



Agenda

INTERNAL OPERATIONS COMMITTEE

April 10, 2017
1:00 P.M.

651 Pine Street, Room 101, Martinez

Supervisor Candace Andersen, Chair
Supervisor Diane Burgis, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
3. RECEIVE and APPROVE the Record of Action for the March 13, 2017 IOC meeting. *(Julie DiMaggio Enea, IOC Staff)*
4. ACCEPT the Small Business Enterprise and Outreach Programs Report, reflecting departmental program data for the period July 1 through December 31, 2016. *(Allison Picard, Chief Assistant County Administrator)*
5. CONSIDER approving recommendations from the Fish & Wildlife Committee for the allocation of 2017 Fish and Wildlife Propagation Fund grant funds for 16 projects totaling \$102,185. *(Maureen Parkes, Conservation and Development Department)*
6. CONSIDER a draft ordinance to authorize administrative penalties for animal noise violations. *(Steve Burdo, Animal Services Department Community & Media Relations Manager)*
7. The next meeting is currently scheduled for May 8, 2017.
8. Adjourn

The Internal Operations Committee will provide reasonable accommodations for persons with disabilities planning to attend Internal Operations Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Internal Operations Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours. Staff reports related to items on the agenda are also accessible on

line at www.co.contra-costa.ca.us.

Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

For Additional Information Contact:

Julie DiMaggio Enea, Committee Staff
Phone (925) 335-1077, Fax (925) 646-1353
julie.enea@cao.cccounty.us



Contra Costa County Board of Supervisors

Subcommittee Report

INTERNAL OPERATIONS COMMITTEE

3.

Meeting Date: 04/10/2017

Subject: RECORD OF ACTION FOR THE MARCH 13, 2017 IOC MEETING

Submitted For: David Twa, County Administrator

Department: County Administrator

Referral No.: N/A

Referral Name: RECORD OF ACTION

Presenter: Julie DiMaggio Enea, IOC
Staff

Contact: Julie DiMaggio Enea (925)
335-1077

Referral History:

County Ordinance requires that each County body keep a record of its meetings. Though the record need not be verbatim, it must accurately reflect the agenda and the decisions made in the meeting.

Referral Update:

Attached is the Record of Action for the March 13, 2017 IOC meeting.

Recommendation(s)/Next Step(s):

RECEIVE and APPROVE the Record of Action for the March 13, 2017 IOC meeting.

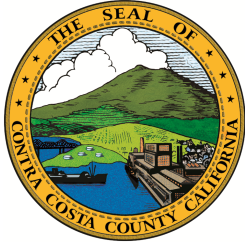
Fiscal Impact (if any):

None.

Attachments

DRAFT Record of Action for 3-13-2017 IOC Meeting

DRAFT



INTERNAL OPERATIONS COMMITTEE

RECORD OF ACTION FOR
March 13, 2017

Supervisor Candace Andersen, Chair
Supervisor Diane Burgis, Vice Chair

Present: Candace Andersen, Chair
Diane Burgis, Vice Chair

Staff Present: Julie DiMaggio Enea, Staff

Attendees: Michael Kent, Health Services Department
Nita Rivera, Public Works - Fleet
Diana Oyler, Public Works - Finance
Joe Yee, Deputy Public Works Director
Carlos Velasquez, Public Works-Fleet Svcs Mgr
Steve Burdo, Animal Services Department
Jami Napier, Sr Deputy CAO, Clerk of the Board
Allison Picard, Chief Asst CAO

1. Introductions

Chair Andersen convened the meeting at 1:03 p.m. and self introductions were made around the room.

2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

No members of the public requested to speak during the public comment period.

3. RECEIVE and APPROVE the Record of Action for the February 13, 2017 IOC meeting.

The Committee approved the Record of Action for the February 13, 2017 IOC meeting as presented.

AYE: Chair Candace Andersen, Vice Chair Diane Burgis
Passed

4. APPROVE Contra Costa Taxpayers' Association nomination of Marjorie Leeds for appointment to the Business #3 Alternate seat on the Hazardous Materials Commission to a four-year term ending on December 31, 2020.

The Committee approved the nomination of Marjorie Leeds for appointment to the Hazardous Materials Commission and directed staff to forward the recommendation to the Board of Supervisors.

AYE: Chair Candace Andersen, Vice Chair Diane Burgis
Passed

5. ACCEPT 2015/16 annual report from the Public Works Director on the Internal Services Fund for the County's Vehicle Fleet.

The report was presented by Joe Yee, Carlos Velasquez, and Diana Oyler. The Committee accepted the report, asked Public Works staff to estimate the dollar savings achieved by reducing the number of underutilized vehicles in the fleet, and directed staff to forward the report to the Board of Supervisors.

AYE: Chair Candace Andersen, Vice Chair Diane Burgis
Passed

6. CONSIDER recommendations of the Animal Services Director to update the current Dog Barking Ordinance to authorize administrative penalties for animal noise violations and to prohibit the harboring of more than four roosters on private property, and DETERMINE action to be taken.

Steve Burdo presented the staff report. Supervisor Andersen asked how the proposed ordinance related to the farm animal ordinance currently under development in the Conservation and Development Department. She commented that, if noise were a concern, it might be preferable to prohibit the harboring of roosters in residential areas altogether. Mr. Burdo responded that the proposed limit of up to four roosters per household was intended to address concerns about cockfighting as well as noise.

The Committee chose to take no action on the proposed ordinance at this time but directed ASD staff to consult with DCD staff regarding consistency with the farm animal ordinance currently under development, and report back to the IOC in April. Supervisor Andersen indicated a willingness to bifurcate the proposed ASD ordinance if the rooster issue was not resolved in April, to permit the barking dog portion of the ordinance to advance to the Board.

7.
 1. ACCEPT the Phase II Triennial Advisory Body Review report.
 2. DIRECT staff to report back by May 2017 with a plan to increase outreach for filling vacant Board committee and commission seats that includes working with each Board office to advertise District seat openings with a goal of encouraging diverse representation on these bodies.
 3. REQUEST the First Five Commission update their by-laws and make a recommendation regarding the number of designated alternates.
 4. DIRECT the EEO Officer to work with the Advisory Council on Equal

- Employment Opportunity to update their by-laws to redefine their mission.
5. DIRECT staff to report back to the IOC by July 2017 with a more detailed assessment of the status of Municipal Advisory Councils including by-laws and annual reports, and to provide refresher training to employees staffing the MACs as well as CSAs on administrative procedures.

The Committee approved the staff recommendations for Phase II of the triennial advisory body review and directed staff to forward the report and recommendations to the Board of Supervisors. Allison Picard advised the Committee that the Clerk of the Board's Office is updating the annual advisory body training curriculum for training later this year.

AYE: Chair Candace Andersen, Vice Chair Diane Burgis

Passed

8. The next meeting is currently scheduled for April 10, 2017.
9. Adjourn

Chair Andersen adjourned the meeting at 1:28 p.m.

For Additional Information Contact:

Julie DiMaggio Enea, Committee Staff
Phone (925) 335-1077, Fax (925) 646-1353
julie.enea@cao.cccounty.us



Contra Costa County Board of Supervisors

Subcommittee Report

INTERNAL OPERATIONS COMMITTEE

4.

Meeting Date: 04/10/2017

Subject: Small Business Enterprise & Outreach Program Report for July-December 2016

Submitted For: David Twa, County Administrator

Department: County Administrator

Referral No.: IOC 17/1

Referral Name: Small Business Enterprise and Outreach Programs

Presenter: Allison Picard, Chief Asst. CAO **Contact:** Allison Picard (925) 335-1096

Referral History:

Contra Costa County values the contributions of small business in the County and has developed programs to assist in the solicitation and awarding of contracts. The Board of Supervisors has adopted these programs to enable small and local businesses to compete for a share of the County's purchasing transactions.

The Board of Supervisors has set a goal of awarding at least 50% of eligible product and service dollars to small businesses. The Small Business Enterprise (SBE) Program applies to: (1) county-funded construction contracts of \$100,000 or less; (2) purchasing transactions of \$100,000 or less; and (3) professional/personal service contracts of \$100,000 or less.

The SBE Program's objective is to have at least 50% or more of the total eligible dollar base amounts be awarded to SBEs. A Small Business Enterprise, as defined by the California Government Code, Section 14837, Chapter 3.5 must be:

- Independently owned and operated business, which is not dominant in its field of operation
- Principal office of which is located in California
- Officers of which are domiciled in California, and which together with affiliates, has 100 or fewer employees
- Average annual gross receipts of fourteen million dollars (\$14,000,000) or less over the previous three tax years, or a manufacturer with 100 or fewer employees.

Reporting Requirements

It is the responsibility of each department to track and compile the data on these purchasing activities so that a countywide report can be provided to the Board of Supervisors. The Board receives reports for six month increments, and the last report received by the Board was for the period ending June 2016. Attachment A constitutes the next report due for the time period of July 1-December 31, 2016.

Referral Update:

Summary Findings

The table below summarizes the attached department activity on a countywide basis.

July-December 2016

ACTIVITY TYPE:	Total # of ALL Contracts	Total # of SBE Contracts	SBE Percent of Total	Total Dollar Value of ALL Contracts	Total Dollar Value of SBE Contracts	SBE Percent of Total
Professional/Personal Services	515	292	56.7%	\$25,738,907	\$9,893,204	38.4%
Purchasing Transactions	4,543	1,530	33.7%	\$20,244,724	\$8,763,316	43.3%
Construction Contracts	5	5	100.0%	\$ 160,860	\$ 160,860	100.0%

Overall this information shows the County is directing a large volume of qualifying activity to SBE firms. For professional/personal services contracts, it should be noted that while this activity did not achieve the 50% goal, the dollar value of these contracts awarded increased to \$9.9 million for this period compared to \$3.3 million in the previous reporting period.

Similarly, for the category of purchasing transactions, the percentage improved from 41.3% in the last reporting period to 43.3% in the current period. Construction projects continued to be awarded 100% to SBE firms and the dollar value doubled from \$86,183 to \$160,860.

It is worth noting that the SBE participation goals of surrounding agencies are more typically in the 20-25% range. By that measure, Contra Costa County's reported activity is well above that threshold in every reporting category.

Purchasing Outreach

In addition, outreach data for many small departments and for commodities exceeding \$10,000 is maintained and provided through the Purchasing Division of the Public Works Department reflecting outreach to small, women, minority-owned, local, disadvantaged and/or other business enterprises. A report for calendar year 2016 will be provided at the next committee meeting by the Purchasing Manager.

Conclusion

The County demonstrates continued commitment to achieving the 50% goal for participation by SBE firms in contract and purchasing activity. While the data for some individual departments is below this threshold, this is often due to unique business requirements that require sole source purchases or contracts.

Continued outreach is necessary to maintain and improve participation of SBE firms as well as

training for department staff that make these purchasing and contract decisions regarding the policy.

Lastly, as discussed in the staff report for this activity last month, a review of all purchasing policies is underway including an updating of the SBE component and the status of this effort will be discussed with the committee in a separate report.

Recommendation(s)/Next Step(s):

ACCEPT the SBE and Outreach Programs Report, reflecting departmental program data for the period July 1 through December 31, 2016.

Fiscal Impact (if any):

None. This is an informational report.

Attachments

SBE Program Activity Report by Department - Jul-Dec 2016

ATTACHMENT A

SMALL BUSINESS ENTERPRISE - Program Activity report

June - December 2016

Reporting Period:

	<u>Total # of ALL contracts</u>	<u>Total # of SBE contracts</u>	<u>SBE percent of Total # of contracts</u>	<u>Total dollar value of ALL contracts</u>
Agriculture				
Professional/Personal services contracts	17	9	52.9%	\$72,858
Purchasing Transactions	65	13	20.0%	\$79,305
Construction contracts	1	1	100.0%	\$3,960
Animal Services				
Professional/Personal services contracts	30	28	93.3%	\$431,567
Purchasing Transactions	112	28	25.0%	\$2,559,328
Construction contracts	0	0	0.0%	\$0
Assessor				
Professional/Personal services contracts	0	0	0	\$0
Purchasing Transactions	6	5	83.30%	\$26,360
Construction contracts	0	0	0	\$0

ATTACHMENT A

SMALL BUSINESS ENTERPRISE - Program Activity report

June - December 2016

Reporting Period:

	<u>Total # of ALL contracts</u>	<u>Total # of SBE contracts</u>	<u>SBE percent of Total # of contracts</u>	<u>Total dollar value of ALL contracts</u>
Auditor-Controller				
Professional/Personal services contracts	3	2	66.7%	\$16,293
Purchasing Transactions	12	6	50.0%	\$11,579
Construction contracts	0	0	0.0%	\$0
Clerk-Recorder-Elections				
Professional/Personal services contracts	16	3	18.8%	\$282,013
Purchasing Transactions	195	27	13.8%	\$98,476
Construction contracts	0	0	0.0%	\$0
Conservation and Development				
Professional/Personal services contracts	0	0	0.0%	\$0
Purchasing Transactions	69	13	18.8%	\$73,928
Construction contracts	0	0	0.0%	\$0

ATTACHMENT A

SMALL BUSINESS ENTERPRISE - Program Activity report

June - December 2016

Reporting Period:

	<u>Total # of ALL contracts</u>	<u>Total # of SBE contracts</u>	<u>SBE percent of Total # of contracts</u>	<u>Total dollar value of ALL contracts</u>
Contra Costa Fire Protection District				
Professional/Personal services contracts	6	2	33.3%	\$285,468
Purchasing Transactions	2371	628	26.5%	\$2,858,234
Construction contracts	0	0	0.0%	\$0
County Administrator's Office - Administration				
Professional/Personal services contracts	5	1	20.0%	\$306,000
Purchasing Transactions	6	2	33.3%	\$137,228
Construction contracts	0	0	0.0%	\$0
County Administrator's Office - Clerk of the Board				
Professional/Personal services contracts	6	3	50.0%	\$4,766
Purchasing Transactions	0	0	0.0%	\$0
Construction contracts	0	0	0.0%	\$0

ATTACHMENT A

SMALL BUSINESS ENTERPRISE - Program Activity report

June - December 2016

Reporting Period:

	<u>Total # of ALL contracts</u>	<u>Total # of SBE contracts</u>	<u>SBE percent of Total # of contracts</u>	<u>Total dollar value of ALL contracts</u>
County Administrator's Office - Communications and Media				
Professional/Personal services contracts	1	0	0.0%	\$99,000
Purchasing Transactions	10	2	20.0%	\$132,950
Construction contracts	0	0	0.0%	\$0
County Administrator's Office - Dept. of Information Technology (DoIT)				
Professional/Personal services contracts	0	0	0.0%	\$0
Purchasing Transactions	46	18	39.1%	\$684,014
Construction contracts	0	0	0.0%	\$0
County Counsel				
Professional/Personal services contracts	55	55	100.0%	\$17,778
Purchasing Transactions	14	12	85.7%	\$37,721
Construction contracts	0	0	0.0%	\$0

ATTACHMENT A

SMALL BUSINESS ENTERPRISE - Program Activity report

June - December 2016

Reporting Period:

	<u>Total # of ALL contracts</u>	<u>Total # of SBE contracts</u>	<u>SBE percent of Total # of contracts</u>	<u>Total dollar value of ALL contracts</u>
Dept. Child Support Services (DCSS)				
Professional/Personal services contracts	22	6	27.3%	\$475,098
Purchasing Transactions	0	0	0.0%	\$0
Construction contracts	0	0	0.0%	\$0
District Attorney				
Professional/Personal services contracts	5	4	80.0%	\$325,954
Purchasing Transactions	32	9	28.1%	\$272,534
Construction contracts	0	0	0.0%	\$0
Employment and Human Services				
Professional/Personal services contracts	12	4	33.3%	\$478,670
Purchasing Transactions	257	145	56.4%	\$739,124
Construction contracts	0	0	0.0%	\$0

ATTACHMENT A

SMALL BUSINESS ENTERPRISE - Program Activity report

June - December 2016

Reporting Period:

	<u>Total # of ALL contracts</u>	<u>Total # of SBE contracts</u>	<u>SBE percent of Total # of contracts</u>	<u>Total dollar value of ALL contracts</u>
Health Services				
Professional/Personal services contracts	241	136	56.4%	\$12,358,134
Purchasing Transactions	481	215	44.7%	\$4,049,478
Construction contracts	0	0	0.0%	\$0
Human Resources				
Professional/Personal services contracts	1	1	100.0%	\$16,500
Purchasing Transactions	25	19	76.0%	\$176,995
Construction contracts	0	0	0.0%	\$0
Library				
Professional/Personal services contracts	9	2	22.2%	\$166,520
Purchasing Transactions	93	33	35.5%	\$175,458
Construction contracts	0	0	0.0%	\$0

ATTACHMENT A

SMALL BUSINESS ENTERPRISE - Program Activity report

June - December 2016

Reporting Period:

	<u>Total # of ALL contracts</u>	<u>Total # of SBE contracts</u>	<u>SBE percent of Total # of contracts</u>	<u>Total dollar value of ALL contracts</u>
Probation				
Professional/Personal services contracts	26	12	46.2%	\$248,455
Purchasing Transactions	39	20	51.3%	\$314,380
Construction contracts	0	0	0.0%	\$0
Public Defender				
Professional/Personal services contracts	0	0	0.0%	\$0
Purchasing Transactions	0	0	0.0%	\$0
Construction contracts	0	0	0.0%	\$0
Public Works				
Professional/Personal services contracts	28	17	60.7%	\$1,341,457
Purchasing Transactions	415	218	52.5%	\$5,240,235
Construction contracts	4	4	100.0%	\$156,900
Sheriff				
Professional/Personal services contracts	27	5	18.5%	\$8,766,739
Purchasing Transactions	260	105	40.90%	\$2,474,842
Construction contracts	0	0	0.0%	\$0

ATTACHMENT A

SMALL BUSINESS ENTERPRISE - Program Activity report

June - December 2016

Reporting Period:

	<u>Total # of ALL contracts</u>	<u>Total # of SBE contracts</u>	<u>SBE percent of Total # of contracts</u>	<u>Total dollar value of ALL contracts</u>
Treasurer - Tax Collector				
Professional/Personal services contracts	5	2	40.0%	\$45,637
Purchasing Transactions	25	5	20.0%	\$95,926
Construction contracts Veterans Services Office	0	0	0.0%	\$0
Professional/Personal services contracts	0	0	0.0%	\$0
Purchasing Transactions	10	7	70.0%	\$6,629
Construction contracts	0	0	0.0%	\$0

Total Activity Reported

Professional/Personal services contracts	515	292	56.7%	\$25,738,907
Purchasing Transactions	4543	1530	33.7%	\$20,244,724
Construction contracts	5	5	100.0%	\$160,860

ATTACHMENT A

<u>Total dollar value of SBE contracts</u>	<u>SBE percent of Total contracts value</u>
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\$47,291	64.9%
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\$49,590	62.5%
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\$3,960	100.0%
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\$430,917	99.8%
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\$445,168	17.4%
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\$0	0.0%
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\$0	0.0%
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\$21,436	81.3%
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\$0	0.0%
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ATTACHMENT A

Total dollar value SBE percent of
of SBE contracts Total contracts value

\$15,198 93.3%

\$3,869 33.4%

\$0 0.0%

\$186,075 66.0%

\$12,615 12.8%

\$0 0.0%

\$0 0.0%

\$50,536 68.4%

\$0 0.0%

ATTACHMENT A

Total dollar value SBE percent of
of SBE contracts Total contracts value

\$119,250 41.8%

\$624,981 21.9%

\$0 0.0%

\$80,000 26.1%

\$62,708 45.7%

\$0 0.0%

\$3,319 69.6%

\$0 0.0%

\$0 0.0%

ATTACHMENT A

<u>Total dollar value of SBE contracts</u>	<u>SBE percent of Total contracts value</u>
\$0	0.0%
\$2,000	1.5%
\$0	0.0%
\$0	0.0%
\$492,822	72.0%
\$0	0.0%
\$17,778	100.0%
\$31,454	83.4%
\$0	0.0%

ATTACHMENT A

Total dollar value SBE percent of
of SBE contracts Total contracts value

\$24,580 5.2%

\$0 0.0%

\$0 0.0%

\$230,954 70.9%

\$110,161 40.4%

\$0 0.0%

\$213,400 44.6%

\$308,479 41.7%

\$0 0.0%

ATTACHMENT A

Total dollar value SBE percent of
of SBE contracts Total contracts value

\$6,994,319 56.6%

\$1,965,173 48.5%

\$0 0.0%

\$16,500 100.0%

\$28,247 16.0%

\$0 0.0%

\$17,300 10.4%

\$65,397 37.3%

\$0 0.0%

ATTACHMENT A

Total dollar value SBE percent of
of SBE contracts Total contracts value

\$187,486 75.5%

\$133,678 42.5%

\$0 0.0%

\$0 0.0%

\$0 0.0%

\$0 0.0%

\$924,900 68.9%

\$2,087,101 39.8%

\$156,900 100.0%

\$340,300 3.9%

\$2,224,810 46.80%

\$0 0.0%

ATTACHMENT A

Total dollar value SBE percent of
of SBE contracts Total contracts value

\$43,637 95.6%

\$36,763 38.3%

\$0 0.0%

\$0 0.0%

\$6,329 95.5%

\$0 0.0%



\$9,893,204	38.4%
\$8,763,316	43.3%
\$160,860	100.0%



Contra Costa County Board of Supervisors

Subcommittee Report

INTERNAL OPERATIONS COMMITTEE

5.

Meeting Date: 04/10/2017

Subject: ALLOCATION OF FISH & WILDLIFE PROPAGATION FUNDS

Submitted For: John Kopchik, Director, Conservation & Development Department

Department: Conservation & Development

Referral No.: IOC 17/6

Referral Name: Allocation of Propagation Funds by the Fish and Wildlife Committee

Presenter: Maureen Parkes, Conservation &
Development Dept

Contact: Maureen Parkes
925.674.7831

Referral History:

On November 22, 2010, the IOC received a status report from Department of Conservation and Development (DCD) regarding the allocation of propagation funds by the Fish and Wildlife Committee (FWC). The IOC accepted the report along with the recommended modifications to improve the grant process in the future. The modifications included (1) updating the FWC Conflict of Interest Code, which was accomplished, and; (2) having the IOC conduct a preliminary review of annual FWC grant recommendations prior to Board of Supervisors review, which is now a standing referral to the IOC.

Referral Update:

Attached is a memo describing the outreach and selection process and criteria, and transmitting the grant funding recommendations of the County's Fish & Wildlife Committee for full or partial funding of 16 projects. The Fish & Wildlife Committee exercised care in limiting allocations to the direct costs of each project for activities that protect, conserve, propagate, and preserve fish and wildlife. The grant matrix at the back of the transmittal shows each project in summary form, including the amount requested vs. the proposed allocation, the rationale for the FWC's decision, and any limitations on the use of the funds.

Recommendation(s)/Next Step(s):

APPROVE recommendations from the Fish & Wildlife Committee for the allocation of 2017 Fish and Wildlife Propagation Fund grant funds for 16 projects totaling \$102,185.

Fiscal Impact (if any):

The recommendation will have no impact on the County General Fund. The FWC is proposing to allocate \$102,185 or 37% of the \$272,962 propagation funds available as of January 13, 2017. Fish and wildlife propagation funds are restricted to costs for the protection, conservation, propagation, and preservation of fish and wildlife, pursuant to Fish and Game Code section 13100, and are budgeted in the Fish and Game Fund (110200).

Attachments

Fish & Wildlife Cte Recommendations for Propagation Fund Allocation



**CONTRA COSTA COUNTY
FISH AND WILDLIFE COMMITTEE**
c/o Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Telephone: 925-674-7203 Fax: 925-674-7250

TO: Internal Operations Committee
Supervisor Candace Andersen, Chair
Supervisor Diane Burgis, Vice Chair

FROM: From: Daniel Pellegrini, Chair
Fish and Wildlife Committee
By: Maureen Parkes, Planning Technician III *Maureen Parkes*
Staff to Fish and Wildlife Committee

DATE: April 3, 2017

SUBJECT: **Grant Funding Recommendations from the Contra Costa County Fish and Wildlife Committee**

The Contra Costa County Fish and Wildlife Committee (FWC) requests Internal Operations Committee (IO) consideration of recommended grants from the Fish and Wildlife Propagation Fund (Fund). The FWC reviewed 19 grant applications and recommends 16 of these for full or partial funding. The FWC is requesting that the IO Committee consider these recommendations and make their own recommendation for consideration by the full Board of Supervisors (Board). This memo provides background on the grant program, explains the review process performed by the FWC and documents the FWC's recommendations on grant funding.

I. Background

Fish and Wildlife Propagation Fund

The Fish and Wildlife Propagation Fund was established in accordance with the California Fish and Game Code (Code) 13100 as a repository for fines collected for certain violations of the Code and other regulations related to fish and game. The most common fines are small (\$25-\$150) and are processed through the four Superior Courts in Contra Costa County. The fines typically stem from hunting or fishing violations (e.g. not possessing a valid license), illegal take and illegal dumping. Occasionally there are larger fines that result from larger violations, including failure to obtain appropriate permits for activities such as streambed alteration. A portion of the various fines are deposited into the Fish and Wildlife Propagation Fund. As of January 13, 2017, the Fund had an available balance of \$272,962.20.

FWC Grant Program

The Board has charged the FWC with coordinating a process by which fine money could be appropriately “expended for the protection, conservation, propagation, and preservation of fish and wildlife” [Fish and Game Code 13100]. Since 1996, the FWC has implemented a structured process for reviewing funding requests. The FWC developed a grant application packet (attached), which includes a cover letter to explain the grant process and funding priorities, an application to solicit relevant information about the project, and a copy of the expenditure criteria established by California law for the Fish and Wildlife Propagation Fund.

In November 2016, the application packet was sent to the Fish and Wildlife Committee mailing list, Contra Costa Watershed Forum mailing list, Contra Costa County Office of Education, Contra Costa College, Diablo Valley College and Los Medanos College for distribution to interested teachers and programs that could benefit from the grant program. A press release was distributed to local and regional media outlets regarding the availability of the grant application packet and CCTV publicized it on the CountyNet Bulletin Board which reaches 400,000+ homes in the County. It was posted on the California Regional Environmental Education Community (CREEC) website; and also made available on the Committee’s website and to anyone who requested a copy.

FWC Grant Review Process in 2017

A total of 19 applications requesting a total of \$145,557.92 were received by the application deadline.

The Fish and Wildlife Committee members considered the funding of the applications at their January and February meetings. Some applicants attended FWC meetings to make themselves available to answer questions regarding their applications.

II. Recommendation of Funding on Grants for 2017

At the February 15, 2017 meeting, the FWC recommended funding for 16 proposed projects. Projects recommended for funding total \$102,184.92 and are geographically located across the County. More details are provided on the attached grant recommendations chart, which provides information on all of the applications. The specific FWC recommendations and the vote of the FWC on these recommendations are listed on Page 3. Members in attendance and voting on these items were: Judy Bendix (District I), Susan Heckly (District II), Clark Dawson (District III), Brett Morris (District IV), Daniel Pellegrini (District V), Rhonda Gehlke (At-large), Heather Rosmarin (At-large) and Jeff Skinner (At-large).

All recommendations are for full funding of the project as proposed unless noted otherwise.

FWC Recommendations:

- 1) Appropriate \$980.00 to Friends of Alhambra Creek to add additional native plants and garden enhancements for their existing and future gardens and the printing cost of the Alhambra Native Plant Trail brochure. [8 ayes/0 noes]
- 2) Purchase seven Swarovski spotting scopes for the California Department of Fish and Wildlife for the estimated cost of \$21,019.53. The spotting scopes will be used by the Department's Enforcement Branch throughout Contra Costa County to aid in the surveillance of violators, locating evidence, and observing behaviors and actions that may result in violations. [8 ayes/0 noes]
- 3) Appropriate \$1,000.00 to Worth a Dam to fund a wildlife educational activity at the 10th Annual Beaver Festival in Martinez. Children will earn badges while learning the importance of beavers in the ecosystem. [8 ayes/0 noes]
- 4) Appropriate \$1,320.00 to Berkeley Partners for Parks (the fiscal sponsor of Greens-at-Work) to expand and maintain an existing habitat restoration project (including weed removal, native plant re-vegetation, public outreach, and trash pickup) along 2,000 feet of the Bay Trail at Point Isabel marsh in Contra Costa County. [8 ayes/0 noes]
- 5) Appropriate \$5,079.00 to KIDS for the BAY to deliver the Watershed Action Program to five classes in low-income Richmond elementary schools. The Program will teach students about the scientific principles of fish and wildlife conservation, as well as help to improve the health of the fish and wildlife habitats in Contra Costa County through Environmental Action Projects. [8 ayes/0 noes]
- 6) Appropriate \$3,803.50 to Golden Gate Audubon Society for partial funding to support the materials associated with their Eco-Richmond/Bird-Friendly Schools Program, a year-long program that serves 3rd - 5th grade children and their families in four Title I (federally-assisted) schools within the communities adjacent to the North Richmond Shoreline. Each class will receive a progression of at least three in-class/schoolyard lessons and field trips to North Richmond Shoreline and Wildcat Creek Canyon. [8 ayes/0 noes]
- 7) Appropriate \$20,478.00 to The Watershed Project, working with SPAWNERS, to expand their water quality monitoring program in four additional Contra Costa County watersheds: Wildcat Creek, Walnut Creek, Grayson Creek and Marsh Creek Watersheds. The funds will go toward annual stipends for trained monitoring interns as well as purchasing monitoring equipment and supplies. Results will be shared with the community through outreach events, newsletters, and websites, including behavioral changes people can make to improve the creeks' water quality. [8 ayes/0 noes]
- 8) Appropriate \$6884.50 to Lindsay Wildlife Museum (dba Lindsay Wildlife Experience) for the purchase and installation of two commercial grade stack-unit dryers. [8 ayes/0 noes]
- 9) Appropriate \$10,000.00 to Regional Parks Foundation for the purchase of a horse that will help to expand East Bay Regional Park District's horse mounted patrol which focuses on outreach, education and resource protection. [8 ayes/0 noes]
- 10) Appropriate \$953.64 to Pleasant Hill Instructional Garden to provide water quality monitoring, journaling and observation for initial assessment of Grayson Creek, involving Mt. Diablo Unified School District Horizons Independent High School students and home schooled students with their families in accordance with Watershed Forum guidelines and protocols. [8 ayes/0 noes]

- 11) Appropriate \$10,000.00 to Save Mount Diablo to improve habitat for wildlife, including threatened species, along a sensitive riparian corridor of Curry Creek by removing debris and re-establishing native plantings, which will provide food and shelter for both migrating and resident populations. [8 ayes/0 noes]
- 12) Allocate \$800.00 to Mt. View Sanitary District and The River Otter Ecology Project to study the ecological niche of river otters in MVSD's wetlands throughout Moorhen Marsh, McNabney Marsh, and Peyton Slough. Partial funding is recommended and may only be used for the purchase of the sampling equipment. Staff costs and not benefiting Contra Cost County students were the factors for not recommending the funding of the remainder of the grant request. Since The River Otter Ecology Project involves multiple counties, the FWC recommends a condition that requires that the equipment only be used and stored in Contra Costa County. [8 ayes/0 noes]
- 13) Allocate \$3,936.00 to Earth Team for their research, education and habitat improvement on Marsh Creek project. Partial funding is recommended and may only be used for direct costs for project supplies, materials and services, and travel as outlined in Earth Team's grant request application. [8 ayes/0 noes]
- 14) Allocate \$1,700.00 to The Ruth Bancroft Garden to help develop, market and deliver free education days known as "Waterwise Wednesdays" at The Ruth Bancroft Garden. The Ruth Bancroft Garden will partner with other environmental and conservation groups to educate the community about specific, actionable and practical ways community members can reduce water consumption, create beautiful areas of wildlife habitat and forage in home gardens, and reduce the use of pesticides and herbicides. [8 ayes/0 noes]
- 15) Allocate \$9,430.75 to Mills College to fund long-term tracking of stress responses of wild California ground squirrels in Contra Costa County. Undergraduates will be central in the project; students will live-trap wildlife, conduct hormone assays, author manuscripts, and present their findings. The results of this study will provide useful information on the effects of stress which may prove applicable to a range of mammal species. [8 ayes/0 noes]
- 16) Allocate \$4,800.00 to The Regents of the University of California to support the installation and evaluation of artificial nesting systems for native bees and educational materials for presentations, workshops, conferences, local producers and other stakeholders. Partial funding is recommended and to be used for travel expenses for research trips to Brentwood and educational materials only. [8 ayes/0 noes]
- 17) Further, the FWC also recommended that within a year of grant funding approval, or within one month of project completion, whichever comes sooner, recipients must submit a final project report which includes invoices and receipts documenting how funds were spent and the results of the project. Details will be outlined in the grant award packet provided to all successful applicants. [8 ayes/0 noes]

Please contact Maureen Parkes at 925-674-7831 or Abigail Fateman at 925-674-7820 with any questions.

Attachments:

- Grant application packet for Fish and Wildlife Propagation Funds
- Chart summarizing the applications and recommendations

**Grant Applications and Fish and Wildlife Committee Recommendations 2017 - Revised
April 3, 2017**

	Organization	Type of Org	Project Title	Type of Project	Location of the Project	Requested Funding Amount	Recommended Funding Amount	Staff Summary of the Request	FWC Rationale for Recommendation
A	Friends of Alhambra Creek	Group of volunteers for the betterment of the Alhambra Creek Watershed	Alhambra Native Plant Trail	(e) habitat improvement	Central County	\$980.00	\$980.00	A request for funding to add additional native plants and garden enhancements for their existing gardens and future new gardens and the printing cost of their Alhambra Native Plant Trail brochure.	The project meets the requirements of Section 13103 (e) by providing forage, cover, and nesting areas for insects, local birds, and small mammals. It also creates an opportunity to teach student volunteers and visitors about the importance of native plants and wildlife.
B	California Department of Fish and Wildlife	government	Spotting Scopes	(g) purchase and maintain materials, supplies, or equipment for either the department's ownership and use or the department's use	Countywide	\$21,019.53	\$21,019.53	A request for seven Swarovski spotting scopes to be gifted to CDFW. The spotting scopes will be used by the Department's enforcement branch throughout CCC to aid in the surveillance of violators, locating evidence, and observing behaviors and actions that may result in violations.	The project meets the requirements of Section 13103 (g). The spotting scopes will be used by the CDFW's enforcement branch throughout CCC to aid in the surveillance of violators, locating evidence, and observing behaviors and actions that may result in violations.
C	Worth a Dam	non-profit	Working for the EcoSystem	(a) public education	Central County	\$1,000.00	\$1,000.00	A request to fund a wildlife educational activity at the 10th Annual Beaver Festival in Martinez. Children will earn badges while learning the importance of beavers' role in the ecosystem, highlighting the direct impact beavers have on other wildlife.	The project meets the requirements of Section 13103 (a) public education and fulfills the goals of the Committee by providing funds to educate children with an activity that will teach them about the complex connections between habitat, food chain and species abundance using the beaver's ecosystem services.
D	Greens at Work/Berkeley Partners for Parks (BFPF)	non-profit	Point Isabel/Hoffman Marsh Restoration Project (Richmond)	(e) habitat improvement	West County	\$1,320.00	\$1,320.00	A request for funding to expand, fill in, and maintain an existing habitat restoration project (including weed removal, native plant re-vegetation, public outreach, and trash pickup) along 2,000 feet of the Bay Trail at Point Isabel and marsh from just above the Hoffman Channel to the southern end of Hoffman Marsh (at the intersection of Central Avenue and Rydin Road).	The project meets the requirements of Section 13103 (e) habitat improvement. This is an important area for restoration and helps to achieve a healthier environment for the multitude of shorebirds that use the marsh.
E	KIDS for the BAY	non-profit	Watershed Action Program	(a) public education (e) habitat improvement	West County	\$5,079.00	\$5,079.00	A request for funding to deliver the Watershed Action Project to five classes in low-income Richmond elementary schools. The Program will teach students about the scientific principles of fish and wildlife conservation, as well as help to improve the health of the fish and wildlife habitats in CCC through Environmental Action Projects.	The project meets the requirements of Section 13103 (a) public education and (e) habitat improvement. The project provides hands on science classroom lessons and a field trip where the students will use water quality testing equipment to assess watershed health and learn scientific skills. Through trash clean-ups, habitat restoration and water quality testing, students will improve the quality of life for fish and wildlife in CCC.
F	Golden Gate Audubon Society	non-profit	Eco-Richmond/Bird-Friendly Schools Program	(a) public education (e) habitat improvement	West County	\$3,803.50	\$3,803.50	A request for partial funding to support the materials associated with their Eco-Richmond/Bird Friendly Schools Program, a year-long program that serves 3rd - 5th grade children and their families in four Title I (federally-assisted) schools within the communities adjacent to the North Richmond Shoreline. Each class will receive a progression of at least three in-class/schoolyard lessons and field trips to North Richmond Shoreline and Wildcat Creek Canyon.	The project meets the requirements of Section 13103 (a) public education and (e) habitat improvement fulfilling the educational goals of the Committee by providing hands-on lessons of at least three in-class/schoolyard lessons and field trips to North Richmond Shoreline and Wildcat Creek Canyon related to ecology and stewardship while improving the habitat.
G	The Watershed Project & SPAWNERS	non-profit	Monitoring Water Quality in Contra Costa County Watersheds	(a) public education (e) habitat improvement	Countywide	\$20,478.00	\$20,478.00	A request to fund an expansion of their water quality monitoring program in four additional CCC watersheds: Wildcat Creek, Walnut Creek, Grayson Creek and Marsh Creek Watersheds. The funds will go toward annual stipends for trained monitoring interns as well as purchasing monitoring equipment and supplies. Results will be shared with the community through outreach events, newsletters, and websites, including behavioral changes people can make to improve the creeks' water quality.	The project meets the requirements of Section 13103 (e) habitat improvement. With the assistance of highly trained interns, the goal of the project is to standardize monitoring and assessment such that they can compare data across watersheds and learn important information about regional and local trends. Information will be shared with the community through outreach events, newsletters, and websites, including behavioral changes people can make to improve the creeks' water quality.

**Grant Applications and Fish and Wildlife Committee Recommendations 2017 - Revised
April 3, 2017**

	Organization	Type of Org	Project Title	Type of Project	Location of the Project	Requested Funding Amount	Recommended Funding Amount	Staff Summary of the Request	FWC Rationale for Recommendation
H	Lindsay Wildlife Experience	non-profit	Reliable disease control in a wildlife hospital through commercial-grade laundry equipment	(b) temporary emergency treatment and care of injured and orphaned wildlife	Countywide	\$6,884.50	\$6,884.50	A request to fund the purchase and installation of two-commercial grade stack-unit dryers.	The project meets the requirements of Section 13103 (b) temporary emergency treatment and care of injured or orphaned wildlife. These commercial grade Speed Queen stack tumble dryers are the same make/model as as they have had since 2003 and have found them to be energy efficient and reliable.
I	Marine Science Institute	non-profit	Delta Discovery Voyage	(a) public education	Central County/ East County	\$4,688.00	\$0.00	A request for partial funding for marine science education for 5th grade students aboard MSI's 90' research vessel on the Delta. Curriculum includes an activity book designed to prepare the students to get the most out of their upcoming excursion and hands-on scientific exploration on their 3.5 hour voyage.	Funding is not recommended. Payroll, benefits and overhead costs were a substantial amount of their funding request.
J	Regional Parks Foundation	non-profit	East Bay Regional Park District - Education, Outreach, and Resource Protection using Horse Mounted Patrol Officers	(a) public education (m) other expenditures	Countywide	\$10,000.00	\$10,000.00	A request for funding to expand the EBRPD's Horse Mounted Patrol unit from a 2-person to a 3-person team. The funds would be used to purchase a horse. The focus of outreach, education and resource protection is to prevent the spread of disease potentially carried by domestic dogs which could be spread to San Joaquin kit fox. They will patrol Round Valley Regional Preserve approximately 5 - 8 times a month. Other park trails they visit are Ironhorse Trail, Marsh Creek Trail, Big Break, Contra Loma and Delta Deanza.	The project meets the requirements of Section 13103 (m) other expenditures. Funding the purchase of the horse will help to expand EBRPD's horse mounted patrol which will focus on outreach, education and resource protection.
K	Pleasant Hill Instructional Garden	non-profit	Grayson Creek Watershed Initial Assessment at Pleasant Hill Education Center	(a) public education	Central County	\$953.64	\$953.64	A request for funding to provide water quality monitoring, journaling and observation for initial assessment of Grayson Creek, involving MDUSD Horizons Independent High School students and home schooled students with their families in accordance with Watershed Forum guidelines and protocols.	The project meets the requirements of Section 13103 (a) public education. The project provides for public education with a base line site assessment including water quality data for Grayson Creek near and behind Mt. Diablo Unified School District's Pleasant Hill Education Center. The project will practice curriculum and standard water sampling protocols used by other volunteer creek restoration organizations as part of the County Watershed Forum.
L	Save Mount Diablo	non-profit	Curry Creek Habitat Restoration	(e) habitat improvement	Central County	\$10,000.00	\$10,000.00	A request for funding to improve habitat for wildlife, including threatened species, along a sensitive riparian corridor of Curry Creek by removing debris and re-establishing native plantings.	The project meets the requirements of Section 13103 (e) habitat improvement by improving water quality and allowing natural cover (native plant species) to re-establish along Curry Creek, which will provide food and shelter for both migrating and resident populations.
M	California Waterfowl Association	non-profit	Quimby Island Marijuana Trespass Grow Site Clean Up and Reclamation	(e) habitat improvement	East County	\$4,760.00	\$0.00	A request for funding to facilitate clean up and reclamation of a marijuana trespass grow on Quimby Island in the Sacramento - San Joaquin Delta.	Funding is not recommended. The Committee determined this was not a good use of public funds. The island is privately owned and generally, there is no open public access to it.
N	Nomad Ecology	for-profit	Study to Identify Important Characteristics of California Red-Legged Frog Breeding Sites on John Muir Land Trust and Save Mount Diablo Lands	(i) scientific research (m) other expenditures for protecting, conserving, propagating, and preserving fish and wildlife	Countywide	\$13,680.00	\$0.00	A request to fund a study to collect aquatic feature characteristic data and conduct focused surveys for the purpose of understanding habitat features important for California red-legged frog breeding populations within John Muir Land Trust and Save Mount Diablo properties.	Funding is not recommended. Staff salaries were a substantial amount of their funding request.

**Grant Applications and Fish and Wildlife Committee Recommendations 2017 - Revised
April 3, 2017**

	Organization	Type of Org	Project Title	Type of Project	Location of the Project	Requested Funding Amount	Recommended Funding Amount	Staff Summary of the Request	FWC Rationale for Recommendation
O	Mt. View Sanitary District & The River Otter Ecology Project	MVSD - government ROEP - non-profit	MVSD River Otter Prey Study and Environmental Education Pilot Program	(i) scientific research	Central County	\$8,940.00	\$800.00	A request for partial funding to study the ecological niche of river otters in MVSD's wetlands throughout Moorhen Marsh, McNabney Marsh, and Peyton Slough. ROEP, as part of its "Hands-on High School" environmental education project, will partner with Marin Academy in San Rafael to undertake scat analysis for this project, providing a unique environmental education experience for participating students. If successful, ROEP and MVSD will explore expanding the environmental education experience to Contra Costa County high schools.	The project meets the requirements of Section 13103 (i) scientific research. Partial funding is recommended and may only be used for the purchase of the sampling equipment. Staff costs and not benefiting Contra Cost County students were the factors for not recommending the funding of the remainder of the grant request. Since The River Otter Ecology Project involves multiple counties, the FWC recommends a condition that requires that the equipment only be used and stored in Contra Costa County.
P	Earth Team	non-profit	Research, education and habitat improvement on Marsh Creek	(a) public education (e) habitat improvement	East County	\$10,761.00	\$3,936.00	A request to fund research and habitat improvement internships at Marsh Creek with Antioch High School ESA. Earth Team will recruit and train a team of 14 youth from Antioch High School as interns to work as research assistants to help restore native vegetation and monitor water quality on a three acre adopted site in the upper Marsh Creek area.	The project meets the requirements of Section 13103 (a) public education and (e) habitat improvement. The project fulfills the goals of the Committee by providing funds for public education and has important long-term ecological restoration objectives that include the viability of the fish passage in the lower Marsh Creek. Partial funding is recommended to fund the direct costs for project supplies, materials and services, and travel as outlined in Earth Team's grant request application.
Q	The Ruth Bancroft Garden	non-profit	Waterwise Wednesdays @ The Ruth Bancroft Garden	(a) public education	Central County	\$1,700.00	\$1,700.00	A request for funding to help develop, market and deliver free education days known as "Waterwise Wednesdays" at The Ruth Bancroft Garden. The Ruth Bancroft Garden will partner with other environmental and conservation groups to educate the community about specific, actionable and practical ways community members can reduce water consumption, create beautiful areas of wildlife habitat and forage in home gardens, and reduce the use of pesticides and herbicides.	The project meets the requirements of Section 13103 (a) public education. The Ruth Bancroft Garden will partner with other environmental and conservation groups to educate the community about specific, actionable and practical ways community members can reduce water consumption, create beautiful areas of wildlife habitat and forage in home gardens, and reduce the use of pesticides and herbicides.
R	Mills College	non-profit	Ecology of Fear: What Stresses Out Wild Mammals?	(a) public education (i) scientific research (m) other expenditures for protecting, conserving, propagating, and preserving fish and wildlife	Countywide	\$9,430.75	\$9,430.75	A request to fund long-term tracking of stress responses of wild California ground squirrels in CCC. The specific goals of this project are to: (1) track the health of a wildlife population by monitoring animals from two distinct areas over time, (2) identify the relative influences of multiple stressors, including those imposed by humans, in shaping the stress response for a free-living mammal, and (3) elucidate whether these key stressors predict reproductive outcomes that should in turn regulate the abundance of wildlife populations.	The project meets the requirements of Section 13103 (a) public education, (i) scientific research and (m) other expenditures for protecting, conserving, propagating, and preserving fish and wildlife. Undergraduates will be central in the project; students will live-trap wildlife, conduct hormone assays, author manuscripts, and present their findings. The results of this study will provide useful information on the effects of stress which may prove applicable to a range of mammal species.
S	The Regents of the University of California	Public University	Farming for Native Bees	(a) public education (e) habitat improvement (i) scientific research	East County	\$10,080.00	\$4,800.00	A request for funding to support the installation and evaluation of artificial nesting systems for native bees in Brentwood, which includes travel for research trips to Brentwood and presentations, workshops and conferences. In addition, funds would be used for educational materials to ensure that their findings are reaching local producers and other stakeholders, including a set of video training modules that walk viewers through the process of designing, installing and maintaining native bee habitat. They plan to integrate screenings of the modules into their full schedule of workshops and presentations.	The project meets the requirements of Section 13103 (a) public education, (e) habitat improvement and (i) scientific research. The Committee supports the installation and evaluation of artificial nesting systems for native bees and educational materials for presentations, workshops, conferences, local producers and other stakeholders. Partial funding is recommended and to be used for travel expenses for research trips to Brentwood and educational materials only.
						\$145,557.92	\$102,184.92		
Total Available Funds (as of January 13, 2017)							\$272,962.20		
Remainder							\$170,777.28		

Subtotals by Region	Requested Funding Amount	Percentage of Total Amount Requested	Recommended Funding Amount	Percentage of Total Amount Recommended for Approval
East	\$27,945.00	19.20%	\$8,736.00	8.55%
West	\$10,202.50	7.01%	\$10,202.50	9.98%
Central	\$15,917.64	10.94%	\$5,433.64	5.32%
Countywide	\$91,492.78	62.86%	\$77,812.78	76.15%
TOTAL	\$145,557.92	100.00%	\$102,184.92	100.00%

**Department of
Conservation and
Development**

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

**Contra
Costa
County**



John Kopchik
Director

Aruna Bhat
Deputy Director

Jason Crapo
Deputy Director

Maureen Toms
Deputy Director

Kara Douglas
Assistant Deputy Director

Victoria Mejia
Business Operations Manager

November 17, 2016

Dear Fish and Wildlife Propagation Fund Grant Applicants:

The Contra Costa County Fish and Wildlife Committee is pleased to announce that completed funding applications are now being accepted for consideration for the Contra Costa County Fish and Wildlife Propagation Fund (Fund). All application materials and guidelines are attached. Proposals must be received by 5:00 p.m. on Wednesday, January 11, 2017 (a postmark of January 11, 2017, does not satisfy the submission deadline). Proposals may be emailed or mailed. Any applications that are received after the due date or without a signature will not be considered. The recommendations of the Fish and Wildlife Committee will be forwarded to the Contra Costa County Board of Supervisors, which maintains final decision-making authority for expenditures from the Fund.

The Contra Costa County Fish and Wildlife Propagation Fund is entirely supported by fine revenues resulting from violations of the Fish and Game Code and Title 14 of the California Code of Regulations in Contra Costa County (County). Projects awarded from the Fund must benefit the fish and wildlife resources of the County and must meet the requirements of Section 13103 of the Fish and Game Code (attached). All applications that satisfy the requirements listed in the funding application directions will be considered.

The Fish and Wildlife Committee strongly encourages applications related to:

- improving habitat
- scientific research
- public education

In addition, the Fish and Wildlife Committee wishes to fund one or more projects that increase collaboration with law enforcement agencies, the court, and community cultural organizations on enforcement issues and education focusing on communities that may be unaware of local fish and game laws. Projects that provide multilingual signage and educational materials are encouraged.

The Fish and Wildlife Committee generally does not recommend funding for operating costs and overhead, such as benefits or utilities. If an hourly rate is listed, costs need to be itemized separately (see grant guidelines for more details).

The Committee expects to recommend awards to several applicants. However, it is possible that a particularly excellent proposal will be recommended to receive a large portion of the total available funds. During the 2016 grant cycle a total of \$22,449.51 was awarded to six projects. The awards ranged from \$975 to \$7,567. Successful applicants may anticipate receiving notification of funding awards by the late spring or summer of 2017.

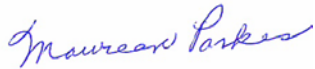
The grant award funds will be disbursed on a cost reimbursement basis.* (See below for exceptions.) Within a year of grant funding approval, or within one month of project completion, whichever comes sooner, recipients must submit a final project report which includes invoices and receipts documenting how funds were spent and the results of the project. Fish and Wildlife Propagation fund grants will be disbursed after receipt and approval of the final project report. Details will be outlined in the grant packet to all successful applicants.

***Exception For Non-Profit Organizations That Can Demonstrate Financial Hardship:** Private, non-profit entities that can demonstrate that providing Fish and Wildlife Propagation grant funding on a cost reimbursement basis will create a financial hardship and be detrimental to the operation of the program will be eligible to receive up to ½ of the grant amount after the grant is awarded. The remaining amount of the grant will be disbursed after the entity has submitted information including invoices and receipts documenting how the initial disbursement was spent. Within a year of initial notification of the grant funding award (i.e. spring or summer of 2018), or within one month of project completion, whichever comes sooner, the entity will be required to submit information including invoices and receipts documenting how the second disbursement was spent, and provide a final project report documenting the results of the project.

***Exception For Small Projects Under \$1,000:** Grant funding may be disbursed to private, non-profit entities prior to the beginning of the project if the award is under \$1,000 and the entity has provided documentation that the project could only be initiated with advance funding. Within a year of grant funding, or within one month of project completion, whichever comes sooner, recipients must submit a final project report which includes invoices and receipts documenting how funds were spent and the results of the project.

The Committee appreciates your interest in this opportunity to improve the fish and wildlife resources in Contra Costa County. Should you have any questions about the Fish and Wildlife Committee or this funding program, please contact me at 925-674-7831 or maureen.parkes@dcd.cccounty.us.

Sincerely,

A handwritten signature in blue ink that reads "Maureen Parkes".

Maureen Parkes
Fish and Wildlife Committee Staff

INSTRUCTIONS

What Must Be Included in Your Proposal (not to exceed 3 pages):

- 1) Signed Application Cover Page (see attached)
- 2) Description of the project for which funding is requested. Please include an explanation of:
 - how this project will benefit the fish and wildlife of Contra Costa County
 - how this project meets the requirements of Section 13103 of the Fish & Game Code (attached) which defines the eligibility requirements for projects requesting funding from the Fish and Wildlife Propagation Fund. Indicate which letter(s) of the Section 13103 is/are satisfied.
 - If your proposal is eligible under Section 13103 (d), (h), (i), or (m), send a copy of your draft proposal **a minimum of 40 days** prior to the final deadline to the attention of Scott Wilson, Regional Manager, CA Department of Fish and Wildlife, 7329 Silverado Trail, Napa, CA 94558, to request a letter of support. (This letter does not count toward your page limit)

*The Fish and Wildlife Committee wishes to be acknowledged for its financial support of the project. FWC or staff review may be required prior to printing any written materials that receive funding. Please refer to the guidelines listed below:

- Grant recipients agree to obtain advance written approval from the FWC of any communication/written material that may reasonably be understood to represent the views of the FWC and to provide the FWC with reasonable opportunity to review, comment and approve the communication/written material in advance.
- Grant recipients may use the following standard language in making attributions for funding by the FWC:
- Attribution for full Grant funding: “This (research, publication, project, Web site, report, etc.) was funded by the Contra Costa County Fish and Wildlife Committee.”
 - Attribution for partial Grant funding: “This (research, publication, project, Web site, report, etc.) is funded in part by the Contra Costa County Fish and Wildlife Committee.”
- 3) Project schedule - The project must be completed within a year from the date you receive notification of funding (by Spring/Summer 2018).
 - 4) Project budget (itemized). The Fish and Wildlife Committee generally does not recommend funding for operating costs and overhead. Examples for these may include benefits such as health insurance, and operation costs such as electricity to run an office. If an hourly rate is listed, overhead costs need to be itemized separately. The Committee generally gives preferences to funding material expenses (e.g. purchase of equipment).
 - 5) Annual budget for the applying organization (not itemized).
 - 6) Statement describing the applying organization, listing the Board of Directors and officers of the organization, and listing all affiliated organizations.
 - 7) Statement describing the qualifications of the sponsoring organization and participating individuals for completing the project.
 - 8) List of individuals responsible for performing project and of individuals responsible for overseeing project.
 - 9) Statement describing the status of permit approvals necessary to perform project (if applicable).
 - 10) Request for an exception to the grant funding cost reimbursement requirement due to financial hardship or an exception for a small project under \$1,000. (This request does not count toward your page limit and is only required if requesting an exception.)

Format:

- Your proposal packet, including cover sheet and any attachments must not exceed four single-sided pages or two double-sided pages, 8.5 by 11 inches in size. Please use 11 point font or larger and ½ inch margins or larger on your pages. If you are including a letter from the CA Department of Fish and Wildlife to demonstrate eligibility under Section 13103 (d), (h), (i) or (m) of the Fish and Game Code, this will not be counted as part of your page limit. Otherwise, if you submit more than 3 pages plus required cover sheet, your proposal may be disqualified without review.
- Do not attach an additional cover letter, brochures, posters, publications, CDs, DVDs, large maps or yellow-sticky paper (e.g. Post-It™).
- Your complete application packet including signature must **arrive by 5:00 p.m. on Wednesday, January 11, 2017 (Pacific Standard Time)** to be considered for funding. (Please note: A postmark of January 11, 2017 does not satisfy the submission deadline. If submitted after the deadline, your proposal will be disqualified).

Your complete application should be:

Emailed: maureen.parkes@dcd.cccounty.us

or

Mailed: Contra Costa County Fish & Wildlife Committee
c/o Contra Costa County Dept. of Conservation and Development
30 Muir Road
Martinez, CA 94553-4601
Attn: Maureen Parkes

If you wish to hand deliver, contact Maureen by email or at 925-674-7831.

Final Checklist Before You Submit Your Proposal:

Please note that your proposal will not be considered if you provide more materials than required below:

- Signed Cover page (your proposal will be disqualified if it does not have your original signature on the cover page).
- 3 pages or less on your project description (any extra attachments such as a map and an organization budget will be counted as one of the three page limit.)
- Letter from the CA Department of Fish and Wildlife *only if* your project is under Section 13103 (d), (h), (i), or (m) of the Fish and Game Code. (This is not a part of the page limit listed above).
- Request for an exception to the grant funding cost reimbursement requirement due to financial hardship or an exception for a small project under \$1,000. (This is not a part of the page limit listed above and is only required if requesting an exception).

If you have questions regarding the Contra Costa County Fish and Wildlife Propagation Fund grant process, please contact Maureen Parkes: maureen.parkes@dcd.cccounty.us / (925) 674-7831.

California Fish and Game Code Section 13103.

Expenditures from the fish and wildlife propagation fund of any county may be made only for the following purposes:

- (a) Public education relating to the scientific principles of fish and wildlife conservation, consisting of supervised formal instruction carried out pursuant to a planned curriculum and aids to education such as literature, audio and video recordings, training models, and nature study facilities.
- (b) Temporary emergency treatment and care of injured or orphaned wildlife.
- (c) Temporary treatment and care of wildlife confiscated by the department as evidence.
- (d) Breeding, raising, purchasing, or releasing fish or wildlife which are to be released upon approval of the department pursuant to Sections 6400 and 6401 onto land or into waters of local, state, or federal agencies or onto land or into waters open to the public.
- (e) Improvement of fish and wildlife habitat, including, but not limited to, construction of fish screens, weirs, and ladders; drainage or other watershed improvements; gravel and rock removal or placement; construction of irrigation and water distribution systems; earthwork and grading; fencing; planting trees and other vegetation management; and removal of barriers to the migration of fish and wildlife.
- (f) Construction, maintenance, and operation of public hatchery facilities.
- (g) Purchase and maintain materials, supplies, or equipment for either the department's ownership and use or the department's use in the normal performance of the department's responsibilities.
- (h) Predator control actions for the benefit of fish or wildlife following certification in writing by the department that the proposed actions will significantly benefit a particular wildlife species.
- (i) Scientific fish and wildlife research conducted by institutions of higher learning, qualified researchers, or governmental agencies, if approved by the department.
- (j) Reasonable administrative costs, excluding the costs of audits required by Section 13104, for secretarial service, travel, and postage by the county fish and wildlife commission when authorized by the county board of supervisors. For purposes of this subdivision, "reasonable cost" means an amount which does not exceed 3 percent of the average amount received by the fund during the previous three-year period, or three thousand dollars (\$3,000) annually, whichever is greater, excluding any funds carried over from a previous fiscal year.
- (k) Contributions to a secret witness program for the purpose of facilitating enforcement of this code and regulations adopted pursuant to this code.
- (l) Costs incurred by the district attorney or city attorney in investigating and prosecuting civil and criminal actions for violations of this code, as approved by the department.
- (m) Other expenditures, approved by the department, for the purpose of protecting, conserving, propagating, and preserving fish and wildlife.

California Fish and Game Code Section 711.2. (a)

"For purposes of this code, unless the context otherwise requires, "wildlife" means and includes all wild animals, birds, plants, fish, amphibians, reptiles, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability ..."

**Contra Costa County
2017 Fish and Wildlife Propagation Fund
Application Cover Page**

Office Use Only:

Project title:

Organization/Individual applying:

(Organization type: please check one – government, non-profit, for-profit, other (explain))

Address:

Telephone:

Fax:

E-mail:

Name and title of contact person:

One sentence summary of proposal:

Requested grant:

Proposal prepared by (name & title):

Signature (*Typing your name does not count as a signature. If this section is empty, your proposal will not be considered*):

Signed on _____



Contra Costa County Board of Supervisors

Subcommittee Report

INTERNAL OPERATIONS COMMITTEE

6.

Meeting Date: 04/10/2017
Subject: Barking Dog Ordinance
Submitted For: Beth Ward, Animal Services Director
Department: Animal Services
Referral No.: IOC 17/11
Referral Name: Rooster and Barking Dog Ordinance
Presenter: Steve Burdo **Contact:** Beth Ward 925-335-8370

Referral History:

On December 6, 2016, the Board of Supervisors referred to the Internal Operations Committee development of an ordinance to authorize administrative penalties for barking dogs and other noisy animals, and to limit the number of roosters on private property in the county unincorporated areas. The IOC reviewed the draft ordinance at its March 13 meeting and chose to take no action on the proposed ordinance at that time but directed ASD staff to consult with DCD staff regarding consistency with the farm animal ordinance currently under development, and report back to the IOC in April. Supervisor Andersen indicated a willingness to bifurcate the proposed ASD ordinance if the rooster issue was not resolved in April, to permit the barking dog portion of the ordinance to advance to the Board.

Referral Update:

The Animal Services Department asks the IOC to consider proceeding with only the dog barking provisions of the ordinance. The department was unable to provide a revised draft ordinance in time for the IOC packet. Attached are a clean and mark-up copy of the original proposed ordinance for reference.

Steve Burdo, ASD Community & Media Relations Manager, will represent Animal Services Director Beth Ward at the meeting today.

Recommendation(s)/Next Step(s):

CONSIDER recommendation of the Animal Services Director to update the current Dog Barking Ordinance to authorize administrative penalties for animal noise violations, and DETERMINE action to be taken.

Fiscal Impact (if any):

The fiscal impact is yet to be determined.

Attachments

Proposed Rooster and Barking Dog Ordinance Update TRACKED CHANGES

Proposed Rooster and Barking Dog Ordinance Update CLEAN VERSION

ORDINANCE NO. 2016-21

AMENDMENTS TO DIVISION 416 (ANIMALS) OF THE COUNTY ORDINANCE CODE

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

SECTION I. SUMMARY. This ordinance amends Division 416 of the County Ordinance Code to authorize administrative penalties for any violation of Division 416, including barking dogs and noisy animals, and to prohibit the harboring of more than four roosters on private property.

SECTION II. Article 416-6.6 is repealed in its entirety.

SECTION III. Article 416-4.8 is added to the County Ordinance Code, to read:

Article 416-4.8 Administrative Penalties

416-4.800 Applicability and Authorization.

- (a) This article provides for administrative fines that the animal services department may impose, enforce, and collect to address any violation of this ~~chapter~~division.
- (b) Remedies under this article are in addition to any other remedy allowed by this code or applicable law.
- (c) This article is authorized by California Government Code Section 53069.4. (Ords. 2016-21 § 3, 2014-14 § 2.)

416-4.802 Definitions. For purposes of this article, the following words and phrases have the following meanings:

- (a) “Complainant” means a person who reports a violation of any section of Division 416 to the department.
- (b) “Department” means the animal services department.
- (c) “Effective date” means the date by which a violation must be corrected, as specified in a notice of violation.

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(ed) “Hearing examiner” means the animal services director, or the animal services director’s designee. Formatted: Indent: Left: 0", Hanging: 0.5"

(d) ~~“Owner” means an owner of a dog or cat, for which a license is required under this chapter.~~

(e) “Responsible Person” means any of the following:

(1) A person who possesses, has title to, has an interest in, or has control, custody or possession of an animal or the property on which an animal is kept.

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(2) A person who allows, or whose agent, employee, or contractor allows, a barking dog or other noisy animal violation to exist, whether through action, failure to act, or failure to exercise proper control over a barking dog or other noisy animal.

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(3) For purposes of this article, there may be more than one responsible person for a barking dog or other noisy animal violation.

(ef) “Service date” means the date a notice or decision is served in accordance with Section 416-6-6144.816. (Ords. 2016-21 § 3, 2014-14 § 2.)

416-4.804 Administrative Fines.

(a) Notice of violation. If a violation is a continuing violation, such as the failure to obtain a dog or cat license, if an owner fails to obtain a license in accordance with this chapter, the department may will first serve a notice of violation on the owner-responsible person as specified in Section 416-6-6144.816. The notice of violation will include all of the following information:

(1) The date of the violation.

(2) The name of the responsible person.

(3) The address or location where the violation occurred.

(4) The code section(s) violated and a description of the violation.

(35) Whether the violation(s) were established by inspection or by complaint, if applicable.

(4) A description of how the violation can be corrected.

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0.75"

(74) A specified time period of at least ten calendar days, beginning on the service date, within which the violation must be corrected.

(58) An advisement that the owner may be subject to an administrative fine under this article if the violation is not corrected by the effective date, and the amount of that fine.

(b) The department may impose an administrative fine on a responsible person if any of the following occur:

- (1) The violation is not a continuing violation, such as a violation of the animal noise ordinance.
- (2) The continuing if the violation has not been corrected in the time period specified in the notice of violation.
- (3) The continuing violation was corrected as specified in the notice of violation, but a violation of the same section continues, exists, or occurs within one year after the effective date.

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(c) Notice of fine. An administrative fine will be assessed by means of a notice of fine. The ~~owner~~responsible party will be served with the notice of fine as specified in Section 416-6.6144.816. The notice of fine will include all of the following information:

- (1) The date of the violation.
- (2) The code section(s) violated and a description of the violation.
- (3) The amount of the fine.
- (4) An advisement of the right to request a hearing before the hearing examiner, contesting the imposition of the fine.

(d) For a continuing violation, the amount of the fine will be one hundred dollars for the first notice of fine. If the owner fails to ~~obtain a license~~correct the violation after the first notice of fine, and a second notice of fine is issued in the same year, the amount of the fine in the second notice ~~will be~~ two hundred dollars. If the owner still fails to ~~obtain a license~~correct the violation after the second notice of fine, the amount of the fine ~~will be~~ five hundred dollars for each additional notice of fine that is sent within one year.

(e) If the violation is not a continuing violation, the amount of the fine is one hundred dollars for a first violation, two hundred dollars for a second violation of the same section within one year, and five hundred dollars for each additional violation of the same ordinance within one year. (Ords. 2016-21 § 3, 2014-14 § 2.)

416-4.806 AppealsHearings.

- (a) Any person upon whom an administrative fine is imposed by the department may appeal the fine pursuant to the procedures set forth in this section. The appellant must file a written appeal with the department within fifteen calendar days ~~of~~after the service date of the notice of fine. The written appeal must contain:
 - (1) A brief statement explaining who the appealing party is and what interest the appealing party has in challenging the imposition of the ~~penalty~~fine; and
 - (2) A brief statement of the material facts that the appellant claims supports his or her contention that no administrative ~~penalty~~fine should be imposed or that an administrative penalty of a different amount is warranted.
- (b) Notice of the ~~appeal~~hearing will be served on the appellant and the complainant, if any, as specified in Section ~~416-6-6144.816~~ and The department will set the ~~appeal~~hearing no sooner than twenty days and no later than forty-five days following the service date of the notice of ~~appeal~~hearing.
- (c) ~~An appeal~~The hearing of an administrative fine imposed for violations of this ~~code~~division will be heard by the hearing examiner.
- (d) At the hearing, the appellant and complainant, if any, will be given the opportunity to testify, and present written and oral evidence.
- (e) An appellant's failure to appear at the hearing shall constitute an abandonment of any defense the appellant may have to the administrative fine.
- (f) Where applicable, a complainant's failure to appear at the hearing shall constitute an abandonment of the complaint and shall be grounds for a dismissal of the administrative fine.
- (eg) After considering the testimony and evidence submitted at the hearing, or after the appellant or complainant has failed to appear at the hearing, the hearing examiner will issue a written decision to uphold, modify, or cancel the administrative fine and will list in the decision the reason or reasons for that decision. The decision will be served as specified in Section ~~416-6-6144.816~~. (Ords. 2016-21 § 3, 2014-14 § 2.)

416-4.808 Final Administrative Order. The imposition of the administrative fine becomes a final administrative order at one of the following times:

- (a) On the date the notice of fine is served, if the ~~owner~~responsible party fails to file a written appeal to the department within the time specified.

- (b) On the date the written decision by the hearing examiner is served, if the ~~owner~~ responsible party files a written appeal to the department within the time specified. (Ords. 2016-21 § 3, 2014-14 § 2.)

416-4.810 Payment of the Fine. The fine must be paid to the county within thirty days after the imposition of the administrative fine becomes a final administrative order. Payment of a fine under this ~~article~~ chapter does not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the notice of fine. The payment of a fine does not bar the county from taking any other enforcement action regarding a violation that is not corrected. (Ords. 2016-21 § 3, 2014-14 § 2.)

416-4.812 Collection. If the fine is not paid within thirty days after the imposition of the fine becomes a final administrative order, the county may collect the fine, the county's collection costs, and interest. An administrative fine accrues interest at the same annual rate as any civil judgment, beginning on the twentieth day after the fine becomes a final administrative order. The county may collect by using any available legal means, including but not limited to the following:

- (a) The county may file a civil action. If a civil action is commenced, the county is entitled to recover all costs associated with the collection of the fine, including those costs set forth in Code of Civil Procedure Section 1033.5.
- (b) The county may take such other actions as are allowed for enforcement of a civil judgment as provided for pursuant to the Enforcement of Judgments Law, California Code of Civil Procedure Section 680.010 et seq. (Ords. 2016-21 § 3, 2014-14 § 2.)

416-4.814 Service. All notices or decisions required to be served by this ~~chapter~~ article will be served by ~~either any of the methods specified below in subsections (a) and (b).~~

- (a) First class mail. First class mail will be addressed to the ~~owner~~ responsible person at the address shown on the last equalized assessment roll, at the address where the violation occurred, or as otherwise known. Service is deemed completed upon the deposit of the notice or decision, postage pre-paid, in the United States mail.
- (b) Personal service. Personal service is deemed complete on the date the notice or decision is personally served on the responsible person. (Ords. 2016-21 § 3, 2014-14 § 2.)

416-4.816 Judicial Review. A final administrative order may be appealed to the superior court of the county in accordance with the provisions set forth in Government Code Section 53069.4. (Ords. 2016-21 § 3, 2014-14 § 2.)

SECTION IV. Section 416-12.202 is repealed in its entirety and replaced with a new Section 416-12.202 to read:

416-12.202 Animal Noise

(a) No person shall ~~may~~ own, possess, harbor, control, or keep on any premises, any ~~barking dog or other noisy animal, fowl, or other animal, that barks, bays, cries, howls, or makes any other noise so continuously or incessantly as to unreasonably disturb the peace or quiet of any two persons living in different households within three hundred feet of the location of the disturbance.~~

(b) “Barking dog” means a dog that barks, bays, cries, howls or makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. An “extended period of time” means incessant barking for thirty minutes or more in any twenty-four hour period, or intermittent barking for sixty minutes or more in any twenty-four hour period. A dog shall not be deemed a “barking dog” for purposes of this section if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property where the dog is situated, or when the dog is being teased or provoked.

(c) “Noisy animal” means an animal that makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the animal is physically situated in or upon private property. An “extended period of time” means incessant noise for thirty minutes or more in any twenty-four hour period, or intermittent noise for sixty minutes or more in any twenty-four hour period.

(d) Enforcement. The department may issue an administrative penalty under Article 416-4.8 to any responsible person for a violation of this section based on either or both of the following:

(1) An observation of the violation by a department employee.

—A complaint, signed under penalty of perjury, lodged by a person who has been disturbed by the barking dog or noisy animal. (Ords. 2016-21 §4, 80-97 §2.)

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SECTION V. Article 416-12.10 is added to the County Ordinance Code to read:

Article 416-12.10 Roosters

416-12.1002 Definition. For purposes of this article, “rooster” means any male chicken who:

- (a) Is six months or older; or
- (b) Has full adult plumage; or
- (c) Is capable of crowing. (Ord. 2016-21 § 5.)

416-12.1004 Rooster Keeping.

- (a) No person may keep, maintain, or harbor four or more roosters on any property.
- (b) This section does not apply to any of the following:
 - (1) Commercial poultry ranches whose primary commodity is the production of eggs or meat for sale as permitted by the county.
 - (2) Public or private schools as registered with the California Department of Education.
 - (3) FFA or 4-H sponsored projects.
 - (4) Legitimate poultry hobbyists as approved in writing by the animal services director.
- (c) Each individual rooster on a property beyond the three rooster limitation is a separate violation of this section.
- (d) A rooster enclosure must be set back at least fifty feet from all adjacent residences.
- (e) Notwithstanding any other provision of law, no person may maintain any rooster by means of a tether attached to an object. Each individual rooster so tethered is a separate violation of this section.
- (f) Nothing in this section is to be construed as authorizing the keeping of any poultry in violation of any applicable statute, zoning ordinance, or other law.
- (g) At all times, roosters shall be provided all of the following:
 - (1) Access to water.
 - (2) Shelter from the elements, including rain, wind, and direct sun.
 - (3) Sufficient room to spread both wings fully and to be able to turn in a complete circle without any impediment and without touching the side of an enclosure.
 - (4) Clean and sanitary premises that are kept in good repair. (Ord. 2016-21 § 5.)

416-12.1006 Enforcement. In addition to any other remedy allowed by this code or applicable law, the animal services director may issue an administrative penalty under Article 416-4.8 to any responsible person for a violation of this article. (Ord. 2016-21 § 5.)

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

PASSED on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Board Chair

By: _____
Deputy

[SEAL]

CJR:
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ORDINANCE NO. 2016-21

ORDINANCE NO. 2016-21

AMENDMENTS TO DIVISION 416 (ANIMALS) OF THE COUNTY ORDINANCE CODE

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

SECTION I. SUMMARY. This ordinance amends Division 416 of the County Ordinance Code to authorize administrative penalties for any violation of Division 416, including barking dogs and noisy animals, and to prohibit the harboring of more than four roosters on private property.

SECTION II. Article 416-6.6 is repealed in its entirety.

SECTION III. Article 416-4.8 is added to the County Ordinance Code, to read:

Article 416-4.8 Administrative Penalties

416-4.802 Applicability and Authorization.

- (a) This article provides for administrative fines that the animal services department may impose, enforce, and collect to address any violation of this division.
- (b) Remedies under this article are in addition to any other remedy allowed by this code or applicable law.
- (c) This article is authorized by California Government Code Section 53069.4. (Ords. 2016-21 § 3, 2014-14 § 2.)

416-4.804 Definitions. For purposes of this article, the following words and phrases have the following meanings:

- (a) “Complainant” means a person who reports a violation of any section of Division 416 to the department.
- (b) “Department” means the animal services department.
- (c) “Effective date” means the date by which a violation must be corrected, as specified in a notice of violation.

- (d) “Hearing examiner” means the animal services director, or the animal services director’s designee.
- (e) “Responsible Person” means any of the following:
 - (1) A person who possesses, has title to, has an interest in, or has control, custody or possession of an animal or the property on which an animal is kept.
 - (2) A person who allows, or whose agent, employee, or contractor allows, a barking dog or other noisy animal violation to exist, whether through action, failure to act, or failure to exercise control over a barking dog or other noisy animal.
 - (3) For purposes of this article, there may be more than one responsible person for a barking dog or other noisy animal violation.
- (f) “Service date” means the date a notice or decision is served in accordance with Section 416-4.816. (Ords. 2016-21 § 3, 2014-14 § 2.)

416-4.806 Administrative Fines.

- (a) **Notice of violation.** If a violation is a continuing violation, such as the failure to obtain a dog or cat license, the department will first serve a notice of violation on the responsible person as specified in Section 416-4.816. The notice of violation will include all of the following information:
 - (1) The date of the violation.
 - (2) The name of the responsible person.
 - (3) The address or location where the violation occurred.
 - (4) The code section(s) violated and a description of the violation.
 - (5) Whether the violation(s) were established by inspection or by complaint, if applicable.
 - (4) A description of how the violation can be corrected.
 - (7) A specified time period of at least ten calendar days, beginning on the service date, within which the violation must be corrected.
 - (8) An advisement that the owner may be subject to an administrative fine under this article if the violation is not corrected by the effective date, and the amount of that fine.

- (b) The department may impose an administrative fine on a responsible person if any of the following occur:
 - (1) The violation is not a continuing violation, such as a violation of the animal noise ordinance.
 - (2) The continuing violation has not been corrected in the time period specified in the notice of violation.
 - (3) The continuing violation was corrected as specified in the notice of violation, but a violation of the same section continues, exists, or occurs within one year after the effective date.

- (c) **Notice of fine.** An administrative fine will be assessed by means of a notice of fine. The responsible party will be served with the notice of fine as specified in Section 416-4.816. The notice of fine will include all of the following information:
 - (1) The date of the violation.
 - (2) The code section(s) violated and a description of the violation.
 - (3) The amount of the fine.
 - (4) An advisement of the right to request a hearing before the hearing examiner, contesting the imposition of the fine.

- (d) For a continuing violation, the amount of the fine is one hundred dollars for the first notice of fine. If the owner fails to correct the violation after the first notice of fine, and a second notice of fine is issued in the same year, the amount of the fine in the second notice is two hundred dollars. If the owner still fails to correct the violation after the second notice of fine, the amount of the fine is five hundred dollars for each additional notice of fine that is sent within one year.

- (e) If the violation is not a continuing violation, the amount of the fine is one hundred dollars for a first violation, two hundred dollars for a second violation of the same section within one year, and five hundred dollars for each additional violation of the same ordinance within one year. (Ords. 2016-21 § 3, 2014-14 § 2.)

416-4.808 Hearings.

- (a) Any person upon whom an administrative fine is imposed by the department may request a hearing pursuant to the procedures set forth in this section. The appellant must file a written appeal with the department within fifteen calendar days after the service date of the notice of fine. The written appeal must contain:

- (1) A brief statement explaining who the appealing party is and what interest the appealing party has in challenging the imposition of the fine; and
 - (2) A brief statement of the material facts that the appellant claims supports his or her contention that no administrative fine should be imposed or that an administrative fine of a different amount is warranted.
- (b) Notice of the hearing will be served on the appellant and the complainant, if any, as specified in Section 416-4.816. The department will set the hearing no sooner than twenty days and no later than forty-five days following the service date of the notice of hearing.
 - (c) The hearing of an administrative fine imposed for violations of this division will be heard by the hearing examiner.
 - (d) At the hearing, the appellant and complainant, if any, will be given the opportunity to testify, and present written and oral evidence.
 - (e) An appellant's failure to appear at the hearing shall constitute an abandonment of any defense the appellant may have to the administrative fine.
 - (f) Where applicable, a complainant's failure to appear at the hearing shall constitute an abandonment of the complaint and shall be grounds for a dismissal of the administrative fine.
 - (g) After considering the testimony and evidence submitted at the hearing, or after the appellant or complainant has failed to appear at the hearing, the hearing examiner will issue a written decision to uphold, modify, or cancel the administrative fine and will list in the decision the reason or reasons for that decision. The decision will be served as specified in Section 416-4.816. (Ords. 2016-21 § 3, 2014-14 § 2.)

416-4.810 Final Administrative Order. The imposition of the administrative fine becomes a final administrative order at one of the following times:

- (a) On the date the notice of fine is served, if the responsible party fails to file a written appeal to the department within the time specified.
- (b) On the date the written decision by the hearing examiner is served, if the responsible party files a written appeal to the department within the time specified. (Ords. 2016-21 § 3, 2014-14 § 2.)

416-4.812 Payment of the Fine. The fine must be paid to the county within thirty days after the imposition of the administrative fine becomes a final administrative order. Payment of a fine under this article does not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the notice of fine. The payment of a fine does not bar the county

from taking any other enforcement action regarding a violation that is not corrected. (Ords. 2016-21 § 3, 2014-14 § 2.)

416-4.814 Collection. If the fine is not paid within thirty days after the imposition of the fine becomes a final administrative order, the county may collect the fine, the county's collection costs, and interest. An administrative fine accrues interest at the same annual rate as any civil judgment, beginning on the twentieth day after the fine becomes a final administrative order. The county may collect by using any available legal means, including but not limited to the following:

- (a) The county may file a civil action. If a civil action is commenced, the county is entitled to recover all costs associated with the collection of the fine, including those costs set forth in Code of Civil Procedure Section 1033.5.
- (b) The county may take such other actions as are allowed for enforcement of a civil judgment as provided for pursuant to the Enforcement of Judgments Law, California Code of Civil Procedure Section 680.010 et seq. (Ords. 2016-21 § 3, 2014-14 § 2.)

416-4.816 Service. All notices or decisions required to be served by this article will be served by any of the methods specified below:

- (a) First class mail. First class mail will be addressed to the responsible person at the address shown on the last equalized assessment roll, at the address where the violation occurred, or as otherwise known. Service is deemed completed upon the deposit of the notice or decision, postage pre-paid, in the United States mail.
- (b) Personal service. Personal service is deemed complete on the date the notice or decision is personally served on the responsible person. (Ords. 2016-21 § 3, 2014-14 § 2.)

416-4.818 Judicial Review. A final administrative order may be appealed to the superior court of the county in accordance with the provisions set forth in Government Code Section 53069.4. (Ords. 2016-21 § 3, 2014-14 § 2.)

SECTION IV. Section 416-12.202 is repealed in its entirety and replaced with a new Section 416-12.202 to read:

416-12.202 Animal Noise

- (a) No person may own, possess, harbor, control, or keep on any premises, a barking dog or other noisy animal.
- (b) "Barking dog" means a dog that barks, bays, cries, howls or makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. An

“extended period of time” means incessant barking for thirty minutes or more in any twenty-four hour period, or intermittent barking for sixty minutes or more in any twenty-four hour period. A dog shall not be deemed a “barking dog” for purposes of this section if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property where the dog is situated, or when the dog is being teased or provoked.

- (c) “Noisy animal” means an animal that makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the animal is physically situated in or upon private property. An “extended period of time” means incessant noise for thirty minutes or more in any twenty-four hour period, or intermittent noise for sixty minutes or more in any twenty-four hour period.
- (d) Enforcement. The department may issue an administrative penalty under Article 416-4.8 to any responsible person for a violation of this section based on either or both of the following:
 - (1) An observation of the violation by a department employee.
 - (2) A complaint, signed under penalty of perjury, lodged by a person who has been disturbed by the barking dog or noisy animal. (Ords. 2016-21 § 4, 80-97 § 2.)

SECTION V. Article 416-12.10 is added to the County Ordinance Code to read:

Article 416-12.10 Roosters

416-12.1002 Definition. For purposes of this article, “rooster” means any male chicken who:

- (a) Is six months or older; or
- (b) Has full adult plumage; or
- (c) Is capable of crowing. (Ord. 2016-21 § 5.)

416-12.1004 Rooster Keeping.

- (a) No person may keep, maintain, or harbor four or more roosters on any property.
- (b) This section does not apply to any of the following:
 - (1) Commercial poultry ranches whose primary commodity is the production of eggs or meat for sale as permitted by the county.
 - (2) Public or private schools as registered with the California Department of Education.
 - (3) FFA or 4-H sponsored projects.

- (4) Legitimate poultry hobbyists as approved in writing by the animal services director.
- (c) Each individual rooster on a property beyond the three rooster limitation is a separate violation of this section.
- (d) A rooster enclosure must be set back at least fifty feet from all adjacent residences.
- (e) Notwithstanding any other provision of law, no person may maintain any rooster by means of a tether attached to an object. Each individual rooster so tethered is a separate violation of this section.
- (f) Nothing in this section is to be construed as authorizing the keeping of any poultry in violation of any applicable statute, zoning ordinance, or other law.
- (g) At all times, roosters shall be provided all of the following:
 - (1) Access to water.
 - (2) Shelter from the elements, including rain, wind, and direct sun.
 - (3) Sufficient room to spread both wings fully and to be able to turn in a complete circle without any impediment and without touching the side of an enclosure.
 - (4) Clean and sanitary premises that are kept in good repair. (Ord. 2016-21 § 5.)

416-12.1006 Enforcement. In addition to any other remedy allowed by this code or applicable law, the animal services director may issue an administrative penalty under Article 416-4.8 to any responsible person for a violation of this article. (Ord. 2016-21 § 5.)

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

PASSED on _____, by the following vote:

AYES:

NOES:

ABSENT:s

ABSTAIN:

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

Board Chair

By: _____
Deputy

[SEAL]

CJR:
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