Optiv Security, Inc., in an amount not to exceed \$52,034 for the renewal of Brocade computer hardware support for the period November 27, 2017 to November 26, 2018. (100% Hospital Enterprise Fund I)

- C. 68** AUTHORIZE the Purchasing Agent, on behalf of the Health Services Director, to 1) execute purchase orders for food to be provided at the Health Care for the Homeless Program Governance Meetings and 2) procure up to 100 \$5 gift cards, with all expenses not to exceed \$5,000 to use as incentives for focus group program participants of the Health Care for the Homeless Program, for the period November 1, 2017 through January 31, 2019. (100% Health Resources and Services Administration grant)
- C. 69** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a purchase order amendment with Watermark Sleepcare, Inc., to increase the payment by \$6,000 to a new payment limit of \$220,000 for the rental of sleep study devices, testing supplies and repair services at the Contra Costa Regional Medical Center, with no change in the term of November 1, 2016 through October 31, 2017. (100% Hospital Enterprise Fund I)
- C. 70** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with David S. Gee, M.D., in an amount not to exceed \$168,000 to provide consultation and technical assistance to the Contra Costa Health Plan Medical Management team, for the period December 1, 2017 through November 30, 2018. (100% Contra Costa Health Plan Enterprise Fund II)
- C. 71** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Mental Health Systems, Inc., in an amount not to exceed \$2,014,000 to provide Mental Health Services Act Community Services and Supports Program services to adult clients in Contra Costa County 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 \$1,007,000. (35% Federal Medi-Cal, 65% Mental Health Services Act)
- C. 72** APPROVE and AUTHORIZE the Interim Public Works Director, or designee, to execute a contract with Bates Stringer – Oak Park, LLC, in the amount of \$1,275,000, to provide real estate services related to County-owned property at 1700 Oak Park Blvd. in Pleasant Hill for the period from November 1, 2017, through October 31, 2020. (100% General Fund)
- C. 73** APPROVE and AUTHORIZE the Interim Public Works Director, or designee, to execute a contract amendment with JK2 & Associates, Inc., to increase the payment limit by \$125,000 to a new payment limit of \$220,000, and to extend the termination date from January 31, 2019 to December 31, 2019, for continued real estate planning services for the Oak Park Sale of Surplus (South Pleasant Hill Parcels), Pleasant Hill area. (100% General Fund)

- C. 74** Acting as the Governing Board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the Fire Chief, or designee, to execute Amendment No. 1 to Consulting Services Agreement with Loving Campos Associates, Architects, Inc., effective July 24, 2017, to modify sub-consultants with no change to the original term or payment limit of \$710,000, to provide architectural services for the new Fire Station No. 70 project at 1800 23rd Street in San Pablo. (100 District Operating Fund)
- C. 75** Acting as the Governing Board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the Fire Chief, or designee, to execute Amendment No. 1 to Consulting Services Agreement with Loving Campos Associates, Architects, Inc., effective July 27, 2017, to modify sub-consultants and increase the payment limit by \$64,087 to a new payment limit of \$520,000, with no change to the original term, to provide architectural services for the new Fire Station No. 16 at 4007 Los Arabis Road in Lafayette. (100% District Operating Fund)
- C. 76** Acting as the Governing Board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Fire Chief of the Contra Costa County Fire Protection District, to execute a purchase order with Sam Clar Office Furniture in an amount not to exceed \$500,000 for the purchase, delivery, and installation of office furniture and equipment to outfit the District's new administrative offices located at 4005 Port Chicago Highway in the City of Concord. (90% Fire District General Fund, 10% EMS Transport Fund)

### **Other Actions**

- C. 77** CONSENT to the transfer of ownership of Woods Grove Apartments in Pittsburg from BRIDGE Regional Partners, Inc. (BRIDGE) to Reliant-Woods Grove, LP (Reliant); CONSENT to the assignment of BRIDGE's obligation to repay \$800,000 of HOME funds to the County to Reliant; AUTHORIZE accrued interest on the HOME loan to be forgiven; AUTHORIZE the Conservation and Development Director to execute a consent to assignment and related documents, as recommended by the Conservation and Development Director. (100% Federal funds)
- C. 78** APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to renew Cardroom License Number 6, known as "California Grand Casino", currently located at 5988 Pacheco Blvd., Pacheco area, for the period November 26, 2017 through November 25, 2018, as recommended by the Sheriff-Coroner. (Lamar V. Wilkinson, Owner)
- C. 79** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with La Clinica De La Raza, effective November 1, 2017, to add Pharmacy 340B Compliance Program requirements with no change in the payment limit of \$3,000,000 and no change in the term of July 1, 2017 through June 30, 2018. (100% Contra Costa Health Plan Enterprise Fund II)

- C. 80** AUTHORIZE a one-time payment of \$1,800 for two months of Infant Supplement to a prior 602 WIC Non-Minor Dependent, C.R., as recommended by the Chief Probation Officer. (100% General Fund)
- C. 81** ACCEPT the October 2017 update of the operations of the Employment and Human Services Department Community Services Bureau, as recommended by the Employment and Human Services Director.
- C. 82** APPROVE Preliminary Working Draft Framework for Regulating Cannabis in the Unincorporated Area of Contra Costa County (Framework) reflecting changes requested by the Board on October 24, 2017, and DIRECT the Conservation and Development Director to implement Public Outreach Plan to solicit public input on the Framework, as recommended by the Conservation and Development Director.
- C. 83** ACCEPT the 2016 Annual Report submitted by the Diablo Municipal Advisory Council, as recommended by Supervisor Burgis.
- C. 84** APPROVE and AUTHORIZE the Auditor-Controller, or designee, to pay \$2,445 to Xingbo Sun, M.D., for additional podiatry services provided at the Contra Costa Regional Medical Center and Health Centers during September 2017, as recommended by the Health Services Director. (100% Hospital Enterprise Fund I)
- C. 85** APPROVE Conflict of Interest Code for Making Waves Academy, as recommended by the County Counsel.
- C. 86** RECEIVE the 2017 Annual Report submitted by the Finance Committee, as recommended by the Finance Committee.
- C. 87** APPROVE and AUTHORIZE the Board of Supervisors to submit notice of intent to the Federal Aviation Administration indicating the County's interest and intent to submit an application to partner with the U.S. Department of Transportation (DOT) to set local rules and regulations for an Unmanned Aerial Systems (UAS) Integration Pilot Program, as recommended by Supervisor Burgis.

**Successor Agency to the Contra Costa County Redevelopment Agency**

- C. 88** APPROVE and AUTHORIZE County Counsel, or her designee, to execute amendments to existing contracts for legal services between Goldfarb & Lipman LLP and the County and Goldfarb & Lipman LLP and the County as successor to the Contra Costa Redevelopment Agency.

## **GENERAL INFORMATION**

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

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Clerk of the Board to a majority of the members of the Board of Supervisors less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, First Floor, Room 106, Martinez, CA 94553, during normal business hours.

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

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

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

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

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

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

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

## **STANDING COMMITTEES**

The **Airport Committee** (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	December 25, 2017 Canceled		See above
Finance Committee	December 25, 2017 Canceled		See above
Hiring Outreach Oversight Committee	TBD		See above
Internal Operations Committee	December 11, 2017	1:00 p.m.	See above
Legislation Committee	December 11, 2017	10:30 a.m.	See above
Public Protection Committee	December 4, 2017 Canceled		See above

Transportation, Water & Infrastructure Committee	December 11, 2017	9:00 a.m.	See above
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**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

**CCCFPD (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: Contra Costa County Flood Control District Board of Supervisors  
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer  
Date: November 14, 2017

Subject: Consider Report on Winter Storm Preparedness in Contra Costa County, Countywide.

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**RECOMMENDATION(S):**

CONSIDER accepting the report on Winter Storm Preparedness in Contra Costa County, as recommended by the Chief Engineer, Flood Control and Water Conservation District, Countywide. (Tim Jensen, Public Works Department)

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

To remind our communities throughout the County about awareness and preparations for this winter's rainy season, the Contra Costa County Flood Control and Water Conservation District (Flood Control District) has the following report:

**Agency Preparations:**

The County's Public Works and Flood Control District crews have been working hard to prepare for this winter, and they treat every winter as a potential heavy winter. Regional flood protection facilities and local drainage systems are ready and expected to perform well during large storms, as they have in the past. Key personnel are available to respond to emergencies at any time. As public agencies, we also value the eyes and ears of our residents to identify potential problems, so we have in place

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Tim Jensen, (925)  
313-2390

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

By: , Deputy

cc: David Twa, CAO, Betsy Burkhart, CCTV, Mike Carlson, Deputy Chief Engineer, Carrie Ricci, Deputy Public Works Director, Tim Jensen, Flood Control, Catherine Windham, Flood Control

## BACKGROUND: (CONT'D)

24/7 reporting via phone or e-mail.

There are 14 Reclamation Districts responsible for the Delta area's levees in eastern Contra Costa County. They each perform a critical function to protect lives and property. Their staff has been preparing for this winter via inspections, maintenance, restocking supplies, and training. The levees and pumps are ready, and they have trained personnel on standby to respond to any issues that may arise. During storm events, levees will be closely monitored.

Key personnel throughout the County are trained and ready to respond to any emergency at any time. In preparation for this winter, the County's Office of Emergency Services has been coordinating with local, state, and federal agencies to ensure winter preparedness and disaster response. The various County agencies, such as Sheriff, Fire, Health Services, Public Works, Flood Control District, Reclamation Districts, and Animal Services, are partners in disaster preparedness and response. Coordination among these agencies keeps our County in compliance with the National Weather Service's "storm ready" rating.

### Sandbag Stations:

Each year the County and cities provide free sand and sandbags to local residents for use in protecting their property from flooding. On January 6, 2017, a sandbag demonstration media event was hosted by Supervisor Gioia. Our next sandbag demonstration media event is planned for late November. Video footage from past events and a sandbag demonstration guide is available on our website. For more information, visit <http://www.cccounty.us/5983/Sandbags>.

### Creek and Channel Safety Awareness:

The County's Creek and Channel Safety Awareness Program annual events continue, including: 1) completing the annual outreach to schools in September; 2) putting up student art class posters along flood control channels for the winter; and 3) coordinating with Contra Costa County Fire Protection District's Swiftwater Rescue operations. On October 25, Walnut Creek Intermediate School hosted their second "Stay Out! Stay Alive!" campaign regarding the flood control channel that traverses its campus. See [www.cccounty.us/creekandchannelsafety](http://www.cccounty.us/creekandchannelsafety) for more information.

### Media Outreach:

In an effort to get the word out to the public, we have worked with our Public Information Officer to send out regular media blasts all winter on flood or weather-related information that would be useful or interesting to the public. Examples include determining if a property is in a flood-prone area, the location of sandbag stations, activities that people can undertake to protect their property from flooding, emergency preparedness, flood forecasting information, or a message from our Creek and Channel Safety Program.

### Newsletters:

Each Board member has a newsletter and e-mail blast they send out generally once a week. We are providing our winter preparation media outreach information to Board member's staff to be distributed across the County through their channels.

### Website:

The Flood Control District has a webpage describing what citizens can do to prepare for this winter's rainy season. The webpage can be found at <http://www.cccounty.us/5906/Flood-Preparedness>.

### Flood Forecasting:

In our area, localized heavy rains can happen unexpectedly and streams can rise rapidly, so paying attention to the weather and utilizing forecasting resources is important. The Flood Control District monitors 29 rain gauges and fifteen stream elevation gauges to provide information. This past year, we installed 11 more stream gauges with state funding. Our data is used by the National Weather Service to inform their forecasts. We have a custom made forecasting guide we call "7532 Flood!" We provided information about the guide online, discussed it at numerous agency and public meetings, and have produced a short video on the guide. This information helps public agencies and residents predict the potential for flooding in their community. The webpages are compatible with most mobile devices and can be found at <http://www.cccounty.us/RainMap>.

Resource for Cities:

Flood Control District staff has combined the above messages into the flood preparedness webpages as a resource for cities. Staff is also available to provide input on winter preparation messages produced by cities, as well as to speak on winter preparedness at city-hosted meetings.

The above information will be sent to media outlets and community sites to coincide with this Board action. Key staff members are available to answer questions, attend community meetings, or be interviewed upon request.

The Chief Engineer, Flood Control District recommends that the Board accept the above report, and the personally presented report, on flood preparedness in Contra Costa County.

CONSEQUENCE OF NEGATIVE ACTION:

If this Board Order is not adopted, members of the public may not receive important information about flood preparedness and creek and channel safety.

CHILDREN'S IMPACT STATEMENT:

The Flood Control District will continue to work with schools and youth-based groups within the County to educate children about safety regarding creeks and flood control channels.



Contra  
Costa  
County

To: Board of Supervisors

From: FAMILY & HUMAN SERVICES COMMITTEE

Date: November 14, 2017

Subject: Report on Homeless Services - F&HS Referral No. 5 Continuum of Care Plan for the Homeless

---

**RECOMMENDATION(S):**

ACCEPT the report from the Health, Housing and Homeless Services Division of the Health Services Department with an update on homeless service activities and the Contra Costa Homeless Continuum of Care Annual Report for fiscal years 2015-16 and 2016-17.

**FISCAL IMPACT:**

There is no fiscal impact, the report is informational.

**BACKGROUND:**

On December 3, 1996, the Board of Supervisors referred to the Family and Human Service Committee oversight of services provided to the homeless in Contra Costa County. Since then the Health Services Department has presented annual updates to the Family and Human Service Committee.

On June 26, 2017, the Family and Human Services Committee received a report from the Health Services Department on homeless services (attachment entitled, "Report on Homelessness - As Presented to F&HS with FY 15-16 Annual Report". At this meeting, Health Services Department staff were directed to present

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Enid Mendoza, (925)  
335-1039

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

the report to the full Board of Supervisors in the fall and to include information on the homeless services budget to get a better understanding of current funding sources. The attached report entitled, "Report on Homelessness - Revised with FY 16-17 Annual Report" includes an updated report and annual report that included funding source information.

CONSEQUENCE OF NEGATIVE ACTION:

The Board will not receive an update on homeless service activities in our County and funding sources that support these efforts.

ATTACHMENTS

Report on Homelessness - Revised with FY 16-17 Annual Report

Report on Homelessness - As Presented to F&HS with FY 15-16 Annual Report



## Spotlight on Services: CORE in Action

A primary emphasis of a coordinated entry system is to engage those not yet served by the CoC—those individuals that never have or no longer access services. This ensures that resources are genuinely allocated to those most vulnerable, based on a housing assessment that determines the breadth and depth of services necessary to sustain housing.



CORE is a new component to the CoC that conducts outreach throughout the county. CORE teams have established day and evening hours to screen and triage individuals in encampments and on the streets. They provide referrals or direct linkages, when possible, to emergency shelters, hospitals, and psychiatric emergency care.

During the first six months of implementation, CORE served **1,126** unique individuals sleeping outside, including **22** families with **55** children.



Coordinated Outreach, Referral & Engagement

## Housing Needs in Contra Costa County

Shelter capacity met only **48%** of community needs during PIT Count.

On any given night, there are **1,607** people homeless people in Contra Costa County.

Contra Costa lost **66%** of state and federal funding for housing production and preservation from FY 08-09 to FY 15-16.

**31%** of people served by CoC are newly identified each year.

Contra Costa County needs **30,939** more affordable rental homes to meet need for very low and extremely low income residents.

Median rent in Contra Costa has increased **25%** since 2000 while median renter income has decreased **3%** when adjusted for inflation.



Sources: 2017 Point In Time Count; California Housing Partnership <https://chpc.net/wp-content/uploads/2017/05/ContraCostaCounty2017.pdf>



## Contra Costa County Homeless Continuum of Care Fiscal Year 2016-17 Annual Report

Homelessness is first a housing issues, and necessary supports and services are critical to help people remain housed. Our system must be nimble and flexible enough to respond through the shared responsibility, accountability, and transparency of the community.

—Contra Costa's Strategic Plan to End Homelessness



### Letter from the Chair of the Council on Homelessness

Reflecting back at the 2016-17 Fiscal Year, I am impressed by the tremendous work and commitment to address and alleviate homelessness within Contra Costa County. The County's Continuum of Care (CoC) and the Council on Homelessness continued to be leaders in adopting best practices and innovative approaches. It is exciting to know that the CoC successfully launched Phase One of the Coordinated Entry System (CES).

CES streamlines the process for homeless individuals and households to access the services needed to secure the right housing, with the right level of services. Phase One focused on building the infrastructure for our crisis response system by creating three dedicated points of entry: 211, CORE (Coordinated Outreach Referral and Engagement) Teams, and CARE (Coordinated Assessment and Resource) Centers that offer enhanced services such as housing navigation services and extended hours that transforms it into a Warming Center to

As the CoC has built its capacity to serve more people in crisis, the need for more affordable housing in the Bay Area becomes more obvious. Without a steady supply of new affordable housing, it will be impossible to fully address and alleviate homelessness. Federal and State resources are helpful to provide and maintain affordable housing, however, those sources of funds have been reduced over the last five years and are no longer provided at the scale necessary to address the lack of supply.

As we enter the 2017-18 Fiscal Year, the CoC will continue its work to identify creative and effective solutions for establishing more affordable housing opportunities. The CoC will also move into Phase Two of CES to more effectively screen, triage, and provide resources to those newly homeless in efforts to divert them from entering the system of care.

On behalf of the Council of Homelessness, I would like to express my gratitude for the service providers and partners working together to end homelessness in our county.

Gabriel Lemus, CoC Chair

## Contra Costa Continuum of Care Partners



Point in Time Count (PIT) data and Annual Service data are used to understand important characteristics of the population experiencing a housing crisis in Contra Costa County. PIT data is a census of all homeless people encountered on a given night (January 27, 2017) and provides just as snapshot while service data captures all people utilizing CoC programs during the fiscal year 2016-2017.

### Point In Time Count Data 1,607 homeless individuals on a given night

**696** sheltered AND **911** unsheltered

84 families with minors  
99 veterans  
331 chronically homeless

**30%** reported to be homeless for the first time.

### Annual Service Data

**6,015** homeless + **1,057** at-risk + **1,022** formerly homeless



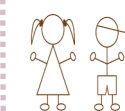
44% African American	38% White	9% American Indian/Alaskan Native
6% Multiple races	3% Other Race	17% Latino



3,303 males	2,696 females	16 transgender or don't identify
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2/3 have a disability	32% w/mental health condition	22% w/chronic health condition
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640 families with minors	1,710 newly identified	1,045 chronically homeless
418 Veterans	514 seniors (62+)	1/2 unsheltered



## Making Progress on the Strategic Plan

In 2014, Contra Costa's CoC updated its Strategic Plan. *Forging Ahead Towards Preventing and Ending Homelessness* has three key strategies: implementation of an effective Coordinated Entry System, utilizing performance standards to determine needs and program impacts, and establishing effective strategies for communicating to wide range of stakeholders.



### Coordinated Entry

Coordinated Entry is being implemented in multiple phases, with an initial focus on enhancing the crisis response system through 211 services, CARE (Coordinated Assessment Resource) Centers, CORE Teams (Coordinated Outreach Referral and Engagement), a warming center, an evidence-based housing assessment tool and housing navigation services.

### Performance Standards

The CoC submits the Department of Housing and Urban Development (HUD) Performance Measures annually and uses these measurements to determine need and impact. Performance measures, PIT data, and annual service data guide local efforts and help with advocating for greater housing resources. Full reports may be found at <http://cchealth.org/h3/#simple7>

### Communication

Multiple communication strategies were put into place to raise awareness about the housing crisis and its impact on community members. Activities included:

- H3/CoC website re-design,
- community presentations
- quarterly newsletters
- social media efforts
- homeless awareness month activities

## Coordinated Entry In Contra Costa County

A **Coordinated Entry System (CES)** streamlines access to housing and services while addressing barriers and getting the right resources to the right people, at the right time. Contra Costa County began planning and implementation of **CES** during FY 16-17. Initial activities included 1) adoption of an evidence-based housing assessment tool to determine risk and prioritization for housing services; 2) CoC-wide housing placement meetings to identify the most vulnerable, based on housing assessment scores, for Permanent Supportive Housing; 3) system-planning for further prioritization for services across the continuum.

The CES model in Contra Costa County has three access points (211, CARE Centers, and CORE Outreach) that any individual or family can access to obtain services. These programs identify, assess, and refer people to appropriate services based on needs. Permanent housing may include non-subsidized rentals, permanent supportive housing programs, board and cares, friends and family.



Coordinated Entry System is designed to help meet the needs of the most vulnerable. Since the launch of CES, there has been a "population shift." Program staff have recognized this, and the data demonstrates it.

### CES by the Numbers

People served at CARE Centers: **1,797**  
People served by CORE: **1,126**  
Housing assessments completed in 16-17: **1,822**  
People housed since CES kick-off: **716**  
211 calls related to housing crisis or assistance: **5,287**

## City Data

Every city in Contra Costa County is affected by homelessness. While it is more visibly apparent in some communities, the system of care serves people that have lost housing in

City	PIT-unsheltered	Annual Data-Where Lost Housing
Richmond	109	1206
Concord	188	629
Antioch	137	460
Pittsburg	83	293
Martinez	93	217
San Pablo	57	186
Walnut Creek	19	120
Bay Point	39	114
Pleasant Hill	25	77
Oakley	16	61
Brentwood	4	49
El Sobrante	13	44
North Richmond	0	40
Rodeo	6	39
Hercules	0	29
Pinole	0	29
El Cerrito	11	19
Lafayette	0	18
Pacheco	6	18
Danville	0	15
San Ramon	0	11
Alamo	0	10
Clayton	0	10
Discovery Bay	1	8
Crockett	0	7
Orinda	0	7
Clyde	0	6
Bethel Island	0	5
Byron	0	5
Knightsen	0	2
Moraga	0	1
Port Costa	0	1



## Federal and State Funding for Homeless Services In Contra Costa County 2016-1017

CoC Homelessness Assistance	
Permanent Housing	\$11,360,739
Supportive Services	\$ 1,217,035
CoC Planning	\$ 323,602
Data Management	\$ 175,596
US Department of Veteran Affairs	
Support Services for Veteran Families	\$ 2,759,129
CA Department of Social Services	
Housing Support Program (HousingWorks)	\$ 1,440,869
Emergency Solutions Grant	
Emergency Shelter	\$ 374,803
Prevention/RRH	\$ 337,678
Outreach	\$ 100,000

New housing resources and services established in 2016-17

- 114 Permanent housing slots for families
- 34 HUD VASH rental vouchers for veterans
- 4 CORE outreach teams
- 5 Housing navigators
- 4 CARE/CARE Capable Centers
- 1 Warming Center

### Housing Security Fund

One of the greatest challenges with helping individuals and families regain housing is the costs of credit checks, application fees, and deposits. The Housing Security Fund was developed to give un-housed families a fighting chance in the tight rental market that has gripped the Bay Area. Thanks to efforts by the Multi-faith ACTION Coalition, Richmond Community Foundation, Council on Homelessness, and individual community members, the Housing Security Fund raised more than \$18,000 in its first eight months.



[tinyurl.com/HousingSecurityFund](http://tinyurl.com/HousingSecurityFund)







TO: Family and Human Services Committee, Contra Costa County Board of Supervisors  
FROM: Lavonna Martin, MPH, MPA, Health, Housing, and Homeless Services Director  
RE: Annual Report on the Homeless Continuum of Care  
DATE: June 26, 2017

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#### RECOMMENDATIONS

1. Accept this report from the Health Services Department; and
2. Forward this report to the Board of Supervisors for acceptance; and,
3. Direct Staff to continue to report on an annual basis to the FHS Committee regarding progress of the effort to end homelessness and the activities of Contra Costa Council on Homelessness.

#### BACKGROUND

In November 2014, the Board approved "Forging Ahead Towards Preventing and Ending Homelessness: An Update to Contra Costa's 2004 Strategic Plan", that renewed our 2004 plan with the latest data, best practices, and community feedback and reaffirmed our commitment to the Housing First approach. As such, "Forging Ahead" establishes this guiding principle: *"Homelessness is first a housing issue, and necessary supports and services are critical to help people remain housed. Our system must be nimble and flexible enough to respond through shared responsibility, accountability, and transparency of the community."* The Strategic Plan Update identifies two goals: 1) Decrease the length of time people experience homelessness by focusing on providing **Permanent Housing and Services** and; 2) Decrease the percentage of people who become homeless by providing **Prevention** activities. To achieve these goals, three strategies emerged:

- 1) Implement a coordinated entry/assessment system to streamline access to housing and services while addressing barriers, getting the right resources to the right people at the right time;
- 2) Use best, promising, and most effective practices to give the consumer the best possible experience through the strategic use of resources; and
- 3) Develop the most effective platforms to provide access, support advocacy, and connect to the community about homelessness and available resources.

The Homeless Program of the Health, Housing and Homeless Services Division partners with the Homeless Advisory Board and Continuum of Care to develop and carryout an annual action plan that identifies the objectives and benchmarks related to each of the goals and strategies of Forging Ahead. Further, the Homeless Program incorporates the strategic plan goals into its own delivery system of comprehensive services, interim housing and permanent supportive housing as well as contracting with community agencies to provide additional homeless services and housing with the goal of ending homelessness in our community.

Attached is a summary of the Contra Costa Homeless Continuum of Care Annual Report that provides a summary of program services, outcomes, and consumer demographics for Fiscal Year 2015-2016. Additionally, a summary infographic of the 2017 Point in Time Count is included.

# CONTRA COSTA HOMELESS CONTINUUM OF CARE

## 2015-2016 FISCAL YEAR ANNUAL REPORT



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## Letter from the Council Chair

The 2015-16 Fiscal Year was complete with great accomplishments and innovation as the County's Continuum of Care (the Continuum) and the Council on Homelessness (the Council) developed new strategies to meet its goals in addressing and preventing homelessness.

At the beginning of the year, the Continuum was in the midst of planning and conceptualizing its new Coordinated Entry System: the Continuum's centralized and coordinated process designed to integrate consumers' intake, needs assessment, and provision of services, including referrals to permanent housing when appropriate. This resulted in a completely new model that would fortify the Continuum's referral and outreach system through Coordinated Entry.

The Council also continued the work that it started back in 2015 for the **Zero: 2016** Campaign; the campaign to end veteran and chronic homelessness. During the year, the Continuum became one of the first to create a "by-name" list of homeless veterans and chronic homeless, which is being recognized as the national standard to achieve a better picture of those who are truly in need and how many veterans and chronic homeless are returning to homelessness. These tools have also been effective in case management for homeless consumers navigating multiple social service, health, and housing agencies.

As demonstrated in this report, the strategies to address and prevent homelessness, and the work to implement these strategies, are working. The report provides a summary of the outcomes and performance measures of the various types of programs and services provided by the Continuum partners. Every single performance measure was met! Even more notable was the decrease in numbers of homeless individuals identified in the Point-In-Time Count over the last five years.

Contra Costa County still faces struggles with homelessness as the housing market continues to pose challenges to households throughout the region. Additionally, the sluggish rate in the creation of affordable housing only means that homelessness, and the threat of homelessness, will continue. As we move forward into fiscal year 2016-17, it is these types of challenges that make the Continuum's work even more important.

There is much to be proud of in our efforts to address homelessness during FY 2015-16 and FY 2016-17 has already proven to be full of optimism, hope, and success.



Gabriel Lemus, Chair  
Contra Costa Council on Homelessness

## Contra Costa County Homeless Continuum of Care and Council on Homelessness

In 1997, the United States Department of Health and Human Services (HUD) required that communities seeking HUD homeless funding apply as a collaborative of local agencies, called a Homeless Continuum of Care. The Contra Costa Homeless Continuum of Care (Continuum) is comprised of service providers, members of the faith community, businesses, funders, education systems, and law enforcement, working in partnership with consumers to find stable housing.

The Continuum is governed by the Council on Homelessness (Council), a group of 15 members appointed by the Contra Costa County Board of Supervisors. The Council provides guidance in the development and implementation of long range planning and policy of homeless issues in the County.

### Fiscal Year 15-16 Annual Report Summary

As a governing body, the Council on Homelessness references data from the many data sources collected in the Continuum of Care, to represent the landscape of homelessness in Contra Costa County. This data aggregates the individual situations and personal stories of the 6,000 plus homeless people in our Continuum of Care. Data cannot capture everyday struggles, or convey the peace of mind when homeless individuals are housed, or the physical and psychological benefits of a place to call home.

However, the data can help to understand the need and impact. It can guide the Council in understanding how many people in the community struggle with mental health issues, chronic disease, or how many families slept on the streets in the middle of winter. This data also illustrates how many people transition from the streets, to shelter, to permanent housing. The numbers are exciting and demonstrate the impact this Continuum has on the lives of the almost 6,500 homeless people in the system of care last year.

A significant success for the Continuum is the 28% decrease in the number of people identified in the annual Point in Time Count since 2011. More notable is the Performance Measures data from agencies that provide prevention, intervention, and housing programming, reaching a greater number of people in need each year. Performance Measures for Fiscal Year 15-16 demonstrate improvements in all program types across the system of care. These improvements suggest that system-wide changes in the Continuum are resulting in reduced length of time homeless as people are obtaining housing quicker, and with effective placements such that fewer people return to homelessness.

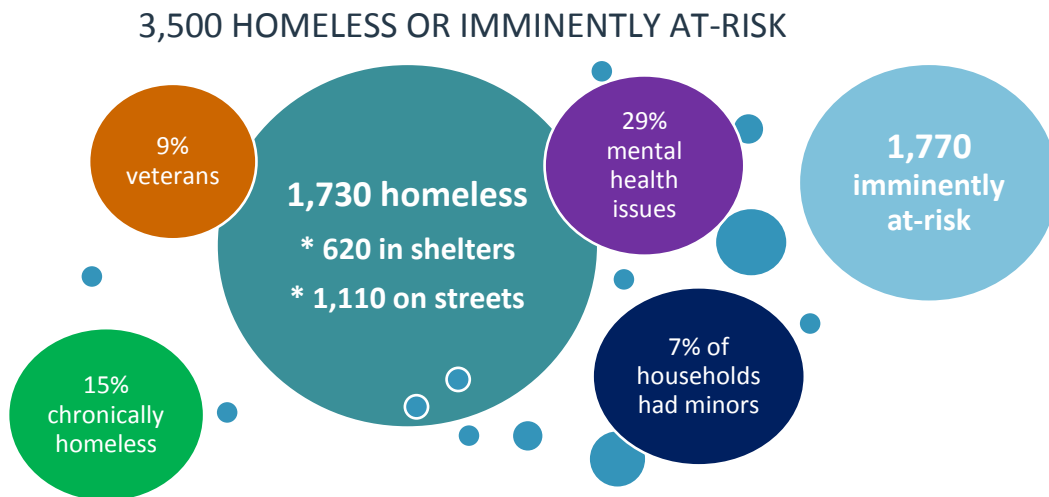
Despite all these accomplishments and improvements across the system, the Continuum continues to struggle in meeting the needs of many people that are homeless in the community. Newly identified homeless enter the system monthly, and lack of affordable housing hinders efforts to keep those at-risk in their homes or find new homes for those already struggling with homelessness.

The Continuum and all its partners continue to build the infrastructure for an effective system that meets the needs of the at-risk and homeless population. Data tells us that these efforts are working!

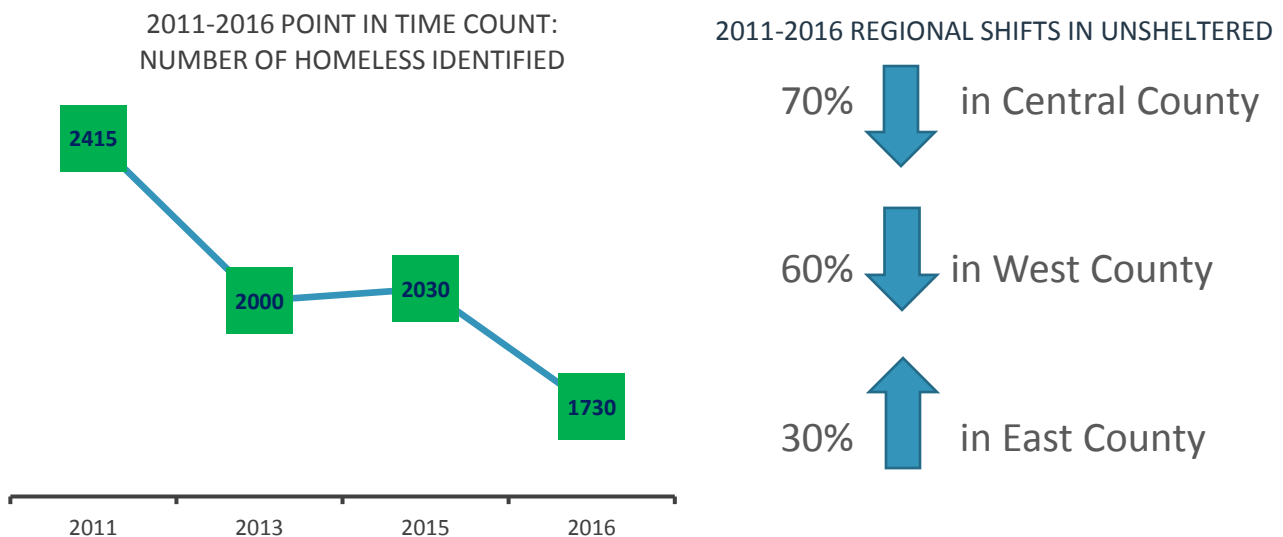
Please contact Health, Housing, and Homelessness Services at [homelessprograms@hsd.cccounty.us](mailto:homelessprograms@hsd.cccounty.us) for more information about this report or activities within the Contra Costa Homeless Continuum of Care.

## 2016 Point in Time Count – A Decrease in Numbers

On the evening of January 27, 2016, there were 3,500 individuals identified as homeless or at risk of homelessness in Contra Costa County through the [Point in Time](#) (PIT) Count. The PIT Count is an annual identification and survey of all homeless people residing in shelters or living on the streets in the county. Slightly less than half (1,730) of the 3,500 individuals were literally homeless and 1,770 were at risk of homelessness. Among the literally homeless, there were 620 people in shelters and another 1,110 were sleeping on the streets. Youth under the age of 18 made up 11% of the homeless population and two-thirds of those youth were residing in shelters the night of the count. Two-thirds of the population are male.



There has been a 28% decrease in the number of people identified through PIT in Contra Costa in the last five years. PIT also demonstrated a significant regional shift across the county for unsheltered individuals. More people reported sleeping outside or were found in encampments in East County relative to 2015 data, and fewer in West and Central County.

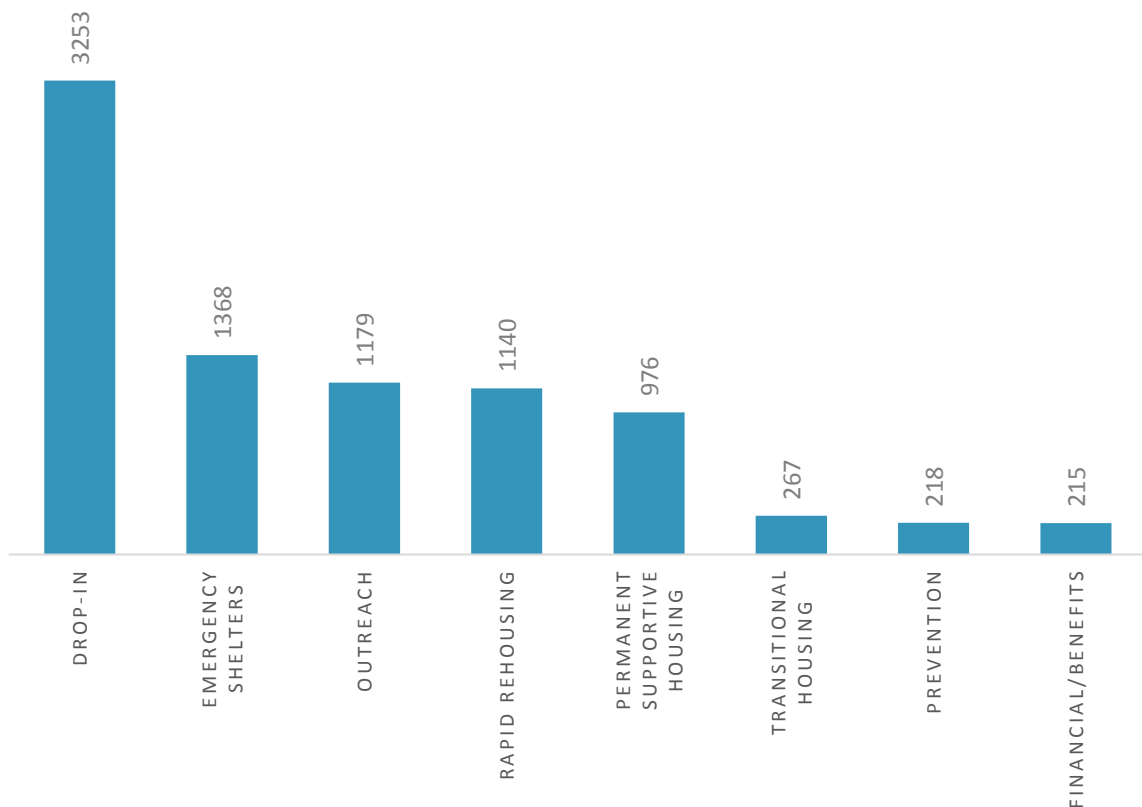


## Homeless Services in the Continuum

The Continuum serves thousands of at-risk, homeless, and formerly homeless people of all ages and demographics through the many service providers delivering homeless prevention and intervention programs. Each type of service is described below:

- **Emergency Shelters** provide temporary shelter for people that have no safe and healthy sleeping arrangements. Consumers generally come from uninhabitable locations (encampments, streets, or vehicles), are fleeing domestic violence, or lost temporary housing.
- **Support Services Only** programs include a variety of services to assist homeless individuals in “getting back on their feet” and/or simply provide basic health needs. SSOs include drop-in centers and financial and benefits programs.
- **Transitional Housing** is short-term housing for underage youth and families to get them off the streets and into more stable living environments until permanent housing can be established.
- **Rapid Rehousing** programs provide short-term financial assistance and services to help those who are experiencing homelessness to be quickly re-housed and stabilized.
- **Permanent Supportive Housing** links long-term, safe, affordable, community-based housing with flexible, voluntary support services to help the individual or family stay housed and healthy.
- **Street Outreach** provides basic hygiene supplies, housing and shelter referrals, food, and water.
- **Prevention Programs** provide short-term financial assistance to help families and individuals stay in their homes and avoid entering homelessness.

NUMBER OF PEOPLE SERVED BY PROGRAM TYPE IN FY 15-16



## The County's Homeless Population

The Contra Costa Homeless Continuum of Care served almost 8,500 consumers during Fiscal Year 2015-16 in a variety of homeless programs. Almost 1,000 of these consumers were previously homeless individuals now residing in Permanent Supportive Housing, and another 218 utilized prevention programs. Almost 6,500 individuals were literally homeless and residing in shelters or living on the streets in encampments or their vehicles. The number of people served by the Continuum continues to rise as more agencies and programs become part of the Continuum.

### FISCAL YEAR 2015-2016

6,455 Homeless Individuals  
796 Households with Minors



#### Race/Ethnicity:

42% Black/African American  
37% White/Caucasian  
9% American Indian  
17% Latino/Hispanic

#### Gender:

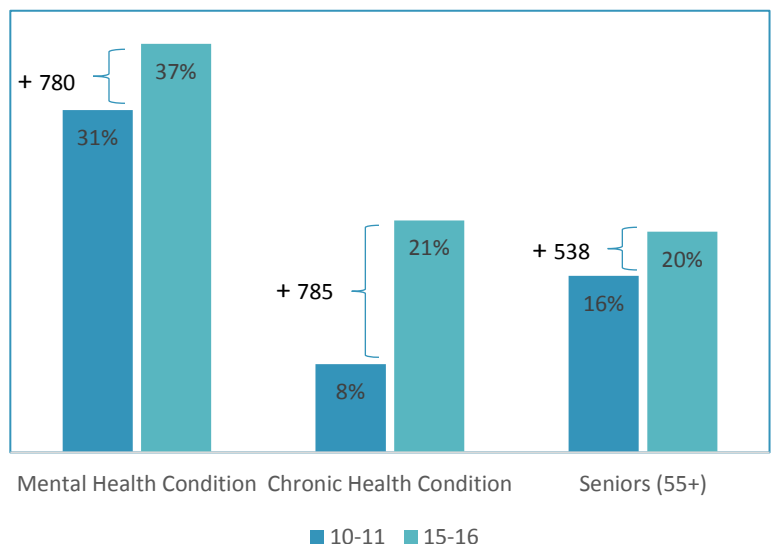
44% Female  
55% Male

#### Other Demographics:

43 is the average age  
58% with a Disabling Condition  
37% with Mental Health Condition  
32% People in Families  
19% Employed  
32% are Chronically Homeless Adults  
9% Veterans

The homeless population demographic has changed in a few important ways over the last five years. First, the total number of people reached through programming continues to increase as new programs are developed within the Continuum. Certain higher-risk sub-populations experienced greater increases than others. In FY 15-16, the County's homeless population had a [higher proportion of seniors and individuals with chronic or mental health conditions](#) than in FY 10-11.

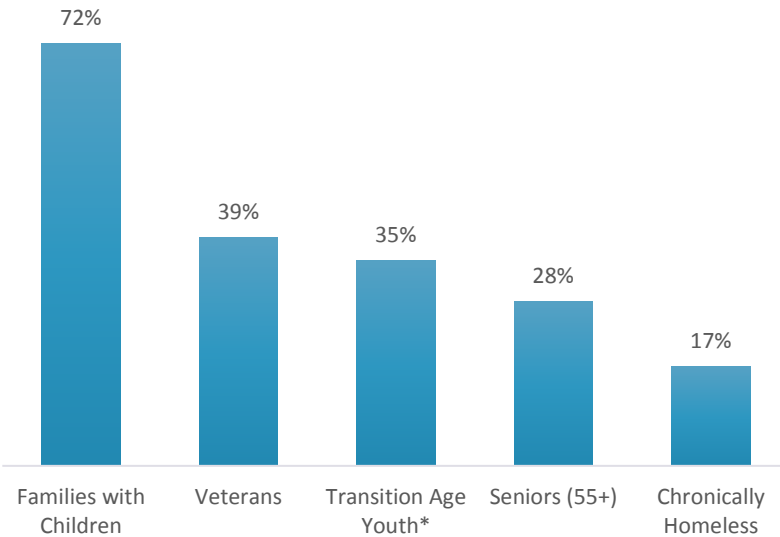
### PERCENT OF HOMELESS POPULATION IN HIGH-RISK SUB-GROUPS FOR FY 10-11 AND 15-16





A third of those served exit our system of care into permanent housing. However, housing outcomes were different across the various sub-populations served by the Continuum. Almost three-quarters of youth exit to permanent housing (along with their families) and 39% of Veterans exit to permanent housing. Chronically homeless and seniors more often end up back on the streets or in shelters.

#### PERCENT OF SUB-POPULATIONS EXITING TO PERMANENT HOUSING



Despite positive outcomes, the number of homeless individuals in the system of care remains high because of a significant “in-flow.” Twenty-nine percent of the people served were newly identified, meaning they had not utilized our Continuum for services in prior years either because they are new to homelessness, or were homeless in another community. Among the newly identified, 28% had lost their housing in a County other than Contra Costa.

## Continuum Wide Performance Measures Met

The Continuum met almost all of its Performance Measures for FY 15-16. Performance Measures are outcome data required by the United States Department of Housing and Urban Development (HUD) to track progress and outcomes in HUD-funded Continuum of Care programming. Performance Measures are utilized by the Continuum to track progress in outcomes and improve programing to better meet the population’s needs. In 2015, the Continuum of Care established Performance Measures for all types of homeless programming (Emergency Shelter, Transitional Housing, Rapid Rehousing, Support Services and Outreach, and Permanent Supportive Housing). Performance Measures for three key program types are provided below. The dotted line illustrates targets for each measurement identified by the Continuum. There were improvements in at least two Performance Measure for all Program Types since 2014-15 Fiscal Year.

*Exits to permanent housing increased* for emergency shelters, transitional housing, rapid rehousing, and permanent supportive housing and fewer are returning to the streets.

*Non-returns to homelessness increased* for all programs that house consumers (emergency shelters, transitional housing, and rapid rehousing), indicating that people are getting placed into housing opportunities that fit their needs best and can sustain housing.

*Length of time in emergency shelters and rapid rehousing programs decreased*, suggesting the system is moving people out of homelessness quicker.

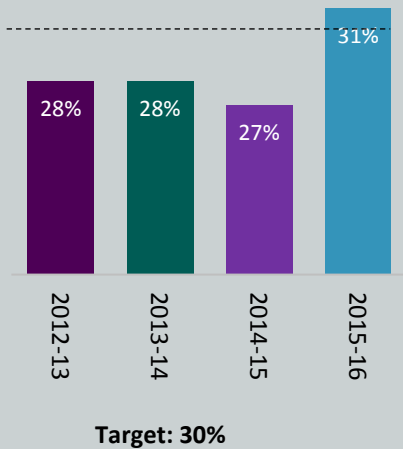
*Housing retention* for consumers in permanent supportive housing *remains high and on target*.

CONTRA COSTA COUNTY COUNCIL ON HOMELESSNESS

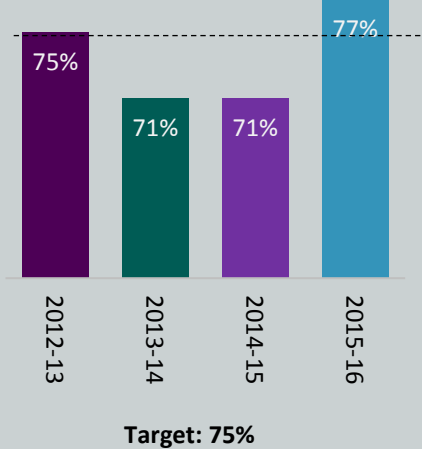
Key Performance Measures from Fiscal Year 15-16 are provided below.

**FY 15-16 EMERGENCY SHELTER PERFORMANCES MEASURES**

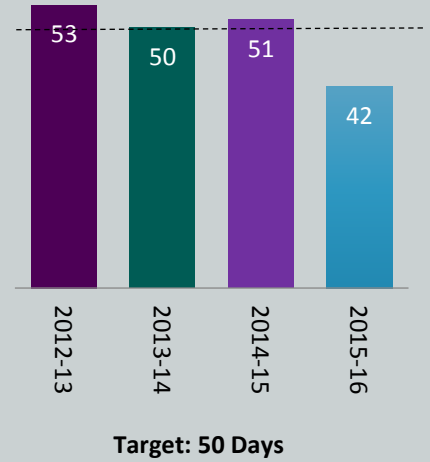
**Exits to Permanent Housing**



**Non-returns to Homelessness**

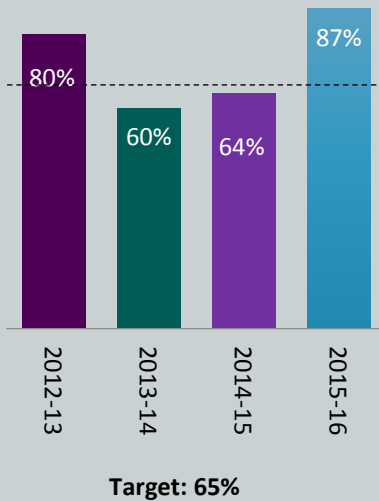


**Average Length of Stay for Exits to Perm Housing**

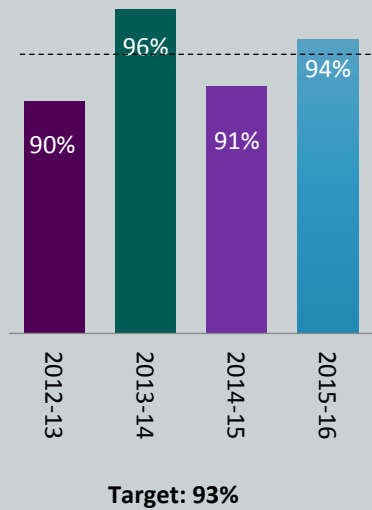


**RAPID REHOUSING PERFORMANCE MEASURES**

**Exits to Permanent Housing**

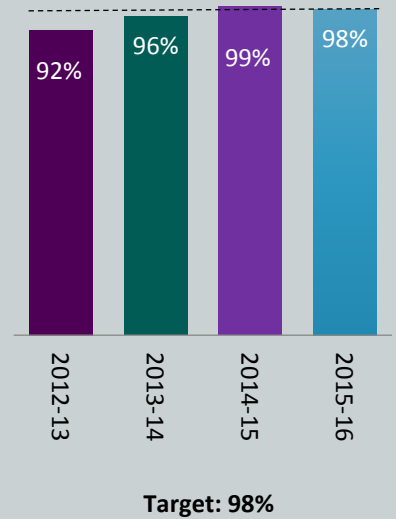


**Non-returns to Homelessness**



**PERMANENT SUPPORTIVE HOUSING PERFORMANCE MEASURES**

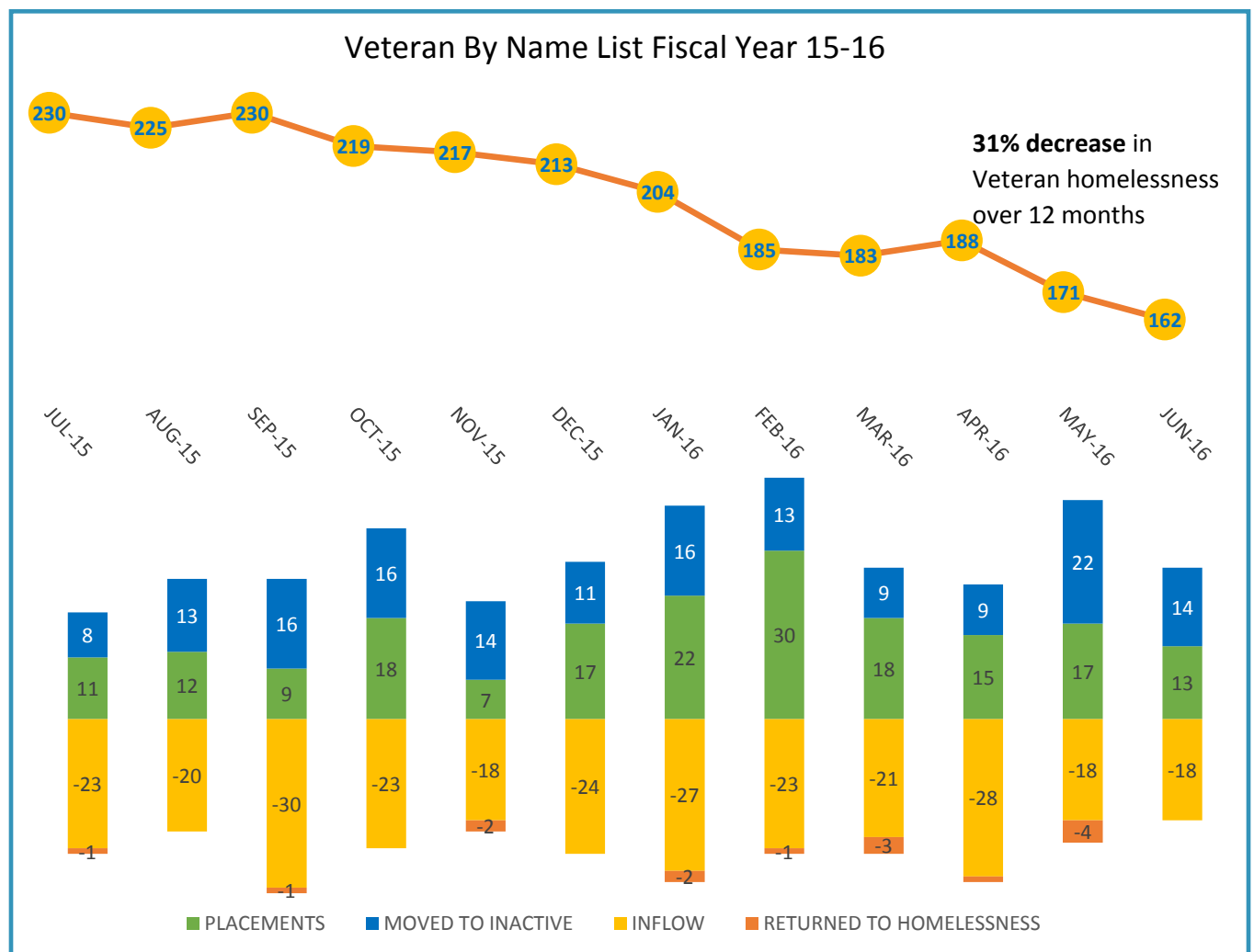
**Housing Retention**



## Zero:2016 — By Name Lists

In January, 2015, Contra Costa joined 70 other communities across the U.S. working to quickly and efficiently reduce the number of veterans and chronically homeless people in need of permanent housing through the national Zero: 2016 campaign organized by [Community Solutions](#).

On-going technical assistance provided through the campaign has focused on data around housing placements, as well as understanding in-flow of new and returning homeless veterans and chronically homeless. To best track this data, Contra Costa County has created a “By Name List” of homeless veterans and the chronically homeless in our community. This tool is becoming a national standard to help communities get a clearer picture of who needs help, how many people are being housed and how many people are entering or returning to homelessness each month. During the 15-16 fiscal year, the number of homeless veterans on the By Name List decreased by 31 percent.



The Veteran By Name List has become a critical tool for case management with veterans currently in our system. Now case managers meet twice-monthly to discuss every Veteran on the By Name List to identify needs, resources, and next steps to achieving better health and housing. The Continuum will build the Chronic By Name List in the next fiscal year to meet the new HUD chronic definition.

## Coordinated Entry

Implementation of the Coordinated Entry System in Contra Costa County is underway with greater agency participation in VI-SPDAY completion. The VI-SPDAT is the Coordinated Entry assessment tool used to identify case management and housing needs. By the end of the 15-16 FY, 32% of adults had completed a VI-SPDAT. The Continuum also developed a model for the Coordinated Entry System that illustrates how consumers move through the system of service providers into permanent housing.



Consumers may self-refer or enter the homeless system of care through referrals from service providers, law enforcement, primary and behavioral health care providers, business owners, and community members. Referral agencies then work with consumers to identify, assess, and prioritize health and housing needs.



## IDENTIFICATION, ASSESSMENT, AND PRIORITIZATION

### Homeless Info

Referrals to service providers  
Shelter referrals  
Housing needs assessment



### CORE

Day and nighttime outreach  
Referrals to behavioral health  
Housing needs assessment  
Street medicine  
Benefits enrollment  
Shelter placement



### CARE

Warming center  
Primary and behavioral health services  
Shelter referrals  
Benefits enrollment  
Housing needs assessment  
Rapid Rehousing screening



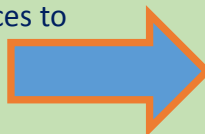
Consumers work with service providers to obtain the most appropriate permanent housing for each household. Some utilize emergency and transitional shelter while working toward permanent housing.



## HOUSING PLACEMENT

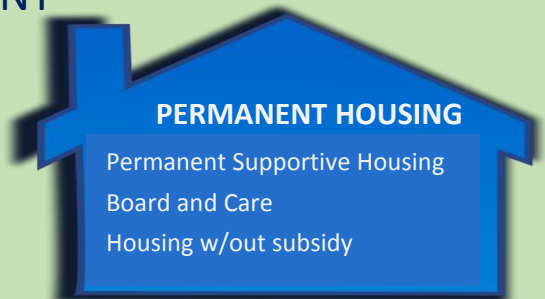
Housing services:

- Financial Assistance and Services to rapidly rehouse individuals
- Housing Navigation
- Housing Location



### PERMANENT HOUSING

Permanent Supportive Housing  
Board and Care  
Housing w/out subsidy



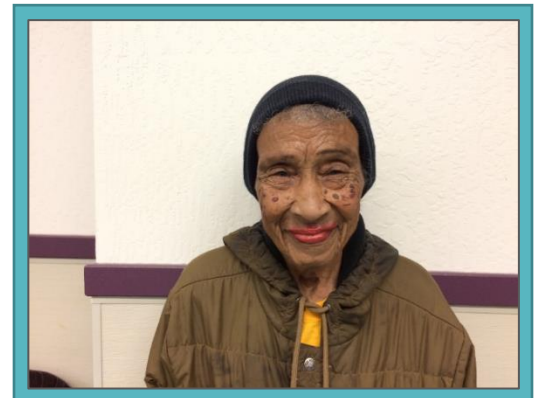
## A Legal and Personal Identity

“Kris” lived in Oakland all of her life, but details about her identity were unclear as she had been raised by her grandmother under a nickname. She worked most of her adulthood as an inn keeper at a motel in Oakland, obtaining a wage (under the table) and room and board through her employer. When that employer passed away, Kris became homeless. Kris entered our system of care unsure of her officially documented name or birthdate and had no personal identification. Without identification Kris was unable to obtain the necessary benefits to gain housing or healthcare.

Kris did know that she was raised in Oakland, guessed her age to be 73, and remembered the street she grew up on and the middle school she attended. Contra Costa County Emergency Shelter staff started a six-month effort to learn Kris’ identity. The Oakland School District allowed shelters staff to look through every yearbook from the years she may have attended. They found her senior picture and her real name, and discovered she was actually 93 (20 years older than she’d thought). That was all the information she needed to obtain a Social Security card, Cal Fresh, and Medical benefits with the certified documentation provided by the school district. Finally, Kris was approved for Supplemental Security Income (SSI) for elderly individuals, the last resource necessary to obtain housing.

Kris has warmed the hearts of many at the shelter as she has taken it upon herself to “manage” the laundry. She greeted each new shelter consumer with clean towels and linens. Kris has been described as “a mother” and “natural caretaker” to staff and consumers at the shelter.

Kris is now living in transitional housing and working with a housing navigator to identify affordable senior housing complexes.



# CONTRA COSTA COUNTY 2017 POINT IN TIME COUNT

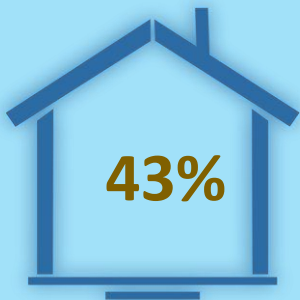
January 25, 2017

On a single night in Contra Costa County.....

1,607

people were homeless

This is a **7% decrease** from 2016



**43%**

Unsheltered

**57%**

Sheltered

84 families

160 minors



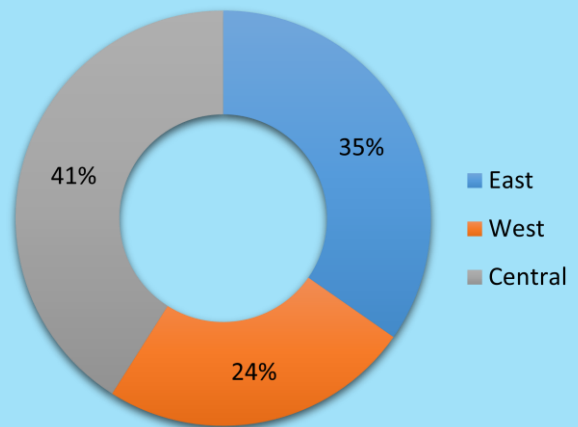
## Population Characteristics:

- 381** Substance Use Disorder
- 368** Mental Health Disability
- 331** Chronically homeless
- 224** Victims of Domestic Violence
- 99** Veterans



**2/3** are male

## Unsheltered by Region





**Contra  
Costa  
County**

To: Board of Supervisors  
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer  
Date: November 14, 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 required the installation of two structural retaining wall

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **11/14/2017** ☐ 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: November 14, 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)

systems, excavation and backfill of embankment between the wall systems, reconstruction of pavement, drainage improvements, and pavement striping.

Public Works Department 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 utilize the existing contract with Granite Rock Company 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: November 14, 2017

Subject: TERMINATE the emergency action for the repair of the Alhambra Valley Road Washout; Notice of Completion of Contract, Pinole area.

---

**RECOMMENDATION(S):**

TERMINATE 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); and

ACCEPT as complete the contracted work performed by Flatiron West, Inc., for the Alhambra Valley Road Washout Project, as recommended by the Interim Public Works Director, and DIRECT the Clerk to file a Notice of Completion for the repair contract, 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, pursuant to Public Contract

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 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)

Code section 22035 and 22050, 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 required the construction of a new bridge with wingwalls, slope protection and roadway conform work.

The Public Works Department used the professional firm of Drake, Haglan & Associates, Inc., to prepare the repair design of the Alhambra Valley Road washout. On April 27, 2017, Drake, Haglan & Associates, Inc., approved the bridge design plans, special provisions, and engineer's estimate. On May 2, 2017, Public Works Department Deputy Public Works Director Joe Yee, approved the plans, special provisions, and engineer's estimate for the repair of the Alhambra Valley Road washout, 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 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, 2017.

A sinkhole opened up in Pinole Valley Road immediately adjacent to the bridge work and has been repaired by the bridge contractor according to the plan prepared by and as directed by the Public Works Department.

The Interim Public Works Director reports that the Alhambra Valley Road Washout repair work has been inspected and complies with the approved plans, special provisions and standard specifications and has been accepted as complete as of November 2, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

Contractor and sub-contractors will not receive full payment and a notice of completion will not be recorded.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer  
Date: November 14, 2017

Subject: Contract Amendment with Quincy Engineering, Incorporated, Countywide.

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Interim Public Works Director, or designee, to execute Contract Amendment No. 1 to the Consulting Services Agreement (CSA) with Quincy Engineering, Incorporated, effective October 1, 2017, to increase the payment limit by \$150,000 to a new payment limit of \$450,000, for professional construction management services, Countywide.

**FISCAL IMPACT:**

Work performed under this on-call consulting services agreement is funded by developer fees, local, state and federal funds for road, flood control, and airport projects.

**BACKGROUND:**

On April 14, 2015, the Public Works Department entered into a CSA with Quincy Engineering, Incorporated after being selected to provide construction management services and after completing a request for qualifications solicitation, technical proposal, and interview process. After completing a request for proposal, Quincy Engineering, Incorporated was selected to provide construction management services for the Alhambra Valley Road Washout Repair project. This project was an emergency repair project and the cost of services exceeded the remaining amount available of the contract.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Kevin Emigh, 925.  
313-2233

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

By: , Deputy

cc: Eric Angstadt, Assistant County Administrator

CONSEQUENCE OF NEGATIVE ACTION:

The Consultant would not be paid for services rendered.



Contra  
Costa  
County

To: Board of Supervisors  
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer  
Date: November 14, 2017

Subject: Restrict parking (blue curb) on a portion of Winslow Street (Road No. 2295AD), Crockett area.

---

**RECOMMENDATION(S):**

ADOPT Traffic Resolution No. 2017/4463 to prohibit parking at all times, except for those vehicles of individuals with disabilities (blue curb) on a portion of Winslow Street (Road No. 2295AD), as recommended by the Interim Public Works Director, Crockett area.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

Public Works Traffic Engineering was contacted by a resident requesting installation of a disabled parking space in front of their residence. Traffic Engineering staff subsequently confirmed the disabled status of the resident, made an assessment of the site and potential neighbors that could be affected by this restriction. It was determined the resident has no driveway, and that no nearby residents would be negatively affected by restricting one parking space for disabled use only. Therefore, Traffic recommends one parking space be restricted to only those vehicles displaying valid disabled persons placards/plates.

**CONSEQUENCE OF NEGATIVE ACTION:**

Parking will remain unrestricted at this location on Winslow Street.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Monish Sen, (925)  
313-2187

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

By: , Deputy

cc:

## ATTACHMENTS

Traffic Resolution  
2017/4463

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA**

Adopted this Traffic Resolution on November 14, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TRAFFIC RESOLUTION NO. 2017/4463  
Supervisory District V

---

SUBJECT: Prohibit parking at all times, except for those vehicles of individuals with disabilities (blue curb) on a portion of Winslow Street (Road No. 2295AD), Crockett area.

The Contra Costa Board of Supervisors RESOLVES that:

Based on recommendations by the County Public Works Department's Traffic Engineering Division and pursuant to County Ordinance Code Sections 46-2.002 - 46-2.012, the following traffic regulation is established:

Pursuant to Sections 22507 and 22511.7 of the California Vehicle Code, parking is hereby prohibited at all times, except for vehicles of individuals with disabilities (blue curb) on the south side of Winslow Street (Road No. 2295AD), beginning at a point 62 feet east of the centerline of Bay Street (Road No. 2295AJ) and continuing easterly a distance of 20 feet, Crockett area.

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

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

MS:js

Orig. Dept: Public Works (Traffic)  
Contact: Monish Sen, 313-2187

cc: California Highway Patrol  
Sheriff Department

By \_\_\_\_\_, Deputy

**TRAFFIC RESOLUTION NO. 2017/XXXX**



Contra  
Costa  
County

To: Board of Supervisors  
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer  
Date: November 14, 2017

Subject: Approving the fifth extension of the Subdivision Agreement for SD03-08791, a project being developed by ADP Freedom 7, LLC, El Sobrante area

---

**RECOMMENDATION(S):**

ADOPT Resolution No. 2017/410 approving the fifth extension of the Subdivision Agreement for subdivision SD03-08791, for a project being developed by ADP Freedom 7, LLC, as recommended by the Interim Public Works Director, El Sobrante area. (District I)

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The terminal date of the Subdivision Agreement needs to be extended. The developer has not completed the required improvements and has requested more time. (Approximately 85% of the work has been completed to date.) By granting an extension, the County will give the developer more time to complete his improvements and keeps the bond current.

**CONSEQUENCE OF NEGATIVE ACTION:**

The terminal date of the Subdivision Agreement will not be extended and the developer will be in default of the agreement, requiring the County to take legal action against the developer and surety to get the improvements installed, or revert the development to acreage.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Lori Lorentini - (925)  
313-2352

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

By: , Deputy

cc: J. Larocque, Sherri Reed, Lori Lorentini, Department of Conversation & Development, ADP Freedom 7 LLC, Platter River Insurance Company, T-June 10, 2018



ATTACHMENTS

Resolution No. 2017/410

Fifth Extension of 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 11/14/2017 by the following vote:

**AYE:** ☐  
**NO:** ☐  
**ABSENT:** ☐  
**ABSTAIN:** ☐  
**RECUSE:** ☐



**Resolution No. 2017/410**

**IN THE MATTER OF** approving the fifth extension of the Subdivision Agreement for subdivision SD03-08791, for a project being developed by ADP Freedom 7, LLC, as recommended by the Interim Public Works Director, El Sobrante area. (District I)

**WHEREAS** the Interim Public Works Director having recommended that he be authorized to execute the fifth agreement extension which extends the Subdivision Agreement between ADP Freedom 7, LLC and the County for construction of certain improvements in subdivision SD03-08791, El Sobrante area, through August 10, 2018.

APPROXIMATE PERCENTAGE OF WORK COMPLETE: 85%

ANTICIPATED DATE OF COMPLETION: August 2018

BOND NO.: 41202046

DATE: July 16, 2010

REASON FOR EXTENSION: Work delayed due to poor market conditions.

**NOW, THEREFORE, BE IT RESOLVED** that the recommendation of the Interim Public Works Director is 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: Lori Lorentini - (925) 313-2352**

**ATTESTED: November 14, 2017**

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

By: , Deputy

**cc:** J. Larocque, Sherri Reed, Lori Lorentini, Department of Conversation & Development, ADP Freedom 7 LLC, Platter River Insurance Company, T-June 10, 2018

**CONTRA COSTA COUNTY**  
**SUBDIVISION AGREEMENT EXTENSION**

**Development Number:** SD03-08791

**Developer:** ADP Freedom 7, LLC

**Original Agreement Date:** August 10, 2010

**Fifth Extension New Termination Date:** August 10, 2018

**Improvement Security**

**SURETY :** Platte River Insurance Company

**BOND No.** 41202046

**Date:** July 16, 2010

**Security Type**

**Security Amount**

**Cash:**

\$ 2,575.00 (1% cash, \$1,000 Min.)

**SURETY BOND:**

\$ 39,000.00 (Performance)

\$ 128,750.00 (Labor & Material)

The Developer and the Surety desire this Agreement to be extended through the above date; and Contra Costa County and said Surety hereby agree thereto and acknowledge same.

Dated: November 14, 2017

FOR CONTRA COSTA COUNTY  
Julia R. Bueren, Public Works Director

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

RECOMMENDED FOR APPROVAL:

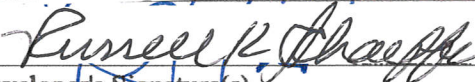
By:   
(Engineering Services Division)

(NOTE: Developer's, Surety's and Financial Institution's Signatures must be Notarized.)

FORM APPROVED: Victor J. Westman, County Counsel

After Approval Return to Clerk of the Board

Dated: October 16, 2017

  
Developer's Signature(s)

Russell K. Schaeffer

Printed  
Authorized Agent

Developer's Signature(s)  
ADP Freedom 7, LLC

Printed

12647 Alcosta Blvd #420, San Ramon, CA  
Address 94583

Platte River Insurance Company

Surety or Financial Institution

2121 N. California Blvd., Suite 300, Walnut Creek, CA 94596

Address

  
Attorney in Fact's Signature

Jason Jenkins, Attorney-In-Fact

Printed



PLATTE RIVER INSURANCE COMPANY  
POWER OF ATTORNEY

41376412

KNOW ALL MEN BY THESE PRESENTS, That the PLATTE RIVER INSURANCE COMPANY, a corporation of the State of Nebraska, having its principal offices in the City of Middleton, Wisconsin, does make, constitute and appoint

CHRIS ELEY; AMELIA MCSHANE; JASON JENKINS

its true and lawful Attorney(s)-in-fact, to make, execute, seal and deliver for and on its behalf, as surety, and as its act and deed, any and all bonds, undertakings and contracts of suretyship, provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

ALL WRITTEN INSTRUMENTS IN AN AMOUNT NOT TO EXCEED: \$20,000,000.00

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 PLATTE RIVER INSURANCE COMPANY at a meeting duly called and held on the 8th day of January, 2002.

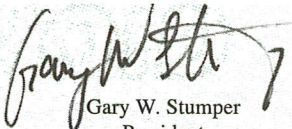
"RESOLVED, that the President, and Vice-President, the Secretary or Treasurer, acting individually or otherwise, be and they hereby are granted the power and authorization to appoint by a Power of Attorney for the purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, one or more vice-presidents, assistant secretaries and attorney(s)-in-fact, each appointee to have the powers and duties usual to such offices to the business of the company; the signature of such officers and the seal of the Corporation may be affixed to such power of attorney or to any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Corporation in the future with respect to any bond or undertaking or other writing obligatory in the nature thereof to which it is attached. Any such appointment may be revoked, for cause, or without cause, by any of said officers, at any time."

In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner - Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

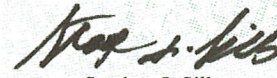
IN WITNESS WHEREOF, the PLATTE RIVER INSURANCE COMPANY has caused these presents to be signed by its officer undersigned and its corporate seal to be hereto affixed duly attested, this 27th day of July, 2015.

Attest:

  
Gary W. Stumper  
President  
Surety & Fidelity Operations

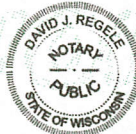


PLATTE RIVER INSURANCE COMPANY


  
Stephen J. Sills  
CEO & President

STATE OF WISCONSIN } S.S.:  
COUNTY OF DANE

On the 27th day of July, 2015 before me personally came Stephen J. Sills, to me known, who being by me duly sworn, did depose and say: that he resides in the County of New York, State of New York; that he is President of PLATTE RIVER INSURANCE COMPANY, the corporation described herein and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.



CERTIFICATE

  
David J. Regele  
Notary Public, Dane Co., WI  
My Commission Is Permanent

STATE OF WISCONSIN } S.S.:  
COUNTY OF DANE

I, the undersigned, duly elected to the office stated below, now the incumbent in PLATTE RIVER INSURANCE COMPANY, a Nebraska Corporation, authorized to make this certificate, DO HEREBY CERTIFY that the foregoing attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolution of the Board of Directors, set forth in the Power of Attorney is now in force.

Signed and sealed at the City of Middleton, State of Wisconsin this 2 day of October, 2017.



  
Antonio Celii  
Secretary

THIS DOCUMENT IS NOT VALID UNLESS PRINTED ON GREEN SHADED BACKGROUND WITH A RED SERIAL NUMBER IN THE UPPER RIGHT HAND CORNER. IF YOU HAVE ANY QUESTIONS CONCERNING THE AUTHENTICITY OF THIS DOCUMENT CALL, 800-475-4450. PR-POA (Rev. 12-2016)



ACKNOWLEDGMENT

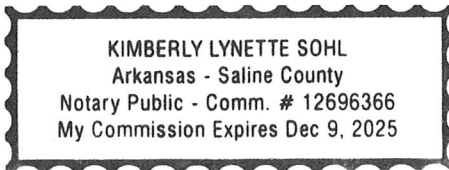
STATE OF ARKANSAS     )  
  )ss.  
COUNTY OF Saline     )

BE IT REMEMBERED, on this day, personally appeared before me,  
Jason Jenkins, known to me to be the person whose name is subscribed to  
the foregoing as attorney-in-fact, and acknowledged that he executed the same for the  
purposes therein contained.

WITNESS my hand and official seal this 2 day of October, 2017.

Kimberly Lynette Sohl  
Notary Public

My Commission Expires: December 9, 2025



\_\_\_\_\_  
(S E A L)

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

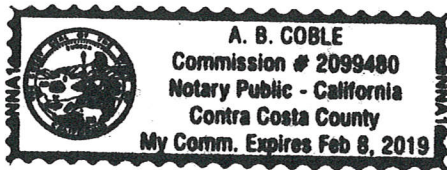
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
 County of CONTRA COSTA )  
 On 10/16/17 before me, A.B. COBLE,  
 Date Here Insert Name and Title of the Officer  
 personally appeared RUSSELL K. SCHAEFFER  
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]  
 Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: SUBDIVISION AGREEMENT EXTENSION Document Date: 10/16/17  
 Number of Pages: 1 Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: RUSSELL K. SCHAEFFER  
☒ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: APP FREEDOM?

Signer's Name: JASON JENKINS  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_



Contra  
Costa  
County

To: Board of Supervisors  
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer  
Date: November 14, 2017

Subject: Approving the Road Improvement Agreement for road acceptance RA17-01253, North Richmond area.

---

**RECOMMENDATION(S):**

ADOPT Resolution No. 2017/411 approving the Road Improvement Agreement, for road acceptance RA17-01253 (cross-reference DP16-03008), for a project being developed by Goldman Enterprises, Inc., as recommended by the Interim Public Works Director, North Richmond area. (District I)

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

Improvements have been reviewed and processed by Public Works staff and meets all applicable conditions of approval and County requirements.

**CONSEQUENCE OF NEGATIVE ACTION:**

The Road Improvement Agreement will not be approved.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Kara Schuh-Garibay, 925.  
313-2179

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

By: , Deputy

cc: J. Larocque, Sherri Reed, Kara Schuh-Garibay, Adrian Veliz, Tickler File-September 14, 2018, Eli Goldman, Developers Surety and Indemnity Company

ATTACHMENTS

Resolution No. 2017/411

Road Improvement 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 11/14/2017 by the following vote:

**AYE:** ☐  
**NO:** ☐  
**ABSENT:** ☐  
**ABSTAIN:** ☐  
**RECUSE:** ☐



**Resolution No. 2017/411**

**IN THE MATTER OF:** Approving the Road Improvement Agreement, for road acceptance RA17-01253 (cross-reference DP 16-03008), for a project being developed by Goldman Enterprises, Inc., North Richmond area. (District I)

**WHEREAS**, these improvements are approximately located on Brookside Drive between the intersections with Fred Jackson Way and Central Street, on Central Street between the intersections with Pittsburg Avenue and Brookside Drive and on Pittsburg Avenue between the intersections with Central Street and Fred Jackson Way.

The following document was presented for Board approval for Brookside Drive, Central Street, Pittsburg Avenue, road acceptance RA17-01253 (cross-reference DP16-03008) property located in the North Richmond area, Supervisorial District I.

A Road Improvement Agreement with Goldman Enterprises, Inc., principal, whereby said principal agrees to complete all improvements, as required in said road improvement agreement, within 2 year(s) from the date of said agreement. Improvements generally consist of road improvements and drainage improvements.

Said document was accompanied by security to guarantee the completion of road improvements, as required by Title 9 of the County Ordinance Code, as follows:

I. **Cash Bond** Performance Amount: \$7,000 Auditor's Deposit Permit No. DP 747305 Date: October 13, 2017 Submitted by: Sunborne

II. **Surety Bond** Bond Company: Developers Surety and Indemnity Company Bond Number and Date: 652215S October 3, 2017 Performance Amount: \$657,000 Labor & Materials Amount: \$332,000 Principal: Goldman Enterprises, Inc.

**NOW, THEREFORE, BE IT RESOLVED** that said road improvement agreement is APPROVED. All deposit permits are on file with the Public Works Department.

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

**Contact: Kara Schuh-Garibay, 925.  
313-2179**

**ATTESTED: November 14, 2017**

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

By: , Deputy

**cc:** J. Larocque, Sherri Reed, Kara Schuh-Garibay, Adrian Veliz, Tickler File-September 14, 2018, Eli Goldman, Developers Surety and Indemnity Company

ROAD IMPROVEMENT AGREEMENT

Developer: Goldman Enterprises, Inc.

Effective Date: November 14, 2017

Development: RA17-01253/DP16-3008

Completion Period: 2 years

Road: Brookside Drive, Central Street, Pittsburg Avenue

**THESE SIGNATURES ATTEST TO THE PARTIES' AGREEMENT HERETO:**

CONTRA COSTA COUNTY

Brian M. Balbis, Interim Public Works Director

DEVELOPER

Goldman Enterprises, Inc.

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

(signature) Daniel Goldman  
(print name & title) Daniel Goldman, President

RECOMMENDED FOR APPROVAL

By: [Signature]  
Engineering Services Division

(signature) Candice Goldman  
(print name & title) Candice Goldman, Chief Financial Officer

FORM APPROVED: Victor J. Westman, County Counsel

(NOTE: All signatures to be acknowledged. If Subdivider is incorporated, signatures must conform with the designated representative groups pursuant to Corporations Code S313.)

1. PARTIES & DATE. Effective on the above date, the County of Contra Costa, California, hereinafter called "County," and the above-mentioned Developer, mutually promise and agree as follows concerning this development:

2. IMPROVEMENTS. Developer agrees to install certain road improvements (both public and private), drainage improvements, signs, street lights, fire hydrants, landscaping, and such other improvements (including appurtenant equipment) as required in the improvement plans for this development as reviewed and on file with the Contra Costa County Public Works Department and in conformance with the Contra Costa County Ordinance Code (including future amendments thereto).

Developer shall complete said work and improvements (hereinafter called "work") within the above completion period from date hereof in a good workmanlike manner, in accordance with accepted construction practices and in a manner equal or superior to the requirements of the County Ordinance Code and rulings made thereunder; and where there is a conflict between the improvement plans and the County Ordinance Code, the stricter requirements shall govern.

3. IMPROVEMENT SECURITY. Upon executing this Agreement, the Developer shall, pursuant to the County Ordinance Code, provide as security to the County:

A. For Performance and Guarantee: \$ 7,000 cash, plus additional security, in the amount of \$ 657,000 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 cashiers check.  
☒ Acceptable corporate surety bond.  
☐ Acceptable irrevocable letter of credit.

With this security, the Developer guarantees performance under this Agreement and maintenance of the work for one year after its completion and acceptance against any defective workmanship or materials or any unsatisfactory performance.

B. For Payment: Security in the amount of \$ 332,000, 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  
☒ Acceptable corporate surety bond.  
☐ Acceptable irrevocable letter of credit.

With this security, the Developer guarantees payment to the contractor, to his subcontractors, and to persons renting equipment or furnishing labor or materials to them or to the Developer. Upon acceptance of the work as complete by the Board of Supervisors and upon request of the Developer, the amount securities may be reduced in accordance with S94-4.406 and S94-4.408 of the Ordinance Code.

4. GUARANTEE AND WARRANTY OF WORK. Developer guarantees that said work shall be free from defects in material or workmanship and shall perform satisfactorily for a period of one-year from and after the Board of Supervisors accepts the work as complete in accordance with Article 96-4.6, "Acceptance," of the Ordinance Code. Developer agrees to correct, repair, or replace, at his expense, any defects in said work.

The guarantee period does not apply to road improvements for private roads which are not to be accepted into the County road system.

5. PLANT ESTABLISHMENT WORK. Developer agrees to perform establishment work for landscaping installed under this agreement. Said plant establishment work shall consist of adequately watering plants, replacing unsuitable plants, doing weed, rodent and other pest control and other work determined by the Public Works Department to be necessary to insure establishment of plants. Said plant establishment work shall be performed for a period of one-year from and after the Board of Supervisors accepts the work as complete.

6. IMPROVEMENT PLAN WARRANTY. Developer warrants the improvement plans for the work are adequate to accomplish the work as promised in Section 2 and as required by the Conditions of Approval for the development. If, at any time before the Board of Supervisors accepts the work as complete or during the one-year guarantee period, said improvement plans prove to be inadequate in any respect, Developer shall make whatever changes are necessary to accomplish the work as promised.

7. NO WAIVER BY COUNTY. Inspection of the work and/or materials, or approval of work and/or materials or statement by any officer, agent or employee of the County indicating the work or any part thereof complies with the requirements of this Agreement, or acceptance of the whole or any part of said work and/or materials, or payments, therefor, or any combination or all of these acts, shall not relieve the Developer of his obligation to fulfill this agreement as prescribed; nor shall the County be thereby be stopped from bringing any action for damages arising from the failure to comply with any of the terms and conditions hereof.

8. INDEMNITY: Developer shall hold harmless and indemnify the indemnitees from the liabilities as defined in this section:

A. The indemnities benefitted and protected by this promise are the County, and its special district, elective and appointive boards, commissions, officers, agents, and employees.

B. The liabilities protected against are any liability or claim for damage of any kind allegedly suffered, incurred or threatened because of actions defined below, and including personal injury, death, property damage, inverse condemnation, or any combination of these, and regardless of whether or not such liability, claim or damage was unforeseeable at any time before the County reviewed said improvement plans or accepted the work as complete, and including the defense of any suit(s), action(s), or other proceeding(s) concerning said liabilities and claims.

C. The actions causing liability are any act or omission (negligent or non-negligent) in connection with the matters covered by this Agreement and attributable to the Developer, contractor, subcontractor, or any officer, agent, or employee of one or more of them;

D. Non-Conditions: The promise and agreement in this section are not conditioned or dependent on whether or not any Indemnitee has prepared, supplied, or approved any plan(s) or specification(s) in connection with this work, or has insurance or other indemnification covering any of these matters, or that the alleged damage resulted partly from any negligent or willful misconduct of any Indemnity.

9. COSTS: Developer shall pay when due, all the costs of the work, including inspections thereof and relocating existing utilities required thereby.

10. NON-PERFORMANCE AND COSTS: If Developer fails to complete the work within the time specified in this Agreement, and subsequent extensions, or fails to maintain the work, the County may proceed to complete and/or maintain the work by contract or otherwise, and Developer agrees to pay all costs and charges incurred by the County (including, but not limited to: engineering, inspection, surveys, contract, overhead, etc.) immediately upon demand.

Developer hereby consents to entry on the development property by the County and its forces, including contractors, in the event the County proceeds to complete and/or maintain the work.

Once action is taken by County to complete or maintain the work, Developer agrees to pay all costs incurred by the County, even if Developer subsequently completes the work.

Should County sue to compel performance under this Agreement or to recover costs incurred in completing or maintaining the work, Developer agrees to pay all attorney's fees, and all other expenses of litigation incurred by County in connection therewith, even if Developer subsequently proceeds to complete the work.

11. INCORPORATION/ANNEXATION. If, before the Board of Supervisors accepts the work as complete, the development is included in territory incorporated as a city or is annexed to an existing city, the County's rights under this agreement and/or any deposit, bond, or letter of credit securing said rights shall be transferred to the new or annexing city. Such city shall have all the rights of a third party beneficiary against Developer, who shall fulfill all the terms of this agreement as though Developer had contracted with the city originally.

12. CONSIDERATION. In consideration hereof:

(Check applicable section(s))

☒ County shall allow Developer to obtain building permits for said development, assuming it fully complies with other applicable regulations.

☒ County agrees to accept the road(s) into the County-maintained road system, after the improvements are complete.

☐ Other (requires County Counsel approval \_\_\_\_\_)

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**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 California )

County of SAN FRANCISCO )

On 10/05/2017 before me, OUR SAPPRASERT O'BRIEN, NOTARY PUBLIC,  
Date Here Insert Name and Title of the Officer

personally appeared DANIEL GOLDMAN AND CANDICE GOLDMAN  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Oud Sapprasert O'Brien  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document** Road Improvement Agreement

Title or Type of Document: \_\_\_\_\_

Document Date: 10/5/17 Number of Pages: 2

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Daniel Goldman

☐ Corporate Officer — Title(s): \_\_\_\_\_

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: Candice Goldman

☐ Corporate Officer — Title(s): \_\_\_\_\_

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_



Bond No.: 652215S

Development: RA17-01253/DP16-3008

Premium: \$15,768.00

**IMPROVEMENT SECURITY BOND  
FOR ROAD IMPROVEMENT AGREEMENT**  
(Performance, Guarantee, and Payment)  
(California Government Code §§ 66499 - 66499.10)

1. **RECITAL OF ROAD IMPROVEMENT AGREEMENT:** The Developer (Principal) has executed a Road Improvement Agreement with the County to install and pay for street, drainage and other improvements on, or along Brookside Drive, Central Street, Pittsburg Avenue to complete said work within the time specified for completion in the Road Improvement Agreement, all in accordance with State and local laws and rulings.  
\*dba Sunborne Nursery
2. **OBLIGATION:** Goldman Enterprises, Inc.; as Principal and Developers Surety and Indemnity Company \_\_\_\_\_, a corporation organized under the laws of the State of California \_\_\_\_\_, 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 as follows:
  - A. **Performance:** Six hundred fifty seven thousand Dollars (\$657,000) for itself or any city assignee under the above County Road Improvement Agreement, plus
  - B. **Payment:** Three hundred thirty two thousand Dollars (\$332,000) to secure the claims to which reference is made in Title 15 §§ et seq. of the Civil Code of the State of California.
3. **CONDITION:**
  - A. The Condition of this obligation as to Section (2.A.) above is such that if the above bonded Principal, or principal's 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 it or its 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 therefore, there shall be included reasonable costs, expenses and fees, including reasonable attorney's fees, incurred by the County of Contra Costa or city assignee, in successfully enforcing such obligation, all to be taxed as costs and included in any judgement 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, material men and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code, for materials furnished, labor of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor and that said undersigned surety will pay the same in an amount not exceeding the amount herein above set forth and also, in case suit is brought upon this bond, will pay, in addition to the face amount thereof, reasonable costs, 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, all to be taxed as costs and to be included in the judgement 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 of the State of California, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the work under the conditions 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 alteration of said Road Improvement Agreement or any plan or specification of said work agreed to by the Principal and the County shall relieve the Surety from liability on this bond and consent is hereby given to make such alteration without further notice to or consent by the Surety and the Surety hereby waives the provisions of California Civil Code Section 2819 and holds itself bound without regard to and independently of any action against Principal whenever taken.

**4. SIGNED AND SEALED:**

The undersigned executed this document on October 3, 2017.

**PRINCIPAL:**

Goldman Enterprises, Inc. dba Sunborne Nursery  
Address: 1150 Phelps St.  
City: San Francisco CA 94124  
By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**SURETY:**

Developers Surety and Indemnity Company  
Address: 17771 Cowan Avenue, Suite 100  
City: Irvine CA 92614  
By: Mary Baez  
Print Name: Mary Baez, Attorney-in-Fact  
Title: Attorney-in-Fact

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**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 California )  
 County of San Mateo )  
 On October 3, 2017 before me, Deborah M. Knipp, Notary Public,  
*Date Here Insert Name and Title of the Officer*  
 personally appeared Mary Baez  
*Name(s) of Signer(s)*

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~  
 subscribed to the within instrument and acknowledged to me that ~~he~~~~she~~~~it~~ 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 Deborah M. Knipp  
*Signature of Notary Public*

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or  
 fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_  
 Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☒ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

**POWER OF ATTORNEY FOR  
DEVELOPERS SURETY AND INDEMNITY COMPANY  
INDEMNITY COMPANY OF CALIFORNIA**  
PO Box 19725, IRVINE, CA 92623 (949) 263-3300

KNOW ALL BY THESE PRESENTS that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, do each hereby make, constitute and appoint:

\*\*\*Greg McCartney, David Crain, Mary Baez, Sylvia McGovern, jointly or severally\*\*\*

as their true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporations, as sureties, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporations could do, but reserving to each of said corporations full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolutions adopted by the respective Boards of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, effective as of January 1st, 2008.

RESOLVED, that a combination of any two of the Chairman of the Board, the President, Executive Vice-President, Senior Vice-President or any Vice President of the corporations be, and that each of them hereby is, authorized to execute this Power of Attorney, qualifying the attorney(s) named in the Power of Attorney to execute, on behalf of the corporations, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of either of the corporations be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporations when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA have severally caused these presents to be signed by their respective officers and attested by their respective Secretary or Assistant Secretary this 6th day of February, 2017.

By: *Daniel Young*  
Daniel Young, Senior Vice-President  
By: *Mark Lansdon*  
Mark Lansdon, Vice-President



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 Orange

On February 6, 2017 before me, Lucille Raymond, Notary Public  
Date Here Insert Name and Title of the Officer  
personally appeared Daniel Young and Mark Lansdon  
Name(s) of Signer(s)

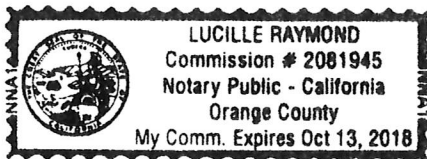
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

*Lucille Raymond*  
Lucille Raymond, Notary Public



Place Notary Seal Above

**CERTIFICATE**

The undersigned, as Secretary or Assistant Secretary of DEVELOPERS SURETY AND INDEMNITY COMPANY or INDEMNITY COMPANY OF CALIFORNIA, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked and, furthermore, that the provisions of the resolutions of the respective Boards of Directors of said corporations set forth in the Power of Attorney are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, this 3rd day of October, 2017.

By: *Cassie J. Berrisford*  
Cassie J. Berrisford, Assistant Secretary

ATS-1002 (02/17)





As part of the obligation secured hereby and in addition to the face amount specified therefore, there shall be included reasonable costs, expenses and fees, including reasonable attorney's fees, incurred by the County of Contra Costa or city assignee, in successfully enforcing such obligation, all to be taxed as costs and included in any judgement 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, material men and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code, for materials furnished, labor of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor and that said undersigned surety will pay the same in an amount not exceeding the amount herein above set forth and also, in case suit is brought upon this bond, will pay, in addition to the fact amount thereof, reasonable costs, 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, all to be taxed as costs and to be included in the judgement 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 of the State of California, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the work under the conditions 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 alteration of said Road Improvement Agreement or any plan or specification of said work agreed to by the Principal and the County shall relieve the Surety from liability on this bond and consent is hereby given to make such alteration without further notice to or consent by the Surety and the Surety hereby waives the provisions of California Civil Code Section 2819 and holds itself bound without regard to and independently of any action against Principal whenever taken.

**4. SIGNED AND SEALED:**

The undersigned executed this document on OCTOBER 3, 2017.

**PRINCIPAL:**

GOLDMAN ENTERPRISES  
Address: 1150 PHELPS  
City: SAN FRANCISCO, CA  
By: Daniel Goldman  
Print Name: DANIEL GOLDMAN  
Title: PRESIDENT, CEO

**SURETY:**

\_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: Attorney-in-Fact

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**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 California )  
 County of SAN FRANCISCO )  
 On 10/05/2017 before me, ODD SAPPRASERT O'BRIEN, NOTARY PUBLIC,  
 Date Here Insert Name and Title of the Officer  
 personally appeared DANIEL GOLDMAN  
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Odd Sapprasert O'Brien  
 Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document Improvement Security Bond  
 Title or Type of Document: \_\_\_\_\_  
 Document Date: 10/5/17 Number of Pages: 2  
 Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Daniel Goldman  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_



Contra  
Costa  
County

To: Board of Supervisors  
From: Jeff Carman, Chief, Contra Costa County Fire Protection District  
Date: November 14, 2017

Subject: 2017 Cal Fire Volunteer Fire Assistance Grant

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**RECOMMENDATION(S):**

Acting as the Governing Board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the Fire Chief, or designee, to execute Agreement #7FG17030 and any amendments with the California Department of Forestry and Fire Protection to accept funding for the Volunteer Fire Assistance Program of the Cooperative Forestry Assistance Act of 1978, funded by the U.S. Department of Agriculture, in an amount not to exceed \$18,250, dated as of the last signatory date on page six of the Agreement through June 30, 2018, for the purchase of equipment for the reserve firefighter program.

**FISCAL IMPACT:**

50% Federal; 50% local agency match requirement. Invoices for purchases must be submitted by June 30, 2018.

**BACKGROUND:**

The Contra Costa County Fire Protection District (District) Board of Directors approved consent item C.3 at its May 23, 2017, meeting. This item authorized the Fire Chief, or designee, to apply for and accept the California Department of Forestry and Fire Protection Volunteer Fire Assistance Grant. The District received notice that it was awarded grant funds on August

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☒ 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: November 14, 2017

Contact: Jackie Lorrekovich, Chief Admin  
Svc (925) 941-3312

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

3, 2017. The California Department of Forestry and Fire Protection requires that the governing body of the District authorize its chairperson or other officer to execute the Agreement between the District and the State of California, Department of Forestry and Fire Protection. The Board Order providing authority to execute the Agreement must be dated after the District received the award notice.

The Agreement provides for an award, during the term of this Agreement, under the Volunteer Fire Assistance (VFA) Program of the Cooperative Fire Assistance Act of 1978 during the State Fiscal Year 2017-18 up to and no more than the amount of \$18,250. The VFA Grant Program provides funding to organize, train, and equip fire departments in rural areas and rural communities to prevent and suppress fires threatening life, resources, and other improvements. The District plans to purchase wildland personal protective equipment and emergency medical technician equipment for the reserve firefighter program.

CONSEQUENCE OF NEGATIVE ACTION:

The District will not be able to take advantage of this funding opportunity to purchase equipment for the reserve firefighter program.

ATTACHMENTS

May 23 Board Order  
Agreement 7FH17030



**Contra  
Costa  
County**

To: Contra Costa County Fire Protection District Board of Directors  
From: Jeff Carman, Chief, Contra Costa County Fire Protection District  
Date: May 23, 2017

Subject: 2017 Cal Fire Volunteer Fire Assistance Grant

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Fire Chief, or designee, to apply for and accept the California Department of Forestry and Fire Protection, Volunteer Fire Assistance Grant, funded by the U.S. Department of Agriculture, in an amount not to exceed \$20,000, for the purchase of equipment for the reserve firefighter program.

**FISCAL IMPACT:**

50% Federal; 50% local agency match requirement. Invoices for purchases must be submitted by June 30, 2018.

**BACKGROUND:**

The VFA Grant Program provides funding to organize, train, and equip fire departments in rural areas and rural communities to prevent and suppress fires threatening life, resources, and other improvements. Cost-share funds will be awarded to local governments to provide assistance to rural areas in upgrading their capability to organize, train, and equip local forces for fire protection. Requests will be considered for communications, wildland firefighting equipment, structural firefighting equipment, wildland firefighting safety, structural firefighting safety, and training.

The Contra Costa County Fire Protection District (District) has an on-call reserve firefighting program operating out of Fire Station 19 in Briones.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **05/23/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, Director  
Candace Andersen,  
Director  
Diane Burgis, Director  
Karen Mitchoff, Director  
Federal D. Glover, Director

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

ATTESTED: May 23, 2017

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

Contact: Jackie Lorrekovich, Chief Admin  
Svcs (925) 941-3312

By: June McHuen, Deputy

cc:

BACKGROUND: (CONT'D)

Reserve firefighters provide fire prevention, fire suppression, and medical support to the Briones Valley area. Additionally, reserves can be expected to respond to major incidents within the District to provide staffing and support for on-scene firefighters. The District will apply for wildland personal protective equipment (PPE) such as helmets, goggles, shrouds, jackets, pants, boots, shelters, wildland packs, face masks, gear bags, radios, pagers, and a basic Emergency Medical Technician (EMT) airway and trauma bag.

CONSEQUENCE OF NEGATIVE ACTION:

The District will not be able to take advantage of this funding opportunity to purchase equipment for the reserve firefighter program.

CHILDREN'S IMPACT STATEMENT:

No impact.

**VOLUNTEER FIRE ASSISTANCE PROGRAM  
AGREEMENT  
PAGE 1 OF 6**

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

STATE OF CALIFORNIA  
Natural Resources Agency

Agreement for the Volunteer Fire Assistance Program of the  
Cooperative Forestry Assistance Act of 1978

THIS AGREEMENT, made and entered into **ON THE LAST SIGNATORY DATE ON PAGE 6**, by and between the STATE of California, acting through the Director of the Department of Forestry and Fire Protection hereinafter called "STATE", and \_\_\_\_\_

\_\_\_\_\_ hereinafter called "LOCAL AGENCY", covenants as follows:

RECITALS:

1. STATE has been approved as an agent of the United States Department of Agriculture, (USDA), Forest Service for the purpose of administering the Cooperative Forestry Assistance Act (CFAA) of 1978 (PL 95-313, United States Code, Title 16, Chapter 41, Section 2010 et seq., Volunteer Fire Assistance Program), hereinafter referred to as "VFA", and
2. The VFA has made funds available to STATE for redistribution, under certain terms and conditions, to LOCAL AGENCY to assist LOCAL AGENCY to upgrade its fire protection capability, and
3. LOCAL AGENCY desires to participate in said VFA.

NOW THEREFORE, it is mutually agreed between the parties as follows:

4. **APPROVAL**: This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. LOCAL AGENCY may not commence performance until such approval has been obtained.
5. **TIMELINESS**: Time is of the essence in this Agreement.
6. **FORFEITURE OF AWARD**: LOCAL AGENCY must return this Agreement and required resolution properly signed and executed to STATE at the address specified in paragraph 11, with a postmark no later than December 1, 2017 or LOCAL AGENCY will forfeit the funds.
7. **GRANT AND BUDGET CONTINGENCY CLAUSE**: It is mutually understood between the parties that this **Agreement** may have been written for the mutual benefit of both parties before ascertaining the availability of congressional appropriation of funds, to avoid program and fiscal delays that would occur if the **Agreement** were executed after that determination was made.

**VOLUNTEER FIRE ASSISTANCE PROGRAM  
AGREEMENT  
PAGE 2 OF 6**

This **Agreement** is valid and enforceable only if sufficient funds are made available to the STATE by the United States Government for the State Fiscal Year 2017 for the purpose of this program. In addition, this **Agreement** is subject to any additional restrictions, limitations, or conditions enacted by the Congress or to any statute enacted by the Congress that may affect the provisions, terms, or funding of this **Agreement** in any manner.

The parties mutually agree that if the Congress does not appropriate sufficient funds for the program, this **Agreement** shall be amended to reflect any reduction in funds.

The STATE has the option to invalidate the **Agreement** under the 30-day cancellation clause or to amend the **Agreement** to reflect any reduction in funds.

8. **REIMBURSEMENT:** STATE will reimburse LOCAL AGENCY, from funds made available to STATE by the Federal Government, an amount not to exceed **\$18,250.00** on a 50/50 matching funds basis, for the performance of specific projects and/or purchase of specific items identified in Exhibit(s) A, Application for Funding, attached hereto. **Reimbursement will be only for those projects accomplished and/or items purchased between THE LAST SIGNATORY DATE ON PAGE 6 and JUNE 30, 2018.** This sum is the sole and maximum payment that STATE will make pursuant to this Agreement. **LOCAL AGENCY must bill STATE at the address specified in paragraph 11, with a postmark no later than September 1, 2018 in order to receive the funds.** The bill submitted by LOCAL AGENCY must clearly delineate the projects performed and/or items purchased. A vendor's invoice or proof of payment to vendor(s) must be included for items purchased.
9. **LIMITATIONS:** Expenditure of the funds distributed by STATE herein is subject to the same limitations as placed by the VFA, upon expenditure of United States Government Funds. Pursuant to Title 7 of the Code of Federal Regulations, Section 3016.32 subject to the obligations and conditions set forth in that section; title to any equipment and supplies acquired under this **Agreement** vests with the LOCAL AGENCY. For any equipment items over \$5,000, the federal government may retain a vested interest in accordance with paragraph 16 below.
10. **MATCHING FUNDS:** Any and all funds paid to LOCAL AGENCY under the terms of this **Agreement**, hereinafter referred to as "VFA Funds", shall be matched by LOCAL AGENCY on a dollar-for-dollar basis, for each project listed on attachment(s) hereto identified as "Exhibit(s) A". No amount of unpaid "contributed" or "volunteer" labor or services shall be used or consigned in calculating the matching amount "actually spent" by LOCAL AGENCY. LOCAL AGENCY shall not use VFA Funds as matching funds for other federal grants, including Department of Interior (USDI) Rural Fire Assistance grants, nor use funds from other federal grants, including USDI Rural Fire Assistance grants, as matching funds for VFA Funds. **ADDRESSES:** The mailing addresses of the parties hereto, for all notices, billings, payments, repayments, or any other activity under the terms of the Agreement, are:



**VOLUNTEER FIRE ASSISTANCE PROGRAM  
AGREEMENT  
PAGE 3 OF 6**

LOCAL AGENCY: \_\_\_\_\_

\_\_\_\_\_  
Attention: \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_

FAX Number: \_\_\_\_\_

E-mail \_\_\_\_\_

**STATE:**

**Department of Forestry and Fire Protection  
Grants Management Unit, Attn: Megan Esfandiary  
P. O. Box 944246  
Sacramento, California 94244-2460  
PHONE: (916) 653-3649  
FAX (916) 653-8957**

12. PURPOSE: Any project to be funded hereunder must be intended to specifically assist LOCAL AGENCY to organize, train, and/or equip local firefighting forces in the aforementioned rural area and community to prevent or suppress fires which threaten life, resources, and/or improvements within the area of operation of LOCAL AGENCY.
13. COMBINING: In the event funds are paid for two or more separate, but closely related projects, the 50/50 cost-sharing formula will be applied to the total cost of such combined projects.
14. OVERRUNS: In the event that the total cost of a funded project exceeds the estimate of costs upon which this Agreement is made, LOCAL AGENCY may request additional funds to cover the **Agreement** share of the amount exceeded. However, there is no assurance that any such funds are, or may be, available for reimbursement. Any increase in funding will require an amendment.
15. UNDERRUNS: In the event that the total cost of a funded project is less than the estimate of costs upon which this **Agreement** is made, LOCAL AGENCY may request that additional eligible projects/items be approved by STATE for **Agreement** funding. However, there is no assurance that any such approval will be funded. Approval of additional projects/items, not listed on the Exhibit A application, made by STATE, will be in writing and will require an amendment.
16. FEDERAL INTEREST IN EQUIPMENT: The Federal Government has a vested interest in any item purchased with VFA funding in excess of \$5,000 regardless of the length of this **Agreement**, until such time as the fair market value is less than \$5,000. The VFA percentage used to purchase the equipment will be applied to the sale price and recovered for the Government during the sale. This percentage will remain the same even following depreciation. The Federal Government may not have to be reimbursed if the disposal sale amounts to a fair market value of less than \$5,000. LOCAL AGENCY will notify STATE of the disposal of such items.

**VOLUNTEER FIRE ASSISTANCE PROGRAM  
AGREEMENT  
PAGE 4 OF 6**

17. EQUIPMENT INVENTORY: Any single item purchased in excess of \$5,000 will be assigned a VFA Property Number by the STATE. LOCAL AGENCY shall forward a copy of the purchase documents listing the item, brand, model, serial number, any LOCAL AGENCY property number assigned, and a LOCAL AGENCY contact and return address to STATE at the address specified in paragraph 11. The STATE will advise the LOCAL AGENCY contact of the VFA Property Number assigned.
18. AUDIT: LOCAL AGENCY agrees that the STATE, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this **Agreement**. LOCAL AGENCY agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. LOCAL AGENCY agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, LOCAL AGENCY agrees to include a similar right of the State of California to audit records and interview staff in any subcontract related to performance of this **Agreement**. (GC 8546.7, PCC 10115 et seq., CCR Title 2, Section 1896).
19. DISPUTES: In the event of any dispute over qualifying matching expenditures of LOCAL AGENCY, the dispute will be decided by STATE and its decision shall be final and binding.
20. INDEMNIFICATION: LOCAL AGENCY agrees to indemnify, defend, and save harmless, the STATE, its officers, agents, and employees, from any and all claims and losses, accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this **Agreement**, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by LOCAL AGENCY in the performance of this **Agreement**.
21. DRUG-FREE WORKPLACE REQUIREMENTS: LOCAL AGENCY will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:
  - a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.
  - b. Establish a Drug-Free Awareness Program to inform employees about:
    - 1) the dangers of drug abuse in the workplace;
    - 2) the person's or organization's policy of maintaining a drug-free workplace;

**VOLUNTEER FIRE ASSISTANCE PROGRAM  
AGREEMENT  
PAGE 5 OF 6**

- 3) any available counseling, rehabilitation and employee assistance programs; and,
- 4) penalties that may be imposed upon employees for drug abuse violations.

c. Every employee who works on the proposed **Agreement** will:

- 1) receive a copy of the company's drug-free workplace policy statement; and,
- 2) agree to abide by the terms of the company's statement as a condition of employment on the **Agreement**.

Failure to comply with these requirements may result in suspension of payments under the **Agreement** or termination of the **Agreement** or both and LOCAL AGENCY may be ineligible for funding of any future State **Agreement** if the department determines that any of the following has occurred: (1) the LOCAL AGENCY has made false certification, or violated the certification by failing to carry out the requirements as noted above. (GC 8350 et seq.)

- 22. **TERM:** The term of the Agreement SHALL COMMENCE ON THE LAST SIGNATORY DATE ON PAGE 6 and continue through June 30, 2018.
- 23. **TERMINATION:** This **Agreement** may be terminated by either party giving 30 days written notice to the other party or provisions herein amended upon mutual consent of the parties hereto.
- 24. **AMENDMENTS:** No amendment or variation of the terms of this **Agreement** shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or **Agreement** not incorporated in the **Agreement** is binding on any of the parties.
- 25. **INDEPENDENT CONTRACTOR:** LOCAL AGENCY, and the agents and employees of LOCAL AGENCY, in the performance of this **Agreement**, shall act in an independent capacity and not as officers or employees or agents of the STATE or the Federal Government.

**VOLUNTEER FIRE ASSISTANCE PROGRAM  
AGREEMENT  
PAGE 6 OF 6**

IN WITNESS WHEREOF, the parties have executed this **Agreement** as of the last signatory date below.

STATE OF CALIFORNIA  
DEPARTMENT OF FORESTRY  
AND FIRE PROTECTION

LOCAL AGENCY

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

By: \_\_\_\_\_  
\*Signature

\_\_\_\_\_  
Dan Sendek  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Staff Chief  
Title  
Cooperative Fire Programs

\_\_\_\_\_  
\*\*Title

\_\_\_\_\_  
Last Signatory Date

\_\_\_\_\_  
\*\*\*Date

\*Ensure that the officer signing here for LOCAL AGENCY IS THE SAME Officer authorized in the Resolution to execute this **Agreement**.

\*\*Ensure that the title entered here IS THE SAME title used in the Resolution for the Officer who is executing this **Agreement**.

\*\*\*Ensure that the date LOCAL AGENCY signs IS THE SAME DATE as the Resolution date OR LATER.

**FOR STATE USE ONLY**

AMOUNT ENCUMBERED BY THIS DOCUMENT  <b>\$18,250.00</b>	PROGRAM/CATEGORY (CODE AND TITLE) Support			FUND TITLE Federal	
PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT <b>\$0</b>	(OPTIONAL USE) Vendor #	ITEM 3540-001-0001	CHAPTER 14	STATUTE 2017	FISCAL YEAR 17/18
TOTAL AMOUNT ENCUMBERED TO DATE <b>\$18,250.00</b>	OBJECT OF EXPENDITURE (CODE AND TITLE) 17-9214-418.99-92692				
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.			T.B.A. NO.	B.R. NO.	
SIGNATURE OF CDF ACCOUNTING OFFICER <b>X</b>			DATE		

**Department of General Services  
Use Only**

DGS APPROVAL NOT  
REQUIRED PER SAM 1215

☐ CONTRACTOR

☐ STATE AGENCY

☐ DEPT. OF GEN. SER.

☐ CONTROLLER

☐



Contra  
Costa  
County

To: Board of Supervisors  
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer  
Date: November 14, 2017

Subject: Contract Amendment with Quincy Engineering, Incorporated, Concord area.

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Interim Public Works Director, or designee, to execute Contract Amendment No. 1 to the Consulting Services Agreement (CSA) with Quincy Engineering, Incorporated (Quincy), effective October 1, 2017, to extend the term from September 30, 2017, to a new term of December 31, 2017, for professional engineering services for the Buchanan Field Airport Taxiway Echo & Kilo Improvements Project, Concord area. Project No. 4855-4652-SAS6X5322 / Federal Project No. AIP 3-06-0050-021 (District IV)

**FISCAL IMPACT:**

This project, including the CSA, is funded by 90% Federal Aviation Administration Funds, 2.25% Caltrans Funds, 7.75% Airport Enterprise Funds.

**BACKGROUND:**

The project consists of the reconstruction of portions of Taxiway E and compass rose pavements, overlay a portion of Taxiway K and install pavement markings at the Buchanan Field Airport in the Concord area of Contra Costa County. The project completion was delayed due to unavailability of materials therefore completion of work will not occur until December.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 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)

Quincy was selected to provide construction management services for the project after completing a request for qualifications solicitation, technical proposal, and interview process. Public Works has successfully negotiated with Quincy to provide the construction management services.

CONSEQUENCE OF NEGATIVE ACTION:

The Consultant would not be paid for services rendered.



Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: November 14, 2017

Subject: Claims

---

**RECOMMENDATION(S):**

DENY claims filed by Bassem Banafa, Richard Chew, Natalie Holt, and Helen Stimson.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

Baseem Banafa: Personal claim for loss of wages and attorney fees in an amount to exceed \$25,000.

Richard Chew: Property claim for lost items in undisclosed amount

Natalie Holt: Property claim for damage to vehicle in the amount of \$500.

Helen Stimson: Personal injury claim for a trip and fall in the amount of \$240.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **11/14/2017** ☐ 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: November 14, 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: Joseph Villarreal, Housing Authority  
Date: November 14, 2017

Subject: Claims

---

**RECOMMENDATIONS**

Acting as the Governing Board of the Contra Costa County Housing Authority, DENY claim filed by Marcia Kowlessar.

**BACKGROUND**

See attached.

**FISCAL IMPACT**

No fiscal impact.

---

Action of Board On: 11/14/2017 ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF COMMISSIONERS**

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

ATTESTED: November 14, 2017

Joseph Villarreal, Executive Director

Contact: Scott Selby  
925.335.1400

By: , Deputy

cc:



## ATTACHMENTS

Claim-Kowlessar

CLAIM

BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF CONTRA COSTA COUNTY

BOARD ACTION: 11/14/2017

NOTICE TO CLAIMANT

Claim Against the County, or District Governed by )  
the Board of Commissioners, Routing Endorsements, )  
and Board Action. All Section references are to )  
California Government Codes. )

The copy of this document mailed to you is your  
notice of the action taken on your claim by the  
Board of Commissioners (Paragraph IV below), given  
Pursuant to Government Code Sections 913, 915.2,  
915.4. Please note all "Warnings".

RECEIVED

OCT 30 2017

COUNTY COUNSEL  
MARTINEZ, CALIF.

AMOUNT: \$500,000.00

CLAIMANT: Marcia Kowlessar

ATTORNEY: Joseph K. Bravo

ADDRESS: 1315 7th Avenue

San Francisco CA 94122

BY DELIVERY TO COB ON:

BY MAIL TO COB POSTMARKED: 10/26/2017

I. FROM: Board of Commissioners

TO: County Counsel

Attached is a copy of the above-noted claim.

DAVID TWA, Clerk

By: Deputy

Dated: 10/30/2017

II. FROM: County Counsel

TO: Board of Commissioners

☒ This claim complies substantially with Sections 910 and 910.2.

☐ This Claim FAILS to comply substantially with Sections 910 and 910.2, and we  
are so notifying claimant. The Board cannot act for 15 days (Section 910.8).

☐ Claim is not timely filed. The Clerk should return claim on ground that it was filed late and  
send warning of claimant's right to apply for leave to present a late claim (Section 911.3).

Other:

Dated: Oct. 30, 2017

By:

, Deputy County Counsel

III. FROM: The Board of Commissioners

TO: County Counsel (1)

County Administrator (2)

( ) Claim was returned as untimely with notice to claimant (Section 911.3).

Dated: DAVID TWA, CLERK, By , Deputy Clerk

IV. BOARD ORDER: By unanimous vote of the Commissioners present:

( ) This Claim is rejected in full.

( ) Other:

I certify that this is a true and correct copy of the Board's Order entered in its minutes for this date.

Dated: David Twa, CLERK, By , Deputy Clerk

WARNING (Gov. Code section 913)

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a  
court action on this claim. See Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this  
matter. If you desire to consult an attorney, you should do so immediately. \*For Additional Warning See Reverse Side of This Notice.

AFFIDAVIT OF MAILING

I declare under penalty of perjury that I am now, and at all times herein mentioned, have been a citizen of the United States, over age 18; and  
that today I deposited in the United States Postal Service in Martinez, California, postage fully prepaid a certified copy of this Board Order and  
Notice to Claimant, addressed to the claimant or claimant's attorney as shown above.

Dated: DAVID TWA, CLERK, By , Deputy Clerk

- A. A claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented not later than one year after the accrual of the cause of action.  
(Gov. Code § 911.2.)
- B. Claims must be filed with the Clerk of the Board of Supervisors at its office in Room 106, County Administration Building, 651 Pine Street, Martinez CA 94553.
- C. If claim is against a district governed by the Board of Supervisors, rather than the County, the name of the District should be filed in.
- D. If the claim is against more than one public entity, separate claims must be filed against each public entity.
- E. Fraud- See penalty or fraudulent claims, Penal Code Sec. 72 at the end of this form.

**RECEIVED**  
OCT 30 2017  
CLERK BOARD OF SUPERVISORS  
CONTRA COSTA CO.

Personal Injuries, Head Injury, Neck Pain, Post Traumatic Syndrome, Loss of Cognitive Ability, Head + Neck Pain

7. How was the amount claimed above computed? (Include the estimated amount of any prospective damage or injury.) Based upon loss of cognitive capability + pain + suffering for the rest of claimant's life
8. Names and addresses of witnesses, doctors and hospitals:  
Glenn Williams  
Rescue Mission in Richmond
9. List the expenditures you made on account of the accident or injury:

DATEAMOUNT

Medicare pays for medical expenses except about \$10000 paid out of pocket for pain killers

- Gov. Code Sec. 9110.2 provides “The claim shall be signed by the claimant or by some person on his behalf.”

(Claimant's ~~Signature~~)

(Claimant's ~~Signature~~)

1715 - 7<sup>th</sup> Ave.

San Francisco (Address) 94122

Telephone No. 415 512-6700

**PUBLIC RECORDS NOTICE:**

**NOTICE:**

**BRAVO LAW OFFICES**

ATTORNEYS AT LAW

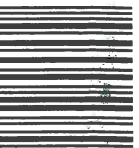
1315 - 7TH AVENUE

SAN FRANCISCO, CA 94122

7017 0530 0001 0950 6484



1000



94553

U.S. POSTAGE  
SAN FRANCISCO, CA

OCT 26 17  
AMOUNT

**\$0.03**

R2305K131120-39



Clerk of the Board of Supervisors  
County Administration Building, Room # 106  
651 Pine Street  
Martinez, CA 94553

**RECEIVED**

OCT 30 2017

CLERK BOARD OF SUPERVISORS  
CONTRA COSTA CO.



Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: November 14, 2017

Subject: APPROVE the Board meeting minutes for October 2017

---

**RECOMMENDATION(S):**

APPROVE Board meeting minutes for October 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: 11/14/2017 ☒ 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: November 14, 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: David Twa, County Administrator  
Date: November 14, 2017

Subject: ACCEPT Board members meeting reports for October 2017

---

**RECOMMENDATION(S):**

ACCEPT Board members meeting reports for October 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. District V have nothing to report.

**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: 11/14/2017 ☒ 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: November 14, 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 October 2017 Report

District IV October 2017  
Report

District III October 2017 Report

District I October 2017 Report



## Supervisor Candace Andersen – Monthly Meeting Report *October 2017*

Date	Meeting	Location
2	Hiring Outreach	Martinez
2	SWAT	Orinda
3	Rossmoor Safety Seminar	Walnut Creek
3	TRAFFIX	Danville
5	EBLC	Walnut Creek
5	Mental Health Comm	Concord
10	Hydrogen Sta Ribbon Cutting	SanRamon
11	CCCERA	Concord
11	LAFCO	Martinez
11	Juvenile Justice Grand Open	Martinez
12	Moraga Kiwanis	Moraga
12	East Bay EDA	Pleasant Hill
14	Ensuring Opp Housing	San Ramon
16	CCCSWA	Walnut Creek
16	TVTC	Danville
17	Board of Supervisors	Martinez
18	Central San 20 <sup>th</sup> Anniversary	Martinez
19	CCCTA	Concord
20	Citizen Corp	San Ramon
23	JPA meeting	Walnut Creek
24	Board of Supervisors	Martinez
25	CCCERA	Concord
26	East Bay EDA	Oakland
26	CCCSWA	Walnut Creek
27	EBRCS	Alameda
30	Family & Human Services	Martinez

**Supervisor Karen Mitchoff**  
**October 2017**

<b>DATE</b>	<b>MEETING NAME</b>	<b>LOCATION</b>	<b>PURPOSE</b>
10/1/17	Meals on Wheels Pancake Breakfast	Pleasant Hill	Community Outreach
10/4/17	BAAQMD Meeting	San Francisco	Decisions on agenda items
10/4/17	ABAG Administrative Committee Meeting	San Francisco	Decisions on agenda items
10/4/17	ABAG Regional Planning Committee	San Francisco	Decisions on agenda items
10/4/17	CCTA Planning Committee	Walnut Creek	Decisions on agenda items
10/7/17	DRAA On Broadway	Walnut Creek	Community Outreach
10/9/17	TWIC Committee Meeting	Martinez	Decisions on agenda items
10/11/17	Delta Diablo Board of Directors Meeting	Antioch	Decisions on agenda items
10/12/17	TRANSPAC	Pleasant Hill	Decisions on agenda items
10/12/17	STAND!'s Rebuilding Lives Luncheon	Concord	Community Outreach
10/13/17	ABAG Meetings	San Francisco	Decisions on agenda items
10/16/17	CCCSWA Meeting	Martinez	Decisions on agenda items
10/17/17	Board of Supervisors Meeting	Martinez	Decisions on agenda items
10/18/17	BAAQMD Meeting	San Francisco	Decisions on agenda items
10/18/17	CCTA Authority Board Meeting	Walnut Creek	Decisions on agenda items
10/23/17	Finance Committee	Martinez	Decisions on agenda items
10/23/17	BART JPA Meeting	Walnut Creek	Decisions on agenda items
10/24/17	Board of Supervisors Meeting	Martinez	Decisions on agenda items
10/26/17	BAAQMD Mobile Source Committee	San Francisco	Decisions on agenda items
10/26/17	CCCSWA Board Meeting	Walnut Creek	Decisions on agenda items
10/28/17	Affordable Housing Town Hall	Concord	Decisions on agenda items
10/30/17	Focus on the Future Conference	Concord	Regional transportation items

**Supervisor Diane Burgis - October 2017 AB1234 R**

(Government Code Section 53232.3(d) requires that members legislative attended for which there has been expense reimbursement (mileage,

Date	Meeting Name	Location
3-Oct	Meeting with County Staff	Martinez
3-Oct	Phone Meeting with Bob Allen, Urban Habitat Policy and Advocacy	Martinez
3-Oct	Meeting with Supervisor Andersen and TRAFFIX Staff	Martinez
5-Oct	Meeting with City of Los Angeles, Mayor Eric Garcetti	Los Angeles
6-Oct	Delta Counties Coalition Meeting	Brentwood
6-Oct	Athenian School Convocation & Ribbon Cutting	Danville
7-Oct	Diablo Regional Arts Association Event	Walnut Creek
13-Oct	Delta Counties Coalition Meeting	Brentwood
14-Oct	CASA "Light of Hope" Event	Alamo
16-Oct	Commander's Call Meeting	Pittsburg
17-Oct	Board of Supervisors Meeting	Martinez
17-Oct	Contra Costa Fire Protection District Meeting	Martinez
17-Oct	Housing Authority Meeting	Martinez
18-Oct	Meeting with District Attorneys' Association	Brentwood
18-Oct	Constituent Meeting	Brentwood
18-Oct	Meeting with Diablo MX Ranch	Brentwood
18-Oct	Meeting with East Contra Costa Fire Protection District, Chief Helmick	Brentwood
19-Oct	CCC CSAC Institute Training	Martinez
20-Oct	Delta Counties Coalition Meeting	Brentwood
20-Oct	EC2 Economic Development Summit Meeting	Antioch
23-Oct	Byron Solar Project Site Visit	Byron
23-Oct	East Contra Costa County Habitat Conservancy Meeting	Brentwood
23-Oct	New District 3 Office Space Tour	Antioch
24-Oct	Board of Supervisors Meeting	Martinez
25-Oct	Phone Meeting with County Legislative Staff	Brentwood
25-Oct	CALAFCO Conference	Mission Beach
26-Oct	CALAFCO Conference	Mission Beach
27-Oct	CALAFCO Conference	Mission Beach
28-Oct	Brentwood Hometown Halloween	Brentwood
30-Oct	Meeting with Gus Vina, Brentwood City Manager	Brentwood
30-Oct	Discovery Bay and Delta Infrastructure Tour with Senator Glazer	Oakley
31-Oct	Meeting with Employment & Human Services Director, Kathy Gallagher	Martinez

31-Oct	Constituent Meeting	Martinez
31-Oct	Phone Meeting with Contra Costa Health Services, Jennifer Lifshay	Brentwood

\* Reimbursement may come from an agency other than Contra Costa County

**Report**  
bodies report on meetings  
meals, lodging, etc).

bodies report on meetings  
meals, lodging, etc).

<b>Purpose</b>
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Business Meeting

Business Meeting

Business Meeting
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Business Meeting

Business Meeting

Community Outreach
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Community Outreach
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## Business Meeting

Community Outreach
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Business Meeting

Business Meeting

Business Meeting
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Business Meeting
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Business Meeting

Business Meeting

## Business Meeting

Business Meeting

Business Meeting

Business Meeting

Business Meeting
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Business Meeting

Business Meeting

Business Meeting

Business Meeting

## Business Meeting

Community Outreach
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Business Meeting

Business Meeting

Business Meeting

Business Meeting
Business Meeting

## **Supervisor John Gioia**

### **October – 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: October 4, 5, & 6, 2017**

Meeting: CSAC Executive Committee Annual Planning Retreat

Location: Berkeley, CA

**2. Meeting Date: October 20, 2017**

Meeting: CSAC Institute Retreat & Planning

Location: Burlingame, CA

Supervisor Gioia sought reimbursement from the County for meetings that he attended in his capacity as a County Supervisor during the month of October, 2017.



Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: November 14, 2017

Subject: 2017 Holiday Food Fight Kick Off

---

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Kate Sibley, (925)  
335-1032

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

By: , Deputy

cc:



## ATTACHMENTS

Resolution No.  
2017/401

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

In the matter of:

**Resolution No. 2017/401**

**LAUNCHING THE 2017 "CONTRA COSTA COUNTY CARES" HOLIDAY FOOD FIGHT**

**WHEREAS**, the Food Bank of Contra Costa and Solano, which originated as a Contra Costa County project, works heroically on the front line of the daily effort to address this issue, providing food to 121,500 residents of Contra Costa County, a number that has happily decreased since last year as a result of the growing economy; and

**WHEREAS**, one in nine people in this County need the Food Bank's assistance at this time; and

**WHEREAS**, the recent fires in neighboring Napa, Sonoma, and Solano counties will create extra demands on the Food Bank's budget due to reduced access to produce, as well as needing to serve thousands of displaced people needing extra help as they struggle to regain some semblance of normal life; and

**WHEREAS**, the Food Bank is enabled, by our monetary donations, to purchase and distribute fresh produce, which makes up nearly 60% of everything they dispense to our neighbors; and

**WHEREAS**, approximately 7,000 employees of Contra Costa County, in virtually every department, have since 2002 been holding this annual drive to serve the residents of Contra Costa County who are in need of a helping hand, and have themselves in that time span raised \$1.25 million in this effort; and

**WHEREAS**, the 2017 Contra Costa County funds-for-food drive will take place between November 20 and December 31, 2017; and

**WHEREAS**, County employees encourage the public to participate in the 2017 "Counties Care: Peace, Love, and Veggies IV, The Farewell Tour" between the employees of Contra Costa and Solano counties by donating generously and often to the Food Bank of Contra Costa and Solano online in a corresponding "people-to-people" challenge between the counties.

**NOW THEREFORE BE IT RESOLVED** that the Board of Supervisors of Contra Costa County hereby recognizes this great and constant need in the community, and commends, encourages, and challenges employees and residents of Contra Costa and Solano counties to open their hearts and wallets to assist the Food Bank of Contra Costa and Solano and its client organizations during the coming holiday season; and **BE IT FURTHER RESOLVED** that the Board of Supervisors of Contra Costa County hereby officially continues the annual challenge with Solano County and kicks off the 2017 "Counties Care: Peace, Love, and Veggies IV, The Farewell Tour"; and **BE IT FURTHER RESOLVED** that the Board of Supervisors of Contra Costa County hereby encourages all citizens of Contra Costa and Solano counties to extend the generous holiday spirit throughout the year to help those less fortunate.

**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: November 14, 2017

David J. Twa,

By: \_\_\_\_\_, Deputy



Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: November 14, 2017

Subject: 2017 Arts Awards

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Enid Mendoza, (925)  
335-1039

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

By: , Deputy

cc:

## ATTACHMENTS

Resolution No.  
2017/414

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

In the matter of:

**Resolution No. 2017/414**

**Honoring the winners of the Arts and Culture Commission of Contra Costa County 2017 Arts Recognition Awards**

**Whereas**, Dr. Alan Siegel, Sharon Redman of Vagabond Players, Clarinet Fusion, Richard and Natica Angilly, and Jack Catton; have each advanced the appreciation of the Arts in Contra Costa County; and

**Whereas**, Dr. Alan Siegel has been spearheading the arts as a healing modality to the underserved populations at the Contra Costa Regional Medical Centers, has chaired the Art of Health and Healing Initiative (AHH), housed within the county's Health Services Department; and with his team has spoken at many conferences from UCSF Cancer Center to the National Organization for the Arts in Health (NOAH); and

**Whereas**, Clarinet Fusion began as a small amateur Clarinet Quartet playing at Assisted Care and Senior Facilities throughout Contra Costa County, and is now developing programs to reach music lovers of all ages all over the world; and has made presentations to the California Music Educators Association to educate teachers and others on the numerous types of clarinets and the breadth of music that is available to them; and has been invited to play concerts throughout the state; and

**Whereas**, Sharon Redman, Founder, Artistic Director, of Vagabond Players, has entertained and enriched the community through Vagabond Player's productions in senior centers, senior/assisted living facilities and at various small venues for 12 years; has made theatre more accessible to older performers and audiences; has educated seniors artists; educated the community by bringing positive image of aging; and has celebrated the talents of older performers; and

**Whereas**, Richard and Natica Angilly have dedicated and promoted inclusive arts programs through the Contra Costa based "Poetic Dance classes and Poetic Dance Theater" events for more than 30 years; have inspired, encouraged and provided recognition for many emerging artists in the literary and dance fields; and have created collaboration opportunities between poets, dancers, musicians and visual artists both locally and internationally; and

**Whereas**, Jack Catton has been on the Board of Directors of Diablo Ballet and chairs the Fund Development Committee; his efforts and dedication as a substantial contributor to Diablo Ballet's PEEK Outreach program, and helped make it possible for title-one schools to participate in the performing arts through the Ballet's year-round, in-school arts education curriculum; and helped facilitate free student performances to underserved students and at risk teenagers in the Juvenile Justice system.

Now, Therefore, Be It Resolved that the Board of Supervisors congratulates Dr. Alan Siegel, Clarinet Fusion, Sharon Redman, Richard and Natica Angilly and Jack Catton, for their outstanding achievements and contribution to Contra Costa's arts and culture.

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**FEDERAL D. GLOVER**  
Chair, District V Supervisor

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**JOHN GIOIA**  
District I Supervisor

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**CANDACE ANDERSEN**  
District II Supervisor

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**DIANE BURGIS**  
District III Supervisor

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**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: November 14, 2017

David J. Twa,

By: \_\_\_\_\_, Deputy





**Contra  
Costa  
County**

To: Board of Supervisors  
From: Supervisors John Gioia and Federal D. Glover  
Date: November 14, 2017

Subject: Contra Costa County Resolution Affirming the County's Commitment to Racial Equity, Diversity, and the GARE Initiative

---

**RECOMMENDATION(S):**

ADOPT Resolution No. 2017/415 which affirms Contra Costa County's commitment to racial equity, diversity, and the Government Alliance on Race and Equity (GARE) initiative, as recommended by Supervisors Federal Glover and John Gioia.

**FISCAL IMPACT:**

None

**BACKGROUND:**

The Government Alliance on Race and Equity (GARE) is working to advance racial equity and increase opportunities for all communities. GARE is building the field of practice to advance racial equity within and through government.

GARE was launched by the Haas Institute for a Fair and Inclusive Society (HIFIS) at the University of California Berkeley in early 2014. In the Fall of 2015, GARE was established as a joint project of HIFIS and the Center for Social Inclusion (CSI), with GARE formally establishing itself as a program of CSI. CSI is a national tax-exempt non-profit organization that catalyzes community, government, and other institutions to dismantle structural racial inequity and create equitable outcomes for all. CSI crafts and applies tools and strategies to transform our nation's policies and practices, in order to achieve racial equity.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: L. DeLaney,  
925-335-1097

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

By: , Deputy

cc:



GARE leverages a multi-sector approach to addressing racial inequity. GARE proactively integrates areas of expertise of each of the partners, working intentionally to build the movement for racial equity across multiple sectors, including academia, government, and community-based organizations. In addition, a Technical Assistance Advisory Group is made up of national leaders on racial equity. These leaders are experts in topics, and provide issue and practice expertise to GARE.

GARE recognizes that racial inequities currently exist across all indicators for success, including in education, criminal justice, jobs, housing, public infrastructure and health, regardless of intent, region of the country or size of jurisdiction. GARE also recognizes the reality that government played a central role in the creation and maintenance of racial inequity, and did so explicitly for centuries and has done so for 50+ years implicitly via policies and practices that perpetuate inequities, even when they are color-blind or race-neutral. Government will continue to perpetuate racial inequities unless there are intentional and strategic interventions that lead to transformation.

Many current inequities are sustained by historical legacies, structures and systems that repeat patterns of exclusion. Government has the ability to implement policy change at multiple levels and across multiple sectors to drive larger systemic change.

Racial equity means we eliminate racial disproportionalities so that race can no longer be used to predict success, and we increase the success of all communities. We set goals and measures to track our progress, with the recognition that strategies must be targeted to close the gaps. Systems and structures that are failing communities of color are actually failing all of us, economically and psychologically. Advancing racial equity is to our collective benefit.

GARE's focus is on normalizing conversations about race, operationalizing new policies, practices and organizational

cultures, and organizing to achieve racial equity. We are seeing more and more jurisdictions that are making a commitment to achieving racial equity, focusing on the power and influence of our own institutions, and working in partnership across sectors and with the community to maximize impact. There is an increasingly strong field of practice. We are organizing in government with the belief that the transformation of government is essential for us to advance racial equity and is critical to our success as a nation.

GARE's strategies include:

- 1.

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

Organizing a membership network of jurisdictions that are working to advance racial equity

- Expanding pathways for new jurisdictions to begin doing racial equity work via work with individual jurisdictions
- Supporting and building local and regional collaborations that are broadly inclusive and focused on achieving racial equity.

Government's proactive work on racial equity has the potential to leverage significant change, setting the stage for the achievement of racial equity in our communities. Supporting targeted cohorts of jurisdictions and providing best practices, tools and resources is helping to build and sustain current efforts and build a national movement for racial equity.

### **What is an Advancing Racial Equity cohort?**

Over the last decade, a solid field of practice has developed that advances racial equity and transforms government. Government will not be able to advance racial equity without a fundamental transformation into an effective and inclusive democracy. The field of practice is based on the experiences of early adopters of racial equity within government. Cities and counties across the country have developed and are implementing racial equity initiatives or agendas and using racial equity tools. GARE cohorts will implement proven practices and replicate success, changing the norm of what is expected and possible from government and will increase our collective impact.

New jurisdictions can make use of the field of practice and begin and expand work on institutional and structural equity. Based on the experiences of leaders, the new cohorts will participate in a structured curriculum that focuses on strategies that normalize conversations about race, operationalize new policies and cultures, and organize to achieve racial equity.

### **What does a jurisdiction get out of participating in a cohort?**

As a result of participating in the cohort, each jurisdiction will receive tools and resources, including:

- A racial equity training curriculum, with cohort participants who are equipped to implement the training with other employees,
- A Racial Equity Tool to be used in policy, practice, program and budget decisions,
- A capacity building plan and organizational structure to institutionalize equity within their own jurisdiction,
- Example policies and practices that help advance racial equity, and
- A Racial Equity Action Plan

Implementation of these tools and resources will vary depending on the opportunities within individual jurisdictions. Technical assistance will be provided by GARE to ensure responsiveness to the local conditions of each jurisdiction.

Contra Costa County has participated in GARE during 2016 and 2017 with two cohorts. The 2017 Cohort is comprised of the following:

Phil Arnold, Volunteer Team Leader  
Elvin Baddley, Probation Department  
Donte Blue, Office of Reentry & Justice  
Cedrita Claiborne, Health Services Department  
Lara DeLaney, Office of Reentry & Justice  
Dianne Dinsmore, Human Resources Director  
Michelle Fregoso, Employment & Human Services  
Yolanda Harrell-Jones, Employment & Human Services  
Connie James, Health Services Department  
Jamie Jenett, Health, Housing, Homeless Services Division  
Shannon Ladner-Beasley, Health Services Department

Sharron Mackey, Health Services Department  
Daniel Peddycord, Public Health Director

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## ATTACHMENTS

Resolution No. 2017/415

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

In the matter of:

**Resolution No. 2017/415**

**AFFIRMING THE COUNTY'S COMMITMENT TO RACIAL EQUITY, DIVERSITY, AND THE GOVERNMENT ALLIANCE ON RACE & EQUITY (GARE) INITIATIVE**

WHEREAS, on October 18, 2017 former President George W. Bush remarked ““bigotry seems emboldened” in the United States, warning that Americans need to reject “white supremacy.” “Bigotry or white supremacy in any form is blasphemy against the American creed,” Mr. Bush said in his remarks at a forum focused on security; and

WHEREAS, these remarks come at time in the United States of America where fears about a rise in bigotry across the country have increased and where incidences of racial intolerance and hatred have led to large-scale protests culminating in violence and, in the case of Charlottesville, Virginia, the death of a counter-protestor; and

WHEREAS, the County of Contra Costa (“County”) is home to one of California’s most ethnically, culturally, and socio-economically diverse populations; and

WHEREAS, the County believes that diversity of backgrounds, perspectives, and experiences of the American people makes our nation, our communities, and our economy richer and stronger; and

WHEREAS, Contra Costa County communities are the most equitable when all residents are fully able to participate in the region’s economic vitality, connect to the region’s assets and resources, and contribute to the region’s readiness for the future, and;

WHEREAS, the residents of Contra Costa County should not be limited in their potential to achieve an education, employment, safe and affordable housing, optimal health, a livable wage job, or to live a life free of fear, harassment, intimidation and harm due to the color of their skin, their national origin, cultural background, religion or sexual orientation;

WHEREAS, Contra Costa County aspires to be a model for inclusion and equity for all of its residents, including immigrants, refugees, and other newcomers; and

WHEREAS, the Government Alliance on Race & Equity (GARE) is a national network of government working to achieve racial equity and advance opportunities for all by supporting targeted cohorts of jurisdictions and providing best practices, tools and resources to build a national movement for racial equity; and

WHEREAS, the County has participated in the GARE alliance in both 2016 and 2017 with the formation of two cohorts comprised of County staff and community leaders who have now received:

- A racial equity training curriculum, with cohort participants equipped to implement the training with other employees,
- A Racial Equity Tool to be used in policy, practice, program and budget decisions,
- A capacity building plan and organizational structure to institutionalize equity within our own jurisdiction,
- Example policies and practices that help advance racial equity, and
- Examples of A Racial Equity Action Plan; and

WHEREAS the 2017 GARE cohort is actively working on the development of a Racial Equity Action Plan for Contra Costa County, the implementation of a racial equity training curriculum for County staff, the development of an employee racial equity survey, and strategies to engage community partners in this work;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County affirms its position statement on racism: Be it known throughout Contra Costa County to the constituents it serves, the citizens it employs, its business partners, and to people everywhere that we believe that racism, prejudice, bigotry, and discrimination harm all people, and have profoundly negative effects on everyone. Therefore, we publically and fervently denounce any and all manifestations and ideologies of racism. As a County we will not tolerate hateful acts of violence that are perpetrated by extremists who want to intimidate and terrorize people of color in this county and country. BE IT FURTHER RESOLVED that the Board of Supervisors of Contra Costa County affirms its commitment to advancing the work of its GARE cohorts by directing that the Office of Reentry & Justice establish a Racial Equity Team consisting of GARE Cohort members, supported by leadership and with leadership representation, to be responsible for the oversight and implementation of an organization-wide Racial Equity Action Plan, which shall be presented to the Board of Supervisors by June 2018.

**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: November 14, 2017

David J. Twa,

By: \_\_\_\_\_, Deputy



Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: November 14, 2017

Subject: 2017 Special Arts Awards Recognitions for Distinguished Service and Outstanding Contributions to the Arts

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Enid Mendoza, (925)  
335-1039

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

By: , Deputy

cc:



## ATTACHMENTS

Resolution No.  
2017/418

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

In the matter of:

**Resolution No. 2017/418**

**Honoring the winners of the Arts and Culture Commission of Contra Costa County 2017 Special Arts Recognition Awards for Distinguished Service and Outstanding Contributions to the Arts**

**Whereas**, Robin Moore and the Diablo Regional Arts Association have each advanced the appreciation of the Arts in Contra Costa County; and

**Whereas**, Robin Moore is being awarded a Commission Special Award for Distinguished Service for providing leadership, commitment, passion, and excellence to hundreds of students and teachers through the Poetry Out Loud Program for more than 10 years; diligently invited and encouraged schools throughout the County to participate; and has enriched the lives of so many people, including the schools, the families of the students, the judges and the community; and

**Whereas**, the Diablo Regional Arts Association (DRAA) is being awarded a Commission Special Award for Outstanding Contribution to the Arts for their Arts Access Program, which has made it possible for over 40,000 students from underserved schools to attend professional, high-quality performances and exhibits at the Leshner Center for the Arts in Walnut Creek; and has contributed to the success of many Performing Arts Organizations through DRAA's Grant programs.

Now, Therefore, Be It Resolved that the Board of Supervisors recognizes and congratulates, Robin Moore and the Diablo Regional Arts Association for their outstanding achievements, commitments, and contributions to Contra Costa's arts and culture.

\_\_\_\_\_  
**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: November 14, 2017

David J. Twa,

By: \_\_\_\_\_, Deputy



Contra  
Costa  
County

To: Board of Supervisors  
From: Karen Mitchoff, District IV Supervisor  
Date: November 14, 2017

Subject: Declaring November 20, 2017 the International Transgender Day of Remembrance in Contra Costa County

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **11/14/2017** ☐ 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: November 14, 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.  
2017/419

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

In the matter of:

**Resolution No. 2017/419**

**Declaring November 20, 2017 International Transgender Day of Remembrance in Contra Costa County.**

Whereas, those in society who are perceived to transgress gender norms, regardless of their self-identity or gender expressions are at risk for violence or bullying out of proportion to their numbers; and

Whereas, many of these transgender individuals live safe, healthy and fulfilling lives; others have had their lives cut short by violence based on hatred and prejudice, affecting victims, their families, and their communities; and

Whereas, gender nonconforming people in Contra Costa County deserve to live free of the threat of oppression, prejudice and violence; and

Whereas, many Contra Costa groups and individuals are doing commendable work to support transgender victims of violence, and to prevent violence including The STAND in PRIDE Collaborative of Community Violence Solutions; STAND! for Families Free of Violence; and Rainbow Community Center; and

Whereas, the Contra Costa LGBTQI2-S Inclusion Initiative is helping to promote cultural competence in serving transgender clients and patients; and

Whereas, County service providers in behavioral health, medical services, and social services who provide respectful treatment to transgender clients should be celebrated as role models; and

Whereas, many transgender and gender variant people and activists show bravery and strength, particularly those working within the intersections of identity and oppression, demonstrating the spirit of survival in advocating for and creating friendly and welcoming spaces for themselves across Contra Costa County, including but not limited to: Diablo Valley Girls; The Brown Boi Project; Gender Spectrum; Contra Costa Health Services; RYSE; Neighborhood House of North Richmond; Center for Human Development's Empowerment Program; Planned Parenthood Shasta-Pacific; Rainbow Community Center's Transgender Support Group and Gender Voice Support Group - among others; and

Whereas, the Contra Costa County Health Services LGBT Pride Initiative has provided focused health care training for Transgender patients including the Primary Care for the Transgender Patient on 11/3/14 and LGBT for Behavioral Health Care Psychiatrists on 10/9/14; and

Whereas, International Transgender Day of Remembrance provides a meaningful opportunity to honor transgender people, including those who are the victims of violence; to take a stand against intolerable and unacceptable hatred and prejudice, and to acknowledge the many dedicated Contra Costa individuals and groups working to support the transgender community.

Now, Therefore, Be It Resolved that the Board of Supervisors of Contra Costa County do hereby acknowledge the County's transgender and gender nonconforming youth, seniors, residents, and employees as valued and respected community members, and BE IT FURTHER RESOLVED that the Board of Supervisors of Contra Costa County declares November 20, 2017 as International Transgender Day of Remembrance in Contra Costa County and encourages a safe and accepting environment for all residents of Contra Costa, with special honor to our transgender and gender nonconforming communities.

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**FEDERAL D. GLOVER**  
Chair, District V Supervisor

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**JOHN GIOIA**  
District I Supervisor

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**CANDACE ANDERSEN**  
District II Supervisor

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**DIANE BURGIS**

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**KAREN MITCHOFF**

District III Supervisor

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: November 14, 2017

David J. Twa,

By: \_\_\_\_\_, Deputy



Contra  
Costa  
County

To: Board of Supervisors  
From: Joseph E. Canciamilla, Clerk-Recorder  
Date: November 14, 2017

Subject: Ordinance Continuing the Established Recording Fee for Social Security Truncation Program

---

**RECOMMENDATION(S):**

ADOPT Ordinance No. 2017-28 continuing the established one dollar (\$1.00) per document recording fee for the Social Security Number Truncation Program.

**FISCAL IMPACT:**

The fee will generate approximately \$300,000 per year to pay for the implementation and ongoing operational costs of the state-mandated Social Security Number Truncation Program.

**BACKGROUND:**

Government Code section 27301, which went into effect on January 1, 2008, requires the Clerk-Recorder to establish a Social Security Number Truncation Program. Under the state-mandated program, the Clerk-Recorder must redact the first five digits of all social security numbers from all official records recorded with the Clerk-Recorder since January 1, 1980, so that only the last four digits appear on the public record version. Under the program, after January 1, 2018, the Clerk-Recorder may also create a copy in electronic format of each official record recorded before January 1, 1980 and truncate any social security numbers contained in that record. To fund the program, Government Code sections 27304 and 27361(d) authorize the Clerk-Recorder to charge a one-dollar (\$1.00) fee for recording the first page of every instrument, paper, or notice required or permitted by law to be recorded. The funds generated by the fee can only be used to pay for the implementation and ongoing operational costs of the program.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Barbara Dunmore (925)  
335-7919

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

By: , Deputy

cc:

#### BACKGROUND: (CONT'D)

The fee is in addition to all other recording fees charged by the Clerk-Recorder. On May 20, 2008, the Board of Supervisors adopted Ordinance 2008-17, which authorized the Clerk-Recorder to charge the fee.

Pursuant to Government Code section 27361(d) and Ordinance 2008-17, the fee cannot be charged after December 31, 2017 unless the Board of Supervisors authorizes the Clerk-Recorder to continue charging the fee. Additionally, the County Auditor must have completed two reviews using generally accepted accounting standards to (1) verify that the funds generated by the fee are used only for the purpose of providing the Social Security Number Truncation Program and conducting the reviews; and (2) estimate any ongoing costs to the county recorder of complying with the program. The County Auditor has completed these reviews. The first review was completed on July 23, 2013 and the second review on August 29, 2017. The review results are available to the public at the Offices of the Clerk-Recorder and the Auditor-Controller.

#### CONSEQUENCE OF NEGATIVE ACTION:

The Clerk-Recorder would still have to maintain a Social Security Number Truncation Program pursuant to Government Code section 27301, but would have to use other county funding to do so.

#### ATTACHMENTS

Ordinance No. 2017-23 SNN Truncation Fee



ORDINANCE NO. 2017-28  
(uncodified)

**(Social Security Number Truncation Program Fee)**

The Contra Costa County Board of Supervisors ordains as follows:

**SECTION I. Authority.**

This ordinance is enacted pursuant to Government Code sections 27304, 27361(d), and 54985(c)(6).

**SECTION II. Fee Adoption.**

On and after the effective date of this ordinance, the one dollar (\$1) fee authorized by Government Code section 27361(d) is adopted and shall be charged and collected for recording the first page of every instrument, paper, or notice required or permitted by law to be recorded.

**SECTION III. Restrictions.**

The funds generated by the fee authorized by this ordinance shall be used only by the Clerk-Recorder for the purpose of implementing and continuing a social security number truncation program pursuant to Government Code sections 27300 through 27307.

**SECTION IV. Fee Schedule.**

The Clerk-Recorder fee schedule shall be revised to be consistent with this ordinance.

**SECTION V. Effective Date.**

This ordinance becomes effective 30 days after passage. Within 15 days of passage, this ordinance shall be published once with the names of the supervisors voting for and against it in the East Bay Times, a newspaper published in this County.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

\_\_\_\_\_  
Board Chair

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

[SEAL]

RJH:

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ORDINANCE NO. 2017-28



Contra  
Costa  
County

To: Board of Supervisors  
From: Beth Ward, Animal Services Director  
Date: November 14, 2017

Subject: INTRODUCE Ordinance Code 2017-27 amending the County Ordinance Code

---

**RECOMMENDATION(S):**

INTRODUCE Ordinance Code 2017-27 amending the County Ordinance Code Section 33-5.329 to exclude from the Merit System the new classification of Animal Services Captain-Exempt, WAIVE READING and Fix December 5, 2017, for adoption.

**FISCAL IMPACT:**

There is no fiscal impact with this action.

**BACKGROUND:**

The Animal Services Department is requesting to exclude from the Merit System the classification of Animal Services Captain-Exempt. The Animal Services Captain-Exempt position will be responsible for the oversight and management of the animal control field operations division, and supervising Animal Services Lieutenants, Sergeants and Officers engaged in field and center activities. As part of the department's executive team, the Animal Services Captain-Exempt will advise the Animal Services Director on animal control operation issues and participate in strategic planning, development and execution of all Animal Services Department goals and objectives.

**CONSEQUENCE OF NEGATIVE ACTION:**

If not approved, the Animal Services Field Operations Unit will not have an exempt classification as requested to provide direction and support for animal control services.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☒ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Arturo Castillo, (925)  
608-8408

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

By: , Deputy

cc: Arturo Castillo

## ATTACHMENTS

Ordinance No. 2017-27 to Exclude Animal Services Captain from Merit System

**ORDINANCE NO. 2017-27**

**(Exclude from the Merit System the new classification of Animal Services Captain-Exempt)**

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

**SECTION I:** Section 33-5.329 of the County Ordinance Code is amended to exclude from the merit system the new classification of Animal Services Captain-Exempt:

**33-5.329 - Animal services.**

- (a) The animal services director is excluded and is appointed by the board.
- (b) The deputy director for animal services is excluded and is appointed by the animal services director.
- (c) The animal clinic veterinarians and the veterinarian (hourly rate) are excluded and are appointed by the animal services director.
- (d) The animal services captain-exempt is excluded and is appointed by the animal services director.

(Ord. Nos. 2017-27 § 1, 12-05-17; 2012-10 § I, 10-23-12; Ords. 81-70 § 2, 81-32 § I[11, 16], 79-31 § 2, 70-17 §§ 2, 3, 76-62: former §§ 32-2.626, .636)

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

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

\_\_\_\_\_  
Board Chair

[SEAL]



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: November 14, 2017

Subject: Medical Staff Appointments and Reappointments – October, 2017

---

**RECOMMENDATION(S):**

Approve the medical staff appointments and reappointments, additional privileges, advancements, and voluntary resignations as recommend by the Medical Staff Executive Committee, at their October 17, 2017 meeting, and by the Health Services Director.

**FISCAL IMPACT:**

Not applicable.

**BACKGROUND:**

The Joint Commission on Accreditation of Healthcare Organizations has requested that evidence of Board of Supervisors' approval for each medical staff member will be placed in his or her credentials file. The recommendations for appointment and reappointment were reviewed by the Credentials Committee and approved by the Medical Executive Committee.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this action is not approved, the Contra Costa Regional Medical Center and Health Centers' medical staff will not be appropriately credentialed and not be in compliance with the Joint Commission on Accreditation of Healthcare Organizations.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Anna Roth,  
925-370-5100

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

By: , Deputy

cc: Tasha Scott, Marcy Wilhelm, Tami Sloan

ATTACHMENTS

Attachment



**A. New Medical Staff Members**

Michael Brandon, MD	Anesthesia
Yeun Joo Ching, DDS	Dental
Johanna Chung, DDS	Dental
Philip Early, MD	Anesthesia
Gary Greenberg, MD	Anesthesia
Genevieve Kinsey, MD	Pediatrics
Walid Massarweh, MD	Internal Medicine
Barbara Swarzenski, MD	Psychiatry/Psychology
Michelle Tsou, DPM	Surgery
Feisal Yamani, MD	Pathology

**B. Application for Staff Affiliation**

Shirley Birch, NP	Pediatrics
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**C. Advance to Non-Provisional**

Aaron Besterman, MD	Psychiatry/Psychology
Monica Eigelberger, MD	Surgery (General)
Talia Firestein, MD	Family Medicine
Jane Himmelvo, MD	Family Medicine (Detention)
Abhilasha Jamwal, MD	Pediatrics
John "Kip" Jones, MD	Psychiatry/Psychology
Benjamin King, MD	Pediatrics
Jason Reinking, MD	Emergency Medicine

**D. Biennial Reappointments**

Kimberly Butler, MD	Family Medicine	A
Paul Chard, MD	Internal Medicine (Gastro)	C
Dino Elyassnia, MD	Surgery (Hand & Plastic)	A
Alina Faramazyan, MD	Psychiatry/Psychology	A
Steven Harrison, MD	Surgery (Ophthalmology)	A
Laura Hans, MD	Pediatrics	A
Neil Jackson, MD	OB/GYN	P
Scott Josephson, MD	Internal Medicine (Neurology)	A
Edward Lau, MD	Psychiatry/Psychology	A
Minh Hiep Nguyen, MD	Critical Care	C

**E. Biennial Renew of Privileges**

Heather Cedermaz, NP	AFF
Erin Daisley, FNP	AFF
Kimberly Humphrey, NP	AFF

**F. Voluntary Resignations**

Harichandran, Dharmini, MD  
Lessin, Susan, MD  
McMillan, Monica, MD  
Pramanik, Rajiv, MD  
Tarekegn, Selamawit, MD

Psychiatry/Psychology  
Internal Medicine  
Emergency Medicine  
Emergency Medicine  
Hospitalist



**Contra  
Costa  
County**

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: November 14, 2017

**Subject: RESIGNATION FROM THE ARTS AND CULTURE COMMISSION OF CONTRA COSTA COUNTY**

---

**RECOMMENDATION(S):**

ACCEPT the resignation of Cindy McCann, DECLARE a vacancy in the Alternate seat on the Arts and Culture Commission of Contra Costa County, and DIRECT the Clerk of the Board to post the vacancy.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The Arts and Culture Commission (AC5) advises the Board of Supervisors in matters and issues relevant to arts and culture to: advance the arts in a way that promotes communication, education, appreciation and collaboration throughout Contra Costa County; to preserve, celebrate and share the arts and culture of the many diverse ethnic groups who live in Contra Costa County; to create partnerships with business and government; and to increase communications and understanding between all citizens through art. Most importantly, the Commission promotes arts and culture as a vital element of the quality of life for all of the citizens of Contra Costa County.

Commissioner McCann was appointed to the Alternative Seat for the term of October 20, 2015 to June 30, 2019. She has missed six of the seven AC5 scheduled meetings in 2017. Her absence impacts the Commission's ability to meet quorum rules and conduct meetings as scheduled. The AC5 Chairperson made several attempts to contact Commissioner McCann via telephone and email, with no response. AC5 is requesting the Board of Supervisors to resign Commissioner McCann and vacate the Alternate seat so that a new Commissioner can be appointed.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Kristen Lackey,  
925-335-1043

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The Arts and Culture Commission may lack the number of Commissioners required to meet quorum rules and conduct meetings.



Contra  
Costa  
County

To: Board of Supervisors  
From: PUBLIC PROTECTION COMMITTEE  
Date: November 14, 2017

Subject: APPOINTMENT OF THE CY2018 COMMUNITY CORRECTIONS PARTNERSHIP (CCP) AND  
CCP-EXECUTIVE COMMITTEE

---

**RECOMMENDATION(S):**

1. APPOINT the individuals identified in Exhibit A to serve on the 2018 Community Corrections Partnership (CCP), pursuant to Penal Code § 1230(b)(2); and
2. APPOINT the individuals identified in Exhibit B to serve on the 2018 Community Corrections Partnership Executive Committee, pursuant to Penal Code § 1230.1(b).

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The California Legislature passed Assembly Bill 109 (Chapter 15, Statutes of 2011), which transferred responsibility for supervising certain lower-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. Assembly Bill 109 (AB 109) took effect on October 1, 2011 and realigned three major areas of the criminal justice system. On a prospective basis, the legislation:

- Transferred the location of incarceration for lower-level offenders (specified nonviolent, non-serious, non-sex offenders) from state prison to local county jail and provides for an expanded role for post-release supervision for these offenders;

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Timothy Ewell,  
925-335-1036

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

By: , Deputy

cc:

## BACKGROUND: (CONT'D)

- > • Transferred responsibility for post-release supervision of lower-level offenders (those released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense) from the state to the county level by creating a new category of supervision called Post-Release Community Supervision (PRCS); and
- Transferred the custody responsibility for parole and PRCS revocations to local jail, administered by county sheriffs.

AB109 also created an Executive Committee of the local Community Corrections Partnership (CCP) and tasked it with recommending a Realignment Plan (Plan) to the county Board of Supervisors for implementation of the criminal justice realignment. The Community Corrections Partnership is identified in statute as the following:

### ***Community Corrections Partnership***

1. Chief Probation Officer (Chair)
2. Presiding Judge (or designee)
3. County supervisor, CAO, or a designee of the BOS
4. District Attorney
5. Public Defender
6. Sheriff
7. Chief of Police
8. Head of the County department of social services
9. Head of the County department of mental health
10. Head of the County department of employment
11. Head of the County alcohol and substance abuse programs
12. Head of the County Office of Education
13. CBO representative with experience in rehabilitative services for criminal offenders
14. Victims' representative

Later in 2011, the Governor signed Assembly Bill 117 (Chapter 39, Statutes of 2011), which served as “clean up” legislation to AB 109. Assembly Bill 117 (AB 117) changed, among other things, the composition of the local CCP-Executive Committee. The CCP-Executive Committee is currently identified in statute as the following:

### ***Community Corrections Partnership-Executive Committee***

1. Chief Probation Officer (Chair)
2. Presiding Judge (or designee)
3. District Attorney
4. Public Defender
5. Sheriff
6. A Chief of Police
7. The head of either the County department of social services, mental health, or alcohol and drug services (as designated by the board of supervisors)

Although AB 109 and AB 117 collectively place the majority of initial planning activities for Realignment on the local CCP, it is important to note that neither piece of legislation cedes powers vested in a county Board of Supervisors' oversight of and purview over how AB 109 funding is spent. Once the Plan is adopted, the Board of Supervisors can choose to implement that Plan in any manner it may wish.

Today's recommended actions were approved by the Public Protection Committee (PPC) at the November 6, 2017 meeting. The Committee recommends an appointment term of one-year for all non ex-officio seats and plans to make appointment/reappointment recommendations to the Board of Supervisors annually. The PPC continues to acknowledge that, under California law, the Police Chief seat is appointed by the Board of Supervisors and recommends that the appointee be rotated between the cities with the highest number of AB 109

population (which currently are Richmond, Pittsburg, Antioch and Concord). The PPC is recommending the appointment of Police Chief Guy Swanger from the City of Concord to serve on the CY2018 CCP and CCP-Executive Committees. In addition, the CCP-Community Advisory Board will provide a recommendation for filling the CBO representative seat in the coming months. For this reason, the PPC is not recommending an appointment to that seat (beginning January 1, 2018) at this time.

CONSEQUENCE OF NEGATIVE ACTION:

The Community Corrections Partnership (CCP) and CCP-Executive Committee will not be formally seated for calendar year 2018.

CHILDREN'S IMPACT STATEMENT:

No impact.

ATTACHMENTS

Exhibit A - 2018 Community Corrections Partnership & Exhibit B - 2018 Community Corrections Partnership Executive Committee

## EXHIBIT A - 2018 COMMUNITY CORRECTIONS PARTNERSHIP

<u>Seat</u>	<u>Appointee</u>	<u>Term Expiration</u>
Chief Probation Officer (Chair)	Todd Billeci	ex-officio
Presiding Judge (or designee)	Stephen Nash (designee of Presiding Judge)	ex-officio
County supervisor, CAO, or a designee of the BOS	David J. Twa, County Administrator	December 31, 2018
District Attorney	Diana Becton	ex-officio
Public Defender	Robin Lipetzky	ex-officio
Sheriff	David O. Livingston	ex-officio
Chief of Police	Guy Swanger, City of Concord	December 31, 2018
Head of the County department of social services	Kathy Gallagher, Employment and Human Services Director	ex-officio
Head of the County department of mental health	Cynthia Belon, Director of Behavioral Health Services	ex-officio
Head of the County department of employment	Donna Van Wert, Executive Director-Workforce Development Board	ex-officio
Head of the County alcohol and substance abuse programs	Fatima Matal Sol, Director of Alcohol and Other Drugs	ex-officio
Head of the County Office of Education	Karen Sakata, County Superintendent of Schools	ex-officio
CBO representative with experience in rehabilitative services		
for criminal offenders	Vacant	December 31, 2018
Victim's Representative	Devorah Levine, Zero Tolerance Program Manager	December 31, 2018



## EXHIBIT B - 2018 COMMUNITY CORRECTIONS PARTNERSHIP EXECUTIVE COMMITTEE

<u>Seat</u>	<u>Appointee</u>	<u>Term Expiration</u>
Chief Probation Officer (Chair)	Todd Billeci	ex-officio
Presiding Judge (or designee)	Stephen Nash (designee of Presiding Judge)	ex-officio
District Attorney	Diana Becton	ex-officio
Public Defender	Robin Lipetzky	ex-officio
Sheriff	David O. Livingston	ex-officio
Chief of Police	Guy Swanger, City of Concord	December 31, 2018
Representative approved by BOS from the following CCP members:	Kathy Gallagher, Employment and Human Services Director	December 31, 2018
*Head of County department of Social Services		
*Head of County department of mental health		
*Head of County department of alcohol and substance abuse programs		



# Contra Costa County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: November 14, 2017

Subject: Reclamation District 799

---

## **RECOMMENDATION(S):**

APPOINT in lieu of election Jim Price, Arthur John Hanson, and Walter Pierce to serve on the Board of Trustees of Reclamation District 799 (Hotchkiss Tract) for a term of four years, commencing in December 2017 and ending in December 2021.

## **FISCAL IMPACT:**

No fiscal impact.

## **BACKGROUND:**

The Board of Supervisors has received correspondence from Dina Holder, District Secretary for Reclamation District 799, requesting appointment to the Board of Trustees of the District in lieu of elections. Ms. Holder reports that the Board of Trustees of the District, at their regular meeting on July 27, 2017, adopted a resolution to call for an all mailed ballot election to fill the four year terms for three trustees that are set to expire in December 2017. Subsequent to posting the notice calling for nominations, the District received three filing petitions, from Jim Price, Arthur John Hanson, and Walter Pierce. Therefore, the District election scheduled for November 14, 2017 is uncontested and no election will be conducted.

At this time, the District respectfully requests that the Board of Supervisors appoint Jim Price, Arthur

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Emlyn Struthers  
925.335.1919

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

John Hanson, and Walter Pierce to a four-year term of office on the Board of Trustees of Reclamation District 799. The term will begin in December 2017 and end in December 2021.

CONSEQUENCE OF NEGATIVE ACTION:

The proposed nominees to the Board of Trustees for Reclamation District 799 (Hotchkiss Tract) would not be approved.

ATTACHMENTS

Reclamation District 799 Letter



## *Reclamation District 799* (Hotchkiss Tract)

*PO Box 353 Bethel Island Rd. Bethel Island, CA 94511*

*Phone: 925-684-2398 Fax: 925-684-2399*

*Website: [www.rd799.com](http://www.rd799.com)*

*Email: [dinard799@outlook.com](mailto:dinard799@outlook.com)*

### ***Board of Trustees:***

***President –Jim Price***

*& Trustees: Arthur John Hanson, Richard Kent, Walter Pierce, and Karla Fratus*

---

October 6, 2017

Contra Costa County Board of Supervisors  
651 Pine St., Room 106  
Martinez, CA 94553

Honorable Board of Supervisors:

I am the District Secretary of Reclamation District 799 (hereinafter “District”).

At the July 27, 2017 regular meeting of the Board of Trustees of Reclamation District 799, the board adopted Resolution 2017-9 “Directing an All Mailed Ballot Election” (see attached Resolution 2017-9) as three trustee terms are set to expire in December 2017.

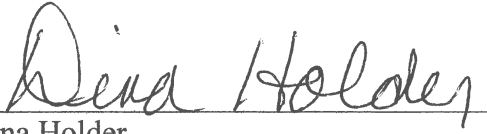
A Notice Calling for Nominations (“Notice”) was posted on August 31, 2017, in various locations around the District, at the Bethel Island Post Office and on the District’s web site ([www.rd799.com](http://www.rd799.com)). The Notice was also published in the Oakley Press on September 1, 2017 (see attached Proof of Publication). The Nomination period ended on Thursday, September 21, 2017 at 5:00 pm.

At the close of the Nomination period, the District had only received three completed Official Filing Petitions; one for Jim Price, one for Arthur John Hanson, and one for Walter Pierce (see attached Official Filing Petitions).

Therefore, the all mailed ballot District election scheduled for November 14, 2017 is uncontested and no election will be conducted.

We respectfully request that the Board of Supervisors appoint Jim Price, Arthur John Hanson, and Walter Pierce to the Board of Trustees of Reclamation District 799 for a term of four years, commencing in December 2017 and that these appointments take place at the next Board of Supervisors meeting.

Thank you very much for your courtesy and cooperation.

A handwritten signature in cursive script, reading "Dina Holder", written over a horizontal line.

Dina Holder  
District Secretary  
Reclamation District 799

Enclosures

cc: Contra Costa County Registrar of Voters  
Contra Costa County Counsel

Recording Requested By:  
Reclamation District 799  
(Hotchkiss Tract)

When Recorded Mail to:  
P.O. Box 353  
Bethel Island, CA 94511

The above space is for the recorders use only

**Document Title:**

**RESOLUTION 2017-9**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF  
RECLAMATION DISTRICT 799 DIRECTING AN ALL MAILED BALLOT ELECTION**

WHEREAS, Reclamation District 799 (RD 799), will have an election to fill three seats on the Board of Trustees ("Board") for RD 799 in November 2017; and

WHEREAS, the Board desires to maximize the opportunity for landowners to cast their ballots; and

WHEREAS, the landowners within RD 799 have previously approved that mailed ballots be used to conduct all future general district elections.

**NOW, THEREFORE, BE IT RESOLVED, THAT** the Board of Trustees of Reclamation District 799, hereby authorizes:

1. RD 799 elects to hold an all mailed ballot election on November 14, 2017, and authorizes and directs the Office Manager, the District Secretary, the Attorney for RD 799, and the Engineer for RD 799 to prepare such documents as may be necessary to conduct such election, and authorizes and directs the election board, as appointed by the Contra Costa Board of Supervisors, to conduct such election.

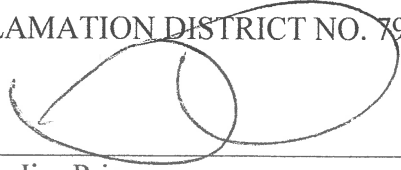
2. The Board hereby nominates the following three landowners, or representatives of landowners, as the election board provided for by Water Code Section 50700 and following:

- i. Mike Alvarez
- ii. Dina Holder
- iii. Carl Shelton

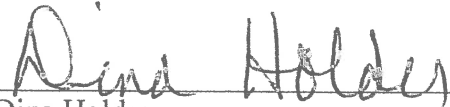
**PASSED** by the Board of Trustees at the regular meeting of Reclamation District 799 on July 27, 2017 by the following vote:

AYES:	Trustees: Hanson, Kent, Pierce and Fratus
NOES:	None
ABSTENTIONS:	None
ABSENT:	Price

RECLAMATION DISTRICT NO. 799

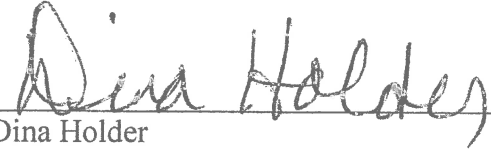
By:   
Jim Price  
Board President, Board of Trustees

ATTEST:

  
Dina Holder  
District Secretary

#### CERTIFICATION

I, Dina Holder, Secretary of the Reclamation District No. 799 (Hotchkiss Tract), do hereby certify that the foregoing is a full, true and correct copy of a resolution of Reclamation District No. 799 duly passed and adopted at a regular meeting of the Board of Trustees held on the 27th day of July, 2017.

  
Dina Holder  
District Secretary for RD799

## PROOF OF PUBLICATION

**THE PRESS**



### PUBLIC NOTICE

STATE OF CALIFORNIA  
COUNTY OF CONTRA COSTA

Jovel Parlog of said County, does hereby certify:

That she is and was during all the times herein mentioned, a citizen of the United States, over the age of 21 years and neither a party to nor in any way interested in the matter or action herein set forth, and is and was competent to be a witness in said matter or action:

That she is now and at all times herein mentioned was the principal clerk of the BRENTWOOD PRESS, publishers of the BRENTWOOD PRESS (No. 02-1273), which is and was at all times herein mentioned a newspaper of general circulation printed and published weekly in the City of Brentwood, County of Contra Costa, State of California, and as such principal clerk has now and at all of said times had charge of all legal notices and advertisements in said newspaper; that said BRENTWOOD PRESS is now and was at all times herein mentioned a newspaper of general circulation as that term is defined by Section 6000 of the Government Code, and as provided by said Section, is and at all of said times was published for the dissemination of local and telegraphic news and intelligence of a general character, having a bona fide subscription list of paying subscribers, and is not and at none of said times was devoted to the interests or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published at regular intervals in said County and State, for more than one year preceding the date of the first publication of the notice herein mentioned; that said notice was set in type not smaller than nonpareil, and was preceded with words printed in black face type not smaller than nonpareil, describing and expressing in general terms the purport and character of the notice intended to be given.

THAT THE

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in said newspaper and not in any supplement thereof on the following dates, to-wit:

**September 1, 2017**

I certify (or declare) under penalty of perjury that the foregoing is true and correct.  
Dated this 1 day of September 2017.

AD#: 74294

### NOTICE CALLING FOR NOMINATIONS TO THE BOARD OF TRUSTEES OF RECLAMATION DISTRICT NO. 799

NOTICE IS HEREBY GIVEN that a General Election will be held in Reclamation District No. 799 ("District") on **November 14, 2017**, for the purpose of electing three trustees to serve on the Board of Trustees of the District. In accordance with Water Code Section 50731.5, to be placed on the ballot for the election, a petition for a nominee must be filed with the District's Board Secretary located at **6325 Bethel Island Road, Bethel Island, California 94511, no later than 5 p.m. on September 21, 2017**. The form of the petition must be in substantial conformance with Water Code section 50731.6 and identify the name of the nominee and signed by five (5) or more landowners or the landowner's legal representative owning property within the boundaries of the District. Dated: August 31, 2017. /s/ Dina Holder District Secretary, Reclamation District No. 799. Brentwood Press No. 02-1273 **74294**  
Publish Dates: September 1, 2017.

SIGNATURE



# OFFICIAL FILING PETITION

(Water Code 50731.6)

## Nomination of Candidate

We, the undersigned voters of Reclamation District No. 799, hereby nominate  
WALTER J PIERCE III for the office of Trustee of the District  
(Name of Candidate)  
for a term of 4 years.

- |    | Name   | Date             | Residence   |
|----|--|------------------|---|
| 1. | <u>Ralph LeBay</u><br>Print Name<br><u>[Signature]</u><br>Signature    | <u>9/18/17</u>   | <u>5596 Sandmound Blvd</u><br>Residence Address<br><u>Oakley CA 94561</u><br>City, State, Zip Code  |
| 2. | <u>JAMES BARTON</u><br>Print Name<br><u>[Signature]</u><br>Signature   | <u>9/18/17</u>   | <u>5656 SANDMOUND BLVD</u><br>Residence Address<br><u>OAKLEY CA 94561</u><br>City, State, Zip Code  |
| 3. | <u>Art R. Ochoa</u><br>Print Name<br><u>[Signature]</u><br>Signature   | <u>9/18/2017</u> | <u>5674 Sandmound Blvd.</u><br>Residence Address<br><u>OAKLEY CA 94561</u><br>City, State, Zip Code |
| 4. | <u>Martín J. Jara</u><br>Print Name<br><u>[Signature]</u><br>Signature | <u>9/18/2017</u> | <u>5022 SANDMOUND BLVD</u><br>Residence Address<br><u>OAKLEY CA 94561</u><br>City, State, Zip Code  |
| 5. | <u>Bill Planchon</u><br>Print Name<br><u>[Signature]</u><br>Signature  | <u>9-18-2017</u> | <u>5558 Sandmound Blvd, Oakley CA</u><br>Residence Address<br><u>94561</u><br>City, State, Zip Code |

## AFFIDAVIT OF CIRCULATOR

State of California  
County of Contra Costa ss.

WALTER J PIERCE III, being duly sworn, deposes and says:  
(Name of Circulator)  
that HE (he/she) circulated the foregoing petition and saw all the signatures appended  
thereto and knows that they are the signatures of the persons whose names they purport to be.

[Signature]  
(Signature of circulator)

Subscribed and sworn to before me  
this 18 day of September, 2017  
Shannon Giambroone  
Notary Public in and for the County  
of Contra Costa, State of California.  
My commission expires 11-8-19.



## AFFIDAVIT OF NOMINEE

State of California )  
County of CC ) ss.

WALTER J PIERCE JR, being duly sworn, says that he/she is says  
(Name of Nominee)

that he/she is the above-named nominee for the office of TRUSTEE, that  
(Office)

he/she will accept the office in the event of his/her election, that he/she desires his/her name to appear on the ballot as follows:

WALTER J PIERCE JR  
(Print name above)

that he/she desires the following occupational designation, containing not more than three words, to appear on the ballot under his/her name, and that this designation is correct.

INCUMBENT BOARD TRUSTEE  
(Print desired designation, if any, above)

[Signature]  
(Signature of nominee)

Subscribed and sworn to before me  
this 14 day of SEPT, 2017.

SHANNON GIAMERONE  
Notary Public in and for the County  
of CALIFORNIA State of California.  
My commission expires 11-8-19.



# OFFICIAL FILING PETITION

(Water Code 50731.6)

## Nomination of Candidate

We, the undersigned voters of Reclamation District No. 799, hereby nominate  
JIM PRICE for the office of Trustee of the District  
(Name of Candidate)

for a term of \_\_\_\_\_ years.

- |    | Name  | Date                | Residence   |
|----|---|---------------------|---|
| 1. | <u>Michael Gagne</u><br>Print Name<br><u>[Signature]</u><br>Signature         | <u>SEPT 13 2017</u> | <u>2210 Dutch Slough OAK</u><br>Residence Address<br><u>94561</u><br>City, State, Zip Code          |
| 2. | <u>Thomas Regier</u><br>Print Name<br><u>T Regier</u><br>Signature            | <u>9/13/2017</u>    | <u>2228 Dutch Slough Rd</u><br>Residence Address<br><u>Oakley CA 94561</u><br>City, State, Zip Code |
| 3. | <u>ARTHUR J. HANSON</u><br>Print Name<br><u>Arthur J. Hanson</u><br>Signature | <u>8/31/17</u>      | <u>4800 SANDHORN BLVD</u><br>Residence Address<br><u>OAKLEY CA 94561</u><br>City, State, Zip Code   |
| 4. | <u>BILL BREWER</u><br>Print Name<br><u>Bill Brewer</u><br>Signature           | <u>9-13-17</u>      | <u>2760 Dutch Slough Rd</u><br>Residence Address<br><br>City, State, Zip Code                       |
| 5. | <u>Michael Alvarez</u><br>Print Name<br><u>[Signature]</u><br>Signature       |                     | <u>5192 Sandhorn Blvd.</u><br>Residence Address<br><u>Oakley, CA 94561</u><br>City, State, Zip Code |

## AFFIDAVIT OF CIRCULATOR

State of California

County of Contra Costa ss.

JIM PRICE, being duly sworn, deposes and says:  
(Name of Circulator)

that he (he/she) circulated the foregoing petition and saw all the signatures appended thereto and knows that they are the signatures of the persons whose names they purport to be.

[Signature]  
(Signature of circulator)

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

See attached for notarization

Notary Public in and for the County  
of \_\_\_\_\_, State of California.

My commission expires \_\_\_\_\_.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

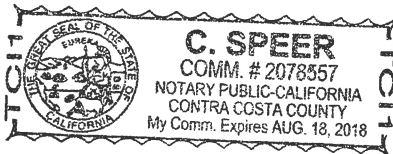
State of California  
County of Contra Costa

Subscribed and sworn to (~~or affirmed~~) before

me on 09/15/2017

by Jim Price

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



C. Speer  
Notary Signature

#### Optional Information

Title or type of document:

Official Filing Petition / Affidavit of Circulator

Number of Pages 2

## AFFIDAVIT OF NOMINEE

State of California )

County of Santa ss.

Costa Price, being duly sworn, says that he/she is says  
(Name of Nominee)

that he/she is the above-named nominee for the office of trustee, that  
(Office)

he/she will accept the office in the event of his/her election, that he/she desires his/her name to appear on the ballot as follows:

Jim Price  
(Print name above)

that he/she desires the following occupational designation, containing not more than three words, to appear on the ballot under his/her name, and that this designation is correct.

[Signature]  
(Signature of nominee)

incumbent President of Board  
(Print desired designation, if any, above)

Subscribed and sworn to before me  
this \_\_\_ day of \_\_\_, 20\_\_.

See attached for notarization  
Notary Public in and for the County  
of \_\_\_\_\_, State of California.  
My commission expires \_\_\_\_\_.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Contra Costa

Subscribed and sworn to (or ~~affirmed~~) before

me on 09/15/2017

by Jim Price

proved to me on the basis of satisfactory  
evidence to be the person(~~s~~) who appeared  
before me.



C. Speer  
Notary Signature

#### Optional Information

Title or type of document:

Affidavit of Nominee

Number of Pages 2

# OFFICIAL FILING PETITION

(Water Code 50731.6)

## Nomination of Candidate

We, the undersigned voters of Reclamation District No. 799, hereby nominate  
ARTHUR JOHN HANSON for the office of Trustee of the District

(Name of Candidate)

for a term of 4 years.

- |    |   |   |   |
|----|---|---|---|
| 1. | Name<br><u>Jim Brice</u><br>Print Name<br><u>[Signature]</u><br>Signature         | Date<br><u>8/31/17</u><br><u>OAKLEY</u> | Residence<br><u>3662 Ditch Slough Rd - 5625 Sandmound</u><br>Residence Address<br><u>Brentwood, (CA 94536)</u><br>City, State, Zip Code |
| 2. | Name<br><u>Mike Alvarez</u><br>Print Name<br><u>[Signature]</u><br>Signature      | Date<br><u>8/31/17</u>                  | Residence<br><u>5192 Sandmound Blvd., Oakley</u><br>Residence Address<br><br>City, State, Zip Code                                      |
| 3. | Name<br><u>Richard A. Kew</u><br>Print Name<br><u>[Signature]</u><br>Signature    | Date<br><u>8-31-17</u>                  | Residence<br><u>4508 Sandmound Blvd. OAKLEY</u><br>Residence Address<br><br>City, State, Zip Code                                       |
| 4. | Name<br><u>Patricia ABell</u><br>Print Name<br><u>Patricia ABell</u><br>Signature | Date<br><u>9/15/2017</u>                | Residence<br><u>4466 Sandmound Blvd</u><br>Residence Address<br><u>Oakley</u><br>City, State, Zip Code                                  |
| 5. | Name<br><u>Kyle Burns</u><br>Print Name<br><u>[Signature]</u><br>Signature        | Date<br><u>9/15/2017</u>                | Residence<br><u>5324 sandmound Blvd</u><br>Residence Address<br><u>Oakley CA 94561</u><br>City, State, Zip Code                         |

## AFFIDAVIT OF CIRCULATOR

State of California  
County of CONTRA COSTA ss.

ARTHUR JOHN HANSON, being duly sworn, deposes and says:  
(Name of Circulator)

that HE (he/she) circulated the foregoing petition and saw all the signatures appended thereto and knows that they are the signatures of the persons whose names they purport to be.

[Signature]  
(Signature of circulator)

Subscribed and sworn to before me  
this 18 day of September, 2017.

SHANNON GIAMBRONE  
Notary Public in and for the County  
of CONTRA COSTA, State of California.  
My commission expires 11-8-2019.



## AFFIDAVIT OF NOMINEE

State of California )  
County of CONCEPCION ss.

ARTHUR JOHN HANSON, being duly sworn, says that he/she is says  
(Name of Nominee)  
that he/she is the above-named nominee for the office of 799 Reclamation, that  
(Office)

he/she will accept the office in the event of his/her election, that he/she desires his/her name to appear on the ballot as follows:

ARTHUR JOHN HANSON  
(Print name above)

that he/she desires the following occupational designation, containing not more than three words, to appear on the ballot under his/her name, and that this designation is correct.

Trustee  
(Print desired designation, if any, above)

Arthur John Hanson  
(Signature of nominee)

Subscribed and sworn to before me  
this 18 day of September, 2017  
SHANNON GIAMBRONE  
Notary Public in and for the County  
of CONCEPCION State of California.  
My commission expires NOV 8, 2019





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

RECEIVED  
OCT 6 2017  
CLERK BOARD OF SUPERVISORS  
CONTRA COSTA CO.

ILLUSTRATION BY JERRY L. LEE  
PG BOX 253  
BETHLEHEM ISLAND, CA 94511



Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: November 14, 2017

Subject: Reclamation District 800

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**RECOMMENDATION(S):**

APPOINT in lieu of election Robert Lyman, Pete Hansen, and Frank Morgan to serve four-year terms on the Board of Trustees for Reclamation District 800 (Byron Tract) for a term of four years, commencing in December 2017 and ending December 2021.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The Board of Supervisors has received correspondence from Reclamation District Number 800 (Byron Tract). Reclamation District 800 Secretary Sonnet Rodrigues has respectfully requested that the Board of Supervisors appoint incumbent Trustees Robert Lyman, Pete Hansen, and Frank Morgan in lieu of elections. These appointments will fill open seats on the Reclamation District's Board of Trustees. Correspondence dated October 2, 2017 from the Reclamation District specifies that nominating petitions were filed for each nominee and that the number of valid petitions did not exceed the number of petitions available.

**CONSEQUENCE OF NEGATIVE ACTION:**

The proposed nominees to the Board of Trustees for Reclamation District 800 (Byron Tract) would not be approved.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Emlyn Struthers  
925.335.1919

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

By: , Deputy

cc:

## ATTACHMENTS

Reclamation District 800  
letter



P.O. Box 262  
1540 Discovery Bay Blvd., Ste. "A"  
Discovery Bay, CA 94514

Office: 925-634-2351  
Fax: 925-634-2089  
Web: [www.rd800.org](http://www.rd800.org)



October 2, 2017

Clerk of the Board  
Contra Costa County Board of Supervisors  
651 Pine Street, Room 106  
Martinez, CA 94553-1293

RE: Reclamation District 800

Reclamation District 800 had the intention of holding an election for three trustee positions in November 2017. The number of valid petitions received did not exceed the number of positions available, therefore the District will not be holding an election. Please appoint the following candidates to the Reclamation District 800 Board of Trustees:

Robert Lyman (incumbent)  
Pete Hansen (incumbent)  
Frank Morgan (incumbent)

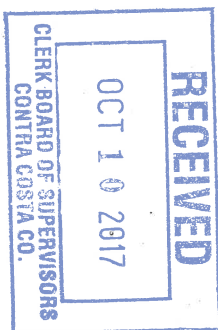
Please call Reclamation District 800 at (925) 634-2351 with any questions.

Thank you,

Sonnet Rodrigues  
District Secretary



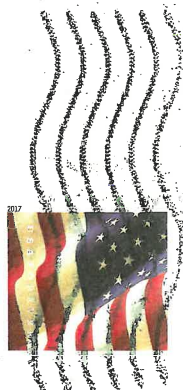
P.O. Box 262  
1540 Discovery Bay Blvd., Ste. 'A'  
Discovery Bay, CA 94514



94514-12933

OAKLAND CA 945

02 OCT 2017 PM 8:1



Clerk of The Board  
Contra Costa County Board of Supervisors  
651 Pine Street, Room 1016  
Martinez CA 94560-1293



Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: November 14, 2017

Subject: Reclamation District 2024

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**RECOMMENDATION(S):**

APPOINT in lieu of election Don Wagenet and Frank Savage to serve on the Board of Trustees of Reclamation District 2024 (Orwood and Palm Tracts), for a term beginning December 2017 and ending December 2021.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The Board of Supervisors has received correspondence from Dante J. Nomellini, Jr., Secretary and Attorney for Reclamation District 2024 (Orwood and Palm Tracts) requesting appointment to the Board of Trustees in lieu of elections. Mr. Nomellini has respectfully requested that the Board of Supervisors make the appointments in lieu of elections. Correspondence from the firm specifies that pursuant to notice calling for nomination petitions for two positions on the Board of Trustees, the District received two nomination petitions. No petition requesting an election has been received. As a result, pursuant to Water Code sections 50740-50742, no election would be held in the Reclamation District for the vacancies on the Board of District Trustees.

At this time the District respectfully

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Emlyn Struthers  
925.335.1919

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

requests that the Board of Supervisors appoint nominee Don Wagenet to the term ending December, 2021, and appoint nominee Frank Savage to the term ending December, 2019 to serve on the Board of Trustees for Reclamation District 2024 (Orwood and Palm Tracts).

CONSEQUENCE OF NEGATIVE ACTION:

The proposed nominees to the Board of Trustees for Reclamation District 2024 (Orwood and Palm Tracts) would not be approved.

ATTACHMENTS

Reclamation District 2024 Letter



**RECLAMATION DISTRICT NO. 2024  
(Orwood and Palm Tracts)**

235 East Weber Avenue  
P. O. Box 1461  
Stockton, California 95201  
(209) 465-5883  
FAX: (209) 465-3956

**Trustees**

Robert Cecchini  
John R. Jackson  
Stan Nunn  
Don Wagenet

**Secretary and Attorney**  
Dante John Nomellini

**Engineer**  
Dominick Gulli

September 28, 2017

Board of Supervisors  
Contra Costa County  
651 Pine Street  
Martinez, California 94553

Re: Reclamation District No. 2024  
Appointment of Trustees

Dear Board of Supervisors:

Pursuant to Notice Calling for Nomination Petitions for two (2) positions on the Board of Trustees, the District received two (2) nomination petitions. Two positions will remain vacant. No petition requesting an election has been received. The Board of Trustees of the District requests that at the next regular meeting of the Board of Supervisors you appoint the following nominees to fill two of the vacancies as follows:

Don Wagenet for the term ending December, 2021  
Frank Savage for the term ending December, 2019

Yours very truly,

RECLAMATION DISTRICT NO. 2024

DANTE JOHN NOMEILLINI  
Secretary and Counsel

/ju



PROFESSIONAL LAW CORPORATIONS

235 E. WEBER AVENUE (95202)

P.O. BOX 1461

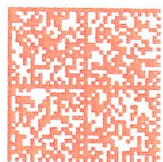
STOCKTON, CALIFORNIA 95201-1461

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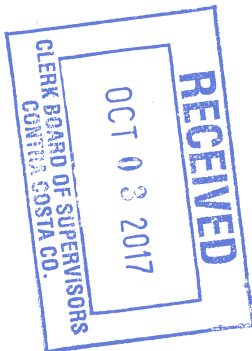
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Board of Supervisors  
Contra Costa County  
651 Pine Street  
Martinez, CA 94553



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Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: November 14, 2017

Subject: Reclamation District 2025

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**RECOMMENDATION(S):**

APPOINT in lieu of election Clark Misner and Randall Neudeck to the Board of Trustees for Reclamation District 2025 (Holland Tract), as listed below:

Clark Misner—4 year term

Bethel Island, CA 94511

Randall Neudeck—2 year term

Sacramento, CA 95814

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The Board of Supervisors has received correspondence from Pamela A. Forbus, Assistant Secretary for Reclamation District 2025, requesting appointment to the Board of Trustees in lieu of elections. Ms. Forbus has respectfully requested that the Board of Supervisors make the appointments in lieu of elections. These appointments will fill open seats on the Reclamation District's Board of Trustees. Correspondence from

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Emlyn Struthers  
925.335.1919

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

the firm specifies that at the close of the nomination period on September 14, 2017 there were only two candidates nominated: Clark Misner and Randall Neudeck. As a result, pursuant to Water Code section 50741, no election was held in the Reclamation District for the vacancies on the Board of District Trustees.

At this time the District respectfully requests that the Board of Supervisors appoint nominees Clark Misner and Randall Neudeck to serve on the Board of Trustees Reclamation District 2025 (Holland Tract), for terms of four and two years, respectively.

CONSEQUENCE OF NEGATIVE ACTION:

The proposed nominees to the Board of Trustees for Reclamation District No. 2025 (Holland Tract) would not be approved.

ATTACHMENTS

Reclamation District 2025 Letter

AL WARREN HOSLETT  
PAMELA A. FORBUS  
ATTORNEYS AT LAW  
343 EAST MAIN STREET, SUITE 815  
STOCKTON, CALIFORNIA 95202  
TELEPHONE (209) 943-5551  
FAX (209) 943-0251



September 28, 2017

Contra Costa County  
Board of Supervisors  
c/o Clerk of the Board Office  
651 Pine Street - Room 106  
Martinez, CA 94553

Re: Reclamation District No. 2025 (Holland Tract)

Ladies and Gentlemen:

This office represents the Board of Trustees of Reclamation District No. 2025 (Holland Tract). Relative to the above, this will serve to call to your attention to the necessity of appointing two Trustees to the Board of Trustees of Reclamation District No. 2025 (Holland Tract).

On or prior to September 14, 2017, a nominating petition was filed nominating the following named individuals for the office of Trustee:

Clark Misner

Randall Neudeck

Bethel Island, CA 94511

Sacramento, CA 95814

Pursuant to Water Code Section 50741, a notice was published on September 28, 2017, advising that no election would be held in said Reclamation District for the office of Trustee.

Enclosed with this letter is a Certificate of the District Secretary for Reclamation District No. 2025 (Holland Tract).

It is, therefore, respectfully requested in accordance with the provisions of Section 50741 of the Water Code that the following named individual be appointed as a member of the Board of Trustees of Reclamation District No. 2025 (Holland Tract) for the term set opposite his name or until a successor is elected and qualified:

CLARK MISNER - 4 years

RANDALL NEUDECK - 2 years

Yours very truly,

A handwritten signature in blue ink that reads "Pamela A. Forbus". The signature is written in a cursive, flowing style.

PAMELA A. FORBUS

PAF/ph  
Enc.

RECLAMATION DISTRICT NO. 2025 (HOLLAND TRACT)

CERTIFICATE OF SECRETARY

I, PAMELA A. FORBUS, do hereby certify as follows:

1. That I am the Assistant Secretary for RECLAMATION DISTRICT NO. 2025 (HOLLAND TRACT).

2. That the elective offices of said District to be filled at the 2017 general District Election is as follows:

Two Trustees

3. That the name of the candidate(s) for said elective office who has filed a nominating petition and the length of term of office are as follows:


CLARK MISNER - 4 years

RANDALL NEUDECK - 2 years

4. The number of nominees who have filed nominating petitions does not exceed the number of offices to be filled at said election.

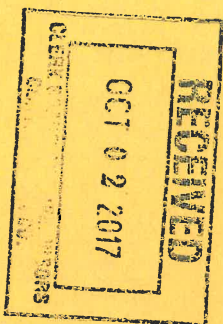
5. To my knowledge, no petition requesting an election has been filed.

In testimony hereof, I have set my hand this 28th day of September, 2017.



Pamela A. Forbus, Assistant Secretary  
Reclamation District No. 2025  
(Holland Tract)

AL WARREN HOSLETT  
PAMELA A. FOREBUS  
ATTORNEYS AT LAW  
343 EAST MAIN STREET, SUITE 815  
STOCKTON, CA 95202



CONTRA COSTA COUNTY BOARD OF SUPERVISORS  
c/o Clerk of the Board Office  
651 Pine Street - Room 106  
Martinez, CA 94553



UNITED STATES POSTAGE  
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Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: November 14, 2017

Subject: Reclamation District 2026

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**RECOMMENDATION(S):**

APPOINT in lieu of election Dave Forkel, Randall Neudeck, and Angela Wright to the Board of Trustees for Reclamation District 2026 (Webb Tract) as listed:

Dave Forkel—4 year term

Fairfax, CA 94930

Randall Neudeck—2 year term

Sacramento, CA 95814

Angela Wright—2 year term

Los Angeles, CA 90021

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The Board of Supervisors has received correspondence from Pamela A. Forbus, Assistant Secretary for Reclamation District 2026, requesting appointment to the Board of Trustees in lieu of elections. These appointments will

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Emlyn Struthers  
925.335.1919

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

By: , Deputy

cc:

**BACKGROUND: (CONT'D)**

fill open seats on the Webb Tract Reclamation District's Board of Trustees. Correspondence from the firm specifies that at the close of the nomination period on September 14, 2017 there were only three candidates nominated: Dave Forkel, Randall Neudeck, and Angela Wright. As a result, pursuant to Water Code Section 50741, no election was held in the Reclamation District for the vacancies on the Board of District Trustees. At this time the District respectfully requests that the Board of Supervisors appoint nominee Dave Forkel to serve a four-year term, and appoint nominees Randall Neudeck and Angela Wright to serve a two-year term on the Board of Trustees Reclamation District 2026 (Webb Tract).

**CONSEQUENCE OF NEGATIVE ACTION:**

The proposed nominees to the Board of Trustees for Reclamation District No. 2026 (Webb Tract) would not be approved.

**ATTACHMENTS**

Reclamation District 2026 Letter



AL WARREN HOSLETT  
PAMELA A. FORBUS  
ATTORNEYS AT LAW  
343 EAST MAIN STREET, SUITE 815  
STOCKTON, CALIFORNIA 95202  
TELEPHONE (209) 943-5551  
FAX (209) 943-0251



September 28, 2017

Contra Costa County  
Board of Supervisors  
c/o Clerk of the Board Office  
651 Pine Street - Room 106  
Martinez, CA 94553

Re: Reclamation District No. 2026 (Webb Tract)

Ladies and Gentlemen:

This office represents the Board of Trustees of Reclamation District No. 2026 (Webb Tract). Relative to the above, this will serve to call to your attention to the necessity of appointing three Trustees to the Board of Trustees of Reclamation District No. 2026 (Webb Tract).

On or prior to September 14, 2017, a nominating petition was filed nominating the following named individuals for the office of Trustee:

Dave A. Forkel

Randall Neudeck

Angela Wright

Fairfax, CA 94930

Sacramento, CA 95814

Los Angeles, CA 90012

Pursuant to Water Code Section 50741, a notice was published on September 28, 2017, advising that no election would be held in said Reclamation District for the office of Trustee.

Enclosed with this letter is a Certificate of the District Secretary for Reclamation District No. 2026 (Webb Tract).

It is, therefore, respectfully requested in accordance with the provisions of Section 50741 of the Water Code that the following named individual be appointed as a member of the Board of Trustees of Reclamation District No. 2026 (Webb Tract) for the term set opposite his name or until a successor is elected and qualified:

DAVE A. FORKEL - 4 years  
RANDALL NEUDECK - 2 years  
ANGELA WRIGHT - 2 years

Yours very truly,

A handwritten signature in blue ink that reads "Pamela A. Forbus". The signature is written in a cursive, flowing style.

PAMELA A. FORBUS

PAF/ph  
Enc.

RECLAMATION DISTRICT NO. 2026 (WEBB TRACT)

CERTIFICATE OF SECRETARY

I, PAMELA A. FORBUS, do hereby certify as follows:

1. That I am the Assistant Secretary for RECLAMATION DISTRICT NO. 2026 (WEBB TRACT).

2. That the elective offices of said District to be filled at the 2017 general District Election is as follows:

Three Trustees

3. That the name of the candidate(s) for said elective office who has filed a nominating petition and the length of term of office are as follows:

DAVID A. FORKEL - 4 years

RANDALL NEUDECK - 2 years

ANGELA WRIGHT - 2 years

4. The number of nominees who have filed nominating petitions does not exceed the number of offices to be filled at said election.

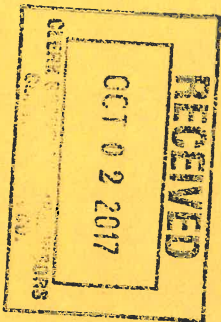
5. To my knowledge, no petition requesting an election has been filed.

In testimony hereof, I have set my hand this 28th day of September, 2017.



Pamela A. Forbus, Assistant Secretary  
Reclamation District No. 2026  
(Webb Tract)

AL WARREN HOSLETT  
PAMELA A. FOREBUS  
ATTORNEYS AT LAW  
343 EAST MAIN STREET, SUITE 815  
STOCKTON, CA 95202



CONTRA COSTA COUNTY BOARD OF SUPERVISORS  
c/o Clerk of the Board Office  
651 Pine Street - Room 106  
Martinez, CA 94553





Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: November 14, 2017

Subject: Reclamation District 2059

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**RECOMMENDATION(S):**

APPOINT in lieu of election Robert Davies, William Hall, and Gilbert Orozco to serve on the Board of Trustees of Reclamation District 2059 (Bradford Island) for a term of four years.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The Board of Supervisors has received correspondence (attached) from Angelina Tant, District Secretary for Reclamation District 2059 requesting appointment to the Board of Trustees in lieu of elections. Ms. Tant has respectfully requested that the Board of Supervisors make the appointments in lieu of elections. These appointments will fill open seats on the Reclamation District's Board of Trustees. Correspondence from the firm specifies that at the close of the nomination period on September 21, 2017 there were only three candidates nominated: Robert Davies, William Hall, and Gilbert Orozco. As a result, pursuant to Water Code sections 50740-50742, no election would be held in the Reclamation District for the vacancies on the Board of District Trustees.

At this time, the District respectfully requests that the Board of Supervisors

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Emlyn Struthers,  
925.335.1919

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

appoint nominees Robert Davies, William Hall, and Gilbert Orozco for a term of four years commencing December 1, 2017 and ending November 30, 2021, to serve on the Board of Trustees Reclamation District 2059 (Bradford Island).

CONSEQUENCE OF NEGATIVE ACTION:

The proposed nominees to the Reclamation District 2059 would not be approved.

ATTACHMENTS

Reclamation District 2059 letter



## Bradford Reclamation District 2059

PO Box 1059 Oakley, CA 94561

Phone/Cell: 925-209-5480

[www.bradfordisland.com](http://www.bradfordisland.com)

[angelia\\_bradford@sbcglobal.net](mailto:angelia_bradford@sbcglobal.net)

Reclamation Board Members: Chairman Robert Davies



Trustees: Michael Craig, Gilbert Orozco, William Hall & James Folsom

October 6, 2017

Board of Supervisors  
County of Contra Costa  
651 Pine St.  
Room 107  
Martinez, CA 94553  
Attn: Clerk of the Board

October 6, 2017

Re: Appointment of Individuals to Board of Trustees of Reclamation District No. 2059, Bradford Island

Dear Honorable Members of the Board of Supervisors,

Reclamation District No. 2059 (Bradford Island) accepted nominees for three (3) District Trustee positions, which were to be filled by District election scheduled for November 14, 2017. The nomination period closed at 5:00 p.m. on September 21, 2017, in accordance with the Reclamation District election procedures set forth in Water Code section 50731.5.

At the close of the nomination period, there were only three (3) candidates nominated: Robert Davies, William Hall, and Gilbert Orozco. As a result, pursuant to Water Code sections 50740—50742, the District shall not hold an election, and the Board of Supervisors shall appoint the nominees to fill the Trustees positions at the Board of Supervisor's next regular meeting.

Reclamation District 2059 hereby requests that the Board of Supervisors appoint Robert Davies, William Hall, and Gilbert Orozco to fill the offices of District Trustees, each office having a term of four (4) years to commence December 1, 2017 and to terminate November 30, 2021. A sample Resolution is enclosed for your convenience.

Should you have any questions, District legal counsel, Mia Brown, may be contacted at (209) 481-1548. If staff in the Clerk's office could contact me at (925) 209-5480 to let me know the date of the meeting at which the above appointments will be made at least one week in advance, I would appreciate it, as the District will have to publish notice of the appointments in the newspaper.

Sincerely,

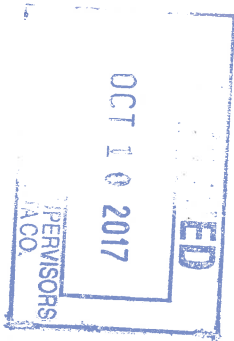
RECLAMATION DISTRICT NO. 2059

Angelia Tant, District Secretary



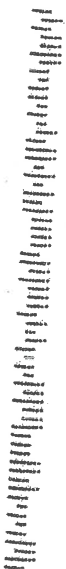


Bradford Reclamation District  
2059  
PO Box 1059  
Oakley, CA 94561

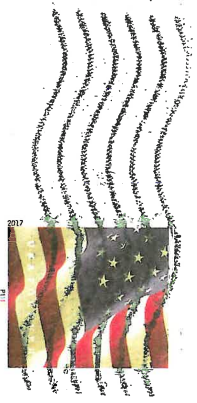


Board of Supervisors  
(T.C.C.)  
651 Pine St. Rm 107  
Martinez, CA 94553

94553-127599



OAKLAND CA 945  
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Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: November 14, 2017

Subject: Reclamation District 2065

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**RECOMMENDATION(S):**

APPOINT in lieu of election Coleman Foley and Thomas E. Baldocchi, Jr. to serve on the Board of Trustees of Reclamation District 2065 (Veale Tract) for a term of four years, ending December 2021.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The Board of Supervisors has received correspondence from Dante J. Nomellini, Jr., Secretary and Attorney for Reclamation District 2065, Veale Tract requesting appointment to the Board of Trustees in lieu of elections. Mr. Nomellini has respectfully requested that the Board of Supervisors make the appointments in lieu of elections. Correspondence from the firm specifies that no nomination petitions were received and no petition requesting an election was presented to the District. As a result, pursuant to Water Code sections 50740-50742, no election was held in the Reclamation District for the vacancies on the Board of District Trustees.

At this time, the District respectfully requests that the Board of Supervisors appoint the incumbents, Coleman Foley and Thomas E. Baldocchi,

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Emlyn Struthers  
925.335.1919

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

By: , Deputy

cc:



BACKGROUND: (CONT'D)

Jr., to fill the vacancies since they are qualified and willing to serve during the term ending December 2021.

CONSEQUENCE OF NEGATIVE ACTION:

The proposed nominees to Reclamation District 2065 would not be approved.

ATTACHMENTS

Reclamation District 2065 Letter

**RECLAMATION DISTRICT NO. 2065  
(VEALE TRACT)**

235 East Weber Avenue, Stockton, CA 95202

Mailing Address:

P.O. Box 1461, Stockton, California 95201-1461

Telephone: (209) 465-5883

Fax: (209) 465-3956

**Trustees**

Coleman Foley

Thomas E. Baldocchi, Sr.

Thomas E. Baldocchi, Jr.

**Secretary and Attorney**

Dante J. Nomellini, Jr.

**Engineer**

Gilbert Cosio, Jr.

October 5, 2017

Board of Supervisors  
Contra Costa County  
651 Pine Street  
Martinez, California 94553

Re: Appointment of Trustees for Reclamation District No. 2065.

Dear Board of Supervisors:

Pursuant to the Notice Calling for Nomination Petitions for two (2) vacancies on the Board of Trustees for Reclamation District No. 2065 ("District"), no nomination petitions were received. Since no nomination petitions were received and no petition requesting an election was presented to the District, the Board of Trustees of the District requests that the Board of Supervisors appoint the incumbents, Coleman Foley and Thomas E. Baldocchi, Jr., to fill the vacancies since they are qualified and willing to serve as trustees. The appointments are requested to be as follows:

Coleman Foley for the term ending December, 2021

Thomas E. Baldocchi, Jr., for the term ending December, 2021

Thank you for your time and attention to this matter.

Very truly yours,

By: 

Dante John Nomellini, Jr.

Secretary & Attorney for RD 2065



2065

NOMELLINI, GRILLI & MCDANIEL

PROFESSIONAL LAW CORPORATIONS

235 E. WEBER AVENUE (95202)

P.O. BOX 1461

STOCKTON, CALIFORNIA 95201-1461

SACRAMENTO

CA 957

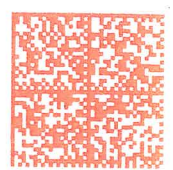
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Board of Supervisors  
Contra Costa County  
651 Pine Street  
Martinez, CA 94553

94553-122931



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Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: November 14, 2017

Subject: Reclamation District 2090

---

**RECOMMENDATION(S):**

APPOINT in lieu of election the Colby Heaton to the Board of Trustees for Reclamation District 2090 (Quimby Island) for a four-year term as listed:

Colby Heaton  
Roseville, CA 95678

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The Board of Supervisors has received correspondence from the Law Offices of Al Warren Hoslett and Pamela A. Forbus, representing the Board of Trustees for Reclamation District Number 2090. Ms. Forbus, as the Assistant Secretary of Reclamation District No. 2090, has respectfully requested that the Board of Supervisors make the appointment in lieu of elections. This appointment will fill one open seat on the Reclamation District's Board of Trustees.

Correspondence from the firm specifies that, on or prior to September 14, 2017, a nominating a petition was filed for one nominee,

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Emlyn Struthers  
925.335.1919

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

and that the number of petitions did not exceed the number of offices to be filled. Notice pursuant to Water Code Section 50741 was published on September 28, 2017, advising that no election would be held in the Reclamation District for the vacancy on the Board of Trustees. At this time, the District respectfully requests that the Board of Supervisors appoint nominee Colby Heaton to serve a four-year term on the Board of Trustees Reclamation District 2090 (Quimby Island).

CONSEQUENCE OF NEGATIVE ACTION:

The proposed nominee to the Board of Trustees for Reclamation District No. 2090 would not be approved.

ATTACHMENTS

Reclamation District 2090 Letter

AL WARREN HOSLETT  
PAMELA A. FORBUS  
ATTORNEYS AT LAW  
343 EAST MAIN STREET, SUITE 815  
STOCKTON, CALIFORNIA 95202  
TELEPHONE (209) 943-5551  
FAX (209) 943-0251



September 28, 2017

Contra Costa County  
Board of Supervisors  
c/o Clerk of the Board Office  
651 Pine Street - Room 106  
Martinez, CA 94553

Re: Quimby Island Reclamation District No. 2090

Ladies and Gentlemen:

This office represents the Board of Trustees of Quimby Island Reclamation District No. 2090.

Relative to the above, this will serve to call to your attention to the necessity of appointing one Trustee to the Board of Trustees of Quimby Island Reclamation District No. 2090.

On or prior to September 14, 2017, nominating petition(s) were filed nominating the following named individual(s) for the office of Trustee:

Colby Heaton

[REDACTED]  
Roseville, CA 95678

Pursuant to Water Code Section 50741, a notice was published on September 28, 2017 advising that no election would be held in said Reclamation District for the office of Trustee.

Enclosed with this letter is a Certificate of the District Secretary for Quimby Island Reclamation District No. 2090.

It is, therefore, respectfully requested in accordance with the provisions of Section 50741 of the Water Code that the following named individual(s) be appointed as members of the Board of Trustees of Quimby Island Reclamation District No. 2090 for the term set opposite their respective name or until a successor is elected and qualified:

COLBY HEATON - 4 - years

Yours very truly,

*Pamela A. Forbus*  
PAMELA A. FORBUS

PAF/ph  
Enc.

cc: Contra Costa County Counsel  
Contra Costa County Elections Department

QUIMBY ISLAND RECLAMATION DISTRICT NO. 2090

CERTIFICATE OF SECRETARY

I, PAMELA A. FORBUS, do hereby certify as follows:

1. That I am the Assistant Secretary for QUIMBY ISLAND RECLAMATION DISTRICT NO. 2090.

2. That the elective offices of said District to be filled at the 2017 general District Election are as follows:

One Trustee

3. That the names of the candidates for said elective offices who have filed a nominating petition and the length of term of office are as follows:

COLBY HEATON - 4 years

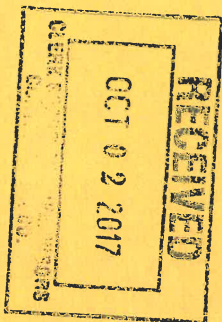
4. The number of nominees who have filed nominating petitions does not exceed the number of offices to be filled at said election.

5. To my knowledge, no petition requesting an election has been filed.

In testimony hereof, I have set my hand this 28<sup>th</sup> day of September, 2017.

  
\_\_\_\_\_  
PAMELA A. FORBUS, Assistant Secretary  
QUIMBY ISLAND RECLAMATION  
DISTRICT NO. 2090

AL WARREN HOSLETT  
PAMELA A. FORBUS  
ATTORNEYS AT LAW  
343 EAST MAIN STREET, SUITE 815  
STOCKTON, CA 95202



CONTRA COSTA COUNTY BOARD OF SUPERVISORS  
c/o Clerk of the Board Office  
651 Pine Street - Room 106  
Martinez, CA 94553







Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: November 14, 2017

Subject: Reclamation District 2117

---

**RECOMMENDATION(S):**

APPOINT in lieu of election Sandy Speckman Kiefer to serve on the Board of Trustees of Reclamation District 2117 (Coney Island) for a four-year term ending in December 2021.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The Board of Supervisors has received correspondence from Dante J. Nomellini, Jr., Secretary and Attorney for Reclamation District 2117 (Coney Island) requesting appointment to the Board of Trustees in lieu of elections. Mr. Nomellini has respectfully requested that the Board of Supervisors make the appointment in lieu of elections. Correspondence from the firm specifies that pursuant to notice calling for nomination petitions for one vacancy on the Board of Trustees, the District received one nomination petition from Sandy Speckman Kiefer. No petition requesting an election has been received. As a result, pursuant to Water Code sections 50740-50742, no election would be held in the Reclamation District for the vacancies on the Board of District Trustees.

At this time the District respectfully requests that the Board of Supervisors appoint nominee Sandy Speckman Kiefer for the term ending December, 2021 to serve on the Board of Trustees for Reclamation District 2117 (Coney Island).

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Emlyn Struthers  
925.335.1919

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The proposed nominees to Reclamation District 2117 would not be approved.

ATTACHMENTS

Reclamation District 2117 letter



**RECLAMATION DISTRICT NO. 2117**

**(Coney Island)**  
235 East Weber Avenue  
P. O. Box 1461  
Stockton, California 95201  
(209) 465-5883  
FAX: (209) 465-3956

**Trustees**

Herbert Speckman  
Joyce Speckman

**Secretary and Attorney**  
Dante John Nomellini

**Engineer**  
Christopher Neudeck

September 26, 2017

Board of Supervisors  
Contra Costa County  
651 Pine Street  
Martinez, California 94553

Re: Reclamation District No. 2117  
Appointment of Trustees

Dear Board of Supervisors:

Pursuant to Notice Calling for Nomination Petitions for one (1) vacancy on the Board of Trustees, the District received one (1) nomination petition from Sandy Speckman Kiefer. No petition requesting an election has been received. The Board of Trustees of the District requests that at the next regular meeting of the Board of Supervisors you appoint the nominee to fill the vacancy as follows:

Sandy Speckman Kiefer for the term ending December, 2021

Yours very truly,

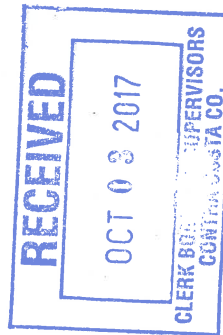
RECLAMATION DISTRICT NO. 2117

A handwritten signature in blue ink, appearing to read "Dante John Nomellini", written over a horizontal line.

DANTE JOHN NOMELLINI  
Secretary and Counsel

/ju

NOMELLINI, GRILLI & MCDANIEL  
PROFESSIONAL LAW CORPORATIONS  
235 E. WEBER AVENUE (95202)  
P.O. BOX 1461  
STOCKTON, CALIFORNIA 95201-1461

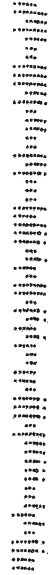


SACRAMENTO  
CA 957  
28 SEP 17  
PM 5 L



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

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Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: November 14, 2017

Subject: Reclamation District 2137

---

**RECOMMENDATION(S):**

APPOINT in lieu of election Eric Schmit to the Board of Trustees for Reclamation District 2137 for a four-year term as listed:

Edward Schmit, Davis, CA 95616.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The Board of Supervisors has received correspondence from the Law Offices of Al Warren Hoslett and Pamela A. Forbus, representing the Board of Trustees for Reclamation District Number 2137. Ms. Forbus, as the Assistant Secretary of Reclamation District No. 2137, has respectfully requested that the Board of Supervisors make the appointment in lieu of elections. This appointment will fill one open seat on the Reclamation District's Board of Trustees. Correspondence from the firm specifies that, on or prior to September 14, 2017, a nominating petition was filed for one nominee, and that the number of petitions did not exceed the number of offices to be filled. Notice pursuant to Water Code Section 50741 was published on September 28, 2017, advising that no election would be held in the Reclamation District for the vacancy on the Board of Trustees.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Emlyn Struthers  
925.335.1919

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The proposed nominee to the Board of Trustees for Reclamation District No. 2137 would not be approved.

ATTACHMENTS

Reclamation District 2137 Letter

AL WARREN HOSLETT  
PAMELA A. FORBUS  
ATTORNEYS AT LAW  
343 EAST MAIN STREET, SUITE 815  
STOCKTON, CALIFORNIA 95202  
TELEPHONE (209) 943-5551  
FAX (209) 943-0251



September 28, 2017

Board of Supervisors of the  
County of Contra Costa  
c/o Clerk of the Board Office  
651 Pine Street, Room 106  
Martinez, CA 94553

Re: Reclamation District No. 2137

Ladies and Gentlemen:

This office represents the Board of Trustees of Reclamation District No. 2137.

Relative to the above, this will serve to call to your attention to the necessity of appointing one Trustee to the Board of Trustees of Reclamation District No. 2137.

On or prior to September 14, 2017, nominating petitions were filed nominating the following named individual for the office of Trustee:

Edward Schmit

[REDACTED]  
Davis, CA 95616

Pursuant to Water Code Section 50741, a notice was published on September 28, 2017, advising that no election would be held in said Reclamation District for the office of Trustee.

Enclosed with this letter is a Certificate of the District Secretary for Reclamation District No. 2137.

It is, therefore, respectfully requested in accordance with the provisions of Section 50741 of the Water Code that the following named individuals be appointed as members of the Board of Trustees of Reclamation District No. 2137 for the term set opposite his name or until a successor is elected and qualified:

EDWARD SCHMIT - 4 years

Yours very truly,

A handwritten signature in blue ink that reads "Pamela A. Forbus". The signature is written in a cursive, flowing style.

PAMELA A. FORBUS

PAF/ph

Enc.

cc: Contra Costa County Counsel  
Contra Costa County Elections Department

RECLAMATION DISTRICT NO. 2137

CERTIFICATE OF SECRETARY

I, PAMELA A. FORBUS, do hereby certify as follows:

1. That I am the Assistant Secretary for RECLAMATION DISTRICT NO. 2137.

2. That the elective offices of said District to be filled at the 2017 general District Election are as follows:

One Trustee

3. That the names of the candidates for said elective office who have filed a nominating petition and the length of term of office are as follows:

EDWARD SCHMIT - 4 years

4. The number of nominees who have filed nominating petitions does not exceed the number of offices to be filled at said election.

5. To my knowledge, no petition requesting an election has been filed.

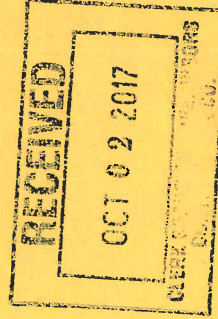
In testimony hereof, I have set my hand this 20<sup>th</sup> day of September, 2017.

*Pamela A. Forbus*

PAMELA A. FORBUS, Assistant Secretary  
RECLAMATION DISTRICT NO. 2137



AL WARREN HOSLETT  
PAMELA A. FORBES  
ATTORNEYS AT LAW  
343 EAST MAIN STREET, SUITE 815  
STOCKTON, CA 95202



CONTRA COSTA COUNTY BOARD OF SUPERVISORS  
c/o Clerk of the Board Office  
651 Pine Street - Room 106  
Martinez, CA 94553



**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: November 14, 2017

Subject: Reallocate the salary of Chief Quality Officer-Exempt classification in the Health Services Department

---

**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No. 22106 to reallocate the salary of the Chief Quality Officer - Exempt (VAB2) (unrepresented) classification from salary plan and grade B85-2508 (\$14,289) to salary plan and grade B85-2508 (\$18,289) on the salary schedule and discontinue vacation buy back eligibility for this classification in the Health Services Department.

**FISCAL IMPACT:**

Upon approval, this action has an annual cost increase of approximately \$70,560 with pension costs of \$17,040 already included. This cost will primarily be offset with Hospital Enterprise Fund I revenues and partially offset by the discontinuance of sale of vacation eligibility for employees in this classification.

**BACKGROUND:**

The Health Services Department is requesting to reallocate the salary of the Chief Quality Officer - Exempt classification in order to bring it to a competitive level for retention and recruitment needs. Under the direction of the Chief Executive Officer for the Contra Costa Regional Medical Center and Health Centers, the Chief Quality Officer-Exempt provides senior leadership and is responsible for overseeing the integration of health care system-wide quality improvement projects that promote a culture of safety and continuous process improvement.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Jo-Anne Linares,  
957-5240

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

By: , Deputy

cc: Jo-Anne Linares

#### BACKGROUND: (CONT'D)

Over the last few years, this classification has evolved significantly and is responsible for an integral part of the Public Hospital Redesign and Initiatives in Medi-Cal (PRIME) project. In order for PRIME to be successful, the incumbent must possess detailed knowledge of regulatory and professional standards related to patient safety and performance improvement, and must be able to ensure that the County hospital is meeting its PRIME goals and objectives in order to remain a thriving and viable system of care. If the Department fails to meet the PRIME goals and objectives, it could risk losing millions of dollars.

#### CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the Department will not be able to appropriately compensate this critical single position classification and may have challenges meeting the program requirements of the PRIME project at the Contra Costa Regional Medical Center and Health Centers.

#### ATTACHMENTS

P300 No. 22106 HSD

# POSITION ADJUSTMENT REQUEST

NO. 22106  
DATE 6/1/2017

Department HEALTH SERVICES - Hospital/Health Department No./  
Budget Unit No. 0540 Org No. 6544 Agency No. A18  
Action Requested: Reallocate the classification of Chief Quality Officer - Exempt (VAB2) on the salary schedule in the Health Services Department.

Proposed Effective Date: 8/1/2017

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 \$70,560.00

Net County Cost \$0.00

Total this FY \$47,040.00

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% Hospital Enterprise Fund I Revenues

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Dorette McCollum

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Enid Mendoza

7/19/2017

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 11/1/2017

Reallocate the salary of classification Chief Quality Officer-Exempt (VAB2) from salary and plan grade level B85-2508 (\$14,289) to salary plan and grade level B85-2508 (\$18,289) on the salary schedule in the Health Services Department. (Unrepresented)

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ \_\_\_\_\_(Date)

Marta Goc

11/1/2017

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 11/7/2017

☒ 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 11/7/2017

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: Beth Ward, Animal Services Director  
Date: November 14, 2017

Subject: Establish the classification of Animal Services Captain-Exempt and add one position in the Animal Services Department

---

**RECOMMENDATION(S):**

ADOPT Personnel Resolution No. 22144 to establish the classification of Animal Services Captain-Exempt (BJD2) (unrepresented) at salary plan and grade B85-1874 (\$7,628-\$9,272) and add one (1) full-time position in the Animal Services Department.

**FISCAL IMPACT:**

Upon approval, this will result in a cost of approximately \$189,140, which includes an annual pension expense of \$39,846. After the classification is established and the ordinance code is amended to exempt this class from the merit system, the Department will return to the Board at a future date to eliminate the Animal Services Deputy Director classification since the Captain class will assume those responsibilities. Once all actions are completed, this will result in a cost neutral action since the salary of the new Animal Services Captain-Exempt classification will be the same as the salary of the Animal Services Deputy Director. The position will be funded by 32% User Fees, 31% City Revenue, 37% County General Fund.

**BACKGROUND:**

The Animal Services Department has been working toward a new organizational structure over the past year, which has included the establishment of an executive team that supports the Director of Animal Services in the overall administration of the Animal Services Department. In the past, this function was carried out solely by the Deputy Director of Animal Services; however, due to increased needs for services in the community, there has been growth in both the workforce of the department and the volume/types of work being performed.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Arturo Castillo, (925)  
608-8470

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

By: , Deputy

cc: Arturo Castillo

#### BACKGROUND: (CONT'D)

The management responsibilities previously performed by the Deputy Director have become too great for one position to perform, so the department has moved to establish new classes to provide operational management over each division (field operations, community outreach, medical programs, and administration) in order to keep the department functioning properly. The Animal Services Captain-Exempt position will be responsible for the oversight and management of the animal control field operations division, advising the Animal Services Director on animal control operation issues, and supervising Animal Services Lieutenants, Sergeants and Officers engaged in field and center activities. This will be the final class needed to establish the executive team support the Director of Animal Services is seeking. The Department will return to the Board at a later date to eliminate the Deputy Director of Animal Services since the Captain class will replace most of those functions.

#### CONSEQUENCE OF NEGATIVE ACTION:

If not approved, the Director of Animal Services will not have the executive level classification needed to support animal control and field services.

#### ATTACHMENTS

P300 Animal Services Captain

# POSITION ADJUSTMENT REQUEST

NO. 22144  
DATE 8/4/2017

Department Animal Services

Department No./

Budget Unit No. 0366 Org No. 3333 Agency No. 36

Action Requested: ADOPT Personnel Resolution No. 22144 to establish the classification of Animal Services Captain-Exempt (unrepresented) and add one full-time position in the Animal Services Department.

Proposed Effective Date: 9/01/2017

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 \$189,140.00

Net County Cost \$69,982.00

Total this FY \$157,617.00

N.C.C. this FY \$58,318.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 32% User Fees, 31% City Revenues, 37% County General Fund

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Arturo Castillo

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Susan Smith

9/5/17

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 10/16/17

Establish the classification of Animal Services Captain-Exempt (BJD2) (unrepresented) at salary plan and grade B85 1874 (\$7,628-\$9,272) and add one (1) full time position.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☐ Day following Board Action.

☒ January 5, 2018 (Date)

Lauren Ludwig

10/16/2017

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 11/8/2017

☒ 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 11/9/2017

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: David Twa, County Administrator  
Date: November 14, 2017

Subject: Establish New Classification of Communications Equipment Specialist I, Retitle & Reallocate the Classification of Communications Equipment Specialist

---

**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No. 22187 to:

- (1) Establish the new classification of Communications Equipment Specialist I - Trainee (PEKA) (represented) on the salary schedule at salary plan and grade level TB5 1483 (\$4,925 - \$5,430);
- (2) Revise, retitle and reallocate the salary of the classification of Communications Equipment Specialist (PEWF) (represented) from salary plan and grade level TB5 1482 (\$5,172 - \$6,287) to Communications Equipment Specialist II (PEVB) (represented) on the salary schedule at salary plan and grade level TB5 1484 (\$5,585 - \$6,788);
- (3) Revise and reallocate the salary of the classification of Senior Communications Equipment Specialist (PETB) (represented) to Senior Communication Equipment Specialist (PENA) from salary plan and grade level TB5 1578 (\$5,688 - \$6,914) to salary plan and grade level TB5 1578 (\$6,142 - \$7,466) in the Telecommunications division of the Department of Information Technology (DOIT).

**FISCAL IMPACT:**

Upon approval, these actions will result in the following:

1. An annual net decrease in salary and benefit costs of approximately (\$15,850), including an estimated pension cost of (\$2,853) for Recommendation No. 1, when the department utilizes a vacant Communications Equipment

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Scott Sullivan (925)  
313-1288

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

By: , Deputy

cc: Joanne Buenger

### FISCAL IMPACT: (CONT'D)

Specialist II position and flexes down to Communications Equipment Specialist I;

2. An annual cost increase of approximately \$33,435 for Recommendation No. 2, including an estimated pension costs of \$6,018;

3. An annual cost increase of approximately \$12,276 for Recommendation No. 3, including an estimated pension costs of \$2,210.

The costs shall be 100% offset by user fees.

### BACKGROUND:

The Department of Information Technology (DoIT) is a division of the County Administrator's Office. DoIT's Telecommunications Radio and Hilltop division operates, maintains and manages the County's communications systems including microwave and the two-county East Bay Regional Communications (public safety radio) P25 System. They provide installation and maintenance of radio systems for police agencies, special districts, medical facilities and cities.

This division currently has a Sr. Communications Equipment Specialist and four (4) Communications Equipment Specialists. Currently, Communications Equipment Specialist has only one classification for both entry and journey level, which is insufficient since this classification is very hard to recruit for, as historically, this has not been a job classification with a large candidate pool. Further, the department needs to update this classification due to the changing technology and higher level of computer skills necessary to perform these job duties. Thus, our request is to establish a Communications Equipment Specialist I entry level job classification that requires the aptitude and desire to be trained to work with the Land Mobile Radio, Computer, and Digital Microwave technologies. Physical abilities for installation and service of antenna systems are also key skills for this classification.

Over the past years, the radio and hilltop divisions have expanded to include the two-county East Bay Regional Communication public safety radio P25 system. With the development of P25 Land Mobile Radio (LMR) systems, the skill sets required are substantially different than currently listed in the job class of Communications Equipment Specialist. Wireless communications has evolved to add significant and very specific areas of computer Local Area Network (LAN), Wide Area Network (WAN), software, operating systems, third party support applications knowledge, in addition to the LMR and microwave knowledge. The role and required skills for the Communications Equipment Specialist have increased as a result and require an added dimension of knowledge regarding new technologies. Knowledge of and skill in computer, radio and microwave hardware and software, are essential skills for the higher level classifications.

The job specification and the salary range for the current positions are significantly out of alignment compared to peer positions in other comparable agencies. This action will address the incomplete and outdated job specifications as well as the salary requirements for retention and recruitment.

### CONSEQUENCE OF NEGATIVE ACTION:

The incumbents will not be properly compensated compared to similar agencies for the same type of work. This will pose problems for both retention of the incumbents as well as recruitment for new candidates.

### ATTACHMENTS

P300 22187\_Est CESI, Retitle Reallocated CES II, Reallocate Sr CES in DoIT

P300 22187 Attachment

# POSITION ADJUSTMENT REQUEST

NO. 22187  
DATE 8/9/2017

Department Department of Information Technology Department No./  
Budget Unit No. 0060 Org No. 4285 Agency No. A03

Action Requested: ESTABLISH new classification of Communications Equipment Specialist I, allocate it to the salary schedule, RE-TITLE and REALLOCATE the classification of Communications Equipment Specialist (PEWF) to Communications Equipment Specialist II (PEWF), allocate it to salary schedule, REALLOCATE the classification of Senior Communications Equipment Specialist (PETB), allocate it to the salary schedule.

Proposed Effective Date: 9/1/2017

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 \$26,692.00

Net County Cost \$0.00

Total this FY \$22,243.00

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Costs are recovered through user fees.

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Scott Sullivan

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Deputy County Administrator

Date

## HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 10/30/2017

Establish the class of Communications Equipment Specialist I Trainee (represented) and allocate it to the Salary Schedule, retitle and reallocate the class of Communications Equipment Specialist (represented) to Communications Equipment Specialist II (represented), and reallocate the class of Senior Communications Equipment Specialist (represented) on the Salary Schedule. (see attached)

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ \_\_\_\_\_(Date)

Marta Goc

10/30/2017

(for) Director of Human Resources

Date

## COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 11/9/17

☒ 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 11/9/2017

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

P300#22187 AIR #30904

HR Recommendation:

1. Establish the new classification of Communications Equipment Specialist I - Trainee (PEKA)(represented) allocate on the salary schedule at plan and grade level TB5 1483 (\$4,925 - \$5,430);
2. Revise, re-title and reallocate the classification of Communications Equipment Specialist (PEWF) (represented) from salary plan and grade level TB5 1482 (\$5,172 - \$6,287) to Communications Equipment Specialist II (PEVB)(represented) on the salary schedule at plan and grade level TB5 1484 (\$5,585 - \$6,788);
3. Revise and reallocate the classification of Senior Communications Equipment Specialist (PETB) (represented) to Senior Communication Equipment Specialist (PENA) from the salary plan and grade level TB5 1578 (\$5,688 - \$6,914) to salary plan and grade level TB5 1578 (\$6,142 - \$7,466) in the Telecommunications division of the Department of Information Technology (DoIT).



Contra  
Costa  
County

To: Board of Supervisors  
From: Melinda Cervantes, County Librarian  
Date: November 14, 2017

Subject: Application and Acceptance of California State Library Grant for 3-D Printers

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Librarian, or designee, to apply for and accept a grant for equipment in the form of two (2) Lulzbot Taz 6 3-D printers from the California State Library as administered by the Southern California Library Cooperative Technology TNT for Libraries project, for the period September 1, 2017 through December 31, 2019.

**FISCAL IMPACT:**

No Library Fund match.

**BACKGROUND:**

The California State Library, through the Southern California Library Cooperative, is offering 3-D printers to libraries in the state through a 2-year project to increase opportunities for developing technological capacity. Acquisition of the 3-D printers will increase the technological literacy of local communities and position libraries as creative learning spaces. The 2 printers, if awarded, will be moved among Contra Costa County Libraries so that various communities have exposure to the technology.

**CONSEQUENCE OF NEGATIVE ACTION:**

The library will not be awarded any Lulzbot Taz 6 3-D printers.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: W. Beveridge /  
608-7730

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

By: , Deputy

cc:

**CHILDREN'S IMPACT STATEMENT:**

Having a 3D printer available as regular library equipment will make 3D printing available and help facilitate creativity, design, and STEM/STEAM education as well as spur innovation through providing universal public access to emerging technology. This meets the Children's Report Card objective of Children Ready for and Exceeding in School.





Contra  
Costa  
County

To: Board of Supervisors  
From: Melinda Cervantes, County Librarian  
Date: November 14, 2017

Subject: \$30,000 Grant from California State Library

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Librarian, or designee, to apply for and accept a grant in the amount of \$30,000 from the California State Library to provide 12 laptops and one Laptops Anytime Kiosk to the Oakley Library for the period of November 1, 2017 through January 31, 2019.

**FISCAL IMPACT:**

The Grant will provide \$30,000 in funds and the Library will match 42% or \$12,600 in matching funds for a total of \$42,600.

**BACKGROUND:**

The receipt of this grant will significantly expand technology services for Oakley Library patrons. Using these laptops, the Library will be able to provide robotics and MinecraftEdu programs creating STEAM-based learning activities aligned with Common Core and Next Generation Science Standards. The Library will also use the laptops to provide computer classes to support workforce development needs. Currently, these services cannot be offered due to lack of space and computers. When not in use for programs, the kiosk laptops will be available on an ongoing basis for patrons to use in the Library, increasing the number of computers available to the public significantly.

**CONSEQUENCE OF NEGATIVE ACTION:**

The community of Oakley will continue to be underserved due to lack of access to technology and space constraints.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Walt Beveridge (925)  
608-7730

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

By: , Deputy

cc:

#### CHILDREN'S IMPACT STATEMENT:

During the grant reporting cycle at least 340 children will be impacted with three-day robotics workshops held bi-monthly and weekly MinecraftEdu program. These programs will create learning opportunities for children to collaborate, create, build, problem solve, and learn foundational coding skills. This fulfills the Children's Report Card Outcome of **Children Ready for and Succeeding in School** by providing the opportunity to learn in a fun, hands-on, participatory learning environment.



Contra  
Costa  
County

To: Board of Supervisors  
From: Melinda Cervantes, County Librarian  
Date: November 14, 2017  
Subject: Grant from Pacific Library Partnership

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Librarian, or designee, to apply for and accept a grant in the amount of \$15,000 from the Pacific Library Partnership to create *STEAM Career Success: A STEAM Awareness Outreach Program*. *STEAM Career Success* will consist of fifteen speaker sessions that will convey the important message of STEAM (Science, Technology, Engineering, Art, & Math) careers to underserved high school students in Contra Costa County for the period of January 1, 2018 to December 31, 2018.

**FISCAL IMPACT:**

No Library Fund match.

**BACKGROUND:**

The Contra Costa County Library is requesting funds from the Pacific Library Partnership to support the *STEAM Career Success: A STEAM Awareness Outreach Program*, a creative and innovative outreach program that will provide STEAM career presentations and STEAM profession booklets to high school students in underserved communities. Funds will also be used to create publicity materials and to create unique and individual STEAM Career presentations. STEAM speakers and the outreach team will make fifteen visits to underserved high schools in Concord, Crockett, Pinole, El Sobrante, and Pittsburg to promote awareness of STEAM careers. These communities were chosen after researching the low test score levels and assessing neighborhoods where students have a lower chance of receiving valid career information and opportunities. The projected timeline for

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☒ APPROVE

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☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Walt Beveridge  
925-608-7730

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

STEAM Career Success is for the period of January 2018- December 2018. The goal is to reach high school students who are underserved or have challenges academically and economically and to provide a high-quality outreach program by using integrated curriculum, extra-curricular activities and real-world applications.

CONSEQUENCE OF NEGATIVE ACTION:

The library will not be able to provide *STEAM Career Success*, STEAM Career booklets or speakers for the presentations.

CHILDREN'S IMPACT STATEMENT:

The library will gain overall support from several organizations on this project. Contra Costa County Library will be promoting all of its programs and events throughout each community. This program supports outcome number two, **Children and Youth Healthy and Preparing for Productive Adulthood**: *STEAM Career Success: A STEAM Awareness Outreach Program*, STEAM speaker presentations, and STEAM career booklets will introduce high school students in underserved communities to STEAM careers, which will engage them in integrated learning as they explore the world around them, create innovative solutions to problems and communicate their results while learning about STEAM, which will help them to prepare for their future and for a healthier and productive adulthood.



Contra  
Costa  
County

To: Board of Supervisors  
From: Melinda Cervantes, County Librarian  
Date: November 14, 2017

Subject: Grant for 10 Starling Wearable Word Counting Devices

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Librarian, or designee, to apply for and accept a grant in the form of ten Starling wearable word counting devices from the California State Library for the San Pablo Library for the period October 1, 2017 through September 31, 2018.

**FISCAL IMPACT:**

No Library Fund match.

**BACKGROUND:**

If granted, the Starling Pilot Project will award Contra Costa County Library a supply of ten Starlings, as well as staff training and support, to pilot various approaches to sharing and/or loaning Starlings to families. Starlings are wearable word counters that pick up vocal sound waves in order to count the number of words a child is hearing. The number of words can be accessed through a parent's smartphone app and can demonstrate to the parent the power of words in an effort to inspire them to sustain and expand their early learning and literacy efforts. The Starling pilot project will take place at the San Pablo Library in partnership with the Early Learning Center at Contra Costa College. A project such as this fits in perfectly with the goals of the Library to support early literacy in the community, and the mission of the Early Learning Center to support parents who are enrolled at Contra Costa College.

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COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Alison McKee,  
925-608-7790

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The Library will not be granted the use of the Starlings devices.

CHILDREN'S IMPACT STATEMENT:

This project supports two of the community outcomes established in the Children's Report Card: Children Ready for and Succeeding in School and Children and Youth Healthy and Preparing for Productive Adulthood. One of the most important early literacy practices is parent engagement. Bridging the word gap experienced by many lower-income children is extremely important, and Starling devices provide a concrete method for measuring the frequency of words spoken to children and assists parents with a method for measuring the increase in the words spoken while engaging in extra time reading, singing and talking to one another. The Starling Pilot Project will allow CCCL to be involved in discovering how technology can be used to help bridge the word gap in communities that stand to gain the most from learning to be their child's most effective first teacher equipped to successfully prepare their child to succeed in school and graduate so that they'll be productive adults ready to contribute positively to their communities.



Contra  
Costa  
County

To: Board of Supervisors  
From: Melinda Cervantes, County Librarian  
Date: November 14, 2017

Subject: Grant of \$8,020 from the Pacific Library Partnership

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Librarian, or designee, to apply for and accept a grant in the amount of \$8,020 from the Pacific Library Partnership to provide materials and equipment to the Antioch Library for the period of November 1, 2017 through July 1, 2018.

**FISCAL IMPACT:**

No Library Fund match.

**BACKGROUND:**

The Pacific Library Partnership (PLP) was established in 2009 as a consolidation of four library systems, [BALIS](#) (Bay Area Library and Information System), serving Alameda, Contra Costa, and San Francisco Counties; [PLS](#) (Peninsula Library System), serving San Mateo County; [MOBAC](#) (Monterey Bay Area Cooperative Library System), serving Monterey, Santa Cruz, and San Benito Counties; and [SVLS](#) (Silicon Valley Library System), serving Santa Clara County. There are 42 libraries within PLP, including 33 public libraries and 9 academic libraries.

PLP has awarded grants to Contra Costa County Library on many occasions. If awarded, this grant will allow for purchases that will support the pilot warming center that will open in the Antioch Library meeting room in November of 2017. The pilot warming center is a partnership between the Contra Costa County Library and the Contra Costa County Health, Housing and Homeless Services Department and will serve families with children on an invite-only basis. The funds from this grant will allow the library to purchase 5 Chromebooks and associated software, 20 nap mats for children, a variety of early literacy toys and books, and vinyl murals to brighten the meeting room.

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COMMITTEE

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Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Alison McKee,  
925-608-7790

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Items for warming center will not be purchased.





**Contra  
Costa  
County**

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: November 14, 2017

Subject: Knightsen Wetland Restoration & Flood Protection Project

---

**RECOMMENDATION(S):**

ADOPT Resolution No. 2017/393 supporting the East Contra Costa County Habitat Conservancy's Knightsen Wetland Restoration and Flood Protection Project application to the Sacramento-San Joaquin Delta Conservancy's Ecosystem Restoration and Water Quality Grant Program for up to \$1,500,000 in grant funds.

**FISCAL IMPACT:**

No impact.

**BACKGROUND:**

A history of severe flooding and poor storm water quality prompted the Contra Costa County Public Works Department, in conjunction with the Knightsen Community Services District (CSD), to conduct a feasibility study to determine the best approach to address drainage concerns in the Knightsen region. The flooding and the associated contamination of ground and surface waters from contaminants in agricultural tailwater and overflowing septic systems has been an ongoing problem that has negatively impacted human health, agriculture, water quality and habitat. The initial feasibility study completed in 2002 concluded that the most effective approach to alleviate the flooding and address water quality problems is to restore or create wetlands that can accept storm water and identified suitable areas for this work.

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☒ APPROVE

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COMMITTEE

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Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Abigail Fateman,  
DCD-ECCCHC

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

By: , Deputy

cc:

## BACKGROUND: (CONT'D)

>

A more recent study has shed new light on the findings of the 2002 flood protection feasibility study and contemplated the possibility of an even more ambitious restoration project. Working with the East Contra Costa County Habitat Conservancy (Conservancy), the San Francisco Estuary Institute released the comprehensive East Contra Costa County Historical Ecology Study in November 2012. This study mapped historical land cover in the area for the first time and led to some surprising findings related to the project area. The study demonstrated that the area previously identified as suitable for restoration (project area) which is now almost entirely cultivated land, once contained a striking mosaic of tidal wetland, alkali wetland/meadow, oak savanna, and rare interior sand dune. While it may not be possible to rewind the clock, the new study identifies the potential for an extensive restoration project that could include multiple types of restored wetlands as well as restored dunes and oak savanna.

The Conservancy has been working with the East Bay Regional Park District, Contra Costa County Flood Control District, and the Knightsen Community Services District to design a multi-objective project that will:

- Restore habitat for special status species;
- Protect the community of Knightsen from flooding and make the region more resilient to climate change;
- Protect and improve water quality in Knightsen and surrounding Delta waterways; and
- Provide recreational opportunities.

In January 2016, the East Contra Costa County Habitat Conservancy worked with the East Bay Regional Park District (EBRPD) to support EBRPD's acquisition of a 645 acre parcel -- a property that was identified in the 2002 study as key to ameliorating Knightsen's flooding problems.

In mid-2016, the Conservancy, with support from the Knightsen Community Services District (KCSO), secured a \$240,000 grant of Proposition 1 funds that are administered by the California Department of Fish and Wildlife. These funds are being used to collect baseline biological and hydrologic data that will inform the design of the project.

The Sacramento-San Joaquin Delta Conservancy has issued a call for proposals for its Delta Conservancy Ecosystem Restoration and Water Quality Grant Program. The East Contra Costa County Habitat Conservancy ("Conservancy") will be submitting a grant proposal for the Knightsen Wetland Restoration and Flood Protection Project of up to \$1,500,000. The grant will supplement the \$240,000 already secured for the project from Proposition 1, and fund the completion of the planning process by developing construction plans and securing permitting to bring the project to shovel ready status.

The East Contra Costa County Habitat Conservancy is seeking a resolution of support from the County Board of Supervisors for the project, which is a recommended for inclusion with the grant proposal.

*NOTE: This item was originally intended to be reviewed by the Transportation, Water and Infrastructure Committee (TWIC), however, the Committee's regular November meeting was canceled, necessitating that staff bring this directly to the Board of Supervisors.*

## CONSEQUENCE OF NEGATIVE ACTION:

If the Board of Supervisors does not adopt the resolution in support of the project, the East Contra Costa County Habitat Conservancy's proposal to the Delta Conservancy Ecosystem Restoration and Water Quality Grant Program will be seriously compromised and substantially reduce the competitiveness of the grant application.

## ATTACHMENTS

Resolution No. 2017/393

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

Adopted this Resolution on 11/14/2017 by the following vote:

**AYE:** ☐  
**NO:** ☐  
**ABSENT:** ☐  
**ABSTAIN:** ☐  
**RECUSE:** ☐



**Resolution No. 2017/393**

In the matter of Resolution No: 2017-393 RESOLUTION OF THE Contra Costa County Board of Supervisors SUPPORTING THE KNIGHTSEN WETLAND RESTORATION AND FLOOD PROTECTION PROJECT.

WHEREAS, the Water Quality, Supply and Infrastructure Improvement Act of 2014 (Proposition 1) was approved by voters of the State of California to implement three broad objectives including: more reliable water supplies, the restoration of important species and habitat, and a more resilient, sustainable managed water resources system; and

WHEREAS there is a history of severe flooding in the Community of Knightsen in Contra Costa County that has caused damage to property, contamination of drinking water and degradation of Delta water quality; and

WHEREAS, the East Contra Costa County Habitat Conservancy worked with the East Bay Regional Park District to support the District's acquisition of a 645-acre parcel in January 2016 with the purpose of restoring habitat, addressing local flood control issues, improving water quality and providing recreation opportunities; and

WHEREAS, the East Contra Costa County Habitat Conservancy with support from the Knightsen Community Services District has received funds for the Knightsen Wetland Restoration and Flood Protection Project (Project) and from Proposition 1 funding from the California Department of Fish and Wildlife through a competitive grant process for (FY) 2015-16; and

WHEREAS, in Proposition 1, \$50 million is appropriated to the Sacramento-San Joaquin Delta Conservancy "for competitive grants for multi-benefit ecosystem and watershed protection and restoration projects in accordance with statewide priorities (Cal. Water Code sec. 79730 and 79731)"; and

WHEREAS, the Knightsen Wetland Restoration and Flood Protection Project is positioned to move forward with a subsequent project phase of design and permitting that is appropriate to compete for funds from the Delta Conservancy's 2017-18 open grant solicitation; and

WHEREAS, this grant award will provide the resources needed to complete the design and initial permitting of a large-scale multi-objective habitat restoration project that is important to the implementation of the East Contra Costa County Habitat Conservancy's Conservation Strategy and will also provide critical flood protection for the Community of Knightsen.

NOW, THEREFORE, BE IT RESOLVED that the Contra Costa County Board of Supervisors does hereby support the East Contra Costa County Habitat Conservancy's application for up to \$1,500,000 in funds from the Sacramento-San Joaquin Delta Conservancy for the Knightsen Wetland Restoration and Flood Control Project.

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

**ATTESTED: November 14, 2017**

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

**Contact: Abigail Fateman, DCD-ECCCCHC**

By: , Deputy

**cc:**



**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: November 14, 2017  
Subject: Agreement #29-817 with the City of Walnut Creek

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**RECOMMENDATION(S):**

Approve and Authorize the Health Services Director, or his designee, to execute on behalf of the County, Agreement #29-817 with the City of Walnut Creek, to pay the County an amount not to exceed \$71,629 for provision of homeless outreach services for 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 \$71,629 from the City of Walnut Creek to provide homeless outreach services for not less than 20 hours per week. No additional County funds required.

**BACKGROUND:**

The CORE Program locates and engages homeless clients throughout Contra Costa County. CORE teams serve as an entry point into the County's coordinated entry system for unsheltered persons and work to locate, engage, stabilize and house chronically homeless individuals and families.

Approval of Agreement #29-817 will allow the County to assure the City of Walnut Creek that it receives a minimum of 20 hours per week of outreach services, through June 30, 2018. This agreement includes agreeing to indemnify and hold harmless the contractor for claims arising out of the County's performance under this contract.

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☒ APPROVE

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☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **11/14/2017** ☐ 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: November 14, 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: David O. Livingston, Sheriff-Coroner  
Date: November 14, 2017

Subject: 2017 Urban Area Security Initiative Grant

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute a contract with the City and County of San Francisco, including full indemnification of the City and County of San Francisco, to pay the County an amount not to exceed \$839,820 as part of the 2017 U.S. Department of Homeland Security, Urban Area Security Initiative (UASI) Grant for homeland security related projects within the County for the period November 1, 2017 through the end of the grant funding. (100% Federal)

**FISCAL IMPACT:**

No County Costs. \$839,820; 100% 2017 Urban Area Security Initiative Grant from the City and County of San Francisco acting as fiscal agent for the Bay Area Urban Area Security Initiative. (CFDA # 97.067)

**BACKGROUND:**

The U.S. Department of Homeland Security Urban Area Security Initiative Grant Program funds address the unique planning, equipment, training, and exercise needs of high threat, high density urban areas. This grant assists designated regions in building an enhanced and sustainable capacity to prevent, protect against, respond to, and recover from acts of terrorism. California

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☒ APPROVE

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☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☒ 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: November 14, 2017

Contact: Mary Jane Robb,  
925-335-1557

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

is home to five of these urban areas and the U.S. Department of Homeland Security designated the City and County of San Francisco as the fiscal agent for the Bay Area Urban Area Security Initiative (UASI). The County, as a member of the Bay Area UASI, will receive \$839,820.00. Funds will be used to enhance public safety capabilities of law enforcement agencies throughout the region. Expand existing systems to participate in other state, regional, and national initiatives. Funding will also be used to purchase enhanced vision and video optic capabilities, including night vision goggles for tactical operators, pole cameras, video fiber optics and "through the wall" sensors for SWAT. As the fiscal agent for the grant, the City and County of San Francisco has developed a standard form contract for use with all Bay Area UASI partner agencies requiring full indemnification of the City and County of San Francisco. The County has agreed to previous inter-agency agreements with the City and County of San Francisco, which contained the same language, to participate in regional homeland security efforts and access important Federal funding.

CONSEQUENCE OF NEGATIVE ACTION:

Should the Board decide not to approve entering into this agreement, the County will not receive its share of the 2017 UASI Grant funds; risk management and planning to increase regional response capability will need to be either funded through another source or not performed.

CHILDREN'S IMPACT STATEMENT:

No impact.



Contra  
Costa  
County

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: November 14, 2017

Subject: Housing Opportunities for Persons with HIV/AIDS Funding Agreement between the City of Oakland and the County of Contra Costa

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**RECOMMENDATION(S):**

1. APPROVE the allocation of the 2017 Housing Opportunities for Persons with HIV/AIDS funds as follows: \$189,686 to the County Health Services HIV/AIDS program, \$431,536 for housing development, and \$43,486 for program administration; and
2. APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to enter into a fiscal year 2017 funding agreement with the City of Oakland that authorizes the County to administer \$664,708 in Housing Opportunities for Persons with HIV/AIDS funds for housing and supportive services for low-income persons with HIV/AIDS, for the period July 1, 2017 through June 30, 2020.

**FISCAL IMPACT:**

No General Fund impact. Housing Opportunities for Persons with HIV/AIDS (HOPWA) funds are provided through the U.S. Department of Housing and Urban Development (HUD) to the City of Oakland, as administering agent. Consistent with HOPWA regulations, \$43,486 is designated to cover staff costs associated with program administration.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA NUMBER):  
Housing Opportunities for Persons with HIV/AIDS Program - 14.241

☒ APPROVE

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☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: 11/14/2017 ☒ 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: November 14, 2017

Contact: Kristin Sherk  
925-674-7887

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

By: , Deputy

cc:



## BACKGROUND:

The National Affordable Housing Act (Public Law 101-625, approved November 28, 1990) authorizes the Housing Opportunities for Persons with HIV/AIDS Program (HOPWA) to provide states and localities with resources to devise long-term comprehensive strategies for meeting the housing needs of persons with HIV/AIDS and related diseases.

The City of Oakland (City) is the HOPWA grant recipient for Alameda and Contra Costa counties. The City allocates HOPWA funds between the counties based on the number of HIV/AIDS cases. Approval of a funding agreement with the City will provide \$664,708 in fiscal year 2017 funds to the County. These funds may be used for site acquisition, rehabilitation and new construction of affordable housing; supportive services; housing information services; rent and utility subsidies; and certain other housing related activities for low-income persons with HIV/AIDS in both incorporated and unincorporated areas of the County.

County staff from the Department of Conservation and Development (DCD) and staff from the Health Services Department (HSD) coordinate periodically to identify and address the housing-related service needs of low-income persons with HIV/AIDS in Contra Costa County. HOPWA funds are allocated to HSD annually to administer housing services. Funding allocations for both housing development and services are based on factors such as client needs and timely expenditure of HOPWA funds. The recommended allocations for 2017 reflect the anticipated funding needed for HSD to continue its HIV/AIDS program (\$189,686) and DCD's program administration costs (\$43,486), and the remainder is allocated for housing for persons with HIV/AIDS (\$431,536). The Contra Costa Consortium (County staff and staff from the cities of Antioch, Concord, Pittsburg, and Walnut Creek) will make recommendations to the Board of Supervisors at a later date on the component of funding for housing.

HSD HIV/AIDS program activities include housing advocacy and housing information services, including client intake, housing needs assessment, assistance with locating affordable housing, assistance with housing-related benefit applications, development and implementation of client housing plans, emergency assistance funds, follow-up to ensure receipt of benefits and housing, and referral to other services. In fiscal year 2017/18, HSD will continue a Short Term Rental Mortgage and Utility Assistance Program (STRMU) as part of a homeless prevention strategy, intended to reduce the risks of homelessness and to improve access to health care and other needed support. STRMU will involve efforts to restore client self-sufficiency and future independence from housing support by the end of the program's term. This will be accomplished through the use of time-limited housing assistance payments for eligible individuals and by the creation of individual housing service plans that include an assessment of current resources and the establishment of long-term goals for recipient households.

Department of Conservation and Development requests that the Board of Supervisors approve the recommended allocations and attached Funding Agreement in its substantially final form.

## CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not approve the fiscal year 2017 HOPWA funding agreement with the City of Oakland, the County would not receive and administer \$664,708 in HOPWA funds, and low-income persons with HIV/AIDS in the County would lose vital housing and supportive services.

## ATTACHMENTS

FY 2017 HOPWA Funding Agreement

**FUNDING AGREEMENT BETWEEN  
THE CITY OF OAKLAND AND CONTRA COSTA COUNTY  
FOR THE 2017 HOPWA PROGRAM**

This funding agreement ("Agreement") is dated July 1, 2017, and is between the City of Oakland, a municipal corporation (the "City"), and the County of Contra Costa, a political subdivision of the State of California, (the "County" or "Project Sponsor").

Grant Number: CAH17F001

RECITALS

- A. The City has received Housing Opportunities for Persons with AIDS Program funds from the United States Department of Housing and Urban Development ("HUD") pursuant to the HOPWA Program (the "HOPWA Funds"). The HOPWA Funds must be used in accordance with 24 C.F.R. Section 574 et seq.
- B. The County is a project sponsor under the HOPWA Program. The City and the County desire that the County receive and administer **\$664,708** of the HOPWA Funds on the City's behalf (the "HOPWA Allocation").
- C. The Oakland City Council passed Resolution Number 86901 C.M.S. authorizing this agreement with Contra Costa County for the HOPWA Program.
- D. Using the selection process set forth in Schedule A, the County will contract with one or more nonprofit housing developers (each a "Developer") and service providers (each a "Sub-recipient") to carry out projects that result in housing development, supportive services, and/or homeless prevention activities for persons with HIV/AIDS. The County will also monitor the Sub-recipients' and Developers' performance under the contract(s).

The parties therefore agree as follows:

AGREEMENT

1. PERFORMANCE PERIOD

The term of this Agreement begins July 1, 2017 and ends June 30, 2020.

2. FUNDING AMOUNT

The HOPWA Allocation shall not exceed **\$664,708**. The County may use up to seven percent (7%) of the funds allocated to a particular project ("Project Activity Funds") for project sponsor administrative expenses.

### 3. PROJECT SELECTION; BUDGET; DEVELOPERS/SUB-RECIPIENTS

The County shall select projects to be undertaken (“Activities”) pursuant to this Agreement in accordance with the priority-setting and selection process set forth in Schedule A. A list of Developers, Sub-recipients and Activities approved by both the City and the County will be attached to this Agreement as Schedule C once the list is approved by both the City and the County, which Schedule C shall immediately form part of this Agreement. The County shall use the HOPWA Allocation in accordance with the budget set forth in Schedule B. The HOPWA Allocation may only be used for activities (i) identified in Schedule B that are carried out by the corresponding Developers or Sub-recipients identified on Schedule C or (ii) consistent with the activities described in Section 7 – Use of Funds, below

### 4. CONTRACTING

The County shall administer the HOPWA Allocation to provide housing development, support services, and/or homeless prevention activities for persons with HIV/AIDS. For this purpose, the County shall contract with approved Sub-recipients and/or Developers to carry Activities that are (i) identified on Schedule B, or (ii) consistent with the eligible activities described in Section 7 – Use of Funds, below. Prior to the execution of any proposed contract in connection with this Agreement, the County shall submit a staff report allocating funds and describing the proposed Activities to be funded. The City reserves the right to review and approve the contract, and will provide any comments within 15 days of receipt. Following the execution of any contract by the County in connection with this Agreement, the City reserves the right to monitor the performance of the Sub-recipient and/or Developer under the contract. The City shall ensure that the County appropriately administers and monitors said contracts.

### 5. FUNDING DISTRIBUTION

The County shall distribute the HOPWA Allocation to Sub-recipients and Developers in the County of Contra Costa.

### 6. PROGRAM REQUIREMENTS

The County is responsible for ensuring that Sub-recipients and Developers comply with all HOPWA Program requirements, as set forth in 24 CFR Part 574, the AIDS Housing Opportunity Act, as amended by the Housing and Community Development Act of 1992, and any other program requirements imposed by HUD. The relevant requirements are hereby incorporated into this Agreement by reference. The City shall ensure that the County and Sub-recipients and Developers comply with the HOPWA Program requirements.

## 7. USE OF FUNDS

Subject to applicable requirements described in HOPWA regulation Title 24 C.F.R. sections 574.310, 574.320, 574.330, and 574.340, HOPWA Allocation is meant to assist all forms of housing designed to assist Low Income Persons with HIV/AIDS, including preventing homelessness, providing emergency housing, shared housing arrangements, apartments, single room occupancy (SRO) dwellings, and community residences. Appropriate supportive services, as required by section 574.310(a), must be provided as part of any HOPWA-assisted housing, but the County may use the HOPWA Allocation to provide services independent of any housing activity. The County shall ensure that the HOPWA Allocation is used only for HOPWA-eligible activities as described below and are approved by the City and are identified in Schedule B:

- a. Housing information services including, but not limited to, providing counseling, information and referral to assist an eligible person to locate, acquire, finance and maintain housing. This may include Fair Housing counseling for eligible persons who may encounter discrimination on the basis of race, color, religion, sex, age, national origin, familial status, or handicap;
- b. Resource identification to establish, coordinate and develop housing assistance resources (preliminary research, determining feasibility of specific housing related initiatives).
- c. Acquisition, rehabilitation, conversion, lease, and repair of facilities to provide housing and services.
- d. New construction (SROs and community residences only).
- e. Project or tenant-based rental assistance, including assistance with shared housing arrangements.
- f. Short-term rent, mortgage, and utility payments to prevent homelessness.
- g. Supportive services including, but not limited to health, mental health assessment, permanent housing placement, drug and alcohol abuse treatment and counseling, day care, personal assistance, nutritional services, intensive care when required, and assistance in gaining access to local State and Federal government benefits and services, except that health services may only be provided to individuals with acquired immunodeficiency syndrome or related diseases and not to family members of these individuals;
- h. Operating costs for housing, including maintenance, security, operation, insurance, utilities, furnishings, equipment and other incidental costs.

- i. Technical assistance in establishing and operating a community residence, including planning and other predevelopment or pre-construction expenses and outreach and education regarding HIV/AIDS to persons residing in close proximity.

## 8. MONITORING AND REPORTING

The County shall conduct an ongoing assessment of the housing assistance and supportive services provided by the Sub-recipients and Developers with the HOPWA Allocation. The County shall conduct the reasonable and necessary recordkeeping and reporting activities described below, which have been established by the City for the purpose of carrying out the City's HOPWA program in an effective and efficient manner. Where appropriate, reports and records shall include client race and ethnic data.

- a. The County shall provide quarterly reports to the City. Quarterly reports shall include all required data and narrative updates of HOPWA activities listed in Schedule B to report to HUD regarding HOPWA activities through the Integrated Disbursement and Information System (IDIS) and the Consolidated Annual Performance & Evaluation Report (CAPER). Quarterly reports are due thirty days following the end of each of the first three quarters of the fiscal year, on October 30, January 30, and April 30.
- b. The County shall submit annual reports to the City not later than July 31 of each year. Annual reports are to be submitted using HUD's HOPWA Consolidated Annual Progress & Evaluation Report-CAPER – *form HUD-40110-D, form HUD-60002*, Section 3 Summary Report, Economic Opportunities for Low- and Very Low-Income Person and the HOPWA Beneficiary Verification form.

Reporting requirements and the CAPER & Beneficiary Verification forms can be accessed at the following sites:

<https://www.onecpd.info/resource/1011/hopwa-caper-form-hud-40110-d/> and  
<http://www.hudhre.info/documents/HOPWACAPERBeneficiaryVerification.doc>

- c. The County shall conduct ongoing assessment of service provided by Sub-recipients and Developers. County may monitor those Sub-recipients and Developers who continue to provide the same or similar services each year and have not had any audit findings in the preceding year every other year, but at least every third year. By May 30<sup>th</sup> of each year, County shall develop a preliminary monitoring schedule for the next fiscal year. The County shall use a risk assessment tool to determine which Sub-recipients and Developers will be monitored. Existing Sub-recipients and Developers that have the highest number of risk factors, as determined by the County, along with new Sub-recipients and Developers that have never been monitored by the County, will be given the highest priority for monitoring. Sub-recipients and Developers with multiple findings during initial monitoring should be monitored by the County

annually throughout the term of the contract. The City will partner with the County for monitoring of Sub-recipients and Developers.

9. ADMINISTRATIVE EXPENSES

The amounts designated as administrative funds in the Budget are to be used as administrative expenditures related to carrying out the HOPWA program activities, housing, and services described in this Agreement in compliance with 24 C.F.R. § 574.500 and 2 CFR§ 225 .

10. METHOD OF PAYMENT

The County may submit requests for payment to the Community Housing Services Division of the City of Oakland's Human Services Department no more than once per month and not less than once per quarter. When submitting a request for payment, the County shall use the Request for Payment form. Each Request for Payment form will include a summary of the funds expended, by budget category and Sub-recipients and Developers, for the months for which funds are requested.

The County shall retain, for review by the City, documentation to support the funding requested. In order to receive payment, each request must be substantiated by documentation reasonably sufficient to support the payment requested by the County including documentation of rate and hours for staff and consultant and invoices for non-personnel costs. The County shall grant access to representatives of the City to any supporting documentation within seven days after receipt of a written request by the City.

Funds disbursed to the County may not exceed the amount set forth in the Budget attached as Schedule B. The City's Community Housing Services staff shall verify and approve requisitions and required supporting data for accuracy and programmatic compliance prior to submitting them to the City's Grants and Projects Division for payment. Relevant reports and documents are to be submitted as required within the context of this Agreement. The County's failure to comply with these requirements will cause a delay in payment and could result in termination of the Agreement. The City shall be responsible for the IDIS system, setting up all projects and activities, and tracking budgets in the HUD system. The City shall draw funds as required for timely reimbursement. The County shall endeavor to assist the City in IDIS management as needed.

All authorized financial obligations incurred in the performance of this Agreement must be reported to the City within sixty (60) days of the expiration of the Performance Period under the Agreement, as such period may be adjusted from time to time. No claims submitted after the sixty-day period shall be recognized as binding upon the City for reimbursement. Any financial obligation and/or debts incurred by the County and not



reported to the City within the sixty-day period may become the sole liability of the County, and the City may be relieved of any and all responsibilities unless there is a justifiable cause and valid reason of delayed submission.

#### 11. AUDIT REPORT

In addition to the reporting requirements listed in Section 8 – Monitoring and Reporting, the County shall commission an independent auditing firm to prepare and file with the City an annual audit report for each year during the term of this Agreement. The County's failure to submit the audit report may result in the termination of this Agreement.

The audit report shall be submitted to the City by March 30<sup>th</sup> of each year during the term of this Agreement. The audit report shall be made in accordance with the provisions of the Federal Office of Management and Budget Circular A-128. The City will use the audit report to determine whether:

1. The financial statements of the County present fairly its financial position and the results of its operations in accordance with generally accepted accounting principles.
2. The County has (i) an internal control structure to provide reasonable assurance that the County is managing Federal awards in compliance with applicable laws and regulations, and (ii) controls that ensure compliance with laws and regulations that could have a material impact on the County's financial statements.
3. The County has complied with laws and regulations for the HOPWA Program that may have a direct and material effect on the County's financial statements.

The County shall also submit any internal control monitoring (or audit) conducted during the term of this Agreement to the City. The County shall require Subrecipients and Developers with which the County contracts in connection with this Agreement to meet the same audit requirements set forth in this Section 11.

#### 12. INDEMNITY

The County shall indemnify and hold the City, its Councilmembers, officials, directors, employees, and agents harmless from any losses, damages, liabilities, claims, demands, judgments, actions, court costs, and legal or other expenses (including attorneys' fees) that the City may incur as a result of (i) the improper use of HOPWA Allocation by the County, (ii) the County's failure to perform its obligation to monitor the use of HOPWA Allocation under this Agreement, or (iii) any demand by HUD to the City for reimbursement of any HOPWA Allocation to the extent such demand is based on the negligent acts or omissions or willful misconduct of the County in the performance of its obligations under this Agreement. The duty of the County to indemnify includes the duty

to defend the City in any court action, administrative action, or other proceeding brought by any third party, including HUD, to the extent such action or proceeding arises as a result of the County's sole negligence or willful misconduct in the performance of its obligations under this Agreement. The County's duty to indemnify shall survive the term of this Agreement.

The County shall require each Sub-recipient and Developer to indemnify and defend the City to the same extent and in the same manner as described in the first paragraph of this Section 12 from the consequences of the Sub-recipient's and Developer's negligent acts or omissions or willful misconduct in the performance of its obligations under contracts entered into in connection with this Agreement.

The City shall indemnify and defend the County to the same extent and in the same manner as described in the first paragraph of this Section 12 from the consequences of the City's negligent acts or omissions or willful misconduct in the performance of its obligations under this Agreement.

The party with the obligation to indemnify pursuant to this Section 12 shall pay the indemnified parties as soon as practicable following the determination of the amount due.

### 13. PROMPT PAYMENT

This Agreement is subject to the Prompt Payment Ordinance codified in Chapter 2.06 of the Oakland Municipal Code. Under said Ordinance, the City must disburse grant funds to a Project Sponsor within 20 business days after receipt of an undisputed request for payment. An undisputed request for payment is a request for payment that is not a "disputed invoice" within the meaning of the Prompt Payment Ordinance. Under the ordinance, a "disputed invoice" is an invoice or request for payment that is either (1) improperly executed by Project Sponsor, (2) contains errors, (3) requires additional evidence to determine its validity, and/or (4) contains expenditures or proposed expenditures that are ineligible or that do not otherwise comply with reimbursement or disbursement requirements of the City or another grant funding source. If a request for payment is "disputed," the payment/disbursement shall not be subject to late penalties until the dispute is resolved. In the event a request for payment is disputed, the City shall notify the Project Sponsor and the City's Liaison (as defined in the Prompt Payment Ordinance) in writing within five business days of receiving the disputed request for payment that there is a bona fide dispute, in which case the City shall withhold the disputed amount and may withhold the full amount if the funding source for the grant requires that the disputed expenditures be fully resolved prior to any disbursement of grant funds. If the funding source for the grant requires its review and approval before payments are made to a Project Sponsor, this period shall be suspended for any period of review by said agency. If any amount due by the City to be disbursed to a Project Sponsor pursuant to this Agreement is not timely paid in accordance with the Prompt Payment Ordinance, the Project Sponsor is entitled to interest penalty in the amount of 10% of the improperly withheld amount per year for every month that payment is not made, provided that the Project Sponsor agrees to release the City from



any and all further claims for interest penalties that may be claimed or collected on the amount due and paid. Grant recipients that receive interest penalties for late payment pursuant to the Prompt Payment Ordinance may not seek further interest penalties on the same late payment in law or equity.

The Prompt Payment Ordinance further requires that, unless specific exemptions apply, a Project Sponsor shall pay undisputed invoices of its subcontractors for goods and/or services within 20 business days of submission of invoices unless the Project Sponsor notifies the City's Liaison in writing within five business days that there is a bona fide dispute between the Project Sponsor and claimant, in which case the Project Sponsor may withhold the disputed amount but shall pay the undisputed amount. Disputed payments are subject to investigation by the City's Liaison and, and upon the filing of a complaint, the Project Sponsor, if opposing payment, shall provide security in the form of cash, certified check or bond to cover the disputed amount and penalty during the investigation. If the Project Sponsor fails or refuses to deposit security, the City will withhold an amount sufficient to cover the claim from the next grant payment. The City, upon a determination that an undisputed invoice or payment is late, will release security deposits or withholds directly to claimants for valid claims. A Project Sponsor is not allowed to retain monies from subcontractor payments for goods as project retention, and is required to release subcontractor project retention in proportion to the subcontractor services rendered, for which payment is due and undisputed, within five business days of payment. For the purpose of posting on the City's website, the Project Sponsor is required to file notice with the City of release of retention and payment of mobilization fees, within five business days of such payment or release. In addition, the Project Sponsor is required to file an affidavit, under penalty of perjury, that he or she has paid all subcontractors, within five business days following receipt of payment from the City. The affidavit shall provide the names and addresses of all subcontractors and the amount paid to each.

#### 14. INVESTIGATION AND/OR DISCIPLINE DISCLOSURE

Project Sponsor and any and all Sub-recipients and Developers shall submit information concerning any investigations and/or discipline imposed by any state or federal authorities by completing Schedule V – Affidavit of Non-Disciplinary or Investigatory Action and Schedule Z – Certification of Debarment and Suspension.

#### 15. INSURANCE

Unless a written waiver or self-certification is obtained from the City's Risk Manager, County must provide the insurance listed in the City of Oakland **Insurance Requirements** attached hereto as **Schedule Q** and incorporated herein by reference.

County has provided the City documentation of self-insurance as provided under Schedule Q.

16. TERMINATION OR MODIFICATION FOR LACK OF APPROPRIATION

The City's obligations under this Agreement are contingent upon the availability of funds from the funding source for this Agreement. The City may terminate this Agreement on 30 days' written notice to County without further obligation if said funding is withdrawn or otherwise becomes unavailable for continued funding of the Agreement. After termination of this Agreement the City shall pay all amounts due to the County under this Agreement within 30 days of receipt of invoice from County.

17. NON-DISCRIMINATION AND EQUAL EMPLOYMENT PRACTICES

County shall not discriminate or permit discrimination against any person or group of persons in any manner prohibited by federal, state or local laws. During the performance of this Agreement, County agrees as follows:

- a. County and Sub-recipients and Developers, shall not discriminate against any employee or applicant for employment because of age, marital status, religion, gender, sexual preference, race, creed, color, national origin, Acquired-Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC) or disability. This nondiscrimination policy shall include, but not be limited to, the following: employment, upgrading, failure to promote, demotion or transfer, recruitment advertising, layoffs, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
- b. County and Sub-recipients and Developers shall state in all solicitations or advertisements for employees placed by or on behalf of County that all qualified applicants will receive consideration for employment without regard to age, marital status, religion, gender, sexual preference, race, creed, color, national origin, Acquired-Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC) or disability.
- c. County shall make its goods, services, and facilities accessible to people with disabilities and shall verify compliance with the Americans with Disabilities Act by executing **Schedule C-1, Declaration of Compliance with the Americans with Disabilities Act**, attached hereto and incorporated herein.
- d. If applicable, County will send to each labor union or representative of workers with whom County has a collective bargaining agreement or contract or understanding, a notice advising the labor union or workers' representative of County's commitments under this nondiscrimination clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

#### 18. EQUAL BENEFITS ORDINANCE – NOT APPLICABLE

This Agreement is subject to the Equal Benefits Ordinance codified in Chapter 2.32 of the Oakland Municipal Code and its implementing regulations. The purpose of this ordinance is to protect and further the public, health, safety, convenience, comfort, property and general welfare by requiring that public funds be expended in a manner so as to prohibit discrimination in the provision of employee benefits by City Project Sponsors between employees with spouses and employees with domestic partners, and/or between domestic partners and spouses of such employees. (Ord. 12394 (part), 2001)

The ordinance shall only apply to those portions of a Project Sponsor's operations that occur (1) within the City of Oakland; (2) on real property outside the City of Oakland if the property is owned by the City or if the City has a right to occupy the property, and if the contract's presence at that location is connected to a contract with the City; and (3) elsewhere in the United States where work related to a City contract is being performed. The requirements of this chapter shall not apply to subcontracts or Sub-recipients and Developers of any contract with Project Sponsor.

The Equal Benefits Ordinance requires among other things, submission of the Equal Benefits-Declaration of Nondiscrimination attached and incorporated herein as Schedule N-1.

#### 19. LIVING WAGE ORDINANCE

If the contract amount of this Agreement is equal to or greater than \$25,000 annually, then Contractor must comply with the Oakland Living Wage Ordinance. The Living Wage Ordinance requires that nothing less than a prescribed minimum level of compensation (a living wage) be paid to employees of service contractors (consultants) of the City and employees of CFARs (Ord. 12050 § 1, 1998). The Ordinance also requires submission of the Declaration of Compliance attached and incorporated herein as **Schedule N** and made part of this Agreement, and, unless specific exemptions apply or a waiver is granted, the consultant must provide the following to its employees who perform services under or related to this Agreement:

- a. Minimum compensation – Said employees shall be paid an initial **hourly wage rate of \$13.32 with health benefits or \$15.31 without health benefits**. These initial rates shall be upwardly adjusted each year no later than April 1 in proportion to the increase at the immediately preceding December 31 over the year earlier level of the Bay Region Consumer Price Index as published by the Bureau of Labor Statistics, U.S. Department of Labor. **Effective July 1<sup>st</sup> of each year, contractor shall pay adjusted wage rate.**

- b. Health benefits – Said full-time and part-time employees paid at the lower living wage rate shall be provided health benefits of at least \$1.93 per hour. Contractor shall provide proof that health benefits are in effect for those employees no later than 30 days after execution of the contract or receipt of City financial assistance.
- c. Compensated days off – Said employees shall be entitled to twelve compensated days off per year for sick leave, vacation or personal necessity at the employee's request, and ten uncompensated days off per year for sick leave. Employees shall accrue one compensated day off per month of full time employment. Part-time employees shall accrue compensated days off in increments proportional to that accrued by full-time employees. The employees shall be eligible to use accrued days off after the first six months of employment or consistent with company policy, whichever is sooner. Paid holidays, consistent with established employer policy, may be counted toward provision of the required 12 compensated days off. Ten uncompensated days off shall be made available, as needed, for personal or immediate family illness after the employee has exhausted his or her accrued compensated days off for that year.
- d. Federal Earned Income Credit (EIC) - To inform employees that he or she may be eligible for Earned Income Credit (EIC) and shall provide forms to apply for advance EIC payments to eligible employees. There are several websites and other sources available to assist you. Web sites include but are not limited to: (1) <http://www.irs.gov> for current guidelines as prescribed by the Internal Revenue Service.
- e. Contractor shall provide to all employees and to the Division of Contracts and Compliance, written notice of its obligation to eligible employees under the City's Living Wage requirements. Said notice shall be posted prominently in communal areas of the work site(s) and shall include the above-referenced information.
- f. Contractor shall provide all written notices and forms required above in English, Spanish or other languages spoken by a significant number of employees within 30 days of employment under this Agreement.
- g. Reporting – Contractor shall maintain a listing of the name, address, hire date, occupation classification, rate of pay and benefits for each of its employees. Contractor shall provide a copy of said list to the Division of Contracts and Compliance, on a quarterly basis, by March 31, June 30, September 30 and December 31 for the applicable compliance period. Failure to provide said list within five days of the due date will result in liquidated damages of five hundred dollars (\$500.00) for each day that the list remains outstanding. Contractor shall maintain employee payroll and related records for a period of four (4) years after expiration of the compliance period.

- h. Contractor shall require subcontractors that provide services under or related to this Agreement to comply with the above Living Wage provisions. Contractor shall include the above-referenced sections in its subcontracts. Copies of said subcontracts shall be submitted to the Division of Contracts and Compliance.

## 20. LITIGATION AND PENDING DISPUTE DISCLOSURE

Project Sponsor shall promptly give notice in writing to the City of any litigation pending or threatened against Project Sponsor regarding Project Sponsor's activities conducted pursuant to this Agreement in which the amount claimed is in excess of \$50,000. Project Sponsor shall disclose, and represents that it has disclosed, any and all pending disputes with the City regarding Project Sponsor's activities conducted pursuant to this Agreement prior to execution of this Agreement on **Schedule K**, incorporated herein by reference. Failure to disclose pending disputes as referenced herein prior to execution of this Agreement shall be a basis for termination of this Agreement.

## 21. NOTICE

If either party desires or is required to give notice to the other, such notice shall be given in writing, or via electronic mail and concurrently by prepaid U.S. certified or registered postage, addressed to recipient as follows:

HOPWA Formula Grantee

City of Oakland

Human Services Department – Community Housing Services Div.

150 Frank H. Ogawa Plaza, Suite 4340

Oakland, CA 94612

Attn: Lara Tannenbaum

Ltannenbaum@oaklandnet.com

DUNS/ HOPWA CFDA: 137137977/ 14.241

County Project Sponsor

Contra Costa County

Department of Conservation and Development

30 Muir Road

Martinez, CA 94553

Attn: Kara Douglas

Kara.douglas@dcd.cccounty.us

DUNS/ HOPWA CFDA: 139441955/ 14.241

Any party to this Agreement may change the name or address of representatives for purpose of paragraph by providing written notice to all other parties ten (10) business days before the change is effective.

## 22. AMENDMENT

This Agreement may only be amended through a written amendment executed by both the City and the County.

23. APPROVAL

If the terms of this Agreement are acceptable to County and City, sign and date below.

[SIGNATURES ON FOLLOWING PAGE]

The City and the County are signing this Agreement as of the date set forth in the introductory paragraph.

**CITY OF OAKLAND**  
A Municipal Corporation

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

City Administrator

\_\_\_\_\_ Date

**ADMINISTERING AGENCY APPROVAL FOR FOWARDING**  
Human Services Department

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

Director, Human Services Department

\_\_\_\_\_ Date

**APPROVED AS TO FORM AND LEGALITY**

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

Deputy City Attorney

\_\_\_\_\_ Date

**COUNTY OF CONTRA COSTA**  
A Political Subdivision of the State of California

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

John Kopchik, Department of Conservation and  
Development Director

\_\_\_\_\_ Date

**APPROVED AS TO FORM**  
Sharon Anderson, County Counsel

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

Deputy County Counsel

\_\_\_\_\_ Date



## **SCHEDULE A**

### **PRIORITY SETTING AND SELECTION PROCESS**

The County, in consultation with the City as laid out below, shall allocate and award the HOPWA allocation received under this contract to eligible entities (“Sub-recipients” and “Developers”) to carry out HOPWA-eligible activities within the County’s jurisdiction, and shall monitor and report on the results. This work shall be carried out consistent with the following requirements:

#### **1. Consolidated Planning Process**

The City prepares a Consolidated Plan and an annual Action Plan as a requirement for participation in certain federal housing programs funded through the U.S. Department of Housing and Urban Development, including the HOPWA program. The County will coordinate the development of such information as is required to substantially complete all narratives, tables and other sections related to HOPWA funds and activities, unmet HIV/AIDS housing and supportive service needs, and priorities and strategies within the County, and provide this information to the City in a format to be determined by the City. The City shall present the County with a schedule of needed information well in advance of deadlines, and shall closely coordinate on compiling required information.

The City will include the County’s HOPWA priorities and contemplated allocation of resources among eligible funding categories in the Consolidated Plan and/or Annual Plan.

#### **2. Establishment of Priorities**

In consultation with the City and other stakeholders in the community, the County will recommend priorities for the HOPWA funds, categories for funding, and a method and schedule for awarding funds within the County.

In preparing these recommendations the County will use, but is not limited to, information from the following sources and planning documents:

- The most recent HOPWA or HIV/AIDS housing needs assessment;
- The most recent Oakland TGA HIV/AIDS Health Services Comprehensive Plan (the “Comprehensive Plan”), required for participation in programs funded through the U.S. Department of Health and Human Services’ Ryan White Program.
- The Continuum of Care Plan, 10-year Plan or other plans adopted by the Board of Supervisors to address homelessness and housing crises in the County, and any updates or addenda to this Plan.
- Other relevant documents or needs assessments related to housing needs, homelessness, HIV/AIDS prevalence and related matters.

The County’s recommendations will take into consideration the priorities of the community



as expressed in any comprehensive HIV/AIDS housing needs assessment, and shall endeavor to incorporate recommendations from relevant homeless or housing plans, changes in the HIV/AIDS epidemic that may change the demand for HIV/AIDS housing and related services, and priorities established by complementary funding streams which HOPWA funds may be used to leverage.

### 3. Consultation with Local HIV/AIDS Advisory Bodies:

The County shall, either in the creation of a comprehensive needs assessment as referenced above, or through other means of consultation, consult with the following agencies: the County department with responsibility for HIV/AIDS care, the HIV/AIDS Planning Council, which sets priorities for Ryan White funding; with the cities and/or entitlement jurisdictions that participate in county-level housing planning; public and private organizations involved in the provision of housing and services to persons living with HIV/AIDS; and other local interest groups.

### 4. Public Meetings

The County will strive to encourage persons with HIV/AIDS, their families and advocates to express their views and ideas of what they perceive as community development and housing needs in the County through the above mentioned priority-setting processes.

The County will include a discussion of HOPWA in its meetings for its Annual Action Plan. Meeting participants will be provided with information about the HOPWA program, amount of HOPWA funds available, eligible activities, and the application process.

In addition, the County shall cause an annual meeting to be held for coordination of HIV/AIDS programs. The widely publicized public meeting will be held to advise residents and nonprofit organizations of program requirements and processes to be followed in developing and approving applications for federal grant programs, including HOPWA.

Meeting participants will be provided with information about the HOPWA program, funds available for both housing and community development activities and for planning and administrative activities. Citizens, public agencies, and other interested parties will have information available to them, including the specific amount of assistance the County expects to receive and the range of eligible activities that may be undertaken. This information will be published in the non-legal section of one or more newspapers of general circulation at least thirty (30) days prior to the date applications for funding are due. The City may conduct additional public meetings at various stages of the funding process. Meetings will be scheduled at times and locations that permit broad participation by very low and low-income persons. When needed or upon request, translators will be made available for non-English speaking attendees and the hearing-impaired.

## 5. Recommendations for Funding Categories and Allocations

Based on HOPWA priorities established through the consultative process described above, the County will develop recommendations concerning the amount of HOPWA funds to be allocated to each eligible funding category. The County will present these recommendations to the City for its review and comment. City approval will depend on the County's proposal being: (a) consistent with the City's established community priorities, and (b) eligible for receipt of HOPWA funds in accordance with HOPWA regulations and guidance.

## 6. Competitive Application Process

HOPWA funds will be allocated to eligible activities consistent with the established funding priorities through one or more competitive application processes seeking program Sub-recipients and Developers to work directly with people living with HIV/AIDS. The City may participate in this process as an observer and may provide technical assistance. The County will host public meetings to discuss the use of HOPWA funds in the County's jurisdiction and to provide technical assistance to potential applicants in developing eligible projects. Additional technical assistance will be available upon request.

The County is responsible for overall implementation of the competitive application. The Notices of Funding Availability (NOFAs) will be sent to all interested parties. The County will convene a review panel consisting of County staff and representatives from a selected number of cities or other parties with knowledge of the community who do not have a conflict of interest. The funding recommendations from the County will be based on the following established criteria: consistency with established priorities; eligibility under federal regulations; alleviation of identified needs; target population; project feasibility and cost-effectiveness; experience; outreach and affirmative marketing program; and project readiness.

## 7. Funds Awarded and Distributed

Following completion of the competitive application process described above, the County shall submit to the City a description of the priority-setting, selection process and a list of selected Sub-recipients and Developers. Activities and expected timelines approved by both the City and the County will be attached to this Agreement as Schedule A, and shall be incorporated into the HOPWA funding agreement between the City and the County.

The City will review the proposed projects to confirm eligibility under federal regulations and contracting requirements (24 CFR Part 574). If the proposed projects comply with federal HOPWA regulations, the City will approve the projects and so inform the County. If the City finds that the proposed projects are inconsistent with federal HOPWA regulations, the City will so inform the County and provide a rationale for its finding(s). Unless rejected by the City in writing within thirty (30) days after receipt of the staff report and budget allocation report, the projects will be deemed accepted.

Following approval by the City, the County will submit the recommended projects and program Sub-recipients and Developers to the County Board of Supervisors for its review and approval. Once approved by the County Board of Supervisors, the County will submit a final Schedule C to the City.

Any HOPWA eligible Program Delivery costs associated with any of the Developer of Sub-recipient contracts are built into the budget line item for Developer or Sub-recipient per 24 CFR 574.3.

#### 8. Contract Renewals

In order to encourage continuity and cost-effectiveness in the provision of services, the County shall consider two-year contracts for housing operations, housing counseling and supportive service projects and/or programs. Projects and/or programs will be evaluated after the first year of performance. Second-year implementation will be contingent upon funds availability and a satisfactory performance evaluation. The County will provide the City with information regarding the second-year funding recommendations.

## **SCHEDULE B**

### **2017 HOPWA PROGRAM BUDGET**

A detailed budget for use of the HOPWA Allocation has been developed by County and approved by City and is attached to this agreement as Schedule B-2 and incorporated herein by reference. County shall submit any budget modifications to City for approval.

Project Activity Funds	\$621,222
Project Sponsor Admin Funds (7% max)	\$ 43,486
<b>Total County 2017 HOPWA Allocation</b>	<b>\$ 664,708</b>



# Combined Contract Schedules



Business Name \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Federal ID # \_\_\_\_\_  
City of Oakland Business License Number \_\_\_\_\_ Completed by: \_\_\_\_\_ Phone if different \_\_\_\_\_

## Schedule B-1 and C-1 – (Declaration of Compliance with the Arizona Resolution 82727 and Declaration of Compliance with the Americans with Disabilities Act)

- ☐ I declare under penalty of perjury that my company is **NOT** headquartered in Arizona. OR  
☐ I declare under penalty of perjury that my company **is** headquartered in Arizona and my proposal/bid should be considered because \_\_\_\_\_  
\_\_\_\_\_  
☐ I declare under penalty of perjury that my company will comply with the City Of Oakland American with Disabilities Act obligations.

## Schedule D – (Ownership, Ethnicity and Gender) *Please be advised that ethnicity and gender information will be used for reporting and tracking purposes ONLY.*

### Part I - Ownership & Ethnicity of Prime: (Please check one and explain below)

- ☐ Self Employed, Name of Owner \_\_\_\_\_ ☐ Corporation, State of Incorporation \_\_\_\_\_  
☐ Partnership, General or Limited \_\_\_\_\_ Names of Partners \_\_\_\_\_  
☐ Joint Venture, Names of Participants \_\_\_\_\_

### Ownership Interests *All owners must be listed in this information*

Ethnicity	African American	American Indian/Alaskan Native	Asian /Pacific Islander	Caucasian	Filipino	Hispanic	Other
Number of Owners							
% Of Total Ownership							
Women							
Joint Venture Ownership							

### Part II - Certifications DBE, MBE, SLEB, L/SLBE etc.: Please list certification type, certification number and expiration date. Please attach a copy of the certification letter if available.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Part III - Ethnicity and Gender of Employees:**

	Employment Category	Total Employees	Oakland Residents	Male						Female					
				African American	Native American / Alaskan	Asian / Pacific Islander	Caucasian	Hispanic	Other	African American	Native American / Alaskan	Asian / Pacific Islander	Caucasian	Hispanic	Other
Project Management															
Professional															
Technical															
Clerical															
Trades															

**Schedule K – (Pending Dispute Disclosure)**

1. Are you or your firm involved in a pending dispute or claim Against the City of Oakland or its Agency? **(Please circle one)**    **Yes**    **No**
2. If “Yes”, please list existing and pending lawsuit(s) and claim(s) with the title, contract date, brief description of the issues, officials or staff persons involved in the matter and the City department/division administering the contract.    Contract Title and Number: \_\_\_\_\_  
 Date: \_\_\_\_\_    Official(s), Staff person(s) involved: \_\_\_\_\_    Administering Department/Division: \_\_\_\_\_  
 Issues: \_\_\_\_\_    (check)    Additional Disputes listed on Attachment

**Schedule M – (Independent Contractor Questionnaire) – PART A: TO BE COMPLETED BY PROPOSED CONTRACTOR**

Please answer questions “yes” or “no” whenever possible. When a more extensive explanation is required and there is no space on this form, please attach a separate sheet. The word contract refers to the agreement the City is contemplating entering into with you.  
**NOTE: CORPORATIONS MUST PROVIDE THE CORPORATE FEDERAL TAXPAYER NUMBER IN THE SPACE ABOVE AND ATTACH A CALIFORNIA SECRETARY OF STATE BUSINESS REGISTRATION RECORD (FROM WEBSITE) SHOWING “ACTIVE” STATUS. CORPORATIONS ARE NOT REQUIRED TO COMPLETE THE REMAINDER OF THIS FORM, BUT A CORPORATE REPRESENTATIVE MUST SIGN.**

	Yes	No
1. Have you performed services for the City in any year(s) prior to 20    ? If yes, please indicate which years.		
2. Have you received any training, guidance, or direction from the City as to how the City expects the job (for which your services are contemplated) to be done. If yes, please describe what you are expecting (or have received) in the way of training or direction. _____		

	Yes	No
3. Will your services under the contract be performed on City property? If no, please describe where the services are to be performed.		
4. Do you expect to devote any full days (6 or more hours) or full weeks (30 or more hours) towards performing the services under the contract? If yes, please indicate approximately how many full days and/or full weeks you expect to devote during the life of the contract		
5. Are there any set or fixed hours or days of the week during which the City is expecting you to perform services under the contract? If yes, please indicate the days and hours during which you will be performing services.		
6. Please provide the date on which you expect to complete your services under the contract (dd/mm/yy).		
7. In order to perform services under the contract, do you intend to provide your own supplies or equipment? If yes, briefly describe the equipment/supplies.		
8. If your response to No. 7 is yes, has the City promised to or will you be expecting the City to reimburse you in any way for the cost of the supplies or equipment?		
9. Other than the above-referenced supplies and equipment, do you anticipate incurring any un-reimbursable out-of-pocket expenses in the performance of the contract with the City? If yes, please describe.		
10. Do you have federal and state employer identification numbers? If so, please provide these numbers.		
11. Within the past two years have you performed the same type services (as called for in the contract) for any client or customer other than the City? If yes, please identify the client or customer and briefly describe the services performed.		
12. Do you currently have clients or customers other than the City for whom you are or will perform services during the duration of the contract? If yes, please identify client or customer by name and briefly describe the nature of services performed.		
13. In the past two years have you notified any insurance company in conjunction with obtaining a business-related insurance policy that you are self-employed? If yes, please indicate the insurance company and the nature of the business-related policy.		
14. Do you have your own employees to help you perform the services called for by your contract? (Do not refer to independent contractors you may use to assist you.)		
15. Within the past two years have you been the employee of any employer (received a W-2)? If yes, state the employer(s), the date(s) of employment, and the nature of the services performed.		
16. Do you have an office or business address other than your own home address, a City of Oakland office or your employer's business address? If yes, please state the address.		
17. With regard to the following, please indicate whether you have:		
a. an existing business letterhead? (please attach)		
b. an existing business phone number other than your home number? (please indicate # along with area code)		
c. filed for a fictitious business name? If yes, please attach a certified copy of the County issued certificate and an affidavit of publication.		
d. done public advertising for your business? If yes, please attach the ad copy or briefly describe your advertising efforts.		
18. If you have answered parts or all of No. 17 with "Yes," are the services represented in your answers the same type of services you will be performing for the City?		
19. Do you have a license from any governmental agency to perform the services under the contract? If yes, please state the type of license and name of the licensing agency.		



20.	Please describe the extent of any personal financial investment you have made in order to be self-employed. You may either choose to indicate the actual dollar amount of investment or, without disclosing any dollar amount, briefly describe any purchases, leases or other types of financial commitments made by you for self-employment purposes. _____	Yes	No
-----	---	-----	----

PLEASE INDICATE WHETHER YOU OBJECT IF THE CITY DECIDES TO TREAT YOU AS A SHORT-TIME CONTRACT EMPLOYEE RATHER THAN AN INDEPENDENT CONTRACTOR AND THE REASON FOR YOUR OBJECTION.

<b>FOR CITY USE ONLY</b> Based upon a review of this questionnaire and any other factors I have cited below, I have determined that this person (is) (is not) an independent contractor.	
Date	City Attorney/Assistant City Attorney/Deputy City Attorney

**Schedule N - (Living Wage – Declaration of Compliance)** *applicable to professional services contracts over \$25K only*

**Employment Questionnaire:** Please respond to the following questions:

	Responses
(1) How many permanent employees are employed with your company? (If less than 5, stop here)	
(2) How many of your permanent employees are paid above the Living Wage rate?	
(3) How many of your permanent employees are paid below the Living Wage rate?	
(4) Number of compensated days off per employee? (Refer to "Compensated Days Off" of the Living Wage Ordinance)	
(5) Number of trainees in your company?	
(6) Number of employees under 21 years of age, employed by a nonprofit corporation for after school or summer employment for a period not longer than 90 days.	

**Schedule N-1 – (Equal Benefits – Declaration of Nondiscrimination)**

**Section A. Contractor Information**

- (1) Are you an EBO certified firm **(Please circle one)**    **Yes**    **No**    (if yes, please attached certificate and skip Schedule N-1)  
 (2) Approximate Number of Employees in the U.S. \_\_\_\_\_ (3) Are any of your employees covered by a collective bargaining agreement or union trust fund? **(Please circle one)**    **Yes**    **No**    (4) Union name(s) \_\_\_\_\_

### Section B. Compliance

- (1) Does your company provide or offer access to any benefits to employees with spouses or to spouses of employees? (Please circle one) Yes **No**  
 (2) Does your company provide or offer access to any benefits to employees with domestic partners? (Please circle one) Yes **No**

### Section C. Benefits PLEASE CHECK EACH BENEFIT THAT APPLIES

Benefits	Offered to Employees only	Offered to Employees and their spouses	Offered to Employees and their Domestic Partners	Not Offered at all	Documentation attached
Health					
Dental					
Vision					
Retirement (Pension, 401K, etc)					
Bereavement					
Family Leave					
Parental Leave					
Employee Assistance Program					
Relocation & Travel					
Company Discount, Facilities & Events					
Credit Union					
Child Care					
Other					

- (1) *CFAR is a City Financial Recipient.* (2) *Domestic Partner is defined as a same sex couples or opposite sex couples registered as such with a state or local government domestic partnership registry*

### Schedule P – (Nuclear Free Zone - Ordinance 11474 C.M.S.)

- ☐ I declare under penalty of perjury that I have read Ordinance 11478 C.M.S. titled “An Ordinance Declaring the City of Oakland a Nuclear Free Zone and Regulating Nuclear Weapons Work and City Contracts with and Investment in Nuclear Weapons Makers”, as provided on the City’s website, see “footnote” below I certify that my firm conforms with the conditions as defined in Ordinance 11478 C.M.S.
- ☐ I declare that my company is **NOT** in compliance with Ordinance 11478 C.M.S., but my proposal/bid should be considered because

### Schedule U – (Compliance Commitment Agreement)

- ☐ I have read the City of Oakland’s Local/Small Local Business Enterprise Program (L/SLBE) and declare that **I will achieve the 50% L/SLBE participation requirement as described in the L/SLBE program including 50% of the total trucking dollars to certified Oakland Local Truckers.** If I fail to satisfy the proposed 50% L/SLBE participation requirement, I may be assessed a

penalty equal to 1 and ½ times the shortfall. The 25% Small Local Business Enterprise (SLBE) subcontracting requirement is waived for Oakland certified local businesses competing for **professional services** contracts as the prime consultant. *The L/SLBE Program is not applicable on Caltrans Federal Highway Administration (FHWA) funded DBE projects.*

As prime contractor for this project, I agree to use the City of Oakland's Labor Compliance Program tracker (LCP Tracker) to input ALL certified payroll reports including all tiers of subcontractors for this project. I acknowledge that invoice payments will not be released until and unless all certified payrolls are current. I agree to submit with the final payment request a completed "Exit Report and Affidavit form" located on the City's website (see the link below).

#### **Schedule V – (Affidavit of Non-Disciplinary or Investigatory Action)**

I certify that the following entities: Equal Employment Opportunity Commission (EEOC), Department of Fair Employment & Housing (DFEH) or the Office of Federal Contract Compliance Programs (OFCCP) has not taken disciplinary or investigatory action against the Firm. If such action has been taken, attached hereto is a detailed explanation of the reason for such action, the party instituting such action and the status or outcome of such action. **Initial:** \_\_\_\_\_

**Oakland's Minimum Wage Law – (Resolution 85423 C.M.S. - Oakland Municipal Code Section 5.92, et seq.)** I certify that I have read Oakland's minimum wage law and I am in full compliance with all its provisions. **Initial:** \_\_\_\_\_

**Affirmative Action** - I certify that I/we shall not discriminate against any employee or applicant for employment because of race, color, creed, sex, sexual orientation, national origin, age, disability, Acquired Immune Deficiency Syndrome (AIDS) AIDS related complex, or any other arbitrary basis and shall insure compliance with all provisions of Executive Order No. 11246 (as amended by Executive Order No. 11375). I certify that I/we shall not discriminate against any employee or applicant for employment because they are disabled veteran of the Vietnam era and shall insure compliance with all provisions of 41CFR60-250.4 where applicable. **Initial:** \_\_\_\_\_

**By signing and submitting this combined schedules form the prospective primary participant's authorized representative hereby obligates the proposer(s) to the stated conditions referenced in this document. I declare under penalty of perjury that the foregoing is true and correct.**

**Name of Individual:** \_\_\_\_\_

**Title:** \_\_\_\_\_

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

**Date:** \_\_\_\_\_

**PLEASE NOTE:** Detailed descriptions of all policies represented in this combined form may be found at Contracts and Compliance website "Policies and Legislation" address <http://www2.oaklandnet.com/Government/o/CityAdministration/d/CP/s/policies/index.htm> For an electronic copy of this combined form and copies of standalone contract Schedules R, E, O, Q, Exit Affidavit and Schedule G please go to this web address <http://www2.oaklandnet.com/Government/o/CityAdministration/d/CP/s/FormsSchedules/index.htm>



## Schedule Z

# Certification of Debarment and Suspension

Under the requirements of OMB Circular A-133 Supplement, part 3, Section 1, the City is required to obtain certifications that contractors and sub-grantees receiving awards exceeding \$100,000 have not been suspended or debarred from participating in federally funded procurement activities.

1. The prospective primary participant certifies to the best of its knowledge and belief that its principals:
  - a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal debarment or agency.
  - b) Have not within a 3 year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State, or local) transaction under a public transaction or contract.
  - c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal State or local) with commission of the offenses enumerated in paragraph (1)(b) of this certification; and
  - d) Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

By signing and submitting this form the prospective primary participant's authorized representative hereby obligates the proposer(s) to the above stated conditions.

_____ Company Name			_____ Signature of Authorized Representative	
_____ Address			_____ Type or Print Name	
_____ Area Code	_____ Phone	_____ Date	_____ Type or Print Title	

### **Instructions for Certification A**

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.
4. The prospective primary participant shall provide immediate written notice to the department/agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
6. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary" covered transaction," "principal," "proposal" and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549: 49CFR Part 76. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
7. The prospective primary participant further agrees by submitting this proposal that it will included the clause titled" Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, to all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines this eligibility of its principals.
9. Except for transactions authorized under paragraph (6) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: November 14, 2017

Subject: Agreement #29-469-20 with the California Department of Health Care Services

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, Cynthia Belon, to execute, on behalf of the County, Standard Agreement #29-469-20 (State #17-94518), with the California Department of Health Care Services, to administer and oversee the Mental Health Services Act, Projects for Assistance in transition from Homelessness (PATH) and Community Mental Health Services Grant programs for County's community mental health services, for the period from July 1, 2017 through June 30, 2018.

**FISCAL IMPACT:**

Under this Contract, the County shall be reimbursed by the California Department of Health Care Services with Federal Title XIX funds for the cost of federally eligible Short-Doyle/Medi-Cal Specialty Mental Health services rendered to federally eligible Medi-Cal beneficiaries. County shall adhere to the State maximum statewide reimbursement of negotiated rates for Short-Doyle/Medi-Cal (SD/MC) services and Medi-Cal Specialty Mental Health Services for Fiscal Years 2017 through 2018. Reimbursement for Federal Grants shall be subject to Federal cost containment requirements and availability of funds.

**BACKGROUND:**

This Mental Health Services Performance Agreement covers County Realignment requirements, including maintenance of effort, access to and use of state hospital, data collection and reporting, and cost reporting on County Mental Health Programs. The County shall provide an array of Mental Health treatment options and case management services to County mental health residents in accordance with the Welfare and Institution Codes section 5600.2 through 5600.9.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 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



BACKGROUND: (CONT'D)

On July 19, 2016, the Board of Supervisors approved Standard Agreement #29-469-19 with the California Department of Health Care Services for Fiscal Year 2016 through 2017.

Approval of this Agreement #29-469-20 will allow the County to receive funding to support the PATH from Homelessness and Community Mental Health Services through June 30, 2018. This Agreement requires the County to indemnify the California Department of Health Care Services.

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, the County will not receive funding and will not meet the conditions and requirements of the State Department of Health Services.



Contra  
Costa  
County

To: Board of Supervisors  
From: David O. Livingston, Sheriff-Coroner  
Date: November 14, 2017

Subject: Alcohol Monitoring Systems Inc.

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute a Products and Services Agreement and associated schedules with Alcohol Monitoring Systems, Inc., in an amount not to exceed \$800,000, for the purchase and lease of SCRAMx alcohol monitoring systems, monitoring services and hosted software, for the term of November 1, 2017 through October 31, 2020.

**FISCAL IMPACT:**

\$800,000; Program fees are collected from individuals based on their ability to pay.

**BACKGROUND:**

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☒ 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: November 14, 2017

Contact: Sandra Brown  
925-335-1553

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

By: , Deputy

cc:



**BACKGROUND: (CONT'D)**

The Office of the Sheriff has been utilizing SCRAM and Remote Breath Alcohol monitor devices for offenders who commit alcohol related offenses since 2009. Alcohol Monitoring Systems, Inc., has been providing sales, leasing, on-going warranty and on-line monitoring of SCRAM and Remote Breath Alcohol monitor devices. Alcohol monitoring programs are utilized for both sentenced and pre-trial release offenders. The use of alcohol monitoring equipment helps reduce the jail population and cost savings associated with housing offenders in-custody. The fee collected from participants are based on individual's ability to pay and the fees help offset the cost of monitoring. The alcohol monitoring program also plays a key role in helping offender complete their court ordered commitment and allowing them to re-enter the community in a timely manner. Approval of the Products and Services Agreement documents the vendor's obligations to provide the described products and services to the County.

**CONSEQUENCE OF NEGATIVE ACTION:**

Replacement cost for potential loss to monitoring equipment due to intentional damage and/or absconders discarding equipment.

**CHILDREN'S IMPACT STATEMENT:**

No impact.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: November 14, 2017

Subject: Contract #26-874-2 with META Dynamic, Inc.

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-874-2 with META Dynamic, Inc., a corporation, in an amount not to exceed \$35,000, including mutual indemnification, to provide a guidance navigation system, related software, accessories and certified technicians for tumor locating for the Surgical Unit at Contra Costa Regional Medical Center (CCRMC) and Health Centers for the period from November 1, 2017 through October 31, 2018.

**FISCAL IMPACT:**

This contract is funded 100% by Hospital Enterprise Fund I. (No rate increase)

**BACKGROUND:**

On September 20, 2016, the Board of Supervisors approved Contract #26-874-1 with Meta Dynamic, Inc., for the provision of a guidance navigation system, related software, accessories and certified technicians for tumor locating for the Surgical Unit at CCRMC and Health Centers, for the period from November 1, 2016 through October 31, 2017.

Approval of Contract #26-874-2 will allow the contractor to continue to provide tumor locating services for CCRMC and Health Centers, through October 31, 2018. This contract includes mutual indemnification to hold harmless both parties for any claims arising out of the performance of this contract.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 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

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring tumor locating procedures will not have access to the contractor's services.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer  
Date: November 14, 2017

Subject: Approve a Change Order to Purchase Order No. 54240 with Caltronics Business Systems, District V.

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute, on behalf of the Interim Public Works Director, an amendment to purchase order No. 54240 with Caltronics Business Systems, increasing the payment limit by \$110,000, to a new payment limit of \$360,000, and extend the lease for two years for the period of December 5, 2017 to December 4, 2019, for two (2) Caltronics Bizhub Pro-1052's and one (1) Caltronics Konica C-1060 digital copiers. (District V)

**FISCAL IMPACT:**

Print and Mail Services is a zero net County cost operation which charges back County Departments for printing. (100% Department User Fees)

**BACKGROUND:**

Caltronics Business Systems offered Print and Mail Services a 30% discount for years 4 & 5 of the original monthly lease agreement on PO 54240. This is a savings of \$19,651.44 for the 24 month extension.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this request is not approved, the employees at 651 Pine Street and the downtown Martinez County departments will be required to use the Print and Mail Services Copy Center located in Concord.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Marie Estrada,  
925.646-5515

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

By: , Deputy

cc:

ATTACHMENTS

Caltronics PO 54240

Caltronics 2 year Extension to PO  
54240

# Notice of Blanket Award



Contra  
Costa  
County

CONTRA COSTA COUNTY  
PURCHASING SERVICES  
purchasing@pw.cccounty.us  
martinez CA 94553

V E N D O R	Alt ID#: 10151 <b>CALTRONICS BUSINESS SYS</b> <b>ATTN: GUY GRAY</b> <b>6150 STONERIDGE MALL RD.</b> <b>STE 230</b> <b>PLEASANTON CA 94588</b>	PO Date: 11/24/2014 Buyer: Honey, Vonley Phone: (925) 313 - 2153 FOB: Destination Terms: Net 30	Blanket Order Number <b>F 54240</b> ALL PACKING SLIPS, INVOICES AND CORRESPONDENCE MUST REFERENCE THIS PO NUMBER. SUBMIT AN INVOICE TO THE "INVOICE TO" DEPT FOR PAYMENT.
----------------------------	--	---	--

S H I P T O	COPY CENTER GENERAL SERVICES DEPARTMENT 651 PINE STREET, BASEMENT MARTINEZ CA 94553-1229	I N V O I C E	PRINT & MAIL SERVICES GENERAL SERVICES DEPARTMENT 2366 B STANWELL CIRCLE CONCORD CA 94520-4807
----------------------------	---	---------------------------------	---

Department		Requisition Number		Bid Number		Delivery Date
GS - GENERAL SERVICES		GS-040-15-64580				
Item	Bid #	Requisition #	Quantity	Unit	Unit Price	Total
1.0	THIS IS A BLANKET PURCHASE ORDER FOR THE FOLLOWING:  1 EA 36 MONTH RENTAL / LEASE OF KONIKA / MINOLTA # C1060 DIGITAL B/W AND COLOR COPIER TO INCLUDE THE FOLLOWING: FS532 100 SHEET STAPLING FINISHER LU202 2500 SHEET LCT DF626 DOCUMENT FEEDER, MB504 MULTI-BYPASS TRAY UNIT RU509 RELAY BUFFER PASS UNIT, HM102 HUMIDIFIER KIT FOR RU510, EFI SEEQUENCE IMPOSE + COMPOSE, FIERY COLOR PROFILER SUITE WITH ES-2000. VO507 VIDEO INTERFACE KIT IC-308 EMBEDDED CONTROLLER IC415  @ \$0.0036 COST PER COPY  COST PER MO @ \$ 1184.83 X 36 MOS. PLUS TAX  PLUS ESTIMATED COPY COST AS FOLLOWS: COLOR @ \$0.05 X EST COPYS PER MO. X 36MOS PLUS TAX B/W @ \$ 0.009 X EST COPYS PER MO. X 36 MOS PLUS TAX.  2 EA 36 MONTH RENTAL / LEASE OF KONIKA / MINOLTA # 1052 DIGITAL B/W AND COLOR COPIER TO INCLUDE THE FOLLOWING PF703 VACUM PAPER FEED UNIT/PL-PFU (5000 SHEETS), RU-509 RELAY BUFFER PASS UNIT, FS532 100 SHEET STAPLING FINIHSE WITH STAPLE CUT, PK522 PUNCH KIT FOR FS532, PJ502 POST INSECTER KIT, MK732 MOUNT KIT FOR POST INSECTER		1.00	3-YR	\$250,000.00	\$250,000.00

This Purchase Order when signed by a County Purchasing representative, authorizes the delivery of the above products and services subject to Contra Costa County's standard "Terms and Conditions" available for viewing at [www.co.contra-costa.ca.us/depart/gsd/default.htm](http://www.co.contra-costa.ca.us/depart/gsd/default.htm). A copy may also be obtained via fax by calling the General Services Purchasing division at (925)313-7300.

EN ORGN SUBO TAS OPT ACT/WAP	Percent	Amount
01-AS CODED	100%	\$250,000.00

*Deil Hall*

Purchaser Manager/Buyer

# Notice of Blanket Award



Contra  
Costa  
County

CONTRA COSTA COUNTY  
PURCHASING SERVICES  
purchasing@pw.cccounty.us  
martinez CA 94553

V E N D O R	<b>Alt ID#: 10151</b>	Blanket Order Number <b>F 54240</b> ALL PACKING SLIPS, INVOICES AND CORRESPONDENCE MUST REFERENCE THIS PO NUMBER. SUBMIT AN INVOICE TO THE "INVOICE TO" DEPT FOR PAYMENT.
	<b>CALTRONICS BUSINESS SYS</b> <b>ATTN: GUY GRAY</b> <b>6150 STONERIDGE MALL RD.</b> <b>STE 230</b> <b>PLEASANTON CA 94588</b>	
PO Date: 11/24/2014 Buyer: Honey, Vonley Phone: (925) 313 - 2153 FOB: Destination Terms: Net 30		

S H I P T O	<b>COPY CENTER</b> <b>GENERAL SERVICES DEPARTMENT</b> <b>651 PINE STREET, BASEMENT</b> <b>MARTINEZ CA 94553-1229</b>	I N V O I C E	<b>PRINT &amp; MAIL SERVICES</b> <b>GENERAL SERVICES DEPARTMENT</b> <b>2366 B STANWELL CIRCLE</b> <b>CONCORD CA 94520-4807</b>

Department		Requisition Number		Bid Number		Delivery Date
GS - GENERAL SERVICES		GS-040-15-64580				
Item	Bid #	Requisition #	Quantity	Unit	Unit Price	Total
COST PER MO @ \$ 772.27 X 36 MOS. PLUS TAX  PLUS ESTIMATED COPY COST AS FOLLOWS: \$0.036 X EST COPYS PER MO. X 36MOS PLUS TAX THIS INCLUDES FREIGHT, INSTALLATION, TRAINING, ALL PARTS, LABOR AND SUPPLIES EXCEPT PAPER AND TRANSPARENCIES.  SERVICE INCLUDES: ALL PARTS LABOR AND SUPPLIES (EXCLUDING PAPER)  EFFECTIVE DATE OF P.O. IS BASED ON COMPLETION OF SETUP, INSTALLATION AND TRAINING.  VENDOR NOTE: IT IS THE RESPONSIBILITY OF THE VENDOR TO FAX OR E-MAIL THE INFORMATION BELOW TO COMPLETE THE COPIER CONTRACT AS IT PERTAINS TO THIS INDIVIDUAL PURCHASE ORDER AND COPIER PROGRAM SIGNED BY CONTRA COSTA COUNTY AND CALTRONICS THE VENDOR ON 06/13/2013 TO COVER ALL PURCHASE ORDERS EFFECTIVE FROM 07/01/2013 THROUGH 07/01/2018  BIZHUB PRESS C1060 SERIAL # A50V011000771 BEGIN METER # B/W C  INSTALL DATE: 12/04/2014 I.D.# 87431  KONICA BZHUB PRESS 1052 PRODUCTION SERIAL # A4EV011000822 ID# 87432 INSTALL DATE: 12/04/2014  KONICA BIZHUB PRESS 1052 PRODUCTION SERIAL # A4EV011000818 ID# 87433 INSTALL DATE 12/04/2014						

This Purchase Order when signed by a County Purchasing representative, authorizes the delivery of the above products and services subject to Contra Costa County's standard "Terms and Conditions" available for viewing at [www.co.contra-costa.ca.us/depart/gsd/default.htm](http://www.co.contra-costa.ca.us/depart/gsd/default.htm). A copy may also be obtained via fax by calling the General Services Purchasing division at (925)313-7300.

EN ORGN SUBO TAS OPT ACT/WAP	Percent	Amount
01-AS CODED	100%	\$250,000.00

*[Signature]*

Purchaser Manager/Buyer



# Notice of Blanket Award



**Contra  
Costa  
County**  
CONTRA COSTA COUNTY  
PURCHASING SERVICES  
purchasing@pw.cccounty.us  
martinez CA 94553

<b>V E N D O R</b>	<b>Alt ID#: 10151</b>	<b>Blanket Order Number</b>  <b>F 54240</b> ALL PACKING SLIPS, INVOICES AND CORRESPONDENCE MUST REFERENCE THIS PO NUMBER. SUBMIT AN INVOICE TO THE "INVOICE TO" DEPT FOR PAYMENT.
	<b>CALTRONICS BUSINESS SYS</b> <b>ATTN: GUY GRAY</b> <b>6150 STONERIDGE MALL RD.</b> <b>STE 230</b> <b>PLEASANTON CA 94588</b>	
	PO Date: 11/24/2014 Buyer: Honey, Vonley Phone: (925) 313 - 2153 FOB: Destination Terms: Net 30	

<b>S H I P T O</b>	<b>COPY CENTER</b> <b>GENERAL SERVICES DEPARTMENT</b> <b>651 PINE STREET, BASEMENT</b> <b>MARTINEZ CA 94553-1229</b>	<b>I N V O I C E</b>	<b>PRINT &amp; MAIL SERVICES</b> <b>GENERAL SERVICES DEPARTMENT</b> <b>2366 B STANWELL CIRCLE</b> <b>CONCORD CA 94520-4807</b>

Department		Requisition Number		Bid Number		Delivery Date
GS - GENERAL SERVICES		GS-040-15-64580				
Item	Bid #	Requisition #	Quantity	Unit	Unit Price	Total
	THIS REPLACES P.O. # 39468, 40500, 39004 SERIAL #A1DU011000877, AOY5011004882, AOG9011000772 THE VENDOR EXCEPTS ALL EARLY TERMINATION TO THE ORIGINAL TERM.  Effective Dates: 12/4/2014 through 12/3/2017  Dept. Contact: MARIE ESTRADA 925-646-5521  THE DOLLAR VALUE ON THIS BLANKET ORDER IS AN ESTIMATE OF VOLUME AND NOT A COMMITMENT TO SPEND. THE COUNTY WILL NOT BE HELD RESPONSIBLE TO SPEND THIS AMOUNT.				Subtotal:	\$250,000.00
					TOTAL:	\$250,000.00

Department Copy

This Purchase Order when signed by a County Purchasing representative, authorizes the delivery of the above products and services subject to Contra Costa County's standard "Terms and Conditions" available for viewing at [www.co.contra-costa.ca.us/depart/gsd/default.htm](http://www.co.contra-costa.ca.us/depart/gsd/default.htm). A copy may also be obtained via fax by calling the General Services Purchasing division at (925)313-7300.

EN	ORGN	SUBO	TAS	OPT	ACT/WAP	Percent	Amount
01	-AS	CODED				100%	\$250,000.00

  
Purchaser Manager/Buyer





## **Contra Costa County Renewal Quote**

**For Print and Mail 30% Discount year 4 & 5**

**PO# 54240**

**Department: CCC Print and Mail Martinez Office**

**Equipment: ID# 87431 Bizhub C1060 Color 6,618 / B&W 9,242**

**Equipment: ID# 87432 Bizhub 1052 B&W 219,318**

**Equipment: ID# 87433 Bizhub 1052 B&W 248,862**

**Serial #A50V011000771, A4EV011000822, A4EV011000818**

**Date: 12/5/17 to 12/4/19**

**Monthly Current Cost: \$2,729.37 / Quarterly Cost \$8,188.11**

**New Monthly Renewal Cost: \$1,910.56 / Quarterly Cost \$5,731.68**

**Service cost stays the same: C1060 Color \$0.05/ B&W .009 & 1052 \$0.0036**

**Print & Mail Monthly Saving \$818.81 / Quarterly Saving \$2,456.43**

**Total Saving for 24 Months Rental/Lease \$19,651.44**

**ALL SERVICE VOLUMES ARE A 12 MONTH AVERAGE**



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer  
Date: November 14, 2017

Subject: Approve a Purchase Order Amendment with Lehr Auto Electric, Inc.

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute, on behalf of the Interim Public Works Director, a purchase order amendment with Lehr Auto Electric, Inc., to increase the payment limit by \$150,000 to a new payment limit of \$800,000, for emergency vehicle parts and accessories, with no change to the original term of February 1, 2016 through January 31, 2018, Countywide.

**FISCAL IMPACT:**

100% Fleet Internal Service Fund

**BACKGROUND:**

Public Works Fleet Services purchases and outfits all emergency services vehicles for the County. This includes vehicles from the Sheriff, Public Works, Animal Services, Probation, District Attorney and Health Services. The Sheriff's vehicles take up the vast majority of this commodity. Outfitting includes lights, consoles, electrical switching, electronics, wiring, and other hard parts such as partitions, consoles and trunk slider trays. This commodity was originally bid on BidSync #1301-003 and awarded to Lehr Auto Electric, Inc. This request is to amend the value of the purchase order to allow Fleet to purchase emergency vehicle parts and equipment through the termination date of January 31, 2018. Fleet staff is currently preparing a new bid for this commodity due to replace this purchase order in February 2018.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Stan Burton, (925)  
313-7077

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

If this purchase order is not approved, the purchase of emergency vehicle parts and accessories through Lehr Auto Electric, Inc., will discontinue.



Contra  
Costa  
County

To: Board of Supervisors  
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer  
Date: November 14, 2017

Subject: Approve a Purchase Order with Enterprise Rent-A-Car.

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Interim Public Works Director, or designee, to execute a purchase order with Enterprise Rent-A-Car in an amount not to exceed \$190,000, for car and light truck rentals, for the period of November 1, 2017 through October 31, 2019, Countywide.

**FISCAL IMPACT:**

This cost is to be funded through Public Works Fleet ISF budget and user departments. (100% Internal Service Fund)

**BACKGROUND:**

Public Works Fleet Services is responsible for county wide vehicle rentals. There are various reasons for requiring vehicle rentals. Departments request rental vehicles to temporarily replace County vehicles with serious problems or damage. Rental vehicles are also requested to fill the need for annual events such as elections or book drives. Fleet Services is requesting a two year purchase order for vehicle rentals.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this agreement is not approved, renting cars and light trucks through Enterprise Rent-A-Car will discontinue.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Stan Burton, (925)  
313-7077

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: November 14, 2017

Subject: CherryRoad Technologies, Inc., Contract Amendment No. 10 to Extend Contractor Resources

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Administrator, or designee, to execute a contract amendment, effective November 14, 2017, with CherryRoad Technologies, Inc., to increase the payment limit by \$337,440 to a new payment limit of \$12,029,370, for additional Contractor assistance to upgrade the County's PeopleSoft software system, through January 2018.

**FISCAL IMPACT:**

The \$12,029,370 is budgeted under Org #1695 FY 2014-2015, FY 2015-2016, FY 2016-2017 and FY 2017-2018, supported through countywide interdepartmental charges to all departments.

**BACKGROUND:**

↵The PeopleSoft Human Capital Management (HCM) system is currently used to process the County's payroll, in addition to maintaining human resources and employee benefits records. The original contract with CherryRoad Technologies Inc., provided for the Contractor to perform a fit/gap analysis, infrastructure assessment and initial upgrade tasks to upgrade PeopleSoft HCM version 8.8 to version 9.2, at a cost up to \$1,200,000. The contract has, since, been amended nine times:

- The County and contractor first amended the contract in September 2015 to provide that the Contractor would host nine application test environments, at a cost of up to \$150,000.
- The County and contractor amended the contract a second time in November 2015 to begin the upgrade tasks to upgrade Peoplesoft HCM version 8.8 to version 9.2 at a cost of up to \$4,334,950.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **11/14/2017** ☒ 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: November 14, 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)

>

- The County and contractor amended the contract a third time in December 2015 to purchase licenses and implement the Taleo Recruitment and On-boarding application, which will be hosted by Oracle on its servers and interface with the PeopleSoft HCM system at a cost of up to \$467,360.
- The County and contractor amended the contract a fourth time February 2016 to provide that the Contractor acquire an additional resource to assist HR backfill the vacant HR Systems Analyst position at a cost of up to \$307,420.
- The County and contractor amended the contract a fifth time April 2016 to provide that the Contractor acquire an additional resource to lead the organizational change management at a cost of up to \$161,120.
- The County and contractor amended the contract a sixth time June 2016 to extend the Contractor Benefit Administration Analyst resource that supports the Peoplesoft Upgrade project and to extend the hosted test environments at a cost of up to \$302,640.
- The County and contractor amended the contract a seventh time September 2016 to extend the Contractor's resource support for the Peoplesoft Upgrade project, to extend the Contractor's hosted test environments, and to implement the Contractor's Civil Service module at a cost of up to \$1,849,890.
- The County and contractor amended the contract an eighth time March 2017 to extend the Contractor's resource support for the Peoplesoft Upgrade project, to extend the Contractor's hosted test environments, to implement the Contractor's Civil Service module, and for the renewal of the annual subscription of Oracle Cloud Services for the hosted Taleo Recruitment and On-boarding application at a cost of up to \$2,084,750.
- The County and contractor amended the contract a ninth time July 2017 to extend the Contractor's resource support for the Peoplesoft Upgrade project at a cost of up to \$833,800.

On October 11, 2017, the upgraded version of the PeopleSoft application – Version 9.2 – went into production use at the County.

The proposed tenth amendment to the contract will: (1) increase the Contract payment limit by \$337,440; (2) amend the service plan to extend the Contractor's resource support for the Peoplesoft Upgrade project through January 2018.

## CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve the contract amendment would decrease the success of the PeopleSoft 9.2 Upgrade project and result in the continued use of the current antiquated and paper-based system, which would negatively impact the County's ability to timely and efficiently recruit candidates and on-board new hires.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: November 14, 2017

Subject: Contract #76-556 with Laboratory Corporation of America

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute on behalf of the County, Contract #76-556 with Laboratory Corporation of America, a corporation, in an amount not to exceed \$325,000, to provide outside laboratory testing services for Contra Costa Regional Medical and Health Centers (CCRMC), for the period from May 1, 2017 through April 30, 2018.

**FISCAL IMPACT:**

This contract is funded 100% by Hospital Enterprise Fund I.

**BACKGROUND:**

Under Contract #76-556, the contractor will provide outside laboratory testing services, including HER2FISH test for breast cancer treatment, and flow cytometry test for leukemia treatment for the period from May 1, 2017 through April 30, 2018. This contract contains changes to the County Standard General Conditions. Due to extended negotiations with the contractor, the Health Services Department is requesting a retroactive contract start date of May 1, 2017. Approval of the contract will allow the contractor to continue to provide outside laboratory testing services to CCRMC patients.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, CCRMC patients requiring outside laboratory testing services will not have access to the contractor's services.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 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: November 14, 2017

Subject: Contract #26-784-5 with Cardionet, LLC

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-784-5 with Cardionet, LLC, a limited liability company, in an amount not to exceed \$185,000, to provide remote cardiac monitoring services for patients at Contra Costa Regional Medical Center (CCRMC), for the period from November 1, 2017 through October 31, 2018.

**FISCAL IMPACT:**

This contract 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 (as amended by Amendment Agreement #26-784-4) with Cardionet, LLC, for the provision of cardiac monitoring services, for the period from November 1, 2016 through October 31, 2017.

Approval of Contract #26-784-5 will allow the Contractor to continue to provide remote cardiac monitoring services to patients at CCRMC, through October 31, 2018.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, the CCRMC will not be able to provide remote cardiac monitoring services for its patients.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 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: November 14, 2017

Subject: Contract #26-741-7 with Martha D. Newman

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-741-7 with Martha D. Newman, an individual, in an amount not to exceed \$250,000, to provide consultation and technical assistance to Contra Costa Regional Medical Center (CCRMC) and Health Centers related to Public Hospital Redesign and Incentives in Medi-Cal (PRIME) program, quality improvement, and strategic methodology for the period from December 1, 2017 through November 30, 2018.

**FISCAL IMPACT:**

This contract is funded 100% by Hospital Enterprise Fund I. (No rate increase)

**BACKGROUND:**

On November 15, 2016, the Board of Supervisors approved Contract #26-741-6 with Martha D. Newman for the provision of consultation and technical assistance to CCRMC for the development of quality metrics, leadership strategies and educational goals for the Delivery System Reform Incentive Payment (DSRIP) Program, for the period from December 1, 2016 through November 30, 2017.

Approval of Contract #26-741-7 will allow the contractor to continue to provide CCRMC with consultation and technical assistance in the areas of the PRIME program, quality improvement, and strategic planning and methodology through November 30, 2018.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 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

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, the County will not have access to the contractor's expertise in quality improvement projects, including the PRIME program.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: November 14, 2017

Subject: Amendment #25-066-11 with Shelter Inc.

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #25-066-11 with Shelter Inc., a non-profit corporation, effective November 1, 2017, to amend Contract #25-066-10, to decrease the payment limit by \$60,428, from \$1,430,869 to a new payment limit of \$1,370,441 for supportive housing services for homeless families, with no change in the original term of July 1, 2017 through June 30, 2018.

**FISCAL IMPACT:**

This amendment is funded 100% by the Employment and Human Services Department.

**BACKGROUND:**

On July 11, 2017, the Board of Supervisors approved Contract #25-066-10 with Shelter Inc. for the provision of supportive housing services for homeless families in Contra Costa County, for the period from July 1, 2017 through June 30, 2018.

Due to a reduction from the State to the County to operate the program, the Homeless Program received a decrease in funds from the Employment & Human Services Department to support the contract with Shelter Inc.

Approval of Contract Amendment Agreement #25-066-11 will allow the Contractor to continue to provide supportive housing services for homeless families at a reduced level, through June 30, 2018.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **11/14/2017** ☐ 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: November 14, 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 amendment is not approved, homeless families in Contra Costa County will not receive the housing assistance services provided by the contractor.



Contra  
Costa  
County

To: Board of Supervisors  
From: Beth Ward, Animal Services Director  
Date: November 14, 2017

Subject: Purchase Order with MWI Veterinary Supply Co.

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Animal Services Director, a purchase order with MWI Veterinary Supply Co. in an amount not to exceed \$900,000 for veterinary pharmaceutical supplies and chemicals for the Animal Services Department, for the period October 1, 2017 through September 30, 2019.

**FISCAL IMPACT:**

Upon approval of this action, the department estimates costs to be \$450,000 per year. These expenses will be funded 32% by User Fees, 31% by City Revenues, and 37% by County General Fund.

**BACKGROUND:**

The department's in-house medical program requires access to a large variety of pharmaceutical and chemical supplies for the thousands of animals it cares for each year. The Purchasing Department conducted a formal competitive bid process in 2017 on behalf of Animal Services and awarded MWI Veterinary Supply Co. the purchase order for FY 2017/2018 and FY 2018/2019.

**CONSEQUENCE OF NEGATIVE ACTION:**

Failure to approve this purchase order would severely impact the ability of the Department to provide required medical care for the animals in the County's two shelters.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Yolanda Long,  
925-608-8413

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: November 14, 2017

Subject: Amendment #27-169-14 with Lifelong Medical Care

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #27-169-14 with Lifelong Medical Care, a corporation, effective July 1, 2017, to amend Contract #27-169-13 to add acupuncture services for Contra Costa Health Plan members, with no change in the Payment Limit of \$3,000,000 or the original term of July 1, 2017 through June 30, 2018.

**FISCAL IMPACT:**

This amendment is funded 100% by Contra Costa Health Plan Enterprise Fund II.

**BACKGROUND:**

On July 18, 2017, the Board of Supervisors approved Contract #27-169-13 with Lifelong Medical Care for the provision of primary care, urgent care and specialty medical services to Contra Costa Health Plan (CCHP) members, for the period from July 1, 2017 through June 30, 2018.

Approval of Contract Amendment Agreement #27-169-14 will allow the Contractor to provide additional specialty care services through June 30, 2018.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this amendment is not approved, certain specialty health care services for its members under the terms of their Individual and Group Health plan membership contracts with the County will not be provided.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Patricia Tanquary  
925-313-6004

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

By: , Deputy

cc: A Floyd, M Wilhelm



**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: November 14, 2017

Subject: Contract #74-413-7 with Young Men's Christian Association of the East Bay

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #74-413-7 with Young Men's Christian Association of the East Bay, a non-profit corporation, in an amount not to exceed \$4,000, including modified indemnification language, to provide development and implementation of internship programs for students participating in the Workforce Education and Training (WET) Program for the period from November 1, 2017 through October 31, 2018.

**FISCAL IMPACT:**

This contract is funded 100% by the Mental Health Services Act. (No rate increase)

**BACKGROUND:**

On November 1, 2016, the Board of Supervisors approved Contract #74-413-6 with Young Men's Christian Association of the East Bay, for the development and implementation of internship programs for students participating in the WET Program to obtain licenses in fields related to mental health and clinical practice, for the period from October 1, 2016 through September 30, 2017.

Approval of Contract #74-413-7 will allow the contractor to continue developing and implementing internship programs for students participating in the WET Program through October 31, 2018. This contract includes modifications to the indemnification language in the General Conditions.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **11/14/2017** ☐ 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: November 14, 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

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, interns will not receive education and training services provided by Young Men's Christian Association of the East Bay.





Contra  
Costa  
County

To: Board of Supervisors  
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer  
Date: November 14, 2017

Subject: Approve and Authorize a Purchase Order with Sam Clar Office Furniture, Inc., for the 40 Muir, 2nd Floor, Martinez, Remodel Project.

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute, on behalf of the Interim Public Works Director, a purchase order with Sam Clar Office Furniture Inc., in the amount of \$199,606 for office furniture, for the 40 Muir Road, 2nd Floor, Martinez, Remodel Project. (District V)

**FISCAL IMPACT:**

100% General Fund.

**BACKGROUND:**

There isn't enough space at 255 Glacier Drive to address current staffing needs. Capital Project Management and Real Estate Services will be relocating to 40 Muir Road. The 2nd Floor of 40 Muir Road is undergoing a renovation and will house the Public Works staff currently located at 255 Glacier Drive. The 2nd Floor has no furniture and will need to support approximately 36 full time employees and their furniture needs.

**CONSEQUENCE OF NEGATIVE ACTION:**

Without the Board of Supervisors approval, Public Works staff will not be able to relocate to this new location.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Ramesh Kanzaria, 925.  
313-2000

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

By: , Deputy

cc:



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: November 14, 2017

Subject: Contract with STAND! For Families Free of Violence

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with STAND! For Families Free of Violence, a Non-Profit Corporation, in an amount not to exceed \$108,922 to provide the continued implementation of the Phase III Lethality Assessment Program for Domestic Violence Homicide Prevention for the period of December 1, 2017 through September 30, 2018.

**FISCAL IMPACT:**

The funds to cover this contract, in an amount not to exceed \$108,922, are covered 100% by a Federal Department of Justice Grant. There is no County match requirement.

CFDA #16.590

**BACKGROUND:**

The Contra Costa Alliance to End Abuse (Alliance), formerly Zero Tolerance for Domestic Violence Initiative, applied for and received funds from the U.S. Department of Justice, Office on Violence Against Women (OVW), Domestic Violence Homicide Prevention Demonstration (Project) in 2013. The Project has been implemented in phases – an assessment phase (Phase I) and an implementation phase (Phase II). OVW completed Phase I in September, 2014 and selected the Alliance as one of four sites to participate in Phase II of the Project and implement the Lethality Assessment Program (LAP), a recognized promising practice. In 2016, OVW renewed funding in order for the Alliance to continue implementation of the LAP model (Phase III). The Alliance is engaging Stand! For Families Free From Violence to assist in carrying out activities consistent with the funding application.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: V. Kaplan, (925)  
608-4963

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Valuable services will not be provided.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: November 14, 2017

Subject: Software and Services Agreement #23-619 with BeyondTrust Software Inc.

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Health Services Director, or his designee, to execute a Software and Services Agreement #23-619 with BeyondTrust Software Inc., in the amount of \$142,190 for the purchase of virtual appliances, software licenses, software maintenance and support and professional services, for the period from November 14, 2017 through November 13, 2020.

**FISCAL IMPACT:**

This agreement is funded 100% by Hospital Enterprise Fund I.

**BACKGROUND:**

The purchase of the Beyond Trust software and implementation services will enable the Health Services Department's (HSD) Information Technology (IT) Unit to control and audit access to privileged electronic accounts, such as: shared administrative accounts, application accounts, local administrative accounts and service accounts, enabling the management of privileges and control applications on physical and virtual desktops and servers. The software records all user and administrator activity, providing a comprehensive audit trail. In addition, the software will provide a "least-privilege" solution which enables IT to remove administrator privileges, enforce standard user permissions, simplify the enforcement of least-privilege policies, maintain application access control and log privileged activities. This application will simplify compliance reporting across the entire IT infrastructure, helping to eliminate privilege abuse, and preventing data breaches.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 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 the Beyond Trust Software, Inc. privilege manager component is not implemented, HSD IT will not have the ability to reduce the risk of accidental or intentional privilege misuse on physical or virtual servers and desktops, thereby preventing IT from closing security gaps, improving operational efficiency and achieving compliance objectives.



Contra  
Costa  
County

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: November 14, 2017

Subject: Contract with STAND! For Families Free of Violence

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with STAND! For Families Free of Violence, a Non-Profit Corporation, in an amount not to exceed \$317,125 to provide domestic violence support services to California Work Opportunity and Responsibility to Kids (CalWORKs) participants for the period of July 1, 2017 through June 30, 2018.

**FISCAL IMPACT:**

The funds allocated for this contract, in an amount not to exceed \$317,125, are 100% Federal.

**BACKGROUND:**

STAND! For Families Free of Violence provides a wide array of domestic violence services tailored to meet the specific needs of the Workforce Services Bureau. Services include California Work Opportunity and Responsibility to Kids (CalWORKs) domestic violence liaisons at Employment and Human Services Department offices, technical assistance, consultation, and domestic violence identification and skills training, on-site capacity building, and linkages for domestic violence victims to community resources. STAND! For Families Free of Violence was selected through a competitive bid process (Request For Proposals #1152).

20-161-0

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☒ APPROVE

☐ OTHER

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COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Vickie Kaplan, (925)  
608-4963

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

CalWORKS clients will be unable to receive domestic violence services.

CHILDREN'S IMPACT STATEMENT:

This contract supports all of the community outcomes established in the Children's Report Card by providing information and services to assist those who are victims or at risk of domestic violence: (1) Children Ready for and Succeeding in School; (2) Children and Youth Healthy and Preparing for Productive Adulthood; (3) Families that are Economically Self Sufficient; (4) Families that are Safe, Stable and Nurturing; and (5) Communities that are Safe and Provide a High Quality of Life for Children and Families.



Contra  
Costa  
County

To: Board of Supervisors  
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer  
Date: November 14, 2017

Subject: Approve a purchase order amendment with Jon K. Takata Corporation, d/b/a Restoration Management Company, Martinez area.

---

**RECOMMENDATION(S):**

RATIFY the Purchasing Agent's execution, on behalf of the Public Works Director, of a purchase order with Jon K. Takata, dba Restoration Management Company, in an amount not to exceed \$150,000, for emergency mold abatement at the Contra Costa Regional Medical Center Psychiatric Ward, Martinez area. (100% Health Services Enterprise Fund.)

**FISCAL IMPACT:**

This cost is to be funded through Health Services Facilities budget. (100% Health Services Enterprise Fund)

**BACKGROUND:**

During a Center of Medicare & Medicaid Services inspection (CMS) of CCRMC Psychiatric Ward, mold was found at the base of a wall growing from a leaking pipe. Restoration Management was called in to abate this issue and rebuild the wall. Facilities Services requested a purchase order to cover the estimated \$55k required to abate the area. During the demolition process, they found several rotting steel studs and mold along additional sections of the wall. Due to this they ended up having to demolish several feet of wall, an entire restroom, close down the Emergency Room entrance and reroute traffic. Restoration Management has quoted us for the added work required to repair this issue. This quote is an additional \$95,000. Restoration Management hopes this project will be completed by November 30, 2017. Facilities Services is requesting the purchase order # 09835 be increased to \$150,000 to cover these costs.

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☒ APPROVE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Stan Burton,  
925.313-7078

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

By: , Deputy

cc:



CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, then mold abatement at the Contra Costa Regional Medical Center will discontinue.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: November 14, 2017

Subject: Contract #74-550 with Healthright 360

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #74-550 with Healthright 360, a non-profit corporation, in an amount not to exceed \$4,700,783, to provide pre-arrest, at-arrest and post-arrest diversion opportunities and coordination services for Antioch residents with behavioral health issues for the Contra Costa Lead Plus (CoCo Lead+) Project, for the period from November 1, 2017 through August 15, 2020.

**FISCAL IMPACT:**

This contract is funded 100% by the California Board of State and Community Corrections Grant (Proposition 47).

**BACKGROUND:**

The CoCo Lead+ Project is a County program funded by the California Board of State and Community Corrections, Proposition 47, "The Safe Neighborhoods and Schools Act", to ensure services for adults with behavioral issues who are committing non-serious, non-violent crimes are available through prevention, diversion and support programs.

The contractor will be the primary subcontractor who will serve on operating and policy teams and the local advisory committee, develop agreements, hold administrative responsibility for all aspects of community-based activities, develop policies and protocols with all partners regarding diversion and project services, hire and train staff, facilitate coordination to reduce both barriers and gaps, develop data system and protocols to support evaluation, develop and implement a communications plan, and partner with County's Health Services Department and the County Administrator's Office to subcontract funds in amounts and for purposes identified.

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☒ APPROVE

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COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Cynthia Belon,  
925-957-5501

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

By: , Deputy

cc: L Walker , M Wilhelm

Approval of Contract

BACKGROUND: (CONT'D)

#74-550 will allow the contractor to initiate the CoCo LEAD+ project which will provide pre-arrest, at-arrest and post-arrest diversion opportunities and coordination services for Antioch residents with behavioral health issues through August 15, 2020.

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, Antioch residents with behavioral health issues committing non-violent and non-serious crimes will not receive prevention, diversion and support services by the contractor.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: November 14, 2017

Subject: Amendment #77-011-1 with Bay Area Surgical Specialists Services, LLC

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #77-011-1 with Bay Area Surgical Specialists Services, LLC, a Limited Liability Company, effective November 1, 2017, to amend Contract #77-011, to increase the payment limit by \$900,000, from \$300,000 to a new payment limit of \$1,200,000, to provide additional ambulatory surgery services for Contra Costa Health Plan (CCHP) members with no change in the original term of March 1, 2016 through February 28, 2018.

**FISCAL IMPACT:**

This amendment is funded 100% by Contra Costa Health Plan Enterprise Fund II. (No rate increase)

**BACKGROUND:**

On February 9, 2016, the Board of Supervisors approved Contract #77-011 with Bay Area Surgical Specialists Services, LLC for the provision of ambulatory surgery center services for CCHP members, for the period from March 1, 2016 through February 28, 2018.

Approval of Contract Amendment Agreement #77-011-1 will allow the Contractor to provide additional ambulatory surgery center services to CCHP members, through February 28, 2018.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this amendment is not approved, certain specialty health care services for its members under the terms of their Individual and Group Health Plan membership contracts with the County will not be provided.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Patricia Tanquary,  
925-313-6004

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

By: , Deputy

cc: A Floyd, M Wilhelm



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: November 14, 2017

Subject: Contract #27-994-1 with OBHG California, P.C.

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #27-994-1 with OBHG California, P.C., a corporation, in an amount not to exceed \$350,000, to provide obstetrics and gynecology services for Contra Costa Health Plan members for the period from November 1, 2017 through October 31, 2019.

**FISCAL IMPACT:**

This contract is funded 100% by Contra Costa Health Plan Enterprise Fund II. (No rate increase)

**BACKGROUND:**

In February 2016, the County Administrator approved, and the Purchasing Services Manager executed Contract #27-994 with OBHG California, P.C., for the provision of obstetrics and gynecology services for Contra Costa Health Plan members, for the period from November 1, 2015 through October 31, 2017.

Approval of Contract #27-994-1 will allow the Contractor to continue providing obstetrics and gynecology services for CCHP members, through October 31, 2019.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, Contra Costa Health Plan members will not receive the benefits of obstetrics and gynecology services from the contractor.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Patricia Tanquary,  
925-313-6004

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

By: , Deputy

cc: A Floyd, M Wilhelm



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: November 14, 2017

Subject: Purchase Order with Optiv Security, Inc.

---

**RECOMMENDATION(S):**

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute (1) Master Agreement for Services with Brocade Communications Systems, Inc., and (2) Purchase Order with Optiv Security, Inc., in the amount of \$52,034 for renewal of Brocade computer hardware support for the period of November 27, 2017 to November 26, 2018.

**FISCAL IMPACT:**

100% Funding is included in the Hospital Enterprise Fund I Budget.

**BACKGROUND:**

Health Services uses Brocade hardware to handle all network traffic coming into the two data centers in Martinez and Pittsburg. This renewal for hardware support is for equipment which is also the infrastructure responsible for supporting over 50 other clinical and ancillary sites. Additionally, this hardware supports the 24-7 operations of the Contra Costa Regional Medical Center, and its Electronic Medical Records (EMR) system, EPIC.

Optiv is Brocade's authorized third-party reseller. The master agreement for services requires the County to indemnify Brocade against claims arising out of the County's breach of the agreement.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 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:

Failure to maintain support for this equipment increases the risk of an unexpected failure, and possibly an extended outage. This could impact productivity at some locations, including patient care at the hospital and health clinic locations.





**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: November 14, 2017

Subject: Purchase Gift Cards for the Health Care for the Homeless Project

---

**RECOMMENDATION(S):**

Authorize the Purchasing Agent on behalf of the Health Services Department, to purchase food for the Program Governance Meetings totaling \$4,500 (15 people at \$20 each for 15 months) and gift card incentives totaling \$500 for the Health Care for the Homeless Program participants, for the period from November 1, 2017 through January 31, 2019.

**FISCAL IMPACT:**

Funded 100% by the U.S. Health Resources and Services Administration (HRSA) Grant funds. No County funds required.

**BACKGROUND:**

The Health Care for the Homeless Program received a grant from Health Resources and Services Administration to provide health care for the homeless population in Contra Costa County. A requirement of the grant is to establish and maintain Program Governance through a Co-Application Governing Board for Health Care for the Homeless program evaluation and CEO/Program Director evaluation. Additionally, another component of the grant is to conduct monthly focus groups with participants in the program and to offer incentives to those who participate. The Health Service Department anticipates purchasing 100 \$5 gift cards as incentives and providing food at the Program Governance meetings. Included in the approved grant budget is a line item for food/incentives at an annual amount of \$5,000.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Dan Peddycord,  
925-313-6712

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

By: , Deputy

cc: Tasha Scott, Marcy Wilhelm, Bill Sorrell

BACKGROUND: (CONT'D)

Approval of these purchases will cover food for the governance meetings and gift cards for the Health Care for the Homeless Program, through January 31, 2019.

CONSEQUENCE OF NEGATIVE ACTION:

If these purchases are not approved, the Health Care for the Homeless Program would not be fulfilling the goals outlined in the HRSA Grant.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: November 14, 2017

Subject: Amendment to Purchase Order with Watermark Sleepcare, Inc.

---

**RECOMMENDATION(S):**

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute an amendment to Purchase Order #F06590 with Watermark Sleepcare, Inc. to add \$6,000 for a new total not to exceed \$220,000 for the rental of sleep study devices and testing supplies and repairs at the Contra Costa Regional Medical Center (CCRMC) with no change in the original term of November 1, 2016 through October 31, 2017.

**FISCAL IMPACT:**

100% funding is included in the Hospital Enterprise Fund I budget.

**BACKGROUND:**

Watermark Sleepcare, Inc. has provided for the rental of sleep study devices and testing supplies and repairs at the Contra Costa Regional Medical Center (CCRMC) for some time. The patient load for these services continues to grow and requires additional funds to be added to the current purchase order.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this Purchase Order is not approved, the CCRMC will be unable to pay the vendor for purchases.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 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: November 14, 2017

Subject: Contract #77-005-2 with David S. Gee, M.D.

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #77-005-2 with David S. Gee, M.D., an individual, in an amount not to exceed \$168,000, to provide consultation and technical assistance to the Contra Costa Health Plan Medical Management team for the period from December 1, 2017 through November 30, 2018.

**FISCAL IMPACT:**

This contract is funded 100% by Contra Costa Health Plan Enterprise Fund II. (No rate increase)

**BACKGROUND:**

On November 8, 2016, the Board of Supervisors approved Contract #77-005-1 with David S. Gee, M.D, for the provision of consultation and technical assistance to the Health Plan Medical Management team, including reviewing utilization procedures for pharmacy benefits and providing strategies to improve care to Contra Costa Health Plan Members, for the period from December 1, 2016 through November 30, 2017.

Approval of Contract #77-005-2 will allow the contractor to continue providing consultation and technical assistance to the Contra Costa Health Plan Medical Management team through November 30, 2018.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, the Contra Costa Health Plan Management Team will not receive the benefits of consultation and technical assistance from the contractor.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Patricia Tanquary,  
925-313-6004

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

By: , Deputy

cc: E Suisala, M Wilhelm



**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: November 14, 2017

Subject: Novation Contract #74-503-2 with Mental Health Systems, Inc.

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #74-503-2 with Mental Health Systems, Inc., a non-profit corporation, in an amount not to exceed \$2,014,000, to provide mental health services for the Mental Health Services Act (MHSA) Community Services and Supports Program, for the period from July 1, 2017 through June 30, 2018, which includes a six-month automatic extension through December 31, 2018 in an amount not to exceed \$1,007,000.

**FISCAL IMPACT:**

This contract is funded 35% by Federal Medi-Cal and 65% by Mental Health Services Act.

**BACKGROUND:**

This contract meets the social needs of the County's population by implementing the MHSA Community Services and Supports Program, including providing community-based services, personal services coordination, medication support, crisis intervention, and other mental health services to eligible adult clients in Contra Costa County.

On October 20, 2015, the Board of Supervisors approved Contract #74-503 with Mental Health Systems, Inc., for the period of October 1, 2015 through June 30, 2017, which included a six-month automatic extension through December 31, 2017, for the provision of mental health support services to adults in Contra Costa County.

Approval of Novation Contract #74-503-2 will allow the contractor to continue to provide services through June 30, 2018.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **11/14/2017** ☐ 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: November 14, 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

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, there will be fewer services provided to eligible adult clients in Contra Costa County through the MHSA Community Services and Support Program.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer  
Date: November 14, 2017

Subject: Contract with Bates Stringer – Oak Park, LLC, for real estate services related to County-owned property at 1700 Oak Park Blvd, Pleasant Hill.

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Interim Public Works Director, or his designee, to execute a contract with Bates Stringer – Oak Park, LLC, in an amount not to exceed \$1,275,000, subject to approval by the County Administrator and approval as to form by the County Counsel, to provide real estate services related to the County-owned property located at 1700 Oak Park Blvd. in Pleasant Hill for the period from November 1, 2017, through October 31, 2020.

**FISCAL IMPACT:**

The costs incurred by the County under this contract will be paid from the County's General Fund. The General Fund will be reimbursed upon the sale of the subject property to a builder. Costs are expected to be incurred over a three-year period.

**BACKGROUND:**

The County owns approximately eight acres of unimproved property located at 1700 Oak Park Blvd., in Pleasant Hill. The Mt. Diablo Unified School District owns approximately two acres of adjacent unimproved property. The County and the school district have agreed to work together on any sale of the ten-acre parcel in order to maximize the property's value. The County and the school district are considering transferring approximately three acres of the ten-acre parcel to the City of Pleasant Hill for use as the site of a new library.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Karen Laws (925)  
313-2228

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

By: , Deputy

cc:

### BACKGROUND: (CONT'D)

> Under the contract with Bates Stringer - Oak Park, LLC, the Contractor will work with County staff and related County consultants to obtain entitlements that would be needed to construct homes on the remaining seven acres of the property. It is expected that the cost of obtaining the entitlements will be more than offset by the increased value of the property when it is offered for sale.

Under the contract, the Contractor will work with the City of Pleasant Hill to obtain land use approvals and with State and Federal agencies to obtain necessary resource permits. The process of obtaining the necessary permits and entitlements is expected to include the following steps:

- Rezoning the Property. This will require an update to the City's Planned Unit Development zoning for the site to conform to contemporary City zoning requirements.
- Creating a vesting tentative subdivision map.
- Obtaining design review approval for the proposed development.
- Obtaining permits associated with the creek on the eastern border of the Property.
- Obtaining a lot line adjustment.
- Completing a CEQA analysis.
- Engaging in community outreach, to ensure the planned development meets the community's needs.

To complete the required tasks, the Contractor will engage a number of sub-consultants. Services to be provided by these professionals include the following: engineering services, legal services, arborist services, landscape architectural services, traffic engineering services, geotechnical and environmental site assessment services, biological resource services and environmental permitting services. All costs incurred by Bates-Stringer in hiring the sub-consultants will be paid out of the total sum available under the Bates-Stringer contract with the County.

The Contractor will also work with County staff and County consultants to market and sell the property to a home builder.

The contract will begin November 1, 2017, and end October 31, 2020.

### CONSEQUENCE OF NEGATIVE ACTION:

If the County does not engage Bates Stringer – Oak Park, LLC, the County could potentially realize less from the sale of the property.





Contra  
Costa  
County

To: Board of Supervisors  
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer  
Date: November 14, 2017

Subject: Contract amendment with JK2 & Associates, Inc., for real estate planning services for the Oak Park Sale of Surplus (South Pleasant Hill Parcels)

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Interim Public Works Director, or designee, to execute a contract amendment with JK2 & Associates, Inc., effective October 1, 2017, to increase the payment limit by \$125,000 to a new payment limit of \$220,000, and to extend the termination date from January 31, 2019 to December 31, 2019, for continued real estate planning services for the Oak Park Sale of Surplus (South Pleasant Hill Parcels), Pleasant Hill area. (District IV)

**FISCAL IMPACT:**

100% General Fund

**BACKGROUND:**

The County owns 3 properties in the South Pleasant Hill area. One 10 acre parcel on Oak Park Boulevard south of the Pleasant Hill Middle School is currently vacant (the School District has an ownership interest in 2 of the 10 acres). The County also owns the Pleasant Hill Library and Administrative offices on a 4.8 acre parcel south and west of the Pleasant Hill Middle School.

In February 2014, the Board of Supervisors authorized County staff to work with the City of Pleasant Hill regarding the disposition of the County parcels. County staff has been in discussions with City staff on the allowable uses and development of the property. In preparation of placing the parcels on the market for sale, JK2 & Associates was selected to assist staff with real estate planning services for the County's parcels.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Karen Laws (925)  
313-2228

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Staff will not be able to move forward with the planning process, which would delay placing parcels on the market.



**Contra  
Costa  
County**

To: Contra Costa County Fire Protection District Board of Directors  
 From: Jeff Carman, Chief, Contra Costa County Fire Protection District  
 Date: November 14, 2017

Subject: Amendment No. 1 to Consulting Services Agreement for Architectural Services for New Fire Station 70 in San Pablo

---

**RECOMMENDATION(S):**

Acting as the Governing Board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the Fire Chief, or designee, to execute Amendment No. 1 to Consulting Services Agreement with Loving Campos Associates, Architects, Inc., effective July 24, 2017, to modify sub-consultants with no change to the original term or payment limit of \$710,000, to provide architectural services for the new Fire Station No. 70 project at 1800 23rd Street in San Pablo.

**FISCAL IMPACT:**

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Aaron McAlister, Assistant Fire  
Chief 925-941-3503

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

By: , Deputy

cc:

FISCAL IMPACT: (CONT'D)

Budgeted; 100% Contra Costa County Fire Protection District Capital Outlay Fund

BACKGROUND:

In late 2015, the Contra Costa County Fire Protection District (District) initiated the process for the design of a replacement facility for Fire Station 70 (FS 70) in San Pablo, currently located at 13928 San Pablo Avenue. The current station is comprised of modular buildings installed in 1992 subsequent to the permanent station facility being abandoned due to damage sustained from the Loma Prieta earthquake. The current station was designed for a crew of three personnel and is now housing a crew of five personnel with the addition of Squad 70. In early discussions with the City of San Pablo, an alternate site at 1800 23rd Street was made available to relocate the station. Since those discussions, preliminary site plans were developed and the project appeared feasible for the new location. The City of San Pablo has pledged \$2.5 million in funds to assist in the construction and relocation of the station. A funding and construction agreement is currently being negotiated and is anticipated to be finalized within the next two months.

The new station will be built to house two full three-person crews for potential expansion of services in the future and will include modern seismic standards as well as being able to meet ADA requirements. The station will be built to provide protection for the community over the next fifty years and would allow for the facility to provide personnel with the components, systems, and features found in a modern fire station.

This Consulting Services Agreement (CSA) is administered by the County Public Works Department on behalf of the District.

Since the execution of the Agreement, programming and subsequent design development required changes to the originally specified sub-consultants to better serve the needs and scope of work required for the project.

CONSEQUENCE OF NEGATIVE ACTION:

If the amendment is not approved, the required scope of work and consultants will not be utilized.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Jeff Carman, Chief, Contra Costa County Fire Protection District  
Date: November 14, 2017

Subject: Amendment No. 1 to Consultant Services Agreement for Architectural Services Fire Station 16

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**RECOMMENDATION(S):**

Acting as the Governing Board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the Fire Chief, or designee, to execute Amendment No. 1 to the Consulting Services Agreement with Loving Campos Associates, Architects, Inc., Effective July 27, 2017, to modify sub-consultants and increase the payment limit by \$64,087 to a new payment limit of \$520,000, with no change to the original term, to provide architectural services for the new Fire Station No. 16 at 4007 Los Arabis Road in Lafayette.

**FISCAL IMPACT:**

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Aaron McAlister, Assistant Fire  
Chief 925-941-3503

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

By: , Deputy

cc:

### FISCAL IMPACT: (CONT'D)

Budgeted; 100% Contra Costa County Fire Protection District Capital Outlay Fund

### BACKGROUND:

In late 2011, the Contra Costa County Fire Protection District (District) initiated the process for the design of a replacement facility for Fire Station 16 (FS 16) in Lafayette at the present location on Los Arabis Road. At that time, the station was comprised of a small residential style fire station built in the 1950s that was abandoned shortly after the Loma Prieta Earthquake. Subsequent to the closure, a double-wide mobile home was used for the crew living quarters.

Approximately \$3 million was appropriated for the replacement of FS 16. In 2012, due to budget shortfalls and the eventual closure of FS 16, the project was placed on an indefinite hold. The funds were then designated to be used for the District's contribution toward the building of Fire Station 46 (FS 46), a joint project with the Moraga-Orinda Fire Protection District. When the FS 46 project was dissolved, the District determined the most appropriate solution for the community of West Lafayette and for the overall service of the District was to rebuild FS 16.

New site plans have been developed, engineers and contractors have surveyed the site and the existing fire station structure, and multiple analyses have been performed to determine the feasibility of reconstruction, remodel of the existing structure, or tear down and rebuild from the ground up. While it is possible to re-use the existing fire station structure, it was determined that the value of that structure is very low to the overall project and the cost to provide the required code upgrades and seismic retrofits would outweigh the utility of rehabilitating the old structure.

The new station will be built to include modern seismic standards as well as being able to meet ADA requirements. The station will be built to provide protection for the community over the next fifty years and would allow for the facility to provide personnel with the components, systems, and features found in a modern fire station.

On behalf of the District, the County Public Works Department requested Statements of Qualifications ("SOQs") for architectural services for fire station design projects, including the rebuilding of Fire Station 16. The Public Works Department received 18 SOQs from interested firms and five firms were shortlisted. A selection committee comprised of County and District staff conducted interviews and ranked the shortlisted firms. Loving Campos Associates Architects, Inc. (LCA) was one of the top ranking firms. On November 8, 2016, the Board approved a Consulting Services Agreement with LCA in an amount not to exceed \$455,913.

This Consulting Services Agreement (CSA) was administered by the Public Works Department on behalf of the District.

Since the execution of the Agreement, programming and subsequent design development required changes to the originally specified sub-consultants to better serve the needs and scope of work required for the project.

### CONSEQUENCE OF NEGATIVE ACTION:

If the amendment is not approved, the required scope of work and consultants will not be utilized.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Jeff Carman, Chief, Contra Costa County Fire Protection District  
Date: November 14, 2017

Subject: Purchase Order with Sam Clar Office Furniture

---

**RECOMMENDATION(S):**

Acting as the Governing Board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Fire Chief of the Contra Costa County Fire Protection District, to execute a purchase order with Sam Clar Office Furniture in an amount not to exceed \$500,000 for the purchase, delivery, and installation of office furniture and equipment to outfit the District's new administrative offices located at 4005 Port Chicago Highway in the City of Concord.

**FISCAL IMPACT:**

The current quoted amount for furniture, delivery, and installation is \$494,867.66. Funding for this purchase will be 90% from the Fire District's General Fund (202000) and 10% from the Fire District's Transport Fund (204000).

**BACKGROUND:**

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Aaron McAlister  
925-941-3503

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

By: , Deputy

cc:

**BACKGROUND: (CONT'D)**

The Contra Costa County Fire Protection District (District) Administration and Fire Prevention Bureau has been located at 2010 Geary Road in Pleasant Hill since the 1975. The District's Emergency Medical Services Division currently operates out of a temporary structure. The population served by the District has grown and so has the mission and scope of services provided by the District. The present buildings are no longer adequate for the needs of the District.

In July 2017 the Board authorized the Fire Chief to execute a lease for the space located at 4005 Port Chicago Highway in the City of Concord, and the tenant improvements are now in progress. Once the the tenant improvements are completed, it will be necessary to outfit the building with furniture so that the offices are fully functional. The new furniture is ergonomically designed and is fully compliant with the Americans with Disabilities Act.

**CONSEQUENCE OF NEGATIVE ACTION:**

Without this action, the District would have to identify alternative means to provide furniture for the new offices.





**Contra  
Costa  
County**

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: November 14, 2017

Subject: Approval of Transfer of Ownership of Woods Grove Apartments in Pittsburg

---

**RECOMMENDATION(S):**

1. CONSENT to the transfer of ownership of Woods Grove Apartments in Pittsburg from BRIDGE Regional Partners, Inc. to Reliant - Woods Grove, LP;
2. APPROVE the associated legal documents including a First Amendment to County HOME Loan Agreement, Assignment and Assumption Agreement, Subordination Agreements and Termination of Affordability Covenant;
3. FORGIVE the accrued interest on the HOME loan; and
4. AUTHORIZE the Conservation and Development Department Director to execute and deliver the documents listed above.

**FISCAL IMPACT:**

No impact to the General Fund. There is an existing HOME Investment Partnerships Act loan on Woods Grove Apartments that will be assigned to Reliant - Woods Grove LP. BRIDGE is requesting forgiveness of approximately \$160,000 in accrued interest on the HOME loan.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Kara Douglas  
925-674-7880

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

By: , Deputy

cc:

## BACKGROUND:

Woods Grove is an existing 80-unit apartment complex at 850 East Leland Road in Pittsburg. In 2010, the County loaned BRIDGE Regional Partners Inc. (BRIDGE) \$800,000 of HOME Investment Partnerships Act (HOME) funds for the rehabilitation of the apartments. In exchange for the loan, BRIDGE designated 11 units as "HOME-assisted." These units are required to be affordable to and occupied by families with incomes at or less than 30 percent of the area median income for 55 years. BRIDGE used the HOME funds for energy efficiency improvements to reduce utility costs. BRIDGE had hoped to finance additional rehabilitation with low-income housing tax credits (LIHTC). However, the LIHTC qualifications changes, BRIDGE was not able to use this financing and the repairs were not done.

BRIDGE has entered into a purchase and sale agreement with Reliant - Woods Grove LP (Reliant). Both parties request the County approve the transfer of ownership and allow the existing County documents to be assigned to, and assumed by Reliant. The HOME Regulatory Agreement will remain and will be assigned to and assumed by Reliant. In addition, Reliant is requesting some modifications to the loan agreement to reflect the current financing and ownership. The modifications also clarify that references to the rehabilitation of the property mean the work to be undertaken by Reliant, update certain definitions, and eliminate requirements that have already been met by BRIDGE. Reliant intends to rehabilitate the property by replacing the roofs and windows, painting the exterior, upgrading and installing energy efficient site lighting, converting eight units to be compliant with Americans with Disability Act standards, and upgrading kitchen and bathrooms as necessary. The work is expecting to begin in late winter/early spring 2018 and conclude by December 2018.

In October 2010, BRIDGE recorded an Affordability Covenant to confirm that 100 percent of the units (with the exception of the manager's unit) at Woods Grove Apartments were affordable to low income households. In order to complete the sale to Reliant, BRIDGE must terminate its Affordability Covenant. The title company is requiring the County's consent to the termination of that agreement.

Finally, BRIDGE is seeking forgiveness of approximately \$160,000 of accrued interest on the HOME loan. BRIDGE made significant investments of its own funds to Woods Grove through a combination of loans and corporate advances. BRIDGE will not be fully repaid its own funds through the sale of the property. Reliant is willing to assume only the principal of the HOME loan, and not the accrued interest. The HOME program regulations allow HOME funds to be provided to affordable housing developers as either grants or loan, and do not require interest payments. The County typically provides HOME funds in the form of a loan so that the County has a recorded lien on the property. This gives the County the opportunity to participate in discussions with other lenders if the borrower is in default under any of its agreements. Should the property have surplus cash-flow, the borrower makes loan payments to the County and the funds are used for additional affordable housing development. Often when properties are sold and rehabilitation work is done, the new owner seeks additional County funds to assist with the rehabilitation work. In this case, the seller is requesting that the County forgive the accrued interest to reduce the purchase price and facilitate the sale to the buyer.

Department of Conservation and Development requests that the Board of Supervisors approve the attached documents in their substantially final form.

## CONSEQUENCE OF NEGATIVE ACTION:

If the Board of Supervisors does not approve the transfer of ownership and related actions, the property will not be sold to Reliant, and BRIDGE will continue to seek another owner. The planned rehabilitation work will be further delayed.

## CHILDREN'S IMPACT STATEMENT:

Woods Grove provides 80 units of housing affordable to families. This activity supports Goal 3 of the Children's Impact Statement: Families are Economically Self-Sufficient.

## ATTACHMENTS

Assignment and Assumption Agreement

First Amendment to Loan Agreement

Termination of Affordability Covenant

Subordination Agreement

Subordination Agreement (Subordinate Bonds)

Recording requested by  
And when recorded return to:

Reliant – Woods Grove, LP  
c/o Reliant Group Management, LLC  
601 California Street, Suite 1150  
San Francisco, CA 94108

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ASSIGNMENT AND ASSUMPTION  
AND  
CONSENT TO ASSIGNMENT AGREEMENT

(Woods Grove Apartment, 850 East Leland Road, Pittsburg, CA)

This Assignment and Assumption and Consent to Assignment Agreement (“Agreement”) is dated as of \_\_\_\_\_, 2017, and is among BRIDGE REGIONAL PARTNERS, INC., a California nonprofit public benefit corporation (“Assignor”), RELIANT – WOODS GROVE, LP, a California limited partnership (“Assignee”) and the COUNTY OF CONTRA COSTA, a political subdivision of the State of California (“County”).

RECITALS

- A. The County has made a loan to Assignor in the principal amount of Eight Hundred Thousand Dollars (\$800,000) of HOME funds (the “Loan”) to fund rehabilitation costs for the property located at 850 East Leland Road in Pittsburg, California, as more fully described on Exhibit A (the “Property”).
- B. The terms of the Loan are set forth in a HOME Loan Agreement dated September 1, 2010, between Assignor and the County (the “Loan Agreement”). The Loan is evidenced by a Promissory Note dated September 1, 2010, made by Assignor for the benefit of the County (the “Note”), a copy of which is attached as Exhibit B. The Note is secured by a Deed of Trust with Assignment of Rents, Security Agreement, and Fixture Filing, dated as of October 15, 2010, and recorded in the Official Records of Contra Costa County on October 29, 2010, as Instrument No. 2010-241349 (the “Deed of Trust”). As consideration for the Loan, the Property is also encumbered by a Regulatory Agreement and Declaration of Restrictive Covenants between Assignor and the County dated as of October 15, 2010, and recorded in the Official Records of Contra Costa County on October 29, 2010, as Instrument No. 2010-241348 (the “Regulatory Agreement”). Together, the Loan Agreement, the Note, the Deed of Trust and the Regulatory Agreement are the “Loan Documents.”
- C. Assignor and Assignee desire that the Property be transferred to Assignee. The date the transfer of the Property from Assignor to Assignee is effective is the “Effective Date.”

Under the terms of the Loan Agreement, any transfer of the Property that is made without the prior written consent of the County is a default under the Loan Agreement.

- D. Assignor and Assignee desire that the Loan Documents be assigned to Assignee. The Note is not assumable without the prior written consent of the County. The County desires to consent to the transfer of the Property and the Loan Documents from Assignor to Assignee.

For valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties therefore agree as follows:

### AGREEMENT

1. Defined Terms. Capitalized terms used but not defined in this Agreement have the meaning ascribed to them in the Loan Agreement.
2. Assignment and Assumption. Effective on the Effective Date, Assignor hereby transfers and assigns to Assignee all of Assignor's right and obligations under the Loan Documents. Assignee hereby assumes all of Assignor's rights and obligations under the Loan Documents from and after the Effective Date and agrees to pay the loan evidenced by the Note to the County in accordance with the terms and conditions set forth in the Note.

Assignor has no liability under the Loan Documents for any matters arising from and after the Effective Date. Assignee has no liability under the Loan Documents for any matters arising prior to the Effective Date. From and after the Effective Date, all references to "Borrower" in the Loan Documents shall be deemed a reference to the Assignee.

3. Representations and Warranties.

Assignee represents and warrants that:

- a. Assignee's intended use of the Property is the same as the Assignor's intended use of the Property and is not inconsistent with the use permitted under the Regulatory Agreement.
  - b. Assignee is capable of operating a multifamily building as housing affordable to very-low and low income households as contemplated by the terms of the Regulatory Agreement and has the appropriate business experience and management ability to so operate the Property.
  - c. Assignee's financial condition is sufficient to support the obligations of Borrower under the Loan Agreement and any encumbrances secured by the Property.
4. Representations and Warranties of Assignor and County.

Each of Assignor and County represent and warrant to Assignee that:

- a. The Loan Documents are in full force and effect and have not been modified.
  - b. The entire principal balance of the Loan has been disbursed to Assignor.
  - c. There are no Events of Default by either party or, to the best of their respective knowledge, no events which, with the giving of notice or the passage of time, would constitute an Event of Default by either party under the Loan Documents.
5. Representation and Warranty of Each Party. Each party represents and warrants to each other that it has the legal power and authority to enter into this Agreement and each has received all necessary approvals to do so.
6. Consent of County.
  - a. The County is entering into this Agreement and consenting to the Assignment in reliance on the representations and warranties of Assignor and Assignee.
  - b. The County hereby consents to the assignment and assumption of the Property and the Loan Documents from Assignor to Assignee.
  - c. The County hereby releases Assignor from any and all obligations and liabilities under or with respect to the Loan Documents that accrue or arise on or after the Effective Date.
7. Loan Documents Unchanged. This Agreement does not amend the Loan Documents except as set forth in Section 10 below to update the address for notices to Borrower. Except for the address for Borrower set forth in Section 10, below, if there is any confusion or contradiction between any term of the Loan Documents and this Agreement, the terms of the Loan Documents will prevail.
8. Governing Law. This Agreement is governed by the laws of the State of California with venue in the Superior Court of the County of Contra Costa.
9. Survival. The provisions of this Agreement shall survive both the execution and delivery of this Agreement.
10. Notices. From and after the Effective Date, all notices given to Borrower under the Loan Documents will be delivered to:

Reliant – Woods Grove, LP  
c/o Reliant Group Management, LLC  
601 California Street, Suite 1150  
San Francisco, California 94108

11. Recording. Assignee shall cause this Agreement to be recorded in the office of the Contra Costa County Clerk-Recorder.
12. Counterparts. This Agreement may be executed in counterparts.

Signatures on Following Page

The parties are executing this Agreement as of the date set forth in the introductory paragraph.

**ASSIGNOR:**

**BRIDGE Regional Partners, Inc.**, a California nonprofit public benefit corporation

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ASSIGNEE:**

**Reliant – Woods Grove, LP**, a California limited partnership

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**COUNTY:**

**The County of Contra Costa**, a political subdivision of the State of California

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_



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** \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_,  
Notary Public, personally appeared \_\_\_\_\_, who  
proved to me on the basis of satisfactory evidence to be the person(s) whose name 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.**

\_\_\_\_\_  
above

Place Notary seal

Signature of Notary Public

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** \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_,  
Notary Public, personally appeared \_\_\_\_\_, who  
proved to me on the basis of satisfactory evidence to be the person(s) whose name 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.**

\_\_\_\_\_  
above

Place Notary seal

Signature of Notary Public

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** \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_,  
Notary Public, personally appeared \_\_\_\_\_, who  
proved to me on the basis of satisfactory evidence to be the person(s) whose name 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.**

\_\_\_\_\_  
above

Place Notary seal

Signature of Notary Public

EXHIBIT A

Legal Description of the Property

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF PITTSBURG, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lot 10, Block 5, Official Map of Camp Stoneman, filed June 28, 1966, in Book 111 of Maps at Page 36, Contra Costa County Records.

APN: 088-230-001

EXHIBIT B  
Copy of Promissory Note

## **FIRST AMENDMENT TO COUNTY HOME LOAN AGREEMENT**

This first amendment to County Home Loan Agreement (“First Amendment”) is dated as of \_\_\_\_\_, 2017, and is between the County of Contra Costa, a political subdivision of the State of California (“County”), and Reliant – Woods Grove, LP, a California limited partnership (“Borrower”).

### **RECITALS**

- A. The County and the Borrower are parties to the County Home Loan Agreement, dated September 1, 2010, pursuant to which the County loaned Eight Hundred Thousand Dollars (\$800,000) (the “Loan”) to BRIDGE Regional Partners, Inc. (“BRIDGE”) to be used in the rehabilitation of an 80-unit affordable housing complex located at 850 East Leland Road, Pittsburg, California (the “Agreement”).
- B. Borrower became the “Borrower” under the Agreement pursuant to an Assignment and Assumption and Consent to Assignment Agreement dated \_\_\_\_\_, 2017, between the County, Borrower and BRIDGE (the “Assignment and Assumption Agreement”). Under the Assignment and Assumption Agreement, BRIDGE assigned, and Borrower assumed, all of Borrower’s rights and obligations under the Loan Documents.
- C. County and Borrower now desire to amend the HOME Loan Agreement to (i) clarify that references to the rehabilitation of the Property in the Agreement apply to the rehabilitation of the Property in the time period that follows this First Amendment, (ii) update certain definitions, (iii) modify the terms related to rehabilitation of the Property, (iv) eliminate the requirement for matching funds, and (v) permit a cure of an Event of Default by Borrower’s limited partner.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

### **AGREEMENT**

- 1. All capitalized terms used but not defined in this First Amendment have the meanings set forth in the Agreement.
- 2. All references to the “rehabilitation” of the Property in the Agreement are deemed to include the rehabilitation of the Property by Borrower after the date of the First Amendment.
- 3. Section 1.1(b) of the Agreement is deleted in its entirety and replaced with the following:
  - (b) “Approved Scope of Work” means the work being done to rehabilitate the Property, which work has been approved by the County and is described in Exhibit A-1.

4. Section 1.1(e) of the Agreement is deleted in its entirety and replaced with the following:

(e) “Borrower” has the meaning set forth in the introductory paragraph to the first amendment to this Agreement.

5. Section 1.1(i) of the Agreement is deleted in its entirety and replaced with the following:

(i) “Deed of Trust means the Deed of Trust with Assignment of Rents, Security Agreement, and Fixture Filing, dated as of October 15, 2010, recorded in the official records of Contra Costa County on October 29, 2010, as Instrument No. 2010-231549.

6. Section 1.1(w) of the Agreement is deleted in its entirety and replaced with the following:

(w) “Note” means the promissory note dated September 1, 2010, made by BRIDGE for the benefit of the County, the performance obligations of which has been assigned to, and assumed by, Borrower.

7. Section 1.1(z) of the Agreement is deleted in its entirety and replaced with the following:

(z) “Regulatory Agreement” means the Regulatory Agreement and Declaration of Restrictive Covenants between BRIDGE and the County, dated as of October 15, 2010, and recorded in the Official Records of Contra Costa County on October 29, 2010, as Instrument No. 2010-241348.

8. Section 1.1 of the Agreement is further amended to include the following definition:

(ff) “Partnership Agreement” means that certain Amended and Restated Partnership Agreement of Borrower dated as of \_\_\_\_\_, 2017, as the same may be amended from time to time.

(gg) “Subordinate Bonds” means the [\$3,250,000 California Housing Finance Authority Multifamily Housing Revenue Bonds, Series \_\_\_\_\_,] the proceeds of which are being loaned to Borrower.

9. Section 2.6 of the Agreement is deleted in its entirety.

10. Section 2.7 of the Agreement is deleted in its entirety.

11. Section 2.8 of the Agreement is deleted in its entirety and replaced with the following:

Section 2.8 Repayment Schedule.

(a) Special Definitions. The following definitions apply for the purposes of this Section 2.8:

(i) "Annual Operating Expenses" for each calendar year means the following costs reasonably and actually incurred for operation and maintenance of the Development as confirmed by an annual independent audit performed by a certified public accountant using generally accepted accounting principles:

(1) property taxes and assessments imposed on the Development;

(2) debt service currently due on a non-optional basis (excluding debt service due from residual receipts or surplus cash of the Development) on loans associated with development or rehabilitation of the Development and approved by the County;

(3) debt service currently due on the Subordinate Bonds, which is payable from residual receipts;

(4) on-site service provider fees for tenant social services, provided the County has approved, in writing, the plan and budget for such services before such services begin, which approval may not be unreasonably withheld, conditioned or delayed and will be deemed granted if the County fails to approve or disapprove the plan and budget within 15 days after submittal;

(5) property management fees and reimbursements, not to exceed fees and reimbursements which are standard in the industry and are made to a property management company approved by the County, as provided in the Regulatory Agreement;

(6) premiums for property damage and liability insurance;

(7) utility services not paid for directly by tenants, including water, sewer, and trash collection;

(8) maintenance and repair;

(9) any annual license or certificate of occupancy fees required for operation of the Development;

(10) security services;

(11) advertising and marketing;

(12) cash deposited into reserves for capital replacements of the Development required in connection with the Senior Loans or as set forth in the



Borrower's Partnership Agreement in an amount not to exceed \$500 per unit per year (or any greater amount approved in writing by the County);

(13) cash deposited into an operating reserve in an amount not to exceed 3% of Annual Operating Expenses or the amount required in connection with the permanent financing (or any greater amount approved in writing by the County) but with the operating reserve capped at six (6) months gross rent from the Development (as such rent may vary from time to time);

(14) deferred developer fee, as set forth in Borrower's Partnership Agreement;

(15) asset management fees payable to Borrower's limited partner and partnership management fees payable to Borrower's general partners, which payments, together, may not exceed \$32,000 per year;

(16) extraordinary operating costs specifically approved in writing by the County;

(17) payments of deductibles in connection with casualty insurance claims not normally paid from reserves, the amount of uninsured losses actually replaced, repaired or restored, and not normally paid from reserves, and other ordinary and reasonable operating expenses approved in writing by the County and not listed above.

Annual Operating Expenses do not include the following: depreciation, amortization, depletion or other non-cash expenses, and any amount expended from a reserve account.

(ii) "Borrowers' Share of Residual Receipts" means fifty percent (50%) of the Residual Receipts.

(iii) "Gross Revenue" for each calendar year means all revenue, income, receipts, and other consideration actually received from operation and leasing of the Development. Gross Revenue includes, but is not limited to:

- (1) all rents, fees and charges paid by tenants;
- (2) Section 8 payments or other rental subsidy payments received for the dwelling units;
- (3) deposits forfeited by tenants;
- (4) all cancellation fees;
- (5) price index adjustments;

- (6) and any other rental adjustments to leases or rental agreements;
- (7) net proceeds from vending and laundry room machines;
- (8) the proceeds of business interruption or similar insurance and not paid to senior lenders;
- (9) the proceeds of casualty insurance not used to rebuild the Development and not paid to senior lenders; and
- (10) condemnation awards for a taking of part or all of the Development for a temporary period.

Gross Revenue does not include tenants' security deposits, loan proceeds, capital contributions or similar advances.

(iv) "Lenders' Share of Residual Receipts" means fifty percent (50%) of the Residual Receipts.

(v) "Residual Receipts" for each calendar year means the amount by which Gross Revenue (as defined above) exceeds Annual Operating Expenses (as defined above).

(b) Annual Payments. Commencing on May 1 of the year following the first full year after execution of this Agreement, and on May 1 of each year thereafter for the Term of the Loan, Borrower shall make repayments of the outstanding principal and accrued interest on the Loan equal to the Lenders' Share of Residual Receipts. The County shall credit such payments first against accrued interest and then against outstanding principal. Borrower shall submit to County a report of Residual Receipts (including an independent auditor's report regarding the auditor's review of Annual Operating Expenses) at the same time it submits its annual payment. The Borrower shall provide the County with any documentation reasonably requested by the County to substantiate the Borrower's determination of Residual Receipts.

(c) Payment in Full. Borrower shall pay all principal and accrued interest on the Loan, in full, on the earliest to occur of (i) the date of any Transfer not authorized by the County, (ii) the date of an Event of Default, and (iii) the expiration of the Term.

(d) Prepayment. Borrower may prepay the Loan at any time without premium or penalty. However, the Regulatory Agreement and the Deed of Trust will remain in effect for the entire Term, regardless of any prepayment.

12. Section 3.1 of the Agreement is deleted in its entirety and replaced with the following:

Section 3.1 Permits and Approvals.

Borrower must obtain all permits and approvals necessary for the rehabilitation of the Development as required by law.

13. Section 3.2 of the Agreement is deleted in its entirety.

14. Section 3.3 of the Agreement is deleted in its entirety.

15. Section 3.4 of the Agreement is deleted in its entirety.

16. Section 3.5 of the Agreement is deleted in its entirety and replaced with the following:

Section 3.5 Commencement of Rehabilitation.

Borrower shall cause the commencement of rehabilitation of the Development to occur no later than April 1, 2018, or such later date that the County approves.

17. Section 3.6 of the Agreement is deleted in its entirety and replaced with the following:

Section 3.6 Completion of Rehabilitation.

Borrower shall diligently prosecute rehabilitation of the Development to completion, and shall cause the completion of rehabilitation of the Development to occur no later than December 31, 2018, or such later date that the County approves.

18. Section 3.7 of the Agreement is deleted in its entirety and replaced with the following:

Section 3.7 Rehabilitation Pursuant to Plans and Laws; Prevailing Wages.

(a) Borrower shall rehabilitate the Development in conformance with the plans and specifications approved by the City's Building Inspection Department to the extent approvals are required.

(b) Borrower shall cause all work performed in connection with the Development to be performed in compliance with:

(i) all applicable laws, ordinances, rules and regulations of federal, state, county or municipal governments or agencies now in force or that may be enacted hereafter, including without limitation and to the extent applicable, the prevailing wage provisions of the federal Davis-Bacon Act and implementing rules and regulations, as further set forth in subsection (c) below, and state prevailing wages pursuant to California Labor Code Section 1770 et seq., and the regulations pursuant thereto, as further set forth in subsection (d) below;

(ii) the property standards set out in 24 C.F.R. Section 5.701 et seq. and 24 C.F.R. Section 92.251; and

(iii) all directions, rules and regulations of any fire marshal, health officer, building inspector, or other officer of every governmental agency now having or hereafter acquiring jurisdiction. The work will proceed only after procurement of each permit, license, or other authorization that may be required by any governmental agency having jurisdiction, and Borrower shall be responsible to the County for the procurement and maintenance thereof, as may be required of Borrower and all entities engaged in work on the Development.

(c) To the extent that the prevailing wage requirements of the federal Davis-Bacon Act (40 U.S.C. 3141-3148) apply to the rehabilitation of the Property, the Borrower shall cause rehabilitation of the Development performed after the date of First Amendment to this Agreement to be in compliance with the prevailing wage requirements of the federal Davis-Bacon Act (40 U.S.C. 3141-3148). The Borrower shall indemnify, hold harmless and defend (with counsel reasonably acceptable to the County) the County against any claim for damages, compensation, fines, penalties or other amounts arising out of the failure or alleged failure of any person or entity (including the Borrower, its contractor and subcontractors) to pay prevailing wages as determined pursuant to the prevailing wage provisions of the federal Davis-Bacon Act and implementing rules and regulations in connection with the rehabilitation of the Development or any other work undertaken or in connection with the Property after the date of the First Amendment to this Agreement. The requirements in this Subsection survive repayment of the Loan and the reconveyance of the Deed of Trust.

(d) With respect to the rehabilitation of the Development after the date of the First Amendment to this Agreement, to the extent that the California Labor Code Section 1720 et seq. requiring the payment of prevailing wages, and California Labor Code Sections 1777.5 et seq. regarding the employment of apprentices, and the implementing regulations of the Department of Industrial Relations (the "DIR") applies to the rehabilitation of the Development, Borrower shall comply with, and cause its contractors to comply with, California Labor Code Section 1720 et seq. requiring the payment of prevailing wages, and California Labor Code Sections 1777.5 et seq. regarding the employment of apprentices, and the implementing regulations of the DIR. Notwithstanding the foregoing, nothing in this Agreement or the First Amendment shall be construed or interpreted to be a contract under California Labor Code Section 1720(f) requiring the payment of prevailing wages under California Labor Code Section 1720 et seq. nor the employment of apprentices, under California Labor Code Sections 1777.5 et seq. regarding the employment of apprentices, and the implementing regulations of the DIR. With respect to the rehabilitation of the Development after the date of the First Amendment to this Agreement, the Borrower shall indemnify, hold harmless and defend (with counsel reasonably acceptable to the County) the County against any claim for damages, compensation, fines, penalties or other amounts arising out of the failure or alleged failure of any person or entity (including Borrower, its contractor and subcontractors) to pay prevailing wages as determined pursuant to California Labor Code Section 1720 et seq., to employ apprentices pursuant to California Labor Code Section 1777.5 et seq., and implementing regulations of the DIR or to comply with the other applicable provisions of California Labor Code Sections 1720 et seq., 1777.5 et seq., and the implementing regulations of the DIR in connection with the rehabilitation of the Development or any other work undertaken or in connection with the Property, to the extent such laws apply to the Development. The requirements in this Subsection survive the repayment of the Loan, and the reconveyance of the Deed of Trust.

19. Section 3.10 of the Agreement is deleted in its entirety.
20. Section 3.11 of the Agreement is deleted in its entirety.
21. Section 3.13 of the Agreement is deleted in its entirety.
22. Section 3.15 of the Agreement is deleted in its entirety and replaced with the following:

Section 3.15 Approved Scope of Work.

As of the date of this Agreement, the County has approved the Approved Scope of Work set forth in Exhibit A-1. Borrower shall notify the County in a timely manner of any changes in the Approved Scope of Work. Changes to the Approved Scope of Work, other than additions to the Scope of Work, are subject to the approval of the Director of the County's Department of Conservation and Development, in his reasonable discretion.

23. Section 4.1 of the Agreement is deleted in its entirety.
24. Section 4.2 of the Agreement is deleted in its entirety.
25. Section 4.14(a) of the Agreement is deleted in its entirety and replaced with the following:

(a) For purposes of this Agreement, "Transfer" means any sale, assignment, or transfer, whether voluntary or involuntary, of (i) any rights and/or duties under this Agreement, and/or (ii) any interest in the Development, including (but not limited to) a fee simple interest, a joint tenancy interest, a life estate, a partnership interest, a leasehold interest, a security interest, or an interest evidenced by a land contract by which possession of the Development is transferred and Borrower retains title. The term "Transfer" excludes (i) the leasing of any single unit in the Development to an occupant in compliance with the Regulatory Agreement, (ii) a lease that enables cable and/or laundry services to be available at the Development, (iii) transfers of limited partner interests in the Borrower, (iv) transfers of interests within the limited partner of Borrower, and (v) transfers of general partner interests to affiliates of the limited partner of Borrower.

26. Section 5.1(h) is deleted and replaced with the following:

(h) At the time of the recordation of the Assignment and Assumption Agreement, Borrower will have good and marketable fee title to the Development and there will exist thereon or with respect thereto no mortgage, lien pledge or other encumbrance of any character whatsoever other than liens for current real property taxes and liens in favor of the County or approved in writing by the County.

27. Article 6 of the Agreement is amended to include the following:

Section 6.5 Cure by Borrower's Limited Partner.

The cure of an Event of Default under this Agreement by Borrower's limited partner will be deemed to be a cure by Borrower.

28. Section 7.9 of the Agreement is deleted in its entirety and replaced with the following:

Section 7.9 Notices, Demands and Communications.

All notices required or permitted by any provision of this Agreement must be in writing and sent by registered or certified mail, postage prepaid, return receipt requested, or delivered by express delivery service, return receipt requested, or delivered personally, to the principal office of the Parties as follows:

County: County of Contra Costa  
Department of Conservation and Development  
30 Muir Road  
Martinez, CA 94553  
Attention: Assistant Deputy Director

Borrower: Reliant – Woods Grove, LP  
c/o Reliant Group Management, LLC  
601 California Street, Suite 1150  
San Francisco, CA 94108  
Attention: J. Caskie Collet

With a copy to: R4 WGCA Acquisition LLC  
c/o R4 Capital LLC  
780 Third Avenue, 10th Floor  
New York, New York 10017  
Attention: Marc Schnitzer

Such written notices, demands and communications may be sent in the same manner to such other addresses as the affected Party may from time to time designate by mail as provided in this Section. Receipt will be deemed to have occurred on the date shown on a written receipt as the date of delivery or refusal of delivery (or attempted delivery if undeliverable).

29. All other terms of the Agreement remain unchanged.

30. Borrower hereby affirms all of the representations and warranties made in Article 5 of the Agreement, as amended by this First Amendment.

31. This First Amendment is governed by the laws of the State of California.

[Remainder of Page Intentionally Left Blank]

32. This First Amendment may be executed in multiple originals, each of which is deemed to be an original.

County and Borrower are executing this First Amendment as of the date set forth in the introductory paragraph.

**BORROWER:**

Reliant – Woods Grove, LP, a California limited partnership

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

Name: \_\_\_\_\_

Its: \_\_\_\_\_

**COUNTY:**

CONTRA COSTA COUNTY, a political subdivision of the State of California

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

Name: \_\_\_\_\_

Its: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Deputy County Counsel

## Exhibit A-1

### Approved Scope of Work

1. New Roofs
2. New Windows
3. Exterior Paint
4. Upgraded / energy efficient site lighting
5. Conversion of 8 units to Handicapped Units with compliant ADA parking and path of travel
6. Upgraded Kitchens and Bathrooms, as necessary



Termination of Affordability Covenant

Recording Requested by  
and when recorded return to:

First American Title Insurance Company  
100 Mission Street, Suite 1600  
San Francisco, CA 94105

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TERMINATION OF AFFORDABILITY COVENANT

This Termination of Affordability Covenant ("Termination") is executed as of November \_\_, 2017, to be effective upon the date of recordation of this Termination in the Official Records of Contra Costa County, California.

BRIDGE Regional Partners, Inc., a California nonprofit public benefit corporation, ("BRP") hereby terminates and releases that certain Affordability Covenant executed by BRP as of October 15, 2010, recorded October 29, 2010 as Document number 2010-0241351-00 in the Official Records of Contra Costa County, California (the "Affordability Covenant").

This Termination may be executed in as many counterparts as may be deemed necessary and convenient, and by the different parties hereto on separate counterparts, each of which, when so executed, shall be deemed an original, but all such counterparts shall constitute one and the same instrument.

BRIDGE Regional Partners, Inc.,  
a California nonprofit public benefit corporation

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

[County signature on next page]

## Termination of Affordability Covenant

The County of Contra Costa, California, hereby consents to this termination and release of the Affordability Covenant executed by BRP as of October 15, 2010, recorded October 29, 2010 as Document number 2010-0241351-00 in the Official Records of Contra Costa County, California and to the recordation of this Termination in the Official Records of said County.

Contra Costa County

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

Name and Title: \_\_\_\_\_

Termination of Affordability Covenant

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

## Termination of Affordability Covenant

APN: 088-230-001

WHEN RECORDED RETURN TO:

Kutak Rock LLP  
1760 Market Street, Suite 1100  
Philadelphia, Pennsylvania 19103  
Attention: Andrew P. Schmutz, Esquire

## **SUBORDINATION AGREEMENT**

**NOTICE: THIS SUBORDINATION AGREEMENT RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO, AND OF LOWER PRIORITY THAN, THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENTS.**

**THIS SUBORDINATION AGREEMENT** (this “Agreement”) is dated November \_\_, 2017, for identification purposes only and is effective upon recording, by and among **U.S. BANK NATIONAL ASSOCIATION**, as trustee (together with its successors and assigns, “Senior Lender”), **RELIANT-WOODS GROVE, LP**, a California limited partnership (together with its successors and assigns, “Borrower”), and the **COUNTY OF CONTRA COSTA**, a political subdivision of the State of California (together with its successors and assigns, “Subordinated Lender”).

### **W I T N E S S E T H :**

WHEREAS, Subordinated Lender has made a loan that has been assumed by Borrower in an aggregate principal amount of \$800,000 (“Subordinate Loan”) pursuant to a County HOME Loan Agreement dated September 1, 2010 (“Subordinate Loan Agreement”), in connection with the rehabilitation of the 80-unit multifamily housing development known as Woods Grove Apartments, which it is situated in Pittsburg, California;

WHEREAS, the repayment obligations of the Borrower under the Subordinate Loan is evidenced by a promissory note (“Subordinate Note”) executed and delivered thereby;

WHEREAS, the Subordinate Loan is secured by a Deed of Trust With Assignment of Rents, Security Agreement, and Fixture Filing, which was recorded in the Official Records of Contra Costa County, California, as Instrument No. 2010-0241349 (“Subordinate Trust Deed”) against the real property in the City of Pittsburg, County of Contra Costa and State of California described in Exhibit A hereto (“Property”);

WHEREAS, the Subordinated Lender requires Borrower maintain in effect as a covenant certain affordability restrictions, which were imposed upon the Property pursuant to a Regulatory Agreement and Declaration of Restrictive Covenants recorded in the Official Records of Contra Costa County, California, as Instrument No. 2010-0241348 (“County Regulatory Agreement”);

)

WHEREAS, the Subordinated Lender requires Borrower to enter into an Assignment and Assumption and Consent to Assignment Agreement to be recorded concurrently herewith in the Official Records of Contra Costa County, California. Together, the Subordinate Note, Subordinate Loan Agreement, Subordinate Trust Deed, County Regulatory Agreement, Note and all other documents evidencing or securing the Subordinate Note, the “Subordinate Loan Documents”;

WHEREAS, , the Property is being acquired and rehabilitated, in part, with the proceeds of those certain Limited Obligation Multifamily Housing Revenue Bonds (Woods Grove Apartments), 2017 Issue K-1 issued by the California Housing Finance Agency (the “Issuer” ) in the original principal amount of \$[8,000,000] (the “Senior Bonds”) pursuant to an Indenture of Trust of even date herewith between California Housing Finance Agency (the “Issuer” and Senior Lender, as trustee (as amended, modified or supplemented from time to time, the “Indenture”)

WHEREAS, the proceeds of the Senior Bonds are being loaned to the Borrower (the “Loan”) pursuant to the terms of a Loan Agreement dated as of the date hereof between Issuer and the Borrower (as amended, modified or supplemented from time to time, the “Loan Agreement”);

WHEREAS, the Borrower’s obligations under the Loan Agreement are evidenced by a promissory note dated as of the date of issuance of the Bonds (as amended, modified or supplemented from time to time, the “Note”);

WHEREAS, Borrower’s obligations under the Loan Agreement are secured by, among other things, a Deed of Trust, Assignment of Rents and Leases, Security Agreement and Fixture Filing, granted by Borrower against the Property and naming Senior Lender, as assignee of Issuer, as beneficiary, to be recorded concurrently herewith in the Official Records of Contra Costa County, California (“Trust Deed” and, together with the Indenture, the Loan Agreement, the Note and all other documents evidencing or securing the Bonds or the Note, the “Loan Documents”);

WHEREAS, the conditions of Senior Lender making the Loan include the subordination of the Subordinated Liens to the Senior Liens, and the subordination of the Subordinated Indebtedness to the Senior Indebtedness, all as more fully described herein;

NOW, THEREFORE, in consideration of the mutual covenants and undertakings contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree to establish the relative priority of the documents described in the foregoing recitals as follows:

1. Definitions. For purposes of this Agreement, the following terms shall have the following meanings:

1.1 “Senior Indebtedness” means all obligations of any type or nature secured by the Senior Liens, presently or hereafter due from Borrower, its successors and assigns, to Senior Lender, or its successors, assigns or participants, including without limitation, the Loan, those obligations under the Loan Agreement, the Notes, and all other principal, interest, charges, and expenses under or incidental to any indebtedness secured by the Senior Liens.

1.2 “Senior Liens” means all liens, mortgages, Trust Deed, security interests, and collateral assignments of any type or nature, previously given or hereafter granted by Borrower to Senior Lender, including without limitation, those liens, assignments and security interests granted in the Trust Deed and the other Loan Documents.

1.3 “Subordinated Indebtedness” means all obligations of any type or nature secured by the Subordinated Liens, presently or hereafter due from Borrower to Subordinated Lender, including without limitation, those obligations contained in the Subordinate Loan Documents, together, in each instance, with all interest and other charges or expenses incidental to any of the foregoing.

1.4 “Subordinated Liens” means all liens, mortgages, and security interests of any type or nature, previously or hereafter granted by Borrower to Subordinated Lender, including without limitation, liens and security interests granted in the Subordinate Trust Deed.

2. Consent of Subordinated Lender. Notwithstanding any of the terms of the Subordinate Loan Documents to the contrary, the Subordinated Lender hereby consents to the creation, now or hereafter, of the Senior Indebtedness and the Senior Liens and to the execution and delivery by Borrower of any and all documents and instruments in connection therewith, including without limitation, the Trust Deed, and to the performance by Borrower of any and all of its obligations under or in connection therewith or resulting therefrom. Subordinated Lender agrees that no such action shall constitute an event of default or an event, which with the passage of time, or giving of notice, or both, would become an event of default under any document or instrument relating to the Subordinated Indebtedness or Subordinated Liens.

3. Subordination of Subordinated Liens; Subordination of Subordinated Indebtedness and Subrogation Rights.

3.1 In consideration of (among other actions) Senior Lender making the Loan, the Subordinated Liens are hereby subordinated to the Senior Liens and the Senior Liens shall at all times be first, prior, and superior to the Subordinated Liens in all respects. The terms and provisions of any document creating or relating to a Subordinated Lien are hereby amended to provide that so long as any of the Senior Liens remain unpaid, the Subordinated Liens therein granted are subordinate to the Senior Liens and that none of

the terms and provisions of such documents or instruments evidencing the Subordinated Liens shall affect or limit in any way the rights or remedies provided to the holder of the Senior Indebtedness under the Senior Liens.

3.2 Subordinated Lender agrees that if by reason of its exercise of any other right or remedy under the Subordinated Liens or otherwise in respect of the Subordinated Indebtedness, it acquires by right of subrogation or otherwise a lien on the Property which (but for this subsection) would be senior to the lien of the Senior Liens, then, in that event, such lien shall be subject and subordinate to the lien of the Senior Liens.

3.3 In consideration of (among other actions) Senior Lender making the Loan, the Subordinated Indebtedness is hereby subordinated to the Senior Indebtedness and repayment of the Senior Indebtedness shall at all times be first, prior, and superior to the Subordinated Indebtedness in all respects. Subordinated Lender hereby agrees that as long as any of the Senior Indebtedness remains unpaid, repayment of the Subordinated Indebtedness is subordinate to the Senior Indebtedness and that none of the respective terms and provisions of such documents or instruments evidencing or creating the Subordinated Indebtedness shall effect or limit the rights or remedies provided to the Senior Lender in respect of the Senior Indebtedness.

4. Subordination of Subordinated Indebtedness; Distributions and Payments of Net Cash Flow; Priority Among Subordinated Liens.

4.1 The terms and provisions of any document creating or relating to the Subordinated Indebtedness are hereby deemed amended for purposes of this Agreement to provide that so long as any of the Senior Indebtedness remains unpaid, the Subordinated Indebtedness is subordinate to the Senior Indebtedness and that none of the terms and provisions of such documents or instruments evidencing or creating the Subordinated Indebtedness shall effect or limit in any way the rights or remedies provided to the Senior Lender in respect of the Senior Indebtedness.

4.2 Provided that in each instance amounts then due and payable in respect of the Senior Indebtedness (including, without limitation, funding of required reserves) have been paid in full and there exists no default or event of default under the documents evidencing or creating the Senior Indebtedness or securing the Senior Indebtedness pursuant to the Senior Liens (including without limitation the Loan Documents), and subject to Section \_\_\_ of the Loan Agreement, Net Cash Flow (as defined in the Loan Agreement) shall be utilized, to the extent available, to pay the Subordinated Indebtedness. Unless and until Senior Lender has declared Borrower in default and all applicable notice and cure periods have expired, Borrower will pay any and all amounts outstanding to Subordinated Lender as such amounts become due and payable under the Subordinate Loan Documents.

5. Insolvency Proceedings Against Borrower. The insolvency or bankruptcy of Borrower shall not affect this Agreement, and the same shall remain in full force and effect. In



any insolvency or bankruptcy proceeding for the complete liquidation of Borrower or any of its general partners, Senior Lender is hereby assigned the right to collect the Subordinated Indebtedness and apply it to the Senior Indebtedness and Subordinated Lender shall not receive any distribution from the bankruptcy estate of Borrower or its general partner (as the case may be) unless and until the Senior Indebtedness has been satisfied in full. The Subordinated Lender agrees that during the term of this Agreement it will not, without, in each case, the Senior Lender's prior, written consent: (i) commence, or join with any other creditor in commencing any bankruptcy reorganization, arrangement, insolvency or liquidation proceedings with respect to the Borrower; (ii) make any election, give any consent, commence any action or file any motion, claim, obligation, notice or application or take any other action in any insolvency proceeding by or against the Borrower or any other obligor with respect to the Subordinate Loan Documents; or (iii) challenge the validity or amount of any claim submitted in such proceeding by Senior Lender in good faith or any valuations of the Property or any other Collateral, or any portion of the foregoing, or other Senior Indebtedness collateral submitted by Senior Lender in good faith, in such proceeding or take any other action in such proceeding, which is adverse to Senior Lender's enforcement of its claim or receipt of adequate protection (as that term is defined in the Bankruptcy Code).

6. Assignment; Encumbrances and Transfers. Subordinated Lender represents and warrants that, as of the date of this Agreement, no part of the Subordinated Indebtedness or Subordinated Liens of which it is the party in interest has been sold, assigned, encumbered, endorsed or transferred to or for the benefit of others. Subordinated Lender agrees not to sell, assign, transfer, or endorse or otherwise encumber the Subordinated Indebtedness of which it is the party in interest, no matter how evidenced, to any party unless prior to any such sale, assignment, transfer, endorsement, or encumbrance satisfactory written evidence (which evidence may take the form of a legal opinion) is provided to Senior Lender that the terms of this Agreement (or substantially similar agreement entered into concurrently with such any proposed sale, assignment, transfer, endorsement or encumbrance) shall bind all such successors, assigns, transferees, and endorsees of Subordinated Lender and all subsequent interest holders (beneficial or otherwise) of the affected Subordinated Liens.

7. Additional Documentation; Cooperation. Subordinated Lender further agrees to cooperate with Senior Lender from time to time and execute and deliver such instruments and to take such other actions (to the extent permitted by law) as may reasonably be requested by Senior Lender in order to enable Senior Lender to enforce its rights under this Agreement. Subordinated Lender shall not, without the prior written consent of Senior Lender, take any action that has the effect of increasing any portion of the Subordinated Indebtedness.

8. No Liability.

8.1 The parties hereto agree that Senior Lender shall not be liable for any action or failure to act under or in connection with any of the documents or instruments creating the Senior Liens or the Senior Indebtedness, it being understood that the decision of whether and when to act and the manner of proceeding under such instruments and documents shall not be affected in any manner by the existence of the Subordinated

Indebtedness and the Subordinated Liens. It is further agreed that such obligations as may be imposed under the documents and instruments creating the Senior Liens or under applicable laws shall run exclusively to the benefit of Senior Lender and may be enforced or waived only by Senior Lender and not by the Subordinated Lender or the holders of the Subordinated Liens or Subordinated Indebtedness.

8.2 The parties hereto agree that Subordinated Lender shall not be liable for any action or failure to act under or in connection with any of the documents or instruments creating the Subordinated Liens or the Subordinated Indebtedness except to the extent set forth in such documents, it being understood that the decision of whether and when to act and the manner of proceeding under such instruments and documents shall not be affected in any manner by the existence of the Senior Indebtedness and the Senior Liens, except to the extent set forth in this Agreement. It is further agreed that such obligations as may be imposed under the documents and instrument creating the Subordinated Liens or under applicable laws shall run exclusively to the benefit of Subordinated Lender and may be enforced or waived only by Subordinated Lender and not by the Senior Lender or the holders of the Senior Liens or Senior Indebtedness.

9. Insurance and Condemnation. Subordinated Lender agrees that if it receives any insurance or condemnation proceeds in respect of any of the assets of Borrower subject to the Senior Liens, Subordinated Lender shall immediately so notify Senior Lender in writing and shall deliver such proceeds to or on the order of the Senior Lender so long as any Senior Indebtedness remains unpaid. Notwithstanding this Section, the Senior Lender will release the proceeds, awards and compensation described above to the Borrower to be used to reconstruct the improvements on the Property provided that the Senior Lender reasonably determines that rebuilding is financially feasible in accordance with and subject to the applicable provisions of the Loan Documents. Subordinated Lender agrees it shall have no right to participate in the adjustment of the proceeds of insurance payable as the result of any casualty to the Improvements, or to participate in any manner whatsoever in activities relating to restoration or reconstruction of the Improvements, and Senior Lender shall have the exclusive right to receive, administer and apply all such proceeds as set forth in the Loan Documents.

10. Irrevocability of Agreement. Subordinated Lender agrees that, without prior notice to or further prior assent by Subordinated Lender but subject, in each instance, to the terms and provisions of the agreements creating the Senior Indebtedness and Senior Liens (a) the liability of Borrower in respect of the Senior Indebtedness may, in whole or in part, be renewed, extended, modified, or released by Senior Lender and the documents and instruments creating or evidencing the Senior Indebtedness or the Senior Liens may be amended or supplemented, as Senior Lender may deem advisable (including without limitation, an amendment to add as obligations secured by the Senior Liens) as long as the amount of the Senior Indebtedness is not increased, (b) any collateral and/or security interests in respect of the Senior Indebtedness (other than the Property) may, from time to time, in whole or in part, be assigned, transferred, exchanged, sold, encumbered or surrendered by Senior Lender, and (c) any deposit balance or balances to the credit of Borrower may, from time to time, in whole or in part, be surrendered or released by Senior Lender to Borrower, all without impairing or in any way affecting the

subordination contained in this Agreement; nor shall the subordination herein contained be impaired or affected in any way by any other action, inaction, or omission in respect of the Senior Indebtedness, the Senior Liens or this Agreement. Subordinated Lender further agrees that it will not consent to any amendment, modification of, supplement to, or waiver or consent with respect to, the Subordinated Liens or the Subordinated Indebtedness or any other documents executed or delivered in connection therewith that would increase the amount of the Subordinated Indebtedness or require additional rent restrictions upon the Property, reduce the rental income or increase the operating costs without the prior, written consent of the Senior Lender.

## 11. Default and Remedies.

11.1 The Borrower shall, immediately upon receipt from the Subordinated Lender, provide to the Senior Lender copies of any notice of default or breach (prospective or otherwise) and notice of the pursuit or waiver of any available remedy in respect thereof. Subordinated Lender hereby agrees to give notice to Senior Lender of any default under the Subordinate Loan Documents within five business days of notice to Borrower. Senior Lender hereby agrees to give notice to Subordinated Lender of any default under the Senior Loan Documents within five business days of notice to Borrower.

11.2 Subordinated Lender declares, agrees, and acknowledges that it will not, without the prior written consent of Senior Lender: (i) sue the Borrower or any other obligor under any of the Subordinate Loan Documents; (ii) accelerate or accept prepayment in full or in part of the Subordinate Indebtedness; (iii) commence any action to foreclose or exercise any power of sale under the Subordinate Mortgage; (iv) accept a deed or assignment in lieu of foreclosure for the Property or any part or portion thereof; (v) seek or obtain a receiver for the Property or any part or portion thereof; (vi) take possession or control of the Property, or collect or accept any rents from the Property; (vii) take any action that would terminate any leases or other rights held by or granted to or by third parties with respect to the Property; (viii) initiate or join any other creditor in commencing any Proceeding with respect to the Borrower or any other obligor; (ix) incur any obligation to the Borrower or any other obligor other than as provided in the Subordinate Loan Agreement, (x) exercise any other remedies under the Subordinate Loan Documents; or (xi) take any other enforcement action against the Borrower or any other obligor or against the Property or any part or portion thereof.

11.3 Notwithstanding the provisions of Section 11.2 above, the Subordinated Lender may, without the consent of the Senior Lender, exercise the remedy of pursuing specific performance of the County Regulatory Agreement.

11.4 Subordinated Lender agrees that Senior Lender shall have, as determined in accordance with and subject to the terms of the Loan Documents, upon the occurrence of an Event of Default under and as defined in the Loan Documents, the right to (i) accelerate or accept prepayment in full or in part of the Senior Indebtedness; (ii)

commence any action to foreclose or exercise any power of sale under the Senior Mortgage; (iii) accept a deed or assignment in lieu of foreclosure for the Property or any part or portion thereof; (iv) seek or obtain a receiver for the Property or any part or portion thereof; (v) take possession or control of the Property, and collect and accept rents from the Property; (vi) sue the Borrower or any other obligor under any of the Loan Documents; (vii) exercise any rights of set-off or recoupment that Senior Lender may have against the Borrower or any other obligor; (viii) exercise any other remedies under the Loan Documents; or (ix) take any other enforcement action against the Property or any part or portion thereof, all without any responsibility or liability to Subordinated Lender with respect to the Property, the Borrower, the [General Partner][Managing Member] or any other obligor.

11.5 Subordinated Lender agrees that Senior Lender shall have absolute power and discretion, without notice to Subordinated Lender, to deal in any manner with the Senior Indebtedness, including interest, costs and expenses payable by the Borrower to Senior Lender, and any security and guaranties therefor, including, but not by way of limitation, release, surrender, extension, renewal, acceleration, compromise or substitution; provided that Senior Lender shall not increase the principal amount of the indebtedness to which the Subordinate Loan Documents are subordinate (other than increases resulting from protective advances or payment of Senior Lender's costs) without the prior written consent of Subordinated Lender, which consent shall not be unreasonably withheld or delayed.

11.6 Subordinated Lender further agrees that if at any time Subordinated Lender should commence any foreclosure proceeding, or commence any action to execute on any lien obtained by way of attachment or otherwise on the Property, or otherwise take any action prohibited under Section 11.2, Senior Lender shall (unless Senior Lender has consented to such action or remedy) be entitled to have the same vacated, dissolved and set aside by such proceedings at law or otherwise as Senior Lender may deem proper, and this Agreement shall be and constitute full and sufficient grounds therefor and shall entitle Senior Lender to become a party to any proceedings at law or otherwise in or by which Senior Lender may deem it proper to protect its interests hereunder.

11.7 The Senior Lender agrees that the Subordinated Lender shall have the right (but not the obligation) to cure any or all defaults under the Loan Documents within the cure periods afforded to the Borrower under the Loan Documents. The cure right provided to the Subordinated Lender pursuant to this Section shall not be construed, directly or indirectly, to prevent Senior Lender from enforcing all remedies available to Senior Lender under the Senior Liens.

11.8 Subordinated Lender agrees that in the event of any foreclosure of the Trust Deed, the restrictive covenants, conditions, and restrictions set forth in the Subordinated Liens shall be extinguished and be of no force or effect on the purchaser pursuant to such foreclosure proceeding in order to ensure, in each instance, that Senior

Lender realizes the practical benefits of its senior position and interests hereunder and under the Senior Liens.

12. Miscellaneous.

12.1 This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns, including any party substituted as a beneficiary under the Trust Deed. This Agreement shall be construed and enforced in accordance with the laws of the State of California, without regard to the choice of law provisions thereof.

12.2 If any of the provisions or terms of this Agreement shall for any reason be held invalid or unenforceable, such invalidity or unenforceability shall not affect any other of the terms hereof, and this Agreement shall be construed as if such unenforceable term had never been contained herein.

12.3 All notices and other communications hereunder shall be deemed to have been duly given, made, or served, if in writing and delivered personally or mailed by first class mail, postage prepaid, to the respective parties to this Agreement as follows:

(a) If to Borrower:

Reliant-Woods Grove, LP  
c/o Reliant Group Management, LLC  
601 California Street, Suite 1150  
San Francisco, CA 94108  
Attn: J. Caskie Collet

(b) If to Subordinated Lender:

County of Contra Costa  
Department of Conservation and Development  
30 Muir Road  
Martinez, CA 94553  
Attention: Assistant Deputy Director

(c) If to Senior Lender:

U.S. Bank National Association, as trustee  
1420 Fifth Avenue, 7<sup>th</sup> Floor  
Seattle, Washington 98101  
Attention: Global Corporate Trust Services

With a copy to:

R4 Servicer LLC

155 Federal Street, Suite 1004  
Boston, Massachusetts 02110  
Attention: Greg Doble  
E-mail: [gdoble@r4cap.com](mailto:gdoble@r4cap.com)

The designation of the person to be so notified or the address of such person for the purposes of such notice may be changed from time to time by similar notice in writing, except that any communication with respect to a change of address shall be deemed to be given and made when received by the party to whom such communication was sent. No other method of notice is precluded by this Section 12.3.

12.4 This Agreement represents the entire agreement between the parties hereto on the subject matter hereof and, except as expressly provided herein, shall not be affected by reference to any other documents. Neither this Agreement nor any provision hereof may be changed, waived, discharged, or terminated orally, but such may be accomplished only by an instrument in writing signed by the party against whom enforcement of the change, waiver, discharge, or termination is sought.

12.5 [Reserved]

12.6 The Borrower, Senior Lender and Subordinated Lender each agrees that, in the event of any conflict or inconsistency between the terms of the Senior Liens, the Senior Indebtedness, the Subordinated Liens or the Subordinated Indebtedness (as the case may be) and the terms of this Agreement, the terms of this Agreement shall govern and control as to: (a) the relative priority of interests between the Senior Lender and the Subordinated Lender; (b) the timing of the exercise of remedies by the Senior Lender and the Subordinated Lender under the Senior Liens and the Subordinated Liens, respectively; and (c) solely as between the Senior Lender and the Subordinated Lender, the notice requirements, and the other rights and obligations which the Senior Lender and the Subordinated Lender have agreed to as expressly provided in this Agreement. Borrower acknowledges that the terms and provisions of this Agreement shall not, and shall not be deemed to: extend Borrower's time to cure any default in respect of the Senior Indebtedness or the Subordinated Indebtedness, as the case may be; give the Borrower the right to notice of any default in respect of the Senior Indebtedness or the Subordinated Indebtedness, as the case may be other than that, if any, provided, respectively under the documents evidencing the Senior Indebtedness or the Subordinated Indebtedness; or create any other right or benefit for Borrower as against Senior Lender or Subordinated Lender or any of them.

*[Remainder of page left blank intentionally.]*

IN WITNESS WHEREOF, the parties are executing this Subordination Agreement as of the date and year first above written.

RELIANT-WOODS GROVE, LP, a California limited partnership

By: [Gung Ho-Woods Grove, LLC, a California limited liability company, its co-general partner]

By: \_\_\_\_\_  
Name:  
Title:

By: [Rainbow Housing Assistance Corporation, a California corporation, its managing general partner]

By: \_\_\_\_\_  
Name:  
Title:

## CALIFORNIA ACKNOWLEDGEMENT

State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,

\_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)



**COUNTY OF CONTRA COSTA**, a political  
subdivision of the State of California  
as Subordinated Lender

By: \_\_\_\_\_  
Name  
Title

## CALIFORNIA ACKNOWLEDGEMENT

State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,

\_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

**CALIFORNIA ACKNOWLEDGEMENT**

State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

U.S. BANK NATIONAL ASSOCIATION, as trustee, as  
Senior Lender

By: \_\_\_\_\_  
Name: Deborah Kuykendall  
Title: Vice President

**CALIFORNIA ACKNOWLEDGEMENT**

State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

**EXHIBIT A**  
**LEGAL DESCRIPTION**

APN: 088-230-001

WHEN RECORDED RETURN TO:

Reliant CAP VIII, LLC  
601 California St., Suite 1150  
San Francisco CA 94108

**SUBORDINATION AGREEMENT  
(Subordinate Bonds)**

**NOTICE: THIS SUBORDINATION AGREEMENT RESULTS IN  
YOUR SECURITY INTEREST IN THE PROPERTY BECOMING  
SUBJECT TO, AND OF LOWER PRIORITY THAN, THE LIEN OF  
SOME OTHER OR LATER SECURITY INSTRUMENTS.**

**THIS SUBORDINATION AGREEMENT** (this “Agreement”) is dated November \_\_, 2017, for identification purposes only and is effective upon recording, by and among **U.S. BANK NATIONAL ASSOCIATION**, as trustee (together with its successors and assigns, “Senior Lender”), **RELIANT-WOODS GROVE, LP**, a California limited partnership (together with its successors and assigns, “Borrower”), and the **COUNTY OF CONTRA COSTA**, a political subdivision of the State of California (together with its successors and assigns, “Subordinated Lender”).

**W I T N E S S E T H :**

WHEREAS, Subordinated Lender has made a loan that has been assumed by Borrower in an aggregate principal amount of \$800,000 (“Subordinate Loan”) pursuant to a County HOME Loan Agreement dated September 1, 2010 (“Subordinate Loan Agreement”), in connection with the rehabilitation of the 80-unit multifamily housing development known as Woods Grove Apartments, which it is situated in Pittsburg, California;

WHEREAS, the repayment obligations of the Borrower under the Subordinate Loan is evidenced by a promissory note (“Subordinate Note”) executed and delivered thereby;

WHEREAS, the Subordinate Loan is secured by a Deed of Trust With Assignment of Rents, Security Agreement, and Fixture Filing, which was recorded in the Official Records of Contra Costa County, California, as Instrument No. 2010-0241349 (“Subordinate Trust Deed”) against the real property in the City of Pittsburg, County of Contra Costa and State of California described in Exhibit A hereto (“Property”);

WHEREAS, the Subordinated Lender requires Borrower maintain in effect as a covenant certain affordability restrictions, which were imposed upon the Property pursuant to a Regulatory Agreement and Declaration of Restrictive Covenants recorded in the Official Records of Contra Costa County, California, as Instrument No. 2010-0241348 (“County

Regulatory Agreement”);

WHEREAS, the Subordinated Lender requires Borrower to enter into an Assignment and Assumption and Consent to Assignment Agreement to be recorded concurrently herewith in the Official Records of Contra Costa County, California. Together, the Subordinate Note, Subordinate Loan Agreement, Subordinate Trust Deed, County Regulatory Agreement, Note and all other documents evidencing or securing the Subordinate Note, the “Subordinate Loan Documents”;

WHEREAS, , the Property is being acquired and rehabilitated, in part, with the proceeds of those certain Limited Obligation Multifamily Housing Revenue Bonds (Woods Grove Apartments), 2017 Subordinate Issue K issued by the California Housing Finance Agency (the “Issuer”) in the original principal amount of \$3,500,000 (the “Bonds”) pursuant to an Indenture of Trust of even date herewith between California Housing Finance Agency (the “Issuer” and Senior Lender, as trustee (as amended, modified or supplemented from time to time, the “Indenture”)

WHEREAS, the proceeds of the Bonds are being loaned to the Borrower (the “Loan”) pursuant to the terms of a Financing Agreement dated as of the date hereof between Issuer and the Borrower (as amended, modified or supplemented from time to time, the “Loan Agreement”);

WHEREAS, the Borrower’s obligations under the Loan Agreement are evidenced by a promissory note dated as of the date of issuance of the Bonds (as amended, modified or supplemented from time to time, the “Note”);

WHEREAS, Borrower’s obligations under the Loan Agreement are secured by, among other things, a Subordinate Multifamily Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing, granted by Borrower against the Property and naming Senior Lender, as assignee of Issuer, as beneficiary, to be recorded concurrently herewith in the Official Records of Contra Costa County, California (“Trust Deed” and, together with the Indenture, the Loan Agreement, the Note and all other documents evidencing or securing the Bonds or the Note, the “Loan Documents”);

WHEREAS, the conditions of Senior Lender making the Loan include the subordination of the Subordinated Liens to the Senior Liens, and the subordination of the Subordinated Indebtedness to the Senior Indebtedness, all as more fully described herein;

NOW, THEREFORE, in consideration of the mutual covenants and undertakings contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree to establish the relative priority of the documents described in the foregoing recitals as follows:



1. Definitions. For purposes of this Agreement, the following terms shall have the following meanings:

1.1 “Senior Indebtedness” means all obligations of any type or nature secured by the Senior Liens, presently or hereafter due from Borrower, its successors and assigns, to Senior Lender, or its successors, assigns or participants, including without limitation, the Loan, those obligations under the Loan Agreement, the Notes, and all other principal, interest, charges, and expenses under or incidental to any indebtedness secured by the Senior Liens.

1.2 “Senior Liens” means all liens, mortgages, Trust Deed, security interests, and collateral assignments of any type or nature, previously given or hereafter granted by Borrower to Senior Lender, including without limitation, those liens, assignments and security interests granted in the Trust Deed and the other Loan Documents.

1.3 “Subordinated Indebtedness” means all obligations of any type or nature secured by the Subordinated Liens, presently or hereafter due from Borrower to Subordinated Lender, including without limitation, those obligations contained in the Subordinate Loan Documents, together, in each instance, with all interest and other charges or expenses incidental to any of the foregoing.

1.4 “Subordinated Liens” means all liens, mortgages, and security interests of any type or nature, previously or hereafter granted by Borrower to Subordinated Lender, including without limitation, liens and security interests granted in the Subordinate Trust Deed.

2. Consent of Subordinated Lender. Notwithstanding any of the terms of the Subordinate Loan Documents to the contrary, the Subordinated Lender hereby consents to the creation, now or hereafter, of the Senior Indebtedness and the Senior Liens and to the execution and delivery by Borrower of any and all documents and instruments in connection therewith, including without limitation, the Trust Deed, and to the performance by Borrower of any and all of its obligations under or in connection therewith or resulting therefrom. Subordinated Lender agrees that no such action shall constitute an event of default or an event, which with the passage of time, or giving of notice, or both, would become an event of default under any document or instrument relating to the Subordinated Indebtedness or Subordinated Liens.

3. Subordination of Subordinated Liens; Subordination of Subordinated Indebtedness and Subrogation Rights.

3.1 In consideration of (among other actions) Senior Lender making the Loan, the Subordinated Liens are hereby subordinated to the Senior Liens and the Senior Liens shall at all times be first, prior, and superior to the Subordinated Liens in all respects. The terms and provisions of any document creating or relating to a Subordinated Lien are hereby amended to provide that so long as any of the Senior Liens remain unpaid, the Subordinated Liens therein granted are subordinate to the Senior Liens and that none of

the terms and provisions of such documents or instruments evidencing the Subordinated Liens shall affect or limit in any way the rights or remedies provided to the holder of the Senior Indebtedness under the Senior Liens.

3.2 Subordinated Lender agrees that if by reason of its exercise of any other right or remedy under the Subordinated Liens or otherwise in respect of the Subordinated Indebtedness, it acquires by right of subrogation or otherwise a lien on the Property which (but for this subsection) would be senior to the lien of the Senior Liens, then, in that event, such lien shall be subject and subordinate to the lien of the Senior Liens.

3.3 In consideration of (among other actions) Senior Lender making the Loan, the Subordinated Indebtedness is hereby subordinated to the Senior Indebtedness and repayment of the Senior Indebtedness shall at all times be first, prior, and superior to the Subordinated Indebtedness in all respects. Subordinated Lender hereby agrees that as long as any of the Senior Indebtedness remains unpaid, repayment of the Subordinated Indebtedness is subordinate to the Senior Indebtedness and that none of the respective terms and provisions of such documents or instruments evidencing or creating the Subordinated Indebtedness shall effect or limit the rights or remedies provided to the Senior Lender in respect of the Senior Indebtedness.

4. Subordination of Subordinated Indebtedness; Distributions and Payments of Net Cash Flow; Priority Among Subordinated Liens.

4.1 The terms and provisions of any document creating or relating to the Subordinated Indebtedness are hereby deemed amended for purposes of this Agreement to provide that so long as any of the Senior Indebtedness remains unpaid, the Subordinated Indebtedness is subordinate to the Senior Indebtedness and that none of the terms and provisions of such documents or instruments evidencing or creating the Subordinated Indebtedness shall effect or limit in any way the rights or remedies provided to the Senior Lender in respect of the Senior Indebtedness.

4.2 Provided that in each instance amounts then due and payable in respect of the Senior Indebtedness (including, without limitation, funding of required reserves) have been paid in full and there exists no default or event of default under the documents evidencing or creating the Senior Indebtedness or securing the Senior Indebtedness pursuant to the Senior Liens (including without limitation the Loan Documents), and subject to Section \_\_\_ of the Loan Agreement, Net Cash Flow (as defined in the Loan Agreement) shall be utilized, to the extent available, to pay the Subordinated Indebtedness. Unless and until Senior Lender has declared Borrower in default and all applicable notice and cure periods have expired, Borrower will pay any and all amounts outstanding to Subordinated Lender as such amounts become due and payable under the Subordinate Loan Documents.

5. Insolvency Proceedings Against Borrower. The insolvency or bankruptcy of Borrower shall not affect this Agreement, and the same shall remain in full force and effect. In

any insolvency or bankruptcy proceeding for the complete liquidation of Borrower or any of its general partners, Senior Lender is hereby assigned the right to collect the Subordinated Indebtedness and apply it to the Senior Indebtedness and Subordinated Lender shall not receive any distribution from the bankruptcy estate of Borrower or its general partner (as the case may be) unless and until the Senior Indebtedness has been satisfied in full. The Subordinated Lender agrees that during the term of this Agreement it will not, without, in each case, the Senior Lender's prior, written consent: (i) commence, or join with any other creditor in commencing any bankruptcy reorganization, arrangement, insolvency or liquidation proceedings with respect to the Borrower; (ii) make any election, give any consent, commence any action or file any motion, claim, obligation, notice or application or take any other action in any insolvency proceeding by or against the Borrower or any other obligor with respect to the Subordinate Loan Documents; or (iii) challenge the validity or amount of any claim submitted in such proceeding by Senior Lender in good faith or any valuations of the Property or any other Collateral, or any portion of the foregoing, or other Senior Indebtedness collateral submitted by Senior Lender in good faith, in such proceeding or take any other action in such proceeding, which is adverse to Senior Lender's enforcement of its claim or receipt of adequate protection (as that term is defined in the Bankruptcy Code).

6. Assignment; Encumbrances and Transfers. Subordinated Lender represents and warrants that, as of the date of this Agreement, no part of the Subordinated Indebtedness or Subordinated Liens of which it is the party in interest has been sold, assigned, encumbered, endorsed or transferred to or for the benefit of others. Subordinated Lender agrees not to sell, assign, transfer, or endorse or otherwise encumber the Subordinated Indebtedness of which it is the party in interest, no matter how evidenced, to any party unless prior to any such sale, assignment, transfer, endorsement, or encumbrance satisfactory written evidence (which evidence may take the form of a legal opinion) is provided to Senior Lender that the terms of this Agreement (or substantially similar agreement entered into concurrently with such any proposed sale, assignment, transfer, endorsement or encumbrance) shall bind all such successors, assigns, transferees, and endorsees of Subordinated Lender and all subsequent interest holders (beneficial or otherwise) of the affected Subordinated Liens.

7. Additional Documentation; Cooperation. Subordinated Lender further agrees to cooperate with Senior Lender from time to time and execute and deliver such instruments and to take such other actions (to the extent permitted by law) as may reasonably be requested by Senior Lender in order to enable Senior Lender to enforce its rights under this Agreement. Subordinated Lender shall not, without the prior written consent of Senior Lender, take any action that has the effect of increasing any portion of the Subordinated Indebtedness.

8. No Liability.

8.1 The parties hereto agree that Senior Lender shall not be liable for any action or failure to act under or in connection with any of the documents or instruments creating the Senior Liens or the Senior Indebtedness, it being understood that the decision of whether and when to act and the manner of proceeding under such instruments and documents shall not be affected in any manner by the existence of the Subordinated

Indebtedness and the Subordinated Liens. It is further agreed that such obligations as may be imposed under the documents and instruments creating the Senior Liens or under applicable laws shall run exclusively to the benefit of Senior Lender and may be enforced or waived only by Senior Lender and not by the Subordinated Lender or the holders of the Subordinated Liens or Subordinated Indebtedness.

8.2 The parties hereto agree that Subordinated Lender shall not be liable for any action or failure to act under or in connection with any of the documents or instruments creating the Subordinated Liens or the Subordinated Indebtedness except to the extent set forth in such documents, it being understood that the decision of whether and when to act and the manner of proceeding under such instruments and documents shall not be affected in any manner by the existence of the Senior Indebtedness and the Senior Liens, except to the extent set forth in this Agreement. It is further agreed that such obligations as may be imposed under the documents and instrument creating the Subordinated Liens or under applicable laws shall run exclusively to the benefit of Subordinated Lender and may be enforced or waived only by Subordinated Lender and not by the Senior Lender or the holders of the Senior Liens or Senior Indebtedness.

9. Insurance and Condemnation. Subordinated Lender agrees that if it receives any insurance or condemnation proceeds in respect of any of the assets of Borrower subject to the Senior Liens, Subordinated Lender shall immediately so notify Senior Lender in writing and shall deliver such proceeds to or on the order of the Senior Lender so long as any Senior Indebtedness remains unpaid. Notwithstanding this Section, the Senior Lender will release the proceeds, awards and compensation described above to the Borrower to be used to reconstruct the improvements on the Property provided that the Senior Lender reasonably determines that rebuilding is financially feasible in accordance with and subject to the applicable provisions of the Loan Documents. Subordinated Lender agrees it shall have no right to participate in the adjustment of the proceeds of insurance payable as the result of any casualty to the Improvements, or to participate in any manner whatsoever in activities relating to restoration or reconstruction of the Improvements, and Senior Lender shall have the exclusive right to receive, administer and apply all such proceeds as set forth in the Loan Documents.

10. Irrevocability of Agreement. Subordinated Lender agrees that, without prior notice to or further prior assent by Subordinated Lender but subject, in each instance, to the terms and provisions of the agreements creating the Senior Indebtedness and Senior Liens (a) the liability of Borrower in respect of the Senior Indebtedness may, in whole or in part, be renewed, extended, modified, or released by Senior Lender and the documents and instruments creating or evidencing the Senior Indebtedness or the Senior Liens may be amended or supplemented, as Senior Lender may deem advisable (including without limitation, an amendment to add as obligations secured by the Senior Liens) as long as the amount of the Senior Indebtedness is not increased, (b) any collateral and/or security interests in respect of the Senior Indebtedness (other than the Property) may, from time to time, in whole or in part, be assigned, transferred, exchanged, sold, encumbered or surrendered by Senior Lender, and (c) any deposit balance or balances to the credit of Borrower may, from time to time, in whole or in part, be surrendered or released by Senior Lender to Borrower, all without impairing or in any way affecting the

subordination contained in this Agreement; nor shall the subordination herein contained be impaired or affected in any way by any other action, inaction, or omission in respect of the Senior Indebtedness, the Senior Liens or this Agreement. Subordinated Lender further agrees that it will not consent to any amendment, modification of, supplement to, or waiver or consent with respect to, the Subordinated Liens or the Subordinated Indebtedness or any other documents executed or delivered in connection therewith that would increase the amount of the Subordinated Indebtedness or require additional rent restrictions upon the Property, reduce the rental income or increase the operating costs without the prior, written consent of the Senior Lender.

## 11. Default and Remedies.

11.1 The Borrower shall, immediately upon receipt from the Subordinated Lender, provide to the Senior Lender copies of any notice of default or breach (prospective or otherwise) and notice of the pursuit or waiver of any available remedy in respect thereof. Subordinated Lender hereby agrees to give notice to Senior Lender of any default under the Subordinate Loan Documents within five business days of notice to Borrower. Senior Lender hereby agrees to give notice to Subordinated Lender of any default under the Senior Loan Documents within five business days of notice to Borrower.

11.2 Subordinated Lender declares, agrees, and acknowledges that it will not, without the prior written consent of Senior Lender: (i) sue the Borrower or any other obligor under any of the Subordinate Loan Documents; (ii) accelerate or accept a prepayment in full or in part of the Subordinate Indebtedness; (iii) commence any action to foreclose or exercise any power of sale under the Subordinate Mortgage; (iv) accept a deed or assignment in lieu of foreclosure for the Property or any part or portion thereof; (v) seek or obtain a receiver for the Property or any part or portion thereof; (vi) take possession or control of the Property, or collect or accept any rents from the Property; (vii) take any action that would terminate any leases or other rights held by or granted to or by third parties with respect to the Property; (viii) initiate or join any other creditor in commencing any Proceeding with respect to the Borrower or any other obligor; (ix) incur any obligation to the Borrower or any other obligor other than as provided in the Subordinate Loan Agreement, (x) exercise any other remedies under the Subordinate Loan Documents; or (xi) take any other enforcement action against the Borrower or any other obligor or against the Property or any part or portion thereof.

11.3 Notwithstanding the provisions of Section 11.2 above, the Subordinated Lender may, without the consent of the Senior Lender, exercise the remedy of pursuing specific performance of the County Regulatory Agreement.

11.4 Subordinated Lender agrees that Senior Lender shall have, as determined in accordance with and subject to the terms of the Loan Documents, upon the occurrence of an Event of Default under and as defined in the Loan Documents, the right to (i) accelerate or accept prepayment in full or in part of the Senior Indebtedness; (ii)

commence any action to foreclose or exercise any power of sale under the Senior Mortgage; (iii) accept a deed or assignment in lieu of foreclosure for the Property or any part or portion thereof; (iv) seek or obtain a receiver for the Property or any part or portion thereof; (v) take possession or control of the Property, and collect and accept rents from the Property; (vi) sue the Borrower or any other obligor under any of the Loan Documents; (vii) exercise any rights of set-off or recoupment that Senior Lender may have against the Borrower or any other obligor; (viii) exercise any other remedies under the Loan Documents; or (ix) take any other enforcement action against the Property or any part or portion thereof, all without any responsibility or liability to Subordinated Lender with respect to the Property, the Borrower, the [General Partner][Managing Member] or any other obligor.

11.5 Subordinated Lender agrees that Senior Lender shall have absolute power and discretion, without notice to Subordinated Lender, to deal in any manner with the Senior Indebtedness, including interest, costs and expenses payable by the Borrower to Senior Lender, and any security and guaranties therefor, including, but not by way of limitation, release, surrender, extension, renewal, acceleration, compromise or substitution; provided that Senior Lender shall not increase the principal amount of the indebtedness to which the Subordinate Loan Documents are subordinate (other than increases resulting from protective advances or payment of Senior Lender's costs) without the prior written consent of Subordinated Lender, which consent shall not be unreasonably withheld or delayed.

11.6 Subordinated Lender further agrees that if at any time Subordinated Lender should commence any foreclosure proceeding, or commence any action to execute on any lien obtained by way of attachment or otherwise on the Property, or otherwise take any action prohibited under Section 11.2, Senior Lender shall (unless Senior Lender has consented to such action or remedy) be entitled to have the same vacated, dissolved and set aside by such proceedings at law or otherwise as Senior Lender may deem proper, and this Agreement shall be and constitute full and sufficient grounds therefor and shall entitle Senior Lender to become a party to any proceedings at law or otherwise in or by which Senior Lender may deem it proper to protect its interests hereunder.

11.7 The Senior Lender agrees that the Subordinated Lender shall have the right (but not the obligation) to cure any or all defaults under the Loan Documents within the cure periods afforded to the Borrower under the Loan Documents. The cure right provided to the Subordinated Lender pursuant to this Section shall not be construed, directly or indirectly, to prevent Senior Lender from enforcing all remedies available to Senior Lender under the Senior Liens.

11.8 Subordinated Lender agrees that in the event of any foreclosure of the Trust Deed, the restrictive covenants, conditions, and restrictions set forth in the Subordinated Liens shall be extinguished and be of no force or effect on the purchaser pursuant to such foreclosure proceeding in order to ensure, in each instance, that Senior

Lender realizes the practical benefits of its senior position and interests hereunder and under the Senior Liens.

12. Miscellaneous.

12.1 This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns, including any party substituted as a beneficiary under the Trust Deed. This Agreement shall be construed and enforced in accordance with the laws of the State of California, without regard to the choice of law provisions thereof.

12.2 If any of the provisions or terms of this Agreement shall for any reason be held invalid or unenforceable, such invalidity or unenforceability shall not affect any other of the terms hereof, and this Agreement shall be construed as if such unenforceable term had never been contained herein.

12.3 All notices and other communications hereunder shall be deemed to have been duly given, made, or served, if in writing and delivered personally or mailed by first class mail, postage prepaid, to the respective parties to this Agreement as follows:

(a) If to Borrower:

Reliant-Woods Grove, LP  
c/o Reliant Group Management, LLC  
601 California St., Suite 1150  
San Francisco CA 94108  
Attn: J. Caskie Collet

(b) If to Subordinated Lender:

County of Contra Costa  
Department of Conservation and Development  
30 Muir Road  
Martinez, CA 94553  
Attention: Assistant Deputy Director

(c) If to Senior Lender:

U.S. Bank National Association, as trustee  
1420 Fifth Avenue, 7<sup>th</sup> Floor  
Seattle, Washington 98101  
Attention: Global Corporate Trust Services

With a copy to:

Reliant CAP VIII, LLC

601 California St., Suite 1150  
San Francisco CA 94108  
Attention: J. Caskie Collet

The designation of the person to be so notified or the address of such person for the purposes of such notice may be changed from time to time by similar notice in writing, except that any communication with respect to a change of address shall be deemed to be given and made when received by the party to whom such communication was sent. No other method of notice is precluded by this Section 12.3.

12.4 This Agreement represents the entire agreement between the parties hereto on the subject matter hereof and, except as expressly provided herein, shall not be affected by reference to any other documents. Neither this Agreement nor any provision hereof may be changed, waived, discharged, or terminated orally, but such may be accomplished only by an instrument in writing signed by the party against whom enforcement of the change, waiver, discharge, or termination is sought.

12.5 [Reserved]

12.6 The Borrower, Senior Lender and Subordinated Lender each agrees that, in the event of any conflict or inconsistency between the terms of the Senior Liens, the Senior Indebtedness, the Subordinated Liens or the Subordinated Indebtedness (as the case may be) and the terms of this Agreement, the terms of this Agreement shall govern and control as to: (a) the relative priority of interests between the Senior Lender and the Subordinated Lender; (b) the timing of the exercise of remedies by the Senior Lender and the Subordinated Lender under the Senior Liens and the Subordinated Liens, respectively; and (c) solely as between the Senior Lender and the Subordinated Lender, the notice requirements, and the other rights and obligations which the Senior Lender and the Subordinated Lender have agreed to as expressly provided in this Agreement. Borrower acknowledges that the terms and provisions of this Agreement shall not, and shall not be deemed to: extend Borrower's time to cure any default in respect of the Senior Indebtedness or the Subordinated Indebtedness, as the case may be; give the Borrower the right to notice of any default in respect of the Senior Indebtedness or the Subordinated Indebtedness, as the case may be other than that, if any, provided, respectively under the documents evidencing the Senior Indebtedness or the Subordinated Indebtedness; or create any other right or benefit for Borrower as against Senior Lender or Subordinated Lender or any of them.

*[Remainder of page left blank intentionally.]*



IN WITNESS WHEREOF, the parties are executing this Subordination Agreement as of the date and year first above written.

RELIANT-WOODS GROVE, LP, a California limited partnership

By: [Gung Ho-Woods Grove, LLC, a California limited liability company, its co-general partner]

By: \_\_\_\_\_  
Name:  
Title:

By: [Rainbow Housing Assistance Corporation, a California corporation, its managing general partner]

By: \_\_\_\_\_  
Name:  
Title:

**CALIFORNIA ACKNOWLEDGEMENT**

State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,

\_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

**COUNTY OF CONTRA COSTA**, a political  
subdivision of the State of California  
as Subordinated Lender

By: \_\_\_\_\_  
Name  
Title

**CALIFORNIA ACKNOWLEDGEMENT**

State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,

\_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

**CALIFORNIA ACKNOWLEDGEMENT**

State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,

\_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

U.S. BANK NATIONAL ASSOCIATION, as trustee, as  
Senior Lender

By: \_\_\_\_\_  
Name: Deborah Kuykendall  
Title: Vice President

**CALIFORNIA ACKNOWLEDGEMENT**

State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

**EXHIBIT A**  
**LEGAL DESCRIPTION**





Contra  
Costa  
County

To: Board of Supervisors  
From: David O. Livingston, Sheriff-Coroner  
Date: November 14, 2017

Subject: Renewal of Cardroom License

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to renew Cardroom License Number 6, known as "California Grand Casino" currently located at 5988 Pacheco Blvd., Pacheco, California, for the period of November 26, 2017 through November 25, 2018.

**FISCAL IMPACT:**

\$10,000; \$500 application fee plus \$500 per table for licensing of nineteen (19) card tables. 100% Revenue.

**BACKGROUND:**

In accordance with County Ordinance No. 82-44, Chapter 52-3, Article 52-3.3, Section 52-3.321, an application has been submitted by Mr. Lamar V. Wilkinson for the renewal of Cardroom License Number 6, known as "California Grand Casino". The Office of the Sheriff conducted a background investigation of the applicant. The investigation produced no adverse information, which would preclude approval of this application. This Cardroom License will be issued to Mr. Lamar V. Wilkinson, owner of the cardroom establishment.

**CONSEQUENCE OF NEGATIVE ACTION:**

Negative action will result in Cardroom License Number 6 not being renewed and expiring on November 25, 2017. Once expired, the Cardroom will no longer be able to operate until such time that a new license has been approved.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☒ 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: November 14, 2017

Contact: Sandra Brown,  
925-335-1553

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

By: , Deputy

cc:

CHILDREN'S IMPACT STATEMENT:

No impact.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: November 14, 2017

Subject: Contract Amendment #27-456-13 with La Clinica De La Raza

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment #27-456-13 with La Clinica De La Raza, a non-profit corporation, effective November 1, 2017, to amend Contract #27-456-12, to add Pharmacy 340B Compliance Program requirements with no change to the payment limit of \$3,000,000, and no change in the original term of July 1, 2017 through June 30, 2018.

**FISCAL IMPACT:**

This amendment is funded 100% by Contra Costa Health Plan Enterprise Fund II. (No rate increase)

**BACKGROUND:**

On July 11, 2017, the Board of Supervisors approved Contract #27-456-12 with La Clinica De La Raza, for the provision of primary care and ophthalmology services for Contra Costa Health Plan (CCHP) members, for the period from July 1, 2017 through June 30, 2018.

Approval of Contract Amendment Agreement #27-456-13 will require the contractor to adhere to the Pharmacy 340B Compliance Program and continue to provide primary care and ophthalmology services, to CCHP members, through June 30, 2018.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this amendment is not approved, the contractor will not be required to adhere to the Pharmacy 340B Compliance Program and the County could be liable for insufficient reporting of discounted medication to the State.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Patricia Tanquary, 925-313-6004

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: Todd Billeci, County Probation Officer  
Date: November 14, 2017

Subject: Non-Minor Dependent Infant Supplement Payment

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**RECOMMENDATION(S):**

AUTHORIZE a one-time payment of \$1,800 for two months of Infant Supplement to a prior 602 WIC Non-Minor Dependent, C.R., as recommended by the Chief Probation Officer.

**FISCAL IMPACT:**

The \$1,800 one-time payment will be paid from the General Fund.

**BACKGROUND:**

During May 2017 and June 2017, C.R. was a 602 WIC Ward of the Court and a Non-Minor Dependent eligible to receive a \$900 per month Infant Supplement. A Board Order authorizing a one-time payment of \$1,800 is needed by the Probation Department in order for the Auditor-Controller to issue payment in this case.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Kimberly Martell, (925)  
313-4154

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

By: , Deputy

cc:



Contra  
Costa  
County

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: November 14, 2017

Subject: Update of the Operations of the Employment and Human Services Department, Community Services Bureau

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**RECOMMENDATION(S):**

ACCEPT the October 2017 update of the operations of the Employment and Human Services Department, Community Services Bureau, as recommended by the Employment and Human Services Department Director.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The Employment and Human Services Department submits a monthly report to the Contra Costa Board of Supervisors (BOS) to ensure ongoing communications with the County Administrator and BOS regarding any and all issues pertaining to the Head Start Program and Community Services Bureau.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Elaine Burres,  
925-608-4960

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

By: , Deputy

cc:

## ATTACHMENTS

CSB Oct 2017 CAO Report

CSB 2017 HS Fiscal

CSB Oct 2017 EHS Fiscal

CSB Oct 2017 CACFP Monthly  
Report

CSB Oct 2017 EHS CC Partnership 1

CSB Oct 2017 EHS CC Partnership 2

CSB Oct 2017 LIHEAP

CSB Oct 2017 Credit Card Report

CSB Oct 2017 Menu



To: David Twa, Contra Costa County Administrator  
From: Kathy Gallagher, EHSD Director  
Subject: Community Services Monthly Report  
Date: October 2017

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### News /Accomplishments

Camilla Rand, M.S.  
Director



- Seventeen (17) CSB student workers are officially enrolled in the Teacher Apprenticeship program. The first class was held on Monday, October 16<sup>th</sup>. The students had an orientation and tutorial on how to use laptops that were issued to them by CSB Business Systems to be used for their school work. Fridays will be tutoring days when participants are supported with homework by CSB managers and supervisors.
- CSB hired three (3) Practice Based Coaching (PBC) coaches to work with lead teachers (directly operated and partner lead teachers) using the Teachers Learning and Collaborating (TLC) approach. A kick-off meeting for Site Supervisors was held on October 27<sup>th</sup> from 11:00 am – 1:00 pm. PBC coaches will begin working with the proposed 20-24 selected participants in November up to 18 months. We are currently developing our TLC plan.
- CSB has started an exciting new partnership with MILLS College that will provide students with field internships at selected childcare sites. This partnership will assist CSB in expanding its exposure to education theories and it will yield learning objectives for the student interns in regards to child development theory and practice.
- Crescent Park's toddler room is now in operation with 8 children, and Bayo Vista's toddler room is also in operation with 6 children. We hope to open Balboa, Las Deltas, and Brookside in early November 2017.
- Teachers are completing first assessments for children that were enrolled in July 2017. Results will be included in our outcomes report, and used to develop the 2017-18 School Readiness Goals.
- All CSB Head Start and Early Head Start sites are preparing for a series of family engagement activities such as "Back to School Night", "Community Work Day" and "Food Day" in the month of November – December 2017. Everyone is invited to take part.
- We have had a series of Early Closures in September which gives opportunity for Center-based individualized meeting and training, Refresher Comprehensive Services training.
- An orientation for the Policy Council (PC) was conducted on September 30, 2017 at Crowne Plaza Hotel. The orientation was attended by parent representatives from center-based, partner and delegate sites. The election for the new PC officers took place on October 18, 2017.
- Bayo Vista Children's Center in collaboration with the Contra Costa County Sheriff's Department, is offering radKIDS to its children and families. radKIDS is a personal empowerment Safety Education program for parents and children. The purpose of the program is to enhance the ability of children and parents to utilize knowledge, skills, and



power to protect themselves from violence and harm. Deputy Sam Noble, a certified radKIDS trainer, from the Contra Costa County Sheriff's Department introduced the first radKIDS session during a parent meeting at Bayo Vista. Bayo Vista is the first pilot site. The goal is to gradually introduce this safety education program at all CSB sites.

- On September 22<sup>nd</sup>, CSB introduced the CSEFEL Teaching Pyramid in 5 preschool classrooms at Bayo Vista, GMIII and Riverview centers. The Teaching Pyramid is a comprehensive approach designed to help educators promote social-emotional competence, address challenging behaviors in young children, and develop safe and nurturing group environments for all children. This approach will complement the "Second Step" curriculum that has been used widely in all CSB classrooms. The rest of the classrooms will be slowly taking part in the Teaching Pyramid implementation when it is offered in Contra Costa County in fall 2018.
- The Community Action Program's RFI #644 was released to the public on October 27<sup>th</sup> with applications due on Friday, November 17<sup>th</sup>. This RFI is meant to select subcontractors to provide safety net services throughout the county. An informational session will be held on November 9<sup>th</sup> to assist applicants with any questions they may have.
- CSB welcomes KinderCare and Baby Yale as new childcare partners and is excited to expand services with the YMCA to implement the newly awarded Early Head Start Child Care Partnership grant.
- The Partner Unit held its Annual Partners training on Thursday, October 19<sup>th</sup> which was well attended and received. The day was punctuated with wellness activities including hula hooping!

**I. Status Updates:**

**a. Caseloads, workload (all programs)**

- Head Start enrollment: 98%
- Early Head Start enrollment: 100.23%
- Early Head Start Child Care Partnership enrollment: 100%
- Early Head Start Child Care Partnership # 2 enrollment (*Start-up year*)\*: 18% of funded enrollment; 100% for current capacity
- Head Start Average Daily Attendance: 87.9%
- Early Head Start Average Daily Attendance: 87.1%
- Early Head Start Child Care Partnership Attendance: 87.1%
- Stage 2: 350 families and 553 children
- CAPP: 147 families and 244 children
- In total: 497 families and 797 children
- Incoming transfers from Stage 1: 20 families and 33 children
- LIHEAP: 8 households have been assisted
- Weatherization: 20 units

cc: Policy Council Chair  
Family & Human Services Committee  
Maureen Burns Vermette , ACF



**b. Staffing:**

- During the month of October CSB conducted interviews to fill vacant various teaching and clerical positions. The Bureau is anticipating interviews for filling also vacancies within the Comprehensive Services Assistant Manager (CSAM), ASA III, Intermediate Clerk, Site Supervisor classifications.

**II. Emerging Issues and Hot Topics:**

- The Governor signed AB 435 last week which is great news for Contra Costa. This bill will allow the county to develop a pilot subsidized childcare plan that will allow our child care community to pool state funds allocated to subsidized child care at the local level and use them in a more coordinated way to the benefit of families and providers. Our bill was modeled after successful pilots in San Francisco, San Mateo and Alameda Counties. With their local flexibility, those counties have been able to reimburse child care providers at a higher rate, serve more children, and extend eligibility to 24 months so families have fewer hoops to jump through to maintain their child's child care placement. Over the next several months, we'll be working hard to flesh out our local plan for how to use this new flexibility, and hope to implement it in January 2019.

\* EHS-CCP2 enrollment listed above is for our new grant and only some of the classrooms are in operation at this time. Full operation is not anticipated for this grant until December 2017

cc: Policy Council Chair  
Family & Human Services Committee  
Maureen Burns Vermette , ACF

CONTRA COSTA COUNTY  
COMMUNITY SERVICES BUREAU  
**2017 HEAD START PROGRAM**  
September 2017 Expenditures

1 DESCRIPTION	2 YTD Actual	3 Total Budget	4 Remaining Budget	5 % YTD
a. PERSONNEL	\$ 2,707,297	\$ 4,203,352	\$ 1,496,055	64%
b. FRINGE BENEFITS	1,657,314	2,586,739	929,425	64%
c. TRAVEL	-	-	-	0%
d. EQUIPMENT	-	101,600	101,600	0%
e. SUPPLIES	67,535	281,200	213,665	24%
f. CONTRACTUAL	3,389,038	6,880,965	3,491,927	49%
g. CONSTRUCTION	-	-	-	0%
h. OTHER	712,800	1,371,343	658,543	52%
<b>I. TOTAL DIRECT CHARGES</b>	<b>\$ 8,533,984</b>	<b>\$ 15,425,199</b>	<b>\$ 6,891,215</b>	<b>55%</b>
j. INDIRECT COSTS	527,966	878,928	350,962	60%
<b>k. TOTAL-ALL BUDGET CATEGORIES</b>	<b>\$ 9,061,950</b>	<b>\$ 16,304,127</b>	<b>\$ 7,242,177</b>	<b>56%</b>
<i>In-Kind (Non-Federal Share)</i>	<i>\$ 2,592,637</i>	<i>\$ 4,076,032</i>	<i>\$ 1,483,394</i>	<i>64%</i>

**CONTRA COSTA COUNTY  
COMMUNITY SERVICES BUREAU  
2017 HEAD START PROGRAM  
September 2017 Expenditures**

1	2 Jan-17 thru Mar-17	3 Apr-17 thru Jun-17	4 Jul-17 thru Sep-17	5 Total YTD Actual	6 Total Budget	7 Remaining Budget	8 % YTD
<b>a. Salaries &amp; Wages (Object Class 6a)</b>							
Permanent 1011	875,671	785,929	768,688	2,430,288	3,126,172	695,884	78%
Temporary 1013	103,918	105,930	67,161	277,009	1,077,180	800,171	26%
<b>a. PERSONNEL (Object class 6a)</b>	<b>979,588</b>	<b>891,859</b>	<b>835,850</b>	<b>2,707,297</b>	<b>4,203,352</b>	<b>1,496,055</b>	<b>64%</b>
Fringe Benefits	599,025	527,720	530,568	1,657,314	2,586,739	929,425	64%
<b>b. FRINGE (Object Class 6b)</b>	<b>599,025</b>	<b>527,720</b>	<b>530,568</b>	<b>1,657,314</b>	<b>2,586,739</b>	<b>929,425</b>	<b>1,657,314</b>
<b>d. EQUIPMENT (Object Class 6d)</b>							
4. Other Equipment	-	-	-	-	101,600	101,600	-
<b>d. EQUIPMENT (Object Class 6d)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>101,600</b>	<b>101,600</b>	<b>-</b>
<b>e. SUPPLIES (Object Class 6e)</b>							
1. Office Supplies	7,053	7,122	7,627	21,802	50,100	28,298	44%
2. Child and Family Services Supplies (Includesclassroom Sup)	12,704	1,694	7,680	22,078	28,200	6,122	78%
4. Other Supplies							
Health and Safety Supplies	-	-	-	-	74,000	74,000	0%
Computer Supplies, Software Upgrades, Computer Replace	1,850	2,267	11,631	15,748	93,400	77,652	17%
Health/Safety Supplies	765	107	37	909	5,000	4,091	18%
Mental helath/Diasabilities Supplies	82	359	-	440	600	160	73%
Miscellaneous Supplies	742	1,856	1,456	4,054	21,200	17,146	19%
Emergency Supplies	-	-	29	29	4,500	4,471	1%
Household Supplies	93	1,364	1,018	2,475	4,200	1,725	59%
<b>TOTAL SUPPLIES (6e)</b>	<b>23,288</b>	<b>14,769</b>	<b>29,477</b>	<b>67,535</b>	<b>281,200</b>	<b>213,665</b>	<b>24%</b>
<b>f. CONTRACTUAL (Object Class 6f)</b>							
1. Adm Svcs (e.g., Legal, Accounting, Temporary Contracts)	4,593	25,396	26,076	56,064	85,000	28,936	66%
Estimated Medical Revenue from Medi-Cal (Org 1432 - cred	-	-	-	-	(363,031)	(363,031)	0%
Health Consultant	11,250	11,021	14,000	36,272	45,700	9,428	79%
5. Training & Technical Assistance - PA11							
Interaction	-	-	-	-	3,000	3,000	0%
Diane Godard (\$50,000/2)	6,250	5,050	-	11,300	11,500	200	98%
Josephine Lee (\$35,000/2)	2,550	3,975	-	6,525	14,300	7,775	46%
Susan Cooke (\$60,000/2)	-	-	-	-	15,000	15,000	-
7. Delegate Agency Costs							
First Baptist Church Head Start PA22	132,151	448,817	254,714	835,681	2,101,965	1,266,284	40%
First Baptist Church Head Start PA20	-	-	-	-	8,000	8,000	0%
8. Other Contracts							
FB-Fairgrounds Partnership (Wrap)	11,605	18,920	12,460	42,985	74,213	31,228	58%
FB-Fairgrounds Partnership	28,800	42,300	27,450	98,550	183,600	85,050	54%
FB-E. Leland/Mercy Housing Partnership	-	-	-	-	-	-	-
Martinez ECC (18 HS slots x \$225/mo x 12/mo)	18,000	27,000	17,325	62,325	108,000	45,675	58%
YMCA of the East Bay (20 HS slots x \$225/mo x 12/mo)	9,000	-	-	9,000	9,000	-	100%
YMCA Richmond CDC, Lucas Ave.(48 slots x 12 x \$350) \$21,600	-	-	-	-	100,800	100,800	0%
YMCA 8th CDC, Lucas Ave.(48 slots x 12 x \$350) \$201,600	-	-	-	-	100,800	100,800	0%
YMCA Giant Rd. CDC (16 slots x 12 x \$350) \$67,200	-	-	-	-	33,600	33,600	0%
YMCA Rodeo CDC(24 slots x 12 x \$350) \$100,800	-	-	-	-	50,400	50,400	0%
Child Outcome Planning and Administration (COPA/Nulinx)	4,715	2,518	-	7,233	17,500	10,267	41%
Enhancement/wrap-around HS slots with State CD Program	2,488	1,040,642	1,179,973	2,223,103	4,281,618	2,058,515	52%
<b>f. CONTRACTUAL (Object Class 6f)</b>	<b>231,403</b>	<b>1,625,638</b>	<b>1,531,998</b>	<b>3,389,038</b>	<b>6,880,965</b>	<b>3,491,927</b>	<b>49%</b>
<b>h. OTHER (Object Class 6h)</b>							
2. Bldg Occupancy Costs/Rents & Leases	88,469	86,976	53,619	229,064	316,200	87,136	72%
(Rents & Leases/Other Income)	-	-	(1,325)	(1,325)	-	1,325	-
4. Utilities, Telephone	61,337	72,769	49,820	183,926	275,000	91,074	67%
5. Building and Child Liability Insurance	2,770	-	-	2,770	3,500	731	79%
6. Bldg. Maintenance/Repair and Other Occupancy	2,129	9,819	9,041	20,989	35,000	14,011	60%
8. Local Travel (55.5 cents per mile effective 1/1/2012)	5,919	10,233	5,770	21,922	36,000	14,078	61%
9. Nutrition Services							
Child Nutrition Costs	74,312	95,198	6,289	175,799	450,000	274,201	39%
(CCFP & USDA Reimbursements)	(95,310)	(51,318)	1	(146,627)	(200,000)	(53,373)	73%
13. Parent Services							
Parent Conference Registration - PA11	-	-	828	828	1,000	172	83%
Parent Resources (Parenting Books, Videos, etc.) - PA11	-	-	-	-	700	700	0%
PC Orientation, Trainings, Materials & Translation - PA11	1,577	2,376	144	4,097	5,700	1,603	72%
Policy Council Activities	-	-	-	-	-	-	-
Parent Activities (Sites, PC, BOS luncheon) & Appreciation	619	47	2,992	3,658	2,000	(1,658)	183%
Child Care/Mileage Reimbursement	2,163	2,223	797	5,183	12,700	7,517	41%
14. Accounting & Legal Services							
Auditor Controllers	973	-	-	973	1,500	527	65%
Data Processing/Other Services & Supplies	2,906	3,403	2,870	9,179	15,400	6,221	60%
15. Publications/Advertising/Printing							
Outreach/Printing	75	-	-	75	100	25	75%
Recruitment Advertising (Newspaper, Brochures)	7,142	-	-	7,142	9,000	1,858	79%
16. Training or Staff Development							
Agency Memberships (WIPFLI, Meeting Fees, NHSA, NAE	2,612	6,543	3,591	12,746	8,598	(4,148)	148%
Staff Trainings/Dev. Conf. Registrations/Memberships - PA	9,672	13,477	10,086	33,235	20,000	(13,235)	166%
17. Other							
Site Security Guards	6,274	8,944	254	15,472	32,000	16,528	48%
Dental/Medical Services	-	-	-	-	1,000	1,000	0%
Vehicle Operating/Maintenance & Repair	10,879	18,701	8,152	37,732	77,000	39,268	49%
Equipment Maintenance Repair & Rental	12,746	13,505	17,910	44,162	167,000	122,838	26%
Dept. of Health and Human Services-data Base (CORD)	839	-	-	839	12,000	11,161	7%
Other Operating Expenses (Facs Admin/Other admin)	13,510	21,614	15,839	50,963	89,945	38,982	57%
<b>h. OTHER (6h)</b>	<b>211,613</b>	<b>314,511</b>	<b>186,677</b>	<b>712,800</b>	<b>1,371,343</b>	<b>658,543</b>	<b>52%</b>
<b>i. TOTAL DIRECT CHARGES (6a-6h)</b>	<b>2,044,917</b>	<b>3,374,497</b>	<b>3,114,569</b>	<b>8,533,984</b>	<b>15,425,199</b>	<b>6,891,215</b>	<b>55%</b>
<b>j. INDIRECT COSTS</b>	<b>184,523</b>	<b>238,804</b>	<b>104,639</b>	<b>527,966</b>	<b>878,928</b>	<b>350,962</b>	<b>60%</b>
<b>k. TOTALS (ALL BUDGET CATEGORIES)</b>	<b>2,229,440</b>	<b>3,613,301</b>	<b>3,219,209</b>	<b>9,061,950</b>	<b>16,304,127</b>	<b>7,242,177</b>	<b>56%</b>
<b>Non-Federal Share (In-kind)</b>	<b>337,367</b>	<b>645,666</b>	<b>1,609,604</b>	<b>2,592,637</b>	<b>4,076,032</b>	<b>1,483,394</b>	<b>64%</b>

CONTRA COSTA COUNTY  
COMMUNITY SERVICES BUREAU  
**2017 EARLY HEAD START PROGRAM**  
September 2017 Expenditures

1 DESCRIPTION	2 YTD Actual	3 Total Budget	4 Remaining Budget	5 % YTD
<b>a. PERSONNEL</b>	\$ 318,266	\$ 532,702	\$ 214,436	60%
<b>b. FRINGE BENEFITS</b>	183,753	368,092	184,339	50%
<b>c. TRAVEL</b>	-	-	-	0%
<b>d. EQUIPMENT</b>	-	-	-	0%
<b>e. SUPPLIES</b>	5,748	29,700	23,952	19%
<b>f. CONTRACTUAL</b>	1,494,641	2,422,286	927,645	62%
<b>g. CONSTRUCTION</b>	-	-	-	0%
<b>h. OTHER</b>	35,069	76,344	41,275	46%
<b>I. TOTAL DIRECT CHARGES</b>	\$ 2,037,476	\$ 3,429,124	\$ 1,391,648	59%
<b>j. INDIRECT COSTS</b>	67,576	109,420	41,844	62%
<b>k. TOTAL-ALL BUDGET CATEGORIES</b>	<b>\$ 2,105,052</b>	<b>\$ 3,538,544</b>	<b>\$ 1,433,492</b>	<b>59%</b>
<b><i>In-Kind (Non-Federal Share)</i></b>	<b>\$ 617,774</b>	<b>\$ 884,636</b>	<b>\$ 266,862</b>	<b>70%</b>

**CONTRA COSTA COUNTY  
COMMUNITY SERVICES BUREAU  
2017 EARLY HEAD START PROGRAM  
September 2017 Expenditures**

1	2	3	4	5	6	7	8
	Jan-17 thru Mar-17	Apr-17 thru Jun-17	Jul-17 thru Sep-17	Total YTD Actual	Total Budget	Remaining Budget	% YTD
<b>Expenditures</b>							
<b>a. Salaries &amp; Wages (Object Class 6a)</b>							
Permanent 1011	122,999	72,767	87,630	283,396	455,298	171,902	62%
Temporary 1013	14,255	7,803	12,812	34,870	77,404	42,534	45%
<b>a. PERSONNEL (Object class 6a)</b>	<b>137,254</b>	<b>80,570</b>	<b>100,441</b>	<b>318,266</b>	<b>532,702</b>	<b>214,436</b>	<b>60%</b>
<b>b. FRINGE (Object Class 6b)</b>	<b>78,063</b>	<b>50,085</b>	<b>55,605</b>	<b>183,753</b>	<b>368,092</b>	<b>184,339</b>	<b>50%</b>
<b>e. SUPPLIES (Object Class 6e)</b>							
1. Office Supplies	425	(2,263)	174	(1,664)	4,500	6,164	-37%
2. Child and Family Serv. Supplies/classroom Su	1,821	2,183	198	4,202	12,000	7,798	35%
4. Other Supplies	-	-	-	-	-	-	-
Computer Supplies, Software Upgrades, Com	-	348	2,411	2,758	7,000	4,242	39%
Health/Safety Supplies	-	-	-	-	2,500	2,500	0%
Miscellaneous Supplies	44	250	-	294	1,200	906	24%
Household Supplies	-	8	149	158	2,500	2,342	-
<b>e. SUPPLIES (Object Class 6e)</b>	<b>2,290</b>	<b>525</b>	<b>2,933</b>	<b>5,748</b>	<b>29,700</b>	<b>23,952</b>	<b>19%</b>
<b>f. CONTRACTUAL (Object Class 6f)</b>							
2. Health/Disabilities Services	-	-	-	-	-	-	-
Health Consultant	4,822	2,263	6,000	13,085	18,300	5,215	72%
5. Training & Technical Assistance - PA11	-	-	-	-	-	-	-
Interaction	-	-	-	-	10,500	10,500	0%
Josephine Lee (\$35,000/2)	2,550	2,235	-	4,785	14,000	9,215	34%
8. Other Contracts	-	-	-	-	-	-	-
FB-Fairgrounds Partnership	9,800	9,800	14,000	33,600	61,600	28,000	55%
FB-E. Leland/Mercy Housing Partnership	21,000	21,000	30,000	72,000	132,000	60,000	55%
Apiranet	-	222,000	32,400	254,400	416,400	162,000	61%
Crossroads	-	-	-	-	42,000	42,000	0%
Martinez ECC	11,200	11,200	(77,900)	(55,500)	2,500	58,000	-2220%
Child Outcome Planning & Admini. (COPA/NL	680	-	-	680	3,000	2,320	23%
Enhancement/wrap-around HS slots with Stat	348,052	380,976	442,563	1,171,591	1,721,986	550,395	68%
<b>f. CONTRACTUAL (Object Class 6f)</b>	<b>398,104</b>	<b>649,475</b>	<b>447,063</b>	<b>1,494,641</b>	<b>2,422,286</b>	<b>927,645</b>	<b>62%</b>
<b>h. OTHER (Object Class 6h)</b>							
2. Bldg Occupancy Costs/Rents & Leases	327	366	393	1,086	1,500	414	72%
(Rents & Leases/Other Income)	-	-	-	-	-	-	-
4. Utilities, Telephone	526	578	318	1,422	4,000	2,578	36%
5. Building and Child Liability Insurance	-	-	-	-	-	-	-
6. Bldg. Maintenance/Repair and Other Occupa	132	306	1,758	2,196	1,500	(696)	146%
8. Local Travel (55.5 cents per mile)	1,179	1,517	870	3,566	6,300	2,734	57%
9. Nutrition Services	-	-	-	-	-	-	-
Child Nutrition Costs	239	282	-	521	600	79	87%
(CCFP & USDA Reimbursements)	(307)	(74)	0	(381)	(500)	(119)	-
13. Parent Services	-	-	-	-	-	-	-
PC Orientation, Trainings, Materials & Transl	351	778	312	1,440	1,700	260	85%
Policy Council Activities	-	-	748	748	900	152	83%
Child Care/Mileage Reimbursement	262	1,006	186	1,453	1,500	47	97%
14. Accounting & Legal Services	-	-	-	-	-	-	-
Auditor Controllers	-	-	-	-	1,000	1,000	0%
Data Processing/Other Services & Supplies	651	651	601	1,903	2,300	397	83%
15. Publications/Advertising/Printing	-	-	-	-	-	-	-
Recruitment Advertising (Newspaper, Brochur	-	-	-	-	100	100	-
16. Training or Staff Development	-	-	-	-	-	-	-
Agency Memberships (WIPFLI, Meeting Fee	6	1,500	1,575	3,081	10,200	7,119	30%
Staff Trainings/Dev. Conf. Registrations/Men	5,725	3,521	1,832	11,078	28,244	17,166	39%
17. Other	-	-	-	-	-	-	-
Vehicle Operating/Maintenance & Repair	3,310	240	1,228	4,778	10,000	5,222	48%
Equipment Maintenance Repair & Rental	72	73	65	210	2,000	1,790	11%
Other Operating Expenses (Facs Admin/Othe	708	632	628	1,967	5,000	3,033	39%
Other Departmental Expenses	-	-	-	-	-	-	-
<b>h. OTHER (6h)</b>	<b>13,180</b>	<b>11,376</b>	<b>10,512</b>	<b>35,069</b>	<b>76,344</b>	<b>41,275</b>	<b>46%</b>
<b>i. TOTAL DIRECT CHARGES (6a-6h)</b>	<b>628,892</b>	<b>792,031</b>	<b>616,554</b>	<b>2,037,476</b>	<b>3,429,124</b>	<b>1,391,648</b>	<b>59%</b>
<b>j. INDIRECT COSTS</b>	<b>25,592</b>	<b>26,900</b>	<b>15,083</b>	<b>67,576</b>	<b>109,420</b>	<b>41,844</b>	<b>62%</b>
<b>k. TOTALS - ALL BUDGET CATEGORIES</b>	<b>654,484</b>	<b>818,932</b>	<b>631,637</b>	<b>2,105,052</b>	<b>3,538,544</b>	<b>1,433,492</b>	<b>59%</b>
<b>Non-Federal Match (In-Kind)</b>	<b>163,621</b>	<b>204,733</b>	<b>249,420</b>	<b>617,774</b>	<b>884,636</b>	<b>266,862</b>	<b>70%</b>

CONTRA COSTA COUNTY  
COMMUNITY SERVICES BUREAU  
**EARLY HEAD START- CC PARTNERSHIP**  
September 2017 Expenditures

1 DESCRIPTION	2 YTD Actual	3 Total Budget	4 Remaining Budget	5 % YTD
<b>a. PERSONNEL</b>	\$ 86,175	\$ 299,555	\$ 213,380	29%
<b>b. FRINGE BENEFITS</b>	52,846	216,733	163,887	24%
<b>c. TRAVEL</b>	-	-	-	0%
<b>d. EQUIPMENT</b>	-	-	-	0%
<b>e. SUPPLIES</b>	2,125	4,800	2,675	44%
<b>f. CONTRACTUAL</b>	53,000	456,920	403,920	12%
<b>g. CONSTRUCTION</b>			-	0%
<b>h. OTHER</b>	28,578	50,813	22,235	56%
<b>I. TOTAL DIRECT CHARGES</b>	\$ 222,725	\$ 1,028,821	\$ 806,096	22%
<b>j. INDIRECT COSTS</b>	14,702	62,557	47,855	24%
<b>k. TOTAL-ALL BUDGET CATEGORIES</b>	<u>\$ 237,427</u>	<u>\$ 1,091,378</u>	<u>\$ 853,951</u>	<u>22%</u>
<b><i>In-Kind (Non-Federal Share)</i></b>	<u>\$ 31,710</u>	<u>\$ 272,845</u>	<u>\$ 241,135</u>	<u>12%</u>

CONTRA COSTA COUNTY  
COMMUNITY SERVICES BUREAU  
**EARLY HEAD START- CC PARTNERSHIP**  
September 2017 Expenditures

1	2	3	4	5	6	7	8
	Actual Jul-17	Actual Aug-17	Actual Sep-17	Total YTD Actual	Total Budget	Remaining Budget	% YTD
<b>Expenditures</b>							
<b>a. Salaries &amp; Wages (Object Class 6a)</b>							
Permanent 1011	34,512	29,859	21,804	86,175	299,555	213,380	29%
Temporary 1013	-	-	-	-	-	-	
<b>a. PERSONNEL (Object class 6a)</b>	<b>34,512</b>	<b>29,859</b>	<b>21,804</b>	<b>86,175</b>	<b>299,555</b>	<b>213,380</b>	<b>29%</b>
<b>b. FRINGE BENEFITS (Object Class 6b)</b>							
Fringe Benefits	21,278	17,513	14,056	52,846	216,733	163,887	24%
<b>b. FRINGE (Object Class 6b)</b>	<b>21,278</b>	<b>17,513</b>	<b>14,056</b>	<b>52,846</b>	<b>216,733</b>	<b>163,887</b>	<b>24%</b>
<b>e. SUPPLIES (Object Class 6e)</b>							
1. Office Supplies	-	6	55	61	1,000	939	6%
2. Child and Family Serv. Supplies/classroom Supplies	-	40	-	40	1,200	1,160	3%
4. Other Supplies							
Computer Supplies, Software Upgrades, Comp Replacemnt	-	1,089	-	1,089	1,200	111	91%
Miscellaneous Supplies	-	-	-	-	100	100	0%
Household Supplies	927	5	3	936	1,300	364	72%
<b>e. SUPPLIES (Object Class 6e)</b>	<b>927</b>	<b>1,140</b>	<b>58</b>	<b>2,125</b>	<b>4,800</b>	<b>2,675</b>	<b>44%</b>
<b>f. CONTRACTUAL (Object Class 6f)</b>							
1. Adm Svcs (e.g., Legal, Accounting, Temporary Contracts)	-	-	-	-	12,000	12,000	0%
8. Other Contracts	-	-	-	-	312,000	312,000	0%
Contra Costa Child Care Council	-	-	-	-	20,000	20,000	0%
First Baptist (20 slots x \$450)	-	-	-	-	3,000	3,000	0%
Child Outcome Planning and Administration (COPA/Nulinx)	-	33,000	20,000	53,000	109,920	56,920	48%
Enhancement/wrap-around HS slots with State CD Prog.	-	-	-	-	-	-	
<b>f. CONTRACTUAL (Object Class 6f)</b>	<b>-</b>	<b>33,000</b>	<b>20,000</b>	<b>53,000</b>	<b>456,920</b>	<b>403,920</b>	<b>12%</b>
<b>h. OTHER (Object Class 6h)</b>							
2. Bldg Occupancy Costs/Rents & Leases	2,272	1,284	1,204	4,760	3,800	(960)	125%
(Rents & Leases/Other Income)	-	-	-	-	-	-	
4. Utilities, Telephone	241	1,266	1,703	3,210	4,000	790	80%
5. Building and Child Liability Insurance	-	-	-	-	-	-	
6. Bldg. Maintenance/Repair and Other Occupancy	-	434	711	1,145	1,400	255	82%
8. Local Travel (54 cents per mile)	174	510	17	702	4,200	3,498	17%
13. Parent Services	-	-	-	-	-	-	0%
Parent Activities (Sites, PC, BOS luncheon) & Appreciation	-	-	-	-	-	-	
Child Care/Mileage Reimbursement	-	-	-	-	-	-	
14. Accounting & Legal Services							
Legal (County Counsel)	-	-	-	-	1,000	1,000	0%
Auditor Controllers	-	-	-	-	1,000	1,000	0%
Data Processing/Other Services & Supplies	-	134	134	269	1,000	731	27%
15. Publications/Advertising/Printing	-	-	-	-	-	-	
Outreach/Printing	-	-	-	-	400	400	
Recruitment Advertising (Newspaper, Brochures)	-	-	-	-	-	-	
16. Training or Staff Development							
Agency Memberships (WIPFLI, Meeting Fees, NHSA, NAE	-	-	-	-	-	-	
Staff Trainings/Dev. Conf. Registrations/Memberships - PA	10,364	4,353	29	14,746	25,907	11,161	57%
17. Other							
Vehicle Operating/Maintenance & Repair	-	11	676	688	4,000	3,312	17%
Equipment Maintenance Repair & Rental	1,276	6	1,187	2,468	3,000	532	82%
Other Operating Expenses (Facs Admin/Other admin)	-	352	238	590	1,106	516	53%
<b>h. OTHER (6h)</b>	<b>14,328</b>	<b>8,351</b>	<b>5,899</b>	<b>28,578</b>	<b>50,813</b>	<b>22,235</b>	<b>56%</b>
<b>i. TOTAL DIRECT CHARGES (6a-6h)</b>	<b>71,045</b>	<b>89,863</b>	<b>61,816</b>	<b>222,725</b>	<b>1,028,821</b>	<b>806,096</b>	<b>22%</b>
<b>j. INDIRECT COSTS</b>	<b>-</b>	<b>8,994</b>	<b>5,708</b>	<b>14,702</b>	<b>62,557</b>	<b>47,855</b>	<b>24%</b>
<b>k. TOTALS - ALL BUDGET CATEGORIES</b>	<b>71,045</b>	<b>98,857</b>	<b>67,524</b>	<b>237,427</b>	<b>1,091,378</b>	<b>853,951</b>	<b>22%</b>
<b>Non-federal Match In-Kind</b>	<b>-</b>	<b>14,829</b>	<b>16,881</b>	<b>31,710</b>	<b>272,845</b>	<b>241,135</b>	<b>12%</b>

CONTRA COSTA COUNTY  
COMMUNITY SERVICES BUREAU  
**EARLY HEAD START- CC PARTNERSHIP #2**  
September 2017 Expenditures

1 DESCRIPTION	2 YTD Actual	3 Total Budget	4 Remaining Budget	5 % YTD
<b>a. PERSONNEL</b>	\$ 76,560	\$ 859,703	\$ 783,143	9%
<b>b. FRINGE BENEFITS</b>	49,528	655,766	606,238	8%
<b>c. TRAVEL</b>	-	-	-	0%
<b>d. EQUIPMENT</b>	388	225,000	224,612	0%
<b>e. SUPPLIES</b>	29,029	382,500	353,471	8%
<b>f. CONTRACTUAL</b>	9,375	1,559,100	1,549,725	1%
<b>g. CONSTRUCTION</b>			-	0%
<b>h. OTHER</b>	15,411	681,655	666,244	2%
<b>I. TOTAL DIRECT CHARGES</b>	\$ 180,291	\$ 4,363,724	\$ 4,183,433	4%
<b>j. INDIRECT COSTS</b>	15,578	183,117	167,539	9%
<b>k. TOTAL-ALL BUDGET CATEGORIES</b>	<u>\$ 195,869</u>	<u>\$ 4,546,841</u>	<u>\$ 4,350,972</u>	<u>4%</u>
<b><i>In-Kind (Non-Federal Share)</i></b>	<u>\$ 7,192</u>	<u>\$ 1,136,710</u>	<u>\$ 1,129,518</u>	<u>1%</u>



**CONTRA COSTA COUNTY**  
**COMMUNITY SERVICES BUREAU**  
**EARLY HEAD START- CC PARTNERSHIP #2**  
**September 2017 Expenditures**

1	2 Mar-17 thru Jun-17	3 Jul-17 thru Sep-17	4 Total YTD Actual	5 Total Budget	6 Remaining Budget	7 % YTD
<b>Expenditures</b>						
<b>a. Salaries &amp; Wages (Object Class 6a)</b>						
Permanent 1011	24,236	52,324	76,560	759,356	682,796	10%
Temporary 1013	-	-	-	100,347	100,347	0%
<b>a. PERSONNEL (Object class 6a)</b>	<b>24,236</b>	<b>52,324</b>	<b>76,560</b>	<b>859,703</b>	<b>783,143</b>	<b>9%</b>
<b>b. FRINGE BENEFITS (Object Class 6b)</b>						
Fringe Benefits	14,651	34,877	49,528	655,766	606,238	8%
<b>b. FRINGE (Object Class 6b)</b>	<b>14,651</b>	<b>34,877</b>	<b>49,528</b>	<b>655,766</b>	<b>606,238</b>	<b>8%</b>
<b>d. EQUIPMENT (Object Class 6d)</b>						
1. Office Equipment	-	388	388	125,000	124,612	0%
2. Vehicle Purchase	-	-	-	100,000	100,000	0%
<b>d. EQUIPMENT (Object Class 6d)</b>	<b>-</b>	<b>388</b>	<b>388</b>	<b>225,000</b>	<b>224,612</b>	<b>0%</b>
<b>e. SUPPLIES (Object Class 6e)</b>						
1. Office Supplies	-	18	18	2,000	1,982	1%
2. Child and Family Serv. Supplies/classroom Supplies	24,158	3,118	27,275	262,000	234,725	10%
3. Other Supplies	-	-	-	-	-	-
Computer Supplies, Software Upgrades, Comp Repla	-	1,724	1,724	12,000	10,276	14%
Health/Safety Supplies	-	-	-	105,500	105,500	0%
Miscellaneous Supplies	-	-	-	500	500	0%
Household Supplies	-	13	13	500	487	3%
<b>e. SUPPLIES (Object Class 6e)</b>	<b>24,158</b>	<b>4,872</b>	<b>29,029</b>	<b>382,500</b>	<b>353,471</b>	<b>8%</b>
<b>f. CONTRACTUAL (Object Class 6f)</b>						
1. Adm Svcs (e.g., Legal, Accounting, Temporary Contra	-	-	-	18,000	18,000	0%
1. Health/Disabilities Services	-	-	-	-	-	-
Health Consultant	-	-	-	19,500	19,500	0%
2. Training & Technical Assistance - PA11	-	-	-	-	-	-
Interaction	-	-	-	10,000	10,000	0%
Josephine Lee	-	-	-	30,000	30,000	0%
UCSF Benioff	9,375	-	9,375	21,600	12,225	43%
3. Other Contracts	-	-	-	-	-	-
Crossroads (20 slots x 12 x \$500)	-	-	-	120,000	120,000	0%
Martinez EEE (16 slots x 12 x \$500)	-	-	-	96,000	96,000	0%
Loss of Subsidy	-	-	-	194,000	194,000	0%
Child Outcome Planning and Administration (COPA/N	-	-	-	3,000	3,000	0%
Enhancement EHS slots with State Child Dev. Progra	-	-	-	1,047,000	1,047,000	0%
<b>f. CONTRACTUAL (Object Class 6f)</b>	<b>9,375</b>	<b>-</b>	<b>9,375</b>	<b>1,559,100</b>	<b>1,549,725</b>	<b>1%</b>
<b>h. OTHER (Object Class 6h)</b>						
1. Bldg Occupancy Costs/Rents & Leases	-	230	230	36,000	35,770	1%
2. Utilities, Telephone	-	78	78	5,000	4,922	2%
3. Bldg. Maintenance/Repair and Other Occupancy	-	102	102	433,300	433,198	0%
4. Local Travel (54 cents per mile)	29	219	248	7,000	6,752	4%
5. Parent Services	-	-	-	-	-	-
Parent Conference Registration - PA11	-	-	-	1,000	1,000	0%
PC Orientation, Trainings, Materials & Translation - P	-	-	-	5,000	5,000	0%
Policy Council Activities	-	-	-	3,000	3,000	0%
Parent Activities (Sites, PC, BOS luncheon) & Apprex	-	-	-	3,200	3,200	0%
Child Care/Mileage Reimbursement	-	-	-	1,600	1,600	0%
6. Accounting & Legal Services	-	-	-	-	-	-
Audit	-	-	-	500	500	0%
Auditor Controllers	-	-	-	500	500	0%
Data Processing/Other Services & Supplies	-	425	425	2,500	2,075	17%
7. Publications/Advertising/Printing	-	-	-	-	-	-
Outreach/Printing	-	172	172	1,000	828	17%
Recruitment Advertising (Newspaper, Brochures)	-	243	243	1,000	757	24%
8. Training or Staff Development	-	-	-	-	-	-
Agency Memberships (WIPFLI, Meeting Fees, NHS/	-	456	456	22,108	21,652	2%
Staff Trainings/Dev. Conf. Registrations/Membership	6,175	6,085	12,260	60,500	48,240	20%
9. Other	-	-	-	-	-	-
Site Security Guards	-	-	-	2,000	2,000	0%
Dental/medical Services	-	-	-	500	500	0%
Vehicle Operating/Maintenance & Repair	-	-	-	7,800	7,800	0%
Equipment Maintenance Repair & Rental	-	738	738	6,000	5,262	12%
Health and Safety Improvements	-	-	-	3,000	3,000	0%
Other Operating Expenses (Facs Admin/Other admin)	205	254	459	79,147	78,688	1%
<b>h. OTHER (6h)</b>	<b>6,409</b>	<b>9,002</b>	<b>15,411</b>	<b>681,655</b>	<b>666,244</b>	<b>2%</b>
<b>i. TOTAL DIRECT CHARGES (6a-6h)</b>	<b>78,827</b>	<b>101,464</b>	<b>180,291</b>	<b>4,363,724</b>	<b>4,183,433</b>	<b>4%</b>
<b>j. INDIRECT COSTS</b>	<b>9,679</b>	<b>5,899</b>	<b>15,578</b>	<b>183,117</b>	<b>167,539</b>	<b>9%</b>
<b>k. TOTALS - ALL BUDGET CATEGORIES</b>	<b>88,506</b>	<b>107,362</b>	<b>195,869</b>	<b>4,546,841</b>	<b>4,350,972</b>	<b>4%</b>
<b>Non-federal Match In-Kind</b>	<b>-</b>	<b>7,192</b>	<b>7,192</b>	<b>1,136,710</b>	<b>1,129,518</b>	<b>1%</b>

**CAO Monthly Report  
CSBG and Weatherization Programs  
Year-to-Date Expenditures  
As of September 30, 2017**

**1. 2017 LIHEAP WX**

Contract # 17B-3005

Term: Oct. 1, 2016 - Dec. 31, 2017

Amount: WX \$ 963,937

Total Contract	\$ 963,937
Expenditures	(456,999)
Balance	<u>\$ 506,938</u>
Expended	47%

**2. 2017 LIHEAP ECIP/EHA 16**

Contract # 17B-3005

Term: Oct. 1, 2016 - Dec. 31, 2017

Amount: EHA 16 \$ 876,184

Total Contract	\$ 876,184
Expenditures	(690,131)
Balance	<u>\$ 186,053</u>
Expended	79%

**4. 2017 COMMUNITY SERVICES BLOCK GRANT (CSBG)**

Contract # 17F-2007

Term: Jan. 1, 2017 - December 31, 2017

Amount: \$ 846,479

Total Contract	\$ 846,479
Expenditures	(498,369)
Balance	<u>\$ 348,110</u>
Expended	59%

COMMUNITY SERVICES BUREAU					
SUMMARY CREDIT CARD EXPENDITURE					
Agency: Community Services Bureau			Authorized Users		
			C. Rand, Bureau Dir		xxxx8798
Month: September 2017			K. Mason, Div Mgr		xxxx2364
			C. Reich, Div Mgr		xxxx4959
Credit Card: Visa/U.S. Bank			S. Kim, Sr. Business Systems Analyst		xxxx1907
			C. Johnson, AD		xxxx0220
			J. Rowley, AD		xxxx2391
			P. Arrington, AD		xxxx3838
			I. Renggenathen, AD		xxxx2423
			R. Radeva, PSA III		xxxx1899
			Corporate Acct. Number		xxxx5045
Acct. code	Stat. Date	Card Account #	Amount	Program	Purpose/Description
2100	09/22/17	xxxx1907	104.24	Indirect Admin Costs	Office Exp
2100	09/22/17	xxxx8798	16.96	EHS-Child Care Partnership #2	Office Exp
2100	09/22/17	xxxx3838	478.25	HS Parent Services	Office Exp
2100	09/22/17	xxxx1899	50.04	HS Basic Grant	Office Exp
2100	09/22/17	xxxx1899	50.05	EHS Basis Grant	Office Exp
2100	09/22/17	xxxx0220	176.04	Child Care Sys Program	Office Exp
2100	09/22/17	xxxx5045	2.00	Indirect Admin Costs	Office Exp
			877.58		
2102	09/22/17	xxxx8798	995.63	HS Basic Grant	Books, Periodicals
2102	09/22/17	xxxx8798	995.62	EHS-Child Care Partnership #2	Books, Periodicals
			1,991.25		
2132	09/22/17	xxxx1907	106.50	HS Basic Grant	Minor Computer Equip
2132	09/22/17	xxxx1907	34.99	Indirect Admin Costs	Minor Computer Equip
			141.49		
2150	09/22/17	xxxx2423	(32.64)	Child Nutrition Food Services	Food
			(32.64)		
2200	09/22/17	xxxx2423	650.00	Bayo Vista Site Costs	Memberships
2200	09/22/17	xxxx2391	200.00	EHS-Child Care Partnership	Memberships
			850.00		
2303	09/22/17	xxxx4959	919.40	Comm. Svc Block Grant	Other Travel Employees
2303	09/22/17	xxxx1907	5.41	Head Start T & TA	Other Travel Employees
2303	09/22/17	xxxx1907	3.60	EHS T & TA	Other Travel Employees
2303	09/22/17	xxxx2364	22.80	HS Basic Grant	Other Travel Employees
2303	09/22/17	xxxx2364	15.20	EHS-Child Care Partnership #2	Other Travel Employees
2303	09/22/17	xxxx1899	297.51	EHS-Child Care Partnership	Other Travel Employees
2303	09/22/17	xxxx1899	0.51	EHS-Child Care Partnership	Other Travel Employees
			1,264.43		
2467	09/22/17	xxxx4959	113.69	HS Basic Grant	Training & Registration
2467	09/22/17	xxxx4959	8.21	EHS-Child Care Partnership	Training & Registration
2467	09/22/17	xxxx4959	105.47	EHS-Child Care Partnership #2	Training & Registration
2467	09/22/17	xxxx2364	95.09	HS Basic Grant	Training & Registration
2467	09/22/17	xxxx2364	63.40	EHS-Child Care Partnership #2	Training & Registration
2467	09/22/17	xxxx1899	199.00	EHS-Child Care Partnership	Training & Registration
			584.86		
2477	09/22/17	xxxx1907	10.97	HS Basic Grant	Educational Supplies
2477	09/22/17	xxxx2423	69.88	Brookside Site Costs	Educational Supplies
2477	09/22/17	xxxx2423	21.99	Verde Site Costs	Educational Supplies
2477	09/22/17	xxxx3838	14.73	Balboa Site Costs	Educational Supplies
2477	09/22/17	xxxx2391	522.43	EHS-Child Care Partnership	Educational Supplies
			640.00		
2479	09/22/17	xxxx1899	424.00	Indirect Admin Costs	Other Special Dpmtal Exp
			424.00		
2490	09/22/17	xxxx4959	54.02	EHS-Child Care Partnership #2	Misc Services/Supplies
2490	09/22/17	xxxx4959	32.41	EHS Basis Grant	Misc Services/Supplies
2490	09/22/17	xxxx4959	21.61	EHS-Child Care Partnership	Misc Services/Supplies
2490	09/22/17	xxxx1907	25.60	Crescent Park Site Costs	Misc Services/Supplies
2490	09/22/17	xxxx2364	33.37	HS Basic Grant	Misc Services/Supplies
			167.01		
		Total	6,907.98		





**Contra  
Costa  
County**

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: November 14, 2017

Subject: Draft Framework for Regulating Cannabis in the Unincorporated Area and Public Outreach Plan.

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**RECOMMENDATION(S):**

1. APPROVE Preliminary Working Draft Framework for Regulating Cannabis in the Unincorporated Area of Contra Costa County (Framework), reflecting changes requested by the Board on October 24, 2017, and
2. DIRECT the Director of the Department of Conservation and Development to implement Public Outreach Plan to solicit public input on the Framework.

**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.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Jamar Stamps, (925)  
674-7832

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

By: , Deputy

cc: Ruben Hernandez , Aruna Bhat, Kristine Solseng

## BACKGROUND:

On October 24, 2017, the Board received presentations from County staff and consultants on the development of cannabis regulations, financial analysis and the Preliminary Working Draft Framework for Regulating Cannabis in the Unincorporated Area of Contra Costa County ("Draft Framework"). The Board provided input on the Draft Framework for staff to incorporate and indicated the importance of public input. This Board Order includes a revised Draft Framework (Exhibit A (clean version) and Exhibit B (track changes version)).

The Board also provided guidance on public outreach. Based on that input staff developed a draft Public Outreach Plan (Exhibit C). The Draft Framework, once approved, will be used in future public outreach efforts. Staff will also offer field visits for Board Members.

On October 24, the Board requested that staff confirm the following:

### Maximum number of cannabis plants.

Under state law, the maximum number of cannabis plants that may be cultivated for personal use is six. State law requires that local agencies allow up to six cannabis plants to 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, subject to any reasonable regulations the local agency may enact. A local agency may, but is not required to, allow outdoor cultivation at a private residence. (H&S Code, § 11362.2.) Accordingly, Ordinance No. 2017-24, adopted by the Board on October 24, allows six or fewer cannabis plants to 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. Outdoor cultivation is prohibited under the ordinance.

Under state medical cannabis laws, a qualified patient or primary caregiver may maintain no more than six mature or 12 immature cannabis plants per qualified patient. (H&S Code, § 11362.77.) A local agency may allow the cultivation of cannabis plants for medical purposes, but the courts have held that a local agency may also ban this type of cultivation. Under Ordinance No. 2017-24, the indoor cultivation of six or fewer cannabis plants may be for personal use or medical purposes.

### Eligibility for grant funding.

Local agencies may regulate or ban commercial cultivation of cannabis, personal outdoor cultivation of cannabis, and the retail sale of cannabis or cannabis products. If a local agency bans all commercial cultivation, personal outdoor cultivation of cannabis, or the retail sale of cannabis or cannabis products, the agency is not eligible for state grants to assist with law enforcement, fire protection, or other local programs addressing public health and safety associated with the implementation of Proposition 64. (R&T Code, § 34019.) Staff will follow development of the regulations concerning the grant program to learn the details of how the state will interpret and enforce these provisions.

### Voter approval of cannabis tax in unincorporated area.

Counties are authorized to impose a tax on the privilege of cultivating, manufacturing, producing, process, preparing, storing providing, donating, selling, or distributing marijuana or marijuana products. (R&T Code, § 34021.5.) If a county establishes a tax on one or more of those activities, the tax is imposed on state licensees. The Board of Supervisors by ordinance sets the tax rate and specifies the activities subject to the tax. The tax may be imposed for general governmental purposes or for purposes specified in the ordinance. If the Board specifies that the tax applies in the unincorporated area, then the electorate voting on the tax would be registered voters in the unincorporated area.

### Information on cannabis transaction limits in other states.

Contra Costa Health Services has prepared a table comparing state limits on cannabis transactions (Exhibit D).

CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not act in the affirmative on the above recommendations, County staff will not disseminate the Draft Framework for Regulating Cannabis in the Unincorporated Area of Contra Costa County and the Public Outreach Plan will not be implemented.

ATTACHMENTS

Exhibit A - Preliminary Cannabis Regulatory Framework 11-14-17 clean version

Attachment 1 to Exhibit A-Preliminary Maps

Attachment 2 to Exhibit A - Report from Health Services

Exhibit B - Preliminary Cannabis Regulatory Framework 11-14-17 compared to 10-24-17

Exhibit C- Draft Public Outreach

Exhibit D - Comparison of State Limits on Cannabis Transactions

# Exhibit A



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

**November 14, 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: Yellow highlighted text marks ideas or components in an early stage of formulation and on which public input would be particularly appreciated.)**



## **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 staff<sup>1</sup>, 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, July 18, and October 24, 2017 meetings. This document is being 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:

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<sup>1</sup> 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.
- **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.

It is important to note that additional permits from the County (as well as a state license) may be required. For example, Environmental Health may require additional applications and permits, consistent with the handling and sales of consumer goods (see Section IX). Building permits may also be required.

#### **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 uses 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**

As described in Section II, 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 land use permitting (LUP) process and any other applicable regulations (e.g. Environmental Health permits and building permits). If the Board establishes ultimate or interim caps on the number of businesses to be permitted for any use category (see Section IV), the County will establish a selection process to determine how available permits will be allocated. If a selection process is needed, the Board has expressed an interest in utilizing a “request for proposal” (RFP) process and scoring system.

Utilizing the RFP and scoring process, the County would solicit proposals for establishment of a commercial cannabis use. The proposals would be scored utilizing a pre-defined and approved scoring system. The proposals with the highest scores would then be invited to submit a formal land use permit application, the application would be processed under the County LUP process and would be subject to denial, or conditional approval, by the County Zoning Administrator, County Planning Commission or Board of Supervisors. If a permit was denied, the highest ranked proposal just below the initial cut-off could be invited to apply until the cap on permits is reached. The screening process could be done in phases. For instance, the County could initially invite submission of concise and simple pre-proposals (less detailed and costly to complete than full proposals), review and rank the pre-proposals, then invite the proponents with the highest ranking pre-proposals to submit full proposals which would be screened again to determine who would be invited to submit a formal land use permit application (this is similar to some grant selection processes).

Please note, applications for a land use permit for commercial cannabis uses would only be accepted for qualifying properties located within the appropriate zoning district and outside of any approved buffer areas (see Sections VI and VII, below).

(Document continues on next page)

## VI. Eligible Locations

The County has prepared a matrix and Preliminary Cannabis Use Maps [include link to maps here] 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
<b>Agricultural Zoning Districts (A- )</b>	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit			
<b>Area-Wide Planned Unit Development (P-1)</b>	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
<b>Retail- Business (R-B)</b>							Land Use Permit	Land Use Permit
<b>General Commercial (C)</b>				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
<b>Controlled Manufacturing (C-M), Light Industrial (L-I), Heavy Industrial (H-I)</b>	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
<b>Potential Sustainability Requirements</b>	Renewable Energy and Sustainable Water Supply		Sustainable Water Supply		Potential limits on number of employees/trips outside ULL			
<b>Key Considerations and Limitations by Use</b>	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

Note: Microbusinesses (operations that grow, process and sell cannabis products to retail customers at a small-scale site) are also under consideration where cultivation is allowed.

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 process other than rezoning 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, which would require separate approval but not necessarily by the Board.

## **VII. Buffer Zones**

In addition to being located within compatible zoning districts, commercial cannabis uses may also be subject to buffer requirements in order to protect certain sensitive uses from potential cannabis influence or to prevent cannabis businesses from being located too close to each other.

Under current State law a buffer of 600 feet is required between any cannabis business licensed by the State and any K-12 school, day care center or youth center. A County ordinance may increase this buffer distance. A County ordinance may also establish buffers between cannabis businesses and other sensitive uses, such as parks.

For comparison purposes, the County Code currently restricts the establishment of new tobacco retail establishments within 1,000 feet of any school, playground, park or library and within 500 feet of any existing tobacco retailer.

Buffers for the County's cannabis ordinance could range in distance. The appropriate distance could be determined based on a variety of factors such as use, location, parcel size and type of sensitive sites the County chooses to identify. The Preliminary Cannabis Use Maps [include link to maps here] show two alternatives, one that includes 500 foot buffers from residential zoning districts along with 1000 foot buffers from schools, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters and one that includes the 1000-foot buffers but omits the 500-foot buffers to residential zoning districts. Other buffer scenarios are being considered.

## **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 measures 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:

- Provide 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. Currently, the County has a second hand smoke ordinance that bans the smoking of cannabis products in the unincorporated area of the County in all of the same places where tobacco smoking is prohibited. In addition, the County is poised to consider a revised ordinance that would add multi-unit residences to the locations where both tobacco and cannabis smoking would be prohibited. The current and proposed smoking prohibitions are inclusive of the use of electronic smoking devices (vaping). In addition, the County could consider an outright ban on the use of cannabis in any form at certain public events and venues.

Specific examples of the kinds of safeguards that are being considered for inclusion in new regulations include the following:

- 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 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.
- Prohibit all self-service vending of all cannabis and products which contain cannabis.

A report from Contra Costa Health Services with detailed recommendations and analysis of health issues is available here [include link to the report originally provided by HSD to the Board on October 24, 2017].

## **X. Cost Recovery**

The County may consider establishing fees on cannabis businesses 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. 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. The tax measure could provide funding for a variety of public purposes, including but not limited to enhanced public safety, improved public health, drug treatment and education, and enhanced code enforcement capability.

## **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 exceptions. Outdoor personal cultivation could raise more odor or security concerns with neighbors but may be less expensive and use less energy. The County is also keeping an eye on state regulations in this area as Proposition 64 prevents access to certain grant funds by those local agencies that ban commercial cultivation, or personal outdoor cultivation, or retail sales of cannabis, and the standards for enforcing these restrictions have not yet been defined.

- **Outdoor Personal Use Cultivation-** Examples of restrictions on outdoor cultivation for personal use that could be considered in lieu of outright prohibition include:

1. Not more than three marijuana plants are cultivated outdoors 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.
- **Discretionary permit process could be considered 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. 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. County staff is working to more fully explore the most effective enforcement mechanisms and to better identify enforcement roles and resource needs.

### **XIV. Additional sections?**

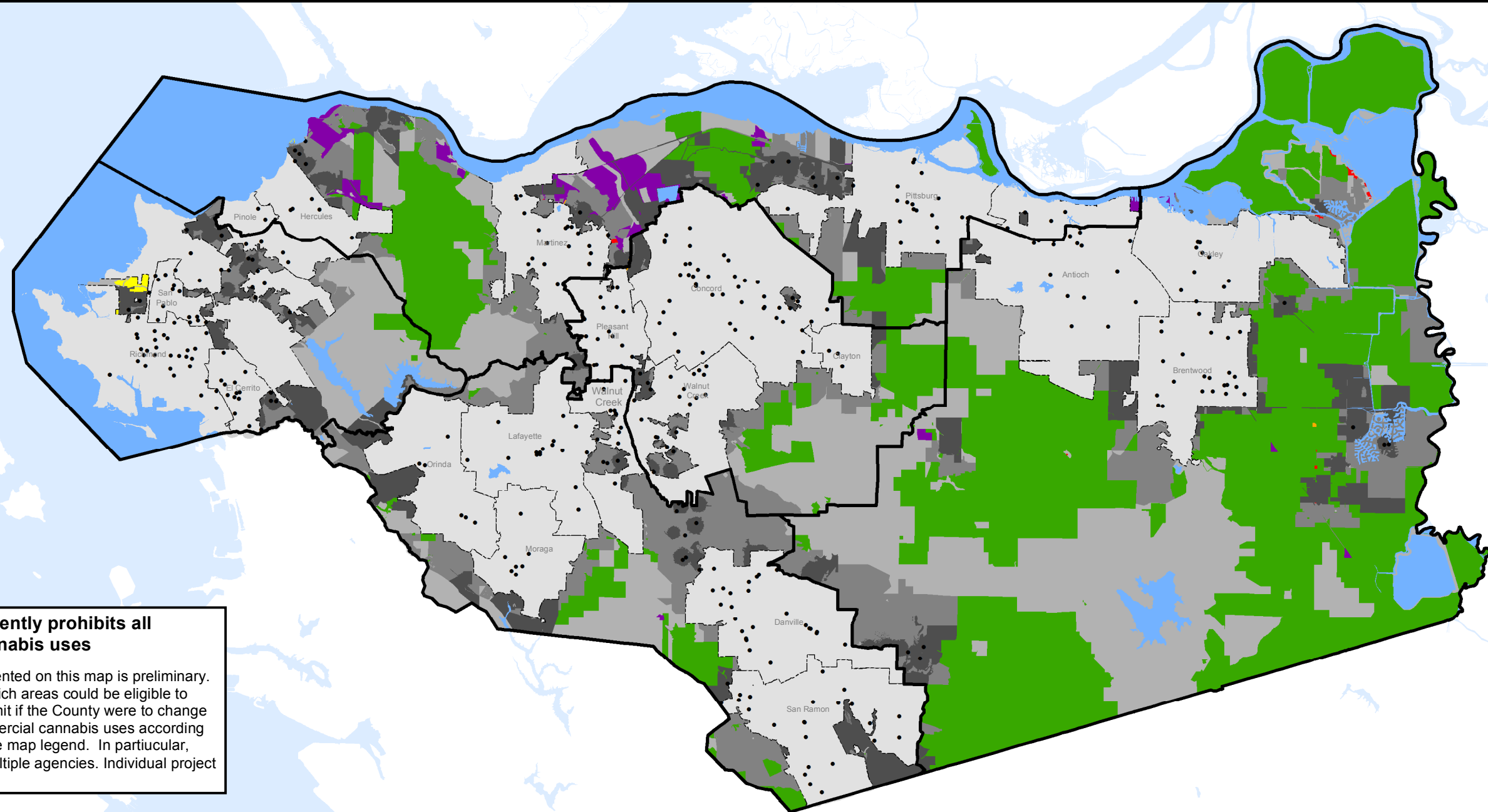
Additional sections may be added to address other aspects of the potential regulations deemed important to include in a summary document such as this Framework.

<b>Map 1A</b>	<b>Preliminary Cannabis Land Use Matrix and Map Unincorporated Contra Costa County</b>
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## 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



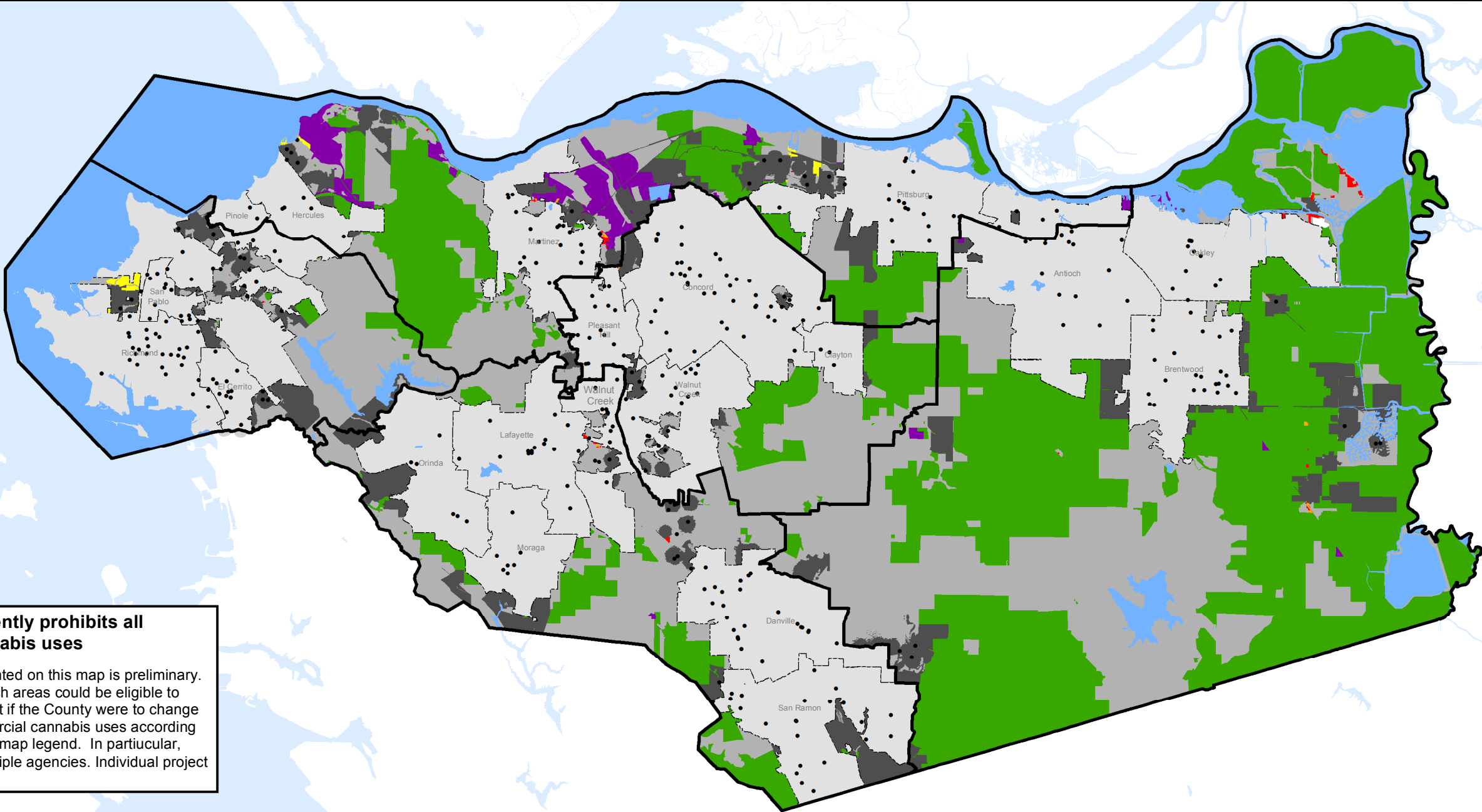
Map 1B

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.



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



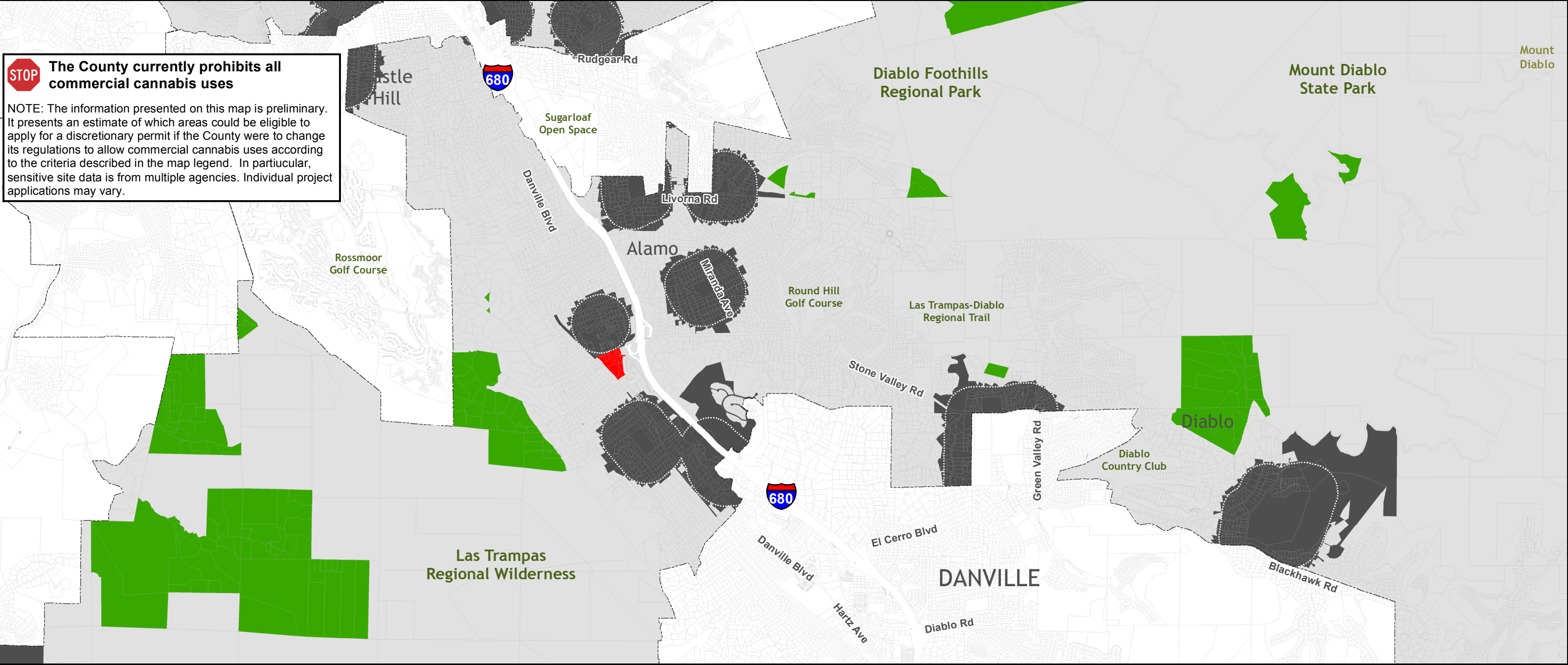
Map 2B

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

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E



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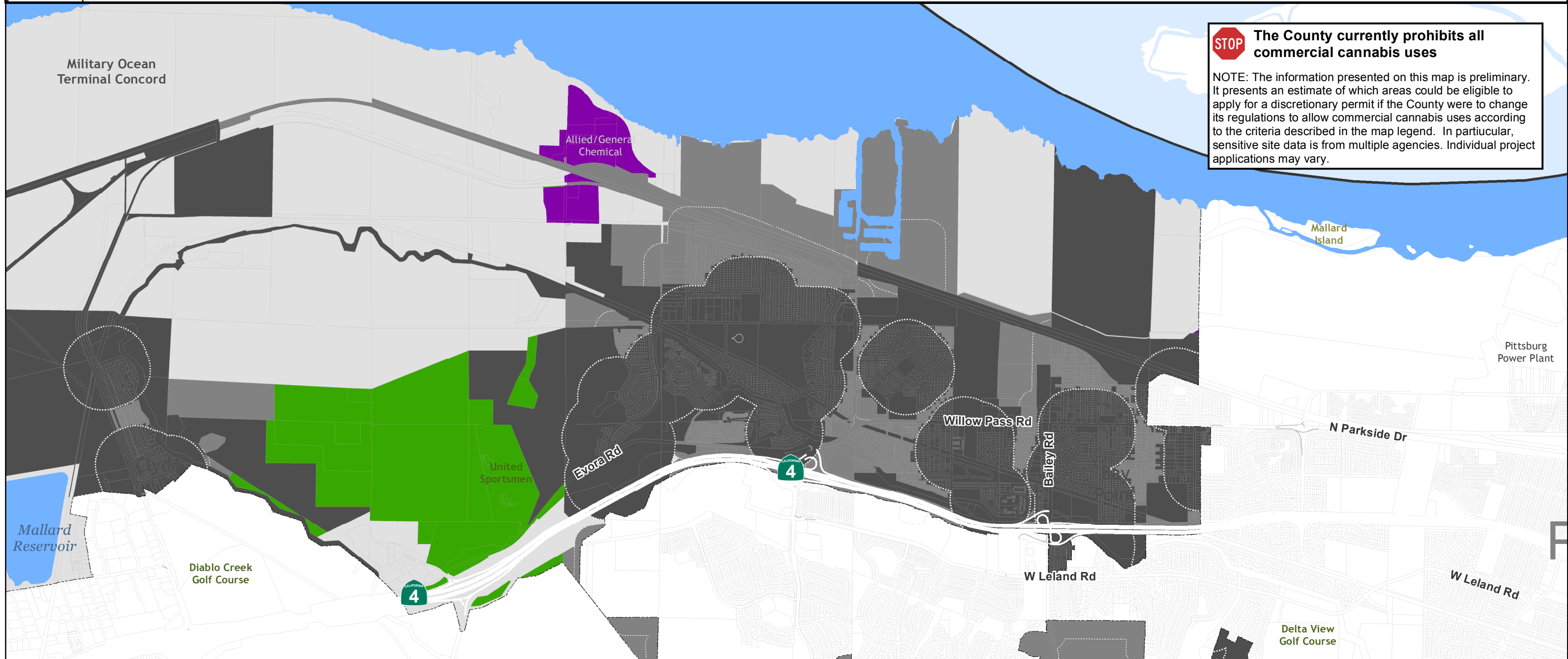
Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development

## 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

0 0.375 0.75 1.5 Miles

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development



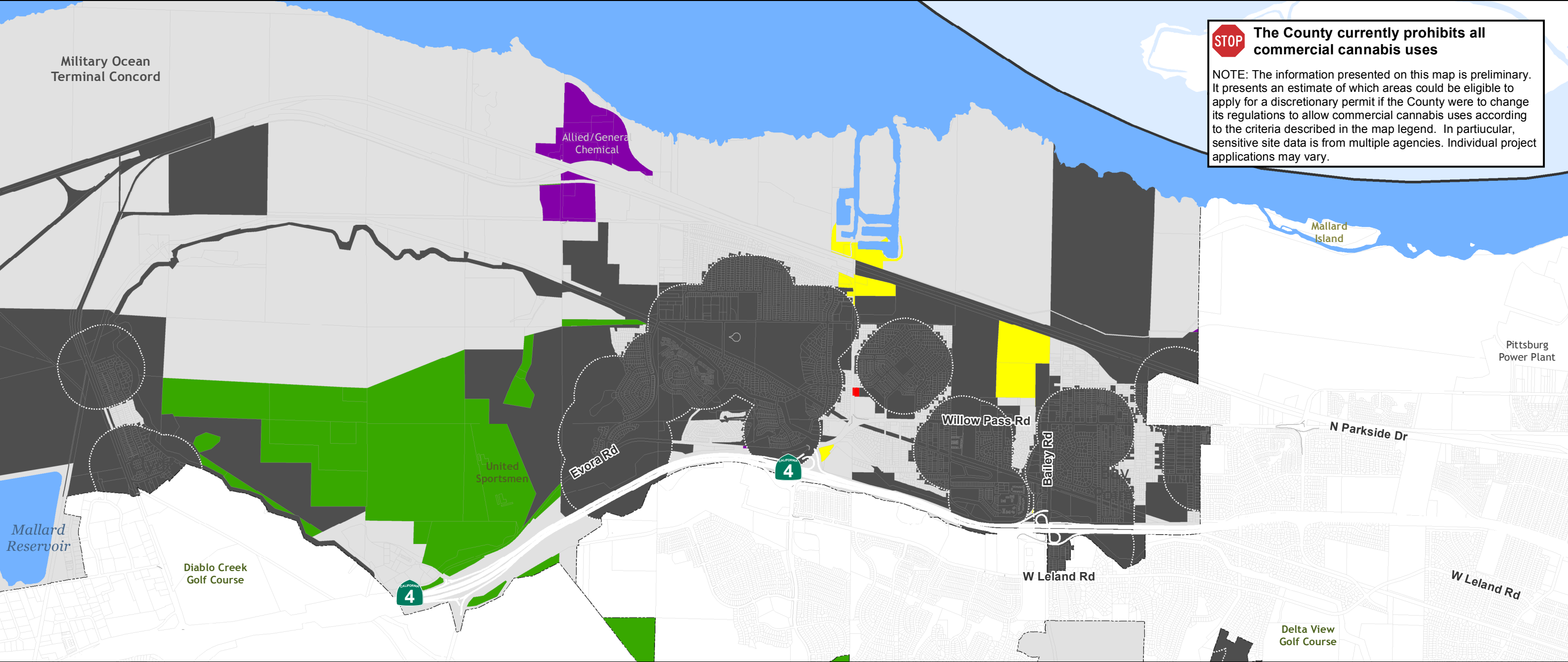
Map 3B

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**

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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

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Areas with Incompatible Zoning District or General Plan Land Use Designation

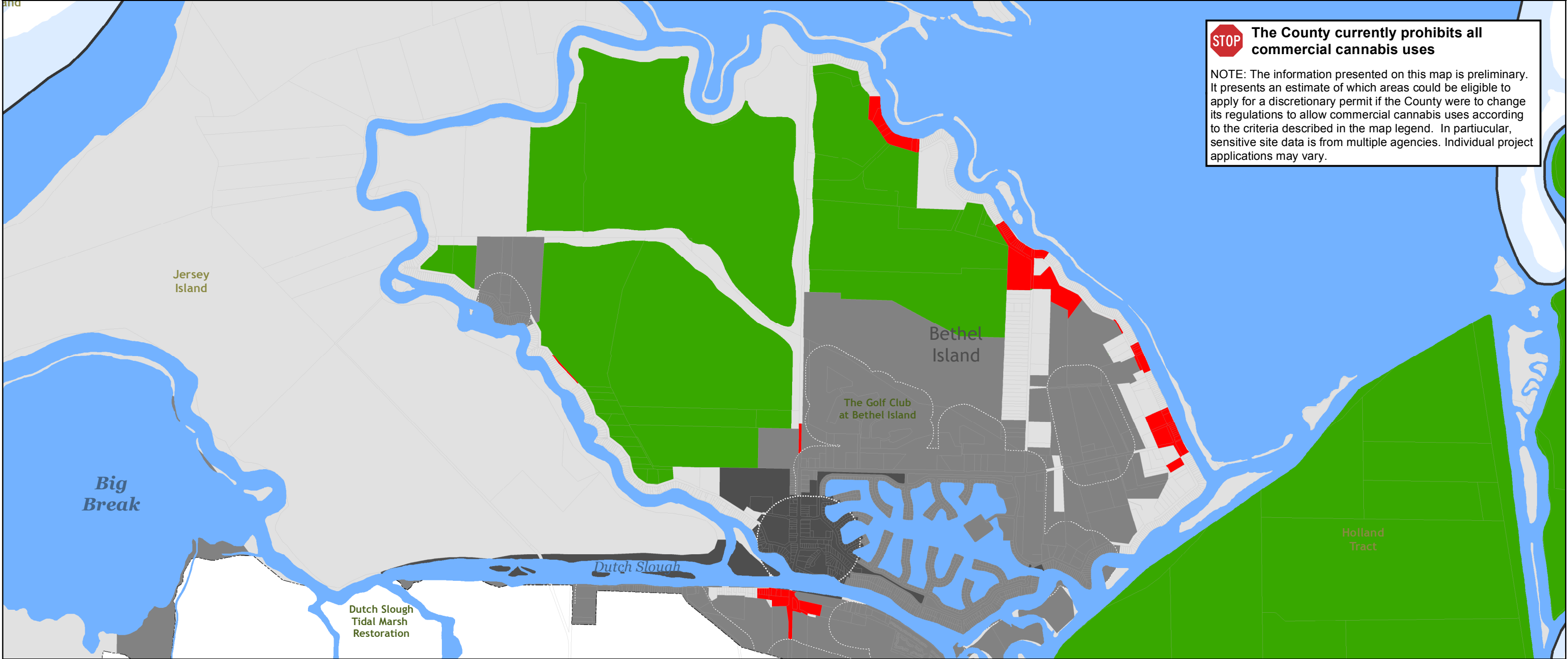
City Limits

00.3750.751.5

Miles

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development





**STOP** The County currently prohibits all commercial cannabis uses

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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

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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

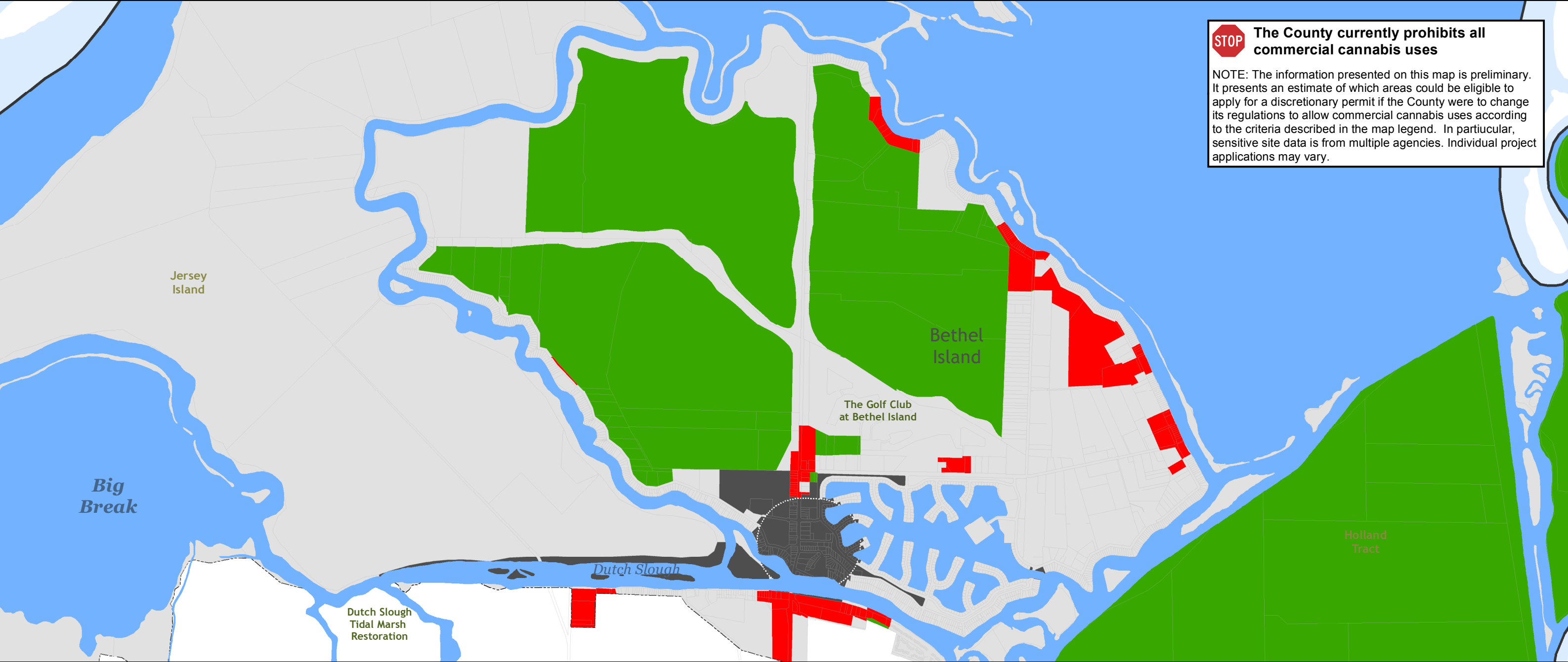
Map 4B

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.



STOP

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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

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Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

00.3250.651.3

Miles

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development

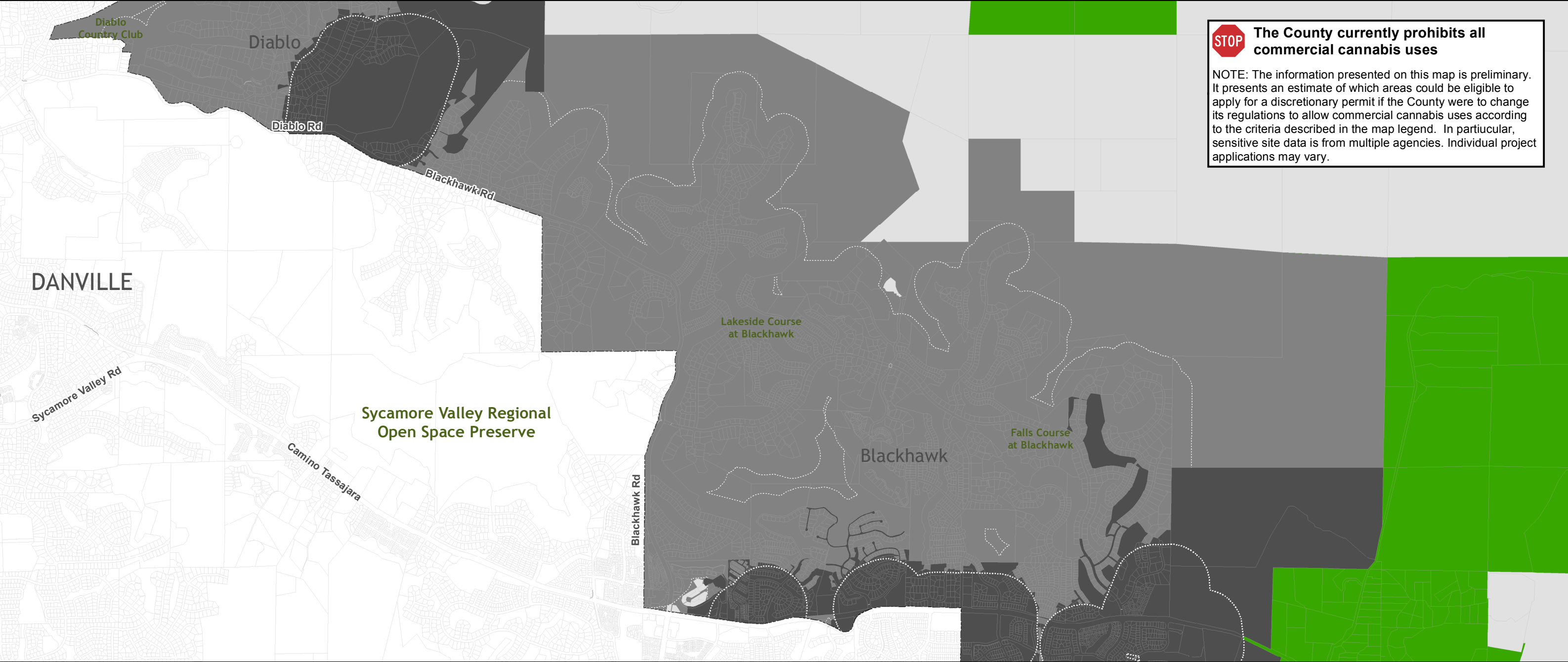
Map 5A

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.



STOP

**The County currently prohibits all commercial cannabis uses**

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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

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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

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Areas with Incompatible Zoning District orGeneral 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

# Preliminary Cannabis Land Use Matrix and Map

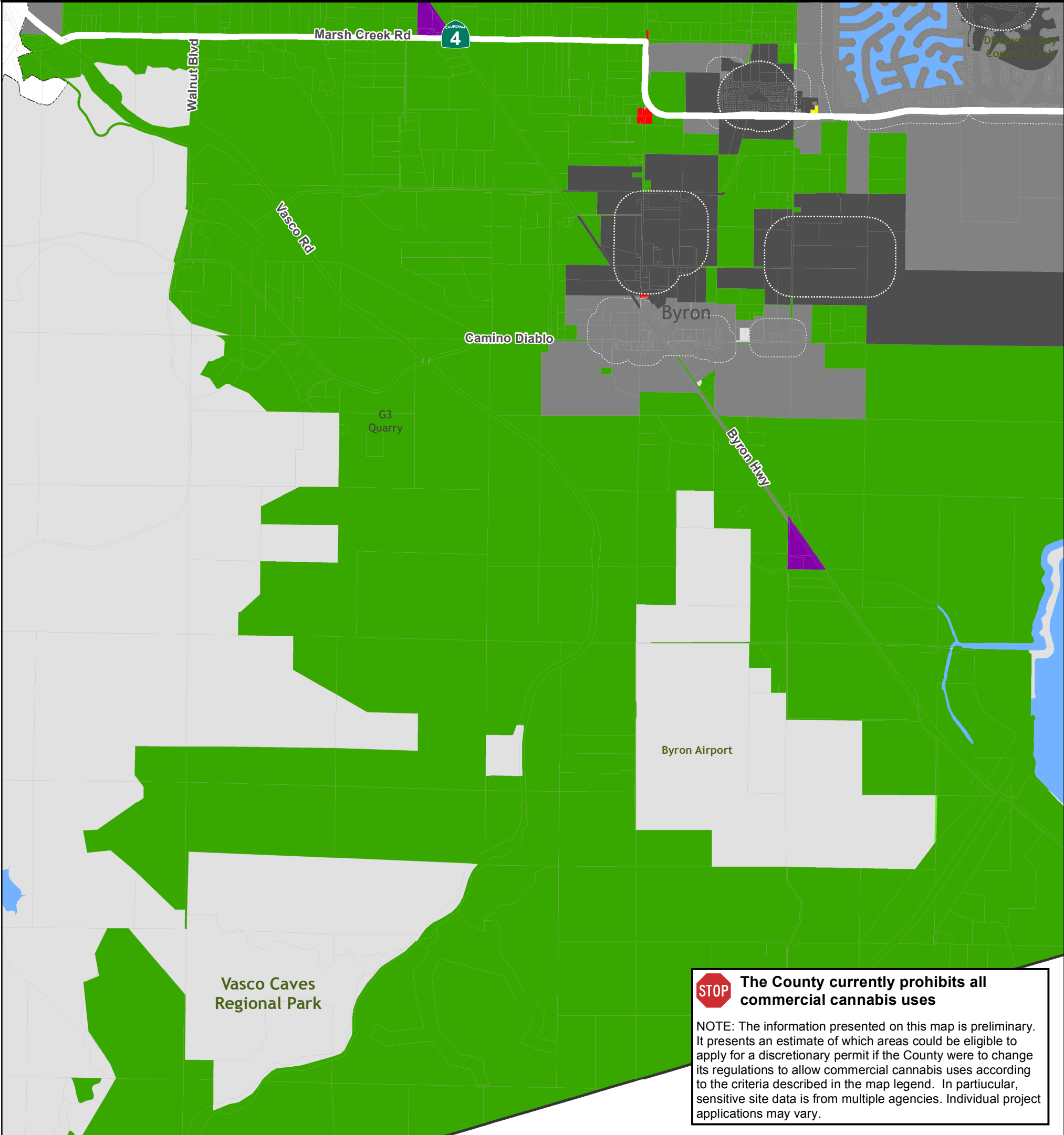
## Byron Area

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**

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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

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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  
6B

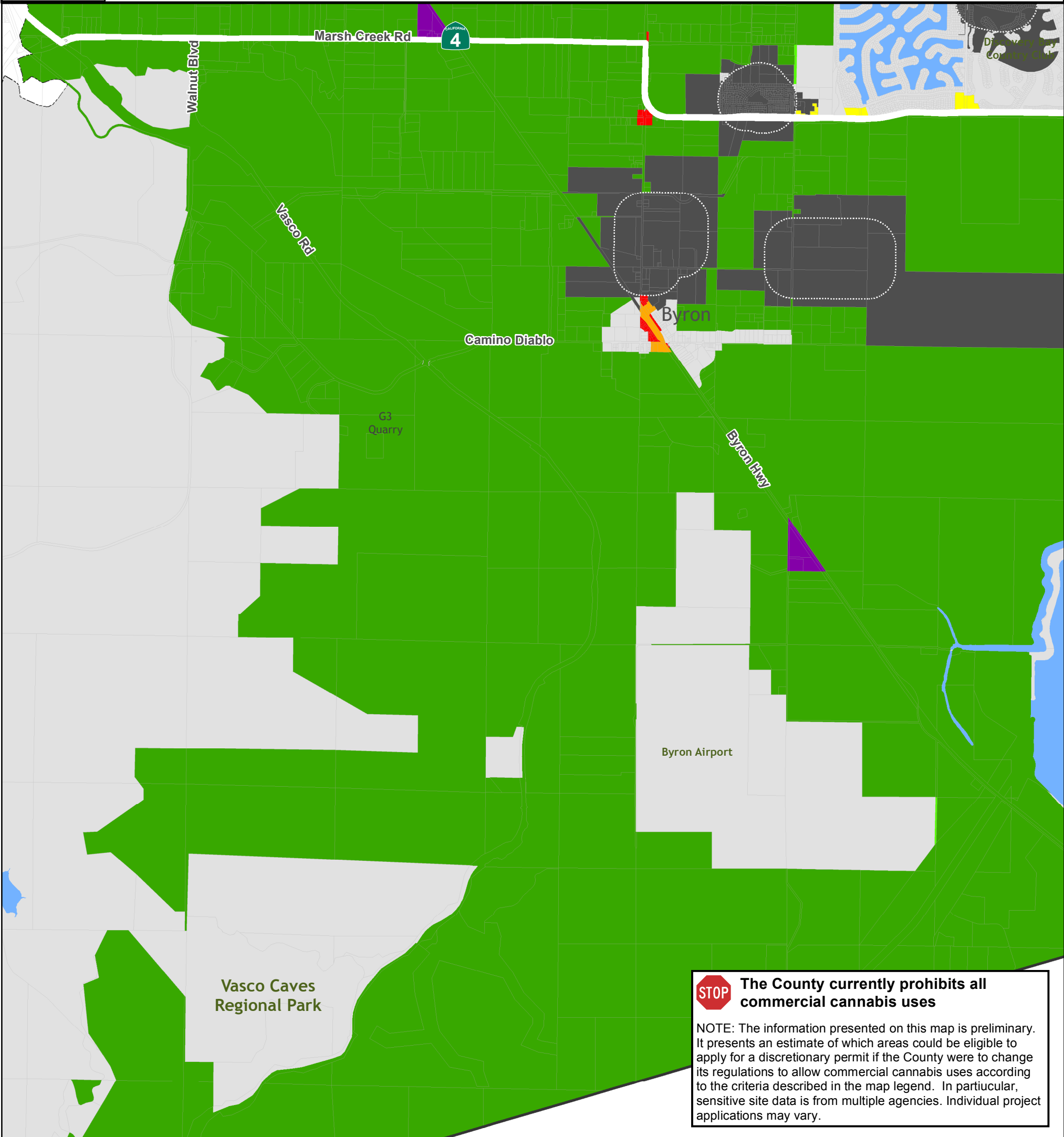
# Preliminary Cannabis Land Use Matrix and Map

## 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*
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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*
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Areas with Incompatible Zoning District or General Plan Land Use Designation

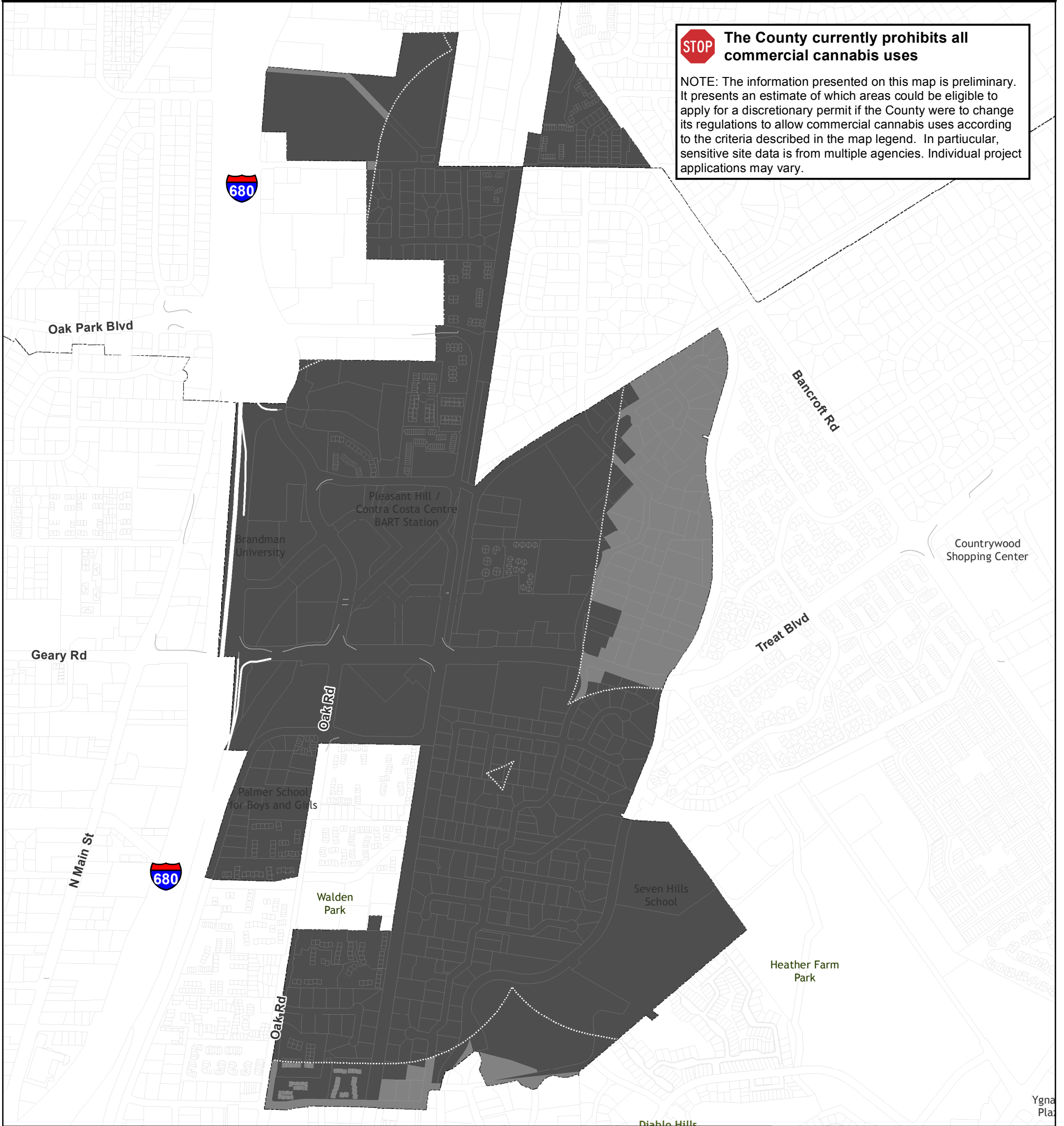
City Limits

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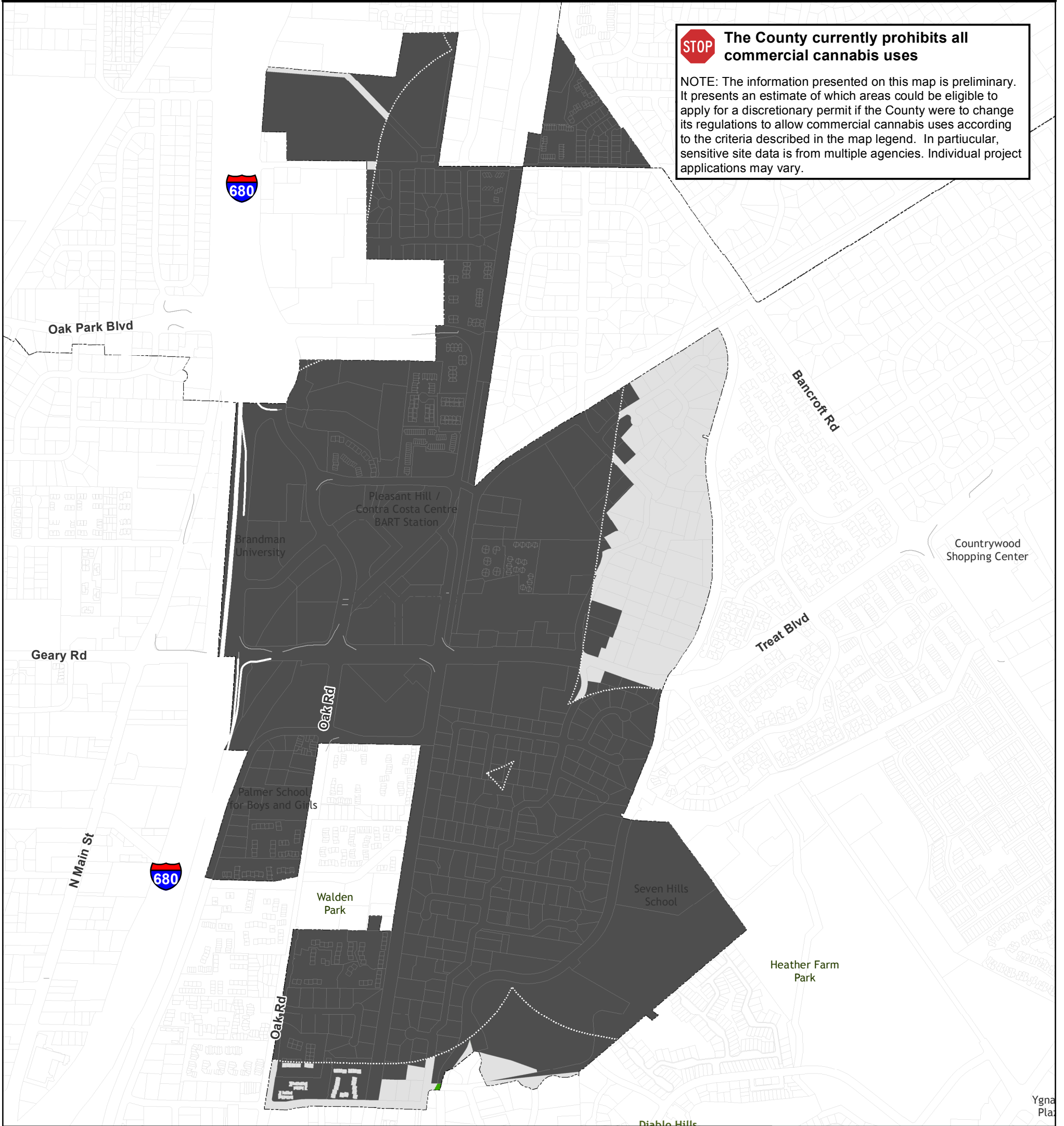
Map Created on 10/5/2017 by Contra Costa County Department of Conservation and Development

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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*	
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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>
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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*	
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Map  
8A

# Preliminary Cannabis Land Use Matrix and Map

## Discovery Bay and Knightsen Areas

### Sensitive Site and Residential Buffers

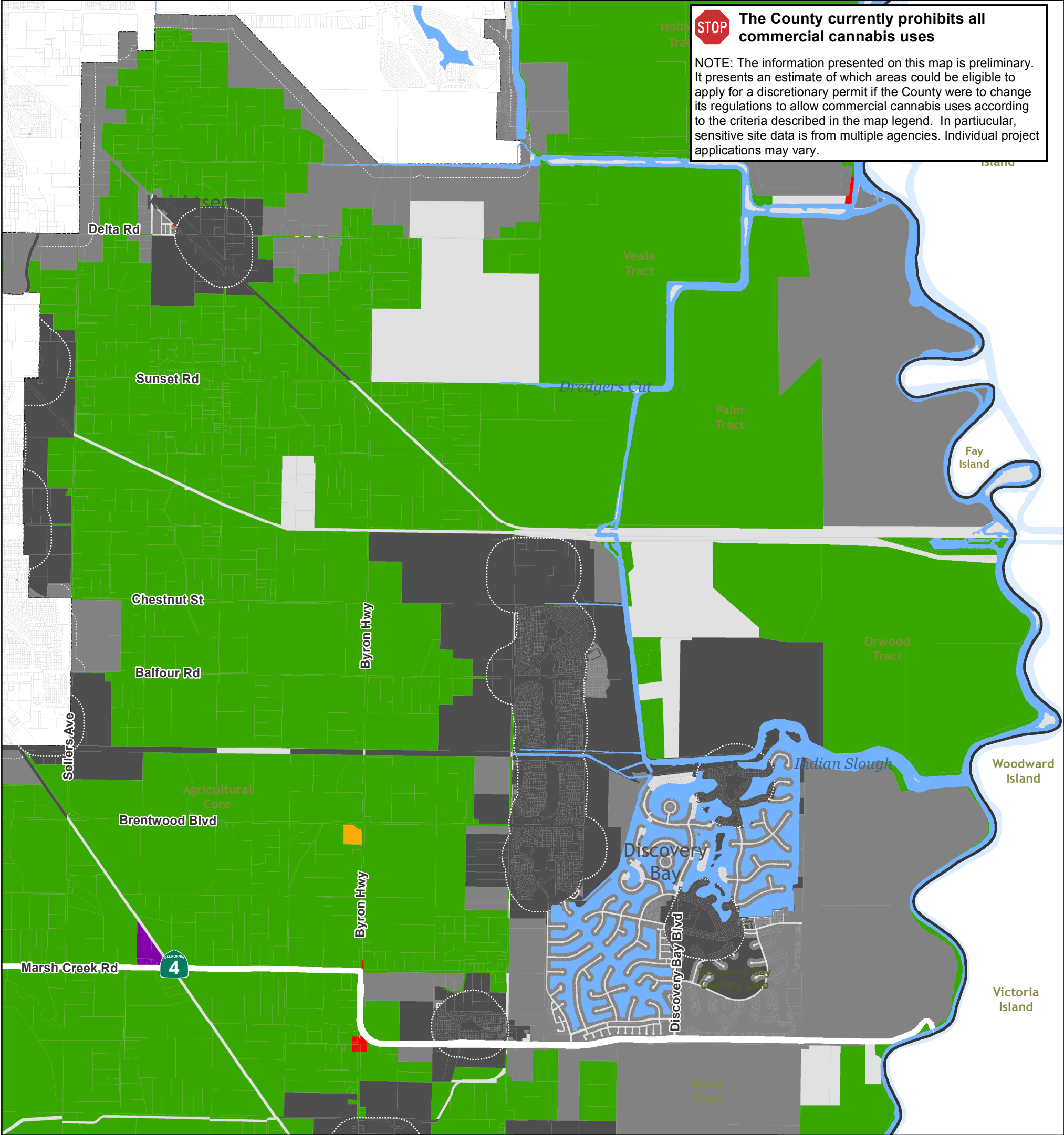
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LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES		<b>** See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.</b>
	Artificial Light	Mixed Light	Natural Light	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*	
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Areas with Incompatible Zoning District or General Plan Land Use Designation

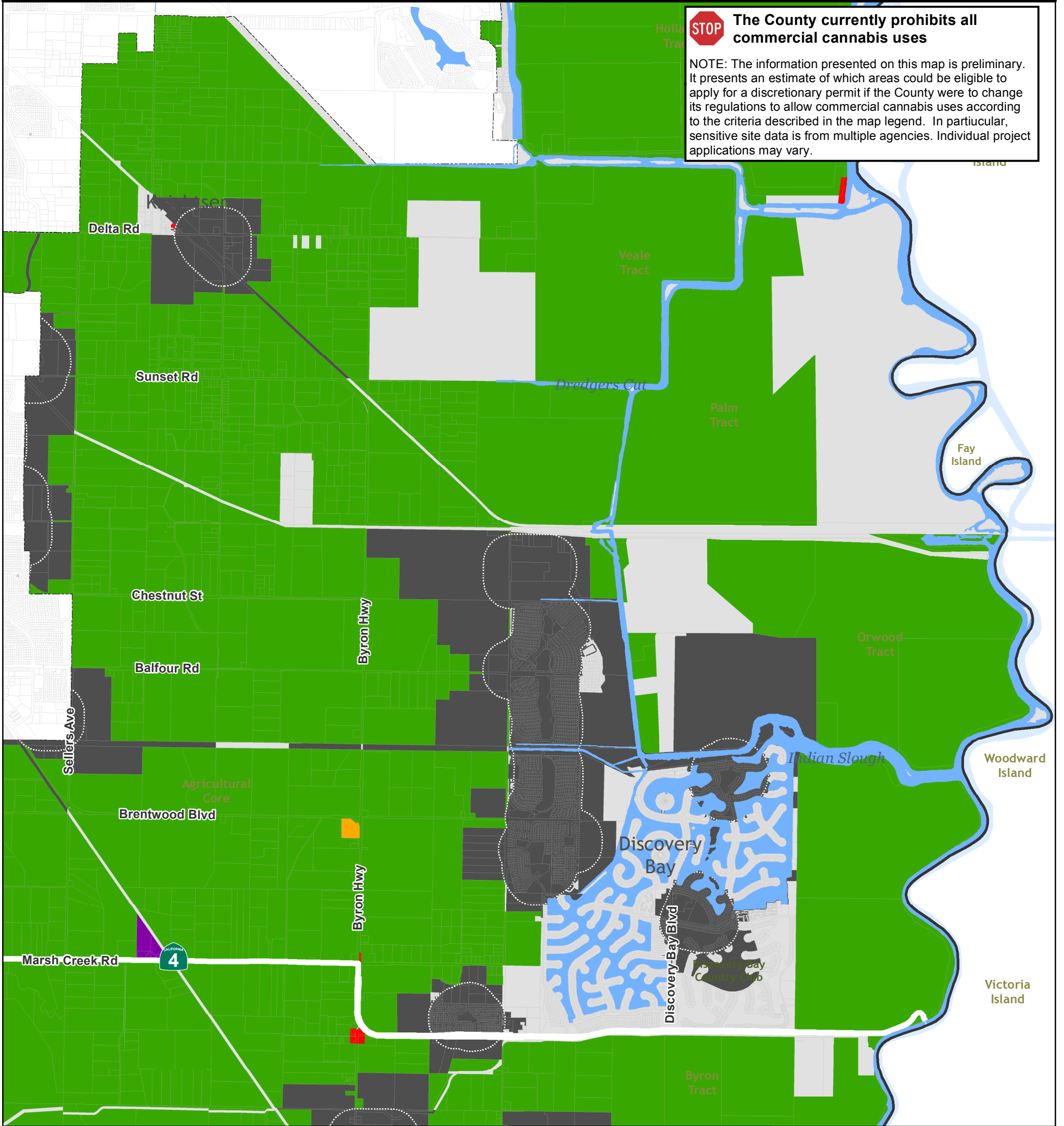
City Limits

00.3750.751.5

Miles

Map Created on 10/5/2017 by Contra Costa County Department of Conservation and Development

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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>00.3750.751.5Miles</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						
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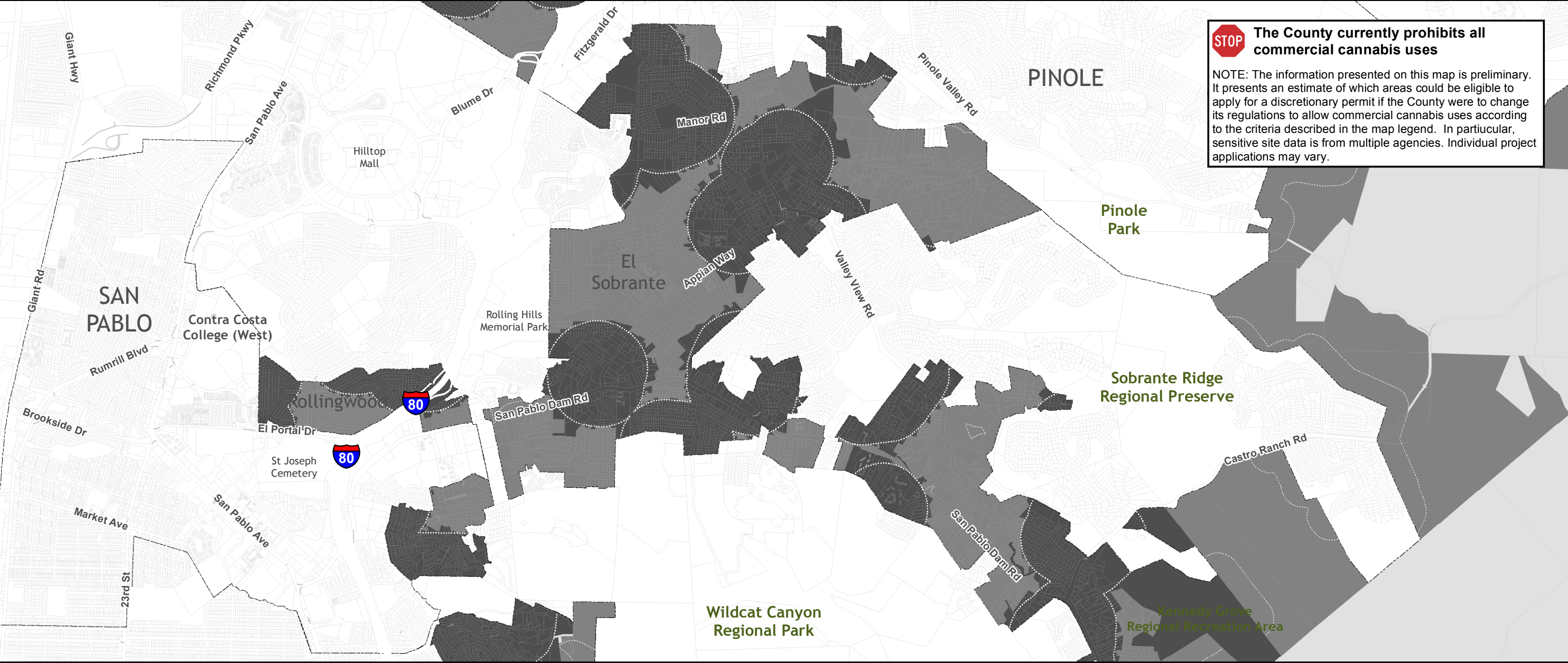
Map 9A

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.



STOP

The County currently prohibits all commercial cannabis uses

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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

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Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

00.3250.651.3

Miles

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

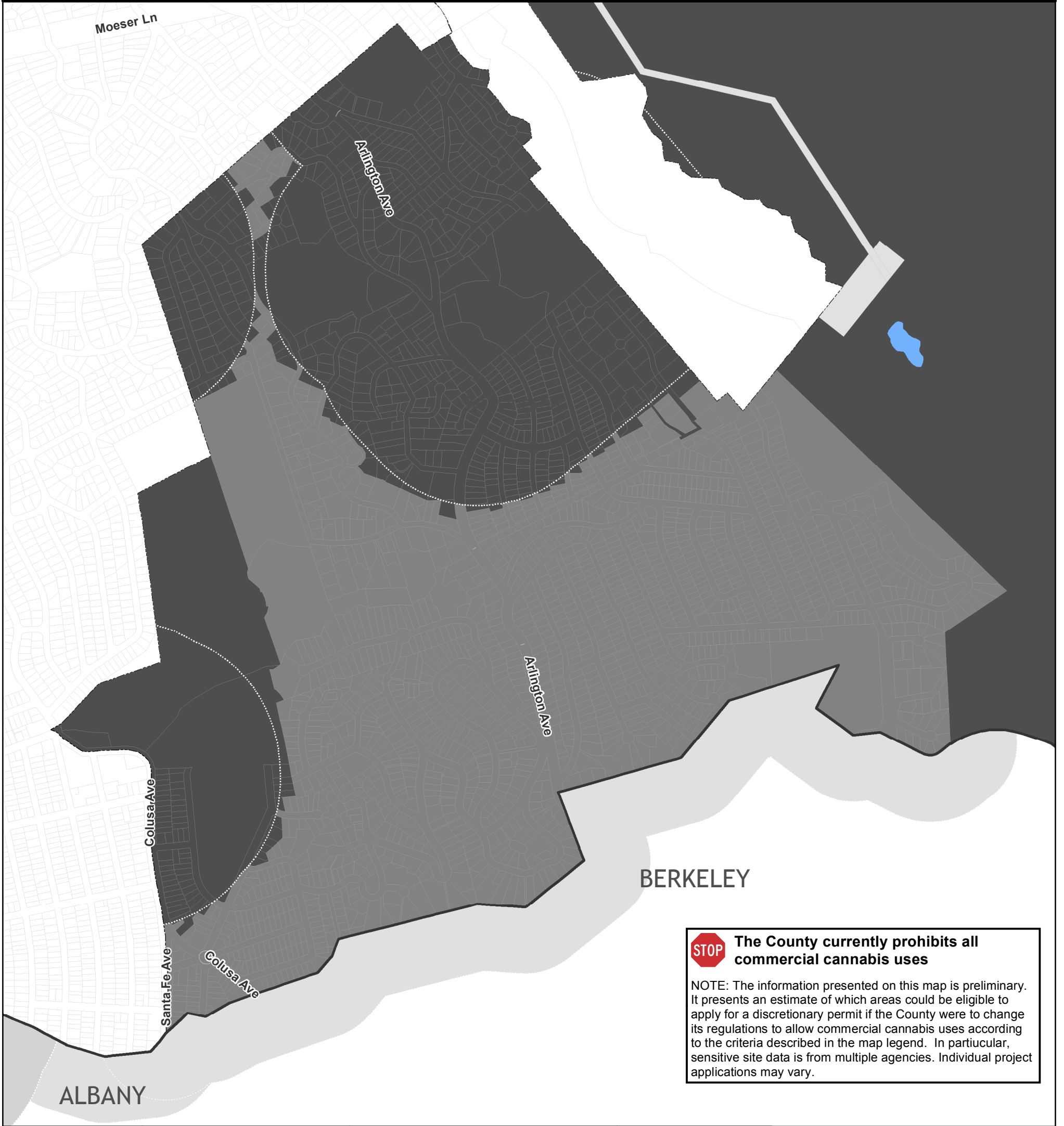
**\*\* See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.**

Areas with Incompatible Zoning District or General Plan Land Use Designation

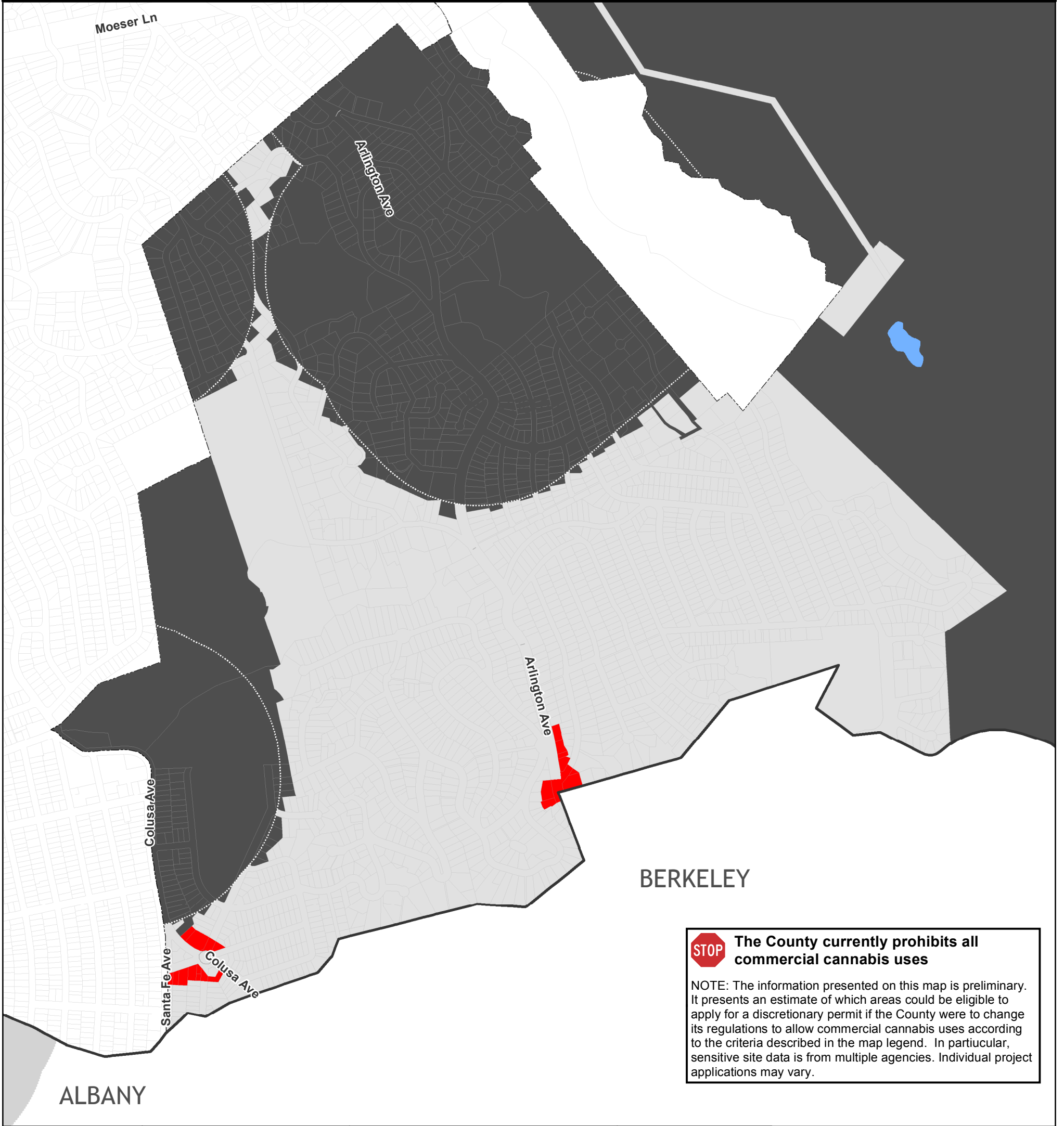
City Limits

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	



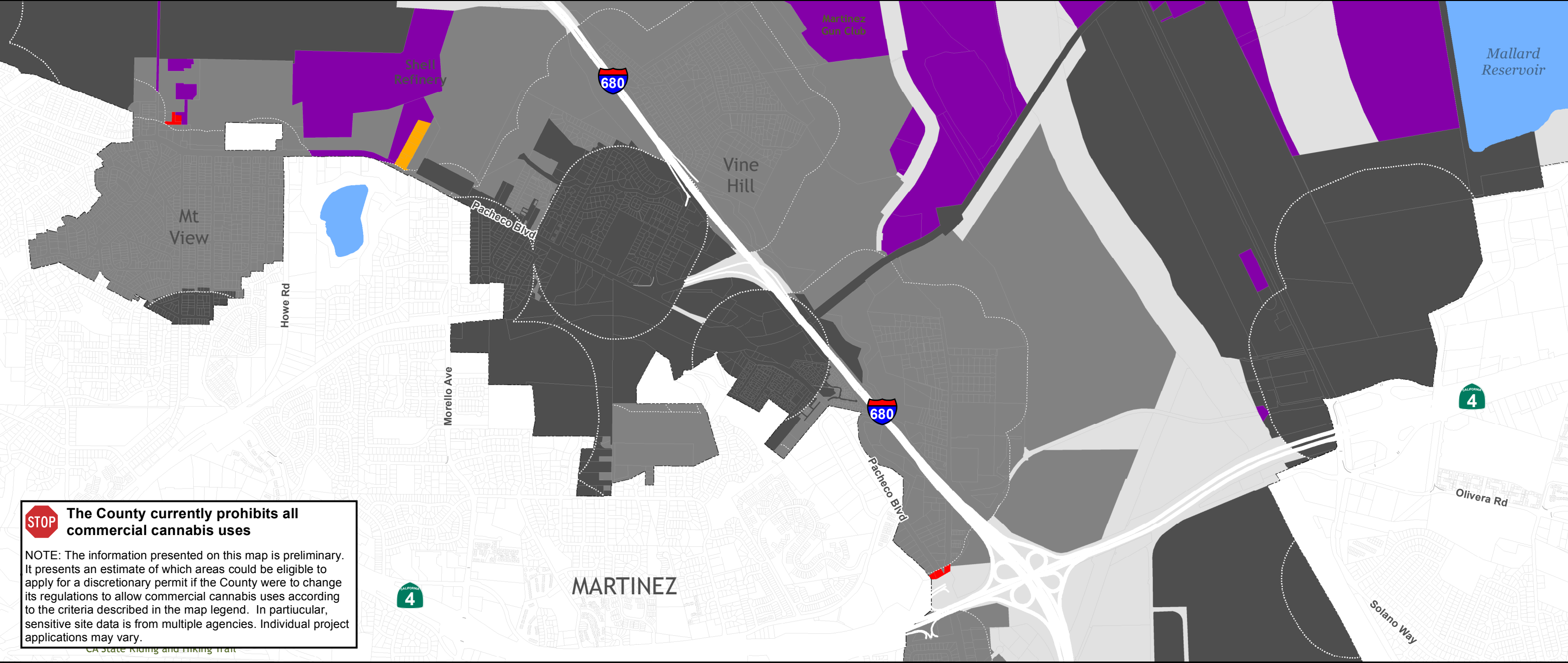
Map 11A

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

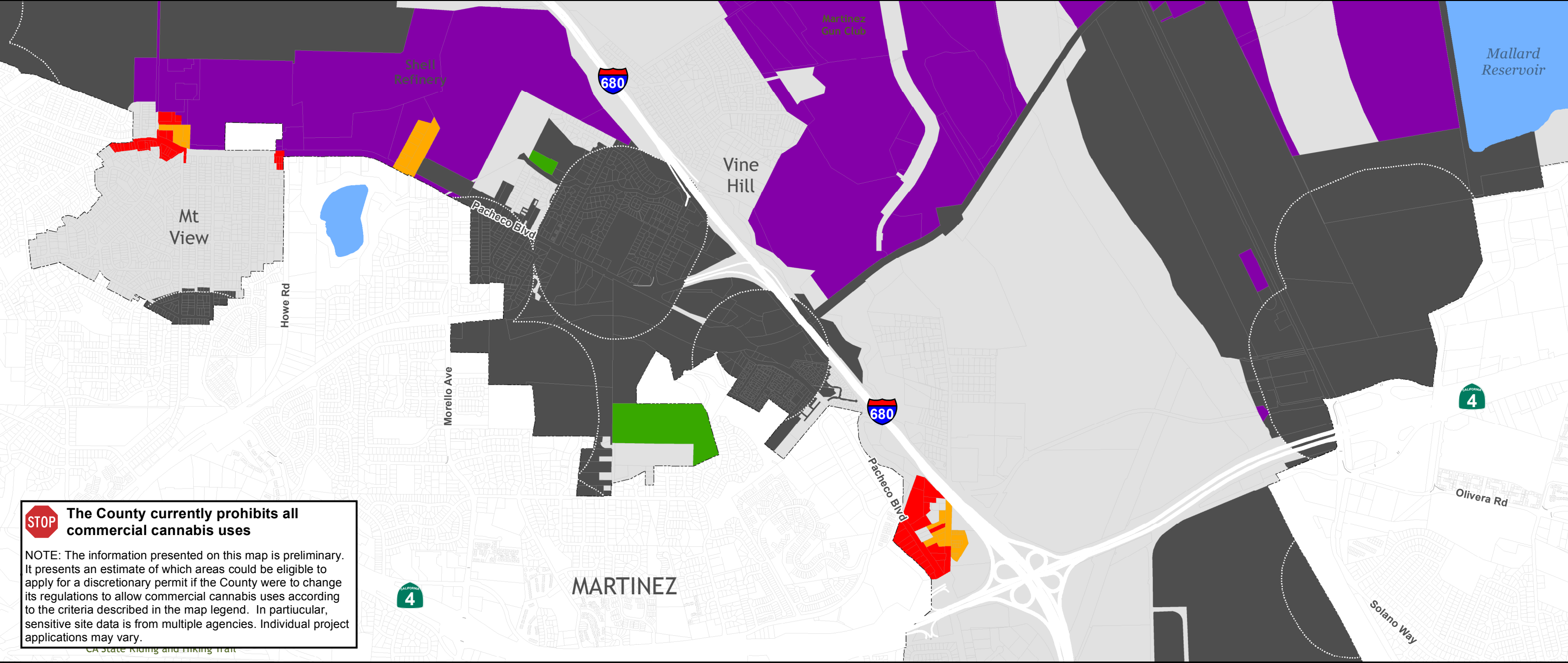
Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development

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

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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

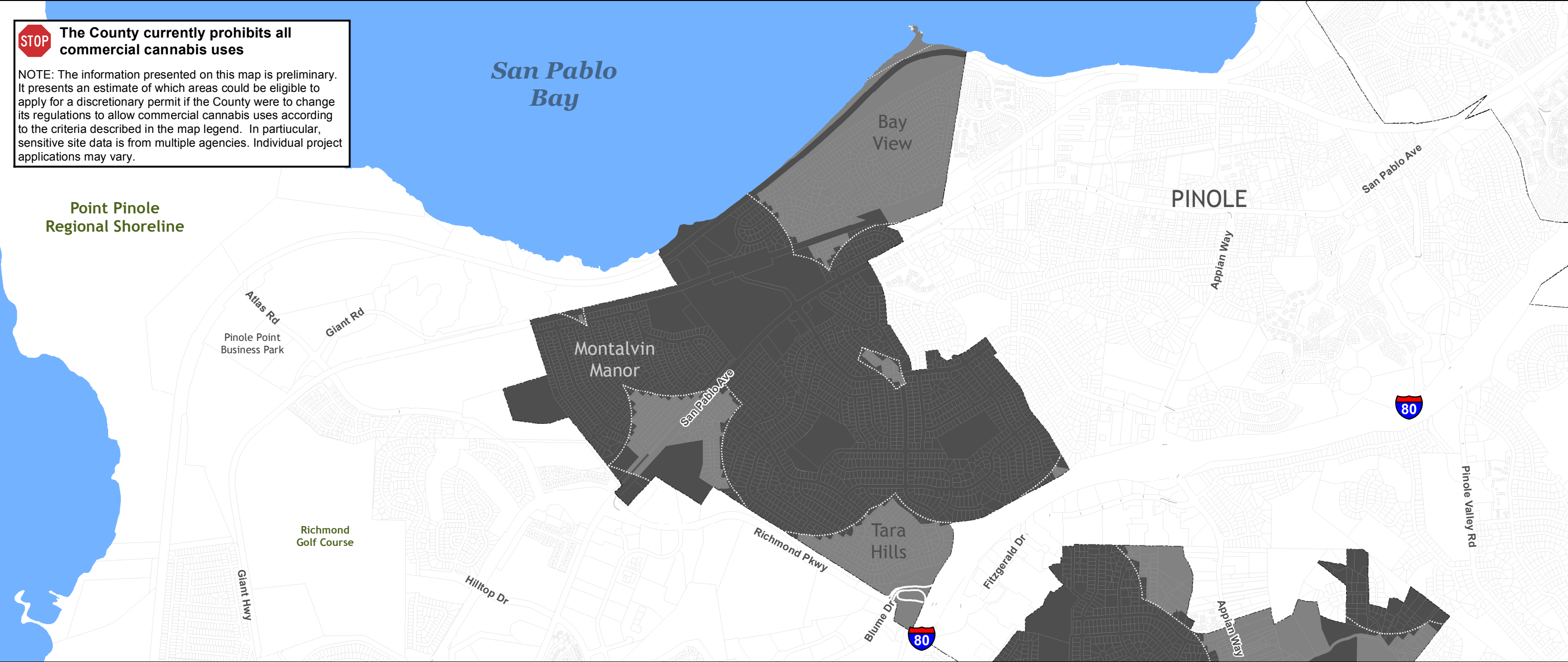
- Parcels within 1,000 feet of a Sensitive Site
- Parcels within 500 feet of Residential Zoning

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STOP

The County currently prohibits all commercial cannabis uses

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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

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Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

00.2250.450.9

Miles

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

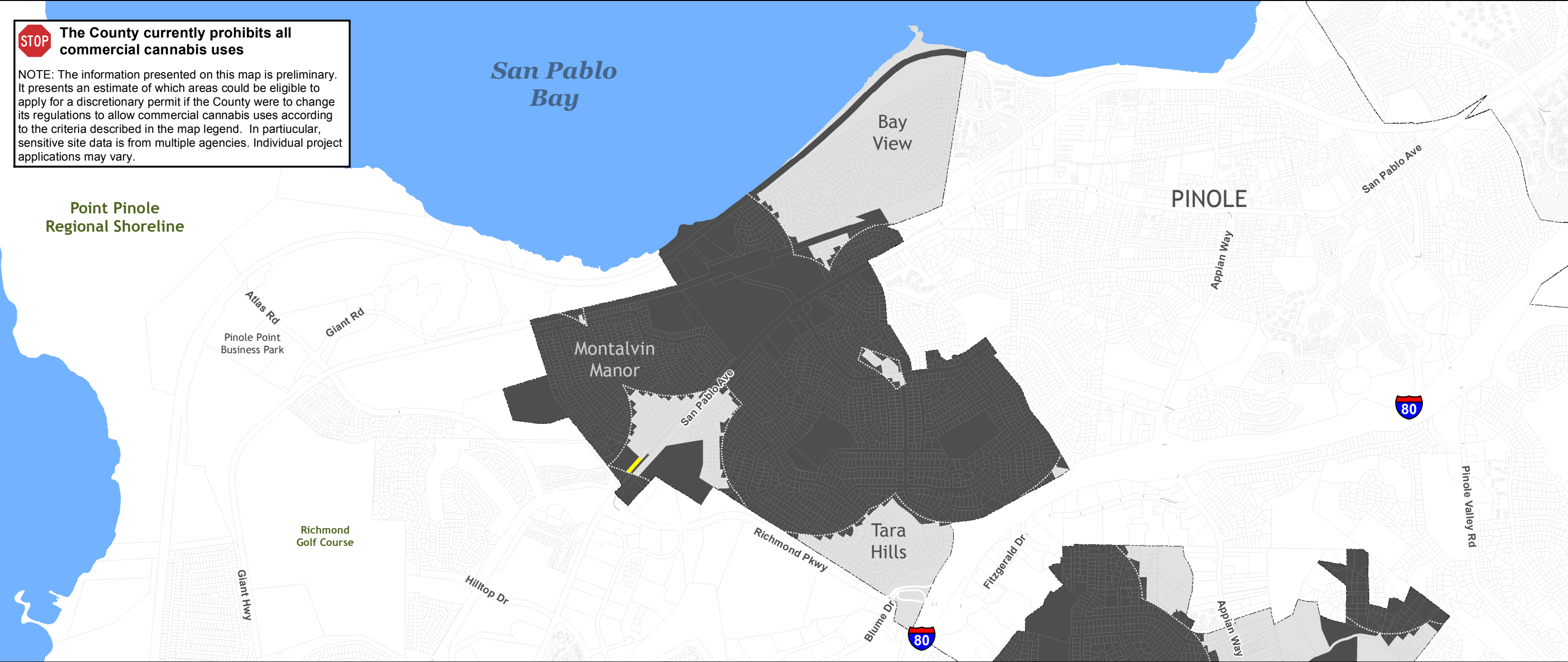
Parcels within 1,000 feet of a Sensitive Site

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

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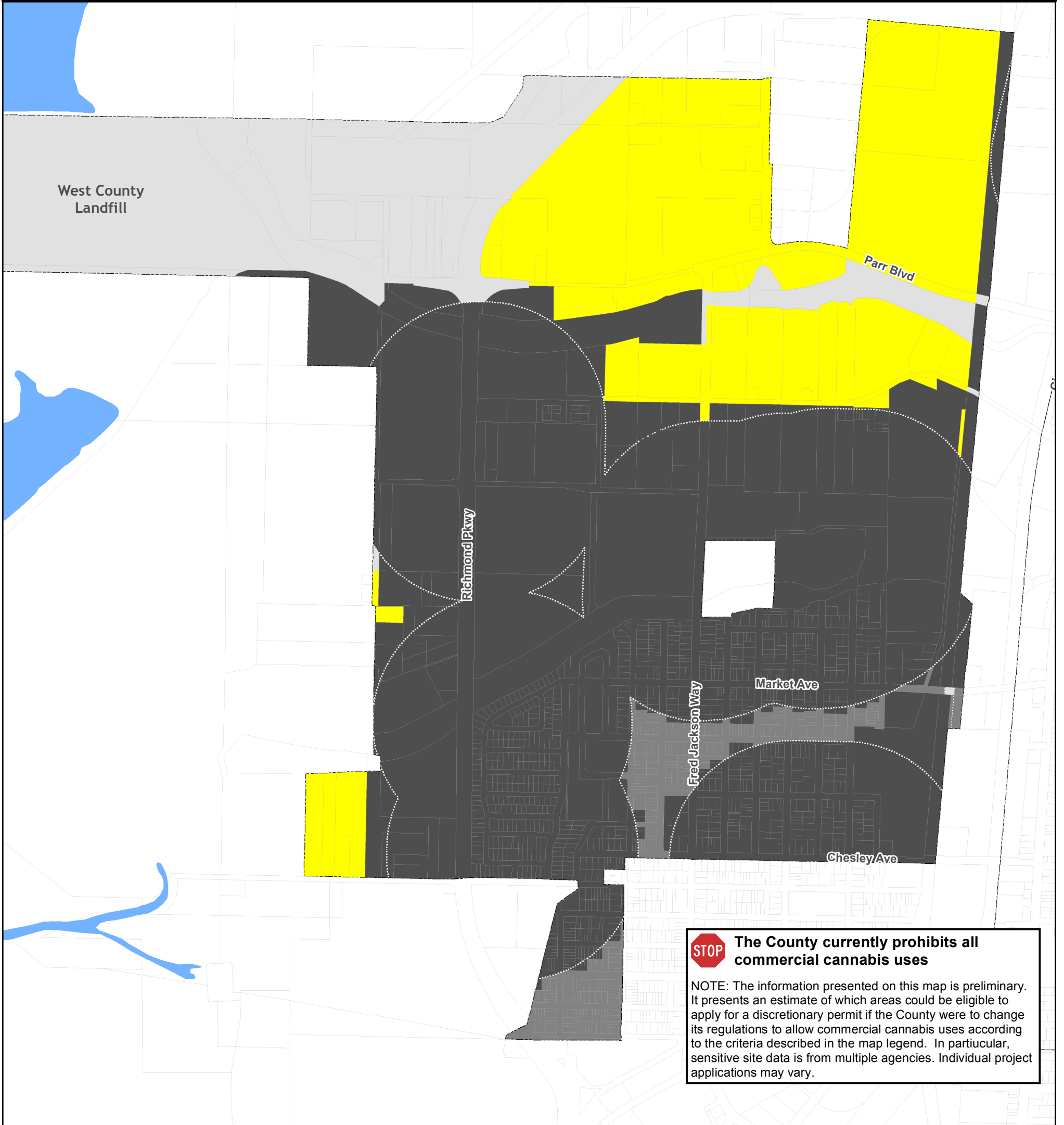
Areas with Incompatible Zoning District orGeneral Plan Land Use Designation

City Limits

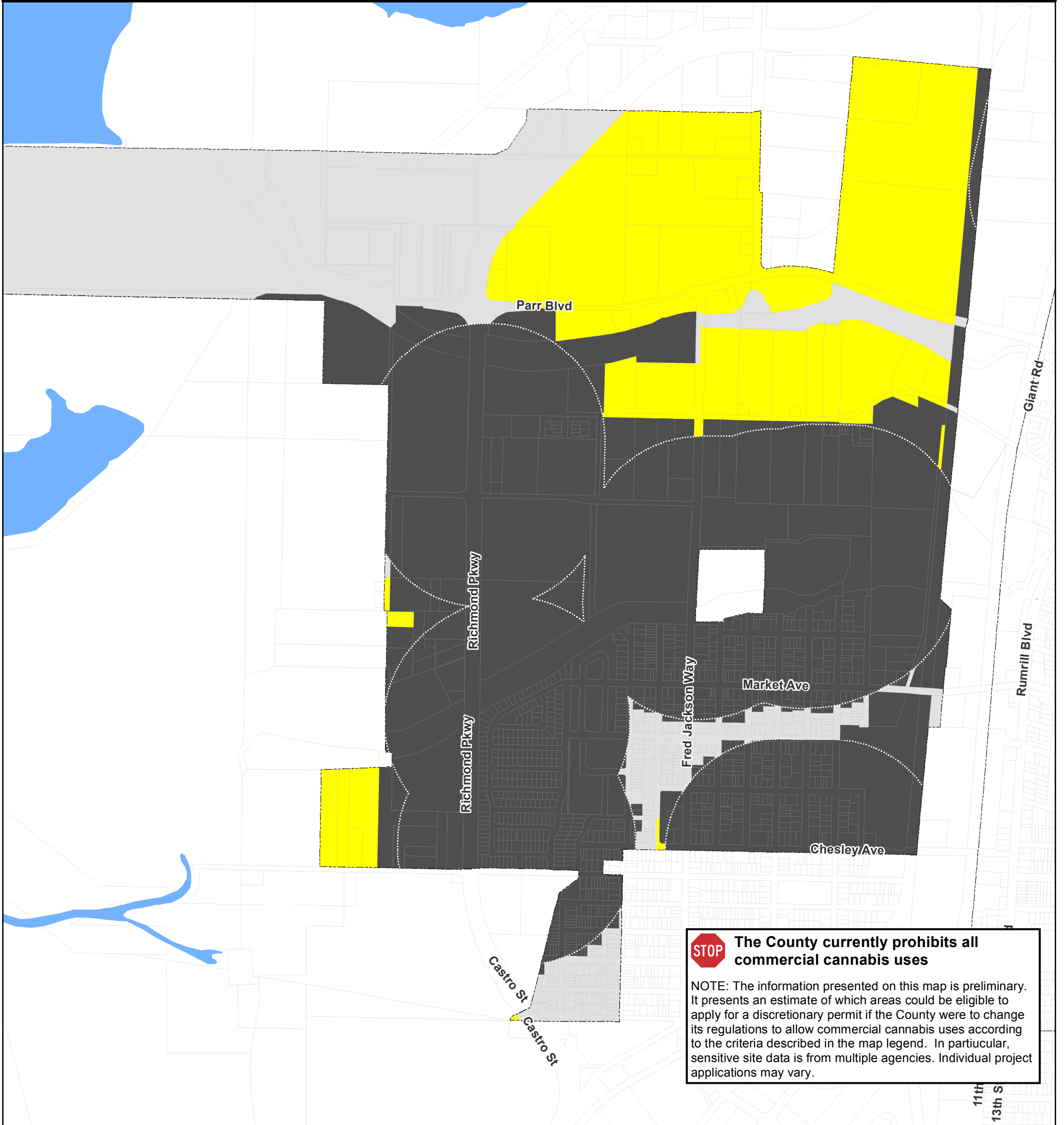
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Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development





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>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	



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					
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Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

00.0750.150.3Miles

Map Created on 10/5/2017 by Contra Costa County Department of Conservation and Development

N  
W  
E  
S

Map  
14A

# Preliminary Cannabis Land Use Matrix and Map

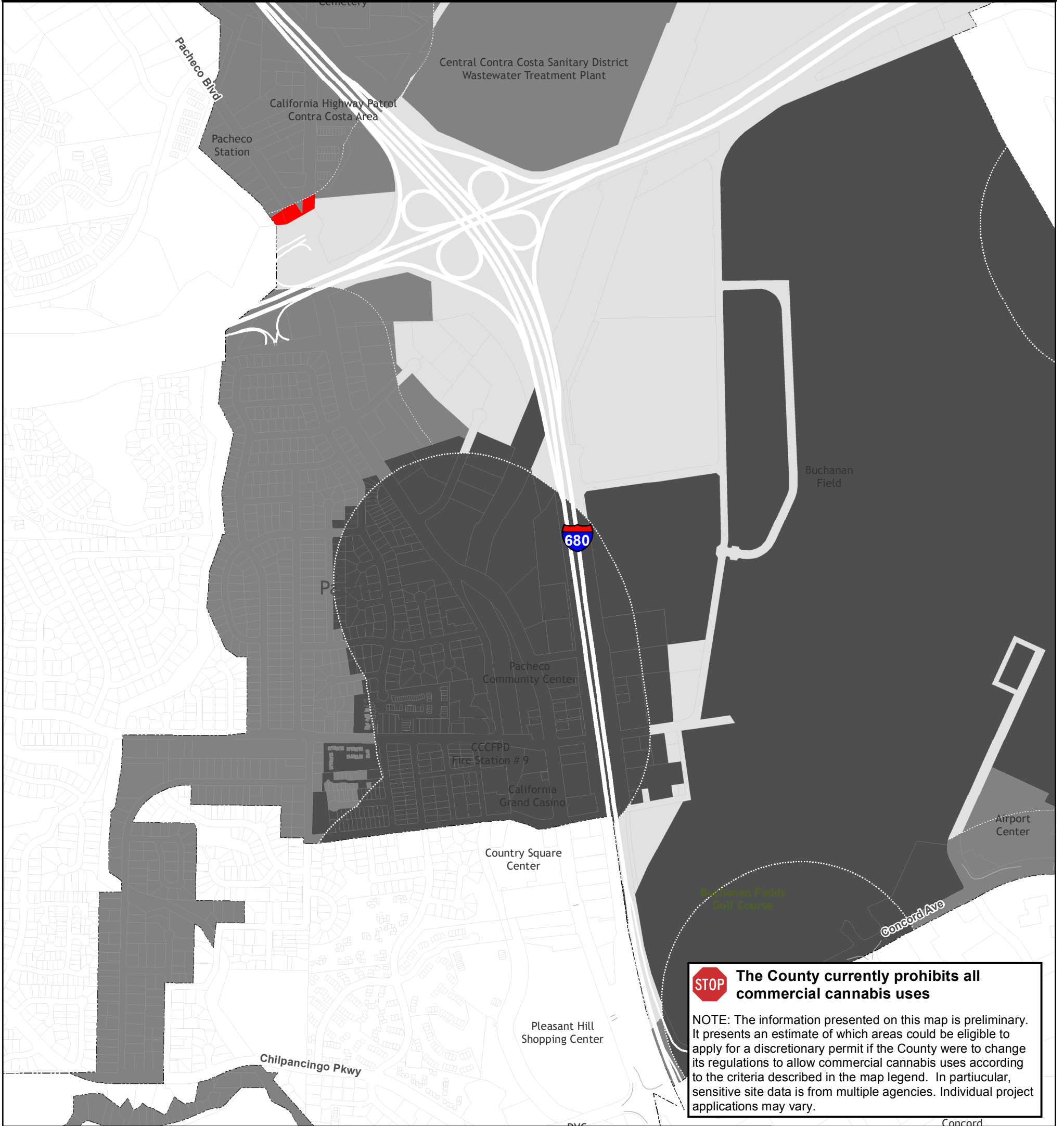
## Pacheco Area

### 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



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

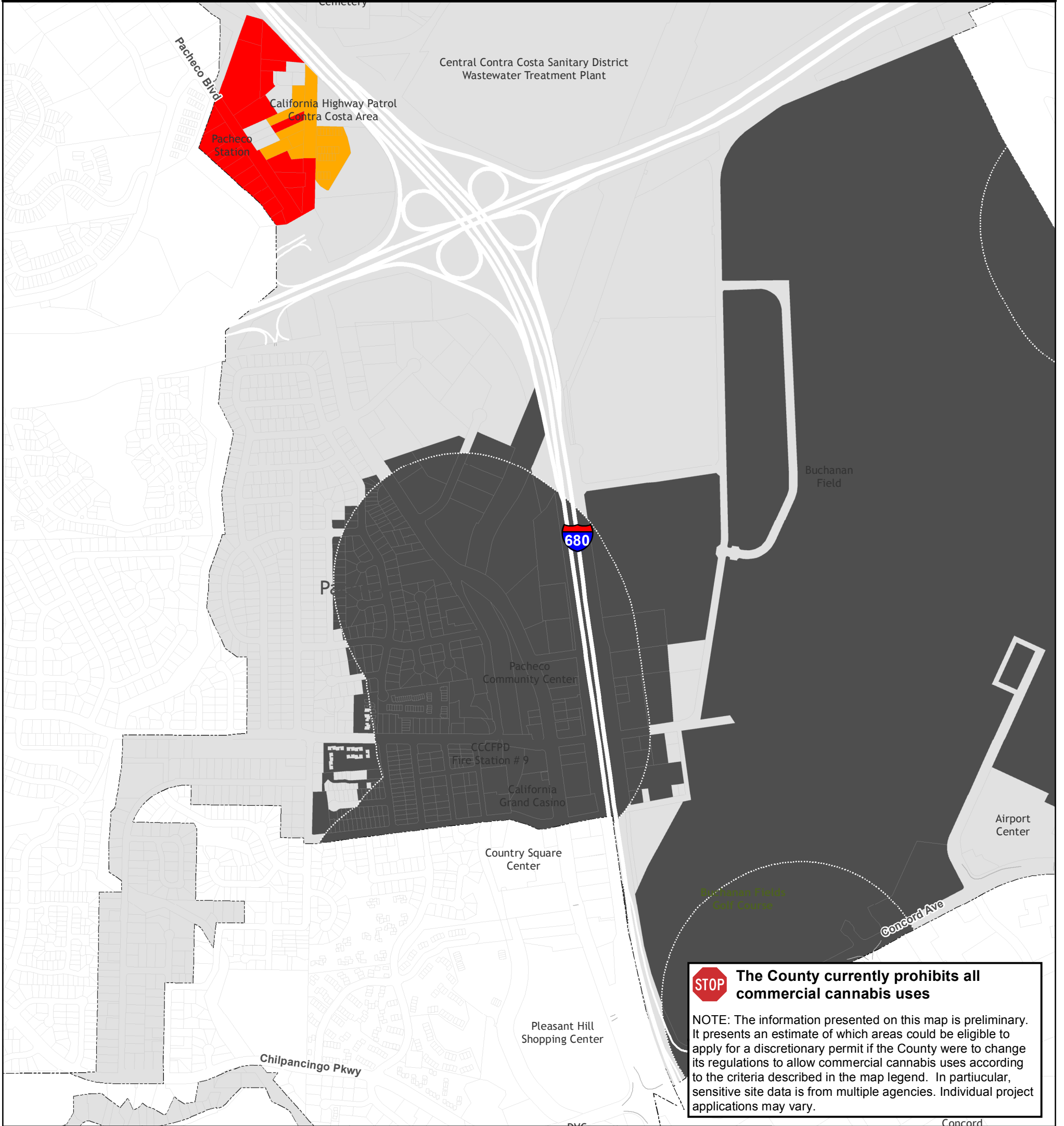
# Preliminary Cannabis Land Use Matrix and Map

## Pacheco Area

### Sensitive Site Buffers

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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

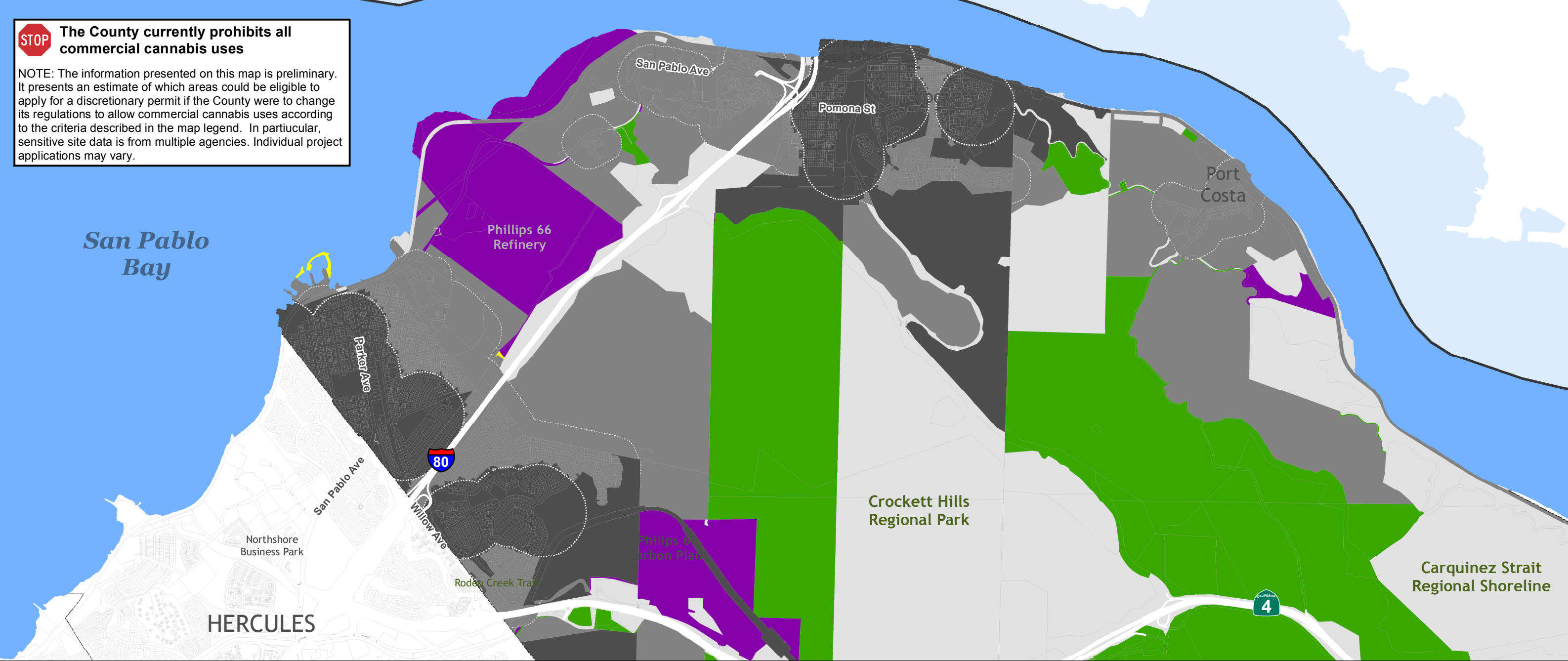
- Parcels within 1,000 feet of a Sensitive Site
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STOP

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

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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

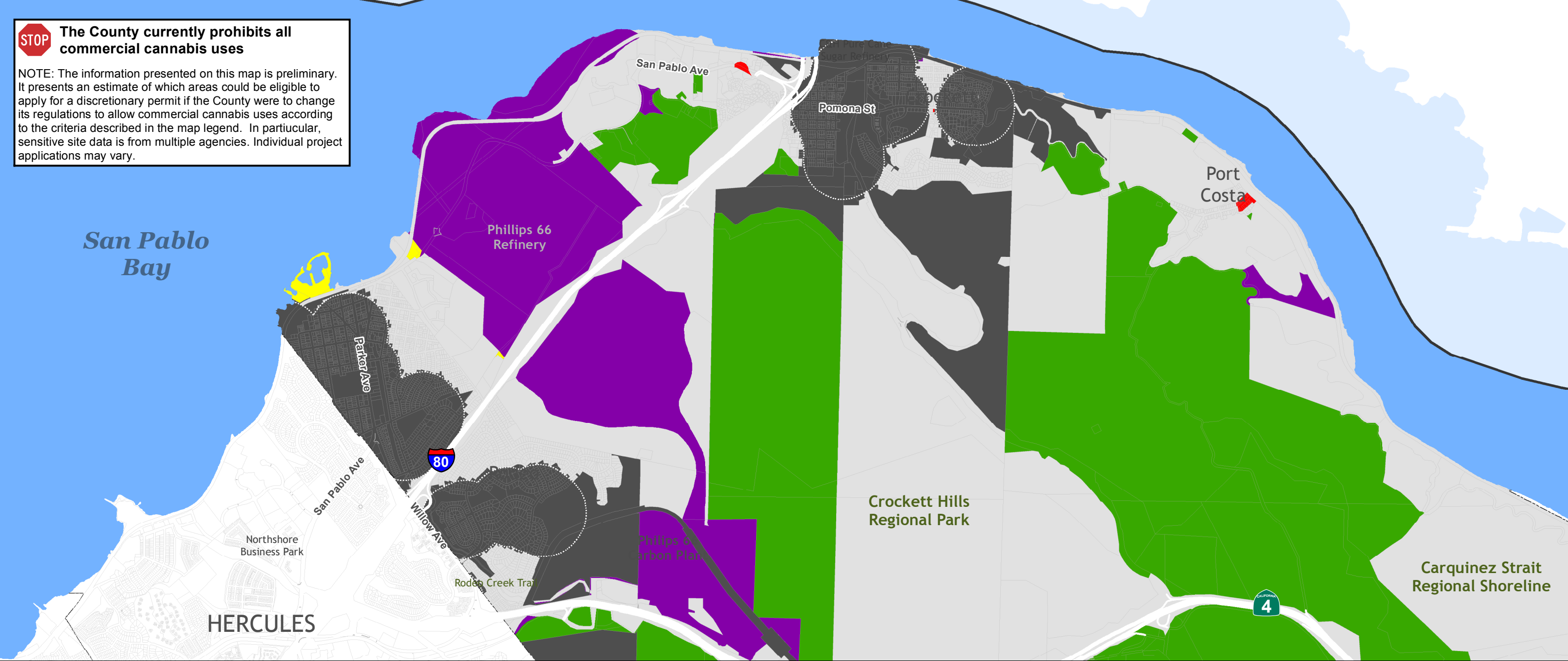
Parcels within 1,000 feet of a Sensitive Site

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

00.3750.751.5

Miles

Map Created on 10/17/2017 by Contra Costa County Department of Conservation and Development



Map  
16A

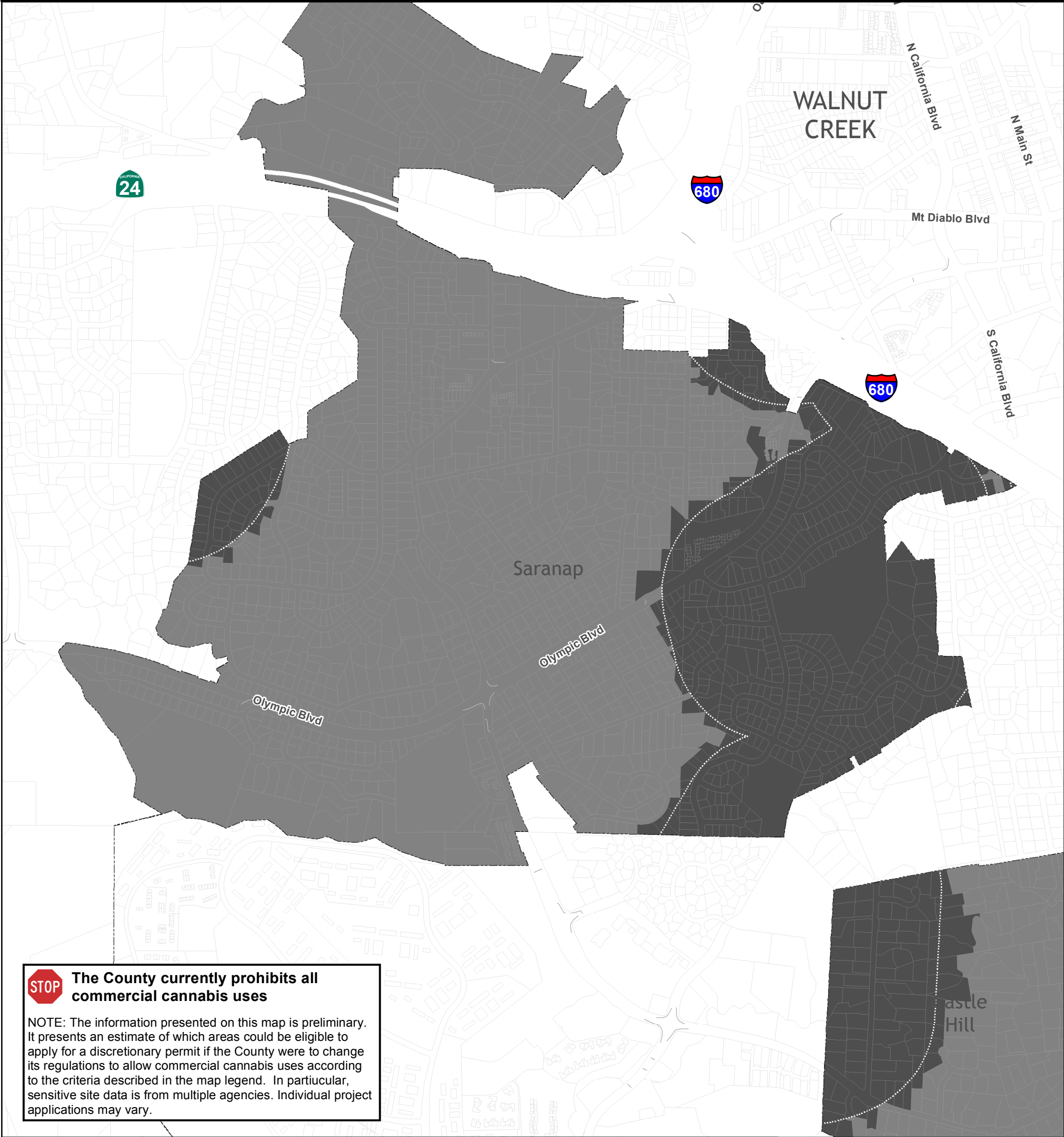
# Preliminary Cannabis Land Use Matrix and Map

## Saranap Area

### 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



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Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

00.10.20.4

Miles

Map Created on 10/5/2017 by Contra Costa County Department of Conservation and Development

N  
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Map  
16B

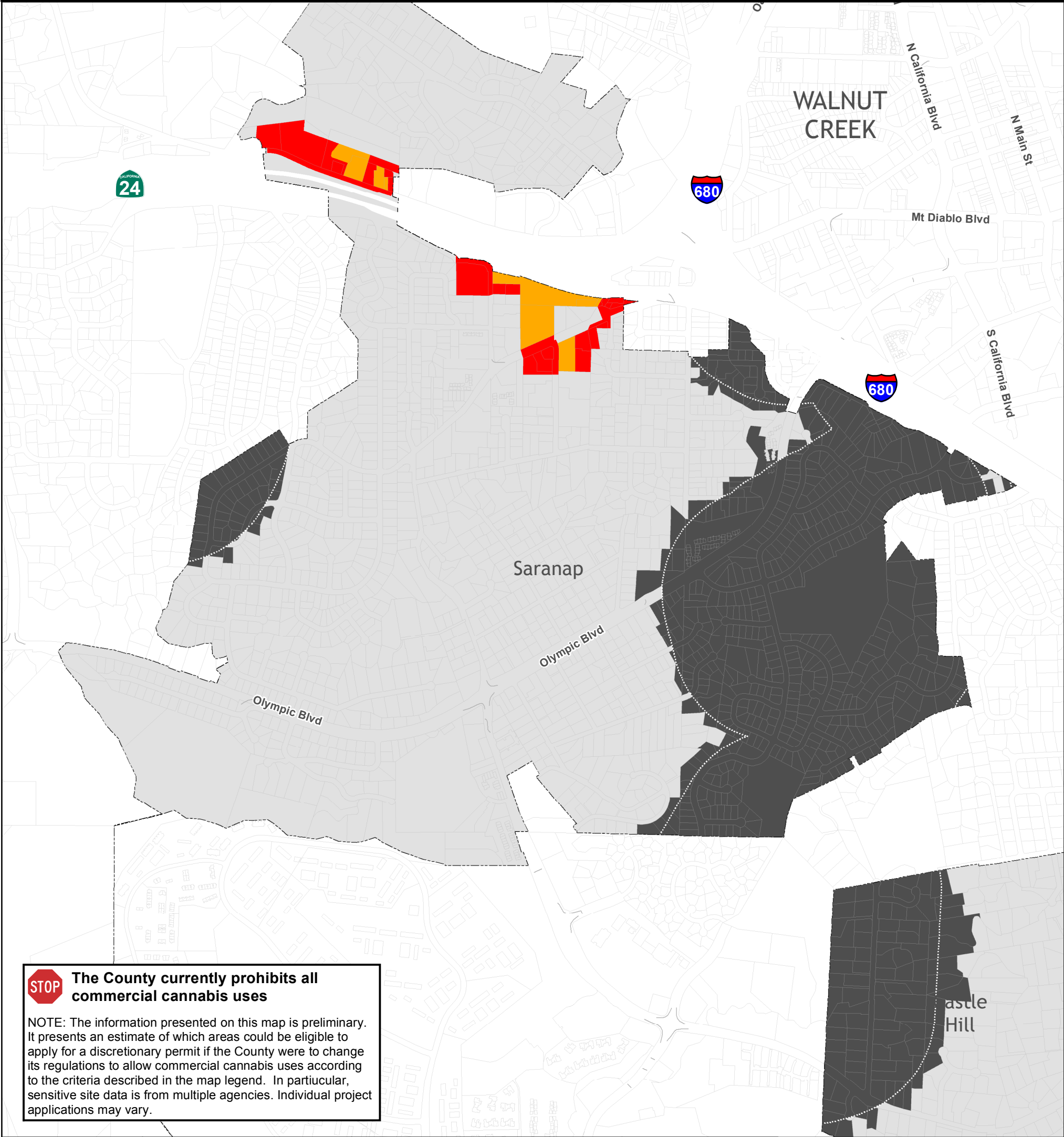
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**\*\* See Staff Report for recommendations regarding limitations on the number of permits issued and the process to select permittees.**

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

0 0.1 0.2 0.4 Miles

Map Created on 10/5/2017 by Contra Costa County Department of Conservation and Development

## **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](http://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.

<b>Impact Area</b>	<b>RMHIDTA Findings</b>	<b>Contra Costa EMS</b>
<b>Impaired Driving</b>	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 <sup>1</sup> 13 percent of nighttime, weekend drivers have marijuana in their system.	in injury or fatality were 4,390. <sup>2</sup> These incidents typically require EMS System utilization. CCEMS anticipates that with legalization EMS utilization may substantially increase.
<b>Impaired Driving</b>	According to the Colorado RMHIDTA findings: 25-40 percent of DUI arrests involved marijuana alone. <sup>3</sup>	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.
<b>Emergency Room Marijuana Admissions</b>	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.

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

<sup>2</sup> California Office of Traffic Safety [http://www.ots.ca.gov/Media\\_and\\_Research/Rankings/default.asp](http://www.ots.ca.gov/Media_and_Research/Rankings/default.asp)

<sup>3</sup> 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](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.<sup>1-7</sup>
- About one in 25 women in the U.S. reports using marijuana while pregnant.<sup>8</sup>
- The chemicals in any form of marijuana may be bad for your baby – this includes edible marijuana products (such as cookies, brownies, or candies).<sup>9</sup>
- If you're using marijuana and are pregnant or are planning to become pregnant, talk to your doctor.



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.<sup>1-7</sup>

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.<sup>10,11</sup>
- 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.<sup>12,13</sup>

## 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.<sup>1-7</sup>

## 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.<sup>11, 14-16</sup>

## 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>

# 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.
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# 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.<sup>4</sup>
- 13% of nighttime, weekend drivers have marijuana in their system; this is up from 9% in 2007.<sup>5</sup>
- After alcohol, marijuana is the drug most often linked to drugged driving.<sup>6</sup>



## 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](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.<sup>1-3</sup>

## 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.<sup>1-3, 7-9</sup>
- Marijuana use can impair coordination, distort perception, and lead to memory loss and difficulty in problem-solving.<sup>1-3, 7-9</sup>
- The risk of impaired driving associated with marijuana in combination with alcohol appears to be greater than that for either by itself.<sup>2, 9</sup>

# What You Need to Know About Marijuana Use and Driving

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## 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.<sup>1</sup>
- Regular cannabis use has been linked to anxiety, depression, and suicide, especially for teens with a family history of mental illness.<sup>2,3,4</sup>
- Cannabis use increases the risk of schizophrenia, although it is not common. The more cannabis you use, the higher the risk.<sup>5</sup>
- Using cannabis as a teen can lead to cannabis dependence and increase your risk for using or abusing other substances and illegal drugs.<sup>6,7</sup>

### 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.<sup>8</sup>
- Research shows that when you use cannabis your memory, learning, and attention are harmed. Some studies suggest a permanent impact as well.<sup>9</sup>

### 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.<sup>10</sup>

### 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.<sup>11</sup> 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<sup>11</sup>
  - Getting lower grades<sup>12</sup>
  - Dropping out of school<sup>13</sup>
  - Unemployment or not getting the job that you'd like to have<sup>7,14</sup>



## Cannabis Affects Your Driving

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

## 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).<sup>17</sup>

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## 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.<sup>3</sup>
- Research shows that when youth use cannabis their memory, learning, and attention are harmed. Some studies suggest a permanent impact as well.<sup>4</sup>

### 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.<sup>5,6</sup>
- 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.<sup>7</sup> Research shows that youth who start using before 18 or who use cannabis regularly may be at higher risk for:

- Skipping classes<sup>7</sup>
- Getting lower grades<sup>9</sup>
- Dropping out of school<sup>10</sup>
- Unemployment or having less fulfilling jobs later in life<sup>10,11</sup>
- Mental health problems may include:
  - Anxiety, depression, suicide, and schizophrenia<sup>12,13,14,15,16</sup>
  - Cannabis dependence and a higher risk for using or abusing other substances and illegal drugs<sup>17</sup>
- 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.<sup>18</sup>

### 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.<sup>2</sup>



### Tips for Encouraging Youth Not to Use Cannabis<sup>19</sup>

- 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 Cannabis<sup>20</sup>

- 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 Cannabis<sup>19</sup>

- 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.

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# The Legalization of Marijuana in Colorado: *The Impact*

Volume 5  
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Rocky Mountain High Intensity  
Drug Trafficking Area  
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PREPARED BY:  
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# Executive Summary

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## Purpose

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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](http://WWW.RMHIDTA.ORG) AND SELECT REPORTS.**

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# Introduction

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## Purpose

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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

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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

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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

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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

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### 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.

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# SECTION 1: *Impaired Driving and Fatalities*

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## Some Findings

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- 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

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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

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**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.

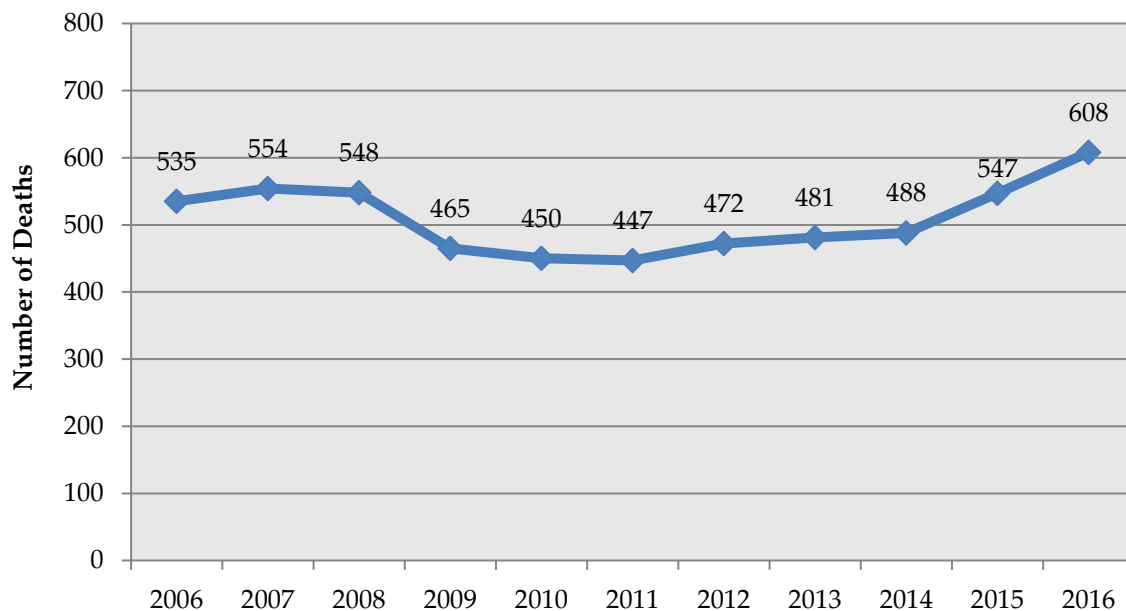
**Personal Conveyance:** Non-motorized transport devices such as skateboards, wheelchairs (including motorized wheelchairs), tricycles, foot scooters, and Segways. These are more or less non-street legal transport devices.

## 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:

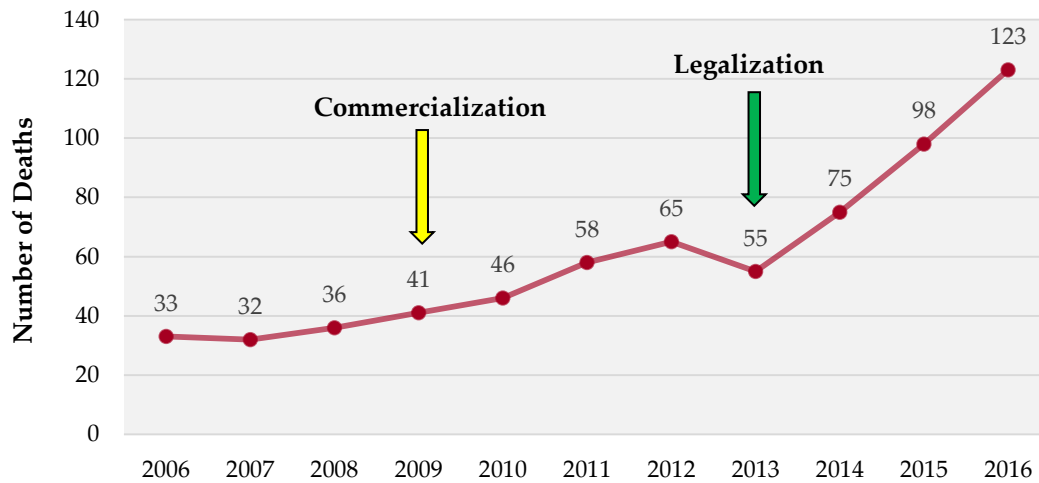
- 390 were drivers
- 116 were passengers
- 79 were pedestrians
- 16 were bicyclists
- 5 were in personal conveyance
- 2 had an unknown position in the vehicle

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

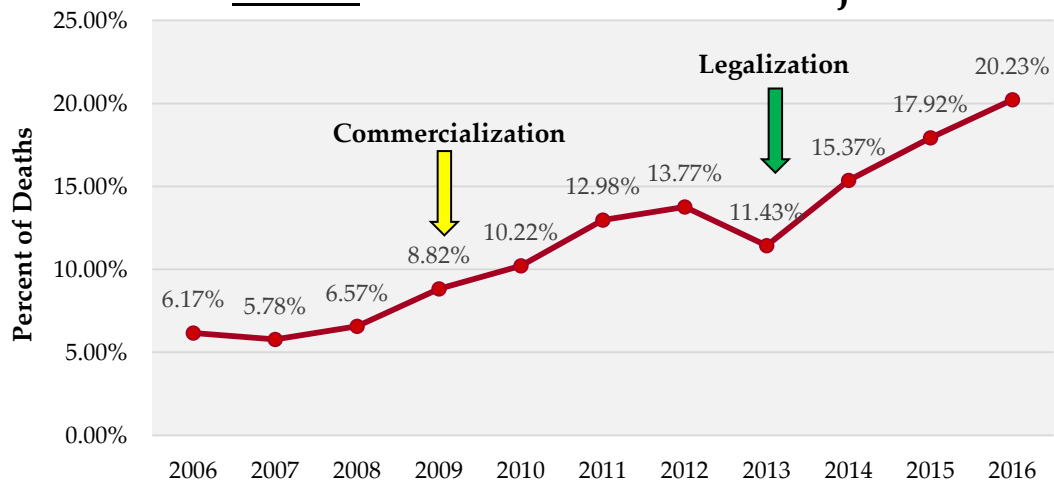
- ❖ In 2016 there were a total of 123 marijuana-related traffic deaths when a driver tested positive for marijuana. Of which:
  - 100 were drivers
  - 19 were passengers
  - 2 were pedestrians
  - 2 were bicyclists
  
- ❖ “In 2016, of the 115 drivers in fatal wrecks who tested positive for marijuana 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.” <sup>1</sup>

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



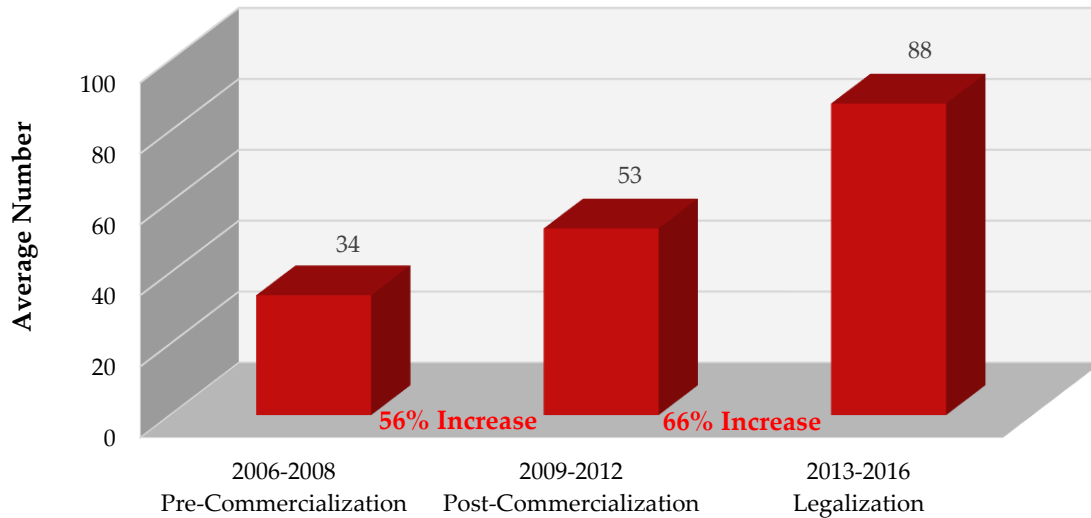
SOURCE: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS), 2006-2011 and Colorado Department of Transportation 2012-2016

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



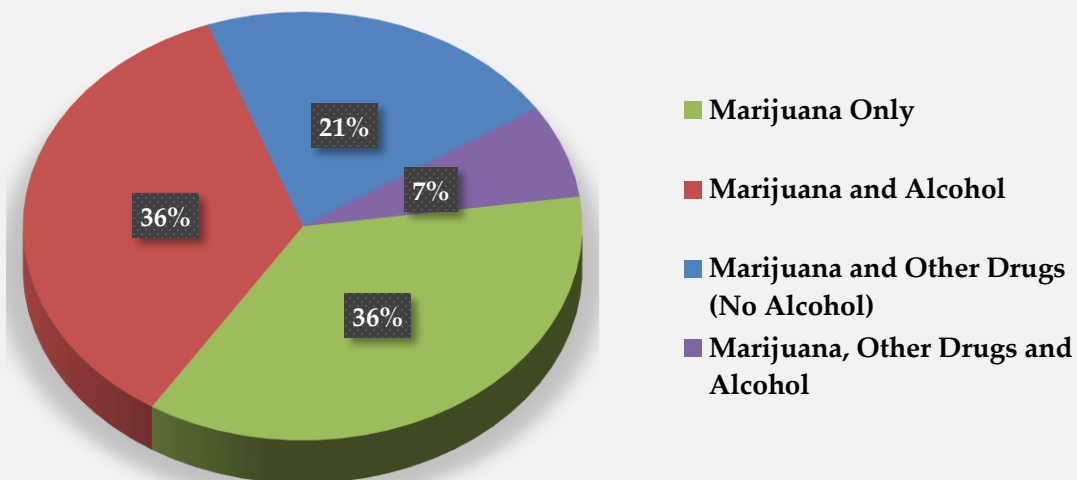
SOURCE: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS), 2006-2011 and Colorado Department of Transportation 2012-2016

### 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

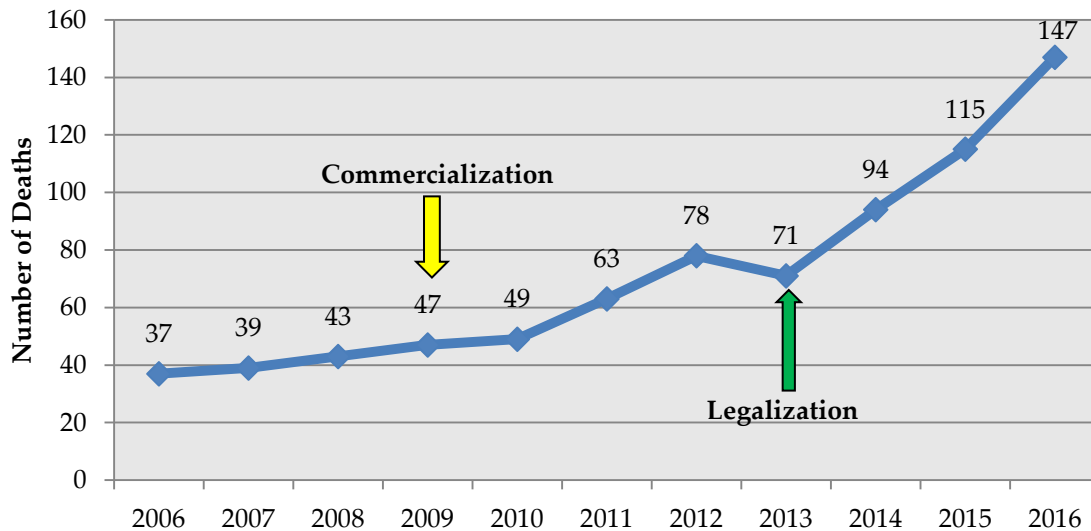
<b>Traffic Deaths Related to Marijuana*</b> <b>When an OPERATOR Tested Positive for Marijuana</b>			
<b>Crash Year</b>	<b>Total Statewide Fatalities</b>	<b>Fatalities with Operators Testing Positive for Marijuana</b>	<b>Percent of Total Fatalities</b>
2006	535	37	6.92%
2007	554	39	7.04%
2008	548	43	7.85%
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:

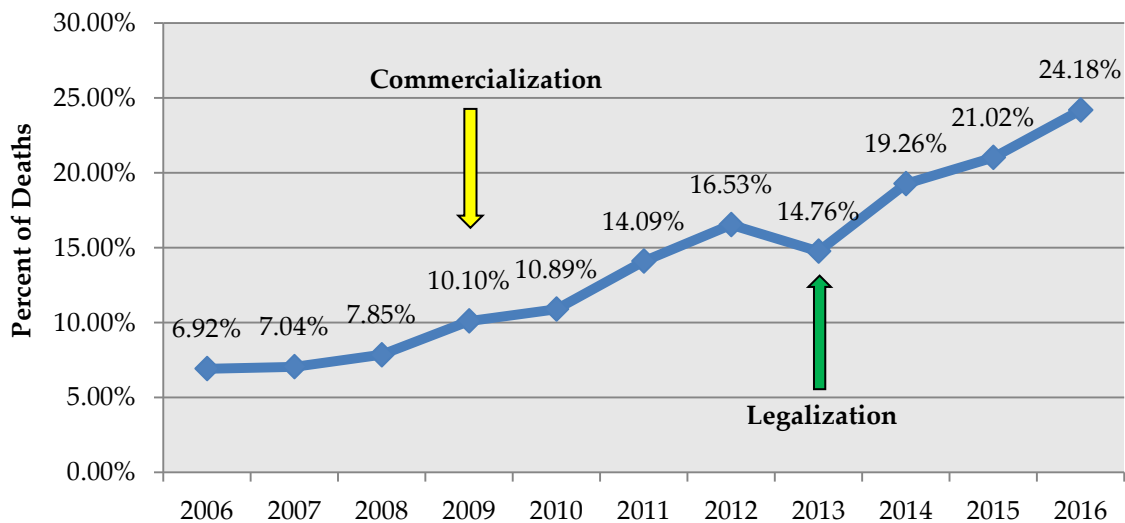
- 100 were drivers
- 19 were passengers
- 21 were pedestrians
- 7 were bicyclists

## 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

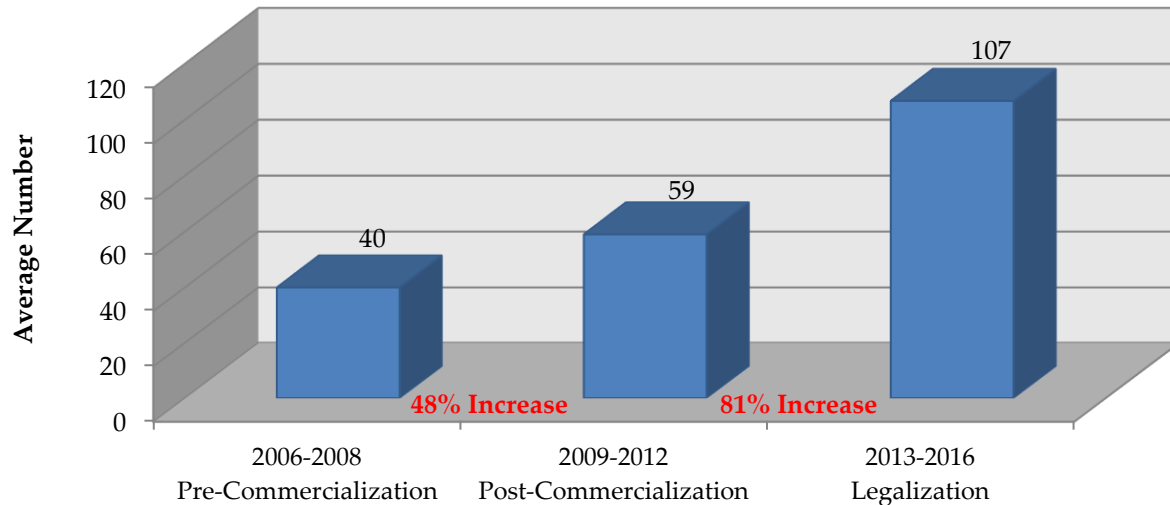
## Percent of All Traffic Deaths that were Marijuana-Related when an Operator Tested Positive for Marijuana



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

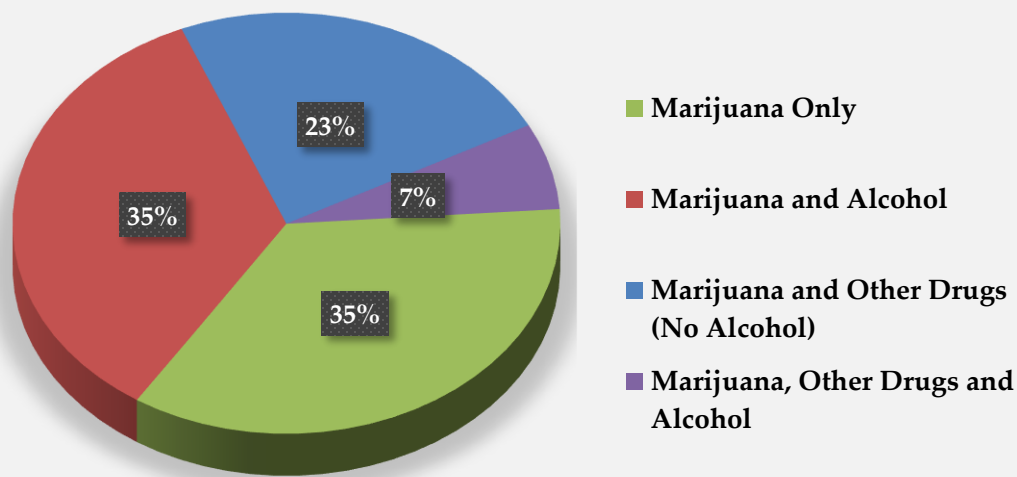


### Average Number of Traffic Deaths Related to Marijuana when an Operator Tested Positive for Marijuana



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



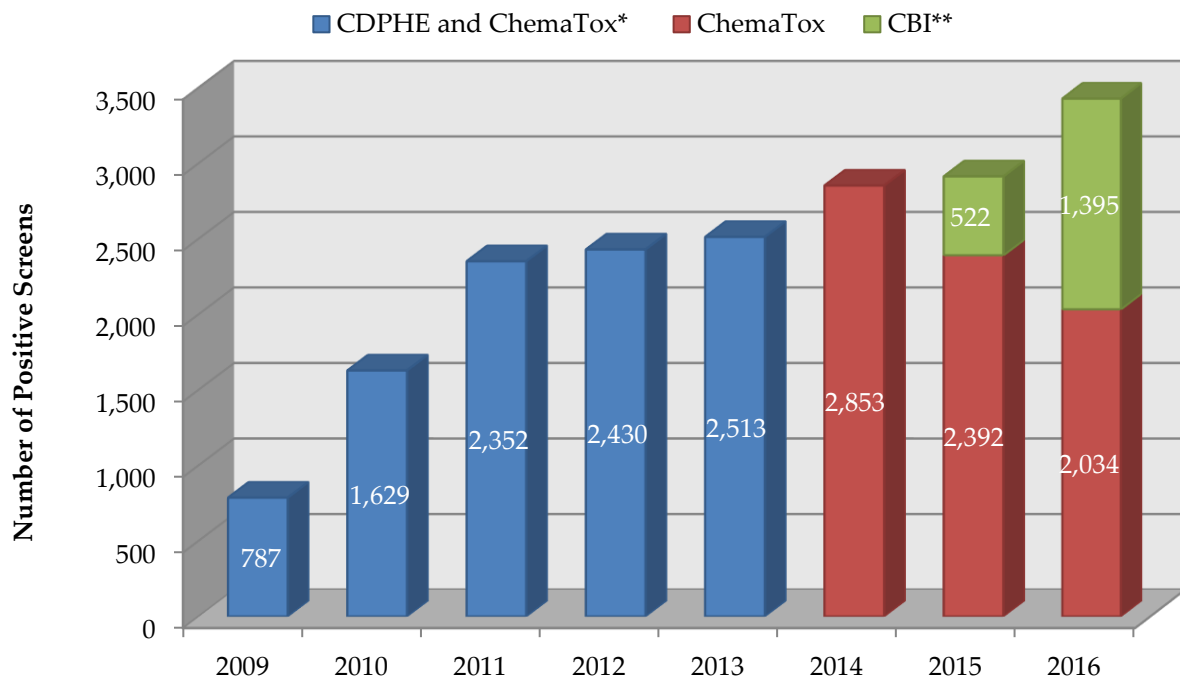
\*Toxicology results for all substances present in individuals who tested positive for marijuana

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.

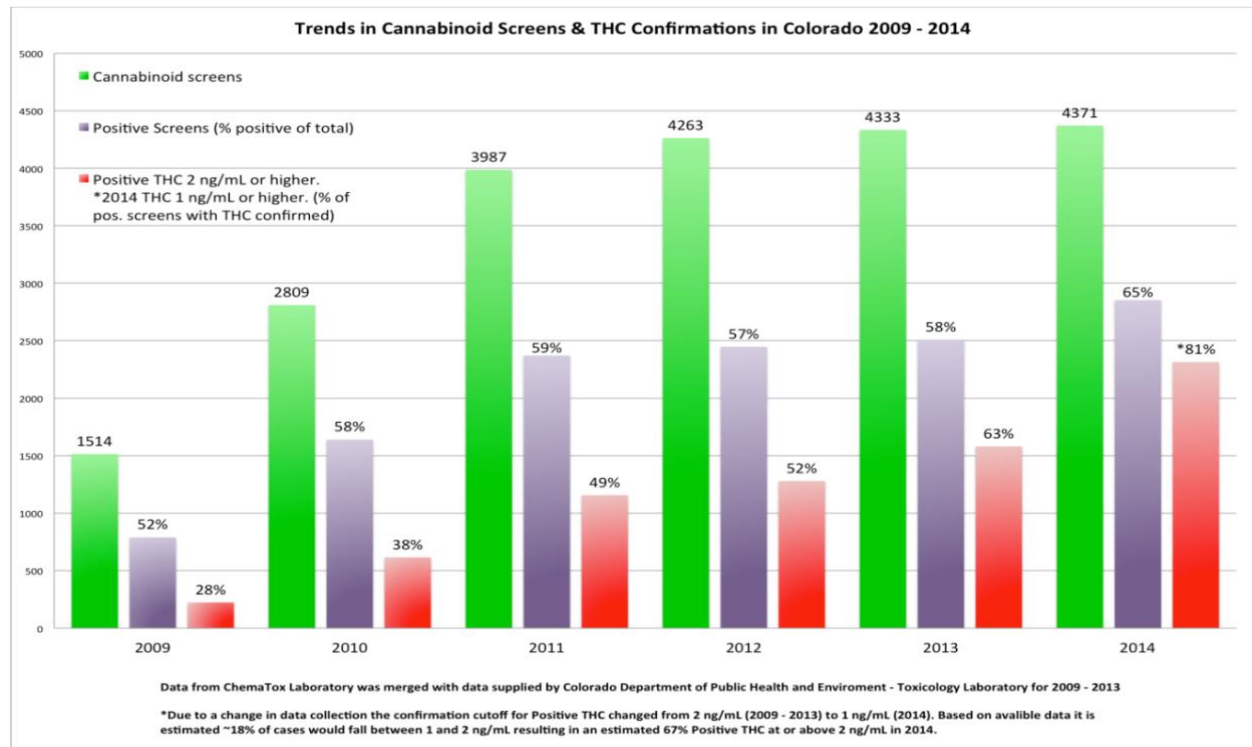
SOURCE: Colorado Bureau of Investigation and Rocky Mountain HIDTA

- ❖ 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.

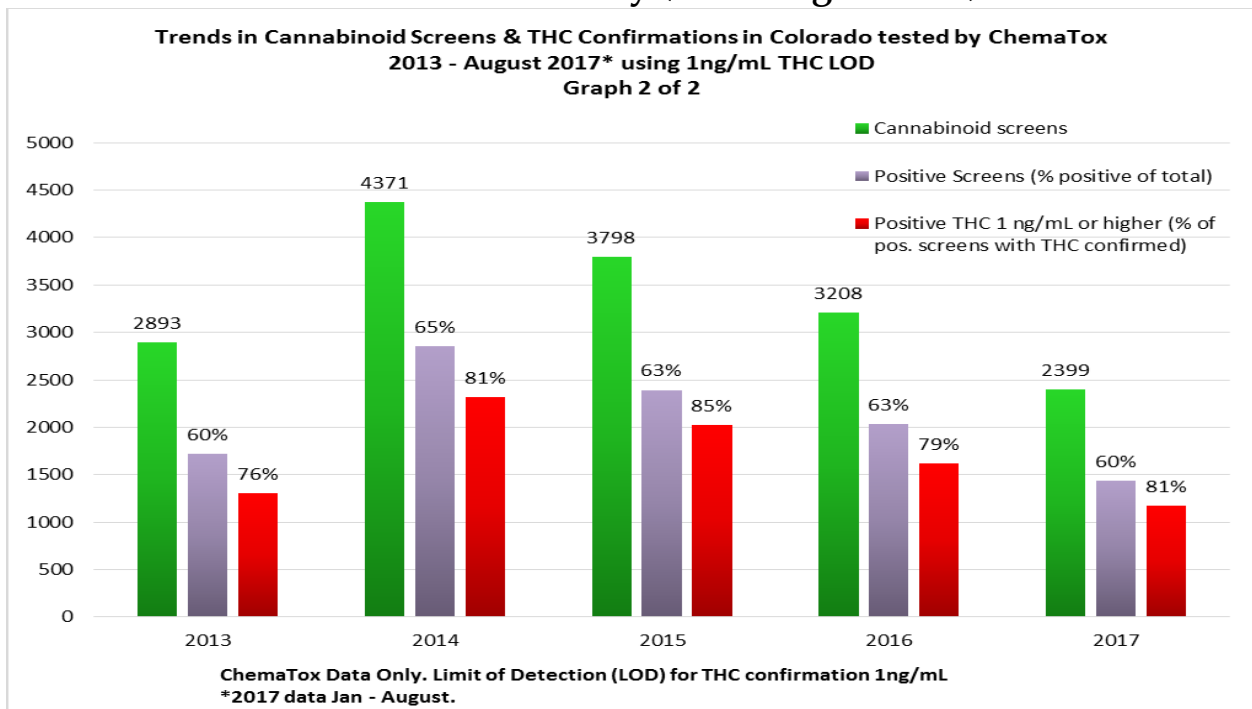
**NOTE:** COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT DISCONTINUED TESTING IN JULY 2013. THE COLORADO BUREAU OF INVESTIGATION BEGAN TESTING ON JULY 1, 2015.

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



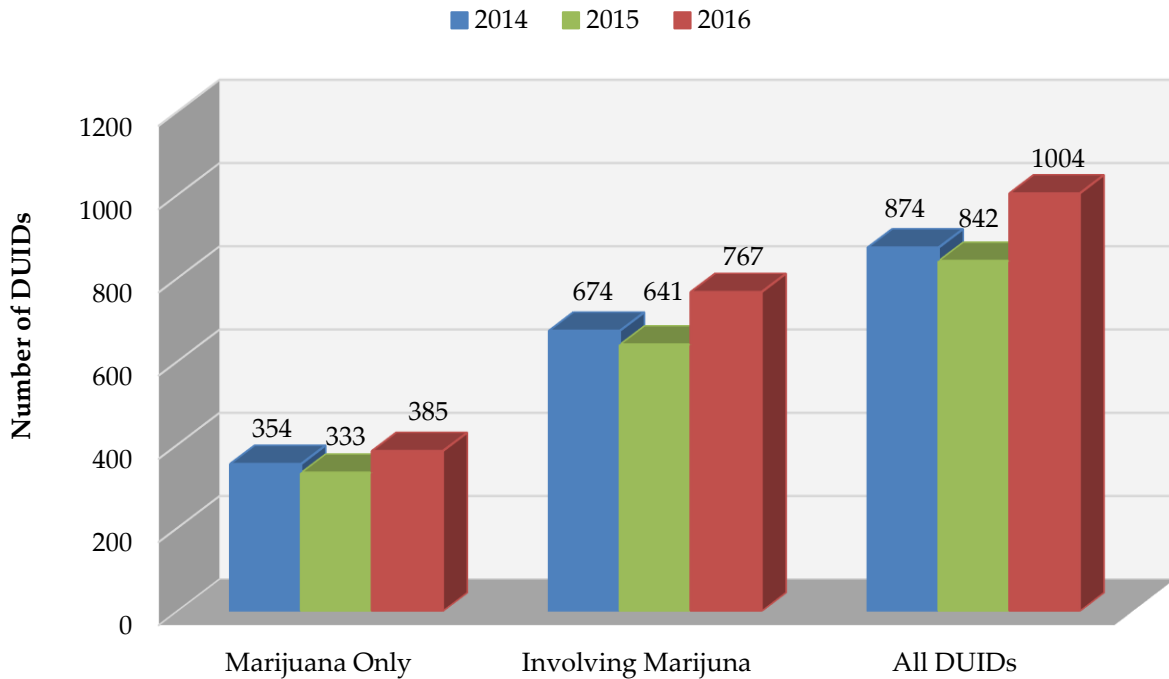
SOURCE: Sarah Urfer, M.S., D-ABFT-FT; ChemaTox Laboratory

## ChemaTox Data Only (2013-August 2017)



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

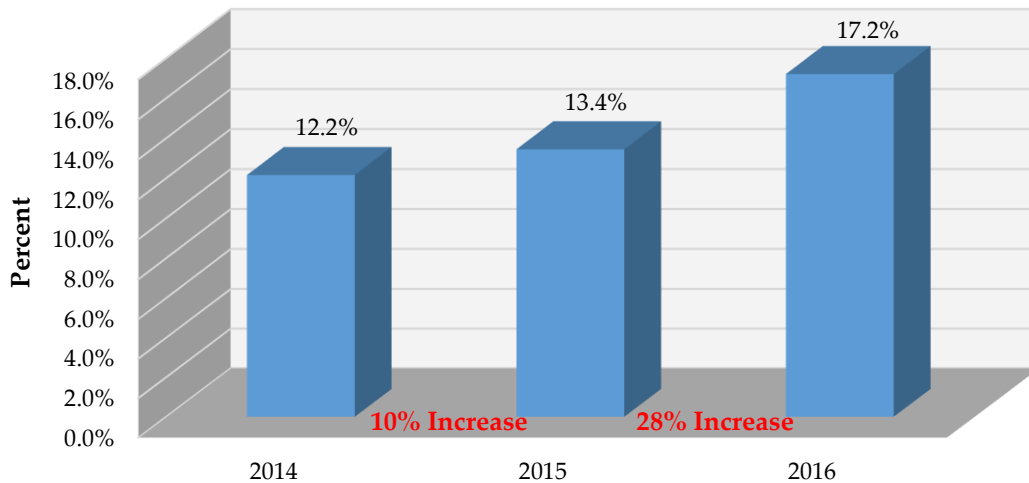
## Colorado State Patrol Number of Drivers Under the Influence of Drugs (DUIDs)



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\*



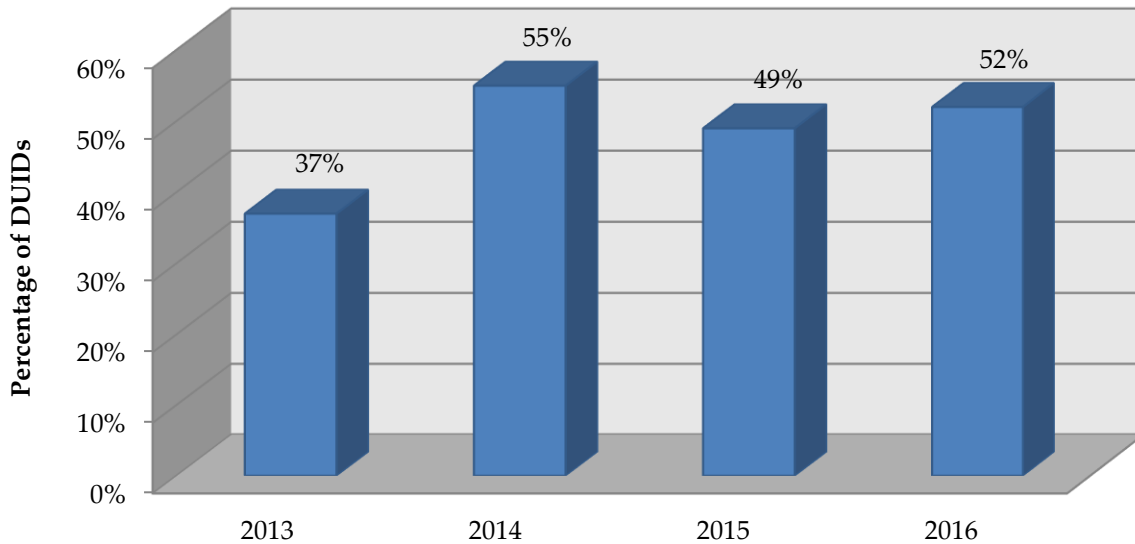
\*Driving Under the Influence of Alcohol and Driving Under the Influence of Drugs

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.

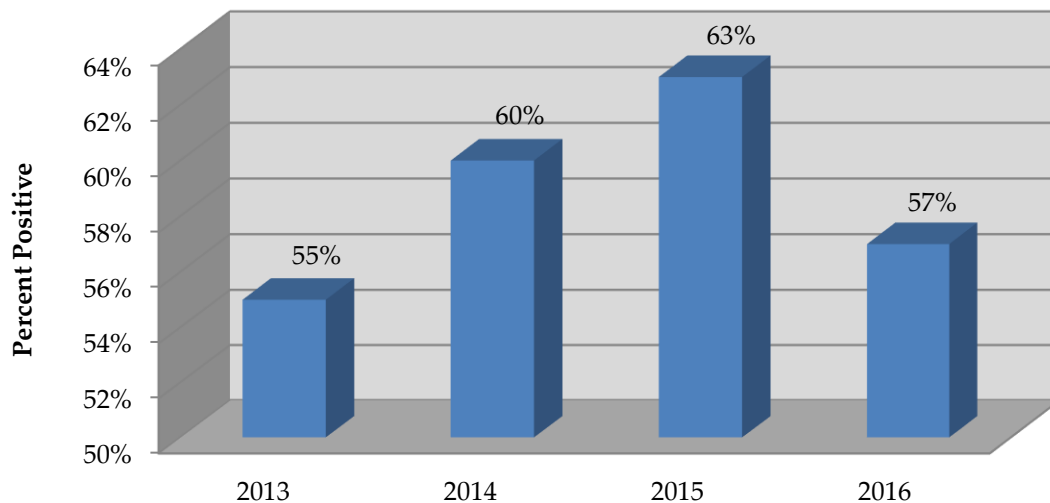
**NOTE:** "MARIJUANA CITATIONS DEFINED AS ANY CITATION WHERE CONTACT WAS CITED FOR DRIVING UNDER THE INFLUENCE (DUI) OR DRIVING WHILE ABILITY IMPAIRED (DWAI) AND MARIJUANA INFORMATION WAS FILLED OUT ON TRAFFIC STOP FORM INDICATING MARIJUANA & ALCOHOL, MARIJUANA & OTHER CONTROLLED SUBSTANCES, OR MARIJUANA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

## Denver Police Department Percent of DUIDs Involving Marijuana



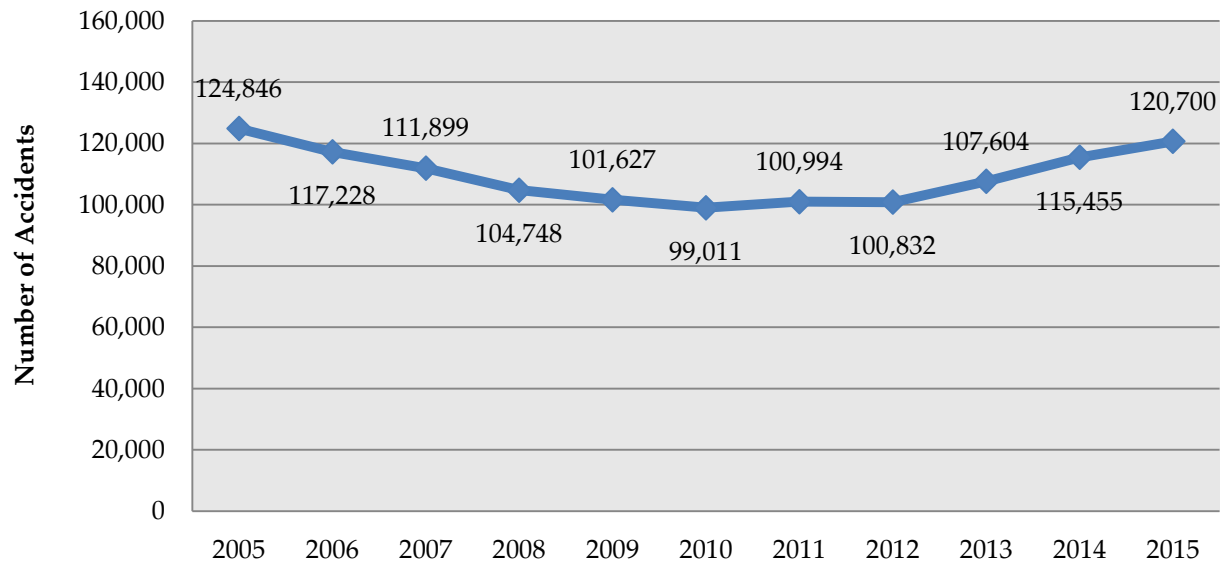
SOURCE: Denver Police Department, Traffic Operations Bureau via Data Analysis Unit

## 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.<sup>2</sup>

**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.<sup>3</sup>

## Case Examples

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**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.<sup>1</sup>

**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.<sup>4</sup>

**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.”<sup>5</sup>

**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.<sup>6,7</sup>

**“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 7<sup>th</sup> 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.”<sup>8,9</sup>

**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.<sup>10</sup>

**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.<sup>11</sup>

**For Further Information on Impaired Driving See Page 147**

## Sources

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

<sup>2</sup> 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 31<sup>st</sup>, 2017.

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

<sup>4</sup> 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](http://www.timescall.com/news/crime/ci_30185142/driver-accused-killing-longmont-girl-bike-thought-hed)>," accessed July 29, 2016.

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

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> Michell Byars, "'I fell asleep': Boulder teen pleads guilty to vehicular homicide, DUI in crash that killed 2," *The Daily Camera*, December 16<sup>th</sup>, 2016, <[http://www.dailycamera.com/news/boulder/ci\\_30665690/quinn-hefferan-boulder-fatal-crash-dui](http://www.dailycamera.com/news/boulder/ci_30665690/quinn-hefferan-boulder-fatal-crash-dui)>," accessed August 23, 2017.

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

<sup>10</sup> 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.

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

## SECTION 2: Youth Marijuana Use

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### Some Findings

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- 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

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- ❖ **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.

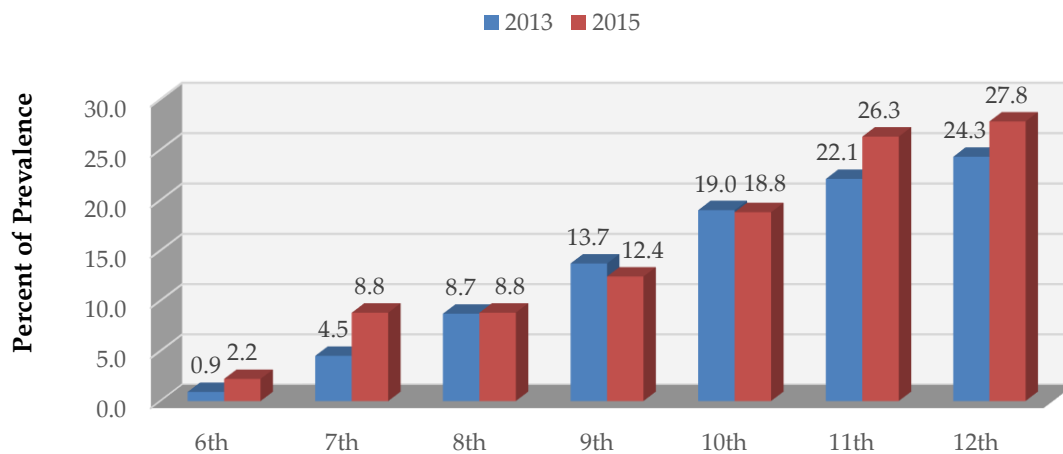
Some concerns with the HKCS include:

- Jefferson County (the 2<sup>nd</sup> largest school district), Douglas County (the 3<sup>rd</sup> largest school district), El Paso County (Colorado Springs, 2<sup>nd</sup> 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 7<sup>th</sup> Graders and **144 percent** among 6<sup>th</sup> 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](http://www.rmhidta.org) and click on the Reports tab to read “Colorado Youth Marijuana Use: Up – Down – Flat? Examine the Data and You Decide!”

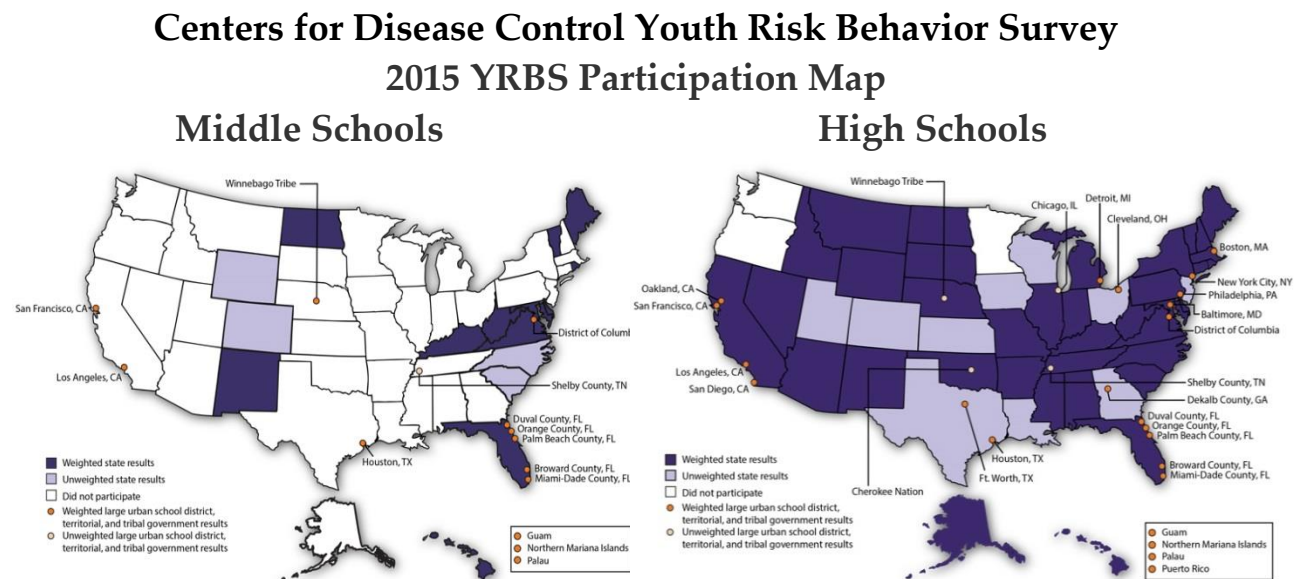


## Monitoring the Future (MTF) Study

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.

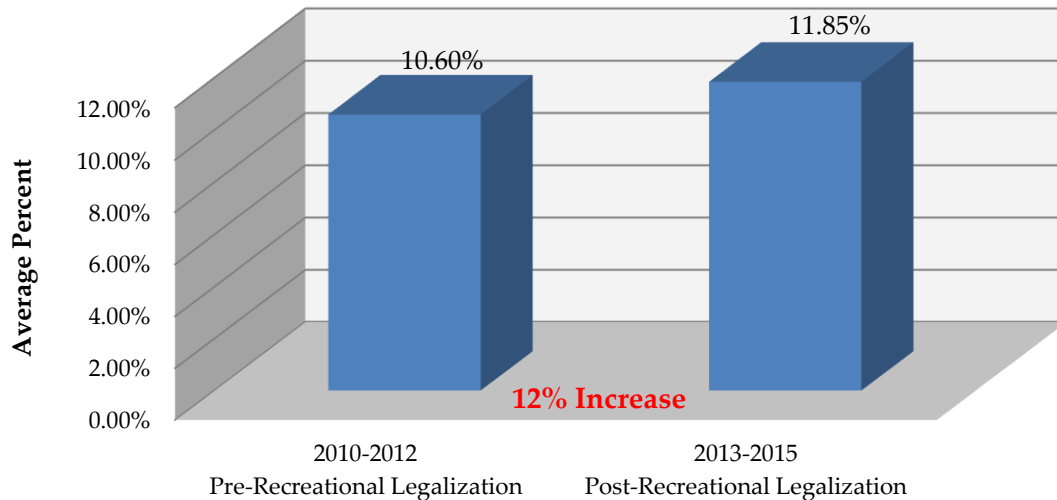


SOURCE: Centers for Disease Control and Prevention, Adolescent and School Health, YRBS Participation Maps and History <http://www.cdc.gov/healthyyouth/data/yrbs/participation.htm>

## Use Data

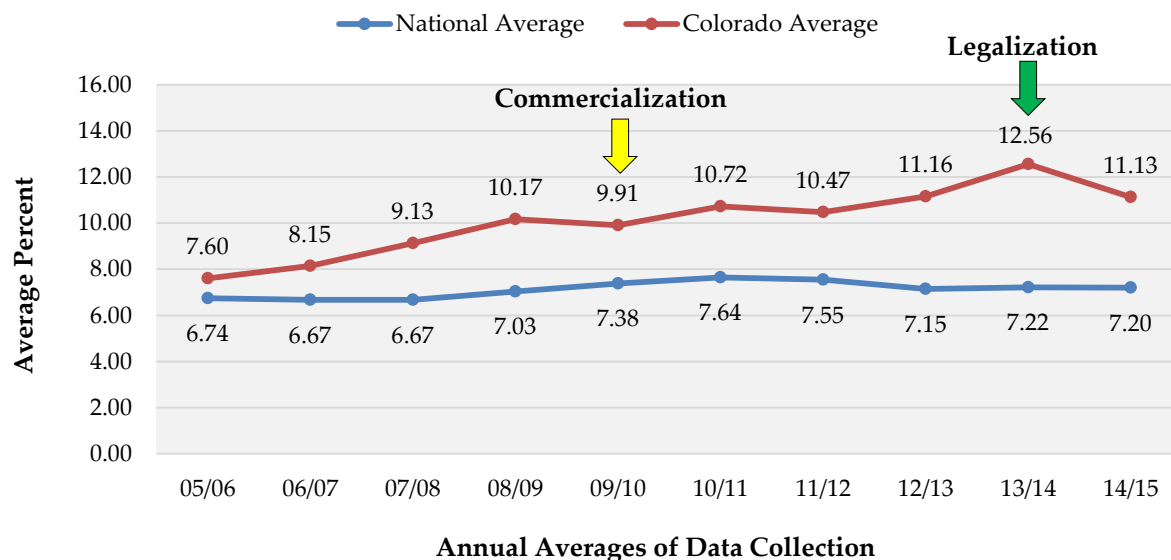
### Youth Ages 12 to 17 Years Old

#### 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

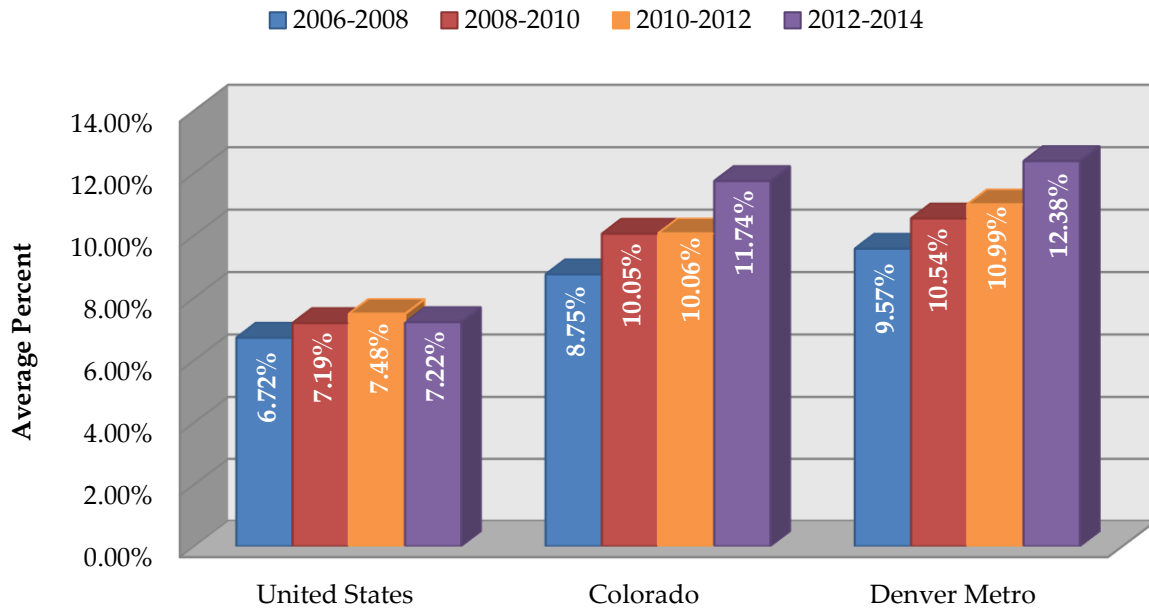
#### Past Month Marijuana Use Youth Ages 12 to 17 Years Old



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



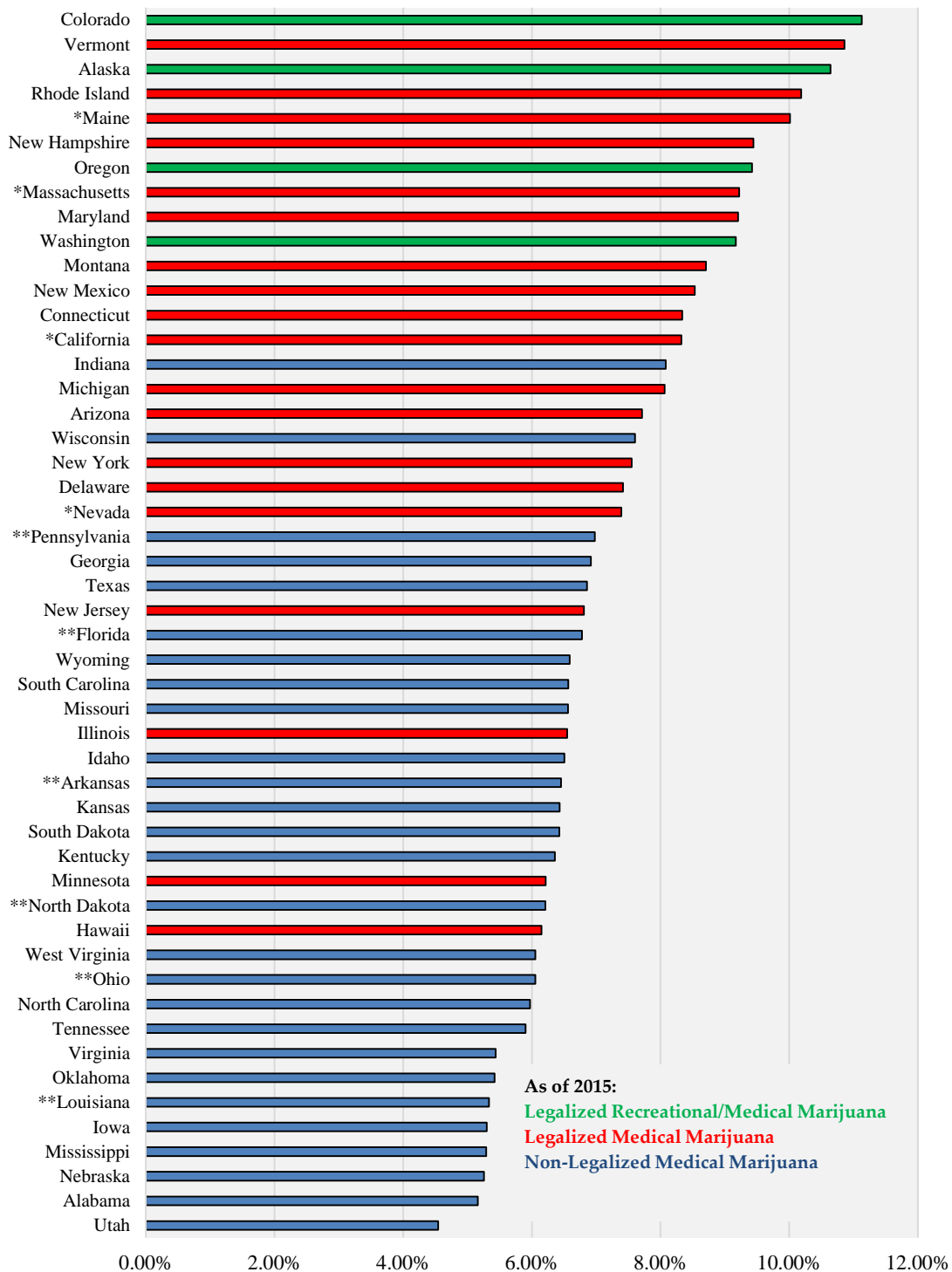
## Prevalence of Past 30-Day Marijuana Use Youth Ages 12 to 17 Years Old



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

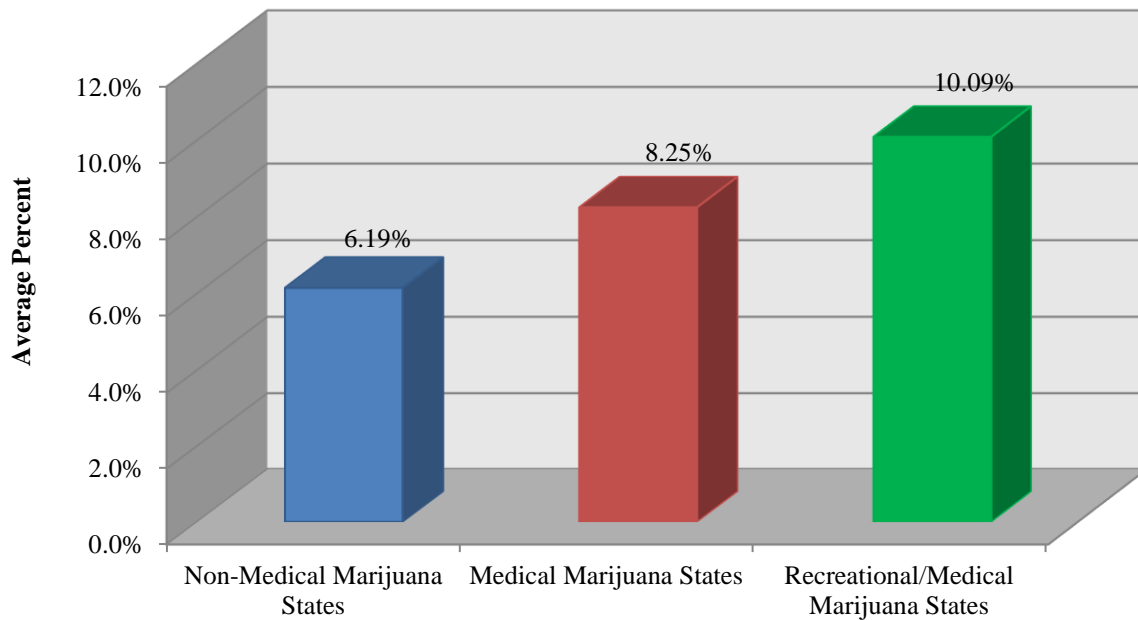


SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2014 and 2015

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



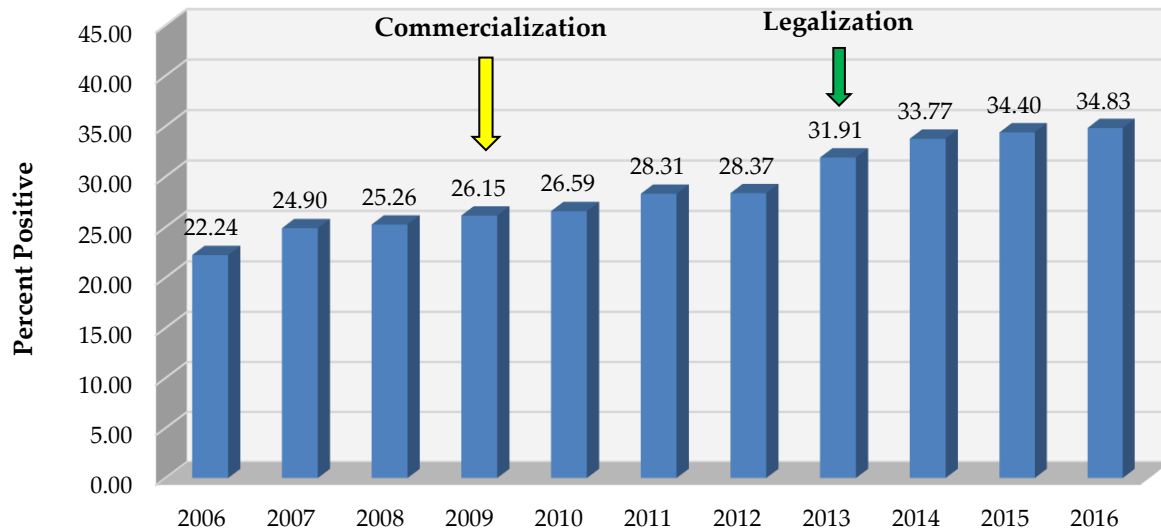
SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2014 and 2015

## 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)
<b>National Average = 7.20%</b>	
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

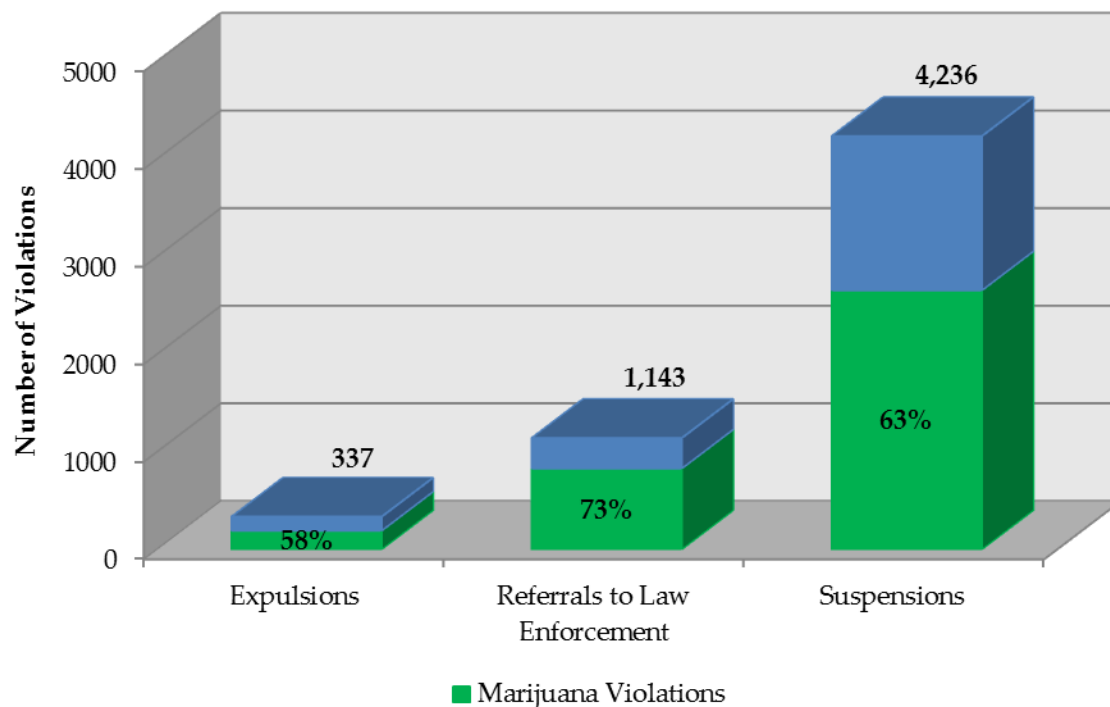
## School Data

### 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.

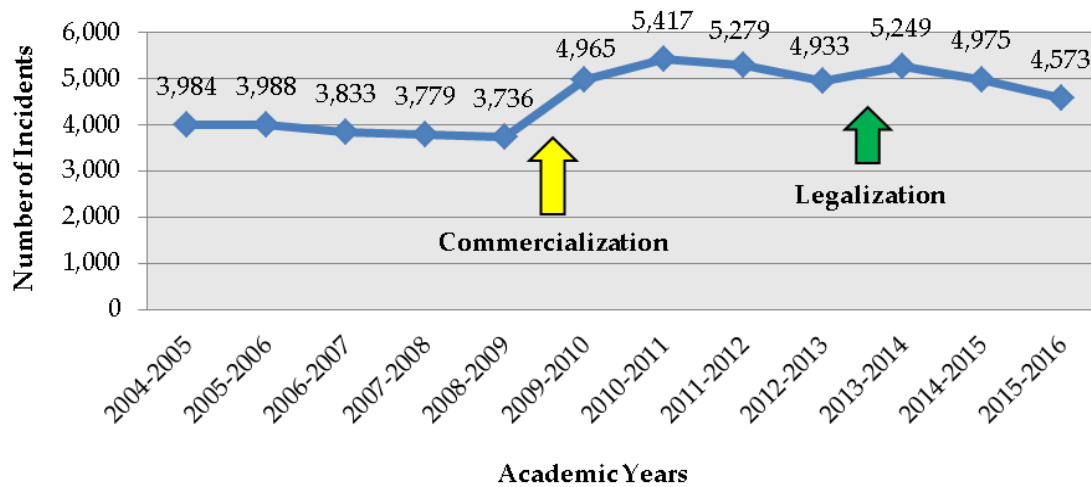
### All Drug Violations, 2015-2016 School Year



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.**

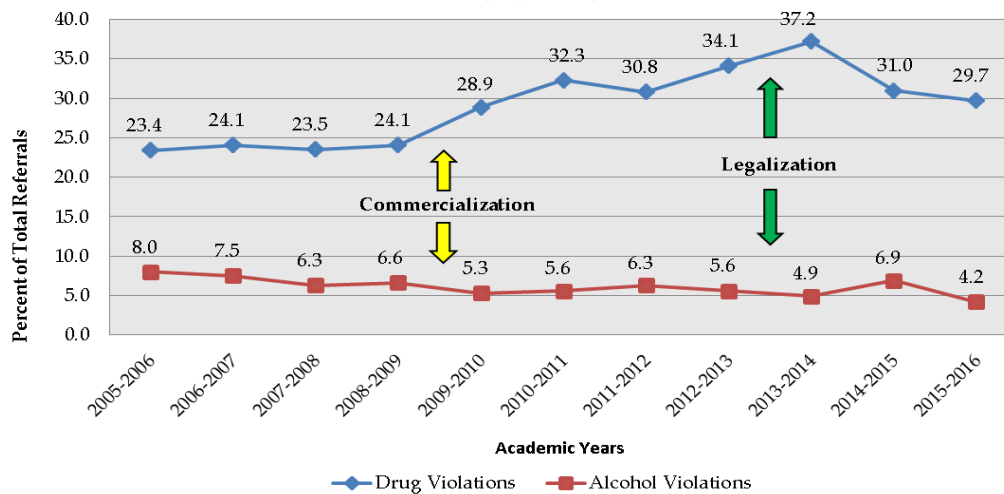
## Drug-Related Suspensions/Expulsions



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.

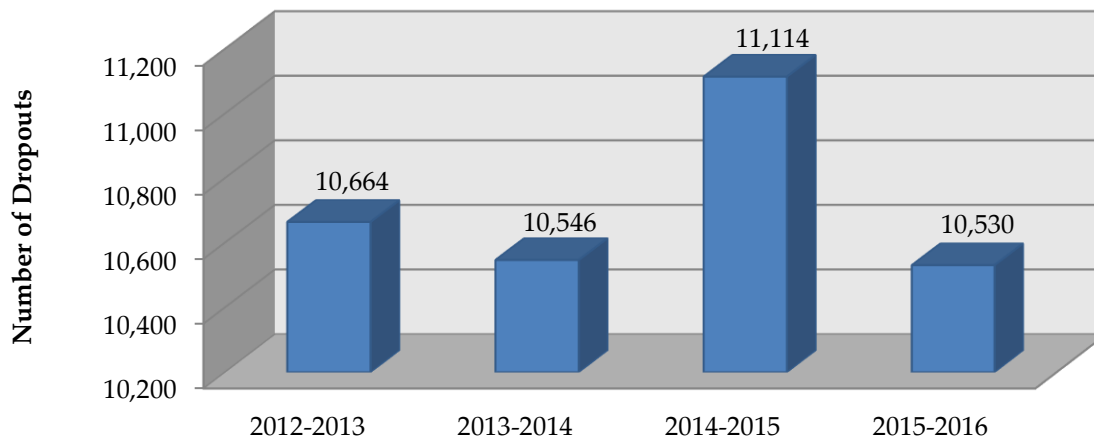
## Percent of Total Referrals to Law Enforcement in Colorado



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.

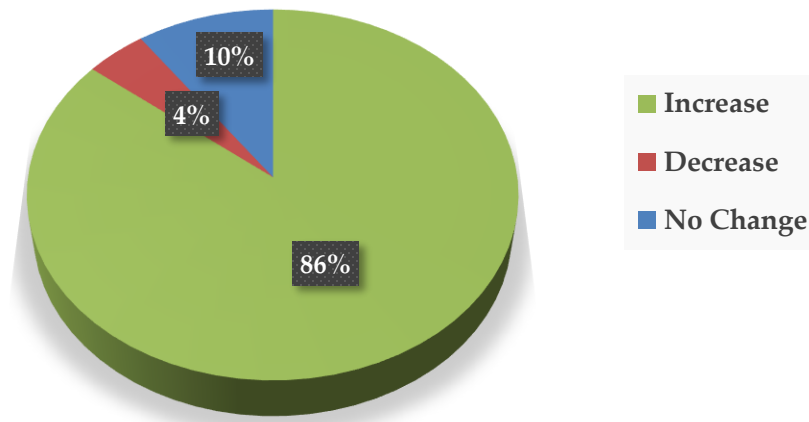
### Colorado School Resource Officer Survey

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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?

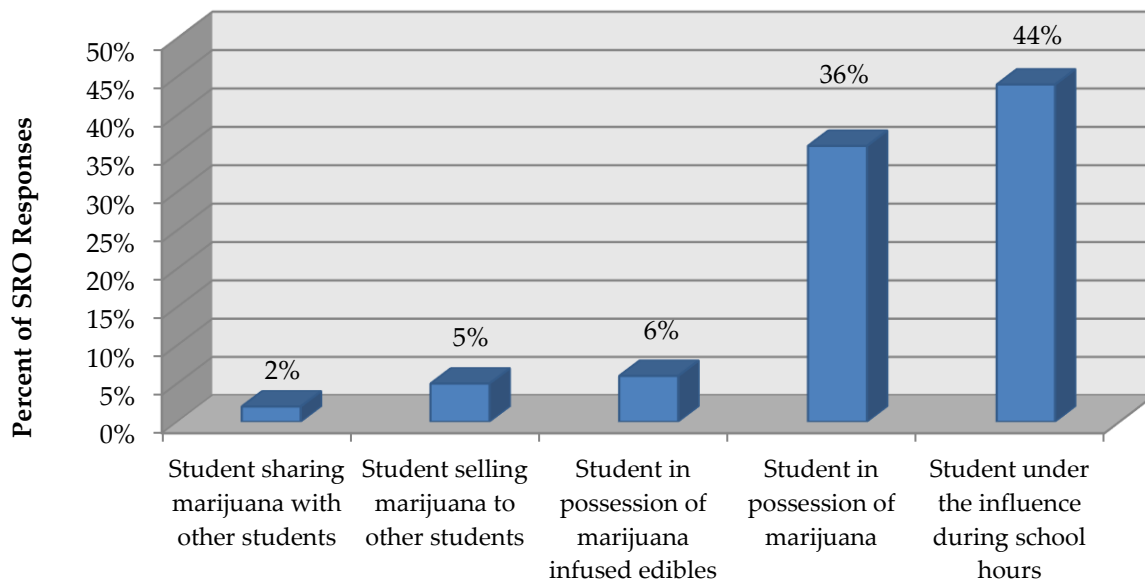
## Impact on Marijuana-Related Incidents, 2017



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

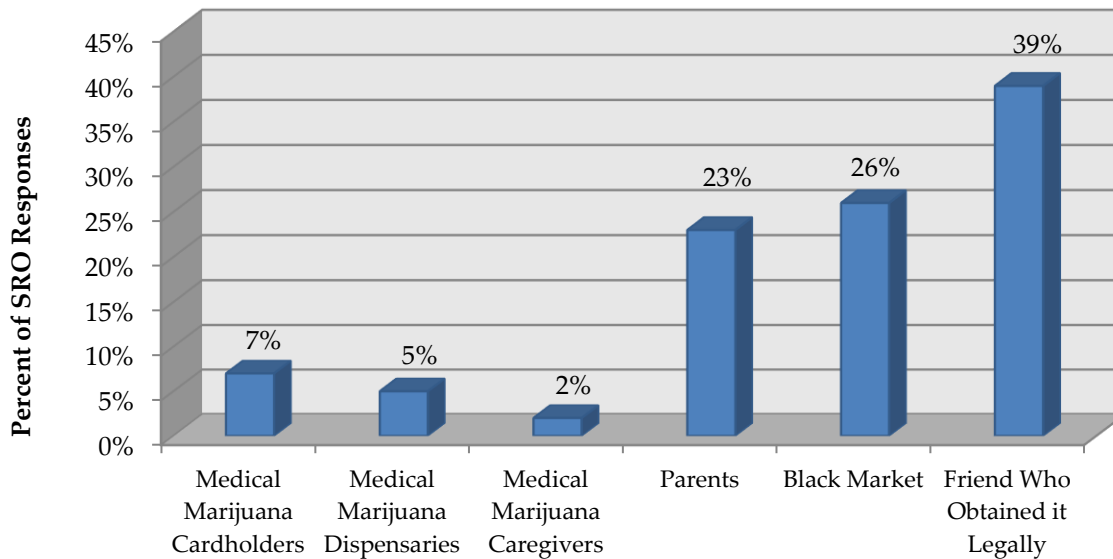


SOURCE: Colorado Association of School Resource Officers (CASRO) and Rocky Mountain HIDTA



**Question:** Where do the students get their marijuana?

### Student Marijuana Source, 2017



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

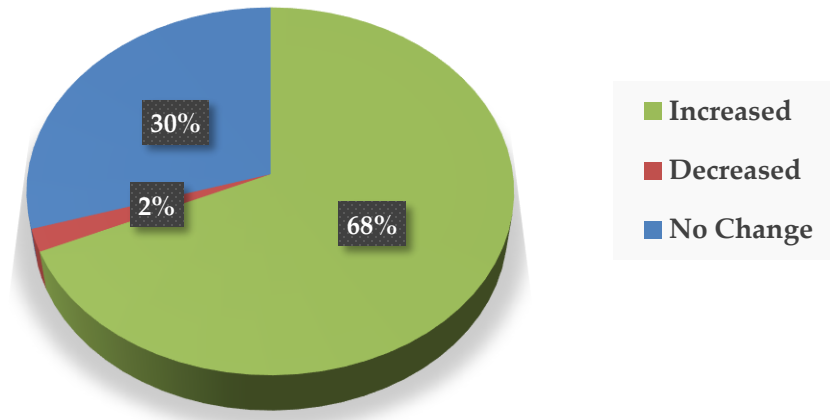
### School Counselor Survey

- ❖ 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?

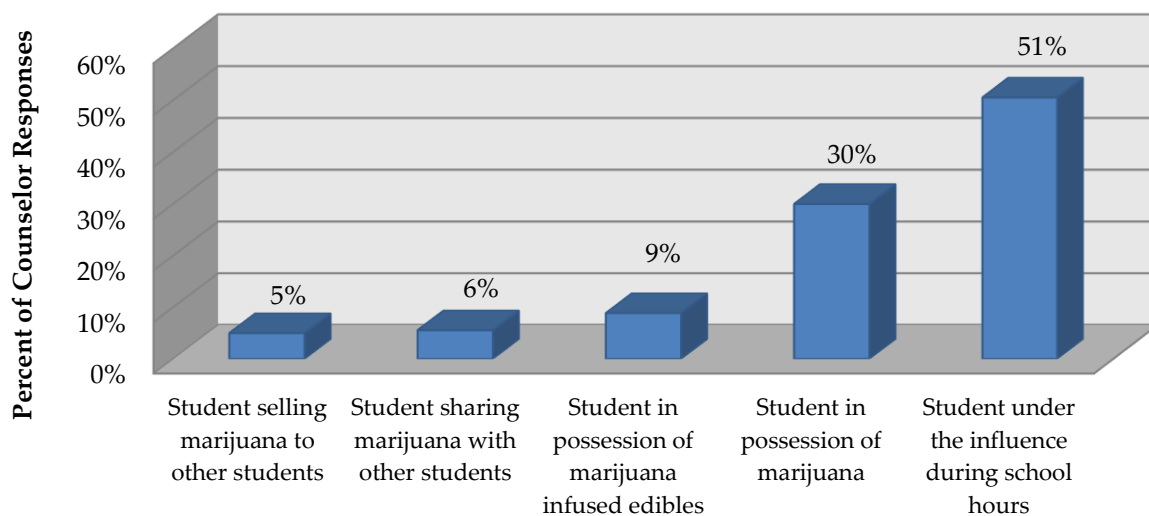
### Impact on Marijuana-Related Incidents,



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

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

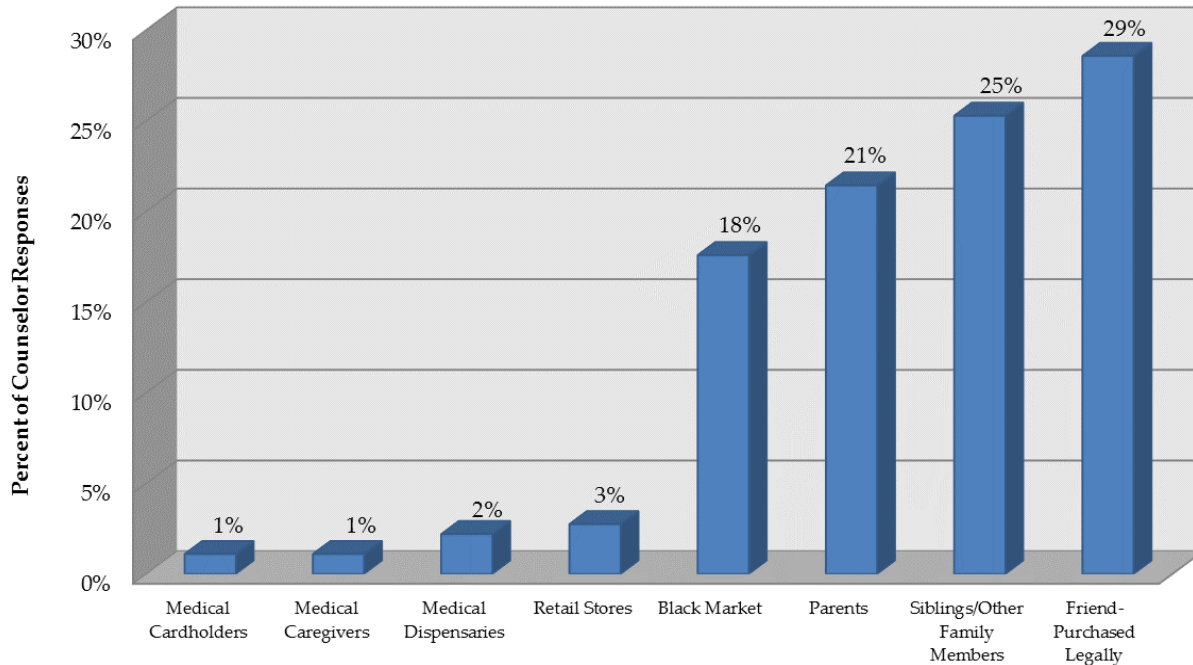
### Predominant Marijuana Violations, 2015



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.”<sup>1</sup>

**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.<sup>2</sup>

**One Teen Wounded, Another Killed While Trying to Steal Marijuana:** Shortly after 2 a.m. on Sunday, October 9<sup>th</sup>, 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.<sup>3</sup>

## 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”
- “6<sup>th</sup> grader stealing and then bringing mom’s medical marijuana to school, sharing with friends and smoking in bathrooms before school.”
- “5<sup>th</sup> 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 9<sup>th</sup> or 10<sup>th</sup> 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.”
- “8<sup>th</sup> grade male student had marijuana in his locker, classmates reported it. 8<sup>th</sup> grade female student smoked a joint in a school bathroom during school hours. Shared it with a friend.”
- “7<sup>th</sup> 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. 7<sup>th</sup> and 8<sup>th</sup> 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

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

<sup>2</sup> 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.

<sup>3</sup> 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.

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## SECTION 3: Adult Marijuana Use

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### Some Findings

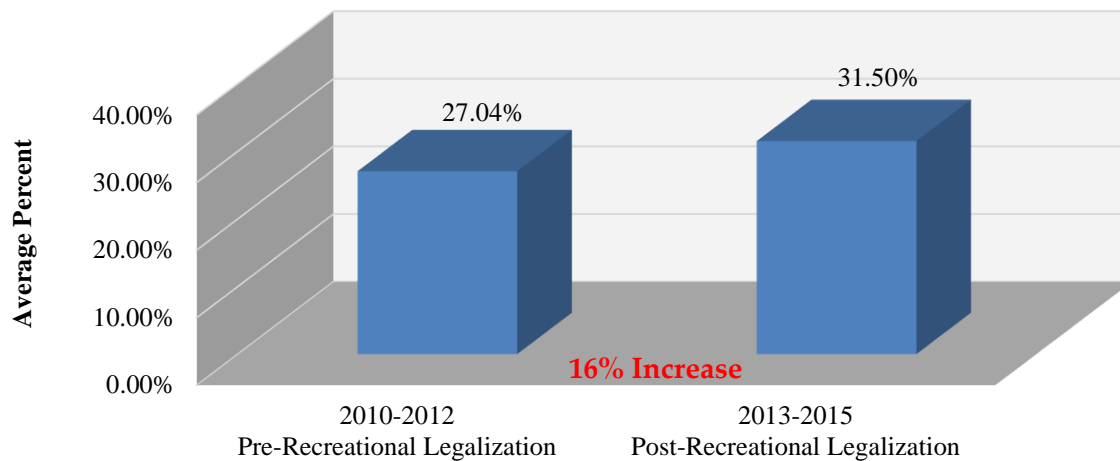
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- College age past month marijuana use **increased 16 percent** in the three-year average (2013-2015) since Colorado legalized recreational marijuana compared to the three-year average prior to legalization (2010-2012).
- The latest 2014/2015 results 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

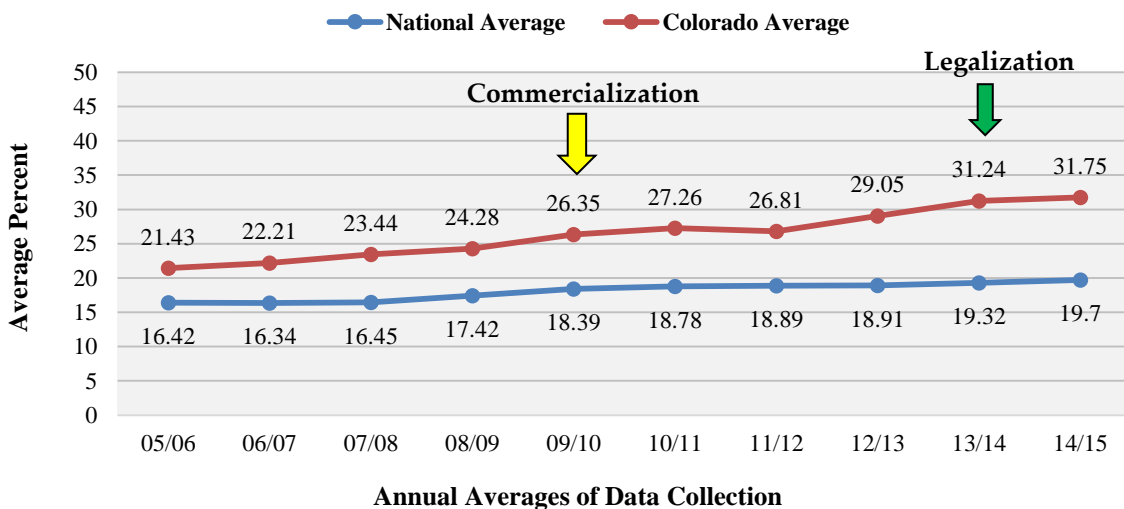
### College Age 18 to 25 Years Old

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



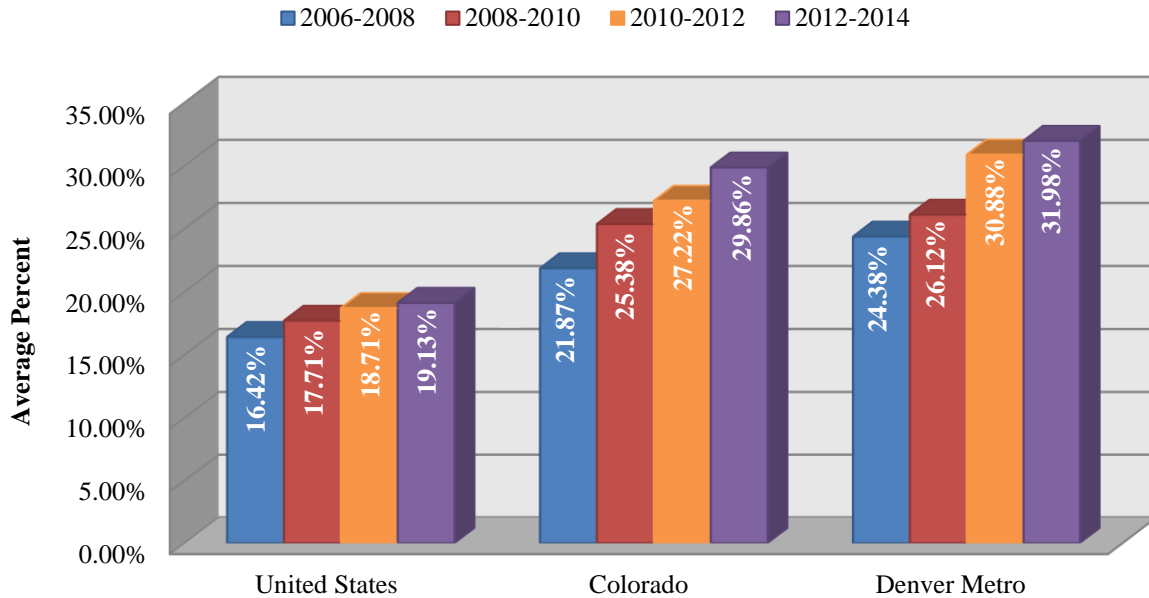
SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2014 and 2015

#### Past Month Marijuana Use College Age 18 to 25 Years Old



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

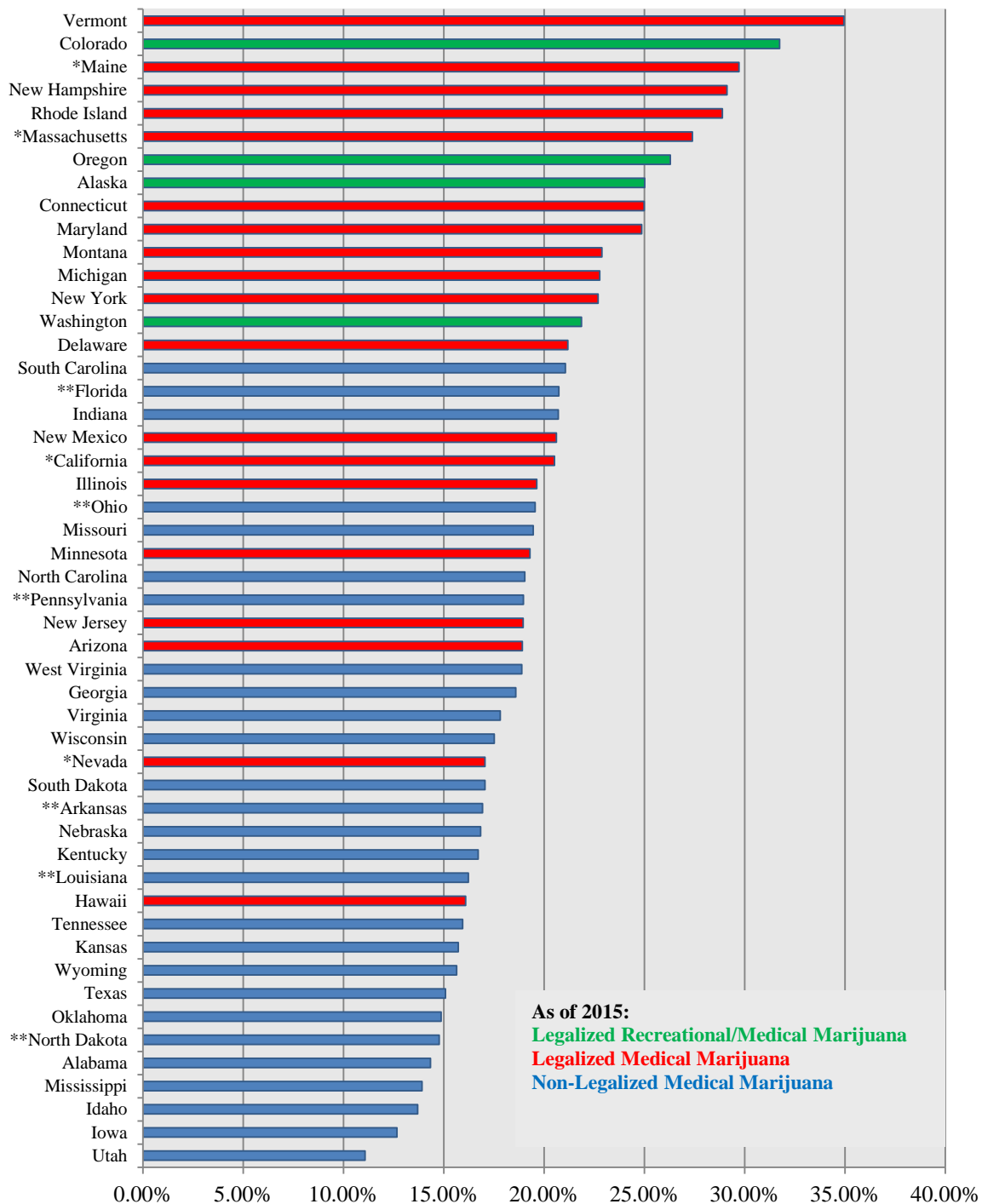
## Prevalence of Past 30-Day Marijuana Use College Age 18 to 25 Years Old



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

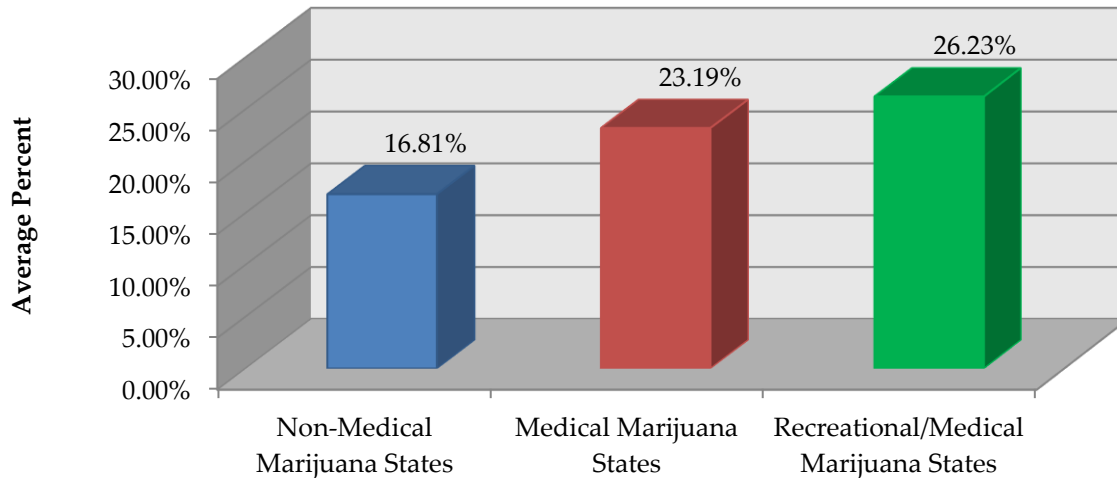


SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2013 and 2014

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

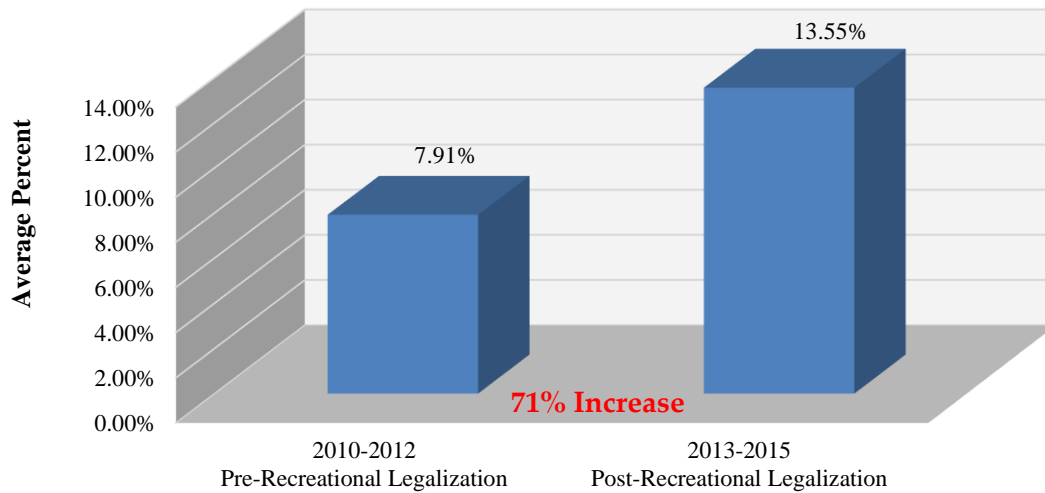
## Past Month Marijuana Use College Age 18 to 25 Years Old, 2014/2015

<u>Top 10</u> (Medical/Recreational States)	<u>Bottom 10</u> (Non-Medical or Recreational States)
<b>National Average = 19.99%</b>	
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

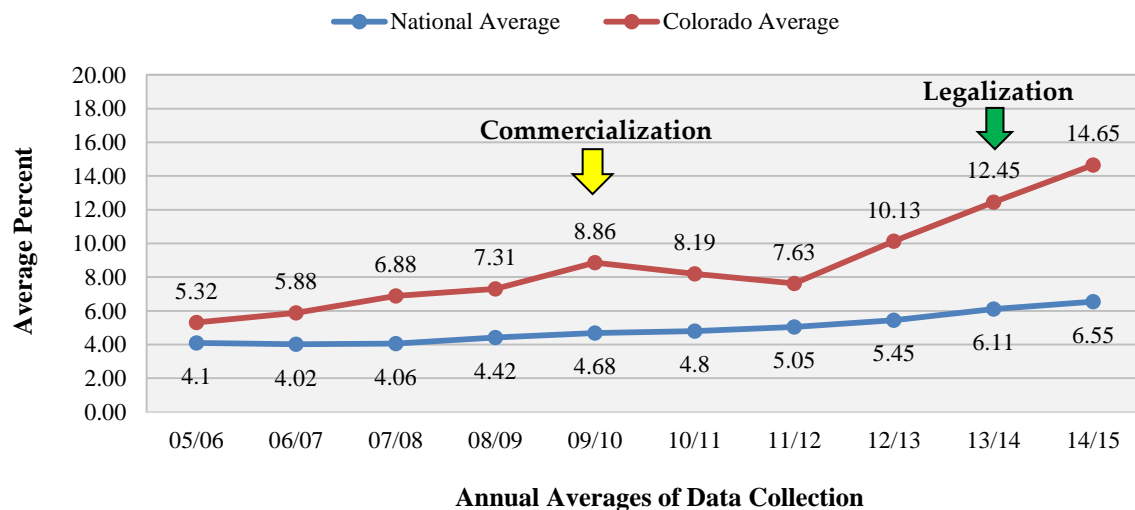
## Adults Age 26+ Years Old

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



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

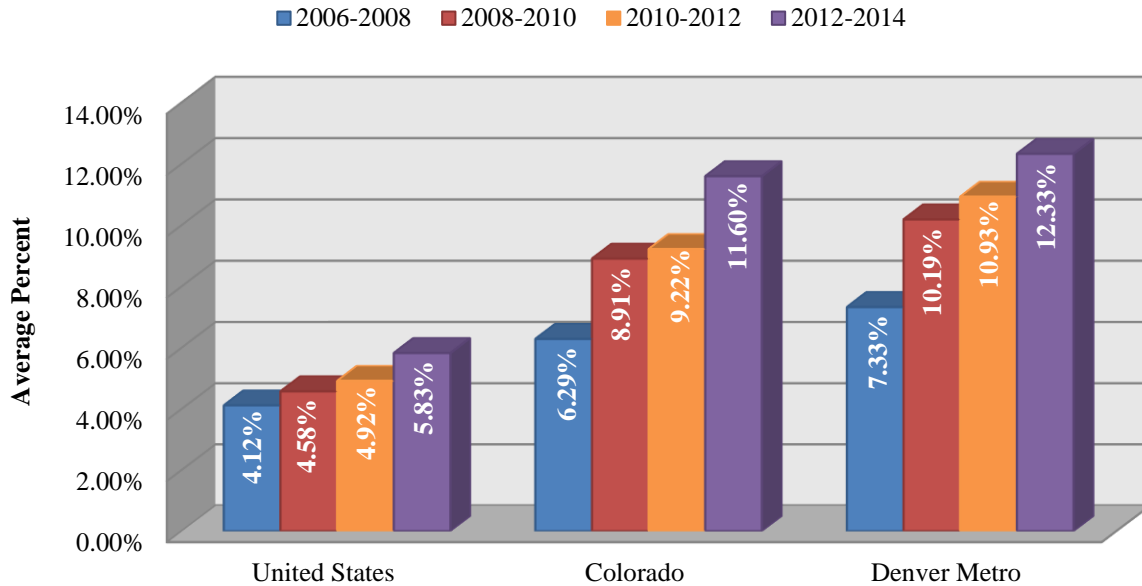
### Past Month Marijuana Use Adults Age 26+ Years Old



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



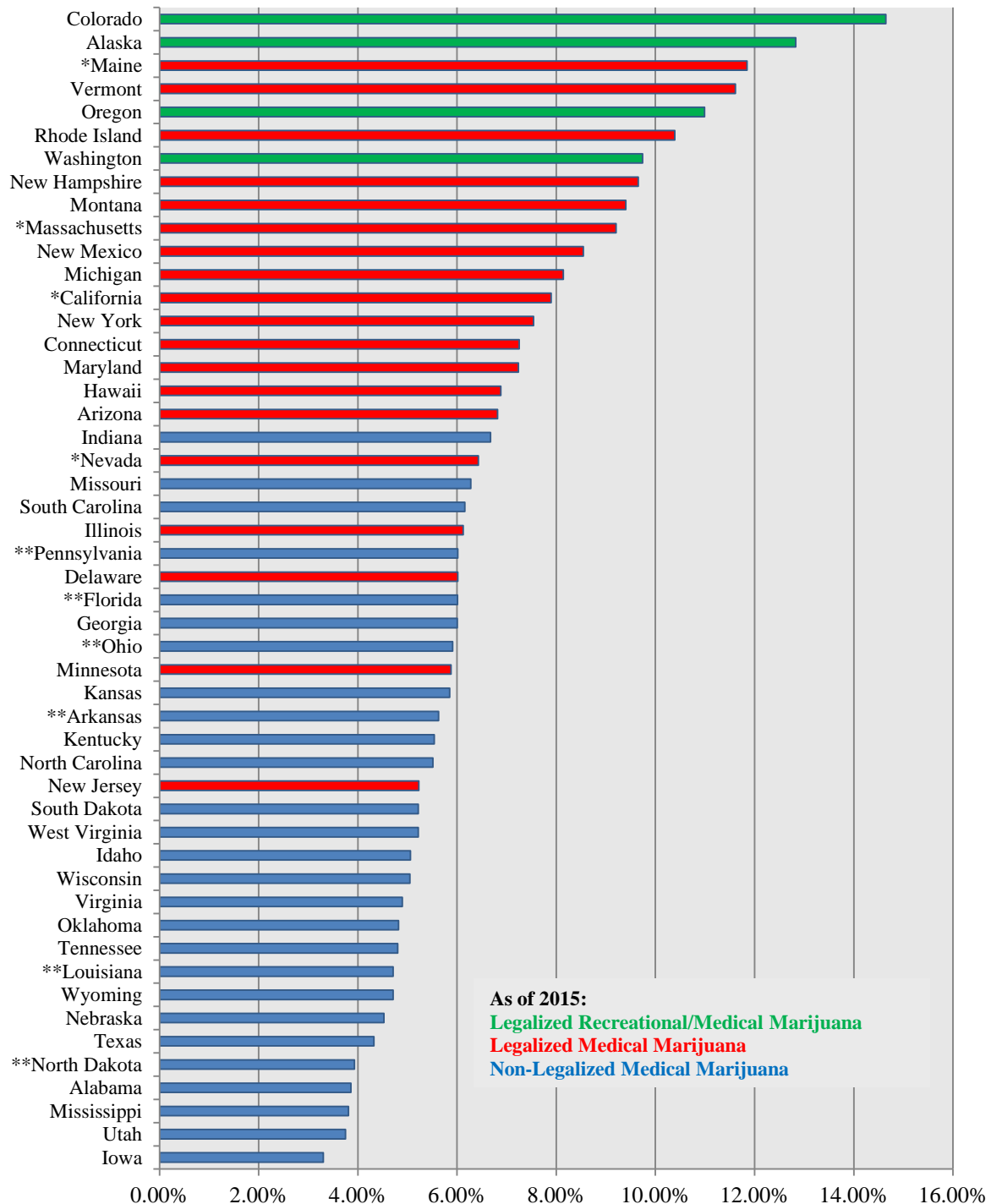
## Prevalence of Past 30-Day Marijuana Use Adults Age 26+ Years Old



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

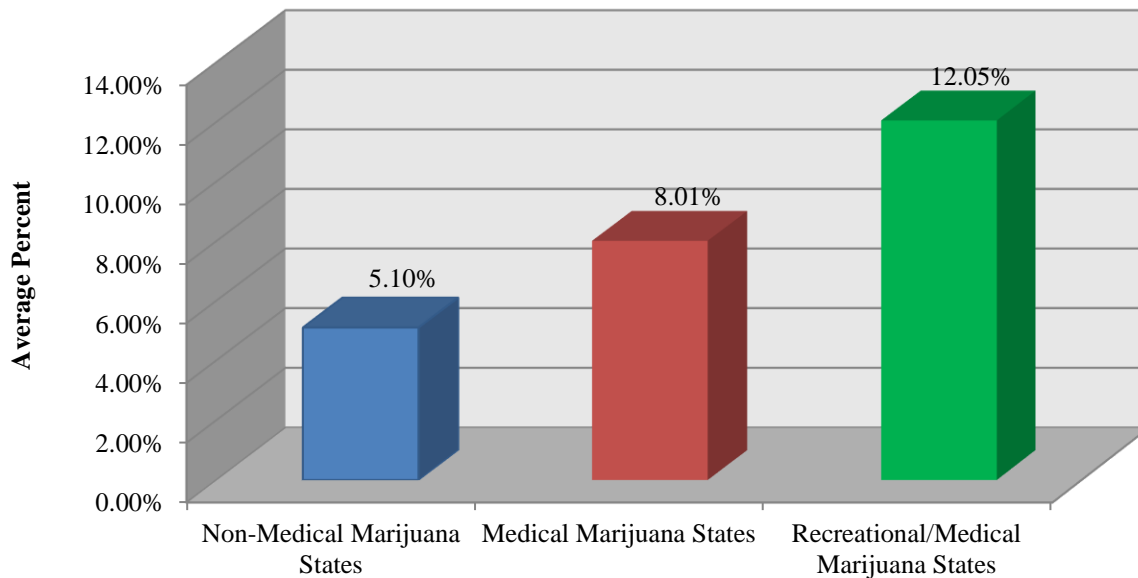


SOURCE: SAMHSA.gov, National Survey on Drug Use and Health 2014 and 2015

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)
<b>National Average = 6.76%</b>	
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 Demographics<sup>1</sup>

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

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### 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.'" <sup>2</sup>

**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." <sup>3</sup>

**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." <sup>4</sup>

**For Further Information on Adult Marijuana Use See Page 152**

## Sources

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

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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

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## Some Findings

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- 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

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**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.<sup>1</sup>**

## Emergency Department Data

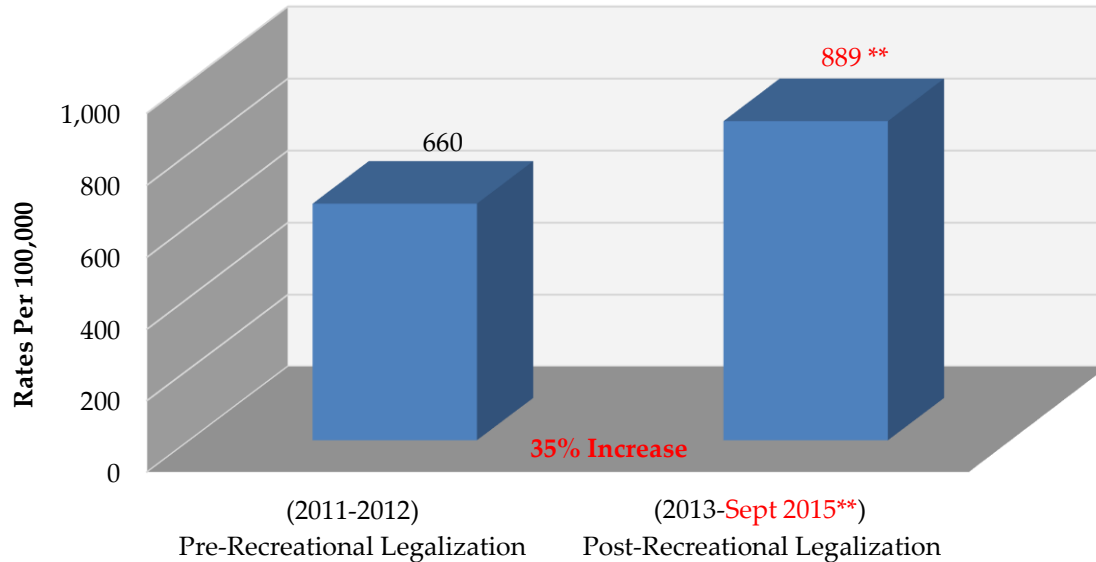
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### Colorado Department of Public Health and Environment

**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\*

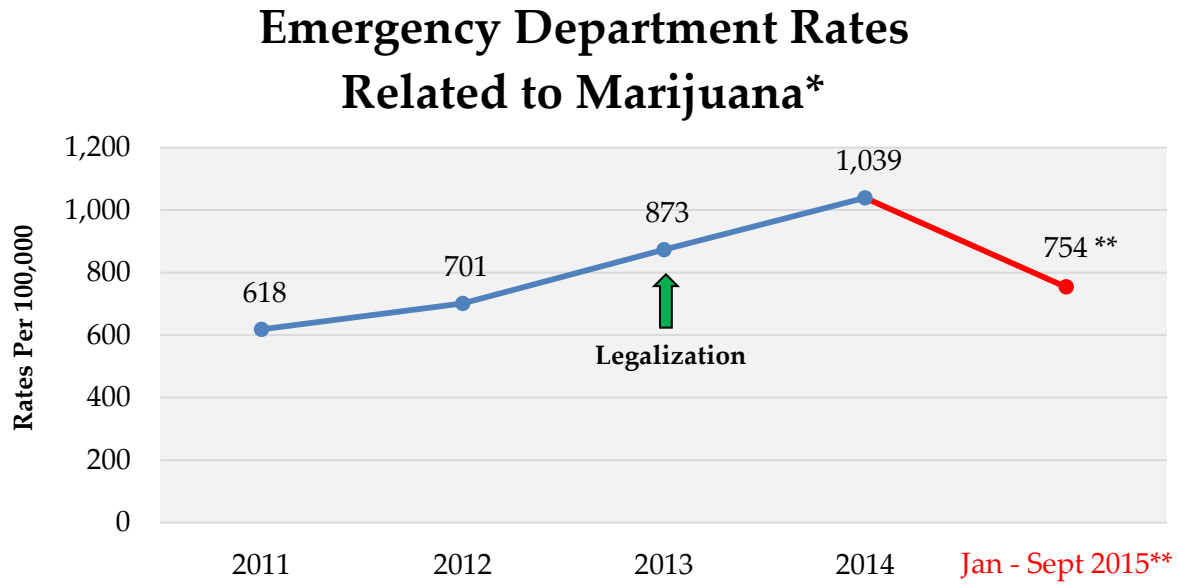


\*Rates of Emergency Department (ED) Visits with Possible Marijuana Exposures, Diagnoses, or Billing Codes per 100,000 ED Visits by Year in Colorado

\*\*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.



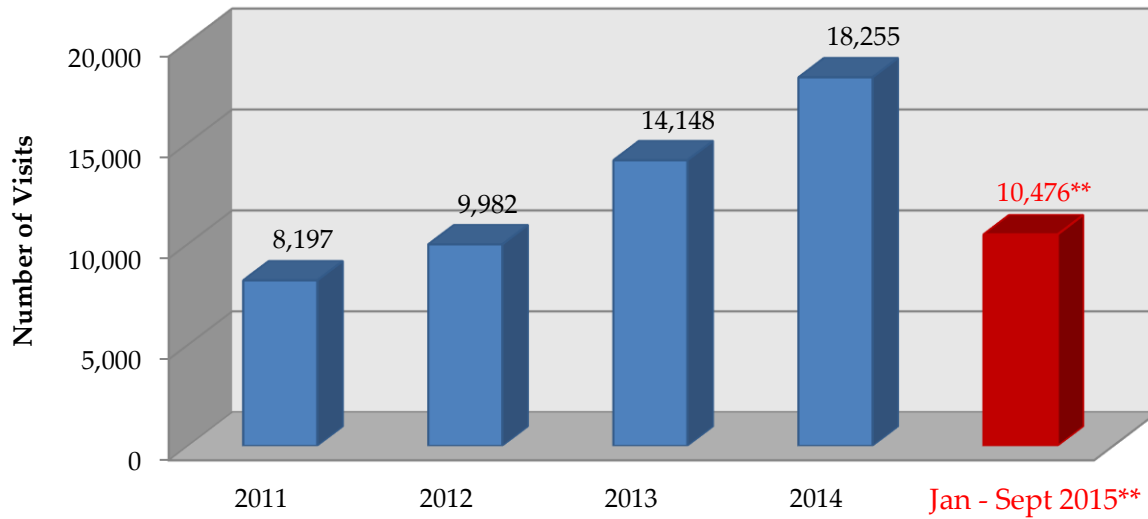
\*Rates of Emergency Department (ED) Visits with Possible Marijuana Exposures, Diagnoses, or Billing Codes per 100,000 ED Visits by Year in Colorado

\*\*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

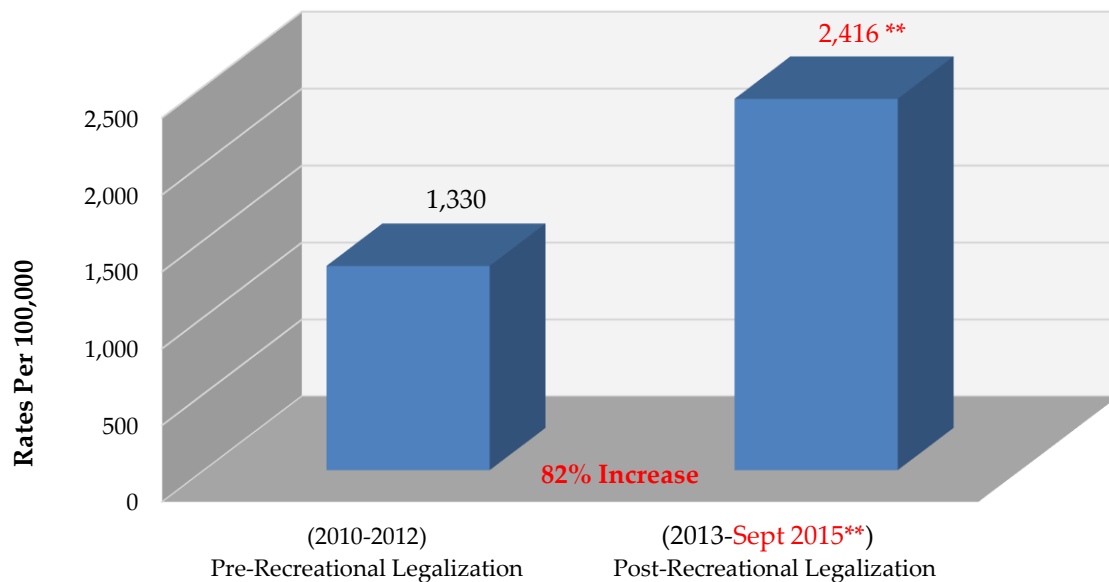
**NOTE:** DATA NOT AVAILABLE PRE-2011. EMERGENCY DEPARTMENT DATA FROM 2011 AND 2012 REFLECTS INCOMPLETE STATEWIDE REPORTING. INFERENCES CONCERNING TRENDS, INCLUDING 2011 AND 2012, SHOULD NOT BE MADE.

## 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\*

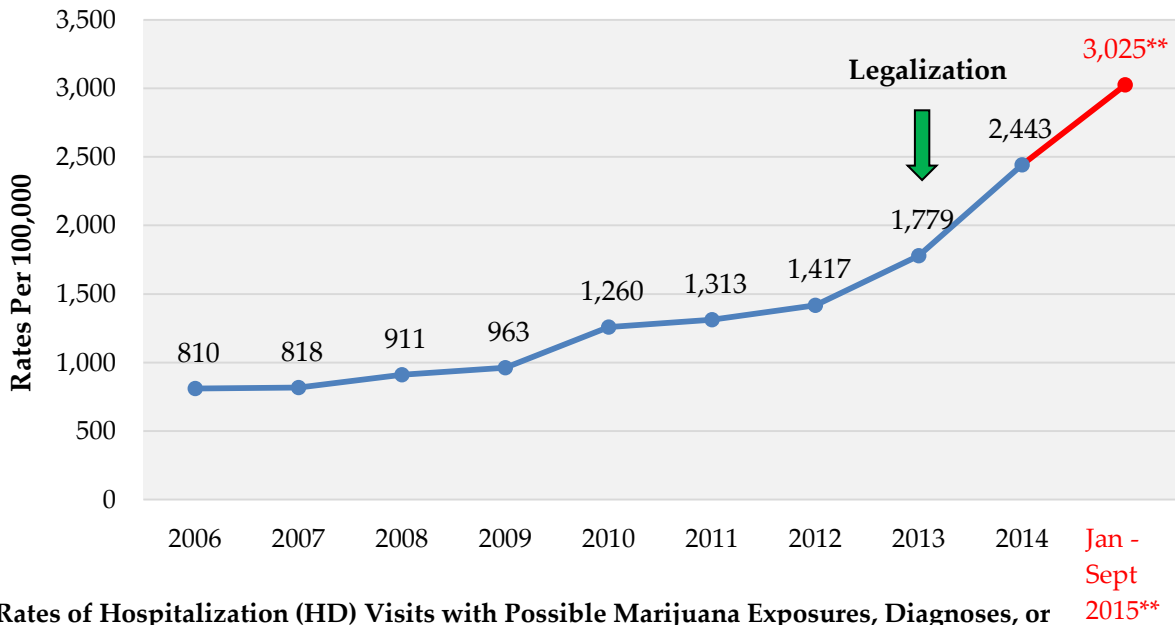


\*Rates of Hospitalization (HD) Visits with Possible Marijuana Exposures, Diagnoses, or Billing Codes per 100,000 HD Visits by Year in Colorado

\*\*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\*

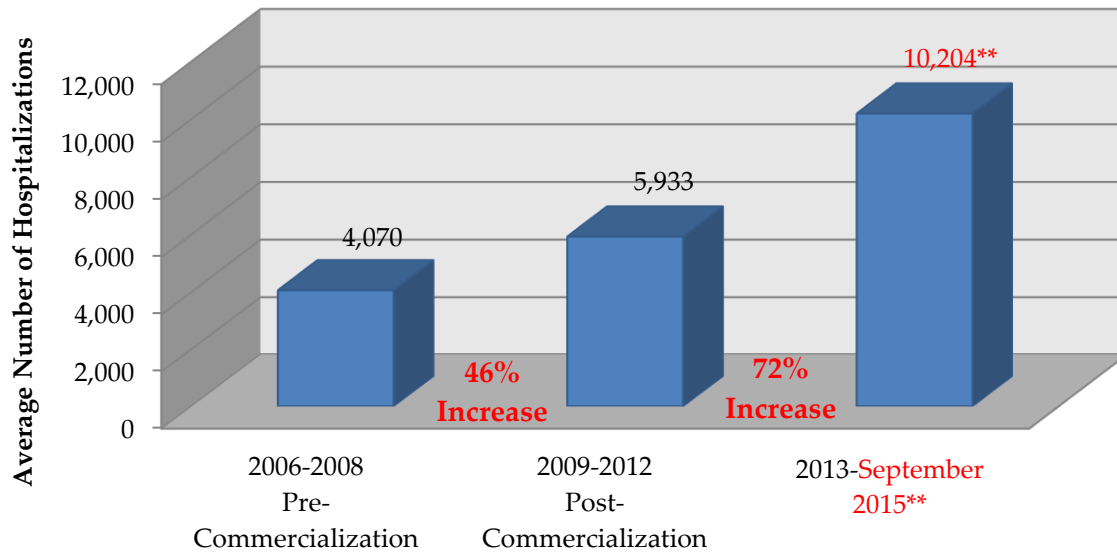


\*Rates of Hospitalization (HD) Visits with Possible Marijuana Exposures, Diagnoses, or Billing Codes per 100,000 HD Visits by Year in Colorado

\*\*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*

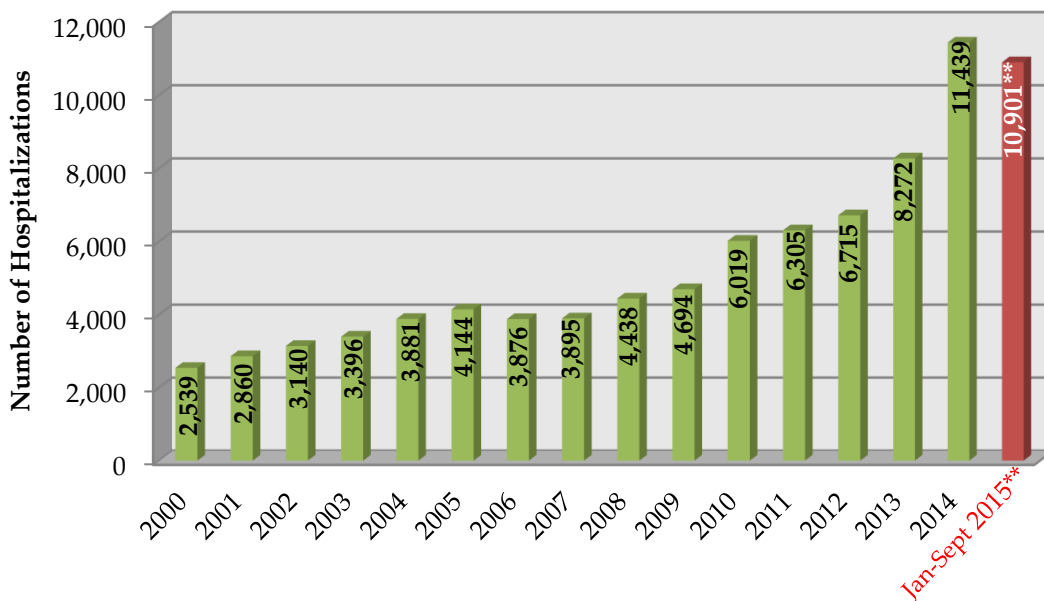
## Average Hospitalizations Related to Marijuana



**\*\*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

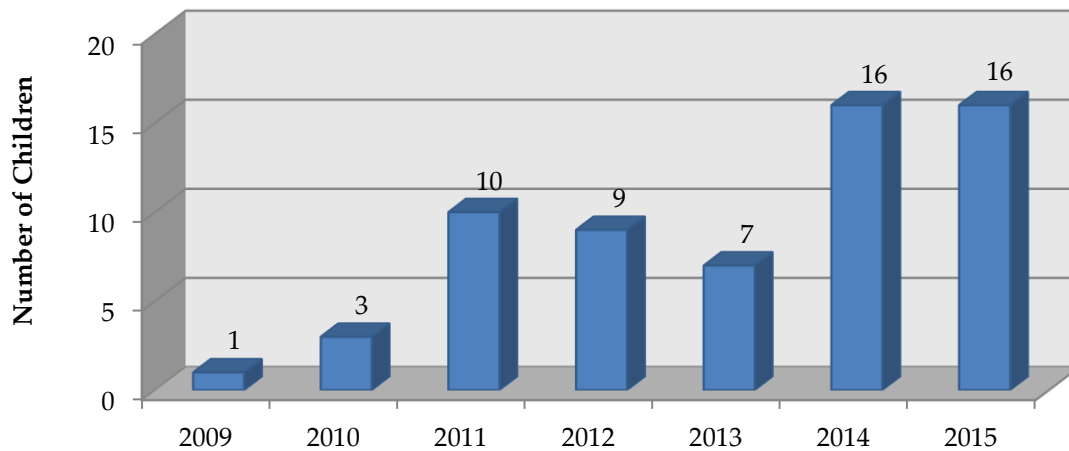


**\*\*Only 9 months of comparable 2015 data, see ICD definition on page 68**

**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

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**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.”<sup>2</sup>

## Case Examples

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**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.”<sup>3</sup>

**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).”<sup>3</sup>

**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.”<sup>3</sup>

**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.’”<sup>3</sup>

**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.”<sup>4</sup>



**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."<sup>5</sup>

**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.”<sup>6</sup>

**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.”<sup>7</sup>

**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.”<sup>8</sup>

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

## Sources

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

<sup>2</sup> 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.

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

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

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

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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

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### Some Findings

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- 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

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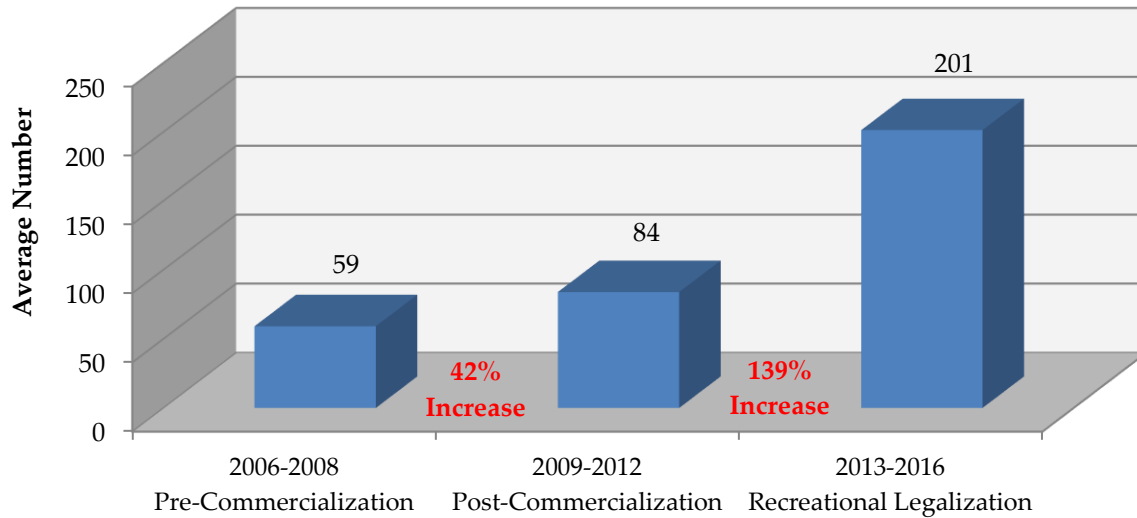
**Marijuana-Related Exposure:** Any phone call to the Rocky Mountain Poison and Drug Center in which marijuana is mentioned.

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

### Data

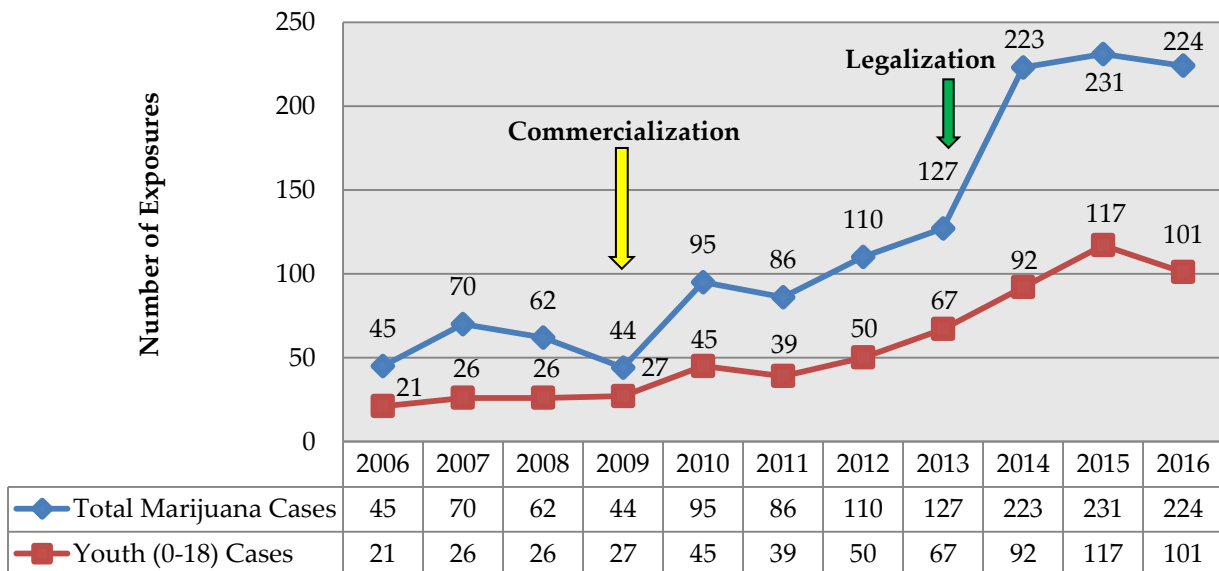
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## Average Number of Marijuana-Related Exposures, All Ages



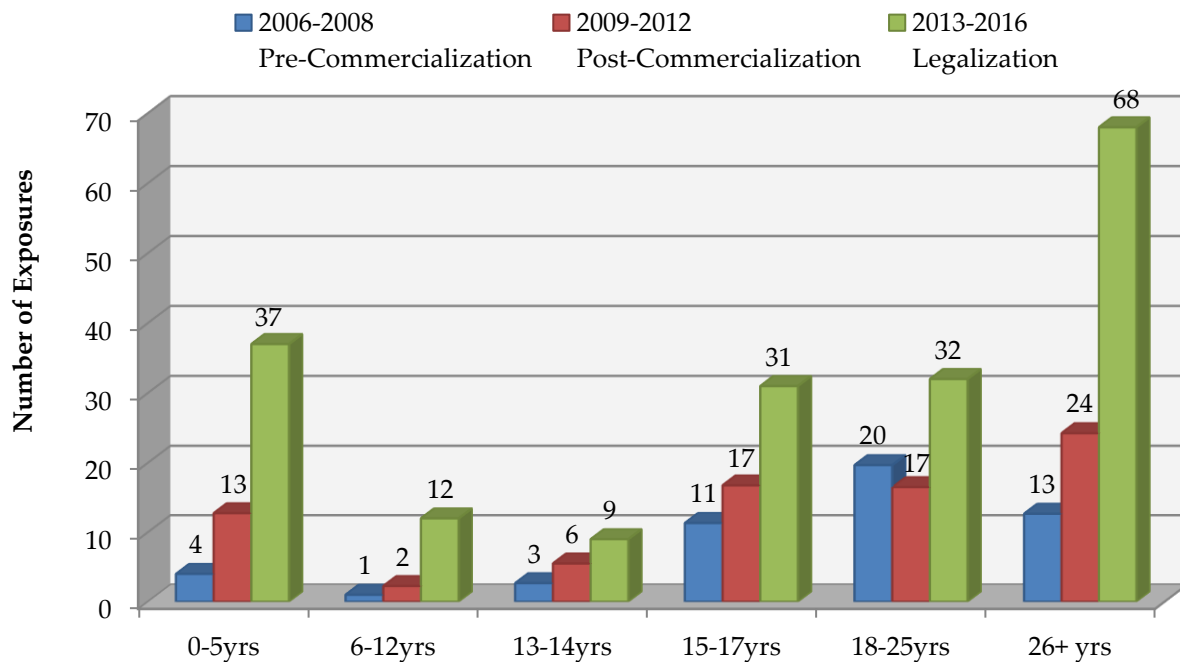
SOURCE: Rocky Mountain Poison and Drug Center

## Marijuana-Related Exposures



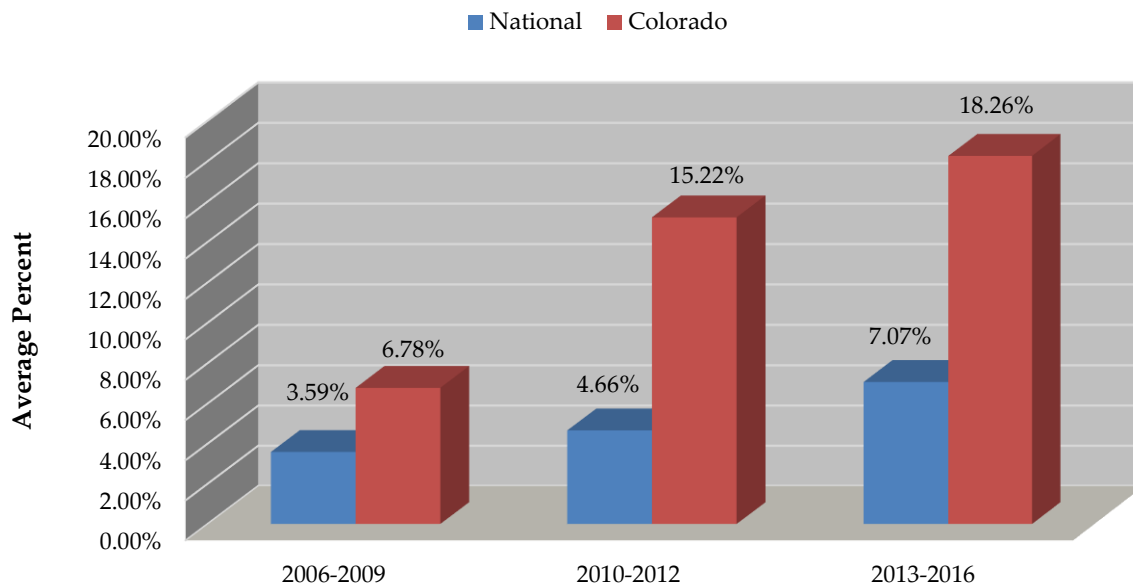
SOURCE: Rocky Mountain Poison and Drug Center Report, Colorado Marijuana Statistics for 2016

## Average Marijuana-Related Exposures by Age Range



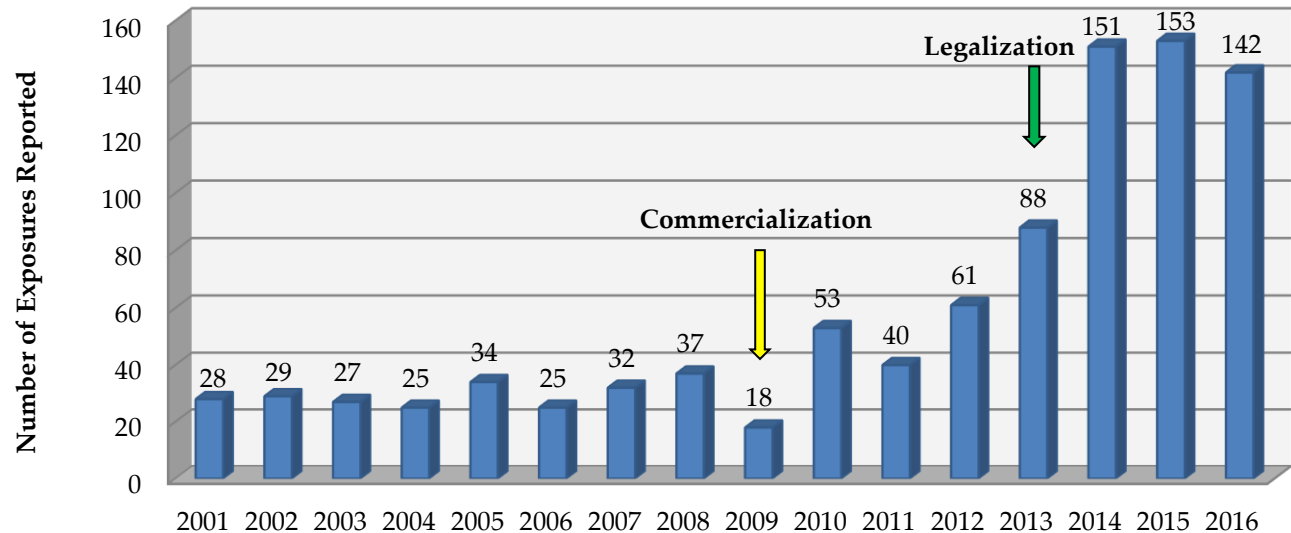
SOURCE: Rocky Mountain Poison and Drug Center

## 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: <sup>1</sup>

“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. <sup>2</sup>

**For Further Information on Exposures See Page 157**

## Sources

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<sup>1</sup> Rocky Mountain Poison and Drug Center, August 2017.

<sup>2</sup> 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 12<sup>th</sup>, 2017.

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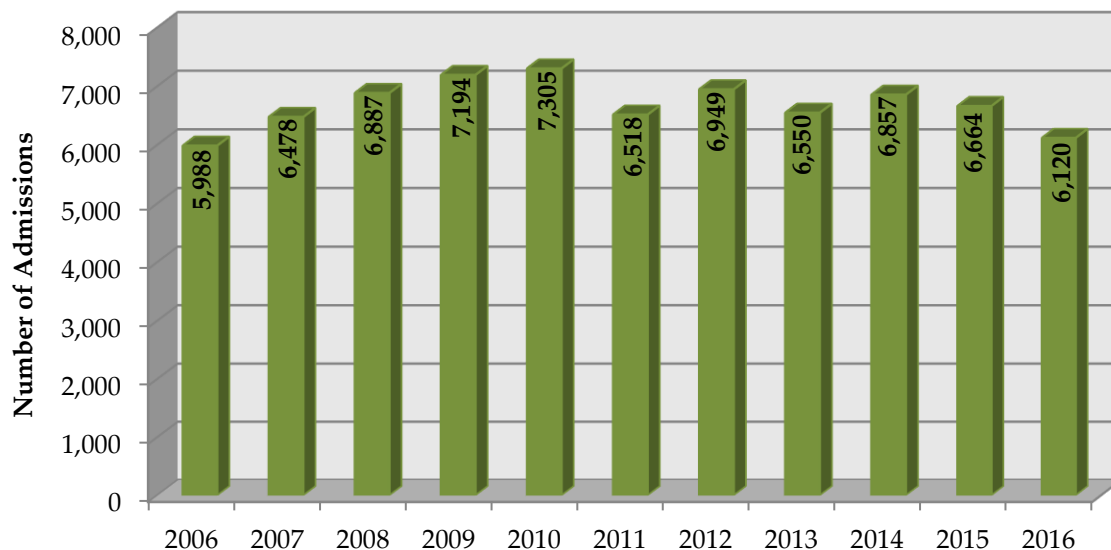
## SECTION 6: Treatment

### 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**).

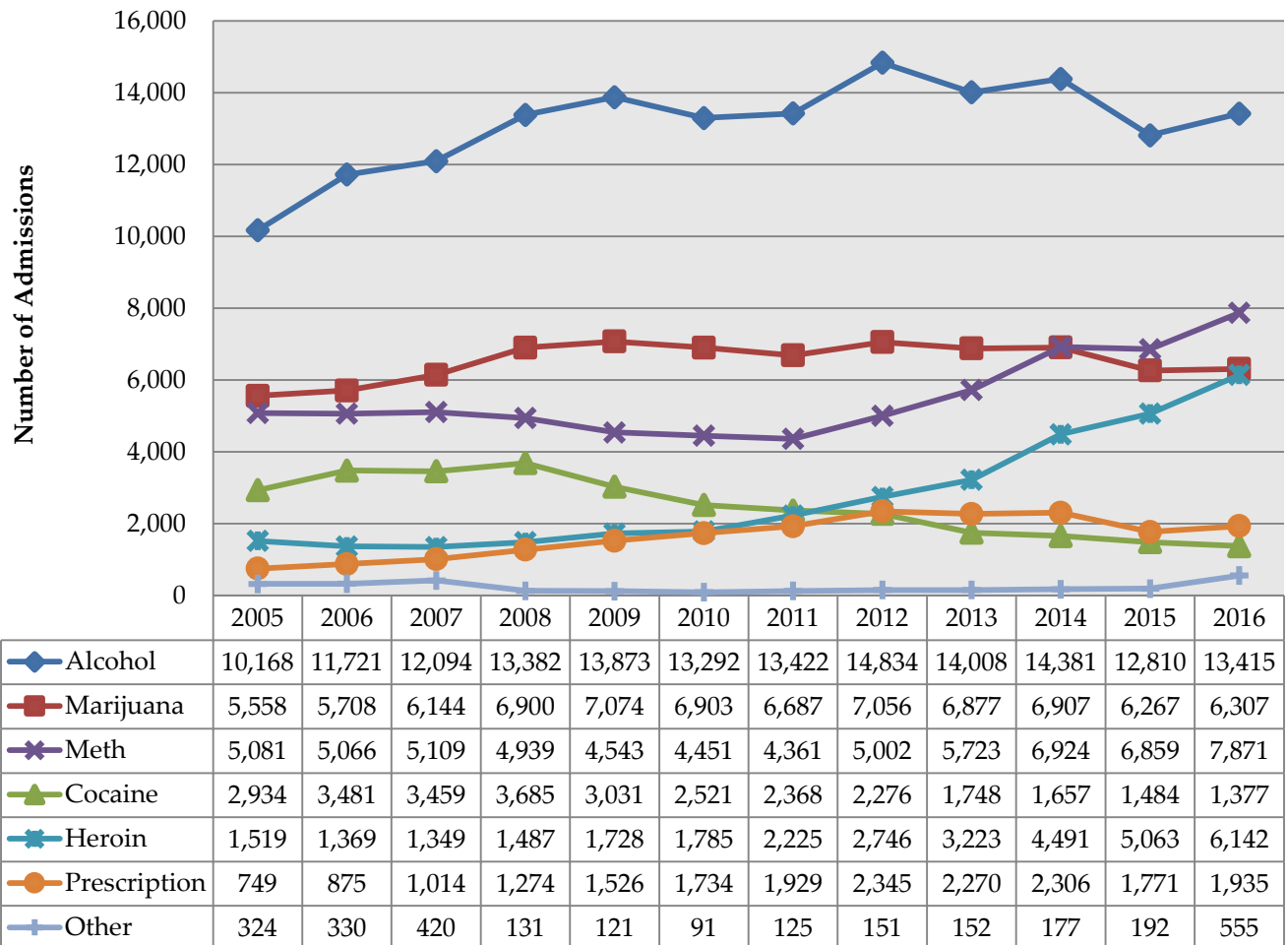
### Data

#### Treatment with Marijuana as Primary Substance of Abuse, All Ages



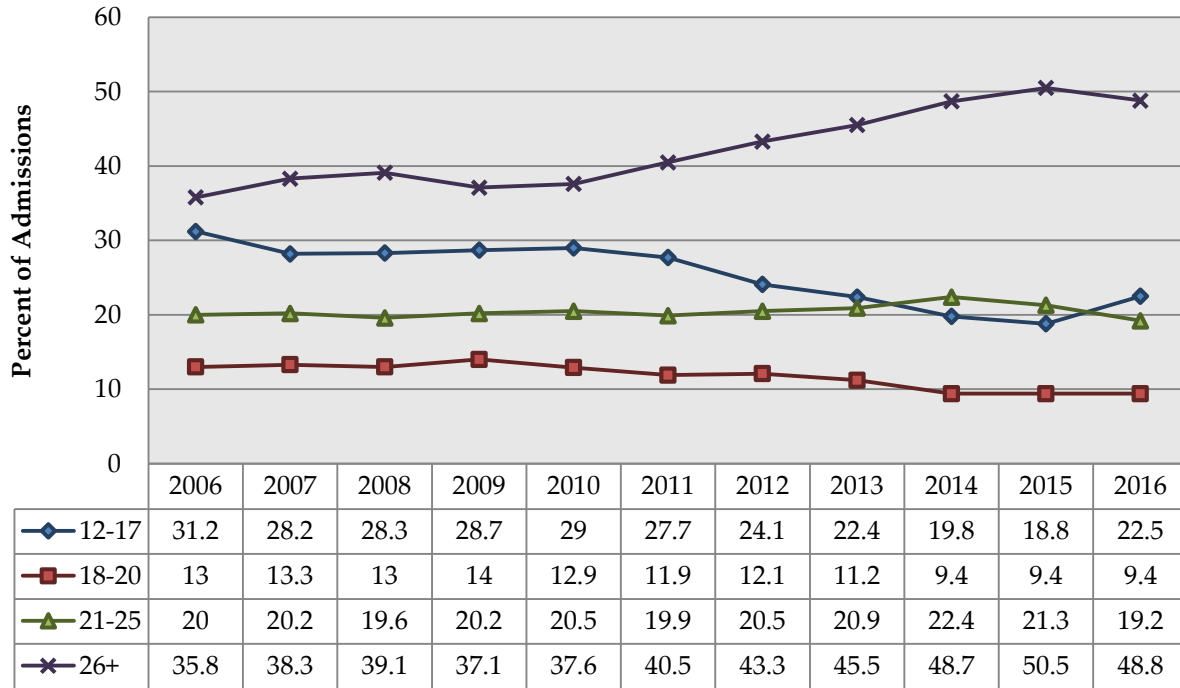
SOURCE: Center for Behavioral Health Statistics and Quality, Substance Abuse and Mental Health Services Administration, Treatment Episode Data Set (TEDS) Based on administrative data reported by States to TEDS through July 6, 2017

## Drug Type for Treatment Admissions, All Ages



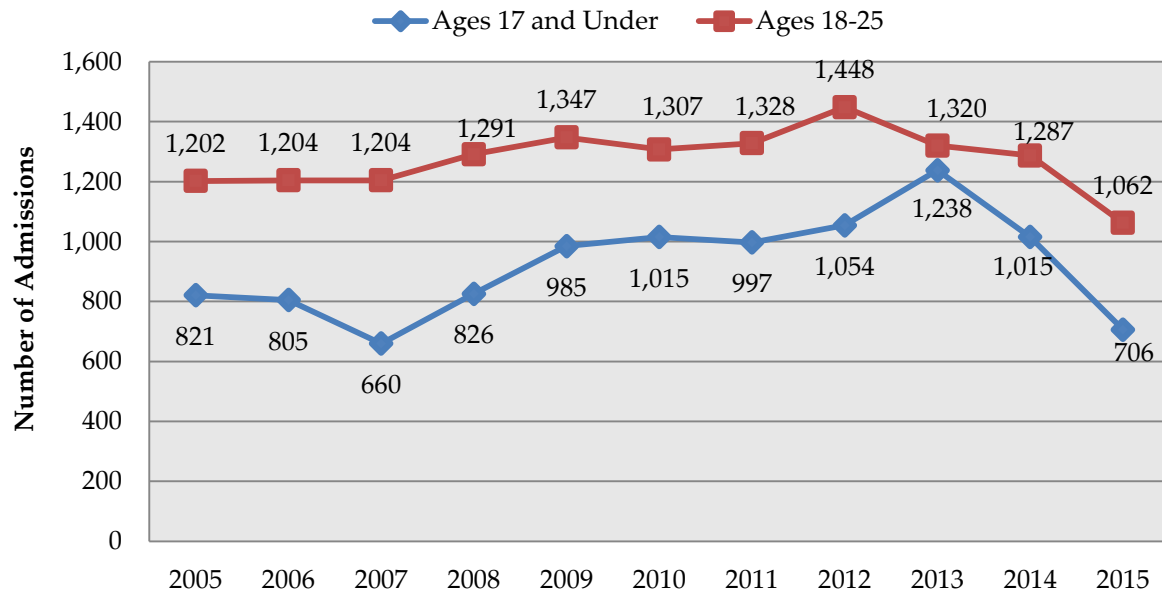
SOURCE: Colorado Department of Health Services, Office of Behavioral Health, 2005-2016

## 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.”<sup>1</sup>

**“...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.”<sup>2</sup>

**“...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.”<sup>3</sup>

## Case Examples

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**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.<sup>4</sup>

### **For Further Information on Treatment See Page 157**

#### **Sources**

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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*

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### Some Findings

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- 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

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**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.

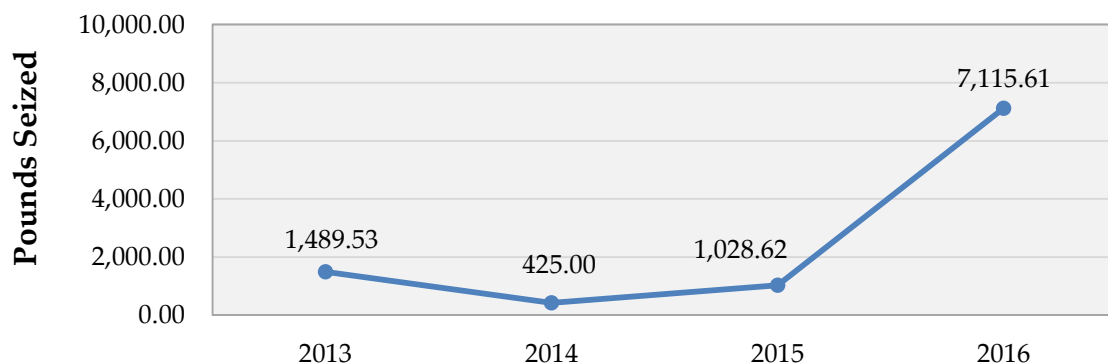
## Data on Marijuana Investigations

**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.

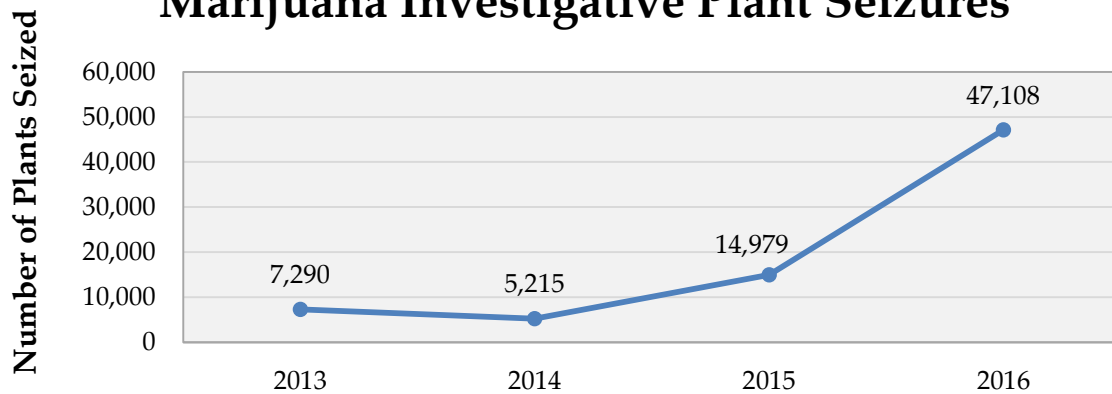
In 2016, ten RMHIDTA Colorado drug task forces completed **163 investigations** of individuals or organizations involved in illegally selling Colorado marijuana both within and outside of the state. The task forces seized approximately **3.5 tons of marijuana**; **47,108 plants**; **2,111 edibles**; 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

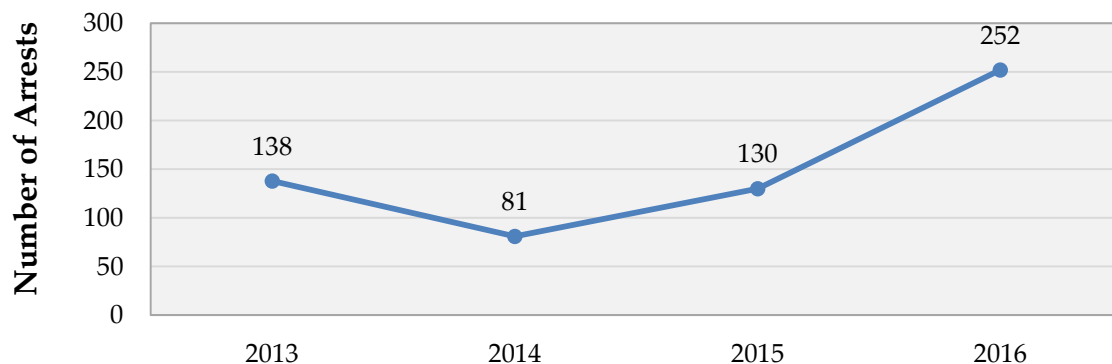
## RMHIDTA Colorado Task Forces: Marijuana Investigative Plant Seizures



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



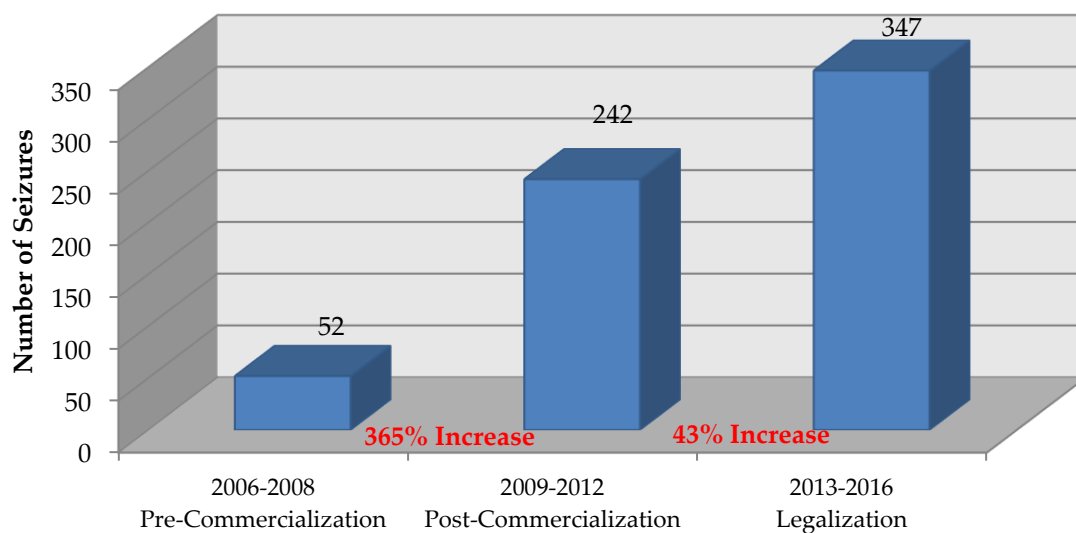
SOURCE: Rocky Mountain HIDTA Performance Management Process (PMP) Data

## 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.

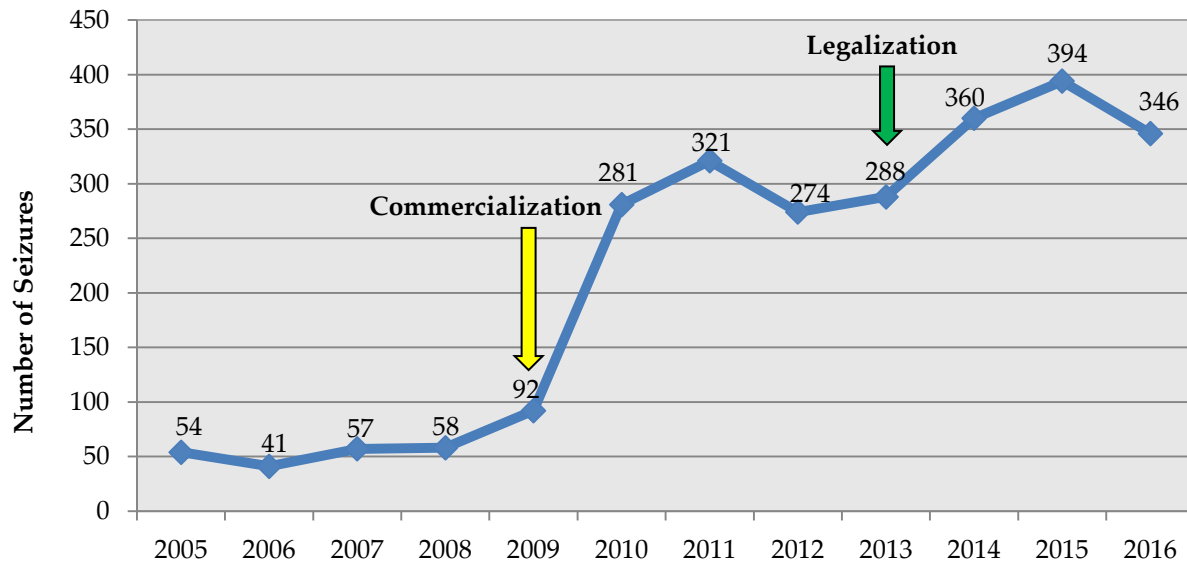
- ❖ A 2014 survey of approximately 100 interdiction experts estimates that 10 percent or less of marijuana being trafficked is seized by state highway patrol agencies.

### Average Colorado Marijuana Interdiction Seizures



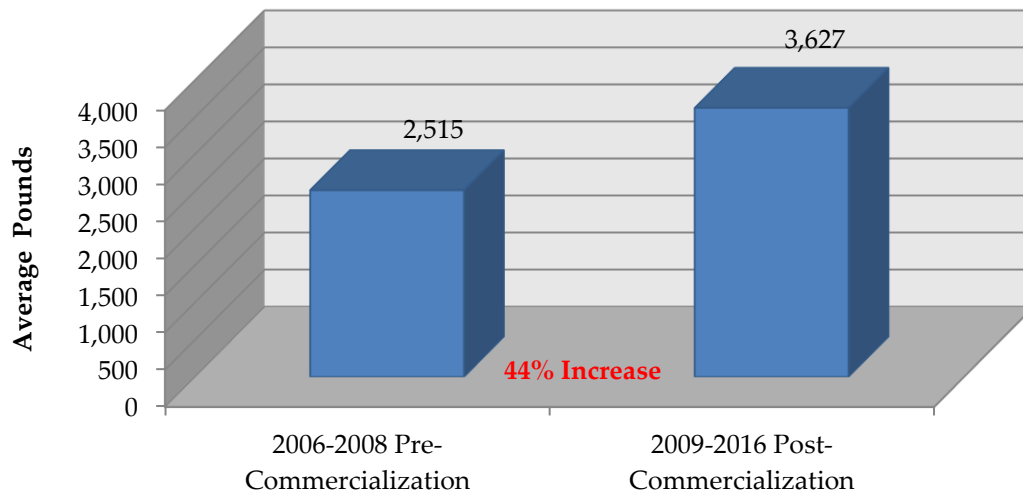
**SOURCE:** El Paso Intelligence Center, National Seizure System, as of August 28th, 2017

## 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

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**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.<sup>1</sup>

**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."<sup>2</sup>

**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 13<sup>th</sup>, 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 30<sup>th</sup> and April 14<sup>th</sup>, 2016. Five of the twelve individuals were originally from Cuba.<sup>3</sup>

### **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.<sup>4</sup>

**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.<sup>5</sup>

**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.<sup>5</sup>

**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.<sup>5</sup>

**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.<sup>5</sup>

**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.<sup>5</sup>

**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.<sup>5</sup>

**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.<sup>5</sup>

**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.<sup>5</sup>

**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. <sup>6</sup>

**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. <sup>7</sup>

### **Case Examples of Interdictions**

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**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**. <sup>8</sup>

**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**. <sup>9</sup>

**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**.<sup>8</sup>

**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.<sup>8</sup>

**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.<sup>8</sup>

**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.<sup>8</sup>

**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.<sup>8</sup>

**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.<sup>10</sup>

**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.<sup>8</sup>

**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.<sup>11</sup>

**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.<sup>12</sup>

**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**.<sup>8</sup>

**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.<sup>13</sup>

**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.<sup>14</sup>

**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**.<sup>8</sup>

**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**).<sup>8</sup>

**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.<sup>8</sup>

**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.<sup>15</sup>



## Sources

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> Rocky Mountain HIDTA Task Force Quarterly Reports, Calendar Year 2016-2017.

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> El Paso Intelligence Center, National Seizure System. Data pull August 28<sup>th</sup>, 2017.

<sup>9</sup> 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.

<sup>10</sup> RMHIDTA Quarterly Report. Colorado Criminal Interdiction, 1<sup>st</sup> Quarter 2016.

<sup>11</sup> Ohio State Highway Patrol Report of Investigation, via e-mail dated July 31st, 2017; accessed August 1st, 2017.

<sup>12</sup> Ohio State Highway Patrol Report of Investigation, via e-mail dated July 13th, 2017; accessed July 22<sup>nd</sup>, 2017.

<sup>13</sup> Midwest HIDTA Interdiction Bulletin 2017-47.

<sup>14</sup> Midwest HIDTA Interdiction Bulletin 2017-84.

<sup>15</sup> Midwest HIDTA Interdiction Bulletin 2017-26.



## SECTION 8: *Diversion by Parcel*

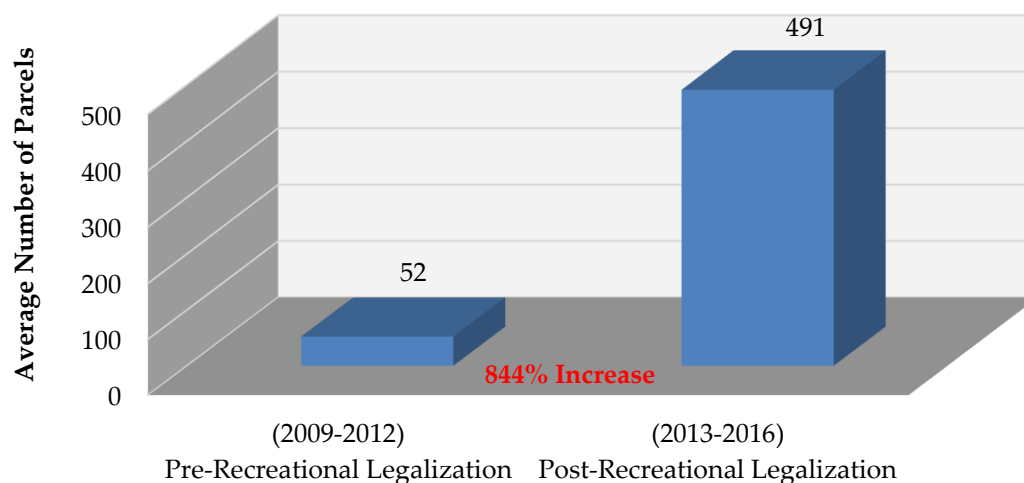
### Some Findings

- 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

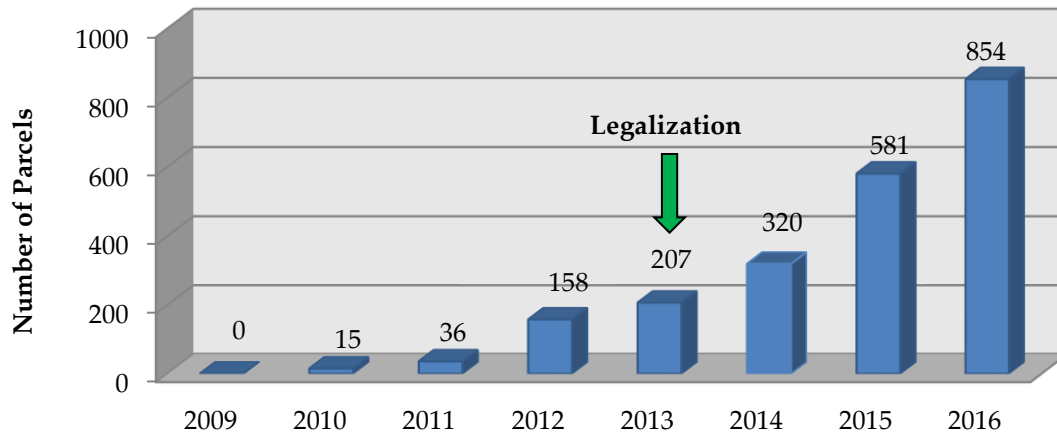
**NOTE:** THESE FIGURES ONLY REFLECT PACKAGES SEIZED; THEY DO NOT INCLUDE PACKAGES OF COLORADO MARIJUANA THAT WERE MAILED AND REACHED THE INTENDED DESTINATION. INTERDICTION EXPERTS BELIEVE THE PACKAGES SEIZED WERE JUST THE "TIP OF THE ICEBERG."

### Average Number of Parcels Containing Marijuana Mailed from Colorado to Another State



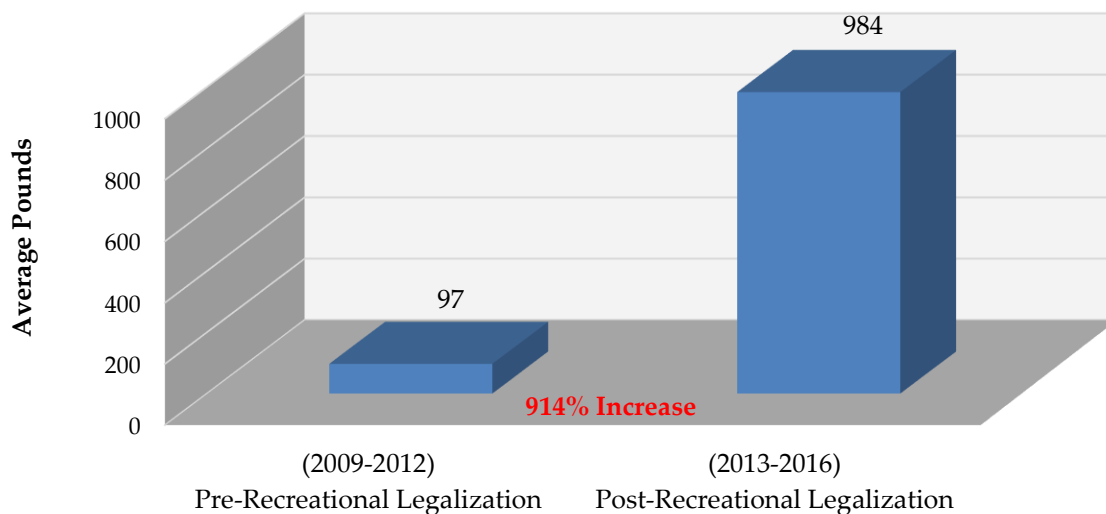
SOURCE: United States Postal Inspection Service, Prohibited Mailing of Narcotics

## Parcels Containing Marijuana Mailed from Colorado to Another State



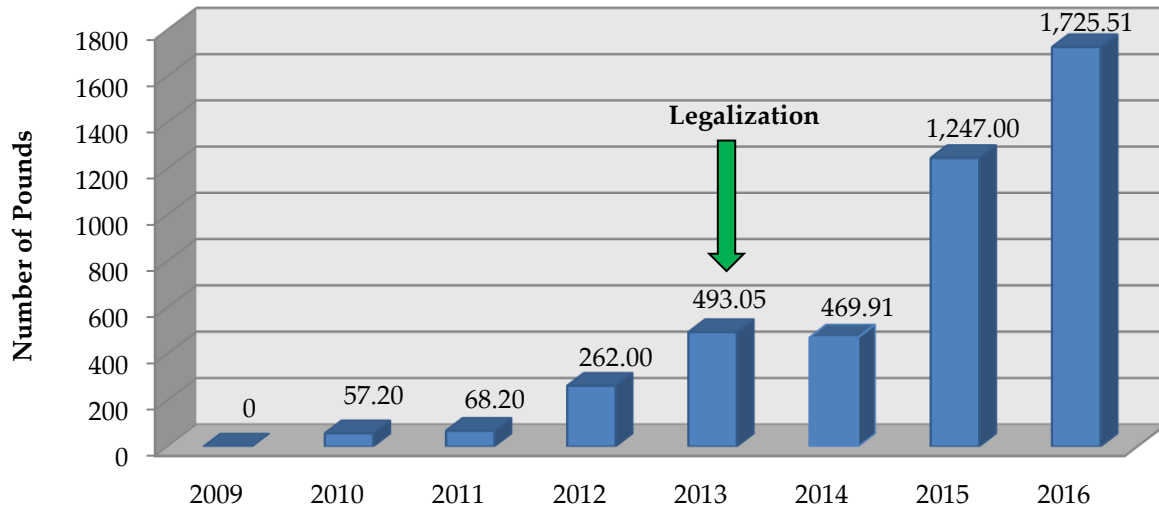
SOURCE: United States Postal Inspection Service, Prohibited Mailing of Narcotics

## Average Pounds of Colorado Marijuana Seized by the U.S. Postal Inspection Service



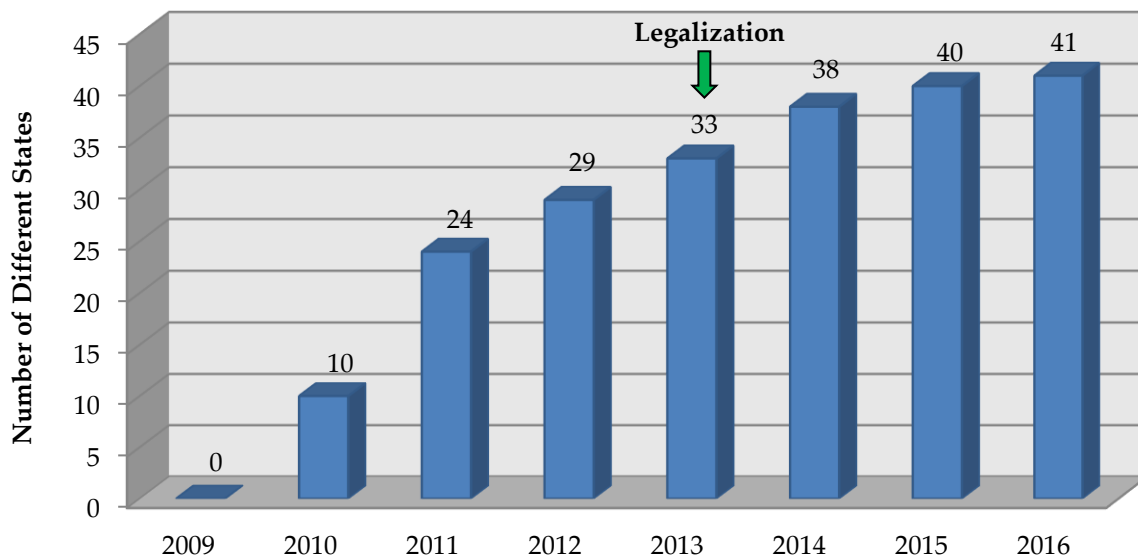
SOURCE: United States Postal Inspection Service, Prohibited Mailing of Narcotics

## 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

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- ❖ 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

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**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.** <sup>1</sup>

**\$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.** <sup>1</sup>

**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.** <sup>1</sup>

**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.** <sup>1</sup>

**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.** <sup>1</sup>

**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. <sup>2</sup>

**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." <sup>3</sup>

**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." <sup>4</sup>

**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. <sup>5</sup>

**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**. <sup>5</sup>

**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. <sup>5</sup>

## Sources

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<sup>1</sup> North Florida HIDTA Information Bulletins, Package Interdiction Summaries. Received July 25<sup>th</sup>, 2017.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> Khloe Keeler, "2<sup>nd</sup> 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.

<sup>5</sup> Rocky Mountain HIDTA Task Force Quarterly Reports, Calendar Year 2016-2017.

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## SECTION 9: *Related Data*

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### Topics

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- 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.

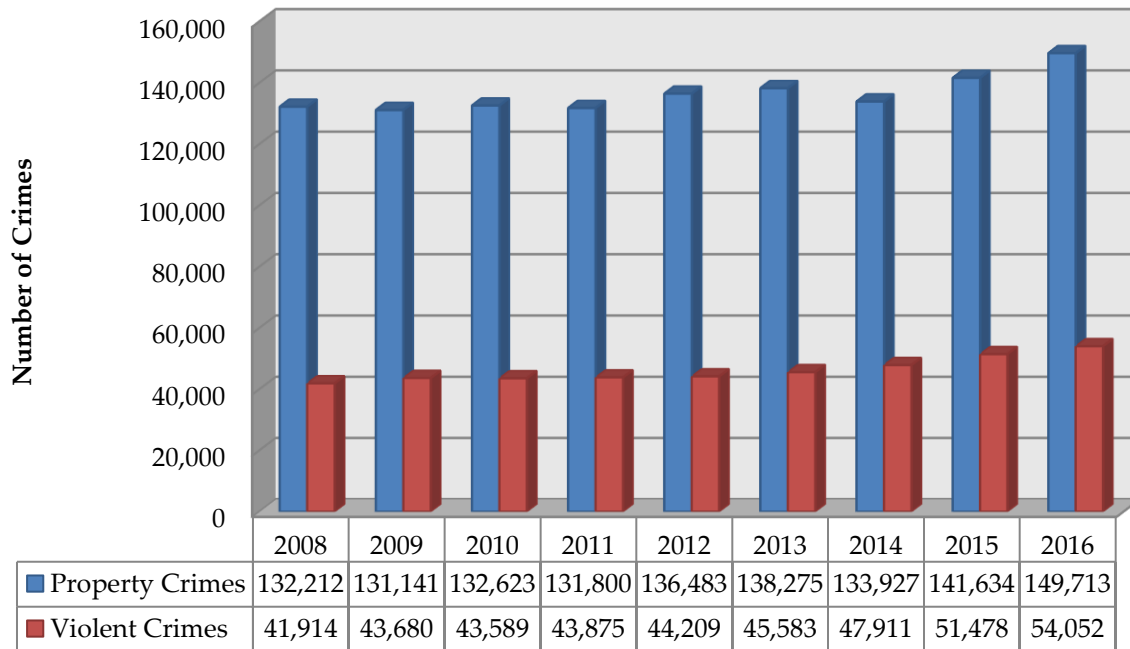
### Some Findings

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- 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

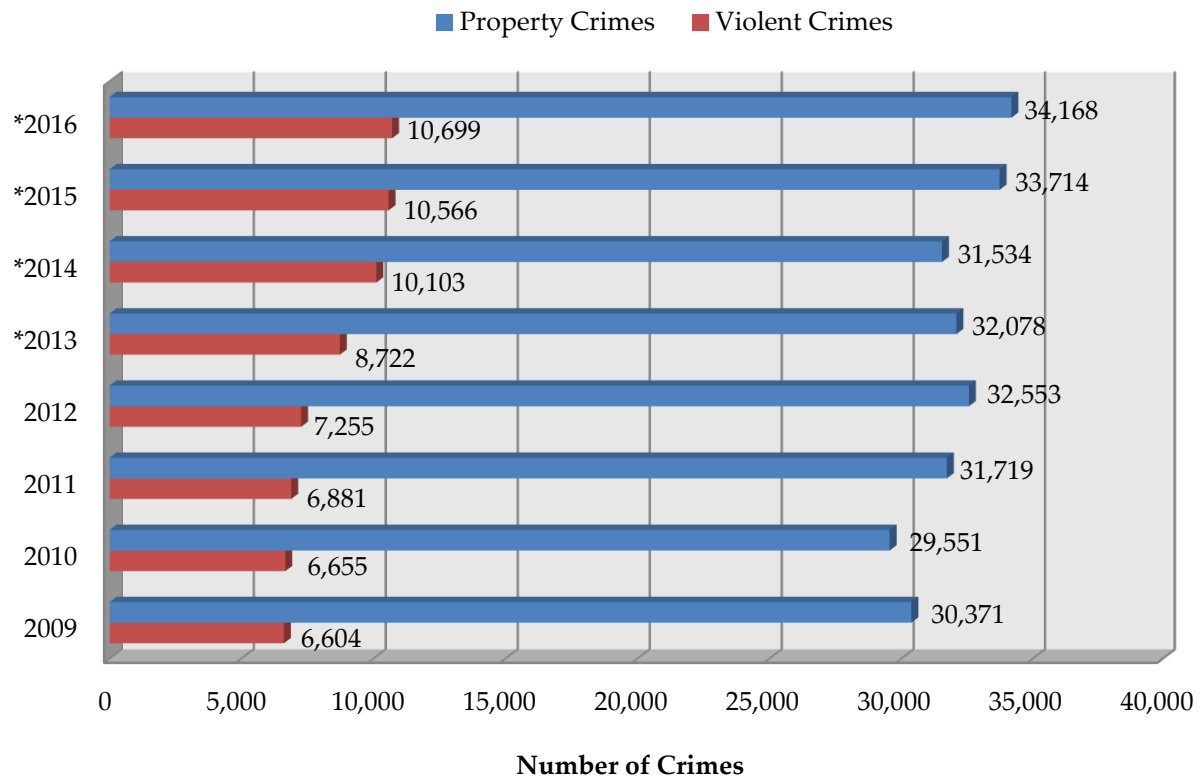


SOURCE: Colorado Bureau of Investigation, <http://crimeinco.cbi.state.co.us/>

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
<b>*All Reported Crimes</b> (To include all categories listed below)	55,115 **	61,276	64,317	64,736

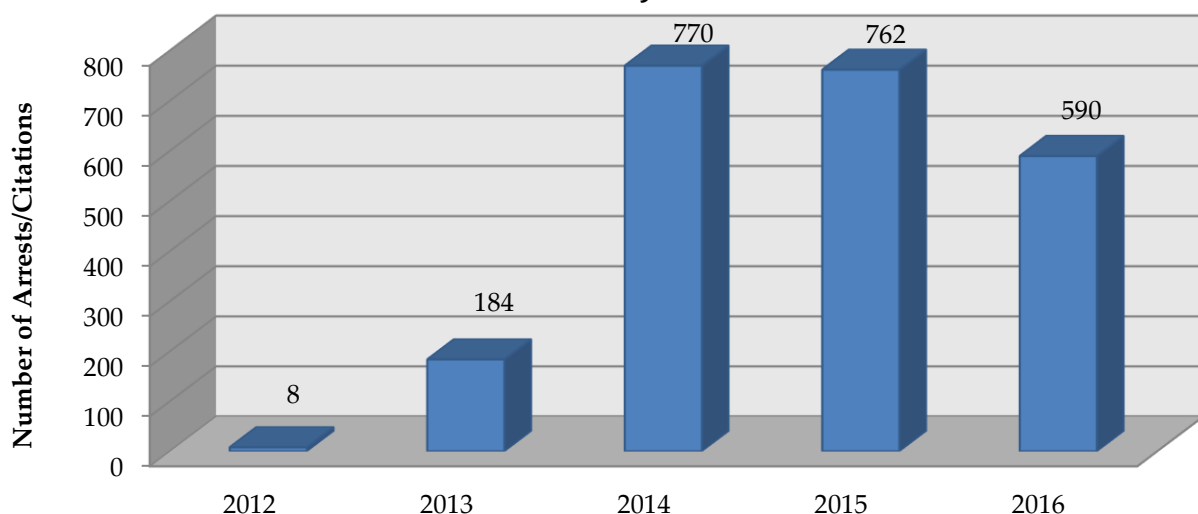
*Denver Crime	From 2014 to 2016
Crimes Against Persons	Increased 6%
Crimes Against Property	Increased 8%
Crimes Against Society	Increased 31%
All Other Offenses	Decreased 9%
All Denver Crimes	Increased 6%

\* Actual number of crimes in Denver

\*\* New process began in May 2013 and 2013 data is not comparable to 2014-2016

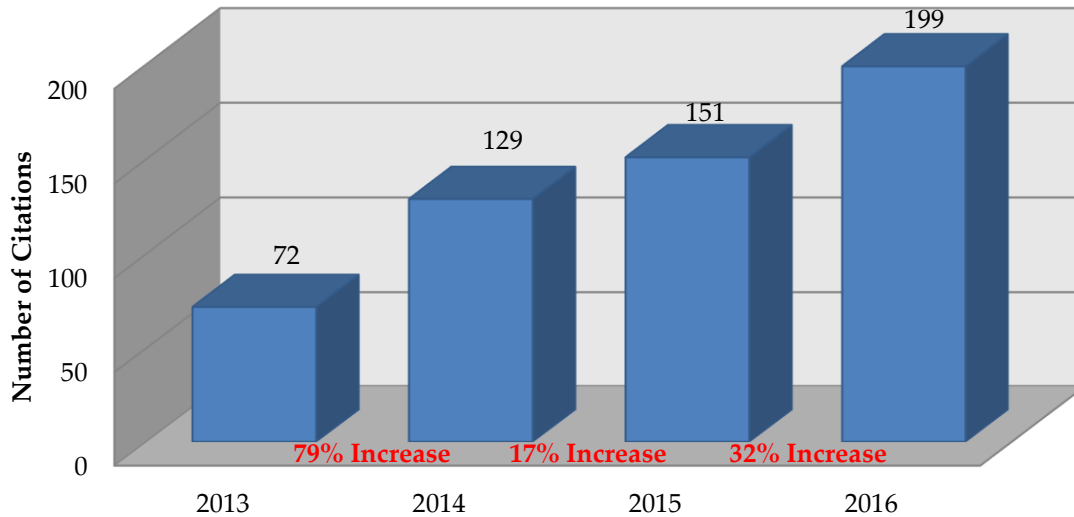
SOURCE: City and County of Denver, Denver Police Department, Crime Statistics and Maps, April 2016

## 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.”<sup>1</sup>

**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.” <sup>2</sup>

**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.” <sup>3</sup>

**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. <sup>4</sup>

**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.” <sup>5</sup>

**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.<sup>6, 7</sup>

**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.”

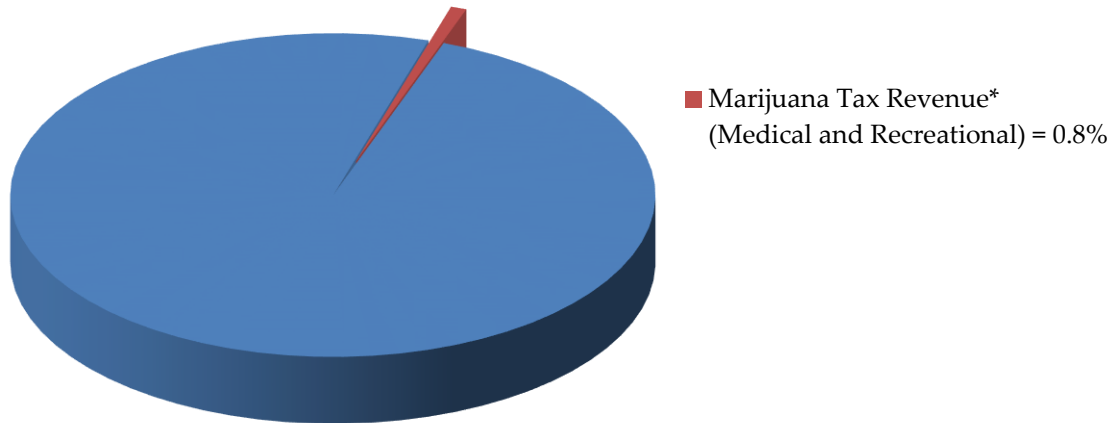
During her time with Harmony & Green, Rayton reportedly bragged about knowing someone at the Colorado Department of Revenue who would help the company “get legal.” According to investigators assigned to the case, it is doubtful that she was unaware of the “duplicitous practices that were lining her pocket,” 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.”<sup>8</sup>

**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.”<sup>9</sup>

## Revenue

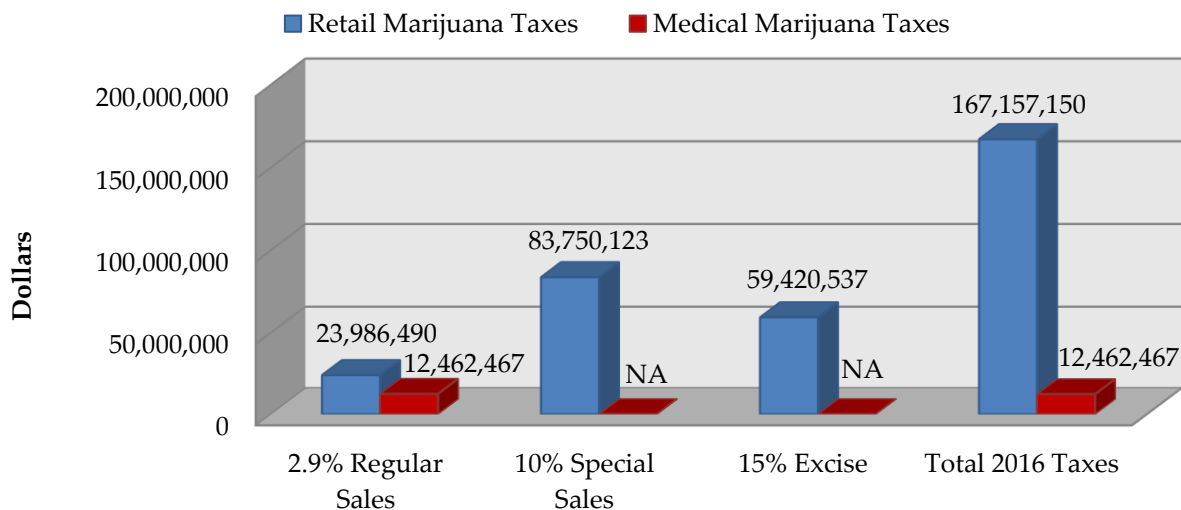
## Colorado's Statewide Budget, Fiscal Year 2017



\*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.**



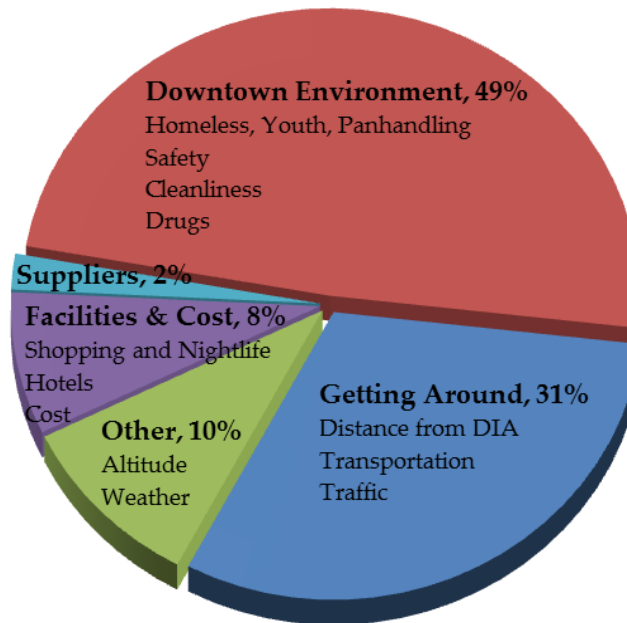
## Case Example

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**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.”<sup>10</sup>

## 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 16<sup>th</sup>, and last night witnessed a group of about 30 teenagers attack a man walking along 16<sup>th</sup> 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 5<sup>th</sup> 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 16<sup>th</sup> 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

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### **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.<sup>11</sup>

**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.<sup>12</sup>

**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.”

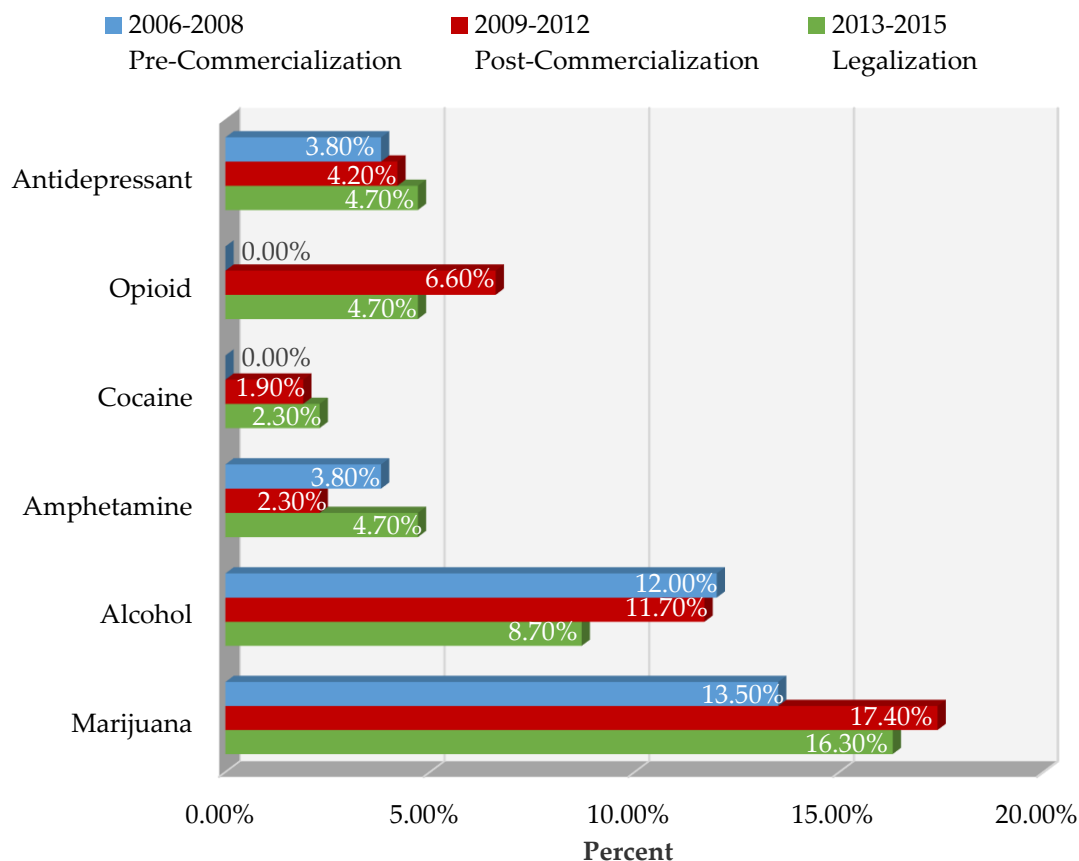
Although the city of Denver has pledged large sums of money to those in need of affordable housing, a local branding and marketing expert expressed her concern that we get ahead of this growing trend as the last thing she wants is for her city to have the perception of a “homeless problem.”<sup>13</sup>

**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.<sup>14</sup>

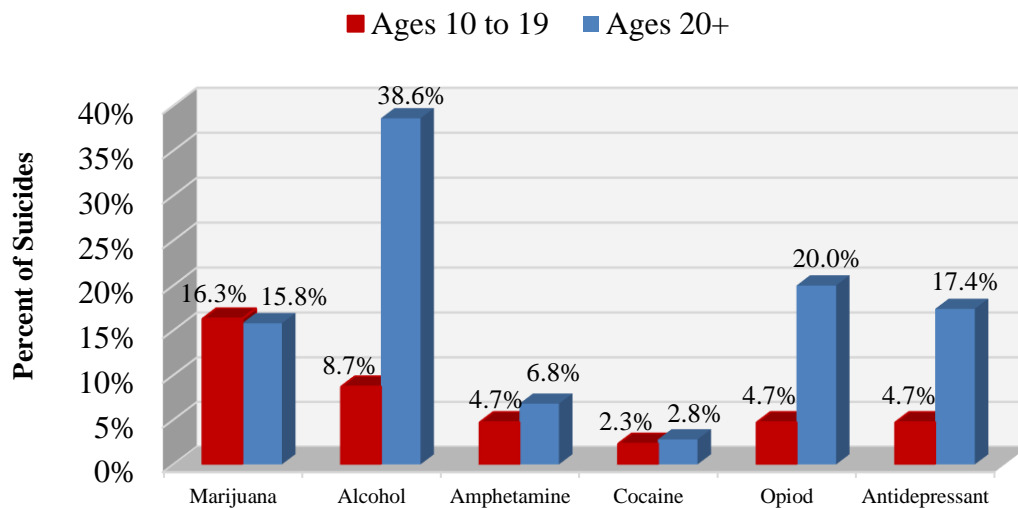
## Suicide Data

### 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

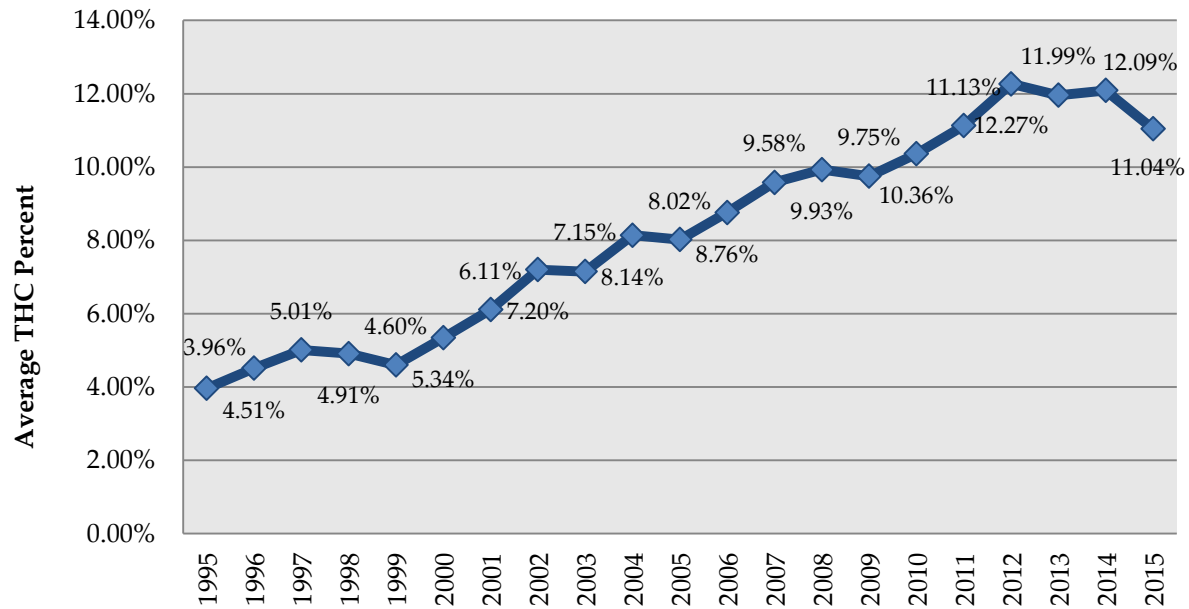


SOURCE: Colorado Department of Public Health and Environment (CDPHE), Colorado Violent Death Reporting System

- ❖ 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

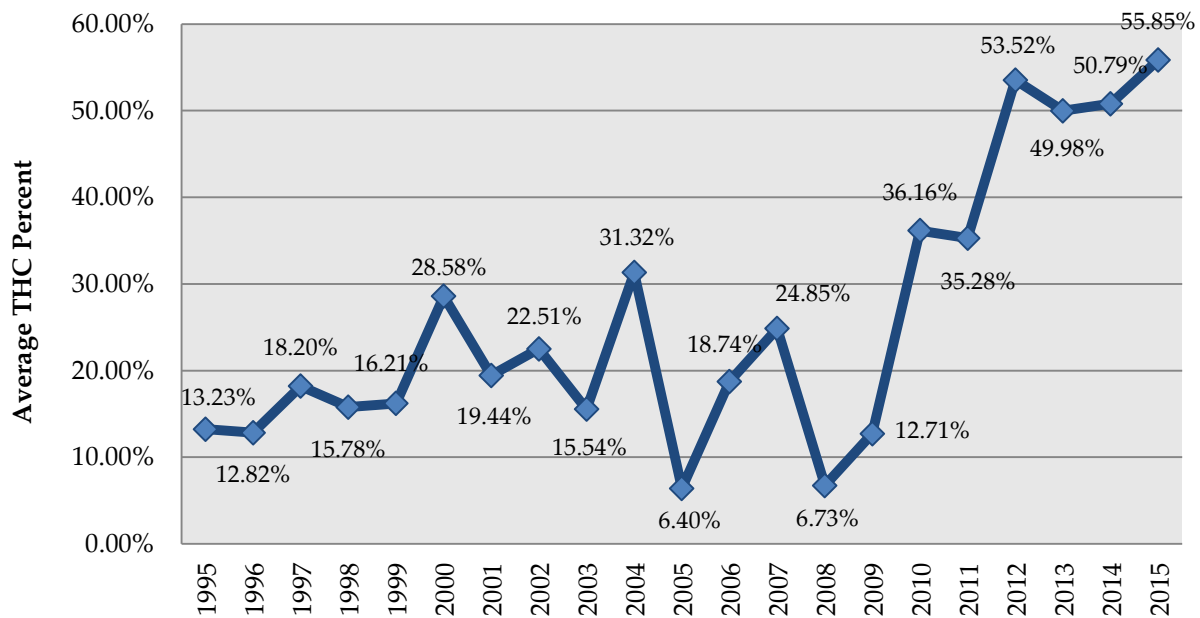


**SOURCE:** Potency Monitoring Program, Quarterly Report Number 135, National Center for Natural Products Research (NCNPR) at the University of Mississippi, under contract with the National Institute on Drug Abuse.

❖ The average potency for buds/flower in Colorado is 17.1 percent.<sup>15</sup>



## National Average THC Potency Submitted Hash Oil Samples



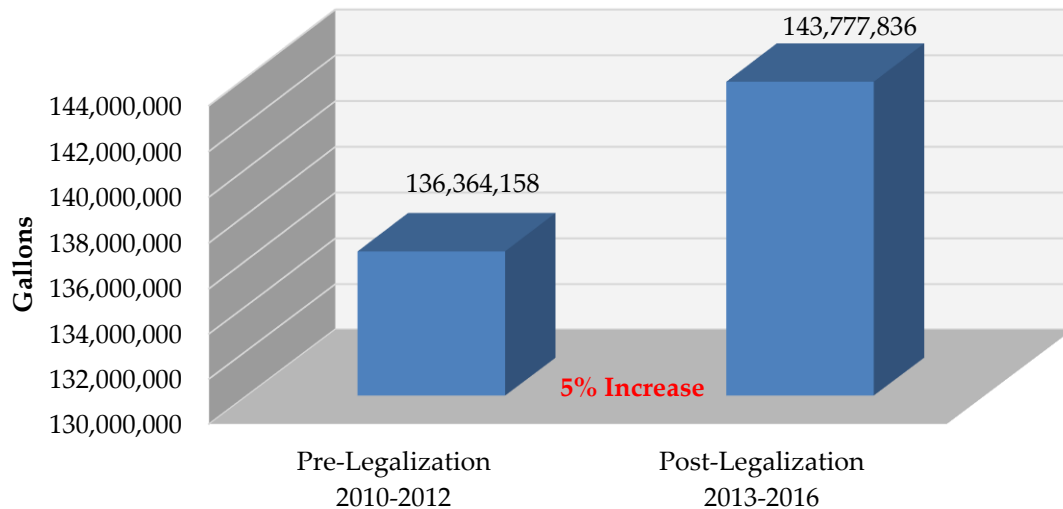
**SOURCE:** Potency Monitoring Program, Quarterly Report Number 135, National Center for Natural Products Research (NCNPR) at the University of Mississippi, under contract with the National Institute on Drug Abuse.

❖ The average potency for concentrates in Colorado is 62.1 percent.<sup>15</sup>

## Alcohol Consumption

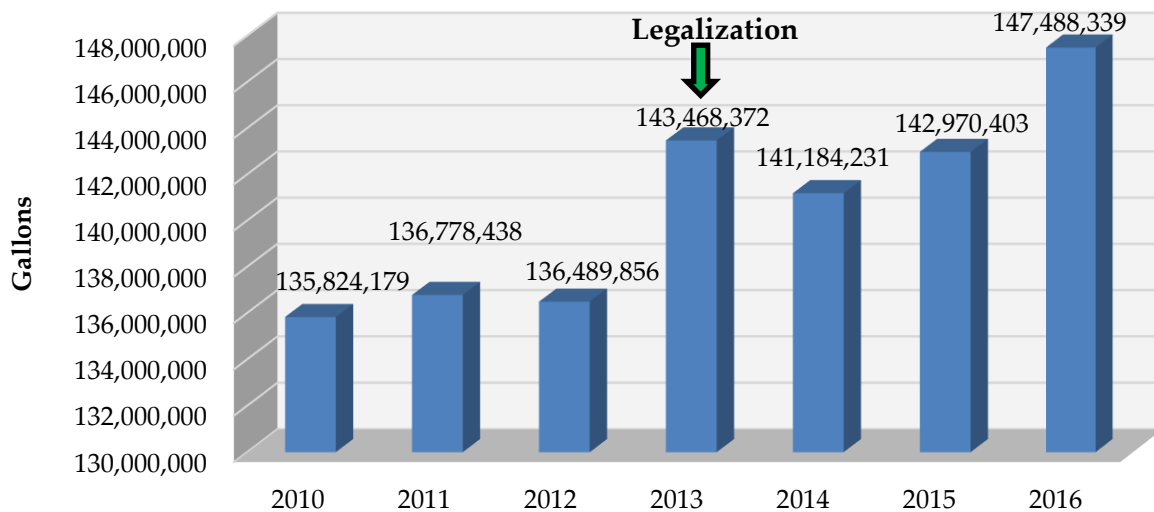
- ❖ It has been suggested that legalizing marijuana would reduce alcohol consumption. Thus far that theory is not supported by the data.

### 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 <sup>16</sup>

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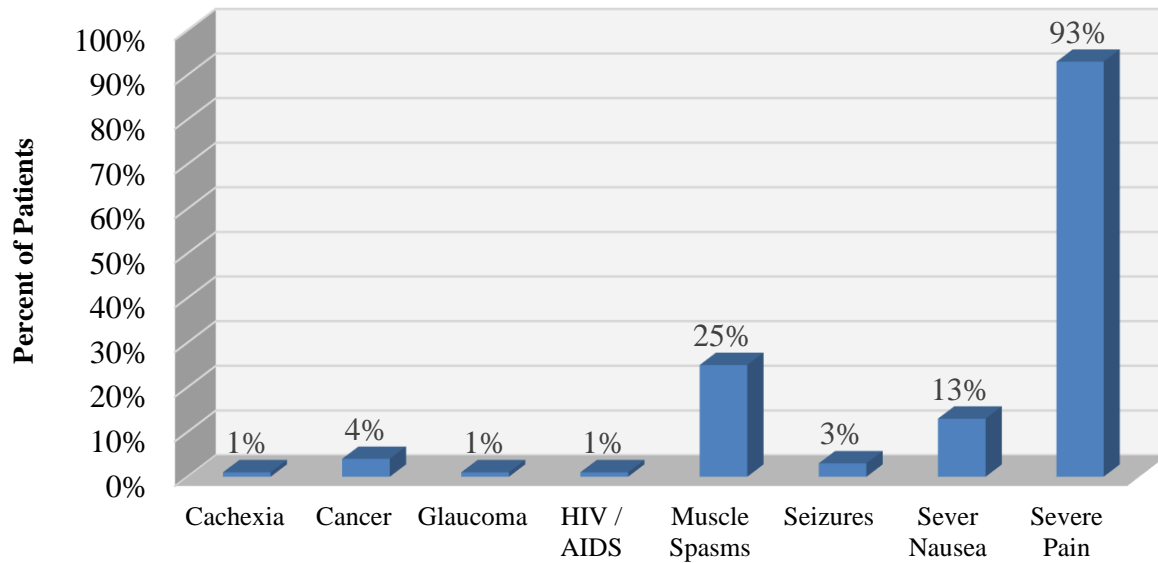
### Medical Marijuana Registry Identification Cards

- 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 1<sup>st</sup>, 2017 <sup>17</sup>

### Medical Marijuana:

- 759 marijuana cultivation facilities
- 507 medical marijuana centers (dispensaries)
- 255 infused products (edibles) businesses
- 14 testing facilities

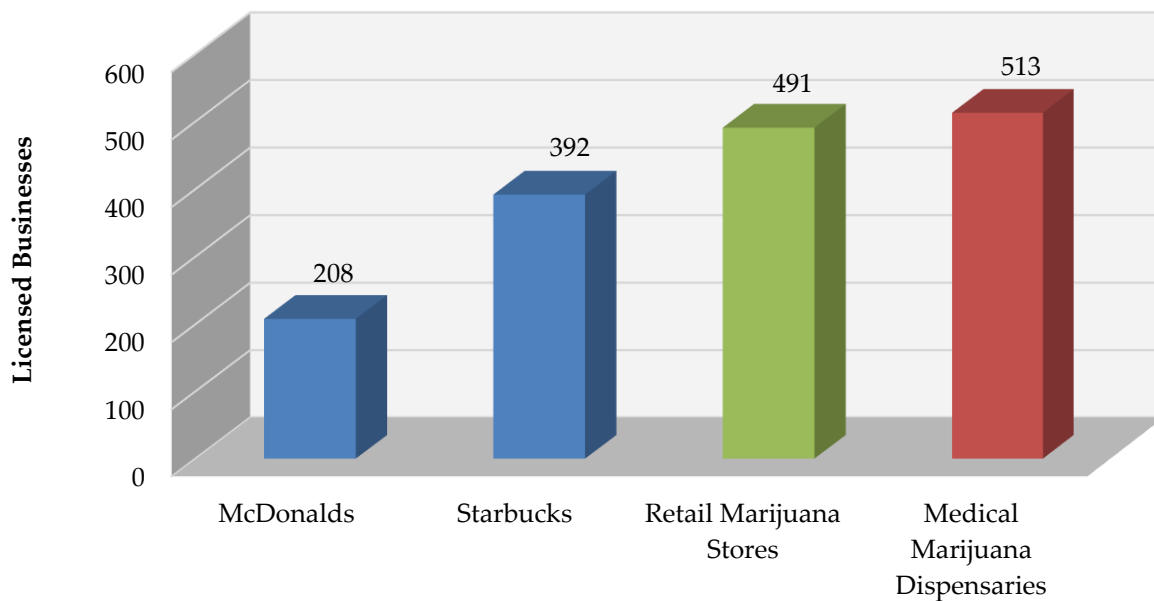
### Recreational Marijuana:

- 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 <sup>18</sup>

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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 <sup>19, 20</sup>

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### 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.”<sup>15</sup>**

## 2017 Price of Marijuana

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Marijuana prices as of July 2017 are based off a compilation of medical and recreational prices from local dispensaries and averaged:

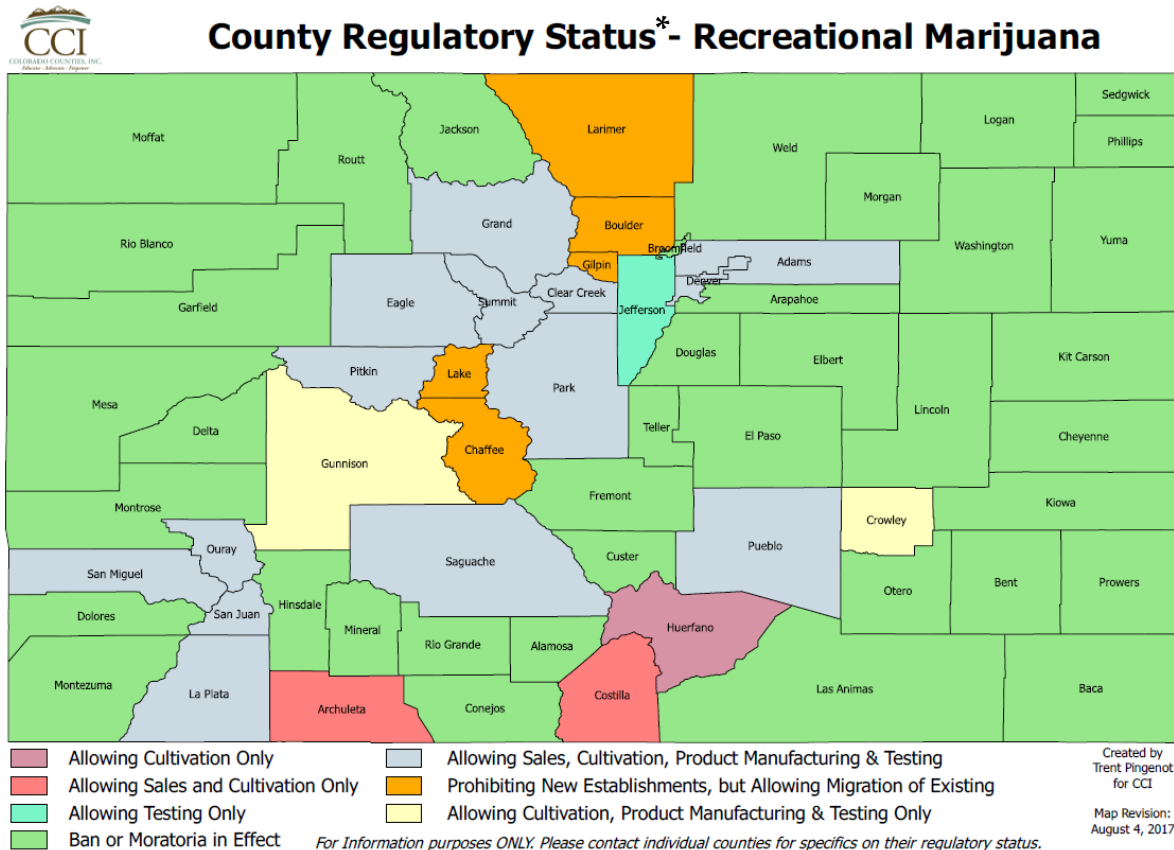
Area	Gram	Ounce
State Average	\$11.00	\$191.00
Denver	\$11.00	\$159.00
Boulder	\$13.00	\$213.00
Fort Collins	\$11.00	\$235.00
Colorado Springs*	\$8.00	\$157.00

\*Colorado Springs does not allow selling of recreational marijuana within city limits.

SOURCE: “Colorado marijuana prices for July 2017,” [Marijuanarates.com](http://Marijuanarates.com), Accessed August 29, 2017

## Local Response to Medical and Recreational Marijuana in Colorado

### Recreational Marijuana Business and Local Jurisdiction Response: 21, 22

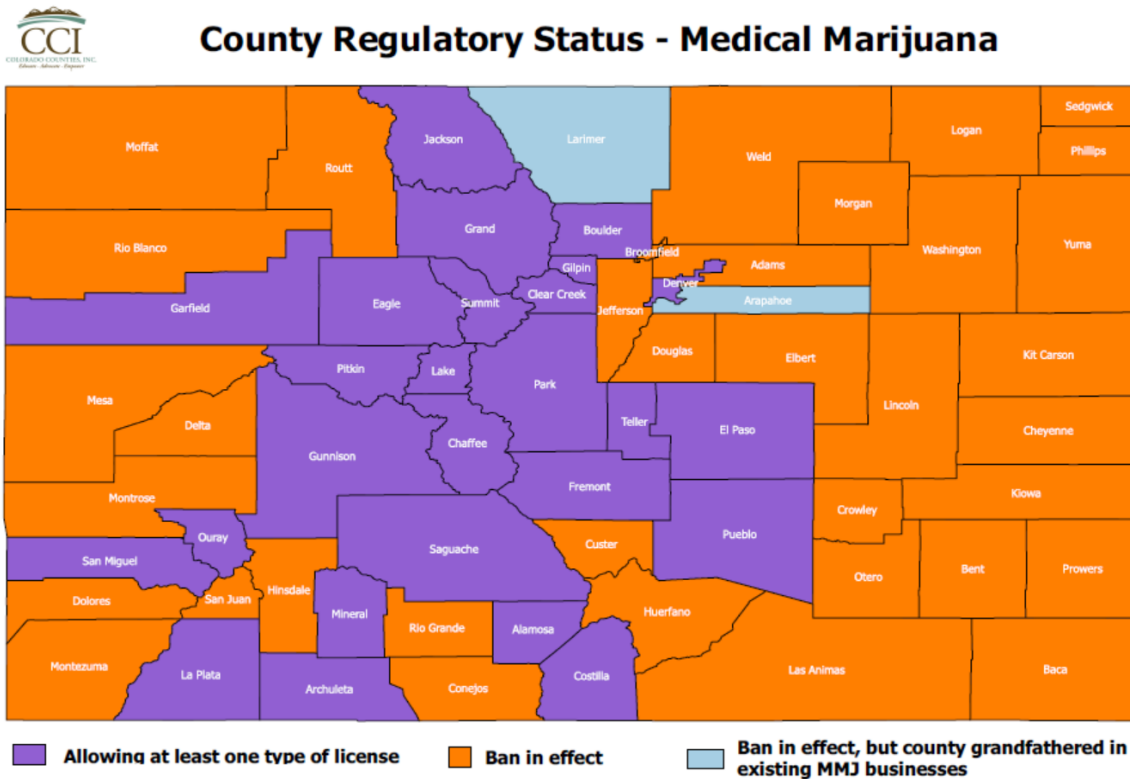


SOURCE: Colorado Counties, Inc.; as of August 4th, 2017

**\*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:**<sup>21, 22</sup>

SOURCE: Colorado Counties, Inc.; as of July 31, 2017

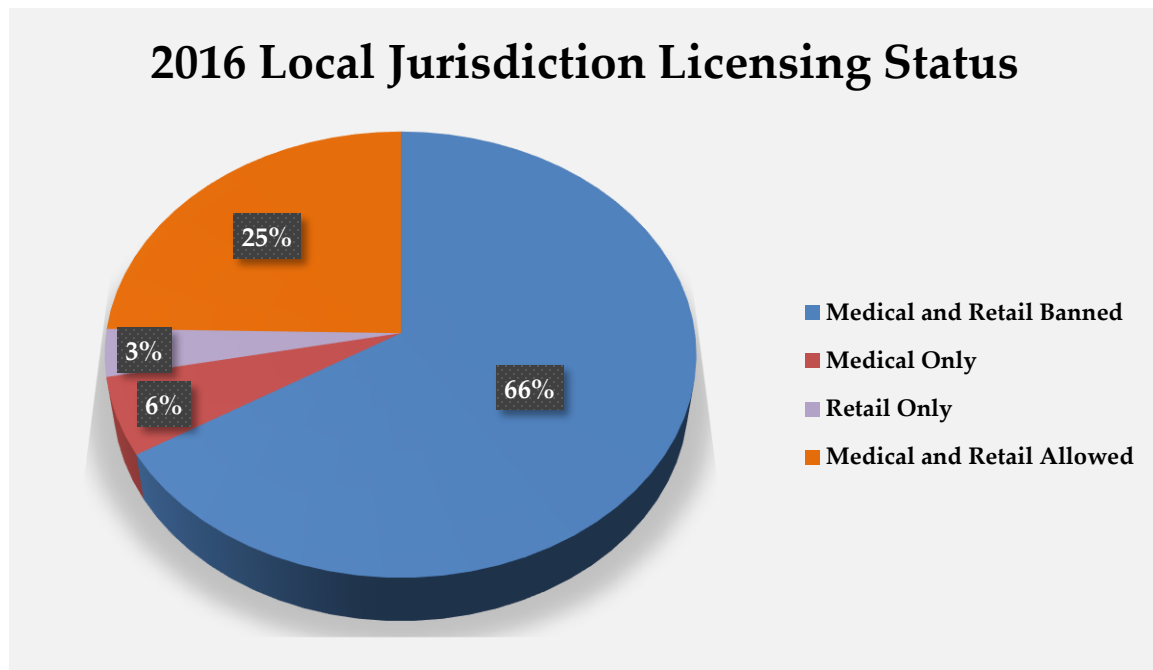
**\*NOTE: THIS MAP SHOWS THE REGULATORY STATUSES OF UNINCORPORATED AREAS WITHIN EACH COUNTY. MUNICIPALITIES WITHIN EACH COUNTY SET POLICY WITHIN THEIR BOUNDARIES.**

- 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 <sup>20</sup>	
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

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**Sources:**

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<sup>1</sup> 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.

<sup>2</sup> Blair Miller, "Colorado Springs Police: 18 Percent of Homicides Since 2015 Have 'Marijuana Nexus'; No State Data." *Denver Channel*, March 15<sup>th</sup>, 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 29<sup>th</sup>, 2017.

<sup>3</sup> 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 12<sup>th</sup>, 2017.

<sup>4</sup> 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 12<sup>th</sup>, 2017.

<sup>5</sup> 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 12<sup>th</sup>, 2017.

<sup>6</sup> 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](http://www.dailycamera.com/boulder-county-news/ci_30994865/suspect-coal-creek-canyon-triple-homicide-appear-court?source=pkg)>, accessed September 11, 2017.

<sup>7</sup> 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](http://www.dailycamera.com/boulder-county-news/ci_30996366/suspect-coal-creek-canyon-triple-homicide-charged-six?source=pkg)>, accessed September 11, 2017.

<sup>8</sup> 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.

<sup>9</sup> 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.

<sup>10</sup> Keith Humphreys, “Falling marijuana prices mean trouble for states that have legalized,” *The Washington Post*, January 18<sup>th</sup>, 2017, <<http://www.thecannabist.co/2017/01/18/marijuana-price-drops-state-revenue/71657/>>, accessed August 3<sup>rd</sup>, 2017.

<sup>11</sup> 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.

<sup>12</sup> 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.

<sup>13</sup> 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.

<sup>14</sup> 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.

<sup>15</sup> Marijuana Policy Group, “Marijuana Equivalency in Portion and Dosage (as of August 10<sup>th</sup>, 2015),” <[https://www.colorado.gov/pacific/sites/default/files/MED%20Equivalency\\_Final%2008102015.pdf](https://www.colorado.gov/pacific/sites/default/files/MED%20Equivalency_Final%2008102015.pdf)>, accessed May 12<sup>th</sup>, 2017.

<sup>16</sup> Colorado Department of Public Health and Environment, “Medical Marijuana Registry Program Update (as of December 31<sup>st</sup>, 2016),”

<[https://www.colorado.gov/pacific/sites/default/files/CHED\\_MMR\\_Report\\_December\\_2016.pdf](https://www.colorado.gov/pacific/sites/default/files/CHED_MMR_Report_December_2016.pdf)> accessed May 12th, 2017.

<sup>17</sup> Colorado Department of Revenue, "Licensees – Marijuana Enforcement Division (As of August 1<sup>st</sup>, 2017)," <<https://www.colorado.gov/pacific/enforcement/licensees-marijuana-enforcement-division>>, accessed August 31, 2017.

<sup>18</sup> Marijuana Policy Group, "The Economic Impact of Marijuana Legalization in Colorado," Marijuana Enforcement Division, received August 1, 2017.

<sup>19</sup> Marijuana Enforcement Division, "MED 2015 Annual Update," Colorado Department of Revenue, September 26, 2016.

<sup>20</sup> Marijuana Enforcement Division, "MED 2016 Annual Update," Colorado Department of Revenue, August 2, 2017.

<sup>21</sup> Colorado Municipal League, "Municipal Retail Marijuana Status," <<http://www.cml.org/rmj-action-visual/>>, accessed 8/29/2017>.

<sup>22</sup> Colorado Counties Inc., <[ccionline.org](http://ccionline.org)>, August 28, 2017.

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# SECTION 10: Reference Materials

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## Reports and Articles

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### 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." <sup>1</sup>

**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  $\Delta^9$ -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. <sup>2</sup>

**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. <sup>3</sup>

**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.” <sup>4</sup>

**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. <sup>5</sup>

**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. <sup>6</sup>

**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.<sup>7</sup>

**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.”<sup>8</sup>

**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.”<sup>9</sup>

**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.<sup>10</sup>

**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.<sup>11</sup>

**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.<sup>12</sup>

## 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 8<sup>th</sup> graders and 16 percent in 10<sup>th</sup> 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.<sup>13</sup>

**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."<sup>14</sup>

**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.”<sup>15</sup>

**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.”<sup>16</sup>

## 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.”<sup>17</sup>

**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.”<sup>18</sup>

**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.<sup>19</sup>

**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.”<sup>20</sup>

**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.<sup>21</sup>

**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.<sup>22</sup>

**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.”<sup>23</sup>

### 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.”<sup>24</sup>

**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.<sup>25</sup>

**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.<sup>26</sup>

**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.<sup>27</sup>



## 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.”<sup>28</sup>

## 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.”<sup>29</sup>

**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.”<sup>30</sup>

## 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.”<sup>31</sup>

**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.”<sup>32</sup>

**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.”<sup>33</sup>

**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.<sup>34</sup>

**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.<sup>35</sup>

**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.<sup>36</sup>

**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.<sup>37</sup>

**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.<sup>38</sup>

**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.<sup>39</sup>

**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.<sup>40</sup>

**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.<sup>41</sup>

**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.<sup>42</sup>

**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).<sup>43</sup>



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# Exhibit B

(tracks changes since 10-24-17)



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

~~November 14~~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 ~~in an early stage of formulation and on on~~ which

| ~~public~~Board input ~~would be~~is particularly ~~appreciated~~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 staff<sup>1</sup>, 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, and 2017 meetings as well as additional concepts to be discussed by the Board on October 24, 2017~~meetings.~~ Once refined by the Board, a future version of this document is being~~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:

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<sup>1</sup> 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.

~~It is important to note that additional permits from the County (as well as a state license) may be required. For example, Environmental Health may require additional applications and permits, consistent with the handling and sales of consumer goods (see Section IX). Building permits may also be required.~~

#### **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 uses 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**

~~As described in Section II,~~ 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 ~~land use permitting (LUP) process and any other applicable regulations (e.g. Environmental Health permits and building permits).~~ 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 ~~(see Section IV), the County, we~~ will ~~establish~~need to define a selection process to determine how the ability to apply for available permits will be allocated. ~~If a selection process is needed, the Board has expressed an interest in utilizing a “request for proposal” (RFP) process~~Three options are identified below and scoring system are evaluated in the attached Table 1.

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

(A) ***First come, first served,*** through the ~~RFP and scoring~~ otherwise standard land use permitting process, the County would solicit proposals for establishment of a commercial cannabis use. The proposals would be scored utilizing a pre-defined and approved scoring system. The proposals with the highest scores would then be invited to submit a formal land use permit. Once an application, is deemed complete, the number of available permits would be reduced by one. The application would be processed under the County LUP process and like any other land use permit. Applications would be subject to denial, approved or conditional approval, denied by the ~~County Zoning Administrator, County Planning Commission (or Board of Supervisors).~~

~~If a permit was denied, the highest ranked proposal just below the initial cut-off could be invited to apply until the cap (other hearing body, if appealed) based on permits is reached. The screening process could be done in phases. 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

~~(A)(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 concise and simple pre-proposals (shorter and less detailed and costly to complete) than full proposals, review and rank screen the pre-proposals, then invite the some proponents with the highest ranking pre-proposals to submit full proposals which would be screened again to determine who would be invited to submit a formal land use permit application 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.~~

~~Please note, applications for a land use permit for commercial cannabis uses would only be accepted for qualifying properties located within the appropriate zoning district and outside of any approved buffer areas (see Sections VI and VII, below).~~

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 County Department of Conservation and Development has prepared a matrix and Preliminary Cannabis Use Maps ~~[include link to maps here]~~ 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
<b>Agricultural Zoning Districts (A- )</b>	Land Use Permit*	Land Use Permit*	Land Use Permit*		Land Use Permit*			
<b>Area-Wide Planned Unit Development (P-1)</b>	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
<b>Retail- Business (R-B)</b>							Land Use Permit*	Land Use Permit*
<b>General Commercial (C)</b>				Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
<b>Controlled Manufacturing (C-M), Light Industrial (L-I), Heavy Industrial (H-I)</b>	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*	Land Use Permit*
<b>Potential Sustainability Requirements</b>	Renewable Energy and Sustainable Water Supply		Sustainable Water Supply		Potential limits on number of employees/trips outside ULL			500 feet from another retail location
<b>Key Considerations and Limitations by Use</b>	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

~~Note: Microbusinesses (operations that grow, process and sell cannabis products to retail customers at a small-scale site) are also under consideration where cultivation is allowed.~~

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 ~~other than rezoning~~ 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, ~~which would require separate approval but not necessarily by the Board.~~

## **VII. Buffer Zones**

~~In addition to being located within compatible Sites with eligible zoning districts, commercial cannabis uses may be proposed to~~ also be subject to specific buffer requirements ~~in order to protect certain from sensitive uses from potential cannabis influence or to prevent cannabis businesses from being located too close to each other.~~

~~Under current State law a buffer of 600 feet is required between any cannabis business licensed by the State and any K-12 school, day care center or youth center. A County ordinance may increase this buffer distance. A County ordinance may also establish buffers between cannabis businesses and other sensitive uses, land uses such as parks.~~

~~For comparison purposes, the County Code currently restricts the establishment of new tobacco retail establishments within 1,000 feet of any school, playground, park or library and within 500 feet of any existing tobacco retailer.~~

~~Buffers for the County's cannabis schools, parks, playgrounds, libraries and drug and alcohol recovery centers. The proposed ordinance could range in distance. The appropriate distance could be determined based on a variety of factors such as use, location, parcel size and type of sensitive sites the County chooses to identify. The Preliminary Cannabis Use Maps [also include link to maps here] show two alternatives, one that includes 500-foot buffers from residential zoning districts along with 1000-foot land uses.~~

The proposed buffers for commercial cannabis uses are as follows:

- 1,000 feet from schools any sensitive site including school, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters and one that includes the 1000-foot.

- 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 ~~but omits the 500-foot buffers to~~ from other features such as residential zoning districts. ~~Other buffer scenarios are being considered~~ 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 measures 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:

- Provide~~ing~~ 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. ~~Currently, the County has a second hand smoke ordinance that bans the smoking of cannabis products in the unincorporated area of the County in all of the same places where tobacco smoking is prohibited. In addition, the County is poised to consider a revised ordinance that would add multi-unit residences to the locations where both tobacco and cannabis smoking would be prohibited. The current and proposed smoking prohibitions are inclusive of the use of electronic smoking devices (vaping). In addition, the County could consider an outright ban on the use of cannabis in any form at certain pubic events and venues.~~

Specific examples of the kinds of safeguards that are being considered for inclusion in new regulations include the following:

- ~~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 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.~~
- ~~Prohibit all self-service vending of all cannabis and products which contain cannabis.~~

~~A report from Contra Costa Health Services with detailed recommendations and analysis of health issues is available here [include link to the report originally provided by HSD to the Board on October 24, 2017].~~

## **X. Cost Recovery**

~~The County may consider establishing~~ 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. ~~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. The tax measure could provide funding for a variety of public purposes, including but not limited to enhanced public safety, improved public health, drug treatment and education, and enhanced code enforcement capability.~~[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 exceptions. ~~Outdoor personal cultivation could raise more odor or security concerns with neighbors but may be less expensive and use less energy. The County is also keeping an eye on state regulations in this area as Proposition 64 prevents access to certain grant funds by those local agencies that ban commercial cultivation, or personal outdoor cultivation, or retail sales of cannabis, and the standards for enforcing these restrictions have not yet been defined.~~ variances.

- **Outdoor Personal Use Cultivation** - Examples of restrictions on outdoor cultivation for personal ~~use~~cultivation that could be considered in lieu of outright prohibition include:

1. Not more than three marijuana plants are cultivated ~~outdoors~~ 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. ~~Discretionary~~ 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 process could be considered~~ **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. ~~County~~ Additional work is needed by staff ~~is working~~ to more fully explore the most effective enforcement mechanisms ~~and, to better~~ 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.

## **EXHIBIT C: DRAFT PUBLIC OUTREACH PLAN FOR CONTRA COSTA COUNTY CANNABIS REGULATIONS**

The County will continue to implement public outreach and engagement efforts as work proceeds to develop regulations related to cannabis. The Preliminary Working Draft Framework for Regulating Cannabis in the Unincorporated Area of the County (Draft Framework) will be utilized to summarize the County's initial ideas and options and to solicit specific input from the public and agency partners. Below is a list of key outreach and engagement strategies, which may be revised by the Board in the future if new or better strategies are identified.

- Continue to maintain and update a list of persons and groups interested in the County's process for developing cannabis regulations and provide notification to the people on the list of key events, including Board of Supervisors meetings on this topic.
- Continue to maintain and refine a web page that includes the Draft Framework and other background information and documents related to the County's cannabis regulation process, status updates, County staff contact(s), ability to submit a request to be added to the contact list and a public comment form, to allow for easy public access to information and opportunities to comment.
- Develop District-specific presentation materials housed at District offices, including large format maps.
- Provide one or more updates to the Contra Costa Mayors Conference (Supervisor Andersen provided an update at the November Mayors Conference).
- Provide presentations/updates to City Councils and collect any input (upon request).
- Continue to utilize regular meetings with city staff, including the Contra Costa Transportation Authority Planning Directors meetings, to provide updates to city staff and receive any feedback.
- Provide the Draft Framework to each of the County's Municipal Advisory Committees (MACs) and to the Alcohol and Other Drugs Advisory Board and seek their input.
- Work with each District Office to convene community meetings and/or All-MAC meetings to present the Draft Framework and receive input.
- Coordinate with the County's Office of Communications and Media on best practices for accomplishing the goals of this Outreach Plan.

# EXHIBIT D: TRANSACTION/DISPENSING LIMITS FOR CANNABIS RETAIL SALES (prepared by CCHS)

## RECREATIONAL

STATE	Flower/Bud	Concentrate	Edibles	Per dose/serving THC limits	Liquid (Beverage)
Alaska* <a href="#">AAC 306-005-990</a>	1oz = 28 gm	7gm		5mg THC 50 mg per package or 10 servings	
Colorado <i>(adopted a potency equivalency framework in 2016 :: 1 oz. of flower = 8gms of concentric = 800mg of edibles</i>	1oz = 28 gm	8gm	80 servings @ 10mg THC each = 800 milligrams total	10mg THC	800 milligrams total, which generally implies 80 servings.
Washington <a href="#">WAR 314-55-095</a>	1oz = 28gm	7gm	16oz. total weight	10mg THC 100mg per package of 10 servings)	72 oz. total weight
Oregon <a href="#">OAR 333-007-0210</a>	1oz	5gm	16oz total	5mg THC 50 mg per package of 10 servings	72 oz. total weight
California** <a href="#">Prop 64,</a>	1oz. = 28.5gm	8gm	800 servings @ 10mg THC per dose.	10mg THC per dose/serving with a max of 100mg per multi-serving package	

\* In Alaska “A retail marijuana store may not sell in a single transaction . . . marijuana or marijuana products if the total amount of marijuana, marijuana products, or both marijuana and marijuana products sold contains more than 5,600 milligrams of THC.”

<https://www.commerce.alaska.gov/web/Portals/9/pub/MCB/StatutesAndRegulations/MarijuanaRegulations.pdf>

### \*\* In California:

- As of the drafting of this report staff have not been able to affirm if the Bureau of Cannabis Control will establish lower transaction limits for edibles. The 800 servings is a mathematical equivalent of 8gm of concentrate
- CDPH in California is affirming that their recommendation will be a maximum standard for THC content at 10mg THC per edible/beverage serving with a maximum of 100mgTCH per multi-serving package, per Asif Maan Ph.D. Chief, Manufactured Cannabis Safety Branch  
California Department of Public Health



Contra  
Costa  
County

To: Board of Supervisors  
From: Diane Burgis, District III Supervisor  
Date: November 14, 2017

Subject: Diablo MAC Annual Report

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**RECOMMENDATION(S):**

Receive the 2016 Annual Report submitted by the Diablo Municipal Advisory Council (DMAC), as recommended by Supervisor Diane Burgis.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

On December 16, 2008, the Board of Supervisors adopted policies for Municipal Advisory Councils requiring all MAC's to submit annual reports.

The reports attached include summaries of action in 2016 and the 2017 objectives.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **11/14/2017** ☐ 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: November 14, 2017

Contact: Alicia Nuchols,  
925-252-4500

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

By: , Deputy

cc:

## ATTACHMENTS

Diablo MAC Annual  
Report

# Diablo Municipal Advisory Council



Ray Brant, Chair

Supervisor Diane Burgis  
District III

Alicia Nuchols, District Representative  
3361 Walnut Blvd., Ste 140  
Brentwood, CA 94513  
(925) 252-4500  
Alicia.Nuchols@bos.cccounty.us

*The Diablo Municipal Advisory Council serves as an advisory body to the  
Contra Costa County Board of Supervisors and the County Planning Agency.*

## **2016 Annual Report to the Board of Supervisors**

Prepared by:  
Office of Supervisor Diane Burgis, Alicia Nuchols

Submitted by:  
Ray Brant, Chairperson

### **Activities and Accomplishments**

The goal of the Diablo Municipal Advisory Council (MAC) in 2016 was to continue to work effectively and efficiently with the residents of Diablo and with Contra Costa County.

During the 2016 calendar year, the Diablo MAC activities and efforts included:

- Received, reviewed and provided comments on the various land use-planning applications within the community of Diablo.

### **Members in 2016**

- Ray Brant, Chair
- Vince Chow
- Jeff Mini
- Kathy Torru
- Don Hoffman
- Richard Breitwieser, Secretary and legal counsel

### **Attendance at Meetings for 2016:**

January - All Members present  
February - All Members present  
March - All Members present  
April - All Members present  
May - All Members present  
June - Meeting cancelled

Diablo MAC  
2016 Annual Report and 2017 Work Plan

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July - All Members present  
August- Member Chow absent  
September – All Members present  
October – Members Mini & Chow absent  
November – Member Torru absent  
December - No Meeting (Combined Nov/Dec meetings)

**Work Plan and Objectives for 2017**

The Diablo Municipal Advisory Council (MAC) priorities for 2017 will be to review land use planning matters that come before the Diablo community.

Diablo MAC Members will continue to work on:

- 1.) Land Use Planning matters before the Diablo community

The Diablo MAC meets on the second Tuesday of each month at 7:30 P.M. at Diablo Country Club located at 1700 Club House Road, Diablo.





Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: November 14, 2017

Subject: Payment for services provided by Xingbo Sun, M.D.

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**RECOMMENDATION(S):**

Approve and authorize the Auditor-Controller, or his designee, to pay \$2,445 to Xingbo Sun, M.D., an individual, for the provision of podiatry services, including, consultation, clinic coverage, training, and medical/surgical procedures at Contra Costa Regional Medical Center (CCRMC) and Health Centers for the period from September 1, 2017 through September 30, 2017.

**FISCAL IMPACT:**

Funded 100% by Hospital Enterprise Fund I.

**BACKGROUND:**

On October 18, 2016, the Board of Supervisors approved Contract #76-561 (as amended by Amendment Agreement #76-561-1) with Xingbo Sun, M.D., for the provision of podiatry services, including consultation, clinic coverage, training, and medical/surgical procedures for the period from October 1, 2016 through September 30, 2017.

At the time of negotiations, the payment limit was based on target levels of utilization. However, the utilization during the term of the agreement was higher than originally anticipated.

The provider is entitled to payment for the reasonable value of its services under the equitable relief theory of quantum meruit. That theory provides that where a contractor has been asked to provide services without a

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Samir Shah, M.D.,  
925-370-5525

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

By: , Deputy

cc: K Cyr, M Wilhelm

BACKGROUND: (CONT'D)

valid contract, and the contractor does so to the benefit of the County, the Contractor is entitled to recover the reasonable value of those services. Xingbo Sun, M.D., provided podiatry services at CCRMC and Health Centers that exceeded the contract payment limit at the request of the Department. The Department is requesting that the Contractor be paid the amount owing of \$2,445.

CONSEQUENCE OF NEGATIVE ACTION:

If this board order is not approved, the contractor will not be paid for podiatry services provided in good faith.



Contra  
Costa  
County

To: Board of Supervisors  
From: Sharon L. Anderson, County Counsel  
Date: November 14, 2017

Subject: Conflict of Interest Code for the Making Waves Academy

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**RECOMMENDATION(S):**

APPROVE Conflict of Interest Code for the Making Waves Academy ("Charter School").

**FISCAL IMPACT:**

None.

**BACKGROUND:**

The Charter School has adopted its first Conflict of Interest Code and submitted the new code, attached as Exhibit A, to the Board for approval pursuant to Government Code section 87306 and 87306.5.

The adoption of a Conflict of Interest Code for the Charter School satisfies the requirements for such a code under State law.

**CONSEQUENCE OF NEGATIVE ACTION:**

None.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Cynthia Schwerin, 925  
335-1800

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

By: , Deputy

cc: Cynthia Schwerin, Deputy County Counsel, David Twa, Clerk of the Board of Supervisors, Wayne Strumpfer, Attorney for Making Waves Academy

## ATTACHMENTS

Ex. A - Conflict of Interest  
Code

## **MAKING WAVES ACADEMY**

### **CONFLICT OF INTEREST CODE**

#### **I. ADOPTION**

In compliance with the Political Reform Act of 1974, California Government Code Section 87100, et seq., the Making Waves Academy hereby adopts this Conflict of Interest Code ("Code"), which shall apply to all governing board members and all other designated employees of Making Waves Academy ("Charter School"), as specifically required by California Government Code Section 87300.

#### **II. DEFINITION OF TERMS**

As applicable to a California public charter school, the definitions contained in the Political Reform Act of 1974, the regulations of the Fair Political Practices Commission, specifically California Code of Regulations Section 18730, and any amendments or modifications to the Act and regulations are incorporated by reference to this Code.

#### **III. DESIGNATED EMPLOYEES**

Employees of this Charter School, including governing board members, who hold positions that involve the making or participation in the making, of decisions that may foreseeably have a material effect on any financial interest, shall be "designated employees." The designated positions are listed in "Exhibit A" attached to this policy and incorporated by reference herein.

#### **IV. STATEMENT OF ECONOMIC INTERESTS: FILING**

Each designated employee, including governing board members, shall file a Statement of Economic Interest ("Statement") at the time and manner prescribed by California Code of Regulations, title 2, section 18730, disclosing reportable investments, interests in real property, business positions, and income required to be reported under the category or categories to which the employee's position is assigned in "Exhibit A."

An investment, interest in real property or income shall be reportable, if the business entity in which the investment is held, the interest in real property, the business position, or source of income may foreseeably be affected materially by a decision made or participated in by the designated employee by virtue of his or her position. The specific disclosure responsibilities assigned to each position are set forth in "Exhibit B."

Individuals holding designated positions shall file their statements of economic interests with the Charter School, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). All statements will be retained by the Charter School.

## **V. DISQUALIFICATION**

No designated employee shall make, participate in making, or try to use his/her official position to influence any Charter School decision which he/she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family.

## **VI. MANNER OF DISQUALIFICATION**

### **A. Non-Governing Board Member Designated Employees**

When a non-Governing Board member designated employee determines that he/she should not make a decision because of a disqualifying interest, he/she should submit a written disclosure of the disqualifying interest to his/her immediate supervisor. The supervisor shall immediately reassign the matter to another employee and shall forward the disclosure notice to the Charter School Principal, who shall record the employee's disqualification. In the case of a designated employee who is head of an agency, this determination and disclosure shall be made in writing to his/her appointing authority.

### **B. Governing Board Member Designated Employees**

The Corporation shall not enter into a contract or transaction in which a director directly or indirectly has a material financial interest (nor any other corporation, firm, association, or other entity in which one or more of the Corporation's directors are directors and have a material financial interest).

## EXHIBIT A

### Designated Positions

<u>Designated Position</u>	<u>Assigned Disclosure Category</u>
Members of the Governing Board	1, 2
CEO	1, 2
Board President	1, 2
CFO/CBO	1, 2
IT Director	1, 2
Chief of Staff	1, 2
Controller/Associate Director of Finance	1, 2
Managing Director of Operations (COO)	1, 2
Director of Talent	1, 2
Head of School/Division Directors	1, 3
Consultants/New Positions	*

\*Consultants/New Positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:

The CEO may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s or new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The CEO determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code (Government Code § 81008).

## **EXHIBIT B**

### **Disclosure Categories**

#### **Category 1**

Designated positions assigned to this category must report:

- a. Interests in real property located in whole or in part within two (2) miles of any facility utilized by Making Waves Academy, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
- b. Investments and business positions in business entities, or sources of income (including receipt of gifts, loans, and travel payments) that engage in the purchase or sale of real property or are engaged in building construction or design.

#### **Category 2**

Designated positions assigned to this category must report:

Investments and business positions in business entities or sources of income (including receipt of gifts, loans, and travel payments) from sources that have, within the last two years, contracted with Making Waves Academy as contractors engaged in the performance of work or services; manufactured supplies, instructional materials, machinery or equipment sold to Making Waves Academy; or sold supplies, instructional materials, machinery or equipment to Making Waves Academy.

#### **Category 3**

Designated positions assigned to this category must report:

Investments and business positions in business entities or sources of income (including receipt of gifts, loans, and travel payments) from sources that have, within the last two years, contracted with Making Waves Academy as contractors engaged in the performance of work or services; manufactured supplies, instructional materials, machinery or equipment sold to Making Waves Academy that were utilized by the designated position's department; or sold supplies, instructional materials, machinery or equipment to Making Waves Academy that were utilized by the designated position's department.





Contra  
Costa  
County

To: Board of Supervisors  
From: FINANCE COMMITTEE  
Date: November 14, 2017

Subject: 2017 ANNUAL REPORT OF THE FINANCE COMMITTEE

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**RECOMMENDATION(S):**

RECEIVE the 2017 Annual Report submitted by the Finance Committee.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

On June 18, 2002, the Board of Supervisors adopted Resolution No. 2002/377, which requires that each regular and ongoing board, commission, or committee shall annually report to the Board of Supervisors on its activities, accomplishments, membership attendance, required training/certification (if any), and proposed work plan or objectives for the following year.

This report fulfills this requirement for the Finance Committee.

All Finance Committee reports from 2009 onward and attachments can be found on the County website at <http://ca-contracostacounty.civicplus.com/index.aspx?NID=2286>.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

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

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

By: , Deputy

cc: Jami Napier, Chief Assistant Clerk of the Board

## BACKGROUND: (CONT'D)

>

In 2017, the Finance Committee received reports and/or made recommendations to the Board of Supervisors concerning issues related to:

- Regular Capital Facility Updates and Specific Building Projects;
- Funding shortfall in the Wildcat/San Pablo Creeks Levee Remediation project in North Richmond;
- Issuance of 2017 Tax Allocation Revenue Bonds by the Successor Agency;
- Policy for the review of Compensation Agreements submitted to the County, including all entities governed by the Board of Supervisors, by Successor Agencies to former Redevelopment Agencies throughout the County;
- Funding an immigrants rights program in Contra Costa County;
- Establishing a Transient Occupancy Tax for short-term rentals such as Airbnb;
- Department of Conservation and Development's recommendations regarding additional requests for FY 2017/18 Community Development Block Grant (CDBG) Infrastructure/Public Facility Projects;
- Increasing the basic assessment rate for County Service Area EM-1; and
- Single Audit for the Fiscal Year ending June 30, 2016.

At year end, the Finance Committee had pending referrals on:

- Continuing to implement and evaluate the Real Estate Asset Management Plan (RAMP), and
- Continuing to evaluate and develop additional funding for the County's Emergency Medical Services system of care.



Contra  
Costa  
County

To: Board of Supervisors  
From: Diane Burgis, District III Supervisor  
Date: November 14, 2017

Subject: Federal Aviation Administration

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Board of Supervisors to submit notice of intent to the Federal Aviation Administration indicating the County's interest and intent to submit an application to partner with the U.S. Department of Transportation (DOT) to set local rules and regulations for an Unmanned Aerial Systems (UAS) Integration Pilot Program, as recommended by Supervisor Diane Burgis.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

The United Aerial Systems (UAS) Integration Pilot Program was designed to partner state and local governments with industry stakeholders and will allow county governments to determine what local rules and regulations will best cater to their communities while bringing innovative technology within their county lines.

**CONSEQUENCE OF NEGATIVE ACTION:**

The deadline for submitting the notice of intent is November 28, 2017.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 11/14/2017 ☐ 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: November 14, 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: Sharon L. Anderson, County Counsel  
Date: November 14, 2017

Subject: Amendment to Contracts with Goldfarb & Lipman LLP

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE County Counsel, or designee to execute on behalf of Contra Costa County and the County in its capacity as the Successor Agency to the Contra Costa County Redevelopment Agency, amendments to existing agreements for specialized professional legal services with Goldfarb & Lipman to create categories of billing rates, rather than a billing rate for each individual service provider.

**FISCAL IMPACT:**

There is no fiscal impact. The amendment replaces a list that sets forth the names and rates of individual attorneys and implements billing rates based on the service provider's billing category.

**BACKGROUND:**

The contracts being amended are for legal services related to the County's affordable housing programs. Each contract includes an exhibit that identifies by name every attorney with Goldfarb & Lipman. Since the contracts were executed, and subsequently amended, some of the names have changed. Each contract, as amended, will establish billing rates based on job classifications. The contracts are also being amended to (i) provide for the payment of reasonable costs and expenses in the same manner that they are paid under other attorney contracts, and (ii) eliminate references to "org" numbers. The process used by staff to assign legal expenses to a particular source of funds will not change.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 11/14/2017 ☐ 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: November 14, 2017

Contact: Kate Andrus, Deputy County  
Counsel, 335-1824

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

By: , Deputy

cc: Kara Douglas, Assistant Deputy Director, Conservation and Development, Kate Andrus, Deputy County Counsel

CONSEQUENCE OF NEGATIVE ACTION:

Payment for work performed, and expenses incurred, by the firm may be wrongfully delayed for withheld.